

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 20-2017

**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 Part of Lot 1, 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.: Z3-14 Milone);

AND WHEREAS it is deemed appropriate to amend By-law 60-2004 as amended to rezone the subject lands to facilitate the Draft Plan of Subdivision (Township File No. S2-14 Milone);

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 Part of Lot 1, Concession 'B', identified on Schedule "A" to this By-law, from Rural (RU) Zone and Environmental Protection (EP) Zone to the following zones:

Estate Residential Exception Thirty One (H) (ER-31 (H)) Zone;  
Open Space (OS) Zone; and  
Environmental Protection (EP) Zone.

2. Section 4.4.3.2 of Zoning By-law No. 60-2004 (Estate Residential Exception Zones) is hereby amended by adding the following new sub-section:

- a) Estate Residential Exception Thirty One (H) (ER-31 (H))

Notwithstanding any other provision of this by-law, to the contrary, on lands zoned Estate Residential Thirty One (H) (ER-31 (H)), the following provisions shall apply:

- i) Where corner lots abut a 0.3 metre reserve, the Front Lot Line shall be deemed to be Street A or in the case of Lot 12, the longer lot line abutting Street A.
- ii) Minimum Lot Area 0.40 ha
- iii) Minimum Lot Frontage 30.0 m
- iv) Minimum Yard Requirements:
  - i. Front Yard 20.0 m save and except that Lot 12 is permitted a minimum front yard setback of 17.8 m
  - ii. Exterior Side Yard 20.0 m

- v) Maximum Lot Coverage
  - i). Dwelling, Less than 1.5 Storeys 15%
  - ii) Dwelling, Greater than 1.5 Storeys 10%

3. Notwithstanding anything else to the contrary in Zoning By-law 60-2004 as amended, the following Holding Provision applies to the Estate Residential Exception Thirty One (H) (ER-31 (H)) 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 only apply upon the removal of the letter "H" by an Amendment 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":
  - a) 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;
  - b) Where agreed to in a Model Home Agreement with the Township, a maximum of two (2) model homes shall be permitted;
  - c) Any works required to pre-service the lands, including but not limited to, the installation or maintenance of a well, gas main, storm water management facility, ground water collection system, 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 installed or maintained in accordance with a Subdivision (Pre-Servicing) Agreement and/or a Subdivision (Comprehensive) Agreement between the Owner and the Township.
- iv) The (H) Holding Provision may be lifted on some or all of the lots and shall only be lifted when the Township of East Garafraxa is satisfied that the following items have been addressed:
  - a) The appropriate sanitary and water supply have been approved to service the land;
  - b) All Conditions of subdivision have been fulfilled;
  - c) That the Owner enters into an applicable Subdivision Agreement with the Township of East Garafraxa; and
  - d) The required permits from all other approval agencies have been issued.

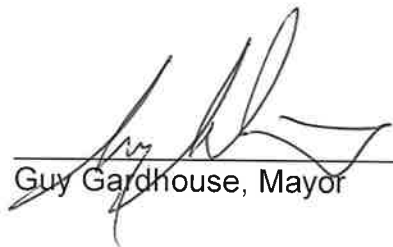
4. Notwithstanding any other provision of this by-law to the contrary, for the Estate Rural Exception Thirty One (H) Zone (ER 31(H)), "1.5 storeys" means a building consisting of a first storey and next above, a storey with a floor area up to but not greater than 50% of the floor area of the first storey.

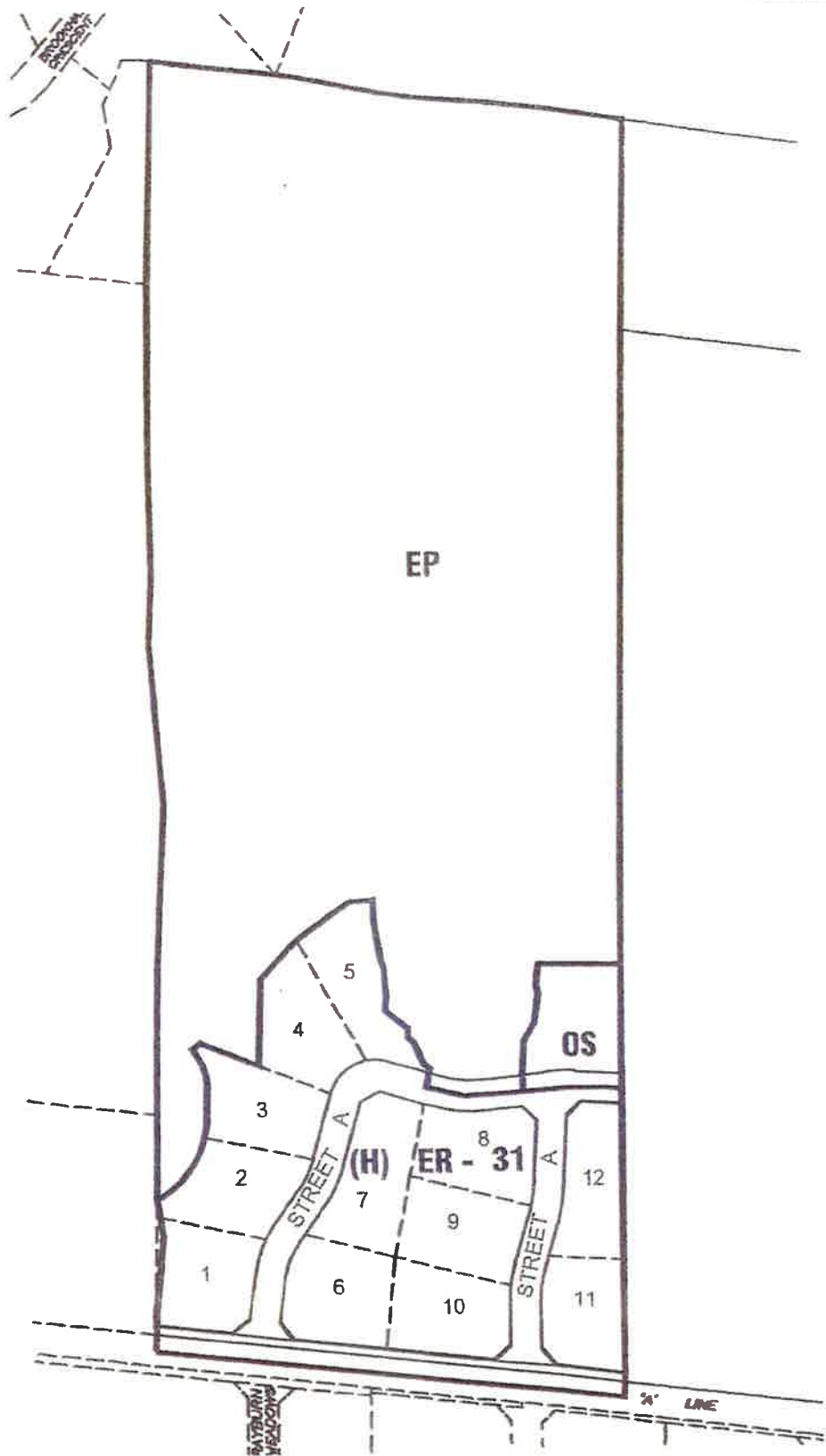
5. Notwithstanding any other provision of this by-law, to the contrary, public uses in accordance with Section 3.18 of Zoning By-law No. 60-2004 shall be permitted in all zones under this By-law.
6. In all other respects, the provisions of Zoning By-law 60-2004 shall apply.
7. This by-law shall take 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**

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SCHEDULE 'A' TO ZONING BY-LAW 20-2017.  
A by-law to amend Zoning By-law 60-2004

————— Zone Boundary