

**THE CORPORATION OF THE UNITED TOWNSHIPS  
OF DYSART, DUDLEY, HARCOURT, GUILFORD,  
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**TEMPORARY USE BY-LAW NO. 2025 - 95**

**BEING A BY-LAW TO AMEND ZONING BY-LAW 2005-120 WITH RESPECT TO A  
TEMPORARY USE BY-LAW FOR A DAY NURSERY**

**(Lands of Haliburton Lumber & Enterprise 1587256 Ontario Inc)**

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

**WHEREAS** Section 39 of the Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a municipality, in a by-law passed under section 34 of the said Planning Act, to authorize the temporary use of land to permit a Day Nursey on the subject lands for a maximum of three (3) years.

**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 the application requests a zone change to permit a Day Nursery.

**AND WHEREAS** a public meeting was held on October 28<sup>th</sup>, 2025 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 – Dysart (Haliburton Village Area) of By-law 2005-120, as amended, is hereby further amended by changing the zone symbol on Part Lot 12 & 13, Concession 8, in the Geographic Township of Dysart, Municipality of Dysart et al from Highway Commercial (CH) zone to Highway Commercial - 38 (CH-38) exception zone with holding provision as shown on Schedule "A", attached hereto, and forming part of this By-law.
2. Section 7.3.2 to By-law 2005-120, as amended, is hereby further amended by the addition of the following subsections:

**7.3.2.38 CH-38 Exception Zone (By-law 2025-95)**

Despite any provision to the contrary of Section 6, or any other provision of this By-law, within the CH-38 Exception Zone, the following provisions shall apply:

(a) Permitted uses:

All uses permitted in the CH Zone, including:

- Day Nursery which shall be in effect for a period of three (3) years from the date of passing of this By-law at which time the use is extended or lapses.

(b) Zone Provisions:

All zone provisions applicable to the CH Zone.

(c) All other provisions of this By-law as applicable to the CH Zone shall apply.

3. Pursuant to the provisions of Section 39(2) of the Planning Act R.S.O. 1990, c.P.13, as amended, this by-law shall be in effect for a maximum period of three (3) years from the date of passing \_\_\_\_\_, or until such time as the occupant no longer requires use of the Day Nursery, should that occur first.
4. 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:

Highway Commercial - 38 with Holding Provision - "H-CH-38 Zone":

- a) During the period that the holding provisions are in place, the provisions of Section 7.1 and 7.2 of By-law 2005-120, as amended, will apply. Uses permitted on the subject lands will be in accordance with Section 7.1 of By-law 2005-120.
- b) The provisions of the Highway Commercial - 38 (CH-38) 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 County of Haliburton has reviewed and approved the traffic brief to address traffic volumes, movements, and impacts on the flow of traffic on County Road 21.
  - The applicant has addressed and designed traffic flow on the subject property in accordance with the Child Care and Early Years Act.
  - The Municipality has approved the site plan, and a site plan agreement has been executed by the Municipality and the registered owner.
  - 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 there is sufficient potable water (quality and quantity) to service the proposal and if necessary 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 and the Ministry of the Environment, Conservation and Parks, if necessary.
    - A Permit to Take Water has been issued by the Ministry of the Environment, Conservation and Parks for the water system, if necessary.
    - The developer has submitted plans/reports for the design for the water treatment system satisfactory to the Municipal engineer, if necessary.
  - The developer has satisfied all requirements of the Municipal Fire Department and the Municipal Building Department with respect to the design of the unit for fire safety.
  - The developer has applied to the Municipality for removal of the holding symbol.

5. 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 28<sup>th</sup> day of October 2025.

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

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Clerk: Mallory Bishop

By signing this by-law on October 28, 2025, Mayor Murray Fearrey will not exercise the power to veto this by-law.