

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 93-94

A BY-LAW TO AMEND BY-LAW NO. 28-80 TO REZONE CERTAIN LANDS ON TROUT LAKE ROAD AND THE NORTH BAY BY-PASS FROM A "DISTRICT COMMERCIAL (C.4)" ZONE AND A "FLOODPLAIN AND EROSION (0.2)" ZONE TO A "DISTRICT COMMERCIAL SPECIAL ZONE NO. 43 (C.4 SP.43)" A "DISTRICT COMMERCIAL SPECIAL ZONE NO. 44 (C.4 SP.44)" AND A "FLOODWAY SPECIAL ZONE NO. 1 (0.1. SP.1)" TROUT LAKE SQUARE INC. - TROUT LAKE ROAD/NORTH BAY BYPASS

WHEREAS the owner of the subject property has requested a rezoning and has agreed to enter into an agreement under Section 51(6) of the Planning Act and develop a road and related amenities;

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 zone designation shown on Schedules "B-44" and "B-52" of By-law No. 28-80 pursuant to Section 34 of the Planning Act, R.S.O. 1990;

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

- 1) Schedules "B-44" and "B-52" of By-law No. 28-80 are amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as Plan 36R-5645, Parts 1 to 5 inclusive) along Trout Lake Road and the North Bay By-pass in the City of North Bay from a "District Commercial (C.4)" zone and a "Floodplain and Erosion (0.2)" zone to a "District Commercial Special Zone No. 43 (C.4 Sp.43)", a "District Commercial Special Zone No. 44 (C.4 Sp.44)" and a "Floodway Special Zone No. 1 (0.1 Sp.1)", shown as hatched on Schedules "B", "C", "D" and "E" attached hereto.
- 2) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.3.43:
 - 11.3.43 **"District Commercial Special Zone No. 43 (C.4 Sp.43)"**
 - 11.3.43.1 The property description of this "District Commercial Zone No. 43 (C.4 Sp.43)" is Plan 36R-5645, Part of Parts 3 and 4 and all of Part 5, along Trout Lake Road in the City of North Bay as shown on the attached Schedules and Schedule "B-44".

11.3.43.2(a) No person shall use land, or use, erect, or construct any building or structure in the "District Commercial Special Zone No. 43 (C.4 Sp.43)", except for the following uses:

- automobile service station or gas bar;
- banks;
- business offices;
- financial institutions;
- food stores;
- local retail stores;
- public and private parking areas;
- places of entertainment;
- hotels, motels;
- professional offices;
- 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;
- club and fraternal organizations.

11.3.43.2(b) The regulations for this "District Commercial Special Zone No. 43 (C.4 Sp.43)" are as follows:

- i) The maximum lot coverage not to exceed twenty-six (26) percent of the total lot area;
- ii) the minimum northerly side yard setback shall be six and zero-tenths (6.0) metres;
- iii) the minimum southerly side yard setback shall be nil;

iv) no building or structure shall be erected, constructed, or placed within "District Commercial Special Zone No. 43 (C.4 Sp.43)" unless said building or structure is floodproofed to an elevation of not less than 205.85 MASL. Basements of buildings or structures shall be used only for the passive storage of storm water.

11.3.43.3 The use of land or buildings in this "District Commercial Special Zone No. 43 (C.4 Sp.43)" shall conform to all other regulations of this By-law, except as hereby expressly varied.

3) Section 11 of By-law No. 28-80 is further amended by inserting "Schedule to District Commercial Special Zone No. 43 (C.4 Sp.43)" as shown on Schedule "C" of this By-law.

4) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.3.44:

11.3.44 **"DISTRICT COMMERCIAL SPECIAL ZONE NO. 44 (C.4 SP.44)"**

11.3.44.1 The property description of this "District Commercial Special Zone No. 44 (C.4 Sp.44)" is Part of Parts 1 and 2, Plan 36R-5645 along the North Bay Bypass in the City of North Bay as shown on the attached Schedules and Schedules "B-44" and "B-52".

11.3.44.2(a) No person shall use land, or use, erect, or construct any building or structure in the "District Commercial Special Zone No. 44 (C.4 Sp.44)", except for the following uses:

- automobile service station or gas bar;
- banks;
- business offices;
- financial institutions;
- food stores;
- local retail stores;
- public and private parking areas;
- places of entertainment;
- hotels, motels;

- professional offices;
- 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;
- club and fraternal organizations.

11.3.44.2(b) The regulations for this "District Commercial Special Zone No. 44 (C.4 Sp.44)" are as follows:

- i) No building or structure shall be erected, constructed, or placed within "District Commercial Special Zone No. 44 (C.4 Sp.44)" unless said building or structure is floodproofed to an elevation of not less than 205.85 MASL. Basements of buildings or structures shall only be used for the passive storage of storm water.
- ii) The minimum rear yard setback shall be not less than fourteen and zero-tenths "(14.0)" metres.

11.3.44.3 The use of land or buildings in this "District Commercial Special Zone No. 44 (C.4 Sp.44)" shall conform to all other regulations of this By-law, except as hereby expressly varied.

- 5) Section 11 of By-law No. 28-80 is further amended by inserting "Schedule to District Commercial Special Zone No. 44 (C.4 Sp.44)" as shown on Schedule "D" of this By-law.
- 6) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.7.1:

11.7.1 **'FLOODWAY SPECIAL ZONE NO. 1 (0.1 SP. 1)'**

11.7.1.1 The property description of this "Floodway Special Zone No. 1 (0.1 Sp.1)" is Part of Parts 1 to 4, Plan 36R-5645 along the North Bay Bypass in the

City of North Bay as shown on the attached Schedules and Schedules "B-44" and "B-52".

11.7.1.2 No person shall use land, or use, erect, or construct any building or structure in this "Floodway Special Zone No. 1 (0.1 Sp.1)" except for the following uses:

- commercial parking areas;
- marinas, boathouses, docks;
- public and/or private parks;
- agricultural and related uses excluding buildings and structures;
- roads, bridges, railways and/or other public services of approved hydrological design;
- structural works for flood and/or erosion-sedimentation control.

11.7.1.3 The use of land or buildings in this "Floodway Special Zone No. 1 (0.1 Sp.1)" shall conform to all other regulations of this By-law, except as hereby expressly varied.

- 7) Section 11 of By-law No. 28-80 is further amended by inserting "Schedule to Floodway Special Zone No. 1 (0.1 Sp.1)" as shown on Schedule "E" to this By-law.
- 8)
 - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Regulation 920, R.R.O. 1990.
 - 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 2ND DAY OF AUGUST
1994.

READ A SECOND TIME IN OPEN COUNCIL THE 15TH DAY OF AUGUST
1994.

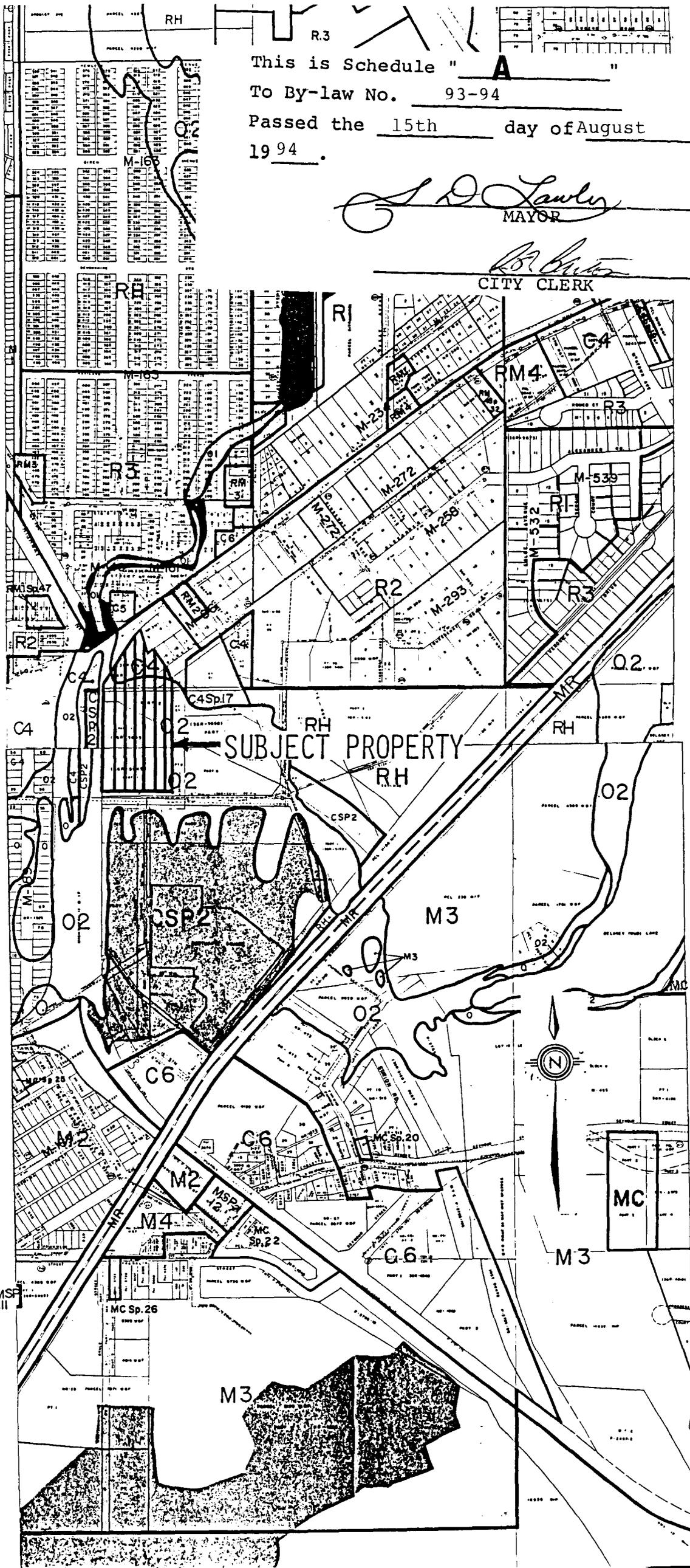
READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 15TH DAY
OF AUGUST 1994.



MAYOR



CITY CLERK



This is Schedule " A "
To By-law No. 93-94
Passed the 15th day of August
1994.

S. D. Lawler
MAYOR

R. B. Butler
CITY CLERK

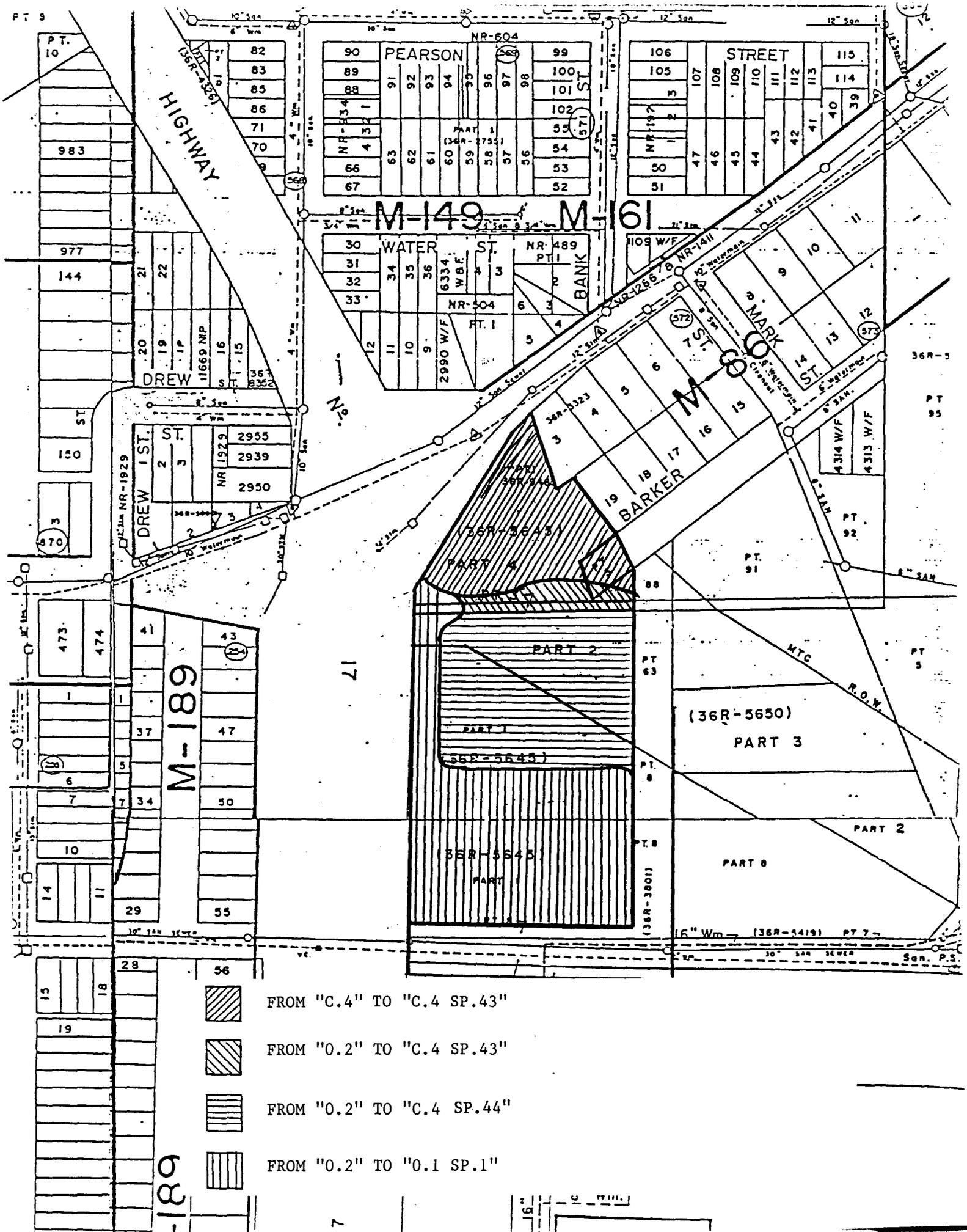
This is Schedule " B "

To By-law No. 93-94

Passed the 15th day of August
1994.

S. D. Lawley
MAYOR

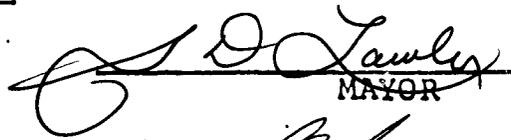
B. Butler
CITY CLERK



This is Schedule " C "

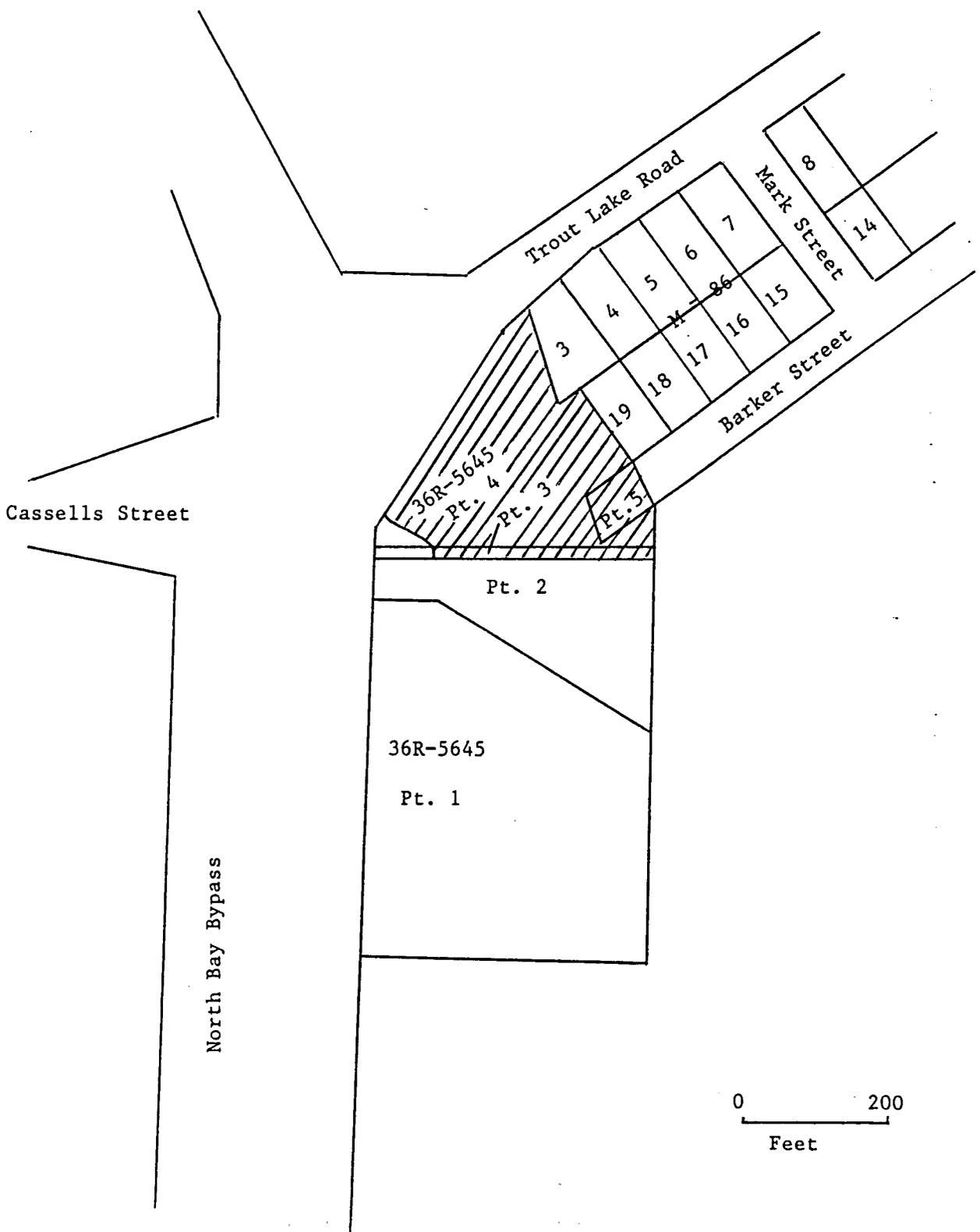
To By-law No. 93-94

Passed the 15th day of August
1994.


MAYOR


CITY CLERK

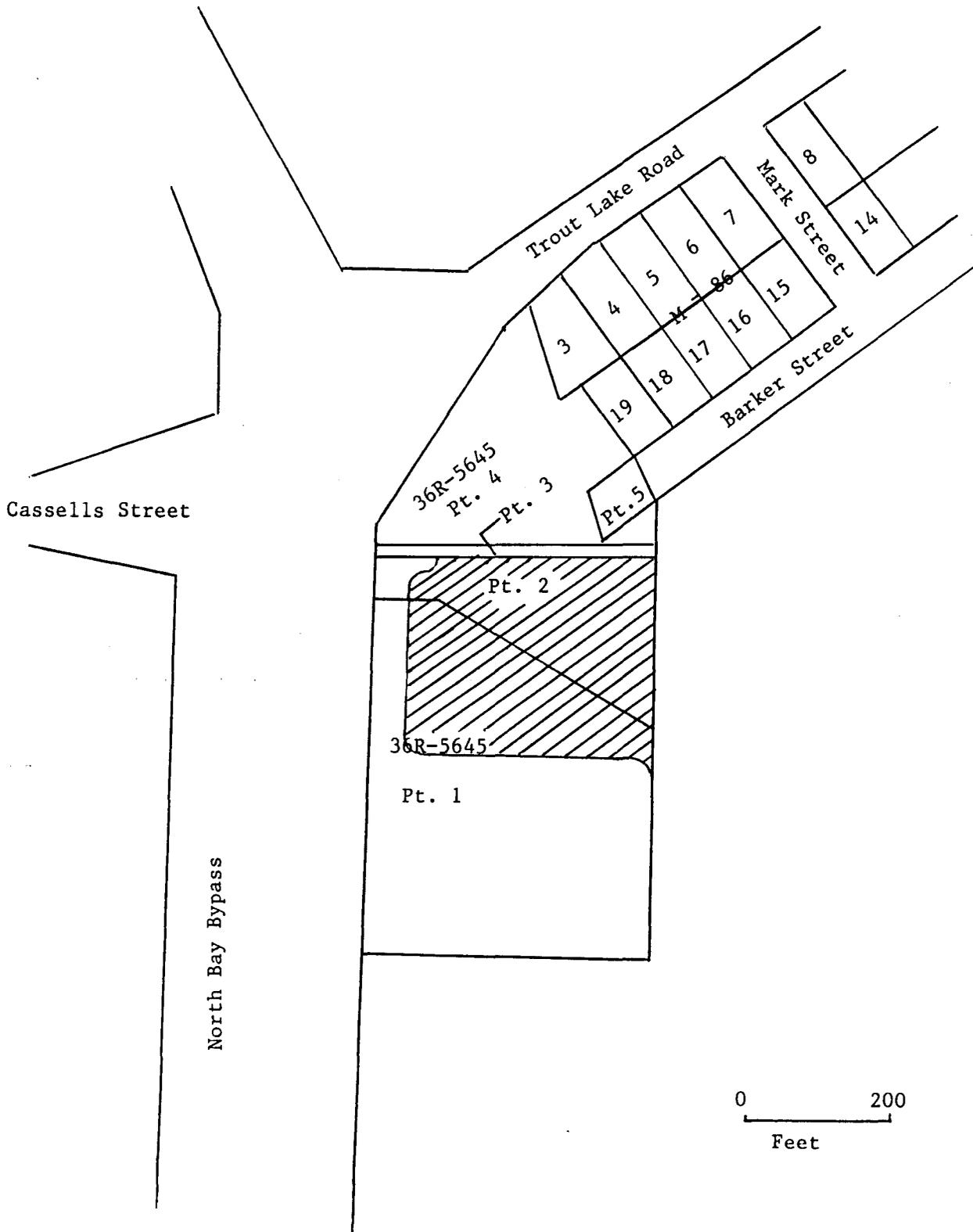
SCHEDULE TO "DISTRICT COMMERCIAL SPECIAL ZONE NO. 43 (C.4 Sp.43)"



This is Schedule "D"
To By-law No. 93-94
Passed the 15th day of August
1994.

S. D. Lawley
MAYOR
R. B. Butler
CITY CLERK

SCHEDULE TO "DISTRICT COMMERCIAL SPECIAL ZONE NO. 44
(C4 Sp. 44)"



This is Schedule " E "
To By-law No. 93-94
Passed the 15th day of August
19 94 .

Stan D. Lawler
MAYOR
B. [Signature]
CITY CLERK

SCHEDULE TO "FLOODWAY SPECIAL ZONE NO. 1 (0.1 SP.1)"

