

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 39 – 2022

BEING A BY-LAW TO AMEND SCHEDULE A OF BY-LAW NO. 36-09, AS
AMENDED
(BEING THE COMPREHENSIVE ZONING BY-LAW OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE)
RE: Concession 3 Lot 20, 674 Concession 2 Arran
Roll Number: 4103-490-002-03900

Whereas Section 34(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provides that: “Zoning by-laws may be passed by the councils of local municipalities:

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.
2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.”

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule “A” of By-law No. 36-09, as amended being the Comprehensive Zoning By-law for the Municipality of Arran-Elderslie, is hereby further amended by changing thereon from Agriculture ‘A1’ zone to Agriculture Special with holding provision A1-39-2022-H1 zone and A1-39-2022-H2 of the subject lands, as outlined in Schedule ‘A’, attached hereto and forming a part of this by-law.
2. THAT By-law No. 36-09, as amended, is hereby further amended by adding the follow subsection to Section 6.4 thereof:

‘A1-39-2022-H1’

.xx Notwithstanding their ‘A1’ zoning designation, those lands delineated as A1-39-2022-H1 on Schedule ‘A’ to this By-law shall be used in compliance with the ‘A1’ zone provisions contained in this by-law, excepting however:

- i. A dwelling is not permitted
- ii. The existing livestock structure as of the date of passage of this by-law is permitted to have a Minimum Distance Separation setback of 72 metres, from the existing dwelling, and will not be permitted to expand. New livestock facilities must meet the MDS II guidelines
- iii. That a Holding (H) provision shall apply to those lands with High Archaeological Potential, as shown on the attached Schedule ‘A’ and that the holding provision shall be lifted when:
 - a. A licenced archaeologist has assessed the property or project area and has completed an archeological assessment or it has been determined that an assessment is not required in accordance with the Province’s ‘Criteria for Evaluating Archaeological Potential’.
 - b. All recommendations of the licenced archaeologist have been carried out.

‘A1-39-2022-H2’

xx Notwithstanding their ‘A1’ zoning designation, those lands delineated as ‘A1-39-2022-H2’ on Schedule ‘A’ to this By-law shall be used in compliance with the ‘A1’ zone provisions contained in this by-law, excepting however:

- i. That a Holding (H) provision shall apply to those lands with High Archaeological Potential, as shown on the attached Schedule ‘A’ and that the holding provision shall be lifted when:
 - a. A licenced archaeologist has assessed the property or project area and has completed an archeological assessment or it has been determined that an assessment is not required in accordance with the Province’s ‘Criteria for Evaluating Archaeological Potential’.
 - b. All recommendations of the licenced archaeologist have been carried out.

3. THAT this By-law takes effect from the date of passage by Council, subject to compliance with the provisions of the *Planning Act, R.S.O. 1990, as amended*.

READ a FIRST and SECOND time this 13th day of June, 2022.

READ a THIRD time and finally passed this 13th day of June, 2022.

Steve Hammell, Mayor

Christine Fraser-McDonald,
Clerk