

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 34-82

BEING A BY-LAW TO AMEND ZONING BY-LAW NO. 9-69 AND TO REPEAL ZONING BY-LAW NO. 51-73 TO REZONE CERTAIN LANDS AT FISHER STREET AND THE NORTH BAY BY-PASS FROM DISTRICT COMMERCIAL SPECIAL ZONE NO. 16-73 TO A REGIONAL SHOPPING CENTRE SPECIAL ZONE. (NORTHGATE SQUARE)

WHEREAS upon the request of the property owner concerned and with the approval of the local Planning Board, it is considered advisable to repeal By-law No. 51-73 which amended Zoning By-law No. 9-69, and to amend By-law No. 9-69 to amend the zone designation as shown on Schedule "A" of By-law No. 9-69, pursuant to Section 39 of the Planning Act, R.S.O. 1980, Chapter 379.

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

1. Schedule "A" of By-law No. 9-69 as amended by By-law No. 51-73 is further amended by:
  - (a) changing the zoning designation of the lands shown on Schedule "A" attached hereto and forming part hereof, which property is more particularly described as Parts 1 to 46 inclusive, Plan 36R-5084; Part 1 to 8 inclusive, Plan 36R-5419, and Parts 1 to 3 inclusive, Plan 36R-5650 in the City of North Bay from "District Commercial Special Zone No. 16-73" and "Rural (RU) Zone" to "Regional Shopping Centre Special 3-82 (C.Sp.No.3-82) Zone"; and by
  - (b) changing the zoning designation of the lands shown on Schedule "A" attached hereto and forming part hereof, which property is more particularly described as Parts 1 to 5 inclusive, Plan 36R-5645 in the City of North Bay from "District Commercial Special Zone No. 16-73", "Residential Second Density (R.2) Zone" and "Rural (RU) Zone" to "District Commercial (DC) Zone",

all as shown on Schedule "B" attached hereto and forming part hereof.
2. The following definitions are added to Section 4 - Definitions of By-law No. 9-69 of the City of North Bay:
  - 4.59 COMMERCIAL FLOOR SPACE as referred to in Section 5.19.3 means Gross Leaseable Area as defined in section 2 (b) (i) of this By-law No. 34-82, excluding common area, storage and maintenance areas, furnace rooms, laundry rooms, washrooms, stairwells and elevatorshafts.
  - 4.60 CONVENIENCE DEPARTMENT STORE (C.D.S.) means a department store which offers Department Store Type Merchandise and which includes a concentration of convenience type merchandise.
  - 4.61 DEPARTMENT STORE TYPE MERCHANDISE (D.S.T.M.) means merchandise ordinarily sold in full line conventional department stores and includes all apparel and accessories, furniture, appliances, television and other home furnishings, hardware, paint and wallpaper, miscellaneous goods sold in drug stores, books and stationery, jewellery and sporting goods.

- 4.62 GAS BAR means one or more pump islands, each consisting of one or more gasoline pumps, and a shelter, which shall not be used for the sale of any products other than liquids and small accessories required for the operation of motor vehicles, but shall not include any other establishment otherwise defined or classified in this by-law.
- 4.63 GROSS LEASEABLE AREA (G.L.A.) means the total floor area of a building designed and occupied for business purposes and includes any basement, mezzanines or upper floors, as expressed in square metres as measured from the centre line of joint partition walls and from outside wall faces.
- 4.64 LOT COVERAGE means that percentage of lot area covered by all main buildings above ground level and, for the purpose of this paragraph, the lot coverage in each Zone applies and shall be deemed to apply only to that portion of said lot that is located within said Zone.
- 4.65 MAJOR DEPARTMENT STORE means a major full line conventional store which offers a full range of department store type merchandise and which, for the purposes of this by-law, includes a major catalogue sales department which offers a full range of department store type merchandise.
- 4.66 NON-DEPARTMENT STORE TYPE MERCHANDISE (NON-D.S.T.M.) means all types of merchandise other than department store type merchandise and includes food, alcoholic, and non-alcoholic beverages, motor vehicles, snow-mobiles, mobile homes and trailers, monuments and motor vehicle service goods, gas bar.
- 4.67 OTHER COMMERCIAL RENTAL UNITS (C.R.U.) means businesses providing services, entertainment or recreation facilities and includes personal services, barbers, beauty salons, shoe repairs, garment alterations, dry-cleaning, laundromats, banks and other financial institutions, restaurants, food service outlets, theatres, amusement arcades, health clubs, video stores and cassette stores.
3. (a) No building or structure shall be erected or altered and no land shall be used in the said "Regional Shopping Centre Special 3-82 (C.Sp.No.3-82) Zone" except for the following component uses within the limits of the following maximum Gross Leaseable Areas:

A. Existing Northgate Square Shopping Centre

| <u>Component Uses</u>  | <u>Maximum Gross Leaseable Area</u> |
|--|-------------------------------------|
| (i) Convenience Department Store (Woolco)  | 11,855 square metres                |
| (ii) Department Store Type Merchandise (D.S.T.M.) and Non-Department Store Type Merchandise (Non D.S.T.M.) and Other Commercial Rental Units (C.R.U.) Stores (ancillary) | 11,435 square metres                |
| (iii) Food Store   | <u>1,847 square metres</u>          |
| TOTAL GROSS LEASEABLE AREA   | 25,137 square metres                |

3. B. Expansion to Existing Northgate Square Shopping Centre

| <u>Component Uses</u>  | <u>Maximum Gross Leaseable Area</u> |
|--|-------------------------------------|
| (i) Major Department Store (Sears)   | 7,897 square metres                 |
| (ii) Department Store Type Merchandise (D.S.T.M.) Stores (ancillary)   | 5,574 square metres                 |
| (iii) Non-Department Store Type Merchandise (Non D.S.T.M.) and Other Commercial Rental Units (C.R.U.) Stores (ancillary) | <u>2,787</u> square metres          |
| TOTAL GROSS LEASEABLE AREA   | 16,258 square metres                |

(b) No building or structure shall be erected or altered and no land shall be used in said "Regional Shopping Centre Special 3-82 (C.Sp.No.3-82) Zone" except in conformity with the following regulations:

- A. Maximum Lot Coverage shall not exceed thirty-five (35) percent.
- B. The setback from the front lot line shall be a minimum of twenty-one (21) metres.
- C. (i) The setback from the side lot line shall be a minimum of seven and six-tenth (7.6) metres.  
(ii) Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of twenty-one (21) metres;
- D. (i) Where a rear lot line abuts a Commercial or Industrial Zone, the setback from the said rear lot line shall be a minimum of seven and six-tenths (7.6) metres.  
(ii) Where a rear lot line abuts a Residential or Open Space Zone, the setback from the said rear lot line shall be a minimum of ten and five-tenths (10.5) metres.  
(iii) Where the rear lot line abuts a street, the setback from the said rear lot line shall be a minimum of twenty-one (21) metres;
- E. Required parking spaces may be located ahead of the front yard setback line, but in no case, shall they be located within three (3) metres of either the street line or the one and five-tenths (1.5) metre buffer strip as required in Section 3 (b) G.
- F. (i) One (1) parking space shall be provided for each eighteen and six-tenths (18.6) square metres of commercial floor space in the building.  
(ii) Each automobile parking space required by this By-law shall have access to a street or public lane unobstructed by any other parking space.  
(iii) Where there is a combination of uses in any building, the minimum number of automobile parking spaces shall be the aggregate of the number required for each type of building.

(iv) Each automobile parking space shall have a:

- (a) minimum area of eighteen and six-tenths (18.6) square metres;
- (b) minimum length of six (6) metres, and for parallel parking six and seven-tenths (6.7) metres;
- (c) minimum width of three (3) metres, and for parallel parking, three (3) metres.

(v) Notwithstanding section 3 (b) F (iv) a maximum of forty (40) percent of the required parking spaces for a particular use may be designated to accommodate compact or sub-compact cars and shall have a:

- (a) minimum area of thirteen (13) square metres;
- (b) minimum length of four and eight-tenths (4.8) metres, and for parallel parking five and five-tenths (5.5) metres; and
- (c) minimum width of two and six-tenths (2.6) metres, and for parallel parking two and six-tenths (2.6) metres.

G. A strip of land not less than one and five-tenths (1.5) metres in width along the front lot line shall be adequately landscaped.

(c) The component uses within the total defined maximum gross leaseable area of 41,395 square metres shall be constructed as one building with the existing Northgate Square Shopping Centre.

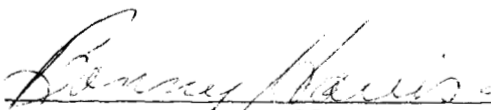
4. Pursuant to Section 39 (3) of the Planning Act, no person shall use land or erect or use a building or structure in such "Regional Shopping Centre Special 3-82 (C.Sp.No.3-82) Zone" shown on Schedule "B" attached hereto, unless each building or structure has no opening such as a door, window, vent, passageway, or any other opening below the Canadian Geodetic Datus elevation of two hundred and five-tenths (205.5) metres.
5. All buildings or structures erected or altered and the use of land in such "Regional Shopping Centre Special 3-82 (C.3Sp.No. 3-82) Zone" shall conform to all applicable provisions of By-law No. 9-69 of The Corporation of the City of North Bay.
6. By-law No. 51-73 of the City of North Bay is hereby repealed.
7. This By-law shall take effect from the date of passing by Council and shall come into force upon the approval of the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THE 15TH DAY OF FEBRUARY, 1982.

READ A SECOND TIME IN OPEN COUNCIL THE 11th DAY OF March , 1982.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 15th DAY OF March , 1982.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
DEPUTY CLERK

This is Schedule "  A  "

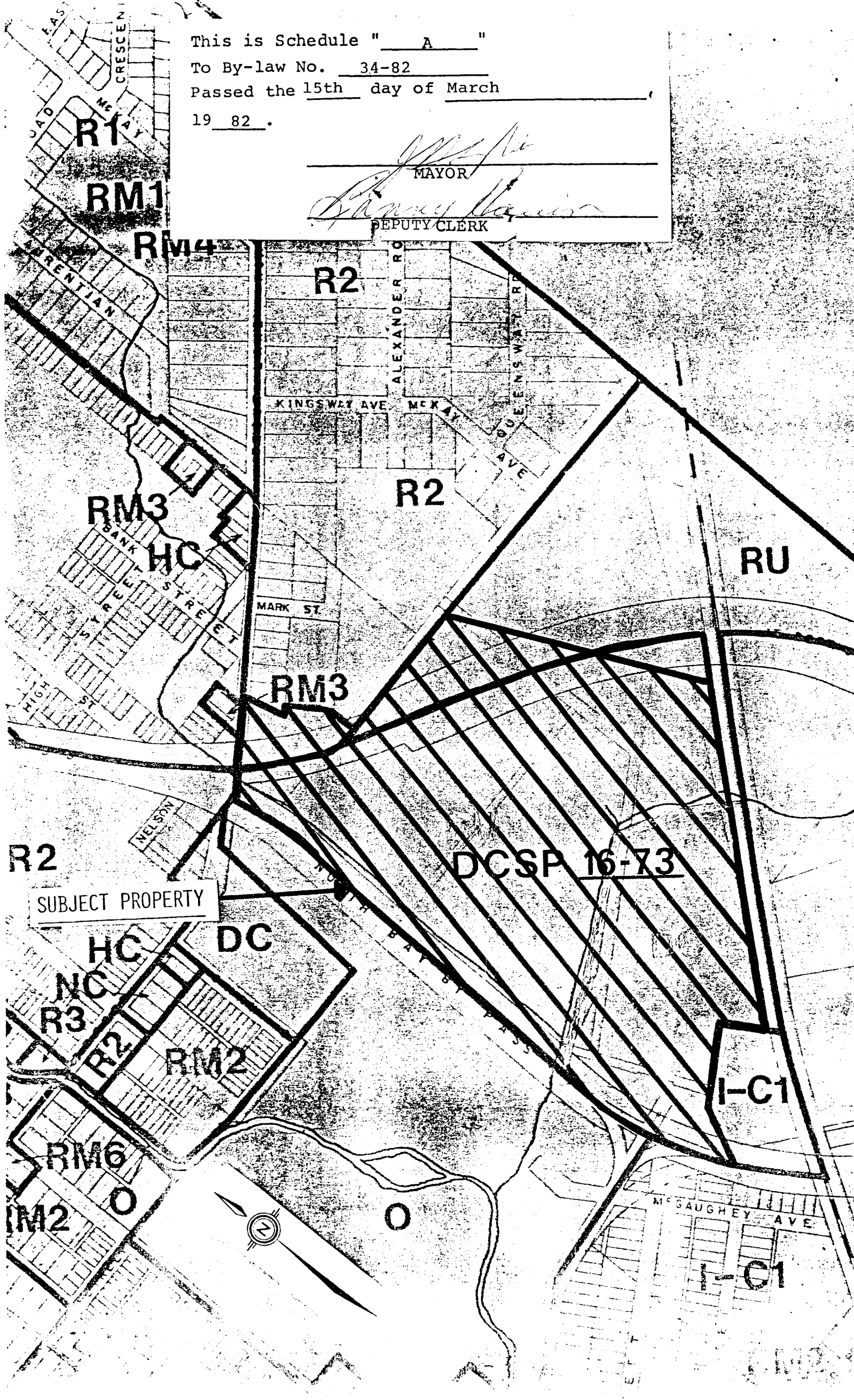
To By-law No.  34-82

Passed the  15th  day of  March

19  82  .

*[Signature]*  
MAYOR

*[Signature]*  
DEPUTY CLERK



This is Schedule " B "

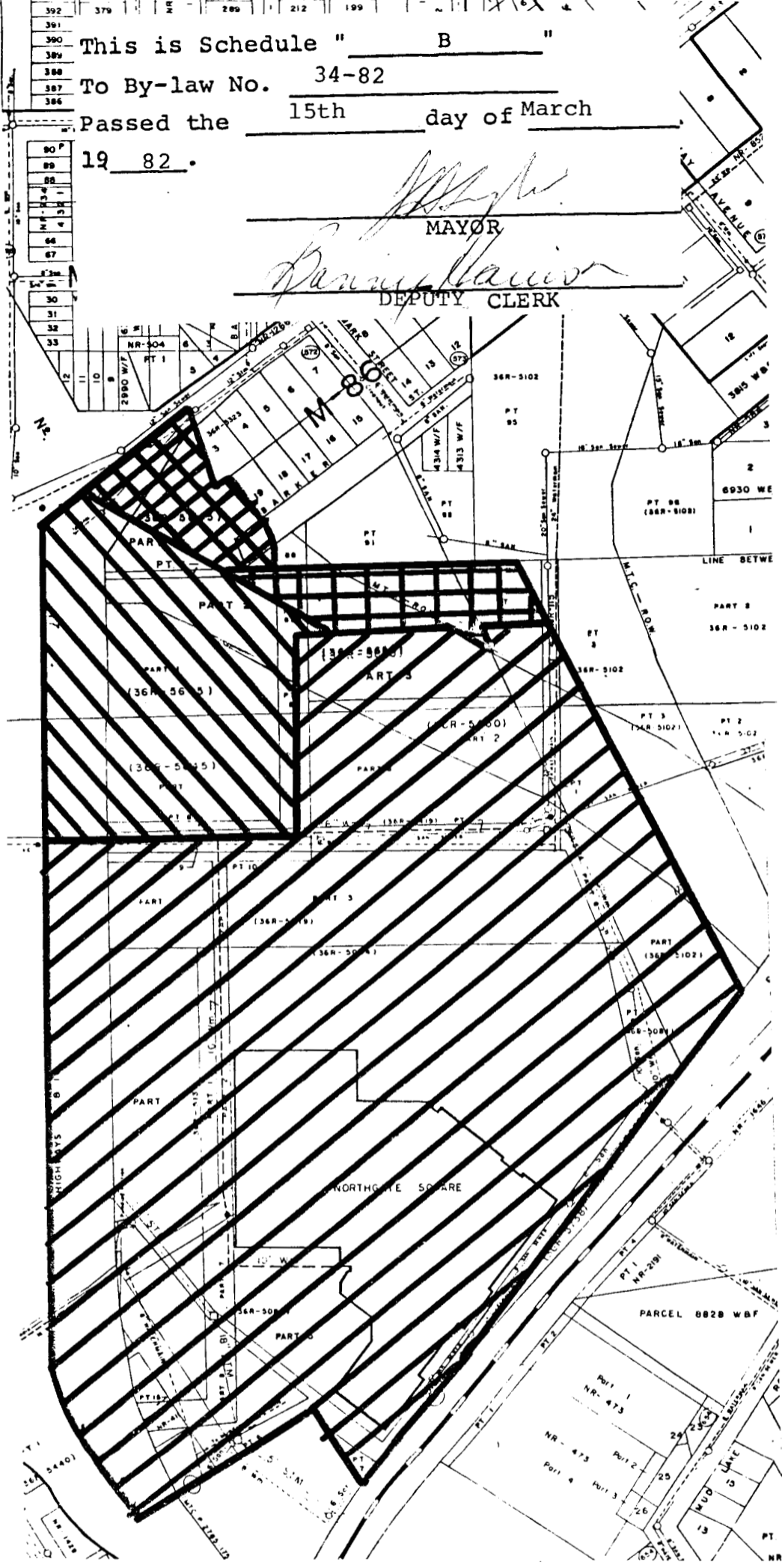
To By-law No. 34-82

Passed the 15th day of March

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MAYOR

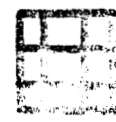
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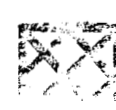
FROM "DISTRICT COMMERCIAL SPECIAL NO.16-73(DCSP16-73)" AND "RURAL(RU)" TO "REGIONAL SHOPPING CENTRE SPECIAL 3-82 (C.3SP 3-82)"



FROM "DISTRICT COMMERCIAL SPECIAL NO.16-73(DCSP16-73)" TO "DISTRICT COMMERCIAL(DC)"



FROM "RURAL(RU)" TO "DISTRICT COMMERCIAL(DC)"



FROM "RESIDENTIAL SECOND DENSITY(R.2)" TO "DISTRICT COMMERCIAL(DC)"