

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2008-142**

**A BY-LAW TO AMEND BY-LAW NO. 28-80 TO  
IMPLEMENT CHANGES TO THE POLICIES AND REGULATIONS  
(GENERAL REVIEW & UPDATE)**

**WHEREAS** a general review of Zoning By-law No. 28-80 recommended changes to the text and Schedules of the 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** the Council has deemed it desirable to amend the text and zone designations of By-law No. 28-80 as indicated herein, pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

**AND WHEREAS** Council passed a resolution on May 26<sup>th</sup>, 2008 to approve this amendment to Zoning By-law No. 28-80.

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

1) The Schedules to Zoning By-law 28-80 are amended, as follows:

- i) Schedule "B-41" is amended by changing the zoning designation of the lands shown as hatched on Schedule "1" attached hereto from a "Residential Multiple Second Density (RM2)" zone to a "Neighbourhood Commercial (C5)" zone.
- ii) Schedule "C7" is amended by changing the zoning designation of the lands shown as hatched on Schedule "2" attached zone hereto from a "Rural (A)" to a "Industrial Special No. 1a (M Sp.1a)" zone.
- iii) Schedule "C6" is amended by changing the zoning designation of the lands shown as hatched on Schedule "3" attached hereto from a "Rural (A)" zone to a "Rural Commercial (RC)" zone.
- iv) Schedule "B-83" is amended by changing the zoning designation of the lands shown as hatched on Schedule "4" attached hereto from a "Rural Commercial (RC)" zone to a "Highway Commercial (C6)" zone.
- v) Schedule "B-70" is amended by changing the zoning designation of the lands shown as hatched on Schedule "5" attached hereto from a "Tourist Commercial (C7)" zone and an "Open Space (O)" zone to a "Residential Multiple Second Density (RM2)" zone.

2) **Section 2 – Definitions** of Zoning By-law 28-80 are amended, as follows:

- i) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:  
  
"APIARY means a place where bees, bee hives or bee colonies are kept for the purpose of producing honey".
- ii) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:  
  
"GENERATOR means an emergency or stand-by machine that runs on fuel, battery or other power source that generates and converts mechanical energy into electrical energy, and is not used as the main source of power."
- iii) The definition of "Group Home Type 1" in Section 2 of Zoning By-law 28-80 is deleted in its entirety and replaced with the following:  
  
"GROUP HOME TYPE 1 means a single housekeeping unit in which up to four (4) residents (excluding the staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents, and the group home is licensed or approved under Provincial Statute under the jurisdiction of the Ontario Ministry of Community and Social Services. No supervision or treatment shall be provided to any person who is not a resident in the home."

- iv) The definition of “Group Home Type 2” in Section 2 of Zoning By-law 28-80 is deleted in its entirety and replaced with the following:

“**GROUP HOME TYPE 2** means an occupancy in which up to eight (8) patients (excluding the staff or receiving family) live and receive treatment under responsible supervision consistent with the requirements of its residents, and the group home is licensed or approved under Provincial Statute under the jurisdiction of the Ontario Ministry of Community and Social Services.”

- v) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**GROUP HOME TYPE 3** means a residence maintained and operated primarily for persons who have been placed on probation under the provisions of the Children's Probation Act, the Criminal Code (Canada), the Young Offenders Act (Canada), or any Act passed to replace the foregoing Acts, or persons who have been released on parole under the provisions of the Ministry of Correctional Services Act or Parole Act (Canada), or any Act that has been passed to replace the foregoing Acts, or persons who have been charged under the Young Offenders Act (Canada) but who has been placed in open or secure custody. A Group Home Type 3 may include a Group Home Type 1, Group Home Type 2, or a supervised residence.”

- vi) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**LABORATORY** means a building, or part thereof, used for research, testing, evaluation and development, medical and/or dental testing, experimentation and/or research.”

- vii) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**POST-SECONDARY INSTITUTION** means a university or college as defined by Provincial legislation.”

- viii) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**PRIVATE PLAY SPACE**, often referred to as a “Tot Lot”, means a dedicated space, usually enclosed, at or above finished grade that is landscaped and equipped.”

- ix) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**SOLAR FARM** means any device or combination of devices employed in the collection of direct solar radiation for the purposes of heating or cooling a building, heating water, generating electricity or otherwise converting solar rays into usable forms of energy.”

- x) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**SPECIAL OCCASION TENTS OR STRUCTURES** means an outdoor venue that can accommodate a variety of special events including but not limited to concerts, festivals, fundraising activities, ceremonies and wedding receptions and provides covered open space.”

- xi) Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**STACKING SPACES** shall be defined as a vehicle space that shall be an area measuring 2.5 metres by 6 metres with direct forward access to a service window of a drive-through facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic manoeuvring, or other required parking areas.

- xii) Section 2 of Zoning By-law 28-80 is amended by inserting the following new definition:

“**TEMPORARY GARAGE** means a prefabricated shelter, usually constructed with a metal or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the temporary storage of vehicles or other equipment.”

- xiii) Section 2 of Zoning By-law 28-80 is amended by inserting the following new definition:

“**UTILITY TRAILER** means a trailer primarily used for the storage of equipment and supplies for any trade. Utility Trailers may only be used for storage purposes and may not be used to accommodate work areas, shops, office uses or retail sales or any other form of occupancy.”

xiv) Section 2 of Zoning By-law 28-80 is amended by inserting the following new definition:

“**VEHICLE** means a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the Motor Vehicle Amendment Act.”

xv) Section 2 of Zoning By-law 28-80 is amended by adding the following to the end of the definition of “Yard, Minimum Front”:

In the case of water frontage along a shoreline, the minimum front yard is measured from the surveyed normal waters edge to the nearest main wall of the building or structure on the lot.

3) **Section 3 – General Provisions** of Zoning By-law 28-80 are amended, as follows:

i) Section 3.5.2 of Zoning By-law 28-80 shall be amended to include “unless the structure was destroyed by fire or other act of nature” on second line, following “market value”

ii) Section 3.6 of Zoning By-law 28-80 shall be amended to remove “or renovated provided that:” from fourth line and adding “, renovated or rebuilt as a result of destruction by fire or other act of nature provided that:”

iii) Section 3.6.3 of Zoning By-law 28-80 shall be amended to include “, unless the structure was destroyed by fire or other act of nature” on fifth line, following “is the greater”

iv) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

3.11 Special Event Tents or Structure shall only be permitted during the time period of a single special event, which shall not exceed 7 days in length, and shall be removed when the use for which they were erected is terminated.

v) Section 3.16 of Zoning By-law 28-80 shall be amended to include the following new subsection:

	<b>Structure</b>	<b>Yard In Which Projection Is Permitted</b>	<b>Maximum Project from <i>Main Wall</i> Permitted</b>
3.16.9	Generators	Front, Rear and Exterior Side Yard only In the Rural (A) zone, it shall also be permitted in the Interior Side Yard	1.2 metres

vi) Section 3.17 of Zoning By-law 28-80 shall be amended to include “permitted in the rear yard only and shall be” on the first line, following “shall be”.

vii) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

3.25 **Utility trailers** are permitted in residential, industrial and commercial zones, subject to the provisions of this By-law for the particular zone in which said utility trailer is located.

viii) Section 3.25.11 is deleted in its entirety.

ix) Section 3.25.12 is deleted in its entirety.

x) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

3.25.15 **Special Occasion Tents or Structures** are permitted in all zones and shall only be permitted during the time period of a single special event, which shall not exceed 7 days in length, and shall be removed when the use for which they were erected is terminated.

xi) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

3.25.16 **Temporary Garages** are permitted in all residential zones. These **Temporary Garages** are only permitted in the side exterior, side interior yard and rear yard, subject to the provisions of this By-law for the particular zone in which said **Temporary Garage** is located in.

xii) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

3.26.3 For the purposes of calculating parking spaces for industrial uses, the minimum number of parking spaces shall be drawn on a site plan for each new development and redevelopment to demonstrate how the necessary parking requirement is being met

3.26.3.1 The necessary parking requirement shall be shown as to be constructed or as an area reserved for parking to meet the parking requirement

xiii) Section 3.26 (x) of Zoning By-law 2-80 is amended by including the following under “Minimum Parking Required”:

Stacking spaces for drive-through or drive-in uses may not be counted as required off-street parking spaces.”

xiv) Section 3.26 of Zoning By-law 28-80 shall be amended to include the following new subsection:

	<b>TYPE OF BUILDING</b>	<b>MINIMUM PARKING REQUIRED</b>
3.26 (y)	Secondary Institution	1) <i>parking space</i> per fifty (50) square metres of <i>floor area</i>

3) Section 3 of Zoning By-law 28-80 is amended by renumbering the section in its entirety.

4) **Section 5 – Residential Zones** of Zoning By-law 28-80 is amended, as follows:

i) Section 5.2.1 of Zoning By-law 28-80 is amended by including “Group Home Type 1” as a permitted use in the following zones:

R1, R2, R3, R4, R5, RM1 and RM2

ii) Section 5.2.1 of Zoning By-law 28-80 is amended by including “Group Home Type 2” as a permitted use in the following zones:

RM1, RM2, RM3 and RM4

5) **Section 6 – Commercial Zones** of Zoning By-law 28-80 are amended, as follows:

i) Section 6.1.3 of Zoning By-law 28-80 is amended by deleting the existing subsection in its entirety and replacing it with “No outside storage shall be permitted in the front yard or any yard abutting a residential use, a street or a laneway.”

ii) Section 6.2.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 1” as a permitted use, and replacing it with “Group Home Type 2”

iii) Section 6.3.1 of Zoning By-law 28-80 is amended by replacing the words “, except for one of the following uses” with “, except for one or more of the following uses”

iv) Section 6.3.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 1” as a permitted use, and replacing it with “Group Home Type 2”

v) Section 6.5.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 1” as a permitted use, and replacing it with “Group Home Type 3”

vi) Section 6.7.1.2 of Zoning By-law 28-80 is amended by deleting the current text and replacing it with “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.”

6) **Section 7 – Industrial Zones** of Zoning By-law 28-80 are amended as follows:

i) Section 7.2.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”

- ii) Section 7.2.1.1 of Zoning By-law 28-80 is amended by adding “Laboratory” as a permitted use.
  - iii) Section 7.4.1.2 of Zoning By-law 28-80 is amended by including “Metal Fabrication” in the list of permitted uses.
  - iv) Section 7.4.1.3 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”
  - v) Section 7.5.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”
  - vi) Section 7.6.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”
  - vii) Section 7.7.1.1 of Zoning By-law 28-80 is amended by adding “Group Home Type 3” in the list of permitted uses.
  - viii) Section 7.7.1.1 of Zoning By-law 28-80 is amended by adding “Laboratory” in the list of permitted uses.
  - ix) Section 7.9.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”
  - x) Section 7.10.1.1 of Zoning By-law 28-80 is amended by deleting “Group Home Type 2” as a permitted use, and replacing it with “Group Home Type 3”
- 7) **Section 9 – Institutional Zone** of Zoning By-law 28-80 is amended, as follows:
- i) Section 9.1 of Zoning By-law 28-80 is amended by adding “Group Home Type 3” as a permitted use.
  - ii) Section 9.1 of Zoning By-law 28-80 is amended by adding “Solar Farm” as a permitted use.
- 8) **Section 10 – Rural Zones** of Zoning By-law 28-80 are amended, as follows:
- i) Section 10.1.2 of Zoning By-law 28-80 is amended to include “Apiary (Bee Farm)” as permitted use.
  - ii) Section 10.1.2 of Zoning By-law 28-80 is amended to include “Commercial Agriculture” as permitted use.
  - iii) Section 10.1.2 of Zoning By-law 28-80 is amended to include “Solar Farm” as permitted use.
  - iv) Section 10.1.3 of Zoning By-law 28-80 is amended by including the following new subsection:

Permitted Use	Min. Lot Area sq.	Min. Lot Frontage	Min. Floor Area	Max. Lot Coverage	Required Front & Rear Yards	Required Side yards
iii) Intra-Family	2 hectares	61 metres	79 sq m	30%	15 m – 15 m	7.6 m

- v) Section 10.2.2.8 of Zoning By-law 28-80 is amended by adding in the following new subsection:
  - 10.2.2.8.1 Where a road creates a natural severance of the property, the portion of land between the normal surveyed waters edge and the road shall have a maximum Lot Coverage of 10% including the main building and all accessory uses, buildings or structures, but not including any portion of the private sewage disposal system
- vi) Section 10.3.2.8 of Zoning By-law 28-80 is amended by adding in the following new subsection:

10.3.2.8.1 Where a road creates a natural severance of the property, the portion of land between the normal surveyed waters edge and the road shall have a maximum Lot Coverage of 10% including the main building and all accessory uses, buildings or structures, but not including any portion of the private sewage disposal system

- vii) Section 10.5.1 of Zoning By-law 28-80 is amended to include "Solar Farm" as a permitted use.
  - viii) Section 10.6.1 of Zoning By-law 28-80 is amended by replacing the words ", except for one of the following uses" with ", except for one or more of the following uses"
  - ix) Section 10.6.1 of Zoning By-law 28-80 is amended to include "Solar Farm" as a permitted use.
  - x) Section 10.6 of Zoning By-law 28-80 is amended to include the following new subsection:  

10.6.5 Outside Storage in the front yard is permitted only for the purpose of display of goods for sale by the owner, excluding a flea market.
  - xi) Section 10.8.1 of Zoning By-law 28-80 is amended by adding "Group Home Type 3" as a permitted use.
  - xii) Section 10.8.1 of Zoning By-law 28-80 is amended by adding "Solar Farm" as a permitted use.
- 9) 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. 545/06 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 26<sup>TH</sup> DAY OF MAY, 2008.

READ A SECOND TIME IN OPEN COUNCIL THE 26<sup>TH</sup> DAY OF MAY, 2008.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 9<sup>TH</sup> DAY OF JUNE, 2008.

"original signature on file"

DEPUTY MAYOR PETER CHIRICO

"original signature on file"

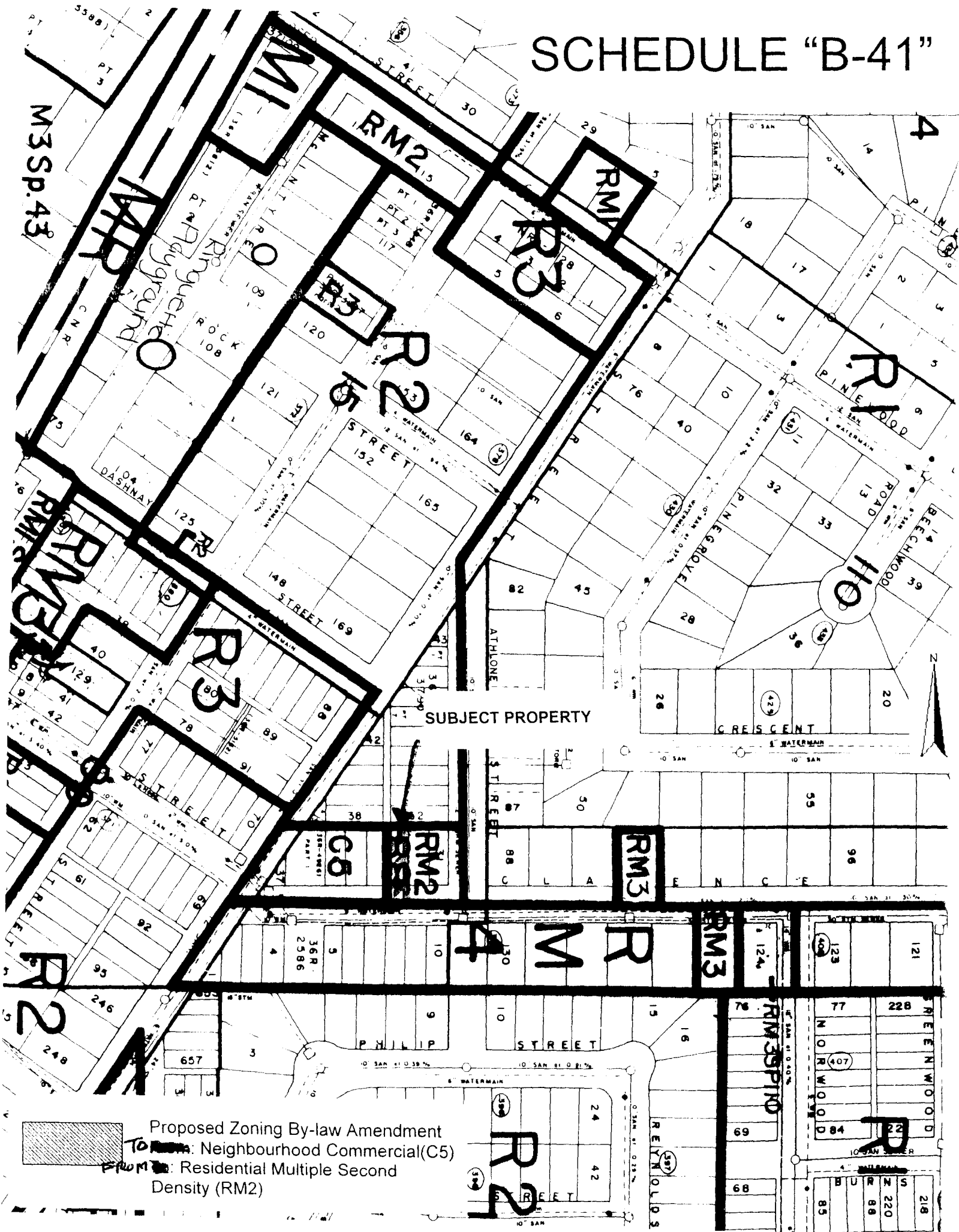
CITY CLERK CATHERINE CONRAD

This is Schedule "A"  
To By-Law No. 2008-142  
Passed the 9<sup>th</sup> day of June, 2008

Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

# SCHEDULE "B-41"



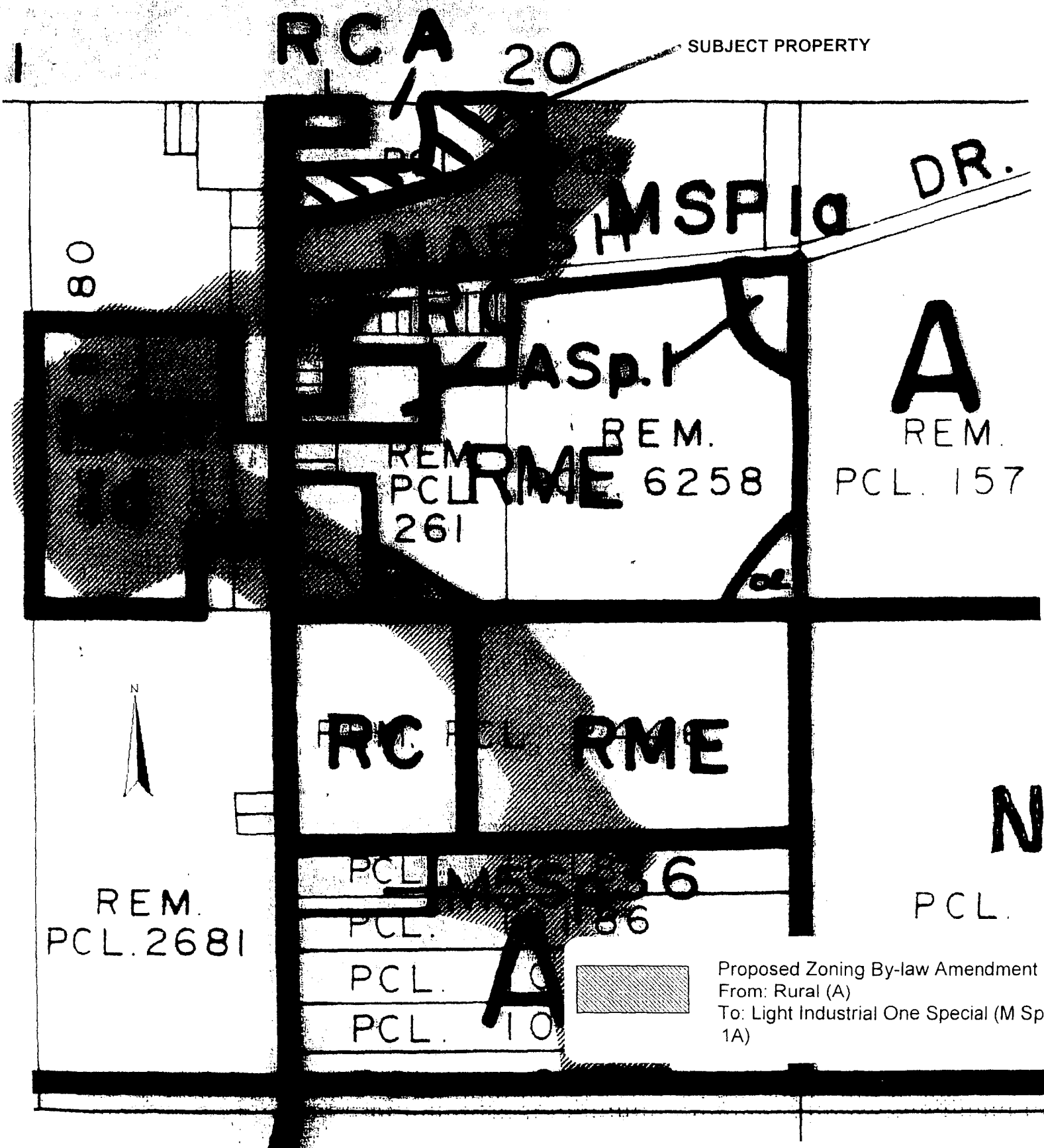
Proposed Zoning By-law Amendment  
To ~~RM2~~: Neighbourhood Commercial(C5)  
From ~~RM2~~: Residential Multiple Second  
Density (RM2)

This is Schedule "B"  
To By-Law No. 2008-142  
Passed the 9<sup>th</sup> day of June, 2008

Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

# SCHEDULE "C7"

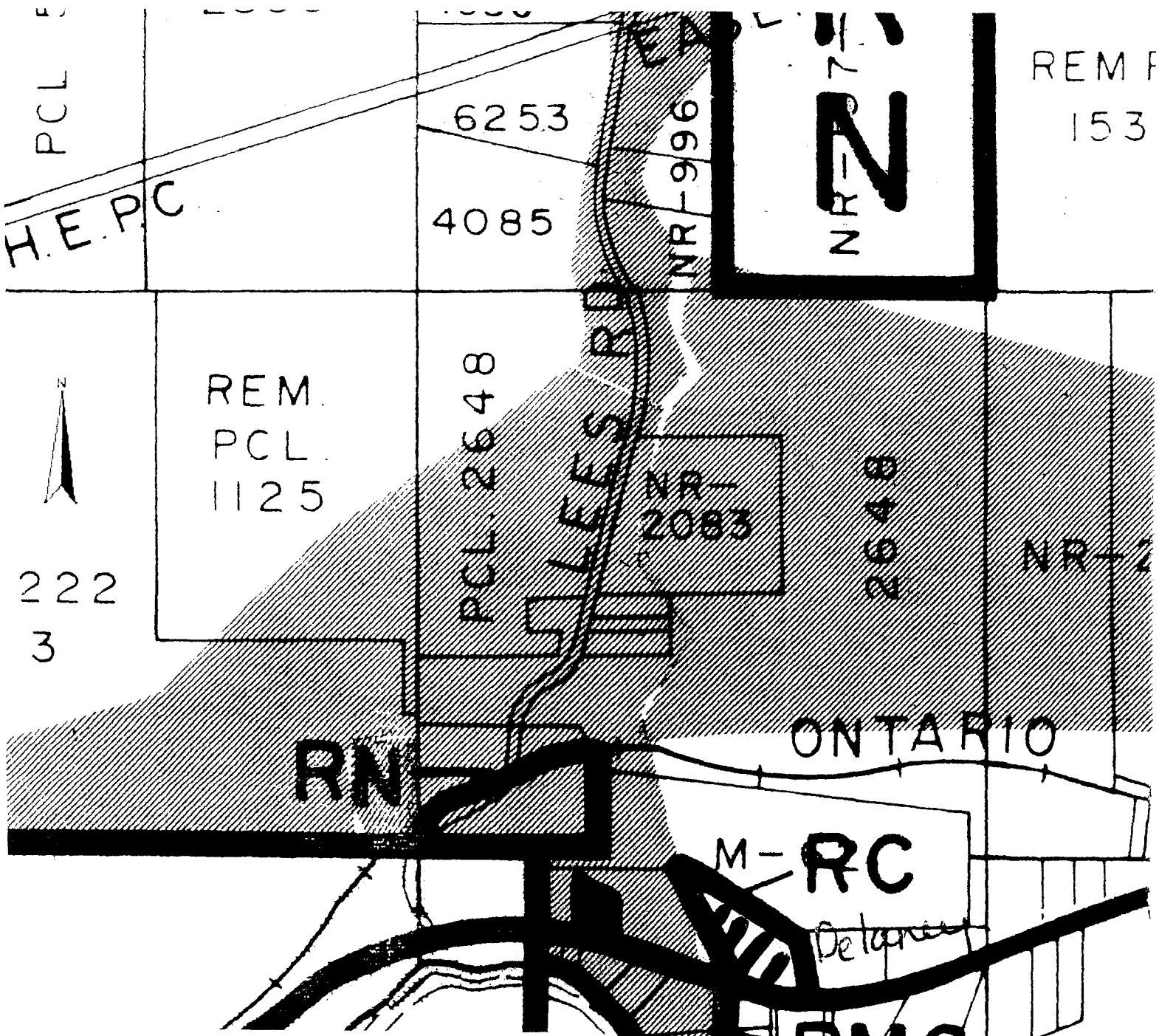




Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

# SCHEDULE "C6"



Proposed Zoning By-law Amendment  
From: Rural (A)  
To: Rural Commercial (RC)

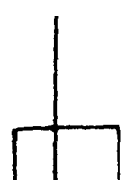


Proposed Zoning By-law Amendment  
From: Rural Commercial (RC)  
To: Rural (A)

DELANEY



PCL 3456



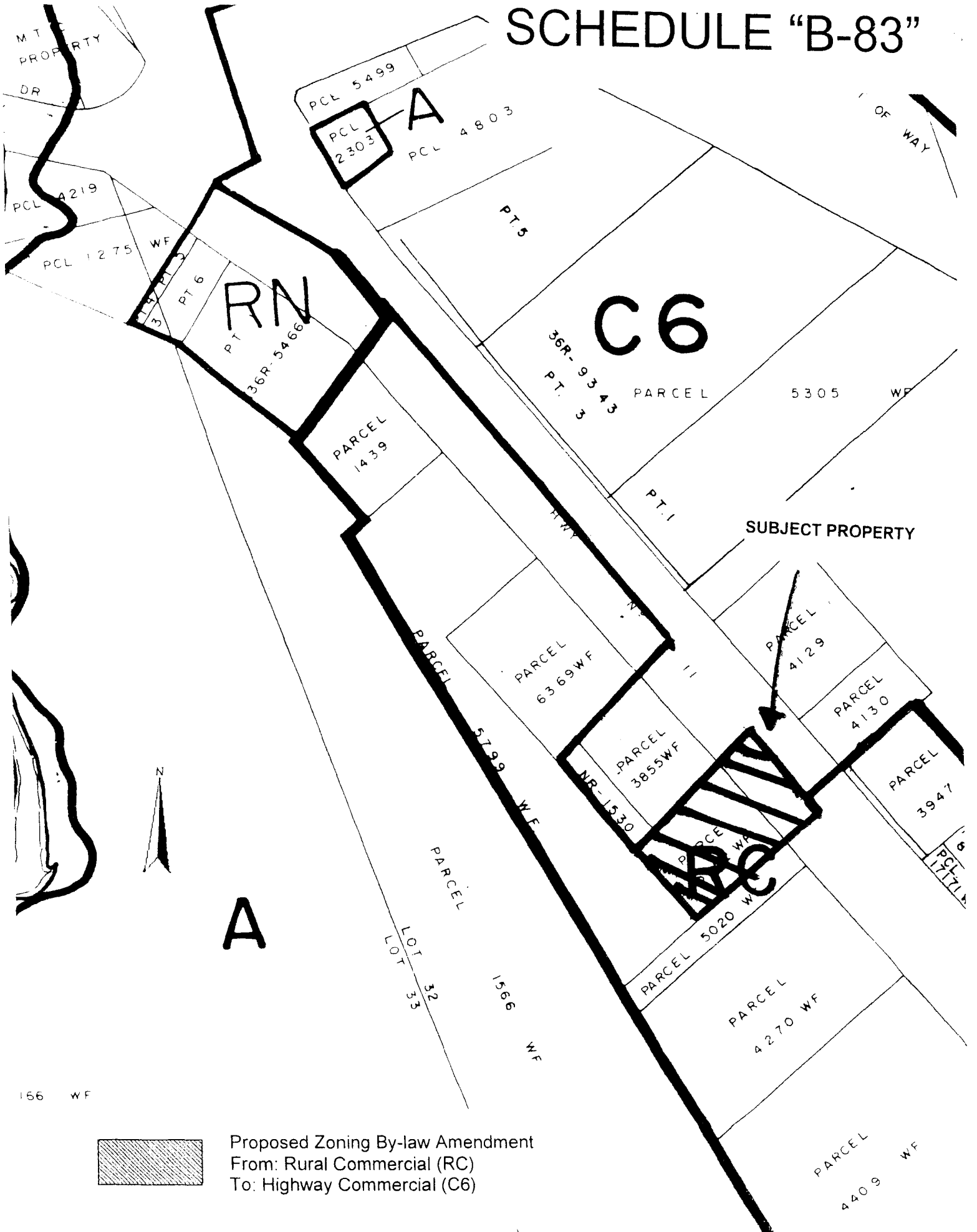
PCL 47

This is Schedule "D"  
To By-Law No. 2008-142  
Passed the 9<sup>th</sup> day of June, 2008

Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

# SCHEDULE "B-83"



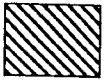
Proposed Zoning By-law Amendment  
From: Rural Commercial (RC)  
To: Highway Commercial (C6)

This is Schedule "E"  
To By-Law No. 2008-142  
Passed the 9<sup>th</sup> day of June, 2008

Deputy Mayor Peter Chirico

City Clerk Catherine Conrad

# SCHEDULE "B-70"



Proposed Zoning By-law Amendment  
From: "Tourist Commercial (C7)" and "Open  
Space (O)" zone To: "Residential Multiple  
Second Density (RM2)" zone

RM4 Sp. 37

SUBJECT PROPERTY

