

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2008-184

**A BY-LAW TO AMEND BY-LAW NO. 28-80 TO
IMPLEMENT CHANGES TO THE POLICIES AND REGULATIONS
(STORAGE USES)**

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 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 8, 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) 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:

“**FREIGHT CONTAINERS** means such metal box units as are generally associated with the overseas shipping industry. The freight containers are used in a manner similar to an accessory structure. Accessory Use Freight Containers 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.”
 - ii) Section 2 of Zoning By-Law 28-80 is amended by adding the following new definition:

“**SEASONAL GARDEN CENTRE** means an accessory use that temporarily occupies a portion of the required parking area of the main use on the same lot. The Seasonal Garden Centre shall be restricted to the storage of gardening supplies and plants for domestic uses only.”
 - iii) Section 2 of Zoning By-Law 28-80 is amended by inserting the following new definition:

“**STORAGE TRAILER** means the trailer portion of a tractor-trailer unit, a transport truck, haulage trailer or the box or storage area of a van or utility vehicle that is used in a manner similar to an accessory structure. Accessory Use Storage 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.”
 - iv) Section 2 of Zoning By-Law 28-80 is amended by adding the following new definition:

“**SELF STORAGE USE** means a facility that leases space to individuals, usually storing household goods, or to small businesses, usually storing excess inventory or archived records. The rented spaces, known as "units", are normally secured by the tenant's own lock and key. Facility operators do not have casual access to the contents of the space. A self storage operator never takes possession, care, custody or control of the contents of the storage rental space unless a lien is imposed for non-payment of rent. Self storage facility operators usually provide controlled access to rental space areas.”

- 2) Section 3 – General Provisions of Zoning By-law 28-80 are amended, as follows:
- i) Section 3.10 of Zoning By-law 28-80 shall be amended to include “storage trailer, freight container,” after “such as a” in the first line.
 - ii) Section 3 of Zoning By-law 28-80 is amended by including the following new subsection:

Accessory Use or Structure, Storage Trailers

- 3.25.15 The locating of *storage trailers* is prohibited in residential zones, except in accordance with the provisions of Section 3.10. *Storage trailers* 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 storage trailer is located.

- iii) Section 3 of Zoning By-law 28-80 is amended by including the following new subsection:

Accessory Use or Structure, Freight Containers

- 3.25.16 The locating of *freight containers* is prohibited in residential zones, except in accordance with the provisions of Section 3.10 or in accordance with the issuance of a building permit required in conjunction with a main building for a period not to exceed twelve (12) consecutive months. *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.

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

- 3.25.17 Freight Containers and Storage Trailers are permitted in any industrial, commercial, institutional and open space zone and are subject to the provisions of this By-law for the particular zone in which said freight container is located.

- 3.25.17(a) Empty Freight Containers and Storage Trailers are permitted to be stacked one on top of the other to a maximum height of two (2). Under no circumstance are Freight Containers and Storage Trailers in use permitted to be stacked one on top of the other.

- 3.25.17(b) Refrigerated and/or heated Freight Containers and Storage Trailers shall not be located in any yard adjacent to a Residential use.

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

Seasonal Garden Centres

- 3.25.18 The Seasonal Garden Centre shall be permitted in any Commercial or Industrial zone provided that:

- a) Seasonal Garden Centres may occupy the property for a period not exceeding six (6) consecutive months, with the subject property being free of any Seasonal Garden Centre for a minimum of six (6) consecutive months.
- b) Any accessory building, use or structure used in conjunction with a Seasonal Garden Centre shall be portable and removed from the site for at least six (6) consecutive months.

- c) Any accessory building, use or structure used in conjunction with a Seasonal Garden Centre shall meet the same setbacks and regulations of a main building for the zone it which it exists.
 - d) The entire area dedicated to the Seasonal Garden Centre shall not occupy more than 15% of the total parking spaces supplied by the main use on the subject property. No additional parking will be required for the Seasonal Garden Centre.
 - e) These regulations do not apply to permanent structures attached to, or forming an integral part of, the main building which currently function as Seasonal Garden Centre.
 - f) Freight Containers and Storage Trailers are permitted to be used as part of a Seasonal Garden Centre in any Commercial or Industrial zone and are subject to the regulations of that zone.
- vi) Section 3 of Zoning By-Law 28-80 is amended by renumbering the section in its entirety.
- 3) Sections 7.2.1.1, 7.3.1.1, 7.4.1.3, 7.5.1.1 and 7.6.1.1 of Zoning By-law 28-80 shall be amended to include “self storage” as a permitted use.
- 4) 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 8TH DAY OF SEPTEMBER 2008.

READ A SECOND TIME IN OPEN COUNCIL THE 8TH DAY OF SEPTEMBER 2008.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 22ND DAY OF SEPTEMBER 2008.

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DEPUTY MAYOR PETER CHIRICO

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CITY CLERK CATHERINE CONRAD