

# The Corporation of the City of North Bay

## By-Law No. 2019-35

### A By-Law to Amend By-Law No. 2015-30 being the Comprehensive Zoning By-law for the City of North Bay (General Review and Update)

**Whereas** a comprehensive review of Zoning By-law No. 2015-30 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 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. 2015-30 as indicated herein, pursuant to Section 34 of the Planning Act, R.S.O. 1990 as amended;

**And Whereas** Council passed Community Services Committee Report CS-2019-07 adopted by Council on June 4, 2019 by Resolution No. 2019-234 to approve this amendment to Zoning By-law No. 2015-30.

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

#### Interpretation & Administration

- 1) Section 1 of Zoning By-law 2015-30 is amended, as follows:
  - a. Section 1.13 is deleted in its entirety and is replaced with the following:

“Every person who contravenes any provision of this By-law is guilty of an offence against the Planning Act and on conviction is liable to the penalties as provided for in the Planning Act.”

#### Definitions

- 1) Section 2 of Zoning By-law 2015-30 is amended, as follows:
  - a. Section 2 of Zoning By-law 2015-30 is amended by replacing “*Day Nurseries Act, R.S.O. 1990, c. D.2*” replaced with “*Child Care and Early Years Act, 2014, S.O. 2014, c.11, Sched.1*”.
  - b. Section 2 of Zoning By-law 2015-30 in the definition of “Officer” the words “Managing Director, Community Services” are replaced with “Director, Community Development and Growth”
  - c. Section 2 of Zoning By-law 2015-30 is amended to add the following at the end of the definition for “Pet Daycare Facility”:

“For the purpose of this By-law, the North Bay District Humane Society shall be considered a Pet Daycare Facility with the exception of the hours of operation.”
  - d. Section 2 of Zoning By-law 2015-30 is amended the definition of “vegetative buffer” is deleted in its entirety and replaced with:

“**Vegetative Buffer:** An area of dense vegetation intended to slow runoff, trap sediment, or create a natural buffer/screening”.

- e. Section 2 of Zoning By-law 2015-30 is amended and the following new definition be added:

**“Vegetative Buffer, Riparian:** Is an area of dense vegetation next to a waterbody intended to slow runoff and trap sediment.”

#### General Provisions

- 1) Section 3 of Zoning By-law 2015-30 is amended as follows:
  - a. Section 3.20.1.2 of Zoning By-law No. 2015-30 is amended to delete the word “interior” and replace it with “exterior” in the first line.
  - b. Section 3.20 is amended by adding the following section after 3.20.1.10:

“3.20.1.11 Within the Rural (A) and the Rural Residential Estate (RRE), accessory buildings will be permitted in the front yard, provided they comply with the front yard setback of the main use in the Rural (A) and the Rural Residential Estate (RRE), see Table 10C”.
  - c. Section 3.50.4 is amended by deleting the following “Ontario Municipal Board” and replacing it with “Local Planning Appeal Tribunal (LPAT)”.

#### Parking and Loading Space Provisions

- 1) Section 4 of Zoning By-law 2015-30 is amended as follows:
  - a. Section 4.14.2 of Zoning By-law 2015-30 is amended to add the words:

“An agreement entered into by the owner of the building and the municipality shall provide for the making of such payments to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.”
  - b. Section 4.15 of Zoning By-law 2015-30 is amended to read:

“Except where the total floor area is less than 300m<sup>2</sup>, 1 loading space shall be required for every 1,860m<sup>2</sup> of the total floor area. i.e. 301m<sup>2</sup> = 1 loading space, 1861m<sup>2</sup> = 2 loading spaces”

#### Residential Zones

- 1) Section 5 of Zoning By-law 2015-30 is amended as follows:
  - a. Table 5A of Zoning By-law No. 2015-30 is amended by adding the word “Accessory” next to ‘Day Nursery’ under the ‘Use’ column.
  - b. Special Provisions for Table A (Permitted Low Density Residential Uses): (1) is deleted in its entirety and replaced with the following:

“(1) An Accessory Day Nursery is permitted within an institutional or public building located within a residential zone. Institutional buildings include schools, churches, a public or private club or other similar uses. An Accessory Day Nursery is subject to the provisions of the Child Care and Early Years Act, 2014, and any successor or amendment there to”.

### Commercial Zones

- 1) No changes are proposed to Section 6 of Zoning By-law 2015-30.

### Industrial Zones

- 1) Section 7 of Zoning By-law 2015-30 is amended as follows:
  - a. Table 7A of Zoning By-law No. 2015-30 is amended by adding an "X (3)" next to the uses "Industrial Class 1" and "Industrial Class 2" under the column labeled "M4".
  - b. Special Provisions for Table 7A is amended by the addition of the following new provision: "3) Industrial Class 1 and Industrial Class 2 uses are permitted provided that they do not require full municipal services and subject to an agreement between the prospective industry and the City."

### Open Space Zones

- 1) No changes are proposed to Section 8 of Zoning By-law 2015-30.

### Institutional Zones

- 1) No changes are proposed to Section 9 of Zoning By-law 2015-30.

### Rural Zones

- 1) Table 10D – Accessory Buildings, Structures and Uses, is amended by adding the special provision after 8):
  - 9) "An accessory building is permitted within the front yard provided it complies with the front yard setback of the main use".

### Special Zones

- 1) Section 11 of Zoning By-law 2015-30 is amended as follows:
  - a. Schedule B-44 is amended by changing the zoning designation of the property known locally as 361 McPhail Street and 369 McPhail Street (as shown on the attached Schedule A) from a "Residential Sixth Density Special No. 68 (R6 Sp. 68)" zone to a "Residential Sixth Density Special No. 126 (R6 Sp. 126)" zone and text of Section 11.1.68 of the Zoning By-law No. 2015-30 relating to this property be renumbered to Section 11.1.126 accordingly.
  - b. Schedule B-44 is amended by changing the zoning designation of the property known locally as 417 Dudley Avenue (as shown on the attached Schedule B) from a "Residential Sixth Density Special No. 22 (R6 Sp. 22)" zone to a "Residential Sixth Density Special No. 124 (R6 Sp.124)" zone and text of Section 11.1.22 the Zoning By-law No. 2015-30 relating to this property be renumbered to Section 11.1.124 accordingly.
  - c. Schedule B-45 is amended by changing the zoning designation of Frank Court Subdivision (as shown on attached Schedule 'C') from a "Residential Fifth Density Special No.78 (R5 Sp.78)" to a "Residential Fifth Density (R5)" zone and Section 11.1.78 is deleted in its entirety.
  - d. Schedule B-52 is amended by changing the zoning designation of an unaddressed property located on John Street (as shown on the attached Schedule 'D') from a "Residential Sixth Density Special No. 21 (R6

Sp.21) zone to a “Residential Sixth Density Special No. 123 (R6 Sp.123)” zone and text of Section 11.1.21 the Zoning By-law No. 2015-30 relating to this property be renumbered to Section 11.1.123 accordingly.

- e. Section 11.1.84.1 is amended by deleting the section in its entirety and replacing it with the following:

“11.1.84.1 The property description of this Residential Second Density Special Zone No. 84 (R2 Sp. 84) is Part of Block 47, Plan M-595, Part 1, 36R-13601.

Section 11.1.84.3 is amended by deleting the section in its entirety and replacing it with the following:

“i) That the driveway be setback 0m from the intersection of two street lines”.

- f. Section 11.3.11.2 is amended by changing the permitted uses from a “restaurant not to exceed 2,000m<sup>2</sup> in gross floor space” to a “restaurant not to exceed 186m<sup>2</sup> in gross floor space.”

- g. Section 11.1.130 is added after Section 11.1.129.

“Section 11.1.130 Residential First Density Special Zone No.130 (R1Sp.130)

11.1.130.1 The property description of this “Residential First Density Special Zone No. 130 (R1 Sp.130)” is PIN # 49134-0213, PCL 42-1 SEC 36M595; LT 42 PLM595 WIDDIFIELD; S/T LT321667; NORTH BAY; DISTRICT OF NIPISSING being 77 Janey Avenue in the City of North Bay as shown on the attached Schedule and Schedule “B-36”.

11.1.130.2 The regulations for the Residential First Density Special Zone No. 130 (R1 Sp. 130) are as follows:

- i) The exterior side yard setback shall be 1.2 metres; and
- ii) That the driveway be setback 7 metres from the intersection of two street lines.

11.1.130.3 The use of land or building in the Residential First Density Special Zone No. 130 (R1 Sp. 130) shall conform to all other regulations of this By-law, except as hereby expressly varied”.

1. Section 11 of By-law No.2015-30 is further amended by inserting “Residential First Density Special No.130 (R1 Sp.130)” as shown on Schedule “E” to this By-law.

#### Schedules

1) Section 12 of Zoning By-law 2015-30 is amended as follows:

- a. Schedules B-35 and B-36 are amended by rezoning a portion of the subject property (as shown on the attached Schedule ‘F’) from “Parkland (P)” to a “Residential First Density Holding (R1H)” zone.
- b. Schedule B-36 is amended by rezoning a portion of the subject property (as shown on the attached Schedule ‘G’) from a “Residential Third Density (R3)” to a “Residential Third Density Holding (R3H)” zone.

- c. Schedule B-36 is amended by rezoning a portion of the subject property (as shown on the attached Schedule 'H') from "Open Space (O)" to a "Residential First Density (R1)" zone.
- d. Schedule B-36 is amended by rezoning the entire property (as shown on the attached Schedule 'E') from a "Residential First Density (R1)" to a "Residential First Density Special No. 130 (R1 Sp.130)" zone.
- e. Schedule B-44 is amended by rezoning the entire property (as shown on the attached Schedule 'A') from a "Residential Sixth Density Special No.68 (R6 Sp.68)" zone to a "Residential Sixth Density Special No. 126 (R6 Sp.126)" zone.
- f. Schedule B-44 is amended by rezoning the entire property (as shown on the attached Schedule 'B') from a "Residential Sixth Density Special No.22 (R6 Sp.22)" zone to a "Residential Sixth Density Special No.124 (R6 Sp.124)" zone.
- g. Schedule B-45 is amended by rezoning the entire property (as shown on the attached Schedule 'C') from a "Residential Fifth Density Special No.78 (R5 Sp.78)" zone to a "Residential Fifth Density (R5)" zone.
- h. Schedule B-52 is amended by rezoning the entire property (as shown on the attached Schedule 'D') from a "Residential Sixth Density No.21" to a "Residential Sixth Density Special No.123 (R6 Sp.123)" zone.
- i. Schedules B-71 and B-80 are amended by rezoning the subject properties on Lakeshore Drive and Lake Nipissing (as shown on the attached Schedule 'I') from a "Residential Multiple Special No.68 (RM2 Sp.68)" zone to a "Tourist Commercial (C7)" zone.
- j. Schedule C-7 is amended by rezoning the subject properties on Trout Lake (as shown on attached Schedule 'J') from a "Rural Residential Lakefront Special No.9 (RRL Sp.9)" zone to a "Rural Residential Lakefront Special No.6 (RRL Sp.6)" zone, from a "Rural Residential Lakefront Special No.8 (RRL Sp.8)" zone to a "Rural Residential Lakefront Special No.7 (RRL Sp.7)" zone, from a "Rural Residential Lakefront Special No.7 (RRL Sp.7)" zone to a "Rural Residential Lakefront Special No.8 (RRL Sp.8)" zone, and from a "Rural Residential Lakefront Special No.6 (RRL Sp.6)" zone to a "Rural Residential Lakefront Special No.9 (RRL Sp.9)" zone.

**Read a First Time in Open Council this 4<sup>th</sup> Day of June 2019.**

**Read a Second Time in Open Council this 4<sup>th</sup> Day of June 2019.**

**Read a Third Time in Open Council and Passed this 4<sup>th</sup> Day of June 2019.**

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**Mayor, Allan McDonald**

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**City Clerk, Karen McIsaac**

# Schedule A



This is Schedule "A"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

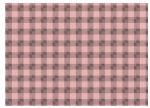
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Mayor, Allan McDonald

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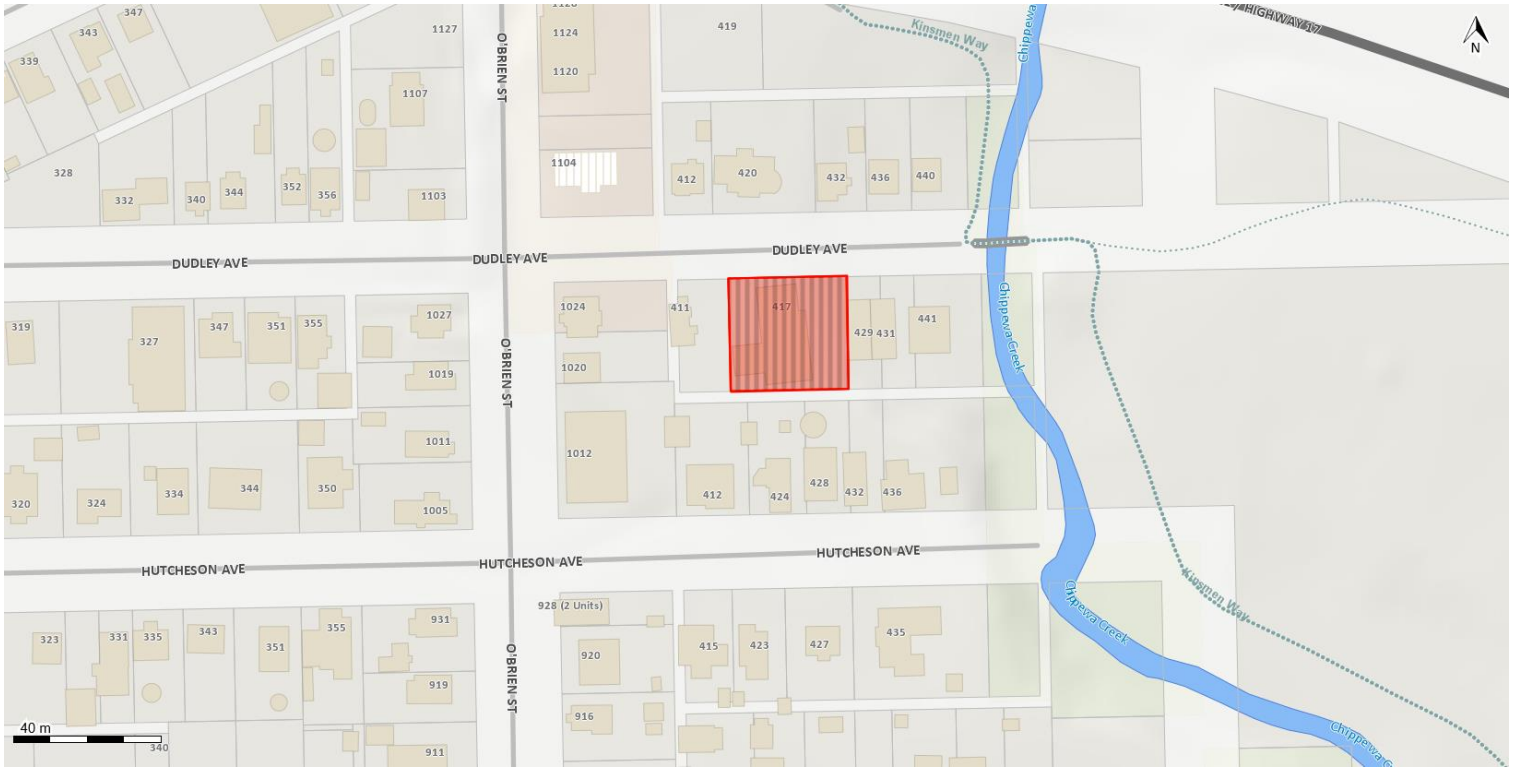
City Clerk, Karen McIsaac

## Legend



From "Residential Sixth Density Special No. 68 (R6 Sp. 68)" to "Residential Sixth Density Special No. 126 (R6 Sp. 126)"

## Schedule B



This is Schedule "B"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

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Mayor, Allan McDonald

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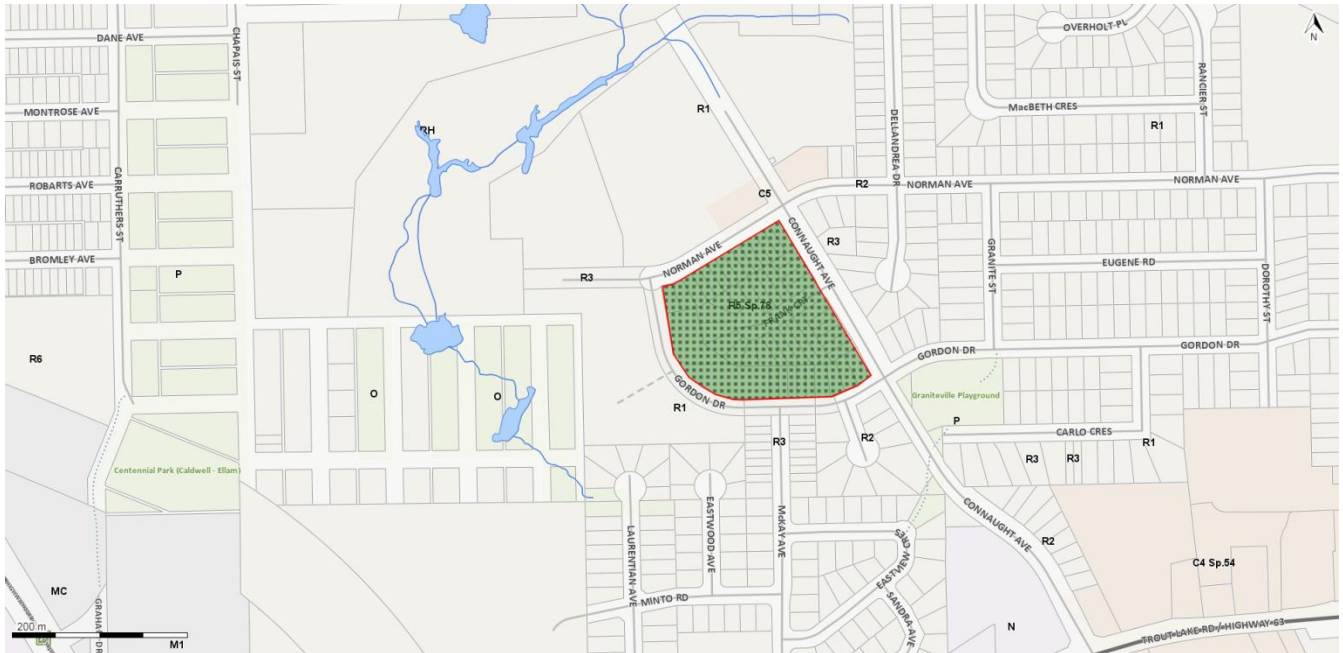
City Clerk, Karen McIsaac

### Legend



From "Residential Sixth Density Special No. 22 (R6 Sp. 22)" to "Residential Sixth Density Special No. 124 (R6 Sp. 124)"

# Schedule C



This is Schedule “C”  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

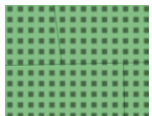
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Mayor, Allan McDonald

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City Clerk, Karen McIsaac

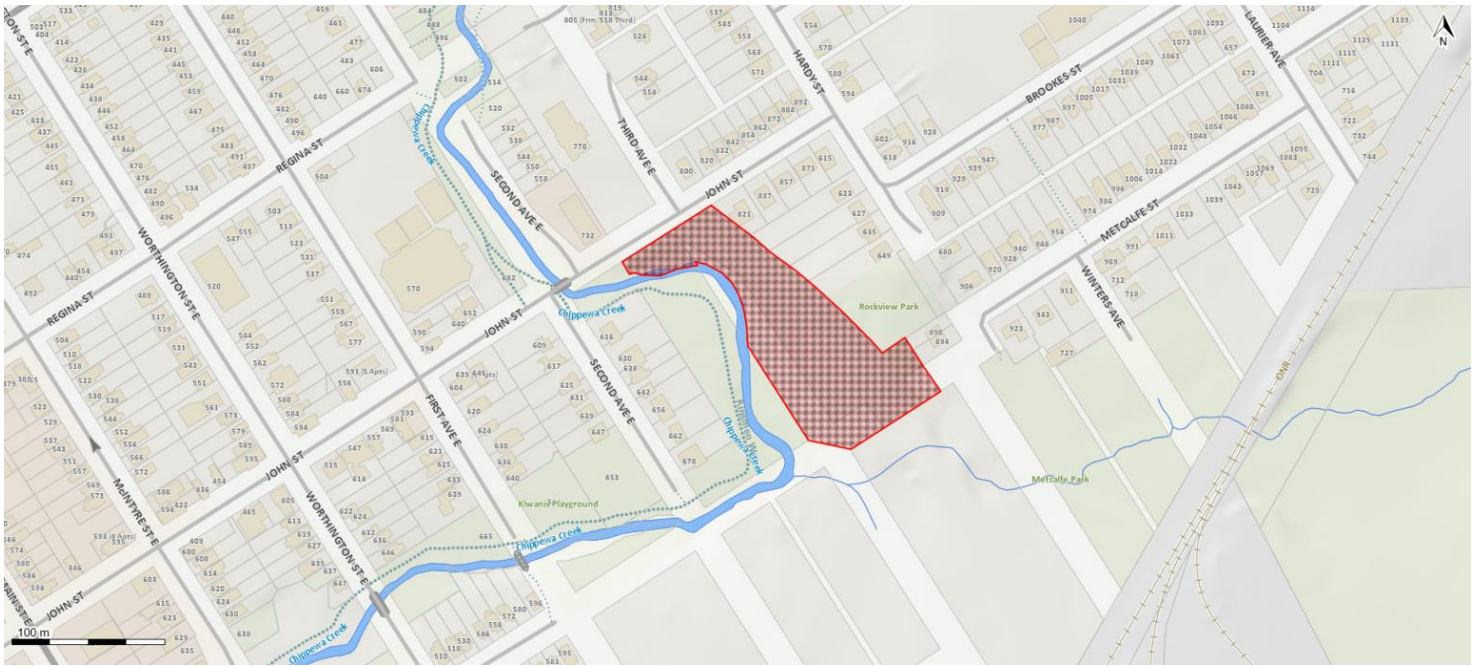
## Legend



From “Residential Fifth Density Special Zone No.78 (R5 Sp.78)” zone to a  
“Residential Fifth Density (R5)”



## Schedule D



This is Schedule "D"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

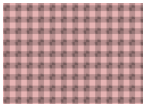
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Mayor, Allan McDonald

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City Clerk, Karen McIsaac

### Legend



From "Residential Sixth Density Special No. 21 (R6 Sp. 21)" to "Residential Sixth Density Special No. 123 (R6 Sp. 123)"

## Schedule E



This is Schedule “E”  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

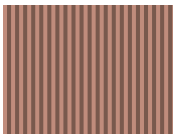
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Mayor, Allan McDonald

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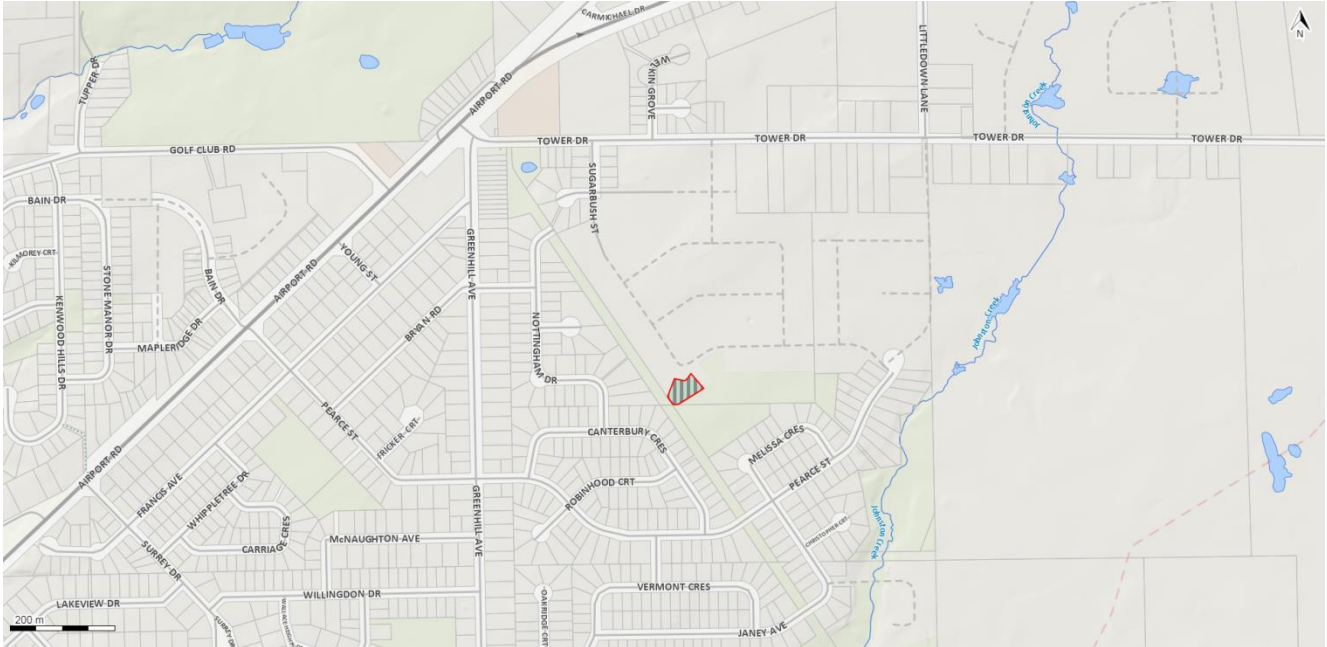
City Clerk, Karen Mclsaac

### Legend



From “Residential First Density (R1)” to “Residential First Density Special Zone No. 130 (R1 Sp. 130)”

# Schedule F



This is Schedule “F”  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

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Mayor, Allan McDonald

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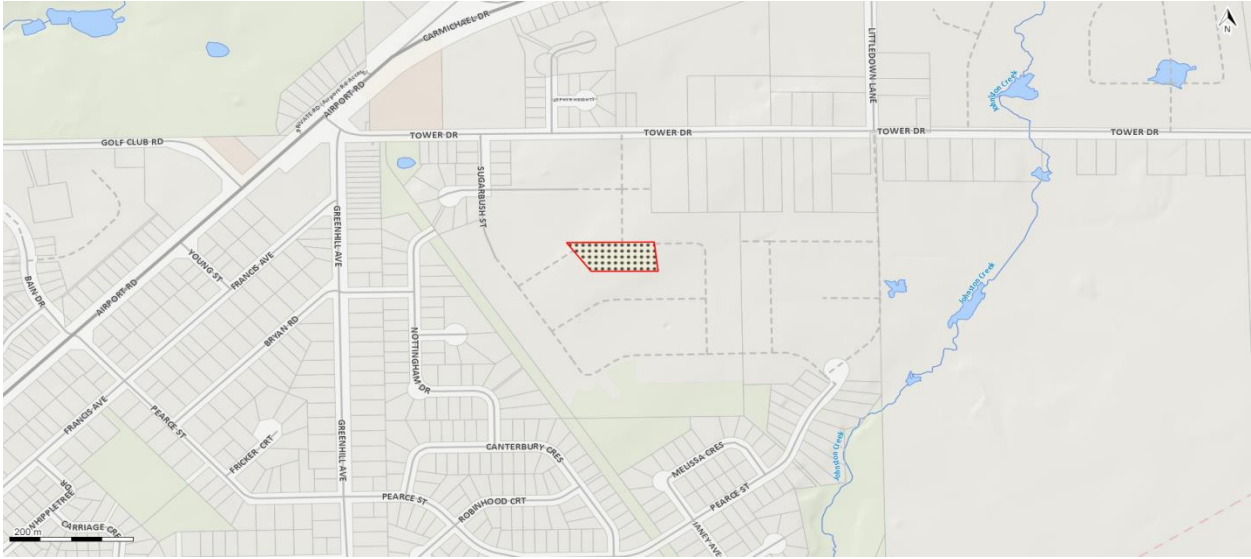
City Clerk, Karen Mclsaac

## Legend



From “Parkland (P)” to a “Residential First Density Holding (R1H)”

## Schedule G



This is Schedule "G"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

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Mayor, Allan McDonald

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City Clerk, Karen Mclsaac

### Legend



From "Residential Third Density (R3)" to "Residential Third Density Holding (R3H)"

## Schedule H



This is Schedule “H”  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

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Mayor, Allan McDonald

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City Clerk, Karen McIsaac

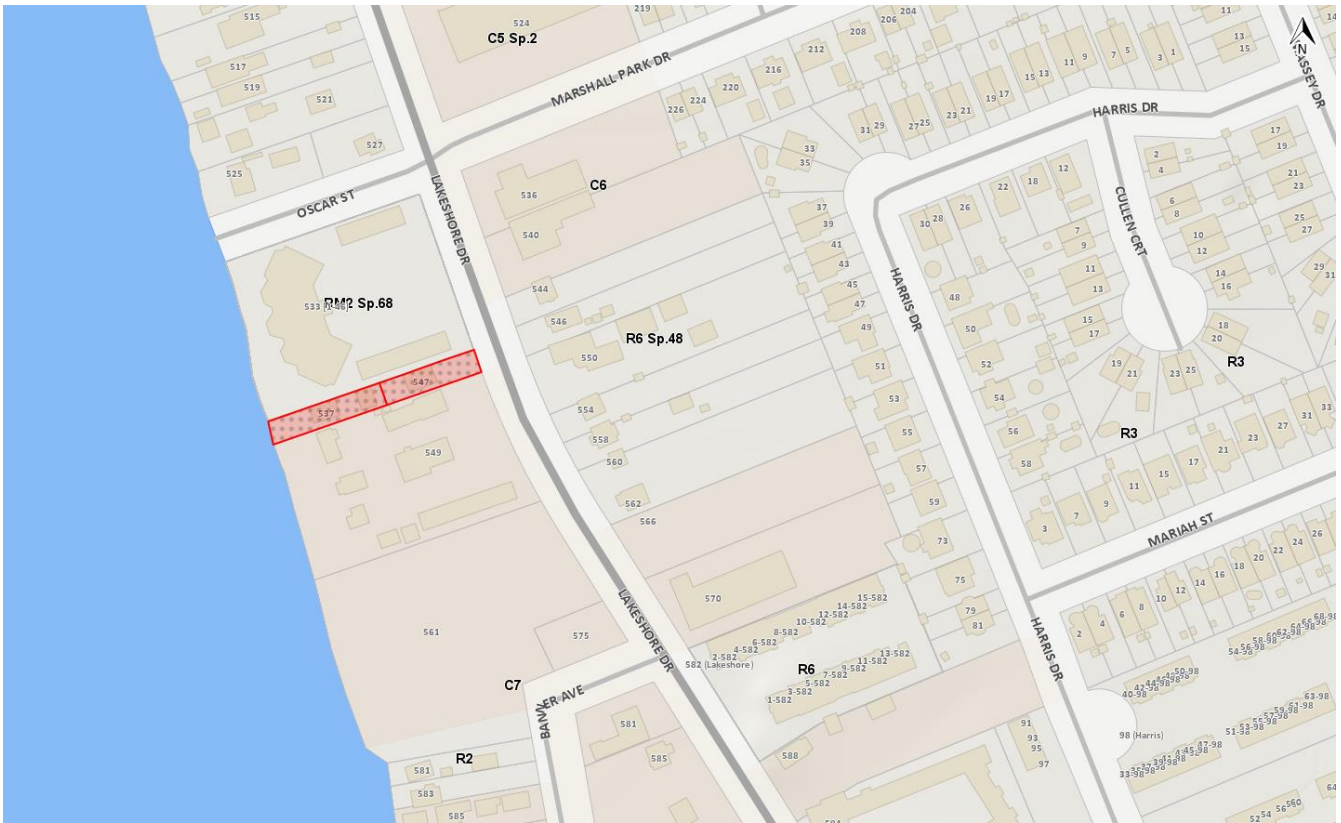
### Legend



From “Open Space (O)” zone to a “Residential First Density (R1)”



# Schedule I



This is Schedule "I"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

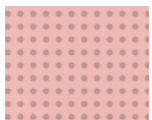
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Mayor, Allan McDonald

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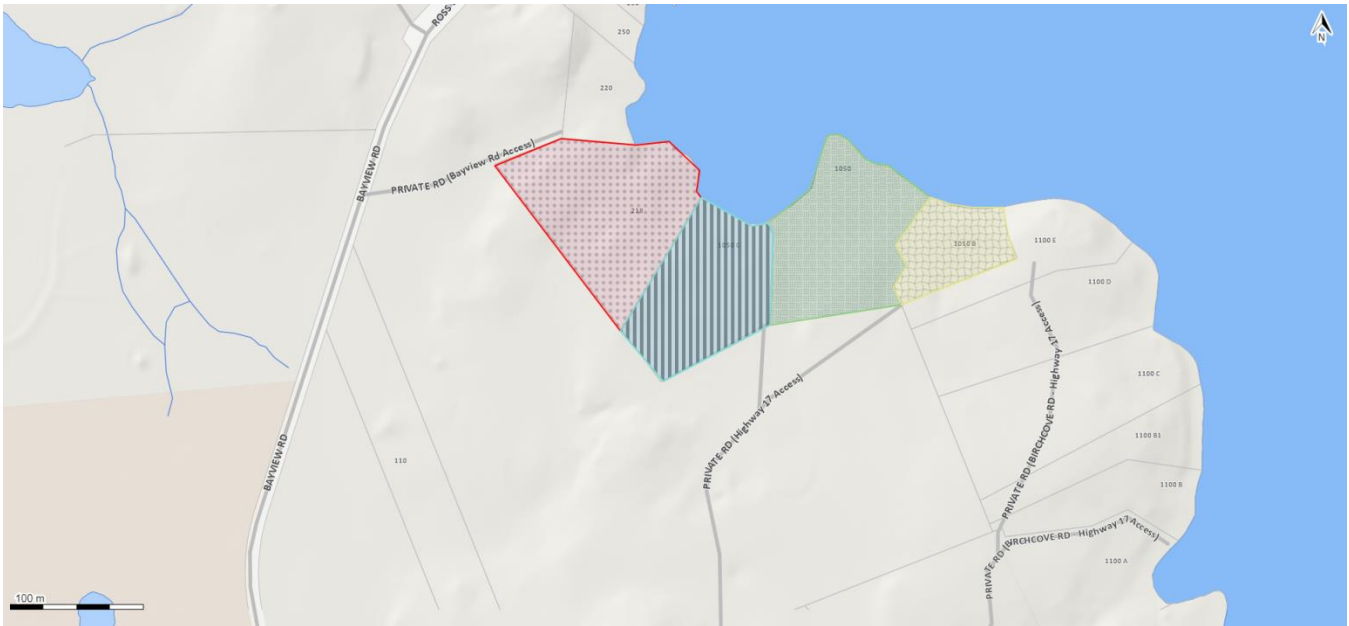
City Clerk, Karen McIsaac

## Legend



From "Residential Multiple Special No.68 (RM2 Sp.68)" zone to a "Tourist Commercial (C7)"

## Schedule J



This is Schedule "J"  
To By-law No. 2019-35

Passed on the 4<sup>th</sup> Day of June 2019.

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Mayor, Allan McDonald

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City Clerk, Karen McIsaac

### Legend



From "Rural Residential Lakefront Special No.6 (RRL Sp.6)" zone to a "Rural Residential Lakefront Special No.9 (RRL Sp.9)"



From "Rural Residential Lakefront Special No.7 (RRL Sp.7)" zone to a "Rural Residential Lakefront Special No.8 (RRL Sp.8)"



From "Rural Residential Lakefront Special No.8 (RRL Sp.8)" zone to a "Rural Residential Lakefront Special No.7 (RRL Sp.7)"



From "Rural Residential Lakefront Special No.9 (RRL Sp.9)" zone to a "Rural Residential Lakefront Special No.6 (RRL Sp.6)"