

The Corporation of the City of North Bay

By-Law No. 2018-45

Official Plan Amendment No. 20

Secondary 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 Secondary 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. 20 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 17th, Day of July 2018.

Read a Second Time in Open Council the 17th, Day of July 2018.

Read a Third Time in Open Council and Passed this 17th, Day of July 2018.

Mayor, Allan McDonald

City Clerk, Karen McIsaac

C01 / BY-LAW NO. 2018-45 / OPA #2018-20 / SECONDARY DWELLING UNIT POLICIES

AMENDMENT NO. 20

TO THE

OFFICIAL PLAN

OF THE

CITY OF NORTH BAY

(SECONDARY UNITS)

July 2018

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TO THE OFFICIAL PLAN OF THE CITY OF NORTH BAY INDEX**

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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. 20 to the Official Plan of the City of North Bay is to reflect in the Official Plan the *Strong Communities through Affordable Housing Act, 2011*, and the changes to the Planning Act to permit Secondary Dwelling Units.

2. LOCATION

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

3. BASIS

The *Strong Communities through Affordable Housing Act, 2011* made amendments to the Planning Act. The amendment requires municipalities to establish Official Plan policies and Zoning By-law provisions allowing secondary dwelling units in single, semi-detached and townhouses as well as in accessory structures in new and existing developments.

The *Strong Communities through Affordable Housing Act, 2011* amended the Planning Act to remove the ability for third party appeals to the establishment of Official Plan policies and Zoning By-law provisions related to secondary dwelling units, except during the comprehensive review.

The City of North Bay has reviewed policies of other municipalities, consulted with the public and the development community on secondary dwelling units.

The research and discussions recommends the Official Plan contain policies which permit secondary dwelling units in detached, semi-detached, townhouses and accessory buildings, subject to a number of criteria, including:

- A restriction of one secondary dwelling unit per lot;
- Adequate servicing being available;
- Not being located on or adjacent to hazard lands (steep slopes, flood areas etc);
- Not causing alterations to the main building exterior that would change the character of the existing neighbourhood; 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. 20 to the Official Plan of the City of North Bay is to include new secondary 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

- i) By adding the following Section 2.1.13.6:

“2.1.13.6 Secondary Dwelling Unit Policies

Secondary dwelling units can help to achieve intensification targets and increase the availability of affordable housing choices for residents. Secondary dwelling units may also assist with aging in place concepts.

Secondary dwelling units, also referred to as secondary suites, are ancillary and subordinate to the primary dwelling unit. Secondary dwelling units may be contained within the main building or within an accessory building located on the same lot, but not in both the main dwelling and the accessory structure and provided it meets the following criteria:

- a) Secondary dwelling units are permitted in detached, semi-detached and townhouses or in the accessory structures related to these uses, but not in both;

- b) Mobile homes or recreational vehicles are not considered secondary dwelling units;
- c) Adequate servicing must be available to service the secondary 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;
- d) Secondary dwelling units are not permitted within hazard lands or adjacent to hazard lands;
- e) Secondary dwelling units are not permitted within 300 metres of the un-serviced shoreline of Trout Lake and major inflowing streams of Trout Lake, as shown on Schedule 3C to the Official Plan;
- f) Secondary 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;
- g) Secondary 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;
- h) Existing illegal secondary dwelling units must comply with all of the applicable requirements of the Official Plan and Zoning By-law to be considered a legal secondary dwelling unit; and
- i) Additional regulations for secondary dwelling units will be established in the Zoning By-law.

2.1.13.7 Residential Intensification Area

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.

- ii) By adding the following after 3.4.10 a) iv):
 - "v) In no circumstances will a secondary dwelling unit be counted as an existing house for the purpose of satisfying the Infill Policy 3.4.10 a) i)".
- iii) By adding the following after Section 3.5.15 f)
 - "g) Secondary dwelling units are not permitted within 300 metres of the un-serviced portion of the Trout Lake shoreline or major inflowing streams".
- iv) Delete all of Section 5.1.14 **Second Units in detached, semi-detached, or triplex.**

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.

