

The Corporation of the City of North Bay

By-Law No. 2019-66

A By-Law To Amend Zoning By-Law No. 2015-30 To Rezone Certain lands on Front Street from a “Residential Sixth Density (R6)” Zone to a “Residential Multiple Second Density Special No. 131 Holding (RM2 Sp. 131 H)” Zone

(1144342 Ontario Inc. & Domenic and Thomas Muratore – Front Street)

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-51” 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 Committee Report 2019-09 adopted by Council on July 30, 2019 by resolution number 2019-307 to approve this rezoning;

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

- 1) Schedule “B-51” 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 in Appendix A to By-law No. 2019-66, shown as hatched on Schedule A attached hereto from a “Residential Sixth Density (R6)” zone to a “Residential Multiple Second Density Special No. 131 Holding (RM2 Sp. 131 H)” zone.
- 2) All buildings or structures erected or altered and the use of land in such “Residential Multiple Second Density Special No. 131 Holding (RM2 Sp. 131 H)” zone 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 11.2.131:

“11.2.131 “Residential Multiple Second Density Special No. 131 Holding
(RM2 Sp. 131 H)”

11.2.131.1 The property description of this “Residential Multiple Second Density Special 131 Holding (RM2 Sp. 131 H)” is PIN 49164-0363(LT), PT LTS 682 & 683 Plan 21 Widdifield PTS 3, 5, 10 & 11 PL 36R13069; North Bay PIN 49164-0364(LT) Part Lots 680, 681 and 683, Plan 21 Being Parts 1, 2, 3, 4, 5 and 6, Plan 36R8525 and Part Lots 681, 682 and 683 Plan 21 Being Part 2, Plan 36R13069; City of North Bay PIN 49164-0355(LT) Part Lot 683-685 Plan 21 Widdifield as in NB87282; Except Part 11 36R13069; North Bay District of Nipissing PIN49164-0346(LT) Part Lots 683, 684 & 685 Plan 21 Widdifield (Closed by By-law 2012-137 as in BS102836) Part 4 36R13069; North Bay; District of Nipissing PIN49164-0032(LT) Part Lot 679 Plan 21 Widdifield as in NB118799; North Bay; District of Nipissing along Front Street in the City of North Bay as shown on the attached Schedule and on Schedule “B-51” to Zoning By-law No. 2015-30.

11.2.131.2 The regulations for this “Residential Multiple Second Density Special No. 131 Holding (RM2 Sp. 131 H)” zone are as follows:

- i) Minimum front yard setback of 5.59 metres;
- ii) Minimum lot frontage of 29.24 metres;
- iii) Minimum landscaping buffer abutting side and rear lot lines of 1 metre;
- iv) Minimum usable open space of 28.5%; and
- v) Minimum number of required parking spaces per unit of 1.22 parking spaces per unit

11.2.131.3 The use of land or building in this “Residential Multiple Second Density Special No. 131 Holding (RM2 Sp. 131 H)” zone shall conform to all other regulations of this By-law, except as hereby expressly varied.”

4) The Holding Zone provision shall be applied to the lands zoned RM2 Sp. 131. Prior to the removal of the holding zone provisions by By-law, or to allow any specific permitted use, the following conditions must be satisfied:

- a) The applicant shall provide a Traffic Impact Brief and implement any recommendations forthcoming from the requested Traffic Impact Brief, to

the satisfaction of the City Engineer and at no expense to the City of North Bay.

- b) A Record of Site Condition must be completed to satisfy the necessary legislation.

Provided the above conditions have been satisfied, and all agreements executed, the holding zone provisions shall be removed with respect to any portion of the subject lands which shall be set out in the holding zone removal by-law.

The holding zone provisions may also be removed to allow any specific use or uses permitted on the subject lands provided such uses are set out in the holding zone removal by-law.

- 5)
 - a) 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.
 - b) 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 *Local Planning Appeal Tribunal Act*, S.O. 2017, c. 23, Sched. 1.
 - c) Where no notice of appeal is filed with the Clerk within twenty (20) days as required by Section 5 of this By-law, then this By-law shall be deemed to have come into force on the day it was passed.
 - d) Where one or more notices of appeal are filed with the Clerk within twenty (20) days in compliance with Section 5 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 30th Day of July 2019.

Read a Second Time in Open Council the 30th Day of July 2019.

Read a Third Time in Open Council and Passed this 30th Day of July 2019.

Mayor, Allan McDonald

City Clerk Karen Mclsaac

Sire/C01/ By-law No. 2019-66 – ZBLA File #913 – Front Street – 1144342 Ontario Inc., Dominic Muratore & Thomas Muratore -
Zoning By-law Amendment

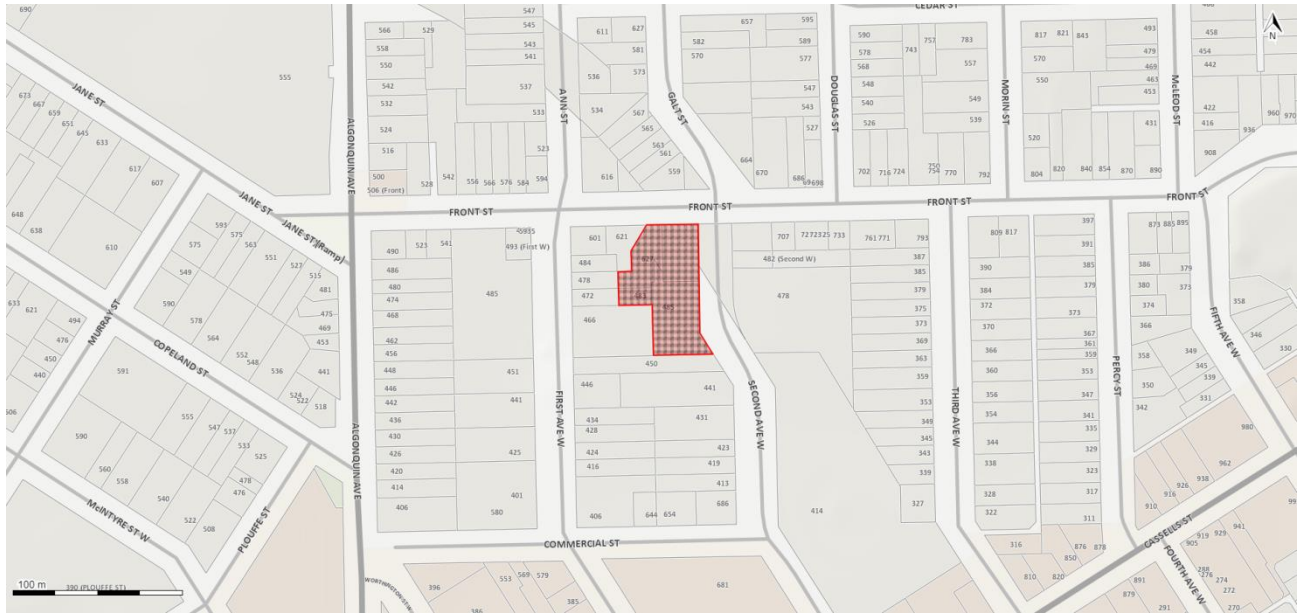
Schedule A

This is Schedule "A"
To By-law No. 2019-66

Passed the 30th day of July, 2019

Mayor Allan McDonald

City Clerk Karen Mclsaac



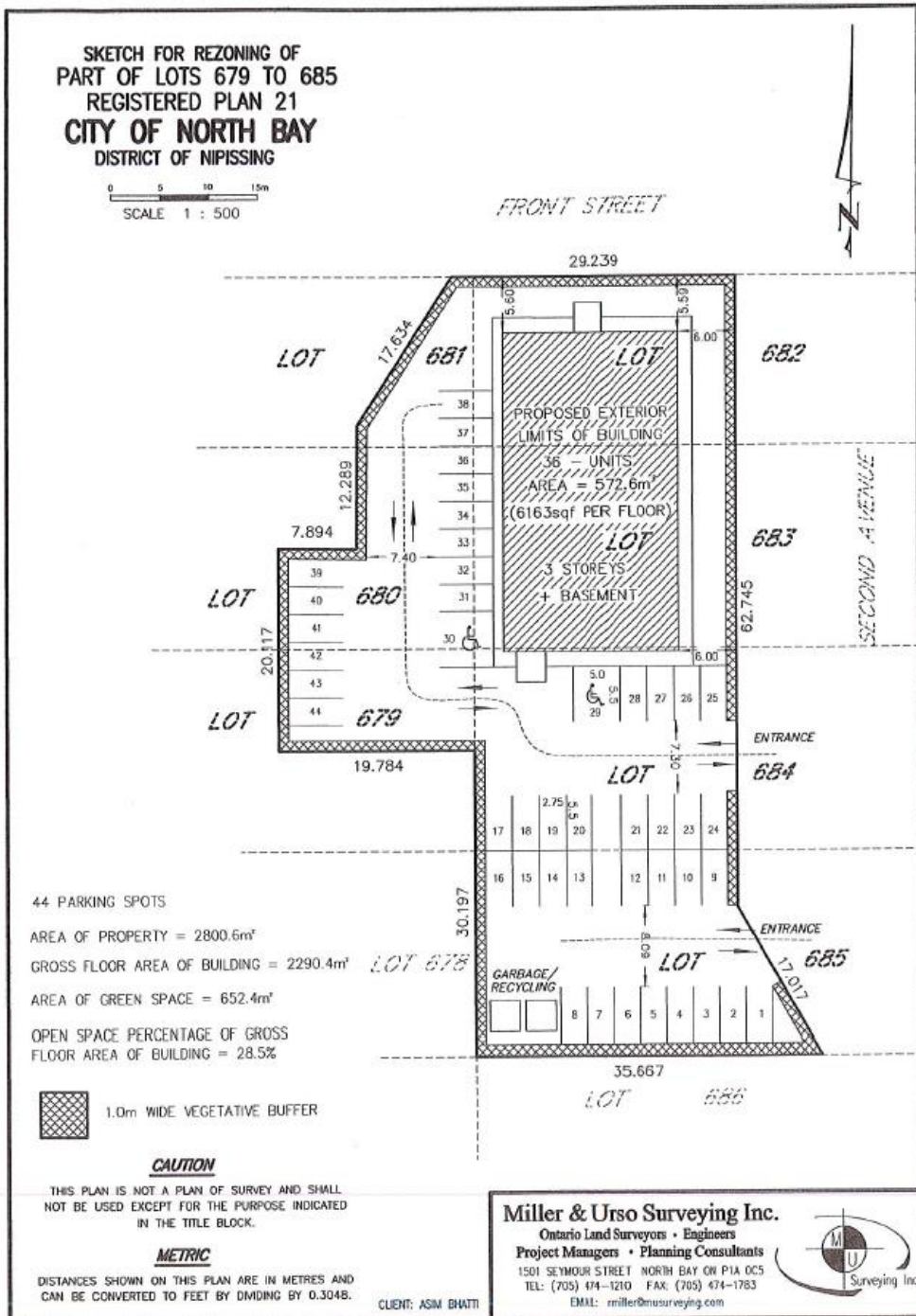
Schedule B

This is Schedule "B"
To By-law No. 2019-66

Passed the 30th day of July, 2019

Mayor Allan McDonald

City Clerk Karen Mclsaac



Appendix A

PIN 49164-0363(LT)

PT LTS 682 & 683 Plan 21 Widdifield PTS 3, 5, 10 & 11 PL 36R13069; North Bay

PIN 49164-0364(LT)

Part Lots 680, 681 and 683, Plan 21 Being Parts 1, 2, 3, 4, 5 and 6, Plan 36R8525 and Part Lots 681, 682 and 683, Plan 21 Being Part 2, Plan 36R13069; City of North Bay

PIN 49164-0355(LT)

Part Lot 683-685 Plan 21 Widdifield as in NB87282; Except Part 11 36R13069; North Bay; District of Nipissing

PIN 49164-0346(LT)

Part Lots 683, 684 & 685 Plan 21 Widdifield (Closed by By-law 2012-137 as in BS102836) Part 4 36R13069; North Bay; District of Nipissing

PIN 49164-0032(LT)

Part Lot 679 Plan 21 Widdifield as in NB118799; North Bay; District of Nipissing