

NORTH BAY[®]

O N T A R I O • C A N A D A

Just North Enough to be PERFECT

Committee

Agenda

Committee Meeting of Council

April 8, 2013

at 7:00 p.m.

MEETINGS

**FOR THE WEEK OF
APRIL 8TH, 2013**

Monday, April 8, 2013

7:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor,
City Hall

MEETINGS

**HELD UNDER THE
DEVELOPMENT CHARGES ACT**

Monday, April 8, 2012

7:00 p.m.

Proposed increase in
Development Charges

MEETINGS

**HELD UNDER THE
PLANNING ACT**

Monday, April 8, 2013

7:00 p.m.

Daniel Bryer & George Franko
2677 Trout Lake Road

Trout Lake Mall Inc.
2653 Trout Lake Road

Paul William Turcotte
295 Carmichael Drive

Tim Falconi & Carlo Guido
715 High Street

Nu-North Development Ltd.
& Marcel Deschamps
Lakeshore Drive

ENGINEERING & WORKS COMMITTEE

Monday, April 8, 2013

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Chairperson: Councillor Vrebosch
Vice-Chair: Councillor Koziol
Member: Councillor Campbell
Ex-Officio: Mayor McDonald

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).

GENERAL GOVERNMENT COMMITTEE

Monday, April 8, 2013

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Chairperson: Councillor Lawlor
Vice-Chair: Councillor Anthony
Members: Councillors Bain, Maroosis
Ex-Officio: Mayor McDonald

GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

GG-2012-10 Report from Laura Boissonneault / Margaret Karpenko dated November 21, 2012 re 2013 Administration Recommended Operating Budget (F05/2012/2013/OPEBU/GENERAL).

GG-2013-03 Report from Christina Murphy dated January 7, 2013 re *Provincial Offences Act* – Conflict of Interest Policy (P16/2013/POA/COIPOLCY).

▶ **GG-2013-05 Report from Al Lang & Margaret Karpenko dated February 25, 2013 re 2013 Development Charges (F21/2013/DEVCH/GENERAL).**

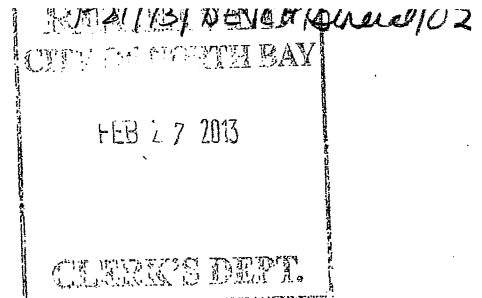
GG-2013-06 Report from Christina Murphy dated March 8, 2013 re Smoking By-Law, Restaurant and Bar Patio Amendment (C00/2013/BYLAW/SMOKING).

GG-2013-05

Draft Recommendation:

"That the Chief Financial Officer be authorized to increase Development Charges rates for 2013 by 1.6%, as outlined in Report to Council CORP 2013-28 dated February 25, 2013 from Al Lang & Margaret Karpenko."

CITY OF NORTH BAY
REPORT TO COUNCIL



Report No: CORP 2013 - 28

Date: February 25, 2013

Originator: Al Lang / Margaret Karpenko

Subject: 2013 Development Charges

RECOMMENDATIONS:

- 1. That the Chief Financial Officer be authorized to increase Development Charges rates for 2013 by 1.6% as outlined in Report No. CORP 2013 - 28; and**
 - 2. That the rate increase be referred to the General Government Committee for a public meeting.**
-

BACKGROUND:

The *Development Charges Act, 1997* states that the council of a municipality may by by-law impose Development Charges against land to pay for growth related capital costs associated with meeting the service requirements of new development.

The underlying principle of Development Charges is that growth should pay for capital costs associated with servicing new growth and not place a burden on existing taxpayers. When capital costs associated with new growth are not recovered from Development Charges, the result is higher taxes for existing taxpayers, or, a lower level of service being provided by the City. The City has imposed a Development Charge since the *Development Charges Act* came into effect in 1998.

City Council passed Development Charges By-Law No. 2009-252 on December 14, 2009. Clause 16 of this by-Law states that "Council may adjust the development charges annually, without amendment to the by-law in accordance with the most recent 12 month change in the Statistics Canada Quarterly "Construction Price Index"." The "Non-Residential Building Construction Price Index" for the most recent twelve month period was 2.4%. This index has been used consistently in past years to determine any rate adjustments.

The index in 2011 was 1% and Council approved an increase of 1%. In 2012 the index was 3.9%. Council approved an increase of 1.9% as recommended by the CFO. This indexing reflected the general CPI rate and was used in the 2012 budget for the Long Term Capital Funding Policy.

At a meeting of the Development Liaison Advisory Committee (DLAC) on January 29, 2013, Administration reported on the 2013 CPI increase, 2013 phase-in rates and the building permits issued in the surrounding communities. Two fewer new residential unit building permits were issued in 2012 than in 2011 in North Bay. That amounted to 43.4% of all new residential unit building permits issued in North Bay, Callander, East Ferris and West Nipissing in 2012. Over the past 4 years North Bay's new residential unit building permits have averaged 43.5% of all permits issued in the 4 communities. It doesn't appear that North Bay is losing ground to the surrounding communities in terms of new residential unit building permits. Only one other community in the surrounding area, Callander, charges a development charge.

At that DLAC meeting, developers were in general agreement that the development charges in North Bay made it more difficult to compete with the surrounding communities. It was felt that this was more evident in the construction of smaller affordable housing where the development charge becomes a greater percentage of the selling price. They agreed that they should form a group that would meet with the consultant during the next background study in 2014 to discuss options.

On hearing their concerns, and in an effort to minimize the impact on development, the Chief Financial Officer is recommending an indexing increase of 1.6% being the average between the 2.4% Statistics Canada rate and the general CPI of .8% for the same period. This is a fair and reasonable increase. The gap between the actual rate and the total eligible rate widens when a zero percent or any other increase less than the Statistics Canada rate is approved.

A comparison of Development Charges for 2013 after phase-in is as follows:

| | Single and Semi Detached | Entry-Level Detached & Semi Detached | Multiple | Apartments | Dwellings in Rural Areas | Non-Residential per Square Foot of Gross Floor Area |
|------------------------------|---------------------------------|---|-----------------|-------------------|---------------------------------|--|
| Rate with 1.6% Indexing | \$8,611 | \$7,321 | \$7,074 | \$4,091 | \$4,306 | \$3.04 |
| Rate without Indexing | \$8,476 | \$7,204 | \$6,971 | \$4,030 | \$4,238 | \$2,99 |
| \$ Change | \$135 | \$117 | \$103 | \$61 | \$68 | \$.05 |
| \$ Change with 2.4% Indexing | \$203 | \$173 | \$158 | \$92 | \$102 | \$0.07 |

The 2013 rates in Schedule "B" of By-Law No. 2012-135 for 2013 would be changed as follows:

| Schedule "B" of By-Law No. 2012-135 2013 Phase - In with 1.6% Indexing | | | | | |
|---|--|----------------|----------------|--------------------------|--|
| Detached and Semi Detached | Entry-Level Detached and Semi Detached | Multiple | Apartments | Dwellings in Rural Areas | Non-Residential Per Sq. Ft of Gross Floor Area |
| \$8,611 | \$7,321 | \$7,074 | \$4,091 | \$4,306 | \$3.04 |

The rate charged for the Area – Specific Development Charge for Cedar Heights in Schedule "C" of By-Law No. 2012-135 would be increased by 1.6% to **\$1,274** from \$1,254. The complete Schedule "B" and Schedule "C" are attached to this report.

ANALYSIS / OPTIONS:

Option #1- Proceed with the indexed rate changes of 1.6% as provided for in the by- law.

Option #2 - Make no amendments to the rates.

Option # 3 - Proceed with an increase of any rate change up to the indexed rate change of 1.6%.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS:

Option # 1 is recommended as follows:

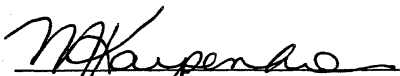
- 1. That the Chief Financial Officer be authorized to increase Development Charges rates for 2013 by 1.6% as outlined in Report No. CORP 2013 - 28; and**
 - 2. That the rate increase be referred to the General Government Committee for a public meeting.**
-

Respectfully submitted,

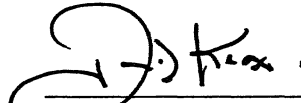


Al Lang, CGA
Manager, Policy, Investments & Grants

We concur with this report and recommendations.



Margaret Karpenko, CMA
Chief Financial Officer / Treasurer



Jerry Knox
Chief Administrative Officer

Personnel designated for continuance: Chief Financial Officer

Attachments: Schedule "B" and "C" to By-Law No. 2012-135

**THIS IS SCHEDULE "B" TO BY-LAW NO. 2012-135 OF THE CORPORATION OF THE CITY OF
NORTH BAY**

| City of North Bay Development Charges | Residential Development Charge (per Dwelling Unit) | | | | | Non- Residential Per Square Foot of Gross Floor Area |
|---|--|--|----------|------------|--------------------------------|--|
| | Detached & Semi Detached | Entry-Level Detached & Semi Detached | Multiple | Apartments | Dwellings in Rural Areas | |
| Service Area | 2010 Phase - In | | | | | |
| Transportation (Roads & Public Works) | \$2,326 | \$1,977 | \$1,911 | \$1,105 | \$2,026 | \$0.68 |
| Protection - Fire & Police | \$97 | \$82 | \$80 | \$46 | \$49 | \$0.06 |
| Parks & Recreation | \$720 | \$612 | \$591 | \$342 | \$360 | \$0.00 |
| Library | \$156 | \$133 | \$128 | \$74 | \$78 | \$0.00 |
| Studies | \$8 | \$7 | \$7 | \$4 | \$4 | \$0.04 |
| Sub Total | \$3,307 | \$2,811 | \$2,716 | \$1,571 | \$2,516 | \$0.78 |
| Water & Sewer | \$1,725 | \$1,466 | \$1,417 | \$819 | \$0 | \$0.46 |
| Total | \$5,032 | \$4,277 | \$4,133 | \$2,390 | \$2,516 | \$1.24 |

| | 2011 Phase - In | | | | | |
|--|-----------------|---------|---------|---------|---------|--------|
| Transportation (Roads & Public Works) | \$3,004 | \$2,552 | \$2,467 | \$1,427 | \$2,505 | \$1.01 |
| Protection - Fire & Police | \$188 | \$160 | \$155 | \$89 | \$94 | \$0.13 |
| Parks & Recreation | \$775 | \$659 | \$636 | \$368 | \$387 | \$0.00 |
| Library | \$171 | \$145 | \$140 | \$81 | \$86 | \$0.00 |
| Studies | \$16 | \$14 | \$35 | \$20 | \$8 | \$0.04 |
| Sub Total | \$4,153 | \$3,530 | \$3,434 | \$1,985 | \$3,080 | \$1.18 |
| Water & Sewer | \$2,007 | \$1,706 | \$1,648 | \$953 | \$0 | \$0.64 |
| Total | \$6,160 | \$5,236 | \$5,082 | \$2,938 | \$3,080 | \$1.82 |

| | 2012 Phase - In | | | | | |
|--|-----------------|---------|---------|---------|---------|--------|
| Transportation (Roads & Public Works) | \$3,728 | \$3,169 | \$3,062 | \$1,770 | \$3,021 | \$1.36 |
| Protection - Fire & Police | \$283 | \$240 | \$232 | \$135 | \$142 | \$0.20 |
| Parks & Recreation | \$838 | \$712 | \$689 | \$398 | \$419 | \$0.00 |
| Library | \$187 | \$160 | \$155 | \$89 | \$94 | \$0.00 |
| Studies | \$25 | \$21 | \$36 | \$20 | \$13 | \$0.04 |
| Sub Total | \$5,061 | \$4,302 | \$4,174 | \$2,412 | \$3,689 | \$1.60 |
| Water & Sewer | \$2,314 | \$1,968 | \$1,900 | \$1,100 | \$0 | \$0.83 |
| Total | \$7,375 | \$6,270 | \$6,074 | \$3,512 | \$3,689 | \$2.43 |

| | 2013 Phase - In | | | | | |
|--|-----------------|---------|---------|---------|---------|--------|
| Transportation (Roads & Public Works) | \$4,394 | \$3,736 | \$3,610 | \$2,087 | \$3,490 | \$1.69 |
| Protection - Fire & Police | \$375 | \$318 | \$308 | \$178 | \$187 | \$0.26 |
| Parks & Recreation | \$887 | \$753 | \$728 | \$421 | \$443 | \$0.00 |
| Library | \$201 | \$171 | \$165 | \$96 | \$101 | \$0.00 |
| Studies | \$35 | \$30 | \$36 | \$20 | \$17 | \$0.04 |
| Sub Total | \$5,892 | \$5,008 | \$4,847 | \$2,802 | \$4,238 | \$1.99 |
| Water & Sewer | \$2,584 | \$2,196 | \$2,124 | \$1,228 | \$0 | \$1.00 |
| Total | \$8,476 | \$7,204 | \$6,971 | \$4,030 | \$4,238 | \$2.99 |

| | 2014 Phase - In | | | | | |
|--|-----------------|---------|---------|---------|---------|--------|
| Transportation (Roads & Public Works) | \$5,061 | \$4,302 | \$4,157 | \$2,405 | \$3,958 | \$2.04 |
| Protection - Fire & Police | \$467 | \$396 | \$383 | \$221 | \$233 | \$0.34 |
| Parks & Recreation | \$934 | \$795 | \$767 | \$443 | \$468 | \$0.00 |
| Library | \$214 | \$182 | \$176 | \$102 | \$107 | \$0.00 |
| Studies | \$44 | \$38 | \$37 | \$21 | \$22 | \$0.04 |
| Sub Total | \$6,720 | \$5,713 | \$5,520 | \$3,192 | \$4,788 | \$2.42 |
| Water & Sewer | \$2,854 | \$2,425 | \$2,345 | \$1,355 | \$0 | \$1.15 |
| Total | \$9,574 | \$8,138 | \$7,865 | \$4,547 | \$4,788 | \$3.57 |

Industrial development is exempt under this by-law

SCHEDULE "C" TO BY-LAW NO. 2012-135 OF THE CORPORATION OF THE CITY OF NORTH
BAY

RATE SCHEDULE FOR ADDITIONAL AREA-SPECIFIC DEVELOPMENT CHARGES
CEDAR HEIGHTS/COLLEGE EDUCATION CENTRE/HERITAGE FUND SPECIAL AREA

| <u>Service</u> | <u>Per Dwelling Unit</u> |
|----------------|--------------------------|
| Sanitary Sewer | \$212 |
| Water | <u>\$1,042</u> |
| Total | <u>\$1,254</u> |

This development charge only applies within the Cedar Heights/College Education Centre/Heritage Fund special area as set out in Schedule "E".

COMMUNITY SERVICES COMMITTEE

Monday, April 8, 2013

Page 1 of 2

Chairperson: Councillor Mendicino
Vice-Chair: Councillor Mayne
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).

CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).

CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).

CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).

▶ **CS-2013-02 Report from Peter Carello dated February 15, 2013 re Official Plan Amendment & Rezoning application by Miller & Urso Surveying Inc. on behalf of Daniel Bryer & George Franko – 2677 Trout Lake Road (D09/D14/2012/BRYER/2677TLR).**

▶ **CS-2013-03 Report from Peter Carello dated February 15, 2013 re Official Plan Amendment & Rezoning application by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. – 2653 Trout Lake Road (D09/D14/2012/TLMI/2653TLR).**

▶ **CS-2013-04 Report from Peter Carello dated February 15, 2013 re Rezoning application on behalf of Miller & Urso Surveying Inc. on behalf of Paul William Turcotte – 295 Carmichael Drive (D14/2012/TURC/CARMICHA).**

CS-2013-05 Rezoning application by Conseil Scolaire de District Catholique Franco - Nord Beno – 152 Greenwood Avenue (D14/2013/CSDCF/152GREEN).

▶ **CS-2013-06 Report from Peter Carello dated March 7, 2013 re Rezoning application by Goodridge Planning & Surveying Limited on behalf of Tim Falconi & Carlo Guido – 715 High Street (D14/2013/FALGU/715HIGHS).**

▶ **CS-2013-07 Report from Peter Carello dated March 7, 2013 re Rezoning application by Miller & Urso Surveying Inc. on behalf of Nu-North Development Ltd. & Marcel Deschamps – Lakeshore Drive (D14/2013/NUNOR/LSD).**

CS-2013-08 Report from Sharon Kitlar dated March 13, 2013 re Smoke Free By-Law Amendment – Municipal Parks (C00/2013/BYLAW/SMOKING).

COMMUNITY SERVICES COMMITTEE

Monday, April 8, 2013

Page 2 of 2

Chairperson: Councillor Mendicino
Vice-Chair: Councillor Mayne
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

- CS-2013-09 Report from Beverley Hillier dated March 21, 2013 re Revised Notice Requirement – Proposed Zoning By-Law Amendment & Draft Plan of Condominium by Miller & Urso Surveying Inc. on behalf of Golden Estates Limited – Ski Club Road (D07/D14/2009/GEL/SKICLUB).
- CS-2013-10 Report from Kathleen Fralic dated March 7, 2013 re 2012 Update – Municipal Accessibility Plan and Municipal Accessibility Advisory Committee (C01/2013/MAAC/GENERAL).
- CS-2013-11 Report from Elizabeth Courville dated March 26, 2013 re Proposed Amendments to Sign By-Law No. 2006-143, as amended (C00/2013/BYLAWS/SIGNS).

CS-2013-02

Draft Recommendation:

- "That 1) the proposed Official Plan and Zoning By-Law Amendments by Miller & Urso Surveying Inc. on behalf of Daniel Bryer & George Franko to redesignate lands at 2677 Trout Lake Road from a "District Commercial" designation to a "Residential" designation, and to rezone the same lands from a "District Commercial (C4)" zone to a "Residential Multiple Third Density Special (RM3 Sp.)" zone, as shown on Schedule "A" attached to Planning Advisory Committee recommendation dated February 15, 2013, be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990, as amended."

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

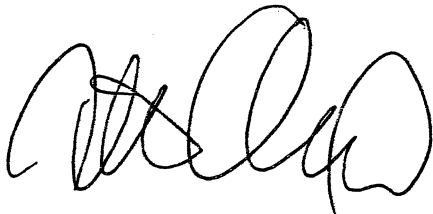
To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 4 - Planning Advisory Committee
Date: February 15, 2013

Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Thursday January 31, 2013:

Resolution No. 4

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Official Plan and Zoning By-law Amendments by Miller & Urso Surveying Inc. on behalf of Daniel Bryer & George Franko to redesignate lands at 2677 Trout Lake Road from a "District Commercial" designation to a 'Residential' designation, and to rezone the same lands from a 'District Commercial (C4)' zone to a 'Residential Multiple Third Density Special (RM3 Sp.)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended."



Peter Carello
Senior Planner, Current Operations
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

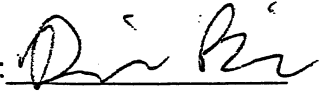
Resolution No. 4

Date: January 31, 2013

Moved By:



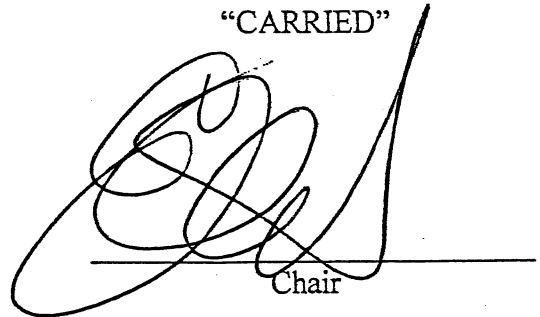
Seconded By:



“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Official Plan and Zoning By-law Amendments by Miller & Urso Surveying Inc. on behalf of Daniel Bryer & George Franko to redesignate lands at 2677 Trout Lake Road from a “District Commercial” designation to a ‘Residential’ designation, and to rezone the same lands from a ‘District Commercial (C4)’ zone to a ‘Residential Multiple Third Density Special (RM3 Sp.)’ zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

“CARRIED”


Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee

From: Peter Carello – Senior Planner, Current Operations

Subject: Proposed Official Plan and Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Daniel Bryer and George Franko for the property legally described as Concession C, Part Lot 17, PINs #49146-0205 and 49147-0206, 2677 Trout Lake Road in the City of North Bay.

Date: January 31st, 2013

Recommendation

- 1) That the proposed Official Plan Amendment from 'District Commercial' to 'Residential' by Miller & Urso Surveying Inc. on behalf of Daniel Bryer and George Franko for the property legally described as Concession C, Part Lot 17, PINs #49146-0205 and 49147-0206, known locally as 2677 Trout Lake Road in the City of North Bay, BE APPROVED; and
- 2) That the proposed Zoning By-law Amendment from a 'District Commercial (C4)' zone to 'Residential Multiple Third Density Special (RM3 Sp.)' zone by Miller & Urso Surveying Inc. on behalf of Daniel Bryer and George Franko for the same lands, BE APPROVED; and
- 3) That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Site

The subject property is located on the south side of Trout Lake Road in the block bounded by Connaught Avenue and Perut Place. The property is 0.44 hectares (1.09 acres), with a frontage of 51.1 metres (167.7 feet) on Trout Lake Road. It is currently developed with a five (5) storey apartment building, commonly known as 'Patricia Place'. The building has four (4) stories of residential dwelling units and commercial space on the ground floor. Surrounding land uses include a mix of commercial and residential properties. Adjacent lands to the east and west feature commercial uses. A similar apartment building with ground floor commercial space is located on the north side of Trout Lake Road and the abutting lands to the south of the subject property feature low density residential uses.

Proposal

In the District Commercial (C4) zone, apartment buildings are required to have commercial uses on the ground floor. The Applicants are proposing to re-designate and rezone the subject lands in order to convert the commercial space in the ground floor of the existing apartment building into residential units, resulting in a purely residential use on the subject lands. There are no expansions or changes to the building's footprint planned as part of this application.

Provincial Policy:**Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.3.2 of the PPS 2005 discusses the removal of Employment Lands to non-employment uses. This section states that "*Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.*"

The City of North Bay did undertake a comprehensive review of the City's Commercial lands in 2009 as part of the Official Plan process. This study formed the basis of the City's Commercial policies within the Official Plan. As will be discussed later in this report, the study did identify that the role of the Trout Lake Road Commercial Node has changed and that it is appropriate to reconsider the function of the area.

The subject property is located within the City's Settlement Area. Section 1.1.3.2 of the PPS 2005 encourages municipalities to focus development and intensification within the Settlement Area. This section states:

"Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3."

Section 1.1.3.3 of the PPS 2005 further states that "*Planning authorities shall identify and promote*

opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

The residential intensification proposed by this application meets the conditions identified in PPS 2005 for appropriate redevelopment and intensification. The commercial space being converted has remained vacant for an extended period. Redeployment of this area for residential purposes represents an efficient use of the land.

The property is on existing municipal services and adequate capacity exists to accommodate the proposed redevelopment of the subject lands. Therefore, the proposed application would not necessitate the extension of infrastructure, consistent with Section 1.1.3.3.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Official Plan

The property is currently designated 'District Commercial' in the City of North Bay's Official Plan. The Applicants have applied to re-designate the subject lands 'Residential'.

Section 2.2.1.3, District Commercial Uses, states that: *"It has been recently demonstrated, by way of the Commercial Strategy Study 2009, that District Commercial Areas now serve a broader role in the City's Commercial Hierarchy and provide retail shopping opportunities to the entire community and also the region, with the exception of the Trout Lake Road District Commercial and Lakeshore Drive District Commercial facilities."*

The Trout Lake Road Commercial Node serves the traditional District Commercial purpose by providing some service commercial type uses for the larger area. However, due to the close proximity of the Northgate Shopping Centre, the need for this area to develop into a more advanced commercial area was not realized. This change in district commercial retail trends has resulted in little demand for the ground floor commercial space in apartment buildings along Trout Lake Road.

Section 2.1.12.3 also states that: *"High density developments will be encouraged to locate in suitable areas including:*

- a) the Central Business District and its immediate vicinity, or*
- b) in close proximity to major shopping areas, community facilities, open space and recreational facilities, or*
- c) in peripheral locations around residential neighbourhoods with access to major collector or arterial roads, or*
- d) when designed as an integral part of a new Plan of Subdivision."*

As the Trout Lake Road Commercial Node has been identified as no longer serving a true District Commercial purpose and the subject property is located in a suitable area for high density developments, it is my professional opinion the proposed Official Plan amendment to redesignate the property from "District Commercial" to "Residential" is desirable and represents good planning.

Zoning By-Law No. 28-80

The subject property is presently zoned "District Commercial (C4)", which permits residential apartment buildings on the condition that the ground floor is commercial space. The Applicants are proposing to re-designate and rezone the subject lands in order to remove the requirement for ground floor

commercial, as they feel that there is little demand for this type of space on Trout Lake Road and have had difficulty finding and maintaining tenants.

The Applicants are proposing to rezone the subject lands to a "Residential Multiple Third Density Special (RM3 Sp.)" zone which will allow them to convert the ground floor commercial space into residential units, creating a completely residential use on the property. The 'Special' zoning is required to acknowledge the building's existing side yard setback of 3 metres (9.8 feet) which is less than the 6 metres (19.7 feet) required in the "Residential Multiple Third Density (RM3)" zone.

The subject property will meet all other provisions of the Zoning By-law.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

The North Bay Mattawa Conservation Authority provided the following comments:

"Please be advised that this property is not subject to Regulation 177/06. The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS; therefore, we have no objection to this application."

No further correspondence was received with regard to this proposal.

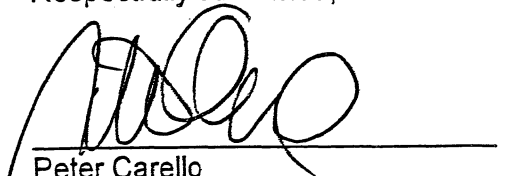
Summary

Trout Lake Road's District Commercial designation was intended to encourage development that would serve the commercial needs of the area. The nature of the commercial development in the surrounding area, however, has reduced the demand for commercial space on Trout Lake Road.

This change in the way Trout Lake Road is used commercially has had an impact on the subject property. The Applicants have expressed that they have had difficulty renting the ground floor commercial space in the building, while there has been great interest in the building's residential units. This claim is supported by other variances that have taken place in the area. In particular, at its December 19th meeting, PAC approved similar Official Plan and Zoning By-law amendments for an apartment building that will be constructed a block away from the subject property.

In conclusion, it is my professional opinion the proposed Official Plan and Zoning By-law amendments are consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



Peter Carello
Senior Planner – Current Operations

attach(s).

I concur with the recommendations contained in this report.

Beverley Hillier

Beverley Hillier, MCIP, RPP
Manager, Planning Services

CS-2013-03

Draft Recommendation:

- "That
- 1) the proposed Official Plan and Zoning By-Law Amendments by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. to redesignate lands at 2653 Trout Lake Road from a "District Commercial" designation to a "Residential" designation, and to rezone the same lands from a "District Commercial (C4)" zone to a "Residential Multiple Third Density (RM3)" zone, as shown on Schedules "A" & "B" attached to Planning Advisory Committee recommendation dated February 15, 2013, be approved; and
 - 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990, as amended, in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

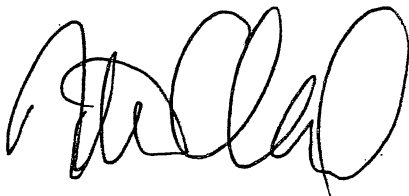
To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 3 - Planning Advisory Committee
Date: February 15, 2013

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday December 19, 2012:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Official Plan and Zoning By-law Amendments by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. to redesignate lands at 2653 Trout Lake Road from a "District Commercial" designation to a 'Residential' designation, and to rezone the same lands from a 'District Commercial (C4)' zone to a 'Residential Multiple Third Density (RM3)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

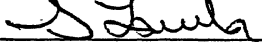



Peter Carello
Senior Planner, Current Operations
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

Resolution No. 3

Date: December 19, 2012

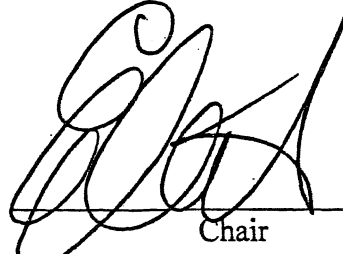
Moved By: 
Sean Lawler

Seconded By: 
Paul Walker

“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Official Plan and Zoning By-law Amendments by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. to redesignate lands at 2653 Trout Lake Road from a “District Commercial” designation to a ‘Residential’ designation, and to rezone the same lands from a ‘District Commercial (C4)’ zone to a ‘Residential Multiple Third Density (RM3)’ zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.”

“CARRIED”


Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur – Senior Planner, Current Operations

Subject: Proposed Official Plan and Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. for the property legally described as Concession C, Part Lot 17, Parcels 3228, 3540 & 3122 W/F, 2653 Trout Lake Road in the City of North Bay.

Date: December 17th, 2012

Recommendation

- 1) That the proposed Official Plan Amendment from 'District Commercial' to 'Residential' by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. for the property legally described as Concession C, Part Lot 17, Parcels 3228, 3540 & 3122 W/F, known locally as 2653 Trout Lake Road in the City of North Bay, BE APPROVED; and
- 2) That the proposed Zoning By-law Amendment from a 'District Commercial (C4)' zone to 'Residential Multiple Third Density (RM3)' zone by Miller & Urso Surveying Inc. on behalf of Trout Lake Mall Inc. for the same lands, BE APPROVED; and
- 3) That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, fencing, garbage, storm water management, ingress and egress, and building location as required.

Site

The lands subject to the proposed amendments are in the urban area of the City of North Bay, on the south side of Trout Lake Road in the block bounded by Connaught Avenue, Perut Place and Giroux Street. The property is 0.5 hectares (1.21 acres) in total land area, with a frontage of 42.373 metres (139 feet) on Trout Lake Road and a depth of 108.527 metres (356 feet). Surrounding land uses include a mix of commercial and residential properties. Adjacent lands to the east and west feature commercial uses, while abutting lands to the south feature low density residential uses.

Proposal

The Applicant is proposing to re-designate and rezone the subject lands in order to permit the construction of an apartment building. An apartment building is currently a permitted use in the District Commercial zone, so long as it has commercial uses on the ground floor. The Applicant is requesting the proposed amendments in order to remove the ground floor commercial requirement which will result in a purely residential use on the subject lands.

Provincial Policy:**Growth Plan for Northern Ontario (GPNO 2011)**

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

The Provincial Policy Statement (PPS 2005) defines 'Residential Intensification' as the: *"intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:*

- a) *redevelopment, including the redevelopment of brownfield sites;*
- b) *the development of vacant or underutilized lots within previously developed areas;*
- c) *infill development;*
- d) *the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and*
- e) *the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.*

Section 1.3 of the PPS 2005, 'Employment Areas', states that:

"Planning authorities shall promote economic development and competitiveness by:

- a) *providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *planning for, protecting and preserving employment areas for current and future uses; and*
- d) *ensuring the necessary infrastructure is provided to support current and projected needs.*

Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion."

In 2009, Malone Given Parsons Ltd. was retained by the City of North Bay to prepare a commercial strategy study and market assessment based upon market data, research and information. This report considered the capacity and usefulness of the existing district commercial nodes and provided a context for the 'District Commercial' policies contained in the new Official Plan.

Malone Given Parsons Ltd. prepared a Retail Market Assessment specifically for this proposed residential development. It concludes that *"the Trout Lake Road District Commercial area does not function as a District Commercial area which serves all residents of North Bay as well as residents of the surrounding regional area."*

The purpose of the District Commercial designation is to serve the larger planning district's commercial needs. This has somewhat been achieved in this area with the discount grocery store and other service commercial type uses. Due to the close proximity of the Northgate Shopping Centre, the need for this area to develop into a more advanced commercial area was not realized. This lack of demand for this type of commercial space, coupled with a change in district commercial retail trends, has resulted in hard to lease space along Trout Lake Road.

The conclusion to the Report offers the following: *"Based on this market assessment, an Official Plan Amendment to redesignate the site at 2653 Trout Lake Road from District Commercial to Residential represents a very minor reduction in the City's retail/commercial land supply. The reduction of retail/commercial land would not significantly impact the City's ability to accommodate new District Commercial space or other types of retail/commercial space in order to address market demand and to serve the existing and future residents of North Bay and its surrounding regional area."*

In my professional opinion, the proposed Official Plan and Zoning By-law amendments are consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Official Plan

The property is currently designated 'District Commercial' on Schedule "1" to the City of North Bay's Official Plan. The Applicant has applied to re-designate the subject lands 'Residential'.

Section 2.2.1.3, District Commercial Uses, states that: *"It has been recently demonstrated, by way of the Commercial Strategy Study 2009, that District Commercial Areas now serve a broader role in the City's Commercial Hierarchy and provide retail shopping opportunities to the entire community and also the region, with the exception of the Trout Lake Road District Commercial and Lakeshore Drive District Commercial facilities."*

In addition, the Official Plan speaks to encouraging apartment buildings along arterial roads in close proximity to shopping and to support transit ridership. This location on Trout Lake Road is the ideal location for this type of development. As previously discussed, the Trout Lake Road Commercial Node is no longer serving a true District Commercial purpose. Based on the analysis and information provided by the aforementioned studies, it is my professional opinion the proposed Official Plan amendment is desirable and represents good planning.

Zoning By-Law No. 28-80

The subject property is presently zoned "District Commercial (C4)" which permits the following uses:

- Automobile service station or Gas bar
- Automobile Sales, Service or Leasing Establishments;
- Banks
- Boarding, Lodging or Rooming House

- Business Offices
- Clubs
- Data Processing Firm
- Day nursery
- Financial Institutions
- Funeral homes
- Food stores
- Group Home Type 2
- Group Home Type 3
- Hotels, Motels
- Instructional Services
- Liquor, Beer or Wine Stores
- Local Retail stores
- Personal Service Establishment
- Pet Daycare Facility
- Pharmacy
- Places of worship
- Public and Private parking areas
- Places of entertainment
- Professional Offices
- Repair garages
- Restaurants and Taverns
- Retail stores
- Service Establishments that are not obnoxious
- Veterinary Establishment
- Accessory Residential Uses: Dwelling units, or any residential use, connected to and forming an integral part of the commercial building shall be permitted, provided that access to the dwelling units or residential use is separate from the access to the commercial portion of the building, and no dwelling units or any other residential uses or part thereof shall be permitted on the ground floor.
- to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended
- Accessory uses to the above
- Accessory home based businesses in accordance with Section 3.35

The Applicant is proposing to rezone the subject lands to a "Residential Multiple Third Density (RM3)" zone which permits the following uses:

- Apartment Dwellings
- Boarding, Rooming or Lodging House
- Group Home Type 2
- Parks, Playgrounds and Associated Non-Profit Uses
- Licenced Day Nurseries, Churches, Public Schools Other Than Trade Schools
- Institutional uses
- Accessory Home Based Businesses
- Accessory Non-Residential Use under Subsection 5.3.5

The Applicant is proposing to re-designate and rezone the subject lands in order to permit the construction of an apartment building. An apartment building is currently a permitted use in the District Commercial zone, so long as it has commercial uses on the ground floor. The Applicant is requesting the proposed amendments in order to remove the ground floor commercial requirement which will result in a purely residential use on the subject lands.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. In terms of correspondence received, the North Bay-Mattawa Conservation Authority, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the Chief Building Official, the Chief Fire Prevention Officer and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

Two (2) circulated property owners contacted Planning Services via telephone and one (1) attended the Planning Advisory Committee (PAC) public meeting on December 5th, 2012. All were in favour of the application, but wanted to ensure that things such as drainage, parking, lighting, garbage disposal and landscaping would be considered as part of the application. If the proposed amendments are approved, the property will be subject to Site Plan Control and appropriate controls will be instituted through this agreement.

No further correspondence was received with regard to this proposal.

Summary

The purpose of the District Commercial designation is to serve the larger planning district's commercial needs. This has somewhat been achieved in this area with the discount grocery store and other service commercial type uses. Due to the close proximity of the Northgate Shopping Centre, the need for this area to develop into a more advanced commercial area was not realized. This lack of demand for this type of commercial space, coupled with a change in district commercial retail trends, has resulted in hard to lease space along Trout Lake Road. The continued expansion of the nearby Regional Commercial centre (Northgate Shopping Centre) has further reduced the need for commercial/retail employment lands in this area.

Recent commercial vacancies in the area support this position, in particular those in the ground floor of nearby apartment buildings. A second (2nd) Planning Act application to redesignate and rezone the ground floor of an existing apartment building less than a block away from the subject lands is currently circulating for comment.

The City of North Bay retained Malone Given Parsons Ltd. to prepare an independent third party review of the proposal. The Retail Market Assessment states that *"the Trout Lake Road District Commercial area does not function as a District Commercial area which serves all residents of North Bay as well as residents of the surrounding regional area."* It concludes that *"the reduction of retail/commercial land would not significantly impact the City's ability to accommodate new District Commercial space or other types of retail/commercial space in order to address market demand and to serve the existing and future residents of North Bay and its surrounding regional area."*

Residents in the area are in favour of the proposal. The subject lands have been vacant for decades and have been used for illegal dumping, outdoor storage and temporary construction contractor's yards in recent years. A change to a purely residential use along with the elimination of some less compatible uses currently permitted in the District Commercial zone is viewed favourably by the neighbourhood.

In conclusion, it is my professional opinion the proposed Official Plan and Zoning By-law amendments are consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,

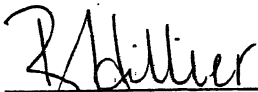


Steve McArthur, MCIP, RPP
Senior Planner – Current Operations

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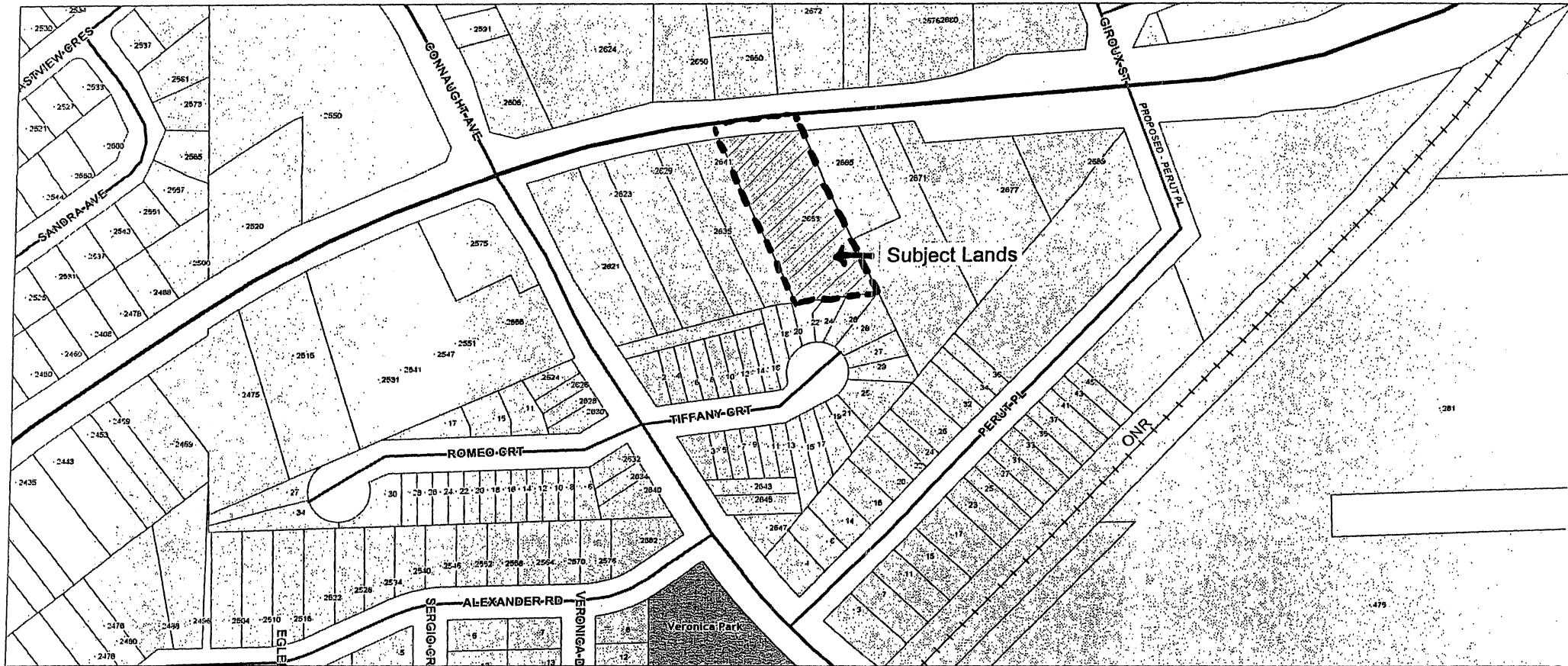
attach(s).

I concur with the recommendations contained in this report.

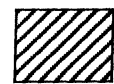
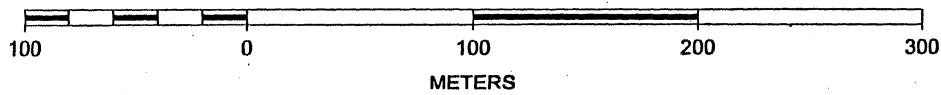


Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 3,390



Proposed Official Plan Amendment
From: "District Commercial"
To: "Residential"



Proposed Zoning By-law Amendment
From: "District Commercial (C4)"
To: "Residential Multiple Third Density (RM3)"

N



SKETCH FOR REZONING APPLICATION
 PART OF LOT 17, CONCESSION 'C'
 FORMER TOWNSHIP OF WIDDIFIELD
CITY OF NORTH BAY
 DISTRICT OF NIPISSING

SCALE 1 : 400
 0 10m 20m

Miller & Urso Surveying Inc.

SCHEDULE B



TROUT LAKE ROAD
THE KING'S HIGHWAY No. 65 PIN 49146-0271 (LT)

32.580

N84°56'55"E

42.373 S86°34'30"W N86°06'15"E
 2.7643.280

N25°04'00"W

AREA- 4904.1649M²

N25°04'00"W

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PART 1

PART 1
 PLAN 36R - 6536
 PIN 49146-0204 (LT)

N25°06'15"W
 55.498

THREE STOREY APARTMENT
 COMPLEX

AREA- 1165.9012M²

PIN 49146-0202 (LT)

PLAN 36R - 6576
 PIN 49146-0201 (LT)

PIN 49146-0199 (LT)

ZONING

CURRENT ZONING C4
 PROPOSED ZONING RM3
 LOT AREA- 4904.1649M²
 PROPOSED BUILDING- 1165.9012M²
 PROPOSED LOT COVERAGE- 23.8%

PART 13
 PLAN NR-1303
 TMTO FILE P-
 LEASEMENT N:

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N64°56'00"E
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PLAN 36R-9873

PLAN

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9.821
 N83°40'20"E
 2.577

15.240

14.216

14.310

60.405

3.171
 N25°04'00"W

1.024

36.850

N83°40'20"E
 3.216

CS-2013-04

Draft Recommendation:

"That 1) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Paul William Turcotte to rezone lands at 295 Carmichael Drive from a "Rural (A)" zone to a "Residential First Density (R1)" zone for the property legally described as Concesssion "A", South Half of Part Lot 16, Remainder of Parcel 4418 W/F in the former Township of Widdifield, City of North Bay, as shown on Schedules "A" & "B" attached to Planning Advisory Committee recommendation dated February 15, 2013, be approved."

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

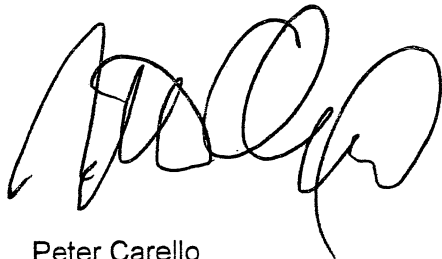
To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 3 - Planning Advisory Committee
Date: February 15, 2013

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, December 5th, 2012:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

1. "That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Paul Turcotte to rezone lands at 295 Carmichael Drive from a 'Rural (A)' zone to a 'Residential First Density (R1)' zone for the property legally described as Concession A, South Half of Part Lot 16, Remainder of Parcel 4418W/F in the former Township of Widdifield, City of North Bay, BE APPROVED"



Peter Carello
Senior Planner, Current Operations
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

Resolution No. 3

Date: December 5, 2012

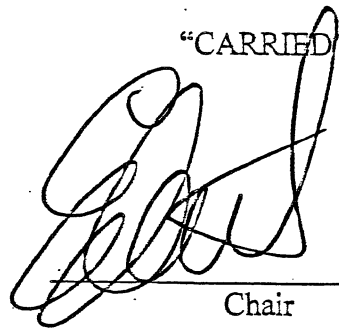
Moved By: 

Seconded By: 

“That the Planning Advisory Committee recommend the following to City Council:

1. “That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Paul Turcotte to rezone lands at 295 Carmichael Drive from a ‘Rural (A)’ zone to a ‘Residential First Density (R1)’ zone for the property legally described as Concession A, South Half of Part Lot 16, Remainder of Parcel 4418W/F in the former Township of Widdifield, City of North Bay, BE APPROVED”

“CARRIED”


Chair

INTER OFFICE

MEMO

City of North Bay

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur - Senior Planner, Current Operations

Subject: Proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Paul William Turcotte – 295 Carmichael Drive

Date: October 4, 2012

Recommendation

That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Paul William Turcotte to rezone the property at 295 Carmichael Drive, legally described as Concession A, Part of Lot 16, Remainder of Parcel 4418 WF, PIN #49127-0466, from a "Rural (A)" zone to a "Residential First Density (R1)" zone, BE APPROVED.

Site

The subject property is located on Carmichael Drive near Littledown Lane. The existing lot of record has a frontage of 42.7 metres (140 feet) and an area of 0.17 hectares (0.42 acres) as shown on Schedules "A" and "B" attached hereto. The existing single detached dwelling is currently on the publicly owned and operated piped water and sanitary sewage system.

Proposal

The Applicant is proposing to rezone the subject property in order to apply to the Committee of Adjustment for a Consent to Sever the subject lands in order to create one (1) new residential building lot meeting the requirements of the "Residential First Density (R1)" zone.

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan. The Plan has been reviewed in its entirety and in my professional opinion, the proposed Zoning By-law amendment is consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

The subject property has access to existing municipal services as encouraged by Sections 1.6.2 and 1.6.4.2 of the PPS. The property is surrounded by various forms of low density residential development. As such, the proposed rezoning, consent to sever and subsequent infill development will maintain the existing character of the neighbourhood.

The entire property is located within the 30 Noise Exposure Forecast (NEF) contour of the North Bay Jack Garland Airport. Section 1.6.7.2 of the PPS 2005 states that:

“Airports shall be protected from incompatible land uses and development by:

- a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada;*
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and*
- c) discouraging land uses which may cause a potential aviation.”*

The subject property is located within an established residential area. While the proposed rezoning in and of itself would not create a new residential development, it will allow the property owners to apply to the Committee of Adjustment for the purpose of creating one (1) new infill lot for a new single detached dwelling. Based on the fact that this property is surrounded by existing single detached dwellings, is located within the urban settlement area, and is serviced by existing municipal services, it is anticipated that the creation of one (1) infill residential lot will have no impact on the long-term function of the airport.

In reviewing the proposed Zoning By-law Amendment, I am of the opinion that all pertinent policies of the PPS have been applied in their entirety and the end use is consistent with Provincial Policy as set out in the Provincial Policy Statement (PPS) 2005.

Official Plan

The subject property is designated “Restricted Residential” in the City of North Bay’s Official Plan.

Section 4.11.2 of the Official Plan states that: *“In addition to conforming with all other requirements of this Plan, the developer of any residential unit within the Restricted Residential designation shall be made aware of the airport noise problem. The developer shall inform, in writing, all purchasers and subsequent owners of residential unit that the property in question is in an area where possible airport noise problems may exist, or develop. In addition, the construction of any residence, school, library, church, theatre, auditorium, hospital, nursing home, recreational building, camping or picnic area, shall conform to the Acoustic Design Criteria set out in the Provincial Policy entitled “Land Use Policy near Airports” Federal Guideline entitled “Aviation: Land Use in the Vicinity of Airports”.*

As previously discussed, it is anticipated that the creation of one (1) infill residential lot will have no impact on the long-term function of the airport. The airport manager was circulated the notice of the proposed zoning by-law amendment and to date has offered no concerns or objections. Through the Consent to Sever process a notice will be placed on-title advising that the subject lands are within proximity to the airport and the Owner will be required to implement acoustic measures into the design of any proposed single detached dwelling.

With this provision, it is my professional opinion that the general intent of the Official Plan is being maintained and that the proposed amendment is in conformity with the Plan.

Zoning By-law

The subject property is currently zoned "Rural (A)", which permits the following uses:

- agricultural and forestry uses;
- cemeteries;
- commercial agricultural use;
- conservation areas;
- hobby farm;
- public and private recreational uses;
- existing single detached dwellings and new single detached dwellings on a lot created pursuant to Section 50 or 53 of the Planning Act, R.S.O. 1990 as amended;
- accessory uses to the above; and
- accessory home based businesses in accordance with Section 3.35.

The Applicant is proposing to rezone the subject property to a "Residential First Density (R1)", which would permit the following uses:

- single detached dwelling unit (min frontage of 18m);
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject property in order to apply to the Committee of Adjustment for a Consent to Sever the subject lands in order to create one (1) new residential building lot meeting the requirements of the "Residential First Density (R1)" zone.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and other agencies that may have an interest in this matter.

In terms of the correspondence received, the Airport Manager, Ministry of Transportation, North Bay-Mattawa Conservation Authority, Chief Fire Prevention Officer, Secretary-Treasurer of the Municipal Heritage Committee, the Economic Development Department, Chief Building Official and the Director of Parks, Recreation, and Leisure Services offered no objections to the proposal.

The Engineering Department offered the following: *"Engineering Services has reviewed the proposed zoning by-law amendment and would advise that we have no objections. The only concern or issue we have with this proposed severance is that we would like the proponent to confirm where their services (sanitary and water) come into the property. There may be a chance that the services would be crossing the lands that they are proposing to sever. In this case we would require them to relocate the services so that they are not crossing the proposed severed lands."*

At the public meeting of the Planning Advisory Committee (PAC) which was held on August 30th, 2012 no objections to the Zoning By-law Amendment were received from any of the circulated property owners.

The abutting property owner at 395 Carmichael Drive addressed the Planning Advisory Committee. She was concerned with a seasonal water course that runs across the subject lands in vicinity to her southern property line. Planning Staff had received a phone call from a neighbour across the street regarding this same seasonal water course. This information was passed onto the Engineering and Public Works departments who indicated that the seasonal water course would not be impacted by the rezoning application. Should the property owner apply to the Committee of Adjustment to sever the property, this will be reviewed in greater detail. An easement for drainage between 295 and 395 Carmichael Drive may be required and the agent on behalf of the applicant has been made aware of this potential requirement.

No other correspondence was received with regard to this application.

Summary

In summary, the property is designated "Restricted Residential" in the City's Official Plan and the proposed "Residential First Density (R1)" zoning is compatible and in character with the existing residential uses in the surrounding area. The proposed rezoning will enable the property owner to apply to the Committee of Adjustment for a Consent to Sever the subject lands in order to create one (1) new residential building lot meeting the requirements of the "Residential First Density (R1)" zone.

The entire property is located within the 30 Noise Exposure Forecast (NEF) contour of the North Bay Jack Garland Airport, however, the creation of one (1) infill residential lot should have no impact on the long-term function of the airport. Through the Consent to Sever process a notice will be placed on-title advising that the subject lands are within proximity to the airport and the Owner will be required to implement acoustic measures into the design of any proposed single detached dwelling.

In reviewing the proposal it is my professional opinion that the general intent of the Official Plan and Zoning By-law are being maintained and that the end use is consistent with Provincial Policy.



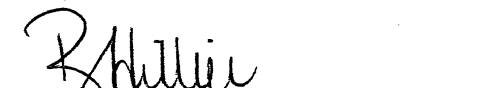
Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

SM/dlb

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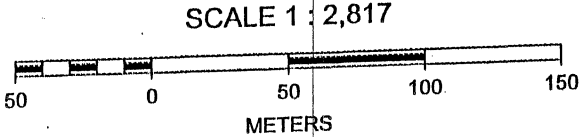
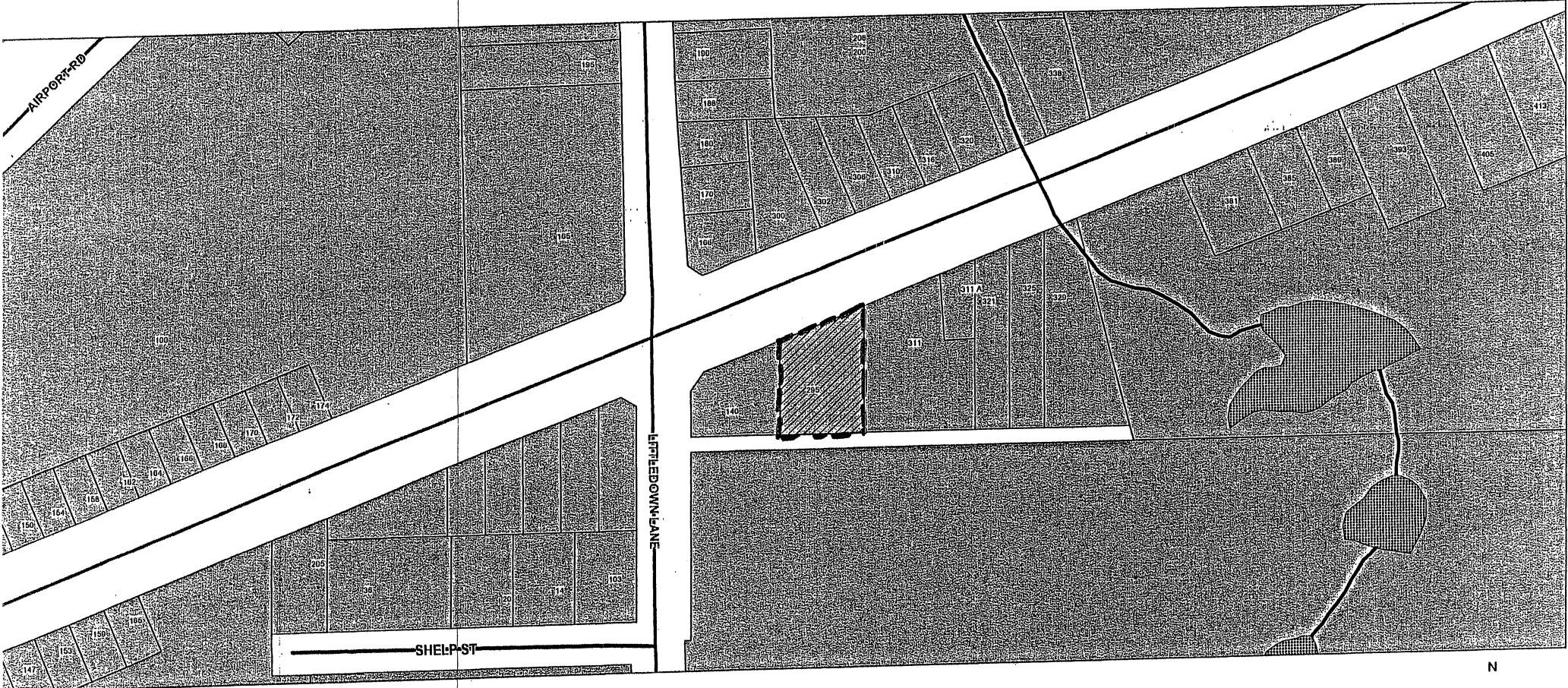
attach.

I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



Proposed Zoning By-law Amendment
From: "Rural (A)"
To: "Residential First Density (R1)"



CS-2013-06

Draft Recommendation:

- "That
- 1) the proposed Zoning By-Law Amendment by Goodridge Planning & Surveying Limited on behalf of Tim Falconi & Carlo Guido to rezone lands at 715 High Street from a "Residential Third Density (R3)" zone to a "Residential Multiple Third Density Special (RM3 Sp. 130)" zone, as shown on Schedules "A" & "B" attached to Planning Advisory Committee recommendation dated March 7, 2013, be approved; and
 - 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990, as amended, in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

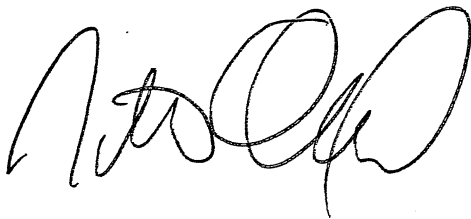
To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 6 - Planning Advisory Committee
Date: March 7, 2013

Quoted below is Resolution No. 6 passed at the regular meeting of the Planning Advisory Committee held on Wednesday March 6, 2013:

Resolution No. 6

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by Goodridge Planning & Surveying on behalf of Tim Falconi and Carlo Guido to rezone lands at 715 High Street from a 'Residential Third Density (R3)' zone to a 'Residential Multiple Third Density Special (RM3 Sp.130)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, darinage, garbage, play space, ingress, egress and fencing as required."



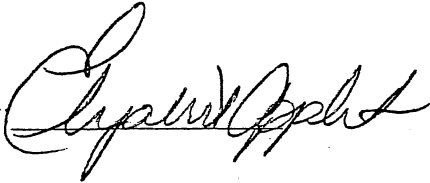
Peter Carello
Senior Planner, Current Operations
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

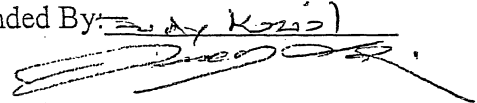
Resolution No. 6

Date: March 6, 2013

Moved By



Seconded By:



“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by Goodridge Planning & Surveying on behalf of Tim Falconi and Carlo Guido to rezone lands at 715 High Street from a ‘Residential Third Density (R3)’ zone to a ‘Residential Multiple Third Density Special (RM3 Sp.130)’ zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, darinage, garbage, play space, ingress, egress and fencing as required.”

“CARRIED”



Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee

From: Peter Carello – Senior Planner, Current Operations

Subject: Proposed Zoning By-law Amendment by Goodridge Planning & Surveying Limited on behalf of Tim Falconi & Carlo Guido
- 715 High Street in the City of North Bay

Date: February 27, 2013

Recommendations

1. That the proposed Zoning By-law Amendment by Goodridge Planning & Surveying Limited on behalf of Tim Falconi & Carlo Guido, 715 High Street in the City of North Bay to rezone the property legally described as Registered Plan No. M-28, Part of Lot 29, PIN 49156-0605(LT) from a 'Residential Third Density (R3)' zone to a 'Residential Multiple Third Density Special (RM3 Sp.130)' zone BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

Site Information

Legal Description: Registered Plan No. M-28, Part of Lot 29, PIN 49156-0605(LT) in the City of North Bay, District of Nipissing.

Site Description: The subject property is an existing lot of record located at 715 High Street within the Settlement Area in the City of North Bay. It is zoned "Residential Third Density (R3)" under Zoning By-law 28-80 and is designated "Residential" by the Official Plan.

City records identify the property as a legal non-conforming five-unit apartment building. The property also enjoys legal non-complying status for lot coverage, front yard setback, rear yard setback.

The property has an existing lot area of 507.8 square metres and lot frontage of 19.4 metres on Douglas Street. It is developed with six-unit apartment, as shown on the attached Schedule A. The Applicants is proposing to rezone the property in order to legalize the sixth unit.

Surrounding Land Uses: The majority of neighbouring properties in the immediate area are developed with single detached dwelling units. However, there are several properties that are developed with multi-residential units. Most notably, Wanner Towers, a seven storey apartment building, is located in close proximity. St. Joseph Scollard Hall is also located near the subject property.

Proposal

Goodridge Planning & Surveying Limited on behalf of Tim Falconi & Carlo Guido has submitted a Zoning By-law Amendment application to rezone the property locally known as 715 High Street from a 'Residential Third Density (R3)' zone to a 'Residential Multiple Third Density Special (RM3 Sp.130)' zone in order to legalize an existing sixth dwelling unit with the legal non-conforming five-unit apartment building.

The special component of the proposed amendment will recognize existing deficiencies. Specifically, the Applicants are requesting the following special zone provisions:

| Regulation | Zoning By-law Requirement | Actual | Requested |
|---|-----------------------------|--------|---------------------|
| Minimum Lot Frontage | 30m | 19.35m | 19m |
| Maximum Gross Floor Area as a % of Lot Area | 75% | 85.6% | 86% |
| Minimum Parking Spaces | 9 (1.5 parking spaces/unit) | 6 | 6 |
| Minimum Front Yard Setback | 7.6m | 4.73m | 4.7m |
| Minimum Rear Yard Setback | 7.6m | 7.56m | 7.5m |
| Minimum Exterior Side Yard Setback | 6m | 4.91m | 4.9m |
| Minimum Interior Side Yard Setback | 6m | 1.69m | 1.6 |
| Playspace Area | 25.3 m ² | 0m | 25.3 m ² |
| Minimum Separation Between Playspace and Main Building | 4.5m | N/A | 3.5m |
| Minimum Landscaping Width for Side & Rear Lot Lines and Building Wall | 1.5m | 0m | 0m |

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.3 of the PPS 2005 discusses land use within the Settlement Area.

Section 1.1.3.1 states that "*Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted*".

Section 1.1.3.2 further states that "*Land use patterns within settlement areas shall be based on:*

- a) *densities and a mix of land uses which:*
 - 1. *effectively use land and resources;*
 - 2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
 - 3. *minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*
- b) *a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3."*

Finally, Section 1.1.3.3 states that "*Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*"

The general intent and purposes of the above noted sections are to encourage development and intensification within the Settlement Area when there are no mitigating factors, such as lack of infrastructure or negative environmental impacts.

The proposed application would legalize an existing sixth unit within a legal non-conforming five-unit apartment building. Municipal services already service the subject property, including the sixth unit. There are no negative environmental impacts as a result of this application.

In my professional opinion, the end use is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario.

One of the underlying principles of the GPNO 2011 is to focus growth and development in central areas. Section 3.4.3 of the GPNO 2011 states that *"Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land use, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores."*

The subject property is an existing parcel of record located in a central area of the community. It is in close proximity to local businesses, employment areas and open spaces.

In my opinion, the end use conforms to the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Official Plan

The property is designated "Residential" by the City of North Bay's Official Plan. It is located within the "Old City" Planning District and is not within in a Development Constraint Area, as identified by Schedules 3A and 4.

Section 1.4.2 of the Official Plan (Guiding Principles) encourages residential intensification to occur within the Settlement area, particularly in areas of the community that have access to amenities. An excerpt from this section of the Official Plan states:

"North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continues the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas."

Section 2.1.1 of the Official Plan (Settlement Area Policies) further states that *"Infill and intensification development will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities and transit routes exist."*

The subject property has many of the attributes listed by the Official Plan for increased intensification. The "Old City" Planning District is directly adjacent to the Central Business District, as stated by Section 2.1.1. The subject property is located one a well-established neighbourhood that has easy access to a broad range of municipal services. The property receives municipal water and sanitary sewer services. A transit stop is located directly in front of the subject property, with multiple other routes that travel on Algonquin Avenue located within walking distance. Six schools are located less than 600m from the subject property.

It is my professional opinion this Zoning By-law Amendment request maintains the general purpose and intent of the City of North Bay's Official Plan.

Zoning By-Law No. 28-80

The subject property is presently zoned "Residential Third Density (R3)", which permits the following uses:

- single detached dwelling (min frontage 13.7 m);
- duplex dwelling;
- semi-detached dwelling;
- Group Home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicants are proposing to rezone the subject lands to permit the existing legal non-conforming use and to recognize deficiencies arising from the property's smaller lot area. The Applicants are requesting the following reductions:

| Regulation | Zoning By-law Requirement | Actual | Requested |
|---|-----------------------------|--------|---------------------|
| Minimum Lot Frontage | 30m | 19.35m | 19m |
| Maximum Gross Floor Area as a % of Lot Area | 75% | 85.6% | 86% |
| Minimum Parking Spaces | 9 (1.5 parking spaces/unit) | 6 | 6 |
| Minimum Front Yard Setback | 7.6m | 4.73m | 4.7m |
| Minimum Rear Yard Setback | 7.6m | 7.56m | 7.5m |
| Minimum Exterior Side Yard Setback | 6m | 4.91m | 4.9m |
| Minimum Interior Side Yard Setback | 6m | 1.69m | 1.6 |
| Playspace Area | 25.3 m ² | 0m | 25.3 m ² |
| Minimum Separation Between Playspace and Main Building | 4.5m | N/A | 3.5m |
| Minimum Landscaping Width for Side & Rear Lot Lines and Building Wall | 1.5m | 0m | 0m |

The subject property is able to meet all other regulations of the Zoning By-law.

It is my professional opinion this application meets the requirements of the Zoning By-law.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

In terms of correspondence received, the Chief Building Official, Chief Fire Prevention Officer, Secretary-Treasurer of the North Bay Municipal Heritage Committee, North Bay-Mattawa Conservation Authority and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

The initial proposed site plan showed some parking spaces that would have encroached onto City property and onto an adjacent sidewalk. Both the Zoning Administrator and Infrastructure Engineer expressed concerns regarding this layout. The Applicants have submitted a revised site plan eliminating the encroachment as a result of these comments.

In addition, while the applicants' site plan shows nine parking spaces, three of these spaces are stacked with other spaces. Section 3.26.1 of the City's Zoning By-law requires parking spaces to have access to a street or laneway that is unobstructed by other parking spaces. As a result, Planning staff has amended the application to reduce the parking requirements to one space per unit.

No correspondence was received from any circulated property owners.

Summary

The subject property is an existing six-unit apartment building. City records indicate the property is a legal non-conforming five-unit apartment building. There are no records as to when the sixth unit was constructed. This application would legalize apartment building use and the sixth unit.

The special zone requests recognize the property's inability to meet all regulations of Zoning By-law No. 28-80, based on existing lot configuration and the size of the structure. Though the property is considerably smaller than a typical Residential Multiple Third Density (RM3) zone, Planning Staff is of the opinion these deficiencies are acceptable given the structure has existed for many years without conflict and considering the built form of the neighbourhood.

The subject property has access to a broad variety of public services, such as sanitary sewer, water, transit and schools. This application is supported by Provincial land use documents (PPS 2005 and GPNO 2011) and the City's Official Plan policies encouraging infill development.

It is my professional opinion the proposed Zoning By-law Amendment is in conformity with the Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

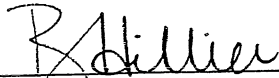
Respectfully submitted,



Peter Carello
Senior Planner – Current Operations

attach.

I concur with the recommendations contained in this report.

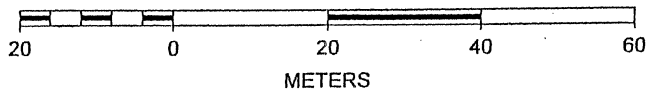


Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 996



Proposed Zoning By-law Amendment
From: "Residential Third Density (R3)"
To: "Residential Multiple Second Density Special (RM2 Sp)"



SCHEDULE B

SKETCH TO ACCOMPANY
ZONING BY-LAW AMENDMENT APPLICATION
PART OF LOT 29
REGISTERED PLAN M-28
CITY OF NORTH BAY
DISTRICT OF NIPISSING

LEGAL DESCRIPTION

PART OF LOT 29, REGISTERED PLAN M-28, CITY OF NORTH BAY, DISTRICT OF NIPISSING, BEING ALL OF PIN 49156-0605 (LT), MUNICIPAL ADDRESS: 715 HIGH STREET

NO REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY AFFECT SUBJECT LANDS.

EXISTING ZONE CATEGORY

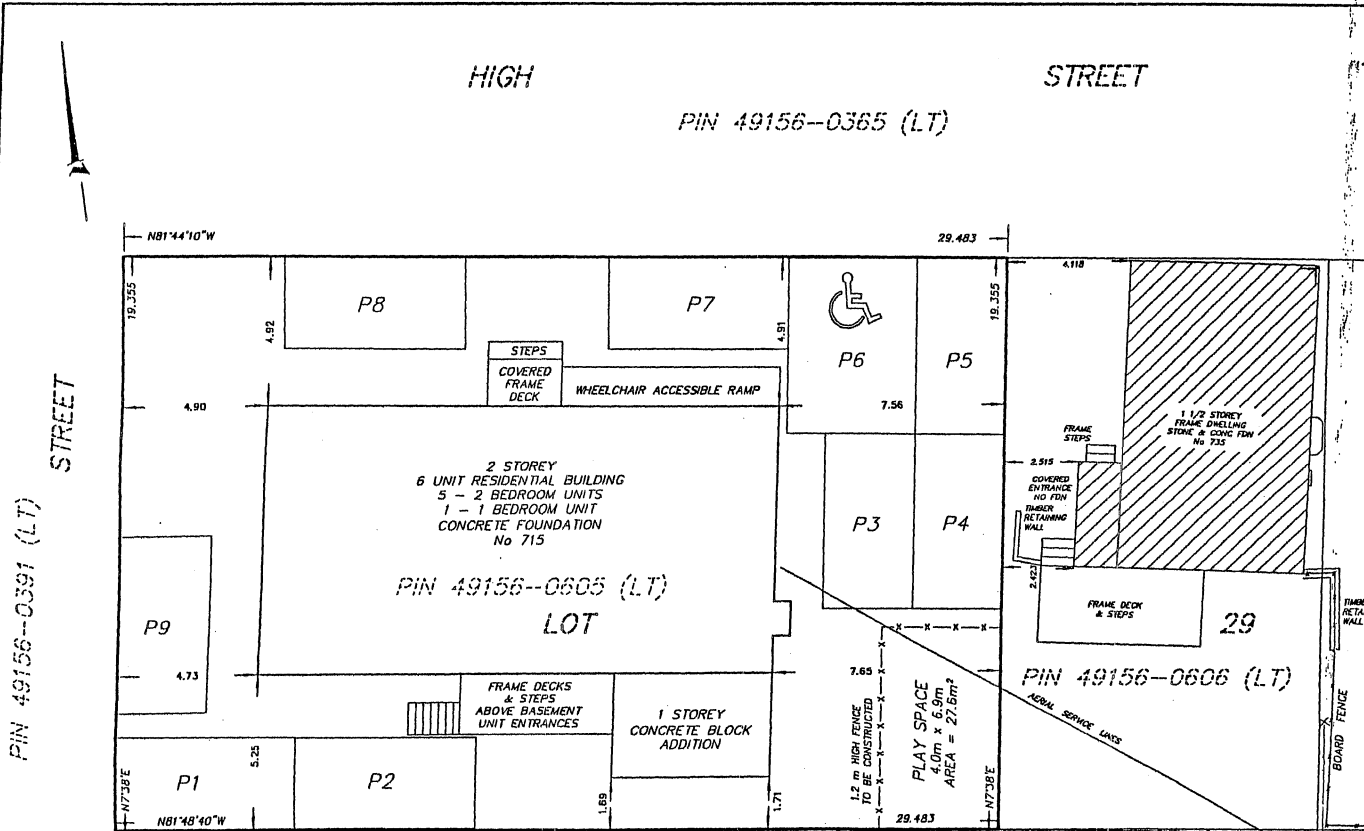
RESIDENTIAL THIRD DENSITY (R3)

PROPOSED ZONE CATEGORY

RESIDENTIAL MULTIPLE THIRD DENSITY SPECIAL (RM3 Sp) TO RECOGNIZE EXISTING 6 UNIT RESIDENTIAL BUILDING.

SITE CHARACTERISTICS

| | |
|----------------------------|---------------------|
| LOT AREA | 570.82 sq. m. |
| TOTAL PARKING AREA | 168.55 sq. m. |
| RAMP AREA | 9.53 sq. m. |
| DECK & STEPS | 5.27 sq. m. |
| | 12.56 sq. m. |
| TOTAL AREA - DECKS & STEPS | 17.83 sq. m. |
| FLOOR AREA | 156.37 sq. m. (X 2) |
| BUILDING FOOTPRINT AREA | 175.98 sq. m. |
| TOTAL FLOOR AREA | 488.72 sq. m. |



REGISTERED

PLAN

M-28

LOT

PIN 49156-0604 (LT)

28

REGULATIONS

| | REQUIRED | ACTUAL | PROPOSED |
|---|---------------|--------------|--------------|
| MINIMUM LOT FRONTAGE | 30.0 m | 19.35 m | 19.0 m |
| % MAXIMUM GROSS FLOOR AREA | 75% | 85.6% | 86% |
| MAXIMUM LOT COVERAGE | 40% | 35.6% | 40% |
| MAXIMUM HEIGHT | NOT SPECIFIED | 2 STOREYS | 2 STOREYS |
| FULLY ON-SITE PARKING | 1.5 PER UNIT | 1.5 PER UNIT | 1.5 PER UNIT |
| FRONT YARD SETBACK | 7.6 m | 4.73 m | 4.5 m |
| REAR YARD SETBACK | 7.6 m | 7.56 m | 7.4 m |
| EXTERIOR SIDE YARD SETBACK | 6.0 m | 4.91 m | 4.5 m |
| INTERIOR SIDE YARD SETBACK | 6.0 m | 1.69 m | 1.5 m |
| PLAYSPACE AREA | 25.3 sq. m. | 27.6 sq. m. | 25.3 sq. m. |
| MINIMUM LANDSCAPING WIDTH FOR SIDE & REAR LOT LINES AND BUILDING WALL | 1.5 m | 0.00 m | 0.00 m |

GOODRIDGE
PLANNING &
SURVEYING LIMITED

ONTARIO LAND SURVEYOR - LAND USE PLANNER
116 BYERS ROAD, CALLANDER, ONTARIO POH 1H0
WWW.GOODRIDGEPLANNINGSURVEYING.COM
705-493-0774 PGPAULGOODY@AOL.COM

| FIELD | OFFICE | FILE |
|-------|--------------|------|
| PG LG | P. GOODRIDGE | 9912 |

CS-2013-07

Draft Recommendation:

- "That 1) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Nu-North Development Ltd. & Marcel Deschamps to rezone lands on Lakeshore Drive from "Residential Second Density (R2)"; "Residential Holding (RH)" and "Tourist Commercial (C7)" zones to a "Residential Third Density (R3)" and a "Residential Third Density Holding (R3H)" zone, as shown on Schedule "A" attached to Planning Advisory Committee recommendation dated March 7, 2013, be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990, as amended."

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

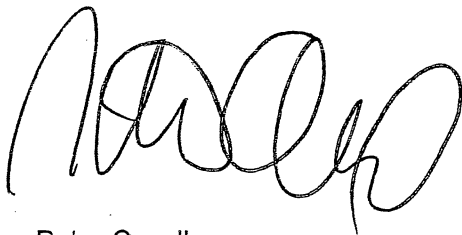
To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 5 - Planning Advisory Committee
Date: March 7, 2013

Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday March 6, 2013:

Resolution No. 5

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Nu-North Developments Ltd. to rezone lands on Lakeshore Drive from 'Residential Second Density (R2)', 'Residential Holding (RH)' and 'Tourist Commercial (C7)' zones to a 'Residential Third Density (R3)' and a 'Residential Third Density Holding (R3H)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended."

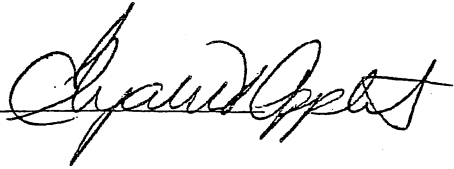


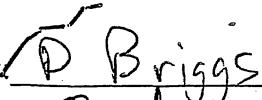

Peter Carello
Senior Planner, Current Operations
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

Resolution No. 5

Date: March 6, 2013

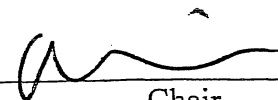
Moved By: 

Seconded By: 


“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Nu-North Developments Ltd. to rezone lands on Lakeshore Drive from ‘Residential Second Density (R2)’, ‘Residential Holding (RH)’ and ‘Tourist Commercial (C7)’ zones to a ‘Residential Third Density (R3)’ and a ‘Residential Third Density Holding (R3H)’ zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”

“CARRIED”


Chair

INTER OFFICE

**City of North Bay
PLANNING SERVICES**

MEMO

To: Chair and Members, Planning Advisory Committee

From: Peter Carello – Senior Planner, Current Operations

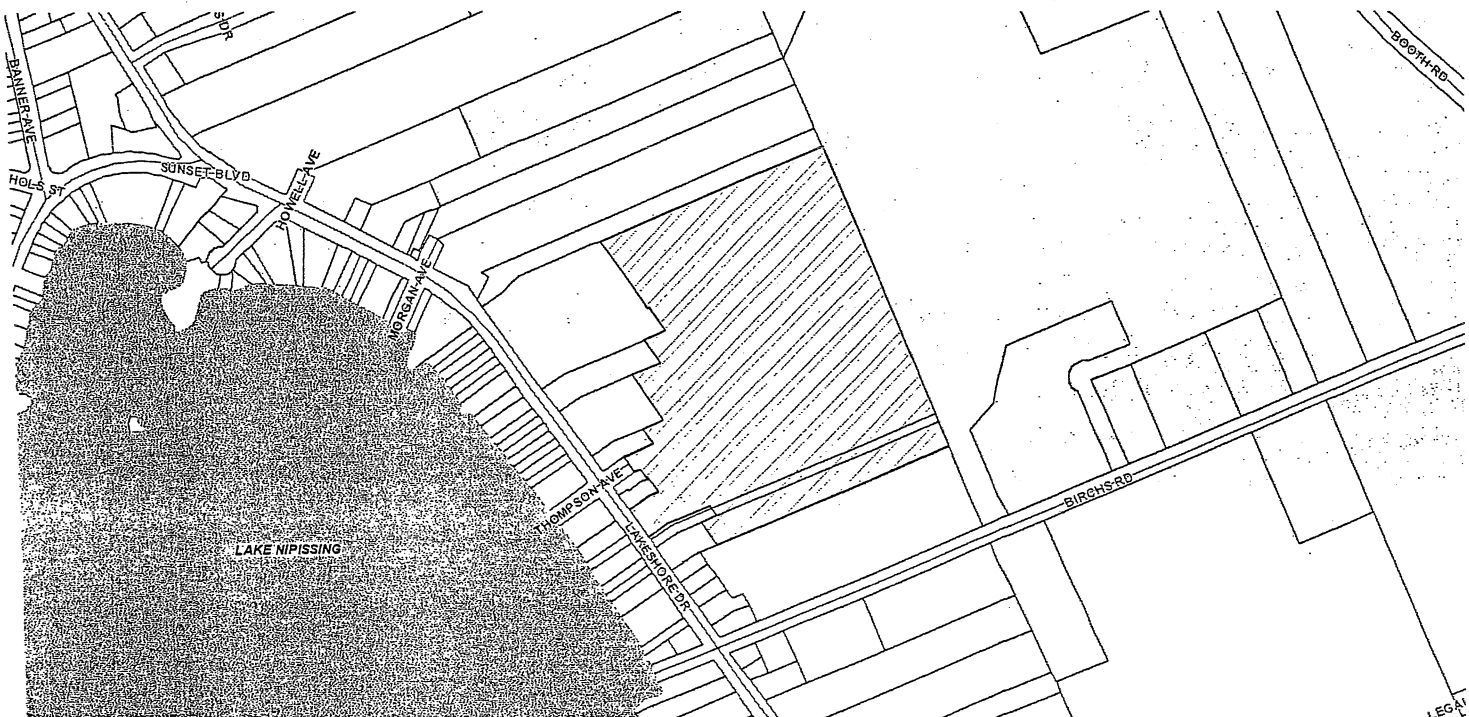
Subject: Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of the Nu-North Developments Ltd. and Marcel Deschamps, Lakeshore Drive in the City of North Bay

Date: March 4, 2013

Recommendations

That the proposed Zoning By-law Amendment Application by Miller & Urso Surveying Inc. on behalf of the Nu-North Developments Ltd. and Marcel Deschamps, Lakeshore Drive in the City of North Bay to rezone the property legally described as Registered Plan No. M-203, Concession 15, Part of Lot 19, PINs #49175-0115 (LT), 49175-0113(LT), 49175-0111 (LT), 49175-0108 (LT), 49175-0106 (LT), 49175-0104 (LT), 49175-0103 (LT), 49175-0101 (LT) and 49175-0096 (LT), Part of PIN #49175-0114 (LT), in the former Township of West Ferris in the City of North Bay from "Residential Holding (RH)", "Residential Second Density (R2)" and "Tourist Commercial (C7)" zones to a "Residential Third Density (R3)" zone and a "Residential Third Density Holding (R3H)" zone, BE APPROVED.

Site



Site Information

Legal Description

Registered Plan No. M-203, Concession 15, Part of Lot 19, PINs #49175-0115 (LT), 49175-0113(LT), 49175-0111 (LT), 49175-0108 (LT), 49175-0106 (LT), 49175-0104 (LT), 49175-0103 (LT), 49175-0101 (LT) and 49175-0096 (LT), Part of PIN #49175-0114 (LT), in the former Township of West Ferris in the City of North Bay, in the District of Nipissing.

Site Description

The subject property is an existing lot of record located on Lakeshore Drive. It is zoned "Residential Second Density (R2)", "Residential Holding (RH)" and "Tourist Commercial (C7)" under Zoning By-law 28-80 and is designated "Residential" under the Official Plan.

The property has an existing lot area of approximately 17.5 acres and lot frontage of 34.1 metres on Lakeshore Drive. There is also secondary road access via Thompson Avenue. It is currently developed with a single detached dwelling, however the Applicant has indicated it will be removed as part of the redevelopment of the property. The property owner has received conditional approval for severances to create three lots on Lakeshore Drive, should Council approve this Zoning By-law Amendment. The three proposed new residential lots on Lakeshore Drive would be developed with semi-detached and single detached residential dwellings. The property owner will be applying for a Plan of Subdivision in the near future for the remainder of the property.

Surrounding Land Uses

Properties surrounding the subject lands on Lakeshore Drive are largely single and semi-detached dwellings. Commercial uses in the area include several hotel operations, as well as a restaurant and an auto repair business. There are also several large vacant parcels nearby.

Proposal

Miller & Urso Surveying Inc. on behalf of the Nu-North Developments Ltd. and Marcel Deschamps, has submitted a Zoning By-law Amendment Application to rezone the property from "Residential Second Density (R2)", "Residential Holding (RH)" and "Tourist Commercial (C7)" zones to a "Residential Third Density (R3)" zone. This Zoning By-law Amendment is a required condition of a recently approved Consent Application to create three new lots fronting on Lakeshore Drive. The rezoning has been submitted in order to permit the development of these new properties with single and semi-detached residential dwellings. The rezoning will also allow for the development of the remainder of the property as a residential subdivision in the future.

As discussed further in this report, Staff are also recommending a portion of the property be placed under a "Holding (H)" zone as a result of further detailed work required around Jessups Creek.

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.3.2 of the PPS 2005 states:

"Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;"*

The property is located within the Settlement Area with access to a full range of municipal services. Planning Services is of the opinion the proposed Zoning By-law Amendment would allow infill development, which is an efficient use of land as per the above noted section of the PPS 2005.

In my professional opinion, the proposed Zoning By-law Amendment is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. It does not offer significant consideration to residential development matters. In my professional opinion, the proposed Zoning By-law Amendment conforms to the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Official Plan

The property is designated "Residential" in the City of North Bay's Official Plan.

Section 2.1.1 of the Official Plan states:

"Infill and intensification will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses."

Municipal sewer and water are available on Lakeshore Drive. Other public services, such as transit, parks and schools are also available. The surrounding area is also largely characterized by single and semi-detached residential dwelling units with some commercial uses, so the proposed residential development will be consistent with the existing neighbourhood.

Section 2.1.11.3 of the Official Plan states:

"Sufficient land is to be assembled for residential developments to eliminate isolated parcels that would be difficult to redevelop at a later date."

Currently, the Nu-North Developments Ltd. property is an irregular shape and a portion of their property is land locked. Should the concurrent Consent Application be granted three new lots will be created, eliminating the property's frontage on Lakeshore Drive. However, the portion of the property retained by the Applicant will be united and will still be accessible from Thompson Avenue. The Applicants' agent has also indicated the future subdivision will incorporate North/South road accesses (subject to final negotiations with adjacent property owners). Should the Rezoning Application be successful, the Applicant will have options for development of this property as a residential subdivision in the future.

Section 5.1.3 of the Official Plan states:

"There are instances where the intended use and zoning is known for lands, but development should not take place until specific facilities are in place or conditions are met. The lands may require the extension of municipal services, construction of a road, transportation study, soil remediation or floodproofing before development can occur."

City Council may pass a 'Holding' Zoning By-law that places an 'H' symbol over the zoning and sets out the conditions that must be met before the 'H' symbol is removed and the lands can be developed."

A large portion of the property is currently a Holding Zone, however, the extension of municipal services to the subject property means the conditions have been met to allow for the property to be developed.

The subject property is located within "Stage 2" of the City's staging plan for municipal infrastructure. The property is surrounded by "Stage 1" lands, which are largely developed. A 2012 engineering capital project, which extended a new trunk sanitary sewer through an easement on this property has provided the necessary capacity for development in this area.

It is my professional opinion this Zoning By-law Amendment request maintains the general purpose and intent of the City of North Bay's Official Plan.

Zoning By-Law No. 28-80

The subject property is presently zoned "Residential Second Density (R2)" and "Residential Holding (RH)". Holding Zones may not be developed until the Holding status is removed. A small portion of the property is also zoned "Tourist Commercial (C7)".

R2 Zoning permits the following uses:

- single detached dwelling units;
- Group Homes Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject lands to "Residential Third Density (R3)" to allow for the development of single and semi-detached residential dwellings on the proposed properties fronting on Lakeshore Drive and to facilitate the future development of a residential subdivision.

The subject property is able to meet all other regulations of the Zoning By-law.

As noted, Staff are recommending a portion of the property be placed under a "Holding (H)" zone to ensure the comments by the NBMCA are appropriately addressed.

It is my professional opinion this application meets the requirements of the Zoning By-law.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

In terms of correspondence received, the Engineering Department, Chief Fire

Prevention Officer and the Secretary-Treasurer of the North Bay Municipal Heritage Committee have indicated they have no concerns or objections to this proposal.

The Parks, Recreation and Leisure Department offered the following comments:

"5% parkland dedication will be required as part of the Subdivision Application"

Negotiations regarding the location of the parkland dedication will occur through pre-consultation in the Plan of Subdivision Application. The Applicants are aware of this requirement.

North Bay Hydro offered the following comments:

"North Bay Hydro has several issues with this location:

- 1. There are currently two services to this property (744 Lakeshore Drive) one to the home that fronts on Lakeshore Drive and a second to the home that fronts on Thompson road allowance. This issue will resolve itself when the severance is approved.*
- 2. NBH also has poles and anchor (P7210 & P7211) and secondary service line that trespass across 732 Lakeshore Drive to service the second home on 744 Lakeshore property that fronts on Thompson. This home will need to be re-serviced from the city road allowance if the home is to remain.*
- 3. The existing service to the home that fronts on Lakeshore Drive, Severed 1, will trespass across Severed 2 therefore Severed 1 will need to be re-serviced.*
- 4. NBH has an anchor on pole 7208 in front of Severed 2 that may be located on property line; this will need to be verified and may require easement protection."*

North Bay Hydro's comments were also included with the Applicant's concurrent Severance Application. The Applicant has been made aware of the comments and North Bay Hydro has no other objection to this application. Further discussions with North Bay Hydro regarding servicing requirements will occur through the future Plan of Subdivision application.

The North Bay-Mattawa Conservation Authority offered the following comments:

"It is recommended that the lands within the current Jessups Creek floodplain (Case 3), as described in the Jessups Creek Subwatershed and Stormwater Management Plan, Aquafor Beech Limited, September 2000, remain in a holding zone until such time that proper studies are undertaken that would remove those lands from the floodplain of Jessups Creek.

A DIA permit is required for work in this area due to the floodplain concerns and organic soils.

Pre-consultation with the Conservation Authority is highly recommended at the planning stages for the proposed subdivision."

The comments from the NBMCA have been discussed with the Applicants' agent. The "Case 3" mapping is attached for your information. It is recommended the lands within the "Case 3" be placed in a "Residential Third Density Holding (R3H)" zone until the appropriate investigations is completed on the Jessups Creek floodplain. The holding zone would result in a condition being placed on the property that would need to be satisfied before the holding zone could be removed.

The future removal of the holding zone would not require a public meeting. However, notice would be given to the public to inform them of the date Council intended to remove the holding zone.

It is anticipated a Plan of Subdivision Application for the property is forthcoming. The design of the subdivision will need to take the Jessups Creek floodplain boundary into consideration. Future conditions on the subdivision may also be put in place to address this issue.

No correspondence was received from any circulated property owners.

No further correspondence was received with regard to this proposal.

Summary

The Applicant has requested the proposed rezoning in order to allow for the creation of three new residential lots fronting on Lakeshore Drive and a future residential subdivision. The proposed development will result in intensification in this area that is complementary to the existing character of the surrounding neighbourhood. With the recent extension of municipal infrastructure, it is appropriate to consider this development at this time.

It is my professional opinion the proposed Zoning By-law Amendment is in conformity with the Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,



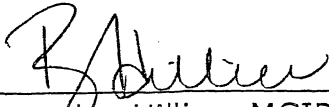
Peter Carello
Senior Planner – Current Operations

PC/dlb

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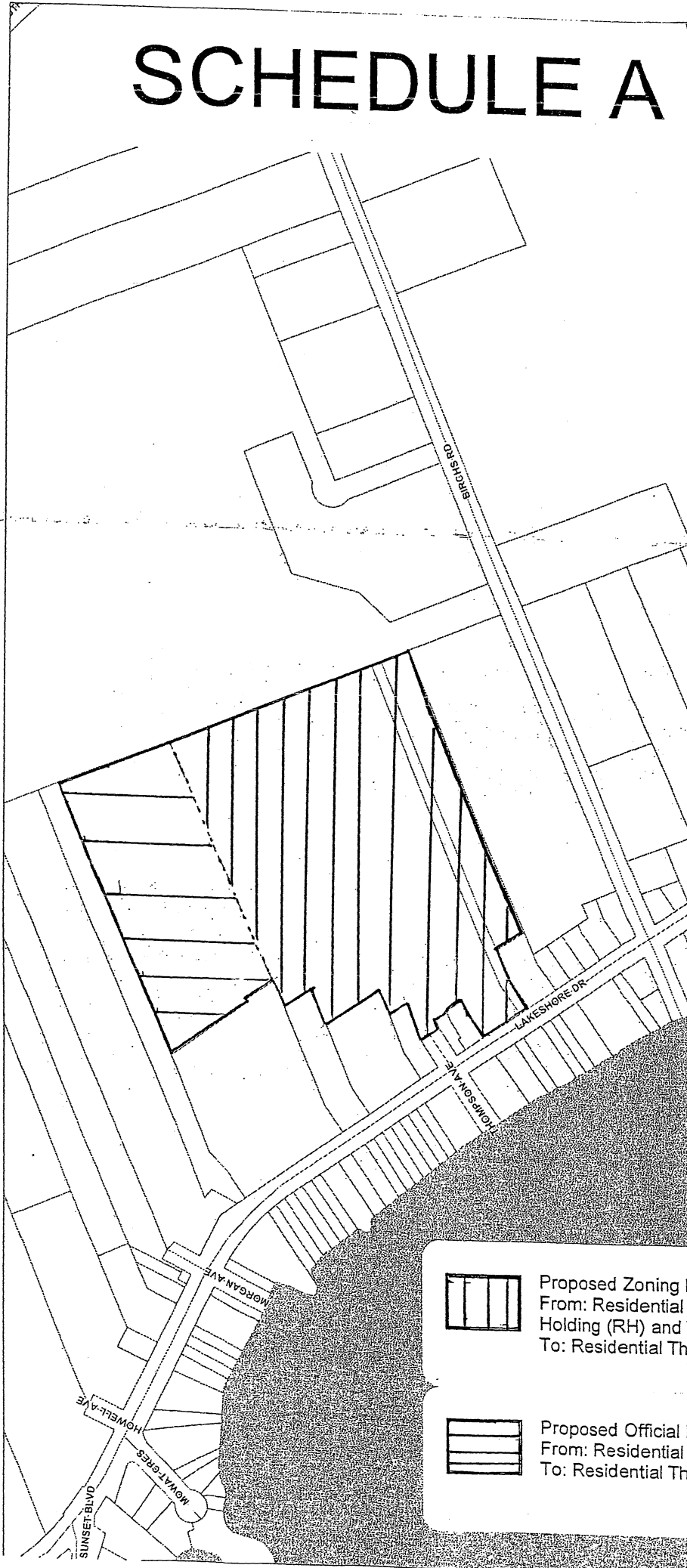
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I concur with the recommendations contained in this report.

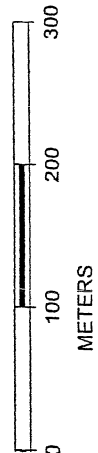


Beverley Hillier, MCIP, RPP
Manager, Planning Services

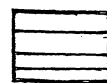
SCHEDULE A



SCALE 1 : 5,348



Proposed Zoning By-law Amendment
From: Residential Second Density (R2), Residential Holding (RH) and Tourist Commercial (C7) zones
To: Residential Third Density (R3) zone



Proposed Official Plan Amendment
From: Residential Holding (RH) zone
To: Residential Third Density Holding (R3H) zone

Appendix – Excerpt from Jessups Creek Subwatershed and Stormwater
Management Plan

Figure 3.1 – Existing Environmental Conditions – Water Resources



Legend

- Water Quality Sampling Location
- Watershed Boundary
- Case 1
- Case 2
- Case 3
- Case 4

0 100 200 300 500



Figure 3.1
Existing Environmental Conditions
Water Resources

ITEMS REFERRED BY COUNCIL FOR A REPORT

| <u>DATE</u> | <u>ITEM</u> |
|--------------------|---|
| March 29, 2005 | Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005) . |
| September 21, 2009 | Review, update and consolidation of Noise By-Law (due June 30, 2010) . |
| May 3, 2010 | Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed. |
| January 24, 2011 | Comprehensive review of City owned Lake Nipissing accesses. |
| July 4, 2011 | Comprehensive Status Report relating to BCIP (due July 2014) . |
| August 15, 2011 | Effectiveness of the Residential Rental Housing By-Law (due May 2013) . |
| July 16, 2012 | Review of water and sewage rates for the dispensing facility on Patton Road (due March 2013) . |