



# Committee Agenda

**Committee Meeting of Council  
May 21, 2013  
at 6:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
MAY 21<sup>ST</sup>, 2013**

Tuesday, May 21, 2013

6:00 p.m.

Committee Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor,  
City Hall

# PUBLIC MEETING

**HELD UNDER THE  
MUNICIPAL ACT**

Tuesday, May 21, 2013

6:00 p.m.

Sign By-Law Amendment

# PUBLIC MEETING

**HELD UNDER THE  
PLANNING ACT**

Tuesday, May 21, 2013

6:00 p.m.

1794504 Ontario Inc.  
2 Sunset Boulevard

**ENGINEERING & WORKS COMMITTEE**

Tuesday, May 21, 2013

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

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

**GENERAL GOVERNMENT COMMITTEE**

Tuesday, May 21, 2013

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

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

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

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

## COMMUNITY SERVICES COMMITTEE

Tuesday, May 21, 2013

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

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- ▶ **CS-2013-11 Report from Elizabeth Courville dated March 26, 2013 re Proposed Amendments to Sign By-Law No. 2006-143, as amended (C00/2013/BYLAWS/SIGNS).**
- ▶ **CS-2013-12 Report from Peter Carello dated April 8, 2013 re Rezoning application by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. – 2 Sunset Blvd. (D14/2013/17945/2SUNSETB).**
- CS-2013-13 Report from Peter Carello dated April 23, 2013 re 2012 Municipal Heritage Committee (MHC) Annual Report (R01/2013/TRANS/GENERAL).
- CS-2013-14 Rezoning application by Richard & Laura Gushulak – 528 Front Street (D14/2013/GUSHU/FRONT).
- CS-2013-15 Report from Peter Carello dated May 8, 2013 re Rezoning application by Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. & 1340791 Ontario Ltd. – Johnston Road (D14/2013/21903/JOHNSTRD).
- CS-2013-16 Report from Ian Kilgour & Erin Richmond dated May 1, 2013 re Sport Tourism, Meetings & Events (D06/2013/EDD/STATS).

# **CS-2013-11**

Draft Recommendation:

"That the proposed amendments to the City's Sign By-Law No. 2006-143, as set out in Report to Council CSBU 2013-47 from Elizabeth Courville dated March 26, 2013, be approved."

## Report to Council

### City of North Bay

RECEIVED  
CITY OF NORTH BAY

MAR 26 2013

MARCH 26, 2013  
CLERK'S DEPT.

**Report No.:** CSBU 2013-47

**Date:** March 26, 2013

**Originator:** Elizabeth Courville, Zoning Administrator

**Subject:** Proposed Amendments to Sign By-law No. 2006-143, as amended

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### Recommendation

That Council accepts Report to Council CSBU 2013-47 and refers it to the Community Services Committee for a public meeting.

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### Background

The Sign By-law governs all signs. This includes, but is not limited to banners, permanent, directional, mobile, and sandwich board type signs. The By-law includes regulations governing the size and location of signs. Signs require a permit and at times a Building Permit depending on the type of sign.

The By-law also provides applicants an opportunity to vary sections of the Sign By-law. In 2012, a rise in Variance Applications increased. Planning Services received a total of 6 Variance Applications compared to an average of 1 per year since the By-law's original enactment in 2006. The increase resulted in Staff reviewing the By-law regulations to ensure it balances the community vision regarding signage but also represents the trends in signage for commercial operations.

A meeting with the sign industry representatives was held on February 12<sup>th</sup>, 2013 to discuss potential changes to the Sign By-law. Since previous amendments to the By-law dealt with billboards signs and mobile signs, the focus was to discuss decorative banners, awnings/canopies, fascia signs, ground signs in commercial and industrial zones and freestanding/pylon signs.

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### ANALYSIS

As a result of the consultation, Staff has prepared the following amendments (with draft by-law attached) for Council's consideration:

#### Fascia Signs

The existing Sign By-law limits the number of building faces permitted to display signage to two. Should the building be located on an interior lot, the second sign is limited to 3sq.m in size (32sq.ft).

The original By-law, adopted in 2006 only permitted one building face except in the case of a corner where one additional sign was permitted on the flankage side.

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This was amended as a result of the downtown core requesting additional signage on the side of a building or at the rear of the building if visible from another street. Although the By-law was amended to reflect this, the second sign was limited to 32sq.ft in size.

This section may work for the downtown core however, based on discussion with the sign industry representatives and the variance requests received it is recommended that this section be amended to permit 3 building faces to have signage and the size restricted to 25% of the building's first storey face on each wall for all other areas of the City.

Recent changes in development along with corporate requirements establishing standards for franchises has seen an increase in requiring more than two building faces to have signage. Design trends indicate more than one building on a lot sharing access, egress, parking and services which allows for visibility on all sides of a building.

#### Awnings/Canopies

The current regulations require a minimum height above grade for those awnings/canopies that encroach over City property such as the DIA, Cassells Street/Fisher Street. The minimum height above grade allows for regular maintenance of sidewalks for snow removal, etc. However, when a building is located in other areas of the City, the minimum height above grade does not necessarily work and not aesthetically appealing as the window of the business may be located much lower than the minimum height causing the awning/canopy to be placed higher than necessary.

Since these awnings/canopies would not be encroaching over City owned lands and therefore no liability for the City, the sign industry representatives requested the By-law not limit the minimum height requirement for canopies outside the encroachment areas and provide those businesses the responsibility to decide where canopies may be placed while ensuring they would not interfere with access for customers.

#### Freestanding/Pylon Signs

The request to increase the sign area for freestanding/pylon signs is to permit multi-tenant buildings, located on smaller lots where a second sign is not an option, the opportunity to advertise the businesses being operated within the building by allowing an increase in sign area. There are many buildings on smaller lots having multi-tenants in the older part of the City, on Lakeshore Drive, McIntyre Street and Oak Street. For example, the Dominion Lending Centre building on Main Street East currently has approximately 6 tenants where the size of the lot cannot accommodate 2 freestanding/pylon signs without taking away much needed parking space for staff and customers.



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The proposed sign area increase would permit all 6 tenants to be identified on the freestanding/pylon sign without risking the need for a variance to the Sign By-law or compromising the size of the tenant's business name on the sign.

It is proposed to exempt the Civic addressing on the signage to be calculated towards the sign area. The current height restriction will be maintained since anything above 26ft is regulated under the Ontario Building Code.

### Ground Signs

The current requirements for ground signs are geared towards those signs permitted in high density residential zones mainly to identify the building development such as Nipissing Housing, condo/townhouse developments, etc. To maintain the integrity of the residential area, it is proposed the size and height restrictions be maintained for residential development however, the size and height restrictions for commercial/industrial uses have been requested, by the sign industry representatives, to be increased.

The increase in height for businesses located within Industrial Business Parks and Industrial/Commercial areas where large lots accommodate buildings that are setback further on the property provide an opportunity for those businesses to have larger business identification signs than currently permitted as a ground sign while not categorized as a freestanding/pylon sign where a minimum height above grade is required. Civic addressing will not be calculated towards total sign face area.

### Decorative Banners

This new section of the By-law will allow community groups and non-profit organizations to advertise special events and promotions that are beneficial to the City by permitting them in numerous locations throughout the City of North Bay. Currently, only Street Banners are permitted and they are restricted to the Downtown Improvement Area and the Kinsmen Bridge only, as per the By-law's regulations.

Decorative banners are typically fastened to light standards and will be required to obtain a sign permit but the permit will be exempt from a fee. Commercial advertising will not be permitted on the decorative banners except Corporate sponsorship logo and the logos will be limited as either a percentage of the banner area or a total percentage of the number of banners posted i.e. 1 in every 4 banner will be permitted to have an entire banner devoted to its sponsorship.

The exception to this would be Memorial Drive where, under exclusive use of Heritage North Bay, up to 50% of the total signage could represent sponsorship to Heritage North Bay.

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**Option 1** – Approve the proposed amendments to Sign By-law 2006-143.

**Option 2** – Do not approve the proposed amendments to Sign By-law 2006-143. This option is not recommended. The proposed updates to the By-law will reflect current trends in commercial signage and allow decorative banners for community events in specific areas of the City.

### **Financial Implications**

There are no new expenditures proposed with the implementation of this By-law. The amendment to allow decorative banners will generate funds for those groups by obtaining corporate sponsorship for the event or promotion as an alternate to City funds.

Further, the light standards along the waterfront and the downtown area are currently equipped with the brackets to support these types of banners therefore, there will be no costs associated to accommodate the banners.

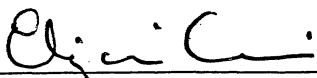
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### **Recommended Option**

Option 1 is the recommended option.

That Council approve the proposed changes to Sign By-law 2006-143 as outlined in Report to Council 2013-47.

Respectfully submitted,



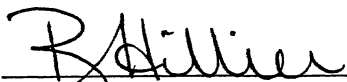
Elizabeth Courville, ACST  
Zoning Administrator

EC/dlb

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attach.

We concur with the recommendations outlined in this report.



Beverley Hillier, MCIP, RPP  
Manager, Planning Services



For. Peter Chirico  
Managing Director, Community Services



Jerry D. Knox  
Chief Administrative Officer

Staff designated for continuance: Elizabeth Courville, Zoning Administrator

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2013-\_\_\_

BEING A BY-LAW TO AMEND BY-LAW 2006-143, AS AMENDED TO RESTRICT AND REGULATE SIGNS AND OTHER ADVERTISING DEVICES WITHIN THE CITY OF NORTH BAY.

**WHEREAS** Section 99 of the Municipal Act, 2001, Subsections 1 to 5, authorizes the Council to pass By-laws regulating signs and other advertising devices;

**AND WHEREAS** to further this objective Council passed By-law 2006-143 being a By-law to regulate signs and other devices;

**AND WHEREAS** Council deems it desirable to amend By-law 2006-143 to amend existing sign regulations for the purpose of avoiding unnecessary hardship for businesses and community groups;

**AND WHEREAS** Notice of the Public Meeting in the matter of the amendments to the Sign By-law was given by way of advertisement in the North Bay Nugget on \_\_\_\_\_.

**AND WHEREAS** a Public Meeting under the *Municipal Act* in the matter of the amendments to the Sign By-law was held on \_\_\_\_\_.

**AND WHEREAS** Council approved the amendment to the Sign By-law pursuant to Community Services Committee Report No. \_\_\_\_\_ passed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

**Definitions:**

1. Section 1.0 is amended by removing numbering of the definitions.
2. Section 1.0 is amended by adding the following definition:

**"Decorative Banner"** means a banner placed on a utility pole or similar structure designed to support such banner by:

- (a) The Downtown Improvement Area, Heritage North Bay, the City of North Bay, the Capitol Centre or any community organization to decorate or promote an area or a major special event or holiday;
- (b) A major tourist attractor to decorate the boulevard areas adjacent to the attraction and along the approaches to, and within, the attraction within ½ kilometer of the attraction, and;
- (c) A public institution or non-profit organization to temporarily promote a special celebration or anniversary.
- (d) No commercial advertising shall be permitted on the decorative banner except for where corporate sponsorship is recognized which shall be permitted on only 30% of the banner area on every banner or 1 banner for every four decorative banner erected, except along Memorial Drive where the sponsorship component, in relation to Heritage North Bay, may occupy up to 50% of the total banner signage along Memorial Drive.

- (e) In no case shall the decorative banner be used as exclusive advertising of a corporation, services, individual or political affiliation.

**General Provisions:**

1. Section 2(b) is amended by adding the following sentence: "This does not pertain to decorative banners".
2. Section 2(e) is amended by adding the following at the end of the sentence "unless otherwise specified in this by-law".

**Signs Permitted in Commercial and Industrial Zones:**

1. Section 8.4(c) be amended to state "as set out with the designated signs in 8.4.1 to 8.4.10"
2. Section 8.4.1 "Awnings/Canopies" is amended by adding item (e) as follows:
  - (e) In the case where the canopy does not encroach over public roads, sidewalks or City-owned lands, a minimum height above grade is not required.
3. Section 8.4.2 "Fascia Signs", be amended by increasing the maximum number of building faces permitted to have signage from 2 to 3
4. Item (a) be amended by removing the words "of the front"
5. Item (b) be deleted in its entirety and replaced with "in the case of an interior lot located within the C1 zone (Inner Core of City), only 2 fascia signs shall be permitted and the maximum area of the fascia signs is 25% of the front of the building's first storey face and a maximum area of 3sq.m on the interior side face or rear face of the building".
6. Item (c) is deleted in its entirety.
7. Section 8.4.3 "Freestanding Signs" item (a) be amended by adding the wording "per side" at the end of the sentence.
8. Section 8.4.3 is amended by adding item (g) which states "in the case of a building consisting of more than five businesses where one additional freestanding sign is not an option as stated in item (e), the maximum area of the sign may be increased to 20sq.m./side.
9. Municipal Address Numbers shall not be calculated towards the total sign face area or height of the freestanding sign.
10. That a new Section be added after Section 8.4.9 as follows:

**Section 8.4.10 Ground Signs**

Ground signs are permitted as outlined in Section 8.2.1 however for ground signs located in Commercial or Industrial Zones the following regulations may apply:

- (a) The ground sign shall have a maximum height of 2.4m
- (b) The ground sign face area shall not exceed 3.3sq.m in size
- (c) Municipal Address numbers shall not be calculated toward the total sign face area or the height of the ground sign
- (d) Illumination shall be permitted for ground signs.

11. That a new Section be added after Section 8.4.10 as follows:

Section 8.4.11 Decorative Banners

- (a) Decorative banners may be permitted by permit only issued by the Zoning Administrator;
- (b) Decorative banners shall be permitted in the Downtown Improvement Area, as indicated on Schedule 'C' of this By-law, the Community Waterfront Area, and along arterial roads such as Fisher Street, Cassells Street, Algonquin Avenue, Oak Street, Lakeshore Drive, McIntyre Street, Main Street and Memorial Drive subject to Item (f);
- (c) Written permission must be obtained from the owner or lessee of the utility pole or similar structure to which the decorative banner will be attached;
- (d) The applicant abides by specific fastening conditions stipulated by the owner or lessee of the utility pole or similar structure to which the decorative banner will be attached;
- (e) Where deemed necessary by the Managing Director of Community Services Business Unit, the decorative banner will be erected by the City at the applicant's cost;
- (f) Decorative banners will only be permitted where approved by the Managing Director of Community Services Business Unit and the Managing Director or Engineering, Environmental and Public Works;
- (g) All decorative banners must be issued a Sign Permit but will be exempt from this fee other than said fee identified in item (e) of this Section, and;
- (h) The applicants shall be required to enter into an agreement with the City to indemnify and save harmless the City and the owner or lessee of the utility pole or similar structure from all claims of liability that may occur as a result of the presence of the decorative banners.

**READ A FIRST TIME IN OPEN COUNCIL THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.**

**READ A SECOND TIME IN OPEN COUNCIL THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.**

**READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2013.**

\_\_\_\_\_  
Mayor, Allan McDonald

\_\_\_\_\_  
City Clerk, Catherine Conrad

# CS-2013-12

Draft Recommendation:

- "That a) the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a "Tourist Commercial (C7)" zone to a "Residential Multiple Third Density (RM3)" zone be approved; and
- b) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended."

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INTER OFFICE

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MEMO

*City of North Bay  
Planning Services*

**To:** Cathy Conrad, City Clerk  
**From:** Peter Carello - Senior Planner, Current Operations  
**Subject:** Resolution No. 3 - Planning Advisory Committee  
**Date:** April 8, 2013

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday April 3, 2013:

Resolution No. 3

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

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a 'Tourist Commercial (C7)' zone to a 'Residential Multiple Third Density (RM3)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended."



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



North Bay Planning Advisory Committee

Resolution No. 3

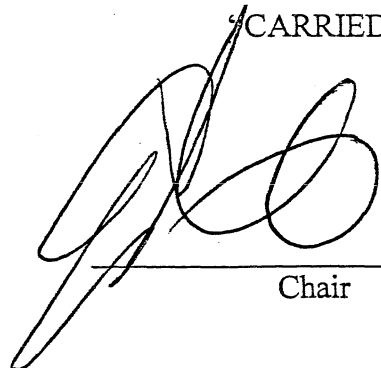
Date: April 3, 2013

Moved By: JARVISON W Seconded By: Paul  
DAVE Paul

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

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a 'Tourist Commercial (C7)' zone to a 'Residential Multiple Third Density (RM3)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended."

"CARRIED"

  
Chair

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**INTER OFFICE**

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**City of North Bay**  
**PLANNING SERVICES**

MEMO

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc., 2 Sunset Boulevard in the City of North Bay

**Date:** March 30, 2013

**Recommendations**

1. That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc., 2 Sunset Boulevard in the City of North Bay to rezone the property legally described as Registered Plan No. M-203, Lots 88-94 & 101-107, PINs #49175-0308 (LT), 49175-0307 (LT) and 49175-0306 (LT), from a "Tourist Commercial (C7)" zone to a "Residential Multiple Third Density (RM3)", BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

**Site**

**Site Information**

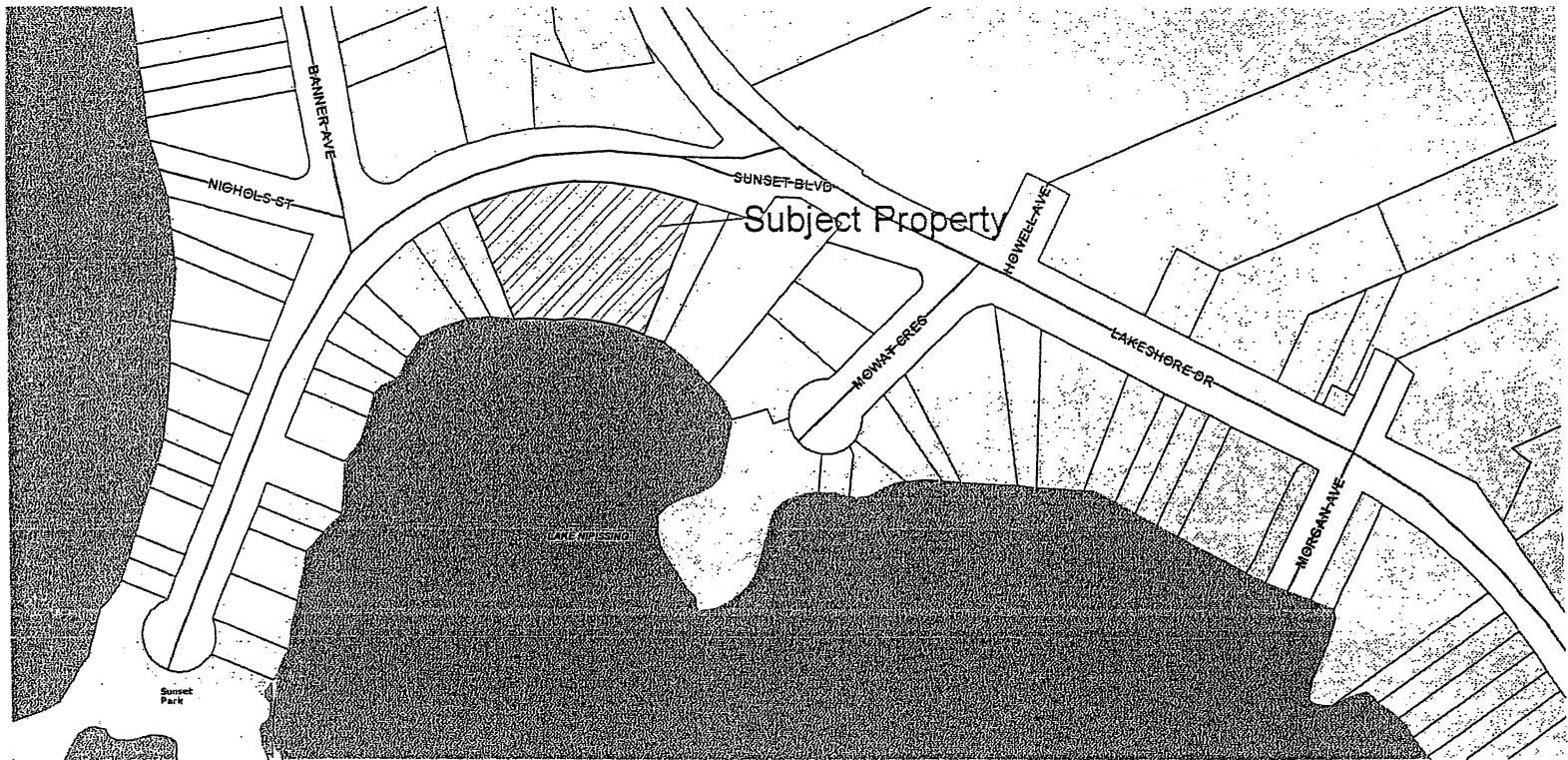
**Legal Description:**

Registered Plan No. M-203, Lots 88-94 & 101-107, PINs #49175-0308 (LT), 49175-0307 (LT) and 49175-0306 (LT) in the former Township of West Ferris in the City of North Bay, District of Nipissing.

**Site Description:**

The subject property is an existing lot of record located at 2 Sunset Boulevard, as shown below and on the attached Schedule A. The property fronts onto Lake Nipissing, with road access achieved by Sunset Boulevard.

It is zoned "Tourist Commercial (C7)" under Zoning By-law 28-80 and is designated "Residential" under the Official Plan.



The property has an existing lot area of 0.4439 hectares (1.1 acres) and lot frontage of 58 metres on Lake Nipissing. It is developed with legal non-complying and legal non-conforming duplex, as shown on the attached Schedule B.

### **Surrounding Land Uses:**

The subject property is located in a mixed use neighbourhood. There are several commercial establishments in close proximity, including two restaurants, a motel and a motor vehicle sales and repairs establishment. There are several multi-unit townhouse developments nearby, including the property immediately north of the subject lands. Properties to the west are mostly single detached dwelling units. Sunset Park is located approximately 200m southwest of the subject lands.

North: Restaurant, Multi-Unit Residential Dwellings

South: Lake Nipissing

East: Restaurant

West: Single Detached Dwellings

### **Proposal**

Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. has submitted a Zoning By-law Amendment Application to rezone the property from a "Tourist Commercial (C7)" zone to a "Residential Multiple Third Density (RM3)" in order to permit the construction of three separate 6-unit apartment buildings.

The agent for the applicant has indicated it would be their long-term intention to develop the buildings as condominium units; however, the Condominium Application was not submitted with the request for the Zoning By-law Amendment.

### **Provincial Policy Statement (PPS 2005)**

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

Section 1.3.2 establishes the conditions that must be met in order for municipalities to convert employment lands for non-employment purposes. This section of the PPS reads:

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

The City of North Bay completed a comprehensive review of commercial lands as part of the development of the new Official Plan. Through the new Official Plan the designation of the subject property was changed from "Hospitality Service" to "Residential". The applicant is now submitting a Rezoning Application to bring the property into conformity with the City's Official Plan.

The PPS 2005 directs municipalities to encourage infill development in order to make efficient use of public services and to maintain a compact built form. Section 1.1.3.2 of the PPS 2005 states:

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

*a) densities and a mix of land uses which:*

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

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

*1.1.3.3 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*

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*facilities required to accommodate projected needs.”*

Further, Section 1.4.3 c) of the PPS 2005 states:

*“Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by... directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs” :*

Though the property is over an acre in size, it is only developed with a duplex. Given the level of development on surrounding properties and the availability of a full range of public services, it is appropriate to consider the subject property for redevelopment and intensification, as outlined in PPS 2005.

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

### **Growth Plan for Northern Ontario (GPNO 2011)**

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

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

Planning staff has considered the application from the perspective of the GPNO 2011 and has concluded that there are no relevant policies that pertain to this application.

### **Official Plan**

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

Section 2.1.2 of the Official Plan states that *“Residential developments surrounding commercial nodes shall have a higher density to support increased pedestrian activity and mixed use developments.”*

Lands immediately to the north and to the east of the subject property are a small cluster of commercial activity. The proposed development would be considered a high density development, consistent with the above noted policy of the Official Plan.

Section 2.1.11 (Housing Policies) encourages the development of an appropriate mixture of densities, stating

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*"It is the general intent of this Plan to encourage the development and maintenance of an efficient and pleasant environment for all lifestyles. In providing for these demands, the objective is an appropriate mixture of densities and an arrangement that will minimize conflicts between different forms of housing."*

The subject property presently separates low density residential uses from the commercial properties that front on Lakeshore Drive. The proposed residential development is less likely to result in land use conflicts than if it were to be developed for commercial uses.

Section 2.1.11.1 of the Official Plan also encourages the redevelopment of older properties. This policy reads:

*"It is intended that a balanced program providing for the conservation, rehabilitation and redevelopment of the existing housing stock shall be carried out as appropriate, so that dwellings in the community may not fall below an acceptable minimum standard of maintenance and occupancy.."*

The proposed Zoning By-law Amendment would enable the redevelopment of the subject property with three new, modern buildings that would conceivably be built to a higher standard than the existing duplex.

In addition, Section 2.1.15 of the City's Official Plan contains a number of policies regarding the construction of new high density residential uses. The policies outline a maximum height of 9 stories and ensuring there is no undue pressure on road network, sanitary and water services and parks and that they are adequately separated from low density residential uses.

The applicant is proposing a high density use that consists of a total of 18 units in three separate 6 unit dwellings. As a result of separating the 18 units into 3 separate buildings it results in a lower profile development which provides for a gradual separation between the commercial use along Lakeshore Drive to the low density uses on Sunset Boulevard. Though some special considerations must be made to accommodate the water and sewer in the area (which will be discussed in further detail later in this report), there will be no undue pressure on municipal services in the area.

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

### **Zoning By-Law No. 28-80**

The subject property is presently zoned "Tourist Commercial (C7)" which permits the following uses:

- automobile service stations and gas bars;
- banks and financial services;
- bed and breakfast establishments;

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- camps, tourist cabins and housekeeping cabins;
  - farmer's markets;
  - flea markets;
  - hotels, motels, restaurants and taverns;
  - liquor, beer or wine stores;
  - local retail stores;
  - marinas;
  - places of entertainment;
  - places of recreation;
  - places of worship;
  - public and private parks;
  - recreational vehicles and equipment, sales leasing and service;
  - seasonal tent and trailer parks;
  - accessory retail establishments to the above uses; and
  - accessory residential units to the above uses.

The Applicant is proposing to rezone the subject lands to a "Residential Third Density (RM3)" zone in order to permit the construction of three 6-unit apartment buildings (18 units total). The "RM3" zone permits the following uses:

- apartment dwellings;
- boarding, lodging or rooming house;
- Group Home Type 2;
- parks, playgrounds and associated non-profit uses;
- licensed day nurseries, churches, public schools other than trade schools;
- institutional uses;
- accessory home based business; and
- accessory non-residential use under Subsection 5.3.5.

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

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

### **Correspondence**

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

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

The North Bay Mattawa Conservation Authority provided the following comments:

*"The above-noted property is subject to flooding from Lake Nipissing. The 1:100 year*

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*floodplain elevation of Lake Nipissing is 197.25m C.G.D. Floodproofing will be required for the entire site, including the proposed residential buildings, as well as ingress and egress. A lot grading plan, prepared by an Ontario Land Surveyor (OLS), is required showing post and preconstruction geodetic elevations. Depending on the outcome of the survey a revetment may be required to protect the property and buildings from flooding and erosion from Lake Nipissing.*

*It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property; as well as alterations to the shoreline of Lake Nipissing.*

*Subject to the issuance of a DIA permit, the Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS"*

The City's Engineering and Public Works Departments offered the following comments:

*"Consideration is to be made to the finished floor elevation of the buildings and to the design of the sanitary sewer service(s) as the sanitary sewer fronting the subject property is approximately only 1.5 meters below centerline of the roadway. This measurement is based off of original City Plan & Profile drawings dated 1971.*

*Current fire flows and operating pressures of the water distribution system fronting the subject property are below the City's standard requirements. Such works to rectify the issue will be performed within 2-3 years. If the flow and pressure are required for design purposes, please contact our Public Works Department.*

*A Lot Grading/Drainage and Servicing Plan will be required.*

*A stormwater management report is not required. However, we would suggest that the proponent try to maintain sheet flow drainage of the rain runoff into Lake Nipissing and avoid channelizing it through the use of pipes or ditches. This would eliminate any erosion into the lake as well as improve the water quality of the runoff.*

*The proposed location of the entrance to the property is adequate and makes complete sense with respect to the proposed development. Whether it is located in the center of the property or to the west away from Churchill's parking lot, it really won't have that big of an impact on the traffic flow nor are the site lines going to be improved."*

The depth of the sanitary services would be a matter to be reviewed during the Building Permit phase. The lot grading and stormwater management issues would be addressed through the Site Plan Control Agreement phase.



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The uncertainty regarding the availability of adequate water pressure would be a matter that would be considered as part of the Building Permit. Should it be determined that water pressure is not adequate to permit construction at this time, the property owner would then have several options. They may engage the services of a mechanical engineer to rectify the situation via on-site infrastructure improvements (such as a booster pump). They may also consider waiting until municipal works slated to occur in the next 2-3 years are implemented. The agent for the applicant has been made aware of these concerns.

Several members of the public expressed concerns regarding this development, either in writing or by presenting at the meeting held at the Planning Advisory Committee. These concerns can be summarized into four general categories and are reviewed below.

#### Traffic and safety

Several residents expressed concerns the proposed development, if approved, would result in a significant increase in traffic in the area. Planning staff consulted with the Engineering Department during the preparation of this report. Engineering staff offered the following comments:

*"I would not expect any traffic impacts.*

*The traffic generated by the new development would most likely travel between the property and Lakeshore and therefore should not impact the existing neighbourhood. There may be an increased delay for vehicles exiting Sunset at Lakeshore due to additional vehicles at peak hours, but the increase would be minimal. Existing neighbourhood traffic can also access Lakeshore by using Banner.*

*Also, I would expect a lower trip generation rate with Residential zoning compared with Commercial zoning."*

Based on the above comments, Planning Services are comfortable that the proposed Zoning By-law Amendment would not create traffic problems in the area.

#### Parking

It was stated the frontage of the subject property is used by patrons of the commercial properties in the area during their peak hours. Residents are concerned that as the subject property is developed, parking from the commercial properties would be pushed further into the residential portion of the area.

The development plan for the subject property includes residential parking along the frontage. This would not preclude on street parking, similar to the existing situation. Should the situation become problematic in the future, the City could revisit the issue by considering on-street parking prohibition at a later date.

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### Sewer

Both residents and Engineering and Public Works staff have expressed concerned about the capacity of the sanitary sewer system in the area.

Area residents expressed concerns regarding the capacity of sanitary sewer in the area. As previously noted, the Engineering and Public Works Departments are aware of these concerns, noting that the sanitary sewer infrastructure is only 1.5 metres below the roadway in their comments to the Planning Department.

The sanitary sewer's lack of depth will limit the manner in which the property is developed. Specifically, the basement may be limited in its depth. However, it does not preclude the development of the property.

### Lake Nipissing

One presenter at the Planning Advisory Committee Meeting questioned the effect this application would have on the health of Lake Nipissing.

The application was reviewed by the North Bay Mattawa Conservation Authority, who considers the environmental implications of applications on the City's behalf. The NBMCA did not offer any objections to this application, other than the previously mentioned flood proofing measures and the requirement for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit.

The subject property will benefit from full municipal services, which limits the effect of development on water quality. The property owners will be required to undergo a grading plan as part of the development, which will further limit the effect on Lake Nipissing.

The City also received two letters of correspondence supporting the proposed Zoning By-law Amendment.

### Summary

The proposed application, if approved, would rezone the subject property from "Tourist Commercial (C7)" to "Residential Multiple Third Density (RM3)". The purpose of this application is to redevelop the subject lands by removing the existing legal non-conforming, legal non-complying duplex and constructing three new 6-unit apartment buildings.

Planning Services is of the opinion the residential development is more appropriate for the neighbourhood than the existing C7 zone, which permits a broad variety of commercial uses. Many of the concerns expressed by residents of the neighbourhood, such as traffic and parking, would be worsened if the property would be developed commercially, as it is presently zoned.

With the passing of the new Official Plan in early 2012, the property's designation was

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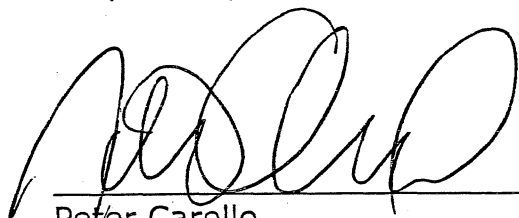
changed from "Hospitality Service" to "Residential". The proposed Zoning By-law amendment would bring the property into conformity with the Official Plan.

As the property borders both commercial and low density residential uses, the application is consistent with Official Plan policies that encourage higher density residential uses to be located adjacent to commercial uses.

If approved, the property would be subject to Site Plan Control, which would regulate the development of the property.

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

Respectfully submitted,



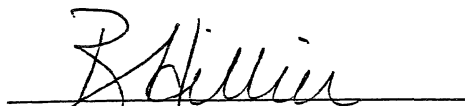
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Peter Carello  
Senior Planner, Current Operations

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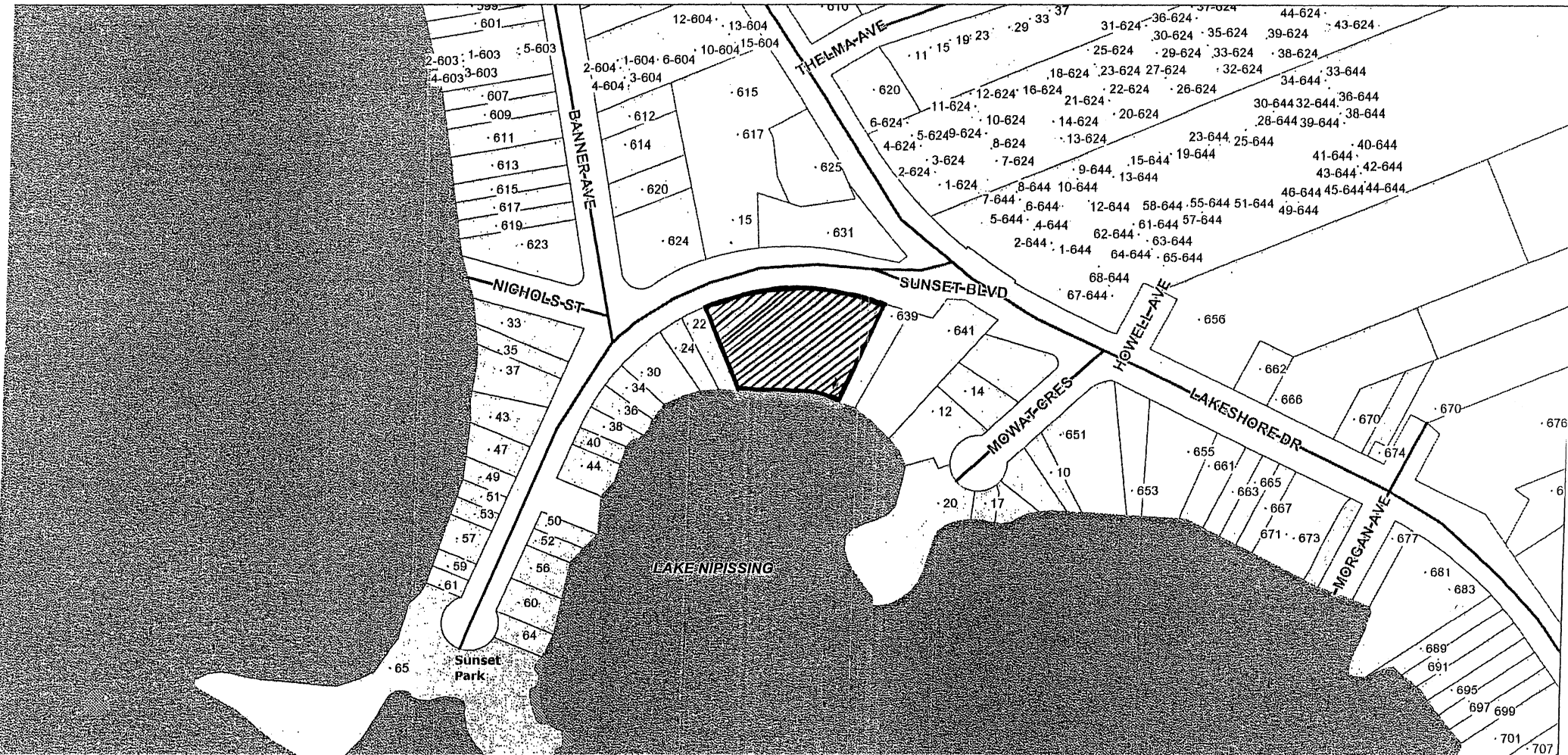
I concur with the recommendations contained in this report.



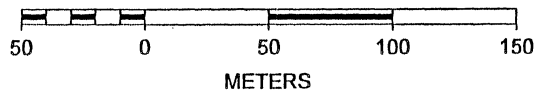
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Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



SCALE 1 : 3,120

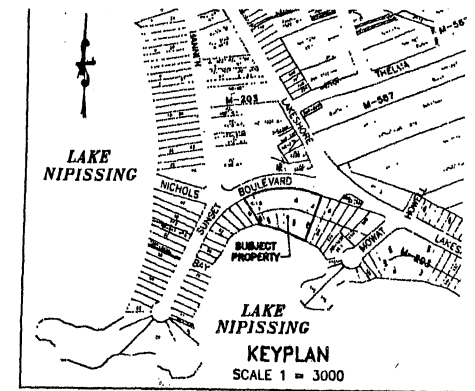
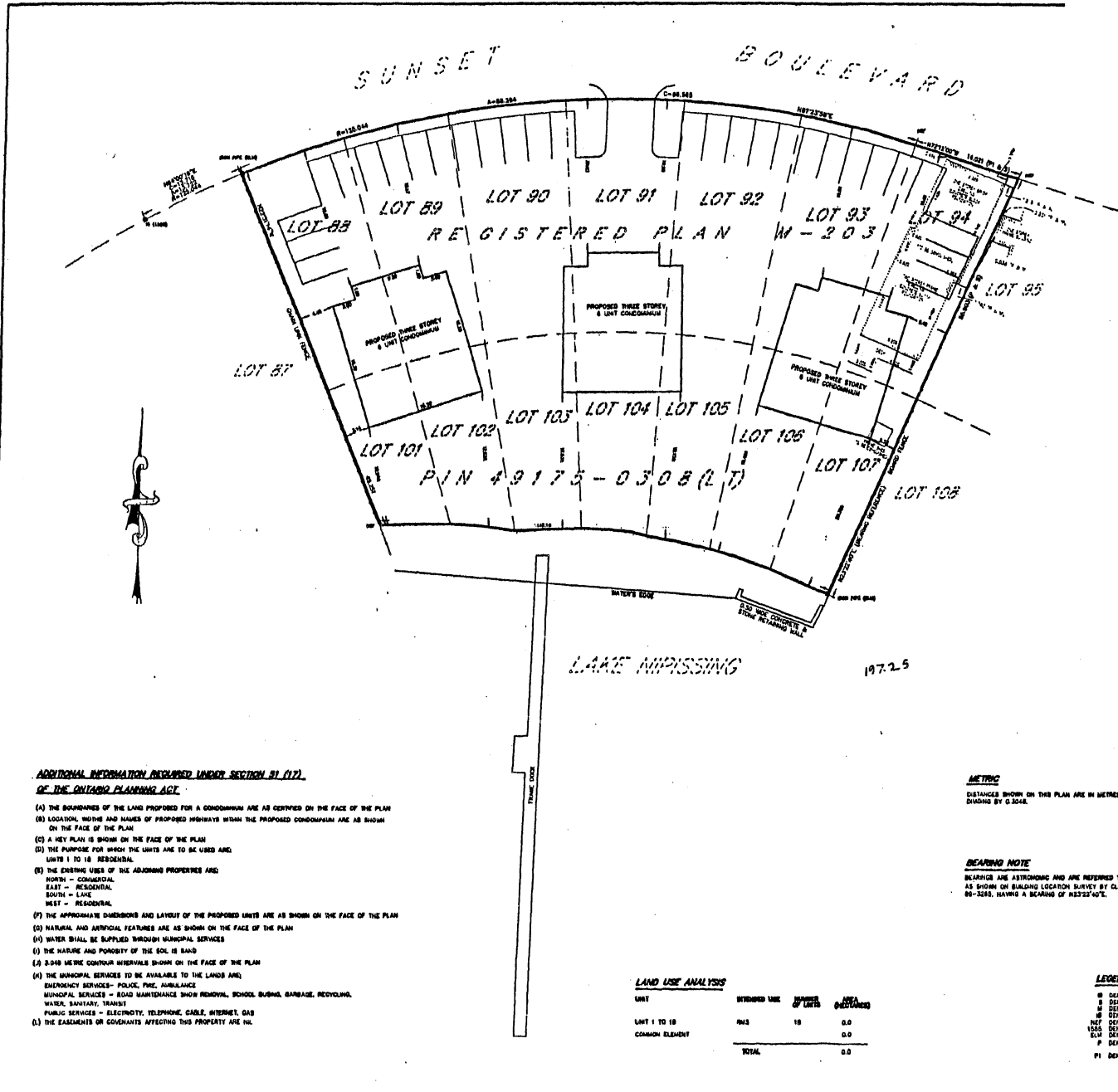


Proposed Zoning By-law Amendment  
From: "Tourist Commercial (C7)"  
To: "Residential Multiple Third Density (RM3)"

N



# SCHEDULE B



DRAFT PLAN OF STANDARD CONDOMINIUM  
 ALL OF LOTS 88 TO 94 INCLUSIVE,  
 AND ALL OF LOTS 101 TO 107 INCLUS  
 REGISTERED PLAN M-203  
 CITY OF NORTH BAY  
 DISTRICT OF NIPISSING

SCALE 1 : 250

Miller & Urso Surveying Inc

**ADDITIONAL INFORMATION ENCLOSED UNDER SECTION 91 (17)  
 OF THE ONTARIO PLANNING ACT.**

- (A) THE BOUNDARIES OF THE LAND PROPOSED FOR A CONDOMINIUM ARE AS CERTIFIED ON THE FACE OF THE PLAN
- (B) LOCATION, WIDTH AND NAMES OF PROPOSED HIGHWAYS WITHIN THE PROPOSED CONDOMINIUM ARE AS SHOWN ON THE FACE OF THE PLAN
- (C) A KEY PLAN IS SHOWN ON THE FACE OF THE PLAN
- (D) THE PURPOSE FOR WHICH THE UNITS ARE TO BE USED ARE:  
 UNITS 1 TO 18 RESIDENTIAL
- (E) THE EXISTING USES OF THE ADJOINING PROPERTIES ARE:  
 NORTH - COMMERCIAL  
 EAST - RESIDENTIAL  
 SOUTH - LAKE  
 WEST - RESIDENTIAL
- (F) THE APPROXIMATE DIMENSIONS AND LAYOUT OF THE PROPOSED UNITS ARE AS SHOWN ON THE FACE OF THE PLAN
- (G) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN ON THE FACE OF THE PLAN
- (H) WATER SHALL BE SUPPLIED THROUGH MUNICIPAL SERVICES
- (I) THE NATURE AND POROSITY OF THE SOIL IS SAND
- (J) 8.048 METRE CONTOUR INTERVALS SHOWN ON THE FACE OF THE PLAN
- (K) THE MUNICIPAL SERVICES TO BE AVAILABLE TO THE LANDS ARE:  
 MUNICIPAL SERVICES - ROAD MAINTENANCE, SNOW REMOVAL, SCHOOL BUSING, GARBAGE, RECYCLING,  
 WATER, SANITARY, TRANSIT  
 PUBLIC SERVICES - ELECTRICITY, TELEPHONE, CABLE, INTERNET, GAS
- (L) THE EASEMENTS OR COVENANTS AFFECTING THIS PROPERTY ARE NIL

**LAND USE ANALYSIS**

UNIT	INTENDED USE	NUMBER OF UNITS	AREA (SQUARE METRES)
UNIT 1 TO 18	RMS	18	0.0
COMMON ELEMENT			0.0
<b>TOTAL</b>			<b>0.0</b>

**LEGEND**

- B DENOTES FOUND MONUMENT
- S DENOTES SET
- M DENOTES MEASURED
- W DENOTES FROM B.M.
- NET DENOTES NO EVIDENCE FOUND
- 1500 DENOTES CLARE DORLAND & MILLER LIMITED
- ELM DENOTES E. H. MOORE, O.L.S.
- P DENOTES BUILDING LOCATION SURVEY BY CLARE DORLAND & MILLER LIMITED, FILE NO. 89-2258, HAVING A BEARING OF N83°24'07"E.
- PI DENOTES REGISTERED PLAN M-203

**METRIC**

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

**BEARING NOTE**

BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE EASTERLY LIMITS OF LOTS 90 AND 104, AS SHOWN ON BUILDING LOCATION SURVEY BY CLARE DORLAND & MILLER LIMITED, FILE NO. 89-2258, HAVING A BEARING OF N83°24'07"E.

**OWNER'S CERTIFICATE**

I HEREBY CONSENT TO FILING OF THIS DRAFT PLAN OF CONDOMINIUM FOR DRAFT #1

NORTH BAY, ONTARIO  
 2012

JIM STEWART  
 REGISTERED OWNER OF P.N. 48178-0308 (I)  
 I HAVE THE AUTHORITY TO SIGN THIS CONFORM

**SEALING OFFICER'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND FOR THE PROPOSED CONDOMINIUM AND THEIR RELATIONSHIP TO THE ADJOINING LANDS ARE CORRECTLY SHOWN.

NORTH BAY, ONTARIO  
 APRIL 13, 2012

R. D. MILLER  
 ONTARIO LAND SURVEYOR  
 #1 MILLER & URSO SURVEYING P  
 ONTARIO LAND SURVEYORS

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

180 MEMOR STREET  
 NORTH BAY ON P1A 0S3

732  
 732

DRAWN BY: C.A.L.      FIELD DR. DR.      9

CHECKED BY: R.D.M.

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