



# **AGENDA MATERIAL**

## **CITY COUNCIL (PUBLIC MEETING)**

**MEETING DATE:** MONDAY, NOVEMBER 15, 2021

**LOCATION:** S. H. BLAKE MEMORIAL AUDITORIUM  
(Council Chambers)

**TIME:** 6:30 P.M.



**MEETING:** City Council (Public Meeting)

**DATE:** Monday, November 15, 2021 **Reference No.** CCP - 12/52

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**OPEN SESSION in the S.H. Blake Memorial Auditorium at 6:30 p.m.**

City Council (Public Meeting)

Chair: Mayor Bill Mauro

***DISCLOSURES OF INTEREST***

***CONFIRMATION OF AGENDA***

**Confirmation of Agenda - November 15, 2021 - City Council (Public Meeting) (Page 4)**

WITH RESPECT to the November 15, 2021 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

***PUBLIC MEETING PROCEDURES***

***CITY COUNCIL (PUBLIC MEETING)***

**Zoning By-law Amendment – 463 Hodder Avenue (Pages 5 - 16)**

Report R 113/2021 (Development & Emergency Services - Planning Services) recommending a site-specific Zoning By-law amendment to rezone two parcels of land, municipally known as 463 Hodder Avenue, to "MU1" - Mixed Use Zone One.

Administration recommends approval of the proposed Zoning By-law amendment. The proposal is supported by the Provincial Policy Statement and Official Plan's objective for infill and intensification in the urban area.

THAT a Public Meeting having been held with respect to the application by Tom & Ruth Cook and 988421 Ontario Inc., relative to PCL 5970 SEC PAF; LT 107-108 PL M44 MCINTYRE; THUNDER BAY (PIN 62225-0225) and PCL 5673 SEC PAF; LT 105-106 PL M44 MCINTYRE; THUNDER BAY (PIN 62225-0226), municipally known as 463 Hodder Avenue, we recommend that the Zoning By-law be amended as follows:

1. That the subject property be rezoned from the "C2" – Urban Centre Zone to the "MU1-H" – Mixed Use Zone One - Holding.

2. That until the "H" symbol is removed from the lands described above; only FOODSTORE shall be a permitted use in accordance with Section 13.1 b).
3. That the "H" symbol be removed from the lands when:
  1. a Record of Site Condition, as per Ontario Reg. 153/04, is registered for the subject property confirming the site conditions are appropriate for sensitive uses; and
4. That in the case of an APARTMENT DWELLING with no more than four DWELING UNITS the following is applied at this location:
  1. The minimum required LOT FRONTAGE be reduced from 22.0m to 20.0 m
  2. The minimum required LOT AREA be reduced from 660.0m<sup>2</sup> to 600.0 m<sup>2</sup>
  3. The minimum REQUIRED FRONT YARD be reduced from 6.0m to 4.5 m
5. That BUILDINGS or STRUCTURES that are ACCESSORY to an APARTMENT DWELLING may be located in a REQUIRED INTERIOR SIDE YARD, provided that a minimum distance of 15.0m is maintained between any ACCESSORY BUILDING or STRUCTURE and the FRONT LOT LINE, and, in addition, a minimum distance of 0.6m is maintained between any ACCESSORY BUILDING or STRUCTURE and the INTERIOR SIDE LOT LINE.

Subject to the following conditions:

That prior to the passing of the amending by-law:

1. The subject property, as shown on Attachment "A", is designated as an area of Site Plan Control.

Unless otherwise rescinded or extended, this approval in principle shall be valid for a period of six (6) months from the date of ratification by City Council. Thereafter, the file shall be considered closed and a new application will be required if the condition to be fulfilled prior to the passing of the amending by-law has not been completed.

AND THAT the necessary By-laws be presented to City Council for ratification.

ALL as contained in Report R 113/2021 (Planning Services) as submitted by the Development & Emergency Services Department.

### **Zoning By-law Amendment - 2129 Arthur Street East (Pages 17 - 29)**

Report R 153/2021 (Development & Emergency Services - Planning Services) The applicant is seeking approval to define and allow for a "Neighbourhood Dental Clinic" within an existing single detached dwelling. The proposed amendment would also require no less than seven and no more than ten parking spaces.

The proposed amendment is not considered good planning as it does not conform to the Official Plan, perpetuates vacancies in existing commercial areas, and is not well-suited to a mid-block residential location. For these reasons, Administration does not support the approval of the proposed amendment.

THAT a Public Meeting having been held with respect to the application by Al-Obaidi Holdings Inc., relative to Lots 1 & 2, Registered Plan WM-63, municipally known as 2129 Arthur Street East, we recommend:

1. THAT no change be made to the Zoning By-law.

ALL as contained in the Report R 153/2021 (Planning Services), as submitted by the Development and Emergency Services Department.

### ***BY-LAWS***

#### **BL 73/2021 - Site Plan Designation – 463 Hodder Avenue (Page 30 - 32)**

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (463 Hodder Avenue).

#### **BL 74/2021 - Zoning By-law Amendment - 463 Hodder Avenue (Tom and Ruth Cook) (Pages 33 - 36)**

A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (463 Hodder Avenue).

### **By-law Resolution**

By-law Resolution - City Council (Public Meeting) - November 15, 2021 **(Page 37)**

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (463 Hodder Avenue).

By-law Number: BL 73/2021

2. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (463 Hodder Avenue).

By-law Number: BL 74/2021

### ***ADJOURNMENT***



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**MEETING DATE**     11/15/2021 (mm/dd/yyyy)

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**SUBJECT**             Confirmation of Agenda - November 15, 2021 - City Council (Public Meeting)

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***SUMMARY***

Confirmation of Agenda - November 15, 2021 - City Council (Public Meeting)

***RECOMMENDATION***

WITH RESPECT to the November 15, 2021 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT NO.</b>	R 113/2021
<b>DATE PREPARED</b>	10/07/2021	<b>FILE NO.</b>	Z-04-2021
<b>MEETING DATE</b>	11/15/2021 (mm/dd/yyyy)		
<b>SUBJECT</b>	Zoning By-law Amendment – 463 Hodder Avenue (Tom & Ruth Cook)		

## RECOMMENDATION

THAT a Public Meeting having been held with respect to the application by Tom & Ruth Cook and 988421 Ontario Inc., relative to PCL 5970 SEC PAF; LT 107-108 PL M44 MCINTYRE; THUNDER BAY (PIN 62225-0225) and PCL 5673 SEC PAF; LT 105-106 PL M44 MCINTYRE; THUNDER BAY (PIN 62225-0226), municipally known as 463 Hodder Avenue, we recommend that the Zoning By-law be amended as follows:

1. That the subject property be rezoned from the “C2” – Urban Centre Zone to the “MU1-H” – Mixed Use Zone One - Holding.
2. That until the "H" symbol is removed from the lands described above; only FOOD STORE shall be a permitted use in accordance with Section 13.1 b).
3. That the "H" symbol be removed from the lands when:
  - a. a Record of Site Condition, as per Ontario Reg. 153/04, is registered for the subject property confirming the site conditions are appropriate for sensitive uses; and
4. That in the case of an APARTMENT DWELLING with no more than four DWELING UNITS the following is applied at this location:
  - a. The minimum required LOT FRONTAGE be reduced from 22.0m to 20.0 m
  - b. The minimum required LOT AREA be reduced from 660.0m<sup>2</sup> to 600.0 m<sup>2</sup>
  - c. The minimum REQUIRED FRONT YARD be reduced from 6.0m to 4.5 m
5. That BUILDINGS or STRUCTURES that are ACCESSORY to an APARTMENT DWELLING may be located in a REQUIRED INTERIOR SIDE YARD, provided that a minimum distance of 15.0m is maintained between any ACCESSORY BUILDING or STRUCTURE and the FRONT LOT LINE, and, in addition, a minimum distance of 0.6m

is maintained between any ACCESSORY BUILDING or STRUCTURE and the INTERIOR SIDE LOT LINE.

Subject to the following conditions:

That prior to the passing of the amending by-law:

1. The subject property, as shown on Attachment "A", is designated as an area of Site Plan Control.

Unless otherwise rescinded or extended, this approval in principle shall be valid for a period of six (6) months from the date of ratification by City Council. Thereafter, the file shall be considered closed and a new application will be required if the condition to be fulfilled prior to the passing of the amending by-law has not been completed.

AND THAT the necessary By-laws be presented to City Council for ratification.

ALL as contained in Report R 113/2021 (Planning Services) as submitted by the Development & Emergency Services Department.

### ***EXECUTIVE SUMMARY***

The Applicant has requested a site-specific Zoning By-law amendment to rezone 463 Hodder Avenue from the “C2” – Urban Centre Zone to the “MU1-H” – Mixed Use Zone One - Holding. The Applicant is also requesting modest reductions to the minimum lot frontage, lot area, and front yard for an apartment dwelling and buildings accessory to it. If approved, this amendment would allow for the development of any uses permitted by the “MU1” Zone once the holding symbol is removed. The holding symbol may be removed once a Record of Site Condition is registered with the Province confirming the site conditions are suitable for sensitive uses. Until that time, a “food store” is the only use permitted by the “MU1” Zone that may be developed. However, the Applicant is specifically proposing the construction of two (2) four-plexes.

The proposed rezoning will allow for the development of uses on the subject lands which are aligned with its current Residential designation, once a Record of Site Condition demonstrates the environmental condition of the property is suitable for such uses. The proposal is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, and conforms to the Official Plan. For these reasons, Administration recommends approval of the proposed Zoning By-law amendment.

## ***DISCUSSION***

### Description of Proposal

The Applicant has requested a site-specific Zoning By-law amendment to rezone four lots, municipally known as 463 Hodder Avenue, from the “C2” – Urban Centre Zone to the “MU1” – Mixed Use Zone One. In addition, the application seeks to:

- reduce the required lot frontage from 22.0 m to 20.0 m
- reduce the required lot area from 660.0m<sup>2</sup> to 600.0 m<sup>2</sup>
- reduce the required front yard from 6.0 m to 4.5 m

for a four-unit apartment dwelling.

The application also seeks to reduce the required front yard from 20.0 m to 15.0 m for an accessory building with an interior side yard of no less than 0.6m. This is to provide room for waste storage sheds in between the proposed four-plexes.

If approved, this amendment would allow for the development of a food store. Once the holding symbol is removed, all other uses permitted by the “MU1” Zone may be developed. At this time, the Applicant is specifically proposing the construction of two (2) four-plexes, one on each 20.0 metre wide portion of land. The proposed four-plexes will each have a footprint of approximately 186.0m<sup>2</sup> and a parking area with six parking spaces with access from a laneway off Dacre Street.

A copy of the Applicant’s sketch is attached as “Attachment B” for reference.

### Description of Subject Property and Surrounding Area

The property is vacant at this time. It is currently zoned as “C2” – Urban Centre Zone and designated as Residential in the Official Plan.

The property is located at the edge of a commercial area and a low density residential neighbourhood. There is a fuel bar and shopping centre to the northeast across Dacre Street and Hodder Avenue. Immediately adjacent to the property are single detached dwellings. There is also a mixed use building and a takeout-only restaurant on the southern end of the same block.

### Neighbourhood Comments

A Notice of Application was mailed to surrounding property owners on July 21, 2021 outlining the nature of the proposed Zoning By-law amendment. Planning Services received comments of from surrounding four property owners. All of the property owners had questions and concerns. Three property owners expressed opposition to the proposal and the fourth property owner offered support.



The main reasons for support in the letter included:

- Need for affordable housing units
- Opportunity to “age in place” around many Current River amenities

The main concerns or reasons for objection in the letters included:

- Traffic congestion and speed
- On-street parking and laneway access
- Property maintenance concerns
- Increased noise
- Housing density
- Increase in crime/vandalism
- Water pressure

#### Planning’s Response to Neighbourhood Comments

##### ○ *Traffic congestion and speed*

Three property owners who commented expressed traffic related concerns. Latest traffic counts for the area intersections were reviewed in response. Engineering confirmed that Hodder Avenue, Arundel Street, and Dacre Street are operating at an acceptable Level of Service and are within the traffic volumes specified for these streets. To date, the warrants for traffic signals at Hodder and Arundel have not been met. Engineering was not aware of any other traffic concerns in the area. A slight increase in vehicle trips is expected as the property is currently vacant. However, more vehicle trips would be expected to be generated by the uses currently permitted under the existing commercial zoning. The proposed development should not have any impact on traffic speed.

Regarding pedestrians, this area is fairly well serviced by a sidewalk network. Sidewalks are located on both sides of Dacre Street, for this block), on both sides of Hodder Avenue, on one side of Leslie Avenue, and one side of Hodder Avenue. Painted bike lanes also exist on both sides of Arundel Street, and City transit is available along both Leslie Avenue and Hodder Avenue, with transit stops being within close proximity to the site. The City’s Active Transportation Master Plan does not identify any priority gaps in this area. Engineering is not aware of any other pedestrian concerns in the area.

##### ○ *On-street parking and laneway access*

Two property owners were concerned with the possibility of reduced on-street parking availability. The attached site plan demonstrates that each parcel of land can accommodate six (6) parking spaces. This meets the minimum 1.5 parking space per dwelling unit that the Zoning By-law requires. Additionally, posted signs indicate that on-street parking is currently available in front of the subject property along Hodder Avenue between Conyers Street and Dacre Street.

As the proposed four-plexes would access their parking area from the laneway, this existing on-street parking should not be disrupted by additional driveways on Hodder.

The Parking Authority is not aware of any parking issues in this area, and there have been very few parking tickets issued in the area over the years. It is noted that most of residences in this area have off-street parking available.

The proposed site sketch indicates that the parking for the four-plexes will be accessed off the laneway. A Licence of Access from Realty Services will be required through Site Plan Approval. This ensures that the owner maintains and removes snow from the section of the laneway used to access their parking lot.

○ *Property maintenance concerns*

Three of the property owners who commented, mentioned a four-plex development nearby on Arundel Street and which was the subject of a zoning by-law amendment in 2010. Waste management issues on the property were noted by a neighbour. They believed it was due to a lack of enclosed storage for residents of the four-plex.

Waste and recycling is typically reviewed during Site Plan Control. However, in response to concerns the Applicant has worked with Planning Services to site a potential location for waste and recycling storage sheds (approximately 2.0 m x 2.0 m). To accommodate this, the Applicant has requested to reduce the required front yard from 20.0 m to 15.0 m for an accessory building with an interior side yard of no less than 0.6m. This will provide room for the storage sheds in between the proposed four-plexes.

○ *Increased noise*

Two property owners were concerned with the potential for increased noise from the proposed dwellings. The subject property is currently vacant, so an increase in noise is expected regardless of the type of development. This is particularly true during construction, however that is considered to be a necessary disruption and is temporary. From a zoning perspective, noise from an apartment is expected to be that of a residential nature and therefore compatible with other residential uses. Site-specific noise complaints not related to zoning would be enforced through the Noise By-law.

○ *Housing density*

Two property owners were concerned with the number of proposed dwellings compared to the size of the lot. Planning Services is of the opinion that the proposed housing density is appropriate for the following reasons:

- The site is in an ideal location for residential infill and intensification
- The proposed reductions in minimum lot size are modest
- It is consistent with projected housing density created by second units

First, the subject lands meet the Official Plan's criteria for a preferred site for multi-unit residential development. The Official Plan encourages the development of denser housing forms in areas where major employment, commercial, and institutional activities exist, where a full range of community services and facilities are already available, where public transit routes exist or are planned, and/or where parks or recreational facilities are nearby. Preferred sites must have frontage on, and access to, an arterial or collector road, preferably at or near the corner of two streets. The subject property meets all these criteria and is a preferred site, on a major arterial at the intersection of two streets.

Next, the proposed reductions in minimum lot size are modest. The two parcels of land are 2.0 metres narrower than the minimum standard required for a four-plex in the "MU1" Zone. The reduced frontage and area is minor and will have a negligible impact on the streetscape.

Finally, the proposed density is similar to what future housing density is expected to be in existing residential areas. The Planning Act requires that municipalities permit second units in single-detached, semi-detached, and townhouse dwellings. The City's Official Plan includes the required policies to permit second units through the next Zoning By-law update. These regulations are currently under development, but are not in effect yet.

Most properties on the west side of Hodder Avenue are zoned "R2" Residential Zone Two. This zone permits single detached dwellings on 10.0 metre wide lots. If the subject lands were zoned "R2", the owner could construct four single detached dwellings. Provided all other requirements of the by-law were met, a single-detached dwelling at this location would most likely be eligible to add a second unit in the future. So, up to eight (8) dwelling units could be permitted. The building form would be different, but the housing density the same.

- *Increase in crime/vandalism*

The Ontario Human Rights Commission's publication, "In the zone: Housing, human rights and municipal planning" highlights that crime is a common, yet unproven, objection to multi-unit housing. There is no evidence to suggest that crime increases as a result of multi-unit housing.

Nevertheless, Planning Services recognizes the importance of design in developing safe urban environments. Design elements which are known to support safety, such as clear sight lines and quality lighting, will be sought through the Site Plan Approval process.

- *Water pressure*

One property owner was concerned with water pressure in the area. They had questions about the potential impacts of eight additional units to the existing neighbourhood. Engineering has confirmed that the available water pressures and fire flows meet their Standards and are suitable to support the additional units. The watermain on Dacre Street is a 6" watermain and the watermain on Hodder Avenue is a 24" watermain.

Engineering is aware of past concerns regarding possible low water pressures in the area. Call logs indicate that they have received calls about low pressure complaints in the past. However,

all of the calls pre-date the 2017 watermain work completed on Dacre Street. During this time, the existing watermain was “cleaned” (cement mortar lined) to improve pressure and flows through the watermain. Since the work, no calls have been logged regarding low water pressures on Dacre Street.

#### Agency Comments

Synergy North, Building Services, Parking Authority, Realty Services, and Engineering offered no objection to the proposed Zoning By-law Amendment.

Thunder Bay District Health Unit (TBDHU) offered support for the proposal, citing the benefits of increased density on walkability and physical activity. As the subject property is within walkable distance of several amenities, they noted that this may promote a healthy lifestyle and reduce environmental impacts which supports the goals of the EarthCare Sustainability Plan. TBDHU also noted that there was a low risk of food inaccessibility in this area, with the nearest grocery store located less than 200 metres away from the lands. This supports the goals of the Thunder Bay and Area Food Strategy.

#### Planning Services Division Comments

##### ○ *Provincial Policy Statement*

The proposal is supported by the Provincial Policy Statement (PPS), 2020, as it encourages residential infill and intensification in built up areas where services exist to support the proposed development. The PPS also calls for densities that support active and public transportation. This proposal is consistent with these objectives.

##### ○ *The Growth Plan for Northern Ontario*

This application is consistent with the Growth Plan for Northern Ontario (GPNO). This proposal will support healthy communities by supporting a range of housing types. The GPNO calls for higher density development in the identified major cities, which includes Thunder Bay. This type of intensification makes efficient use of existing infrastructure, which is one of the stated purposes of the GPNO.

##### ○ *Official Plan*

This proposal supports many goals and objectives of the Official Plan. It does not conflict with any relevant section. The subject property is zoned 'C2' - Urban Centre Zone, which permits a wide range of commercial uses. This property was re-designated as Residential in the 2019 Official Plan. So, the current zoning is no longer consistent with the Official Plan.

A primary goal of the Official Plan (OP) is to promote efficient and cost-effective development. Proposals based on intensification and infill are encouraged provided they meet applicable criteria. The OP contains guiding principles, one of which is “Complete and Compact”. This principle directs the City to promote complete, connected, compact and livable communities.

This means providing access to a variety of housing choices, transit, active transportation, employment, recreation, and culture. The subject property is well served by transit, recreation facilities, shopping and amenities. Transit is available along Hodder Avenue. The site is an approximate 10-15 minute walk to Current River Community Centre and Boulevard Lake. A convenience store, pharmacy, and grocery store are also within walking distance. Residential infill and intensification in this area, applies the "Complete and Compact" principle.

The OP identifies development of vacant lots as the primary means for intensification. The OP identifies residential intensification as the best opportunity for providing affordable housing. Increased density makes efficient use of land, resources, infrastructure, and public service facilities. It also helps reduce impacts on air quality and climate change and supports public transit and active transportation. The City's goal is to create at least 20% of new dwelling units through intensification each year.

The subject lands are designated Residential in the OP. The OP promotes a range and variety of dwelling unit types and an appropriate mix of densities. This facilitates an accessible and affordable housing supply which accommodates diverse community needs. Apartment dwellings are typically more affordable than detached dwellings.

Compatibility with the existing built form and character of the area is important. The proposed building setbacks, coverage, and height requirements are consistent with the area. The proposed development will also maintain a landscaped front yard. This is characteristic of nearby residential uses. This proposal fits within the existing scale and character of development.

- *Zoning By-law*

The Applicant is seeking to re-zone the subject property to "MU1" Mixed Use Zone One. This is a residential zone which permits apartments with up to four dwelling units. This zone also permits a range of other residential uses as well as food stores and day cares.

Before sensitive uses such as housing or day cares can be constructed, the owner must complete a Record of Site Condition (RSC). An RSC summarizes the environmental condition of a property. Environmental site assessments form the basis of the site's condition. In general, changes to a sensitive use (e.g. residential) from a non-sensitive use (e.g. commercial) will need an RSC. This is a provincial regulation under the Ministry of Environment, Conservation and Parks. The subject property was previously used as an office. As such, a holding symbol is proposed to prevent development of sensitive uses until an RSC is complete. Until that time only a food store is permitted.

The Applicant is proposing two (2) four-plexes on the subject property. Additional amendments to the proposed zone are required.

The first two amendments are to reduce minimum lot area and frontage. These reductions are modest and appropriate for the proposed use. Required parking and landscaped space can be met. The third amendment reduces the minimum front yard from 6.0 m to 4.5 m. This allows for the parking to be located in the rear yard which improves the streetscape. 4.5 m exceeds the average

setback on this section of Hodder Ave and is similar to the average setback on the nearby section of Dacre St.

The final amendment is related to the location of accessory buildings. Typically buildings accessory to a dwelling can be located as close as 0.6 m as long as they are 20.0 m from the front lot line. This is isn't feasible given the location of the rear yard parking. Instead the Applicant proposes that the accessory building be at least 15.0 m from the front lot line. This still has the accessory building setback from the road and accessible from the parking lot

The proposal satisfies all other provisions of the Zoning By-law.

○ *Urban Design Guidelines*

The Applicant's site sketch is high level, but does implement performance standards from the Urban Design Guidelines. These include providing parking in the rear yard and maintaining landscaping in the front and exterior side yards.

If the subject property is designated as an area of Site Plan Control, the owner will be required to complete the Site Plan Approval process. Administration will seek other design standards through this process including:

- Trees and planting bed with shrubs and perennials along the street line
- Bicycle parking
- Amenity space (patios or balconies)
- Low Impact Development (LID) to manage stormwater onsite
- Accessible pedestrian connections from proposed buildings to the existing sidewalk
- Waste storage sheds
- Lighting for parking and walkways

Site Plan Control

The Parks and Open Spaces Section and the Engineering and Operations Division support Planning Services' recommendation that the subject property be designated as an area of Site Plan Control (SPC). This will facilitate the review of the proposed development ensuring its compliance with the City's Engineering Development Standards, the Parks and Open Spaces Standards and Specifications, and the City's Urban Design Guidelines.

It is also consistent with the City's practice of applying SPC to buildings with four dwelling units or more.

***FINANCIAL IMPLICATION***

Multiple-unit development is considered to be a cost-effective form of development as it makes efficient use of existing services and infrastructure.

MPAC determines the property class and assessment of properties. An increase in assessment value is expected once developed as the subject property is vacant. 2021 municipal taxes on \$100,000 of residential assessment is \$1,438.08 and total taxes including education is \$1,591.08.

The Applicant will be responsible for all design and construction costs associated with this development.

### ***CONCLUSION***

The requested Zoning By-law amendment would permit a use that is compatible with the surrounding area and is consistent with the policies of the Provincial Policy Statement. The proposal does not conflict with the Growth Plan for Northern Ontario and is consistent with the policies of the Official Plan. As such, Administration supports the proposed Zoning By-law amendment.

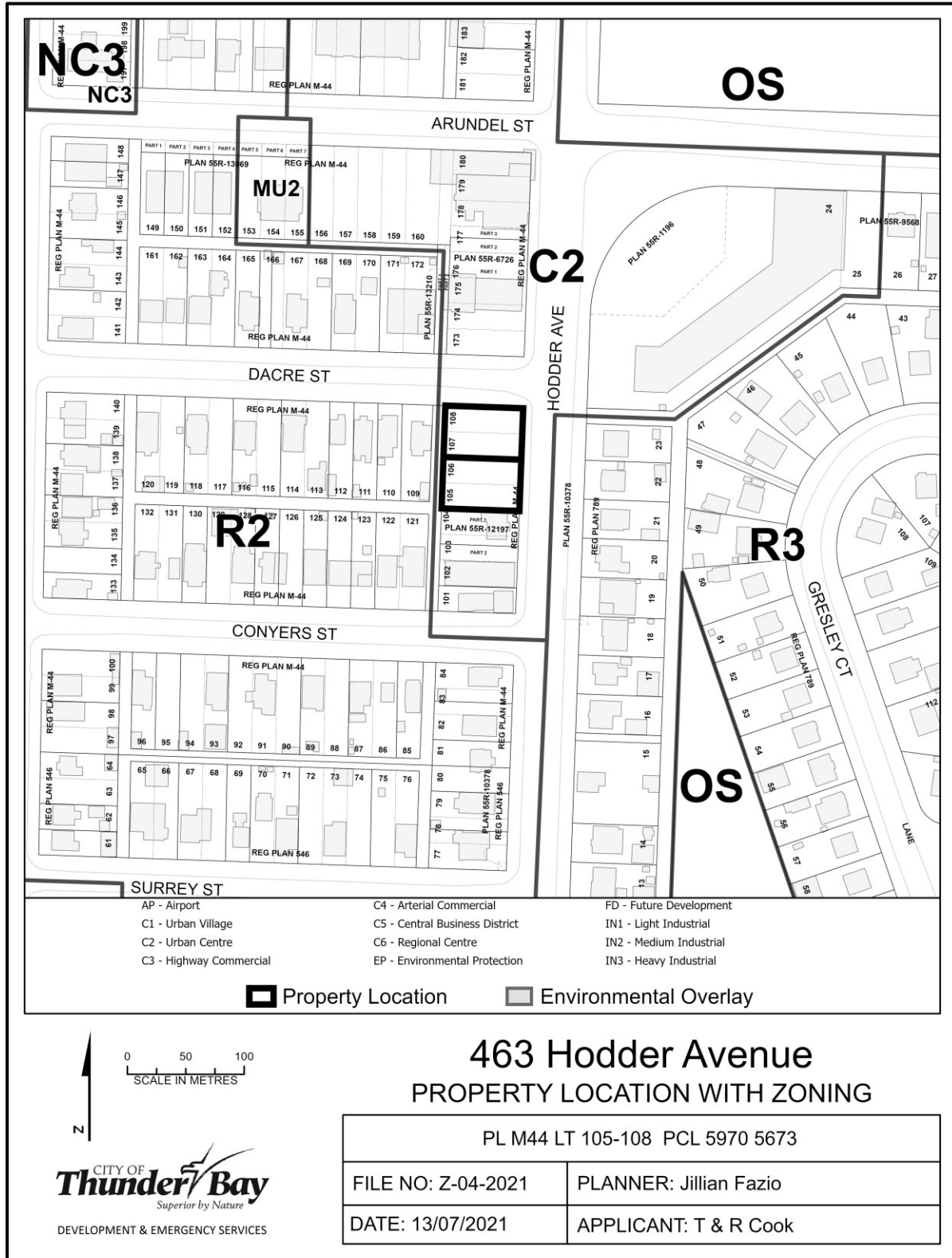
### ***REFERENCE MATERIAL ATTACHED:***

Attachment A – Property Location with Zoning  
Attachment B – Applicant's Sketch

### ***PREPARED BY: JILLIAN FAZIO, PLANNER II***

THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	November 4, 2021

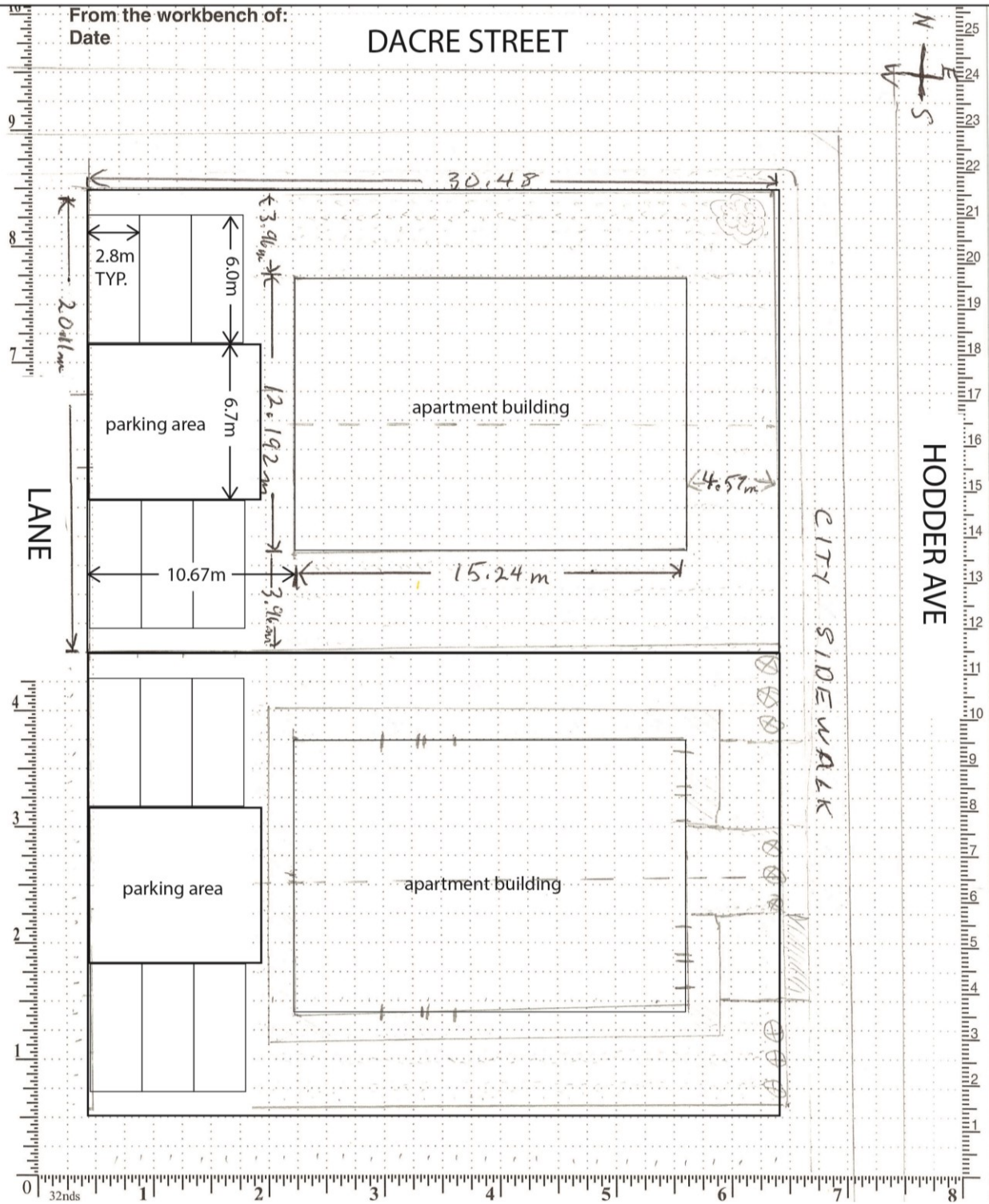
# ATTACHMENT A – Property Location



TITLE: <b>Property Location</b>		Date: <b>November 2021</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-04-2021</b>



**ATTACHMENT B – Applicant's Site Sketch**



TITLE: <b>Applicant's Site Sketch</b>			Date: <b>November 2021</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-04-2021</b>	

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT NO.</b>	R 153/2021
<b>DATE PREPARED</b>	10/27/2021	<b>FILE NO.</b>	Z-06-2021
<b>MEETING DATE</b>	11/15/2021 (mm/dd/yyyy)		
<b>SUBJECT</b>	Zoning By-law Amendment - 2129 Arthur Street East		

## **RECOMMENDATION**

THAT a Public Meeting having been held with respect to the application by Al-Obaidi Holdings Inc., relative to Lots 1 & 2, Registered Plan WM-63, municipally known as 2129 Arthur Street East, we recommend:

1. THAT no change be made to the Zoning By-law.

ALL as contained in the Report R 153/2021 (Planning Services), as submitted by the Development and Emergency Services Department.

## **EXECUTIVE SUMMARY**

The Applicant is seeking approval to define and allow for a “Neighbourhood Dental Clinic” within an existing single detached dwelling. The proposed amendment would also require no less than seven and no more than ten parking spaces.

The proposed amendment is not considered good planning as it does not conform to the Official Plan, perpetuates vacancies in existing commercial areas, and is not well-suited to a mid-block residential location. For these reasons, Administration does not support the approval of the proposed amendment.

## **DISCUSSION**

### Description of Proposal

The Applicant is seeking approval to define and allow for a “Neighbourhood Dental Clinic” within the existing single detached dwelling. The proposed definition for a “Neighbourhood Dental Clinic” is as follows:

- a “Medical Office” for the practice of not more than three dentists intended to serve the local residential area.

The applicant is also proposing a parking requirement of at least seven (7) and no more than ten (10) parking spaces. They are proposing eight (8) spaces on their site sketch which is shown on Attachment 'A'.

#### Description of Subject Property and Surrounding Area

The subject property is located on the north side of the Arthur Street in the middle of the block between Lillie Street South and Tarbutt Street South. The property is across from Kelly Street, as shown on Attachment 'B'.

A single detached dwelling currently exists toward the rear of the property. The large front yard accommodates a driveway, trees, and hedges. The property is approximately twice the size of other lots in the area at 32 metres wide.

Single detached dwellings fronting on Arthur Street are next to the property and to the rear are single detached dwellings that front on Sills Street. The surrounding neighbourhood is mainly low density residential. A day care facility is immediately south across Arthur Street. The Lakehead Public School Board Education Centres are also nearby north on Lillie Street. There are commercial uses along Arthur Street east near Waterloo Street and west near Ford Street.

#### Neighbourhood Comments

Notice of the proposed amendment was sent to surrounding property owners on August 25th, 2021. Ten (10) letters were received in response. One letter did not mention concerns but wanted to be sent future notices. Many letters expressed concerns and questioned what type of clinic is proposed. The original application did not specify that the clinic would be a dental clinic. In response to these concerns, the Applicant modified their application, defining the clinic as a dental clinic. A few of the letters expressed other concerns. These included:

- Traffic & congestion
- Noise & disruption
- Property values
- Desire to maintain residential character

- *Traffic & congestion*

The Zoning By-law permits commercial uses in certain zones within residential neighbourhoods. They are generally permitted on corner lots to provide better access and reduce disruptions to neighbours and traffic flow. However, Engineering did not express concerns related to the negligible increase in traffic volumes related to this proposed development for the surrounding area.

- *Noise & disruption*

In comparison to a residential use, the proposed dental office is expected to create land use impacts associated with the client and vehicle traffic that occurs during office hours. After office hours, little to no impacts are expected.

- *Property values*

Planning Services has no quantifiable information related to the impact that a dental office would have on adjacent residential property values.

- *Desire to maintain residential character*

Some changes to the site would impact the residential character of this block such as signage and parking. The interior of the building may need significant changes to convert to a dental office. However, no other major changes to the exterior of the building are proposed or expected. Once converted to a commercial use, a change back to a residential use will require a Record of Site Condition based on current provincial regulations.

#### Agency Comments

The following agencies offered no objections relating to the proposed amendment:

- Municipal Accessibility Specialist
- Building Services Division
- Ministry of Transportation
- Realty Services Division
- Fire Prevention and Rescue Service
- Synergy North
- Engineering Division

#### Planning Services Division Comments

- *Provincial Policy Statement, 2020 & Growth Plan for Northern Ontario, 2011*

The proposal does not conflict with or significantly support any policy in the Provincial Policy Statement or the Growth Plan for Northern Ontario.

- *Official Plan*

The subject property is designated as Residential in the Official Plan (OP). The OP states that a range of non-residential uses normally associated with a residential environment shall be permitted within the Residential designation to serve the immediate residential area. This includes uses such as elementary schools, libraries, day cares, places of worship, recreational uses, and community services and facilities. Commercial uses that serve residential neighbourhoods are directed to lands designated as Neighbourhood Commercial. The OP describes one exception to this policy. Buildings in the Residential designation that have traditionally been used for commercial uses may continue to, if they cannot be reasonably

converted to a residential use. The OP notes that, where necessary, amendments to the Zoning By-law to permit the continued commercial use of an existing building may be considered without an amendment to the OP.

The subject property has been historically used as a dwelling. As such, the application for Zoning By-law Amendment does not conform to the Residential policies of the OP and in the opinion of Administration, needs the support of an OP amendment.

The need for an OP amendment was noted during the Pre-Consultation process. The Applicant chose to proceed with the subject proposal without an OP amendment application. Their rationale for not submitting a concurrent OP Amendment, and explanation for why they believe that their application is appropriate is provided in Attachment 'C' to this report.

Planning Services reviewed the application against the OP's Evaluation Criteria for Planning Approvals. There are four criteria that the proposed change of use does not meet:

- extent of lands designated for the proposed use, their development status, and their adequacy for the use intended;
- potential impacts on the goals and objectives outlined in this plan with respect to land use hierarchy;
- provide safe and accessible ingress/egress with appropriate sight lines, and safe, accessible, efficient, convenient and well-connected vehicular, cyclist, and pedestrian circulation; and
- provide on-site landscaping and planting to contribute to urban design streetscape objectives.

First, there is a large supply of land currently designated and zoned for medical offices within the City. Unlike general offices which are restricted to a few zones, medical offices are permitted throughout the city. They are a permitted use in the Major Institutional Zone as well as every commercial zone, excluding the Highway Commercial Zone. Some industrial and higher density residential zones also permit medical offices. In these zones they are permitted under specified circumstances such as on a corner lot.

Creating more small commercial properties can negatively impact existing commercial areas, i.e. promote or perpetuate vacancies in existing buildings, and fragment the commercial hierarchy. Allowing for commercial uses within residential areas can have benefits when they are well located. The goal of the OP is to cluster small commercial uses that serve the local area by identifying nodes as Neighbourhood Commercial. These nodes are identified as ideal locations and take advantages of the existing commercial building stock.

Additionally, access/egress and circulation is not efficient or convenient for pedestrians or vehicles. The mid-block location makes it more difficult to access the property. Arthur Street is a Major Arterial designed as a thoroughfare for heavy traffic. There are sidewalks in front of the subject site, but it is difficult for pedestrians to get across the street. The site is more than 250 metres, approximate 3 minute walk, from the nearest signalized intersection or pedestrian crossing.

The main commercial area along Arthur Street includes a centre left turn lane, west of Edward Street. This provides more efficient traffic flow into commercial businesses. However, east of Edward Street, there is no centre turn lane and the area is primarily residential. Where there are businesses, with a few exceptions, these businesses are generally located on corner lots and have access to Arthur as well as to the adjacent side street. This side access provides more effective traffic flow in and out of businesses. The section of Arthur Street that the subject property is adjacent to does not have a centre left turn lane. The absence of a centre turn lane would not preclude the proposed medical office from gaining access to Arthur Street. However, it does reinforce that this area is primarily residential. The mid-block left turn traffic volumes in this area have not warranted a centre turn lane, unlike the commercial section of Arthur Street to the west. Exiting the property may also be inconvenient as the driveway is across from a “T” intersection at Kelly Street. Vehicles exiting the driveway would need to yield to vehicles turning from Kelly Street. For the residential sections of Arthur Street, a corner lot is a preferred location for any commercial uses as it provides a secondary access/egress point.

Finally, the proposal would result in an undesirable change to the residential streetscape. An eight vehicle parking lot is proposed in the front yard along an Image Route. Large commercial parking lots dominate many commercial areas of the Arthur Street Image Route. While significant efforts have been made to de-pave these areas, pavement is still a dominant visual aspect of the streetscape. The blocks between Ford Street and Waterloo Street are some of the few areas that have a residential built form and character. Most lots have landscaped front setbacks that add to the visual appeal of the Image Route.

For these reasons, the subject property is not considered an ideal location for a new neighbourhood commercial use.

- *Zoning By-law*

The subject property is zoned “R1” – Residential Zone One. The Applicant is requesting that a “Neighbourhood Dental Clinic” be added as a permitted use within the existing building. The proposed definition for a “Neighbourhood Dental Clinic” is “a ‘Medical Office’ for the practice of not more than three dentists intended to serve the local residential area”.

If Council supports the amendment, Planning Services recommends that the definition exclude the phrase “intended to serve the local residential area”. This phrase is consistent with the OP’s intent for neighbourhood commercial uses. However, this phrase describes intent and is discretionary. Zoning By-laws should generally use prescriptive language so they can be enforced. There is no way to ensure that a use will serve a local area without regulating their business operations. That would be beyond the authority of a Zoning By-law.

- *Applicant’s rationale (Attachment C)*

The Applicant’s Consultant has provided a rationale for why they believe an Official Plan Amendment is not required and why the Zoning By-law Amendment application should be approved. Planning Services has reviewed the rationale and does not agree with some of the

opinions provided. The Consultant's rationale is presented with five topics, these are restated below with our opposing commentary

1. "Dentists are common clinics from former Home Occupation in a residential areas."

The rationale states that dentists are permitted within residential zones as Home Occupations. This is correct and was discussed with the Applicant during Pre-Consultation. Home Occupations allow individuals to operate a small business out of the home in which they live. There are several limitations imposed such as on the size of the business and number of employees to ensure that these uses do not exceed an inappropriate scale for a Home Occupation. The Applicant decided not to proceed with this approach.

The rationale notes that several of these former Home Occupations have converted to full dental clinics. The consultant's opinion is that dental offices are compatible with residential areas and that they are not significantly different in character than houses. The rationale attempts to present five examples of existing clinics:

- 2820 Donald St E (136 Edwards St S) – The example is listed as 2820 Donald St E but the picture provided by the Applicant is of the dental clinic nearby at 136 Edwards St S. This building is located on a corner lot in a Mixed Use Zone (MU1). It has been a legal non-conforming medical office since at least 1987.
- 2829 Victoria Ave E - This building is located on a corner lot in a Mixed Use Zone (MU2). A medical office is permitted on this site because it is located on a corner lot and an arterial street.
- 536 River St - This building is located on a corner lot in a Mixed Use Zone (MU2). A medical office is permitted on this site because it is located on a corner lot and an arterial street.
- 131 East Ave – This building is located on a corner lot in a Commercial Zone (C2). The property is within the Community Commercial designation.
- 1060 Oliver Rd (1064 Oliver Rd) - The example is listed as 1060 Oliver Rd but the picture provided by the Applicant is of the dental clinic nearby at 1064 Oliver Rd. – This building is located on an interior lot in the Major Institutional Zone. The property is within the Institutional designation.

Planning Services does not agree that the examples successfully demonstrate why the subject property is an appropriate location for a medical office. While three of the examples are located in the residential designation, they are located on corner lots, a preferred location. Two of the examples are located in the commercial and institutional designations and are not comparable.

2. "The existing dwelling is a unique anomaly that is likely better used for non-residential."

The rationale states that the single detached dwelling is located two feet (0.6 metres) from the rear lot line. The Consultant's opinion is that this does not allow for enough outdoor space for the private use of residents of the dwelling. Planning Services agrees that the location of the home is unusual and does not comply with current rear yard requirements. However, the property is large in size being three times wider than a typical residential lot and provides approximately 590 square metres of outdoor amenity space. Many homes do not have a significant amount of

“private” outdoor space and privacy can be increased using vegetation and fencing where appropriate.

3. “The property is at an intersection being a preferred location for a non-residential use.”

The subject property is across the street from a “T” intersection, which is not signalized, and does not benefit from a second access point.

4. “The Neighbourhood Clinic would be part of an existing recognized pocket of non-residential use.”

The Consultant’s opinion is that the subject property is part of an existing pocket of non-residential uses in the Residential designation because of the existing day care centre on Kelly St. Planning Services does not agree that the subject site is part of an existing non-residential land use pocket. It is divided from the day care centre by Arthur Street, and this house was built and has been continually used as a dwelling. Furthermore, a day care centre is identified in the OP as a non-residential use that is “normally associated with a residential environment”. Therefore, it is consistent with the land use designation in which it’s located.

The OP does allow for “small pockets of other land uses” within designations where those land uses are not specifically permitted. This policy allows for flexibility for exceptional properties or buildings where the proposed use is still consistent with pertinent policies of the Plan. Planning Services is of the opinion that the subject property and building is appropriate for a residential use and applying this policy is not appropriate.

5. “The building and proposed operation are in scale with a residential setting.”

The rationale notes that the existing building would not be significantly altered and the scale of the use would be limited to three practitioners. As discussed previously in this report, significant alterations to exterior of the building are not proposed at this time; however, the nature of commercial uses is often to provide added exposure and changes to improve the visibility of the business would not be uncommon. Changes to the property will include development of a parking lot and signage.

#### Site Plan Control

The site is located on the Arthur Street Image Route and represents a reduction to existing landscaping for the construction of a new parking lot. The Site Plan Approval process would allow for the review of the parking lot design to minimize negative impacts. If Council supports the proposed Zoning By-law Amendment, Planning Services recommends that the site be designated as an area of Site Plan Control.

Engineering also requests that the property be designated as an area of Site Plan Control. A lot grading and drainage plan, and a stormwater management plan would be required as part of the Site Plan Approval process. This will result in the construction of an on-site stormwater



management system to address the increase in runoff related to the construction of the parking lot.

The Municipal Accessibility Specialist also provided design suggestions that could be negotiated during the Site Plan Approval process such as the design of walkways and entrances.

### ***FINANCIAL IMPLICATION***

An increase to tax revenue can be expected if the proposal is approved. Renovations to the building are anticipated and the property would be reassessed at a commercial tax rate. If the property is assessed as commercial, 2021 municipal taxes on \$100,000 of commercial assessment is \$2,942.13 and total taxes including education is \$3,822.13.

### ***CONCLUSION***

The proposed amendment is not considered good planning as in the opinion of Planning Services staff it does not conform to the Official Plan, could negatively impact existing commercial areas, and is not well-suited to a mid-block residential location. For these reasons, Administration does not support the approval of the proposed amendment.

If Council would like to support the request of the Applicant, this Report should be referred back to Administration so that an alternate recommendation can be prepared. It is important that a referral to Administration include an explanation of Council's rationale for amending the Zoning By-law including direction on Official Plan conformity. If it is Council's wish to support the application without amending the Official Plan, an explanation of how, in Council's opinion, the amendment conforms to the Official Plan must be provided.

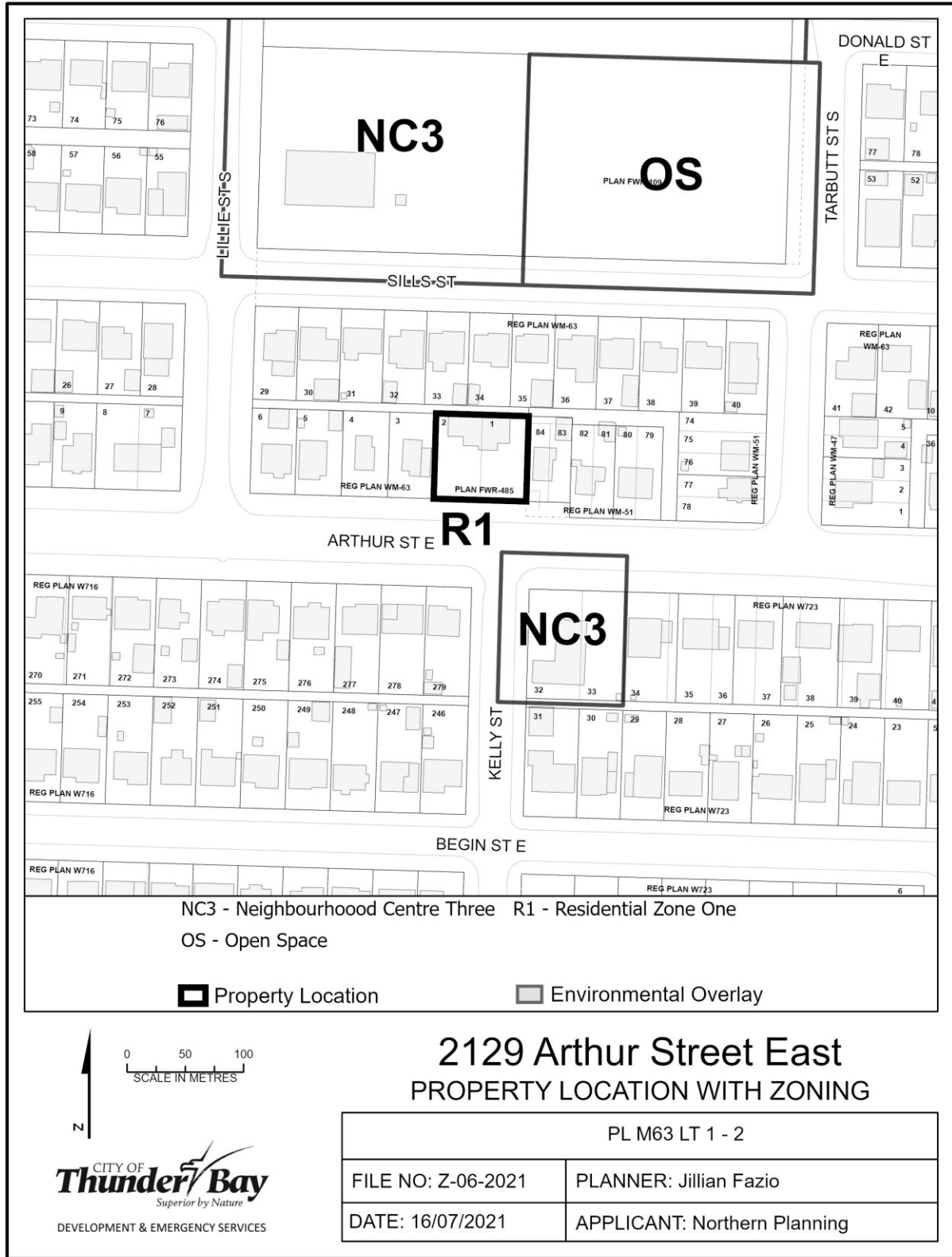
### ***REFERENCE MATERIAL ATTACHED:***

Attachment A – Applicant's Site Sketch  
Attachment B – Property Location  
Attachment C – Applicant's Planning Rationale

***PREPARED BY:*** Jillian Fazio, Planner II

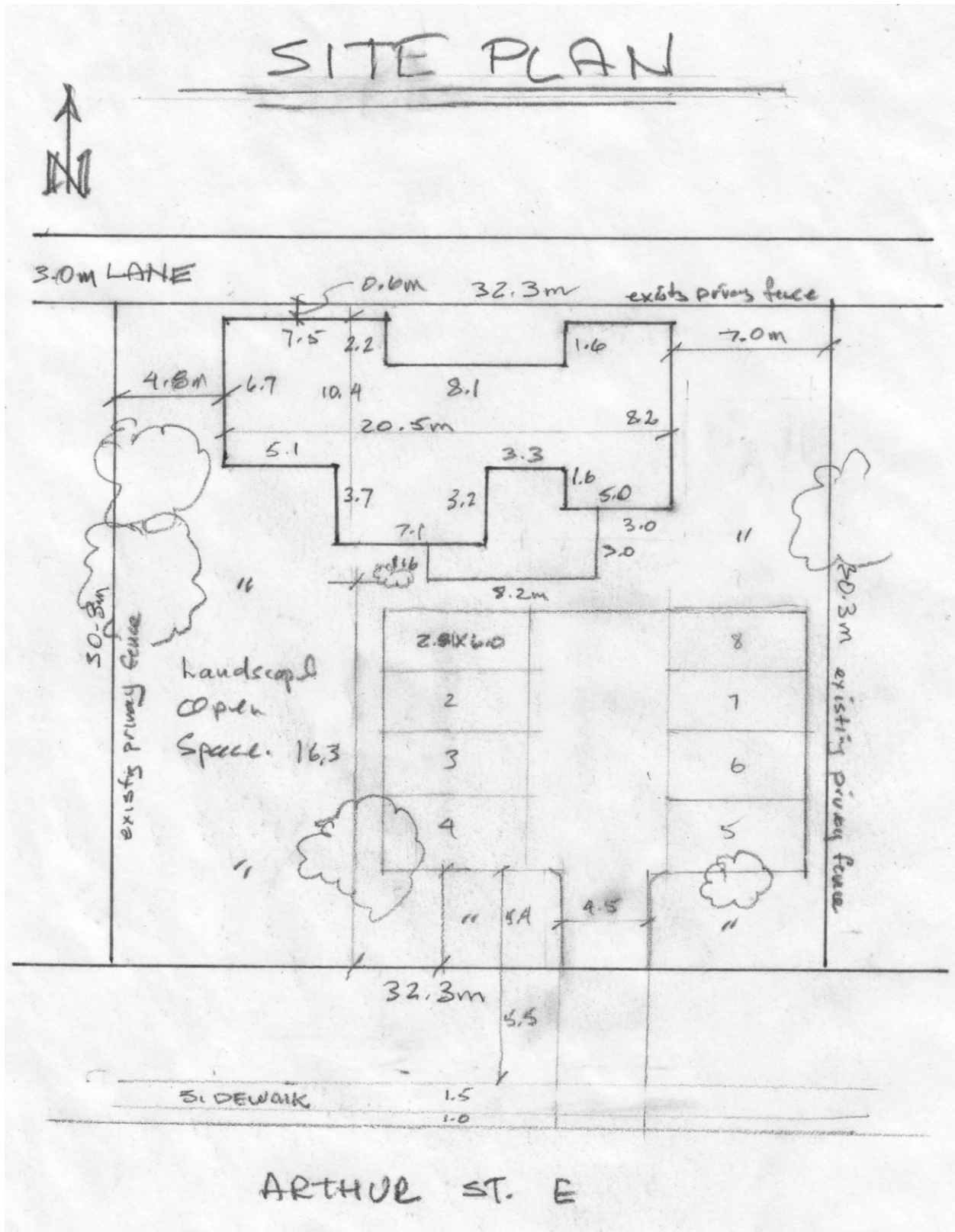
THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	November 4, 2021

# ATTACHMENT A – Property Location



TITLE: <b>Property Location</b>		Date: <b>November 2021</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-10-2021</b>

ATTACHMENT B – Applicant's Site Sketch



TITLE: <b>Applicant's Site Sketch</b>		Date: <b>November 2021</b>	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-10-2021</b>	

## NORTHERN PLANNING

5034 Dawson Road, Murillo, ON P7G 0V4  
Phone: (807) 767-2458 Cell: (807) 629-3107

*email: [northernplanning@tbaytel.net](mailto:northernplanning@tbaytel.net)*

July 12, 2021

To: Jillian Fazio, Planner  
sent by email to [jillian.fazio@thunderbay.ca](mailto:jillian.fazio@thunderbay.ca)

**Re: Application for Zoning By-law Amendment – Planning Rationale & related info  
– 2129 Arthur St E – Dr Ahmed Ameen**

Hello Jillian,

This property is located within the RESIDENTIAL land use designation, and is in the R1- Residential Zone One. In the application as submitted, we have requested that a Neighbourhood Clinic be defined, and added as a permitted use in the R1 Zone, on this property only, as this would seem to be the least intrusive approach.

Please note, we also considered the simple request to rezone the subject property to NC3. The property immediately across the intersection is zoned NC3- Neighbourhood Centre Three Zone. The subject property would comply with all existing NC3 regulations, however, the NC3 Zone approach was not requested because it seems to create the potential for many other, and possibly larger, more intrusive non-residential uses.

As requested, the Planning rationale for this proposed rezoning is as follows.

a) Dentists are Common Clinics from former Home Occupation in a Residential Areas

A broad range of non-residential uses can exist in the Residential designation and in the R1 Zone as home occupations. Historically, many Dentist offices had existed compatibly within residential areas, typical as home occupations, having a limited visible difference from dwellings and few differences in site character (eg, paving, parking). Most have not physically changed but have converted fully to clinics. See example attached.

b) The Existing Dwelling is a Unique Anomaly that is Likely Better Used for Non-Residential

From a review of the site, google maps, and the property survey it is clear the existing single detached dwelling (constructed in 1953) is unlike any other dwelling on Arthur Street, or anywhere nearby – because it was constructed just two feet from the rear property line. It therefore has no effective backyard privacy area. Even though the lot is fenced on all three sides, and there is some vegetation providing screening from the many cars and pedestrians traveling on busy Arthur Street (an arterial road), the lot lacks any significant or attractive outdoor space for the private use of residents of the dwelling.

c) The property is at an Intersection being a preferred location for a Non-Residential Use

The current driveway aligns with the existing intersection, and would be widened to the zoning standard.

d) The Neighbourhood Clinic Would be Part of an Existing Recognized Pocket of Non-Residential Use

Generally, the policies of the CTB-OP allow for non-residential uses, but tend to limit the location of such uses to commercial or mixed use designations, the most local of which is a Neighbourhood Commercial designation, with the general intent of limiting potential for lands use conflicts.

The Official Plan provides a degree land use of flexibility. Specifically on page 93, in Part 11 - Interpretation, the OP states:

*“land use designations shall be considered as representing predominant land uses, and shall not preclude small pockets of other land uses consistent with the pertinent policies of this Plan.”*

In regard to such ‘land use pockets’ the property across the street, at 2118 Arthur St E on the south east corner of Arthur St E and Kelly Street, which is being used as a Day Nursery, is in the NC3 – Neighbourhood Centre Three Zone. It is recognized by the Zoning By-law as an existing non-residential pocket located within the Residential land use designation.

The subject property is located in nearby, and would be compatible with the NC3 property, where approximately twenty-one (21) other non-residential uses are permitted. Several of these permitted NC3 zone uses are either similar to, and could be much larger than, the proposed neighborhood clinic, being a Medical Office of up to 500 sq.m in size, a Long Term Care Facility or a Community Health and Resource Centre.

e) The Building and Proposed Operation are in Scale with a Residential Setting

Dr Ammen intends to provide a neighborhood clinic that is convenient to the growing number of clients in the general neighborhood whom he already serves. The number of medical practitioners (dentists and hygienists) would be limited, as proposed, and there would be little change to the appearance of the building.

The existing building has been a compatible element of the area for many decades, and would not change in size. It would remain a compatible looking structure and would receive a facelift at most.

In summary, given the unique location of the dwelling, given the recognized and long-standing presence of the use, and its long-standing compatible relationship with adjacent residential properties, and given the small scale of the planned clinic, a rezoning to allow the proposed use would in my opinion conform with the Official Plan, be consistent the PPS and not conflict with the Growth Plan for Northern Ontario, and would therefore constitute good planning.

Thank you,



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*Stefan HUZAN, land use planner, has been qualified by the Ontario Local Planning Appeal Tribunal (LPAT) and the former Ontario Municipal Board (OMB) on numerous occasions to provide Expert Land Use Planning Opinion evidence.*



**Example of Existing Neighbourhood Type Dental Clinics:**



at 2820 Donald St E



at 2829 Victoria Ave E



at 536 River St



at 131 East Ave



at 1060 Oliver Rd



## *Memorandum*

**Corporate By-law Number BL 73/2021**

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**TO:** Office of the City Clerk **FILE:** Z-04-2021

**FROM:** Jillian Fazio  
Development & Emergency Services - Planning Services

**DATE:** 10/07/2021

**SUBJECT:** BL 73/2021 - Site Plan Designation – 463 Hodder Avenue

**MEETING DATE:** City Council (Public Meeting) - 11/15/2021 (mm/dd/yyyy)

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**By-law Description:** A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (463 Hodder Avenue).

**Authorization:** Report R 113/2021 (Planning Services) - City Council (Public Meeting) – November 15, 2021.

**By-law Explanation:** The purpose of this By-law is to designate an area of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, as it applies to PCL 5673 SEC PAF; LT 105-106 PL M44 MCINTYRE; THUNDER BAY and PCL 5970 SEC PAF; LT 107-108 PL M44 MCINTYRE; THUNDER BAY, municipally known as 463 Hodder Avenue.

**Schedules and Attachments:**

EXHIBIT TO BL 73/2021

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 73/2021

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (463 Hodder Avenue).

Recitals

1. Authority is provided in accordance with Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended (the "Act"), to pass a By-law designating a Site Plan Control Area.
2. Council has determined it is necessary to designate a Site Plan Area, as referenced by resolution of the City Council, dated November 15, 2021.

ACCORDINGLY, THE CORPORATION OF THE CITY OF THUNDER BAY  
ENACTS AS FOLLOWS:

1. The lands described in section 2 of this By-law (the "Lands") are designated as a Site Plan Control Area within the meaning of Section 41 of the Act, and no person shall undertake any development on the Lands, until the Council of the Corporation has approved plans and drawings as may be required under Subsection 41(4) of the Act.
2. The Lands to which this By-law applies are more particularly described as follows, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay, in the District of Thunder Bay, and being composed of PCL 5673 SEC PAF; LT 105-106 PL M44 MCINTYRE; THUNDER BAY and PCL 5970 SEC PAF; LT 107-108 PL M44 MCINTYRE; THUNDER BAY and shown as "Property Location" on Exhibit One to and forming part of this By-law.

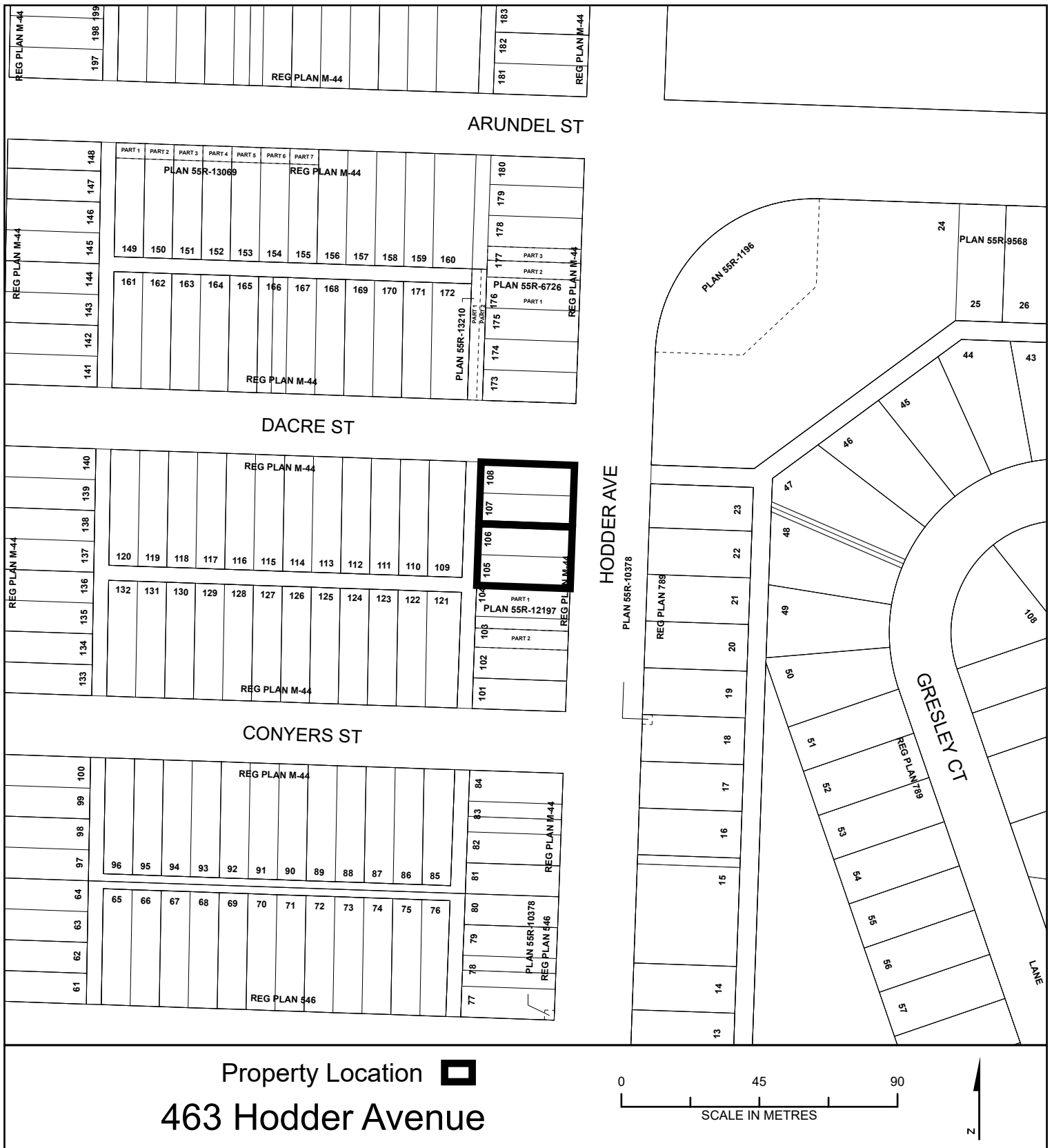
3. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.
4. This By-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 15th day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro  
\_\_\_\_\_  
Mayor

Dana Earle  
\_\_\_\_\_  
Deputy City Clerk





Property Location   
**463 Hodder Avenue**

THIS IS EXHIBIT ONE TO BY-LAW NUMBER 73/2021

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



## Memorandum

Corporate By-law Number BL 74/2021

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**TO:** Office of the City Clerk **FILE:** Z-04-2021

**FROM:** Jillian Fazio  
Development & Emergency Services - Planning Services

**DATE:** 10/07/2021

**SUBJECT:** BL 74/2021 - Zoning By-law Amendment - 463 Hodder Avenue

**MEETING DATE:** City Council (Public Meeting) - 11/15/2021 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (463 Hodder Avenue).

**Authorization:** Report R 113/2021 (Planning Services) - City Council (Public Meeting) – November 15, 2021.

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, as amended, the City of Thunder Bay Zoning By-law, as it applies to 463 Hodder Avenue specifically to rezone the lands “MU1-H” – Mixed Use Zone One – Holding.

This by-law also reduces the minimum lot frontage, lot area, and required front yard for an apartment dwelling, permits an accessory building in the required interior side yard, and requires a Licence of Access for a parking lot that gains access from the adjacent city-owned lane.

The effect of this by-law is that sensitive uses may not from be developed until the holding symbol is removed. Once the holding symbol is removed, this by-law would allow for development in accordance with the “MU1” Zone and the site-specific development parameters described in it.

### Schedules and Attachments:

EXHIBIT TO BL 74/2021

### Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 74/2021

A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (463 Hodder Avenue).

Recitals

1. Authority is provided in accordance with Section 34 of the Planning Act, R.S.O. 1990, as amended (the "Act"), to pass a By-law to amend By-law Number 100-2010 of The Corporation of the City of Thunder Bay.
2. The recitals to this By-law are operative provisions of it.
3. Council may, in accordance with Section 36 of the Act, in a By-law passed under Section 34 of the Act, by use of the holding symbol "H", in conjunction with any use designation; specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law.
4. The holding provisions of the Act cannot be used unless Official Plan policies related to their use have been approved. The OFFICIAL PLAN contains policies for using holding provisions.
5. In accordance with the policies established in the OFFICIAL PLAN, as amended, the holding symbol may be removed from the affected land, when the following conditions have been met:

*A Record of Site Condition, as per Ontario Reg. 153/04, is registered for the subject property confirming the site conditions are appropriate for sensitive uses.*

6. In accordance with Subsection 34 (12) and 34 (13) of the Act, notice of a public meeting was given on October 22, 2021 and a public meeting was held on November 15, 2021 which Report No. R 113/2021 (Planning Services) was considered.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Schedule "B" is amended by adding the following paragraph to it:  
  
"190           (1)   The following parcels of land (referred to in this paragraph as the "affected lands") within THUNDER BAY, in the District of Thunder Bay:  
  
PCL 5673 SEC PAF; LT 105-106 PL M44 MCINTYRE; THUNDER BAY and PCL 5970 SEC PAF; LT 107-108 PL M44 MCINTYRE; THUNDER BAY and portions of the abutting STREET ALLOWANCES, and shown as "Property Location" on Exhibit One to and forming part of this Amending By-law, is removed from the "C2" – Urban Centre ZONE,

as shown on Maps 4S of Schedule "A" and is instead designated as MU1-H" – Mixed Use ZONE One – Holding, subject to a holding designation.

- (2) Until the "H" holding symbol ZONE label is removed from the affected lands, in accordance with Section 36 of the Act, the following provisions shall apply:

a) Only a FOOD STORE is permitted.

- (3) The provisions of Sections 4.1, 13.1, and Table 13.2.1 of this BY-LAW continue to apply to the affected lands. In addition to all other provisions of this BY-LAW, the affected lands are subject to the following provisions:

a) REGULATIONS:

In the case of an APARTMENT DWELLING the following applies:

- i) The Minimum REQUIRED LOT FRONTAGE is 20.0 m
- ii) The Minimum REQUIRED LOT AREA is 600 m<sup>2</sup>
- iii) The Minimum REQUIRED FRONT YARD is 4.5 m

b) Location of ACCESSORY BUILDINGS:

BUILDINGS or STRUCTURES that are ACCESSORY to an APARTMENT DWELLING may be located in a REQUIRED INTERIOR SIDE YARD, provided that a minimum distance of 15.0 m is maintained between any ACCESSORY BUILDING or STRUCTURE and the FRONT LOT LINE, and, in addition, a minimum distance of 0.6 m is maintained between any ACCESSORY BUILDING or STRUCTURE and the INTERIOR SIDE LOT LINE.

2. This By-law is in accordance with the OFFICIAL PLAN, as amended.

3. This By-law shall come into force and take effect upon the date it is passed, subject to the provisions of Section 34 of the Act.

Enacted and passed this 15th day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Dana Earle

Deputy City Clerk



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**MEETING DATE** 11/15/2021 (mm/dd/yyyy)

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**SUBJECT** By-law Resolution

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***SUMMARY***

By-law Resolution - City Council (Public Meeting) - November 15, 2021

***RECOMMENDATION***

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended (463 Hodder Avenue).

By-law Number: BL 73/2021

2. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (463 Hodder Avenue).

By-law Number: BL 74/2021