

The Township of Cavan Monaghan

By-law No. 2016-63

Being a by-law to amend By-law No. 2004-62, as amended, otherwise known as "The Township of Cavan-Millbrook-North Monaghan Zoning By-law".

Whereas the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2004-62, as amended.

And Whereas the rezoning of the subject property is required as a condition of draft plan of subdivision 15T-14001;

And Whereas the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and deemed it advisable to further amend By-law No. 2004-62, as amended, with the approval of By-law No. 2016-37;

And Whereas a revision to the By-law No. 2016-37 is required to address the contents of the Site Plan and Model Home Agreement between Towerhill Developments Inc. and the Township of Cavan Monaghan;

And Whereas the revision satisfies the spirit and intent of By-law No. 2016-37;

And Whereas Council is satisfied that no further public meeting is required;

And Whereas Towerhill Developments Inc. and the Township of Cavan Monaghan will enter into a Site Plan and Model Home Agreement to regulate the construction of the models homes and temporary sales centre;

Now Therefore, the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12, Concession 5 of the Cavan Ward from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Ten (R1-10-h) Zone, the Residential Type One Exception Eleven Holding (R1-11-h) Zone, the Residential Type One Exception Twelve Holding (R1-12-h) Zone, the Residential Type One Exception Thirteen Holding (R1-13-h) Zone, the Residential Type One Exception Fourteen Holding (R1-14-h) Zone, the Residential Type One Exception Fifteen (R1-15) Zone, the Residential Type One Exception Sixteen Holding (R1-16-h) Zone and the Residential Type Three Exception Five Holding (R3-5-h) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
2. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12,

Concession 5 of the Cavan Ward from the Rural (RU) Zone to the Residential Type One Exception Thirteen Holding (R1-13-h) Zone Holding (R1-13-h) Zone and the Residential Type One Exception Sixteen Holding (R1-17-h) Zone.

3. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12, Concession 5 of the Cavan Ward from the Hazard Lands (H) Zone to the Residential Type One Exception Ten Holding (R1-10-h) Zone, the Residential Type One Exception Eleven Holding (R1-11-h) Zone, the Residential Type One Exception Twelve Holding (R1-12-h) Zone and the Residential Type Three Exception Five Holding (R3-5-h) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
4. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12, Concession 5 of the Cavan Ward from the Hazard Lands (H) Zone and the Rural Exception Eighteen (RU-18) Zone to the Open Space Exception Three (OS-3) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
5. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12, Concession 5 of the Cavan Ward from the Rural Exception Eighteen (RU-18) Zone to the Hazard Lands (H) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
6. Map E-2 of Schedule "A" to By-law No. 2004-62, as amended, is hereby further amended by changing the zone category on lands in part of Lot 12, Concession 5 of the Cavan Ward from the Rural Exception Eighteen (RU-18) Zone and the Hazard Lands (H) Zone to the Open Space Exception Four (OS-4) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
7. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.10 that shall read as follows:

"4.1.7.10 Residential Type One Exception Ten Holding (R1-10-h) Zone

4.1.7.10.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;

- d) a group home; and
- e) accessory uses.

4.1.7.10.2 Non-Residential Uses Permitted

- a) a servicing block;
- b) a public park.

4.1.7.10.3 Regulations for Permitted Uses

- a) Minimum Lot Area 475 m²
- b) Minimum Lot Frontage 15.8 m
- c) Minimum Corner Frontage 17.3 m
- d) Minimum Front Yard Depth 6 m
- e) Minimum Exterior Side Yard Width 2.5 m
- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum Rear Yard Depth 6 m
- h) Minimum Landscaped Open Space 20%
- i) Maximum Lot Coverage 48%
- j) Maximum Height 10 m

The holding provisions attached to the Residential Type One Exception Ten Holding (R1-10-h) Zone may be removed upon the registration of the Subdivision Agreement.”

8. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.11 that shall read as follows:

“4.1.7.11 Residential Type One Exception Eleven Holding (R1-11-h) Zone

4.1.7.11.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;
- d) a group home; and
- e) accessory uses.

4.1.7.11.2 Non-Residential Uses Permitted

- a) a public park.

4.1.7.11.3 Regulations for Permitted Uses

- a) Minimum Lot Area 475 m²
- b) Minimum Lot Frontage 15.8 m
- c) Minimum Corner Frontage 15.8 m
- d) Minimum Front Yard Depth 6 m
- e) Minimum Exterior Side Yard Width 2.5 m
- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum Rear Yard Depth 6 m
- h) Minimum Landscaped Open Space 20%
- i) Maximum Lot Coverage 48%
- j) Maximum Height 10 m

The holding provisions attached to the Residential Type One Exception Eleven Holding (R1-11-h) Zone may be removed upon the registration of the Subdivision Agreement.”

9. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.12 that shall read as follows:

“4.1.7.12 Residential Type One Exception Twelve Holding (R1-12-h) Zone

4.1.7.12.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;
- d) a group home; and
- e) accessory uses.

4.1.7.12.2 Non-Residential Uses Permitted

- a) a public park.

4.1.7.12.3 Regulations for Permitted Uses

- a) Minimum Lot Area 475 m²
- b) Minimum Lot Frontage 15.8 m
- c) Minimum Corner Frontage 17.3 m
- d) Minimum Front Yard Depth 6 m

- e) Minimum Exterior Side Yard Width 2.5 m
- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum East Rear Yard Depth 1.2 m
- h) Minimum West Rear Yard Depth 6 m
- i) Minimum Landscaped Open Space 20%
- j) Maximum Lot Coverage 48%
- k) Maximum Height 10 m

The holding provisions attached to the Residential Type One Exception Eleven Twelve Holding (R1-12-h) Zone may be removed upon the registration of the Subdivision Agreement.”

10. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.13 that shall read as follows:

“4.1.7.13 Residential Type One Exception Thirteen Holding (R1-13-h) Zone

4.1.7.13.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;
- d) a group home; and
- e) accessory uses.

4.1.4.13.2 Non-Residential Uses Permitted

- a) a public walkway; and
- b) a public park.

4.1.7.13.2 Regulations for Permitted Uses

- a) Minimum Lot Area 438 m²
- b) Minimum Lot Frontage 13.7 m
- c) Minimum Corner Frontage 15.2 m
- d) Minimum Front Yard Depth 4.5 m
- e) Minimum Exterior Side Yard Width 2.5 m

- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum Rear Yard Depth 6 m
- h) Minimum Landscaped Open Space 20%
- i) Maximum Lot Coverage 48%
- j) Maximum Height 10 m

The holding provisions attached to the Residential Type One Exception Eleven Thirteen Holding (R1-13-h) Zone may be removed upon the registration of the Subdivision Agreement.”

11. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7. 14 that shall read as follows:

“4.1.7.14 Residential Type One Exception Fourteen Holding (R1-14-h) Zone

4.1.7.14.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;
- d) a group home; and
- e) accessory uses.

4.1.7.14.2 Non-Residential Uses Permitted

- a) a public park.

4.1.7.14.2 Regulations for Permitted Uses

- a) Minimum Lot Area 378 m²
- b) Minimum Lot Frontage 10.6 m
- c) Minimum Corner Frontage 13.7 m
- d) Minimum Front Yard Depth 4.5 m
- e) Minimum Exterior Side Yard Width 2.5 m
- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum Rear Yard Depth 6 m
- h) Minimum Landscaped Open Space 20%
- i) Maximum Lot Coverage 48%

j) Maximum Height 10 m

The holding provisions attached to the Residential Type One Exception Fourteen Holding (R1-14-h) Zone may be removed upon the registration of the Subdivision Agreement.”

12. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.15 that shall read as follows:

“4.1.7.15 Residential Type One Exception Fifteen (R1-15) Zone

4.1.7.15.1 Notwithstanding the provisions of the Residential Type One Exception Thirteen (R1-13) Zone, model homes, a temporary sales office and accessory parking lot shall be permitted.

4.1.7.15.2 Notwithstanding the provisions of the Residential Type One Exception Thirteen (R1-13) Zone, the front porch, stairs and accessibility ramp for the temporary sales centre may project into the required front yard a maximum of 3 metres.

4.1.7.15.2 All other provisions of the Residential Type One Exception Thirteen (R1-13) Zone shall apply.

13. Section 4.1.7 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.1.7.16 that shall read as follows:

“4.1.7.16 Residential Type One Exception Sixteen Holding (R1-16-h) Zone

4.1.7.16.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation;
- d) a group home; and
- e) accessory uses.

4.1.7.16.2 Non-Residential Uses Permitted

- a) a public park.

4.1.7.16.3 Regulations for Permitted Uses

- a) Minimum Lot Area 360 m²
- b) Minimum Lot Frontage 10.6 m
- c) Minimum Corner Frontage 12.4 m
- d) Minimum Front Yard Depth 4.5 m
- e) Minimum Exterior Side Yard Width 2.5 m
- f) Minimum Interior Side Yard Width 1.2 m
- g) Minimum Rear Yard Depth 6 m
- h) Minimum Landscaped Open Space 20%
- i) Maximum Lot Coverage 48%
- j) Maximum Height 10 m

4.1.7.16.4 Notwithstanding Section 4.1.7.16.3 (f), a minimum side yard of 0.6 m is permitted adjacent to an attached garage.

The holding provisions attached to the Residential Type One Exception Sixteen Holding (R1-16-h) Zone may be removed upon the registration of the Subdivision Agreement.”

14. Section 4.3.5 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 4.3.5.5. that shall read as follows:

“4.3.5.5 Residential Type Three Exception Five Holding (R3-5-h) Zone

4.3.5.5.1 Residential Uses Permitted

- a) a row dwelling;
- b) a bed and breakfast establishment;
- c) a home occupation; and
- d) accessory uses.

4.3.5.5.2 Non-Residential Uses Permitted

- a) a public park.

4.3.5.5.3 Regulations for Permitted Uses

- a) Minimum Lot Area 243 m²
- b) Minimum Lot Frontage 7.5 m
- c) Minimum Front Yard Depth 4.5 m
- d) Minimum Exterior Side Yard Width 2.5 m
- e) Minimum Interior Side Yard Width
 - i. Where a dwelling unit is attached to two (2) adjoining units, the setback shall be 0 m.
 - ii. Where a dwelling unit is only attached to one (1) adjoining unit, the remaining interior side yard shall be 1.2 m.
- f) Minimum Rear Yard Depth 6 m
- g) Minimum Landscaped Open Space 20%
- h) Maximum Lot Coverage 53%
- i) Maximum Height 10 m

4.3.5.5.4 Notwithstanding any other provision of the Zoning By-law, no more than eight (8) units shall be constructed in a row.

4.3.5.5.5 For the purposes of the Residential Type Three Exception Five Holding (R3-5-h) Zone, a row dwelling means “a building divided vertically into at least three dwelling units, attached by common walls at least 6 m in length and at least one storey in height, in addition to any basement, with each dwelling unit having a separate entrance from the outside.”

The holding provisions attached to the Residential Type Three Exception Five Holding (R3-5-h) Zone may be removed upon the registration of the Subdivision Agreement.”

15. Section 8.6 of By-law No. 2004-62, as amended, is hereby further amended by the addition of subsection 8.6.4 that shall read as follows:

“8.6.4 Open Space Exception Four (OS-4) Zone

The permitted uses in the Open Space Exception Four (OS-4) Zone

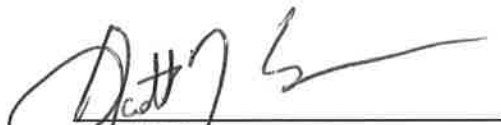
include landscaped open space. For the purposes of this Zone, landscaped open space means "open, unobstructed space, at finished grade, which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. "

16. By-law No. 2016-37 is hereby repealed in its entirety.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 3rd day of October, 2016.



Scott McFadden
Mayor



Elana Arthurs
Clerk

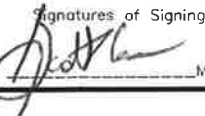



-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Ten Holding (R1-10-h) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Residential Type One Exception Eleven Holding (R1-11-h) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Residential Type One Exception Twelve Holding (R1-12-h) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Thirteen Holding (R1-13-h) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Fourteen Holding (R1-14-h) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Fifteen (R1-15) Zone.
-  Lands to be rezoned from the Rural (RU) Zone to the Residential Type One Exception Thirteen Holding (R1-13-h) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type One Exception Sixteen Holding (R1-16-h) Zone.
-  Lands to be rezoned from the Rural (RU) Zone to the Residential Type One Exception Sixteen Holding (R1-16-h) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Residential Type One Exception Ten Holding (R1-10-h) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Residential Type One Exception Twelve Holding (R1-12-h) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Residential Type Three Exception Five Holding (R3-5-h) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Residential Type Three Exception Five Holding (R3-5-h) Zone.
-  Lands to remain zoned the Hazard Lands (H) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Hazard Lands (H) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Open Space Exception Three (OS-3) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Open Space Exception Three (OS-3) Zone.
-  Lands to be rezoned from the Hazard Lands (H) Zone to the Open Space Exception Four (OS-4) Zone.
-  Lands to be rezoned from the Rural Exception Eighteen (RU-18) Zone to the Open Space Exception Four (OS-4) Zone.



Township of
Cavan Monaghan
Cavan
Schedule 'A'
To By-Law No 2016-63

This is Schedule A to By-Law No. 2016-63
Passed this 3 Day of Oct., 2016.

Signatures of Signing Officers
 Mayor
 Clerk

