

The Corporation of the City of North Bay

By-Law No. 2023-074

A By-Law To Amend Zoning By-Law No. 2015-30 To Rezone lands on Lakeshore Drive from a “Tourist Commercial (C7)” Zone to “Residential Second Density (R2)” and “Residential Fifth Density Special (R5 Sp.145) Zones

Josee and Paul Sache – 725 Lakeshore Drive & 729 Lakeshore Drive

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-80” of Zoning 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 Community Services Committee Report 2023-13 adopted by Council on September 5th, 2023, by Resolution No. 2023-340 to approve this rezoning;

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

- 1) Schedule “B-80” of By-Law No. 2015-30 is amended by changing the zoning designation of the property shown on Schedule “A” attached hereto (which property is more particularly described as PIN 49175-0355 (LT) PCL 1354 SEC WF; LT 192, 233 PL M203 West Ferris; North Bay; District of Nipissing, PIN 49175-0354 (LT) PCL 1748 SEC WF; LT 191, 234 PL M203 West Ferris; North Bay; District of Nipissing and PIN 49175-0356 (LT) PCL 1396 SEC WF; LT 193, 232 PL M203 West Ferris; North Bay; District of Nipissing), shown as hatched on Schedule “A” attached hereto from a “Tourist Commercial (C7)” zone to “Residential Second Density (R2)” and “Residential Fifth Density Special (R5 Sp.145) zones.
- 2) All buildings or structures erected or altered and the use of land in such “Residential Second Density (R2)” and “Residential Fifth Density Special (R5 Sp.145) zones shall conform to all applicable provisions of By-Law No. 2015-30 of The Corporation of the City of North Bay.

3) Section 11 of By-Law No. 2015-30 is amended by inserting at the end thereof the following Section 11.1.145:

“11.1.145.1 “Residential Fifth Density Special (R5 Sp.145)”

11.1.145.2 The property description of this “Residential Fifth Density Special (R5 Sp.145)” is PIN 49175-0356 (LT) PCL 1396 SEC WF; LT 193, 232 PL M203 West Ferris; North Bay; District of Nipissing, known locally as 729 Lakeshore Drive in the City of North Bay as shown on the attached Schedule and on Schedule "B-80".

11.1.145.3 The regulations for this “Residential Fifth Density Special (R5 Sp.145)” are as follows:

- i) The minimum side yard setback (south property line) shall be 0.5 metres.
- ii) The minimum rear yard setback for an accessory structure shall be 2.3 metres.
- iii) The minimum exterior side yard setback for an accessory structure shall be 1.7 metres; and
- iv) The maximum lot coverage for accessory structures shall be 10.1%.

11.1.145.4 The use of land or building in this “Residential Fifth Density Special (R5 Sp.145)” shall conform to all other regulations of this By-Law, except as hereby expressly varied.”

4) Section 11 of By-law No. 2015-30 is further amended by inserting “Residential Fifth Density Special (R5 Sp.145)” as shown on Schedule "A" to this By-Law.

5) 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.

6) 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 how the by-law is inconsistent with the policy statement issued under subsection 3(1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan and shall be accompanied by the fee prescribed under the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6.

- 7) Where no notice of appeal is filed with the Clerk within twenty (20) days as required by Section 6 of this By-Law, then this By-Law shall be deemed to have come into force on the day it was passed.
- 8) Where one or more notices of appeal are filed with the Clerk within twenty (20) days in compliance with Section 6 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 5th Day of September 2023.

Read a Second Time in Open Council the 5th Day of September 2023.

Read a Third Time in Open Council and Passed this 5th Day of September 2023.

Mayor Peter Chirico

City Clerk Karen Mclsaac

Schedule A

This is Schedule "A"
To By-law No. 2023-074

Passed the 5th Day of September 2023

Mayor Peter Chirico

City Clerk Karen McIsaac



Legend



- From a "Tourist Commercial (C7)" zone to "Residential Second Density (R2)"



- From a "Tourist Commercial (C7)" to a "Residential Fifth Density Special (R5 Sp.145)"