



# City of North Bay Report to Council

Report No: CSBU 2021-09

Date: February 9, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Request to Remove Holding Zone – 485 Second Avenue West

Closed Session: yes ☐ no ☒

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## Recommendations

1. That City Council pass a By-law to remove the Holding (H) Zone Symbol from the lands zoned "Residential Multiple Second Density Holding Special No.131 Holding (RM2H Sp.131)" through By-law 2019-66 for the property shown on "Schedule A" attached to Report to Council CSBU 2021-09;
2. That the By-law be brought forward on March 23, 2021 for three (3) readings; and
3. That 14 days' notice of the intention to amending by-law to remove a holding symbol from a zoning by-law under subsection 36 (4) of the *Planning Act* be given by ordinary mail to all property owners within 120 meters of the subject property containing the information prescribed in Section 8 of Regulation 545/06.

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## Background

On July 30th, 2019 City Council passed By-law 2019-66 to rezone the

properties shown on Schedule "A" attached to this report a "Residential Multiple Second Density Special No.131 Holding (RM2 Sp.131H)" zone. The Holding Zone provisions were put in place as a result of uncertainties surrounding potential traffic concerns and the requirement for a Record of Site Condition. A Record of Site Condition is an environmental study needed to demonstrate that a property is safe for sensitive land uses, such as a residential use, when a property has a history of more intensive uses.

Since the Zoning By-law amendment was passed and the Holding Zone put in place, the property owner has engaged the services of an environmental specialist to prepare a Record of Site Condition. The submission has not been approved by the Ministry of Energy, Conservation and Parks (the approving agency). However, the consultant has stated that in his opinion, the study will be accepted as presented or with slight modifications. Considering the consultant's expertise in these studies, staff is supportive of moving forward with the removal of the Holding Zone at this time. The dwelling units will not be permitted to be occupied until the Record of Site Condition is approved by the Ministry.

The property owner has also engaged the services of a professional engineer who will address traffic concerns. The property owner's representatives and the City's Engineering Department have been in discussions regarding site design and its effect on traffic. The City's Engineering Department is also supportive of removing the Holding Zone.

Staff would also note that the property remains subject to Site Plan Control, which provides another opportunity to ensure that the above noted matters will be appropriately addressed.

In order to remove the "H" symbol, City Council is not required to hold a Public Meeting but is required to provide notice which sets out the effect of removing the holding symbol, the location of the property and the date which Council proposes to meet to pass the amending By-law as prescribed under the Planning Act (O.Reg 545/06). There is no specific timeframe for the notice provision contained within the Planning Act. As a result it is recommended that the City follow the standard notice timeframe of 14 days as provided for in By-law 2007-190 and that the notice be given by mail to all property owners as provided for in Section 8(3) of Regulation 545/06.

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## **Financial/Legal Implications**

None

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## Corporate Strategic Plan

- |  |   |
|--|---|
| <input type="checkbox"/> Natural North and Near                | <input 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

- Proposed Development will Result in the Creation of Residential Units
- Proposed Development will Result in a Range of Housing Types

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## Options Analysis

### Option 1:

1. That City Council pass a By-law to remove the Holding (H) Zone Symbol from the lands zoned "Residential Multiple Second Density Holding Special No.131 Holding (RM2H Sp.131)" through By-law 2019-66 for the property shown on "Schedule A" attached to Report to Council CSBU 2021-09;
2. That the By-law be brought forward on March 23, 2021 for three (3) readings; and
3. That 14 days' notice of the intention to amending by-law to remove a holding symbol from a zoning by-law under subsection 36 (4) of the Planning Act be given by ordinary mail to all property owners within 120 meters of the subject property containing the information prescribed in Section 8 of Regulation 545/06.

The proposed request to remove the Holding Zone Symbol has been reviewed by all municipal departments and external agencies that have an interest in this matter. There were no concerns raised during this consultation.

The City's requirements for the removal of the Holding Zone Symbol have been fulfilled. The property owners will be required to enter into Site Plan Control Agreement to the satisfaction of the City.

### Option 2:

To not pass the Holding Zone removal By-law.

This option is not recommended, as the Applicant has satisfied the conditions to remove the Holding Symbol. The Site Plan Control Agreement process will address all remaining items related to the site development.

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## **Recommended Option**

Option 1 is the recommended option.

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Respectfully submitted,

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

## **We concur with this report and recommendation.**

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

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

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Name: John Severino, P.Eng, MBA  
Title: City Engineer – Infrastructure and Operations

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

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Personnel designated for continuance:

Name: Peter Carello

Title: Senior Planner – Current Operations

## Schedule A

