

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-77

**A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS ON LAURENTIAN AVENUE
FROM A FLOOD & EROSION ONE (O2) ZONE TO A
DISTRICT COMMERCIAL HOLDING SPECIAL ZONE NO. 70 (C4H Sp.70)**

(AWARD CONSTRUCTION (HAMILTON) LTD – LAURENTIAN AVENUE)

WHEREAS the owner of the subject property has initiated an amendment to the Zoning By-law;

AND WHEREAS the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public, and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

AND WHEREAS it is deemed desirable to amend the zoning designation shown on Schedule “B-44” of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council passed a resolution on April 25, 2005 to approve this rezoning.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

- 1) Schedule "B-44" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedule “A” attached hereto (which property is more particularly described as Plan M-189, 36R-5650, Part 3, Parcel 15559 W&F) along Laurentian Avenue in the City of North Bay from a “Flood & Erosion One (O2)” zone to a "District Commercial Holding Special Zone No. 70 (C4H Sp. 70)”.
- 2) The regulations contained in Section 3.39.1 of Zoning By-law 28-80 do not apply to this “District Commercial Holding Special Zone No. 70 (C4H Sp. 70).
- 3) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.3.70:

"11.3.70 "District Commercial Special Zone No. 70 (C4 Sp. 70)”

11.3.70.1 The property description of this "District Commercial Special Zone No. 70 (C4 Sp. 70)” is Plan M-189, 36R-5650, Part 3, Parcel 15559 W&F along Laurentian Avenue in the City of North Bay as shown on the attached Schedule and on Schedule "B-44".

11.3.70.2(a) No person shall use land, or use, erect, or construct any building or structure in this "District Commercial Special Zone No. 70 (C4 Sp. 70)” except for the following uses:
 - automobile service station or gas bar;
 - automobile sales, service or leasing establishments;
 - banks;
 - business offices;
 - clubs;
 - day nursery;
 - financial institutions;
 - funeral homes;
 - food stores;
 - group home type 1;
 - group home type 2;
 - hotels, motels;

- instructional services;
- local retail stores;
- places of worship;
- public and private parking areas;
- places of entertainment;
- professional offices;
- repair garages;
- restaurants and taverns;
- retail stores;
- service establishments that are not obnoxious;
- dwelling units connected to and forming an integral part of the commercial building, provided that access to the dwelling units is separate from the access to the commercial portion of the building, and no dwelling units will be permitted on the ground floor.

11.3.70.2(b) The regulations for this "District Commercial Special Zone No. 70 (C4 Sp. 70)" are as follows:

- i) The required rear yard setback shall be not less than 1.4 metres.
- ii) The required side yard setback shall be not less than 5.0 metres.
- iii) The required front yard setback shall be not less than 3.0 metres.

11.3.70.3 The use of land or building in this "District Commercial Special Zone No. 70 (C4 Sp. 70)" shall conform to all other regulations of this By-law, except as hereby expressly varied."

3) The Holding Zone provision shall be applied to the lands zoned C4 Sp. 70 prior to the removal of the holding zone provisions, or to allow any specific permitted use, the following conditions must be satisfied:

- a) A Storm Water Management Plan shall be completed to the satisfaction of the City of North Bay, the North Bay-Mattawa Conservation Authority and the Ministry of Transportation.
- b) A Hydrological Study shall be completed to the satisfaction of the City of North Bay, the North Bay-Mattawa Conservation Authority and the Ministry of Transportation.

Provided the above conditions have been satisfied, and all agreements executed, the holding zone provisions shall be removed with respect to any portion of the subject lands which shall be set out in the holding zone removal by-law.

The holding zone provisions may also be removed to allow any specific use or uses permitted on the subject lands provided such uses are set out in the holding zone removal by-law.

4) Section 11 of By-law No. 28-80 is further amended by inserting "District Commercial Special Zone No. 70 (C4 Sp. 70)" as shown on Schedule "B" to this By-law only upon the successful removal of the Holding Zone Provisions.

5) Pursuant to Section 41 of the Planning Act, R.S.O. 1990 as amended, those lands shown as hatched on Schedule "A" attached hereto are hereby designated as a site plan control area.

6) a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 199/96 as amended.

b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day it was passed.

- c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day it was passed.

READ A FIRST TIME IN OPEN COUNCIL THE 25th DAY OF APRIL 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 25th DAY OF APRIL 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 9th DAY OF MAY 2005.



MAYOR



CITY CLERK

507	444	417	354	264	237	173
506	445	416	355	265	236	174
505	446	415	356	266	235	175
504	447	414	357	267	234	176
503	448	413	358	268	233	177
502	449	412	359	269	232	178
501	450	411	360	270	231	179
500	451	410	361	271	230	180
499	452	409	362	272	229	181
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496	455	406	365	275	226	184
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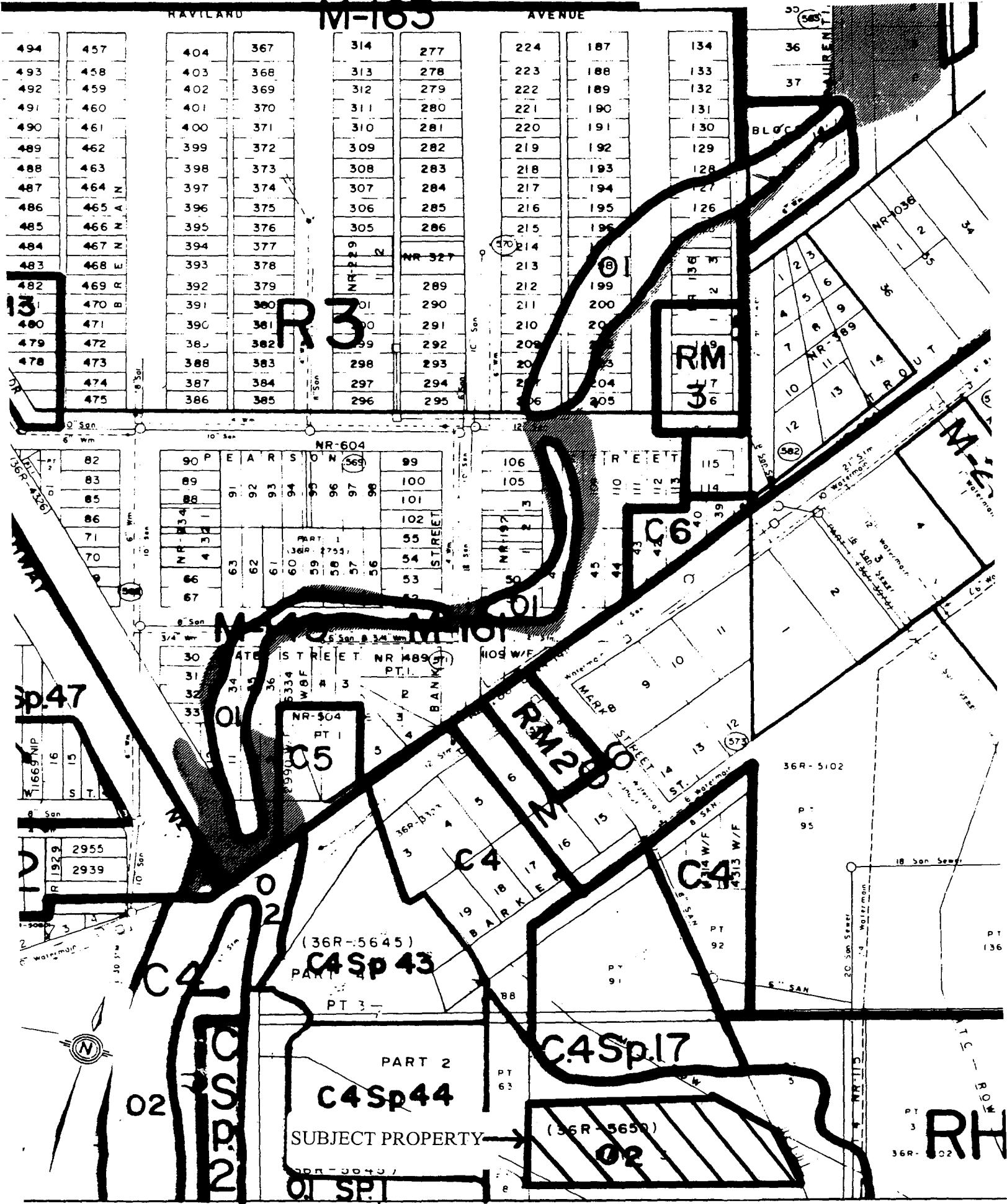
This is Schedule "A"

To By-law No. 2005-77

Passed the 9th day of May 2005

[Signature]
Mayor

[Signature]
Catherine Conrad
City Clerk



SCHEDULE

CITY C

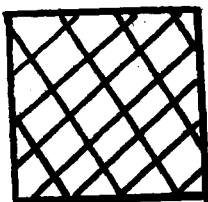
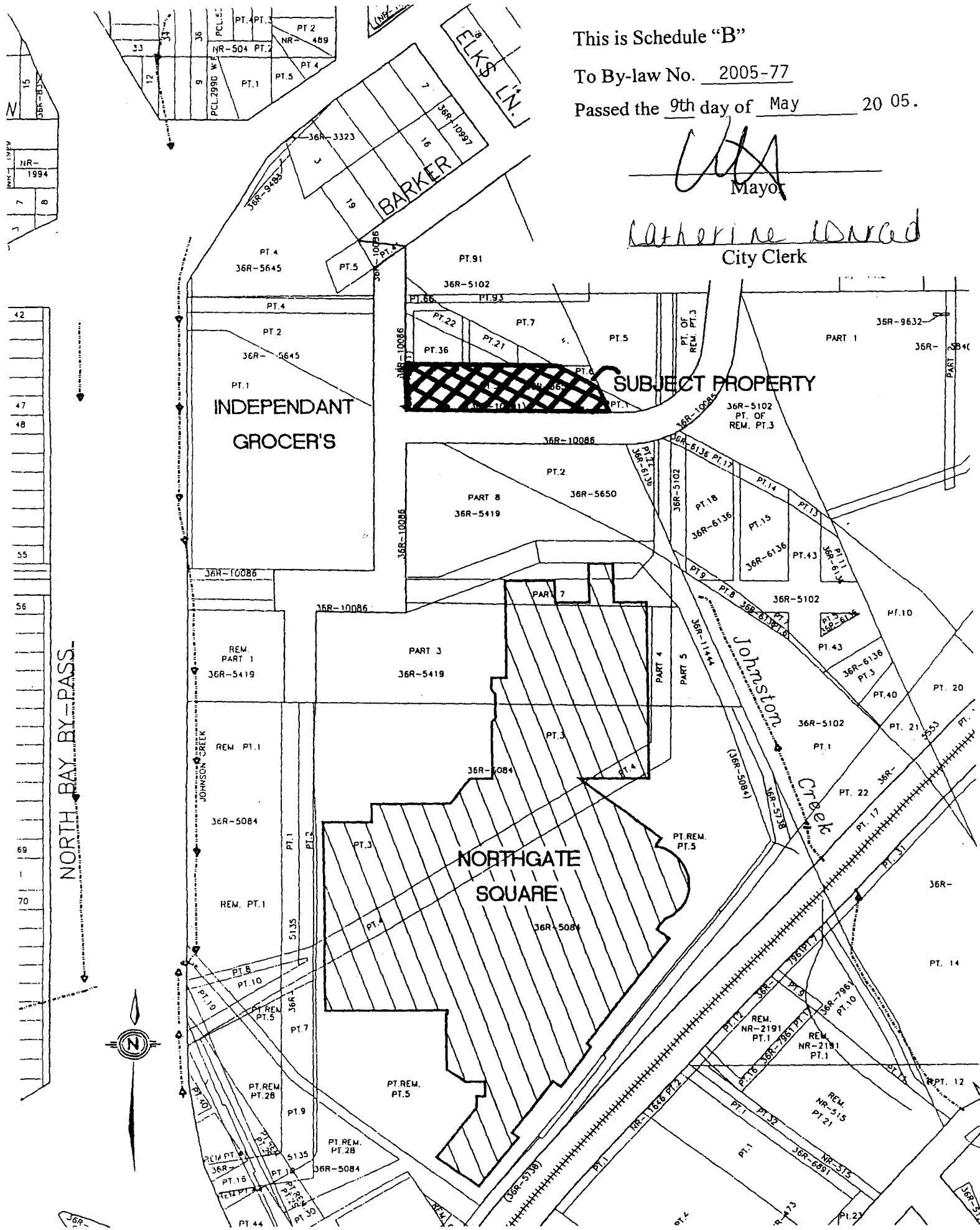
This is Schedule "B"

To By-law No. 2005-77

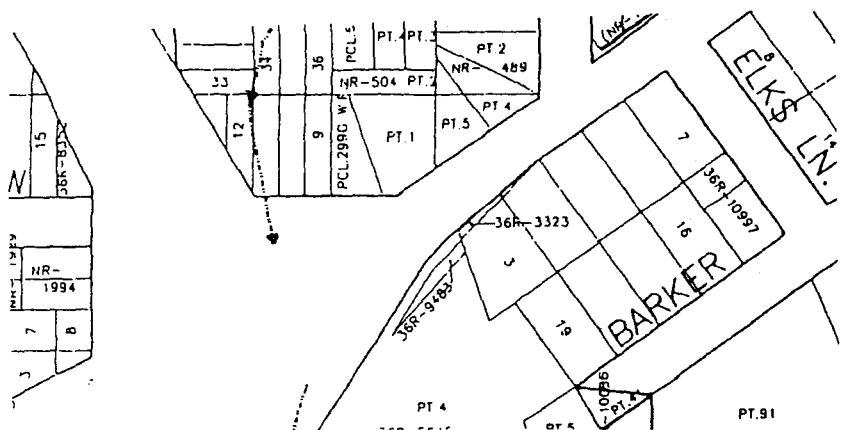
Passed the 9th day of May 20 05.

[Signature]
Mayor

[Signature]
Catherine Leonard
City Clerk



FROM "O2"
TO "C4H Sp. 70"



This is Schedule "C"

To By-law No. 2005-77

Passed the 9th day of May 20 05.

[Signature]
Mayor

[Signature]
City Clerk

This is Schedule to District Commercial Special Zone No. 70 (C4 Sp. 70)

