

**The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde**

**By-Law No. 2023 - 47**

**Being a by-law to amend Zoning By-law 2005-120**

**(Lands of Hot Pond Enterprises Corp.)**

**Whereas** Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a municipality to pass Zoning By-laws for the purpose of land use controls.

**And whereas** the Council of the Corporation of the United Townships of Dysart et al has received a complete application to amend Zoning By-law 2005-120, as amended.

**And whereas** a public meeting was held on April 25<sup>th</sup>, 2023, pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c.P.13.

**And whereas** Section 36 of the Planning Act, R.S.O. 1990, c. P. 13 as amended allows the Council of a municipality, in a by-law passed under Section 34 of the said Planning Act, to use the holding symbol "H" in conjunction with any designation to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.

**And whereas** the Council of the Corporation of the United Townships of Dysart et al deems it advisable to amend By-law No. 2005-120, as amended.

**And whereas** The Council of the Corporation of the United Townships of Dysart et al deems it advisable to use the holding provision of Section 36 of the said Planning Act for the following reasons:

- To ensure compliance with the required site plan agreement.
- To ensure that all required approvals are obtained prior to the development proceeding.

**Now therefore** the Council of the Corporation of the United Townships of Dysart et al enacts the following as a by-law:

1. Schedule "A", Map 1 – Haliburton of By-law 2005-120, as amended, is hereby further amended by changing the zone symbol on Part Lot 17, Concession 8, Lot 6 and Part Lot 12, Plan 1, in the geographic township of Dysart, from General Commercial – 4 (C-4) Exception Zone, General Commercial – 4 (H-C-4) Exception Zone with holding provision and Urban Residential Type 1 (R1) Zone to Urban Residential Type 3-15 (R3-15) Exception Zone with holding provision as shown on Schedule "A", attached hereto, and forming part of this By-law.
2. Section 5.4.15 to By-law 2005-120, as amended, is hereby further amended by the addition of the following subsections:

5.4.15.15 R3-15 Exception Zone (By-law 2023-47)

Despite any provision to the contrary of Section 5, or any other provision of this By-law, within the R3 Exception Zone, the following provisions shall apply:

a) Permitted Uses:

Despite Section 5.1 of this By-law, the only permitted uses are as follows:

- A medium density dwelling
- A home office

b) Zone Provisions:

All zone provisions applicable to the R3 zone, except as follows:

- Dwelling units per lot, maximum: 18
- Dwellings per lot, maximum: 3
- Minimum lot line setback, front: 6.0 metres
- Minimum lot line setback, exterior side: 0.3 metres
- Minimum lot line setback, rear, main building: 5.0 metres
- Minimum lot line setback, rear, accessory structure: 0.3 metres
- Lot coverage, maximum: 32%
- Structure height, maximum: 15.0 metres
- Planting strip, minimum: 0.0 metres, no planting strip along western property line. Install planting per approved landscape plan.
- Accessible parking space, minimum dimensions: 6.0 m x 4.0m
- Minimum street setback, Maple Avenue: 0.6 metres
- Minimum street setback, Victoria Street: 0.6 metres
- Despite Table 2 of this By-law, the minimum number of parking spaces is 1.0 spaces per dwelling unit.
- Minimum sight triangle of 8.5 metres
- Minimum opening elevation: 320.65 metres CGVD28

c) All other provisions of this By-law applicable to a R3 Zone shall apply.

3. Pursuant to the provisions of Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended, the holding symbol "H" is added to the zone designation, as shown on Schedule "A", attached hereto, so that the zones read:

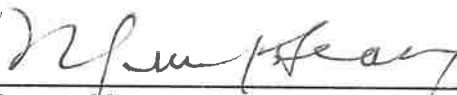
Urban Residential Type 3 -15 with Holding Provision - "H-R3-15 Zone":


- a) During the period that the holding provisions are in place, the provisions of Section 5.1 and 5.2 Urban Residential Type 1 (R1) zone, By-law 2005-120, as amended, will apply. Uses permitted on the subject lands will be in accordance with Section 5.1 of By-law 2005-120.
- b) The provisions of the Urban Residential Type 3 – 15 (R3-15) exception zone will only apply upon amendment of the By-law to remove the holding provisions.
- c) Upon application by the registered owner, the Municipality will amend the by-law to remove the holding provisions when the following conditions have been completed or demonstrated to the satisfaction of the Municipality:
  - The Municipality has approved the site plan (including building location, exterior finishes, elevations, landscaping and environmental mitigation measures) and a site plan agreement has been executed by the Municipality and the registered owner.
  - The developer has submitted a storm water management study and construction mitigation plan satisfactory to the Municipal engineer.
  - The developer has submitted engineering plans for the internal sewer system and the connection to the Municipal sewer system satisfactory to the Municipal engineer.
  - At the time of application to remove the holding symbol, there is sufficient capacity at the municipal sewage treatment plant to accommodate the proposed development.

- The developer has demonstrated potable water to service the proposal and has satisfied all requirements of the Ministry of the Environment, Conservation and Parks and the Municipality with respect to the water system including:
    - The developer has submitted a hydrogeology report satisfactory to the Municipal engineer.
    - If required by the hydrogeology study, a Permit to Take Water has been issued by the Ministry of the Environment, Conservation and Parks for the water system.
    - The developer has submitted plans/reports for the design for the water treatment system satisfactory to the Municipal engineer.
    - The responsibility agreement for the private communal water system has been executed by the Municipality and the registered owner.
  - The developer has applied for and received the applicable entrance permit from the Municipal Roads Department.
  - The developer has satisfied all requirements of the Municipal Fire Department and the Municipal Building Department with respect to the design of the building for fire safety.
  - The developer has applied to the Municipality for removal of the holding symbol.
4. This By-law shall come into force on the date of final passing if no notice of appeal is filed with the Clerk within 20 days of the giving of notice of passage of this By-law.

If a notice is filed with the Clerk, the By-law shall only come into force according to the provisions of Section 34(30) of The Planning Act, R.S.O. 1990, Chapter P.13, as amended.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto this 25<sup>th</sup>, day of April 2023.

  
\_\_\_\_\_  
Mayor: Murray Fearrey

  
\_\_\_\_\_  
CAO/Deputy Clerk: Tamara Wilbee

**SCHEDULE "A"**  
**TO BY-LAW No. 2023-47**

PART LOT 17, CONCESSION 8  
 LOT 6 AND PART LOT 12, PLAN 1  
 GEOGRAPHIC TOWNSHIP OF DYSART  
 MUNICIPALITY OF DYSART et al  
 COUNTY OF HALIBURTON

THIS IS SCHEDULE "A"  
 TO BY-LAW NO. 2023 - 47  
 THE 26 DAY OF September 2023.

- ZONE CHANGE

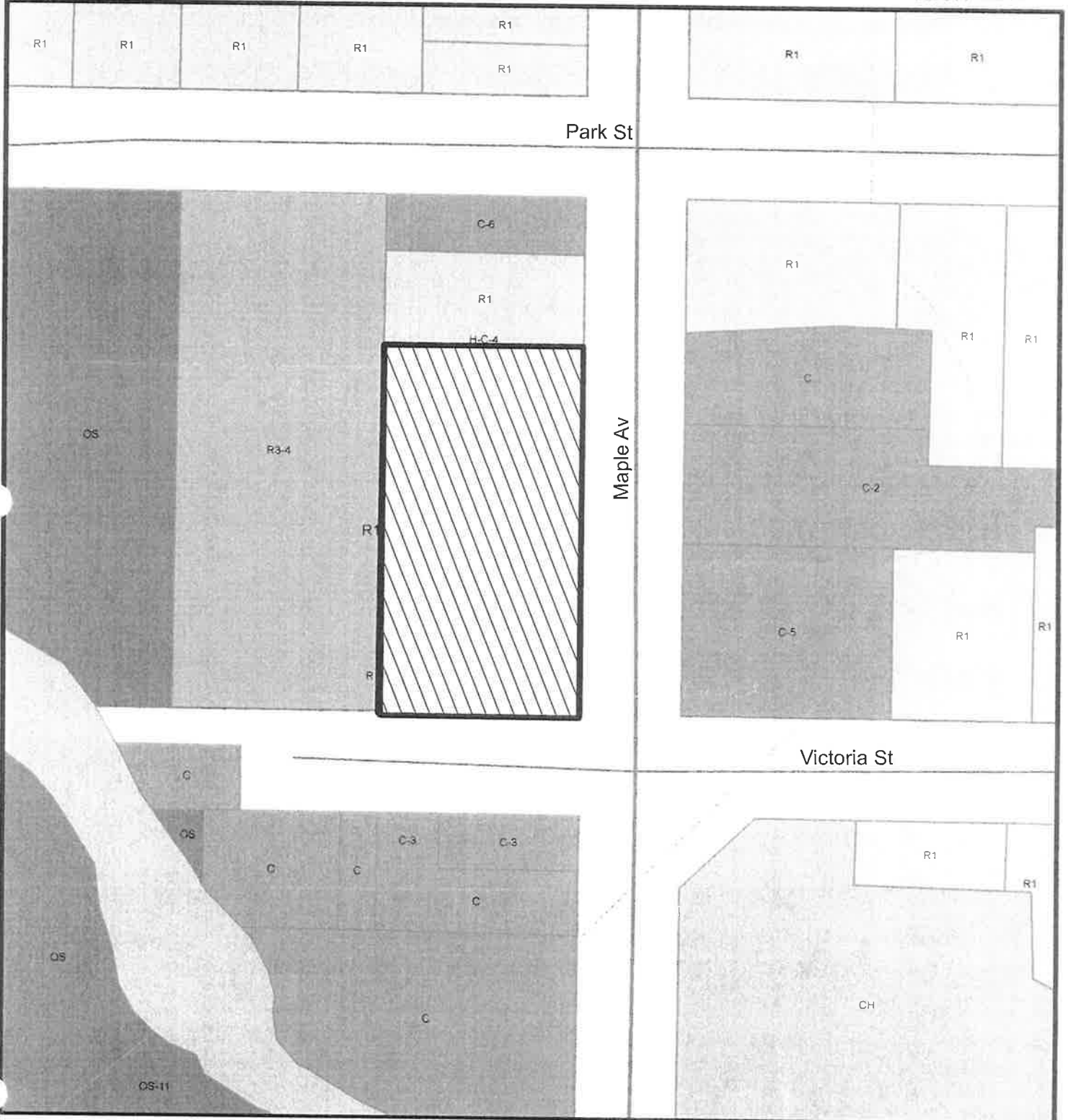


From General Commercial - 4 (C-4) exception zone,  
 General Commercial - 4 (H-C-4) exception zone with  
 holding provision, and Urban Residential Type 1 (R1) zone  
 to Urban Residential Type 3-15 (R3-15) exception zone  
 with holding provision.

*Nguyen Tuan*  
 MAYOR

*Tamara Wilke*  
 DEPUTY CLERK

SCALE 1:1,049  
 0 4.75 9.5 19 28.5 38 Meters



DISCLAIMER: This map is for planning reference purposes only, and is not a survey of properties. No representation is made or warranty given as to its content. User assumes all risk of use. The Municipality of Dysart et al assumes no responsibility for any loss resulting from such use. This publication may not

SOURCE: QUEEN'S PRINTER OF ONTARIO, Ministry of Natural Resources and Forestry (MNRF), the County of Haliburton, the Municipal Property Assessment Corporation (MPAC). Use of this data does not constitute an endorsement by the MNRF, Ontario Government, County of Haliburton or MPAC.