



City of North Bay Report to Council

Report No: CSBU-2024-017

Date: March 27, 2024

Originator: Peter Carello, Senior Planner

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Supplemental Report - Proposed Zoning By-law Amendment by
2412594 Ontario Limited – Premier Road (Unaddressed)

Closed Session: yes no

Recommendation

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-017 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" 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.

Site Information

Legal Description:

See Appendix A

Site Description:

The subject property is an existing lot of record on Premier Road, located at the intersection of Premier Road and Cherry Point Court, as shown below on Figure 1 and on attached Schedule A.

It is designated "Residential" by the Official Plan and is zoned "Residential First Density (R1)" under the City's Zoning By-law No. 2015-30.

Figure 1: Satellite Imagery of Subject Property and Surrounding Area



The property has an existing lot area of 0.132 hectares and lot frontage of 28.9 metres on Premier Road, as shown on attached Schedule B. The property is mostly vacant, apart from a small shed and some other smaller items (a sign, a garden planter, etc.).

Proposal

Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited has submitted a Zoning By-law Amendment application to rezone an unaddressed property located on Premier Road from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone.

The purpose of the application is to allow the development of the lot under the regulations of the R6 zone.

Background

The subject application was received in late 2023 requesting to rezone the property described in Appendix A from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" zone. The application stated that the purpose of the requested rezoning was to allow the property to be developed with a fourplex. The application was processed on this basis. This includes notifying the public of the application and repeating the applicants' stated intention of a fourplex. It also included the preparation of a Report to City Council ([CSBU 2024-008](#)) that made a recommendation to approve the requested rezoning.

At the public meeting before City Council on February 5, 2024, the agent for the applicant indicated that there is a possibility that the property might be developed with one of the other uses permitted by the R6 zone; that the

development potential is not exclusively limited to a fourplex. While CSBU 2024-008 does list the other permitted uses in the Zoning By-law section of the report, it did not discuss or consider these other uses in great detail.

As a result of this ambiguity, City Council voted to return the rezoning application to Committee in order to reconsider the file from the perspective of the uses other than a fourplex.

The purpose of this report is to give greater consideration of the other potential uses of the property that would be made possible should the rezoning be approved. This report will also attempt to determine what the maximum number of units that could be created by the rezoning.

Maximum Number of Units

Planning Services reached out to the agent for the applicant shortly after the file was referred to Committee to request sketches that would outline different potential uses. The owner has indicated that they are not prepared to draft hypothetical site plans and would like the application considered as presented.

Given the owner's reluctance to draft potential site plans, Planning staff have conducted a simple mathematical analysis of what is possible relative to the minimum requirements of the Zoning By-law. It is important to note that Planning Staff did not draft a site plan, therefore we cannot confirm that the site plan itself would function at the level of development suggested. For example, we will calculate the number of street front townhouse units that can be constructed given the lot frontage and area, but we cannot confirm that the development would meet the parking minimum as this requires a full site layout, including ensuring appropriate turning radius etc.

Primary uses Permitted in an R6 Zone are:

- Semi Detached Dwelling;
- Fourplex Dwelling;
- Cluster Townhouse;
- Stacked Townhouse;
- Street Front Townhouse;
- Group Home Type 1;
- Group Home Type 2; and
- Institutional Uses.

For the purpose of this analysis, it is important to consider that the Zoning By-law Amendment permits Additional Dwelling Units (ADUs) as a permitted use in all low-density residential uses, except for Fourplexes, Group Homes (Type 1 & 2) and Institutional uses.

Based on the Planning Department's mathematical analysis, the following represents the maximum number of units that could be constructed based on Zoning By-law requirements.

- Semi-Detached Dwelling Units: A semi-detached dwelling requires 9 metres of frontage and 270 m² of lot area per unit. By definition, semi-detached dwelling units can only be created in increments of two, as in order to be a semi-detached dwelling the structure must have a shared wall with a second unit. The subject property has frontage of 28.9 metres, meaning that that two semi-detached dwelling unit, each with two ADUs for a total of six units is the maximum that could be constructed.
- Fourplex Dwelling Unit: A Fourplex requires 22.8 metres of frontage and 171 m² in lot area per unit (684 m² in total). A Fourplex is not eligible for ADUs, meaning that the maximum number of dwelling units that can be constructed is four.
- Cluster Townhouse: A Cluster Townhouse requires 30 metres of frontage and 200 m² in lot area per unit. As the property only has 28.9 metres of frontage, a cluster townhouse would not be permitted on the subject property at this time.
- Stacked Townhouse: A Stacked Townhouse is when each individual townhouse lot has two units stacked over/under one another. In order to achieve a Stacked Townhouse, the application must be accompanied by a Plan of Condominium application. A condominium application was not received, therefore stacked townhouses are not a possibility at this time.
- Street Front Townhouse: A Street Front Townhouse requires 8.7 metres for each of the units on the exterior of the townhouse, 7.5 metres for each townhouse unit in the interior of the townhouse complex. It also requires 200 m² in lot area per unit. The property could theoretically accommodate three townhouse units, each could potentially have two ADUs for a total of nine units. Based on a total of 9 units constructed in this scenario, a total of 9 parking spaces would be required. Depending on the site layout, there is the possibility that 9 units can be constructed while also achieving the required parking spaces.
- Group Home Type 1: A Group Home Type 1 is defined as a *"single housekeeping unit in which up to 4 residents (excluding the staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents"*. A Group Home Type 1 requires frontage of 18 metres and lot area of 270 m². The property meets these requirements, meaning that a Group Home Type 1 is a potential use of the subject property.
- Group Home Type 2: A Group Home Type 2 is defined as a *"An occupancy in which up to 8 patients (excluding the staff or receiving family) live and receive treatment under responsible supervision consistent with the requirements of its residents"*. A Group Home Type 2 requires lot frontage of 22.8 metres and lot area of 171 m². The property meets these requirements, meaning that a Group Home Type 2 is a potential use of the subject property.
- Institutional Use: An Institutional Use is defined as *"The use of land, buildings or structures for a public purpose including schools, places of worship, community centres, and hospitals"*. Institutional uses do not have specific lot frontage or area requirements, but must meet the

regulations of the zone. This means that an Institutional Use is theoretically possible on the subject property, but it would be of a modest size and would need to meet the requirements of the Zoning By-law, including parking and setbacks to the property line. Major Institutional Uses, such as a school, would not be able to be located on the subject property.

Based on this analysis, it would appear that the most units that could be constructed would be nine (by way of the Street Front Townhouses with ADUs). This is contingent on the developer achieving a site plan that meets the regulations of the Zoning By-law and resolving the question of the easement that was raised in the initial Report to Council CSBU No. 2024-008.

Removal of Permitted Uses

The City does have the ability to remove uses from the list of permitted uses by way of a Special Zone. This has been done on numerous occasions in previous years.

However, it is my opinion that deviating from the standard list of permitted uses should be done cautiously where there is a demonstrable reason why the removed use is inappropriate or incompatible with the neighbourhood.

The City's Zoning By-law is written in a fashion that creates several types of checks and balances to ensure that the scale of development is appropriate for the neighbourhood and the site characteristics of the subject property. Most notably, there are the lot frontage and lot area requirements that were referenced above. Minimum parking standards can also serve as a limit on how much development can take place on a property. Certain uses and zones have other types of regulations, such as landscaping requirements or limiting how much parking can take place in the front yard, will also limit the intensity of development.

Taken as a whole, the combinations of regulations contained within the Zoning By-law helps ensure that any individual property is not overdeveloped and new developments maintain the existing character of the neighbourhood.

The same system of regulations would apply to the subject property. As discussed above, the property cannot be used as a stacked townhouse or a cluster townhouse under the current application.

In order for Council to have fulsome information, planning staff discussed the preliminary possibility of a street front townhouse, with a combined total of 9 units. In general, without a specific site plan to review, Engineering's comments remain the same as originally presented in Report to Council CSBU 2024-08. The Owner would be required to confirm service capacity as part of the Building Permit process.

There were also concerns raised regarding the adequacy of Premier Road. The Capital Budget was given committee approval and is set to be considered by

Council on April 2, 2024. Premier Road reconstruction is scheduled for 2024 and includes a complete rehabilitation of the road surface and the installation of sidewalks on one side of Premier Road.

Given these capital improvements, there are no traffic or road infrastructure concerns from Engineering for the proposed development.

It is my professional opinion that the proposed rezoning to a Residential Sixth Density (R6) zone is consistent with the Provincial Policy Statement, conforms to the City's Official Plan and the Growth Plan for Northern Ontario.

Financial/Legal Implications

There are no financial implications to the City at this time.

Any decision by City Council will be subject to an appeal to the Ontario Land Tribunal by either the applicant or any member of the public.

Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input 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:

To approve the Zoning By-law Amendment as presented. This is the recommended option.

In my professional opinion, the regulations of the Zoning By-law are sufficient to regulate the overall scale of development on the subject property. It is further my opinion that the property is large enough to accommodate those uses of the "Residential Sixth Density (R6)" zone that meet the minimum requirements of the Zoning By-law.

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-008 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" 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

Option 2:

To approve the Zoning By-law Amendment with a modification to a Special Zone that would limit the total number of residential units on the subject property. In the absence of a site plan provided by the applicant that would indicate the maximum number of units that could conceivably fit on the property, Council would have the discretion to set the maximum number at whatever figure they deem appropriate.

Though this option would provide certainty as to what density of development the property would be limited to, staff are of the opinion that this type of hard cap is not required to maintain the character of the neighborhood. It is staff's opinion that the regulations of the Zoning By-law discussed in this report are sufficient to ensure that the size and scale of future development is compatible with the area.

Option 3:

To decline the Zoning By-law Amendment. This option is not recommended for all the reasons outlined in the initial Planning Report (CSBU 2024-008).

Recommended Option

Option 1 is the recommended option.

1. That the proposed Zoning By-law Amendment by Tulloch Geomatics Inc. on behalf of the property owner, 2412594 Ontario Limited, to rezone the property legally described in Appendix A to Report to Council No. CSBU 2024-017 from a "Residential First Density (R1)" zone to a "Residential Sixth Density (R6)" 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.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

We concur with this report and recommendation.

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

Name Adam Lacombe, P.Eng.
Title: Senior Capital Program Engineer

Name John Severino, P.Eng., MBA
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

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#960 – Zoning By-law Amendment – 0 Premier Road – Supplemental Report

Appendix A

PIN 49178-0408 (LT)

PT LT 39 CON 13 Widdifield PTS 3, 4, 6 & 7 36R13170; S/T Over PTS 3, 6 & 7
36R13170 as in BS101870; North Bay; District of Nipissing

Schedule A



Schedule B – Site Plan Presented by Owner as Part of the Application

