

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 130-78

BEING A BY-LAW TO AMEND BY-LAW NO. 1097 OF
THE FORMER TOWNSHIP OF WIDDIFIELD, AS AMENDED
BY BY-LAW NO. 29-76 OF THE CITY OF NORTH BAY,
PURSUANT TO SECTION 35 OF THE PLANNING ACT,
R.S.O. 1970, CHAPTER 349 AND AMENDMENTS THERETO.

WHEREAS upon the request of the property owner concerned, and with the approval of the local Planning Board, it is considered advisable to amend By-law No. 1097 of the former Township of Widdifield to provide for a change in the zone designation as shown on the District Map which forms part of said By-law No. 1097, and as shown on Schedule "C" to By-law No. 29-76.

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

The District Map which forms part of said By-law No. 1097 as amended by By-law No. 29-76 is amended by changing the zoning designations of the land shown on that part of said Zoning Map set out in Schedule "A" attached hereto and forming part hereof from:

- (a) "Residential Multiple Third Density Special Zone 2-76 (RM3S 2-76)" of By-law No. 29-76 to "Residential Multiple Second Density Special Zone 15-78 (RM2S 15-78)",
- (b) from "Residential Multiple Third Density Special Zone 2-76 (RM3S 2-76)" of By-law No. 29-76 to "Open Space Special Zone 15-78 (OS 15-78)",
- (c) from "Residential Multiple Second Density Special Zone 2-76 (RM2S 2-76)" of By-law No. 29-76 to "Residential Third Density Special Zone 15-78 (R3S 15-78)",
- (d) from "Residential Multiple Second Density Special Zone 2-76 (RM2S 2-76)" of By-law No. 29-76 to "Open Space Special Zone 15-78 (OS 15-78)",
- (e) from "R.3 Multiple Family District" of By-law No. 1097 to "Residential Multiple Third Density Special Zone 15-78 (RM3S 15-78)",

- (f) from "R.3 Multiple Family District" of By-law No. 1097 to "Open Space Special Zone 15-78 (OS 15-78)", and
- (g) from "Open Space Special Zone 2-76 (OS 2-76) of By-law No. 29-76 to "Residential Multiple Second Density Special Zone 15-78 (RM2S 15-78)"

all as shown on Schedule "B" attached hereto and forming part hereof.

In this By-law

- (a) Dwelling, Apartment shall mean a building consisting of five 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.
- (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-housing dwelling, and a 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 six (6) metres 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 one-and-five-tenths (1.5) metres 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.
- All buildings or structures erected or altered and the use of land in such "Residential Third Density Special Zone 15-78 (R3S 15-78)", "Residential Multiple Second Density Special Zone 15-78 (RM2S 15-78)", "Residential Multiple Third Density Special Zone 15-78 (RM3S 15-78)" and "Open Space Special Zone 15-78 (OS 15-78)" shall conform to the uses and regulations set forth in this By-law.

RESIDENTIAL THIRD DENSITY SPECIAL ZONE 15-78 (R3S 15-78)

- (a) Permitted Uses in this Residential Third Density Special Zone 15-78 (R3S) 15-78 are:
- (i) Residential
Single Family detached, semi-detached and duplex dwellings;
 - (ii) Business
Office use when part of the practitioner's own home;
 - (iii) Recreational
Parks, Playgrounds, non-profit-making organizations provided that the said use is located in a park or playground;

(iv) 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).

REGULATIONS

(b) (i) Regulations of use in this Residential Third Density Special Zone 15-78 (R3S 15-78) are as set forth in the following table:

DWELLING TYPE	MIN. LOT AREA PER DWELLING UNIT IN SQUARE METRES	MIN. LOT FRONTAGE IN METRES	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE METRES	MAXIMUM LOT COVERAGE
Single family detached	417	13.7	1 storey and split level: 79 1 1/2 storey: 102 2 storey: 102	30%
Multi-detached	278	9 per dwelling unit;	1 storey and split level: 79	35%
	371 if corner lot	12 if corner lot	1 1/2 storey: 102	
Complex	278	9 per dwelling unit	79	35%

(ii) Minimum Front Yard Depth is six (6) metres

(iii) Minimum Side Yard Depths are:

- (a) One-and-two-tenths (1.2) Metres for one (1) storey building and an additional sixty-one (61) centimetres for each additional storey or part thereof;
- (b) 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 three metres;

(c) The width of an exterior side yard shall not be less than three (3) metres except, in the case of a corner lot, no garage shall be located closer than six (6) metres to the street line and no portion of any driveway shall be located closer than nine (9) metres 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;

(d) The width of a side yard on the side of a lot abutting a one-foot reserve shall not be less than six (6) metres;

(iv) Minimum Rear Yard Depth is ten-and-five-tenths (10.5) metres, except in the case of a corner lot, where the rear yard shall be not less than seven-and-six-tenths (7.6) metres.

RESIDENTIAL MULTIPLE SECOND DENSITY SPECIAL ZONE 15-78 (RM2S15-78)

(a) Permitted Uses in this Residential Multiple Second Density Special Zone 15-78 (RM2S15-78) are:

(i) Residential

Maisonette, row-house and multiple dwellings;

(ii) Business

Nil;

(iii) Recreational

Parks, playgrounds, non-profit making organizations provided that the said use is located in a park or playground;

(iv) 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;

REGULATIONS:

(b) (i) Regulations of use in this Residential Multiple Second Density Special Zone 15-78 (RM2S) 15-78 are as set forth in the following table:

LING E	MIN. LOT AREA PER DWELLING UNIT IN SQUARE METRES	MIN. LOT FRONTAGE/ DWELLING IN METRES	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE METRES	MAX. LOT COVERAGE
onette	232	36	Bachelor 32.5 1 bedroom 51 2 bedroom 62.5 3 bedroom 74 And an additional 9 square metres for each additional bedroom	30%
House	232.	30	Bachelor 32.5 1 bedroom 51 2 bedroom 62.5 3 bedroom 74 and an additional 9 square metres for each additional bedroom	30%
iple	232	30	Bachelor 32.5 1 bedroom 51 2 bedroom 62.5 3 bedroom 74 And an additional 9 square metres for each additional bedroom	30%

- (ii) Minimum Front Yard Depth is six (6) metres;
- (iii) Minimum Side Yard Depth is one-and-two-tenths (1.2) metres for one storey and an additional sixty-one (61) centimetres for each additional storey or part thereof, but one side yard must have a minimum width of six (6) metres and an exterior side yard must have a minimum width of three (3) metres;
- (iv) Minimum Rear Yard Depth is seven-and-six-tenths (7.6) metres.
- (v) Notwithstanding any other provisions of this By-law, 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 six (6) metres within which a privacy zone of four-and-five-tenths (4.5) metres 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 six (6) metres within which a privacy zone of three-and-six-tenths (3.6) metres shall be provided. No privacy zone shall be required for such living room where glazing to the living room is a minimum of one-and-eight-tenths (1.8) metres 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 five-and-three-tenths (5.3) metres within which a privacy zone of three-and-six-tenths (3.6) metres shall be provided.

No privacy zone shall be required:

- (a) where glazing to the habitable room is a minimum of one-and-eight-tenths (1.8) metres above the adjacent exterior level;
- (b) for a kitchen which does not include the main dining area or any other communal family space.

(vi) 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.

RESIDENTIAL MULTIPLE THIRD DENSITY SPECIAL ZONE 15-78 (RM3S 15-78)

Permitted Uses in this Residential Multiple Third Density Special Zone 15-78 (RM3S 15-78) are:

- (i) Residential
Apartment dwellings;
- (ii) Business
Nil;

(iii) Recreational

Parks, Playgrounds, non-profit making organizations, provided that the said use is located in a park or playground;

(iv) 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.

REGULATIONS:

(b) (i) Regulations of use in this Residential Multiple Third Density Special Zone 15-78 (RM3S) 15-78 are as set forth in the following table:

DWELLING TYPE	MAX. GROSS FLOOR AREA % OF LOT AREA	MIN. LOT FRONTAGE IN METRES	MIN. FLOOR AREA PER DWELLING UNIT IN SQUARE METRES	MIN. USABLE OPEN SPACE % OF GROSS FLOOR AREA
Apartment	75	30	Bachelor 32.5 1 bedroom 51 2 bedroom 62.5 3 bedroom 74 4 bedroom 83.6	50

(ii) Not less than fifty (50) per cent of the usable open space required under Section 3 (b) (i) of this By-law shall be located in one place on the lot up to a maximum of four hundred sixty-four (464) square metres;

(iii) 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 seven-and-six-tenths (7.6) metres deep and the setback from the centreline be less than seventeen-and-seven-tenths (17.7) metres;

2. Minimum Side Yard Depth

Minimum width shall be one-half (1/2) the height of the building but not less than six (6) metres;

3. Minimum Exterior Side Yard Depth

Minimum setback from the centreline 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 six (6) metres and the setback from the centreline be less than sixteen and two-tenths (16.2) metres.

4. Minimum Rear Yard Depth

Minimum depth shall be one-half the height of the building but not less than seven and six-tenths (7.6) metres.

(iv) Play Space for Apartments

Notwithstanding any other provision of this By-law, 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 sq. m.
1 bedroom.....	1.9 sq. m.
2 bedroom.....	3.7 sq. m.
3 bedroom or more.....	4.6 sq. m.

Such play space shall be:

- a) enclosed with a chain link or equivalent fence at least one and two-tenths (1.2) metres;
- b) Located at least four and five-tenths (4.5) metres 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;

(v) Landscaping for Apartments

Notwithstanding any other provision of this By-law, 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 one and five-tenths (1.5) metres wide for landscaping abutting on the rear lot line;
2. A strip of land not less than one and five-tenths (1.5) metres 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 one and five-tenths (1.5) metres 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.

OPEN SPACE SPECIAL ZONE 15-78 (OS 15-78)

(a) Permitted Uses in this Open Space Special Zone 15-78 (OS15-78) are:

(i) Recreational

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

REGULATIONS

(b) (i) Yards

The depth of the front, side and rear yards shall be a minimum of seven and six-tenth (7.6) metres from the lot line to the nearest main wall of any building;

(ii) Coverage

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

PARKING REGULATIONS

- a) In this section, each automobile parking space required shall have a minimum area of eighteen (18) square metres, a minimum length of six (6) metres

(a) PARKING REGULATIONS (Cont'd)...

- (b) Aisle space in parking areas in this section shall be provided and shall have
- a minimum width of six and seven-tenths (6.7) metres for 90° to 60° parking;
 - a minimum width of five and five-tenths (5.5) metres for 60° to 45° parking;
 - a minimum width of three and six-tenths (3.6) metres for 45° or less parking, in which case access to such aisle shall be from one direction only.

(c) The parking spaces required by the following table shall apply in each zone designated by this By-law:

TYPE OF BUILDING	MINIMUM PARKING REQUIRED
For each dwelling unit in a single family detached, semi-detached, triplex, triplex, double-duplex	One (1) 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) spaces

All buildings and structures erected or altered in such "Residential Third Density Special Zone 15-78 (R3S15-78)" and "Residential Multiple Second Density Special Zone 15-78 (RM2S 15-78) and Residential Multiple Third Density Special Zone 15-78 (RM3S 15-78) hereby established shall conform to Zoning By-law No. 1097 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.

ADOPTED A FIRST TIME IN OPEN COUNCIL THIS 10th DAY OF October, 1978
 ADOPTED A SECOND TIME IN OPEN COUNCIL THIS 23rd DAY OF October, 1978
 ADOPTED A THIRD TIME IN OPEN COUNCIL IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 23rd DAY OF October, 1978.

 MAYOR

 CITY CLERK

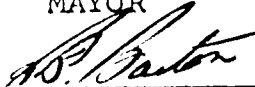
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By-law No. 130-7

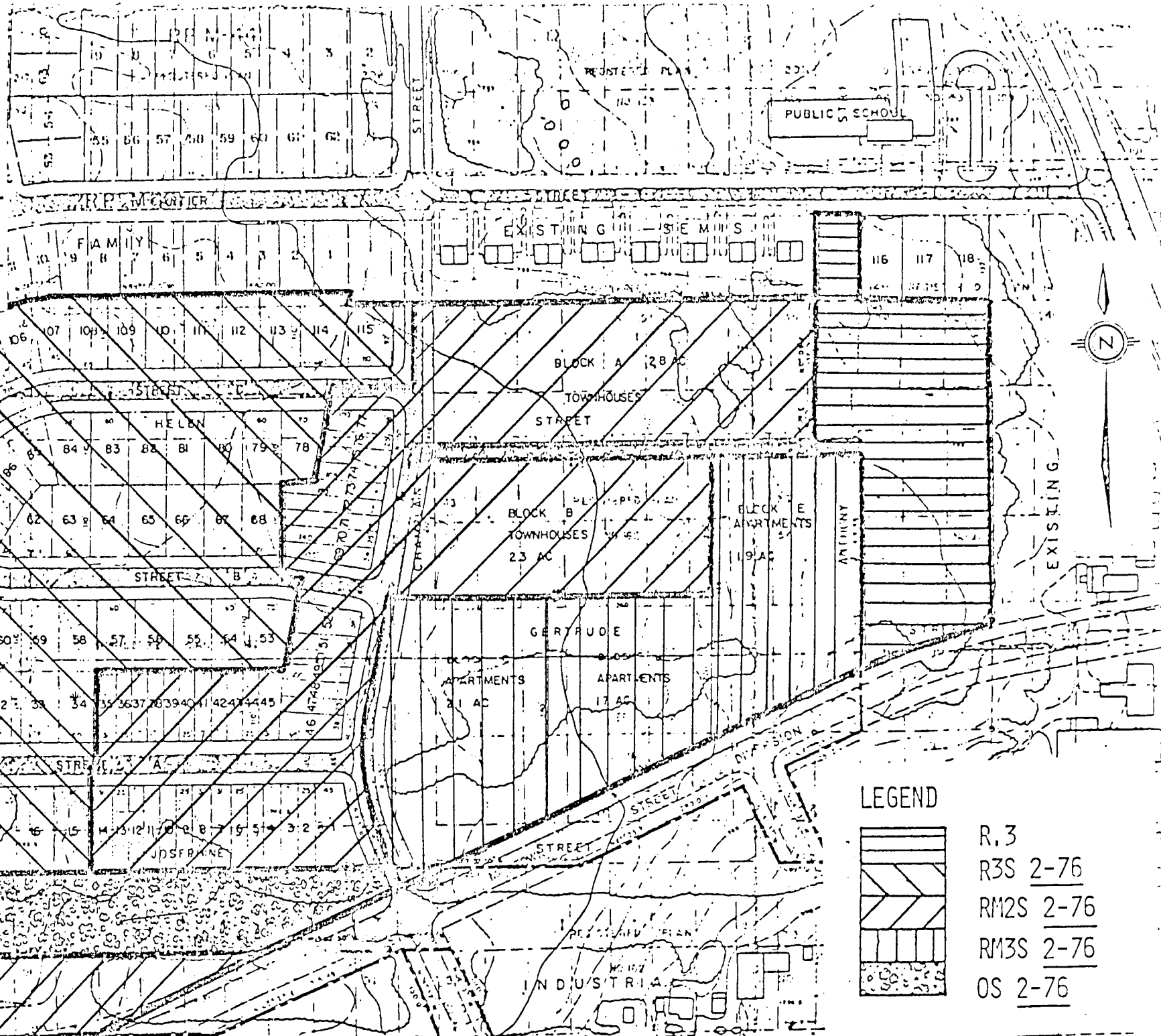
Passed the 23rd day of October

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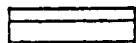
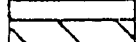

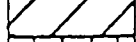

MAYOR



CITY CLERK



LEGEND

-  R.3
-  R3S 2-76
-  RM2S 2-76
-  RM3S 2-76
-  OS 2-76

is is Schedule " B "

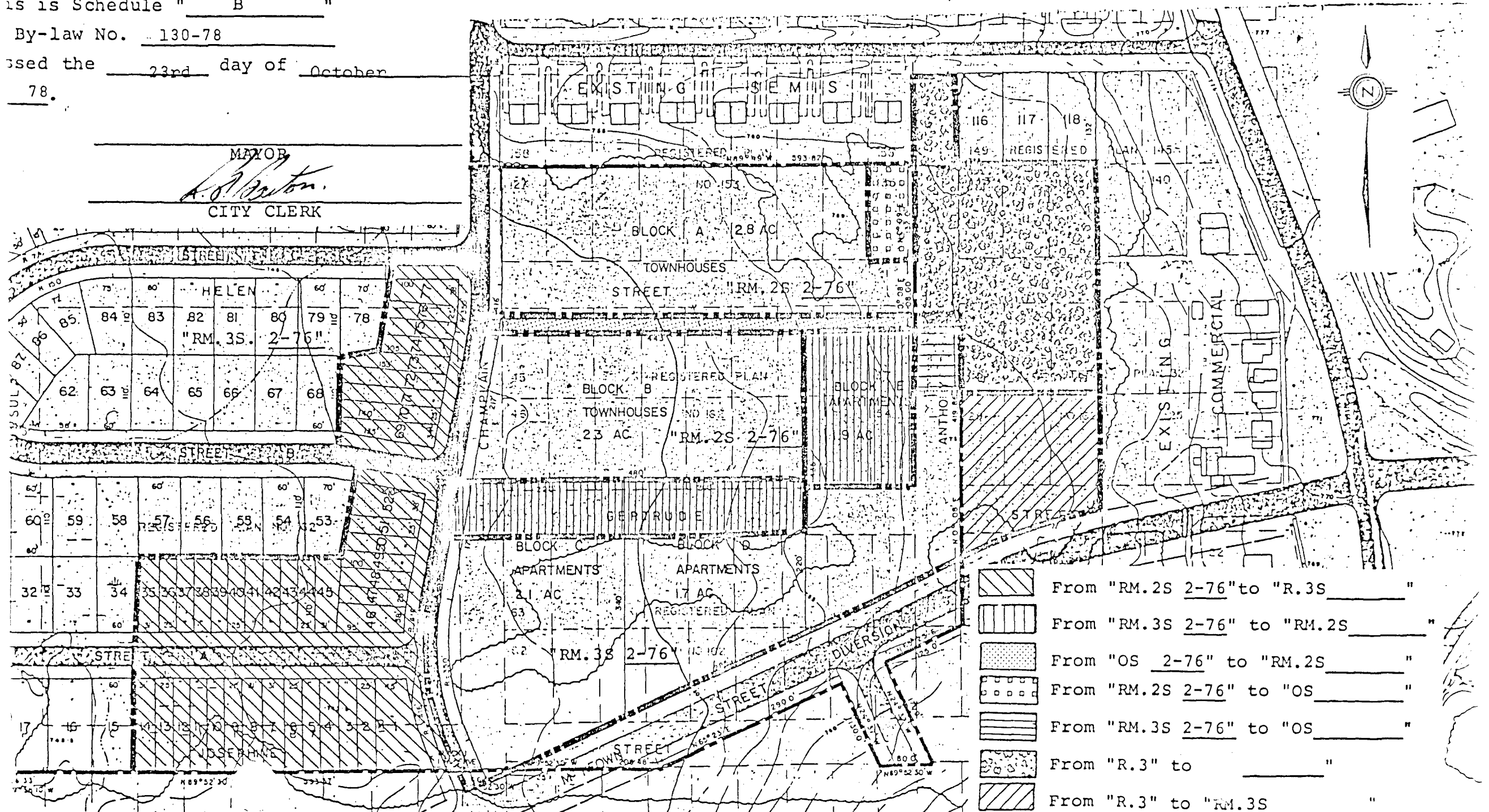
By-law No. 130-78

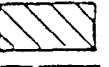


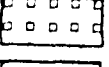
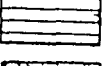
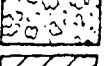
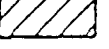
passed the 23rd day of October 1978.

MAYOR

A. J. Boston

CITY CLERK



-  From "RM. 2S 2-76" to "R. 3S _____"
-  From "RM. 3S 2-76" to "RM. 2S _____"
-  From "OS 2-76" to "RM. 2S _____"
-  From "RM. 2S 2-76" to "OS _____"
-  From "RM. 3S 2-76" to "OS _____"
-  From "R. 3" to _____
-  From "R. 3" to "RM. 3S _____"



R 79305

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 130-78

B E F O R E :

A.L. McCRAE
Vice-Chairman

- and -

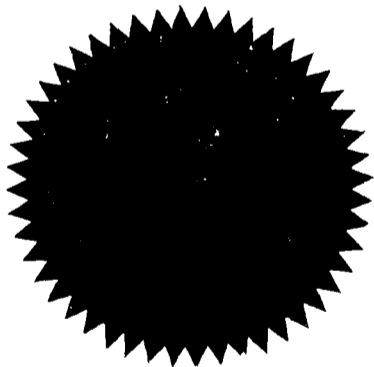
W.H.J. THOMPSON, Q.C.
Vice-Chairman

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Wednesday, the 31st day of
January, 1979

No objections to approval having been received
as required;

THE BOARD ORDERS that By-law 130-78 is
hereby approved.



SECRETARY

ENTERED	
O. B. No.	R.79-1
Folio No.	149
FEB 5 1979	
SECRETARY, ONTARIO MUNICIPAL BOARD	