

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 28-2018

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 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*, R.S.O. 1990, c. P. 13, as amended;

AND WHEREAS the owners of the East Part of Lots 2 and 3, Concession 18 and West Part of Lot 3, Concession 18, Township of East Garafraxa, County of Dufferin has filed an application to amend By-law Number 60-2004, as amended (Township File No.: Z1-15 Tri-County Pit);

AND WHEREAS it is deemed appropriate to amend By-law 60-2004 as amended to rezone the subject lands to permit an extractive industrial use (i.e. a pit 1.5 m above the established groundwater table) together with rezoning environmental lands;

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 Lots 2 and 3, Concession 18 and West Part of Lot 3, Concession 18, identified on Schedule 'A' to this By-law from Agricultural to the following zones:

Extractive Industrial Exception Two (H) (MX-2 (H)) Zone
Environmental Protection (EP) Zone

2. Section 4.12.3 of Zoning By-law 60-2004 (Extractive Industrial Exceptions) is hereby amended by adding the following new sub-section as 4.12.3.2:

- a) Extractive Industrial Exception Two (H) (MX-2 (H))

Notwithstanding the provisions of the Extractive Industrial (MX) Zone to the contrary, on lands zoned Extractive Industrial Exception Two (H) (MX-2 (H)) the following shall apply:

Only the following uses shall be permitted:

- i) farm which shall be restricted to the cultivation of field crops together with any associated farm storage buildings;
- ii) a pit (1) with extraction permitted to a maximum depth of 1.5m above the established groundwater table;
- iii) notwithstanding section 4.12.1 of the Extractive Industrial (MX) Zone and section 5.110 definition of pit, a pit is defined for the purposes of this By-law as the extraction of aggregate 1.5 m above the established groundwater table; together with crushing, processing, washing, screening, stockpiling and haulage of extracted aggregate, along with staged stripping and progressive rehabilitation;
- iv) the accessory use of the importation of sand and gravel as part of the blending of aggregate with such

blending limited to the importation of sand and gravel with such importation being no more than 5% per annum of the annual production of the pit — and with all other recycling including the importation of concrete or asphalt prohibited;

- v) the accessory use of the existing farmhouse as a dwelling occupied by manager and/or staff and related persons employed by the extractive industrial operation and/or as an office for the extractive industrial operation;
 - vi) the importation of clean, inert fill being topsoil only for the purposes of establishing the slope faces for final rehabilitation slopes – and with all other importation of fill prohibited unless specifically authorized in this By-law or as per the Development Agreement;
 - vii) hours of operation as per the Development Agreement;
 - viii) Notwithstanding section 4.12.1 of the Extractive Industrial (MX) Zone and section 5.110 definition of pit, the following uses shall not be permitted: a pit (1) with extraction permitted 1.5 m below the established groundwater table, peat extraction, recycling, portable and/or permanent asphalt/concrete production and/or batching plant, quarries, resource management activities save and except as set out in sections ii, iii), iv), v, and vi) above;
 - ix) Notwithstanding section 5.48 definition of farm, the only permitted farm use is as set out in 2 a) i) for the time period that the pit remains licenced; and subsequently all farm uses are permitted, including the occupation of the existing dwelling as a farm residence, save and except a single-family dwelling or associated residential uses are not permitted to be established without a further rezoning.
- b) Notwithstanding section 4.12.2 of the Extractive Industrial (MX) Zone, the following regulations shall apply to the permitted uses:
- i) Minimum Lot Area 8 ha
 - ii) Minimum Lot Frontage 150 m
 - iii) Minimum Front Yard 30 m
 - iv) Minimum Interior Side Yard to the Environmental Protection Zone 15 m
 - v) All Other Interior Side Yards 15 m

Notwithstanding this regulation b) v), should there be an abutting licenced aggregate operation and should a Common Boundary Agreement be entered into as per the Development Agreement the applicable interior side yard shall be reduced to 0 m for extraction only (and for any other uses including the

erection of buildings and/or structures shall remain at 15 m)

- vi) Minimum Rear Yard 15 m

Notwithstanding this regulation b) vi), the rear yard regulation is further reduced as follows: i) for the lands zoned under this By-law for the lands between the East Part of Lots 2 and 3, Concession 18 and West Part of Lot 3, Concession 18 is reduced to 0 m for extraction only (and for any other uses including the erection of buildings and/or structures shall remain at 15 m) and ii) should there be an abutting licenced aggregate operation and should a Common Boundary Agreement be entered into as per the Development Agreement the applicable rear yard shall be reduced to 0 m for extraction only (and for any other uses including the erection of buildings and/or structures shall remain at 15 m)

- vii) Maximum Lot Coverage 1 %

- ix) Minimum Setback of Extraction to a Rural Residential Lot 20 m

- x) Maximum Area that can be Disturbed by Extraction including the establishment of berms, planting strips, internal haul roads, at any one time 32.2 ha

- xi) Maximum Lot Coverage for Buildings and Structures Related to the Operation of the Pit 1 %

- xii) Minimum Landscaped Open Space 10%

- xiii) Maximum Height of Buildings 12 m

- xiv) In the yard abutting 18th Line a planting strip of at least 30 m or grassed berming shall be required to be established and maintained to the satisfaction of the Township. Notwithstanding this regulation and section 5.113 definition of the planting strip, the planting strip of at least 30 m along the frontage of 17th Line may be cultivated for common field crops or grassed or otherwise planted without achieving a minimum height of 1.5 metres, which plantings are to be established and maintained to the satisfaction of the Township as per the Development Agreement.

3. Notwithstanding anything else to the contrary in Zoning By-law No. 60-2004 as amended, the following Holding Provision applies to the Extractive Industrial Exception Two (H) (MX-2 (H)) Zone in this By-law:

HOLDING PROVISION

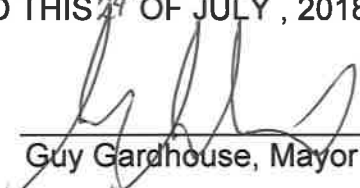
- i) A Holding (H) Provision is hereby established and identified on Schedule 'A' attached hereto, by the letter "H" in parentheses following a zoning symbol established in this By-law.

- 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 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 existing agricultural use or for use of the lands for site preparation (excluding aggregate extraction and production) once the specific items listed in section iv) (a), (b) and (c) have been satisfied;
 - iv) The (H) Holding Provision shall only be lifted for all other uses when the Township of East Garafraxa is satisfied that the following items have been addressed:
 - a) A development agreement(s) between the Owner, the Township of East Garafraxa and the County of Dufferin has been executed and registered on title in accordance with the terms of the development agreement(s);
 - b) The Owner's developer account is in good standing;
 - c) The Ministry of Natural Resources and Forestry has confirmed that the Category 3 – Class A Pit Above Water Licence being issued shall include the agreed to Site Plan with applicable notes and conditions; and,
 - d) That the haul route improvements have been designed, approved and secured, all to the satisfaction of the Township of East Garafraxa and the County of Dufferin in accordance with the terms of a development agreement(s).
4. For the lands zoned Environmental Protection (EP), the provisions of section 4.15 shall apply.
 5. Notwithstanding any other provisions 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, as amended shall apply.
 7. Upon approval of Official Plan Amendment No. 5 by the County of Dufferin, 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 Local Planning Appeal Tribunal.

BY-LAW READ A FIRST AND SECOND TIME THIS 24th OF JULY, 2018

BY-LAW READ A THIRD TIME AND PASSED THIS 24th OF JULY, 2018


 Susan M. Stone, CAO/Clerk


 Guy Gardhouse, Mayor



AREA TO BE REZONED FROM AGRICULTURAL (A) TO ENVIRONMENTAL PROTECTION (EP)

AREA TO BE REZONED FROM AGRICULTURAL (A) TO EXTRACTIVE INDUSTRIAL EXCEPTION TWO (H) (MX-2 (H))

AREA TO BE REZONED FROM AGRICULTURAL (A) TO EXTRACTIVE INDUSTRIAL EXCEPTION TWO (H) (MX-2 (H))

**SCHEDULE A - LAND USE
TOWNSHIP OF EAST GARAFRAXA ZONING BY-LAW**



**SCHEDULE 'A' TO ZONING BY-LAW 28 -2018
A BY-LAW TO AMEND ZONING BY-LAW 60-2004**