

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2010-45

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS KNOWN AS THE JACK GARLAND
AIRPORT FROM AN "INSTITUTIONAL (N)" AND "INDUSTRIAL AIR PARK (MAP)" TO AN
"INSTITUTIONAL (N)", "INDUSTRIAL AIR PARK – AIRSIDE (MAP-A)" AND "INDUSTRIAL AIR
PARK – GROUNDSIDE (MAP-G)" ZONE

(CITY OF NORTH BAY – NORTH BAY JACK GARLAND AIRPORT)

WHEREAS the City of North Bay 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 zone designation shown on Schedule "C-6 " and "C-7" 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 February 22, 2010 to approve this rezoning.

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

- 1) Schedules "C-6" and "C-7" of By-law No. 28-80 are amended by changing the zoning designation of the property shown on Schedules "A" and "B" attached hereto, and more particularly described as Jack Garland Airport. The property is to be rezoned from "Institutional (N)" and "Industrial Air Park (MAP)" to "Institutional (N)", "Industrial Air Park – Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)" zone as shown on the attached Schedule "B".
- 2) Section 7.0 – Industrial Zones of By-law No. 28-80 is amended by replacing the existing Section 7.10 with the following:

7.10 Industrial Air Park - Airside (MAP-A) Zone

7.10.1 No land, building or structure shall be erected or used, or caused to be erected or used in any Industrial Air Park - Airside (MAP-A) zone, except for one or more of the following uses:

Permitted Uses

- 7.10.1.1 Aerial forest fire fighting facilities;
Aeronautical instructional services;
Aeronautical research and development facilities;
Air ambulance base;
Air cargo warehousing, distribution and transfer stations;
Air carrier services;
Air couriers;
Aircraft engine manufacturing, assembly, repair and maintenance;
Aircraft manufacturing, assembly, repair and maintenance;
Aircraft original equipment manufacturing;
Air taxi service;
Air terminal including control towers and refuelling depots;
Banner towing base;
Colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
Fixed base operations;
Flight training facilities;
Public and private aeronautical recreational uses;
Public and private hangars;
Sale, servicing and leasing of aircraft;
- 7.10.1.2 Accessory office and business establishments;
Accessory day nursery;
Accessory convenience stores;

Accessory restaurants; and
Accessory car rental agency.

7.10.1.3 In addition to the above uses, the following complementary and accessory uses are also permitted when intended to provide a service to, or when ancillary to, the Airport Business Park;

- Fueling services;
- Outside storage; and
- Vehicle repair and maintenance.

Regulations

7.10.2 In an Industrial Air Park-Airside (MAP-A) zone, no building, structure or land shall be used, or caused to be used, and no building or structure shall be hereafter erected or altered, or caused to be erected or altered, except in accordance with the provisions of the Airport Zoning Regulations pursuant to the Federal Aeronautics Act and, further, in accordance with the provisions of Sections 3 and 7.1 contained herein and the following regulations:

Lot Coverage

7.10.2.1 Maximum **lot coverage** shall be twenty-five (25) percent.

Front Yard Setback

7.10.2.3 The **setback** from the **front lot line** shall be a minimum of ten and five tenths (10.5) metres.

Side Yard Setback

7.10.2.3(a) The setback from the side yard shall be a minimum of three (3) metres, except where the side lot line abuts a Residential or Open Space zone, in which case the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6 metres).

7.10.2.3(b) Where a side lot line abuts a taxiway or runway, the setback from the said side lot line shall be nil.

Side Yard Setback, Exterior

7.10.2.4 Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6) metres.

Rear Yard Setback

7.10.2.5(a) The setback from the rear lot line shall be a minimum of ten and five-tenths (10.5) metres.

7.10.2.5(b) Where a rear lot line abuts a taxiway or runway the setback from the said rear lot line shall be nil.

Abutting a Residential Zone

7.10.3 In any Industrial Air Park – Airside (MAP-A) zone which fronts on a street opposite to, or directly abuts any Residential zone:

7.10.3.1 No loading space shall be located in, nor open onto any side yard adjacent to the Residential zone.

Amenity Requirements

7.10.3.2 A strip of land not less than one and five-tenths (1.5) metres in width along the side lot lines within the Industrial Air Park-Airside (MAP-A) zone and adjacent to the Residential zone shall be adequately landscaped.

7.10.3.3 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential zone.

Outdoor Storage

- 7.10.3.4(a) Where part of the use permitted under 7.10.1 is carried on outside a building, that part of the operation shall not be conducted in the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first storey of the main building on the property.
- 7.10.3.4(b) The Airport Zoning Regulations under the Federal Aeronautics Act are specifically deemed to apply to the airport runway and taxiways, so as to limit the height of buildings adjacent thereto.

TransCanada Pipeline

- 7.10.4 Notwithstanding all other provisions and standards of this by-law, no permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. No building or structure is permitted within 3 metres of the right-of-way.

- 3) Section 7.0 – Industrial Zones of By-law No. 28-80 is amended by adding the following new Section 7.11 – Industrial Air Park – Groundside (MAP-G) zone after Section 7.10:

7.11 Industrial Air Park – Groundside (MAP-G) Zone

- 7.11.1 No land, building or structure shall be erected or used, or caused to be erected or used in any Industrial Air Park - Groundside (MAP-G) zone, except for one or more of the following uses:

Permitted Uses

- 7.11.1.1 The use of land, building or structure designed for the purpose of manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substances or things, where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate Provincial Regulatory Authority. This does not include refineries, mills, foundries, chemical plants or similar heavy industries. It also does not include a mine, pit, quarry or oil wells;
- Colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
Data processing and other compatible information computer technology uses;
Heavy equipment sales, service and storage which is ancillary to manufacturing airside or groundside uses;
Metal fabrication and machining;
Physical testing laboratories;
Research and development facilities;
Transportation and communications terminals;
Warehouse and storage uses;
- 7.11.1.2 Accessory office and business establishments;
Accessory day nursery;
Accessory convenience stores;
Accessory restaurants; and
Accessory car rental agency.
- 7.11.1.3 In addition to the above uses, the following complementary and accessory uses are also permitted when intended to provide a service to, or when ancillary to, the Airport Business Park
- Fueling services;
 - Outside storage; and
 - Vehicle repair and maintenance.

Regulations

- 7.11.2 In an Industrial Air Park-Groundside (MAP-A) zone, no building, structure or land shall be used, or caused to be used, and no building or structure shall be hereafter erected or altered, or caused to be erected or altered, except in accordance with the provisions of the Airport Zoning Regulations pursuant to the Federal Aeronautics Act and, further, in accordance with the provisions of Sections 3 and 7.1 contained herein and the following regulations:

Lot Coverage

- 7.11.2.1 Maximum *lot coverage* shall be twenty-five (25) percent.

Front Yard Setback

- 7.11.2.3 The *setback* from the *front lot line* shall be a minimum of ten and five tenths (10.5) metres.

Side Yard Setback

- 7.11.2.3 The setback from the side yard shall be a minimum of three (3) metres, except where the side lot line abuts a Residential or Open Space zone, in which case the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6 metres).

Side Yard Setback, Exterior

- 7.11.2.4 Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of seven and six-tenths (7.6) metres.

Rear Yard Setback

- 7.11.2.5 The setback from the rear lot line shall be a minimum of ten and five-tenths (10.5) metres.

Abutting a Residential Zone

- 7.11.3 In any Industrial Air Park –Groundside (MAP-G) zone which fronts on a street opposite to, or directly abuts any Residential zone:
- 7.11.3.1 No loading space shall be located in, nor open onto any side yard adjacent to the Residential zone.

Amenity Requirements

- 7.11.3.2 A strip of land not less than one and five-tenths (1.5) metres in width along the side lot lines within the Industrial Air Park-Groundside (MAP-G) zone and adjacent to the Residential zone shall be adequately landscaped.
- 7.11.3.3 Exterior lighting and illuminated signs shall be so arranged as to direct light away from the adjacent Residential zone.

Outdoor Storage

- 7.11.3.4(a) Where part of the use permitted under 7.10.1 is carried on outside a building, that part of the operation shall not be conducted in the front yard and shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than two and five-tenths (2.5) metres and not greater than the height of the first storey of the main building on the property.
- 7.11.3.4(b) The Airport Zoning Regulations under the Federal Aeronautics Act are specifically deemed to apply to the airport runway and taxiways, so as to limit the height of buildings adjacent thereto.

TransCanada Pipeline

- 7.11.4 Notwithstanding all other provisions and standards of this by-law, no permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. No building or structure is permitted within 3 metres of the right-of-way.

- 4) Section 3.37 of Zoning By-law No. 28-80 is amended by adding the "Industrial Air Park-Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)" zone to the list of zones subject to site plan control.
- 5) Section 3.37 of Zoning By-law 28-80 is amended by deleting "Industrial Air Park (MAP)" from the list of zones subject to site plan control.
- 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 6 of O. Reg. 545/06 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 22nd DAY OF FEBRUARY 2010.

READ A SECOND TIME IN OPEN COUNCIL THE 22nd DAY OF FEBRUARY 2010.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 22nd DAY OF FEBRUARY 2010.

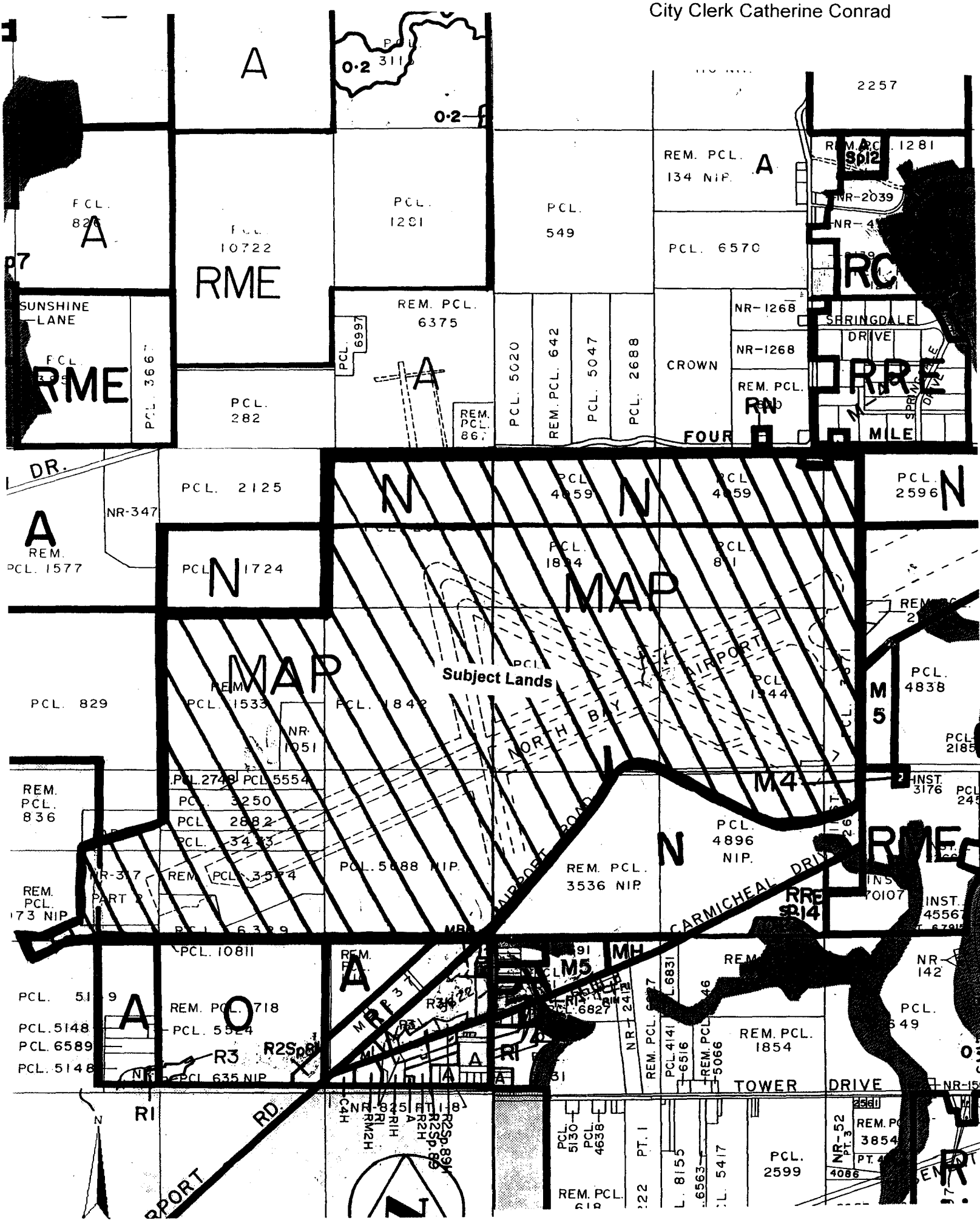
"original signature on file"
DEPUTY MAYOR PETER CHIRICO

"original signature on file"
CITY CLERK CATHERINE CONRAD

This is Schedule "A"
To By-Law No. 2010-45
Passed the 22nd day of February, 2010.

Deputy Mayor Peter Chirico

City Clerk Catherine Conrad



Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

