

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 59-76

BEING A BY-LAW TO AMEND BY-LAW NO. 1097 OF THE FORMER TOWNSHIP OF WIDDIFIELD AS AMENDED BY BY-LAW NO. 28-75 AND FURTHER AMENDED BY BY-LAW NO. 92-75 PURSUANT TO SECTION 35 OF THE PLANNING ACT, R.S.O. 1970 AND AMENDMENTS THERETO.

WHEREAS it is considered advisable to amend By-law No. 1097 of the former Township of Widdifield as amended by By-law No. 28-75 and further amended by By-law No. 92-75 to provide for a change in the Zone Designations as shown on Schedules "A" and "B" to said By-law No. 92-75.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. The District Map of By-law No. 1097 of the former Township of Widdifield as amended by By-laws Nos. 28-75 and 92-75 is hereby amended by changing the Zoning Designation of the lands shown on Schedule "A" attached hereto and forming part hereof from "Bush (Residential)" and "Bush (Commercial)" to "Residential First Density Special Zone 5-76 (R.1S5-76)," "Residential Second Density Special Zone 5-76 (R.2S5-76)," "Residential Third Density Special Zone 5-76 (R.3S5-76)," "Residential Multiple Second Density Special Zone 5-76 (RM.2 S 5-76)," "Residential Multiple Third Density Special Zone 5-76 (RM. 3 S5-76)," "Open Space Special Zone 5-76 (OS5-76)" and "Neighbourhood Commercial Special Zone 5-76 (NCS5-76)" on the property more particularly described as Part of Lot 22 Conc. B in the former Township of Widdifield as shown on Schedule "B" attached hereto and forming part hereof.
2. For the purpose of this By-law the following definitions will apply:
 - (a) DWELLING, APARTMENT shall mean a building consisting of five (5) or more dwelling units, which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or stairs and/or elevators and yards;
 - (b) DWELLING, DUPLEX shall mean a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly or through a common vestibule;
 - (c) DWELLING, MAISONETTE shall mean a building that is divided into three or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonette shall not be considered an apartment building for the purposes of this By-law;

-cont/

-2-

- (d) DWELLING, MULTIPLE shall mean a building designed, intended and used for occupancy by three or more families living independently of each other, but shall exclude an apartment dwelling, row-house dwelling, maisonette dwelling;
- (e) DWELLING, ROW-HOUSE shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;
- (f) DWELLING, SEMI-DETACHED shall mean a building that is divided vertically into two dwelling units, each of which has an independent entrance either directly or through a common vestibule;
- (g) DWELLING, SINGLE-FAMILY DETACHED shall mean a completely detached dwelling unit;
- (h) LOT, FRONTAGE OF means the perpendicular distance measured in a horizontal plane between the side lot lines of a lot, but where such lot lines are not parallel, the lot frontage shall be the minimum distance between the side lot lines measured on a straight line twenty (20) feet back from and parallel to a line joining the intersections of the side lot lines with the front lot line;
- (i) OPEN SPACE, USABLE shall mean open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, any balcony at least five (5) feet in depth, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area, or loading space;
- (j) ZONE, PRIVACY shall mean an area within the minimum yard depth in which communal activities are discouraged or prevented by means of surface finishing, landscaping or physical barriers.

3. For the purposes of this By-law, all buildings or structures erected or altered, and the use of land in such "Residential First Density Special Zone 5-76 (R.1 S5-76)," "Residential Second Density Special Zone 5-76 (R.2 S5-76)," "Residential Third Density Special Zone 5-76 (R.3 S5-76)," "Residential Multiple Second Density Special Zone 5-76 (RM.2 S5-76)," "Residential Multiple Third Density Special Zone 5-76 (RM3 S5-76)," "Open Space Special Zone 5-76" and "Neighbourhood Commercial Special Zone 5-76 (NCS5-76)" hereby established shall conform to the Uses and Regulations set forth in Schedule "C" attached hereto and forming part hereof.

-cont/


- 4. All buildings and structures erected or altered in the Zones hereby established shall conform to all other applicable provisions of Zoning By-law No. 1097 of the former Township of Widdifield, except as hereby expressly varied.

This By-law shall take effect from the date of passing by Council and shall come into force upon the approval of the Ontario Municipal Board.

READ A FIRST TIME IN OPEN COUNCIL THIS 29TH DAY OF MARCH, 1976.

READ A SECOND TIME IN OPEN COUNCIL THIS 12TH DAY OF APRIL, 1976.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 12TH DAY OF APRIL, 1976.

.....

 MAYOR

.....

 DEPUTY CITY CLERK

SCHEDULE "A"

TO BY LAW NO 59-76

PART OF ZONING
BY-LAW NO 1097

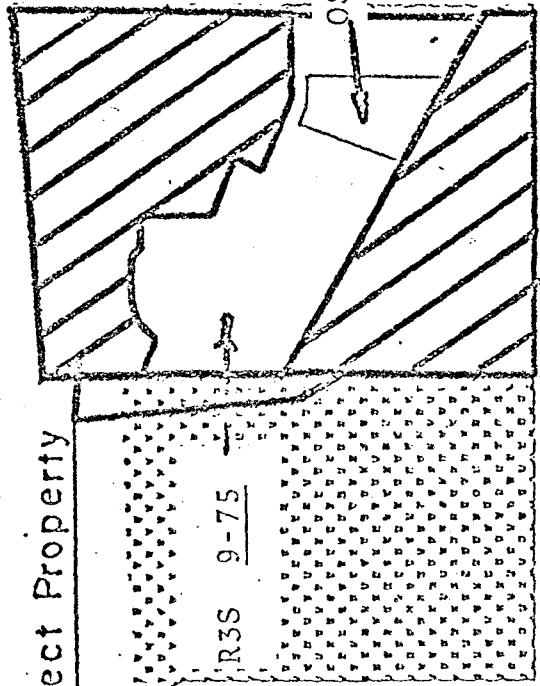
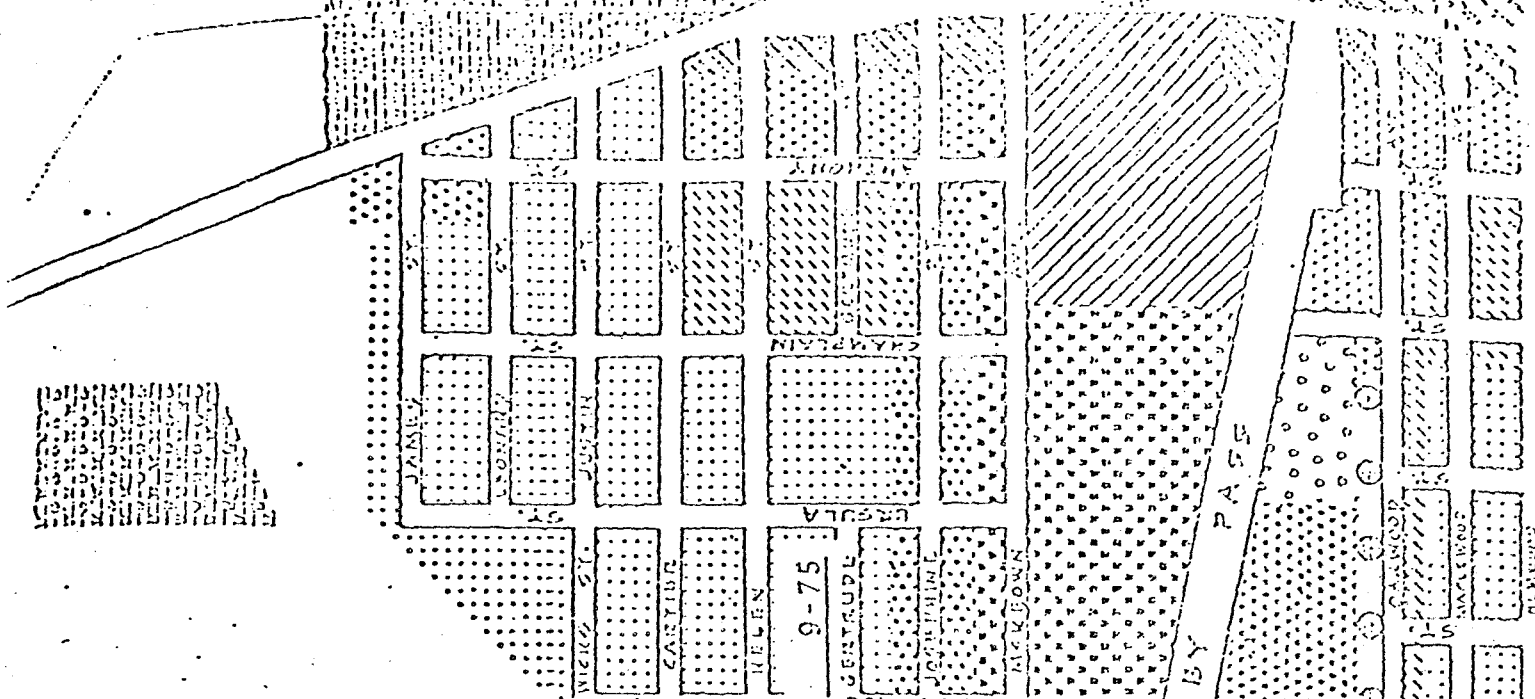
Subject Property

R3S 9-75

OS 9-75

NORTH BAY

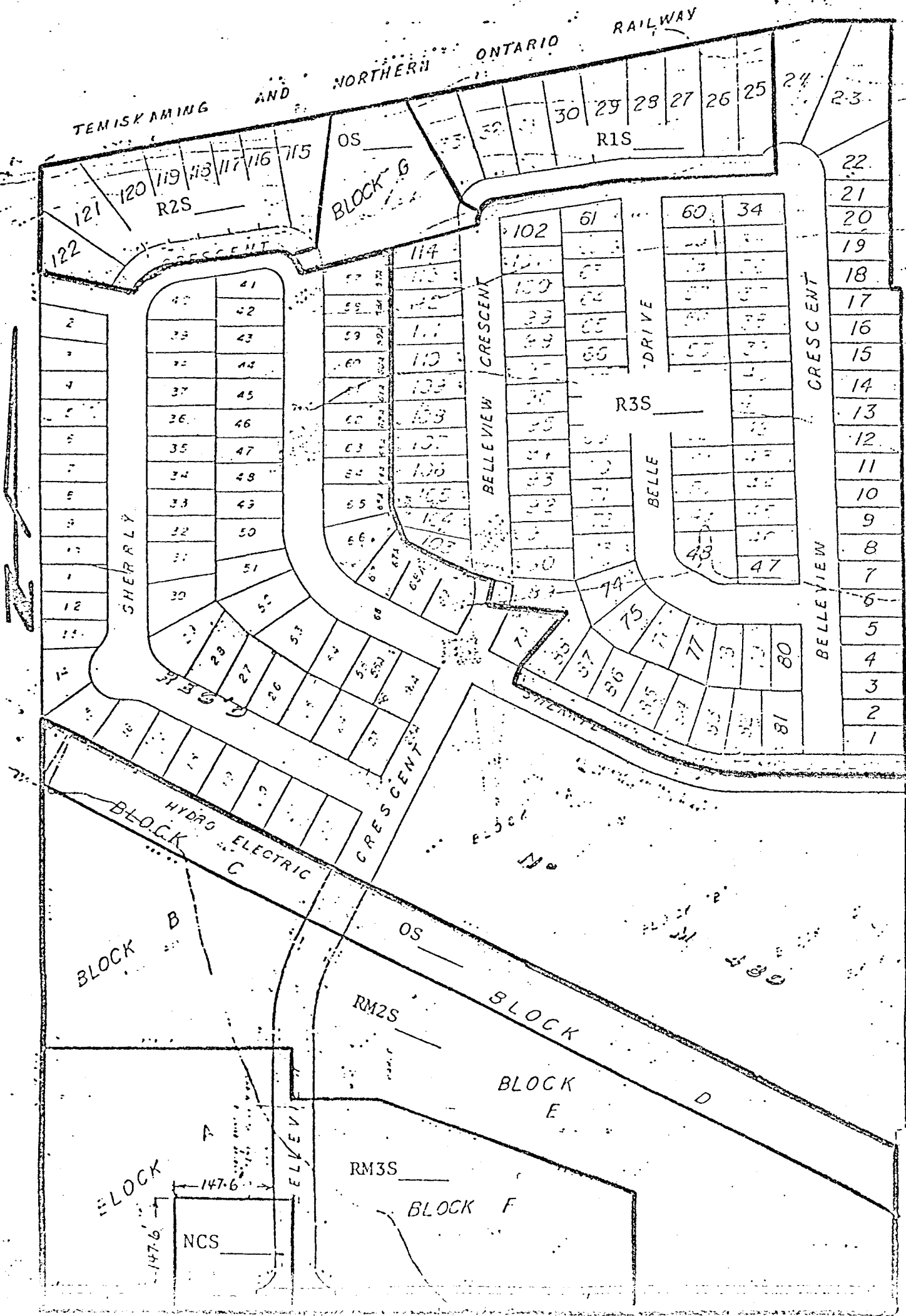
BY PASE



SCALE 1" = 100 FEET
SURVEYED BY J. S. SMITH
SURVEY DATED 1974

Schedule "B" of By-law No

59-76



SCHEDULE "C" TO BY-LAW NO. 59-76

All buildings, structures or uses of land within the area governed by By-law No. 59-76 shall conform to the Permitted Uses and Regulations for each Zone Designation as set out in this Schedule.

A. "RESIDENTIAL FIRST DENSITY SPECIAL ZONE (R1S 5-76)"

1) Permissible Uses:

a) Residential:

Single Family Detached Dwellings

b) Business:

Office Use when part of the Practitioner's Own Home

c) Recreational:

Parks, playgrounds, non-profit-making organizations provided that the said use is located in a Park or Playground

d) Institutional:

Private schools other than trade schools, churches, day nurseries licensed under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder in a church hall or in a school building within the terms of The Schools Administration Act and in a single family detached dwelling where the number of children accommodated at any one time is less than twenty (20).

2) Regulations:

a) Single Family Detached Dwelling:

Min. Lot Area	Min. Lot Frontage	Min. Floor Area	Max. Lot Coverage
6,000	60 Feet	1 Storey & Split Level- 1,000 sq. ft. 1-1/2 Storey- 1,300 sq. ft. 2 Storey- 1,400 sq. ft.	30%

b) Front Yard:

Minimum of twenty (20) feet.

c) Rear Yard:

Minimum of thirty-five (35) feet, except in the case of a corner lot where the Rear Yard shall be not less than twenty-five (25) feet.

d) Side Yard:

Minimum of four (4) feet for a one-storey dwelling and an additional two (2) feet for each additional storey or part thereof;

On every lot other than a corner lot where there is no attached garage or carport, or other provision for off-street parking on the same lot, one side yard shall have a minimum width of ten (10) feet;

An exterior side yard of a corner lot shall be not less than ten (10) feet;

In the case of a corner lot, no garage shall be located closer than twenty (20) feet to the street line and no portion of any driveway shall be located closer than thirty (30) feet to the intersection of any two streets measured along the street line and its projection to the intersection of such street line or its projection with another street line or its projection;

The Minimum side yard width on the side of a lot abutting a one-foot reserve shall be twenty (20) feet.

B. "RESIDENTIAL SECOND DENSITY SPECIAL ZONE (R2S 5-76)"

1) Permissible Uses:

a) Residential:

Single Family Detached Dwellings

b) Business:

Office Use when part of the Practitioner's Own Home

c) Recreational:

Parks, playgrounds, non-profit-making organizations provided that the said use is located in a Park or Playground

d) Institutional:

Private schools other than trade schools, churches, day nurseries licensed under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder in a church hall or in a school building within the terms of The Schools Administration Act and in a single family detached dwelling where the number of children accommodated at any one time is less than twenty (20)

2) Regulations:

a) Single Family Detached Dwelling:

Min. Lot Area	Min. Lot Frontage	Min. Floor Area	Max. Lot Coverage
5,000 sq. ft.	50 Feet	1,000 sq. ft.	30%

-3-

b) Front Yard:

Minimum of twenty (20) feet.

c) Rear Yard:

Minimum of thirty-five (35) feet, except in the case of a corner lot where the Rear Yard shall be not less than twenty-five (25) feet;

d) Side Yard:

Minimum of four (4) feet for a one-storey dwelling and an additional two (2) feet for each additional storey or part thereof;

On every lot other than a corner lot where there is no attached garage or carport, or other provision for off-street parking on the same lot, one side yard shall have a minimum width of ten (10) feet;

An exterior side yard of a corner lot shall be not less than ten (10) feet;

In the case of a corner lot, no garage shall be located closer than twenty (20) feet to the street line and no portion of any driveway shall be located closer than thirty (30) feet to the intersection of any two streets measured along the street line and its projection to the intersection of such street line or its projection with another street line or its projection;

The minimum side yard width on the side of a lot abutting a one-foot reserve shall be twenty (20) feet.

C. "RESIDENTIAL THIRD DENSITY SPECIAL ZONE (R3S 5-76)"

1) Permissible Uses:a) Residential:

Single Family Detached, Semi-detached and Duplex Dwellings

b) Business:

Office Use when part of the Practitioner's Own Home

c) Recreational:

Parks, Playgrounds, non-profit-making organizations provided that the said use is located in a Park or Playground

d) Institutional:

Private schools other than trade schools, churches, day nurseries licensed under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder in a church hall or in a school building within the terms of The Schools Administration Act and in a single family detached dwelling where the number of children accommodated at any one time is less than twenty (20).

2) Regulations:

a)

DWELLING TYPE	MIN. LOT AREA PER DWELLING UNIT IN SQUARE FEET	MIN. LOT FRONTAGE IN FEET	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE FEET	MAXIMUM LOT COVERAGE
Single Family Detached	4,500	45	1 Storey and Split Level: 850 1-1/2 Storey: 1,100 2 Storey: 1,100	30%
Semi-Detached	3,000 4,000 if Corner Lot	30 per Dwelling Unit 40 if Corner Lot	1 Storey and Split Level: 850 1-1/2 Storey: 1,100	35%
Duplex	3,000	30 per Dwelling Unit	850	35%

b) Minimum Front Yard Depth

Twenty (20) feet

c) Minimum Side Yard Depth

Four (4) feet for one (1) storey building and an additional two (2) feet for each additional storey or part thereof;

On every lot other than a corner lot where there is no attached garage or carport or other provision for off-street parking on the same lot, one side yard shall have a minimum width of ten (10) feet;

The width of an exterior side yard shall not be less than ten (10) feet except, in the case of a corner lot, no garage shall be located closer than twenty (20) feet to the street line and no portion of any driveway shall be located closer than thirty (30) feet to the intersection of any two streets measured along the street line and its projection to the intersection of such street line or its projection;

The width of a side yard on the side of a lot abutting a one-foot reserve shall not be less than twenty (20) feet;

d) Minimum Rear Yard Depth

Thirty-five (35) feet, except in the case of a corner lot, where the rear yard shall be not less than twenty-five (25) feet.

D. "RESIDENTIAL MULTIPLE SECOND DENSITY SPECIAL ZONE (RM2S5-76)"1) Permissible Uses:a) Residential:

Maisonette, row-house and multiple dwellings

b) Business:

Nil

c) Recreational:

Parks, playgrounds, non-profit-making organizations provided that the said use is located in a Park or Playground

d) Institutional:

Day nurseries licensed under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery;

2) Regulations:

a)

DWELLING TYPE	MIN. LOT AREA PER DWELLING UNIT IN SQ. FEET	MIN. LOT FRONTAGE /DWELLING IN FEET	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE FEET	MAX. LOT COVERAGE
Maisonette	2,500	120	Bachelor 350 1-Bedroom 550 2-Bedroom 675 3-Bedroom 800 And an Additional 100 Sq. Ft. for each Additional Bedroom	30%
Row-House	2,500	100	Bachelor 350 1-Bedroom 550 2-Bedroom 675 3-Bedroom 800 And an Additional 100 Sq. Ft. for each Additional Bedroom	30%
Multiple	2,500	100	Bachelor 350 1-Bedroom 550 2-Bedroom 675 3-Bedroom 800 And an Additional 100 Sq. Ft. for each Additional Bedroom	30%

b) Minimum Front Yard Depth:

Twenty (20) feet;

c) Minimum Side Yard Depth:

Four (4) feet for one storey and an additional two (2) feet for each additional storey or part thereof, but one side yard must have a minimum width of twenty (20) feet and an exterior side yard must have a minimum width of ten (10) feet;

d) Minimum Rear Yard Depth:

Twenty-five (25) feet

e) Notwithstanding any other provisions of this Schedule "C" or the By-law to which this Schedule forms part thereof, each dwelling unit in a maisonette, row-house or multiple dwelling with an independent entrance to an outside yard shall have one yard area which serves as a private, outdoor living area for the occupants. This yard is normally associated with the living room, but to allow flexibility in design, the private outdoor area may alternatively be located adjacent to a dining room, family room, finished recreation room, study or den, or a kitchen which is combined with one of the above uses;

1. The private outdoor living area shall have a minimum yard depth of twenty (20) feet within which a privacy zone of fifteen (15) feet shall be provided;

2. A yard adjacent to a living room which is not designated as a private outdoor living area shall have a minimum depth of twenty (20) feet within which a privacy zone of twelve (12) feet shall be provided. No privacy zone shall be required for such living room where glazing to the living room is a minimum of six (6) feet above the adjacent exterior level;

3. A yard adjacent to a habitable room other than a living room and which is not designated as a private outdoor living area shall have a minimum depth of seventeen and one-half (17-1/2) feet within which a privacy zone of twelve (12) feet shall be provided. No privacy zone shall be required:

(a) where glazing to the habitable room is a minimum of six (6) feet above the adjacent exterior level;

(b) for a kitchen which does not include the main dining area or any other communal family space.

f) Where dwelling units in a maisonette, row-house or multiple dwelling are constructed on separate lots, no side yard shall be required where a dwelling unit has a common wall with an adjacent dwelling unit;

g) Play Space for Apartments:

Notwithstanding any other provision of this Schedule "C" or the By-law to which this Schedule forms part thereof, no person shall use land for or erect or use an apartment building unless he provides on the lot at least:

1. The following play space for children for each dwelling unit:

Bachelor Unit.....	0 Square Feet
1-Bedroom.....	20 Square Feet
2-Bedroom.....	40 Square Feet
3-Bedroom or More.....	50 Square Feet

Such play space shall be:

- (a) Enclosed with a chain link or equivalent fence at least four (4) feet in height;
- (b) Located at least fifteen (15) feet from the nearest wall of the building;
- (c) Accessible to the building without the necessity of crossing a parking lot or driveway;
- (d) In one location;
- (e) In the rear or side yard;

h) Landscaping for Apartments:

Notwithstanding any other provision of this Schedule "C" or the By-law to which this Schedule forms part thereof, no person shall use land for or erect or use a building containing apartment dwelling units unless he provides on the lot:

1. A Strip of land not less than five (5) feet wide for landscaping abutting on the rear lot line;
2. A strip of land not less than five (5) feet wide for landscaping abutting on the walls of the apartment dwelling where units on the ground floor have windows to habitable rooms which face onto either a driveway or a parking lot in the said yards;
3. A screen in the form of landscaping to a height of not less than five (5) feet adjacent to the side and rear lot lines within three years of the date of the issuance of the Building Permit for the said apartment dwelling.

E. "RESIDENTIAL MULTIPLE THIRD DENSITY SPECIAL ZONE (RM. 3S 5-76)"

1) Permissible Uses:a) Residential:

Apartment; dwellings less than or equal to three (3) stories

b) Business:

Nil

c) Recreational:

Parks, Playgrounds, non-profit-making organizations provided that the said use is located in a Park or Playground

d) Institutional:

Day nurseries licensed under and operated in accordance with The Day Nurseries Act 1966 and regulations made thereunder within premises especially constructed for the purpose of the said nursery.

2) Regulations:

a)

DWELLING TYPE	MAX. GROSS FLOOR AREA PERCENT OF LOT AREA	MIN. LOT FRONTAGE IN FEET	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE FEET	MIN. USABLE OPEN SPACE PERCENT OF GROSS FLOOR AREA
Apartment (3 Stories or Less)	75	100	Bachelor 350 1-Bedroom 550 2-Bedroom 675 3-Bedroom 800 4-Bedroom 900	50

b) Not less than fifty (50) per cent of the usable open space required under Section E. 2)a) of this Schedule shall be located in one place on the lot up to a maximum of five thousand (5,000) square feet;

c) No apartment building shall be hereafter erected or altered except in accordance with the following yard regulations:

1. Minimum setback from the centreline of the street shall be one-half (1/2) the height of the building, but in no case shall the front yard be less than twenty-five (25) feet deep;

2. Minimum Side Yard Depth:

Minimum width shall be one-half (1/2) the height of the building but not less than twenty (20) feet deep;

3. Minimum Exterior Side Yard Depth:

Minimum setback from the lot line of the flanking street shall be one-half (1/2) the height of the building, but in no case shall the yard be less than twenty (20) feet deep;

4. Minimum Rear Yard Depth:

Minimum depth shall be one-half the height of the building but not less than twenty-five (25) feet deep.

d) Play Space for Apartments:

Notwithstanding any other provision of this Schedule "C" or the By-law to which this Schedule forms part thereof, no person shall use land for or erect or use an apartment building unless he provides on the lot at least:

1. The following play space for children for each dwelling unit:

Bachelor Unit.....	0 Square Feet
1-Bedroom.....	20 Square Feet
2-Bedroom.....	40 Square Feet
3-Bedroom or More.....	50 Square Feet

Such play space shall be:

- (a) Enclosed with a chain link or equivalent fence at least four (4) feet in height;
- (b) Located at least fifteen (15) feet from the nearest wall of the building;
- (c) Accessible to the building without the necessity of crossing a parking lot or driveway;
- (d) In one location;
- (e) In the rear or side yard.

e) Landscaping for Apartments:

Notwithstanding any other provision of this Schedule "C" or the By-law to which this Schedule forms part thereof, no person shall use land for or erect or use a building containing apartment dwelling units unless he provides on the lot:

1. A strip of land not less than five (5) feet wide for landscaping abutting on the rear lot line;
2. A strip of land not less than five (5) feet wide for landscaping abutting on the walls of the apartment dwelling where units on the ground floor have windows to habitable rooms which face onto either a driveway or a parking lot in the said yards;
3. A screen in the form of landscaping to a height of not less than five (5) feet adjacent to the side and rear lot lines within three years of the date of the issuance of the Building Permit for the said apartment dwelling.

F. "OPEN SPACE SPECIAL ZONE (OS 5-76)"1) Permissible Uses:a) Recreational:

Local, district and regional parks, conservation area, playgrounds, swimming pools, community centres, arenas, ball parks, non-profit-making organizations;

b) Institutional:

Sewage treatment works or water works facilities.

2) Regulations:a) Yards:

The depth of the front, side and rear yards shall be a minimum of twenty five (25) feet from the lot line to the nearest main wall of any building.

b) Coverage:

The maximum area of the lot that may be covered by buildings or structures shall be ten (10) per cent.

G. "NEIGHBOURHOOD COMMERCIAL SPECIAL ZONE (NCS 5-76)"

1) Permissible Uses:a) Commercial:

Offices
Public and Private Parking Area
Retail Trade, within an enclosed building
Service Establishment that is not obnoxious

b) Residential:

Dwelling units connected to and forming an integral part of the Commercial building, provided that access to the dwelling units is separate from the access to the Commercial portion of the building, and the dwelling units are located above or at the rear of business premises.

2) Regulations:a) Vehicular Storage:

In a Neighbourhood Commercial Zone, any person who conducts a commercial undertaking for which commercial vehicles are stored on the premises, shall provide in such a zone an area on the property for the exclusive storage of such vehicles and the said storage area shall be screened by a hedge not less than six (6) feet in height, located in such a manner as to screen the said storage area from the surrounding residential properties.

b) Ownership:

The lands shall be in one ownership, or, if in several ownerships, all owners shall individually and jointly comply with the provisions set forth herein.

c) Coverage:

Maximum twenty-five (25) per cent.

d) Front Yard:

The setback from the front lot line shall be a minimum of thirty (30) feet.

-11-

e) Side Yard:

1. Where a side lot line abuts a Residential Zone, the setback from the said side lot line shall be a minimum of fifteen (15) feet;
2. Where a side lot line abuts a street, the setback from the said side lot line shall be a minimum of ten (10) feet;
3. Where the building contains residential accommodation of one or more stories in height, and the windows of habitable rooms face the side lot line, the nearest main wall of the residential portion of the building shall be no less than one-half (1/2) the height of the residential portion of the building from the side lot line, but not less than twenty (20) feet.

f) Rear Yard:

1. Where a rear lot line abuts a Residential Zone, the setback from the said rear lot line shall be a minimum of thirty-five (35) feet;
2. Where the building contains residential accommodation of one or more stories in height, the nearest main wall of the residential portion of the building shall be no less than thirty-five (35) feet from the rear lot line.

g) Residential Regulations:

1.

DWELLING TYPE	MAX. GROSS FLOOR AREA % OF LOT AREA	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE FEET	MIN. USABLE OPEN SPACE % OF GROSS FLOOR AREA	
Apartment	75%	Bachelor	350	50%
		1-Bedroom	550	
		2-Bedroom	675	
		3-Bedroom	800	
		4-Bedroom	900	

2. Notless than fifty percent (50%) of the usable open space required under Section G.2)g) of this Schedule shall be located in one place on the lot up to a maximum of five thousand (5,000) square feet.

h) Parking Regulations:1. Automobile Parking Space:

- Minimum Area: Two hundred (200) square feet;
- Minimum Length: Twenty (20) square feet;
- Minimum Width: Ten (10) feet.

2. Aisle Space:

Minimum Width:

- Twenty-two (22) feet for 90degree to 60 degree parking;
- Eighteen (18) feet for 60 degree to 45 degree parking;
- Twelve (12) feet for 45 degree or less parking,
in which case access to such
aisle shall be from one
direction only.

3.

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
For each dwelling unit in a single family detached, semi-detached, duplex, triplex, double-duplex	One (1) Parking Space
For each dwelling unit in a multiple dwelling, maisonette, row-house, apartment building, or a building containing both Commercial and Residential Uses	One and One-Quarter (1-1/4) Parking Spaces
For each Commercial Use in a Neighbourhood Commercial Zone	One (1) Parking Space for each two hundred (200) square feet of Commercial Floor Space of the Building.



R 761460

Ontario Municipal Board

IN THE MATTER OF Section 35 of
The Planning Act (R.S.O. 1970,
c. 349),

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for approval of its
Restricted Area By-law 59-76

B E F O R E :

W. SHUB, Q.C.,
Chairman

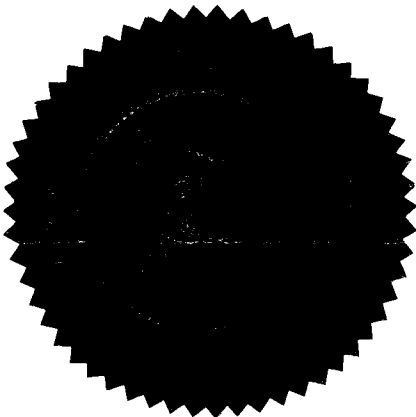
- and -

C.G. EBERS, Q.C.,
Member

Thursday, the 22nd day
of July, 1976

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 59-76 is hereby
approved.



C. Saruyama

C. SARUYAMA
ACTING SECRETARY

ENTERED	
O. B. No.	<i>12</i>
Folio No.	<i>392</i>
AUG 3 1976	
<i>W. Andrew</i>	
SECRETARY, ONTARIO MUNICIPAL BOARD	