

The Corporation of The Township of East Garafraxa

By-Law Number 33-2023

Being a By-Law to further amend Zoning By-Law 60-2004 as amended, to rezone a portion of the lands described as 391405 18th Line, Concession 19, West Part of Lots 7 & 8, Township of East Garafraxa

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 Section 34 and 36 of the Planning Act, 1990, as amended;

AND WHEREAS the owner of the lands described as 391405 18th Line, Concession 19, West Part of Lots 7 & 8, Township of East Garafraxa has filed an application with the Township of East Garafraxa to further amend By-law No. 60-2004;

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 391405 18th Line, Concession 19, West Part of Lots 7 & 8, identified on Schedule "A" to this By-law, from Agricultural (A) Zone, Extractive Industrial (MX) Zone, and Environmental Protection (EP) Zone to the following zones:
 - Rural (RU) Zone
 - Rural Exception Ten – Holding (RU-10-H) Zone
 - Environmental Protection (EP) Zone
2. THAT Section 4.2.3 entitled "Exceptions" of Zoning By-law No. 60-2004, as amended, is hereby further amended by the addition of the following new sub-sections:

4.2.3.10 Rural Exception Ten – Holding (RU-10-H)
(Concession 19, West Part 7, 7R-6836 Part 7)

- 1) No person within the Rural Exception Ten – Holding (RU-10-H) Zone shall use any land or erect, alter or use any building or structure except for those uses, buildings and structures existing as of September 12, 2023 the date of passing of this By-law, until the Holding (H) Symbol is removed by amendment to this By-law pursuant to Section 36 of the Planning Act, R.S.O., 1990, as amended.
- 2) Upon removal of the Holding (H) Symbol within the Rural Exception Ten – Holding (RU-10-H) Zone located in part of Concession 19, West Part 7 in the Township of East Garafraxa, and shown on Schedule "A" to By-law 60-2004 the permitted uses and regulations of the Rural (RU) Zone as stated in Sections 4.2.1 and 4.2.2 apply.
- 3) THAT the Council of the Corporation of the Township of East Garafraxa shall not remove the Holding (H) Symbol from the Rural Exception Ten – Holding (RU-10-H) Zone on the lands which are the subject of this by-law until the following conditions have been complied with:
 - a. A Site Plan has been completed by the proponent and submitted to, and approved by, the Township of East Garafraxa;
 - b. A Construction Management Plan has been completed by the proponent and submitted to, and approved by, the Township of East Garafraxa demonstrating:
 - i. Vegetation removal for construction within the severed lots must occur outside of the general breeding bird period in Ontario (no removals between April 1 – August 31) to avoid direct impacts to migratory bird species and their nests;
 - ii. The limit of all construction activities be clearly delineated to avoid unnecessary encroachment into natural features and habitats; and,
 - iii. If encroachment into Bobolink or Eastern Meadowlark habitat within

either lot is proposed, a Species At Risk (SAR) assessment shall be undertaken at that time to determine if any harm to either species is anticipated. If any proposed works have the potential to adversely impact these species or their habitats then permitting under the ESA and/or consultation with the MECP may be required.

3. In all other respects, the provisions of Zoning By-law 60-2004 shall apply.
4. This by-law shall take effect from the date of final passing thereof, providing no appeal has been filed pursuant to Section 34, Subsection (19) of the Planning Act, 1990, as amended.

BY-LAW READ A FIRST AND SECOND TIME THIS 12th DAY OF SEPTEMBER 2023

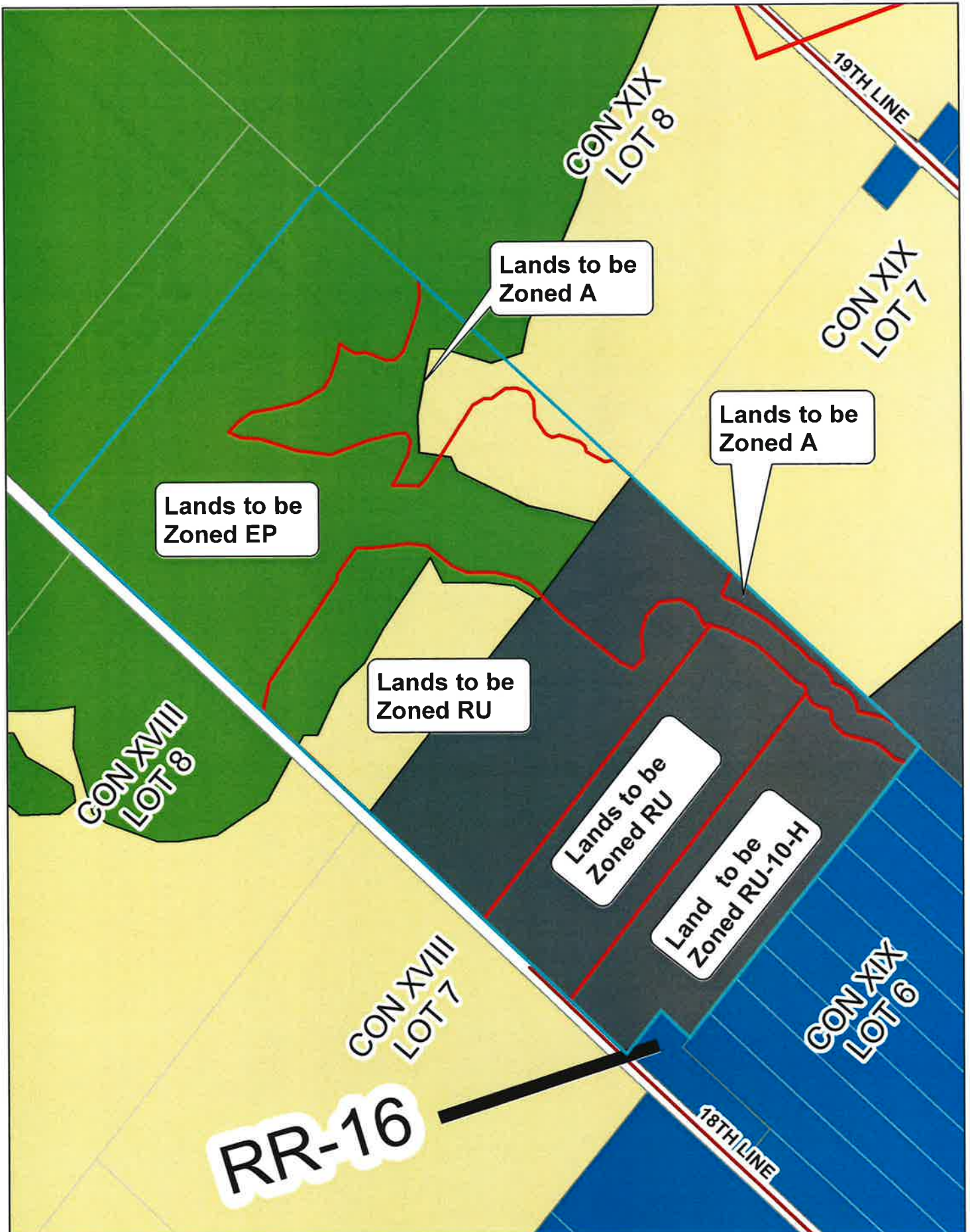
BY-LAW READ A THIRD TIME AND PASSED THIS 12th DAY OF SEPTEMBER 2023

Clerk



Head of Council





TOWNSHIP OF EAST GARAFRAXA ZONING BY-LAW



SCHEDULE 'A' TO ZONING BY-LAW 33-2023
 Being a By-law to amend Zoning By-Law 60-2004
 as amended