



The Corporation of the Town of Kearney

NOTICE OF PASSING CONCERNING A ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Kearney passed By-law No. 2024-40 on the 5th of September, 2024, pursuant to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

AND TAKE NOTICE that any person or agency may appeal to the Ontario Land Tribunal (“OLT”) in respect of the Zoning By-law Amendment by filing with the Clerk of the Corporation of the Town of Kearney not later than the October 3rd, 2024 a notice of appeal setting out the objection to the Zoning By-law Amendment and the reasons in support of the objection, together with a filing fee per application being appealed, in the amount as specified on the OLT website (www.olt.gov.on.ca). The Tribunal will only accept filing fee payments by certified cheque or money order payable to the Minister of Finance. If you wish to appeal to the OLT, a copy of an appeal form is available from the OLT website at www.olt.gov.on.ca.

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. 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.

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 Tribunal, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of By-law No. 2024-40, describing the lands to which the By-law applies and a Map Schedule showing the location of the lands to which the By-law applies, is attached.

Dated at the Corporation of the Town of Kearney this 13th day of September, 2024.

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EXPLANATORY NOTE ZONING BY-LAW 2024-40

Location of the Subject Lands

The proposed Zoning By-law Amendment applies to a property located PT LT 1, Con 8, Bethune, Town of Kearney, District of Parry Sound.

Purpose of the By-law

The purpose of the proposed zoning by-law amendment is to rezone lands described as PT LT 1, CON 8, BETHUNE, TOWN OF KEARNEY

Being a portion of the lands described with Assessment Roll #(491802000100602), in the Geographic Township of Bethune, now in the Town of Kearney, from the Residential Waterfront (RWF) Zone to a site-specific Residential Waterfront Exception-64 Holding (RWF-64H) Zone.

Effect of the By-law

The effect of the amendment is to rezone the subject lands from the RWF Zone to a site-specific RWF-64 Zone to permit the construction of a residential dwelling with a 20-metre shoreline setback to Perbeth Lake, where 30 metres is required. The applicant is also requesting to construct an accessory detached garage and a residential loft with a 24-metre shoreline setback to Perbeth Lake, where 30 metres is required.

Where the Residential Waterfront Exception-64 (RWF-64) zone symbol is followed by a holding symbol (“H”), holding provisions under Section 36 of the Planning Act are in effect.

The permitted uses and relevant zone provisions applicable to the provisions of Section 36 of the Planning Act. Prior to the removal of the holding symbol (H), only uses that existed at the date of the adoption of the holding zone provision shall be permitted.

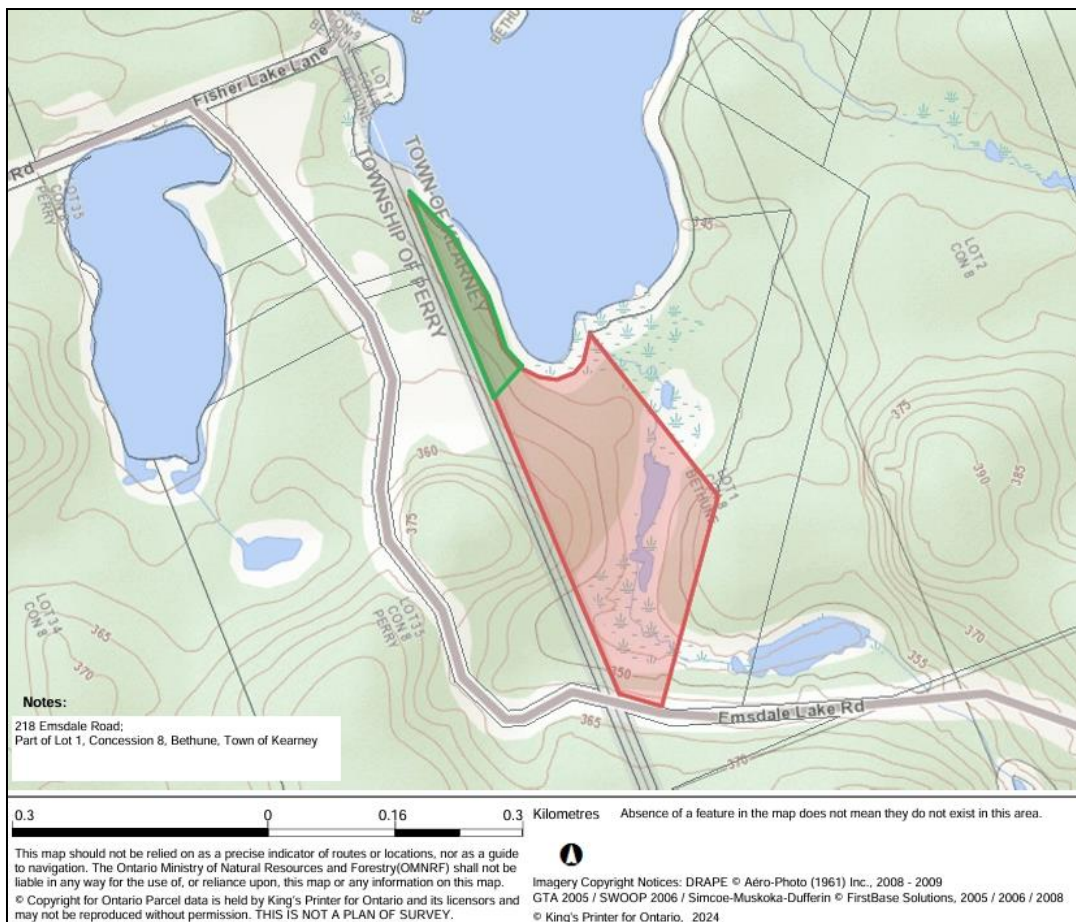
The Holding symbol (-H) which applies to the lands subject to the RWF-64 Zone shall only be removed after the following matters are secured to the satisfaction of Council:

- (i) The registration of a Development (Mitigation Measures) Agreement, if applicable, on title that provides detailed mitigation measures related to a Natural Features Evaluation, dated August 2012, and subsequent peer review to the satisfaction of the Town’s staff and peer review consultant.

In all other respects the provisions of the Residential Waterfront (RWF) Zone shall apply.

Lands Affected by the By-law

The lands affected by this By-law are shown in the key map below.



218 Emsdale Lake Road; Part of Lot 1, Concession 8, Bethune
Town of Kearney, District of Parry Sound