



Committee Agenda

**Committee Meeting of Council
September 12, 2011
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
SEPTEMBER 12TH, 2011**

Monday, September 12, 2011

7:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

PUBLIC MEETING

**HELD UNDER THE
PLANNING ACT**

Monday, September 12, 2011

7:00 p.m.

Zoning By-Law Amendment
General Review & Update
City of North Bay

Plan of Subdivision
Trillium Woods Subdivision, Phase II
Booth Road
873342 Ontario Inc.

PRESENTATION

BUSINESS UNIT

Monday, September 12, 2011

7:00 p.m.

Jerry Knox
Community Services

ENGINEERING & WORKS COMMITTEE

Monday, September 12, 2011

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Chairperson: Councillor Vrebosch-Merry

Vice-Chair: Councillor Mayne

Member: Councillor Bain

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, September 12, 2011

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Chairperson: Councillor Chirico
Vice-Chair: Councillor Koziol
Members: Councillors Anthony, Maroosis
Ex-Officio: Mayor McDonald

- GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).
- GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).
- GG-2011-17 Report from M. Karpenko dated August 29, 2011 re Long-Range Financial Plan Water and Wastewater Operations (F10/2011/LRFP/WATER).
- GG-2011-18 Report from D.G. Linkie dated August 31, 2011 re Power assisted bicycles (T00/2011/TRANS/GENERAL).

COMMUNITY SERVICES COMMITTEE

Monday, September 12, 2011

Page 1

Chairperson: Councillor Lawlor
Vice-Chair: Councillor Mendicino
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-2010-21 Official Plan Amendment, Rezoning & Plan of Subdivision applications by Goodridge Planning Solutions on behalf of Jack & Helen Norman - Four Mile Lake Road (D09/D14/ D12/2010/NORMN/FOURMILE).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- ▶ **CS-2011-15 Report from P. Carello dated June 16, 2011 re General Review and Update of City of North Bay Zoning By-Law No. 28-80 (D14/2011/CNB/BL28-80).**
- ▶ **CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) - Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/KENAL/BOOTHRD2).**

CS-2011-15

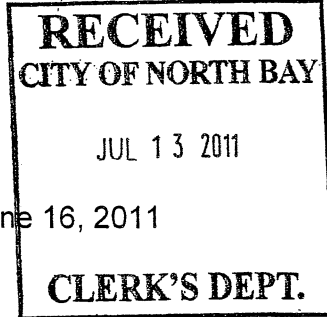
Draft recommendation:

“That the amendments to Zoning By-Law No. 28-80 as described in Report to Council CSBU 2011-66 dated June 16, 2011 be approved.”

D14/2011/CNB/ZBREVUPD/#817

City of North Bay

Report to Council



Report No: CSBU 2011 - 66

Date: June 16, 2011

Originator: Peter Carello, Senior Policy Planner

Subject: General Review and Update of City of North Bay Zoning By-law No. 28-80

File No: D14/2011/CNB/ZBREVUPD/#817

RECOMMENDATION

- 1) That the proposed amendments to Zoning By-law No. 28-80 as described in this Report to Council dated June 16, 2011 be approved.

BACKGROUND

Through the general day-to-day use of the City of North Bay's Zoning By-law 28-80, Planning Services Staff has identified a number of omissions and/or technical difficulties with the zoning definitions, regulations, text and schedules.

This update is also occurring due to mapping changes to recognize discrepancies in the existing Schedules and other necessary mapping changes to more accurately describe zone boundaries.

ANALYSIS / OPTIONS

Option 1:

Approve the proposed amendments to Zoning By-law 28-80.

The proposed changes to the By-law are attached as Appendix A to this report for Council's consideration. The proposed changes to Zoning By-law No. 28-80 are summarized as follows:

- Three (3) mapping changes to more accurately describe zone boundaries on Schedules "B-42" and "B-50";
- Removal of the "Supervised Residence" from Zoning By-law No. 28-80;
- New or modified definitions and regulations for:
 - o **Boarding, Lodging or Rooming House** (in order to remove reference to "Supervised Residence").
 - o **Dwelling, Single Detached** (to provide an improved definition of a single detached dwelling, which will be in closer conformity to the Ontario Building Code).
 - o **Group Home – Type 3** (in order to remove reference to "Supervised Residence").
 - o **Institutional Use** (to ensure Group Home Type 2 and Group Home Type 3 are not permitted to proceed as an Institutional Use within a low density residential zone).
 - o **Light Industrial Three (M3)** (to expand list of permitted uses).
 - o **Pharmacy** (new definition).
- A number of other technical changes within the text of the By-law are proposed to provide clarification regarding specific regulations; and
- Various additional housekeeping/technical changes have been incorporated.

Option 2:

Do not approve the amendments to Zoning By-law 28-80.

This is not recommended, as updates are necessary to reflect transitions within the community.

RECOMMENDED OPTION / FINANCIAL IMPLICATIONS

Option 1 is the recommended option.

The proposed changes to the City of North Bay's Zoning By-law 28-80 comes as a result of the general day-to-day use and interpretation by Planning Services Staff which has identified omissions and/or technical difficulties with the zoning definitions, regulations, text and schedules. The proposed amendments will assist with the implementation and enforcement of Zoning By-law No. 28-80.

Respectfully submitted,



Peter Carello
Senior Policy Planner

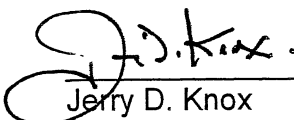


Beverley R. Hillier, MCIP, RPP
Manager, Planning Services

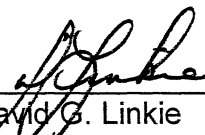
PC/BRH/dlb

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We concur with this report and recommendations.



Jerry D. Knox
Managing Director, Community Services



David G. Linkie
Chief Administrative Officer

Personnel designated for continuance: Peter Carello, Senior Policy Planner

attach(s): Proposed mapping changes
Schedules B-42 & B-50
By-Law Amendments

APPENDIX A

ZONING BY-LAW REVIEW SUMMARY OF PROPOSED CHANGES

A comprehensive review of City of North Bay Zoning By-Law No. 28-80 was last undertaken in 2010. This review concluded with Council passing Zoning By-Law Amendment No. 2010-61 on the 5th of April 2010.

It is now timely to undertake a further review and update of the Zoning By-Law. The following proposed amendments represent items brought to the attention of Planning Services staff or issues encountered in the day-to-day administration of the Zoning By-Law by staff.

BY-LAW SECTION NO. 2 – DEFINITIONS

A number of changes are being proposed to the definitions section in order to provide better clarity, to remove an existing use or to define new uses which are being proposed.

- 1) The definition of “Boarding, Lodging or Rooming House” in Section 2 of the Zoning By-law No. 28-80 is amended by deleting the words “Supervised Residence, ”.

Rationale: To remove the definition for “Supervised Residence” from Zoning By-law No. 28-80. Supervised Residence is not listed as a permitted use in any zone within the Zoning By-law.

- 2) The definition of “Dwelling, Single Detached” in Section 2 of the Zoning By-law No. 28-80 is deleted in its entirety and replaced with the following:

“DWELLING, SINGLE DETACHED means a completely detached dwelling unit in which cooking and sanitary facilities are provided for the exclusive use of the household. A Single Detached Dwelling Unit is used as a single housekeeping unit in which no occupant has exclusive use of any part of the unit.”

Rationale: The changes to the definition of a Single Detached Dwelling are to provide better description of this permitted use. The proposed definition is consistent with the Ontario Building Code.

- 3) The definition of “Group Home Type 3” in Section 2 of Zoning By-law No. 28-80 is amended by deleting the words “Supervised Residence, ”.

Rationale: To remove the definition for “Supervised Residence” from Zoning By-law No. 28-80. Supervised Residence is not listed as a permitted use in any zone within the Zoning By-law.

- 4) The definition of “Institutional Use” in Section 2 of Zoning By-Law No. 28-80 is amended by replacing the words “and Group Home Type 2” with the words “, Group Home Type 2 and Group Home Type 3”.

Rationale: Group homes are defined and regulated in other sections of Zoning By-law No. 28-80. This amendment to the Zoning By-law is to ensure that

Group Home Type 2 or Group Home Type 3 are not considered an institutional use and permitted in low density residential zones.

- 5) Section 2 of Zoning By-law No. 28-80 is amended by inserting the following new definition:

“Pharmacy means a retail store that dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items. A pharmacy may also sell food products. No more than 30% of the total Commercial Floor Space may be devoted to food products.”

Rationale: To provide a definition for a new Permitted Use and to remove “Drug Store” as a permitted use in the “Regional Shopping Centre (C3)” zone.

- 6) Section 2 of Zoning By-law No. 28-80 is amended by removing “Supervised Residence” and its definition from the By-law.

Rationale: To remove the permitted use “Supervised Residence” from Zoning By-law No. 28-80. Supervised Residence is not listed as a permitted use in any zone. The previous amendment to the Group Home Definitions makes the need for a Supervised Residence redundant.

BY-LAW SECTION NO. 3 – GENERAL PROVISIONS

A number of changes are being proposed to the general provisions section in order to provide clarity, to add certain regulations and revise others, to modify the lists of permitted uses and to deal with various general housekeeping issues.

Section 3 – General Provisions of Zoning By-Law 28-80 are amended, as follows:

- 1) Section 3.16.5 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.

Rationale: Stairs are an appropriate encroachment in the front and rear yards, provided that they are wholly located on the subject property.

- 2) Section 3.16.6 of Zoning By-law No. 28-80 is amended to add “(excluding stairs)” on the second line in the Structure Section following the word “decks”.

Rationale: Stairs are an appropriate encroachment in the front and rear yards, provided that they are wholly contained on the subject property.

- 3) Section 3.16.7 of Zoning By-law No. 28-80 is amended by deleting the words “and including handicap ramps” from the Structure Section.

Rationale: Ramps and other accessibility equipment is a permitted encroachment in Section 3.16.9. As a result, the passage proposed to be deleted is redundant.

- 4) Section 3.16 of the Zoning By-law No. 28-80 is amended to include the following new subsection :

	Structure	Yard In Which Projection Is Permitted	Maximum Project from <i>Main Wall</i> Permitted
3.16.11	Brick Façade / Siding	Any Yard	0.1 metres

Rationale: To enable property owners whose foundation meets setbacks from property lines to install siding or brick façade on their home which encroaches in the required setback.

- 5) Section 3.25.16 of Zoning By-law No. 28-80 is amended to remove “Freight containers are permitted in industrial, commercial, institutional and open space zones, subject to the provisions of this By-law for the particular zone in which said freight container is located.”

Rationale: Section 3.25.17 of Zoning By-law No. 28-80 provides the same regulations, making this particular passage redundant.

- 6) Section 3.26.k) of the Zoning By-law No. 28-80 is deleted.

Rationale: Parking requirements for Boarding, Rooming or Lodging Houses are defined by Section 3.26. b) ii). Thus, Section 3.26.k) is redundant and should be removed.

- 7) Section 3.26.6 of Zoning By-law No. 28-80 is amended by deleting “5% of the required parking spaces in a public parking area shall be reserved for accessible parking spaces” and replaced with the following:

“Section 3.26.6 A minimum number of accessible parking spaces must be provided, as per the below table:

Minimum number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces
10 – 30	1
31 – 60	2
61 – 90	3

1 additional Accessible Parking Space for each additional 30 parking spaces or part thereof.”

Rationale: The current minimum requirement of 5% accessible parking spaces has been found to be excessive. Staff is of the opinion that the above table is more reflective of community needs. It provides approximately 3.3% accessible parking spaces, which is comparable to communities such as Sault Ste. Marie and Barrie. The proposed parking standards were vetted

through the Municipal Accessibility Advisory Committee. MAAC were supportive of the proposed changes.

- 8) Section 3.26.6.a) is amended by adding the following new subsection:

“Section 3.26.6.a.iii) The minimum width of an accessible parking space may be reduced to 3.5 metres when the parking stall is located adjacent to a hard-surfaced walkway dedicated to pedestrian access that has a minimum width of 1.5 metres.”

Rationale: A pedestrian walkway can be double as access and egress to an accessible vehicle. This provision is to provide property owners with additional configuration options when they are designing parking lots and the location of accessible parking stalls.

- 9) Section 3.26.6 a) through Section 3.26.6 f) of Zoning By-law No. 28-80 is renumbered to 3.26.6.1 a) through 3.26.6.1 f).

Rationale: To provide delineation between policies pertaining to parking requirements and minimum standards for parking stalls and aisles

- 10) Section 3 of Zoning By-law 28-80 shall be amended to include the following new subsection:

“3.39.3 Any *Commercial Agricultural Use* shall be prohibited in any “Holding (H)” zone.”

Rationale: Holding zones are in place to enable the limited development of a property while it awaits building restrictions to be addressed (typically the provision of municipal services). *Commercial Agricultural Uses* are most appropriate in “Rural (A)” zone. Permitting these in “Holding (H)” zones would likely hinder the eventual development of the area.

BY-LAW SECTION NO. 4 – ZONE REQUIREMENTS

No amendments are proposed to Section 4 of Zoning By-law 28-80.

BY-LAW SECTION NO. 5 – RESIDENTIAL ZONES

A number of changes are being proposed to the Residential Zones section in order to provide clarity, to add certain regulations and revise others, and to deal with various housekeeping issues.

- 1) Sections 5.1.6, 5.1.6.1, 5.1.6.2 and 5.1.6.3 are deleted in their entirety and replaced with the following new subsection:

5.1.6.1 No person shall park or store in any Residential Zone any commercial vehicle which:

- a) Is in excess of 3,200 kilogram vehicle weight; or

- b) Has a length greater than 6.0 metres; or
- c) Has a height greater than 2.6 metres.

A commercial vehicle may include but is not limited to a bus, trailer, tow truck, tilt/n/load, dump truck, tractor trailer, semi trailer, ambulance or hearse.

5.1.6.2 Notwithstanding the above, a maximum of one commercial vehicle may be parked on a residential property provided that it is contained within a fully enclosed building.

5.1.6.3 This subsection shall not prevent the standing of any such vehicle for the purpose of normal business operations, such as actively loading or unloading merchandise or passengers.”

Rationale: To provide clarification regarding the provisions of the Zoning By-law No. 28-80 that govern the parking and storing of commercial vehicles in residential zones.

- 2) The Table in Section 5.2.2 is amended by modifying the regulations for the following existing permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER <i>DWELLING UNIT</i> IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
RM1	Group home type 1	232.2	18	35%	N/A
RM2	Group home type 1	232.2	18	35%	N/A

Rationale: Group Home Type 1 permits a maximum of four (4) residents. This size is similar to Single Detached Dwelling units. The above regulations match the regulations for Single Detached Dwelling units in each of the respective zones.

- 3) The Table in Section 5.2.2 is amended by adding regulations for the following Permitted uses:

ZONE	PERMITTED USE	MIN. LOT AREA PER <i>DWELLING UNIT</i> IN SQ.M.	MIN. LOT FRONTAGE IN METRES	MAXIMUM LOT COVERAGE	MAXIMUM HEIGHTS (STORIES)
R1	Group home type 1	557.4	18	36%	2.5
R2	Group home type 1	464.5	15	35%	2.5
R3	Group home type 1	418.0	13.7	35%	2.5
R5	Group home type 1	278.0	9	35%	1
RM1	Group home type 2	464.0	22.8	35%	N/A
RM2	Group home type 2	464.0	22.8	35%	N/A

Rationale: Each of the above uses are permitted in the respective zones. The regulations for Group Home Type 1 match the regulations for Single Detached Dwellings in each of the respective zones. The regulations for Group Home Type 2 are compatible with requirements of a duplex in each of the RM1 and RM2 zones.

BY-LAW SECTION NO. 6 – COMMERCIAL ZONES

A number of changes are being proposed to the Commercial Zones section in order to provide a new permitted use in identified zones.

- 1) Section 6.2.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

Rationale: To allow a new Permitted Use in the C1 Zone.

- 2) Section 6.3.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

Rationale: To allow a new Permitted Use in the C2 Zone.

- 3) Section 6.4.1.1 of the Zoning By-law No. 28-80 is amended by removing “Drug Store” as a Permitted Use and adding “Pharmacy” as a new Permitted Use.

Rationale: This general Zoning By-law Amendment is adding “Pharmacy” as a new permitted use. This amendment will ensure conformity with the new definition and will provide a zone for a new permitted use in the C3 Zone.

- 4) Section 6.5.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

Rationale: To allow a new Permitted Use in the C4 Zone.

- 5) Section 6.7.1.1 of Zoning By-law No. 28-80 is amended to add “Pharmacy” as a Permitted Use.

Rationale: To allow a new Permitted Use in the C6 Zone.

BY-LAW SECTION NO. 7 – INDUSTRIAL ZONES

One change is being proposed to the Industrial Zones section in order to modify permitted uses in the industrial zone.

- 1) Section 7.4.1.1 of Zoning By-law No. 28-80 is amended by removing the words “requiring outside storage”.

Rationale: Staff has examined the list of Permitted Uses in a “Light Industrial Two (M2)” zone and has determined that these uses would also be appropriate in a “Light Industrial Three (M3)” zone. This amendment would provide greater flexibility by allowing permitted uses in an M2 zone to also occur in an M3 zone.

BY-LAW SECTION NO. 8 – OPEN SPACE ZONES

No amendments are proposed to Section 8 of Zoning By-law 28-80.

BY-LAW SECTION NO. 9 – INSTITUTIONAL ZONES

No amendments are proposed to Section 9 of Zoning By-law 28-80.

BY-LAW SECTION NO. 10 – RURAL ZONES

No amendments are proposed to Section 10 of Zoning By-law 28-80.

BY-LAW SECTION NO. 11 – SPECIAL ZONES

The following change is being proposed to the Special Zone section in order to revise an error in the By-law.

- 1) Section 11.5.14.2 b) i) is amended to delete the words “front yard setback” and add the words “minimum lot frontage” in their place.

Rationale: The proposed amendment would correct a typo in the by-law and would reflect the original intent of the “Rural Residential Estate Special Zone No. 14 (RRE Sp.14)” zone.

BY-LAW SCHEDULE SECTION

A number of revisions are being proposed the Schedule Section of the By-law in order to better reflect by-laws passed by previous Councils.

- 1) Schedule B-42 is amended to extend the “District Commercial (C4)” zoning designation to the property legally described as Registered Plan 86, Lot 160 (107 Greenwood Avenue).

Rationale: The subject property at 107 Greenwood Avenue has operated as a commercial establishment for a number of years. City of North Bay By-law No. 56-72 rezoned the adjacent property in 1972 to a now defunct Residential Multiple Zone. This residential zone was inadvertently extended onto 107 Greenwood Avenue on the Schedule B-42 of Zoning By-law No. 28-80. This amendment would assign the property with a C4 zoning designation, which is more appropriate than the current residential zoning.

- 2) Schedule B-50 is amended to extend the “Residential Multiple Second Density (RM2)” zoning designation to the property legally described as Plan 21, Part of Lot 687 and North Part of Lot 688 (431 Second Avenue West).

Rationale: The border of the RM2 zoning was incorrectly drawn on Schedule B-50, resulting in the property at 431 Second Avenue West having split zoning. This amendment will result in the entire property being zoned RM2.

- 3) Schedule B-50 is amended to extend the “Residential Multiple First Density (RM1)” zoning designation to the property legally described as Plan 21, South Part of Lot 688 (423 Second Avenue West).

Rationale: The border of the RM2 zoning was incorrectly drawn on Schedule B-50, resulting in incorrect RM2 zoning on the subject property (423 Second Avenue West) that should have been placed on the neighbouring property (431 Second Avenue West). This amendment will result in the property reverting to the correct “Residential Multiple First Density (RM1)” zoning.

OTHER AMENDMENTS

Other amendments to the Zoning By-law No. 28-80 are proposed to correct minor errors in Zoning By-law Amendments

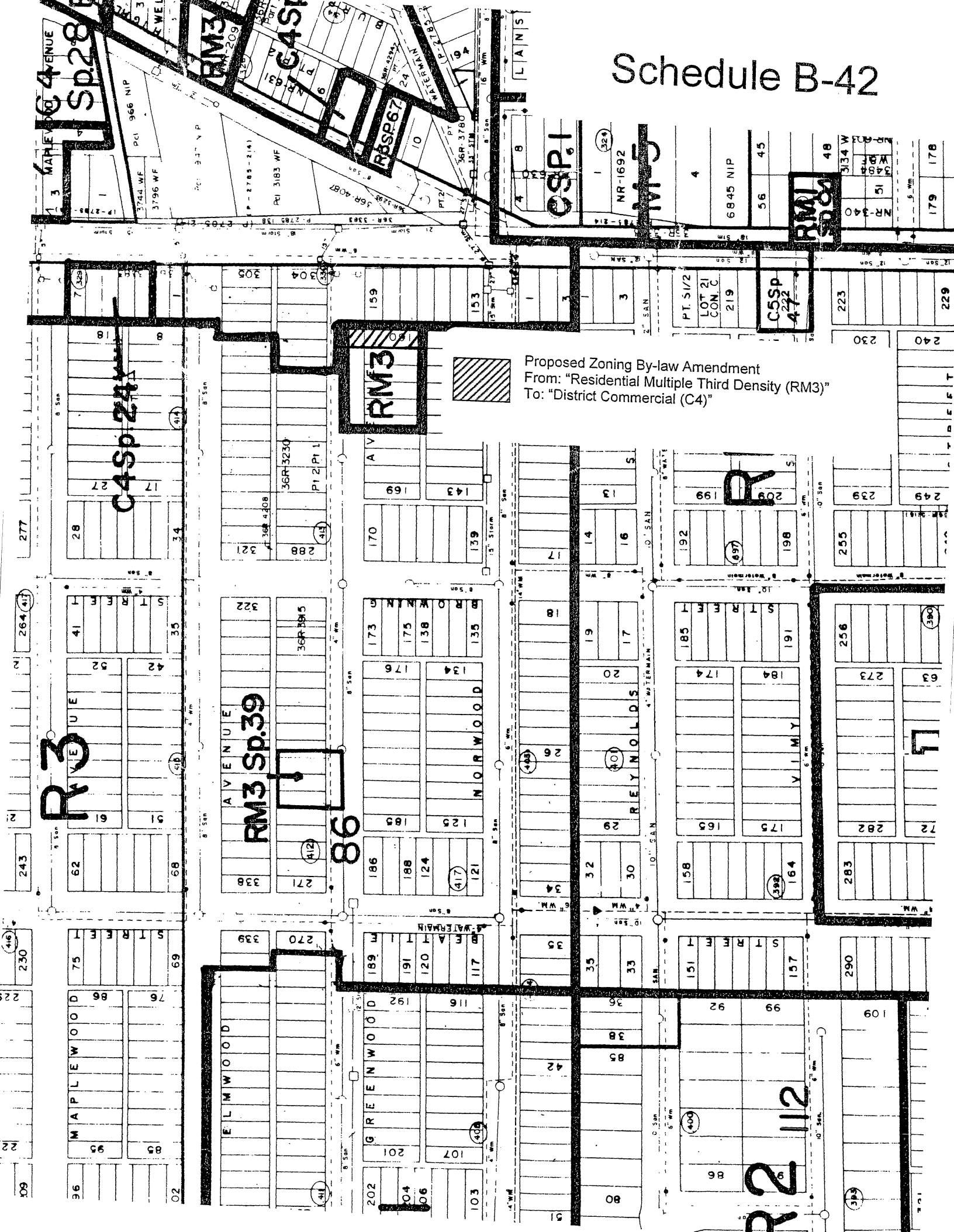
- 1) By-law No. 2001-099 is amended to change the special zone number from “Residential Third Density Special Zone No. 81 (R3 Sp.81)” to “Residential Third Density Special Zone No. 79 (R3 Sp.79)”

Rationale: To correct a technical numbering error that occurred at the time of the passing of the site specific by-law.

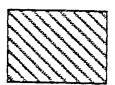
- 2) By-law No. 2010-163 is amended to add “Part of Part 5,” to the legal description following the words “Part 1,”

Rationale: The legal description of the property affected by City of North Bay By-law No. 2010-163 should have included “Part of Part 5”. The Schedules to this By-law accurately reflected the proposed Zoning By-law Amendment.

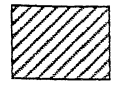
Schedule B-42



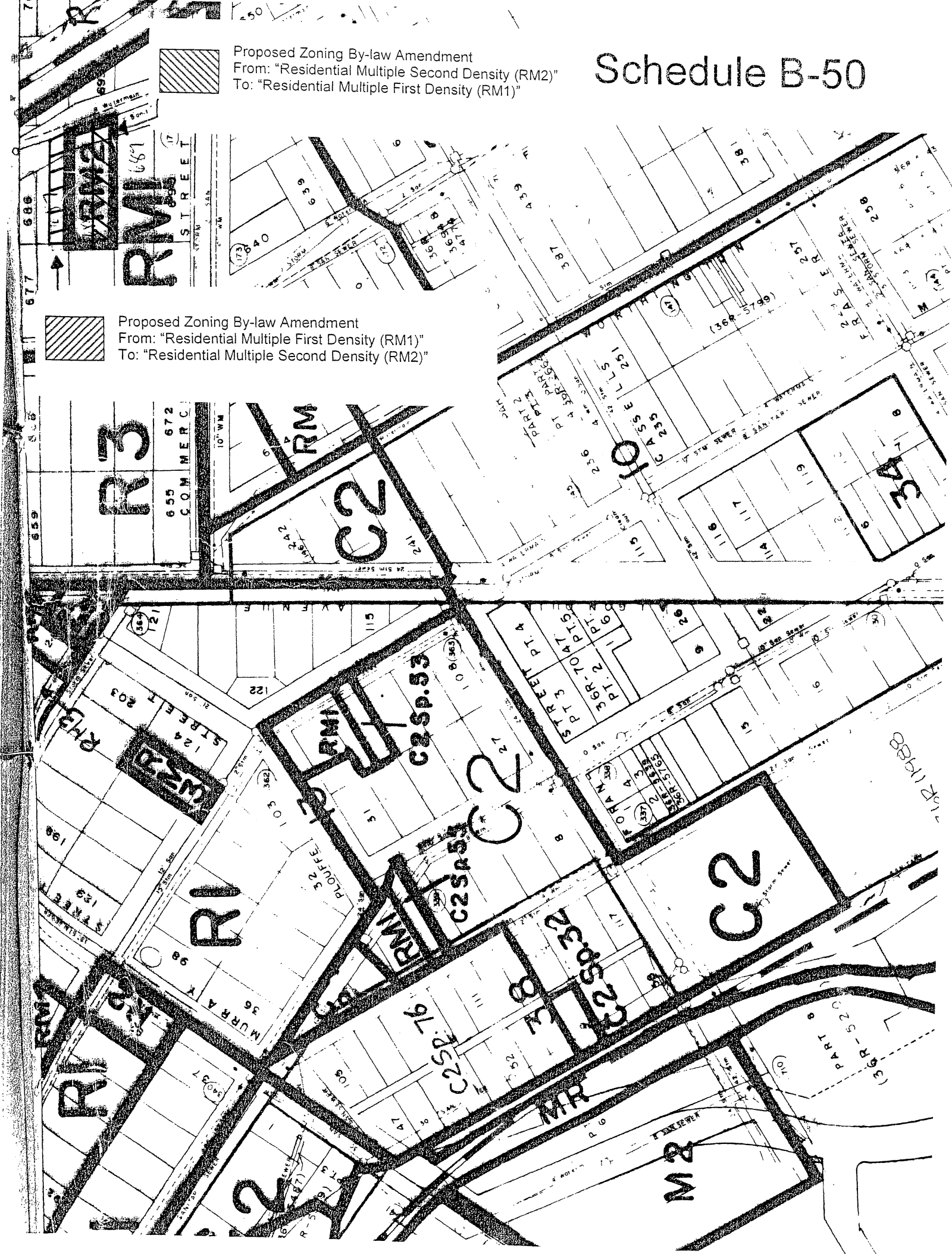
Schedule B-50



Proposed Zoning By-law Amendment
From: "Residential Multiple Second Density (RM2)"
To: "Residential Multiple First Density (RM1)"



Proposed Zoning By-law Amendment
From: "Residential Multiple First Density (RM1)"
To: "Residential Multiple Second Density (RM2)"



CS-2011-16

Draft recommendation.

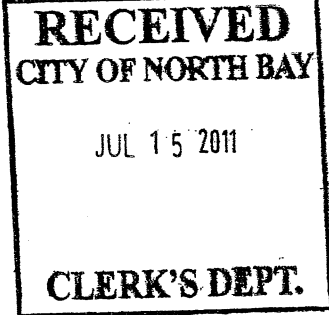
- “That
- a) the proposed Draft Plan of Subdivision (Phase II - Trillium Woods Subdivision), by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) for the property legally described as Concession 16, Part of Lot 37, in the former Township of West Ferris be approved; and
 - b) staff be directed to develop conditions of Draft Approval, subject to the approval of Council.”

INTER OFFICE

MEMO

*City of North Bay
Planning Services*

To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 4 - Planning Advisory Committee
Date: July 15, 2011



Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Thursday, July 14th, 2011:

Resolution No. 4

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

1. That the Proposed Draft Plan of Subdivision (Phase II – Trillium Woods Subdivision) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc. for the property legally described as Concession 16, Part of Lot 37 in the former Township of West Ferris, ~~BE DENIED~~ BE APPROVED; and
2. That staff be directed to develop conditions of draft approval, subject to the approval of Council."

A handwritten signature in black ink, appearing to be "Steve McArthur".

Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 4

Date: July 14, 2011

Moved By: [Signature]

Seconded By: [Signature]

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

1. That the Proposed Draft Plan of Subdivision (Phase II – Trillium Woods Subdivision) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc. for the property legally described as Concession 16, Part of Lot 37 in the former Township of West Ferris, BE DENIED. Approved.

Amendments:

and further, that staff be directed to develop conditions of draft approval, subject to the approval of Council.

“CARRIED”

[Signature]
Chair

INTER OFFICE

Planning Services City of North Bay

MEMO

To: Chair and Members, Planning Advisory Committee
From: Steve McArthur - Senior Planner, Current Operations
Subject: Proposed Draft Plan of Subdivision (70 Lots) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc., Concession 16, Part of Lot 37, (Phase II - Trillium Woods Subdivision)
Date: July 7, 2011

Recommendation

That the proposed Draft Plan of Subdivision (Phase II - Trillium Woods Subdivision) by Miller & Urso Surveying Inc. on behalf of Kenalex Development Inc. for the property legally described as Concession 16, Part of Lot 37, in the former Township of West Ferris, BE DENIED.

Site

The subject property is located east of Booth Road and south of the intersection at Marshall Avenue. The site has frontage on Turner Drive and Trillium Drive, both of which were created as part of Phase I of the Trillium Woods Plan of Subdivision. The total land area for Phase II represents approximately 6.94 hectares (17.15 acres) as shown on Schedules 'A' & 'B' attached hereto.

To the west (across Booth Road), the site is surrounded by a fully developed low and medium density residential neighbourhood. To the north, east and south the property is surrounded by vacant land, with the exception being a church on a lot created from a severance at the northwest corner of the subject property.

Proposal

The Applicant is seeking Draft Approval of Phase II of the Trillium Woods Plan of Subdivision (70 Lots) in order to permit the residential development of the property for single detached dwellings.

Background

The subject property has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law amendment in 2004. The subject property was previously designated "General Industry" and zoned for industrial purposes. The site consists of various areas of Provincially Significant Wetland (PSW) (Parks Creek Wetland Complex).

Between the previous Planning Act applications and the current Plan of Subdivision application, the Provincial Policy Statement was updated. As provided for in the transition provisions, any Planning Act application received after the new the PPS (2005) came into effect must be reviewed under the new PPS.

During the review of the previous planning applications in 2004, the PPS 1997 required Planning Act applications to "have regard to" provincial policy contained in the PPS. This standard changed under the new PPS, passed in March 2005. Any planning application received after this date is required to "be consistent with" provincial policy contained in the PPS.

With respect to the current Plan of Subdivision application, the implications of this change in standards between the 1997 and 2005 versions of the PPS largely relate to Provincially Significant Wetlands (PSW).

Under the 1997 PPS, the applicant was permitted to develop within the PSW providing there was no negative impacts on the natural features or on the ecological functions for which the area is identified. The applicant completed various studies including a "*Full Site Impact Assessment (1999)*", "*An Analysis of the Natural Features and Ecological Functions of the Parks Creek Wetland (1999)*", a "*Scoped Site Environmental Impact Study (2005)*", and an "*Archeological and heritage Impact Assessment (2005)*" to show no net negative impact. Based on the Studies completed and the policies in place under the 1997 PPS, the Official Plan Amendment and Zoning By-law Amendment were approved.

At the time of the Official Plan Amendment and Zoning By-law Amendment the applicant did not apply for a Plan of Subdivision.

Draft Approval and Final Approval of Phase I (28 Lots) of the Trillium Woods Plan of Subdivision was granted in 2009 and 2010 respectively. The approved Draft Plan of Subdivision represented the first phase of a larger subdivision development proposed for the site (Schedule 'B' attached). No portion of this first phase of development fell within the PSW or its adjacent lands.

The Applicant is now seeking Draft Approval of a Plan of Subdivision for 70 Lots, representing Phase II of the Trillium Woods Subdivision on Brookland Drive, Trillium Drive & Turner Drive in the City of North Bay in order to permit the full residential development of the property legally described as Concession 16, Part of Lot 37 in the former Township of West Ferris. A portion of the Phase II Subdivision Application is located within and adjacent to Provincially Significant Wetland.

This new *Planning Act* application must be reviewed under the policies of today, which include the *Northern Growth Plan* (GPNO) and the 2005 version of the *Provincial Policy Statement* (PPS 2005).

Provincial Policy

The Provincial Policy Statement was updated in 2005 and the Northern Growth Plan was introduced in 2010. All *Planning Act* applications must be consistent with the PPS and conform to the GPNO

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

Section 1.0 of the PPS, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns. 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 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 and medium density residential developments. The proposed development of seventy (70) single detached dwelling residential lots will maintain the existing character of the neighbourhood.

Since the original approval of the Official Plan and Zoning By-law amendments in 2004, the Natural Heritage Protection Line, which is identified as Section 5.0, Figure 1 in the PPS 2005, and attached as Schedule 'C' hereto, was modified.

As a result, new and more stringent policies were established for ecoregions 5E, 6E and 7E and the following policies now apply:

2.1.3 *Development and site alteration shall not be permitted in:*

- a. *significant habitat of endangered species and threatened species;*
- b. *significant wetlands in Ecoregions 5E, 6E and 7E; and*
- c. *significant coastal wetlands.*

2.1.6 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."*

The City of North Bay is located in Ecoregion 5E and the subject lands contain significant wetlands.

Although the subject property previously received an Official Plan Amendment and Zoning By-law Amendment for the purpose of future residential development, the Plan of Subdivision Application for Phase I and II were not received until 2009 and 2011 respectively. Phase I was located outside of the area impacted by PSW and was subsequently approved in 2010. As a result, the applications are required to be reviewed under the current PPS; in my opinion the proposed Phase II Plan of Subdivision Application is not consistent with the Provincial Policy Statement 2005.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011 and all Planning Act Applications must now be evaluated with consideration to this plan.

The GPNO is broad in scope and is aimed at shaping development and land use in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, transportation / infrastructure, education, community planning, the environment and the native rights of aboriginal peoples.

With respect to the implementation of the GPNO, the Plan sets out that if there is a conflict between the GPNO and the PPS, the GPNO prevails. The exception is where there is a conflict relating to the natural environment or human health, in which case the direction that provides more protection to the natural environment or human health prevails.

In the case of this application, although supported by the GPNO, the PPS provides the greater protection to the natural environment and therefore prevails with respect to the Provincially Significant Wetland.

Official Plan

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

The residential policies contained in Section 2.2 of the Official plan identify that in "low density residential areas, the intent of this Plan is to provide for accommodation in relatively small buildings, in dwelling units generally suitable for families with children. In this regard, the dwelling types considered appropriate generally involve low profile buildings having an external access and outdoor privacy areas associated with each dwelling unit. The City shall ensure that the amenity of such areas are preserved, and that different types of structures shall be mutually compatible. Dwelling units considered suitable in such low density areas are:

- a) single detached and semi-detached dwellings;
- b) duplexes, triplexes;
- c) rooming houses, boarding houses; and
- d) maisonettes, townhouses, & low profile apartments".

The proposed Trillium Woods Phase II Draft Plan of Subdivision would permit the development of a seventy (70) lot residential subdivision along the easterly side of Booth Road. The subject property is adjacent to a newly developed residential subdivision (Trillium Woods, Phase I) and is in close proximity to other low and medium density residential subdivisions constructed along the westerly side of Booth Road.

The proposed Draft Plan Subdivision complies with the residential policies contained within Section 2.2 of the Official Plan.

Zoning By-law No. 28-80

The subject property is currently zoned "Residential Third Density (R3)" and "Floodplain and Erosion Special Zone (O2 Sp.)".

The "Residential Third Density (R3)" zone permits the following uses:

- single detached dwelling;
- semi-detached dwelling;
- duplex dwelling;
- accessory home based business;
- parks, playgrounds and non-profit uses; and
- institutional uses

The "Floodplain and Erosion Special Zone (O2 Sp.)" permits the following uses:

- public and/or private parks;
- structural works of approved design for flood or erosion and sedimentation control

The Natural Hazards on the subject lands are identified in the City of North Bay's Zoning By-law No. 28-80 as a "Floodplain and Erosion (O2)" zone. Prior to altering the boundary of the "O2" zone, the NBMCA shall be satisfied that all lands that are subject to Natural Hazards are identified. The special component of the O2 zone limits the permitted uses on the property, as recommended by the North Bay-Mattawa Conservation Authority in its 2004 review.

The proposed Plan of Subdivision meets the regulations of the City's Zoning By-law.

Considerations

This proposal has previously undergone a full planning process as it was subject to an Official Plan and Zoning By-law Amendment in 2004 and to a final approval of a Plan of Subdivision (Trillium Woods, Phase I – 28 Lots) in 2010.

The current application for Draft Approval of Phase II of the Trillium Woods Subdivision, representing 70 Lots, was circulated to property owners within 120 meters (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 Engineering Department, Public Works Department, Economic Development Department, Building Department, Ministry of Transportation, Hydro One, Parks, Recreation & Leisure Services and the Fire Department offered no objection to the proposal.

The Applicant previously dedicated and transferred to the City of North Bay parkland in the form of Blocks 30 to 32 to accommodate the extension of the Kate Pace Way trail system. In addition to this, the Applicant transferred Block 29 to the City for a small neighbourhood park. Municipal services have been brought to the property line (Block 29) at the owner's expense as part of the conditions in the final approval of Phase 1 of the Trillium Woods Plan of Subdivision.

Canada Post offered the following comments: *"Canada Post has reviewed the proposal for the above noted plan and has determined that the area will be serviced by centralized mail delivery provided through Community Mail Boxes. The Owner/Developer further agrees to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision, to install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes, to identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of the subdivision. Curb depression will be required if not a roll over curb. These pads are to be installed 3 meters from any fire hydrant or a transformer."*

The North Bay-Mattawa Conservation Authority indicated: *"that the above-noted property is within an area regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 162/90. This regulation is pursuant to Section 28 of the Conservation Authorities Act. It is required that the property owner obtain a Fill, Construction & Alteration to Waterway Permit prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities include the placement or removal of fill material of any kind and/or the alteration of existing grades on the subject property. As you are aware the proposed development is within the Provincially Significant Parks Creek Wetland Complex, and in the adjacent lands (120 meter buffer)."*

The comments from the North Bay-Mattawa Conservation Authority and the information related to the Provincial Policy Statement regarding Provincially Significant Wetlands have been shared and discussed with the applicant.

Summary

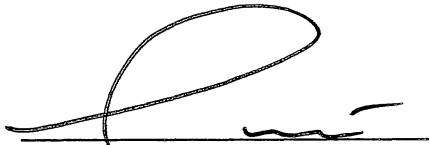
The subject property previously went through a Planning review for an Official Plan Amendment and Zoning By-law Amendment in 2004. Although residential uses were contemplated on the site through this amendment, the Subdivision Applications for the development of the property were not received until 2009 (Phase I) and 2011 (Phase II).

Phase I of the Subdivision was given final approval in 2010 as no part of the development was within the PSW or its adjacent lands. As discussed throughout this report, the Phase II development currently under consideration is partially located within the Parks Creek Wetland Complex and its adjacent lands. The Provincial Policy Statement 2005 does not permit development within a PSW.

The PPS is issued under Section 3 of the Planning act. Section 3(5) of the Planning Act requires that "a decision of the council of a municipality, a local board, planning board or a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board...(a) shall be consistent with the policy statement..."

Given the above considerations, it is my professional opinion that the Phase II Plan of Subdivision Application for Trillium Woods is not consistent with the Provincial Policy Statement 2005 and should not be approved.

Respectfully Submitted,



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

SMBH
attach.

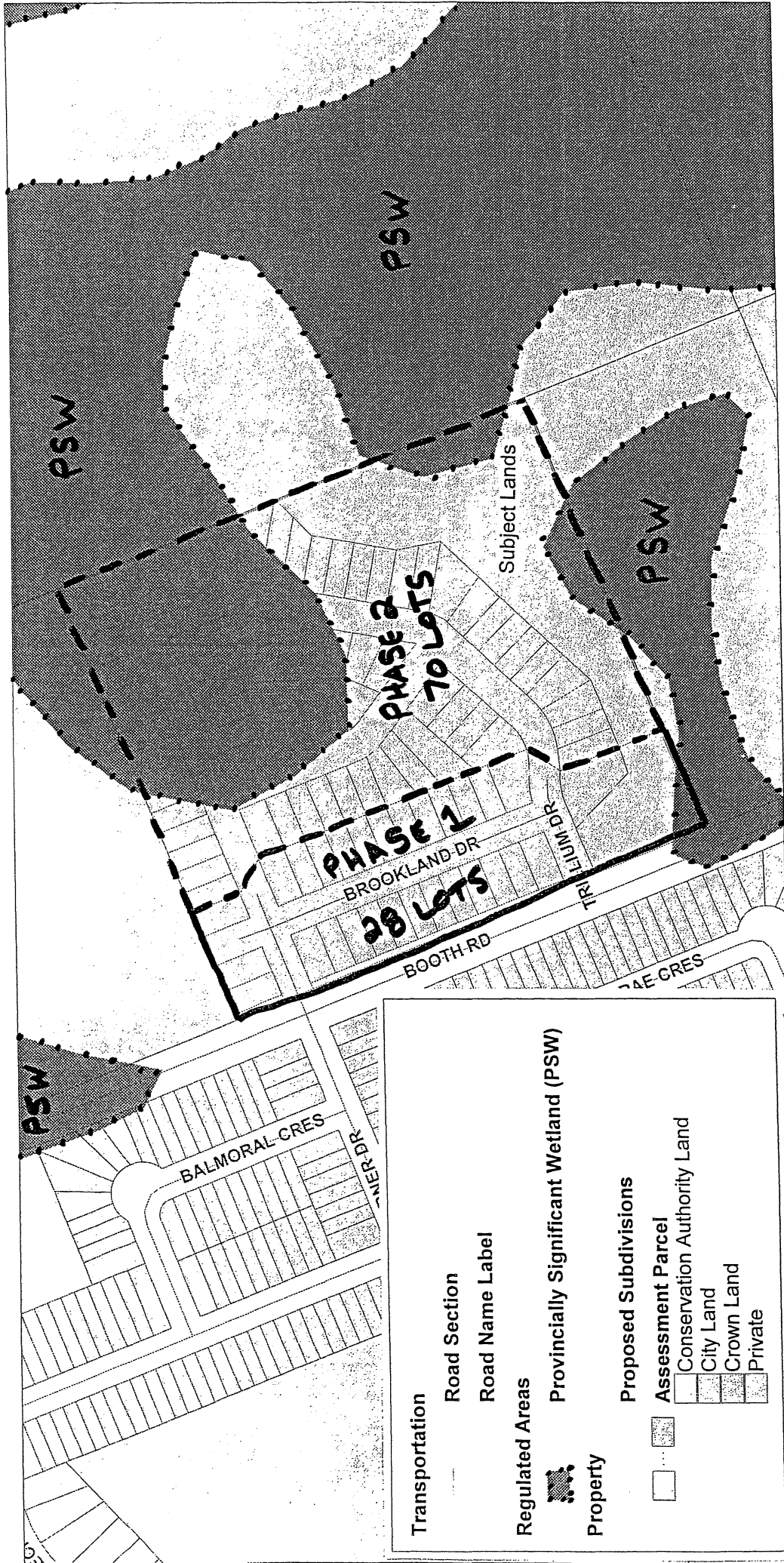
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I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A

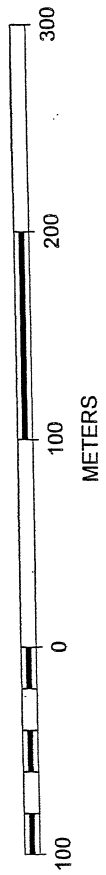


N



	Transportation
	Road Section
	Road Name Label
	Regulated Areas
	Property
	Proposed Subdivisions
	Assessment Parcel
	Conservation Authority Land
	City Land
	Crown Land
	Private

SCALE 1 : 3,690



SCHEDULE B

DRAFT PLAN OF SUBDIVISION FOR
PART OF LOT 37
CONCESSION 16
TOWNSHIP OF WEST FERRIS
NOW IN THE
CITY OF NORTH BAY
DISTRICT OF NIPISSING

0m 25m 50m
SCALE 1 : 750

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE
BEARINGS ARE ASSUMED AND DERIVED FROM THE NORTHERLY LIMIT OF PART 1 DEPOSITED PLAN 36R-12363 HAVING AN ASTRONOMIC COURSE OF N69°05'50"E

LAND USE ANALYSIS

LOT OR BLOCK	INTENDED USE	No. OF UNITS	AREA (HECTARES)
LOTS 1 TO 70	RESIDENTIAL	70	3.6262 HA
BLOCK 71	0.3m RESERVE	1	0.0006 HA
STREETS		3	1.3415 HA
PARK		1	1.7744 HA
TOTAL			6.9427 HA

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE ONTARIO PLANNING ACT

- (A) AS CERTIFIED ON THE FACE OF THE PLAN
- (B) AS SHOWN ON THE FACE OF THE PLAN
- (C) AS SHOWN ON THE FACE OF THE PLAN
- (D) THE PURPOSE FOR WHICH THE LOTS ARE TO BE USED ARE LISTED IN THE LAND USE ANALYSIS.
- (E) THE EXISTING USES OF THE ADJOINING PROPERTIES ARE:
NORTH - VACANT LANDS AND RESIDENTIAL RM2
EAST - LIGHT INDUSTRIAL LANDS
SOUTH - WETLAND AND RESIDENTIAL R3
WEST - RESIDENTIAL R3
- (F) AS SHOWN ON THE FACE OF THE PLAN
- (G) AS SHOWN ON THE FACE OF THE PLAN
- (H) MUNICIPALLY OWNED AND OPERATED PIPED WATER SYSTEM
- (I) THE NATURE AND POROSITY OF THE SOIL IS SANDY LOAM
- (J) 1.5 METRE CONTOUR INTERVALS SHOWN ON THE FACE OF THE PLAN
- (K) THE MUNICIPAL SERVICES TO BE AVAILABLE TO THE LANDS ARE:
EMERGENCY SERVICES - POLICE, FIRE, AMBULANCE
MUNICIPAL SERVICES - PIPED WATER, PIPED SANITARY, TRANSIT, GARBAGE, RECYCLING, ROAD MAINTENANCE, SCHOOL BUSING, SNOW REMOVAL
PUBLIC SERVICES - GAS, ELECTRICITY, TELEPHONE, CABLE, INTERNET
- (L) THERE ARE NO EASEMENTS AFFECTING THE PROPERTY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.

NORTH BAY, ONTARIO
MARCH 16, 2011
[Signature]
R.D. MILLER
ONTARIO LAND SURVEYOR
FOR MILLER & URSO SURVEYING INC.

OWNER'S CERTIFICATE

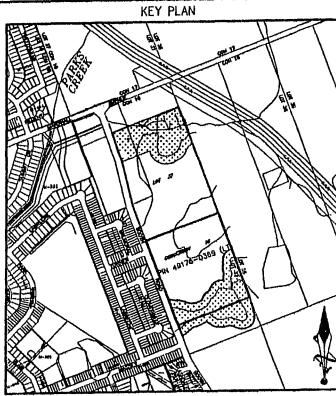
I HEREBY CONSENT TO THE FILING OF THIS DRAFT PLAN FOR DRAFT APPROVAL.

NORTH BAY, ONTARIO
MARCH 16, 2011
873342 ONTARIO INC.
KEN JACKSON - SECRETARY
I HAVE THE AUTHORITY TO BIND THE CORPORATION
REGISTERED OWNER OF
PIN 49176-0369 (L1)

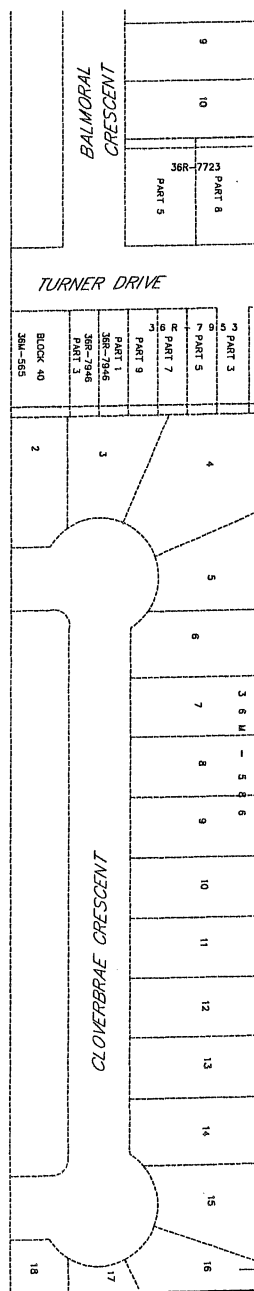
Miller & Urso Surveying Inc.
Ontario Land Surveyors • Canada Land Surveyors
Planning Consultants

1501 SEMAR STREET, NORTH BAY, ON P1B 8C4
TEL: (705) 474-1210
FAX: (705) 474-1203

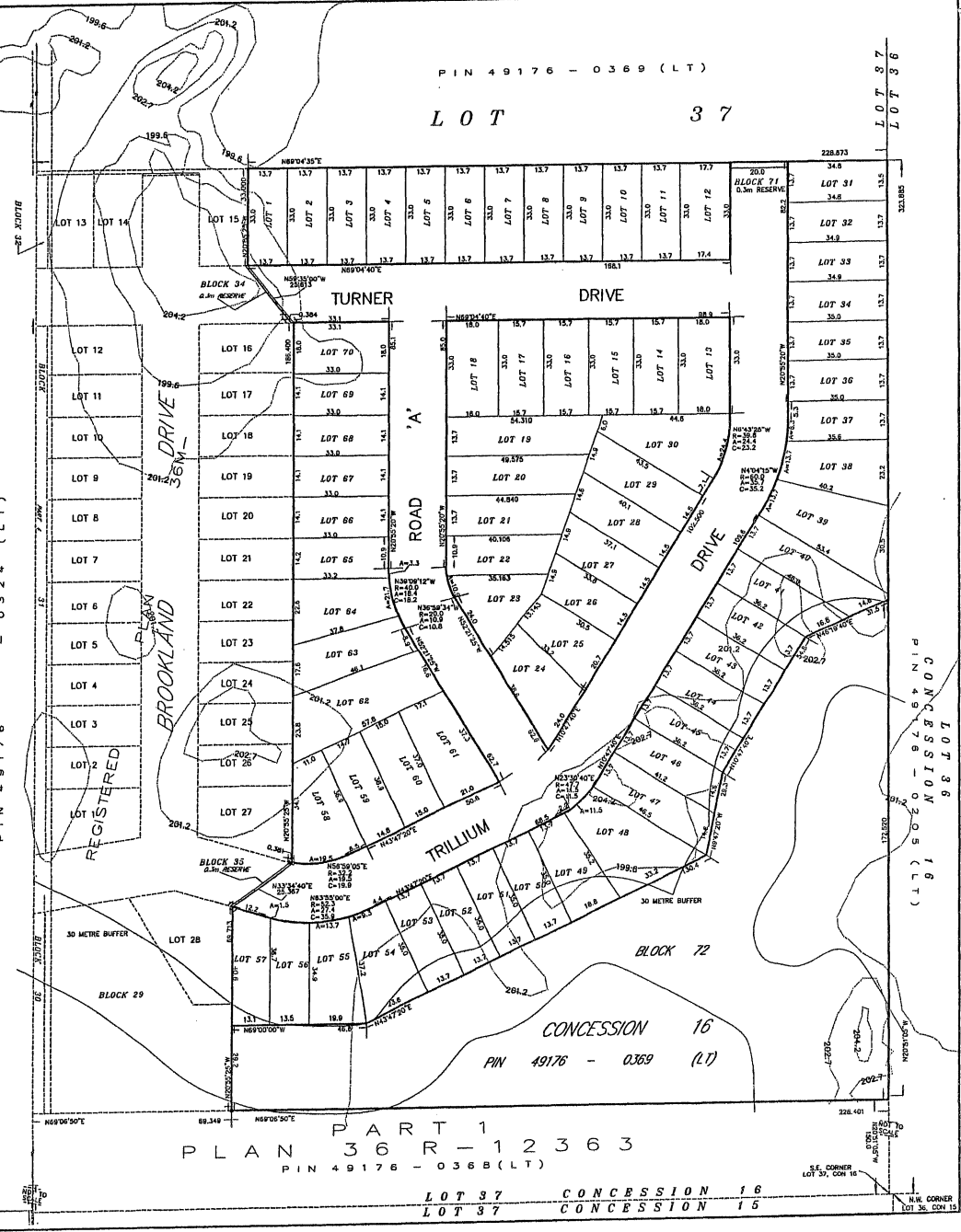
DRAWN BY: A.J.C.
CHECKED BY: R.D.M. D.L.S.
NO. 3045



KEY PLAN NOT TO SCALE



TRAVELLED ROAD (KNOWN LOCALLY AS BOOTH ROAD) PIN 49176-0324 (L1)



PLAN 36R-12363
PIN 49176-0368 (L1)

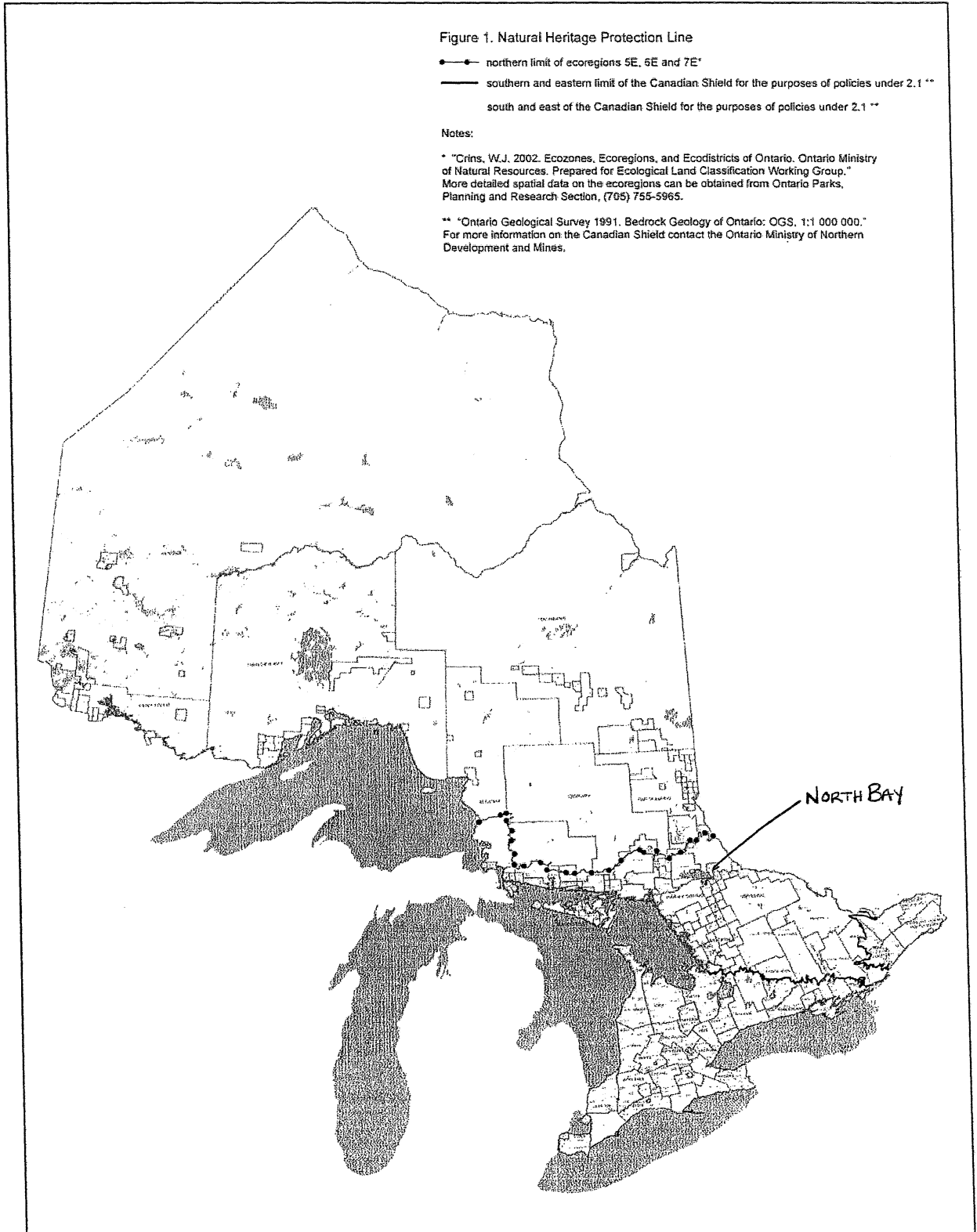
PIN 49176-0369 (L1)
LOT 37

CONCESSION 16
PIN 49176-0369 (L1)

LOT 37 CONCESSION 16
LOT 37 CONCESSION 16

SCHEDULE C

5.0 Figure 1



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) .
April 28, 2008	Ways to assist the hospitals with making further appeals to the Province for financial assistance with the infrastructure cost increases.
September 21, 2009	Review, update and consolidation of Noise By-Law (due June 30, 2010) .
March 8, 2010	Comprehensive Long-Term Financial Plan (due April 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.
June 28, 2010	On completion of Tender 2010-74 (Lakeshore Drive Outdoor Sports Complex Phase V - Completion of fields and associated appurtenances), a summary of the total cost of the project and funding sources.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP (due July 2014) .
July 4, 2011	Restriction of election campaign signs on municipal property.
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.