

The Corporation of the City of North Bay

By-Law No. 2018-46

A By-law to Amend Zoning By-Law No. 2015-30 to include Secondary Dwelling Unit Policies within the City of North Bay

Whereas the Council of the Corporation of the City of North Bay has initiated an amendment to the Zoning By-law to permit Secondary Dwelling Units;

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 regulations of Zoning By-law 2015-30 pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended;

And Whereas Council passed Committee Report 2018-28 to approve this Zoning By-law Amendment;

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 No. 2015-30 is amended by adding the following definitions after Dwelling Unit:

Dwelling Unit, Secondary:

A dwelling unit that is ancillary and subordinate to the main dwelling unit that may be contained within the main building on a lot or within an accessory building on the same lot, but not both.

- 2) Section 3.20.1.1 of Zoning By-law 2015-30 is amended by deleting the existing wording and replacing it with the following:

“3.20.1.1 It shall not be **used** for human habitation, except where the **dwelling** is a permitted **accessory use** or is a permitted **Secondary dwelling unit;**”

- 3) Add Section 3.20.1.4.4 after Section 3.20.1.4.3 with the following:

3.20.1.4.4 In the case of a **Secondary Dwelling Unit** in an accessory structure, the structure must meet the regulations of Section 3.20.

- 4) Add Section 3.20.2 Secondary Dwelling Unit after Section 3.20.1.10:

3.20.2.1 Secondary Dwelling Unit -

A **secondary dwelling unit** may be permitted within:

- a) A **single detached dwelling** or an accessory building thereto;
- b) A **semi-detached dwelling** or an accessory building thereto;
- c) A **townhouse (cluster, stacked, or street front)** dwelling or an accessory building thereto;

provided that a maximum of one **secondary dwelling unit** shall be permitted on a lot.

Notwithstanding the above, a **secondary dwelling unit** is only permitted within a dwelling unit or an accessory building within the Residential First Density (R1), Residential Second Density (R2), Residential Third Density (R3), Residential Fifth Density (R5), Residential Sixth Density (R6), Rural (A) and Rural Residential Estate (RRE) or any special zone in the R1, R2, R3, R5, R6, A, and RRE zones.

3.20.2.2 Illegal Secondary Dwelling Units -

Secondary dwellings which were illegal on the passing of this By-law must meet all of the required criteria for a **secondary dwelling unit** and receive a change of use permit to be considered a legal **secondary dwelling unit**.

3.20.2.3 Secondary Dwelling Unit Trout Lake

A secondary dwelling unit is not permitted within a dwelling unit or an accessory building within the unserviced properties within 300 metres of Trout Lake and any major inflowing streams as identified on Schedule 'E' of Zoning By-law No. 2015-30.

3.20.2.4 Additions or Alterations to the main Dwelling unit

An addition or exterior alteration to a single detached, semi-detached or townhouse dwelling to accommodate a **secondary dwelling unit** is permitted provided that it does not result in the creation of:

- a) No more than one entrance to the exterior of the main **dwelling unit** that faces a public road;

3.20.2.5 Secondary Dwelling Units in Accessory Buildings

Where a **secondary dwelling unit** is located in an accessory building to the primary dwelling, the secondary dwelling unit:

- a) shall not be permitted to be a mobile home or recreational vehicle;
- b) shall not be permitted to be a boat house;
- c) shall have a maximum gross floor area of 45 percent of the gross floor area of the primary dwelling on the lot; and
- d) shall be located no more than 30 metres from the primary dwelling; and
- e) In the Rural (A) or Rural Residential Estate (RRE) shall only have one driveway from the publicly maintained road.

3.20.2.6 Parking for Secondary Dwellings Units

Secondary dwelling units are required to have one additional parking space than what would have been required on the property through Section 4.13 of Zoning By-law 2015-30.

Secondary dwelling units within the Residential Intensification Area as shown on Schedule 'D' are required one (1) parking space for the main dwelling unit and one (1) parking space for the Secondary dwelling unit.

- 5) Section 3.37 is amended to add Section 3.37.2 to be added after 3.37.1:

3.37.2 **Secondary dwelling units** are permitted in accordance with Section 3.20.2.1

- 6) Delete the following from Section 3.39.2 Residential Intensification Area:

"R3 or"

- 7) Add Section 4.2.1.1 after Section 4.2.1:

"Permitted **secondary dwelling units** are required to have one additional parking space then what is required through Section 4.13 of Zoning By-law No.2015-30."

- 8) Table 5A: Permitted Low Density Residential Uses is amended by adding a Special Provision for Table 5A (Permitted Low Density Residential Uses): by adding the following:

"2) A **secondary dwelling unit** is permitted in the low density residential uses provided all other provisions of the Zoning By-law are being complied with".

Add the note “(2)” in columns ‘single detached dwelling (R1), (R2), (R3) and (R5), beside semi-detached (R3), (R5) and (R6) and beside cluster townhouse, stacked townhouse and street front townhouse (R6)’.

- 9) Table 5B – Low Density Residential Regulations is amended by adding to the end of the Special Provisions for Table 5B (Low Density Residential Regulations): after item number 10.

“11. Permitted **Secondary dwelling units** are not included as a unit for minimum lot area and minimum lot frontage”.

- 10) Notice of the passing of this By-law shall be given by the Clerk of The Corporation of the City of North Bay in the manner and form and to the persons prescribed by Section 6 of O.Reg. 545/06 as amended.
- 11) This By-law shall come into effect upon passage and the adoption of Official Plan Amendment # 20.
- 12) This By-law is in conformity with the City of North Bay’s Official Plan as amended by Official Plan Amendment # 20.

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

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

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

Mayor, Allan McDonald

City Clerk, Karen McIsaac