

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-82

A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS ON LAKESHORE DRIVE
FROM A "TOURIST COMMERCIAL (C7)" ZONE TO A
"RESIDENTIAL MULTIPLE FOURTH DENSITY
SPECIAL ZONE NO. 86 (RM4 SP.86)"
(DESCON DEVELOPMENT CORP. - 533 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 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-70" of By-law No. 28-80 pursuant to Section 34 of the Planning Act R.S.O. 1990, as amended.

AND WHEREAS Council has determined that no further notice is required to recognize the changes to a six storey, 47 unit building.

AND WHEREAS Council passed a resolution on June 16th, 2003 to approve this rezoning.

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

- 1) Schedule "B-70" of By-law No. 28-80 is amended by changing the zoning designation of the property shown on Schedule "A" attached hereto (which property is more particularly described as Plan M-211, Lots 69 to 75 (inclusive), Lots 104 to 110 (inclusive), Parcels 1620 and 1634 W/F) along Lakeshore Drive in the City of North Bay from a "Tourist Commercial (C7)" zone to a "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)".
- 2) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.2.86:
 - "11.2.86 "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)"
 - 11.2.86.1 The property description of this "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)" is Plan M-211, Lots 69 to 75 (inclusive), Lots 104 to 110 (inclusive), Parcels 1620 and 1634 W/F along Lakeshore Drive in the City of North Bay as shown on the attached Schedule and on Schedule "B-70".
 - 11.2.86.2(a) No person shall use land, or use, erect, or construct any building or structure in this "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)" except for the following uses:
 - a 47-unit apartment dwelling, including one (1) guest suite;

- parks, playgrounds and associated non-profit uses;
- licensed day nurseries, churches, public schools other than trade schools;
- institutional uses, and
- accessory home-based business;

11.2.86.2(b) The regulations for this "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)" are as follows:

- i) the minimum interior side yard setback shall be not less than six (6) metres;
- ii) the minimum exterior side yard setback shall be not less than one and nine-tenths (1.9) metres;
- iii) the minimum useable open space shall not be less than 28% of the gross floor area;
- iv) the play space shall not require a fence.

11.2.86.3 For the purposes of this by-law, Guest Suite is defined as an apartment unit for the use by guests of those residents in the same building.

11.2.86.4 The use of land or building in this "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)" shall conform to all other regulations of this By-law, except as hereby expressly varied."

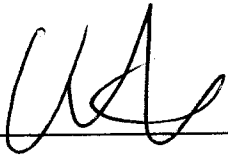
- 3) Section 11 of By-law No. 28-80 is further amended by inserting "Residential Multiple Fourth Density Special Zone No. 86 (RM4 Sp.86)" as shown on Schedule "B" to this By-law.
- 4) Pursuant to Section 41 of the Planning Act, R.S.O. 1990 as amended, those lands shown as hatched on Schedule "A" attached hereto are hereby designated as a site plan control area.
- 5)
 - 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 a 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 16TH DAY OF JUNE
2003.

READ A SECOND TIME IN OPEN COUNCIL THE 17TH DAY OF MAY 2004.
2003.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 17TH DAY
OF MAY 2004.



MAYOR



DEPUTY CITY CLERK

SCHEDULE "A"

This is Schedule "A"


To By-law No. 2003-82

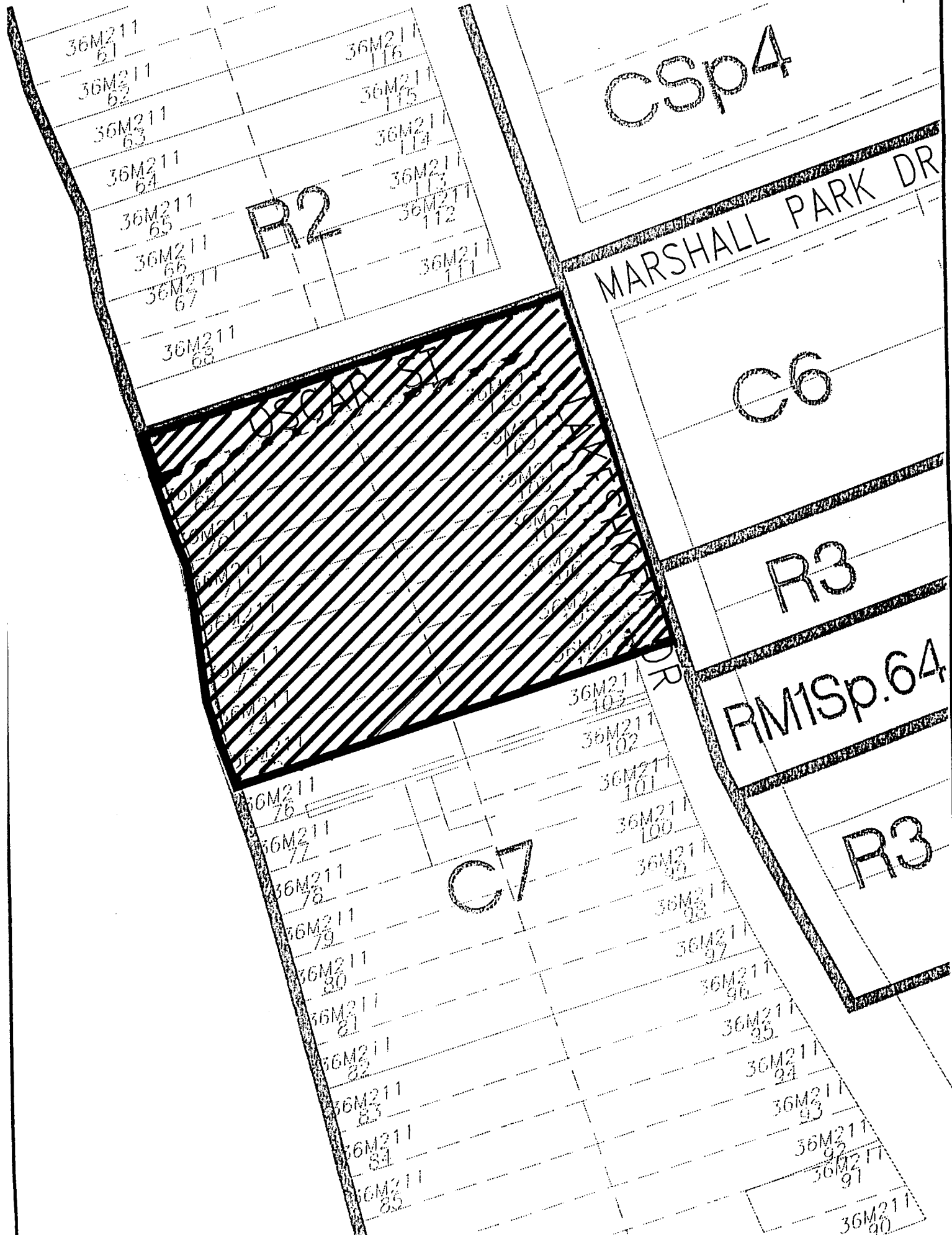
Passed the 17th day of May 2004.



Subject Property
Rezoned from "C7" to "RM4Sp.86"


Mayor


City Clerk (Deputy)



SCHEDULE B

To By-Law No. 2003-82

Passed the 17th day of May

2004.

WA
Mayor

W. B. C.
City Clerk (Deputy)

SCHEDULE TO "RESIDENTIAL MULTIPLE FORTH DENSITY SPECIAL ZONE No. 86 (RM 4 Sp. 86)"

