

The Corporation of The Township of East Garafraxa

By-Law Number XX-2024

Being a By-Law to further amend Township of East Garafraxa Comprehensive Zoning By-Law 60-2004, as amended, to update Provisions based on an Administrative Review (Housekeeping Amendments)

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 of the Planning Act, 1990, as amended;

AND WHEREAS the Township of East Garafraxa has proposed to further amend the Comprehensive Zoning By-Law No. 60-2004, as amended ("By-Law"), to address housekeeping matters that have arisen during the application and review of the By-Law and to assist in the use and interpretation of the By-Law;

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

1. THAT all references to "CH" representing the Highway Commercial Zone in Zoning By-law 60-2004, as amended, shall hereby be replaced with "HC" and all references to "CG" representing the General Commercial Zone shall hereby be replaced with "GC"
2. THAT Section 3.2.1 entitled "Permitted Uses", of Zoning By-law 60-2004, as amended, is hereby amended by replacing the word "a barn" with the phrase "an agricultural building."
3. THAT Section 3.2.4 entitled "Accessory Structure Encroachments", of Zoning By-law 60-2004, as amended, the first paragraph shall be deleted and replaced with the following:

"Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, garden trellises, retaining walls less than 1.0 metre above the average finished grade, fences, signs or similar uses which comply with the By-laws of the Township, shall be permitted in any yard."
4. THAT Section 3.2.6 entitled "Garages or Other Accessory Buildings or Structures", of Zoning By-law 60-2004, as amended, is hereby amended by adding the word "line" after the word "lot" in subsection ii) entitled "Rear Yard".
5. THAT Section 3.10 entitled "Multiple Zones on One Lot", of Zoning By-law 60-2004, as amended, is hereby amended to add the words "permitting that use" after the words "most restrictive zone".
6. THAT Section 3.12 entitled "NON-COMPLYING LOTS, BUILDINGS, STRUCTURES AND USES", of Zoning By-law 60-2004, as amended, is hereby amended by removing the word "Uses" from the title as this falls under Section 3.1, and renaming the Section "NON-COMPLYING LOTS, BUILDINGS AND STRUCTURES".

7. THAT Section 3.12.1 entitled “Permitted Buildings or Structures” of Zoning By-law 60-2004, as amended, is hereby amended by deleting the word “frontage” after the word “minimum” in the first paragraph and replacing it with the words “front yard”.
8. THAT Section 3.12.3 entitled “Existing Undersized Lots of Record” of Zoning By-law 60-2004, as amended, is hereby amended by adding the words “(like a railway)” after the words “public authority”.
9. THAT Section 3.15.9 entitled “PARKING SPACE REQUIREMENT TABLE” of Zoning By-law 60-2004, as amended, is hereby amended by adding the following two rows to the table, inserted in their appropriate alphabetical location:

Barrier Free Parking	<p>For all uses except single detached residential, barrier free parking spaces shall be provided in compliance with Ontario Regulation 413/12. Specifically:</p> <ul style="list-style-type: none"> • One parking space for use of persons with disabilities up to 12 parking spaces • Where there are between 13 and 100 spaces, 4% of spaces required, rounded up to the nearest space, must be provided for persons with disabilities • Spaces must be a minimum width of 2.4 m and be the full length of a typical parking space • Where 2 or more barrier free parking spaces are required, an access aisle of a minimum of 1.5 m must be provided
Warehouse	<ul style="list-style-type: none"> • 1 parking space per 70 m² of gross floor area • 1 loading space for warehouses and similar uses between 370 m² and 2325 m² in gross floor area • 2 loading spaces for warehouses and similar uses greater than 2325 m² in gross floor area • In any commercial or industrial zone, no loading space is permitted closer than 3 m to any interior side lot line or rear lot line that abuts a Residential Zone

10. THAT Section 4.1.1 entitled “Permitted Uses”, subsection xii) of Zoning By-law 60-2004, as amended, is hereby amended to remove the words “animal units” and replace them with “animals”.
11. THAT Section 4.3.2 entitled “Regulations for Permitted Rural Residential Uses” of Zoning By-law 60-2004, as amended is hereby amended to correct the numbering of the provisions following Maximum Lot Coverage beginning at v) and ending at xi).
12. THAT Section 4.3.3 entitled “Exceptions”, of Zoning By-law 60-2004 as amended, is hereby amended by revising the numbering of the subsections to start at 4.3.3.1 instead of 4.3.4.1 through 4.3.3.17.
13. THAT Sections 4.3.4.15 to 4.3.4.17 entitled “Rural Residential Exception Thirteen (RR-15) Zone”, “Rural Residential Exception Thirteen (RR-16) Zone” and “Rural Residential Exception Thirteen (RR-17) Zone” of Zoning By-law 60-2004 as amended, are hereby amended by:
 - a. Deleting the word “Thirteen” from the subsection 4.3.4.15 title and replacing it with the word “Fifteen”.

- b. Deleting the word "Thirteen" from the 4.3.4.16 subsection title and replacing it with the word "Sixteen".
 - c. Deleting the word "Thirteen" from the 4.3.4.17 subsection title and replacing it with the word "Seventeen".
14. THAT section 4.3.4.24 of Zoning By-law 60-2004, as amended by By-Law 29-2015, shall hereby correct the legal description of the property to "Concession 10, East Part Lot 6, Part 1 on 7R-4462" instead of "Concession 13, West Part Lot 6, Part 1 on 7R-4462".
15. THAT section 4.3.4.34 of Zoning By-law 60-2004, as amended by By-Law 31-2020, shall hereby correct zoning exception number to "(RR-34)" instead of "(ER-34)".
16. THAT section 4.3.4.38 of Zoning By-law 60-2004, as amended, shall hereby correct exception numbers as follows:
 - a. 311547 16th Line, W Pt Lot 9, Parcel 2, Concession 17 (roll 3-04970) amended by By-Law 23-2021 shall be labelled and referred to as (RR-38 A).
 - b. East Part Lot 7, Concession 17, Part 3 of 7R6689 (roll 3-06000) amended By-Law 36-2021 shall be labelled and referred to as (RR-38 B).
17. THAT section 4.6.3 of Zoning By-law 60-2004, as amended, shall hereby correct exception number for 152457 County Road 5, West Part Lot 18, Concession 13, Part 1 7R-1579 and Part 1 on 7R-4339 (roll 1-13250) amended by By-Law 42-2021, from CG-3-H to GC-4-H.
18. THAT Section 4.9.3.1 entitled "Recreation Exception One (OS-1) Zone", of Zoning By-law 60-2004, as amended, is hereby amended by removing the parentheses "(OS-1)" in the title and replacing it with the parentheses "(RE-1)".
19. THAT Section 4.10.3 entitled "Institutional Exception One (1-1) Zone", of Zoning By-law 60-2004, as amended, is hereby amended by removing the parentheses "(1-1)" in the title and replacing it with the parentheses "(I-1)".
20. THAT Section 4.8.3.3 entitled Business Park Exception Three Holding (BP-3-(H)) Zone and Schedule A as created by Zoning By-law Amendment 9-2015, of Zoning By-law 60-2004, as amended, is hereby amended by replacing the zone label of (BP-3(H)) with (BP(H)) for the lands located at Concession B, Part of East and West Lots 6 and 7 identified on Schedule A of By-law 9-2015, with the exception of 065379 Dufferin County Road 3, Concession B, East Part Lot 6 which has been rezoned to Business Park Exception 4 (BP-4) through Zoning By-Law Amendments 17-2017 and 46-2022.
21. That the word "principle" in Zoning By-Law 60-2004, as amended, be replaced with the word "principal" in the following sections:
 - a. 3.2.1 Permitted Uses: paragraphs one and two.
 - b. 3.2.2 Setback and Yard Requirements: two references in paragraph one.
 - c. 3.2.3 Lot Coverage and Height: paragraph two.
 - d. 3.2.4 Accessory Structures Encroachments: paragraphs three and four.
 - e. 3.7 Home Occupation: provision viii).
 - f. 4.6 General Commercial (GC formerly CG) Zone: 4.6.1 Permitted Uses provision i).
 - g. 5.1 Accessory: paragraph one.

- h. 5.36 Dwelling, Accessory: paragraph one.
- i. 5.44 Dwelling Unit, Accessory: paragraph one.
- j. 5.48 Farm: paragraph one.
- k. 5.102 Outside Storage: first sentence.
- l. 5.105 Parking Area: first sentence.
- m. 5.106 Parking Lot: first sentence.
- n. 5.115 Principle or Main Building: in the title and first sentence.

22. THAT Section 5 entitled "DEFINITIONS", of Zoning By-law 60-2004 as amended, is hereby amended by:

- a. Correcting the numbering of subsection 5.28 Convenience Store to 5.29.
- b. Deleting subsection 5.37 and replacing it with the following:

"5.37 DWELLING, APARTMENT

A free-standing building which contains three or more dwelling units to which access is provided by a common entrance at street level and common corridors, stairs or elevators but does not include a row house dwelling."

- c. Amending subsection 5.69 KENNEL to add the words "Kennels are only permitted in Agricultural or Rural Zones of at least 19 hectares." at the end of the existing definition.
- d. Deleting subsection 5.99 and replacing it with the following:

"5.99 NON-CONFORMING

Means a use, a building or a structure which, on the date of the passing of this bylaw, does not conform to the uses permitted or to other provisions of this bylaw for the zone in which such use, building or structure is located."

- e. Amending subsection 5.103 PARK, PRIVATE RECREATIONAL to add the words "(including a campground)" after the words "recreational area" in the first sentence.
- f. Amending subsection 5.110 PIT by adding at the end "This includes the crushing and screening of extracted materials."
- g. Amending subsection 5.116 PRIVATE CLUB to add the following at the end: "This can include a Private Recreational Park."
- h. Adding a new definition as follows:

"5.114 PORTABLE ASPHALT OR CONCRETE BATCHING PLANT

Means a facility not of permanent construction with the equipment used to mix aggregate, asphalt or cementing material for the use of a particular construction project or contract."

- i. Adding a new definition as follows:

"5.120 PUBLIC USE

The use of a lot, structure or building by a public authority that's purpose is to provide services to the public."

j. Revising the subsequent subsection numbers of Section 5 so as to be in sequential order.

23. In all other respects, the provisions of Zoning By-Law 60-2004, as amended, shall apply.

24. This by-law shall take effect from the date of final passing thereof, providing no appeal has been filed. Where objections to the by-law are received in accordance with the provisions of the Planning Act, the by-law shall come into effect upon approval of the Ontario Land Tribunal.

BY-LAW READ A FIRST AND SECOND TIME THIS 11th DAY OF FEBRUARY 2025

BY-LAW READ A THIRD TIME AND PASSED THIS 11th DAY OF FEBRUARY 2025

Clerk

Head of Council

DRAFT