

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-173

**A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80
TO REZONE CERTAIN LANDS ON FISHER STREET FROM
A “RESIDENTIAL THIRD DENSITY (R3)” ZONE
TO A “NEIGHBOURHOOD COMMERCIAL SPECIAL ZONE NO. 77 (C5 SP.77)”**

(D. IOUNATANOV – FISHER STREET)

WHEREAS the owner of the subject properties 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 “B-51” 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 5, 2009 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. 28-80 is amended by changing the zoning designation of the properties shown on Schedule “A” attached hereto (which properties are more particularly described as Plan 96, Part Lots 4 & 5, Reference Plan 36R-12138, Part 1, known locally as 805 and 817 Fisher Street in the City of North Bay, shown as hatched on Schedule “B” attached hereto) from a “Residential Third Density (R3)” zone to a “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” zone.
- 2) All buildings or structures erected or altered and the use of land in such “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” 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
 - 11.3.77 Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)
 - 11.3.77.1 The property description of this “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” is: Plan 96, Part Lots 4 & 5, Reference Plan 36R-12138, Part 1 – 805 and 817 Fisher Street in the City of North Bay as shown on the attached Schedules and Schedule “B-51”
 - 11.3.77.2 The regulations for this “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” zone are as follows:
 - i) The minimum front yard setback shall not be less than 4.5 metres;
 - ii) The minimum rear yard setback shall not be less than 6.5 metres;
 - iii) The minimum exterior side yard setback shall be nil; and
 - iv) The maximum permitted lot coverage shall be thirty (30) percent.

11.3.77.3 The permitted uses in this “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” zone are as follows:

- Personal Service Establishments
- Professional Offices & Business Offices
- Public & Private Parking Areas
- Dwelling units connected to and forming an integral part of the commercial building provided that they do not exceed the floor area of the commercial portion of the use and access to the dwelling units is separate from the access to the commercial portion of the building, and the dwelling units are located above or at the rear of the business premises.

11.3.77.4 The use of land or buildings in this “Neighbourhood Commercial Special Zone No.77 (C5 Sp.77)” zone 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 “Neighbourhood Commercial Special Zone No. 77 (C5 Sp.77)” as 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. 254/06 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 5TH DAY OF OCTOBER 2009.

READ A SECOND TIME IN OPEN COUNCIL THE 5TH DAY OF OCTOBER 2009.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 5TH DAY OF OCTOBER 2009.

"original signature on file"

MAYOR VIC FEDELI

"original signature on file"

CITY CLERK CATHERINE CONRAD

This is Schedule "A"
To By-law No. 2009-173
Passed the 5th day of October 2009

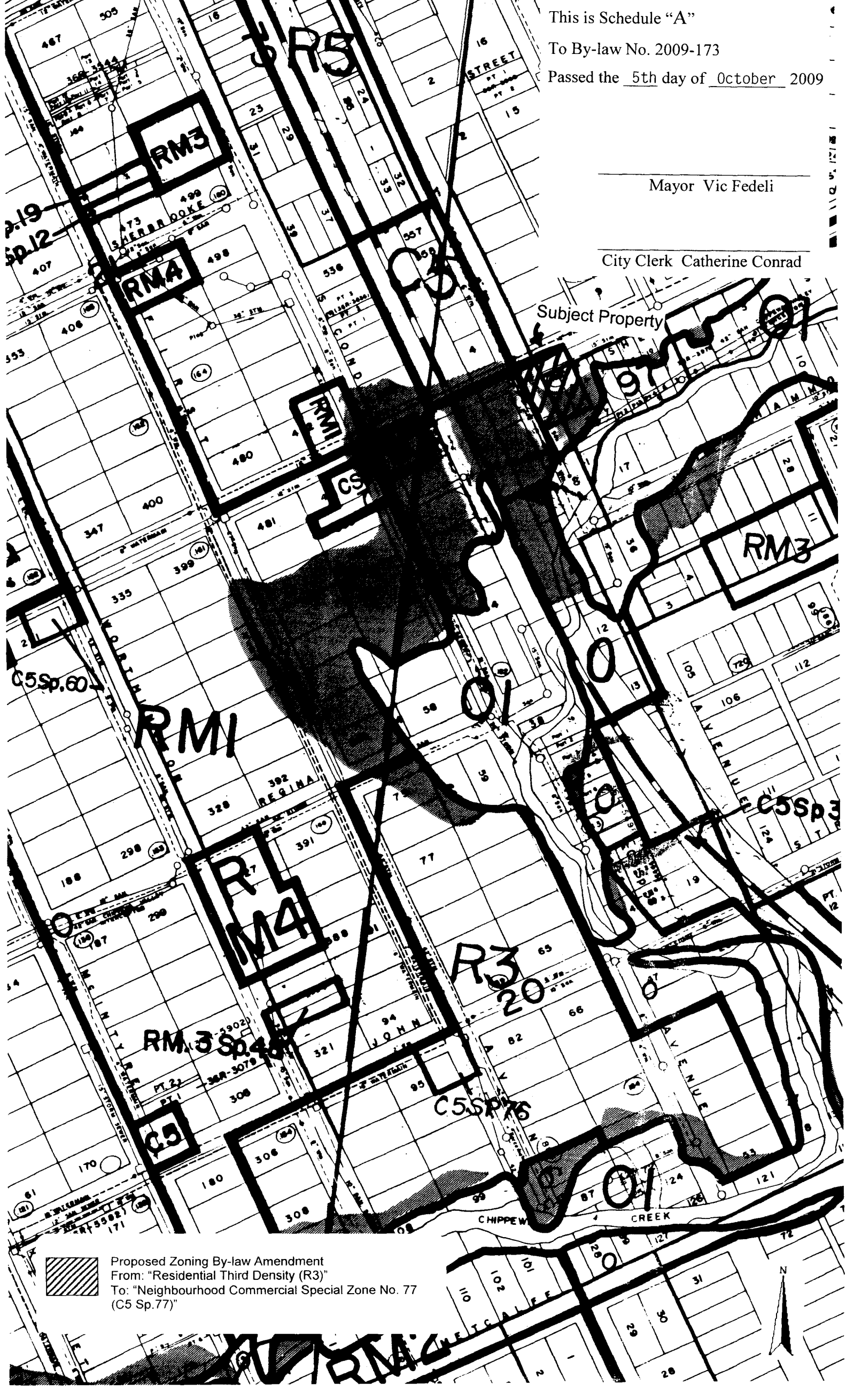
Mayor Vic Fedeli

City Clerk Catherine Conrad

Subject Property



Proposed Zoning By-law Amendment
From: "Residential Third Density (R3)"
To: "Neighbourhood Commercial Special Zone No. 77
(C5 Sp.77)"



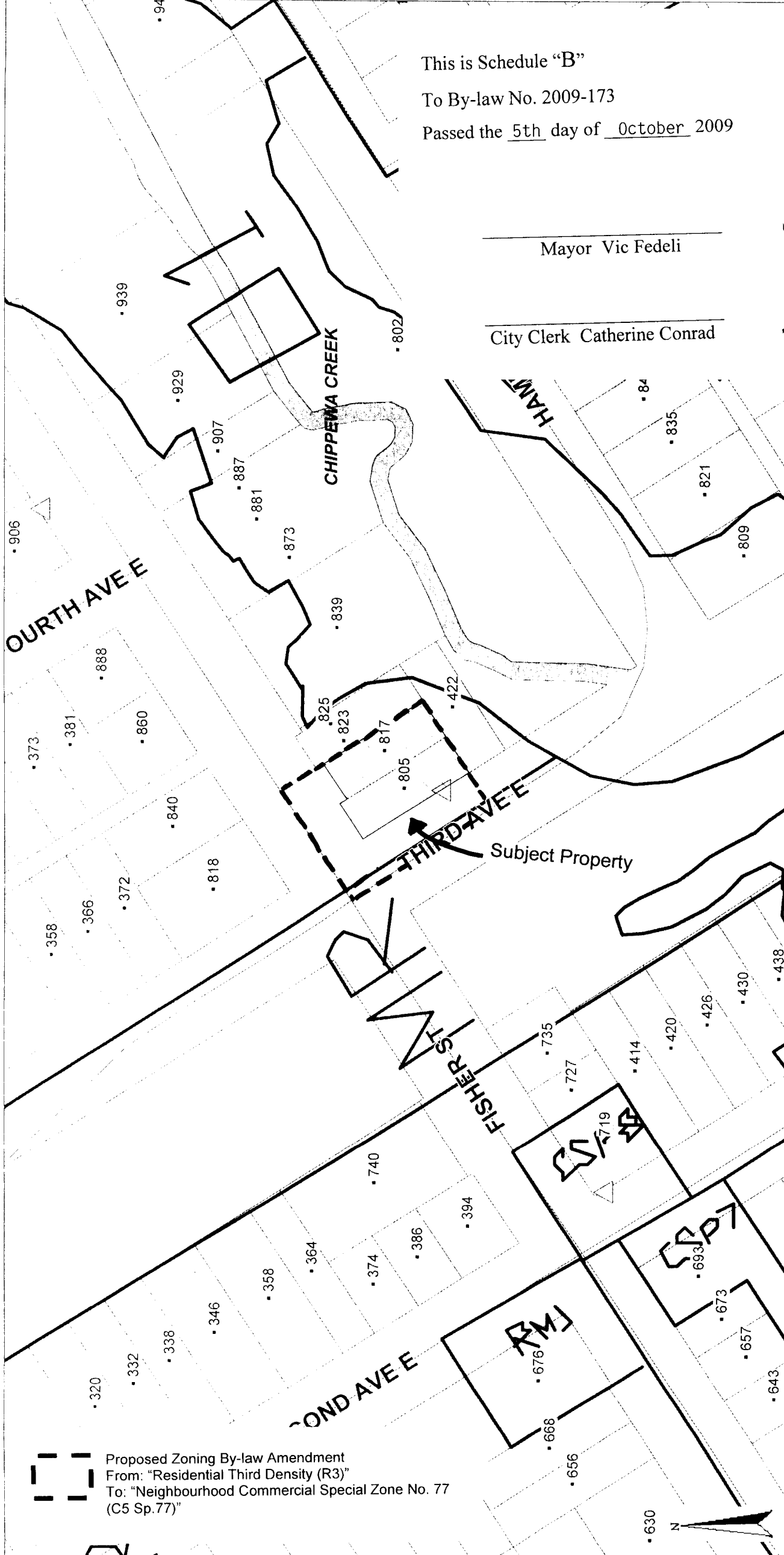
This is Schedule "B"


To By-law No. 2009-173

Passed the 5th day of October 2009

Mayor Vic Fedeli

City Clerk Catherine Conrad



 Proposed Zoning By-law Amendment
From: "Residential Third Density (R3)"
To: "Neighbourhood Commercial Special Zone No. 77
(C5 Sp.77)"



This is Schedule "C"

To By-law No. 2009-173

Passed the 5th day of October 2009

Mayor Vic Fedeli

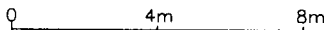
City Clerk Catherine Conrad

SITE PLAN OF
PART OF LOTS 4 AND 5
REGISTERED PLAN No. 96

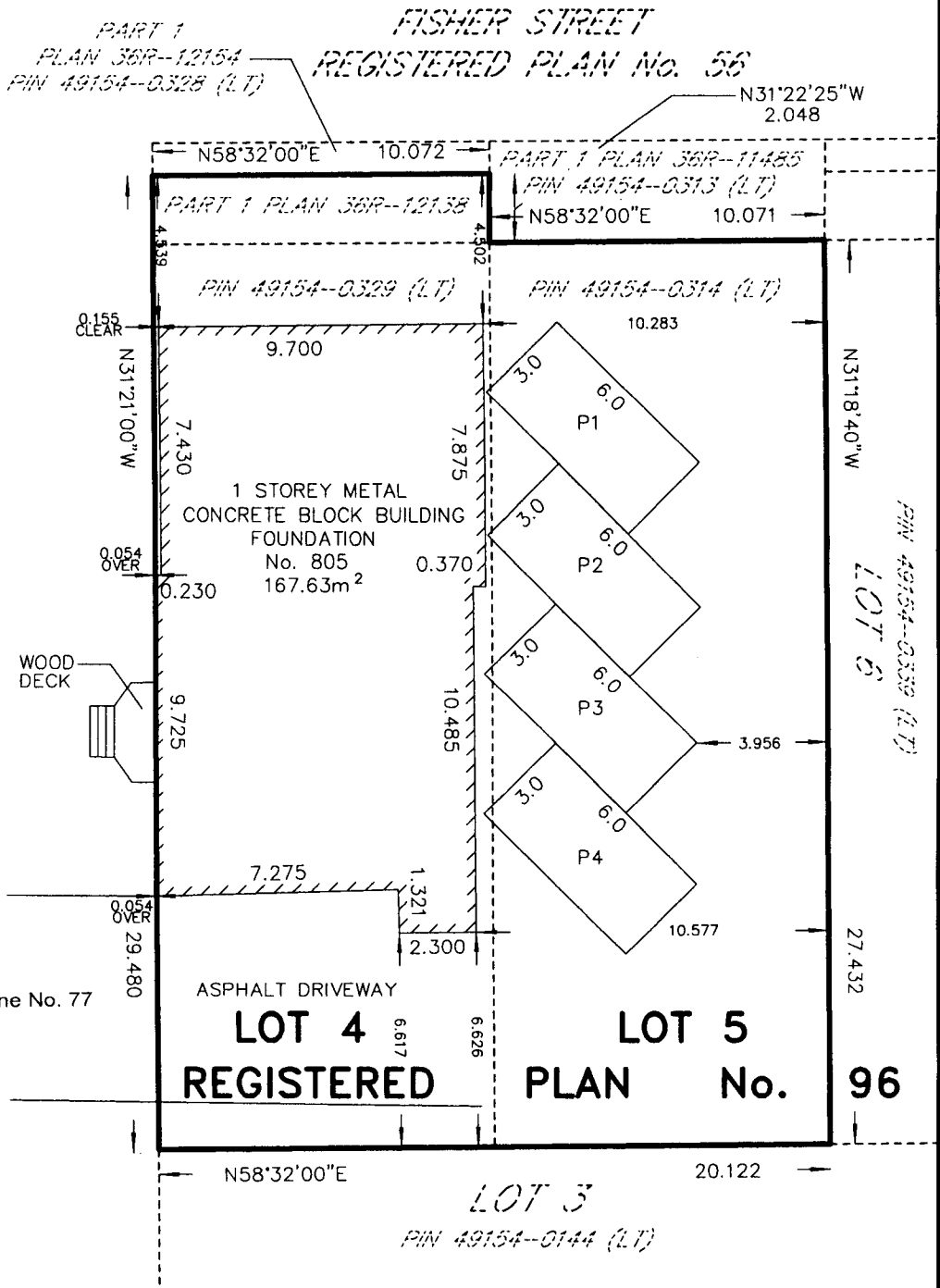
CITY OF NORTH BAY

DISTRICT OF NIPISSING

SCALE 1 : 200



Miller & Urso Surveying Inc.



Proposed Zoning By-law Amendment
From: "Residential Third Density (R3)"
To: "Neighbourhood Commercial Special Zone No. 77
(C5 Sp.77)"

METRIC

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

© COPYRIGHT 2009, Miller & Urso Surveying Inc.

Miller & Urso Surveying Inc.

Ontario Land Surveyors ♦ Canada Land Surveyors
Planning Consultants

1501 SEYMOUR STREET,
NORTH BAY ONT, P1B 8G4

TEL: (705) 474-1210
FAX: (705) 474-1783

LOT COVERAGE

LOT AREA = 572.88m²
AREA OF BUILDING = 167.63m²
LOT COVERAGE = 29.3%