

**‘Appendix A to Report to Council CSBU-2025-011’**

**AMENDMENT NO. 35**

**TO THE**

**OFFICIAL PLAN**

**OF THE**

**CITY OF NORTH BAY**

**(ADDITIONAL DWELLING UNITS and DELEGATED APPROVAL AUTHORITY)**

*February 2025*

**AMENDMENT NO. 35**  
**TO THE OFFICIAL PLAN OF THE CITY OF NORTH BAY**

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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.35 to the Official Plan of the City of North Bay is to make changes to the Additional Dwelling Unit Policies as outlined in the City's successful application to Canada Mortgage and Housing Corporation's (CMHC) 'Housing Accelerator Fund' (HAF) and to permit up to four units as a right on all residential urban serviced lands within the settlement boundary of the City.

The proposed Amendment would also provide Official Plan policy to permit Council to pass by-laws to delegate approval authority to City Staff for routine Planning applications and processes that are typically technical in nature.

### **2. LOCATION**

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

### **3. BASIS**

#### Additional Dwelling Units

The City of North Bay has been approved under the Federal Government's 'Housing Accelerator Fund' (HAF) administered by CMHC. Through the application process the City identified seven initiatives that would encourage additional residential units.

One of the initiatives identified in the City's application was permitting up to three Additional Dwelling Units (ADU) as a right (for a total of four units per property).

ADUs are currently permitted within the Settlement Area of the City, this change was completed in 2023, with the *More Homes Built Faster Act, 2022*, which made amendments to the Planning Act. The new legislation prohibited Municipalities from creating Official Plan policy or Zoning By-law regulations that would restrict urban residential properties having less than three residential units.

This proposed change would permit one additional unit per property, for a total of four units, should the property be able to meet the required setbacks, meet parking requirements and the Ontario Building Code.

ADUs are an effective way to increase housing inventory as ADUs are, in comparison to new development, relatively inexpensive and can be constructed relatively fast. The new amended ADU policy will allow property owners to create

up to four new units within the Settlement Area, where the property is connected to municipal services. The creation of the new amended ADU policies will allow for more rental units to be created, provide a revenue stream that allows for affordable home ownership, and permit multi-residential units. The introduction of this ADU policy will make housing more affordable, inclusive, equitable and diverse.

ADUs will be constructed on existing developed properties within the serviced area and road networks infilling and/or intensifying by taking advantage of the existing infrastructure. ADUs will also be constructed in new subdivision developments where builders will complete an ADU(s) at time of construction or rough in for future completion. ADUs will help to support complete and walkable communities with diverse land uses and access to amenities.

Since Council approved the ADUs policy which permitted up to three units per property, the City has seen an increase in the uptake of ADUs. The figure below demonstrates the amount of ADUs and Secondary Dwellings (2021 and 2022):

<b>Year</b>	<b>Additional Dwelling Units</b>
2021	9
2022	20
2023	22
2024	36
<b>Total</b>	<b>87</b>

In 2024, ADUs represented 36% of the new housing units created in North Bay. Since 2021, 87 new housing units have been created through the ADU policies. This trend and uptake in the market to construct ADUs demonstrates that the existing policy is working for applicants (homeowners, home builders). The new amended ADU policy aims to improve upon the existing policy by allowing up to three ADUs per property and making the approval process more streamlined and efficient.

Based on the current practices with Additional Dwelling Units and general Planning guidelines, the Planning Department makes the following recommendations on implementing Additional Dwelling Units (up to three ADUs) within the City of North Bay, including:

- ADUs will be permitted within the serviced Settlement Area of the City and not permitted within the Rural Area;
- 0.5 Additional Parking Space will be required for each ADU; and
- Satisfying all applicable requirements of Zoning By-law, Building Code, Fire

## Code and Property Standards By-law.

### **4. Planning Rational and Justification**

The proposal to permit 4 units as-of-right (primary residence and 3 ADUs) on municipally serviced lands within the City's Settlement Area requires an Official Plan and Zoning By-law Amendment. The proposed amendment needs to represent good land use policy and the following section provides the Planning rational and justification. Additional Dwelling Units has seen changes and different requirements in the last couple of years.

#### *Secondary Dwellings Units – OPA 20 – 2018*

In 2018, the City of North Bay amended its Official Plan and Zoning By-law to implement the requirements of the *Strong Communities Through Affordable Housing Act, 2011*. Through this act it was required that Municipalities permit a second residential unit within a single detached, semi-detached and row housing, provided no accessory dwelling contained a residential unit.

#### *Additional Dwelling Units – OPA 31*

The *More Homes, More Choice Act, 2019* was passed on November 28, 2022, which made further changes to the Planning Act regarding additional residential units. This change permitted up to three units per property.

In 2023, the City of North Bay implemented these changes to permit up to three residential units on a parcel of land within the Settlement Area, and permitting up to 2 residential units within the rural area.

The proposed changes to the Official Plan and Zoning By-law would take a similar approach to the current policies and provisions in place for ADUs.

The proposed amendments would permit up to 4 units as-of-right (primary residence, 3 ADUs) within the urban area and still allow up to 2 residential units within the rural area.

### **Policy and Regulatory Framework**

The proposed amendments to the Official Plan and Zoning By-law are subject to the following policy and regulatory framework:

- The Planning Act
- 2024 Provincial Planning Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of North Bay
- Zoning By-law No. 2015-30.

### **Planning Act**

The Planning Act is provincial legislation that sets out the rules for land use planning for

municipalities in Ontario. The Planning Act currently prohibits municipalities from not permitting three dwelling units on a parcel of urban residential land.

The proposed amendments are proposing to allow up to 4 units as-of-right on a parcel of urban residential land.

## **Provincial Planning Statement, 2024**

The proposed amendment to allow for up to 4 units as-of-right on a parcel of urban residential land must be consistent with the Provincial Planning Statement.

Planning Staff have reviewed the PPS, 2024 in its entirety and is of the opinion the proposed amendments are consistent with the policy direction. Specifically, the following sections of the PPS, Policy 4 of Section 2.1 and Policy 1b) of Section 2.2, which states the following:

*“2.1 Planning for People and Homes – 4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*

### **2.2 Housing**

*1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas,*

*and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation;...”*

## **Growth Plan for Northern Ontario**

The proposed amendments conform to and do not conflict with the Growth Plan for Northern Ontario, 2011. Specifically, policy 3.4.3 of the GPNO encourages municipalities to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality open spaces, and easy access to local stores and services. The proposed amendments would facilitate a greater range and mix of housing types.

## **Official Plan**

The City of North Bay's Official Plan generally directs new growth and redevelopment within the Settlement Area. The Settlement Area is sized to meet current and future land requirements for these uses requiring full municipal services.

The Official Plan Section 2.1.11 has Housing Policies and provides general housing policies to ensure that there is an adequate number of housing units available.

### **2.1.11.2 –**

- a) To encourage the existence of an adequate supply and diversity of residential accommodation by type and tenure to satisfy the social and economic requirements to the population;

### **2.1.12 Urban Residential Area Densities**

Urban Residential Areas will be made up of low, medium and high-density residential developments. The Comprehensive Zoning By-law will zone various areas within the City for low, medium and high density residential development.

- 2.1.12.1 Low and medium density residential developments permit single detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouses, low profile apartments (up to four units), rooming houses, mobile homes and group homes.



The proposal to permit 4 units as-of-right in all low-density residential zones, would permit cost effective intensification, while maintaining low density residential development in existing neighbourhoods.

In my professional opinion, the proposed Official Plan Amendment and Zoning By-law Amendment to permit four (4) residential units as-of-right are consistent with the PPS, 2024, does not conflict with the Growth Plan for Northern Ontario, conforms with the City of North Bay's Official Plan.

The Canada Housing Infrastructure Fund (CHIF) website advises that municipalities with populations of 30,000 and above are required to implement zoning for four units as-of-right. The Government of Canada expects municipal land use policy and required zoning regulations to be in place by Spring 2025.

### Delegated Authority

The second part of this Official Plan Amendment is to provide Official Plan policy to allow Council to delegate approval of certain Planning Act applications to an officer, employee or agent of the Municipality. This initiative was also part of the City's HAF application and approval.

Planning Staff currently have delegated authority for Site Plan Control Agreements. The proposed Official Plan Amendment would create the necessary enabling policies to allow for delegation to staff to review and process routine and technical approvals or extensions. In addition to this policy amendment, a By-law would need to be passed by Council to enact the delegation.

Delegated Authority would allow for reduced timelines for minor technical Planning Act applications that would support new development.

Delegated Authority could be for the following:

- Site Plan Control Agreements;
- Consents;
- Minor Changes to the Zoning By-law (Holding Zones, Temporary Use By-law)
- Redline Amendments to Draft Plan of Subdivision and/or Condominiums;
- Extension and Final Approval of Draft Plan of Subdivision/Condominiums;
- Draft Plan of Subdivision and/or Condominiums; and
- Any other Planning Act Application that is permitted under the Planning Act.

### **Planning Rational and Justification**

The proposed amendment to the City of North Bay's Official Plan would provide enabling policies to give delegation of authority to qualified staff for routine and technical

approvals, amendments and extensions.

Bill 13, *Supporting People and Businesses Act, 2021*, made changes to a variety of statutes, including the *Planning Act*. The proposed changes to the *Planning Act* added a new section (Section 39.2) that the council of a local municipality may delegate decision-making authority under Section 34. The delegated decision-making authority may include, but not limited to, the following approvals: remove a holding symbol, temporary use by-laws to authorize the temporary use of land, buildings, or structures.

Along with these changes through Bill 13, there are other enabling policies for delegation approval under the *Planning Act*, including extension to Draft Approval, Red-Line Amendment to Draft Approval, consent authority and Site Plan Approvals.

The proposed Official Plan amendment would allow for enabling policies only, and any delegation of approval would need to be approved by amendment to the City's delegation by-law.

Planning Staff is of the opinion that the proposed amendment to the Official Plan to allow for enabling policies represents good land use planning and can help expediate certain processes that are generally more technical in nature.

## **PART TWO - THE AMENDMENT**

### **1. PURPOSE**

The purpose of Amendment No.35 to the Official Plan of the City of North Bay is to include Additional Dwelling Unit policies and provide Official Plan policy for delegated approval authority.

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**

By deleting section 2.1.13.6 Additional Dwelling Unit Policies in its entirety and replacing it with the following:

##### **“2.1.13.6 Additional Dwelling Unit Policies**

Additional Dwelling Units (ADU) can help to achieve intensification targets and increase the availability of affordable housing choices for

residents. ADUs may also assist with aging in place concepts.

ADUs are ancillary and subordinate to the primary dwelling unit. ADUs are permitted within the Settlement Area, where the property is connected to municipal services, to a maximum of three Additional Dwellings Units and the primary dwelling for a maximum of four (4) units.

Within the Rural area of the City, or where a property is within the Settlement Area but not connected to municipal services, a maximum of one ADU is permitted.

ADUs are permitted provided it meets the following criteria:

- a) Within the Settlement Area, where connected to municipal services, a second, third and/or fourth residential unit in a detached, semi-detached, townhouse, provided that no accessory structure on the property contains an additional residential dwelling unit; or
- b) Within the Settlement Area, where connected to municipal services, an additional residential dwelling unit in a detached, semi-detached, townhouse, if there is only one residential unit within an accessory structure on the property; or
- c) Within the Settlement Area, where connected to municipal services, an accessory building is permitted to have one additional residential dwelling unit, provided that no other accessory building on the property has an additional residential dwelling unit and provided that there is a maximum of two additional residential dwelling units within the primary residential unit;
- d) Recreational Vehicles and Mobile homes are not considered an additional residential dwelling unit;
- e) Adequate servicing must be available to service the additional residential dwelling unit through either the municipal system within the Settlement Area, or through, privately owned systems within the rural area where municipal services are not

available;

- f) additional residential dwelling units are not permitted within hazard lands or adjacent to hazard lands;
- g) additional residential dwelling units are not permitted in any Industrial or Commercial zoned property;
- h) additional residential dwelling units shall not be permitted within 300 metres of the un-serviced shoreline and major inflowing streams of Trout Lake, unless the proposed property is on full Municipal Services;
- i) Additional residential dwelling units will not cause alterations to the main building's exterior that would significantly 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;
- j) additional residential 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;
- k) Existing illegal additional residential dwelling units must comply with all of the applicable requirements of the Official Plan and Zoning By-law and obtain the necessary building permits to be considered a legal additional dwelling unit; and
- l) Additional regulations for additional residential dwelling units will be established in the Zoning By-law.

## **5.1 The Planning Toolbox**

Add the following after the third paragraph in Section 5.1 The Planning Toolbox:

“5.1.0 Delegated Approval Authority

Council has the ability through the Planning Act by By-law to delegate

approval authority for Planning Tools to be approved by a Committee of Council or an individual who is an officer, employee or agent of the Municipality.

Council may by By-law delegate approval authority to either a Committee of Council or an individual who is an officer, employee or agent of the Municipality. The By-law would grant the delegated authority and provide the process in which to follow for approval. Council would have the ability to delegate approval authority for the following:

- Site Plan Control Agreements;
- Consents;
- Minor Variances;
- Minor Changes to the Zoning By-law (holding zones, temporary use By-laws);
- Redline Amendments to Draft Plan of Subdivisions and/or Condominiums;
- Extension and Final Approval of Draft Plan of Subdivisions and/or Condominiums;
- Draft Plan of Subdivisions and/or Condominiums; and
- Any other Planning Act Application or process that is permitted under the Planning Act.”

### **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.