

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2019-035

Being a by-law to amend the Zoning By-law (Number 2017-030) To
add a special condition relating to Subject Property in geographic
Scoble Township

Recitals:

1. Section 34 (10) of the Planning Act R.S.O. 1990, c P.13, as amended (referred to in this By-law as the "Act"), provides that an enacted Zoning By-law may be amended.
2. An application to amend the zoning by-law to allow development of the Subject Property with a recreational dwelling was submitted April 12, 2019, by agents for the owner of the Subject Property, Carrel + Partners. A Public Meeting was held on May 15th, 2019 at the Municipal Office for the purpose of reviewing the application. At that time, the application was tabled, to be lifted from the table on August 7th, 2019 at 5:00 p.m.
3. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of the Public Meeting held May 15th, 2019 was mailed to nearby property owners and to agencies and first nations on April 23, 2019 (relating to the May 15th meeting) and a sign was posted at the access point leading to the Subject Property.
4. The Council may, in accordance with Section 36 of the Planning Act in a By-law adopted under Section 34 of the Act, by the use of holding symbol "H", in conjunction with any use designation, specifying 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.
5. These holding provisions of the Planning Act cannot be used unless Official Plan polices related to their use have been approved. The Neebing Official Plan contains policies for using holding provisions.
6. The development of the Subject Property is considered to be premature until the property owner has finalized obtaining and registering an access easement to the Subject Property.
7. In accordance with the policies established in the Official Plan, as amended, the holding symbol may be removed from the lands described in this By-law when the condition has been met.
8. This amendment is a site-specific amendment that impacts only the Subject Property.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

Part One: Definitions and Interpretation

1.01 Definitions:

- (a) "Act" means the Planning Act, R.S.O. 1990, c. P.13, as amended from time to time.
- (b) "Subject Property" means property without municipal address, legally described as set out in Section 2.01 of this By-law.

Part Two: Site-Specific Amendments for Subject Property

2.01 Subject Property: The provisions of sections 2.01 through 2.04, inclusive, of this By-law apply to those lands described as:

Part of Broken Lot 9, Concession 4, Parcel 1952, Section DFWF, in the Municipality of Neebing (geographic Scoble Township) and the District of Thunder Bay.

This property is referred to in this By-law as the "Subject Property".

2.02 Re-Zoning: The Subject Property is zoned "Rural" with some "Use Limitation", and will remain zoned as such.

2.03 Map Amendment: Schedule F to By-law 2017-030, being the zoning map for Geographic Scoble Township, is amended to note the special condition number "SC-2" for the Subject Property.

2.04 Text Amendment: By-law 2017-030 is amended by adding the following text as Section 5.7.2, entitled "Special Condition SC-2":

The property to which this special condition applies, referred to as the "Subject Property" is legally described as Part of Broken Lot 9, Concession 4, Parcel 1952, Section DFWF, in the Municipality of Neebing (geographic Scoble Township) and the District of Thunder Bay.

On August 7, 2019, the Subject Property had no municipal address, and Assessment Roll Number 58-01-760-000-12800-0000.

The Subject Property is zoned "Rural" with some "Use Limitation" areas, and will remain zoned accordingly.

Except where they contravene the provisions of this special condition, the

provisions of this By-law that apply to lots in the Rural Zone apply to this lot.

Despite the wording of Section 2.2 of By-law 2017-030, the construction of a recreational dwelling, together with accessory buildings, is permitted on the Subject Property, subject to the "H" hold provision.

Year round occupancy of the Subject Property is not permitted.

With respect to the Subject Property, the minimum lot frontage requirement for a recreational dwelling is reduced to zero.

Part Three: Removal of the Holding Symbol

- 3.01 First Condition: The "H" hold provision shall not be lifted until such time as the owner of the Subject Property has obtained any approvals required by the Lakehead Region Conservation Authority for construction of a recreational dwelling and, if applicable, accessory buildings.
- 3.02 Second Condition: The "H" hold provision shall not be lifted until such time as the owner of the Subject Property obtains and registers an easement to provide access to the Subject Property, which is otherwise land-locked.
- 3.03 Restriction: Despite any other provision of this By-law, until the "H" symbol is removed from the Subject Property in accordance with Section 36 of the Act, the permitted uses on the land are restricted to those listed in Section 3.3.1 of By-law 2017-030 on the date of passage of this By-law, and the provisions of Section 2.2 of By-law 2017-030 also apply.

Part Four: General Provisions

- 4.01 Official Plan Compliance: This By-law is in accordance with the Municipality of Neening Official Plan.
- 4.02 Effective Date: This By-law shall come into force and effect on the day of its passage in accordance with Subsection 34(21) or 34(30) of the Planning Act, as applicable.

ENACTED AND PASSED IN COUNCIL this 7th day of August, 2019, as witnessed by the corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.



Mayor



Solicitor-Clerk



Schedule "A" – Subject Property

Subject Property

