

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2003-179

**A BY-LAW TO AMEND ZONING BY-LAW NO. 28-80 TO
REZONE CERTAIN LANDS ON M^CPHAIL STREET
FROM A "RESIDENTIAL THIRD DENSITY (R3)" ZONE TO A
"RESIDENTIAL MULTIPLE FOURTH DENSITY
SPECIAL ZONE NO. 90 (RM4 SP.90)"
(DARYL DUGUAY – 380 M^CPHAIL 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 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-43" 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 December 15, 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-43" 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 Lots 4 to 10, 113, 114 and 186, Plan M-165, Lots 101 to 103, and Lot 105, Plan M-186 and Lots 41 and 44, Plan M-45) along M^CPhail Street in the City of North Bay from a "Residential Third Density (R3)" zone to a "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)".
- 2) Section 11 of By-law No. 28-80 is amended by inserting at the end thereof the following Section 11.2.90:
 - "11.2.90 "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)"
 - 11.2.90.1 The property description of this "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" is Lots 113 and 114, Plan M-165, Lots 101 to 103, and Lot 105, Plan M-186, Lots 4 to 10, Plan M-165, and Lot 44, Plan M-45 along M^CPhail Street in the City of North Bay as shown on the attached Schedule and on Schedule "B-43".
 - 11.2.90.2(a) No person shall use land, or use, erect, or construct any building or structure in this "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" except for the following uses:
 - apartment dwellings;

- parks, playgrounds and associated non-profit uses;
- licensed day nurseries, churches, public schools other than trade schools;
- institutional uses;
- accessory home-based businesses, and
- accessory non-residential use under Subsection 5.3.5 of Zoning By-law 28-80.

11.2.90.2(b) The regulations for this "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" are as follows:

- i) The minimum southerly side yard setback shall be not less than two and one tenth (2.1) metres;
- ii) The minimum front yard setback shall be not less than two and seventy-four one hundredths (2.74) metres;
- iii) The minimum rear yard setback shall not be less than three and eighty-one one hundredths (3.81) metres;
- iv) The minimum required open space shall not be less than 735.8 square metres;
- v) The minimum required play space shall not be less than 65 square metres;
- vi) The minimum required northerly landscaped strip shall be nil; and
- vii) The play space setback from the main building shall be nil.

11.2.90.3 The use of land or building in this "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" shall conform to all other regulations of this By-law, except as hereby expressly varied."

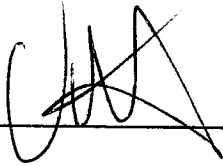
- 3) Section 11 of By-law No. 28-80 is further amended by inserting "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp.90)" as shown on Schedule "B" to this By-law.
- 4) Pursuant to Section 41 of the Planning Act, R.S.O. 1990 as amended, those lands shown as hatched on Schedule "A" attached 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 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.

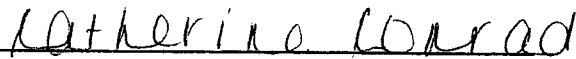
READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF DECEMBER 2003.

READ A SECOND TIME IN OPEN COUNCIL THE 8TH DAY OF MARCH 2004.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 8TH DAY OF MARCH 2004.



MAYOR

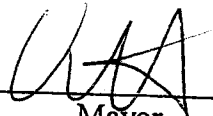


CITY CLERK

This is Schedule "A"

To By-law No. 2003-179

Passed the 8th day of March 2004.


Mayor

Catherine Conrad
City Clerk

M28 376	M28 439
M28 375	M28 440
M28 374	M28 441
M28 373	M28 442
M28 372	M28 443
M28 371	M28 444

STREET

M165 20	M165 103
M165 19	M165 104
M165 18	M165 105
M165 17	M165 106
M165 16	M165 107
M165 15	M165 108
M165 14	M165 109
M165 13	M165 110
M165 12	M165 111
M165 11	M165 112

STREET

M165 126	M165 227
M165 125	M165 228
M165 124	M165 229
M165 123	M165 230
M165 122	M165 231
M165 121	M165 232
M165 120	M165 233
M165 119	M165 234
M165 118	M165 235
M165 117	M186 114
M165 116	M186 115
M165 115	M186 116
M186 113	M186 117
M186 112	M186 118
M186 111	M186 119
M186 110	M186 120
M186 109	M186 121
M186 108	M186 122
M186 107	M186 123
M186 106	M186 124
M45 52	M186 125

REET

M28 370	M28 445
M28 369	M28 446
M28 368	M28 447
M28 367	M28 448
M28 366	M28 449
M28 365	M28 450
M28 364	M28 451

MCPHAIL

M165 10	M165 113
M165 9	M165 114
M186 8	M186 115
M165 7	M45 44
M165 6	M186 103
M165 5	M186 102
M165 4	M45 41
M165 3	M45 40
M165 2	M45 39

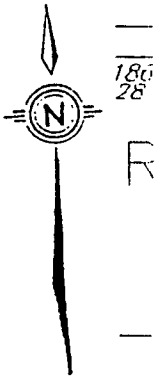
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M186 113	M186 114
M186 112	M186 115
M186 111	M186 116
M186 110	M186 117
M186 109	M186 118
M186 108	M186 119
M186 107	M186 120
M186 106	M186 121
M45 51	M186 122
M45 52	M186 123
M45 51	M186 124

M28 363	M28 452	M28 453	M28 454
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M165 1	M45 38	M45 37
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M45 36	M45 35	M186 126
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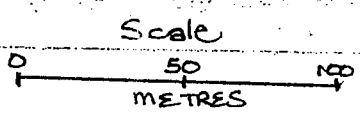
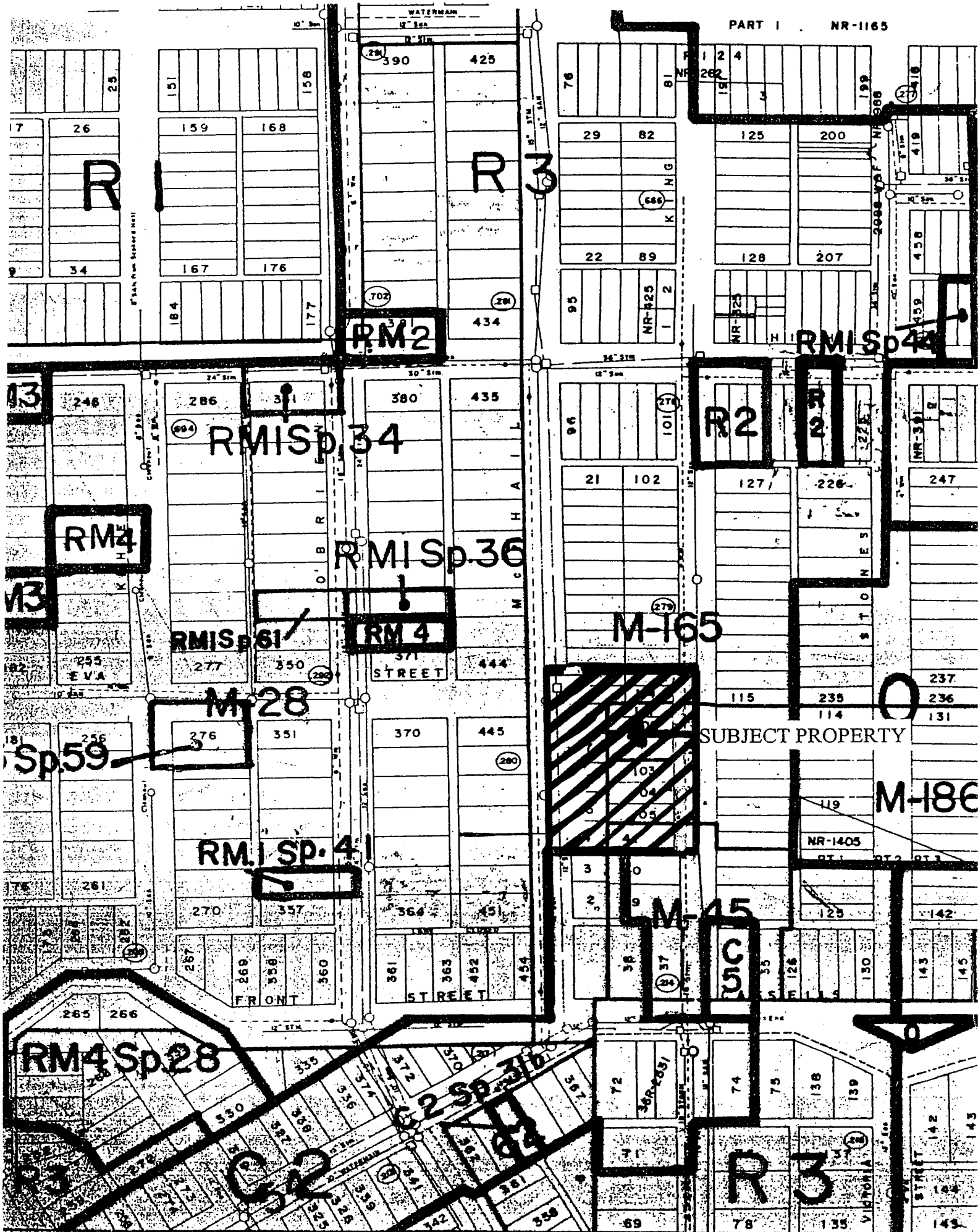


RFFT

Scale 1:1000

Mayor

Catherine Conrad
City Clerk



This is Schedule "C"

To By-Law No. 2003-179

Passed the 8th day of March 2004.

Mayor

Catherine Conrad
Clerk

This is schedule to "Residential Multiple Fourth Density Special Zone No. 90 (RM4 Sp. 90)"



Scale: 1:2000

