

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

**BY-LAW NO. 2011-205**

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

**WHEREAS** a comprehensive 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 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 September 19, 2011 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:**

SCHEDULES

- 1) The Schedules Section of Zoning By-law No. 28-80 are amended, as follows:
  - a. Schedule B-42 of Zoning By-law 28-80 are amended by changing the zoning designation of the lands shown as hatched on Schedule "A" attached hereto from a "Residential Multiple Third Density (RM3)" zone to a "District Commercial (C4)" zone.
  - b. Schedule B-50 of Zoning By-law 28-80 is amended by changing the zoning designation of the lands shown as hatched on Schedule "B" attached hereto from a "Residential Multiple First Density (RM1)" zone to a "Residential Multiple Second Density (RM2)" zone.
  - c. Schedule B-50 of Zoning By-law 28-80 is amended by changing the zoning designation of the lands shown as hatched on Schedule "B" attached hereto from a "Residential Multiple Second Density (RM2)" zone to a "Residential Multiple First Density (RM1)" zone.

DEFINITIONS

- 2) Section 2 of the Zoning By-law 28-80 is amended, as follows:
  - a. The definition of "Boarding, Lodging or Rooming House" in Section 2 of the Zoning By-law No. 28-80 is amended by deleting the words "Supervised Residence,"
  - b. The definition of "Dwelling, Single Detached" in Section 2 of the Zoning By-law No. 28-80 is deleted in its entirety and replaced with the following:

"DWELLING, SINGLE DETACHED means a completely detached dwelling unit in which cooking and sanitary facilities are provided for the exclusive use of the household. A SINGLE DETACHED DWELLING is used as a single housekeeping unit in which no occupant has exclusive use of any part of the unit."
  - c. The definition of "Group Home Type 3" in Section 2 of Zoning By-law No. 28-80 is amended by deleting the words "Supervised Residence".
  - d. The definition of "Institutional Use" in Section 2 of Zoning By-Law No. 28-80 is amended by replacing the words "and Group Home Type 2" with the words ", Group Home Type 2 and Group Home Type 3".
  - e. Section 2 of Zoning By-law 28-80 is amended by adding the following new definition:

“**Pharmacy** means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items. A pharmacy may also sell food products. No more than 30% of the total Commercial Floor Space may be devoted to food products.”

- f. Section 2 of Zoning By-law No. 28-80 is amended by removing “Supervised Residence” and its definition from the By-law.

GENERAL PROVISIONS

3) Section 3 of the Zoning By-law 28-80 is amended as follows:

- a. Section 3.16.5 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.
- b. Section 3.16.6 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.
- c. Section 3.16.7 of Zoning By-law No. 28-80 is amended by deleting the words “and including handicap ramps” from the Structure Section.
- d. Section 3.16 of the Zoning By-law No. 28-80 is amended to include the following new subsection :

	<b>Structure</b>	Yard In Which Projection Is Permitted	Maximum Project from <i>Main Wall</i> Permitted
3.16.11	Brick Façade / Siding	Any Yard	0.1 metres

- e. Section 3.25.16 of Zoning By-law No. 28-80 is amended to remove “Freight containers are permitted in industrial, commercial, institutional and open space zones, subject to the provisions of this By-law for the particular zone in which said freight container is located.”
- f. Section 3.26.k) of the Zoning By-law No. 28-80 is deleted.
- g. Section 3.26.6 of Zoning By-law No. 28-80 is amended by deleting “5% of the required parking spaces in a public parking area shall be reserved for accessible parking spaces” and replaced with the following:

“Section 3.26.6 A minimum number of accessible parking spaces must be provided, as per the below table:

Minimum number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces
10 – 30	1
31 – 60	2
61 – 90	3

1 additional Accessible Parking Space for each additional 30 parking spaces or part thereof.”

- h. Section 3.26.6.a) is amended by adding the following new subsection:  
 “Section 3.26.6) a.iii) the minimum width of an accessible parking space may be reduced to 3.5 metres when the parking stall is located adjacent to a hard-surfaced walkway dedicated to pedestrian access that has a minimum width of 1.5 metres.”
- i. Section 3.26.6 a) through Section 3.26.6 f) of Zoning By-law No. 28-80 is renumbered to 3.26.6.1 a) through 3.26.6.1 f).
- j. Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

“3.39.3 Any **Commercial Agricultural Use** shall be prohibited in any “Holding (H)” zone.”

ZONING REQUIREMENTS

4) No changes are proposed to Section 4 of Zoning By-law No. 28-80.

RESIDENTIAL ZONES

5) Section 5 of the Zoning By-law 28-80 is amended as follows:

a. Sections 5.1.6, 5.1.6.1, 5.1.6.2 and 5.1.6.3 are deleted in their entirety and replaced with the following new subsection:

“5.1.6.1 No person shall park or store in any Residential Zone any commercial vehicle which:

- i) Has a length greater than 6.0 metres; or
- ii) Has a height greater than 2.0 metres.

A commercial vehicle may include but is not limited to a bus, trailer, cube truck, tow truck, tilt/n/load, dump truck, tractor trailer, semi-trailer, ambulance or hearse.

5.1.6.2 Where a commercial vehicle does not exceed the size regulations established by Section 5.1.6.1, a maximum of one commercial vehicle may be parked within a fully enclosed building, side or rear yard of a residential property, provided that:

- 5.1.6.2.1 The commercial vehicle is operated by the occupant of the dwelling unit on said lot;
- 5.1.6.2.2 Said vehicle, if parked in a side or rear yard, is screened by an opaque fence one and eight-tenths (1.8) metres in height; and
- 5.1.6.2.3 The commercial vehicle does not diminish the residential character of the neighbourhood;

5.1.6.3 This subsection shall not prevent the standing or any such vehicle for the purpose of normal business operations, such as actively loading or unloading merchandise or passengers.”

b. The Table in Section 5.2.2 is amended by modifying the regulations for the following existing permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER DWELLING UNIT IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
RM1	Group home type 1	232.2	18	35%	N/A
RM2	Group home type 1	232.2	18	35%	N/A

c. The Table in Section 5.2.2 is amended by adding regulations for the following Permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER DWELLING UNIT IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
R1	Group home type 1	557.4	18	36%	2.5
R2	Group home type 1	464.5	15	35%	2.5
R3	Group home type 1	418.0	13.7	35%	2.5
R5	Group home type 1	278.0	9	35%	1
RM1	Group home type 2	464.0	22.8	35%	N/A
RM2	Group home type 2	464.0	22.8	35%	N/A

COMMERCIAL ZONES

6) Section 6 of the Zoning By-law 28-80 is amended, as follows:

a. Section 6.2.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

- b. Section 6.3.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.
- c. Section 6.4.1.1 of the Zoning By-law No. 28-80 is amended by removing "Drug Store" as a Permitted Use and adding "Pharmacy" as a new Permitted Use.
- d. Section 6.5.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.
- e. Section 6.7.1.1 of Zoning By-law No. 28-80 is amended to add "Pharmacy" as a Permitted Use.

#### INDUSTRIAL ZONES

- 7) Section 7 of the Zoning By-law 28-80 is amended, as follows:
  - a. Section 7.4.1.1 of Zoning By-law No. 28-80 is amended by removing the words "requiring outside storage".

#### OPEN SPACE ZONES

- 8) No amendments are proposed to Section 8 of Zoning By-law 28-80.

#### INSTITUTIONAL ZONES

- 9) No amendments are proposed to Section 9 of Zoning By-law 28-80.

#### RURAL ZONES

- 10) No amendments are proposed to Section 10 of Zoning By-law 28-80.

#### OTHER AMENDMENTS

- 11) By-law No. 2010-163 is amended to add "Part of Part 5, " to the legal description following the words "Part 1,"

**READ A FIRST TIME IN OPEN COUNCIL THIS 19<sup>th</sup> DAY OF SEPTEMBER 2011.**

**READ A SECOND TIME IN OPEN COUNCIL THIS 19<sup>th</sup> DAY OF SEPTEMBER 2011.**

**READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 3<sup>rd</sup> DAY OF OCTOBER 2011.**

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MAYOR, ALLAN MCDONALD

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CITY CLERK, CATHERINE CONRAD

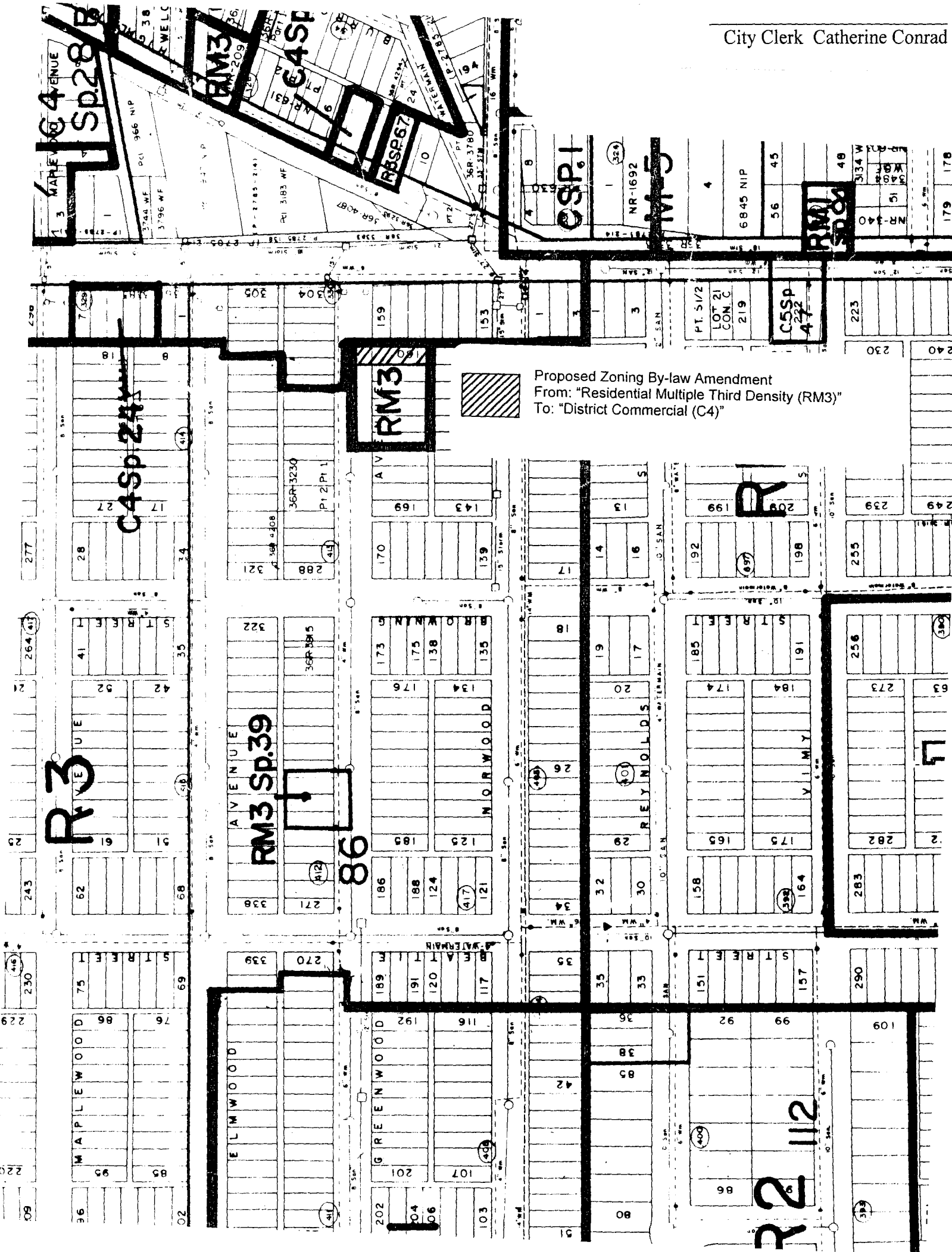
This is Schedule "A"

To By-law No. 2011-205

Passed the 3<sup>rd</sup> day of October 2011

Mayor Allan McDonald

City Clerk Catherine Conrad



This is Schedule "B"

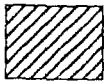
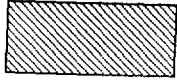
To By-law No. 2011-205

Passed the 3<sup>rd</sup> day of October 2011

Mayor Allan McDonald

City Clerk Catherine Conrad

Proposed Zoning By-law Amendment  
From: Residential Multiple Second  
Density (RM2)  
To: Residential Multiple First Density  
(RM1)



Proposed Zoning By-law Amendment  
From: "Residential Multiple First Density (RM1)"  
To: "Residential Multiple Second Density (RM2)"

