

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 77-78

BEING A BY-LAW TO AMEND BY-LAW NO. 1097

OF THE FORMER TOWNSHIP OF WIDDIFIELD

PURSUANT TO SECTION 35 OF THE PLANNING ACT,

R.S.O. 1970, CHAPTER 349 AND AMENDMENTS THERETO.

WHEREAS upon the request of the property owner concerned and with the approval of the local Planning Board it is considered advisable to amend By-law No. 1097 of the former Township of Widdifield to provide for an alteration to the zone designation shown on Schedule "B" which forms part of said By-law No. 1097.

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

1. The District Map of By-law No. 1097 of the former Township of Widdifield is amended by changing the zoning designation of the lands shown on Schedule "A" attached hereto and forming part hereof, which property is more particularly described as Parcel 2986 W&F, Part of the South Half Lot 20, Concession "B", shown as hatched on Schedule "B" attached hereto, and forming part thereof from a "Residential 2" Zone to a "Residential Multiple Third Density Special Zone 10-78 (RM3S 10-78)".
2. Notwithstanding the provisions of the "Residential Multiple Third Density Special Zone 10-78 (RM3S 10-78)", the lands referred to in Section 1 of this By-law shall be used for no other purpose than the erection of an apartment building having a maximum building height of twenty-five (25) feet or three (3) stories, whichever is the greater.
3. Pursuant to Section 35a of The Planning Act, the lands referred to in Section 1 of this By-law are placed under Development Control until, prior to the issuance of a building permit, and as a condition of the development contemplated in Section 2 of this By-law, the property owner

shall enter into one or more agreements with the City of North Bay dealing with the prohibition, regulation, use and maintenance of any or all of the facilities and matters listed hereunder:

- (a) Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land, such as access ramps and curbing, including the number, location and size of such facilities and the direction of traffic thereon.
- (b) Off-street vehicular parking and loading areas and access driveways, including the surfacing of such areas and driveways.
- (c) Walkways and all other means of pedestrian access.
- (d) Removal of snow from access ramps, driveways, parking areas and walkways.
- (e) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- (f) Conveyance to the Municipality, without cost, of easements required for the construction, maintenance or improvements of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
- (g) Floodlighting of the land or of any building or structures thereon.
- (h) Walls, fences, hedges, trees, shrubs or other suitable ground-cover to provide adequate landscaping of the land or protection to adjoining lands.

- (i) Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.
 - (j) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-law.
4. The Agreement or Agreements referred to in Section 3 of this By-law shall be registered against the title of the said lands and the City of North Bay will enforce the provisions thereof against the Owner and any and all subsequent owners of the land.
5. The said lands shown in distinguishing hatch marks on Schedule "B" shall not be used as aforesaid unless:
- (a) There is minimum lot frontage of 100 ft.
 - (b) There is a minimum front yard set back of one-half of the height of the building, but not less than 25 ft.
 - (c) There is a minimum side yard set back of one-half the height of the building, but not less than 20 ft.
 - (d) There is a minimum rear yard of one-half the height of the building, but not less than 25 ft.
 - (e) There is minimum usable open space of at least 50% of the gross floor space of the building
 - (f) There are the following minimum floor areas for each dwelling unit in the buildings:
 - (1) bachelor unit -- 350 sq. ft.
 - (2) 1 bedroom unit -- 550 sq. ft.
 - (3) 2 bedroom unit -- 675 sq. ft.
 - (4) 3 bedroom unit -- 800 sq. ft.
 - (5) 4 bedroom unit -- 900 sq. ft.

- (g) The following minimum outdoor open play space for children is provided according to the following square footage area per dwelling unit:

Dwelling Unit		Square foot area
(1) bachelor unit	--	0 sq. ft.
(2) 1 bedroom unit	--	20 sq. ft.
(3) 2 bedroom unit	--	40 sq. ft.
(4) 3 or 4 bedroom unit	--	50 sq. ft.

The said play space shall be:

- (a) enclosed with a chain link fence or equivalent fence of at least 4 feet in height;
 - (b) located at least 15 feet from the nearest wall of the building;
 - (c) accessible to the building without the necessity of crossing a parking lot or driveway;
 - (d) in one location;
 - (e) in the rear or side yard.
6. The facilities and matters required by this By-law shall be provided and maintained by the owner of the said lands at his sole risk and expense and to the satisfaction of The Corporation of the City of North Bay, and in default thereof, the provisions of Section 469 of The Municipal Act shall apply.

7. This By-law shall take effect from the date of passing by Council, and shall come into force upon the approval of the Ontario Municipal Board.


READ A FIRST TIME IN OPEN COUNCIL THIS 12TH DAY OF JUNE 1978.

READ A SECOND TIME IN OPEN COUNCIL THIS 26TH DAY OF JUNE 1978.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 26TH DAY OF JUNE ,1978.



MAYOR



CLERK



R 762652

Ontario Municipal Board

IN THE MATTER OF Section 35
of The Planning Act (R.S.O.
1970, c. 349),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of its
Restricted Area By-law 77-78

B E F O R E :

D.S. COLBOURNE
Vice-Chairman

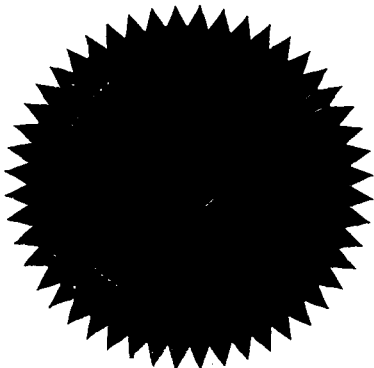
- and -

W.E. DYER, Q.C.
Member

Monday, the 11th day of
June, 1979

THIS APPLICATION coming on for public hearing on this day
at the City of North Bay and after the hearing of the
application;

THE BOARD ORDERS that By-law 77-78 is hereby approved.



SECRETARY

ENTERED	
O. B. No.	R. 78-9
Folio No.	155
SEP 27 1979	
SECRETARY, ONTARIO MUNICIPAL BOARD	