

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-223

**A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS ON JANEY AVENUE
FROM A "RESIDENTIAL MULTIPLE SECOND DENSITY HOLDING (RM2H)" ZONE
TO A "RESIDENTIAL SECOND DENSITY SPECIAL ZONE NO. 104 (R2SP.104)"
AND AN "OPEN SPACE (O)" ZONE
(GAP CONSTRUCTION CO. LTD. (JANEY 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-35" 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 October 24, 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-35" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedules "A" and "B" attached hereto (which property is more particularly described as Block 47, Plan -595) along Janey Avenue in the City of North Bay from a "Residential Multiple Second Density Holding (RM2H)" zone to a "Residential Second Density Special Zone No. 104 (R2 Sp. 104)" and an "Open Space (O)" zone.
- 2) All buildings or structures erected or altered and the use of land in such "Open Space (O)" zone shall conform to all applicable provisions of By-law No. 28-80 of the Corporation of the City of North Bay.
- 3) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.2.104:
 - "11.2.104 Residential Second Density Special Zone No. 104 (R2 Sp. 104)
 - 11.2.104.1 The property description of this " Residential Second Density Special Zone No. 104 (R2 Sp. 104)" is Block 47, Plan M-595 along Janey Avenue in the City of North Bay as shown on the attached Schedules "A" and "B" and on Schedule "B-35".
 - 11.2.104.2(a) No person shall use land, or use, erect, or construct any building or structure in this " Residential Second Density Special Zone No. 104 (R2 Sp. 104)" except for the following uses:
 - single detached dwellings with a minimum lot frontage of 15m
 - accessory home based business
 - parks, playgrounds and non-profit uses
 - institutional uses
 - 11.2.104.2(b) The regulations for this " Residential Second Density Special Zone No. 104 (R2 Sp. 104)" are as follows:
 - i. All permanent structures and excavations must be located at least 7m from the limits of TransCanada's right-of-way

- ii. A 15 metre natural buffer shall be maintained along the waterway to provide adequate protection to Johnston Creek. In areas of steep slopes, the minimum buffer width is increased to account for increased stormwater run off velocities, and greater erosion potential. To provide adequate protection against erosion and maintain canopy cover along the watercourse, those areas designated as steep slopes, the natural vegetative buffer shall be a minimum of 15 metres or to the crest of the valley slope whichever is greater

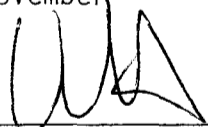
11.2.104.3 The use of land or building in this "Residential Second Density Special Zone No. 104 (R2 Sp. 104)" shall conform to all other regulations of this By-law, except as hereby expressly varied."

- 4) Section 11 of By-law No. 28-80 is further amended by inserting schedule to "Residential Second Density Special Zone No. 104 (R2 Sp. 104)" as shown on Schedule "C" to this By-law.
- 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 1st DAY OF NOVEMBER 2005.

READ A SECOND TIME IN OPEN COUNCIL THE 1st DAY OF NOVEMBER 2005.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 14th DAY
OF November 2005.



MAYOR, VIC FEDELI



CITY CLERK, CATHERINE CONRAD

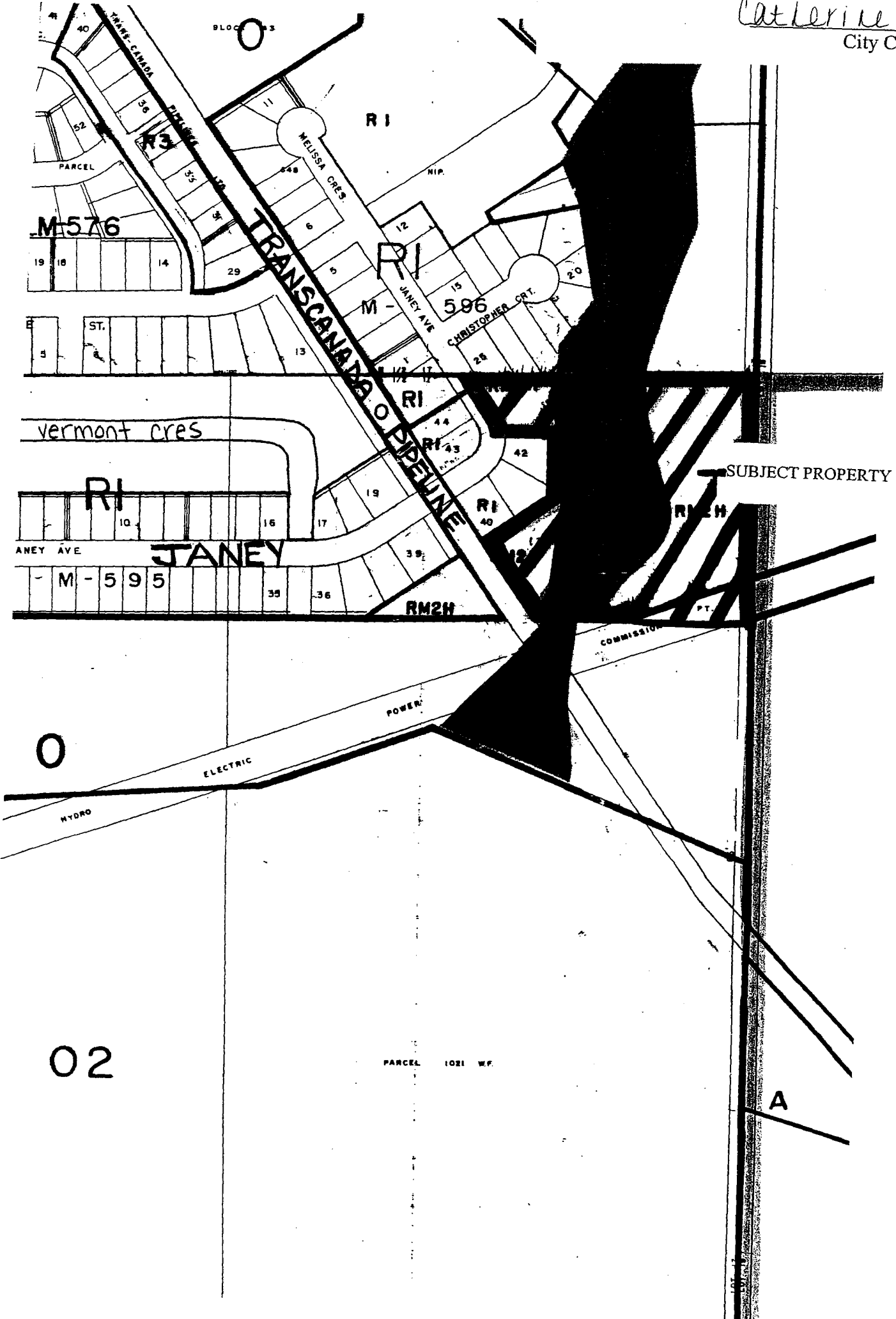
This is Schedule "A"

To By-law No. 2005-223

Passed the 14 day of November 2005.

Mayor

Catherine Conrad
City Clerk



This is Schedule "B"

To By-law No. 2005-223

Passed the 14 day of November 20 05.

[Signature]
Mayor

Catherine Conrad
City Clerk

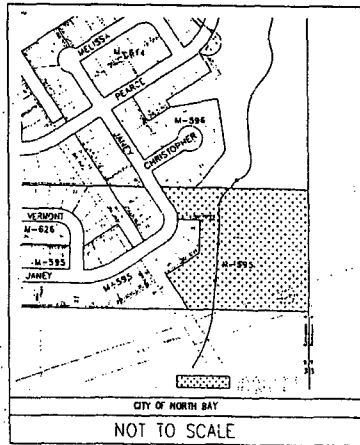
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DRAFT PLAN OF CONDOMINIUM OF
ALL OF BLOCK 47
REGISTERED PLAN 36M-595
CITY OF NORTH BAY
DISTRICT OF NIPISSING

SCALE 1:500

Miller & Urso Surveying Inc
2005

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTH LINE OF BLOCK 47 AS SHOWN ON REGISTERED PLAN 36M-595 HAVING A BEARING OF N89°36'00"W.



CITY OF NORTH BAY
NOT TO SCALE

AREA OF VACANT LAND UNITS = 1.
AREA OF COMMON ELEMENT = 1.6.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.

NORTH BAY, ONTARIO
MARCH 14th, 2005

[Signature]
R. D. MILLER
ONTARIO LAND SURVEYOR
MILLER & URSO SURVEYING INC.
LAND SURVEYOR

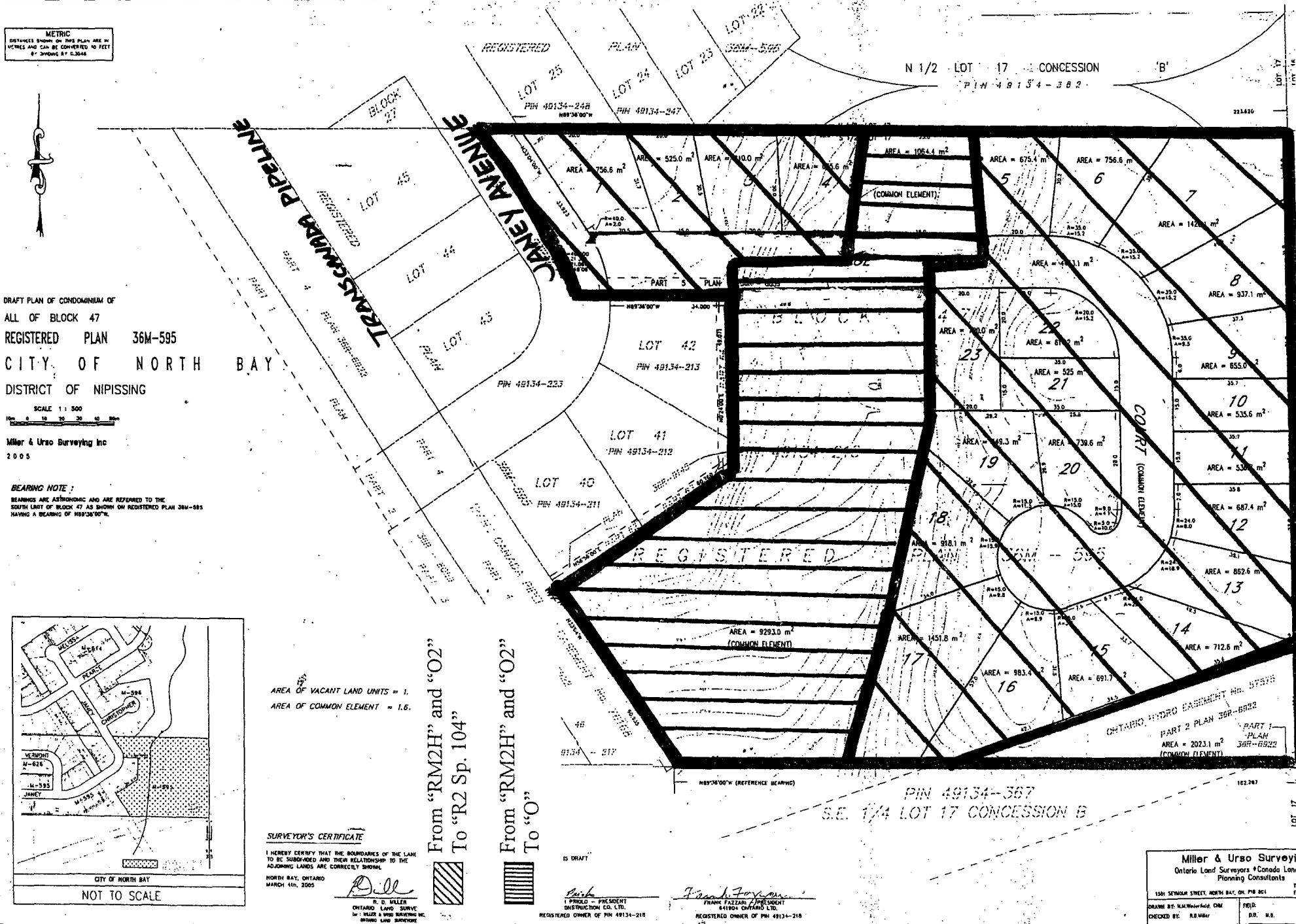
From "RM2H" and "O2"
To "R2 Sp. 104"

From "RM2H" and "O2"
To "O"

IS DRAFT

[Signature]
I PRIMO - PRESIDENT
CONSTRUCTION CO. LTD.
REGISTERED OWNER OF PIN 49134-218

[Signature]
FRANK FAZZARI - PRESIDENT
REGISTERED OWNER OF PIN 49134-218



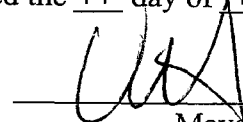
PIN 49134-367
S.E. 1/4 LOT 17 CONCESSION B

Miller & Urso Surveying
Ontario Land Surveyors & Canada Land
Planning Consultants
1201 SEYMOUR STREET, NORTH BAY, ON, P1B 8C4
DRAWN BY: R. D. MILLER
CHECKED BY: R. D. MILLER
DATE: 03.11.05

This is Schedule "C"

To By-law No. 2005-223

Passed the 14 day of November 20 05.



Mayor

Catherine Conrad
City Clerk

