

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 2019-034

Being a by-law to amend the Zoning By-law (Number 2017-030) To
add a special condition relating to Subject Property in geographic
Blake 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. The requirements of the Act have been met, and Council is satisfied that the Zoning By-law should be amended, on a site-specific basis, subject to a "holding" provision.
3. An application to amend the zoning by-law to allow development of the Subject Property as a medical clinic was submitted January 2, 2019, by the owner of the Subject Property, Joseph Zawada. Public Meetings were held on March 1st, 2019 at the Municipal Office, and on July 31st, 2019 at the Blake Hall for the purpose of reviewing the application.
4. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of the Public Meeting held March 1, 2019 was placed in the Chronicle Journal newspaper on February 16th, 2019 and in the February issue of the "Neebing News", published on January 31st, 2019, and Notice of the Public Meeting held July 31st, 2019 was placed in the "Neebing News" July edition (published June 28th, 2019). Notices were also mailed to nearby property owners and to agencies and first nations on January 29th (relating to the March 1st meeting) and on June 24th (relating to the July 31st meeting), and signs were posted on the Subject Property on both occasions.
5. 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.
6. 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.
7. The development of the Subject Property is considered to be premature until the property owner has (a) entered into a Site Plan Agreement with the Municipality and (b) provided to the Municipality a satisfactory Minimum Distance Separation 1 analysis.
8. 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.

9. 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 municipally known as 3935 Highway 61, Neebing, Ontario, with legal description as set out in Section 2.01 of this By-law.

Part Two: Site-Specific Amendments for Property at 3935 Highway 61, in Geographic Blake Township, in the Municipality of Neebing

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 the North Part of Lot 1, Concession 1, Geographic Township of Blake, Municipality of Neebing, Described as Part 1 on Reference Plan of Survey Number 55R-3438, excluding Part 1 on Reference Plan of Survey Number 55R-4425. Schedule "A" to this By-law is a pictorial representation of the property. This property is referred to in this By-law as the "Subject Property".

2.02 Re-Zoning: The Subject Property is given a dual zone designation for both the "Rural" zone and the "General Commercial" zone, and Special Condition number BL-16.

2.03 Map Amendment: Schedule B to By-law 2017-030, being the zoning map for Geographic Blake Township, is amended to note the special condition number "BL-16" for the Subject Property.

2.04 Text Amendment: By-law 2017-030 is amended by adding the following text as Section 5.3.16, entitled "Special Condition BL-16":

The property to which this special condition applies, referred to as the "Subject Property" is legally described as Part of the North Part of Lot 10, Concession One, in the Municipality of Neebing (geographic Blake Township) and the District of Thunder Bay, being Part 1 on Reference Plan of Survey 55R-3438, excluding Part 1 on Reference Plan of Survey 55R-4425.

On August 7, 2019, the Subject Property had municipal address 3935 Highway

61, and Assessment Roll Number 58-01-030-006-03501-0000.

The Subject Property has dual zoning, both "Rural" and "General Commercial".

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.

The General Commercial Zone is applied to this lot together with the Rural Zone for the purpose of allowing development of a portion of the north part of the lot as a medical clinic. Except as otherwise set out in this special condition, the provisions of Section 3.9.1 do not apply to the Subject Property, despite its having "General Commercial" zoning.

No person shall use that portion of the north part of the Subject Property that is identified in a registered Site Plan Agreement, or erect, alter or use any building or structure for any purpose on that same portion of the Subject Property, except in accordance with the regulations set out in this Section 5.3.16.

A medical clinic is permitted on that portion of the Subject Property illustrated in Schedule "A" to this By-law Number 2019-034.

Access to the medical clinic shall be from Boundary Drive West.

Separation is to be maintained between the existing Rural Residential use on the property and the medical clinic, and the two uses on the lot are not to share an access driveway to any highway.

The medical clinic shall have a maximum floor area of three hundred (300m²) square meters.

Setbacks imposed by senior orders of government must be adhered to.

The medical clinic may contain retail operations, either stand-alone, or as accessory uses to the uses set out in the next paragraph of this Special Condition, for pharmacies or for the retail sale of home health care supports to assist persons with disabilities with functional requirements and/or to facilitate such persons remaining in their homes.

The medical clinic may contain offices and facilities for any or all of the following medical practices:

- (1) general practitioners;
- (2) medical specialists, excluding any set out in the following paragraph;
- (3) physiotherapists;
- (4) chiropractors;
- (5) naturopaths;
- (6) dentists;

- (7) nurse practitioners;
- (8) midwives or doulas; or
- (9) pharmacists.

The medical clinic may not contain medical facilities wherein patients remain on the premises overnight, adult or child day care facilities, abortion clinics, sanatoria, hospice facilities or methadone clinics.

In addition to the permitted uses listed above, accessory uses, including laboratories, x-ray facilities, patient waiting rooms and physiotherapy equipment centers are permitted.

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 enters into a site plan agreement for the proposed medical clinic, which provides detail relating to the siting of the building or buildings on the property, access and egress, exterior finishing, signage, landscaping and parking, and that site plan agreement is registered on title.
- 3.02 Second Condition: The “H” hold provision shall not be lifted until such time as the owner of the Subject Property supplies a MDS I formula analysis for the development that is acceptable to the Council.
- 3.03 Third Condition: The “H” hold provision shall not be lifted until such time as the Minister of Municipal Affairs and Housing has approved Amendment No. 5 to the Neebing Official Plan, which is a prerequisite to the application of this zone to this property.
- 3.04 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 3.4.1 of By-law 2017-030 on the date of passage of this By-law.

Part Four: General Provisions

- 4.01 Official Plan Compliance: This By-law is in accordance with the Municipality of Neebing Official Plan, as amended by Amendment Number 5.

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.



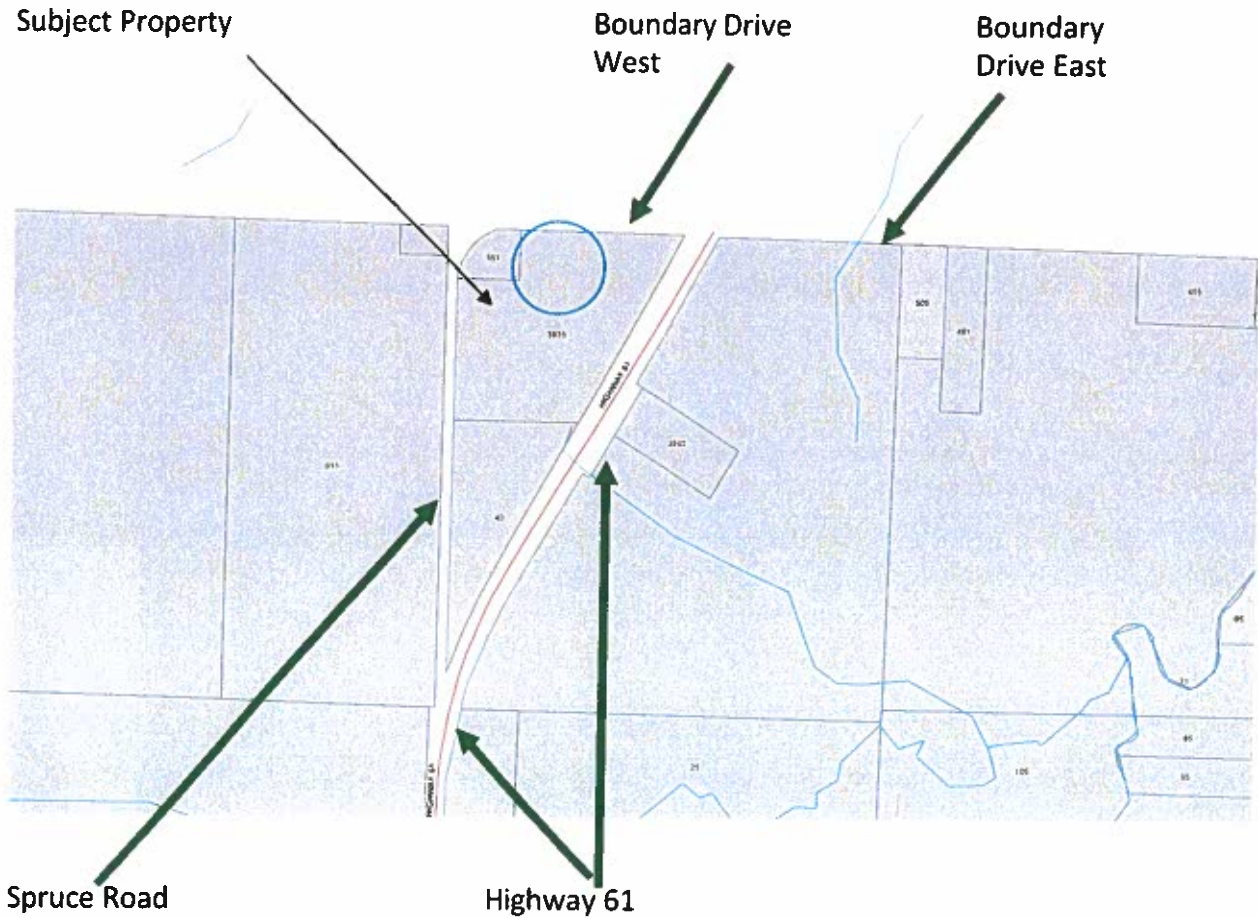
Mayor



Solicitor-Clerk



Schedule "A" to By-law 2019-034



The portion of the Subject Property on which a medical clinic is proposed is (approximately) denoted with a blue circle on the sketch above.