

City of North Bay Report to Council

Report No: CSBU-2022-005

Date: February 4, 2022

Originator: Adam Curran

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Review and Update – City of North Bay Zoning By-law No. 2015-30

Closed Session: yes ☐ no ☒

Recommendation

That Report to Council CSBU 2022-005 be referred to the Community Services Committee for a public meeting held under the Planning Act.

Background

The City of North Bay Council passed Zoning By-law No.2015-30 by resolution 2015-192 on April 27th, 2015. The Zoning By-law is utilized by Planning Staff and the public on a daily bases. Through the use of the Zoning By-law it is common to find provisions which could be amended to better demonstrate the intent of the policy. City Staff continues to look for ways to improve the Zoning By-law and receives feedback from other departments, agencies, members of the public and the development community.

A Zoning By-law controls the use of land and buildings within the community. It regulates how land may be used; where buildings and other structures can be located; the types of buildings (commercial, industrial, residential) that are permitted and how they may be used and the lot sizes and dimensions, parking requirements, building heights and setbacks from the property boundaries and other regulations.

The purpose of a Zoning By-law is to implement the objectives and policies of the City's Official Plan; provide a legal way of managing land use and future development, ensure development occurs in a responsible manner; confirm that the kind of use is suitable for a particular area and protect the public from non-compatible uses.

A comprehensive review of the Zoning By-law No. 2015-30 was completed in 2016, being a year after coming into effect, to correct or make changes to the

By-law. That review resulted in Council passing By-law 2016-25 an amendment to the original By-law. There have been additional amendments made to implement the Downtown Waterfront Master Plan; introduce regulations to permit Secondary Dwelling and a General Review in 2019.

The Zoning By-law is and will continue to be reviewed, to permit good regulations to promote suitable growth and development within the City of North Bay.

The proposed changes are attached in Schedule 'A', and a rationale on the proposed change is identified. Planning Staff is of the opinion the proposed changes to add definitions of a micro-brewery and micro-distillery, make some technical changes will improve the understanding to the general public and help to clear up some misunderstandings in the implementation of the Zoning By-law.

Planning Staff is of the opinion the proposed Zoning By-law Amendment is consistent with Provincial Policy Statement 2020, does not conflict with the Growth Plan for Northern Ontario and conforms with the City of North Bay's Official Plan and represents good land use policies and provisions.

Financial/Legal Implications

N/A

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Explore and implement opportunities to streamline processes, policies and practices that make it easier and more effective to do business in North Bay.

Options Analysis

Option 1: That City Council approves the proposed general amendment to Zoning By-law No.2015-30 as in Appendix 'A' attached to Report to Council CSBU 2022-005 dated January 29th, 2022 by Adam Curran.

Option 2: That City Council does not approve the proposed general amendment to Zoning By-law No.2015-30 as in Appendix 'A' attached to report to Council CSBU 2022-005 dated January 29th, 2022 by Adam Curran.

Recommended Option

Option 1 is the recommended option.

That City Council approves the proposed general amendment to Zoning By-

Respectfully submitted,

Name: Adam Curran, M.E.S., MCIP, RPP

Title: Policy and Business Development Planner

We concur with this report and recommendation

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Name David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Adam Curran, M.E.S., MCIP, RPP

Policy and Business Development Planner

Schedule 'A'

Schedule 'A' will go through each proposed amendment to the Zoning By-law No.2015-30 and provide a rationale for the proposed change.

- 1) Section 2 of Zoning By-law 2015-30 is amended by adding the following definitions, in alphabetical order, within the existing definitions:
 - a. **"Brewery, Micro** – An establishment which is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of 50,000 hectolitres or less of beer or similar beverages per year as authorized by a license issued by the Alcohol and Gaming Commission of Ontario.
 - b. **Brewery, Manufacturing** – A building or structure which is used for the self-contained manufacturing, production, storage, bottling, canning and shipping of 50,000 hectolitres

or more of beer or similar beverages per year as authorized by a license issued by the Alcohol and Gaming Commission of Ontario.

- c. **Distillery, Micro** – An establishment that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of 9,000 hectolitres or less of alcohol (not beer) per year as authorized by the Alcohol and Gaming Commission of Ontario.
- d. **Distillery, Manufacturing** – An establishment that is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of 9,000 hectolitres or more of alcohol (not beer) per year as authorized by the Alcohol and Gaming Commission of Ontario.

Rationale:

The rationale for providing these definitions is to clarify between various types of breweries and distilleries. These classifications will allow for their appropriate placement within the Zoning By-law and recognize the various sizes of these types of uses. For example, Micro-Breweries and Distilleries are usually small and could be located in Commercial Zones, and should permit ancillary uses, such as restaurants, bars or event space. Planning Staff is proposing to permit micro-breweries and distilleries in any Commercial Zones and Light Manufacturing Zones.

Planning Staff have also included a definition for manufacturing brewery and distillery, to produce over 50,000 litres of beer or 9,000 litres of alcohol would be a large facility and would be more suitable within an Industrial Zone.

Planning Staff have spoken with the current micro-breweries in North Bay and the proposed definitions would allow them to stay in their current locations and provide adequate opportunity for those businesses to grow.

- e. **Pet Grooming** – An establishment used for the washing, clipping, drying and grooming of domesticated animals. Pet Grooming does not include Pet Daycare facilities and the keeping of animals overnight.

Rationale:

Pet Grooming is currently only permitted as an accessory use to a Pet Day Care Facility or a Pet Store and Pet Daycare facilities. Pet Stores are not permitted as a Home Based Business. Planning Staff are of the opinion that a pet grooming facility would be similar to a personal service establishment and should be able to be operated as a home based business. This proposed change will permit a Pet Day Care Facility as a Home Based Business.

- 2) Section 2 of Zoning By-law 2015-30 is amended by amending the definition of “Setback” to include the add the following additional sentence:

“... unless the closest wall is permitted to encroach under Section 3.15”

Rationale:

The Zoning By-law permits features of a dwelling, such as accessibility ramps, façade components and others items to encroach into the required setbacks. By amending the definition it will direct users of the Zoning By-Law to Section 3.15. The proposal will make the Zoning By-law more user friendly.

- 3) Section 2 of Zoning By-law 2015-30 is amended by deleting the following definition in entirety:

“Floor area, commercial: The sum of the areas of all floors of a building or part thereof used for commercial purposes measured between the internal faces of the exterior walls, excluding the furnace room, laundry room, washrooms, stairwell and elevator shaft.”

Rationale:

Currently, parking requirements are calculated by the floor area with the exception of two places where parking is calculated by commercial floor

area. This has led to miscalculations and the wrong amount of parking spaces being determined. Planning Staff is of the opinion by removing Commercial Floor Area and calculating all parking requirements by the floor area will remove confusion to the user and provide for consistent application of the Zoning By-law.

Section 3 - General Provisions

- 4) Section 3.43.1.1 of Zoning By-law 2015-30 is amended by adding the following words at the end of the last sentence”

“and not encroach upon the Municipal Road Allowance.”

- 5) Section 3 of Zoning By-law 2015-30 is amended by deleting Section 3.43.1.3 in its entirety.

Rationale:

The By-law currently permits the storage of recreational and similar vehicles within the front yard, provided it does not change the character of the residential neighbourhood or impede traffic and is parked fully on private property. Section 3.43.1.3 then restricted the parking of these vehicles which were over 1.8m in height. Planning Staff is of the opinion that the intent of the By-Law was to permit any recreational vehicle provided it was safe to do so and maintained the residential character.

Section 4- Parking and Loading Space Provisions

- 6) Section 4 of Zoning By-law 2015-30 is amended by updating the Required Parking Space by Use table in Section 4.13, as follows:

Use	Minimum Parking Required
Office, Non-Profit Use.	1 parking space per 30m ² of total floor area .
Hotel	1 parking space for each guest room, plus the required number of parking for any on-site restaurant or bar provided in accordance with regulations of this By-law.
Commercial Use in any Commercial Zone except C1	1 parking space for every 30m ² of floor area .

Use	Minimum Parking Required
or C2, unless otherwise specified.	

Rationale – Amending the chart to remove ‘**Commercial**’ floor area for the reason outlined above in item 3.

Section 5 – Residential Zones

7) Table 5B (Low Density Residential Regulations) is amended reducing the rear yard to 7.5m for all residential zones except R6 (Townhouse and Cluster).

8) Table 5B Special Provision 5 be deleted in its entirety.

Rationale:

There have been requests from local home builders to reduce the required rear yard setback for low density residential uses. Staff have researched the request and determined that the City’s provision is high compared to other municipalities. The purpose of the rear yard setback is to provide for an appropriate private amenity space. Staff are of the opinion that the proposed rear yard setback of 7.5m will provide adequate space.

Municipality	Rear Yard Setback
Sudbury	7.5m
Sault Ste.Marie	10m
Barrie	7m
Orillia	7.5m
Kitchener	7.5m
Thunder Bay	6m
Fort Erie	10m
Niagara Falls	7.5m
Huntsville	10m
Bracebridge	7.5m
Peterborough	7.6m

9) Table 5B (Low Density Residential Regulations) is amended by increasing the lot coverage for R1, R2, R3, R4 for all permitted uses to 45%, increase the R5 zone for a 1 storey semi-detached

dwelling, duplex and triplex to 45%, increase the R6 zone for a semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling and a cluster townhouse to 45%.

Rationale:

The lot coverages were originally created to permit a regular sized lot to be able to be built to the setbacks without exceeding the permitted lot coverage. This By-law proposes to decrease the permitted rear lot setback from 10.5m to 7.5m, this would permit a slightly larger dwelling on a smaller lot. If the lot coverages are not increased then the lot would not accommodate a larger dwelling or would require a minor variance to build within the building envelop. Staff researched other Municipalities and found that our current lot coverage provisions where typically less.

Municipality	Lot Coverage
Sudbury	50%
Sault Ste.Marie	40%
Barrie	45%
Orillia	45%/50%
Kitchener	55%
Thunder Bay	40% Dwellings, 55% Townhouses
Fort Erie	Gradient Scale 25%-35%
Niagara Falls	45%
Huntsville	35%
Bracebridge	30-35%
Peterborough	N/A

- 10) Special Provisions for Table 5B (Low Density Residential Regulations) is amended to by deleting special provision 1 and replacing it with the following:

1. For every additional **storey** or part thereof above the first, an additional 0.6m will be added to required setback of that storey.

Rationale:

There had been confusion on existing dwellings that where built at 1.2m side yard setback, the property owner wanted to put an additional storey

but thought they required a 1.8m setback for the entire structure. The new clause would permit a second storey addition provided the second storey met the 1.8m side yard setback.

Section 6- Commercial Zones

11) Table 6A is amended by adding the following permitted uses, in alphabetical order:

Use	C1	C2	C3	C4	C5	C6	C6F	C6L	C7
Brewery, Micro	X	X	X	X	X	X	X	X	X
Distillery, Micro	X	X	X	X	X	X	X	X	X
Pet Grooming	X	X	X	X	X	X	X	X	X

Rationale:

Planning Staff is of the opinion that micro-breweries and distilleries should be permitted in all of the Commercial Zones where restaurants and bars and similar uses are permitted. This may allow more micro-breweries to open and have co-spaces with other uses.

Section 7- Industrial Zones

12) Table 7A is amended by adding the following permitted uses, in alphabetical order:

Use	M1	M2	M3	M4	MC	MR	MBP
Brewery, Micro	X	X		X (3)	X		
Brewery, Manufacturing	X	X		X (3)			
Distillery, Micro	X	X		X (3)	X		

Use	M1	M2	M3	M4	MC	MR	MBP
Distillery, Manufacturing	X	X		X (3)			

Rationale:

Permitting the new definitions to be permitted in some of the Industrial Zones. Planning Staff is of the opinion that manufacturing of beer and alcohol is typically a light industrial use and is not permitting manufacturing breweries or distilleries in Heavy Industrial zones.

Section 10 – Rural Zones

13) Table 10B – Permitted Non-Residential Uses and Regulations is amended by amended by changing the required lot frontage for the “Rural Residential Lakefront (RRL)” and the “Rural Residential Estate (RRE)” zones from 61 metres to 60 meters:

Rationale:

Through the 2015 general amendment changes from 61m of frontage requirements were rounded to 60m. However, in reviewing the tables it would appear that a couple where missed. This amendment would change all the rural frontage requirements to 60m for consistency.

Schedules

14) Schedule B-84 is amended to rezone a portion of property abutting Pinewood Park Drive from Institutional (N) to Arterial Commercial (C6), as shown below in the blue hatched area:



Rationale:

The subject property has a unique shape to it, when creating the By-law Schedules, the strip of this land was zoned Institutional because of the abutting Cemetery, however, it should have maintained the C6 zoning.