



Rezoning Application Z1/17

Other related applications under The Planning Act: SPA/2/16

**NOTICE OF THE PASSING OF A ZONING BY-LAW**  
**CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA**

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**TAKE NOTICE THAT** the Council of the Township of East Garafraxa passed by-law number **21 - 2017** on the **18<sup>th</sup>** day of **July 2017** under Section 34 of the Planning Act, 1990 as amended.

**AND TAKE NOTICE THAT** any person or public body may, not later than the **10<sup>th</sup>** day of **August 2017**, appeal to the Municipal Board by filing with the Clerk of the Municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the applicable fee of by certified cheque or money order, made payable to the Minister of Finance.

Only individuals, corporations and public bodies may appeal a zoning by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

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 the public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

If you wish to appeal to the Ontario Municipal Board, a copy of an appeal form and schedule of fees is available from the OMB website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

**PURPOSE AND EFFECT OF THE BY-LAW:**

If no appeals have been received on or before the above mentioned appeal date, on the subject lands located at Concession B, Part Lot 6, the lands are rezoned from BP-3(H) to BP-4(H) to allow maximum height for the proposed building of 11.045 metres and a minimum of 98 parking spaces is required. In all other respects the provisions of By-Law 60-2004 shall apply.

Dated this **21<sup>st</sup>** day of **July 2017**

Susan M. Stone, CAO/Clerk-Treasurer  
Township of East Garafraxa  
Administration Office  
374028 6<sup>TH</sup> Line  
Amaranth ON L9W 0M6

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NO. 21-2017

**BEING A BY-LAW TO AMEND ZONING BY-LAW 60-2004,  
AS AMENDED**

WHEREAS the Council of the Corporation of the Township of East Garafraxa is empowered to pass By-laws to regulate the use of land pursuant to Sections 34 and 36 of The Planning Act, 1990, as amended;

AND WHEREAS the owner of the East Part of Lot 6, Concession 'B', Township of East Garafraxa, County of Dufferin has filed an application with the Township of East Garafraxa to amend By-law Number 60-2004, as amended (Township File No.: Z1-17);

AND WHEREAS it is deemed appropriate to amend By-law 60-2004 as amended to rezone the subject lands to permit a building height increase of 0.545 metres and on-site vehicle parking reduction to provide a minimum of 98 parking spaces;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:

1. That Schedule "A" to By-law 60-2004, as amended, is further amended by rezoning the lands described as East Part of Lot 6, Concession 'B', identified on Schedule "A" to this By-law, from Business Park Exception Three (H) (BP-3(H)) to the following zone:

Business Park Exception Four (H) (BP-4 (H)) Zone;

2. Section 4.8.3. of Zoning By-law No. 60-2004 (Business Park Exception Zones) is hereby amended by adding the following new sub-section:

4.8.3.4 Business Park Exception Four (H) (BP-4 (H)) Zone

Notwithstanding any other provisions of this by-law, to the contrary, on lands zoned Business Park Exception Four (H) (BP-4 (H)) Zone, the following provisions shall apply:

- i) The maximum height for the building shall be 11.045 metres
- ii) A minimum of 98 parking spaces is required

3. Notwithstanding anything else to the contrary in Zoning By-law 60-2004 as amended, the following Holding Provision applies to the Business Park Exception Four (H) (BP-4) Zone in this By-law:

**HOLDING PROVISION**

- i) A Holding (H) Provision is hereby established and identified on Schedule 'A' attached hereto, by the letter "H" in parentheses following a zoning symbol established in this By-law.
- ii) Where a zoning symbol is followed by the letter "H" in parentheses, the provisions of the By-law applicable to the zone symbol shall apply only upon the removal of the letter "H" by an Amending By-law as approved by Council in accordance with the provisions of Section 36 of the Planning Act.


- iii) Until the removal of the letter "H", no land, building or structure shall be used for any purpose other than that for which it was lawfully used prior to the passing of this By-law with the exception of a use by a public authority or agricultural uses. No new buildings or structures or extensions or enlargements to existing buildings or structures will be permitted while a Holding (H) Provision is in effect. The installation or maintenance of a watermain, well, pumping station, gas main, pipeline, pre-servicing grading or earthworks, lighting fixture, overhead or underground electrical services, cable television, telephone line or associated tower or transformer, together with installations or structures appurtenant thereto are permitted prior to the removal of the letter "H", provided that such matters are carried out, all to the approval in writing and to the satisfaction of Township administration.
- iv) The Holding (H) Provision may be lifted in whole or in part and shall only be lifted when the Township of East Garafraxa is satisfied that the following items have been addressed:
  - a) That the Owner has entered into a Development/Site Plan Agreement with the Township of East Garafraxa;
  - b) The appropriate sanitary services and water supply have been approved to service the land;
  - c) The required permits from all other approval agencies have been issued, or such permits and the works subject to such permits have been obligated and secured to the satisfaction of the Township;
  - d) Where the lands are affected by adverse environmental or other constraints and those constraints have been resolved to the satisfaction of Township Council;
  - e) Where development of the lands may impose adverse financial impacts on the Township and those impacts have been resolved to the satisfaction of Council;
  - f) That the permitted use does not result in a significant groundwater threat or alternatively that a Risk Management Plan has been approved.

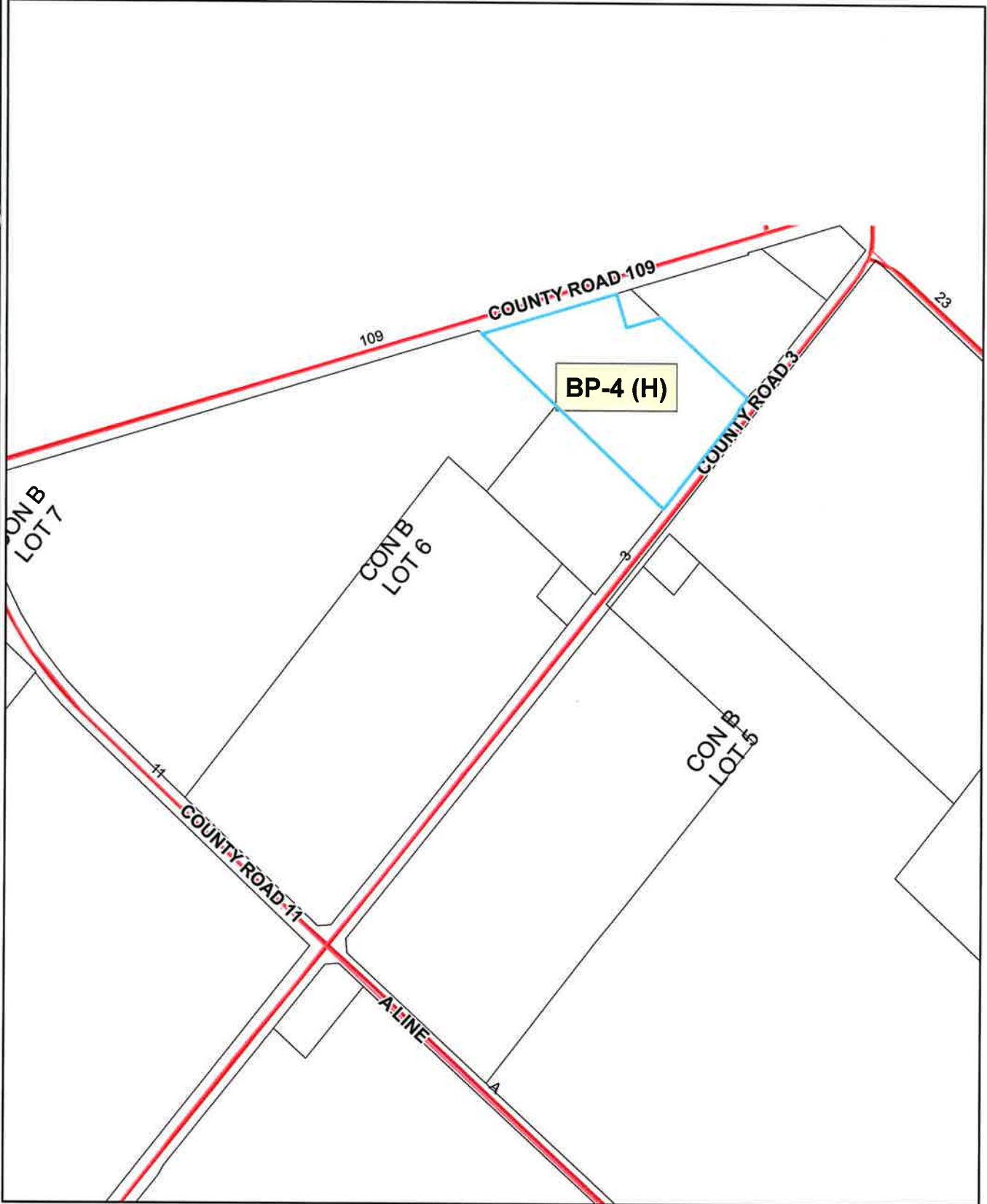
- 4. The use of processed water as part of the permitted uses is prohibited.
- 5. In all other respects, the provisions of Zoning By-law 60-2004 shall apply.
- 6. This by-law shall take effect from date of passing thereof, providing no appeal has been filed. Where objections to the by-law are received in accordance with provisions of the Planning Act, the by-law shall come into effect upon approval of the Ontario Municipal Board.

BY-LAW READ A FIRST AND SECOND TIME THIS **18<sup>th</sup>** day of **JULY, 2017**

BY-LAW READ A THIRD TIME AND PASSED THIS **18<sup>th</sup>** day of **JULY, 2017**

  
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 Susan M. Stone, CAO/Clerk

  
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 Guy Gardhouse, Mayor



**TOWNSHIP OF EAST GARAFRAXA ZONING BY-LAW**



SCHEDULE 'A' TO ZONING BY-LAW 21- 2017.  
 A by-law to amend Zoning By-law 60-2004