

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 34-2012

BEING A BY-LAW TO AMEND 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 Section 34 and 36 of the Planning Act, 1990, as amended;

AND WHEREAS the owner of the Part of the Northeast Half of Lot 1, Concession 'A', 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;

AND WHEREAS it is deemed appropriate to amend By-law Number 60-2004 as amended to rezone the subject lands to facilitate the Draft Plan of Subdivision development (Plan of Subdivision File No, 22-T-07001 (Nature's Landing West);

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

Estate Residential Exception 18 (H) ER-18 Zone;
Estate Residential Exception 19 (H) ER-19 Zone;
Estate Residential Exception 20 (H) ER-20 Zone;
Estate Residential Exception 21 (H) ER-21 Zone;
Estate Residential Exception 22 (H) ER-22 Zone;
Estate Residential Exception 23 (H) ER-23 Zone;
Estate Residential Exception 24 (H) ER-24 Zone;
Estate Residential Exception 25 (H) ER-25 Zone;
Estate Residential Exception 26 (H) ER-26 Zone;
Estate Residential Exception 27 (H) ER-27 Zone;
Estate Residential Exception 28 (H) ER-28 Zone;
Estate Residential Exception 29 (H) ER-29 Zone;
Estate Residential Exception 30 (H) ER-30 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 subsections:

- a) Estate Residential Exception 18 (H) **ER-18**
(Lot 1 – 22-T-07001)

"Notwithstanding any other provision of this by-law, to the contrary, on lands zoned "Estate Residential Exception 18" (**ER-18**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 35.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m

- ii. Interior Side Yard 6.0 m
 - iii. Exterior Side Yard 10.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%
- v. Minimum Tree Protection Zone at Rear 10.0 m
 - i. The Tree Protection Zone is for the preservation of the existing natural conditions. It prohibits the removal of trees and excludes the development of accessory buildings, pools, decks, gazebos or similar type of structures.”

b) Estate Residential Exception 19 (H) **ER-19**
(Lots 2 and 3 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 19” (**ER-19**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 44 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20 m
 - ii. Interior Side Yard 6.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%
- v. Minimum Tree Protection Zone at Rear 10.0 m
 - i. The Tree Protection Zone is for the preservation of the existing natural conditions. It prohibits the removal of trees and excludes the development of accessory buildings, pools, decks, gazebos or similar type of structures.”

c) Estate Residential Exception 20 (H) **ER-20**
(Lot 4 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 20” (**ER-20**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 28.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
 - ii. Exterior Side Yard 8.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%
- v. Minimum Tree Protection Zone at Rear 10.0 m
 - i. The Tree Protection Zone is for the preservation of the existing natural conditions. It prohibits the removal of trees and excludes the development of accessory buildings, pools, decks, gazebos or similar type of structures.”

d) Estate Residential Exception 21 (H) **ER-21**
(Lot 5 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 21” (**ER-21**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 31.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
 - iii. Exterior Side Yard 8.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%
- v. Minimum Tree Protection Zone at Rear 10.0 m
 - i. The Tree Protection Zone is for the preservation of the existing natural conditions. It prohibits the removal of trees and excludes the development of accessory buildings, pools, decks, gazebos or similar type of structures.”

e) Estate Residential Exception 22 (H) **ER-22**
(Lots 6, 7, 20, 22, 23, 24 and 25 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 22” (**ER-22**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 43 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
 - iii. Exterior Side Yard 10.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%”

f) Estate Residential Exception 23 (H) **ER-23**
(Lot 8 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 23” (**ER-23**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 27.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than

1.5 Storeys 10%”

- g) Estate Residential Exception 24 (H) **ER-24**
(Lots 9 and 10 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 24” (**ER-24**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 20.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 4.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%”

- h) Estate Residential Exception 25 (H) **ER-25**
(Lots 11 and 15 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 25” (**ER-25**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 35.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%”

- i) Estate Residential Exception 26 (H) **ER-26**
(Lots 12 and 19 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 26” (**ER-26**), the following provisions shall apply:

- i. Minimum Lot Area shall be 0.40 ha
- ii. Minimum Lot Frontage shall be 30.0 m
- iii. Minimum Yard Requirements:
 - i. Front Yard 20.0 m
 - ii. Interior Side Yard 6.0 m
 - iii. Exterior Side Yard 10.0 m
- iv. Maximum Lot Coverage:
 - i. Dwelling, Less than 1.5 Storeys 15%
 - ii. Dwelling, Greater than 1.5 Storeys 10%”

- j) Estate Residential Exception 27 (H) **ER-27**
(Lots 13, 14 and 21 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 27” (**ER-27**), the following provisions shall apply:

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|------|--|---------|
| i. | Minimum Lot Area shall be | 0.40 ha |
| ii. | Minimum Lot Frontage shall be | 44.0 m |
| iii. | Minimum Yard Requirements: | |
| | i. Front Yard | 20.0 m |
| | ii. Interior Side Yard | 6.0 m |
| iv. | Maximum Lot Coverage: | |
| | i. Dwelling, Less than 1.5 Storeys | 15% |
| | ii. Dwelling, Greater than 1.5 Storeys | 10%” |

- k) Estate Residential Exception 28 (H) **ER-28**
(Lots 16 and 17 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 28” (**ER-28**), the following provisions shall apply:

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|------|--|---------|
| i. | Minimum Lot Area shall be | 0.40 ha |
| ii. | Minimum Lot Frontage shall be | 31.0 m |
| iii. | Minimum Yard Requirements: | |
| | i. Front Yard | 20.0 m |
| | ii. Interior Side Yard | 4.0 m |
| iv. | Maximum Lot Coverage: | |
| | i. Dwelling, Less than 1.5 Storeys | 15% |
| | ii. Dwelling, Greater than 1.5 Storeys | 10%” |

- l) Estate Residential Exception 29 (H) **ER-29**
(Lot 18 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 29” (**ER-29**), the following provisions shall apply:

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|------|--|---------|
| i. | Minimum Lot Area shall be | 0.40 ha |
| ii. | Minimum Lot Frontage shall be | 35.0 m |
| iii. | Minimum Yard Requirements: | |
| | i. Front Yard | 20.0 m |
| | ii. Interior Side Yard | 4.0 m |
| | iii. Exterior Side Yard | 8.0 m |
| iv. | Maximum Lot Coverage: | |
| | i. Dwelling, Less than 1.5 Storeys | 15% |
| | ii. Dwelling, Greater than 1.5 Storeys | 10%” |

- m) Estate Residential Exception 30 (H) **ER-30**
(Blocks 33 and 34 – 22-T-07001)

“Notwithstanding any other provision of this by-law, to the contrary, on lands zoned “Estate Residential Exception 30” (**ER-30**), the following provisions shall apply:

- | | | |
|----|---------------------------|---------|
| i. | Minimum Lot Area shall be | 0.36 ha |
|----|---------------------------|---------|

- ii. Minimum Frontage shall be 30.0 m
- iii. Minimum Yard Requirements:
 - iv. Front Yard 10.0 m
 - v. Interior Side Yard 4.0 m
 - vi. Rear Yard 8.0 m
- iv. Maximum Lot Coverage:
 - iii. Dwelling, Less than 1.5 Storeys 15%
 - iv. Dwelling, Greater than 1.5 Storeys 10%

3. Notwithstanding anything else to the contrary in Zoning By-law No. 60-2004 as amended, the following Holding Provision applies in this By-law:

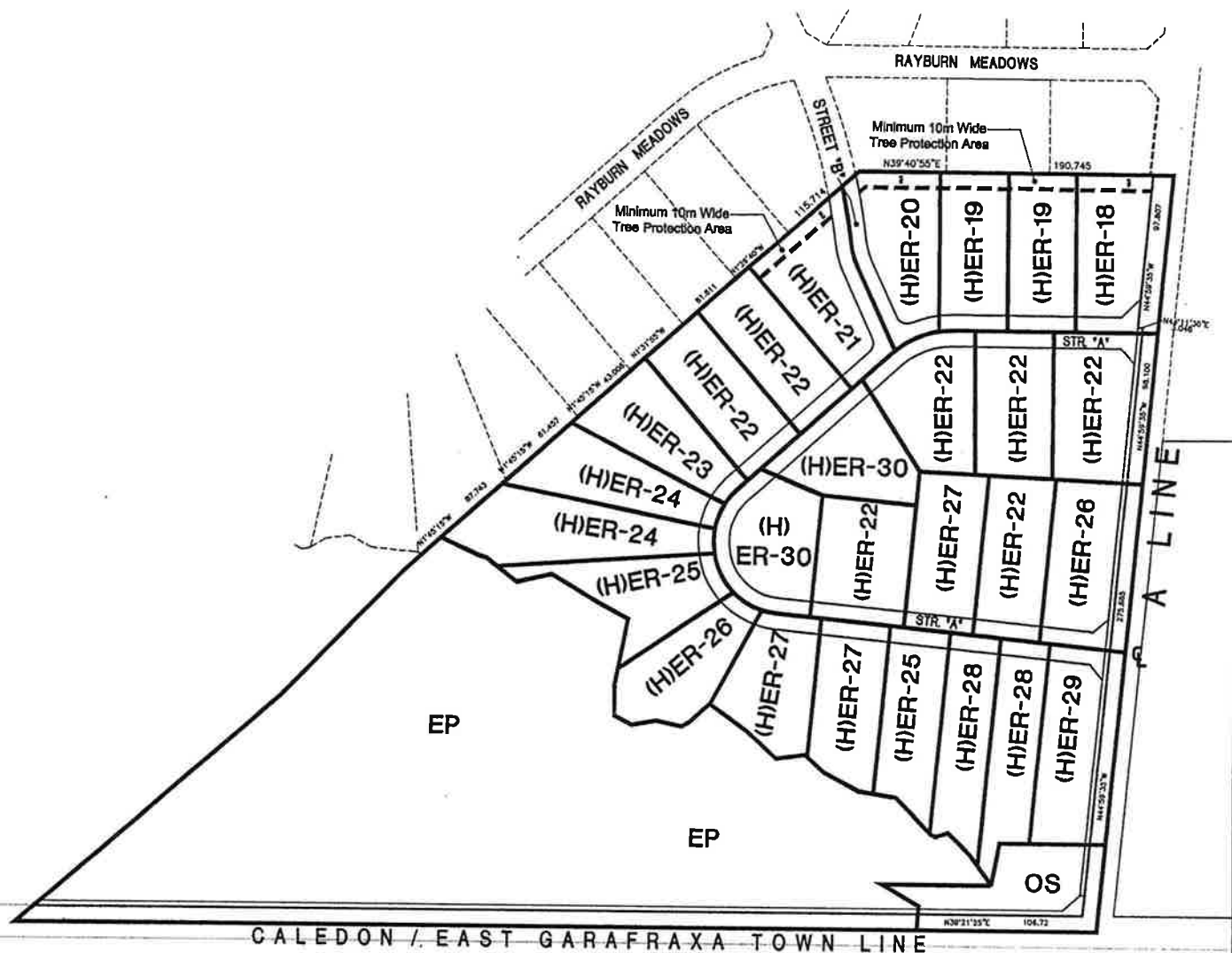
HOLDING PROVISION

- i) A Holding (H) Provision is hereby established and identified on Schedule 'A' attached hereto, by the letter "H" in parentheses preceding a zoning symbol established in this By-law.
- ii) Where a zoning symbol is preceded 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. 2227763 Ontario Ltd. and A Line Developments Inc. (or successors in title) are each limited to one (1) model home;
 - 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 Zones ER 18 to 30 inclusive, "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 upon approval by Order of the Ontario Municipal Board.

By-law read a first and second time this 27 day of September, 2012

By-law read a third time and passed this 27 day of September, 2012



PART OF THE NORTH EAST HALF
OF LOT 1
CONCESSION 'A'
(NATURE'S LANDING SUBDIVISION)

By-Law 34-2012 Schedule A



1:4000

Township of East Garafraxa
Zoning By-Law: 60-2004

Date:
August 7, 2012

Drawn By:
G.S.A.I.