

**The Corporation of the City of North Bay
By-Law No. 2015-18**

**A By-law To Amend Zoning By-Law 28-80 To Rezone Certain lands on
Elmwood Avenue from a
“Residential Third Density (R3)” Zone to a
“District Commercial Special Zone No. 85 (C4 Sp. 85)”
and to Amend Zoning By-law 2015-30 To Rezone Certain lands on
Elmwood Avenue from a
“Residential Third Density (R3)” Zone to a
“District Commercial Special Zone No. 67 (C4 Sp. 67)”**

**Children’s Aid Society of the District of Nipissing and Parry Sound –
Elmwood 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 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 Schedule “B-42” of By-law 28-80 and Schedule “B-43” of By-law 2015-30 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended;

And Whereas Council passed Committee Report 2015-10 adopted by Council on March 30, 2015 by resolution number 2015-149 to approve this rezoning;

And Whereas Council passed Committee Report 2015-___ adopted by Council on April 27, 2015 by Resolution number 2015-___ to approve Zoning By-law 2015-30 as the new Comprehensive Zoning By-law for the City of North Bay;

And Whereas it is the intention of Council that the amendments to the Zoning By-law made by By-law 2015-18 be included in the new Comprehensive Zoning By-law 2015-30, upon its coming into effect.

Now therefore the Council of the Corporation of The City of North Bay hereby enacts as follows:

- 1) Schedule “B-42” of By-law 28-80 is hereby amended by changing the zoning designation of the property shown on Schedule “A” attached hereto (which property is more particularly described as PIN # 49158-0255, Lots 8-27 Plan 94, Widdifield; Part of Lane, Plan 94, Widdifield, Bounded on the North by Lots 18-27, on the south by Lots 8 TO 17, Part 3 36R5465, Closed by NB99281 and Part 2, 36R11573, Closed by NB166289; Part of Lane, Plan 94, Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the West by Lots 8 & 18, on the East by Lots 1-7; Part of lane, Plan 94 Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the East by Lots 17 & 27, on the West by Lots 28-34, being Part 1, 36R11573 Closed by NB166289; S/T NB99282; North Bay, District of Nipissing and PIN # 49158-0258, Lots 28 – 34, Plan 94, Widdifield, North Bay, District of Nipissing in the City of North Bay), shown as

hatched on Schedule "A" attached hereto, from a "Residential Third Density (R3)" zone to a "District Commercial Special No. 85 (C4 Sp. 85)" zone.

- 2) As set out further below, upon the coming into effect of the new Comprehensive Zoning By-law 2015-30, this new "District Commercial Special No. 85 (C4 Sp. 85)" zone shall be renamed to a "District Commercial Special No. 67 (C4 Sp. 67)" zone, in order to conform to the numbering scheme of the new By-law.
- 3) All buildings or structures erected or altered and the use of land in the "District Commercial Special No. 85 (C4 Sp. 85)" zone shall conform to all applicable provisions of By-law No. 28-80; and, upon By-Law 2015-30 coming into effect, all buildings or structures erected or altered and the use of land in the "District Commercial Special No. 67 (C4 Sp. 67)" zone shall conform to all applicable provisions of By-law 2015-30.
- 4) Section 11.2 of By-law 28-80 is amended by inserting at the end thereof the following Section 11.2.85:

"11.2.85 "District Commercial Special No. 85 (C4 Sp.85)"

11.2.85.1 The property description of this "District Commercial Special No. 85 (C4 Sp.85)" is PIN # 49158-0255, Lots 8-27 Plan 94, Widdifield; Part of Lane, Plan 94, Widdifield, Bounded on the North by Lots 18-27, on the south by Lots 8 TO 17, Part 3 36R5465, Closed by NB99281 and Part 2, 36R11573, Closed by NB166289; Part of Lane, Plan 94, Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the West by Lots 8 & 18, on the East by Lots 1-7; Part of lane, Plan 94 Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the East by Lots 17 & 27, on the West by Lots 28-34, being Part 1, 36R11573 Closed by NB166289; S/T NB99282; North Bay, District of Nipissing and PIN # 49158-0258, Lots 28 – 34, Plan 94, Widdifield, North Bay, District of Nipissing in the City of North Bay as shown on Schedule "B-42".

11.2.85.2 (a) No person shall use land, or use, erect, or construct any building or structure in this "District Commercial Special Zone No. 85 (C4 Sp. 85)" except for the following uses:

- Banks
- Business offices
- Data processing firm
- Day nursery

- Financial institutions
- Funeral homes
- Food stores
- Instructional services
- Local retail stores
- Personal service establishment
- Pet daycare facility
- Pharmacy
- Places of worship
- Public and Private parking areas
- Professional offices
- Retail stores
- Service establishments that are not obnoxious
- Veterinary establishment
- 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.

11.2.85.2 (b) The regulations for this “District Commercial Special No. 85 (C4 Sp. 85)” are as follows:

- i) The minimum parking required shall be 1 parking space space per 31.8 square metres of floor space;
- ii) The minimum northerly side yard setback required shall be 4.9 metres;
- iii) The minimum southerly side yard setback required shall be 5.67 metres;
- iv) The maximum lot coverage permitted shall be 40%; and
- v) The maximum number of storeys permitted shall be two.

11.2.85.3 The use of land or building in this “District Commercial Special No. 85 (C4 Sp. 85)” shall conform to all other regulations of this By-law, except as hereby expressly varied.”

- 5) Section 11.2 of By-law 28-80 is further amended by inserting, immediately following Section 11.2.85.3, the diagram as shown on Schedule "B" to this By-law, labelled as "District Commercial Special No. 85 (C4 Sp. 85)".
- 6) Upon Zoning By-law 2015-30 coming into effect, Schedule "B-43" of By-law 2015-30, is hereby amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as PIN # 49158-0255, Lots 8-27 Plan 94, Widdifield; Part of Lane, Plan 94, Widdifield, Bounded on the North by Lots 18-27, on the south by Lots 8 TO 17, Part 3 36R5465, Closed by NB99281 and Part 2, 36R11573, Closed by NB166289; Part of Lane, Plan 94, Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the West by Lots 8 & 18, on the East by Lots 1-7; Part of lane, Plan 94 Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the East by Lots 17 & 27, on the West by Lots 28-34, being Part 1, 36R11573 Closed by NB166289; S/T NB99282; North Bay, District of Nipissing and PIN # 49158-0258, Lots 28 – 34, Plan 94, Widdifield, North Bay, District of Nipissing in the City of North Bay), shown as hatched on Schedule "A" attached hereto, from a "Residential Third Density (R3)" zone to a "District Commercial Special No. 67 (C4 Sp. 67)" zone.
- 7) Upon Zoning By-law 2015-30 coming into effect, Section 11.2 of By-law 2015-30 is hereby amended by inserting at the end thereof the following Section 11.2.67:
- "11.2.67 "District Commercial Special No. 67 (C4 Sp. 67)"
- 11.2.67.1 The property description of this "District Commercial Special No. 67 (C4 Sp. 67)" is PIN # 49158-0255, Lots 8-27 Plan 94, Widdifield; Part of Lane, Plan 94, Widdifield, Bounded on the North by Lots 18-27, on the south by Lots 8 TO 17, Part 3 36R5465, Closed by NB99281 and Part 2, 36R11573, Closed by NB166289; Part of Lane, Plan 94, Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the West by Lots 8 & 18, on the East by Lots 1-7; Part of lane, Plan 94 Widdifield, Bounded on the North by Maplewood Avenue, on the South by Elmwood Avenue, on the East by Lots 17 & 27, on the West by Lots 28-34, being Part 1, 36R11573 Closed by NB166289; S/T NB99282; North Bay, District of Nipissing and PIN # 49158-0258, Lots 28 – 34, Plan 94, Widdifield, North Bay, District of Nipissing in the City of North Bay as shown on Schedule "B-43".
- 11.2.67.2 (a) No person shall use land, or use, erect, or construct any building or structure in this "District Commercial Special Zone No. 67 (C4

Sp. 67” except for the following uses:

- Banks
- Business offices
- Data processing firm
- Day nursery
- Financial institutions
- Funeral homes
- Food stores
- Instructional services
- Local retail stores
- Personal service establishment
- Pet daycare facility
- Pharmacy
- Places of worship
- Public and Private parking areas
- Professional offices
- Retail stores
- Service establishments that are not obnoxious
- Veterinary establishment
- 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.

11.2.67.2 (b) The regulations for this “District Commercial Special No. 67 (C4 Sp. 67)” are as follows:

- i) The minimum parking required shall be 1 parking space space per 31.8 square metres of floor space;
- ii) The minimum northerly side yard setback required shall be 4.9 metres;
- iii) The minimum southerly side yard setback required shall be 5.67 metres;
- iv) The maximum lot coverage permitted shall be 40%; and
- v) The maximum number of storeys permitted shall be two.

11.2.67.3 The use of land or building in this “District Commercial Special No. 67 (C4 Sp. 67)” shall conform to all other regulations of this By-law, except as hereby expressly varied.”

- 8) Upon Zoning By-law 2015-30 coming into effect, Section 11.2 of By-law 2015-30 is hereby further amended by inserting, immediately following Section 11.2.67.3, the diagram shown on Schedule "B" to this By-law, which shall be labelled as “District Commercial Special No. 67 (C4 Sp. 67)”.
- 9) Notice of the passing of this By-law shall be given by the Clerk of The Corporation of the City of North Bay in the manner and form and to the persons prescribed by Section 6 of O. Reg. 545/06 as amended.
- 10) Any notice of appeal of this By-law shall be filed in accordance with the provisions of Section 34(19) of the *Planning Act*, not later than 20 days after the day that the giving of the notice by the Clerk is completed, setting out the objection to the By-law and the reasons in support of the objection, and shall be accompanied by the fee prescribed under the *Ontario Municipal Board Act*, R.S.O. 1990, c. O.28.
- 11) Where no notice of appeal is filed with the Clerk within twenty (20) days as required by Section 10 of this By-law, then this By-law shall be deemed to have come into force on the day it was passed.
- 12) Where one or more notices of appeal are filed with the Clerk within twenty (20) days in compliance with Section 10 of this By-law, then this By-law shall not come into force until all appeals have been finally disposed of in accordance with Section 34 of the *Planning Act*, 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 27th Day of April 2015.

Read a Second Time in Open Council the 27th Day of April 2015.

Read a Third Time in Open Council and Passed this 27th Day of April 2015.

Mayor, Allan McDonald

City Clerk Catherine Conrad

Schedule "B"

This is Schedule "B"
To By-law 2015-18

Passed the 27th day of April, 2015

Mayor Allan McDonald

City Clerk Catherine Conrad

