

By-law Number 41-2019
of The Regional Municipality of Durham

Being a by-law to adopt Amendment #175 to the Durham Regional Official Plan.

Whereas the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes the Regional Municipality of Durham to pass by-laws for the adoption or repeal of Official Plans and amendments thereto; and

Whereas Amendment #175 to the Durham Regional Official Plan is exempt from approval of the Minister of Municipal Affairs by Ontario Regulation 525/97, as amended by Ontario Regulation 344/98, made pursuant to Section 17(9) of the Planning Act;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. Amendment #175 to the Durham Regional Official Plan is hereby adopted.
2. The Clerk of the Regional Municipality of Durham is hereby authorized and directed to give Notice of Adoption of the aforementioned Amendment to the Durham Regional Official Plan in accordance with the procedure adopted by Council for exempt amendments.
3. This By-law shall come into force and take effect on the day of final passing thereof.

This By-law Read and Passed on the 25th day of September, 2019.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

Amendment #175 to the Durham Regional Official Plan

- Purpose and Effect:** The purpose of this Amendment is to enable properties, in certain circumstances, which abut regional water and sanitary sewer infrastructure outside of the Urban Area Boundary to connect to the Regional system if the connection is technically feasible, to the satisfaction of the Region.
- Location:** The Regional Municipality of Durham.
- Basis:** This Amendment will enable properties which abut regional water and sanitary sewer infrastructure outside of Urban Areas to connect to the Regional system if the connection is technically feasible, to the satisfaction of the Region. If a connection is permitted, payment would be in accordance with the Region of Durham Works Department Water Supply System By-law (89-2003) and Sewer System By-law (90-2003) related to frontage and connection fees. Any new lot created would need to be in accordance with the policies of the Regional Official Plan related to lot creation in the rural area, including the Region's Lot Sizing Policy. This would remove the necessity to construct, operate and/or maintain a private water supply and/or sewage disposal system, if applicable.
- This Amendment conforms to the Durham Regional Official Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
- Amendment:** The Durham Regional Official Plan is hereby amended by adding the following policy Section 5.4:
- “5.4.8 Notwithstanding Section 5.3, or any other policy of this Plan to the contrary, a municipal water and/or sanitary sewer connection may be permitted outside the Urban Area Boundary:*
- a. To a legally existing use;*
 - b. For a vacant lot of record that meets the requirements of applicable law for a building permit;*
 - c. Within the Greenbelt Plan area, for a vacant lot of record that meets the requirements of applicable law for a building permit for a single dwelling only; or*
 - d. Where lot creation is permitted by this Plan, subject to conforming to the applicable Regional lot sizing policies related to private services.*
- For a property to be considered under this policy, it shall directly abut a municipal watermain or sanitary sewer service within a public right-of-way or easement, and the connection shall be technically feasible, to the satisfaction of the Region.”*
- Implementation:** The provisions set forth in the Durham Regional Official Plan regarding the implementation of the Plan shall apply in regard to this Amendment.
- Interpretation:** The provisions set out in the Durham Regional Official Plan regarding the interpretation of the Plan shall apply in regard to this Amendment.