

The Corporation of the City of North Bay

By-Law No. 2023-39

Official Plan Amendment No. 31

Additional Dwelling Units

Whereas The Corporation of the City of North Bay has initiated an amendment to the Official Plan of the North Bay Planning Area;

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 Official Plan of the City of North Bay to include the Additional Dwelling Unit policies as shown in Schedule 'A' to this By-law pursuant to Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

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

- 1) The attached explanatory text constituting Amendment No. 31 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3) 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. 543/06 as amended.
- 4) This By-law shall come into effect upon passing.

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.

Mayor Peter Chirico

Deputy City Clerk Veronique Hie

'Schedule A to By-law 2023-39'

AMENDMENT NO. 31

TO THE

OFFICIAL PLAN

OF THE

CITY OF NORTH BAY

(ADDITIONAL DWELLING UNITS)

February 2023

**AMENDMENT NO. 31
TO THE OFFICIAL PLAN OF THE CITY OF NORTH BAY**

INDEX

STATEMENT OF COMPONENTS	i
PART ONE - INTRODUCTION	1
1.0 Purpose	1
2.0 Location	1
3.0 Basis	1
PART TWO - THE AMENDMENT	2
1.0 Purpose	2
2.0 The Amendment	2
3.0 Implementation and Interpretation	3

STATEMENT OF COMPONENTS

PART ONE - INTRODUCTION is included for information purposes and is not an operative part of this Official Plan Amendment.

PART TWO - THE AMENDMENT, consisting of the text and schedules attached hereto, is an operative part of this Official Plan Amendment.

PART ONE - INTRODUCTION

1. PURPOSE

The purpose of Amendment No. 31 to the Official Plan of the City of North Bay is to reflect in the Official Plan the *More Homes Built Faster Act, 2022* and the changes to the Planning Act to permit Additional Dwelling Units (ADU) within the Settlement Boundary of the City.

2. LOCATION

This Amendment applies to the entirety of the City of North Bay.

3. BASIS

The *More Homes Built Faster Act, 2022* has made amendments to the Planning Act. The amendment does not permit Municipalities to pass Official Plan policies or Zoning By-law provisions to restrict three residential units on urban residential land. The provisions would permit ADU in the following way:

- (a) Up to two ADU in the primary dwelling, provided there is no ADU within an accessory building;
- (b) One ADU within the primary dwelling and one ADU within an accessory building.

The Municipality is not permitted to create minimum size requirements for the ADUs and can only ask for one additional parking space per ADU.

The Planning Act does not permit appeals to the implementing Official Plan Amendment or Zoning By-law Amendment, with the exception of the Minister. Council's are also not permitted to pass Official Plan or Zoning By-law amendments to restrict ADUs on urban residential land.

In 2018, City Council implements the requirements of the *Strong Communities through Affordable Housing Act, 2011* by implementing policies and provisions to permit Secondary Dwelling Units. Planning Staff is of the opinion the current Secondary Dwelling Unit policies and provisions have been working well and have afforded property owners the opportunity to provide gentle intensification. Permitting Secondary Dwelling Units helps create hidden density within basement units, accessory structures and also encourages affordable home ownership, creates rental units, could help with aging in place. Planning Staff is of the opinion that ADUs will continue to assist with these initiatives.

Based on the current practices with Secondary Dwelling Units and general Planning guidelines, the Planning Department makes the following recommendations on implementing Additional Dwelling Units within the City of North Bay, including:

- ADUs will be permitted within the serviced Settlement Boundary of the City and not permitted within the Rural Area;
- 0.5 Additional Parking Space will be required for each ADU; and
- Satisfying all applicable requirements of Zoning By-law, Building Code, Fire Code and Property Standards By-law.

PART TWO - THE AMENDMENT

1. PURPOSE

The purpose of Amendment No. 31 to the Official Plan of the City of North Bay is to include Additional Dwelling Unit policies.

This amendment applies to all lands within the City of North Bay.

2. THE AMENDMENT

The Official Plan of the City of North Bay is hereby amended:

2.1.1 Policies

That Section 2.1.13.6 Secondary Dwelling Unit Policies is hereby deleted and the following Additional Residential Dwelling Unit Policies be inserted in lieu thereof:

“2.1.13.6 Additional Dwelling Unit Policies

Additional Dwelling Units (ADU) can help to achieve intensification targets and increase the availability of affordable housing choices for residents. ADUs may also assist with aging in place concepts.

ADUs are ancillary and subordinate to the primary dwelling unit. ADUs are permitted within the Settlement Boundary of the City to a maximum of two additional ADUs and the primary dwelling.

Within the Rural area of the City, ADUs are permitted but a maximum of one. The City has policies to implement infill and intensification within the Settlement Boundary, and the Rural Area has limited potential for additional residential uses.

ADUs are permitted within the Settlement Boundary to be contained within the main building and/or within an accessory building located on the same lot, provided it meets the following criteria:

- a) A second and/or third residential unit in a detached, semi-detached, townhouse, provided that no accessory structure on the property contains a additional residential dwelling unit;
or
- b) An additional residential dwelling unit in a detached, semi-detached, townhouse, if there is only one residential unit within an accessory structure on the property; or
- c) An accessory building is permitted to have an additional residential dwelling unit, provided that no other accessory building on the property has an additional residential dwelling unit and there a maximum of two additional residential dwelling units within the primary residential unit;
- d) A maximum of three residential units would be permitted within the settlement area of the City and a maximum of two residential units is permitted within the rural area of the City;
- e) Mobile homes are not considered an additional residential dwelling unit;
- f) Adequate servicing must be available to service the additional residential dwelling unit through either the municipal system within the urban area, or through, privately owned systems within the rural area where municipal services are not available;
- g) additional residential dwelling units are not permitted within hazard lands or adjacent to hazard lands;

- h) additional residential dwelling units are not permitted in any Industrial or Commercial zoned property;
- i) additional residential dwelling units shall not be permitted within 300 metres of the unserviced shoreline and major inflowing streams of Trout Lake;
- j) Additional residential dwelling units will not cause alterations to the main building's exterior that would change the existing character of the neighbourhood or streetscape. This may include but is not limited to the creation of new entrances and adequate parking;
- k) additional residential dwelling units must satisfy all applicable requirements of the Ontario Building Code, Ontario Fire Code, the Zoning By-law and the Property Standards By-law, and any other Federal, Provincial or Municipal law or legislation;
- l) Existing illegal additional residential dwelling units must comply with all of the applicable requirements of the Official Plan and Zoning By-law and obtain the necessary building permits to be considered an legal additional residential dwelling unit; and
- m) Additional regulations for additional residential dwelling units will be established in the Zoning By-law.

The Areas bounded by the North Bay By-Pass, Stockdale Road, Airport Road, O'Brien Street, ONR Railway, Oak Street and Algonquin Avenue will be referred to as the "Residential Intensification Area" and are shown on Schedule 11 to this plan.

- i) By adding the following after 3.4.10 a) iv):

"v) In no circumstances will an additional residential dwelling unit be counted as an existing house for the purpose of satisfying the Infill Policy 3.4.10 a) i)".

- ii) By adding the following after Section 3.5.15 f)

"g) Additional residential dwelling units are not permitted within 300

metres of the un-serviced portion of the Trout Lake shoreline or a major inflowing stream”.

3. IMPLEMENTATION AND INTERPRETATION

This Official Plan Amendment shall be implemented and interpreted in accordance with the implementation and interpretation provisions set out in the Amendment and the Official Plan.