

MUNICIPALITY OF NEEBING

ZONING BY-LAW

NO. 2017-030

September 6th, 2017

Office Consolidation Copy as amended by By-laws 2018-013, 2019-034,
2019-035, 2020-022, 2020-024, 2020-026, 2021-012, 2021-031,
2021-040, 2022-012, 2022-031, 2023-035, 2023-040, 2024-031,
2024-032, and 2024-034

Table of Contents

SECTION 1 - INTERPRETATION AND ADMINISTRATION	1
1.1. Title of By-law	1
1.2. Scope	1
1.3. Conformity	1
1.3.1. Conformity with By-law	1
1.3.2. Building Permit Issued Prior to Passing this By-law.....	1
1.3.3. Issuance of Building Permits After the Passing of this By-law	2
1.3.4. Existing Uses Continued	2
1.3.5. Compliance with Other Restrictions.....	2
1.4. Interpretation	2
1.4.1. Singular/Plural	2
1.4.2. 1.4.2 Shall.....	2
1.4.3. 1.4.3 Used and Occupied	2
1.4.4. In whole or in Part	2
1.4.5. Actions	3
1.4.6. No Limitation on “Include”	3
1.4.7. References to Legislation.....	3
1.4.8. Headings	3
1.4.9. Severability	3
1.5. Schedules and Appendices to By-law	3
1.6. Requests for Amendment	3
1.7. Violations and Penalties	4
1.7.1. Offences and Penalties for Individuals	4
1.7.2. Offences and Penalties for Corporate Entities	4
1.7.3. Corrective Action by the Corporation.....	4
1.7.4. Other Remedies	4
1.8. Repeal	4
SECTION 2 - GENERAL PROVISIONS	4
2.1. Accessory Uses	4
2.1.1. Uses Permitted	4
2.1.2. Height Restrictions.....	5
2.1.3. Location	5
2.1.4. Yard Requirements	5
2.2. Access Regulations	5
2.3. Height Restrictions	5
2.4. Home Industry	5
2.5. Home Occupations	6

2.6.	Lots with More than One Zone	6
2.6.1.	Zone Boundaries within One Lot	6
2.6.2.	Multiple Zoning.....	6
2.7.	Non-conforming Uses, Buildings and Lots	7
2.7.1.	Non-Conforming Uses.....	7
2.7.2.	Seasonal Residential/Permanent Residential.....	7
2.7.3.	Repair Permitted.....	8
2.7.4.	Lot Regulations less than Required	8
2.7.5.	Expropriation and Dedication for Public Use.....	8
2.8.	Main Buildings on a Lot	9
2.9.	Offensive Uses	9
2.9.1.	General Prohibitions.....	9
2.10.	Parking.....	9
2.10.1.	Parking Spaces Required.....	9
2.10.2.	Parking Space Dimensions	9
2.10.3.	Parking Areas	9
2.11.	Public Uses.....	10
2.12.	Yard Encroachments and Obstructions	10
2.13.	Proximity of Livestock to Wells.....	11
SECTION 3 - ZONES	12	
3.1.	Classification.....	12
3.1.1.	Zones and Zone Symbols	12
3.1.2.	Regulations for Zones	12
3.1.3.	Maps Show Zone Boundaries	12
3.1.4.	Use of Symbols	12
3.1.5.	Suffixes on Symbols	13
3.2.	Zone Boundaries.....	13
3.2.1.	Rules Where Zone Boundaries Occur Along Map Features.....	13
3.2.2.	Rules Where Zone Boundaries Unclear	13
3.3.	RURAL (R) ZONE.....	14
3.3.1.	Permitted Uses	14
3.3.2.	Zone Provisions.....	14
3.3.3.	Other Provisions	15
3.4.	AGRICULTURAL (A) ZONE	16
3.4.1.	Permitted Uses	16
3.4.2.	Zone Provisions.....	16
3.4.3.	Other Provisions	17
3.5.	LAKEFRONT RESIDENTIAL (LR) ZONE.....	18
3.5.1.	Permitted Uses	18

3.5.2.	Zone Provisions.....	18
3.6.	RESIDENTIAL 1 (R1) ZONE.....	19
3.6.1.	Permitted Uses	19
3.6.2.	Zone Provisions.....	19
3.7.	RESIDENTIAL 2 (R2) ZONE.....	20
3.7.1.	Permitted Uses	20
3.7.2.	Zone Provisions.....	20
3.8.	SEASONAL (S) ZONE.....	21
3.8.1.	Permitted Uses	21
3.8.2.	Zone Provisions.....	21
3.8.3.	Other Provisions	22
3.9.	GENERAL COMMERCIAL (C1) ZONE.....	23
3.9.1.	Permitted Uses	23
3.9.2.	Zone Provisions.....	23
3.9.3.	Buffers.....	24
3.10.	RECREATION COMMERCIAL (C2) ZONE.....	25
3.10.1.	Permitted Uses	25
3.10.2.	Zone Provisions.....	25
3.10.3.	Buffers.....	26
3.11.	LIGHT INDUSTRIAL (M1) ZONE.....	27
3.11.1.	Permitted Uses	27
3.11.2.	Zone Provisions.....	27
3.11.3.	Buffers.....	27
3.12.	HEAVY INDUSTRIAL (M2) ZONE	28
3.12.1.	Permitted Uses	28
3.12.2.	Zone Provisions.....	28
3.12.3.	Provisions for Crushing Operations	28
3.12.4.	Buffers.....	28
3.13.	EXTRACTIVE INDUSTRIAL (E) ZONE.....	29
3.13.1.	Permitted Uses	29
3.13.2.	Zone Provisions.....	29
3.13.3.	Buffers.....	29
3.14.	DISPOSAL INDUSTRIAL (D) ZONE.....	30
3.14.1.	Permitted Uses	30
3.14.2.	Zone Provisions.....	30
3.15.	INSTITUTIONAL (I) ZONE.....	31
3.15.1.	Permitted Uses	31
3.15.2.	Zone Provisions.....	31
3.15.3.	Other Provisions	31

3.16. OPEN SPACE (OS) ZONE	32
3.16.1. Permitted Uses	32
3.16.2. Zone Provisions.....	32
3.17. USE LIMITATION (UL) ZONE.....	33
3.18. WATERSHED (W) ZONE.....	33
3.18.1. Permitted Uses	33
3.18.2. 3.18.2 Zone Provisions.....	33
 SECTION 4 - DEFINITIONS.....	 34
 SECTION 5 – SPECIAL CONDITIONS.....	 45
5.1. Special Conditions.....	45
5.2. Mapping Suffixes.....	45
5.3. Special Conditions in Geographic Blake Township.....	45
5.4. Special Conditions in Geographic Crooks Township.....	54
5.5. Special Conditions in Geographic Pardee Township	65
5.6. Special Conditions in Geographic Pearson Township.....	65
5.7. Special Conditions in Geographic Scoble Township	66
 SCHEDULES	 68
 APPENDICES.....	 69
Appendix One.....	69
Appendix Two:.....	71
Appendix Three	71

BY-LAW NO. 2017-030

A By-law to regulate the use of land; the character, location and use of buildings and structures in the Municipality of Neebing.

Recitals:

The Council of The Corporation of the Municipality of Neebing deems it necessary in the public interest to pass a by-law in order to regulate the use of land and the erection and use of buildings and structures.

Authority is granted under Section 34 of The Planning Act (R.S.O., 1990, c.P13) to pass this By-law.

The Council of the Corporation of the Municipality of Neebing has adopted an Official Plan for the municipality which has been approved by the Minister of Municipal Affairs and Housing, Council deems it advisable to implement the Official Plan of the Municipality of Neebing.

Accordingly, the Council of The Corporation of the Municipality of Neebing enacts as follows:

SECTION 1 - INTERPRETATION AND ADMINISTRATION
--

1.1. Title of By-law

This by-law may be cited as the "Zoning By-law".

1.2. Scope

This By-law applies to all those lands shown on Schedules "A", "B", "C", "D", "E" and "F" and covers all lands within the jurisdiction of the Corporation.

1.3. Conformity

1.3.1. Conformity with By-law

No building or structure shall be erected or altered, nor shall the use of any land, building or structure be changed, in whole or in part, except in conformity with the provisions of this By-law.

1.3.2. Building Permit Issued Prior to Passing this By-law

Nothing in this By-law prevents the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under the Building Code Act, prior to the date of the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act.

1.3.3. Issuance of Building Permits After the Passing of this By-law

Despite the provisions of this By-law or any other By-law of the Corporation to the contrary, no building permits shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions of this By-law.

1.3.4. Existing Uses Continued

Nothing in this By-law prevents the use of any lot, building or structure for any purpose prohibited by this By-law if the lot, building or structure was lawfully used for that purpose on the date of passing of this By-law, so long as it continued to be used for that purpose, as set out in the Planning Act, R.S.O. 1990, c. P.13.

1.3.5. Compliance with Other Restrictions

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a public authority having jurisdiction to make such restrictions.

1.4. Interpretation

1.4.1. Singular/Plural

In this By-law, unless the context requires otherwise, the words used in the singular number include the plural and the words used in the plural include the singular number. This does not apply to permitted uses listed under various zone categories. For example, where a permitted use is a "dwelling", only one dwelling is permitted.

1.4.2. Shall

In this By-law, the word "shall" is interpreted as mandatory.

1.4.3. Used and Occupied

In this By-law, unless the context requires otherwise:

- 1) the word "used" includes "designed to be used", "arranged to be used", and "intended to be used"; and
- 2) the word "occupied" includes "designed to be occupied", and "intended to be occupied".

1.4.4. In whole or in Part

In this By-law, unless the context requires otherwise:

- 1) the word "lot" includes the lot in whole or in part;
- 2) the word "building" includes the building in whole or in part;
- 3) the word "structure" includes the structure in whole or in part; and
- 4) the word "road" includes the road in whole or in part.

1.4.5. Actions

In this By-law, unless the context requires otherwise:

- a) a clause which prohibits a person from doing something, also prohibits that person from causing or allowing the prohibited thing to be done; and
- b) a clause which requires a person to do something can be complied with by causing or allowing another person to undertake that activity.

1.4.6. No Limitation on "Include"

In this By-law, the words "include", "includes" and "included" are not intended to limit the phrases that precede or follow them.

1.4.7. References to Legislation

Whenever this By-law references other by-laws or Provincial or Federal statutes, the reference is to that legislation (including any regulations passed under that legislation), as amended from time to time, including successor legislation.

1.4.8. Headings

The headings and text divisions used in this By-law are for ease of reference and are not to be used as aids to interpretation of the text.

1.4.9. Severability

Should any section, clause or provision of this By-law be held by a court or tribunal of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected by the ruling.

1.5. **Schedules and Appendices to By-law**

Schedules "A" Municipality of Neebing, "B" Blake Township, "C" Crooks Township, "D" Pardee Township, "E" Pearson Township and "F" Scoble Township, being the Zoning Maps, are integral parts of this By-law.

Appendices to this By-law are not integral parts of it, and are included for information and reference purposes. They may be amended at any time without formal amendment to this By-law.

1.6. **Requests for Amendment**

Every request for an amendment to this By-law shall be accompanied by the appropriate application form provided by the Corporation, and payment of all required fees.

1.7. Violations and Penalties

1.7.1. Offences and Penalties for Individuals

Every person who uses any lot, or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who violates any provision of this By-law, is guilty of an offence, and upon conviction is liable to the penalties prescribed by the Planning Act, R.S.O. 1990, c. P.13 for individuals.

1.7.2. Offences and Penalties for Corporate Entities

Every corporation who uses any lot, or erects or uses any building or structure in a manner contrary to any requirement of this By-law, or who violates any provision of this By-law, is guilty of an offence, and upon conviction is liable to the penalties prescribed by the Planning Act, R.S.O. 1990, c. P.13 for corporations.

1.7.3. Corrective Action by the Corporation

Any building or structure which contravenes any requirement of this By-law may be removed or altered at the expenses of the owner by the Corporation pursuant to the provisions of the Municipal Act, 2001, S.O. 2001, c. 25.

1.7.4. Other Remedies

In addition to, or instead of, prosecution under the Provincial Offences Act, the Corporation may obtain court orders restraining the use of any lot, building or structure in contravention of the provisions of this By-law and/or requiring any mandatory action required to correct the violation, as permitted by law.

1.8. Repeal

By-law Number 860-2010 of the Corporation, as amended, is repealed.

SECTION 2 - GENERAL PROVISIONS

2.1. Accessory Uses

2.1.1. Uses Permitted

Where this By-law permits a lot to be used or a building or structure to be erected or used for a purpose, the permission includes the erection of any building or structure, or any use accessory to it, excepting the following:

- 1) a gasoline retail outlet;
- 2) a home occupation;
- 3) a salvage yard;
- 4) a windmill or wind turbine that is larger than would be required to service buildings or uses on the same lot; or
- 5) any building used for human habitation.

Despite the wording in the first paragraph of this Section, the only accessory uses permitted in connection with a church are: a church hall, a church auditorium, a Sunday school, a parish hall, an adult or child day care facility, a food bank or similar facility for the provision of relief to impoverished persons.

Despite the wording in the first paragraph of this Section, merchandise sales cannot be an accessory use to a manufacturing use unless expressly provided for in the By-law.

Despite the wording in the first paragraph of this Section, the only accessory uses permitted for ski facilities are: a shop selling skiing equipment and apparel, a food and beverage concession, a ski clubhouse, and ski lift.

2.1.2. Height Restrictions

No accessory building or structure, except for an accessory dwelling, accessory farm buildings or structures or accessory garages shall exceed one storey in height. No accessory garage shall exceed 2 storeys in height.

2.1.3. Location

No accessory building or structure, with the exception of an attached garage, shall be located within 3 meters of any main building or structure.

2.1.4. Yard Requirements

All accessory buildings and structures shall meet at least the minimum front, side and rear yard requirements specified in this By-law.

2.2. Access Regulations

No building shall be erected on any lot which does not abut an existing public road unless an amendment to this By-law to authorize it has been approved.

2.3. Height Restrictions

Nothing in this By-law applies to restrict the height of an antenna, a barn, a chimney, a church spire or steeple, a flag pole, a hydro-electric transmission tower, a radio or communications tower or antenna, a silo, windmill, weather monitoring device or a water tower, provided that the buildings and/or structures associated with them conform to all restrictions of other governmental authorities having jurisdiction.

2.4. Home Industry

Where permitted in this By-law, a home industry shall conform to the following provisions:

- 1) the home industry shall be conducted entirely within an accessory building;
- 2) it shall be clearly secondary to the residential use of the property;
- 3) it shall not change the residential character of the property;
- 4) no material commodity other than that produced on the premises shall be sold, displayed or stocked for re-sale as part of the home industry;
- 5) no external storage of materials or finished products is permitted;

- 6) the number of persons engaged in the home industry is limited to a maximum of 4, and shall include only the inhabitants of the dwelling on the subject property, plus one additional person;
- 7) no noise, dust or odour arising from the home industry is permitted to escape to other premises; and
- 8) the maximum size of an accessory building utilized for a home industry is 120 square meters.

2.5. Home Occupations

Where permitted in this By-law, a home occupation shall conform to the following provisions:

- 1) the home occupation shall be conducted entirely within a dwelling;
- 2) it shall be clearly secondary to the residential use of the property;
- 3) it shall not change the residential character of the property;
- 4) no material commodity other than that produced on the premises shall be sold, displayed or stocked for re-sale as part of the home occupation;
- 5) no external storage of materials or finished products is permitted;
- 6) the home occupation shall be carried on only by the inhabitants of the dwelling, plus one additional person;
- 7) no noise, dust or odour arising from the home occupation shall be permitted to escape to other premises; and
- 8) the area devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling.

Despite any other provision of this By-law to the contrary, a Group Home is not permitted to be established as a home business.

2.6. Lots with More than One Zone

2.6.1. Zone Boundaries within One Lot

Where a lot is divided into more than one zone, each portion of the lot shall be considered separately for the purposes of determining zone regulations (such as: lot area, lot frontage, minimum front yard, minimum side yard and minimum rear yard). Each portion of the lot must conform to the regulations of the appropriate zone, but no lot shall have more than one dwelling on the whole, except as specifically provided in this By-law.

2.6.2. Multiple Zoning

Council may apply more than one Zone to one lot. In that circumstance, the regulations for the Zone which applies to the existing use of the property shall apply unless a change of occupancy application is approved by the Building Official to allow the property to be used in accordance with the alternate Zone provisions. Where a property with multiple zoning is vacant, development may occur on that property under the Zone provisions for one of the applicable Zones. Once the property is developed, the regulations for the Zone which applies to the new use of the property shall apply unless a change of occupancy permit is issued by the Building Official to allow the property to be used in accordance with the alternate Zone provisions, or a minor variance is granted to allow more than one zone to operate simultaneously.

Change of occupancy approval may require minor variances from the Zone provisions,

depending on the historic use and development of the property in question.

2.7. Non-conforming Uses, Buildings and Lots

2.7.1. Non-Conforming Uses

Subject to Section 2.7.2, nothing in this By-law prevents the use of a lot, building or structure which, although not conforming to one or more of the provisions of this By-law, was lawful at the time that this By-law was enacted, and has continued without interruption since that date.

2.7.2. Seasonal Residential/Permanent Residential

Section 2.7.1 does not apply to convert a dwelling unit that was, prior to the passage of this By-law, permitted only as a seasonal occupancy, to a permanent dwelling. Lawful conversion to a year-round residence requires a change of occupancy permit issued by the Building Official. These permits will only be issued where the dwelling meets all of the Ontario Building Code requirements for year-round occupancy, and has an appropriate potable water system and an appropriate sewer system in place.

Conversion from Seasonal Residential to Permanent Residential use will be allowed only when:

- 1) the lot in question fronts on a public road;
- 2) the buildings on the lot comply with the regulations for the zone;
- 3) the sewage service for the lot is not a holding tank;
- 4) the sewage service for the lot has a certificate of approval (or similar document) issued by the Thunder Bay District Health Unit (or designated public authority) within the past five years, or, where the certificate of approval is older than five years, a letter from the appropriate authority is provided to confirm that the approval remains relevant and applicable;
- 5) the residence is serviced with a sufficient quantity and quality of potable water; and
- 6) a sketch of the subject lands, prepared by an Ontario Land Surveyor or from a registered plan of subdivision is provided, which indicates all of the following:
 - a) the location and names of all abutting public roads providing frontage;
 - b) the distance from the high water mark to the dwelling;
 - c) the lot lines, dimensions and lot area;
 - d) the location and distance separations of all structures;
 - e) the location and distance separations of all structures on abutting lands;
 - f) the location and distance separations of water supplies and septic systems;
 - g) the location and distance separations of water supplies and septic systems on abutting lands;
 - h) the location of any buffer area, landscaping or fences;
 - i) the location of any drainage ditches, wooded areas, banks, slopes or other natural features on the subject lot and abutting lots; and
 - j) the location of driveways and parking areas.

Appendix One to this By-law contains the list of lots for which re-zoning had permitted permanent residency on an existing structure prior to the passage of this By-law.

Appendix Two to this By-law contains the list of lots for which change of occupancy was approved after the passage of this By-law.

2.7.3. Repair Permitted

Nothing in this By-law prevents the rebuilding or repair of a building or structure described in Section 2.7.1, provided that:

- 1) no non-conformity is increased;
- 2) no exterior dimension is increased; and
- 3) the use is not altered except in accordance with the provisions of this By-law.

Building permits will be issued once all appropriate approvals have been secured and presented.

2.7.4. Lot Regulations less than Required

Where any lot on the date of passing of this By-law, including:

- 1) a lot created by a consent given pursuant to the Planning Act, R.S.O. 1990, c. P.13, and subsequently conveyed and registered;
- 2) a lot within a registered plan of subdivision; and
- 3) an island;

has a lesser lot area, lot frontage, lot depth and yard requirements than that required by this By-law, then the lot shall be deemed to conform to the requirements of this By-law with respect to the lot area, lot frontage, lot depth and yard requirements.

Side yard requirements continue to apply, however, where applying the requirements results in a building envelope that is too small to accommodate any use, they may be reduced to no less than 2 meters for side yards abutting private property, and to no less than 1 meter for side yards abutting public roads.

2.7.5. Expropriation and Dedication for Public Use

Where any lot existing on the date of passing of this By-law is made non-conforming due to expropriation or dedication for public use, then the lot shall be deemed to conform with this By-law with respect to those provisions made non-conforming by expropriation or dedication for public use and this By-law shall not apply to prevent the use of the lot, or the erection, alteration or use of a permitted building or structure on the lot, provided that the use of land remains the same, in accordance with all other provisions of this By-law and the nature of the non-conformity is not increased.

Despite any provision in this By-law to the contrary, lots on Registered Plans of Subdivision are not considered to be under-sized or to have been severed on the basis of public roads or private roads bisecting them. In those circumstances, the land parcels on either side of the road continue to be part of one lot, and neither part may be legally transferred without the other.

2.8. Main Buildings on a Lot

No person shall erect more than 1 dwelling on a lot unless it is specifically allowed in a zone. No person shall erect more than 1 main building on a lot except for:

- 1) commercial and industrial buildings located in commercial and industrial zones;
or
- 2) farm related buildings located on an active farm.

Garden suites and other accessory dwellings are permitted only through amendment to this By-law in order to allow for appropriate site reviews for adequate servicing requirements.

2.9. Offensive Uses

2.9.1. General Prohibitions

No use is permitted in any zone, which from its nature, materials used or emissions issued causes undue interference with the use or enjoyment of nearby properties.

Wind Farms are not permitted in any zone. Windmills are permitted where the energy generated is used solely for purposes on the same lot as the lot on which the windmill exists. Windmills must be sized and located appropriately for the intended use and to avoid conflicts with neighbouring land owners.

Dog Kennels are not permitted uses in any zone and may be permitted only through the provisions of Subsection 34(9) of the Planning Act, R.S.O. 1990, c. P.13, or through an amendment to this By-law.

2.10. Parking

2.10.1. Parking Spaces Required

The owner of every building or structure erected or used for any purpose set out in the left column of Table 2.10 shall provide and maintain for the use of the owner, occupant or other persons entering upon or making use of the premises from time to time, the number of parking spaces and areas set out in the right column of Table 2.10.

2.10.2. Parking Space Dimensions

Each parking space shall be a minimum of 3 meters by 6 meters.

2.10.3. Parking Areas

Access to all the required parking spaces for institutional, commercial and industrial uses shall be provided by means of unobstructed driveways and aisles at least 7 meters in width. Access to all other uses shall be provided by means of unobstructed driveways and aisles at least 3 meters in width.

When a building or structure has insufficient parking space on the date of passing of this By-law to comply with the requirements set out in this By-law, no addition may be built and no change of use may occur, unless the parking requirements are met for the entire use.

TABLE 2.10

TYPE OF USE	MINIMUM OFF-ROAD PARKING REQUIREMENTS
residential	2 spaces per single dwelling and 2 spaces per recreational dwelling
hotel	1 space per guest room or cabin, plus 1 space for every 4 person seating capacity in any refreshment or dining room or assembly hall
church	1 space per 4 person seating capacity
assembly hall, community center, theatre	1 space per 4 person seating capacity
eating establishments	1 space per 4 person seating capacity
office, public building	1 space per 20 square meters of floor area
warehouse	1 space per 90 square meters of floor area devoted to the main use, plus 1 parking space per 30 square meters of accessory office or retail floor space
personal service and merchandise shops	1 space per 20 square meters of floor area
industrial use, commercial use, petty trade	1 space per 75 square meters of floor area devoted to the main use, plus 1 space per 30 square meters of accessory office or retail floor area
tourist park	2 spaces per campsite
other recreational uses	2 spaces per 4 person capacity
other permitted uses not listed in this table	1 space per 30 square meters of floor area

2.11. Public Uses

Except as provided in this Section, nothing in this By-law prevents land to be used by any public authority, including the Corporation, for any purposes associated with that government, including for public utilities.

All government authorities are asked to keep public uses within the spirit and intent of the Official Plan.

No Wayside Pit or Wayside Quarry may be located within 100 meters of a Lot Line, or within 30 meters of a public road without the approval of the Corporation.

2.12. Yard Encroachments and Obstructions

No part of any minimum yard required by this By-law shall be obstructed by any building or structure except one or more of the following:

- 1) sills, belt courses, chimneys, cornices, eaves, gutters, parapets, and similar architectural features, projecting not more than one half meter into a minimum yard requirement;
- 2) functional and ornamental structures (including: drop awnings, clothes poles, ornamental foundations, statues, monuments, planters, garden trellises, fences, boundary and retaining walls, hedgerows and signs, and excluding air conditioning units);
- 3) uncovered exterior steps, provided that they do not have walls and do not project more than 2 meters into a minimum yard requirement;

- 4) balconies projecting not more than 1.5 meters into a minimum yard requirement; and
- 5) gatehouses in any commercial or industrial zone within 1 meter of the property line.

Boat houses are exempt from rear yard requirements, but must conform to other yard requirements.

2.13. Proximity of Livestock to Wells

Despite any other provisions of this By-law, the required side yard for any buildings used to shelter livestock, or any portion of a lot used to pasture or exercise livestock, is 30 meters, unless the setbacks as calculated under the Ministry of Agriculture and Food Minimum Distance Separation I or Minimum Distance Separation II formulae provide for a distance greater than 30 meters, in which case, that greater distance applies.

All of the open yard space made available for use by livestock must exist not less than the distances indicated below, from an existing well that is used to provide potable water:

- i) for drilled wells of 15 meters or more depth without water tight casing, or for drilled wells with water tight casing to a depth of 6 meters or more, a distance of 15 meters; or
- ii) for any other type of well, a distance of 30 meters.

The same distance separation is required between the water well and the nearest wall of any building or structure that is to be used to house or shelter livestock.

SECTION 3 – ZONES

3.1. Classification

3.1.1. Zones and Zone Symbols

The provisions of this By-law shall apply to all lands within the limits of the Corporation which lands for the purposes of this By-law are divided into various zones:

<u>Zone</u>	<u>Symbol</u>
Rural	R
Agricultural	A
Lakefront Residential	LR
Residential 1	R1
Residential 2	R2
Seasonal	S
General Commercial	C1
Recreation Commercial	C2
Light Industrial	M1
Heavy Industrial	M2
Extractive Industrial	E
Disposal Industrial	D
Institutional	I
Open Space	OS
Use Limitation	UL
Watershed	W

3.1.2. Regulations for Zones

The permitted uses, the minimum area and dimensions of lots, the minimum size of yards, the maximum lot coverage, the minimum buffers, the maximum height of buildings and all other zone provisions, are set out in this By-law for each respective zone.

3.1.3. Maps Show Zone Boundaries

The extent and boundaries of all the zones are shown on Schedules "A", "B", "C", "D", "E" and "F".

3.1.4. Use of Symbols

The symbols listed in paragraph 3.1.1 of this subsection may be used to refer to lots, buildings and structures, or to the uses of lots, buildings and structures permitted by this By-law in the zones. Wherever in this By-law the word "zone" is used, preceded by any of the symbols, the reference is to any area within Neebing delineated on Schedules "A", "B", "C", "D", "E" and "F" and designated by that symbol.

3.1.5. Suffixes on Symbols

Where the zone symbols designating certain lands as shown on Schedules "A", "B", "C", "D", "E" and "F" are followed by a suffix composed of letters and numbers, then additional special provisions apply to such lands and the special provisions will be found by reference to Section 5 of this By-law, in the provision whose letter-number combination matches the suffix shown on the map.

3.2. **Zone Boundaries**

3.2.1. Rules Where Zone Boundaries Occur Along Map Features

When determining the boundary of any zone shown on Schedules "A", "B", "C", "D", "E" or "F", the provisions of this Section apply.

- 1) A boundary indicated as following a watercourse, stream, creek, or the right-of-way of a railway or an electrical or gas transmission line or a public road or private road, is the center line of the watercourse, creek, stream, or right-of-way.
- 2) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision follows those lot lines.
- 3) A boundary indicated as following the limits of the geographic jurisdiction of the Corporation follows those limits.

3.2.2. Rules Where Zone Boundaries Unclear

After applying the above conditions, where uncertainty exists as to the boundary of any zone, then the location of the boundary shall be determined in accordance with the scale of the maps as shown on Schedules "A", "B", "C", "D", "E" and "F" at the original size.

3.3. RURAL (R) ZONE
(amended by By-law 2021-012)

No person shall, within any Rural (R) Zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.3.

3.3.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a single dwelling;
- 2) a modular dwelling;
- 3) an agricultural use;
- 4) a forestry use;
- 5) a stable;
- 6) watershed management and conservation uses;
- 7) a home occupation;
- 8) a home industry;
- 9) a guest cottage;
- 10) a bed and breakfast establishment;
- 11) mineral exploration; or
- 12) buildings or structures that would be accessory buildings to any of the above uses, had those uses been established prior to the erection of the accessory, provided that the lot on which the buildings or structures are erected is five (5) hectares or larger in area.

Uses in the list above may be combined on a single lot, however, only one dwelling unit is permitted on any one lot.

3.3.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Rural (R) Zone is 1 hectare.
- 2) The minimum lot frontage permitted for any use in the Rural (R) Zone is 75 meters.
- 3) The minimum lot depth permitted for any use in the Rural (R) Zone is 120 meters.
- 4) The minimum front yard permitted for any use in the Rural (R) Zone is 10 meters.
- 5) The minimum side yard permitted for any use in the Rural (R) Zone is 5 meters.
- 6) The minimum rear yard permitted for any use in the Rural (R) Zone is 10 meters.
- 7) The maximum building height permitted for any use in the Rural (R) Zone is 10 meters.
- 8) The minimum floor area of a dwelling permitted in the Rural (R) Zone is 55 square meters.

3.3.3. Other Provisions

- 1) Despite the above provisions, the required side yard for any building used to shelter animals is 30 meters.
- 2) Mobile homes may be permitted by site specific Zoning By-law Amendment.

3.4. AGRICULTURAL (A) ZONE

No person shall within any Agricultural (A) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.4.

3.4.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a single dwelling;
- 2) a modular dwelling;
- 3) an agricultural use;
- 4) a forestry use;
- 5) a stables;
- 6) a bed and breakfast establishment;
- 7) watershed management and conservation uses;
- 8) an accessory dwelling on a viable farm operation occupied only by farm help, a farm partner, or a family member required for the efficient operation of a viable farm operation;
- 9) a home occupation;
- 10) a home industry;
- 11) mineral exploration; or
- 12) buildings or structures that would be accessory buildings to any of the above uses, had those uses been established prior to the erection of the accessory building or structure.

Uses in the list above may be combined on a single lot, however, with the exception of the accessory dwelling noted in (8), only one dwelling unit is permitted on any one lot.

3.4.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Agricultural (A) Zone is 30 hectares.
- 2) The minimum lot frontage permitted for any use in the Agricultural (A) Zone is 300 meters.
- 3) The minimum lot depth permitted for any use in the Agricultural (A) Zone is 300 meters.
- 4) The minimum front yard permitted for any use in the Agricultural (A) Zone is 15 meters.
- 5) The minimum side yard permitted for any use in the Agricultural (A) Zone is 15 meters.
- 6) The minimum rear yard permitted for any use in the Agricultural (A) Zone is 10 meters.
- 7) The maximum building height permitted for any use in the Agricultural (A) Zone is 10 meters.
- 8) The minimum floor area of a dwelling permitted in the Agricultural (A) Zone is 55 square meters.

3.4.3. Other Provisions

- 1) Despite the above provisions, the required side yard for any building used to shelter animals is 30 meters.
- 2) For lots created by consent within the Agricultural (A) Zone, the permitted uses and zone provisions shall be in accordance with Subsections 3.3.1 and 3.3.2.

3.5. LAKEFRONT RESIDENTIAL (LR) ZONE
(amended by By-law 2020-024 and 2021-012)

No person shall, within any Lakefront Residential (LR) Zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.5.

3.5.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a single dwelling;
- 2) a modular dwelling;
- 3) a bed and breakfast establishment; or
- 4) a home occupation.

Uses in the list above may be combined on a single lot, however, only one dwelling unit is permitted on any one lot.

3.5.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Lakefront Residential (LR) Zone is 0.4 hectares.
- 2) The minimum lot frontage permitted for any use in the Lakefront Residential (LR) Zone is 45 meters.
- 3) The minimum lot depth permitted for any use in the Lakefront Residential (LR) Zone is 50 meters.
- 4) The minimum front yard permitted for any use in the Lakefront Residential (LR) Zone is 10 meters.
- 5) The minimum side yard permitted for a dwelling in the Lakefront Residential (LR) Zone is 5 meters.
- 6) The minimum side yard permitted for an accessory building in the Lakefront Residential (LR) Zone is 1.5 meters.
- 7) The minimum rear yard permitted for any use in the Lakefront Residential (LR) Zone, where the lot abuts a shoreline road allowance is 1 meter.
- 8) The minimum rear yard permitted for any use in the Lakefront Residential (LR) Zone, where the lot does not abut a shoreline road allowance is 15 meters.
- 9) The maximum building height permitted for any use in the Lakefront Residential (LR) Zone is 10 meters.
- 10) The minimum floor area permitted for a dwelling in the Lakefront Residential (LR) Zone is 55 square meters.
- 11) The minimum side yard permitted for garages with side walls greater than 3.1 meters in the Lakefront Residential (LR) Zone is 5 meters

3.6. RESIDENTIAL 1 (R1) ZONE
(amended by By-law 2020-024 and 2021-012)

No person shall within any Residential 1 (R1) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.6.

3.6.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a permanent residence originally lawfully constructed as such or for which a change of occupancy permit has been granted as required by Section 2.7.2; or
- 2) a bed and breakfast establishment.

Uses in the list above may be combined on a single lot, however, only one dwelling unit is permitted on any one lot.

3.6.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Residential 1 (R1) Zone is 1400 square meters.
- 2) The minimum lot frontage permitted for any use in the Residential 1 (R1) Zone is 30 meters.
- 3) The minimum lot depth permitted for any use in the Residential 1 (R1) Zone is 40 meters.
- 4) The minimum front yard permitted for any use in the Residential 1 (R1) Zone is 10 meters.
- 5) The minimum side yard permitted for a dwelling in the Residential 1 (R1) Zone is 5 meters.
- 6) The minimum side yard permitted for an accessory building in the Residential 1 (R1) Zone is 1.5 meters.
- 7) The minimum rear yard permitted for any use in the Residential 1 (R1) Zone when abutting a shoreline road allowance is 1 meter.
- 8) The minimum rear yard permitted for any use in the Residential 1 (R1) Zone when not abutting a shoreline road allowance is 15 meters.
- 9) The maximum building height permitted for any use in the Residential 1 (R1) Zone is 10 meters.
- 10) The minimum floor area of a dwelling permitted in the Residential 1 (R1) Zone is 55 square meters.
- 11) The minimum side yard permitted for garages with side walls greater than 3.1 meters in the Residential 1 (R1) Zone is 5 meters

3.7. RESIDENTIAL 2 (R2) ZONE
(amended by By-law 2020-024 and 2021-012)

No person shall within any Residential 2 (R2) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.7.

3.7.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a permanent residence originally lawfully constructed as such or for which a change of occupancy permit has been granted as required by Section 2.7.2; or
- 2) a bed and breakfast establishment.

Uses in the list above may be combined on a single lot, however, only one dwelling unit is permitted on any one lot.

3.7.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Residential 2 (R2) Zone is 3700 square meters.
- 2) The minimum lot frontage permitted for any use in the Residential 2 (R2) Zone is 35 meters.
- 3) The minimum lot depth permitted for any use in the Residential 2 (R2) Zone is 50 meters.
- 4) The minimum front yard permitted for any use in the Residential 2 (R2) Zone is 10 meters.
- 5) The minimum side yard permitted for a dwelling in the Residential 2 (R2) Zone is 5 meters.
- 6) The minimum side yard permitted for an accessory building in the Residential 2 (R2) Zone is 1.5 meters.
- 7) The minimum rear yard permitted for any use in the Residential 2 (R2) Zone when abutting a shoreline road allowance is 1 meter.
- 8) The minimum rear yard permitted for any use in the Residential 2 (R2) Zone when not abutting a shoreline road allowance is 15 meters.
- 9) The maximum building height permitted for any use in the Residential 2 (R2) Zone is 10 meters.
- 10) The minimum floor area of a dwelling permitted in the Residential 2 (R2) Zone is 55 square meters.
- 11) The minimum side yard permitted for garages with side walls greater than 3.1 meters in the Residential 2 (R2) Zone is 5 meters

3.8. SEASONAL (S) ZONE
(amended by By-law 2020-024)

No person shall within any Seasonal (S) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.8.

3.8.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a recreational dwelling;
- 2) a recreational modular dwelling;
- 3) a guest cottage;
- 4) a bed and breakfast establishment; or
- 5) a boat house.

Uses in the list above may be combined on a single lot, however, only one dwelling unit is permitted on any one lot.

3.8.2. Zone Provisions

It is noted that many lots in this Zone are islands without roads, and definitions for some yard measurements and setbacks may not apply. Section 3.8.3 provides a general rule to be applied in those circumstances.

- 1) The minimum lot area permitted for any use in the Seasonal (S) Zone is 2 hectares.
- 2) The minimum front yard (where one exists) permitted for any use in the Seasonal Zone is 10 meters.
- 3) The minimum side yard (where one exists) permitted for a recreational dwelling in the Seasonal (S) Zone is 5 meters.
- 4) The minimum side yard (where one exists) permitted for an accessory building in the Seasonal (S) Zone is 1.5 meters.
- 5) The minimum rear yard (where one exists) permitted for any use in the Seasonal Zone when abutting a shoreline road allowance is 1 meter.
- 6) The minimum rear yard (where one exists) permitted for any use in the Seasonal Zone when not abutting a shoreline road allowance is 15 meters.
- 7) The maximum building height permitted for any use in the Seasonal (S) Zone is 10 meters.
- 8) The minimum floor area of a dwelling permitted in the Seasonal (S) Zone is 55 square meters.
- 9) The minimum side yard permitted for garages with side walls greater than 3.1 meters in the Seasonal (S) Zone is 5 meters

3.8.3. Other Provisions

No building or structure, excluding boat houses, shall be erected within 15 meters of a watercourse or waterbody.

3.9. GENERAL COMMERCIAL (C1) ZONE

No person shall within any General Commercial (C1) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.9.

3.9.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) an automobile service station;
- 2) a commercial garage;
- 3) a community center;
- 4) an entertainment facility;
- 5) a gasoline retail outlet;
- 6) a hotel;
- 7) a personal service shop;
- 8) a restaurant;
- 9) a retail lumber yard;
- 10) a retail outlet;
- 11) a merchandise repair shop;
- 12) a vehicle repair shop;
- 13) a vehicle sales or rental establishment; or
- 14) an accessory dwelling to the uses listed above.

Uses in the list above may be combined on a single lot, however, only one accessory dwelling unit is permitted on any one lot.

3.9.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Commercial (C1) Zone is 1 hectare.
- 2) The minimum lot frontage permitted for any use in the Commercial (C1) Zone is 75 meters.
- 3) The minimum lot depth permitted for any use in the Commercial (C1) Zone is 100 meters.
- 4) The minimum front yard permitted for any use in the Commercial (C1) Zone is 15 meters.
- 5) The minimum side yard permitted in the Commercial (C1) Zone for a side yard that abuts a residential or a recreational use is 25 meters.
- 6) The minimum side yard permitted in the Commercial (C1) Zone for a side yard other than one described in paragraph (5) above, is 15 meters.
- 7) The minimum rear yard permitted for any use in the Commercial (C1) Zone is 10 meters.
- 8) The maximum building height permitted for any use in the Commercial (C1) Zone is 10 meters.

3.9.3. Buffers

Where commercial uses exist on lots that abut residential or institutional uses, a landscaped buffer or fence shall be erected to screen the commercial use from adjacent uses.

3.10. RECREATION COMMERCIAL (C2) ZONE

No person shall within any Recreation Commercial (C2) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.10.

3.10.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a tourist park;
- 2) a tourist commercial resort;
- 3) a marina;
- 4) commercial recreation facilities;
- 5) ski facilities;
- 6) a restaurant;
- 7) a hotel;
- 8) a convention center; or
- 9) an accessory dwelling to the uses listed above.

Uses in the list above may be combined on a single lot, however, only one accessory dwelling unit is permitted on any one lot.

3.10.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Recreation Commercial (C2) Zone is 10 hectares.
- 2) The minimum lot frontage permitted for any use in the Recreation Commercial (C2) Zone is 120 meters.
- 3) The minimum lot depth permitted for any use in the Recreation Commercial (C2) Zone is 200 meters.
- 4) The minimum front yard permitted for any use in the Recreation Commercial (C2) Zone is 15 meters.
- 5) The minimum side yard permitted in the Recreation Commercial (C2) Zone for a side yard that abuts a residential or a recreational use is 25 meters.
- 6) The minimum side yard permitted in the Recreation Commercial (C2) Zone for a side yard other than one described in paragraph (5) above, is 15 meters.
- 7) The minimum rear yard permitted for any use in the Recreation Commercial (C2) Zone is 10 meters.
- 8) The maximum building height permitted for any use in the Recreation Commercial (C2) Zone is 10 meters.

3.10.3. Buffers

Where recreational commercial uses exist on lots that abut residential or institutional uses, a landscaped buffer or fence shall be erected to screen the commercial use from adjacent uses.

3.11. LIGHT INDUSTRIAL (M1) ZONE

No person shall within any Light Industrial (M1) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.11.

3.11.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) an automotive use;
- 2) an equipment sales and service dealership;
- 3) manufacturing operations or establishment;
- 4) a trade shop;
- 5) a warehouse;
- 6) a business office or commercial outlet associated with one of the above permitted uses; or
- 7) an accessory dwelling to the uses listed above.

Uses in the list above may be combined on a single lot, however, only one accessory dwelling unit is permitted on any one lot.

3.11.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Light Industrial (M1) Zone is 2 hectares.
- 2) The minimum lot frontage permitted for any use in the Light Industrial (M1) Zone is 90 meters.
- 3) The minimum lot depth permitted for any use in the Light Industrial (M1) Zone is 200 meters.
- 4) The minimum front yard permitted for any use in the Light Industrial (M1) Zone is 15 meters.
- 5) The minimum side yard permitted in the Light Industrial (M1) Zone for a side yard that abuts a residential or a recreational use is 25 meters.
- 6) The minimum side yard permitted in the Light Industrial (M1) Zone for a side yard other than one described in paragraph (5) above, is 15 meters.
- 7) The minimum rear yard permitted for any use in the Light Industrial (M1) Zone is 10 meters.
- 8) The maximum building height permitted for any use in the Light Industrial (M1) Zone is 10 meters.

3.11.3. Buffers

Where light industrial uses exist on lots that abut residential or institutional uses, a landscaped buffer or fence shall be erected to screen the industrial use from adjacent uses.

3.12. HEAVY INDUSTRIAL (M2) ZONE

No person shall within any Heavy Industrial (M3) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.12.

3.12.1. Permitted Uses

No person shall use any lot, building or structure for any use except the following uses:

- 1) rock-crushing operations or establishment;
- 2) an asphalt plant;
- 3) an autobody repair shop;
- 4) a cement or concrete plant;
- 5) manufacturing operations or establishment;
- 6) a salvage yard;
- 7) a sawmill and/or planing mill;
- 8) a warehouse;
- 9) a woodlands garage;
- 10) a gasification plant;
- 11) a bio-diesel production plant; or
- 12) a business office or commercial outlet accessory to one of the above permitted uses.

3.12.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Heavy Industrial (M2) Zone is 5 hectares.
- 2) The minimum lot frontage permitted for any use in the Heavy Industrial (M2) Zone is 180 meters.
- 3) The minimum lot depth permitted for any use in the Heavy Industrial (M2) Zone is 200 meters.
- 4) The minimum front yard permitted for any use in the Heavy Industrial (M2) Zone is 30 meters.
- 5) The minimum side yard permitted in the Heavy Industrial (M2) Zone for a side yard that abuts a residential or a recreational use is 30 meters.
- 6) The minimum side yard permitted in the Heavy Industrial (M2) Zone for a side yard other than one described in paragraph (5) above, is 15 meters.

3.12.3. Provisions for Crushing Operations

- 1) No crushing operation shall be located within 120 meters of a building used for residential, recreational, institutional or commercial purposes.
- 2) No crushing operation shall be allowed within 30 meters of any road or road allowance or adjoining property, except a property which is zoned Heavy Industrial (M2).

3.12.4. Buffers

Where heavy industrial uses exist on lots that abut residential or institutional uses, a landscaped buffer or fence shall be erected to screen the industrial use from adjacent uses.

3.13. EXTRACTIVE INDUSTRIAL (E) ZONE

No person shall within any Extractive Industrial (E) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.13

3.13.1. Permitted Uses

No person shall use any lot, building or structure for any use except one or more of the following uses:

- 1) pits and quarries for extracting sand, clay, gravel, earth, stone, shale, peat, amethyst and minerals;
- 2) stockpiling of sand, clay, gravel, earth, stone, shale, peat, amethyst and any minerals;
- 3) a temporary asphalt plant; or
- 4) a temporary crushing plant.

3.13.2. Zone Provisions

- 1) The minimum setback for blasting operations is 450 meters from any road allowance or adjoining property.
- 2) No excavation, building, equipment or stockpile shall be located within 120 meters of a building used for residential, recreational, institutional or commercial purposes.
- 3) No excavation, building, equipment or stockpile shall be allowed within 30 meters of any road or road allowance or adjoining property, except a property zoned Extractive Industrial (E).
- 4) All blasting requires a special permit in accordance with applicable law.

3.13.3. Buffers

Where extractive industrial uses exist on lots that abut residential or institutional uses, a landscaped buffer or fence shall be erected to screen the industrial use from adjacent uses.

3.14. DISPOSAL INDUSTRIAL (D) ZONE

No person shall, within any Disposal Industrial (D) Zone, use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.14.

3.14.1. Permitted Uses

No person shall use any lot, building or structure for any use except as a waste disposal site.

3.14.2. Zone Provisions

- 1) No waste disposal site shall be located within 500 meters of a building used for residential, recreational, institutional, industrial or commercial purposes.
- 2) No waste disposal site shall be located within 185 meters of any road or road allowance or adjoining property, except a property zoned Disposal Industrial (D).
- 3) No waste disposal site shall be located on land covered by water or in any area subject to flooding.
- 4) No waste disposal site shall be located within 30 meters of a watercourse, lake or pond.

3.15. INSTITUTIONAL (I) ZONE

No person shall within any Institutional (I) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.15.

3.15.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) a public or private school;
- 2) an adult or child day care facility;
- 3) a group home;
- 4) a cemetery;
- 5) a Federal, Provincial, or Municipal building, garage or office;
- 6) a fire station;
- 7) a church;
- 8) a church camp;
- 9) a community hall;
- 10) a community center; or
- 11) an assembly hall.

3.15.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Institutional (I) Zone is 1 hectare.
- 2) The minimum lot frontage permitted for any use in the Institutional (I) Zone is 60 meters.
- 3) The minimum lot depth permitted for any use in the Institutional (I) Zone is 80 meters.
- 4) The minimum front yard permitted for any use in the Institutional (I) Zone is 15 meters.
- 5) The minimum side yard permitted in the Institutional (I) Zone for a side yard is 15 meters.
- 6) The minimum rear yard permitted for any use in the Institutional (I) Zone is 10 meters.

3.15.3. Other Provisions

In addition to any required side yard set out in paragraph 3.16.2(5), where an Institutional (I) Zone abuts a residential or recreational use, a 5 meter buffer is required along the side lot line for the entire distance that the uses are abutting.

3.16. OPEN SPACE (OS) ZONE

No person shall within any Open Space (OS) Zone use any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations set out in this Section 3.16.

3.16.1. Permitted Uses

No person shall use any lot, building or structure for any use except one of the following uses:

- 1) public and/or private parks, playgrounds, playing fields and sports and recreation facilities, nature and hiking trails;
- 2) recreation centers or community centers;
- 3) passive recreation;
- 4) outdoor commercial recreation facilities;
- 5) outdoor recreation facilities;
- 6) picnic facilities;
- 7) a boat launch;
- 8) a public dock;
- 9) conservation uses;
- 10) fairgrounds; or
- 11) a scenic lookout.

3.16.2. Zone Provisions

- 1) The minimum lot area permitted for any use in the Open Space (OS) Zone is 0.4 hectares.
- 2) The minimum lot frontage permitted for any use in the Open Space (OS) Zone is 30 meters.
- 3) The minimum front yard permitted for any use in the Open Space (OS) Zone is 5 meters.
- 4) The minimum side yard permitted in the Open Space (OS) Zone for a side yard is 5 meters.
- 5) The minimum rear yard permitted for any use in the Open Space (OS) Zone is 5 meters.

3.17. USE LIMITATION (UL) ZONE

The Use Limitation (UL) Zone is always a dual zone, which is applied together with an underlying main Zone.

The purpose of the Use Limitation (UL) Zone is to control land uses near watercourses, wetlands, areas requiring protection, and other hazards, such as talus slopes. This Zone is under the jurisdiction of the Lakehead Region Conservation Authority. That public authority has the jurisdiction to regulate and/or prohibit development in these areas. Although the areas which are impacted by this rules are shown as “use limitation” zones on the Schedules to this By-law, proximity to watercourses, wetlands and other hazards or areas requiring protection can change based on soil erosion, new data or study results, or other factors. For these reasons, the Corporation will not issue a building permit for certain lands without written approval from the Lakehead Region Conservation Authority. Lands controlled in this regard include the lands falling within the Use Limitation Zone areas on the Schedules to this By-law, and also include:

- i) Land within 45 meters of a watercourse;
- ii) Land within 45 meters of a wetland; or
- iii) Land within 45 meters of other hazards or areas of protection regulated by the Lakehead Region Conservation Authority.

3.18. WATERSHED (W) ZONE

No person shall within any Watershed (W) Zone use any lot or erect, alter or use any building or structure for any use or purpose except in accordance with the regulations set out in this Section 3.18.

3.18.1. Permitted Uses

No person shall use any lot, building or structure for any use except watershed protection.

3.18.2. Zone Provisions

Despite the above permitted uses in 3.18.1, no building or structure is permitted in the Watershed (W) Zone except where they are intended for management and protection of watershed area.

SECTION 4 – DEFINITIONS

In this By-law, unless the context requires otherwise, where the terms set out in this Section appear in the text of this By-law, they are intended to have the meanings assigned to them in this Section.

- 4.1. To "ABUT" means to have a common boundary with, or to border on.
- For "ACCESS ROAD" refer to ROAD, ACCESS.
- 4.2. "ACCESSORY" is an adjective used to describe a building, structure or use which is normally incidental to, subordinate to, and exclusively devoted to, a main use, building or structure on the same lot.
- For "ACCESSORY DWELLING", refer to "DWELLING, ACCESSORY"
- 4.3. "ADULT ENTERTAINMENT FACILITY" means an entertainment facility which is intended to appeal to erotic or sexual inclinations.
- 4.4. "AGRICULTURAL" is an adjective used to describe activities including:
- a) the growing of crops, including nursery and horticultural crops;
 - b) the raising of livestock and other animals for food, or fur, including poultry and fish;
 - c) aquaculture;
 - d) agro-forestry;
 - e) agri-tourism;
 - f) the production of foodstuffs from agricultural products (such as milk or cheese) including associated sales of the products;
 - g) maple syrup production, including associated sales of the product; and
 - h) associated on-farm buildings and structures.
- 4.5. "ALTER" is a verb which,
- 1) when used in reference to a building or structure, means to change any one or more of the external dimensions of the building or structure, or to make any change in the supporting members or to the type of construction of the exterior walls or roof of the building or structure; or
 - 2) when used in reference to a lot, means to change the area, frontage or depth of the lot, to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of the lot with respect to a road or lane; or
 - 3) when used in reference to a use, means to discontinue and replace the use with a use which is defined in this By-law as being distinct from the discontinued use.
- For "APARTMENT DWELLING", refer to "DWELLING, APARTMENT".
- 4.6. "APPROVED" means approved by Council.
- 4.7. "ASPHALT PLANT" means the buildings, structures and site where the processing and production of asphalt takes place.

- 4.8. "ASPHALT PLANT, TEMPORARY" an asphalt plant which is located and operated for a period of time specified by Council or by a public road authority for the purpose of a particular project of public road construction.
- 4.9. "AUTOBODY REPAIR SHOP" means an establishment engaged in the repairing or painting of vehicle bodies.
- 4.10. "AUTOMOBILE SERVICE STATION" means an establishment where vehicle fuels, lubricants and accessories are offered for sale and which contains facilities for the repair and maintenance of vehicles, but does not include an autobody repair shop.
- 4.11. "AUTOMOTIVE USE" means an automobile service station, a gasoline retail outlet, a vehicle repair shop, an autobody repair shop or a vehicle sales or rental establishment.
- 4.12. "BED AND BREAKFAST ESTABLISHMENT" means a dwelling in which not more than 3 bedrooms for overnight lodging are provided for gain, with breakfast only included, to persons other than the lessee, tenant or owner of the dwelling, or any member of the household.
- 4.13. "BOAT HOUSE" means a detached accessory building or structure to a dwelling or recreational dwelling constructed for the purpose of sheltering or storage of boats or other form of water transportation and accessories. The term does not include a structure or building which also contains a dwelling unit.
- 4.14. "BOAT LAUNCH" means an area used by the public, on a watercourse, which facilitates the launching of boats. The term does not include any buildings.
- 4.15. "BUFFER" means an open space on a lot which is landscaped with grass, shrubs, flowers, bushes or trees and may include a sidewalk, fence or patio. The term does not include a driveway, ramp, parking area or berm.
- 4.16. "BUILDING" means:
- 1) a structure occupying an area greater than 10 square meters which consists of a wall, roof and floor, or any one or more of them; or
 - 2) a structural system serving the function of a structure defined in paragraph (1), including all works, fixtures and service systems pertaining to that structure.
- The term also includes such other structures as are designated in the Ontario Building Code as "buildings". The term does not include a structure used directly in the extraction of ore from a mine.
- 4.17. "BUILDING OFFICIAL" means the person of the Corporation appointed by the Corporation as its Chief Building Official in accordance with the requirements of the Building Code Act, 1992, S.O. 1992, c. 23.
- 4.18. "BUILDING PERMIT" means a permit required by the Building Code Act, 1992, S.O. 1992, c. 23.
- 4.19. "CEMETERY" means land, buildings, or structures used for the burial of the human dead.
- 4.20. "CHURCH" means a building owned or occupied by a religious congregation or religious organization dedicated to worship and other religious activities.

- 4.21. "CHURCH CAMP" means the use of land owned or occupied by a religious organization, for the temporary accommodation of members or adherents of their religious organization in trailers, tents, tent trailers or other recreation vehicles designed for eating, sleeping or living. The term includes structures such as bunkhouses, dining halls and washroom facilities.
- 4.22. "COMMERCIAL" is an adjective describing land, buildings or structures that are used for business purposes, including the buying or selling of commodities or the supplying of services for remuneration.
- For "COMMERCIAL GARAGE", refer to "GARAGE, COMMERCIAL".
- 4.23. "COMMERCIAL RECREATION FACILITY" is an establishment providing recreational opportunities to the public as a commercial operation. Examples include: privately owned ice skating arenas, golf courses, driving ranges, hunting and/or fishing camps, privately owned ski trails, private parks, etc.
- 4.24. "CONSERVATION USE" means the use of land solely for the preservation and enhancement of the natural environment. A conservation use may include wildlife management activities.
- 4.25. "CORPORATION" means The Corporation of the Municipality of Neebing.
- 4.26. "COUNCIL" means the Council of the Corporation.
- 4.27. "CRUSHING PLANT, TEMPORARY" means a crusher which is located and operated for a period of time specified by Council or by a public road authority for the purpose of a particular project of public road construction.
- 4.28. "DOG KENNEL" means an establishment used for breeding, raising or boarding, on a commercial basis, more than two (2) dogs over the age of six (6) months.
- 4.29. "DWELLING" means a dwelling unit.
- 4.30. "DWELLING UNIT" means 2 or more habitable rooms, designed or intended for use by one or more persons living as a single household in which cooking, living, sleeping and sanitary facilities are provided. The term excludes any vehicle or mobile home used for human habitation.
- 4.31. "DWELLING, ACCESSORY" means a dwelling unit accessory to a permitted non-residential use.
- 4.32. "DWELLING, APARTMENT" means a building, other than a semi-detached dwelling, located on a single lot, containing 2 or more dwelling units.
- 4.33. "DWELLING, MODULAR" means a prefabricated single dwelling being so constructed or assembled that the shortest side of the dwelling is not less than 4.5 meters in width.
- 4.34. "DWELLING, RECREATIONAL MODULAR" means a modular dwelling which is not occupied as a dwelling on a year-round basis, and is intended to be used primarily for the recreation of an owner who occupies another premises as his or her permanent residence. This term does not include any vehicle, mobile home, or primary place of residence.

- 4.35. "DWELLING, RECREATIONAL" means a dwelling which is not occupied as a dwelling on a year-round basis, and is intended to be used primarily for the recreation of an owner who occupies another premises as his or her permanent residence. This term does not include any vehicle, mobile home, or primary place of residence.
- 4.36. "DWELLING, SEMI-DETACHED" means a building other than an apartment dwelling containing two (2) dwelling units which are attached together in whole or in part either above or below grade and divided vertically from each other by a party wall, with each unit having a private, independent entrance directly from a yard. This term does not include any vehicle or mobile home.
- 4.37. "DWELLING, SINGLE" means a detached dwelling unit constructed for permanent use. This term does not include any vehicle or mobile home.
- 4.38. "ENTERTAINMENT FACILITY" means a building or facility for the use of any of the following: a motion picture or other theatre, arena, auditorium, public hall, bingo hall, billiard or pool room, arcade, bowling alley, ice or roller skating rink. The term does not include an adult entertainment facility.
- 4.39. "EQUIPMENT SALES AND SERVICE DEALERSHIP" means an establishment engaged in the sales and/or service of equipment and machinery.
- 4.40. "ERECT" means to build, construct, reconstruct, relocate or place and includes:
- 1) any preliminary operation such as excavation, filling or draining;
 - 2) altering any existing building or structure by an addition, enlargement, extension or other structural change; or
 - 3) any work which requires a building permit.
- 4.41. "EXISTING" means lawfully existing prior to the date of passing of this By-law.
- 4.42. "FARM" means land, including accessory buildings or structures, which is used for agricultural purposes.
- 4.43. "FLOOR AREA" means the total area of all floors contained within the outside walls of a building, excluding, in the case of a dwelling, the floor area of a private garage, porch, veranda, unfinished attic, basement or cellar.
- 4.44. "FORESTRY" means the growing, harvesting and/or processing of trees, and includes reforestation and forest renewal.
- For "FRONT LOT LINE", refer to "LOT LINE, FRONT".
 - For "FRONT YARD", refer to "YARD, FRONT".
- 4.45. "GARAGE, COMMERCIAL" means a building which is used or intended to be used for the commercial storage, care or repair of vehicles.
- 4.46. "GARAGE, PRIVATE" means an accessory building or structure, which is used or intended to be used for the sheltering of vehicles, and in which there are no facilities for repairing or servicing vehicles on a commercial basis. The term includes a partially enclosed carport.
- 4.47. "GARAGE, WOODLANDS" means an enclosed structure used for the storage and maintenance of machinery used in forestry operations.

- 4.48. "GARDEN SUITE" means a non-commercial, self-contained, temporary dwelling unit which is designed to be portable, installed on a lot as an accessory use to a main residential use. Garden Suites are sometimes referred to as a "granny flats". The term may include a mobile home.
- 4.49. "GASOLINE RETAIL OUTLET" means an establishment where vehicle fuels and lubricants are offered for retail trade.
- 4.50. "GRADE" means the average level of proposed or finished ground adjoining a building at all exterior walls.
- 4.51. "GROUP HOME" means a private residence for persons who, for any reason, cannot live with their families but cannot live alone without supervision. A trained caregiver is present on site at all times.
- 4.52. "GUEST COTTAGE" means a non-commercial accessory building, used for temporary sleeping accommodation only, which contains no cooking facilities.
- 4.53. "GUN AND AMMUNITION MERCHANDISE SALE AND REPAIR SHOP" means an establishment where hunting-related sporting goods, including firearms, ammunition, knives, bows and arrows, and other hunting supplies, including replacement parts, may be offered for sale and/or serviced or repaired.
- For "HEAVY INDUSTRIAL", refer to "INDUSTRIAL, HEAVY".
- 4.54. "HEIGHT" means the vertical distance measured from the grade abutting the building or structure, to the highest point of the building or structure, exclusive of any roof structure used only as ornament, such as a chimney, tower or steeple.
- For "HOME INDUSTRY", refer to Section 2.4 of this By-law.
 - For "HOME OCCUPATION", refer to Section 2.5 of this By-law.
- 4.55. "HOTEL" means an establishment used mainly for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation (of not fewer than six bedrooms). The term includes a motel, motor hotel or cabins. The term does not include buildings used for the purpose of supplying food and lodging by the week or otherwise, commonly known as "boarding houses" or buildings used for the purpose of furnishing living quarters with dining rooms or restaurants, commonly known as "apartment houses" or "private hotels".
- 4.56. "HOUSEHOLD" means one or more related or unrelated individuals living as a single housekeeping unit in a dwelling.
- 4.57. "INDUSTRIAL" is an adjective that describes lands, buildings and/or structures used for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adopting for sale any goods, substance, article or thing. The term includes the storage of building and construction equipment and materials. The term does not include restaurants. The term does not include the processing of farmed products into marketable goods (such as processing milk into yogurt or cheese).

- 4.58. "INDUSTRIAL, HEAVY" means an industrial activity which produces high levels of:
- 1) noise;
 - 2) vibration;
 - 3) smoke, odour, dust and/or other particulate matter;
 - 4) radiation hazards;
 - 5) heat, humidity, and/or glare; or
 - 6) land, air and/or water pollution.
- 4.59. "INDUSTRIAL, LIGHT" means a small scale industrial activity which may be enclosed within a building. Light industrial uses include repair shops and warehouses.
- 4.60. "INSTITUTIONAL USE" means the use of land, buildings or structures for a public or social purpose. Examples of institutional uses include government offices or other buildings, religious gathering places, educational facilities, charitable or philanthropic organizations, hospitals, day care facilities, or other similar uses.
- For "LIGHT INDUSTRIAL", refer to "INDUSTRIAL, LIGHT".
- 4.61. "LOT" means a parcel of land,
- 1) described in a deed or other document which continues to be capable of legally transferring title to the land;
 - 2) whose title must be transferred as a whole in accordance with applicable law; or
 - 3) shown as a lot or block on a registered plan of subdivision that has not been de-registered pursuant to the Planning Act, R.S.O. 1990, c. P.33.
- 4.62. "LOT AREA" means the total horizontal area within the lot lines of a lot.
- 4.63. "LOT DEPTH" means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of a triangle formed by the side lot lines.
- 4.64. "LOT FRONTAGE" means the horizontal distance between the side lot lines as measured along a line parallel to the front lot line at a distance equal to the required front yard depth.
- 4.65. "LOT LINE" means a boundary of a lot.
- 4.66. "LOT LINE, FRONT" means the lot line dividing the lot from the road. In the case of a corner lot the shorter lot line abutting a road shall be deemed the front lot line and the longer lot line abutting the road shall be deemed a side lot line. In the case of a corner lot when the two lot lines abutting a road are of equal length, either lot line may be considered the front lot line.
- 4.67. "LOT LINE, REAR" means the lot line farthest from and opposite to the front lot line except in the case of a lot with less than four (4) lot lines whereupon there shall be deemed to be no lot line.
- 4.68. "LOT LINE, SIDE" means a lot line other than a front or rear lot line.

- 4.69. "LOT WIDTH" means the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front line and the mid-point of the rear lot line. When no rear lot line exists, "lot width" shall mean the distance between the side lot lines measured perpendicular to the mid-point of a line joining the mid-point of the front lot line and the apex of the triangle formed by the side lot lines.
- 4.70. "MAIN USE" means a use, building or structure which constitutes the principle use, building, or structure of the lot.
- 4.71. "MANUFACTURING" means the use of land, buildings and/or structures for the making of objects or materials which shall be carried out within a closed building. Manufactured goods may be stored outside. The term does not include the processing of farmed products into marketable goods (such as processing milk into yogurt or cheese).
- 4.72. "MARINA" means an establishment or premises containing docking facilities and located on a watercourse, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided.
- 4.73. "MERCHANDISE REPAIR SHOP" means a building or part thereof wherein articles or goods, other than vehicles or industrial tools are repaired or serviced or where replacement parts for such articles or goods are offered for sale.
- 4.74. "MINERAL EXPLORATION" means activities related to the search for underground minerals.
- 4.75. "MOBILE HOME" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for a household, but shall not include a travel trailer or tent trailer or trailer otherwise designated.
- For "MODULAR DWELLING", refer to "DWELLING, MODULAR".
- 4.76. "NON-CONFORMING" is an adjective describing a use, building or structure which lawfully existed prior to the passing of this By-law, but which does not conform to one or more of the provisions of this By-law.
- 4.77. "PARK" means
- 1) when used as a noun, an area of land consisting primarily of open space for programmed or passive recreation. The term does not include private clubs or commercial recreation facilities.
 - 2) when used as a verb, to leave a motor vehicle standing in one place for a time, with the intention of returning to it in the future.
- 4.78. "PARK, PRIVATE" is a noun referring to a park owned by a person other than a public authority. It may include a private club or a commercial recreation facility.
- 4.79. "PARK, PUBLIC" is a noun referring to a park owned and controlled by a public authority.
- 4.80. "PARKING AREA" means an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes, but shall not include any part of a public road.

- 4.81. "PARKING SPACE" means an area not less than eighteen (18) square meters, exclusive of lanes or aisles, set aside for the temporary storage of motor vehicles.
- 4.82. "PASSIVE RECREATION" is a recreational use that is not intensive in nature and does not rely on the development of land for recreational pursuits. Examples include such activities and uses as: birdwatching, nature interpretation and hiking trails.
- 4.83. "PERMITTED" means permitted by this By-law.
- 4.84. "PERSON" means any human being, association, firm, partnership, or corporation, including his, her or its agent or trustee, and the heirs, executors or other legal representatives of a person at law.
- 4.85. "PERSONAL SERVICE SHOP" means a building within which a personal service is performed. The term includes: a private medical clinic, a dental clinic, a barber shop, a beauty salon, a shoe repair, a dry cleaning depot, a laundromat, a tailor or dressmaking shop, and a photographic studio. The term does not include a massage or body-rub parlour or an adult entertainment parlour.
- 4.86. "PIT" means land from which unconsolidated aggregate may be excavated. The term does not include an excavation for a building or structure.
- For "PRIVATE GARAGE", refer to "GARAGE, PRIVATE".
 - For "PRIVATE PARK", refer to "PARK, PRIVATE".
 - For "PRIVATE ROAD" refer to "ROAD, PRIVATE".
 - For "PRIVATE SCHOOL" refer to "SCHOOL, PRIVATE".
- 4.87. "PUBLIC AUTHORITY" means an order of government or an agency of an order of government.
- 4.88. "PUBLIC DOCK" means a structure on a watercourse used by the public for docking boats and swimming. The term does not include any buildings.
- For "PUBLIC PARK", refer to "PARK, PUBLIC".
 - For "PUBLIC ROAD" refer to "ROAD, PUBLIC".
 - For "PUBLIC SCHOOL" refer to "SCHOOL, PUBLIC".
- 4.89. "PUBLIC UTILITY" means any utility owned by a public authority; an electrical power or energy generating, transmission or distributing system; natural or artificial gas works or supply systems; transportation systems; or telephone systems. The term includes any lands, buildings or equipment required for the operation of the system.
- 4.90. "QUARRY" means land from which unconsolidated aggregate may be excavated. The term does not include an excavation for a building or structure.
- For "REAR LOT LINE", refer to "LOT LINE, REAR".
 - For "REAR YARD", refer to "YARD, REAR".
 - For "RECREATIONAL DWELLING", refer to "DWELLING, RECREATIONAL".

- For “RECREATIONAL MODULAR DWELLING”, refer to “DWELLING, RECREATIONAL MODULAR”.
- 4.91. "REQUIRED" means required by this By-law.
 - 4.92. "RESTAURANT" means a building or part thereof, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.
 - 4.93. "RETAIL LUMBER YARD" means the use of land, buildings or structures for the storage of wood products for the purpose of wholesale or retail trade, but shall not include a planing mill or sawmill or any facility for wood treatment.
 - 4.94. "RETAIL OUTLET" means a building or part thereof in which goods, wares, merchandise, substances, articles or other things are stored, offered or kept for retail sale to the public, including, but not so as to limit the generality of the foregoing, a neighbourhood store, a bakeshop, a farm produce outlet, and a rock shop. The term does not include any use specifically defined elsewhere in this By-law.
 - 4.95. ROAD means a parcel of land set aside for as a route for motor vehicles.
 - 4.96. "ROAD, ACCESS" means a private road which serves as the only motor vehicle access route to one or lots.
 - 4.97. “ROAD, PRIVATE” means a road which is not maintained by a government authority.
 - 4.98. "ROAD, PUBLIC" means a road which is maintained by a public authority. The term includes all elements making up the road, including bridges, culverts, any other structure or improvement on the road. The term does not include an unopened road allowance, a private road, or an access road.
 - 4.99. "SALVAGE YARD" means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares, or material including: rags, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles parts, and/or other salvaged or reclaimed materials. The term does not include retail outlets selling used items such as clothing, furniture or books, and does not include any second-hand distribution operated as an institutional use.
 - 4.100. "SCHOOL" means a school as defined in the Education Act, R.S.O. 1990, c. E.2.
 - 4.101. "SCHOOL, PRIVATE" means a place of learning for children or adults in a classroom setting, other than a public school or a commercial school, under the jurisdiction of a board of trustees or governors, a religious organization or a charitable organization.
 - 4.102. "SCHOOL, PUBLIC" means a school under the jurisdiction of an Ontario School Board.
 - For “SEMI-DETACHED DWELLING”, refer to “DWELLING, SEMI-DETACHED”.
 - For “SIDE LOT LINE”, refer to “LOT LINE, SIDE”.
 - For “SIDE YARD”, refer to “YARD, SIDE”.
 - For “SINGLE DWELLING”, refer to “DWELLING, SINGLE”.

- 4.103. "SILO" means a structure in which fodder or forage is stored.
- 4.104. "SKI FACILITIES" means an establishment comprised of buildings, structures and/or land used for outdoor downhill skiing or outdoor cross-country skiing.
- 4.105. "STABLES" means an establishment used for the purpose of one or more of the following:
- 1) boarding more than five (5) horses on a commercial basis;
 - 2) breeding and selling horses on a commercial basis;
 - 3) training horses on a commercial basis; and/or
 - 4) providing instruction in horseback riding, driving or racing, and/or the handling or husbandry of horses.
- 4.106. "STOREY" means that portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.
- 4.107. "STRUCTURE" means anything other than a building constructed or erected, on or in the ground, or attached to something located on or in the ground. The term includes a swimming pool, but does not include a railway or any paved surface located directly on the ground.
- For "TEMPORARY ASPHALT PLANT" refer to "ASPHALT PLANT, TEMPORARY".
 - For "TEMPORARY CRUSHING PLANT" refer to "CRUSHING PLANT, TEMPORARY".
- 4.108. "TOURIST COMMERCIAL RESORT" means an establishment which provides goods, lodging or meals to the vacationing public; operates throughout all or part of the year and has facilities for serving meals, furnishing equipment, supplies or services in connection with recreational purposes.
- 4.109. "TOURIST PARK" means land used for the temporary, outdoor accommodation of the traveling public in trailers, tents, tent trailers or other recreation vehicles designed for eating, sleeping or living.
- 4.110. "TRADE SHOP" means an establishment that provides a non-personal service or craft to the public. The term includes: a painter's shop, a plumber's shop, a tinsmith's shop, a printer's shop, a carpenter's shop, an electrician's shop, a merchandise service shop, a bakery, a soft drink manufacturing establishment, a catering establishment, an egg grading station and a monument engraving shop. The term does not include any automotive use.
- 4.111. "USE" means:
- 1) when used as a noun, the purpose for which a lot, building and/or structure, is designed, arranged, occupied or maintained;
 - 2) when used as verb, to put to that or another purpose.
- 4.112. "VEHICLE" means a passenger automobile or other motor vehicle, a boat, a farm implement, a motor home, a snowmobile, a trailer, or any other device capable of being drawn, propelled or driven by any kind of power. The term does not include motorized wheelchairs or scooters designed to assist the disabled, when being used for such assistance.

- 4.113. "VEHICLE REPAIR SHOP" means an establishment which contains facilities for the repair and maintenance of vehicles on the premises. The establishment may include the sale of vehicle accessories and the undertaking of vehicle maintenance and repair operations on a commercial basis. The term does not include an autobody repair shop or an automobile service station.
- 4.114. "WAREHOUSE" means a building which is used primarily for the storage of wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things. The term does not include the storage of fuel except as an accessory use.
- 4.115. "WASTE" includes: ashes, biodegradable domestic waste or municipal refuse.
- 4.116. "WASTE DISPOSAL SITE" means lands designated by the Corporation into which, in which, or through which, waste is deposited or processed.
- 4.117. "WATERCOURSE" means any bay, lake, natural watercourse or canal other than a drainage ditch or irrigation channel.
- 4.118. "WIND FARM" means one or more wind turbines designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid. Wind farms may include: temporary construction facilities, operations and maintenance buildings, meteorological towers, collector grids, road and other civil works, communications equipment, substations and interconnection facilities.
- For "WOODLANDS GARAGE", refer to "GARAGE, WOODLANDS".
- 4.119. "YARD" means an area of land which:
- 1) pertains to and located on the same lot as a building or structure; and
 - 2) is open, unoccupied and uncovered, except for natural vegetation, from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted elsewhere in this By-law.
- 4.120. "YARD DEPTH" means, when referring to front yard, rear yard or side yard, the shortest horizontal distance between the front, rear or side lot line and the nearest structural wall of any building or structure on the lot. When there is no rear lot line, "lot depth" means the length of a straight line joining the building with the apex of a triangle formed by the side lot lines.
- 4.121. "YARD, FRONT" means a yard extending across the full width of a lot between the front lot line of the lot and the nearest structural wall of any building or structure on the lot.
- 4.122. "YARD, REAR" means a yard extending across the full width of a lot between the rear lot line of such lot, or where there is no rear lot line, the junction point of the side lot line, and the nearest structural wall of any building or structure on the lot.
- 4.123. "YARD, SIDE" means a yard extending from the front yard to the rear yard of a lot and from the side lot line of the lot to the nearest structural wall of any building or structure on the lot.
- 4.124. "ZONE" means a designated area of land use shown on Schedules "A", "B", "C", "D", "E" or "F" to this By-law.

SECTION 5 – SPECIAL CONDITIONS

5.1. Special Conditions

Special conditions apply to individual properties within zones for which the Corporation has passed site-specific amendments to this By-law or its predecessors. As set out in Section 3.1.5, properties to which special conditions apply are indicated on the maps in Schedules “A”, “B”, “C”, “D” or “E” to this By-law by a suffix formed by two letters followed by a number.

5.2. Mapping Suffixes

Suffixes that start with the letter combination “BL” apply to properties in geographic Blake Township. Suffixes that start with the letter combination “CR” apply to properties in geographic Crooks Township. Suffixes that start with the letter combination “PA” apply to properties in geographic Pardee Township. Suffixes that start with the letter combination “PE” apply to properties in geographic Pearson Township. Suffixes that start with the letter combination “SC” apply to properties in geographic Scoble Township.

The number portion of the Suffix is applied sequentially as site specific zoning by-law amendments are passed by Council.

5.3. Special Conditions in Geographic Blake Township

5.3.1 Special Condition BL-1:

The property to which this special condition applies is legally described as Lot 3, Plan M360, together with Part 2 on Reference Plan of Survey 55R-5563, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 101-1988.

On September 6, 2017, this property had municipal address 6 Margaret Street North and Roll Number 58-01-030-006-34910.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum rear yard permitted for any use on this lot, when not abutting a shoreline road allowance, is 2.75 meters.

5.3.2 Special Condition BL-2:

The property to which this special condition applies is legally described as Lot 14, Plan M365, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 116-1999.

On September 6, 2017, this property had municipal address 51 Margaret Street North and Roll Number 58-01-030-006-34952.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum rear yard permitted for any use on this lot, when not abutting a shoreline road allowance, is 8.5 meters.

5.3.3 Special Condition BL-3:

The property to which this special condition applies is legally described as Part of the Northwest Corner of Lot 10, Concession 3, Geographic Blake Township, being Part 1 on Reference Plan of Survey 55R-4709. The By-law which originally applied the special conditions is By-law Number 278-1993.

On September 6, 2017, this property had municipal address 4278 Highway 61 and Roll Number 58-01-030-006-10885.

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.

On this lot, the only permitted uses are:

- (1) gun and ammunition merchandise sale and repair shop;
- (2) single dwelling; and
- (3) buildings, structures and uses accessory to the above.

Any permitted gun and ammunition merchandise sale and repair shop shall have a maximum floor area of 26.8 meters and shall share a common wall with a dwelling unit.

The minimum lot area for this lot is 3.85 hectares.

The minimum lot depth for this lot is 510 meters.

The minimum front yard for this lot is 91 meters.

The minimum side yard requirements from the North lot line are:

- For a single dwelling, 25 meters; and
- For a gun and ammunition merchandise sale and repair shop, 60 meters.

The minimum side yard requirement from the South lot line is 7.6 meters.

The minimum rear yard for this lot is 410 meters.

The minimum floor area for a dwelling on this lot is 66.9 square meters.

Placement of 1 sign not to exceed 3 square meters in size is permitted.

5.3.4 Special Condition BL-4:

The property to which this special condition applies is legally described as Part of the Northeast corner of Lot 9, Concession 2, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 176-1990.

On September 6, 2017, this property had municipal address 235 Falls Road and Roll Number 58-01-030-006-06490.

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.

In addition to the permitted uses set out in Section 3.3.1, a mobile home is a permitted use on this lot.

5.3.5 Special Condition BL-5:

The property to which this special condition applies is legally described as the Southwest quarter of Lot 10, Concession 4, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 580-2002.

On September 6, 2017, this property had municipal address 4485 Highway 61 and Roll Number 58-01-030-006-14100.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the General Commercial Zone apply to this lot.

On this lot, the only permitted uses are:

- (1) single dwelling;
- (2) artists' gallery and workshop; and
- (3) buildings, structures and uses accessory to the above.

5.3.6 Special Condition BL-6:

The property to which this special condition applies is legally described as Part of the Northwest Quarter of Lot 11, Concession 3, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 288-1993.

On September 6, 2017, this property had municipal address 120-210 Highway 608 and Roll Number 58-01-030-006-11301.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Agricultural Zone apply to this lot.

In addition to the permitted uses set out in Section 3.4.1, a mobile home is permitted as an accessory dwelling unit on this lot.

5.3.7 Special Condition BL-7:

The property to which this special condition applies is legally described as "Island Birch", Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 357-1996.

This property is an island with no municipal address, and, as of September 6, 2017, was assigned Roll Number 58-01-030-006-40000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Seasonal Zone apply to this lot.

Despite the provisions of Section 3.8.1 of this By-law, on this lot, 2 recreational dwellings are permitted as they existed in 1996. The provisions of Section 2.7.3 apply to repair or rebuilding of the recreational dwellings.

5.3.8 Special Condition BL-8:

The property to which this special condition applies is legally described as “Mink Island” in Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 400-1997.

This property is an island with no municipal address, and, as of September 6, 2017, was assigned Roll Number 58-01-030-006-41100.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Seasonal Zone apply to this lot.

The 15 meter setback in Section 3.8.3 does not apply to Mink Island with respect to the existing recreational dwelling. Instead, the minimum set back from the waterbody is 18 meters. Subject to the applicability of Section 2.7.4, Section 3.8.3 applies with respect to any new structures.

5.3.9 Special Condition BL-9:

The property to which this special condition applies is legally described as Lot 26, Plan 55M-555, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 436-1998.

On September 6, 2017, this property had municipal address 80 Island Avenue and Roll Number 58-01-030-006-35825.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum rear yard permitted for this lot is 6.1 meters.

5.3.10 Special Condition BL-10:

The property to which this special condition applies is legally described as Part of the Southwest Quarter of Lot 10, Concession 2, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 706-2006.

On September 6, 2017, this property had municipal address 4180B Highway 61 and Roll Number 58-01-030-006-07310.

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 provisions of Section 3.3.1, two dwelling units are permitted on this lot.

5.3.11 Special Condition BL-11:

The property to which this special condition applies is legally described as Mining Location 38Z, Concession 9, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 727-2007.

On September 6, 2017, this property did not front on an open road, and had no municipal address. It is assigned Roll Number 58-01-030-006-36000.

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 Section 2.2 of the By-law, a building permit may be issued to allow construction of a building on this lot.

The lot owners acknowledge that, unless private roads or access roads are passable, no emergency or protective service vehicles will traverse them.

5.3.12 Special Condition BL-12:

The property to which this special condition applies is legally described as Part of the East half of the of the West half of the Northwest Quarter Section 10, Concession 8, now described as Part 1 on Reference Plan of Survey 55R-13693, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 016-2014.

On September 6, 2017, this property had municipal address 131 Cloud Lake Road and Roll Number 58-01-030-006-30904.

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 definition of “modular dwelling” in the by-law, a modular dwelling which measures 4.3 meters on its shortest side is a permitted use on this lot.

5.3.13 Special Condition BL-13:

The properties to which this special condition applies are legally described as Lots 1 through 18, inclusive, Geographic Blake Township.

On September 6, 2017, these properties had the following municipal addresses and Roll Numbers:

Lot #	Address	Roll Number
1	9 Margaret Street South	58-01-030-006-34978
2	5 Margaret Street South	58-01-030-006-34976
3	11 Margaret Street North	58-01-030-006-34974
4	(no address) Margaret Street North	58-01-030-006-34972
5	15 Margaret Street North	58-01-030-006-34970
6	21 Margaret Street North	58-01-030-006-34968
7	(no address) Margaret Street North	58-01-030-006-34966
8	(no address) Margaret Street North	58-01-030-006-34964
9	31 Margaret Street North	58-01-030-006-34962
10	(no address) Margaret Street North	58-01-030-006-34960
11	39 Margaret Street North	58-01-030-006-34958
12	41 Margaret Street North	58-01-030-006-34956
13	45 Margaret Street North	58-01-030-006-34954
14	51 Margaret Street North	58-01-030-006-34952
15	55 Margaret Street North	58-01-030-006-34950
16	57 Margaret Street North	58-01-030-006-34948
17	(no address) Margaret Street North	58-01-030-006-34946
18	65 Margaret Street North	58-01-030-006-34944

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to these lots.

The minimum rear yard permitted for any use on these lots is 5 meters.

5.3.14 Special Condition BL-14:

The property to which this special condition applies is legally described as Part of the Southeast Quarter of Lot 11, Concession 8, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 2017-021.

On September 6, 2017, this property had municipal address 269 Cloud Lake Road and Roll Number 58-01-030-006-31503.

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.

A second dwelling unit is permitted on this lot, to be constructed as the main residential dwelling use, in addition to the existing dwelling unit over a garage, which will become an accessory dwelling once the primary dwelling is constructed.

5.3.15 Special Condition BL-15:

The property to which this special condition applies is legally described as Part of the Southwest Quarter of Lot 9, Concession 1 and Part of the Northwest Quarter and Southwest Quarter of Lot 9, Concession 1, Geographic Blake Township. The By-law which originally applied the special condition is By-law Number 2017-021.

On September 6, 2017, this property had municipal address 50 Farm Road and Roll Numbers 58-01-030-006-02800 and 58-01-030-006-03000.

As at September 6, 2017, the lots represented by these two roll numbers had merged under the provisions of the Planning Act.

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 those portions of this lot that are zoned Rural, and the provisions of this By-law that apply to lots in the Agricultural Zone apply to those portions of this lot that are zoned Agricultural.

A second dwelling unit is permitted on this lot, to be constructed as a secondary main residential dwelling use. The second dwelling must be located with frontage on Boy Scout Road, within that portion of the lot zoned "Rural".

5.3.16 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. The By-law which originally applied the special condition is By-law Number 2019-034.

By-law 2019-034 also implemented a “hold” symbol for the site-specific rezoning. As at August 7, 2019, the hold symbol had not as yet been removed.

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.

5.3.17 Special Condition BL-17:

The property to which this special condition applies is legally described as Part 2 on Reference Plan 55R-5142, being part of the Southwest quarter of Lot 8, Concession 1, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2016-019.

On September 6, 2017, this property had municipal address 371 Boy Scout Road and Roll Number 58-01-030-006-02395.

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.

In addition to the permitted uses set out in Section 3.3.1, a storage building that which is not accessory to a residential dwelling is a permitted use on this property.

5.3.18 Special Condition BL-18:

The property to which this special condition applies is legally described as Concession 9, Part NE ¼ Lot 10, PCL 2083, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2021-040.

On October 6, 2021, this property had municipal address 44 Oleksuk Road and Roll Number 58-01-030-006-33600.

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.

In addition to the permitted uses set out in Section 3.3.1, a second dwelling unit, constructed as a dwelling unit within a building which is accessory to the principal residence is permitted on this property.

5.3.19 Special Condition BL-19:

The property to which this special condition applies is legally described as Concession 9, Part NE ¼ Lot 10, PCL 2083, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2023-035.

On August 16, 2023, this property had municipal address 491 Boundary Drive East and Roll Number 58-01-030-006-03210.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Agricultural Zone apply to this lot.

In addition to the permitted uses set out in Section 3.4.1, a second dwelling unit on, constructed as a dwelling unit within an attached structure which is accessory to the principal residence is permitted on this property.

5.3.20 Special Condition BL-20:

The property to which this special condition applies is legally described as Plan WM121 Lot 15 and Part 3 of Road Allowance on Reference Plan 55R5952, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2022-031.

On August 7, 2022, this property had municipal address 1348 Sturgeon Bay Road and Roll Number 58-01-030-006-37900.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

Minimum side yard permitted for the easterly property line is 2.5 meters.

5.3.21 Special Condition BL-21:

The property to which this special condition applies is legally described as Concession 6 South Part Section 9, Part 1 on Reference Plan 55R2466, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2023-040.

On October 4, 2023, this property had municipal address 40 Cottonwood Road and Roll Number 58-01-030-006-21790.

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 Minimum lot frontage for the property line along Cottonwood Road is 20 meters; and

The Minimum lot frontage for the property line along Copper Cliff Road East is 65 meters.

5.3.22 Special Condition BL-22:

The property to which this special condition applies is legally described as Part 3 on Reference Plan 55R11880, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2024-037.

On August 4, 2024, this property had municipal address 155 Tower Road and Roll Number 58-01-030-006-10410.

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.

In addition to the permitted uses set out in Section 3.3.1, a modular dwelling unit that is 4.26 meters in width is permitted on this property.

5.4. Special Conditions in Geographic Crooks Township

5.4.1 Special Condition CR-1:

The property to which this special condition applies is legally described as Lot 1, Plan W-765, together with the former Shoreline Road Allowance, Part 1, Reference Plan of Survey 55R-6524, Geographic Crooks Township. The By-law which originally applied the special conditions is By-law Number 197-1991.

On September 6, 2017, this property had municipal address 8 Cottage Drive East and Roll Number 58-01-040-007-37900.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum front yard as it relates to a private garage on this lot is 5.8 meters.

The minimum westerly side yard as it relates to a dwelling on this lot is 4.3 meters.

The minimum easterly side yard as it relates to an accessory building on this lot is 1.0 meter.

The minimum rear yard as it relates to an accessory building on this lot is 6.0 meters.

5.4.2 Special Condition CR-2:

The property to which this special condition applies is legally described as Lot 2, Plan W-765, together with the former Shoreline Road Allowance, Part 2, Reference Plan of Survey 55R-6524, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 198-1991.

On September 6, 2017, this property had municipal address 6 Cottage Drive East and Roll Number 58-01-040-007-38000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum easterly side yard as it relates to a dwelling on this lot is 3.4 meters.

5.4.3 Special Condition CR-3:

The property to which this special condition applies is legally described as Part of Mining Location 2G, being Part 6 on Reference Plan of Survey 55R-6356, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 199-1991.

On September 6, 2017, this property had municipal address 44 Cottage Drive East and Roll Number 58-01-040-007-27900.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum rear yard as it relates to a sauna on this lot is 7.6 meters.

5.4.4 Special Condition CR-4:

The property to which this special condition applies is legally described as Part of Mining Location 2G, together with the former shoreline road allowance, being Parts 4 through 7 on Reference Plan of Survey 55R-7230 and Parts 1 and 2 on Reference Plan of Survey 55R-12629, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 234-1992.

On September 6, 2017, this property had municipal address 16 Cottage Drive East and Roll Number 58-01-040-007-28002.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum rear yard as it relates to a dwelling on this lot is 2 meters.

5.4.5 Special Condition CR-5:

Three properties (without municipal addresses) are impacted by this special condition. They are parts of Mining Location 11B and the former shoreline road allowances in front of the lots, which were severed in 2008 and re-zoned under By-law Number 790-2008.

As of September 6, 2017, the properties had the following Roll Numbers and legal descriptions:

1. Roll Number 58-01-040-007-25510

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 6, 9 and 14 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

2. Roll Number 58-01-040-007-25520

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 4, 5, 8, 10, 12 and 15 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

3. Roll Number 58-01-040-007-25530

Part of Mining Location 11B and the former shoreline road allowance adjacent to it, now described as Parts 1, 2, 3, 7, 11, 13 and 16 on Reference Plan of Survey 55R-12762, in the geographic Township of Crooks and Municipality of Neebing.

These properties are zoned “Seasonal” with the “use limitation” zone applied.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Seasonal Zone apply to these lots.

The only uses permitted on these lots are:

Recreational dwellings;
Recreational modular
dwellings; Conservation
uses;
Forestry uses; or
Wildlife management uses.

Schedule "B" of By-law 790-2008 illustrates portions of two of the lots that have special considerations. The portions of land subject to this restriction are labelled "PT4", "PT2" and "PT1" on that Schedule. The following restrictions apply to these portions of the property:

- (a) buildings or structures are prohibited;
- (b) construction of any type is prohibited;
- (c) site alteration is prohibited;
- (d) permanent and/or temporary roads are prohibited;
- (e) access trails are prohibited; and
- (f) the removal of trees and/or natural vegetation is prohibited.

Despite (f) above, trees and/or natural vegetation may be removed only in the following circumstances:

- the trees and/or vegetation are dying or dead;
- the trees and/or vegetation present a danger to health or safety; and/or
- the trees and/or vegetation need to be removed for surveying purposes, provided that such removal is kept to a minimal amount as determined by an Ontario Land Surveyor.

Any permitted development on any of these lots may only be undertaken between August 30th and March 1st of any year unless a qualified biologist determines, based on a mid- to late- June assessment, that the environmental protection zone shown on Schedule "B" of By-law 790-2008, is a non-active site for that nesting season.

The minimum lot area for the lots subject to this special condition is 0.6 hectares.

The minimum area for a recreational dwelling on the lots subject to this special condition is 45 square meters.

The lot owners acknowledge that, unless the private roads or access roads servicing the lots are passable, no emergency or protective service vehicles will traverse them.

5.4.6 Special Condition CR-6:

The property to which this special condition applies is legally described as Lot 29, Plan W-765, together with the former shoreline road allowance, Part 3 on Reference Plan of Survey 55R-6693, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 267-1993.

On September 6, 2017, this property had municipal address 52 Cottage Drive West and Roll Number 58-01-040-007-39214.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum rear yard as it relates to a dwelling on this lot is 10 meters.

5.4.7 Special Condition CR-7:

The property to which this special condition applies is legally described as Lots 21 and 22, Plan W-765, Geographic Crooks Township. The By-law which originally applied the special conditions is By-law Number 318-1994.

On September 6, 2017, this property had municipal address 35 Cottage Drive West and Roll Number 58-01-040-007-39207.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum side yard as it relates to an accessory wood storage structure is 0.2 meters.

The minimum side yard as it relates to a tool storage shed is 0.9 meters.

The minimum side yard as it relates to a greenhouse structure attached to a dwelling is meters.

5.4.8 Special Condition CR-8:

The property to which this special condition applies is legally described as the west Half of the Southeast Quarter of Lot 1, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 161-1990.

On September 6, 2017, this property had municipal address 100 Cloud Bay Road North and Roll Number 58-01-040-007-06600.

Except where they contravene the provisions of this special condition, the provisions set out in this By-law for properties in the Rural Zone apply to this lot.

In addition to the permitted uses set out in Section 3.3.1, a mobile home is a permitted use on this lot.

5.4.9 Special Condition CR-9:

The property to which this special condition applies is legally described as Part of the Northeast Quarter of Lot 5, Concession 6, more particularly described as Part 4 on Reference Plan of Survey FWR-82, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 272-1993.

On September 6, 2017, this property had municipal address 6496 Highway 61 and Roll Number 58-01-040-007-18103.

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.

In addition to the permitted uses set out in Section 3.3.1, on this lot, materials and commodities other than those produced on the premises may be sold, displayed or stocked for re-sale.

The minimum lot area for this lot is 0.5 hectares. The minimum lot frontage for this lot is 70 meters. The minimum lot depth for this lot is 60 meters.

5.4.10 Special Condition CR-10:

The property to which this special condition applies is legally described as The Southwest Quarter of Lot 5, Concession 8, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 341-1995.

On September 6, 2017, this property had municipal address 79 Little Pigeon Bay Road and Roll Number 58-01-040-007-19600.

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 minimum lot frontage for this lot is 20 meters.

5.4.11 Special Condition CR-11:

The properties to which this special condition applies are legally described as Lots 23, 24, 25, 35, 37, 38, 39, 40, and 41 on Plan 773, together, in each case, with the former shoreline road allowance abutting the lots, Geographic Crooks Township. The shoreline road allowance portions are all parts on Reference Plans of Survey 55R-6472, 6733 or 11360, as noted in the table.

The following table indicates the lot numbers, Reference Plan part numbers, addresses and roll numbers, together with the by-law numbers of the by-laws which originally imposed special conditions on these lots, as of September 6, 2017.

Lot # & Part #	By-Law	Address	Roll Number
Lots 23 & 24 & RP 6472, Part 16	646-2004	Adjacent to 54 Van Johnson Boulevard to the north	58-01-040-007-41900
Lot 25 & RP 6472, Part 17	365-1996	54 Van Johnson Boulevard	58-01-040-007-42100
Lot 35 & RP 6472, Part 5	366-1996	22 Van Johnson Boulevard	58-01-040-007-42800
Lot 37 & RP 11360, Part 2	370-1996	(no address) Van Johnson Boulevard	58-01-040-007-43000
Lot 38 & RP 11360, Part 1	371-1996	(no address) Van Johnson Boulevard	58-01-040-007-43010
Lot 39 & RP 6733, Part 3	367-1996	(no address) Van Johnson Boulevard	58-01-040-007-43200
Lot 40 & RP 6733, Part 2	368-1996	(no address) Van Johnson Boulevard	58-01-040-007-43300
Lot 41 & RP6733, Part 1	369-1996	(no address) Van Johnson Boulevard	58-01-040-007-43400

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to these lots.

For each of these lots, the lot frontage is reduced to zero.

Despite Section 2.2 of the By-law, building permits may be issued to allow construction of recreational dwellings and accessory buildings on these lots. Single dwellings are not permitted unless and until the access roads become public roads.

On each of these lots, the measurements for determination of minimum front yards and lot depths shall be calculated from the private road.

The lot owners acknowledge that, unless the private roads or access roads servicing the lots are passable, no emergency or protective service vehicles will traverse them.

5.4.12 Special Condition CR-12:

The property to which this special condition applies is legally described as Part of the North Part of Lot 2, Concession 3, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 403-1997. It, however, applied a measurement that did not accord with the lot's actual size. This was corrected in this special condition.

On September 6, 2017, this property had municipal address 5779 Highway 61 and Roll Number 58-01-040-007-08100.

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 minimum lot size for this lot is 0.49 hectares.

5.4.13 Special Condition CR-13:

The property to which this special condition applies is legally described as Part of the South Part of Lot 3, Concession 5, being Part 1 on Reference Plan of Survey 55R-2406, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 412-1998.

On September 6, 2017, this property had municipal address 6210 Highway 61 and Roll Number 58-01-040-007-15901.

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.

In addition to the permitted uses set out in Section 3.3.1, a residential apartment is a permitted use on this lot.

A maximum of two dwellings is permitted.

5.4.14 Special Condition CR-14:

The property to which this special condition applies is legally described as Lot 27, Plan 765, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 413-1998.

On September 6, 2017, this property had municipal address 46 Cottage Drive West and Roll Number 58-01-040-007-39212.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum rear yard for this lot is 6.6 meters.

5.4.15 Special Condition CR-15:

The property to which this special condition applies is legally described as Lot 26, Plan W-786, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 579-2002.

On September 6, 2017, this property had municipal address 732 Cloud Lake Road and Roll Number 58-01-040-007-49400.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum rear yard as it relates to a sauna is 6 meters.

5.4.16 Special Condition CR-16:

The property to which this special condition applies is legally described as 8K Reid Survey Island, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 653-2004.

On September 6, 2017, this island property had no municipal address, and Roll Number 58-01-040-007-31300.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Seasonal Zone apply to this lot.

The 15-meter setback in Section 3.8.3 does not apply to this island with respect to the existing recreational dwelling. Instead, the minimum set back from the waterbody is 10 meters. Subject to the applicability of Section 2.7.4, Section 3.8.3 applies with respect to any new structures.

5.4.17 Special Condition CR-17:

The property to which this special condition applies is legally described as Lot 14, Plan M599, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 453-1999.

On September 6, 2017, this property had municipal address 548 Memory Road and Roll Number 58-01-040-007-28575.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum easterly side yard for this lot is 10 meters.

5.4.18 Special Condition CR-18:

The property to which this special condition applies is legally described as Lot 18, Plan M599, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 453-1999. It is noted that the original by-law used lot numbers referenced on a draft plan of subdivision, which were altered in the registered form of the Subdivision. That is why By-law Number 453-1999 refers to “Lot 17” for this property. Lot 17 on the draft Plan of Subdivision is Lot 18 on the Registered Plan of Subdivision.

On September 6, 2017, this property had municipal address 572 Memory Road and Roll Number 58-01-040-007-28590.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum easterly side yard for this lot is 10 meters.

5.4.19 Special Condition CR-19:

The property to which this special condition applies is legally described as Lot 19, Plan M559, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 453-1999. It is noted that the original by-law used lot numbers referenced on a draft plan of subdivision, which were altered in the registered form of the Subdivision. That is why By-law Number 453-1999 refers to “Lot 18” for this property. Lot 18 on the draft Plan of Subdivision is Lot 19 on the Registered Plan of Subdivision.

On September 6, 2017, this property had municipal address 578 Memory Road and Roll Number 58-01-040-007-28605.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum westerly side yard for this lot is 10 meters.

5.4.20 Special Condition CR-20:

The property to which this special condition applies is legally described as Lot 22, Plan M559, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 453-1999.

On September 6, 2017, this property had municipal address 590 Memory Road and Roll Number 58-01-040-007-28620.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum easterly side yard for this lot is 10 meters.

5.4.21 Special Condition CR-21:

The property to which this special condition applies is legally described as Lot 23, Plan M559, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 453-1999.

On September 6, 2017, this property had municipal address 596 Memory Road and Roll Number 58-01-040-007-28625.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum westerly side yard for this lot is 10 meters.

5.4.22 Special Condition CR-22:

This condition was repealed by By-law 2021-012

5.4.23 Special Condition CR-23:

The property to which this special condition applies is legally described as Part of the Northwest Quarter of Lot 2, Concession 3, being Part 1 on Reference Plan of Survey 55R-10770, Geographic Crooks Township. The By-law which originally applied the special condition was not located. The provision was preserved in By-law 860-2010 in Section 3.12.3

On September 6, 2017, this property had municipal address 5791 Highway 61 and Roll Number 58-01-040-007-08000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Light Industrial Zone apply to this lot.

The only permitted uses on this lot are:

- 1) the manufacturing of wood pallets;
- 2) stockpiling and outdoor storage of wood pallets and materials required in wood pallet production; and
- 3) an accessory dwelling.

The minimum lot frontage for this lot is 120 meters.

The minimum front yard for this lot is 30 meters.

5.4.24 Special Condition CR-24:

The property to which this special condition applies is legally described as Lots 1-8, Plan 734, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 2016-018.

By-law 2016-018 also implemented a “hold” symbol for the site-specific rezoning. As at September 6, 2017, the hold symbol had not as yet been removed.

On September 6, 2017, this property had municipal address 738 Memory Road and Roll Number 58-01-040-007-33000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Lakefront Residential Zone apply to these lots.

For each of these lots, the lot frontage is reduced to zero.

Despite Section 2.2 of the By-law, a building permit may be issued to allow construction of one residential dwelling and accessory buildings on these lots.

The lot owners acknowledge that, unless the private roads or access roads servicing the lots are passable, no emergency or protective service vehicles will traverse them.

5.4.25 Special Condition CR-25:

The property to which this special condition applies is legally described as Part 1 on Reference Plan 55R 14035, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 2015-025.

On April 7, 2021, this property had municipal address 214 Cottage Drive East and Roll Number 58-01-040-007-43704.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Lakefront Residential Zone apply to this lot.

There is no Minimum Lot Depth required.

The Minimum set back from any lot line adjacent to Lake Superior is 15 meters.

5.4.26 Special Condition CR-26:

The properties to which this special condition applies are legally described as Parts 2 to 7 on reference plan 55R14035, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 2015-025.

On April 7, 2021, these properties had the following municipal addresses and Roll Numbers:

<u>Legal Description</u>	<u>Municipal Address</u>	<u>Roll Number</u>
Parts 2 - 3, 55R14035	218 Cottage Drive East	58-01-040-070-43703
Parts 4 - 7, 55R14035	222 Cottage Drive East	58-01-040-070-43705

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Lakefront Residential Zone apply to these lots.

The Minimum Rear Yard Set Back when not abutting a shoreline road allowance is 15 meters.

5.4.27 Special Condition CR-27:

The properties to which this special condition applies are legally described as registered plan 55M612, Lots 1 to 30, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 2021-012.

On April 7, 2021, these properties had the following municipal addresses and Roll Numbers:

<u>Legal Description</u>	<u>Municipal Address</u>	<u>Roll Number</u>
PLAN 55M612, Lot 1	2 Lloyd Johnson Dr	58-01-040-007-22530
PLAN 55M612, Lot 2	10 Lloyd Johnson Dr	58-01-040-007-22532
PLAN 55M612, Lot 3	12 Lloyd Johnson Dr	58-01-040-007-22534
PLAN 55M612, Lot 4	14 Lloyd Johnson Dr	58-01-040-007-22536
PLAN 55M612, Lot 5	20 Lloyd Johnson Dr	58-01-040-007-22538

<u>Legal Description</u>	<u>Municipal Address</u>	<u>Roll Number</u>
PLAN 55M612, Lot 6	24 Lloyd Johnson Dr	58-01-040-007-22540
PLAN 55M612, Lot 7	28 Lloyd Johnson Dr	58-01-040-007-22542
PLAN 55M612, Lot 8	30 Lloyd Johnson Dr	58-01-040-007-22544
PLAN 55M612, Lot 9	40 Lloyd Johnson Dr	58-01-040-007-22546
PLAN 55M612, Lot 10	50 Lloyd Johnson Dr	58-01-040-007-22548
PLAN 55M612, Lot 11	56 Lloyd Johnson Dr	58-01-040-007-22550
PLAN 55M612, Lot 12	62 Lloyd Johnson Dr	58-01-040-007-22552
PLAN 55M612, Lot 13	66 Lloyd Johnson Dr	58-01-040-007-22554
PLAN 55M612, Lot 14	70 Lloyd Johnson Dr	58-01-040-007-22556
PLAN 55M612, Lot 15	72 Lloyd Johnson Dr	58-01-040-007-22558
PLAN 55M612, Lot 16	No municipal address	58-01-040-007-22560
PLAN 55M612, Lot 17	80 Lloyd Johnson Dr	58-01-040-007-22562
PLAN 55M612, Lot 18	86 Lloyd Johnson Dr	58-01-040-007-22564
PLAN 55M612, Lot 19	92 Lloyd Johnson Dr	58-01-040-007-22566
PLAN 55M612, Lot 20	100 Lloyd Johnson Dr	58-01-040-007-22568
PLAN 55M612, Lot 21	122 Lloyd Johnson Dr	58-01-040-007-22570
PLAN 55M612, Lot 22	106 Lloyd Johnson Dr	58-01-040-007-22572
PLAN 55M612, Lot 23	110 Lloyd Johnson Dr	58-01-040-007-22574
PLAN 55M612, Lot 24	116 Lloyd Johnson Dr	58-01-040-007-22576
PLAN 55M612, Lot 25	120 Lloyd Johnson Dr	58-01-040-007-22578
PLAN 55M612, Lot 26	124 Lloyd Johnson Dr	58-01-040-007-22580
PLAN 55M612, Lot 27	130 Lloyd Johnson Dr	58-01-040-007-22582
PLAN 55M612, Lot 28	No municipal address	58-01-040-007-22584
PLAN 55M612, Lot 29	138 Lloyd Johnson Dr	58-01-040-007-22586
PLAN 55M612, Lot 30	140 Lloyd Johnson Dr	58-01-040-007-22588

Except where they contravene the provisions of this special condition, the provisions set out in this By-law for properties in the Residential 2 Zone apply to these lot.

In addition to the permitted uses set out in Section 3.7.1, a recreational dwelling or a recreation modular dwelling are permitted uses on these lot.

5.4.28 Special Condition CR-28:

The property to which this special condition applies is legally described as Part of the Northeast Quarter of Lot 2, Concession 3, Geographic Crooks Township and known as Part Two on Reference Plan of Survey 55R-8706. The By-law which originally applied the special condition is By-law Number 2018-013A.

By-law 2018-013 also implemented a “hold” symbol for the site-specific rezoning. As at July 10, 2018, the hold symbol had not as yet been removed.

On July 10, 2018, this property had municipal address 2 Jarvis Bay Road East and Roll Number 58-01-040-007-07200-0000.

The Subject Property has dual zoning, both “Rural” and “Recreation 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 and Recreation Commercial apply to this lot.

5.4.29 Special Condition CR-29:

The property to which this special condition applies is legally described as Lots 28 and 29 on Plan M612, Geographic Crooks Township. The By-law which originally applied the special condition is By-law Number 2014-024.

On September 6, 2017, this property had municipal address 138 Lloyd Johnson Drive and Roll Number 58-01-040-007-28625.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 2 Zone apply to this lot.

The minimum rear yard for this lot is:

- i. 3 meters when abutting a shoreline road allowance; or
- ii. 15 meters when not abutting a road allowance.

5.4.30 Special Condition CR-30:

The property to which this special condition applies is legally described as Plan 779 Lot 13, Geographic Blake Township. The By-law which originally applied the special conditions is By-law Number 2022-012.

On April 6, 2022, this property had municipal address 652 Cloud Lake Road and Roll Number 58-01-040-007-45100.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

Minimum front yard permitted is 5 meters.

5.5. Special Conditions in Geographic Pardee Township

5.5.1 Special Condition PA-1:

The property to which this special condition applies is legally described as Part of the Southeast Quarter of Lot 7, Concession 2, Geographic Pardee Township. Two historic By-law Amendments impacted this property (By-law 280-1993 and By-law 373-1996) and this special condition varies the changes implemented by By-law 373-1996.

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.

On September 6, 2017, this property had municipal address 990 Cloud Lake Road and Roll Number 58-01-050-008-03600.

On this lot, one main dwelling, together with up to four guest houses, is a permitted use.

5.6. Special Conditions in Geographic Pearson Township

5.6.1 Special Condition PE-1:

No special conditions existed in Geographic Pearson Township on September 6, 2017.

5.7. Special Conditions in Geographic Scoble Township

5.7.1 Special Condition SC-1:

The property to which this special condition applies is legally described as Part of Broken Lot 6, Concession 5, being Part 1 on Reference Plan of Survey 55R-6271, Geographic Scoble Township. The By-law which originally applied the special condition is By-law Number 2017-021. This special condition was later amended though By-law Number 2020-022.

On September 6, 2017, this property had municipal address 34 Hunter Lane and Roll Number 58-01-760-000-14510.

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.

A second dwelling unit is permitted on this lot, to be constructed as a dwelling unit within a building which is accessory to the principal residence.

5.7.2 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. The By-law which originally applied the special condition is By-law Number 2019-035.

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.

5.7.3 Special Condition SC-3:

The property to which this special condition applies is legally described as Lot 26 on Plan M73, Geographic Scoble Township. The By-law which originally applied the special condition is By-law Number 2020-026.

On July 15, 2020, this property had municipal address 43 Podres Road East and Roll Number 58-01-910-002-10800-0000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum side yard permitted for a dwelling on this lot is 3 meters.

The minimum side yard permitted for an accessory building on this lot is 0.75 meters.

The minimum rear yard permitted for a dwelling on this lot when not abutting a shoreline road allowance is 10.5 meters

5.7.4 Special Condition SC-4:

The property to which this special condition applies is legally described as Concession 4, South Part Lot 1, MR56, Parcel 4127, Geographic Scoble Township. The By-law which originally applied the special condition is By-law Number 2024-032.

On July 10, 2024, this property had municipal address 165 Scoble Townline Road and Roll Number 58-01-760-000-05300.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Agricultural Zone apply to this lot.

In addition to the permitted uses set out in Section 3.4.1, a second dwelling unit is permitted on this property.

5.7.5 Special Condition SC-5:

The property to which this special condition applies is legally described as Concession 4, South Part Lot 7 and Part of Location CL3506, Parcel 3987 and Road Allowance 55R5509 Part 4, Geographic Scoble Township. The By-law which originally applied the special condition is By-law Number 2021-031.

On July 15, 2020, this property had municipal address 86A Griffis Road and Roll Number 58-01-760-000-10000.

Except where they contravene the provisions of this special condition, the provisions of this By-law that apply to lots in the Residential 1 Zone apply to this lot.

The minimum side yard permitted for a dwelling on this lot is 1.5 meters.

5.7.6 Special Condition SC-6:

The property to which this special condition applies is legally described as Concession 1 Part North ½ Lot 12, Parcel 24097, Geographic Scoble Township. The By-law which originally applied the special condition is By-law Number 2024-031.

On July 10, 2024, this property had municipal address 1390-1396 Highway 608 and Roll Number 58-01-910-002-01400.

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.

In addition to the permitted uses set out in Section 3.3.1, a second dwelling unit is permitted on this property.

SCHEDULES

Schedule "A" to this By-law is a Map entitled "Municipality of Neebing" which depicts the zoning for the properties throughout the Municipality's jurisdiction.

Schedule "B" to this By-law is a Map entitled "Municipality of Neebing Blake Township" which depicts the zoning for the properties within Geographic Blake Township in the Municipality of Neebing.

Schedule "C" to this By-law is a Map entitled "Municipality of Neebing Crooks Township" which depicts the zoning for the properties within Geographic Crooks Township in the Municipality of Neebing.

Schedule "D" to this By-law is a Map entitled "Municipality of Neebing Pardee Township" which depicts the zoning for the properties within Geographic Pardee Township in the Municipality of Neebing.

Schedule "E" to this By-law is a Map entitled "Municipality of Neebing Pearson Township" which depicts the zoning for the properties within Geographic Pearson Township in the Municipality of Neebing.

Schedule "F" to this By-law is a Map entitled "Municipality of Neebing Scoble Township" which depicts the zoning for the properties within Geographic Scoble Township in the Municipality of Neebing.

APPENDICES

Appendix One:

List of Properties for which Re-zoning had approved Permanent Residential use of an existing structure prior to the passage of this By-law:

No.	Address	Roll Number	By-law Number
1.	3 Albert Place	040-007-29164	615-2002
2.	644 Cloud Lake Road	040-007-44800	153-1989
3.	668 Cloud Lake Road (only one lot of two-lot holding)	040-007-45500	596-2002
4.	676 Cloud Lake Road	040-007-45800	583-2002
5.	696 Cloud Lake Road	040-007-46300	147-1989
6.	706 Cloud Lake Road	040-007-46500	145-1989
7.	708 Cloud Lake Road	040-007-46600	146-1989
8.	730 Cloud Lake Road	040-007-49500	567-2002
9.	752 Cloud Lake Road	040-007-49100	585-2002
10.	882 Cloud Lake Road	040-007-51000	597-2002
11.	918 Cloud Lake Road	040-007-49900	598-2002
12.	2 Cottage Drive East	040-007-38300	189-1991
13.	8 Cottage Drive East (front, rear and side-yard setbacks were also adjusted)	040-007-37900	197-1991
14.	6 Cottage Drive East (east side yard setback also adjusted)	040-007-38000	198-1991
15.	Part of 14-16 Cottage Drive East (also adjusts rear set back to 2 meters)	040-007-28002	234-1992
16.	19 Cottage Drive East (also adjusts rear set back to 2 meters)	040-007-28000	234-1992
17.	36 Cottage Drive East	040-007-27700	621-2002
18.	40 Cottage Drive East	040-007-27300	614-2002
19.	50 Cottage Drive East	040-007-27890	614-2002
20.	44 Cottage Drive East (rear yard adjusted for "existing" sauna)	040-007-27900	199-1991
21.	66 Cottage Drive East	040-007-52900	340-1995
22.			
23.	10 Cottage Drive West	040-007-38900	613-2002
24.	20 Cottage Drive West	040-007-39200	587-2002
25.	25 Cottage Drive West	040-007-39203	206-1992
26.	29 Cottage Drive West	040-007-39204	674-2004
27.	35 Cottage Drive West (also reduced side yards for "existing" green house, shed and dog pen/wood storage)	040-007-39207	318-1994
28.	52 Cottage Drive West (also adjusts rear yard set back to 10 meters for "existing dwelling")	040-007-39214	267-1993
29.	66 Cottage Drive West	040-007-39500	612-2002

No.	Address	Roll Number	By-law Number
30.	70 Cottage Drive West	040-007-39600	612-2002
31.	171B East Oliver Lake Road	760-000-07500	608-2002
32.	171C East Oliver Lake Road	760-000-07600	574-2002
33.	171E East Oliver Lake Road	760-000-07800	607-2002
34.	171H East Oliver Lake Road	760-000-08100	574-2002
35.	176 East Oliver Lake Road	760-000-07300	606-2002
36.	68 Griffis Road	760-000-09205	574-2002
37.	70 Griffis Road	760-000-09210	582-2002
38.	84 Griffis Road	760-000-09600	575-2002
39.	86 Griffis Road	760-000-09800	610-2002
40.	92 Griffis Road	760-000-10600	609-2002
41.	20 Island Avenue	030-006-35808	358-1996
42.	26 Island Avenue	030-006-35908	568-2002
43.	34 Island Avenue	030-006-35812	595-2002
44.	46 Island Avenue	030-006-35814	595-2002
45.	58 Island Avenue	030-006-35817	595-2002
46.	88 Island Avenue	030-006-35826	595-2002
47.	106 Island Avenue	030-006-35830	595-2002
48.	138 Island Avenue	030-006-35839	595-2002
49.	170 Island Avenue	030-006-35846	595-2002
50.	176 Island Avenue	030-006-35848	595-2002
51.	178 Island Avenue	030-006-35849	595-2002
52.	138 Lloyd Johnson Drive (Lot 29)	040-007-22586	024-2014
53.	Vacant lot next to 138 Lloyd Johnson Drive (Lot 28)	040-007-22584	024-2014
54.	6 Margaret Street North (also 2.75 meter rear yard)	030 006 34910	101-1988
55.	22 Margaret Street North	030-006-34918	572-2002
56.	40 Margaret Street North	030-006-34928	592-2002
57.	41 Margaret Street North	030-006-34956	593-2002
58.	45 Margaret Street North	030-006-34954	593-2002
59.	51 Margaret Street North (also 8.5 meter rear yard)	030 006 34952	116-1989
60.	65 Margaret Street North	030-006-34944	593-2002
61.	70 Margaret Street North	030-006-34942	014-2014
62.	10 Margaret Street South	030-006-34902	592-2002
63.	18 Margaret Street South	030-006-18885	581-2002
64.	22 Margaret Street South	030-006-18880	581-2002
65.	26 Margaret Street South	030-006-18875	297-1993
66.	176 Margaret Street South	030-006-23827	569-2002
67.	182 Margaret Street South	030-006-23824	594-2002
68.	202 Margaret Street South	030-006-23818	587-2002
69.	210 Margaret Street South	030-006-23820	587-2002
70.	250 Margaret Street South	030-006-23806	569-2002

No.	Address	Roll Number	By-law Number
71.	260 Margaret Street South	030-006-23805	594-2002
72.	664 Memory Road	040-007-28395	570-2002
73.	670 Memory Road	040-007-28490	647-2004
74.	722 Memory Road	040-007-35100	599-2002
75.	24 Podres Road East	760-000-09200	594-2002
76.	48 Podres Road East	760-000-10300	594-2002
77.	181A South Bay Road	910-002-05801	611-2002
78.	1314 Sturgeon Bay Road	030-006-37000	591-2002
79.	1318 Sturgeon Bay Road	030-006-37100	591-2002
80.	1338 Sturgeon Bay Road	030-006-37600	571-2002
81.	1356 Sturgeon Bay Road	030-006-38500	584-2002
82.	1366 Sturgeon Bay Road	030-006-38600	591-2002
83.	75 Willowdale Road	910-002-05600	631-2003
84.	75 B Willowdale Road	910-002-05610	573-2002
85.	113 Willowdale Road	910-002-04300	622-2002
86.	113B Willowdale Road	910-002-04900	605-2002
87.	131 Willowdale Road	910-002-04200	605-2002
88.	140A Willowdale Road	910-002-04000	605-2002

Appendix Two:

List of Properties for which Change of Occupancy was approved for permanent residence in an existing seasonal residence after the passage of this By-law:

(Appendix will be populated over time as approvals are granted)

Appendix Three:

List of Properties for which construction of a recreational dwelling (rather than a permanent dwelling) occurred after the passage of this By-law:

(Appendix will be populated over time as building permits are issued)