

‘Appendix A’

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

Rationale Document:

- 1) Section 2 – Definitions of Zoning By-law No. 2015-30 is amended by adding the following definitions after Dwelling:**

Dwelling Unit, Additional Residential Urban:

A dwelling unit that is ancillary and subordinate to the main dwelling unit within the **Urban settlement area**, and connected to municipal services, permits up to three residential units within the primary building, or two units within the primary building and one residential unit within an accessory structure. An Additional Urban Dwelling Unit is not permitted to have two dwelling units within an accessory structure(s).

Dwelling Unit, Additional Residential Rural:

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

Dwelling Unit, Additional Residential:

The Zoning By-law will use Additional Residential Dwelling Unit when reference is made to both the Additional Residential Urban Dwelling Unit and the Additional Rural Dwelling Unit.

- 2) Delete the following definitions:**

~~Dwelling, Duplex:~~

~~A separate building that is divided into two dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule.~~

~~Dwelling, triplex:~~

~~A building that is divided into three dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule, but shall not include a townhouse.~~

~~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.~~

Rationale: The City is proposing to separate additional residential dwelling units into two different categories, Urban and Rural. Bill 23 requires Urban Areas to permit up to three residential units as a right. Whereas, the *Strong Communities through Affordable Housing Act, 2011*, required Municipalities to permit Secondary Dwelling Units. Planning policy directs intensification into the Settlement Area and preserves and permits limited residential development in the rural area.

The terms duplex, triplex and Secondary Dwelling Unit are being deleted to reflect this updated terminology in the Zoning By-law.

3) Delete within Section 3, General Provisions, Table of Contents, reference to ‘Residential Intensification Area Section 3.39, as follows:

Provision Name	Section
Residential Intensification Area	3.39

Rationale: The Residential Intensification Area provided additional provisions to convert existing residential uses to a more intense use, with the proposed changes with Additional Residential Dwelling Units, every dwelling can be converted to accommodate ADUs, therefore this section is redundant.

4) Delete reference to Duplex and Triplex in the table in Section 3.15.

Rationale: Duplex and Triplex are no longer needed as additional residential dwellings units would permit up to 3 units in urban area and 2 units in the rural area.

5) Amend Section 3.20.1.1 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 **additional urban residential dwelling unit** or an **additional rural residential dwelling unit**”;

Rationale: Typically, accessory buildings are not permitted for human habitation, however, with the requirements of Bill 23, an accessory building is permitted for human habitation, provided it is built to the Building Code. This update reflects the terminology change from Secondary Dwelling Unit to Additional Urban or Additional Rural Dwelling Unit.

6) Delete Section 3.20.1.4.4:

~~“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.~~

Rationale: Additional residential dwelling unit are required to meet the requirements of an accessory structure. This is reflected in the amended Section 3.20.

7) Amend Section 3.20.2.1 Secondary Dwelling Unit to the following:

“3.20.2.1 Additional Residential Dwelling Unit -

An **additional 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 two **additional residential dwelling units** shall be permitted within the **Urban Settlement Area** and connected to municipal services and one **additional residential dwelling unit** shall be permitted within the Rural Area of the City.

Additional residential dwelling units which were illegal on the passing of this By-law must meet all the required criteria for an **additional residential dwelling unit** and receive a change of use permit under the Building Code to be considered a legal **additional residential dwelling unit**.

Notwithstanding the above, an **additional residential dwelling unit(s)** are not permitted:

- a) Within a dwelling unit or an accessory building within the Parkland (P), Open Space (O), Rural Residential Lakefront (RRL), Floodway (O1) and the Floodplain and Erosion (O2) Zones;
- b) Within a dwelling unit or accessory building that is permitted in a non-residential zone in Section 6 and 7 of this By-law; and
- c) Within a dwelling unit or an accessory building on the un-serviced properties within 300 metres of Trout Lake and any major inflowing streams as identified on Schedule ‘E’ of Zoning By-law 2015-30;

Rationale: Bill 23 requires that ADUs up to three total residential units within the Settlement Boundary and must be permitted in single detached, semi-detached and townhouse units.

Planning Staff is recommending ADUs within the rural area, but to a maximum of two residential units' total. This is consistent with the previous approvals related to Secondary Dwelling Units. Planning Staff's opinion is the rural area is not designed for intensification and does not have the services (bus, sidewalks, services etc).

The recommendations would not permit any ADUs on the shoreline of un-serviced Trout Lake or within 300m of inflowing streams. The reason for this is Trout Lake is an important resource and the potential of three units on small lots could have an environmental effect on the Lake. This is consistent with the previous approvals related to Secondary Dwelling Units.

8) Delete Section 3.20.2.4, 3.20.2.5 and 3.20.2.6 and replace it with the following:

“3.20.2.4 Additions or Alterations to the main Dwelling unit or new construction of an Additional Residential Dwelling Unit:

An addition or exterior alteration to a single detached, semi-detached or townhouse dwelling or the construction of a new **dwelling unit** to permit an **additional residential dwelling unit** is permitted provided it does not result in the creation of:

- a) An exterior staircases constructed in the Front Yard to access any storey above the first storey.

3.20.2.5 Additional Residential Dwelling Units in Accessory Buildings

Where an **additional residential dwelling unit** is located in an accessory building to the primary dwelling the additional residential 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) an **Additional Residential Urban Dwelling Unit** shall meet the setback and height requirements of Section 3.20;
- d) an **Additional Residential Rural Dwelling Unit** shall meet the accessory structure setback and height requirements of Table 10D;
- e) shall have a maximum gross floor area of 75% of the ground floor area of the primary dwelling on the lot;

- f) an **Additional Residential Urban Dwelling Unit** shall have a maximum total lot coverage including all other accessory buildings of 30%;
- g) an **Additional Residential Rural Dwelling Unit**, including all other accessory structures and the primary dwelling, shall have a maximum total lot coverage as permitted in Table 10C.
- h) an **Additional Residential Rural Dwelling Unit** shall be located no more than 30 metres from the primary dwelling;
- i) In the Rural General (A) or Rural Residential Estate (RRE) zones, shall only have one driveway from the publicly maintained road; and
- j) there shall be no another additional residential dwelling unit within an accessory structure on the property.

3.20.2.6 Parking for Additional Residential Dwellings Units

Additional residential dwelling units are required to provide 0.5 parking spaces per unit, in addition to the parking required under Section 4.13.

Rationale: Planning Staff is proposing to require 0.5 parking spaces for each additional residential dwelling unit (and would round up to the nearest whole parking spot). In most areas of the City the primary dwelling unit is required to have 2 parking spaces, the addition of 0.5 parking spaces would require someone proposing one ADU to have 3 parking spaces. Someone proposing to have 2 ADUs would also be required to have 3 parking spaces.

9) Delete reference to Duplex and Triplex in Section 3.28.1.5

Rationale: This reflects the updated terminology in the Zoning By-law.

10) Amend Section 3.37.2 with the following:

“3.37.2 **Additional residential dwelling units** are permitted in accordance with Section 3.20.2.1”

Rationale: ADUs are permitted as a right on residential zoned properties and therefore permit more than one habitable building per dwelling.

11) Delete Section 3.39 Residential Intensification Area in its entirety.

Rationale: ADUs permitted as a right across the City, the Intensification Area regulations have become redundant.

12) Amend Section 4.2 General Parking Regulations to delete the following from the last sentence of the first paragraph, as follows:

“~~or any dwelling within the Residential Intensification Area~~”

- 13) Amend Section 4.2.1.1 with the following:

Additional residential dwelling units are required to provide 0.5 parking space per unit, in addition to the parking required under Section 4.13.

Rationale: The requirements of Bill 23 is that at least 1 parking space would be required for an ADU, Planning Staff is suggesting to only require 0.5 parking spaces per ADU, as requiring 1 space could lead to the inability of creating ADUs or the City would receive Minor Variances to reduce the parking.

Typical parking requirements is 2 parking spaces for a single detached dwelling, for one ADU the requirement would be 2 for the primary dwelling and 0.5 for the ADU, which is then rounded up to 3. If a property owner was establishing 2 ADUs they would be required 2 parking spaces for the primary dwelling and then 0.5 for each ADU meaning a total of 3 parking spaces.

- 14) Amend Section 4.13, Table by adding the following in row one and deleting the following in row 2:

Use	Minimum Parking Required
Single Detached, Semi-detached, Street Front Townhouse, and Stacked Street Front Townhouse.	2 parking spaces per dwelling unit and an additional 0.5 parking space for each additional dwelling unit.
Duplex, Triplex, Fourplex	

- 15) Table 5A- Permitted Low Density Residential Uses is amended by deleting Duplex Dwelling and Triplex Dwelling and adding a new column for Additional Residential Urban Dwelling Units and deleting Special Provisions for Table 5A (Permitted Low Density Residential Uses) 2):

Use	R1	R2	R3	R4	R5	R6
Duplex Dwelling			X			X
Triplex Dwelling						X
Additional Residential Urban Dwelling Unit	X	X	X		X	X

~~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.~~

Rationale: For items 14 and 15, Planning Staff is recommending that ADUs are permitted within all of the Urban zoned residential uses within the City, this is also in line with Bill 23. This reflects the updated terminology in the Zoning By-law.

- 16) **Table 5B – Low Density Residential Regulations is amended by amending Table 5B by deleting the references to duplex and triplex and amending Special Provisions for Table 5B (Low Density Residential Regulations): 11 and 12, with the following:**

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

“12. A Group Home Type 1 is not permitted an **additional residential dwelling unit**”.

- 17) **Table 5B is amended by adding the number (11) and (12) in the column “Other Provisions” in the following columns, table is shown for illustration purposes:**

Zone	Use	Other Provisions
R1	Single Detached Dwelling	(11)
R2	Single Detached Dwelling	(11)
R3	Single Detached Dwelling	(11)
R3	Semi-Detached Dwelling	(11)
R5	1 Storey Single Detached Dwelling or Group Home Type 1	(11), (12)
R5	1 ½ storey or greater Single Detached Dwelling or Group Home Type 1	(11), (12)
R5	Semi-detached Dwelling	(11)
R6	Semi-detached dwelling	(11)
R6	Cluster Townhouse	(7),(8),(11)
R6	Stacked Townhouse	(7), (8), (11)
R6	Street Front Townhouse	(7),(8),(11)

Rationale: ADUs are permitted on existing lots of records or newly created lots in Plans of Subdivision or by Consent to Sever, there is no requirement to have more lot frontage or lot area to accommodate ADUs. This would give most properties the opportunity to have ADUs without any Planning applications.

- 18) **Table 6B, Special Provisions for Table 6B is amended by deleting references to a duplex dwelling and a triplex dwelling and adding the following row to include Additional Residential Urban Dwelling Unit:**

Use	C1	C2	C3	C4	C5	C6	C6F	C6L	C7
Additional Residential Urban	X(1)	X							

Dwelling Unit									
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Rationale: The C1 and C2 zone use to permit duplex's and a triplex as a permitted use, so it would be appropriate to allow these uses to continue through the ADU provisions.

19) Table 7B, Special Provisions for Table 7B is amended by amending the following:

“2) An **additional residential dwelling unit** is not permitted within any Industrial Zone”.

Rationale: This amendment is consistent with previous regulations and is updated based on new terminology. Residential uses should be discouraged from occurring within Industrial Zones to avoid potential conflicts.

20) Special provisions for Table 10B (Non-Residential Uses and Regulations): is amended by adding the following after special provision 8) and added to every row in Table 10B – Permitted Non-Residential Uses and Regulations:

“9) An **additional residential dwelling unit** is not permitted within a non-residential use.”

Rationale: ADUs are permitted within the rural area, however, if a use is a non-residential use then ADUs should not be permitted.

21) Table 10C is amended by adding “Additional Residential Rural Dwelling Unit” in the table as follows after the 2nd row, 4th row, 6th row, 14th row, see below for what is to be added:

Zone	Use	Minimum Lot Area (ha)	Maximum Lot Coverage	Frontage (m)	Front Yard Setback (m)	Side Yard Setback (m)	Rear Yard Setback (m)	Maximum Height (m)	Other Provisions
A	Additional Rural Residential Dwelling Unit	2	30%	60(1)	15	7.5	15	10.5	(8)
A	Additional Rural Residential Dwelling Unit	0.4	30%	60(1)	15	7.5	15	10.5	(8)
A	Additional Rural Residential Dwelling Unit	0.15	30%	30(1)	15	7.5	15	10.5	(8)
RRE	Additional Rural Residential Dwelling Unit	1.2	5%	60	15	15	15	10.5	(8)

Rationale: Planning Staff is recommending that within the rural zone an ADU is permitted. However, ADUs would not be permitted within 300m of the un-serviced shoreline of Trout Lake or inflowing streams

22) Amend Special Provisions for Table 10C (Residential Uses and Regulations Table): by adding Special provision 8), Special provision 8 is the following:

“8) **Additional Rural Residential Dwelling Units** located in an accessory structure will be required to follow the regulations in Section 3.20.2.5 and Special Provisions for Table 10D (Accessory Buildings, Structures and Uses).”

Rationale: This provision would just ensure the same setbacks and heights are required for ADUs as for other accessory structures, like a garage or a shed.

23) Table 10D – Accessory Buildings, Structures and Uses is amended by adding the following information:

Accessory Use	A	RRL	RRE	RME	RC	RMC	RN
Additional Residential Rural Dwelling Units	X (3) (4) (5)		X (3) (4) (5)				

Rationale: ADUs are permitted within the Rural and Rural Residential Estate zones to a maximum of 1 ADU.