



**NOTICE OF ADOPTION OF AN OFFICIAL PLAN AMENDMENT AND  
NOTICE PASSING OF THE DOWNTOWN COMMUNITY PLANNING PERMIT  
SYSTEM BY-LAW BY THE CORPORATION OF THE TOWN OF AURORA**

TAKE NOTICE that the Council of the Corporation of the Town of Aurora passed **By-law No. 6758-26** on the **27th day of January 2026**, to adopt **Official Plan Amendment No. 42**, under Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

TAKE NOTICE that the Council of the Corporation of the Town of Aurora passed **By-law No. 6759-26** on the 27th day of January 2026, to adopt **Official Plan Amendment No. 12**, under Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

TAKE NOTICE that the Council of the Corporation of the Town of Aurora passed **By-law No. 6760-26** on the **27th day of January 2026**, to pass the Downtown Community Planning Permit System, under Section 70 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

<b>Property:</b>	Generally bounded by Temperance Street to the west, Victoria Street to the east, just north of Wellington Street to the north, and just south of Church Street to the south. See detailed map attached.
<b>Ward:</b>	1 and 2
<b>Legal description:</b>	Part Blocks A, B and G, Plan M42, Part 3, 65R-5870 and Parts 3, 6, 7 and 8, 65R-33710
<b>Applicant:</b>	Town of Aurora
<b>File numbers:</b>	OPA-2025-08

Attached are a copy of the Official Plan Amendment and the Downtown Community Planning Permit System By-law including an explanation of the purpose and effect (being to initiate a Community Planning Permit System for Downtown Aurora), a description of the subject lands and a key map showing the location of the lands to which the Amendment and By-law apply. Council has fully considered all written and oral submissions in reaching its decision to approve By-law 6758-26, 6759-26, and 6760-26.

**Additional Information:**

Any questions relating to the Official Plan Amendment and Downtown Community Planning Permit By-law may be directed to **Dania Asahi Ogie** of the Planning and Development Services Department at 365-500-3099, or by email at [daogie@aurora.ca](mailto:daogie@aurora.ca)

**Filing An Appeal:**

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party. The proposed Official Plan Amendment is exempt from approval by the Province. The decision of the Town council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

The last day to file an appeal is **February 22, 2026**.

Take notice that an appeal to the Ontario Land Tribunal in respect to this Official Plan Amendment and Downtown Community Planning Permit By-law file may be made by filing a notice of appeal with the Town Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting Aurora (Town) as the Approval Authority or by mail 100 John West Way, Box 1000 Aurora, ON, L4G 6J1, no later than 4:30 p.m. on the last date of appeal noted above. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100.00 (per Application) can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at [www.olt.gov.on.ca](http://www.olt.gov.on.ca). If the e-file portal is down, you can submit

your appeal to [clerks@aurora.ca](mailto:clerks@aurora.ca). Please note an additional fee of \$1,261.00, (per Application), payable to the Town of Aurora, is also required for Ontario Land Tribunal appeal submissions.

DATED, this 2nd day of February 2026.



**Marco Ramunno, MCIP, RPP**

Director of Planning and Development Services  
Town of Aurora  
100 John West Way  
Aurora, ON L4G 6J1

Attach.

Official Plan By-law 6758-26

Official Plan By-law 6759-26

Downtown Community Planning Permit System By-law 6760-26



**Schedule A - Community Planning Permit By-law Location Map**

SUBJECT LANDS

0 50 100  
Metres



**AURORA**  
You're in Good Company

## The Corporation of the Town of Aurora

### By-law Number 6758-26

#### **Being a By-law to amend By-law Number 5285-10, as amended, to adopt Official Plan Amendment No. 42 (File No. OPA-2025-08).**

**Whereas** on September 28, 2010, the Council of The Corporation of the Town of Aurora (the "Town") enacted By-law Number 5285-10, as amended, to adopt the Official Plan for the Town of Aurora (the "Official Plan");

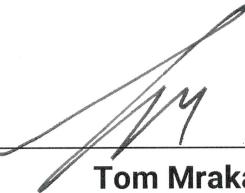
**And whereas** authority is given to Council pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "Planning Act") to pass a by-law amending the Official Plan;

**And whereas** the Council of the Town deems it necessary and expedient to further amend the Official Plan.

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

1. Official Plan Amendment No. 42 to the Official Plan, attached and forming part of this by-law, be and is hereby approved.
2. This by-law shall come into full force subject to compliance with the provisions of the Planning Act and subject to compliance with such provisions, this by-law will take effect from the date of final passage hereof.

**Enacted by Town of Aurora Council this 27th day of January, 2026.**



Tom Mrakas, Mayor



Patricia De Sario, Deputy Clerk

**Amendment No. 42**

**To the Official Plan for the Town of Aurora**

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**Statement of Components**

**Part 1 – The Preamble**

1. Introduction
2. Purpose of the Amendment
3. Location
4. Basis of the Amendment

**Part II – The Amendment**

1. Introduction
2. Details of the Amendment
3. Implementation and Interpretation

**Part III – The Appendices**

**Part I – The Preamble****1. Introduction**

This part of the Official Plan Amendment No. 42 (the “Amendment”), entitled Part I – The Preamble, explains the purpose and location of this Amendment, and provides an overview of the reasons for it. It is for explanatory purposes only and does not form part of the Amendment.

**2. Purpose of the Amendment**

The purpose of this Amendment is to enable the Downtown Community Planning Permit System By-law (Community Planning Permit By-law). The Amendment will allow the subject lands to be recognized as a special policy area subject to the standards of the Community Planning Permit By-law, including all design and planning components such as heights, permitted uses, and stepbacks, amongst other matters. The Town’s Updated Official Plan already largely enables the utilization of a Community Planning Permit System, however, this Amendment specifically recognizes the subject lands as a special Community Planning Permit System policy area for Downtown Aurora and provides minor technical amendments and recognitions as required to enable the implementation of the Community Planning Permit System By-law for the subject lands.

**3. Location**

The lands affected by this Amendment are considered “Downtown Aurora” and are generally bound by just north of Wellington Street to the north, just south of Church Street to the south, Temperance street to the west and Victoria Street to the east. A more detailed location map is included with this By-law, per Schedule “A”.

**4. Basis of the Amendment**

The basis of the Amendment is as follows:

- 4.1 Town Council passed a motion on October 15, 2019, directing staff to develop a Community Planning Permit System for the Downtown.
- 4.2 A statutory open house was held on June 9, 2025, and a statutory public meeting was held on October 29, 2025, to obtain input from the public and Council regarding the Downtown Community Planning Permit System.
- 4.3 The Amendment is consistent with the applicable Provincial Policies and Plans.
- 4.4 The Amendment enables the implementation of a Community Planning Permit By-law for the Downtown Aurora area.

**Part II – The Amendment****1. Introduction**

This part of the Amendment entitled Part II – The Amendment, consisting of the following text and attached maps, designated as Schedules “A” and “B”, constitutes Amendment No. 42 to the Official Plan (File No. OPA-2025-08).

**2. Details of the Amendment**

The Official Plan be and is hereby amended as follows:

**By-law Number 6758-26****Page 4 of 7**

Item (1): Schedule "A", "B", "C", "D1", "D2" and "D3" – being part of the Town of Aurora Official Plan, be and are hereby amended to recognize the subject lands (shown in Schedule "A" to this by-law) as part of the "Downtown Community Planning Permit System (CPPS) Special Policy Area", with a specific designation of "Downtown Mixed Use", and being subject to the development standards as outlined in the Downtown Community Planning Permit By-law.

Item (2): This Official Plan Amendment is intended to fully enable the use of the Community Planning Permit System for the subject lands and enable all development standards and policies as outlined in the implementing Community Planning Permit By-law, as well as administrative matters delegated to staff, including but not limited to the ability to approve certain Classes of development, impose conditions, and execute agreements.

Item (3): Permitted heights and stepbacks for the subject lands shall be as outlined through Schedule "B" attached to this by-law, as implemented by the Community Planning Permit By-law.

Item (4): The Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, is deemed to not apply to the subject lands, with the implementing Community Planning Permit By-law being the primary measure of development standards and zoning requirements for the subject lands.

Item (5): The Town of Aurora Site Plan Control By-law 6106-18, as amended, is deemed to not apply to the subject lands, with site plan matters to be addressed through the Community Planning Permit approval process as described in the implementing Community Planning Permit By-law.

Item (6): That Ontario Regulation 173/16 pertaining to Community Planning Permit Systems and By-laws shall apply to the subject lands.

Item (7): The Town of Aurora, in its sole discretion, remains the determinant of the completeness of any development application/Community Planning Permit application received within the subject lands, and the Town retains full discretion in determining and assigning the appropriate class of development and application process under the Community Planning Permit By-law, as well as any other required development application review process as necessary.

Item (8): The development standards and requirements of the Community Planning Permit By-law are deemed to conform to the Town's Official Plan.

Item (9): That in the event of any clerical or administrative revisions/matters required to implement this Official Plan Amendment and the Community Planning Permit By-law, such as typographical, numbering, mapping, or housekeeping/clarification revisions, staff be authorized to undertake such minor revisions to the Official Plan and Community Planning Permit By-law accordingly and in a timely manner.

Item (10): Any future amendments to the Community Planning Permit By-law can be considered, but these amendments shall conform with the general intent of this Official Plan Amendment and the Town's Official Plan and other relevant Provincial Plans and policies, with the Town retaining the

authority to determine the appropriateness of the amendment and administration and review process required through the implementing Community Planning Permit By-law or other development application(s) as necessary. Any application to amend the Community Planning Permit By-law shall be supported by a comprehensive planning rationale and required studies as determined by the Town.

Item (11): All other relevant policies of the Official Plan dealing with the general administration of a Community Planning Permit System (including but not necessarily limited to Section 18 of the Official Plan) shall continue to apply, and in the event of any potential conflict, the Town retains the authority and discretion over the required review and administrative process for any application.

### **3. Implementation**

This Amendment has been considered in accordance with the provisions of the Official Plan. The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan.

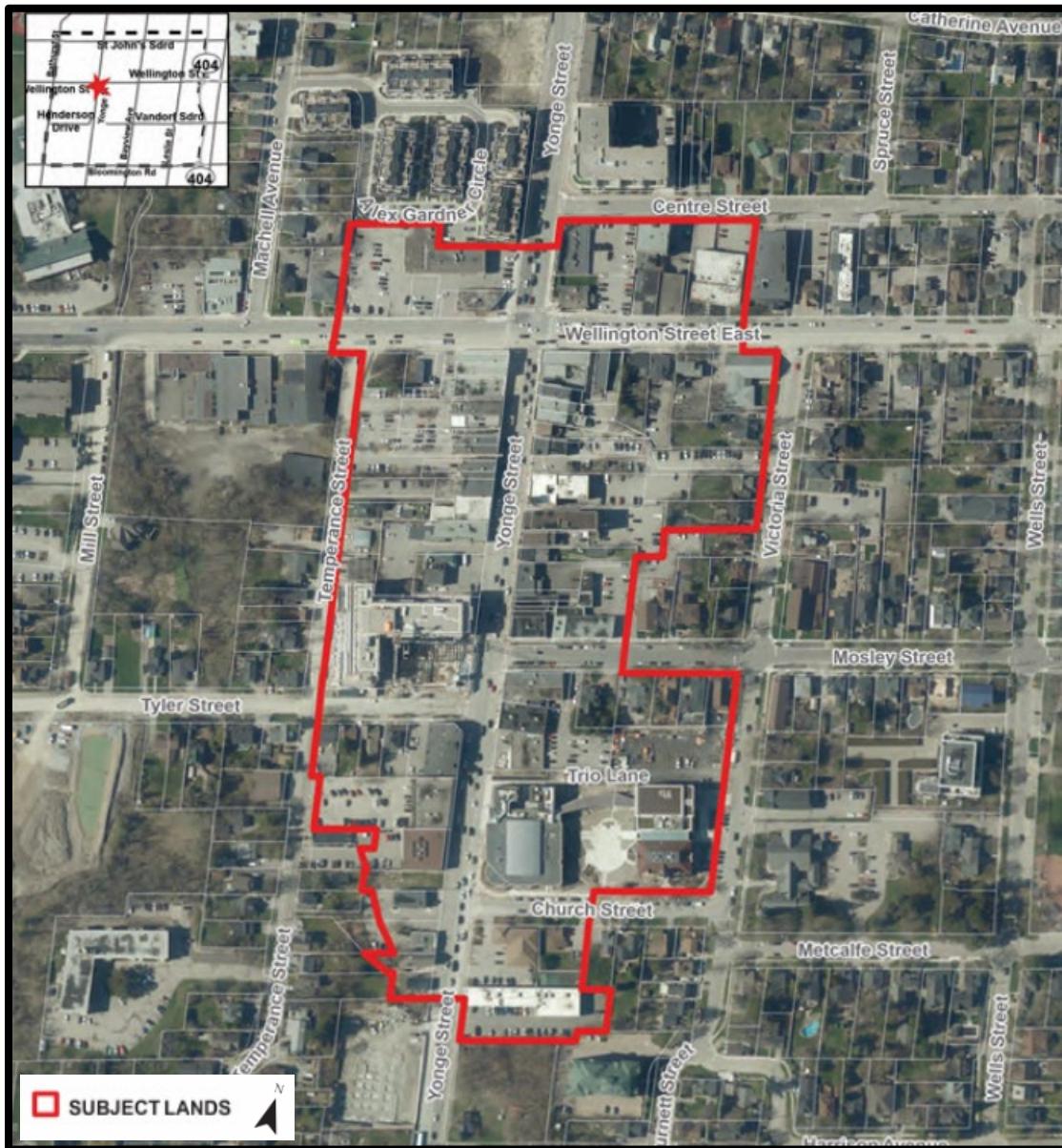
### **Part III – The Appendices**

Schedule “A” – Subject Lands

Schedule “B” – Height and Step-back Development Standards

**Schedule "A"****Subject Lands for Official Plan Amendment No. 42**

**Location:** The lands subject to the Downtown Aurora Community Planning Permit System is the area identified within the Subject Lands as shown below.



## Schedule "B"

## Height and Step-back Development Standards



**The Corporation of the Town of Aurora**

**By-law Number 6759-26**

**Being a By-law to amend By-law Number 6579-24, as amended, to  
adopt Official Plan Amendment No. 12 (File No. OPA-2025-08).**

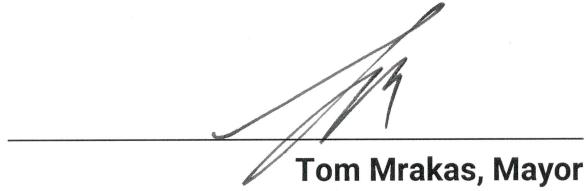
**Whereas** on January 30, 2024, the Council of The Corporation of the Town of Aurora (the “Town”) enacted By-law Number 6579-24, as amended, to repeal By-law Number 5285-10, as amended, to adopt the Official Plan dated January 2024 as the Official Plan for the Town of Aurora (the “Official Plan”);

**And whereas** appeals were filed with the Ontario Land Tribunal (the “Tribunal” or “OLT”), under OLT Case No. OLT-24-000690, pursuant to Section 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Planning Act”);

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

1. Official Plan Amendment No. 12 to the Official Plan, attached and forming part of this by-law, be and is hereby adopted.
2. This by-law shall come into full force subject to compliance with the provisions of the Planning Act and subject to compliance with such provisions, this by-law will take effect from the date of the order, issued by the Tribunal.

**Enacted by Town of Aurora Council this 27th day of January, 2026.**



Tom Mrakas, Mayor



Patricia De Sario, Deputy Clerk

**Amendment No. 12**

**To the Official Plan for the Town of Aurora**

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**Statement of Components**

**Part 1 – The Preamble**

1. Introduction
2. Purpose of the Amendment
3. Location
4. Basis of the Amendment

**Part II – The Amendment**

1. Introduction
2. Details of the Amendment
3. Implementation and Interpretation

**Part III – The Appendices**

**Part I – The Preamble****1. Introduction**

This part of the Official Plan Amendment No. 12 (the “Amendment”), entitled Part I – The Preamble, explains the purpose and location of this Amendment, and provides an overview of the reasons for it. It is for explanatory purposes only and does not form part of the Amendment.

**2. Purpose of the Amendment**

The purpose of this Amendment is to enable the Downtown Community Planning Permit System By-law (Community Planning Permit By-law). The Amendment will allow the subject lands to be recognized as a special policy area subject to the standards of the Community Planning Permit By-law, including all design and planning components such as heights, permitted uses, and stepbacks, amongst other matters. The Town’s Updated Official Plan already largely enables the utilization of a Community Planning Permit System, however, this Amendment specifically recognizes the subject lands as a special Community Planning Permit System policy area for Downtown Aurora and provides minor technical amendments and recognitions as required to enable the implementation of the Community Planning Permit System By-law for the subject lands.

**3. Location**

The lands affected by this Amendment are considered “Downtown Aurora” and are generally bound by just north of Wellington Street to the north, just south of Church Street to the south, Temperance street to the west and Victoria Street to the east. A more detailed location map is included with this By-law, per Schedule “A”.

**4. Basis of the Amendment**

The basis of the Amendment is as follows:

- 4.1 Town Council passed a motion on October 15, 2019, directing staff to develop a Community Planning Permit System for the Downtown.
- 4.2 A statutory open house was held on June 9, 2025, and a statutory public meeting was held on October 29, 2025, to obtain input from the public and Council regarding the Downtown Community Planning Permit System.
- 4.3 The Amendment is consistent with the applicable Provincial Policies and Plans.
- 4.4 The Amendment enables the implementation of a Community Planning Permit By-law for the Downtown Aurora area.

**Part II – The Amendment****1. Introduction**

This part of the Amendment entitled Part II – The Amendment, consisting of the following text and attached maps, designated as Schedules “A” and “B”, constitutes Amendment No. 12 to the Official Plan (File No. OPA-2025-08).

**2. Details of the Amendment**

The Official Plan be and is hereby amended as follows:

Item (1): Schedule "A", "B", "C", "D1", "D2" and "D3" – being part of the Town of Aurora Official Plan, be and are hereby amended to recognize the subject lands (shown in Schedule "A" to this by-law) as part of the "Downtown Community Planning Permit System (CPPS) Special Policy Area", with a specific designation of "Downtown Mixed Use", and being subject to the development standards as outlined in the Downtown Community Planning Permit By-law.

Item (2): This Official Plan Amendment is intended to fully enable the use of the Community Planning Permit System for the subject lands and enable all development standards and policies as outlined in the implementing Community Planning Permit By-law, as well as administrative matters delegated to staff, including but not limited to the ability to approve certain Classes of development, impose conditions, and execute agreements.

Item (3): Permitted heights and stepbacks for the subject lands shall be as outlined through Schedule "B" attached to this by-law, as implemented by the Community Planning Permit By-law.

Item (4): The Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, is deemed to not apply to the subject lands, with the implementing Community Planning Permit By-law being the primary measure of development standards and zoning requirements for the subject lands.

Item (5): The Town of Aurora Site Plan Control By-law 6106-18, as amended, is deemed to not apply to the subject lands, with site plan matters to be addressed through the Community Planning Permit approval process as described in the implementing Community Planning Permit By-law.

Item (6): That Ontario Regulation 173/16 pertaining to Community Planning Permit Systems and By-laws shall apply to the subject lands.

Item (7): The Town of Aurora, in its sole discretion, remains the determinant of the completeness of any development application/Community Planning Permit application received within the subject lands, and the Town retains full discretion in determining and assigning the appropriate class of development and application process under the Community Planning Permit By-law, as well as any other required development application review process as necessary.

Item (8): The development standards and requirements of the Community Planning Permit By-law are deemed to conform to the Town's Official Plan.

Item (9): That in the event of any clerical or administrative revisions/matters required to implement this Official Plan Amendment and the Community Planning Permit By-law, such as typographical, numbering, mapping, or housekeeping/clarification revisions, staff be authorized to undertake such minor revisions to the Official Plan and Community Planning Permit By-law accordingly and in a timely manner.

Item (10): Any future amendments to the Community Planning Permit By-law can be considered, but these amendments shall conform with the general intent of this Official Plan Amendment and the Town's Official Plan and other relevant Provincial Plans and policies, with the Town retaining the

authority to determine the appropriateness of the amendment and administration and review process required through the implementing Community Planning Permit By-law or other development application(s) as necessary. Any application to amend the Community Planning Permit By-law shall be supported by a comprehensive planning rationale and required studies as determined by the Town.

Item (11): All other relevant policies of the Official Plan dealing with the general administration of a Community Planning Permit System (including but not necessarily limited to Section 18 of the Official Plan) shall continue to apply, and in the event of any potential conflict, the Town retains the authority and discretion over the required review and administrative process for any application.

### **3. Implementation**

This Amendment has been considered in accordance with the provisions of the Official Plan. The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan.

### **Part III – The Appendices**

Schedule “A” – Subject Lands

Schedule “B” – Height and Step-back Development Standards

**Schedule "A"****Subject Lands for Official Plan Amendment No. 12**

**Location:** The lands subject to the Downtown Aurora Community Planning Permit System is the area identified within the Subject Lands as shown below.



## Schedule "B"

## Height and Step-back Development Standards



## The Corporation of the Town of Aurora

### By-law Number 6760-26

#### Being a By-law to establish the Downtown Community Planning Permit By-law for the Corporation of the Town of Aurora.

**Whereas** Section 2 of Ontario Regulation 173/16 under the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the “Planning Act”) authorizes the Council of a local municipality to establish by by-law a community planning permit system within the municipality for any area or areas set out in the by-law;

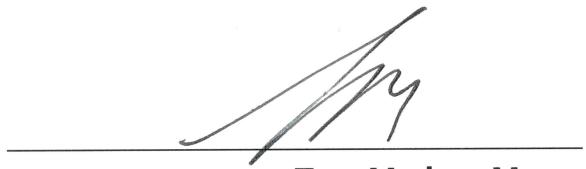
**And whereas** Section 18 of the Town of Aurora Official Plan, as amended, identifies that a community planning permit area may be established for the subject lands;

**And whereas** Section 18 of the Town of Aurora Official Plan, as amended, meets all other requirements under Section 3 of Ontario Regulation 173/16 to pass a Community Planning Permit By-law in accordance with Section 24 and 34 of the Planning Act and amendments thereto;

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

1. The downtown Town of Aurora community planning permit system is hereby established for the lands identified as the subject lands in Appendix “A” hereto attached.
2. The Town of Aurora Downtown Community Planning Permit By-law, as set out in attached Appendix “B”, is hereby adopted and enacted as the community planning permit by-law for the subject lands identified in Appendix “A”.
3. The Zoning By-law 6000-17, as amended, is deemed to be repealed with respect to the area covered by the subject lands identified in Appendix “A,” and thereby replaced with the development standards as per the Downtown Community Planning Permit By-law, attached in Appendix “B”, on the day that this by-law comes into force.

**Enacted by Town of Aurora Council this 27th day of January, 2026.**



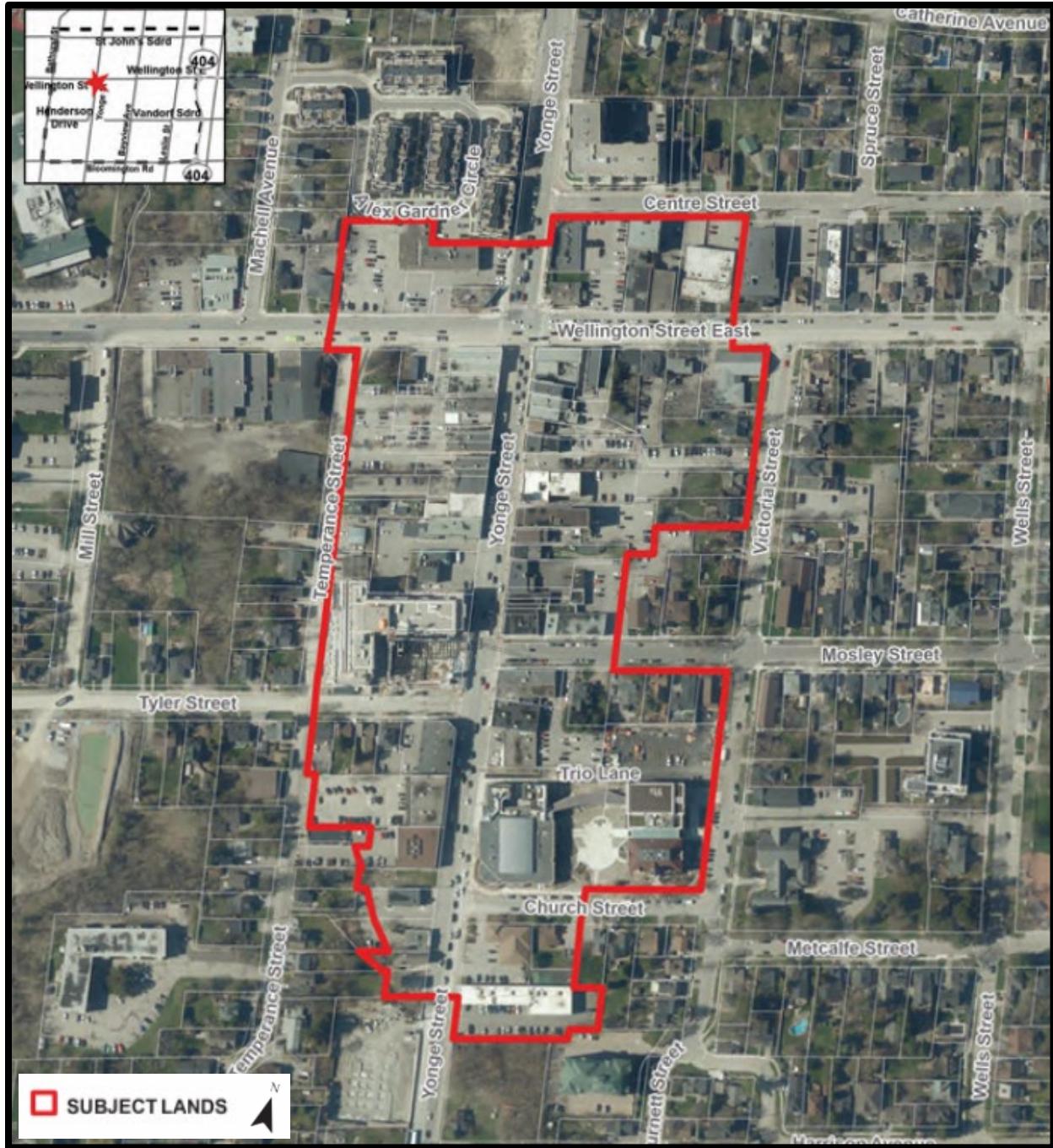
Tom Mrakas, Mayor



Patricia De Sario, Deputy Clerk

## Appendix "A"

**Location:** The subject lands shall be the area as shown within the area delineated as the Subject Lands below.



**Appendix "B"**

Appendix B is the body of the Downtown Community Planning Permit By-law, which makes up the community planning permit system for the Subject Lands, and commences on the next page.

**By-law Number 6760-26**  
**Appendix "B"**

# Downtown Community Planning Permit By-law

JANUARY 27, 2026





The Town of Aurora is committed to ensuring the accessibility of our documents to all individuals, in compliance with the Accessibility for Ontarians with Disabilities Act (A.O.D.A.). We have made every effort to achieve full compliance with accessibility standards in the preparation of this document. However, if you encounter any accessibility barriers or have specific accessibility needs, we are here to assist you.

If you require further assistance or have any concerns regarding the accessibility of this document, please contact us at [accessibility@aurora.ca](mailto:accessibility@aurora.ca).



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ADMINISTRATION

1.0

- 1.1 Short Title
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- 1.4 Effective Date
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- 1.25 Existing Uses
- 1.26 Allocation of Municipal Parking



## 1.1 Short Title

1. This **by-law** shall be referred to as the Downtown Community Planning Permit By-law.

## 1.2 Applicability and Area Restricted

1. The lands affected by this **by-law** apply to the Community Planning Permit Area within the Town of Aurora as outlined and identified on Schedule A.

## 1.3 Requirement and Compliance

1. All **development** or changes of **use** within the Community Planning Permit Area shall comply with the provisions of this **by-law** and require a Community Planning Permit.

## 1.4 Effective Date

1. This **by-law** shall come into force and effect on the date that it is passed.

## 1.5 Administration

1. This **by-law** shall be administered by **Director**.

## 1.6 By-laws Repealed

1. On the day that this **by-law** comes into force and effect, the provisions of the Comprehensive Zoning By-law 6000-17 will be deemed to be repealed with respect to the area covered by the Downtown Community Planning Permit Area as outlined on Schedule A of this **by-law**.

## 1.7 Compliance with Other Legislation

1. Nothing in this **by-law** shall be construed to exempt any person from any obligation to comply with the requirements of any other by-law of the **Town** or any other regulation of the Regional Municipality of York, Province of Ontario, or Government of Canada that would otherwise affect the use of land, **buildings**, or **structures**.

## 1.8 Compliance for Designated Heritage Buildings

1. Nothing in this **by-law** shall waive the requirement of and need for a heritage permit application for any alterations, enlargement, or reconstruction of a **designated heritage building** within the **by-law** area.

## 1.9 Technical Revisions

1. Provided that the purpose, effect, intent, meaning, and substance of this **by-law** are in no way affected, the following technical revisions to this **by-law** are permitted without a need for an amendment:
  - a) Changes to the numbering, cross-referencing, format, and arrangement of the text, tables, schedules, and maps;
  - b) Additions to and revisions of technical information on maps and schedules including, but not limited to infrastructure and topographic information, notes, legends, shading, and title blocks;
  - c) Alterations of punctuation or language;

- d) Correction of grammatical, dimensional, boundary, mathematical, or typographic errors or revisions to format in a manner that does not change the intent of a provision; and
- e) Changes to appendices, footnotes, headings, indices, notes, tables of contents, illustrations, historical or reference information, footers, and headers, which do not form a part of this **by-law** and are editorially inserted for convenience or reference purposes.

## 1.10 Enforcement

### 1.10.1 Conformity

- 1. No person shall **erect**, alter, enlarge, reconstruct, or **use** any **building** or **structure** in whole or in part, nor **use** any land in whole or in part, except in conformity with this **by-law**.

### 1.10.2 Offence - General

- 1. Any person who contravenes a provision of this **by-law** is guilty of an offence.
- 2. Any person who contravenes a provision of this **by-law**, whether such contravention is on the same day or a subsequent day, shall be deemed to be committing a subsequent offence for each instance that they engage in or continue to engage in a contravention of a provision of this **by-law**.

### 1.10.3 Offence - Bedroom

- 1. No person shall **use**, in whole or in part, a den, study, living room, dining room, family room, recreation room, or similar **habitable floor space** as a bedroom where such use would contravene the provisions of this **by-law**, or any other applicable legislation or by-laws.
- 2. No person shall convert, in whole or in part, a den, study, living room, dining room, family room, recreation room, or similar **habitable floor space** into a bedroom where such conversion would contravene the provisions of this **by-law**, or any other applicable legislation or by-laws.

### 1.10.4 Penalty

- 1. Every person who is guilty of an offence under this **by-law** shall be subject to the fines and/or penalties provided under the *Planning Act* and/or the *Provincial Offences Act*.

### 1.10.5 Severability

- 1. In the event that any section, clause, or provision of this **by-law**, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the **by-law** as a whole or any part thereof other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses, or provisions of this **by-law** shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

## 1.11 Transition Matters

### 1.11.1 Building Permit

1. This **by-law** shall not prevent the **erection**, alteration, enlargement, reconstruction, or **use** of a **building** or **structure** prohibited by this by-law for which an application for a building permit was accepted on or prior to the **effective date** of this **by-law**, if the **development** in question complies, or the building permit application for the **development** is amended to comply, with the provisions of the applicable Zoning By-law as it read on the day before the **effective date** of this **by-law**.

### 1.11.2 Site Plan Application

1. This **by-law** shall not prevent the **erection**, alteration, enlargement, reconstruction, or **use** of a **building** or **structure** prohibited by this **by-law** for which a complete application for Site Plan Approval under Section 41 of the *Planning Act* was deemed complete on or prior to the **effective date** of this **by-law** provided that the building permit application for the said **development** complies with the approved site plan and the provisions of the applicable Zoning By-law as it read on the day before the **effective date** of this **by-law**.
2. Notwithstanding subsection 1 of Section 1.11.2, if the site plan application was approved prior to the **effective date** of this **by-law**, nothing shall prevent the **erection**, alteration, enlargement, reconstruction, or **use** of a **building** or **structure** in the approved site plan application, provided that the subsequent application for a building permit was accepted within two years after the **effective date** of this **by-law**.

### 1.11.3 Minor Variances

1. This **by-law** shall not prevent the **erection**, alteration, enlargement, reconstruction, or **use** of a **building** or **structure** prohibited by this **by-law** which is permitted by an application pursuant to Section 45 of the *Planning Act* which was made prior to the **effective date** of this **by-law**, provided that:
  - a) Such application has been approved by the Committee of Adjustment at the **Town**, or on appeal by the Ontario Land Tribunal or its predecessor before or after the **effective date** of this **by-law**.
  - b) An application for a building permit for the **erection** or **use** of the **building** or **structure** has been accepted within two years of the **effective date** of this **by-law**.
  - c) Where a minor variance was authorized by the Committee of Adjustment at the **Town**, or the Ontario Land Tribunal or its predecessor, before or on the **effective date** of this **by-law** as a condition of Site Plan Approval, Section 1.11.2 shall apply to give effect to the applicable Site Plan Approval.
  - d) Any other circumstance authorized by the **Director**, including the full exemption of the Community Planning Permit application for minor alterations to existing **buildings** where it may be more appropriate for it to undergo the traditional minor variance application process based on the zoning that was in effect before the **effective date** of this **by-law**.

## 1.12 Exemptions

1. Notwithstanding any provisions in this **by-law**, the following types of **development** shall not require a Community Planning Permit:
  - a) An activity involving only site alteration subject to the **Town's** Site Alteration By-law, as amended;
  - b) Any **development** consistent with Site Plan Control approval issued pursuant to the **Town's** Site Plan Control By-law prior to the **effective date** of this **by-law**, as amended;
  - c) Any development consistent with a minor variance approval issued pursuant to the *Planning Act*, prior to the **effective date** of this **by-law**;
  - d) Maintenance or repairs of existing **buildings** and **structures**, such as the replacement of windows or doors, which will not result in changes to the footprint or **gross floor area** of the **structure** and location;
  - e) Maintenance or repairs to **existing buildings** and foundations provided that the work does not involve the placement of fill, alteration of **existing** grades or changes to the footprint or **gross floor area** of the **structure**;
  - f) Interior renovations provided that there is no change in the **use** or intensification;
  - g) Minor additions to **structures** or **accessory structures** that meet all the requirements of this **by-law**;
  - h) Infrastructure projects initiated by a **Public Authority**; and
  - i) Any other circumstances as so authorized at the discretion of the **Director**.

## 1.13 Permit Classes and Delegated Approval

### 1.13.1 Classes

1. There are three classes of Community Planning Permits as summarized below and outlined in Table 1.1:
  - Class 1 – All Standards Met;
  - Class 2 – Minor Variation; and
  - Class 3 – Major Variation.
  - a) Class 1 Community Planning Permit captures **developments** that meet all development standards of this **by-law** and the **Official Plan**;
  - b) Class 2 (minor variation) Community Planning Permit captures **developments** that do not comply with the development standards for a Class 1 Community Planning Permit and are subject to additional requirements as outlined in Section 1.15 and Section 1.15.1; and
  - c) Class 3 (major variation) Community Planning Permit captures **developments** that do not comply with the development standards for a Class 1 or Class 2 Community Planning Permit and are subject to additional requirements as outlined in Section 1.15 and Section 1.15.1.

Table 1.1: Permit Classes and the Respective Delegated Authority and Public Notice Procedure

	Class 1 Application	Class 2 Application	Class 3 Application
<b>Description</b>	Application meets all development standards of the <b>by-law</b> . No variation is required.	Application generally meets the intent, standards, and provisions of this <b>by-law</b> but requires a minor variation based on: <ul style="list-style-type: none"> <li>• Any variation to Section 3.0.</li> <li>• Any variation to Section 5.0.</li> <li>• One or more development standards within the established Class 2 variation limits of 10%, as identified in the development standards within Section 6.0.</li> <li>• Approval of a listed discretionary use.</li> </ul>	Application generally meets the intent, standards, and provisions of this <b>by-law</b> but requires a major variation based on: <ul style="list-style-type: none"> <li>• One or more development standards beyond the Class 2 variation limit (exceeding 10%), as identified within Section 6.0, or specifically involving maximum permitted <b>building height</b>.</li> <li>• Approval of additional uses not permitted under Section 6.0.</li> </ul>
<b>Approval Authority</b>	<b>Director</b> of Planning and Development Services.	<b>Director</b> of Planning and Development Services.	<b>Council</b> .
<b>Public Notice Procedures</b>	No notice required.	No notice required.	<ul style="list-style-type: none"> <li>• Staff to post notification on <b>Town</b> website for public access.</li> <li>• Notice shall be given by mail to residents within 120 metres of the subject lands.</li> <li>• On-site signage shall also be provided. Signage shall include an explanation of the application, staff contact information, and the deadline for the submission of comments.</li> <li>• Notice shall also be given by publishing it in a newspaper and/or by posting it online in accordance with the requirements of the <i>Planning Act</i>.</li> </ul>

## 1.13.2 Delegated Approval

1. **Council** delegates approval powers and duties on behalf of the **Town** to the **Approval Authority**, as set out in this **by-law** and in accordance with Table 1.1. **Council** may withdraw or amend this delegation at any time.
2. The **Town** will provide public notice of a Community Planning Permit application in accordance with Table 1.1. At the discretion of the **Director**, the **Town** may increase the public notice requirements without an amendment to this **by-law**. A Notice of Decision will be provided for all Community Planning Permits in accordance with Section 1.18.5.

## 1.13.3 Referrals to Council

1. The **Director** has the delegated authority to determine the appropriate class for any Community Planning Permit application.
2. The **Director** and/or delegate may refer Class 1 or Class 2 applications to **Council** to be processed as a Class 3 Community Planning Permit at any time prior to the decision of an application.
3. At the time of applying, an applicant may request that a Class 2 Community Planning Permit application be processed as a Class 3 Community Planning Permit, where the applicant is of the opinion that the application would benefit from **Council** review and decision.

## 1.14 Discretionary Uses

1. A discretionary **use** may only be allowed if the criteria set out in this **by-law** have been addressed to the satisfaction of the **Approval Authority**.

2. A **use** shall be added as a permitted use or a discretionary **use** through a Class 3 application.

## 1.15 Variation

1. Variations to standards of this **by-law** may be considered through the Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this **by-law** and the **Official Plan**, as amended.
2. Variations can be applied as an amount or percentage of an eligible standard. The amount or percentage referred to is the amount of the standard that may be varied.
3. A Community Planning Permit application for a Class 2 or Class 3 permit that requests a variation shall be subject to all requirements of this **by-law**.
4. Where a standard in Section 3.0 and Section 5.0, has no established limits within this **by-law**, staff may approve or conditionally approve **developments** which vary from the standards identified in these sections, subject to criteria in Section 1.15.1 and subject to alignment with the **Official Plan**, as amended, provincial policy, and other applicable legislation.

5. For a Class 2 Community Planning Permit, staff may approve or provisionally approve **developments** which vary from the standards identified in Section 6.0, provided the variation is within the established Class 2 variation limits identified in this **by-law**, subject to the criteria in Section 1.15.1 and subject to alignment with the **Official Plan**, as amended, provincial policy, and other applicable legislation, is still maintained.
6. For a Class 3 Community Planning Permit, **Council** may approve **developments** which vary from the standards identified in this **by-law** at their discretion subject to the criteria in Section 1.15.1 and subject to alignment with the **Official Plan**, as amended, provincial policy, and other applicable legislation.

**1.15.1 Criteria for Considering Class 2 or Class 3 Variations**

1. Where a Class 2 or Class 3 Community Planning Permit is required, the proposed **development** or a discretionary **use** will only be permitted if the following criteria are addressed, in addition to the other requirements of this **by-law**, to the satisfaction of the **Approval Authority** prior to the issuance of a Community Planning Permit in accordance with Section 1.18.1 and may be subject to conditions of approval in accordance with Section 1.18.2:
  - a) The proposed **development** maintains the general intent of this **by-law**;
  - b) The proposed **development** conforms to the **Official Plan**, as amended;
  - c) The proposed **development** is consistent with and conforms to applicable federal, provincial, regional, and municipal statutes, policies, plans, and/or other documents;
  - d) The proposed **development** shall consider provincial and municipal guidelines and have regard for technical studies;
  - e) The potential adverse impacts resulting from the proposal are identified and mitigated where appropriate;
  - f) The proposed **development** is compatible with and sensitive to the planned context and character of the area; and
  - g) All necessary supporting studies are provided to the satisfaction of the **Approval Authority**.
2. Where a **building** is proposed to include multiple **dwelling units**, the **Town** shall prioritize the provision of a balanced mix of **dwelling unit** types when applying the criteria in subsection 1 of Section 1.15.1 to evaluate the proposed **development**.
3. Where a Class 2 Permit is required, staff may scope the extent of the evaluation required in subsection 1 of Section 1.15.1 in consideration of the scale of the variation requested and provided that the general intent of the criteria are met.

## 1.16 Agreements

1. Where a Community Planning Permit is required, an applicant may be required, at the discretion of the **Approval Authority**, to enter into one or more agreements with the **Town**, including but not limited to, agreements to address conditions of approval as outlined in Section 1.18.2.
2. In addition to subsection 1 of Section 1.16, the agreement shall be registered on title to the Owner's property at the Owner's expense.
3. Notwithstanding any other provision in this **by-law**, the applicant is responsible to obtain all required approvals and permits beyond those provided as part of a Community Planning Permit.
4. **Council** delegates the authority to **Town** staff to prepare, approve, execute, and to amend any Community Planning Permit Agreement required by this **by-law**.
5. Pre-existing **development** agreements continue to be valid and binding and may be amended under this **by-law** if subject to a Community Planning Permit.

## 1.17 Application Process

1. The Downtown Community Planning Permit review process generally consists of the steps illustrated in Figure 1.1.

### 1.17.1 Pre-Consultation

1. Prior to the submission of a Community Planning Permit Application, the applicant shall meet with **Town** staff through a formal pre-consultation to obtain the requirements for a complete Community Planning Permit Application, unless exempt from a permit as outlined in Section 1.12 of this **by-law**.
2. The **Town** shall require that pre-consultation with applicable agencies occurs prior to the submission of a Community Planning Permit Application, where appropriate.
3. Where a technical study or report is required by **Town** staff, to support a Community Planning Permit Application, the extent of the issues to be addressed will be identified by applicable agencies and/or **Town** staff, based on the Official Plan, and any terms of reference set out during the pre-consultation meeting.

### 1.17.2 Complete Application

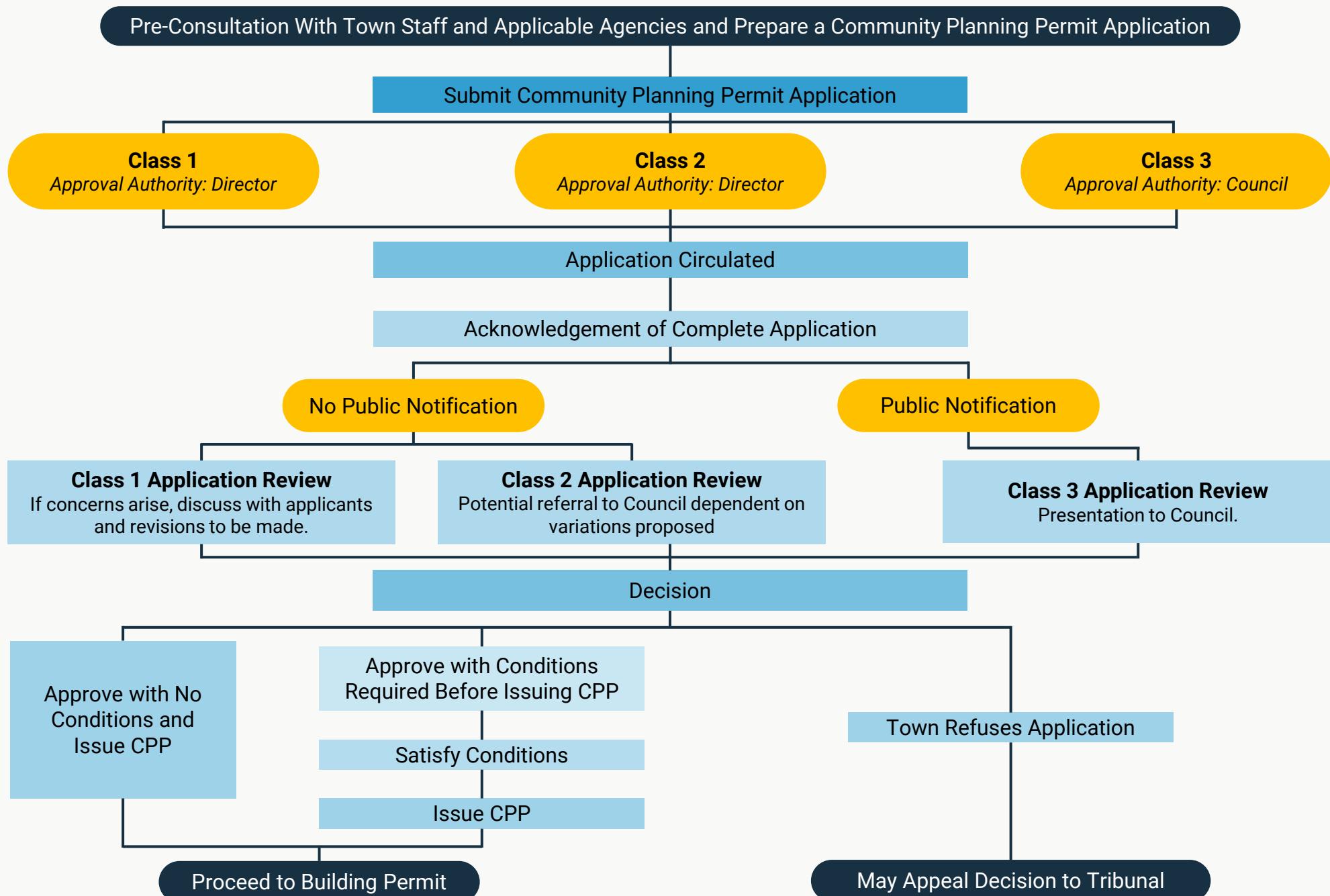
1. Complete applications for a Community Planning Permit shall include:
  - a) A fully completed and signed Community Planning Permit Application Form;
  - b) Submission of the required application fees, as set out in the **Town's** Fees and Charges By-law, as amended;
  - c) The application submission requirements identified on Schedule 1 of *Ontario Regulation 173/16*, as amended;

- d) All requirements identified through pre-consultation, in accordance with the **Official Plan**, as amended, and subject to the provision in Section 1.17.1, Section 1.17.2, and 1.17.3; and
- e) Any applicable agency approvals or permits required to be provided of the **Approval Authority** as determined during the pre-consultation meeting.

#### 1.17.3 Required Information, Materials, Studies, and Reports

1. A list of technical studies and reports that may be required to be submitted at the time of a Community Planning Permit Application is contained in the **Official Plan**, as amended. Additional technical studies and reports may also be required for applicable agency approvals at the same time of application.
2. All required technical studies and reports shall be carried out by a qualified person retained by and at the expense of the applicant.
3. At the discretion of the **Approval Authority**, any required technical studies and reports may be subject to peer review at the expense of the applicant.

Figure 1.1: Community Planning Permit Application Process



## 1.18 Decision, Approvals, and Appeals

### 1.18.1 Decision

1. Upon review of a complete application, the **Approval Authority** may:
  - a) Approve the application without conditions and issue a Community Planning Permit;
  - b) Approve the application and issue a Community Planning Permit with conditions attached, subject to Section 1.18.2; or
  - c) Refuse to approve the application.

### 1.18.2 Conditions of Approval

1. Where a Community Planning Permit is required in accordance with the provisions of this **by-law**, the **Town** may approve an application with conditions, which must be completed within an agreed upon timeframe to the satisfaction of the **Approval Authority**.
2. Conditions will include a clear statement of whether they must be complied with before the construction, renovation, demolition, and certain changes to **use** of **buildings** and/or **structures**.
3. A condition of approval shall not deal with the following aspects of **buildings** and/or **structures**:
  - a) Interior design;
  - b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open space and interior walkways in adjacent buildings; and
  - c) The manner of construction and construction standards.

4. The following conditions may be imposed by the **Town**, including but not limited to:
  - a) The completion of required studies, plans, and/or other documents;
  - b) The submission of supplemental studies, plans, and/or other documents;
  - c) The implementation of actions or recommendations in studies, plans, and/or other documents;
  - d) The submission or confirmation of review, approvals, and/or permits from other agencies and levels of government;
  - e) The achievement of performance criteria and standards, including those related to achieving a high standard of context-sensitive urban design;
  - f) Entering into any agreement(s) securing off-site parking or cash-in-lieu of parking;
  - g) The conveyance of land for any specified reason;
  - h) The verification of site remediation;
  - i) The protection of natural environment, natural systems, mature vegetation, or remediation of lands;
  - j) The efficient use or conservation of energy;
  - k) The provision and capacity of transportation and servicing infrastructure;
  - l) Conservation of cultural heritage resources;
  - m) The availability of municipal infrastructure and services;
  - n) The provision of attainable and/or affordable housing units;

- o) Compliance with applicable parkland requirements;
- p) The efficient phasing of development;
- q) The provision of financial assurances to facilitate compliance with municipal approvals and indemnify the town;
- r) The application and/or lifting of holding provisions;
- s) A condition requiring the provision of specified community benefits in exchange for a specific bonus of development as identified in the by-law in accordance with Section 1.20; and
- t) Entering into agreements relating to any conditions.

5. Conditional approval shall be valid for a period of two (2) years, failing which the conditional approval will lapse.

6. Notwithstanding subsection 5 of Section 1.18.2, requests for an extension of a conditional approval for a Community Planning Permit to meet a condition may be granted upon submission of a formal request to the **Director**.

7. An extension of a conditional approval for a Community Planning Permit may be granted in one (1) year intervals, to a maximum of three (3) requests, subject to this **by-law** and any provisions within, as amended.

8. In accordance with the *Planning Act*, the applicant may at any time make a motion for directions to have the Ontario Land Tribunal determine whether a specified condition has been fulfilled or is valid.

### 1.18.3 Modification of Conditional Approvals

1. At the request of the applicant, and when considered appropriate by the **Town**, modifications to a Community Planning Permit with conditional approval, including changes to the **development** concept and supporting materials or to the conditions of conditional approval, may be made at any time, subject to the provisions within this **by-law** and the **Official Plan**, as amended.
2. Proposed modifications to a Community Planning Permit with conditional approval will be reviewed in accordance with the relevant sections of this **by-law**.
3. Proposed modifications may be subject to additional submission requirements and application fees to support the application, to the satisfaction of the **Approval Authority**.
4. Where an applicant applies to modify a Community Planning Permit with conditional approval, the fee should be equal to that which would be charged if the application was new. At the discretion of the **Approval Authority**, the fees may be waived or reduced if the change is minor.

### 1.18.4 Revoking Approvals

1. The **Approval Authority** has the power to revoke any approval granted in the case where:
  - a) The approval has been granted on mistaken or false or incorrect information;
  - b) The approval has been granted in error;
  - c) The applicant for the approval has requested in writing that it be revoked; or,

- d) Six (6) months after the approval has been granted, the **development** in respect of which the approval has been granted has not been substantially commenced in the reasonable opinion of the **Approval Authority**.

#### 1.18.5 Notice of Decision

1. In accordance with the *Planning Act*, within 15 days of the date of decision, the **Town** shall issue a written Notice of Decision to the applicant and to each person or public body that filed a written request to be informed of the decision with the **Town Clerk**.
2. The Notice of Decision shall:
  - a) Include reasons for the decision; and
  - b) Give reason for any conditions imposed and include any imposed conditions.

#### 1.18.6 Appeal Rights and Process

1. An applicant may appeal a decision on a Community Planning Permit application in accordance with *Ontario Regulation 173/15* of the *Planning Act*.

### 1.19 Public Notification Requirements

1. If the application meets all **development** standards of the **by-law**, Class 1, no notice is required.
2. If the application is within the Minor Variation threshold, Class 2, no notice is required.

- 3. If the application falls under the Major Variation threshold, Class 3, as further identified in Section 1.13, notice of the application shall be given by mail to residents within 120 meters of the subject property, and also provided by the placement of on-site signage on the **street** frontage, and by publishing the notice in a newspaper and/or by posting the notice on the **Town's** website,
- 4. Notice of all complete applications falling under Class 3 Planning Permit are posted on the **Town's** website and are provided to **Council** for information purposes.

### 1.20 Providing Benefits for the Community

1. The maximum **building height** that is permitted through a Class 1 and Class 2 Community Planning Permit is shown in Schedule C and is subject to the provision this section in accordance with subsection 2 of Section 1.20 and Table 1.2 and Table 1.3.
2. In exchange for the approval of additional **building height** for a **development** containing a residential **use**, the **Town** will require the provision of community benefits as outlined in Tables 1.2 and Table 1.3, and as follows:
  - a) For a **development** containing multiple **buildings**, the required facilities, services, and related matters will be calculated per **dwelling unit** for all residential **units** above the Class 1 and Class 2 maximum **building height** threshold.
  - b) The required community levy shall be calculated based on all dwelling units in the building.

Table 1.2: Overview of Required Community Benefits

	Class 1 Application	Class 2 Application	Class 3 Application
<b>Required</b>	Community Levy per Table 1.3 for development with 5 or more storeys and 10 or more residential units.	Community Levy per Table 1.3 for development with 5 or more storeys and 10 or more residential units.	<p>Community Levy per Table 1.3 for development with 5 or more storeys and 10 or more residential units.</p> <p>AND</p> <p>A minimum of 35% of all residential units added as part of the Class 3 variation being sought must be provided as affordable <b>dwelling units</b>, per Table 1.4.</p> <p>OR</p> <p>Cash-in-lieu contribution for the required affordable <b>dwelling units</b> as identified in Option 1, per Table 1.5.</p> <p>OR</p> <p>A proportional amount of provided community benefits per subsection 7 of Section 1.20 in proportional quantity or monetary value as determined by the <b>Council</b>.</p>

3. At the discretion of the **Director** or the **Approval Authority**, the requirement of providing a Community Levy may be waived, in accordance with Table 1.3, if the applicant provides community benefits that is deemed to exceed the Community Levy amount.
4. An application proposing an increase in the maximum **building height** shall demonstrate as part of a complete application that the community benefits proposed to be provided are proportional in quantity or monetary value to the number of additional **dwelling units** proposed.
5. The **Town**, through the **Approval Authority**, has the ultimate authority to determine appropriateness of the community benefits provided.
6. An applicant may be required, at the discretion of the **Approval Authority**, to enter into one or more agreements registered on title with the **Town** or another agency, for the provision of community benefits.
7. The **Approval Authority** may authorize a variation in the community benefits provided, provided that the proposal offers additional benefits that shall meet a need identified by the **Town**, such as, but not limited to, the following:
  - a) Accessible **dwelling units**;
  - b) Additional affordable **dwelling units**, beyond those required in Table 1.2 for Class 2 and Class 3 Community Planning Permits;
  - c) Conservation, protection, and preservation of cultural heritage resources in excess of established protections under designation by-laws;

Table 1.3: Required Community Levy Amount

	<b>Contribution Amount</b>
<b>Community Levy</b>	4 per cent of the value of the land that is the subject of development.

Table 1.4: Affordability Threshold for Town of Aurora

<b>Affordable Ownership</b>	Affordable ownership price shall be equal or less than the current Canada Mortgage and Housing Corporation affordable ownership price in the Town of Aurora.
<b>Affordable Rental Unit</b>	Affordable rental units shall be equal or less than the current Canada Mortgage and Housing Corporation affordable rental price for each unit type in the Town of Aurora.

Table 1.5: Cash-in-Lieu of Affordable Dwelling Units

	<b>Contribution Amount</b>
<b>Cash-in-lieu of Affordable Dwelling Units</b>	A contribution amount to the satisfaction of the <b>Approval Authority</b> per <b>affordable dwelling unit</b> required, per Table 1.2.

- d) Parkland and improvements to existing parks or natural heritage features in excess of what is required under Section 42 of the *Planning Act* and the **Town's** Parkland Dedication By-law, as amended;
- e) Public parking and improvements to existing public parking;
- f) Public art;
- g) Purpose-built rental housing;**
- h) Street trees, street furniture or other public realm improvement infrastructure;
- i) Servicing improvements;
- j) Green roofs** or sustainable design initiatives; and
- k) Any other in-kind contribution as approved by Council with value to be determined by the Approval Authority.**

8. Notwithstanding the provisions above, providing community benefits shall not be required with respect to:

- a) Development or a change in use of a building or structure intended for use as a long-term care home** inclusive of a **group home** within the meaning of subsection 2(1) of the *Long-Term Care Homes Act*, 2007;
- b) Development or a change in use of a building or structure intended for use as a retirement home** within the meaning of subsection 2(1) of the *Retirement Homes Act*, 2010;
- c) Development or a change in use of a building or structure intended for use as a hospice** to provide end-of-life care;
- d) Development or change in use of a building or structure** intended for use by any of the following **post-secondary institutions** for the objects of the institution:
  - i. A university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
  - ii. A college or University federated or affiliated with a university described in subparagraph (i); or
  - iii. An Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act*, 2017.
- e) Development or a change in use of a building or structure** intended for **use** as residential premises by any of the following entities:
  - i. A corporation to which the *Not-for-profit Corporations Act*, 2010 applies, that is in good standing under the Act and whose primary objective is to provide housing;
  - ii. A corporation without share capital to which the *Canada Not-for-profit Corporations Act*, 2009, applies, that is in good standing under that Act and whose primary objective is to provide housing; or
  - iii. A non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, 1990.

## 1.21 Amendments to this By-law

1. An amendment to this **by-law** may be initiated by the **Town** or by an applicant.
2. In accordance with the *Planning Act*, applications to amend this **by-law** shall not be made before the fifth anniversary of the **effective date** of this **by-law** unless in compliance with *Ontario Regulation 173/16*, s. 17 (5).
3. Any amendment to this **by-law** shall:
  - a) Be supported by a comprehensive planning rationale and complete Official Plan Amendment Application, as required, with the context of the planned vision for all the lands within the area, subject to the **by-law**; and
  - b) Provide an engagement plan including details for providing public notification, open houses, and statutory public meetings in accordance with the *Planning Act*.
4. The planning rationale to support any amendment to this **by-law** must evaluate the application in the context of the goals, objectives, guiding principles, and intent of this **by-law** and conformity with the **Official Plan**, as amended, and applicable provincial plans.

## 1.22 Existing Holding Provisions

1. Where lands were deemed to be subject to a Holding provision by way of a by-law passed pursuant to Section 36 of the *Planning Act* on the **effective date** of this **by-law**, the conditions associated with the application Holding provisions shall be deemed to continue to apply.

2. Where there is a conflict between the provisions of this **by-law** and the specific provisions or conditions of any by-law imposing a holding provision, the specific by-law imposing a Holding provision shall prevail.

## 1.23 Applying Holding Provisions

1. Where the **Town** deems it necessary to apply a Holding provision for any lands approved for **development** under this **by-law**, an (H) symbol will be applied to the lands.
2. The land shall be released from the holding provision when appropriate conditions are met, including matters related to but not limited to:
  - a) Servicing capacity and allocation;
  - b) Phasing;
  - c) Infrastructure requirements;
  - d) Transportation and parking requirements;
  - e) Environmental remediation or site concerns;
  - f) Natural feature restoration; and/or
  - g) The completion of relevant studies, or other matters.
3. The **Town** retains the ability, in its sole discretion, to assign and release Holding provisions.

## 1.24 Lot Consolidation

1. The boundaries of this **by-law** area shown on Schedule A can be adjusted by the **Approval Authority** on a minor case-by-case basis on account of **lot** consolidation of certain lands abutting the **by-law** area provided that the majority of the land holdings are contained within the **by-law** boundary.
2. In the event of a minor adjustment per the above case, a Class 3 application will be required, in addition to other potential planning application, by the **Town**.

## 1.25 Existing Uses

### 1.25.1 Legal Non-conforming Uses

1. Nothing in this **by-law** shall apply to prevent the **use** of any land, **building** or **structure** for any purpose prohibited by the **by-law** if such land, **building**, or **structure** was lawfully used for such purpose prior to the **effective date** of this **by-law**, so long as it continues to be used for that purpose.

### 1.25.2 Existing Non-complying Buildings and Lots

1. A **lot** in existence prior to the **effective date** of this **by-law** that does not meet the minimum **lot area** or lot frontage requirements of the applicable area is permitted to be used and **buildings** and **structures** thereon be erected, enlarged, rebuilt, repaired, or renovated, provided the use conforms with this **by-law** and the **buildings** and **structures** comply with all other provisions of this **by-law**.

2. A non-complying **building** or **structure** which existed legally prior to the **effective date** of this **by-law** may be enlarged, repaired, renovated, or reconstructed, provided that the enlargement, repair, renovation, or reconstruction does not further encroach into a required **yard**. Additional review and permit approval may be required at the discretion of the **Approval Authority**.

## 1.26 Allocation of Municipal Parking

1. Where a **development** proposal would acquire **existing** municipal public parking to **erect a building** or **structure**, applicants shall enter into an agreement with the **Town** to secure and/or allocate public parking within the **parking areas** or **parking structures** provided through the **development**.

INTERPRETATION

2.0

- 2.1 Interpretation
- 2.2 Legislation
- 2.3 Conflict
- 2.4 Downtown Mixed-Use Zone
- 2.5 Site Specific Exemptions
- 2.6 Figures, Diagrams, and Images
- 2.7 Defined Terms
- 2.8 Rounding



## 2.1 Interpretation

1. The interpretation rules set out in Section 2.0 apply to all **by-law** provisions herein, unless the text of the **by-law** expressly states otherwise.

## 2.2 Legislation

1. Wherever legislation is referenced in this **by-law**, the reference is meant to include all applicable amendments to the legislation and successor legislation thereto, as well as all regulations or other secondary legislation that is passed in accordance with the referenced statute.

## 2.3 Conflict

1. In the event of any conflict between this **by-law** and any other by-law passed by the Town, the more restrictive provision prevails unless applicable law requires otherwise.

## 2.4 Downtown Mixed-Use Zone

1. This **by-law** establishes the following zone and places all lands subject to this **by-law** in the following zone:
  - DMU - Downtown Mixed-Use

### 2.4.1 Downtown Mixed-Use Zone

1. When determining the boundary of the Downtown Mixed-Use zone, as shown on Schedule A, the following provisions shall apply:

- a) Where the boundary is indicated as approximately following the edge of a **lane** allowance, the historic centre line of the **lane** shall be deemed to be the precinct boundary;
- b) Where the boundary is indicated as approximately following a **lot line** other than a **street line**, the **lot line** shall be deemed to be the precinct boundary;
- c) Where a public authority has expropriated part of a **lot** for the widening of a **street**, the boundary shall move such that it corresponds to the location of the new **lot line**; and
- d) Where none of the above provisions apply, the boundary or overlay boundary is to be scaled from Schedule A.

### 2.4.2 Downtown Mixed-Use Zone Citations

1. The citations will be described as a letter or a group of letters and labeled on the Schedule(s) of this **by-law**. The citations may be followed by a number, a suffix, or a number and a suffix. A prefix may be applied before the citation.

## 2.5 Site Specific Exemptions

1. Where a symbol shown on the Schedule(s) of this **by-law** contains a number, the number represents a site-specific provision that applies to the lands noted.
2. The regulations of the site-specific provision supersede any inconsistent regulations in the remainder of this **by-law**.

## 2.6 Figures, Diagrams, and Images

- Figures, diagrams, and images in this **by-law** are for convenience of reference only, and do not form an operative part of this **by-law** and are not considered to be an integral part of this **by-law**.

## 2.7 Defined Terms

- Bolded terms are defined in Section 4.0 of this **by-law**. Defined terms are intended to capture both the singular and plural forms of these terms. For non-bolded terms, the grammatical and ordinary meaning of the word applies.

## 2.8 Rounding

- Unless otherwise states, the following shall apply in determining the rounding digit:
  - For a provision shown as a whole number, the rounding digit is the first whole number left of the decimal place;
  - For a provision shown to the first decimal place, the founding digit is the first digit right of the decimal place; and
  - For a provision shown to the second decimal place, the rounding digit is the second digit right to the decimal place.

- Unless otherwise stated, the following rules for rounding shall apply:
  - Rule One: Determine your rounding digit and look to the digit right of it. If that digit is 0, 1, 2, 3, or 4, do not change the rounding digit and discard all digits that are right of the rounding digit. This is rounding down.
  - Rule Two: Determine your rounding digit and look to the digit right of it. If that digit is 5, 6, 7, 8, or 9, add one to the rounding digit and discard all digits that are right of the rounding digit. This is rounding up.
  - For either Rule One or Rule Two, if there is no digit right of the rounding digit, it is not necessary to round the number.

Table 2.1: Rounding Example

When Rounded to the:	25.368	25.504	25.967
<b>First Whole Number</b>	25	26	26
<b>First Decimal Place</b>	25.4	25.5	26.0
<b>Second Decimal Place</b>	25.37	25.50	25.97

## GENERAL PROVISIONS

3.0

- 3.1 Variations to General Provisions
- 3.2 Accessory Buildings and Structures
- 3.3 Additional Residential Units
- 3.4 Central Air Conditioning and Heat Pumps
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- 3.23 Design
- 3.24 Private Parkland and Parkettes
- 3.25 General Provisions Notwithstanding Clause
- 3.26 Consideration for Town Policies



### 3.1 Variations to General Provisions

1. Any variations to a general regulation as outlined in Section 3.0 will be classified as Class 2 variations, subject to the review of the **Approval Authority**, and will require a Community Planning Permit Application, unless otherwise noted.

### 3.2 Accessory Buildings and Structures

1. The following regulations shall apply to **accessory buildings** and **accessory structures**:
  - a) No **accessory buildings** or **structures** shall be used for human habitation, except as provided for in Section 3.3;
  - b) An **accessory building** or **structure** shall be prohibited from the **front yard**;
  - c) An **accessory building** or **structure** may be located in a **yard** other than a **front yard** or required **exterior side yard** on a lot provided that:
    - a) The **accessory building** or **structure** is setback 1.0 meter from any **lot line**;
  - d) The maximum **lot coverage** for an **accessory building** or **structure** shall not exceed 7.5 per cent;
  - e) The maximum total **ground floor area** of all **accessory buildings** or **structures** is 34.5 square meters;
  - f) The maximum **height** of an **accessory building** or **structure** is 3.5 meters; and
  - g) An **accessory building** or **structure** shall be detached from the principal building.

### 3.3 Additional Residential Units

1. **Additional residential units** shall only be permitted in a **townhouse dwelling unit**.
2. The following provisions shall apply to **additional residential units**:
  - a) Parking space for **additional residential units** may be provided as a **tandem parking space** in the **driveway** at a one-to-one rate;
  - b) The **additional residential unit** shall be connected to municipal sanitary services and municipal water services; and
  - c) The maximum number of **additional residential unit** permitted on a lot is 2.0.
3. Notwithstanding subsection 1 and 2 of Section 3.3, an **additional residential unit** shall be permitted on any **existing legal non-conforming lots** with a **detached building** or **semi-detached buildings**.
4. Notwithstanding subsection 1 and 2 of Section 3.3, a maximum of 2 **additional residential units** shall be permitted on **lots** with **legal non-conforming detached building** and **semi-detached buildings**.

### 3.4 Central Air Conditioning and Heat Pumps

1. Notwithstanding the provisions of Section 3.2, in the Downtown Mixed-Use Zone:
  - a) Central air conditioners and/or heat pumps shall only be permitted in **rear yard** and **side yards** for **townhouse dwelling units** and set back from any sidewalks and appropriately screened, as determined by the **Director**.

- b) Central air conditioners and/or heat pumps in **mixed-use buildings** and **apartment buildings** shall be roof mounted and appropriately screened, as determined by the **Director**.

### 3.5 Rooftop Mechanical Equipment

1. Notwithstanding the provisions of Section 3.2 in the Downtown Mixed-Use Zone:
  - a) **Rooftop mechanical** equipment shall be set back a minimum of 3.0 meters from the building edges;
  - b) **Rooftop mechanical** equipment shall not exceed a height of 3.0 meters, except elevator penthouses, which shall not exceed 5.0 meters; and
  - c) **Rooftop mechanical** equipment shall be screened with solid screening design to complement materials used for the building's façade(s).

### 3.6 Outdoor Storage

1. An **outdoor storage area** is not permitted in any part of the Downtown Mixed-use Zone.

### 3.7 Garbage Storage

1. No garbage or refuse shall be stored on any **lot** except within the **building** or **structure** on such **lot** or in a container in the **rear yard** of such **lot**.
2. All garbage or refuse storage area shall be screened from any street and from any adjacent **lot**.

### 3.8 Outdoor Patios

1. An **outdoor patio** must be combined with one of the following uses and be located on the same **lot** or an abutting **lot**:
  - a) Club;
  - b) Restaurants; and
  - c) Retail Store.
2. Notwithstanding the provisions in this **by-law**, the following shall apply to an **outdoor patio** of a restaurant or licensed establishment:
  - a) **Outdoor patios** located in the **front yard** shall be enclosed by a fence with a maximum height of 1.2 meters above surface of the patio floor;
  - b) **Outdoor patios** located in the **interior side yard**, **exterior side yard**, or **rear yard** shall be enclosed by a fence with a maximum height of 2.5 meters above the surface of the patio floor; and
  - c) **Outdoor patio** spaces shall be setback a minimum of 1.0 meter from any loading space, parking space, parking aisle, or driveway.
3. An **outdoor patio** may be used to provide entertainment such as performances, music, and dancing, provided that the **outdoor patio** is not located above the first storey of the **building**.

### 3.9 Affordable Housing

1. A minimum of 25 per cent of all new residential **development** within this **by-law** area shall meet the definition of **affordable dwelling units**.

2. **Affordable dwelling units** shall be provided for a minimum of 25 continuous years, commencing on the date that a tenant first occupies the **affordable dwelling unit**.
3. **Affordable dwelling units** shall be similar to market units in the **development** in terms of mix, type, and size.
4. Notwithstanding subsection 1, 2 and 3 of Section 3.9, **affordable dwelling units** shall not be required with respect to a:
  - a) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **long-term care home** inclusive of a **group home** within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*;
  - b) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **retirement home** within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*; and
  - c) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **hospice** to provide end-of-life care.

## 3.10 Community Levy

1. All new **developments** are anticipated to provide a Community Levy in lieu of a Community Benefits Charge, at the rate outlined in Table 1.3.

2. Notwithstanding the provision above, a Community Levy shall not be required with respect to a:
  - a) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **long-term care home** inclusive of a **group home** within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*;
  - b) **Development** or a change in **use** of a **building** or **structure** intended for **use** of as a **retirement home** within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;
  - c) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **hospice** to provide end-of-life care;
  - d) **Development** or change in **use** of a **building** or **structure** intended for **use** by any of the following **post-secondary** institutions for the objects of the institution:
    - i. A university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
    - ii. A college or university federated or affiliated with a university described in subparagraph (i); or
    - iii. An Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*.

- e) **Development** or a change in **use** of a **building** or **structure** intended for **use** as residential **premises** by any of the following entities:
  - i. A corporation to which the *Not-for-profit Corporations Act, 2010* applies, that is in good standing under the Act and whose primary objective is to provide housing;
  - ii. A corporation without share capital to which the *Canada Not-for-profit Corporations Act, 2009*, applies, that is in good standing under that Act and whose primary objective is to provide housing; or
  - iii. A non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act, 1990*.
- 3. Where **development** proposes multiple **uses** within a building and the owner has provided satisfactory evidence to the **Director**, or **Approval Authority**, that it includes one or more of the excluded types of **development** or change in **use** described in subsection 2 of Section 3.10, a Community Levy otherwise payable for the **development** will be reduced by an amount attributed by the **Town** to the excluded type of **development** or change in **use**.

## 3.11 Lot Frontage

- 1. No person shall **erect** or use any **building** or **structure** in the **by-law** area unless the **lot** upon which such **building** or **structure** to be erected fronts upon a **public street** or **private street**, or has legal access to a **public street**.

## 3.12 Bedrooms

- 1. With the exception of a bedroom(s) identified on a building permit, the **use** or conversion of any **habitable floor space** in whole or in part as a bedroom shall be prohibited except where a Community Planning Permit amendment is obtained from the **Town** authorizing such use in accordance with applicable law.

## 3.13 Home Occupations

- 1. **Home occupations** may be permitted in **townhouse buildings**, **apartment buildings**, and **mixed-use buildings** in compliance with the following regulations:
  - a) It shall be conducted entirely within the **dwelling unit** or permitted **accessory building** or **structure**;
  - b) The property is the principal residence of the person carrying on the **home occupation** use;
  - c) There shall be no mechanical equipment used or stores except where originally used for domestic purposes;
  - d) No more than one person not resident in the **dwelling unit** shall be employed in the **home occupation**;
  - e) A **home occupation** shall be clearly secondary to the main residential use of a **building** and shall not change the residential character of a **dwelling unit**;
  - f) No outside storage of goods, materials, equipment, or service **vehicles**, such as trailers and commercially licensed vehicles related to the **home occupation** use, shall be permitted;

- g) An adequate water supply and sewage disposal facilities are available for the **home occupation**, and the requirements of the *Ontario Building Code* are satisfied;
- h) Not more than 25 per cent of the **gross floor area** of the **dwelling** shall be used for the purpose of **home occupation** use, and in no case shall the **home occupation** exceed 45 square meters; and
- i) Where a **townhouse building** contains an **additional residential unit** and is permitted to have a **home occupation**, the **home occupation** shall be permitted in only one unit.

### 3.14 Bed and Breakfast

- 1. **Bed and breakfast** establishments shall be prohibited in:
  - a) **Apartment buildings**;
  - b) The residential units of a **mixed-use building**; and
  - c) **Stacked townhouse buildings**.
- 2. All **bed and breakfast** establishments are subject to the Town's Short-Term Rental By-law.

### 3.15 Accessibility

- 1. All **dwelling units** shall conform with the Town's accessibility policies, including those outlined in the **Official Plan**, as amended.

### 3.16 Amenity Area

- 1. Any proposed **development** with more than 20 **dwelling units** shall provide a minimum **amenity area** of 3.0 square meters per **dwelling unit** on the same **lot** for which it is required.
- 2. **Apartment buildings** and **mixed-use buildings** shall provide a minimum **amenity area** of 3.0 square meters per **dwelling unit**, provided a minimum of 50% of the required **amenity area** is provided as an interior amenity space.
- 3. Any **landscaped open space** provided through a **development** shall be included as part of the **amenity areas** of a **development**.
- 4. Rooftop **amenity areas** for **apartment buildings** or **mixed-use buildings** shall be located a minimum of 2.0 meters from the roof edge facing an **interior side yard**.
- 5. Notwithstanding the provisions above, the **Director**, or **Approval Authority**, may consider alternative **amenity area** requirements determined as appropriate for the **development**.

### 3.17 Landscaped Open Space and Buffers

- 1. **Multi-unit developments** are encouraged to provide an un-obstructed **landscaped open space** solely for supporting tree plantings, shrubs, flowers, grass, or other such vegetative elements, where possible.
- 2. **Landscaped buffers** are intended for screening purposes, in accordance with the following provisions:
  - a) A minimum 3.0 meter wide continuous **landscaped buffer** for any **side yard** and **rear yard** that as a frontage of 15.0 meters or more.

- b) A minimum 2.0 meter wide continuous **landscaping buffer** for any **side yard** and **rear yard** that is less than 15.0 meters.
- 3. Notwithstanding the policies of subsection 2 of Section 3.17, **developments** that have an **existing** 0 meter setback shall not be required to provide **landscaping buffers**.

### 3.18 Daylight Triangles

- 1. On any first storey of a corner lot, no fence, hedge, shrub, bush or tree or any other structure or vegetation shall be **erected** or permitted to grow to a height greater than 1.0 metre above the grade of the streets that abut the **lot** within the **daylight triangle** area enclosed by the intersecting **street lines** for a distance of 6.0 meters from their point of intersection.

### 3.19 Ground-Related Residential Units

- 1. Where **townhouse buildings** are proposed along the side streets of the Downtown Mixed-use Zone, the ground floor shall be elevated a minimum of 1.0 meter.
- 2. Where a front porch is proposed and encroached into the required minimum setback, the front porch shall be elevated and set back a minimum of 2.0 meters from the sidewalk and partially screened with a low wall, metal rail, or coniferous hedge for privacy, in accordance with the **Town's** Fence and Pool Enclosure By-law, as amended.

### 3.20 Mid Block Pedestrian Connections

- 1. New **developments** are encouraged to incorporate mid block pedestrian connections to provide additional public realm frontage for shops, **restaurants**, and other businesses. Mid block pedestrian connections are encouraged west and east of Yonge Street and along internal blocks.
- 2. Mid block pedestrian connections shall be a minimum of 8.0 meters wide where new **developments** are proposed.
- 3. New **developments** and **redevelopments** should frame and enliven mid-block pedestrian connections with storefronts, grade-related residential units, and/or other active uses.

### 3.21 Laneways

- 1. Rear lanes shall be **developed** to reduce the need for private **driveways**.
- 2. **Developments** adjacent to areas identified as part the land required for the laneway connection shall implement the laneway connections in conjunction with **development**.

### 3.22 Heritage Buildings

- 1. Any **development** on a **designated heritage buildings** shall fully comply with the respective heritage designation by-law for the property.

## 3.23 Design

1. To ensure compatibility with the existing character of the Downtown, **developments** shall demonstrate consideration to the general urban design and architectural policies outlined in the Town of Aurora Official Plan, as amended.
6. Windows should be vertically aligned from floor-to-floor and horizontally aligned with the neighbouring **designated heritage buildings**.
7. Architectural articulation and details and the pallet of materials and colours should be chosen to respond to the existing **designated heritage buildings** and respect the established physical character of the streetscape.

### 3.23.1 Building Design

1. Building façades should have detailed architectural articulation to create visual interest along the street and public realm through colour and material variations, windows, changes in roof line, projecting and recessing wall surfaces, lighting and signage and other architectural elements and detailing such as cornices, dormers, columns, and pilasters.
2. **Developments** should respect the pattern of façade division by ensuring the horizontal and vertical architectural orders are aligned with neighbouring **designated heritage buildings**.
3. **Developments** with façades that overlook streets, and the public realm should include entries and a sufficient amount of windows that are proportionate to the size of the façades and consistent with the established pattern of the block.
4. Side façades and rear façades visible from the street should have windows, materials, and other architectural details consistent in character and quality with the front façade.
5. False windows, heavily tinted windows, or windows that are covered by signage, photos, or advertising are discouraged.

### 3.23.2 Building Materials

1. **Building** materials should complement the established physical character of the Downtown streetscape.
2. **Developments** should utilize long-lasting, high-quality building materials, such as brick, stone, and wood, which are long lasting and wear well with age.
3. **Developments**, whenever possible, should source local materials with low embodied carbon across the construction lifecycle.
4. **Building** materials that mimic other materials, or which deteriorate quickly and does not have a long lifespan, are not durable and prone to weathering are strongly discouraged, especially where visible from streets and public spaces. This includes materials like, but not limited to, stucco, vinyl siding, plywood, concrete block, metal siding, embossed face brick panels, and darkly tinted and mirrored glass.
5. In general, **building** materials should be chosen for their functional and aesthetic quality, and exterior finishes should exhibit quality of workmanship, sustainability, and ease of maintenance.

6. **Developments**, whenever possible, should employ a hierarchy of materials with solid or “heavier” materials located within the lower building to visually anchor the building.

### 3.23.3 Storefront Design and Materiality

1. In addition to Section 3.23.1 and Section 3.23.2, storefronts shall also adhere to the following provisions:
  - A storefront shall have a minimum frontage of 4.5 meters and a maximum of 15.0 meters;
  - A storefront with a frontage greater than 7.5 meters should articulate narrow storefronts in the design of the façade;
  - Storefronts shall have a high-level of transparency, with a minimum of 75 per cent glazing to maximize visual animation;
  - Clear glass should be used for wall openings (e.g., windows and doors) along the street-level façade; and
  - On corner sites, storefronts shall address both street frontages through entries and/or glazing.
2. Commercial signage on storefronts shall be in accordance with the provisions outlined in the **Town's Sign By-law** and **Sign Permit** requirements and adhere to the following provisions, to the satisfaction of the **Town**:
  - Signage shall not feature any backlighting or neon lighting;
  - Signage shall be constructed with raised lettering; and
  - Signage shall be illuminated externally by gooseneck lighting.

## 3.24 Private Parkland and Parkettes

1. Private parklands and parkettes or parkland dedication fees may be required as part of conditional approvals for all Community Planning Permit application class.
2. Private parklands and parkettes considered as part of the parkland dedication requirement must allow for an easement for public access. All private parklands and parkettes shall be designed and maintained by the owner, to the satisfaction of the **Town**.
3. Private parklands and parkettes must be of a high quality of design and developed to recognize their unique function and their surrounding context.
4. The inclusion of seating, planting areas, public art, and other visual amenities are strongly encouraged.
5. Notwithstanding the provisions above in this section, private parkland and parkettes shall not be required, but are highly encouraged, with respect to:
  - Development** or a change in **use** of a **building or structure** intended for **use** as a **long-term care home** inclusive of a **group home** within the meaning of subsection 2(1) of the *Long-Term Care Homes Act, 2007*;
  - Development** or a change in **use** of a **building or structure** intended for **use** as a **retirement home** within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;

- c) **Development** or a change in **use** of a **building** or **structure** intended for **use** as a **hospice** to provide end-of-life care;
- d) **Development** or change in **use** of a **building** or **structure** intended for use by any of the following **post-secondary institutions** for the objects of **the** institution:
  - i. A university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario;
  - ii. A college or university federated or affiliated with a university described in subparagraph (i); or
  - iii. An Indigenous Institute prescribed for the purposes of Section 6 of the *Indigenous Institutes Act, 2017*.
- e) **Development** or a change in **use** of a **building** or **structure** intended for **use** as residential premises by any of the following entities:
  - i. A corporation to which the *Not-for-profit Corporations Act, 2010* applies, that is in good standing under the Act and whose primary objective is to provide housing;
  - ii. A corporation without share capital to which the *Canada Not-for-profit Corporations Act, 2009*, applies, that is in good standing under that Act and whose primary objective is to provide housing; or
  - iii. A non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act, 1990*.

- f) **Place of worship**; and
- g) **Public hospitals**.

### 3.25 General Provisions Notwithstanding Clause

- 1. Notwithstanding the Section above, the **Director**, or **Approval Authority**, may consider alternative requirements and variations determined as appropriate for the **development**.

### 3.26 Consideration for Town Policies

- 1. All **developments** shall demonstrate consideration for all **Town** guidelines and policies, including but not limited to urban design and architectural policies, community energy guidelines, and parkland dedication criteria to the satisfaction of the **Approval Authority** prior to the Community Planning Permit issuance.

## DEFINITIONS

4.0

**A****Accessory Building or Structure**

A detached **building or structure** which is naturally and normally incidental, subordinate, and exclusively devoted to the **principal use or building** which is located on the same **lot**.

**Additional Residential Unit**

A self-contained residential **dwelling unit**, with its own cooking facility, sanitary facility and sleeping area, and that it is located either within the principal dwelling, or within an **accessory building or structure** on the same **lot** as the principal dwelling.

**Amenity Area**

An area which is designed and intended to be used as a passive or an active recreational space for the residents of a **dwelling unit** and may include a private outdoor living area.

**Approval Authority**

The **Director** of Planning and Development Services of the Town, or their designate, and any successor position thereto or the **Council** of the Corporation of the Town of Aurora.

**Art Gallery**

A **premise** used for any combination of the preservation, production, exhibition, or sale of sculptures, paintings, photographs, or other works of art.

**B****Balcony**

A raised, unenclosed, or partially enclosed platform projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing, and is only directly accessible from within a **building**.

**Bedroom**

A habitable room within a **dwelling unit** that is not:

- a) An area used for sanitary purposes;
- b) An area used for cooking purposes;
- c) An area occupied by mechanical equipment(s);
- d) A common area space;
- e) A circulation space;
- f) A room without a window or alternative source of natural light;
- g) A room with less than six (6) square meters in area where there are built-in cabinets and or closets; and
- h) A room with less than seven (7) square meters in area where there are no built-in cabinets and or closets.

**Basement**

The portion of a **building** below the **first storey**.

## Bed and Breakfast

A **dwelling unit** wherein not more than three (3) rooms are rented for accommodation of the travelling public on a temporary basis with or without meals.

## Building

Any **structure**, regardless of size, whether temporary or permanent, consisting of a wall, roof, and floor, or a structural system serving the function thereof, and every part of the structure is attached thereto.

## Building, Apartment

A **building** containing four (4) or more **dwelling units** which units are connected by a common corridor or vestibule and have a common entrance from the street level.

## Building, Mixed-Use

A **building** containing one (1) or more **dwelling units** and one (1) or more non-residential uses other than **home occupations** and **parking spaces**.

## Building Height

The vertical distance measured between the average **finished grade** of a building and the top of such building, and:

- a) On a flat roof or a **structure** with no roof, the highest point of the **structure**, roof surface or the parapet, whichever is the greater;
- b) On any sloped roof, the mean distance between the eaves and ridge of a roof.

## Building Line

A line lying within a **lot** drawn parallel to a **lot line** for the purpose of establishing the minimum front yard **setback**.

## By-law

This Downtown Community Planning Permit By-law and any amendments thereto including any and all schedules forming any part of this **by-law**.

## C

## Clinic

A **building** or part thereof used by medical practitioners, dentists, osteopaths, physicians, or drugless practitioners, having treatment rooms and facilities for two (2) or more practitioners to provide diagnosis and treatment to patients but which does not provide overnight accommodations.

## Club

A **premise** used by members and guests of members of nonprofit and non-commercial organizations for community, social, or cultural purposes, but does not include **uses** that are carried out as a commercial enterprise.

## Council

The **Council** of the Corporation of the Town of Aurora.

## D

### Day Care Centre

A licensed premises used for the provision of temporary care or supervision of children, for a continuous period not exceeding 24 hours, in accordance with the *Child Care and Early Year Act*, 2014, as amended.

### Day Care, Private Home

A home occupation providing temporary care or supervision of children, for a continuous period of time not exceeding 24 hours, including licensed day care in accordance with the *Child Care and Early Years Act*, 2014, as amended.

### Daylight Triangle

An area open and clear to the sky which area is to be determined by measuring, from the point of intersection of **street lines** on a corner lot, the distance required by this **by-law** along each such **street line** and joining such points with a straight line. The triangular-shaped land between the intersecting **street lines** created by the straight line joining the points at the required distance along the **street lines**.

### Designated Heritage Property

A **building or structure** that is designated by the Town under Part IV of the Ontario Heritage Act or within a Heritage Conservation District designated under Part V of the Ontario Heritage Act.

### Development

Any action that results in the creation of a new lot, a change in land **use**, or the construction of **buildings** and **structures**, requiring approval under the *Planning Act*, but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment, *Planning Act*, or *Condominium Act* process; or
- b) Works subject to the *Drainage Act*.

### Director

The Director of Planning and Development Services of the Town, or their designate, and any successor position thereto.

### Dormitory

A **building or structure** or part thereof consisting of **dwelling units** or lodging accommodations used for the housing of students, and/or staff with common facilities for the preparation and consumption of food and common **amenity area**.

### Drive-Through Facility

A **building or structure** or part thereof where goods, food, or services are offered to the public within a parked or stationary **motor vehicle** by way of a service window or kiosk, where goods, money, or materials are exchanged in a designated stacking lane.

## Driveway

A vehicular accessway provided between the property line and a **parking space**, **parking area**, or loading area, **garage**, or between two **parking areas**.

## Dry-Cleaning Distribution Station or Depot

A **premise** used for the receiving, and delivery of articles or goods of fabric to be cleaned in a **dry-cleaning establishment**.

## Dry-Cleaning Establishment

A **building** where dry cleaning, dry dyeing, cleaning, or pressing of articles or fabric by means of dry-cleaning machines or units and may include a **laundromat**.

## Dwelling Unit

One (1) or more rooms used or intended to be used by one or more persons as a single, independent, and separate housekeeping establishment subject to the following conditions:

- a) Food preparation and sanitary facilities are provided for the exclusive use of such person or persons; and
- b) There is a private entrance to the **dwelling unit** from outside the **building** or from a common hallway or stairway inside the **building**.

## Dwelling Unit, Affordable

In the case of ownership housing, **affordable dwelling units** are housing for which the purchase price results in annual accommodation costs not exceeding 30% of gross annual household income for low- and middle-income households as identified by the Canada Mortgage and Housing Corporation, or any successor thereof.

In the case of rental housing, **affordable dwelling units** are units for which the rent is at or below 125% of the average market rent of a unit in the regional market area, by bedroom types, as identified by the Canada Mortgage and Housing Corporation, or any successor thereof.

## Dwelling Unit, Back-to-Back Townhouse

A **building** that is divided vertically into six (6) or more **dwelling units** by a common rear wall each of which has an independent entrance directly to an outside yard area adjacent to the said dwelling unit.

## Dwelling Unit, Cluster Townhouse

A **building** that is divided vertically into three (3) or more **dwelling units** on a **lot** in such a way that at least one (1) **dwelling unit** does not have legal frontage on a **street**.

## Dwelling Unit, On-street Townhouse

A **building** that is divided vertically into three (3) or more **dwelling units**, where each **dwelling unit** is located on a separate **lot** and has legal frontage on a **street**.

## Dwelling Unit, Stacked Townhouse

A **building** that is divided vertically and/or horizontally into three (3) or more **dwelling units**, each of which has independent entrances from the exterior.

## Dwelling Unit, Townhouse

A **building** that is divided vertically into three (3) or more **dwelling units**, each of which has independent entrances to a **front yard** and **rear yard** immediately abutting the front wall and rear walls of each **dwelling unit**.

## E

### Effective Date

The date on which this **by-law** was passed by **Council**, or in the case of any part of this **by-law** which, on appeal, is amended by an order of the Ontario Land Tribunal pursuant to Section 34(26) of the *Planning Act*, on the day of coming into force of such order.

### Erect

To build, construct, reconstruct, alter, or relocate, any **existing building or structure** and includes excavating, grading, piling, cribbing, filling, shoring, draining, and any preliminary physical operation on a **lot**.

### Existing

**Existing** as of the date of the final passage of this by-law.

## F

### Financial Institution

A **premise** where financial transactions including the borrowing, depositing, enhancing of current and credit occurs, and includes an automated banking machine.

### Finished Grade

The average elevation of the finished surface of the ground, excluding any artificial embankment, immediately adjoining the base of the exterior walls or supports of a **building or structure**.

### Fitness Centre

A **premise** operated for gain or profit, where facilities and activities are provided to obtain physical fitness and includes weightlifting and exercise equipment, and may include exercise classes, personal fitness training and associated facilities such as lounge facilities, sauna, and office space.

### Floor Area, Gross

The floor area of a **building** measured from the center line of partition walls and from the exterior face of outside walls.

## G

### Garage

An enclosed, detached **accessory building or structure** or an enclosed portion of a residential **building** being used for the parking of **motor vehicles**.

## Green Roof

An extension of an above grade roof on top of a **building** or **structure**, which allows vegetation to grow on top. **Green roofs** may act as a common **amenity area** while also providing a stormwater function and other environmental benefits.

## Group Home

A **premise used** for specialized or group accommodation for residents with 24-hour supervision that is licensed, approved, or supervised by the Province of Ontario under a general or specific Act, but does not include a day care centre.

## Guest Suite

A unit within a principal dwelling which contains no facilities for cooking and is used for the purpose of providing temporary accommodation to guests of the residents/tenants of the dwelling unit and excludes **bed and breakfast, hotels, and group homes**.

## H

## Habitable Floor Space

An area in a residential or **mixed-use building** or the like, including a **hotel** or **bed and breakfast**, which is designed to be **used** for living, sleeping, or the preparation of food.

## Home Occupation

An occupation which is conducted as an additional use carried out within a residential dwelling unit by a person who is the occupant of such dwelling unit.

## Hospice

A **premise** where terminally ill patients receive palliative care treatment in a home-like setting.

## Hospital

Any institutions, **building**, or other **premises** established for the maintenance, observation, medical care, and supervision and skilled nursing care of persons afflicted with or suffering from sickness, disease, or injury for the convalescent or chronically ill persons under *The Private Hospital Act, 1990*, as amended, or *The Public Hospitals Act, 1990*, as amended.

## Hotel

A **premise** which offers transient lodging accommodations on a daily rate to the general public, and includes a motel. A **hotel** does not include a **bed and breakfast**.

## Hydro Corridor

The land that is **used** for the transmission and distribution of electricity.

## L

**Landscaped Buffer**

An area of land consisting of soft landscaping such as grass, flowers, trees, and shrubbery, and can include a fence.

**Landscaped Open Space**

Land that contributes towards stormwater management, tree canopy cover, and biodiversity by being used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation, and native species.

**Lane**

A right-of-way not intended for general traffic circulation that provides **motor vehicle** access to abutting **lots** but does not include a **private street** or **public street**.

**Laundromat**

A **premise** used for the cleaning of articles or goods made of fabric by means of laundry machines using only water and non-toxic detergents and includes a self-service laundry and a laundry receiving depot.

**Licensed Established**

A **premise**, including restaurants and nightclubs, that sells, provides, or serves, liquor, wine, spirits, beer, and any combination thereof pursuant to a license issued by the Alcohol and Gaming Corporation of Ontario or a successor agency/board thereto.

**Library**

A **building**, **structure**, or part thereof, operated by or on behalf of a **public authority**, containing materials in various mediums for study, reference, and reading.

**Loading Space**

An area, whether interior or exterior to a **building**, which is provided and maintained upon the same **lot** as a permitted **use** that is used for loading and unloading merchandise or materials.

**Long-Term Care Home**

A **premise** licensed regulated by the *Ontario Long-Term Care Homes Act, 2007*, as amended, that provides residential accommodations and a broad range of personal care, support, and health services to meet the physical, psychological, social, spiritual, and/or cultural needs of persons.

**Lot**

A parcel of land, the whole of which can be transferred without approval for consent or approval of a plan of subdivision, pursuant to the *Planning Act*.

**Lot, Corner**

A **lot** situated at the intersection of and abutting two (2) or more **streets** or two (2) parts of the same **street** provided that the angle of the intersection of such **streets** or parts thereof is not more than 135 degrees.

**Lot, Interior**

A **lot** other than a **corner lot** or a **through lot**.

**Lot, Through**

A **lot** bounded on two (2) opposite sides by **streets**.

**Lot Area**

The total horizontal area within the **lot lines** of a **lot**.

**Lot Coverage**

The percentage of a **lot** covered by all **buildings** and **structures**, but excluding decks attached to the **main building**, balconies, steps, and any part of a building which is completely below grade.

**Lot Depth**

The horizontal distance between the **front lot line** and **rear lot line** measured by a line joining the mid-points of the said **lot lines**.

**Lot Frontage**

The horizontal distance measured between the **side lot lines**, measured at a point 7.5 meters back from the intersection of the **side lot line** and the **front lot line**.

**Lot Line**

Any boundary of a **lot**.

**Lot Line, Exterior Side**

The **lot line** abutting a **street** that is not the **front lot line** or **rear lot line** on a **corner lot**.

**Lot Line, Front**

The **lot line** abutting a street, but, in the case of a **corner lot** with two **street lines** of equal length, the **lot line** which abuts the wider **street** shall be deemed to be the **front lot line**.

**Lot Line, Rear**

The **lot line** most opposite to the **front lot line**.

**Lot Line, Side**

Any **lot line** other than a **front lot line** or **rear lot line**.

**Lot Width**

The average horizontal distance between the **side lot line** measured at right angles to the defined line indicating **lot depth**.

**M****Main Building**

The **building** used for the **principal use** of a **lot**.

## Manoeuvring Space

An open space in a **parking area** which is immediately adjacent to a **parking space**, is used for and/or is necessary for turning, backing, or driving forward a **motor vehicle** into such **parking space** but is not used for the parking or storage of **motor vehicle**.

## Motor Vehicle

A vehicle that is propelled or driven by other than muscular power and includes automobiles, trucks and motorcycles, however, does not include railway cars or other vehicles running only upon rails, motorized snow vehicles, farm tractors, riding lawn mowers or road building machines. Motor vehicle also does not include a bicycle or any other device powered solely by means of human effort.

## Motor Vehicle Body Shop

A **premise** used for the repair and/or painting of the interior and/or exterior and/or the undercarriage of **motor vehicle** bodies.

## Motor Vehicle Rental Establishment

A **premise** used for the rental or hire of **motor vehicles**.

## Motor Vehicle Repair Garage

A **premise** used for the repair, maintenance and/or cleaning of **motor vehicles**, but does not include the sale of gasoline or a **motor vehicle body shop**.

## Motor Vehicle Service Station

A **building** or part of a **building** used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories, and the servicing and minor repairing essential to the actual operation of **motor vehicles**.

## Motor Vehicle Sales Establishment

A **premise** where new and/or used **motor vehicles** are kept for display, lease or sale, and may include an associated **motor vehicle repair garage**.

## Motor Vehicle Washing Establishment

A **building** or part thereof used for the operation of automobile washing equipment which is automatic, semiautomatic, manually and/or coin operated.

## Multi-Unit Development

Two or more residential **buildings** on the same lot but does not include an **accessory structure used** as a separate residential dwelling.

## Museum

A **premise** open to the public, in which a collection of objects illustrating science, art, history, and related types of information is kept for display and storage.

## N

### Non-complying

A **lot, building, or structure** that does not meet the requirements of this by-law for the by-law area in which the **lot, building, or structure** is located.

### Non-conforming

A **use** that does not conform to the permitted use provisions of this **by-law** for the **by-law** area in which such a **use** is located.

## O

### Office

A **premise** used for conducting the affairs of businesses, professions, services, agencies, governments or like activities.

### Official Plan

The Official Plan of the **Town**, as amended.

### Outdoor Display and Sales Area

An area of land, used in conjunction with a business located within a **building or structure** on the same lot, for the display or sale of products, merchandise or supply of services, but does not include a **motor vehicle sales or rental establishment**.

### Outdoor Patio

Any area outside of a **restaurant or licensed establishment used** or design to be **used** by their patrons.

### Outdoor Storage Area

An outdoor area used in conjunction with an established **use** located on the same **lot**, for the storage of goods, materials, machinery, and/or equipment.

## P

### Park

An area of public land consisting of **landscaped open space** or other open area which is **used** for active or passive recreation.

### Parking, Area

An area of land provided and maintained upon the same lot or lots as the principal use.

### Parking, Barrier Free

A **parking space** designed and signed for the exclusive use of **motor vehicles** pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*.

### Parking, Bicycle

Area for the purpose of parking and securing bicycles.

## Parking, Electric Vehicle

A publicly or privately-owned **parking space** that provides access to equipment that supplies a source of electricity for charging electric vehicles.

## Parking, Facility

A **premise**, other than a **street**, used for parking of **motor vehicles** for a fee.

## Parking, Parallel

A **parking space** with one (1) or more **parking spaces** that are parallel to and abutting a **street** or lane.

## Parking, Structured

A **building**, **structure**, or part thereof, used for the parking of **motor vehicles**.

## Parking, Surface

A **premise** with a portion of a **lot** at grade and open to the air that is used for parking of **motor vehicles**.

## Parking, Tandem

A **parking space** with two (2) or more **parking spaces** which are located one behind the other, where only one (1) **parking space** has direct access to the **street** or **lane**.

## Parking, Underground

A **structured parking** that is fully enclosed below grade.

## Parking, Visitor

A **parking space** for the exclusive use of visitors to the **building** and/or **structure**.

## Parking Space

A space for the parking of a single **motor vehicle**, which has adequate access to permit ingress and egress of a **motor vehicle** to and from the space by means of a driveway, aisle, manoeuvring area, or similar area.

## Personal Service Shop

A **premise** used for the aesthetic care of persons and similar services such as a barber shop, hair dressing shop, beauty salon, nail salon, spa, tailor, and shoe repair.

## Pet Services

A **premise** used for the aesthetic care, animal day care, or training facility of animals or birds intended for the use as domestic household pets. Animal day care will not include overnight accommodation.

## Place of Entertainment

A **premise** devoted to the offering of facilities for the entertainment of the public, including a cinema or theatre, auditorium, public hall, bowling alley, billiard hall, proprietary club, arcade or indoor play area.

## Place of Worship

A **premise** owned or occupied by a religious organization or congregation which is dedicated exclusively to worship, faith-based teaching, fellowship, and related social and community outreach.

## Premise

The whole or part of lands, **lots, buildings, structures**, places, or any part or combination thereof.

## Principal Use

The primary or predominant **use** of the **lot**.

## Parking, Structured

Any commission, committee, school board, department or agency of the Government of Canada, Province of Ontario, Regional Municipality of York, Town of Aurora, Lake Simcoe Regional Conservation Authority, Toronto Regional Conservation Authority, or the local hydro utility organization.

## Purpose-built Rental Housing

An **apartment building** or **mixed-use building** where the **dwelling units** are not a registered condominium pursuant to the Condominium Act, 1998, as amended, and which are intended for **use** as a rented residential **premise**.

## R

## Redevelopment

The removal of a **building** or **structure** from land and the construction of a new **building** or **structure** on the said land or the rehabilitation and renewal of an existing **building** or **structure**.

## Restaurant

A **premise** in which food and beverages are prepared and offered for retail sale to the public for consumption at tables within the **premise**, outside of the **building** on a patio, or as take-out and may include a licensed establishment but does not include a nightclub.

## Retail Store

A **premise** in which goods, wares, merchandise, substances, or articles are offered, rented, or kept for sale directly to the public.

## Retirement Home

A building or part thereof designed exclusively to accommodate retired persons or persons who require services in a semi-independent living environment, support and health services may be provided which may include medical care facilities, a **long-term care facility**, and accessory **uses** providing services to the residents.

## Rooftop Mechanical

An enclosed or partially enclosed area located on the roof of a **building** and containing equipment that functions to provide normal and everyday operation and maintenance of a **building**, and may include heating, cooling, ventilation, electrical, fire suppression, elevators, or stair towers.

## S

### School, Commercial

A **premise** operated as a school with teachings dedicated to a specialized skill, but shall not include a **private school**, **public school**, or **post-secondary school**.

### School, Post-Secondary

A public university or college and may include as an accessory use a **dormitory**, **restaurant**, **financial institutions**, or a **personal service shop**.

### School, Private

A school other than a **public school**, **post-secondary school**, or **commercial school**, supported by private means, where academic subjects are taught.

### School, Public

A public or separate school, a high school, a continuation school, a technical school, a college or university or any other school established by a **public authority** and operated on a non-profit basis.

## Service Shops

A **premise** whether conducted in conjunction with a **retail store** or not, used for servicing or repairing of personal items, electronics, and domestic appliances.

## Setback

The distance between a **lot line** and the nearest wall of any **building** or **structure**.

## Storey

The portion of a building that is situated between the top of any floor and the top of the floor next above it or situated between the top of the floor and the ceiling above the floor, if there is not floor above it.

## Storey, First

The **storey** that has its floor closest to grade and having its ceiling more than 1.8 meters above average **finished grade** adjacent to the exterior walls.

## Street, Private

A right-of-way or roadway providing access for **vehicles** to individual free hold **lots** and is maintained not by a **public authority** as a private road.

## Street, Public

A right-of-way or roadway that is **used** by **vehicles** and is maintained by a public authority but does not include a public **lane**.

## Street Line

The **lot line** dividing a **lot** from a **street** and is the limit of the **street** allowance.

## Structure

Anything that is erected, built, or constructed, permanently or temporarily, of parts joined together and affixed to the ground, but excludes fences, signs, and retaining walls.

## Studio

A **premise** used or dedicated to the pursuit or education of the arts or in which media broadcasts are produced.

## Supportive Housing

A non-profit institutional establishment providing counselling, assistance, physical therapy, rehabilitation, and temporary emergency shelter for the victims of domestic or marital conflict or physical assault.

## T

## Town

The Corporation of the Town of Aurora.

## U

## Use

The purpose for which land or a **building** is arranged, designed, or intended or for which either land or a **building** or **structure** is or may be occupied or maintained.

## V

## Veterinarian Clinic

A **premise** where domestic animals or birds, excluding livestock, are treated but not kept for overnight treatment or board.

## Y

## Yard

An open, uncovered space on a **lot** between the nearest wall of the main **building** and a **lot line**.

## Yard, Exterior Side

The **side yard** of a **corner lot** which **side yard** extends from the **front yard** to the **rear yard** between the **exterior side lot line** and the nearest wall of any **building** or **structure**.

## Yard, Front

A yard extending across the full width of a **lot** between the **front lot line** and the nearest wall of any main **building** or **structure** on the **lot**.

## Yard, Rear

A yard extending across the full width of a **lot** between the **rear lot line** and the nearest wall of any main **building** or **structure** on the **lot**.

## Yard, Side

A yard extending from the **front yard** to the **rear yard** of a **lot** between a **side lot line** and the nearest wall of any main **building** or **structure** on the **lot**.

## PARKING STANDARDS

5.0

- 5.1 Parking Dimension Requirements
- 5.2 Tandem Parking
- 5.3 Required Manoeuvring Space
- 5.4 Allocation of Municipal Parking
- 5.5 Parking Rates
- 5.6 Parking Space and Parking Area Requirements
- 5.7 On Street Parking
- 5.8 Ingress and Egress
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- 5.10 Bicycle Parking
- 5.11 Barrier Free Parking Spaces
- 5.12 Loading Spaces and Servicing Areas
- 5.13 Vehicles Prohibited in the DMU Zone
- 5.14 Drive-Throughs



## 5.1 Parking Space Dimension Requirements

1. One single **parking space** and **tandem parking space** shall have the following minimum dimensions:
  - a) Width of 2.7 meters;
  - b) Length of 5.3 meters;
  - c) Vertical clearance of 2.0 meters; and
  - d) The minimum width in (b) must be increased by 0.3 meters for each side of the **parking space** that is obstructed according to subsection 3 of Section 5.1.
2. One **parallel parking space** shall have the following minimum dimension:
  - a) Width of 2.7 meters;
  - b) Length of 6.5 meters;
  - c) Vertical clearance of 2.0 meters; and
  - d) The minimum width in (b) must be increased by 0.3 meters for each side of the **parking space** that is obstructed according to subsection 3 of Section 5.1.
3. The side of a **parking space** is obstructed if any part of a fixed object such as a wall, column, bollard, fence, or pipe is situated within 0.3 meters of the side of the **parking space** measured at right angles.

## 5.2 Tandem Parking

1. Where **tandem parking spaces** are permitted, it shall be considered as the required parking.
2. Notwithstanding the provisions of Section 5.3, **tandem parking spaces** do not require minimum **manoeuvring space**.

## 5.3 Required Manoeuvring Space

1. All single and **parallel parking spaces** shall have adequate provisions for **manoeuvring space** or **driveway** purposes as outlined in Table 5.1.

Table 5.1: Manoeuvring Space Requirements

Degree of Parking Space	Maneuvering Space
90-degree spaces	7.0 meters
60-degree spaces	4.2 meters
45-degree spaces	4.2 meters
Less than 45-degree spaces	3.6 meters

## 5.4 Allocation of Municipal Parking

1. See Section 1.26.

## 5.5 Parking Rates

1. Off street **parking spaces** must be provided for every **building** or **structure erected** or enlarged, in compliance with Table 5.2.
2. If there are multiple uses on a **lot**, the respective minimum **parking space** rates for each use on the **lot** shall apply, and the total number of **parking spaces** is the cumulative minimum total of all uses.
3. Notwithstanding the provisions above, the **Director**, or **Approval Authority**, may consider alternative parking rate requirements determined as appropriate for the **development**.

4. Where a **development** proposes reductions in required parking rate, the reductions are to be supported by the appropriate parking study in support of the proposal to the satisfaction of the **Town**.

## 5.6 Parking Space and Parking Area Requirements

1. All **parking spaces** and **driveways** shall be treated with a hard stable surface.
2. All **parking area** shall only be permitted in the **rear yard**, below grade, and/or in an above-grade **parking structure** that is integrated with other uses.
3. **Driveways** to any **parking area**, shall be defined by a curb of concrete or rolled asphalt.

Table 5.2: Parking Rate

Use	Minimum Parking Rate
Residential Requirement for a <b>Dwelling Unit</b> in an <b>Apartment Building</b> or a <b>Mixed-use Building</b>	None.
Residential Requirement for a <b>Dwelling Unit</b> in a <b>Townhouse</b>	1.0 for each <b>Townhouse</b> unit.
Residential Requirements for an <b>Additional Residential Unit</b>	1.0 for each <b>additional residential unit</b> <sup>1</sup> .
Requirement for <b>Long-term Care Home, Group Home, Supportive Housing, Retirement Home, or a Hospice Care Home/Facility</b>	0.5 for each <b>dwelling unit</b> .
Requirement for all non-residential uses	3.5 for each 100 square meter of <b>gross floor area</b> .
<b>Electric Vehicle Parking</b> Requirement for a <b>Dwelling Unit</b> in an <b>Apartment Building</b> or a <b>Mixed-use Building</b>	A minimum of 20 per cent of the total number of <b>parking spaces</b> provided must be Level 3 <b>Electric Vehicle Parking</b> ready, if <b>parking spaces</b> are provided.
<b>Electric Vehicle Parking</b> Requirement for all non-residential uses	A minimum of 10 per cent of total number of required <b>parking spaces</b> provided must be Level 3 <b>Electric Vehicle Parking</b> ready.
<b>Visitor Parking</b> Requirement for a <b>Dwelling Unit</b> in an <b>Apartment Building</b> or a <b>Mixed-use Building</b>	A minimum of 5 per cent of the total number of <b>parking spaces</b> provided or 0.1 per unit if no <b>parking</b> is provided for residents.

<sup>1</sup> Tandem parking is permitted.

4. Where a **parking area** has capacity for five or more cars, or a **driveway** serves a **multi-unit development**, no **parking space** manoeuvring area and/or **driveway** within a **rear yard** shall be closer to any wall of a **building** than 1.5 meters.
5. Where any side of a **development** fronts on Yonge Street, Wellington Street, or an open space, no **driveways** shall be permitted to onto Yonge Street, Wellington Street, or an open space.
6. All **parking spaces** for non-residential use must be clearly indicated and marked.
7. All above-grade **parking structures** should be screened or lined with other permitted uses to minimize the visual impact.

## 5.7 On Street Parking

1. All on street **parking space** legally **existing** prior to the **effective date** of this **by-law** shall be permitted.

## 5.8 Ingress and Egress

1. **Driveways** serving **buildings** shall not exceed 1.0 in number per **lot**.
2. Ingress and egress, to and from required **parking spaces** and areas shall be provided by means of unobstructed driveways.
3. **Driveways** may cross a required yard or a **landscaped open spaces**.
4. **Driveways** may have one or more one-way lanes. Each lane shall have a minimum width of 3.5 meters and a maximum width of 4.5 meters.

5. The interior angle of intersection between a **driveway** and a **street line** shall not be less than 60 degrees.
6. The minimum and maximum width of the **driveway** shall be measured along the **street line**.

## 5.9 Parking Area Requiring Less Than Five Spaces

1. The maximum width of a **driveway** or **parking space** shall be:
  - a) 3.5 meters if the **lot frontage** is less than 9.0 meters;
  - b) 6.0 meters if the **lot frontage** is greater than or equal to 9.0 meters and less than 18.0 meters;
  - c) 10.0 meters if the lot frontage is 18.0 meters or greater, with the exception that the maximum **driveway** width at the **street line** shall not exceed 6.0 meters;
  - d) 6.0 meters if located on the **exterior side lot line** where the **lot frontage** is less than 18.0 meters; or
  - e) 10.0 meters if located on the **exterior side lot line** where the **lot frontage** is 18.0 meters or greater, with the exception that the maximum **driveway** width at the **street line** shall not exceed 6.0 meters.
2. The minimum width of a **driveway** shall be 2.7 meters.
3. Only one **driveway** access point shall be permitted for each residential **lot**.
4. No **motor vehicle** shall be parked or stored in any **yard** except on a properly constructed, drained hard surface **driveway**.

5. All negative slope **driveways** legally **existing** prior to the effective date of this **by-law** shall be permitted.

## 5.10 Bicycle Parking

1. Designated **bicycle parking** spaces shall be provided for all **multi-unit developments**.
2. The following **bicycle parking** rates shall apply in compliance with Table 5.3.

Table 5.3: Bicycle Parking Rate

Use	Minimum Parking Rate
Residential Requirement for a <b>Dwelling Unit</b> in an <b>Apartment Building</b> or a <b>Mixed-use Building</b>	1.0 space for every 5 <b>dwelling units</b> .
Residential Requirement for a <b>Dwelling Unit</b> in a <b>Townhouse</b>	None.
Residential Requirements for an <b>Additional Residential Unit</b>	None.
Requirement for <b>Long-term Care Home, Group Home, Supportive Housing, Retirement Home, or a Hospice Care Home/Facility</b>	None.
Requirement for all non-residential uses	2.0 spaces Plus 1 space for every 1,000 meter <sup>2</sup> of <b>gross floor area</b> .

## 5.11 Barrier Free Parking Spaces

1. All **multi-unit developments** with **visitor parking spaces** must also provide **barrier free parking spaces**.
2. All non-residential **developments** providing **parking spaces** must also provide **barrier free parking**.
3. The minimum dimensions for a **barrier free parking** shall be in compliance with Table 5.4.
  - a) Where the minimum number of **barrier free parking** required is an even number, an equal number of Type A and Type B **barrier free parking** shall be required
  - b) Where the minimum number of **barrier free parking** required is an odd number, the additional **barrier free parking space** shall be a Type B **barrier free parking space**.
  - c) Where there are 12.0 or fewer required **parking spaces**, a Type A **barrier free parking space** is required.
  - d) A minimum distance separation of 1.5 meters is required abutting the entire length of one side of a **barrier free parking space**. The minimum distance separation may be shared by two **barrier free parking spaces**.

Table 5.4: Barrier Free Parking Requirements

Type	Width	Length
Type A	3.65 meters	5.3 meters
Type B	2.7 meters	5.3 meters

4. Where the minimum required **parking spaces** is less than 12.0, the minimum required **barrier free parking** shall be inclusive of the required **parking spaces**.
5. Where the minimum required **parking spaces** is greater than 12.0, the minimum required **barrier free parking** shall be additional to the total provided **parking spaces**.
6. The following **barrier free parking** rates shown on Table 5.5 shall apply:

Table 5.5: Barrier Free Parking Rate

Parking Spaces Provided	Minimum Parking Rate
1 – 12	1
13 – 100	4% of the total number of <b>parking spaces</b> provided in the <b>parking area</b> .
101 – 200	1 Plus 3% of the total number of <b>parking spaces</b> provided in the <b>parking area</b> .
201 – 1000	2 Plus 2% of the total number of <b>parking spaces</b> provided in the <b>parking area</b> .

## 5.12 Loading Spaces and Servicing Areas

1. **Loading spaces** and servicing areas shall be located at the rear or side of the **building** and be enclosed within the **building** where the rear or side abuts a **public street** or open space.

2. **Loading spaces** and servicing areas shall be screened from public view with landscaping in the interior blocks of the Downtown Mixed-Use area.
3. **Loading spaces** shall meet the following standards:
  - a) A minimum vertical clearance of 4.5 meters;
  - b) A minimum length of 6.5 meters; and
  - c) A minimum width of 3.5 meters.

## 5.13 Vehicles Prohibited in the DMU Zone

1. The storage of any of the following vehicles shall be prohibited outside of a **building** or **structure**:
  - a) Any **motor vehicle** with an overall vehicle height that exceeds 3.0 meters;
  - b) Mobile construction equipment, unless the **lot** is being actively prepared for or undergoing construction for which the vehicle/equipment is intended, or the parking or storage is in accordance with the provisions of this **by-law**;
  - c) Buses;
  - d) Farm tractors;
  - e) Tow trucks;
  - f) Catering trucks;
  - g) Unlicensed Motor Vehicles;
  - h) Trailers; and
  - i) Boats.

## 5.14 Drive-Throughs

1. **Drive-through facilities** are prohibited in the Downtown Mixed-Use area.

# DOWNTOWN MIXED-USE DEVELOPMENT STANDARDS

6.0

- 6.1 Permitted and Discretionary Uses
- 6.2 General Development Standards
- 6.3 Apartments and Mixed-Use Building Development Standards
- 6.4 Townhouse Building Development Standards



## 6.1 Permitted and Discretionary Uses

1. Any proposed discretionary use as outlined in Section 6.0 will be classified as a Class 2 variation.
2. No person shall **erect**, alter, enlarge, reconstruct, locate, or use any **building** or **structure** in whole or in part, nor use any land in whole or in part, for any purpose other than the permitted and discretionary uses, as show in Table 6.1.

Table 6.1: Permitted Uses

Uses	DMU Permitted Uses	DMU Discretionary Uses <sup>1</sup>
Accessory Use <sup>2</sup>	X	
Additional Residential Units <sup>3</sup>	X	
Art Gallery	X	
Bed and Breakfast	X	
Clinic	X	
Club	X	
Commercial Schools		X
Dry Cleaning Distribution Centre and Depot		X
Dry Cleaning Establishment		X
Dwelling Units		X
Dwelling Units, Apartment Building	X	
Dwelling Units, Mixed-Use Building	X	
Dwelling Units, Townhouses <sup>4</sup>	X	

Uses	DMU Permitted Uses	DMU Discretionary Uses
Financial Institutions	X	
Fitness Centre	X	
Hospital		X
Hotel	X	
Laundromat		X
Library, Public	X	
Long-Term Care Facility	X	
Museum	X	
Offices	X	
Personal Service Shop	X	
Pet Services	X	
Place of Entertainment	X	
Place of Worship	X	
Private Park	X	
Public Parking	X	
Financial Institutions	X	
Restaurants	X	
Retail Stores	X	

Uses	DMU Permitted Uses	DMU Discretionary Uses
Retirement Home	X	
School, Post-Secondary		X
Service Shops	X	
Studios	X	
Veterinarian Clinic	X	

<sup>1</sup> Permitted uses are those considered permitted as of right, whereas discretionary uses are those that the Approval Authority can consider as part of a Class 2 variation application.

<sup>2</sup> In accordance with the policies outlined in Section 3.2 (Accessory Use Section).

<sup>3</sup> In accordance with the policies outlined in Section 3.3 (ARUs).

<sup>4</sup> Townhouse dwellings are only permitted along Temperance Street, Victoria Street, and internal laneways.

## 6.2 General Development Standards

1. Schedule C identifies the respective step backs and maximum **building heights** for **developments** within the Downtown Mixed-Use Zone.
2. Schedule B identifies the permitted land uses of **developments** within the Downtown Mixed-Use Zone.
3. Table 6.2 identifies the development standards related to setbacks for **developments** based on abutting streets.
4. Notwithstanding the setbacks outlined in Table 6.2, **developments** with heritage building façades fronting on the abutting streets or existing reduced setbacks are exempt from the minimum setback requirements.
5. The step backs identified in Schedule C may also be subject to a Class 2 variation at the discretion of the **Director**.

Table 6.2: Setback Standards

	Abutting Streets	Minimum Setback	Maximum Setback	Class 2 Variation Limit (Min)
<b>Front Yard and Exterior Side Yard</b>	Yonge Street	2.0 meters	3.0 meters	1.8 meters
	Wellington Street	2.0 meters	3.0 meters	1.8 meters
	Tyler Street	1.5 meters	2.5 meters	1.35 meters
	Mosley Street	1.5 meters	2.5 meters	1.35 meters
	Church Street	1.5 meters	2.5 meters	1.35 meters
	Temperance Street	3.0 meters	5.0 meters	2.7 meters
	Victoria Street	3.0 meters	5.0 meters	2.7 meters
<b>Interior Side Yard</b>	N/A	0 meters <sup>1</sup>	None	1.35 meters <sup>2</sup>
<b>Rear Yard<sup>3</sup></b>	N/A	7.5 meters <sup>4</sup>	None	6.75 meters

<sup>1</sup> Lots fronting Victoria Street shall have a minimum required interior side yard setback of 1.5 meters for end units.

<sup>2</sup> Class 2 variation limit of 1.35 meters is only applicable to lots fronting Victoria Street, see superscript one.

<sup>3</sup> Variances for rear yard setbacks shall demonstrate that the impact on neighbouring properties in terms of shadows, sky views, and loss of privacy are minimal.

<sup>4</sup> On properties that have dual frontages, such as a frontage both on Yonge Street and Temperance Street, the front yard setback requirements shall apply to the frontages.

## 6.3 Apartment Building and Mixed-use Building Development Standard

1. All residential portions of a **mixed-use building** must be located above the non-residential use portions of a building, other than a residential lobby.
2. Notwithstanding subsection 1 of Section 6.3, on a corner lot, **dwelling units** may be located in the first storey of a **mixed-use building** if:
  - a) The **dwelling units** have direct access to a street which is not Yonge Street or Wellington Street; and
  - b) The **dwelling units** are located to the rear of the non-residential uses on the first storey.
3. Notwithstanding any other provisions of this **by-law**, every **apartment building** and **mixed-use building** shall have a front entrance at grade on the front building façade.
4. **Apartment buildings** and **mixed-use buildings** that abut "Machell's Alley," the existing lot legally described as Part Lot 2, Plan 68, municipally known as 15217 Yonge Street, shall incorporate dual frontage designs on to the alley and minimize the impact of shadows and maximize sunlight in the area. Only commercial uses shall be permitted at grade within the alley.
5. Table 6.3 identifies the development standards for **apartment buildings** and **mixed-use buildings**:

Table 6.3: Development Standards for Apartment Buildings and Mixed-use Buildings

	Apartment Buildings and Mixed-Use Buildings	Ground Floor Retail/Commercial	Class 2 Variation Limit
<b>Lot Area (Minimum)</b>	None	None	N/A <sup>1</sup>
<b>Lot Frontage (Minimum)</b>	30.0 meters	30.0 meters	27.0 meters
<b>First Storey Height (Minimum)</b>	--	4.0 meters	N/A
<b>Common Amenity Area<sup>2</sup></b>	3.0 meter <sup>2</sup> per dwelling unit, provided a minimum of 50% of the required Amenity Area is provided as interior amenity space	3.0 meter <sup>2</sup> per dwelling unit, provided a minimum of 50% of the required Amenity Area is provided as interior amenity space	N/A

<sup>1</sup> Should the Class 2 variation limit be indicated as "N/A" then the Class 2 Minor Variation shall not apply.

<sup>2</sup> In accordance with the policies outlined in Section 3.16.

## 6.4 Townhouse Building Development Standard

1. Table 6.4 identifies the development standards and provisions for **townhouse buildings**:

Table 6.4: Development Standards for Townhouse Buildings

	Townhouses <sup>1</sup>	Stacked Townhouses	Back-to-Back Townhouses	Class 2 Variation Limit
<b>Lot Area (Minimum)</b>	180 meter <sup>2</sup>	180 meter <sup>2</sup>	90 meter <sup>2</sup>	162 meter <sup>2</sup> 81 meter <sup>2</sup> for Back-to-Back Townhouses
<b>Lot Frontage (Minimum)</b>	30.0 meters (6.0 meters per unit)	30.0 meters (6.0 meters per unit)	30 meters (7.0 meters per unit)	N/A <sup>2</sup>
<b>Lot Coverage (Maximum)</b>	50%	50%	50%	55%
<b>Common Amenity Area<sup>3</sup></b>	3.0 meter <sup>2</sup> per dwelling unit	3.0 meter <sup>2</sup> per dwelling unit	3.0 meter <sup>2</sup> per dwelling unit	N/A
<b>Interior Side Yard</b>	1.5 meters	1.5 meters	1.5 meters	1.35 meters
<b>Rear Yard</b>	7.5 meters	7.5 meters	7.5 meters	6.75 meters
<b>Number of Dwelling Units in a Row<sup>4</sup> (Maximum)</b>	8	8	8	N/A

<sup>1</sup> Any townhouse building formation not listed in the table shall follow the development standards for Townhouses

<sup>2</sup> Should the Class 2 variation limit be indicated as "N/A" then the Class 2 Minor Variation shall not apply.

<sup>3</sup> In accordance with the policies outlined in Section 3.16.

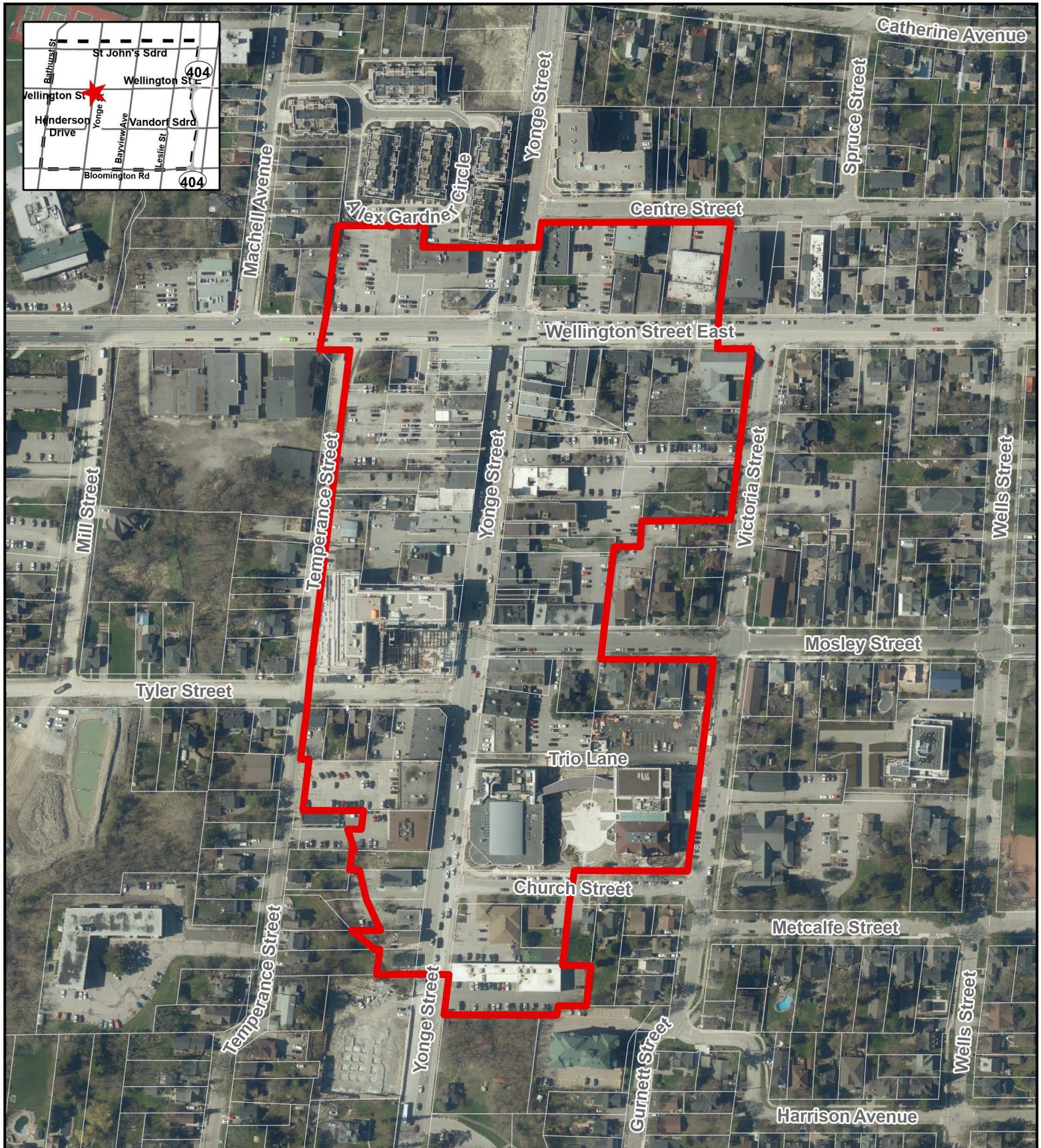
<sup>4</sup> Additional residential units are permitted in addition to the maximum units in a row.

SCHEDULES

7.0

- 7.1 Schedule A – Boundary
- 7.2 Schedule B – Land Use
- 7.3 Schedule C – Height, Setback, and Step-Back





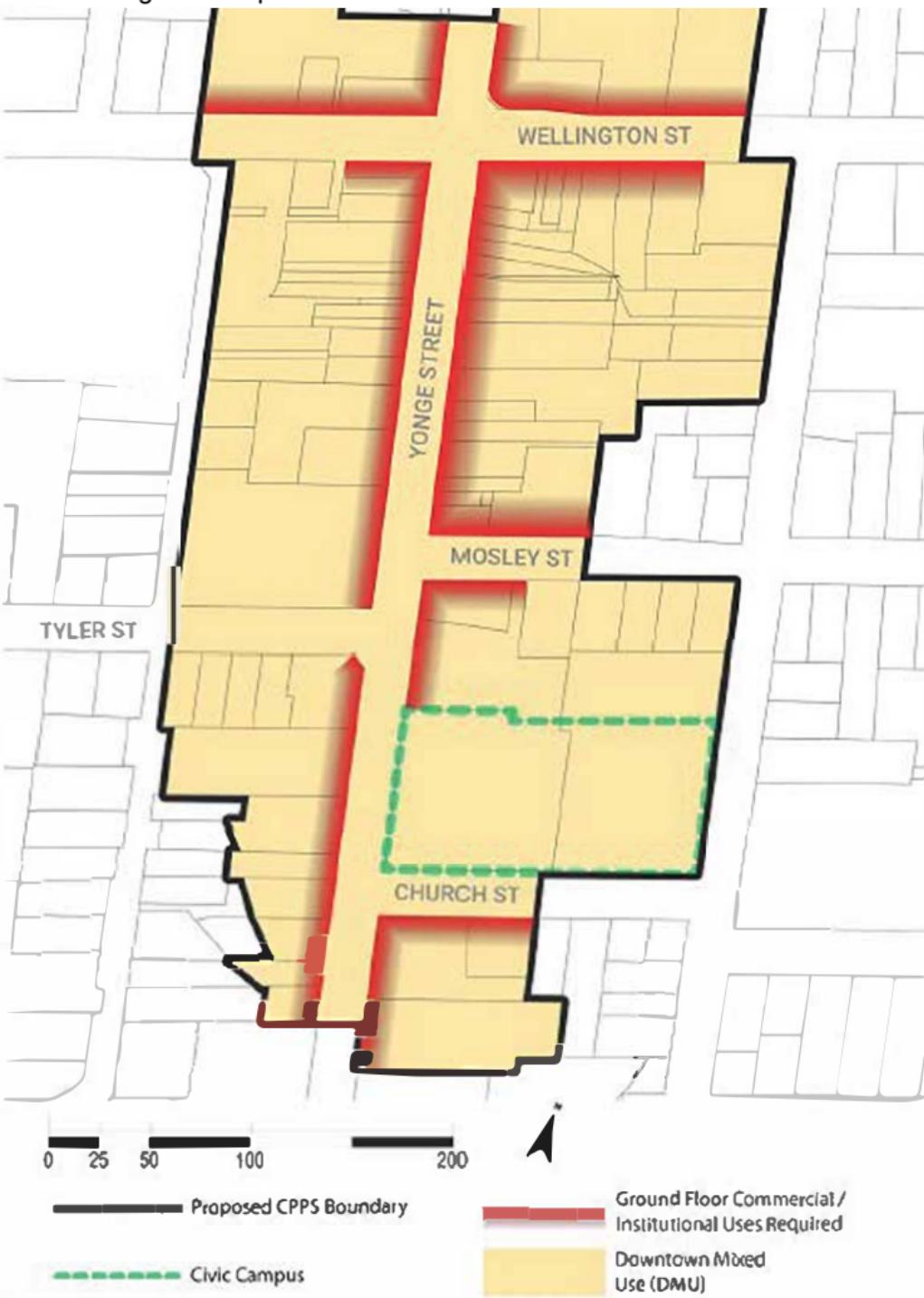
## Schedule A - Community Planning Permit By-law Location Map

SUBJECT LANDS

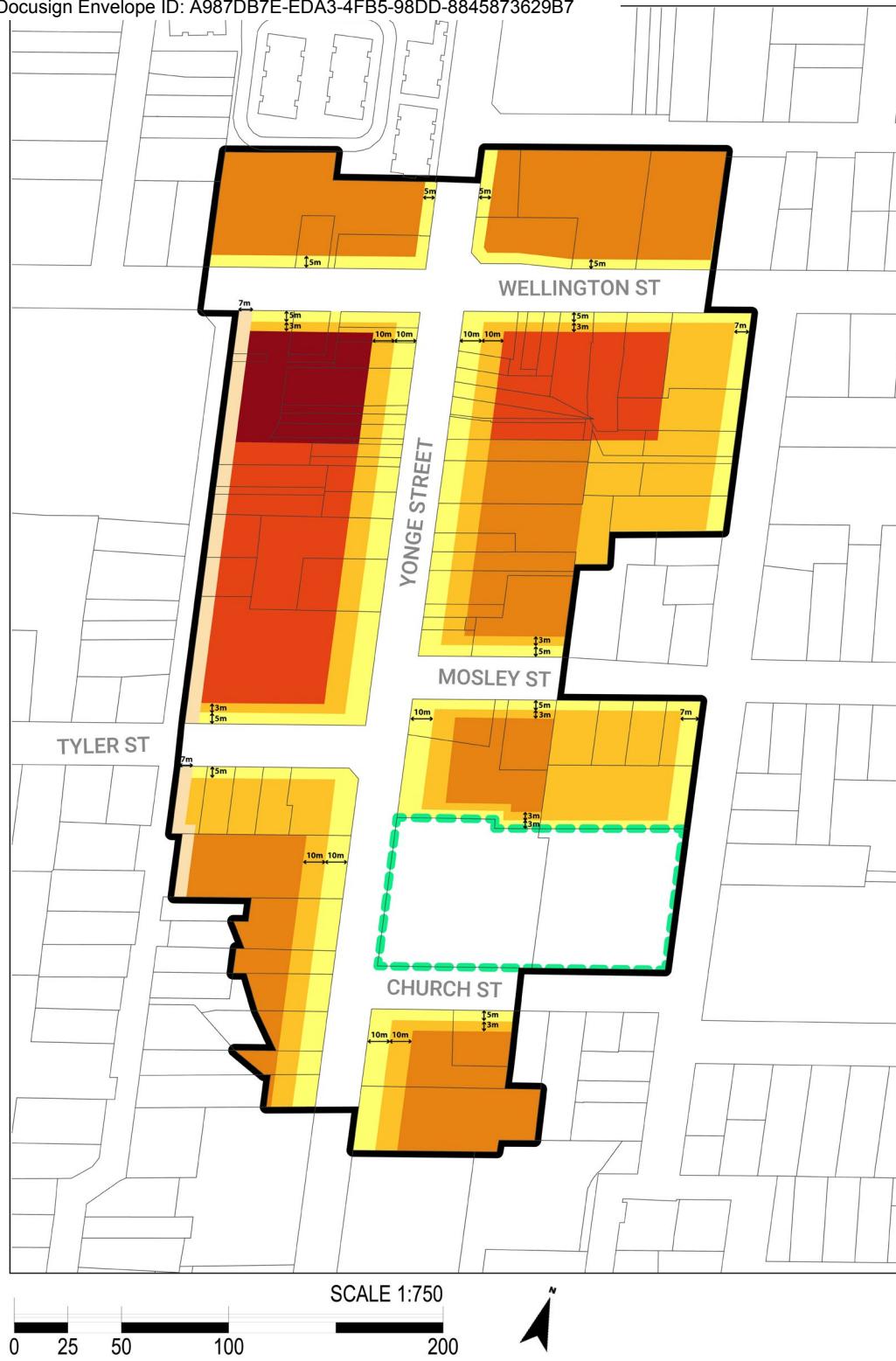
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## Schedule B - Land Use Map



Schedule C - Height, Setback, and Step-Back Map