



**NOTICE OF THE PASSING OF A ZONING BY-LAW
THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH**
under sections 34(18) and (19) of The Planning Act

TAKE NOTICE that the Council of the Corporation of the Municipality of Shuniah passed By-law No. 2296-07 on December 10, 2007 under section 34 of the *Planning Act*.

By-law No. 2296-07 repeals and replaces By-law No. 2129-04. It amends the text in By-law No. 2038-00, the Zoning By-law, and will implement policies and provisions of Official Plan Amendment No. Two, as modified, with respect to the conversion polices that would allow Recreational Dwellings on lands held under freehold tenure to be converted to Permanent Dwellings. The proposed zoning amendment effects properties located along the shoreline of Lake Superior and Loon Lake, therefore no key map is provided.

By-law No. 2296-07 is the subject to Official Plan Amendment No. Two adopted by Council in February 9, 2004.

An appeal in respect of the By-law may be filed with the Clerk of the Corporation of the Municipality of Shuniah, not later than **January 10, 2008**, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection and accompanied by a cheque in the amount of **\$125.00** payable to the **Minister of Finance**.

Take notice that only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

And take further notice that no person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

ADDITIONAL INFORMATION relating to the proposed zoning by-law amendment is available for inspection between 8:30 a.m. and 4:30 p.m. at the Municipal Office.

Dated at the City of Thunder Bay on December 21, 2007.

Wendy Hamlin, Clerk
Municipality of Shuniah
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THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NUMBER 2296-07

Being a by-law to amend By-law No. 2038-00, the Zoning By-law of the Corporation of the Municipality of Shuniah and to repeal By-law No. 2129-04.

WHEREAS Council has enacted Official Plan Amendment Number Two intended to address the matter of cottage conversion and to bring about new cottage conversion policies and entitlements;

AND WHEREAS Official Plan Amendment Number Two provides that cottage conversion policies will not apply to association lands until such time as a servicing options study has been completed, and that, upon completion of such servicing options study, a holding zone may be used to introduce converted cottage as a new use and shall be dealt with upon application by such cottage associations;

AND WHEREAS the Municipality considers it to be expedient to amend By-law 2038-00 to implement this official plan amendment as it relates to lands held under individual freehold tenure and located within the with the areas designated Shoreline Lands under Official Plan Amendment Number Two;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF SHUNIAH ENACTS AS FOLLOWS;

1. That By-law No. 2038-00 is hereby amended, as it relates to lands held under individual freehold tenure and located within the areas designated as Shoreline Land under Official Plan Amendment No. Two with the following:

1.1 Subsection 4.4.4.1 is herein deleted and the following substituted therefore;

"4.4.4.1 No change in the use of a recreational dwelling to a single dwelling or of any building or structure on such land from recreational to permanent use may be made without the issuance of a "Certificate of Occupancy" by the Municipality."

1.2 Subsection 4.7 Water Service, is herein amended by the addition of the following text at the end of the existing text;

"In the case of cottage conversions or the construction of new permanent dwellings, for lots less than 30 metres in width or less than 1,800 square metres in lot area, a study, by a qualified professional of the impact of the conversion on the immediately abutting lands and related surrounding areas will be a prerequisite to the approval or installation of any new or upgraded water service."

1.3 Subsection 4.8 Sewage Disposal, is herein amended by the addition of the following text at the end of the existing text;

"In the case of cottage conversion or the construction of new permanent dwellings,

- Holding tanks shall not be permitted;
- conversion of lots 30 metres in width or more and 1,800 square metres in lot area or more will only be permitted on property having, or capable of supporting an approved Class IV leaching bed sewage system or other Provincial endorsed systems in this category;

- conversion of lots less than 30 metres in width or less than 1,800 square metres in lot area, a study, by a qualified professional of the impact of the conversion on the immediately abutting lands and related surrounding areas will be a prerequisite to the approval and installation of any new or upgraded private sewage disposal system.”

1.4 Section 5 Definitions is hereby amended as follows:

- a) “Cottage Association” is herein amended by the addition of the following words after the end of the current text;

“In addition, White Birch Beach shall be deemed to be a Cottage Association.”

- b) “Dwelling Unit” is hereby amended by the addition of the following text at the end of the current text;

“Any residential dwelling that is not documented by a building permit or a certificate of conversion to be a permanent dwelling shall be deemed to be a recreational dwelling.”

- c) Addition of the following definitions:

“Back Lots” shall mean any lot, which is located on the second tier fronting on a street within a Registered Plan that is recorded at the Registry Office, and does not front on any shoreline.

“Cottage Conversion” shall mean the change or transformation of recreational land use to a permanent residential land use, in accordance with the policies set out in the official plan and documented by obtaining a Certificate of Conversion from the Municipality.

1.5 Section 10 Shoreline Residential [SR], is hereby amended as follows;

- a) Subsection 10.1 Permitted Uses by the following:

“deletion of the words “subject to 10.4.6” after the words “permanent dwelling”.”

- b) Addition of the following section:

“10.1.2 Loon Lake

For the lands and premises located on or within 300 metres of Loon Lake, the following shall apply;

Notwithstanding Section 10.1 Permitted Uses, which shall continue to apply, no building permit shall be issued for any new permanent residential dwelling or any converted dwelling unless it has been demonstrated that such construction will not cause the cumulative total phosphorous generated by all new construction since the date of passing of this amending by-law to exceed 224kg/year/lot total phosphorous. Calculation of the contribution of any new construction shall be based upon the following;

- i) 0.71kg/year/lot for a seasonal residential dwelling
- ii) 1.33kg/year/lot for a converted dwelling or for a permanent residential dwelling replacing a seasonal residential dwelling that is being demolished.

- iii) 2.04kg/year/lot for a permanent residential dwelling on a previously vacant property.”
 - c) Section 10.4 Regulations Specific to this Zone; the addition of the following subsection:
 - “10.4.1 Except for those lands described in Subsection 10.5.1 and located within the Shoreline Residential Holding [SR-H] zone, lots abutting the south side of Cedar Bay Road, being a private road that is privately maintained, shall be considered appropriate for building and cottage conversion purposes.”
 - d) Subsection 10.4.6 Undersized Lots is hereby deleted.
- 1.6 Section 11 Shoreline Residential – Black Bay [SR-BB], is hereby amended as follows;
- a) Subsection 11.1 Permitted Uses by the following:
 - . deletion of the words “subject to 11.4.4” after the words “permanent dwelling”.
 - b) Subsection 11.4.4 Undersized Lots is hereby deleted.
- 1.7 Section 12. Shoreline Residential – Moonlight Bay [MB], is hereby amended as follows;
- a) Subsection 12.1 Permitted Uses by the following:
 - . deletion of the words “subject to 12.4.4” after the words “permanent dwelling”.
 - b) Subsection 12.4.4 Undersized Lots is hereby deleted.
- 1.8 Section 13. Shoreline Residential – Back Lots [SR BL] is hereby amended as follows;
- a) Subsection 13.1.1 Eldorado Beach Permitted Uses by the following:
 - . deletion of the words “subject to 13.4.6” after the words “permanent dwelling”.
 - b) Subsection 13.4.6 Undersized Lots is hereby deleted.
- 1.9 Section 17.1, Recreational Cottage – Lambert Island [Rec-LB], Permitted Uses is hereby amended as follows;
- a) by the addition of the following text at the end of the current list of permitted uses;
 - “ . permanent dwelling”
 - b) Subsection “17.4.3 Private Road be deleted and replaced with the following:
 - “Lots in this zone may abut a public road allowance that is privately maintained under private arrangements as set out in a subdivision agreement and shall be considered appropriate for building and cottage conversion purposes.”

2. That By-law No. 2129-04 is hereby repealed.

- 3. This amending By-law is in accordance with the Official Plan for the Municipality of Shuniah, as amended by Amendment Number Two.
- 4. This amendment shall come into force and effect upon passing thereof, subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P13 or in the case of a referral, by the Ontario Municipal Board, subject to the provisions of the Planning Act upon the filing of appeals and the conduct of any related Ontario Municipal Board Hearing. The certificate of completion for this amendment shall not be issued until final approval is obtained for Amendment Number Two to the Official Plan for the Municipality of Shuniah.

READ A FIRST AND SECOND TIME THIS 10th DAY OF December 2007

David Harding
Reeve

Wendy Hamblin
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF December 2007

David Harding
Reeve

Wendy Hamblin
Clerk