



City of North Bay Report to Council

Report No: CSBU 2021-30

Date: June 2, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Zoning By-law Amendment by Goodridge Goulet Planning and Surveying Ltd. on behalf of Deborah & Glenn Turcotte – 155 Fourth Avenue East

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Zoning By-law Amendment by Goodridge Goulet Planning and Surveying Ltd. on behalf of Deborah & Glenn Turcotte – 155 Fourth Avenue East in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Sixth Density Special (R6 Sp.)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-30 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.

Background

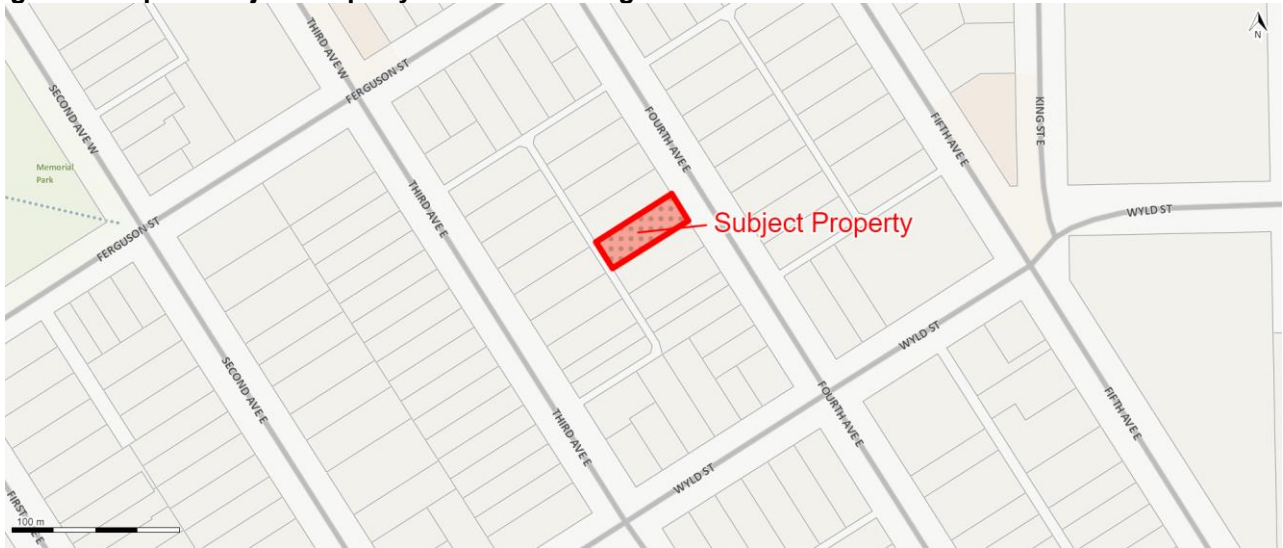
Site Information

Legal Description: See Appendix A

Site Description: The subject property is an existing lot of record on Fourth Avenue East, as shown below and on attached Schedule A.

It is designated "Residential" by the Official Plan and is zoned "Residential Third Density (R3)" under the City's Zoning By-law No. 2015-30.

Figure 1: Map of Subject Property and Surrounding Area



The property has an existing lot area of 434.5m² and lot frontage of 12.185 metres on Fourth Avenue East, as shown on attached Schedule B. The property is currently developed with a duplex.

Surrounding Land Uses: The property is located within the Old City planning district and is in close proximity to the Central Business District. The surrounding land uses are a mix of low, medium and high density residential uses and commercial uses.

The City's Memorial Park is located approximately 200 metres to the west. Memorial Gardens and Thomson Park are located 500-600 metres to the east.

Proposal

Goodridge Goulet Planning & Surveying Ltd on behalf of the property owner, Deborah & Glenn Turcotte, has submitted a Zoning By-law Amendment application for a property located at 155 Fourth Avenue East. If approved, the proposed rezoning would amend the property's zoning from a "Residential Third Density (R3)" zone to a "Residential Sixth Density Special (R6 Sp.)" zone in order to permit the conversion of the existing duplex into a triplex.

The Special Zone would recognize the existing built form of the property, as outlined below:

- Reduce the minimum lot area per dwelling unit from 185m² to the proposed 144m²;

- Reduce the minimum lot frontage from 19.8 metres to the existing 12.185 metres;
- Reduce the minimum front yard setback from 6 metres to the existing 5.767 metres;
- Reduce the minimum side yard setback for a one storey structure from 1.2 metres to the existing 0.4 metres;
- Reduce the minimum side yard setback for a one storey structure from 1.8 metres to the existing 0.9 metres; and
- Reduce the minimum rear yard setback from 10.5 metres to the existing 9.8 metres.

The property owner recently received approval for a Consent to Sever application through the Committee of Adjustment for the purpose of creating an easement over the neighbouring property at 147 Fourth Avenue East. This is relevant to this application, as this easement will provide physical access to the rear of the lot, which will allow rear yard parking.

Summary

Goodridge Goulet Planning & Surveying Ltd has submitted a Zoning By-law Amendment application on behalf of the property owner, Deborah & Glenn Turcotte, in order to rezone the property from a "Residential Third Density (R3)" zone to a "Residential Sixth Density Special (R6 Sp.)" zone. The purpose of this application is to convert the existing duplex into a triplex.

Both the Official Plan and the Provincial Policy Statement support the creation of new residential units in the Settlement Area where public services are adequate for the proposed level of development and the proposed use is generally compatible with the surrounding neighbourhood. This type of intensification is encouraged, as it concentrates development in built up areas of the City and makes better use of existing services. In doing so, this type of intensification reduces a community's need to extend services to undeveloped parts of the City.

The Official Plan also includes a provision that states that infill development must be compatible with the existing built form of the neighbourhood. In the preparation of this report, Planning staff examined the composition of the surrounding neighbourhood. While the area is largely comprised of low density residential uses, it was determined that there are a number of residential units throughout the area that are of a similar or greater density to the proposed triplex, including a fourplex on the abutting property on Fourth Avenue and a triplex located on Third Avenue East less than 15m from the subject property. Both of these developments have similar sized properties as the subject property. There are also several other uses in the area including a large church, a school, a small office building and apartments.

Considering the above noted composition of the neighbourhood, it is staff's opinion that the triplex would be consistent with the character of the neighbourhood.

The Zoning By-law Amendment request includes six special zone requests. Five of the requests recognize the existing property characteristics. These are the existing:

- Lot frontage
- Front yard setback
- Side yard setback for a 1 storey building
- Side yard setback for a 2 storey building
- Rear yard setback

The built form of the property of the property was previously established prior to the current Zoning By-law coming into effect, meaning that the property is "Legal Non-Complying". These special zone requests are not significant factors in staff's review of the application, as the property has the legal right to exist in an ongoing manner with these site characteristics.

The final special zone request is a request to decrease the minimum lot area/dwelling unit from the required 185m²/dwelling unit to 144m²/dwelling unit.

The purpose of the minimum lot area/dwelling unit calculation is to ensure that the scale of the development is appropriate for the size of the property. While the density of the development is greater than what is typically permitted, the proposed density is generally compatible with existing development in the area. The property is also located within the Residential Intensification Area identified by both the Official Plan and the Zoning By-law as being areas where greater levels of density is encouraged.

The property owner has recently received approval from the Committee of Adjustment in order to gain an easement over the neighbouring property's driveway. The purpose of this approval is to allow the residents of 155 Fourth Avenue East to park vehicles in the rear yard. It is staff's opinion that this is a positive development, as it would improve the overall function of the lot and would minimize the impact the proposed triplex would have on the area by reducing the possibility of on street parking.

The application was circulated to departments and external agencies that have an interest in Planning Act applications. There were no concerns raised.

The application was also circulated to all residents within 120 metres of the subject property. There were no objections from any of the area residents.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

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. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

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.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed development conforms with the City's Official Plan.

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

Provincial Policy Statement (PPS 2020)

The current Provincial Policy Statement issued by the Provincial government came into effect on May 1, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

Excerpts of the Provincial Policy Statement (PPS 2020) applicable to this application are outlined below.

One of the core principles promoted by the PPS 2020 is the efficient use of land. This includes locating higher levels of density in the Settlement Area on public services where adequate levels of infrastructure capacity are available. Intensification and infill development of this nature is considered to be desirable from both an environmental and economic perspective. By concentrating growth in this manner, there is less demand on a community to undertake infrastructure expansions, which helps to minimize the size of the community's environmental footprint.

These objectives are stated in several sections of the PPS 2020, as cited below:

- 1.1.1.1 Healthy, liveable and safe communities are sustained by:
 - a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;...
 - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

The subject property is located in a built up neighbourhood within the City's Settlement Area. It has access to the full range of public services, including municipal sewer and water services as identified by Section 1.6.6.2 of the PPS 2020. A more detailed list of public services available to the subject property is specified in the Official Plan section of this report.

Planning Services Staff are of the opinion that the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

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

The Official Plan is similar to the Provincial Policy Statement in that it encourages intensification and infill in the Settlement Area where public services can accommodate the proposed development. The Official Plan is more specific than the PPS 2020, in that it identifies types of public services that should be available to ensure that the area can accommodate further densification.

Section 1.4 (Vision and Guiding Principles) states that *"...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"*. Section 2.1.1 further states that infill and intensification developments will also be promoted in other areas of the City where there is appropriate infrastructure and the proposed new development or redevelopment is compatible with surrounding land uses.

The subject property is in a well-established area that has access to the full range of public services. Specifically, this includes:

- Public Utilities and Services: Municipal water and sanitary sewer infrastructure are available to the subject property. The property is serviced by North Bay Hydro. Garbage collection is provided by the City of North Bay.
- Public Transit: The #2 Route (Marshall Park) travels along Ferguson Street on route to the transit terminal, approximately 100 metres to the north-west.
- Public Parks: The closest park to the subject property is Memorial Park, located approximately a little more than 200 metres to the west. There is also the Memorial Gardens/Thomson Park complex approximately 500-600 metres to the east, Fisher Street Parkette/Kinsmen Trail a little more than 400 metres to the southeast and the beginning of the Waterfront Park (at the museum) a little more than 600 metres to the west.

With respect to proximity to commercial lands, the City's Central Business District begins approximately a little less than 300 metres to the west.

Given these site characteristics, it is staff's opinion that the proposed Zoning By-law Amendment is in conformity with the City of North Bay's Official Plan.

Planning Staff are of the opinion the Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

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

- Single Detached Dwelling;
- Semi Detached Dwelling;
- Duplex Dwelling;
- Group Home Type 1;
- Bed and Breakfast (as an Accessory Use only);
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only); and
- Institutional Uses.

The applicant is proposing to rezone the property to a "Residential Sixth Density Special (R6 Sp.)" zone. The proposed R6 Sp. zone would permit the following uses:

- Semi Detached Dwelling;
- Duplex Dwelling;
- Triplex Dwelling;
- Fourplex Dwelling;
- Cluster Townhouse;
- Stacked Townhouse;
- Street Front Townhouse;
- Group Home Type 1;
- Group Home Type 2;
- Home Based Business (as an Accessory Use only);
- Parks and Playgrounds;
- Day Nursery (as an Accessory Use associated with an Institutional or Public Building only); and
- Institutional Uses.

The Special Zone request would permit the following:

- Reduce the minimum lot area per dwelling unit from 185m² to the proposed 144m²;
- Reduce the minimum lot frontage from 19.8 metres to the existing 12.185 metres;
- Reduce the minimum front yard setback from 6 metres to the existing 5.767 metres;
- Reduce the minimum side yard setback for a one storey structure from 1.2 metres to the existing 0.4 metres;
- Reduce the minimum side yard setback for a one storey structure from 1.8 metres to the existing 0.9 metres; and
- Reduce the minimum rear yard setback from 10.5 metres to the existing 9.8 metres.

The subject property is able to meet all other regulations 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.

Of the agencies that provided comments, the Engineering Department, Building Department, Parks Department, North Bay Hydro and the Ministry of Transportation each offered no concerns or objections.

There was no correspondence received from any member of the public.

No other correspondence was received on this file.

Financial/Legal Implications

There are no legal or financial implications to the City

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community
- Facilitate the development of housing options to service the needs of the community

Options Analysis

Option 1

Approve the proposed Zoning By-law amendment. This option is the recommended option for the reasons outlined in this report

1. That the proposed Zoning By-law Amendment by Goodridge Goulet Planning and Surveying Ltd. on behalf of Deborah & Glenn Turcotte – 155 Fourth Avenue East in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Sixth Density Special (R6 Sp.)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-30 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.

Option 1 is recommend for the reasons outlined in this report.

Option 2

To deny the proposed Zoning By-law Amendment. This option is not recommended.

Recommended Option

Option 1 is the recommended option

1. That the proposed Zoning By-law Amendment by Goodridge Goulet Planning and Surveying Ltd. on behalf of Deborah & Glenn Turcotte – 155 Fourth Avenue East in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Sixth Density Special (R6 Sp.)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-30 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.

Respectfully submitted,

Name: Peter Carello, MCIP RPP

Title: Senior Planner – Current Operations

We concur with this report and recommendations.

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP
Title: Director of Community Development and Growth

Name: David Euler, P.Eng
Title: Chief Administrative Officer

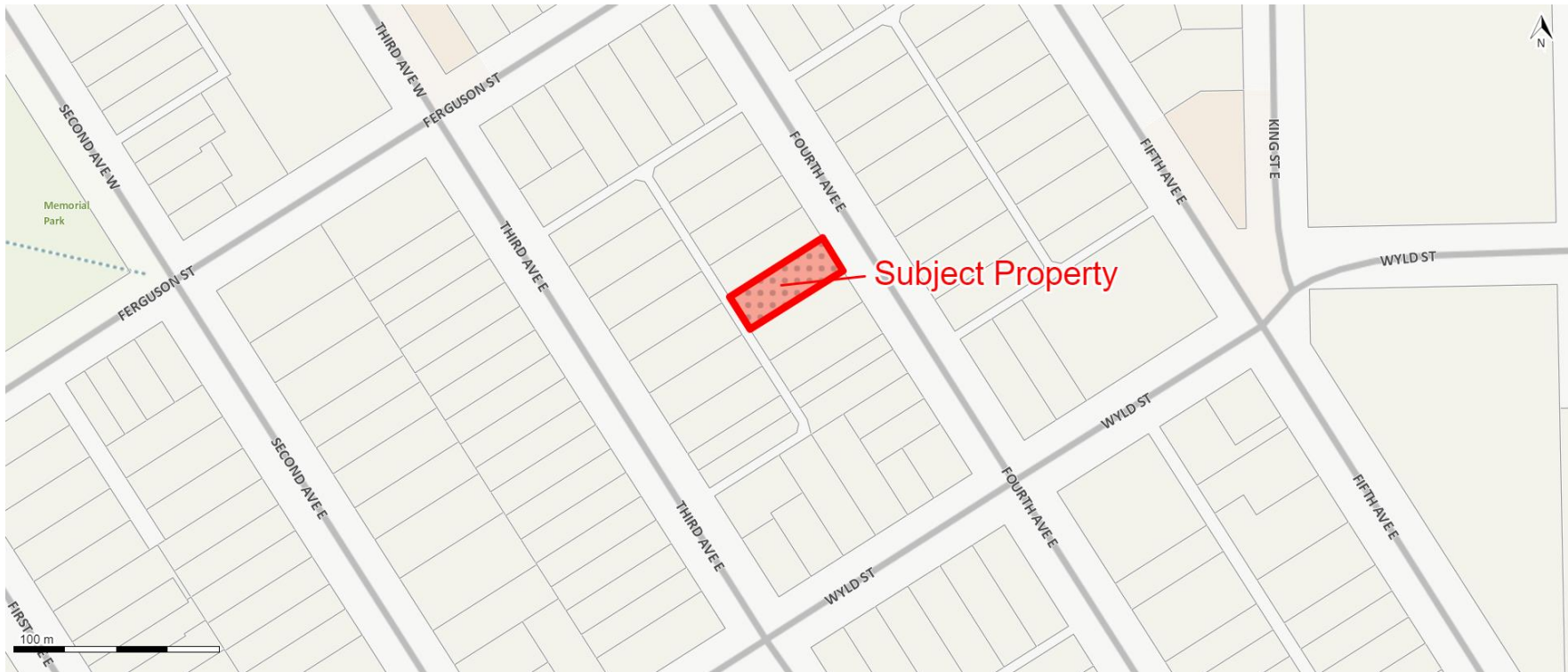
Personnel designated for continuance:

Name: Peter Carello

Title: Senior Planner – Current Operations

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By-law Amendment 155 Fourth Avenue East

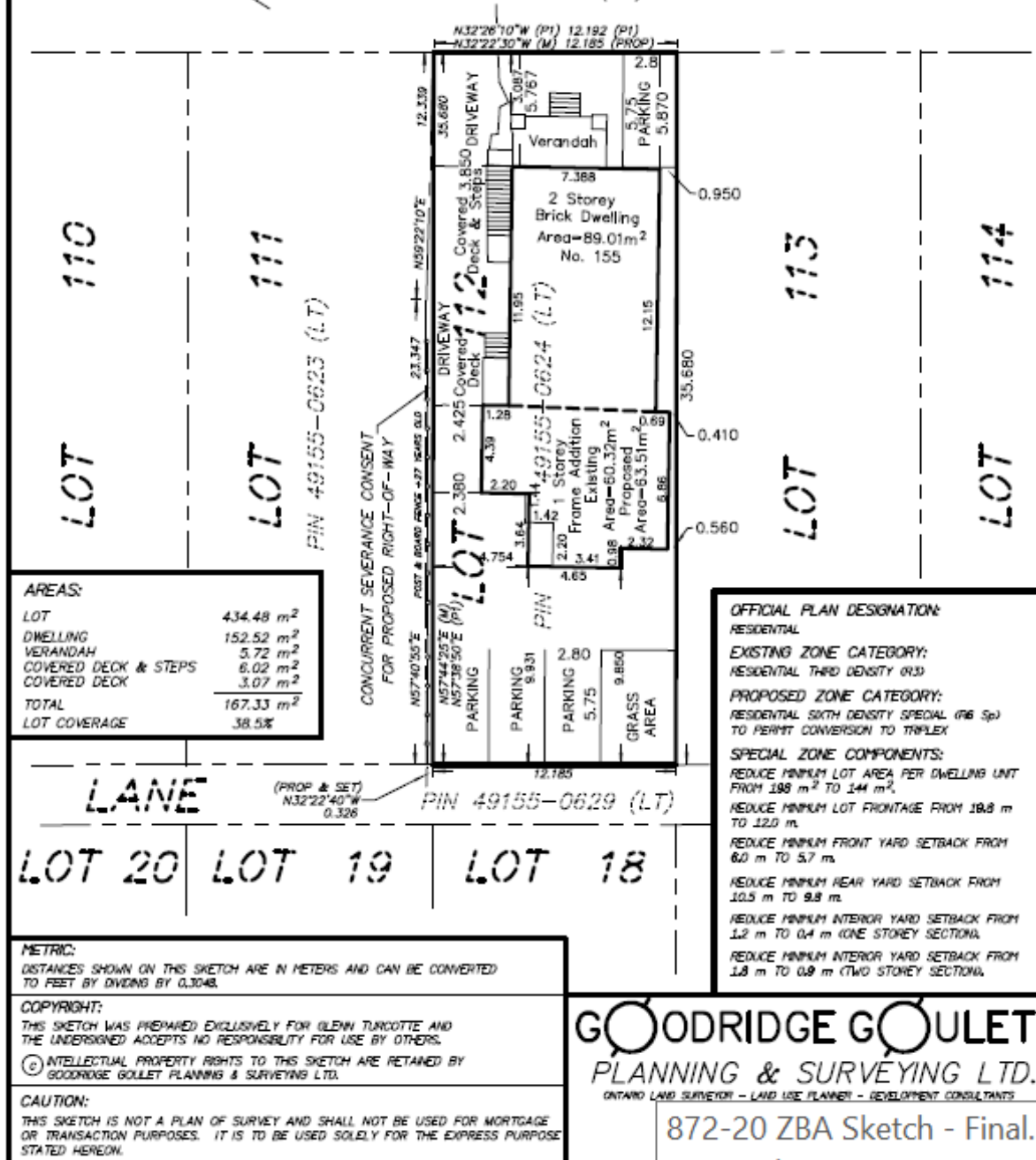
Schedule A



SKETCH TO ACCOMPANY
ZONING BY-LAW AMENDMENT APPLICATION
ALL OF LOT 112, REGISTERED PLAN 62
CITY OF NORTH BAY

FOURTH AVENUE

PIN 49155-0719 (LT)



Appendix A – Legal Description

LT 112 PL 62 Widdifield; North Bay; District of Nipissing

Appendix B – Correspondence

Engineering Services:

April 15 2021 (Megan)

No comments on the rezoning. We will have further comments at the SPCA phase once additional information is presented for the development.

Building Services:

- Building Services has no concerns with the request to rezone.*
- A Building Permit / Change of Use Permit will be required to convert the building from a duplex into a triplex.*

Parks Department:

No concerns or comments

North Bay Hydro:

No concerns. Distribution supply is available and only one service per property is provided. Customer to contact North Bay Hydro to sort out metering requirements.

Ministry of Transportation:

No Comments