

**The Corporation of the City of North Bay**

**By-Law No. 2023-40**

**Being a By-Law to Amend Zoning By-Law  
No. 2015-30 to include Additional Dwelling  
Unit Policies within the City of North Bay.**

**Whereas** the Council of the Corporation of the City of North Bay has initiated amendments to the Zoning By-law to permit Additional Residential Dwelling Units;

**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 regulations 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** legal duplexes and triplexes will now be considered legal dwelling units with Additional Residential Dwelling Units;

**And Whereas** Council passed Council Resolution 2023-107 on the 28<sup>th</sup> day of February, 2023, to approve this rezoning;

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

1. That Section 2– Definitions of Zoning By-Law No. 2015-30 are hereby amended by deleting the following definitions after Dwelling:

**Dwelling, Duplex:** A separate building that is divided into two dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule.

**Dwelling, triplex:** A building that is divided into three dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule, but shall not include a townhouse.

**Dwelling Unit, Secondary:** A dwelling unit that is ancillary and subordinate to the main dwelling unit that may be contained within the main building on a lot or within an accessory building on the same lot, but not both.

2. That Section 2 – Definitions of Zoning By-Law 2015-30, are hereby amended by adding the following definitions after Dwelling:

**Dwelling Unit, Additional Residential Urban:**

A dwelling unit that is ancillary and subordinate to the main dwelling unit within the **Urban settlement area**, and connected to municipal services, permits up to three residential units within the primary building, or two units within the primary building and one residential

unit within an accessory structure. An Additional Urban Dwelling Unit is not permitted to have two dwelling units within an accessory structure(s).

**Dwelling Unit, Additional Residential Rural:**

A dwelling unit that is ancillary and subordinate to the main dwelling unit not within the Urban settlement area that may be contained within the main building on a lot or within an accessory structure on the same lot, but not both and connected to private services.

**Dwelling Unit, Additional Residential:**

The Zoning By-law will use Additional Residential Dwelling Unit when reference is made to both the Additional Residential Urban Dwelling Unit and the Additional Rural Dwelling Unit. Delete the following definitions:

3. That Section 3.12 Setback from TransCanada Pipeline Right-of-way is hereby deleted and the following inserted in lieu thereof:

"3.12.1 Where a building or structure is located adjacent to a TransCanada Pipeline right-of-way the setback from the right-of-way for habitable structures shall be 7m. For an accessory structure the setback shall be 3m."

4. That the reference to "Residential Intensification Area Section 3.39" Section 3 - General Provisions - Table of Contents, is hereby deleted.
5. That the reference to Duplex and Triplex in the table in Section 3.15, is hereby deleted.

6. That Section 3.20.1.1 is hereby deleted and the following inserted in lieu thereof:

"3.20.1.1 It shall not be **used** for human habitation, except where the **dwelling** is a permitted **accessory use** or is a permitted **additional urban residential dwelling unit** or an **additional rural residential dwelling unit**"

7. That Section 3.20.1.4.4 is hereby deleted.

8. That Section 3.20.2.1 Secondary Dwelling Unit is hereby amended to the following:

**"3.20.2.1 Additional Residential Dwelling Unit -**

**An additional dwelling unit** may be permitted within:

- a) A **single detached dwelling** or an accessory building thereto;
- b) A **semi-detached dwelling** or an accessory building thereto;

- c) A **townhouse (cluster, stacked, or street front)** dwelling or an accessory building thereto;

provided that a maximum of two **additional residential dwelling units** shall be permitted within the **Urban Settlement Area** and connected to municipal services and one **additional residential dwelling unit** shall be permitted within the Rural Area of the City.

Additional residential dwelling units which were illegal on the passing of this By-law must meet all the required criteria for an **additional residential dwelling unit** and receive a change of use permit under the Building Code to be considered a legal **additional residential dwelling unit**.

Notwithstanding the above, an **additional residential dwelling unit(s)** are not permitted:

- a) Within a dwelling unit or an accessory building within the Parkland (P), Open Space (O), Rural Residential Lakefront (RRL), Floodway (O1) and the Floodplain and Erosion (O2) Zones;
  - b) Within a dwelling unit or accessory building that is permitted in a non-residential zone in Section 6 and 7 of this By-law; and
  - c) Within a dwelling unit or an accessory building on the un-serviced properties within 300 metres of Trout Lake and any major inflowing streams as identified on Schedule 'E' of Zoning By-law 2015-30;
9. That Sections 3.20.2.4, 3.20.2.5 and 3.20.2.6 are hereby deleted and the following inserted in lieu thereof:

**"3.20.2.4 Additions or Alterations** to the main **Dwelling unit** or new construction of an **Additional Residential Dwelling Unit**:

An addition or exterior alteration to a single detached, semi-detached or townhouse dwelling or the construction of a new **dwelling unit** to permit an **additional residential dwelling unit** is permitted provided it does not result in the creation of:

- a) An exterior staircases constructed in the Front Yard to access any storey above the first storey.

#### **3.20.2.5 Additional Residential Dwelling Units in Accessory Buildings**

Where an **additional residential dwelling unit** is located in an accessory building to the primary dwelling the additional residential dwelling unit:

- a) shall not be permitted to be a mobile home or recreational vehicle;
- b) shall not be permitted to be a boat house;
- c) an **Additional Residential Urban Dwelling Unit** shall meet the setback and height requirements of Section 3.20;

- d) an **Additional Residential Rural Dwelling Unit** shall meet the accessory structure setback and height requirements of Table 10D;
- e) shall have a maximum gross floor area of 75% of the ground floor area of the primary dwelling on the lot;
- f) an **Additional Residential Urban Dwelling Unit** shall have a maximum total lot coverage including all other accessory buildings of 30%;
- g) an **Additional Residential Rural Dwelling Unit**, including all other accessory structures and the primary dwelling, shall have a maximum total lot coverage as permitted in Table 10C.
- h) an **Additional Residential Rural Dwelling Unit** shall be located no more than 30 metres from the primary dwelling;
- i) In the Rural General (A) or Rural Residential Estate (RRE) zones, shall only have one driveway from the publicly maintained road; and
- j) there shall be no another additional residential dwelling unit within an accessory structure on the property.

**3.20.2.6 Parking for Additional Residential Dwellings Units**

**Additional residential dwelling units** are required to provide 0.5 parking spaces per unit, in addition to the parking required under Section 4.13.”

- 10. That the reference to Duplex and Triplex in Section 3.28.1.5 is hereby deleted.
- 11. That Section 3.37.2 is hereby deleted and the following inserted in lieu thereof:  
 “3.37.2 **Additional residential dwelling units** are permitted in accordance with Section 3.20.2.1”
- 12. That Section 3.39 Residential Intensification Area is hereby deleted.
- 13. That Section 4.2 General Parking Regulations is hereby amended by deleting the following wording from the last sentence of the first paragraph, as follows:  
 “or any **dwelling** within the Residential Intensification Area.”
- 14. That Section 4.2.1.1 is hereby deleted and the following inserted in lieu thereof:  
 “**Additional residential dwelling units** are required to provide 0.5 parking space per unit, in addition to the parking required under Section 4.13.”
- 15. That Section 4.13, Table is hereby amended by adding the following in row one and deleting the following in row 2:

Use	Minimum Parking Required
Single Detached, Semi-detached, Street Front Townhouse, and Stacked Street Front Townhouse.	2 <b>parking spaces</b> per <b>dwelling unit</b> and an additional 0.5 parking space for each <b>additional dwelling unit.</b>
<del>Duplex, Triplex, Fourplex</del>	

16. That Table 5A- Permitted Low Density Residential Uses is hereby amended by deleting Duplex Dwelling and Triplex Dwelling and adding a new column for Additional Residential Urban Dwelling Units and deleting Special Provisions for Table 5A (Permitted Low Density Residential Uses) 2):

Use	R1	R2	R3	R4	R5	R6
Additional Residential Urban Dwelling Unit	X	X	X		X	X

~~2\_ A Secondary dwelling unit is permitted in the low density residential uses provided all other provisions of the Zoning By law are being complied with.~~

17. That Table 5B – Low Density Residential Regulations is hereby amended by deleting the references to duplex and triplex and amending Special Provisions for Table 5B (Low Density Residential Regulations): 11 and 12, with the following:.
- “11. Permitted **additional residential dwelling units** are not included as a unit for minimum lot area and minimum lot frontage.
12. A Group Home Type 1 is not permitted an **additional residential dwelling unit**”.
18. Table 5B is hereby amended by adding the number (11) and (12) in the column “Other Provisions” in the following columns, table is shown for illustration purposes:

Zone	Use	Other Provisions
R1	Single Detached Dwelling	(11)
R2	Single Detached Dwelling	(11)
R3	Single Detached Dwelling	(11)
R3	Semi-Detached Dwelling	(11)
R5	1 Storey Single Detached Dwelling or Group Home Type 1	(11), (12)
R5	1 ½ storey or greater Single Detached Dwelling or Group Home Type 1	(11), (12)
R5	Semi-detached Dwelling	(11)
R6	Semi-detached dwelling	(11)
R6	Cluster Townhouse	(7),(8),(11)
R6	Stacked Townhouse	(7), (8), (11)
R6	Street Front Townhouse	(7),(8),(11)

19. That Table 6B, Special Provisions for Table 6B is hereby amended by deleting references to a duplex dwelling and a triplex dwelling and adding the following row to include Additional Residential Urban Dwelling Unit:

Use	C1	C2	C3	C4	C5	C6	C6F	C6L	C7
Additional Residential Urban Dwelling Unit	X(1)	X							

20. That Table 7B, Special Provisions for Table 7B is hereby deleted and the following inserted in lieu thereof:

“2) An **additional residential dwelling unit** is not permitted within any Industrial Zone”.

21. That Special provisions for Table 10B (Non-Residential Uses and Regulations) is hereby amended by adding the following:

“9) An **additional residential dwelling unit** is not permitted within a non-residential use.”

and by adding (9) to Other Provisions in Table 10B.

22. That Table 10C is hereby amended by adding “Additional Residential Rural Dwelling Unit” in the table as follows after the 2<sup>nd</sup> row, 4<sup>th</sup> row, 6<sup>th</sup> row, 14<sup>th</sup> row, see below for what is to be added:

<b>Zone</b>	<b>Use</b>	<b>Minimum Lot Area (ha)</b>	<b>Maximum Lot Coverage</b>	<b>Frontage (m)</b>	<b>Front Yard Setback (m)</b>	<b>Side Yard Setback (m)</b>	<b>Rear Yard Setback (m)</b>	<b>Maximum Height (m)</b>	<b>Other Provisions</b>
A	Additional Rural Residential Dwelling Unit	2	30%	60(1)	15	7.5	15	10.5	(8)
A	Additional Rural Residential Dwelling Unit	0.4	30%	60(1)	15	7.5	15	10.5	(8)
A	Additional Rural Residential Dwelling Unit	0.15	30%	30(1)	15	7.5	15	10.5	(8)
RRE	Additional Rural Residential Dwelling Unit	1.2	5%	60	15	15	15	10.5	(8)

23. That Special Provisions for Table 10C (Residential Uses and Regulations Table) is hereby amended by adding Special provision 8, as follows:

“8) **Additional Rural Residential Dwelling Units** located in an accessory structure will be required to follow the regulations in Section 3.20.2.5 and Special Provisions for Table 10D (Accessory Buildings, Structures and Uses).”

24. That Table 10D – Accessory Buildings, Structures and Uses is hereby amended by adding the following information:

Accessory Use	A	RRL	RRE	RME	RC	RMC	RN
Additional Residential Rural Dwelling Units	X (3) (4) (5)		X (3) (4) (5)				

25. 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.

26. This By-Law shall come into effect upon passage and the adoption of Official Plan Amendment #31.

27. This By-Law is in conformity with the City of North Bay’s Official Plan as amended by Official Plan Amendment #31.

Read a First Time in Open Council the 11th day of April, 2023.

Read a Second Time in Open Council the 11th day of April, 2023.

Read a Third Time in Open Council and Passed this 11th day of April, 2023.

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Mayor Peter Chirico

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Deputy City Clerk Veronique Hie