



**City Council (Public Meeting)  
Agenda**

**Monday, September 12, 2022, 6:30 p.m.  
S.H. Blake Memorial Auditorium**

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**Pages**

- 1. City Council (Public Meeting)**  
Chair: Mayor Bill Mauro
- 2. Disclosures of Interest**
- 3. Confirmation of Agenda**

WITH RESPECT to the September 12, 2022 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

- 4. Public Meeting Procedures**
- 5. Reports of Municipal Officers**

**5.1. Zoning By-law Amendment - 2405124 Ontario Ltd. – 3200 Lloyd Street**

**8 - 19**

Report R 159/2022 (Development & Emergency Services - Planning Services) presenting an application to amend the Zoning By-law to facilitate a future application for a partially serviced residential plan of subdivision relative to the above noted.

The applicant, 2405124 Ontario Ltd., has applied to amend the Zoning By-law to facilitate a future application for a partially serviced residential plan of subdivision comprised of lots for single detached dwellings. These lands are landlocked as there is no built and maintained City road extending across the lot frontage. The Applicant seeks to have the Zoning By-law amended ahead of a future application for a Draft Plan Subdivision Approval.

The proposed amendment to the Zoning By-law(s) would also apply a

Holding Symbol that would be removed once a Subdivision Agreement is entered into, establish a no build area near the railway corridor, and amend the lot frontage and area requirements.

Administration is recommending that this application be approved as does not conflict with the policies of the Official Plan for the Zoning By-law amendment.

THAT a Public Meeting having been held with respect to the application by 2405124 Ontario Ltd. relative to PLAN 700 LOT 15 & 16, shown as PROPERTY LOCATION 1 and PROPERTY LOCATION 2, on Attachment B to Report R 159/2022 (Planning Services), Zoning By-law 100-2010 be amended as follows:

- That the portion of the lands shown as "PROPERTY LOCATION 1," be rezoned from the "R5" – Residential Future Zone to "R1-H" – Residential One Zone – Holding;
- That the portion of the lands shown as "PROPERTY LOCATION 2," be rezoned from the "R1" – Residential One Zone to "R1-H" – Residential One Zone – Holding;
- That the minimum required lot frontage be established as 30.0 metres;
- That the minimum required lot area be established as 2,100 square metres;
- That a no build for dwellings area within 30 metres of the railway corridor be established;
- That the "H" symbol may be removed from the lands once approval is given for a draft plan of subdivision and the owners have entered into a subdivision agreement; and
- That only existing uses may be permitted until the H - Holding Symbol is removed.

THAT a Public Meeting having been held with respect to the application by 2405124 Ontario Ltd. relative to PLAN 700 LOT 15 & 16, shown as PROPERTY LOCATION, on Attachment C to Report R 159/2022 (Planning Services), Zoning By-law 1/2022 be amended as follows:

- That the portion of the lands shown as "PROPERTY LOCATION," be rezoned from the "RS1" – Rural Settlement Zone to the "RS1" – Rural Settlement Zone subject to Holding provisions;
- That the minimum required lot frontage be established as 30.0 metres;
- That the minimum required lot area be established as 2,100 square metres;
- That a no build area for homes within 30 metres of the railway corridor is established;
- That the "H" symbol may be removed from the lands once approval is given for draft plan of subdivision and the owners have entered into a subdivision agreement; and
- That only existing uses may be permitted until the H - Holding Symbol is removed.

AND THAT the necessary By-law be presented to City Council for ratification;

ALL as contained in Report R 159/2022 (Planning Services), as submitted by the Development & Emergency Services Department.

## **5.2. Zoning By-law Amendment - 70 Second St**

20 - 27

Report R 149/2022 (Development & Emergency Services - Planning Services) presenting an application seeking approval to rezone lands

relative to the above noted.

The Applicant is seeking approval to rezone their lands to the “MU2” – Mixed Use Zone Two in the 2010 Zoning By-law (in effect) and “UX” – Urban Mixed Use Zone in the 2022 Zoning By-law (under appeal). The proposed site-specific zoning amendment would also eliminate the minimum number of parking spaces for a permitted use in the existing building.

The proposal is considered appropriate as it will permit compatible land uses within an existing non-residential building located on the edge the Residential and Strategic Core designations. The Applicant’s request 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 supports the approval of the proposed amendment.

THAT a Public Meeting having been held with respect to the application from SeeBay Inc. to amend Zoning By-law 100-2010 and 1/2022 as it applies to PL 1353 LESS S PT LT 88-90, municipally known as 70 Secord Street we recommend that the Zoning By-laws be amended as follows:

1. That Zoning By-law 100-2010 be amended as follows:
  - a. That the subject property be rezoned to “MU2” – Mixed Use Zone Two
  - b. That the following uses be permitted in addition to those listed in 14.1 a):
    - Mixed Use Building
    - Office
    - Restaurant
    - Retail Store
    - Recreation Facility
    - Personal Services Establishment
  - c. That there is no minimum number of parking spaces for a permitted use in the existing building
1. That Zoning By-law 1-2021 be amended as follows:
  - a. That the subject property be rezoned to “UX” – Urban Mixed Use Zone

- b. That there is no minimum number of parking spaces for a permitted use in the existing building

Subject to the following conditions:

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

1. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control; and
2. The Applicant enters into a licence agreement to the satisfaction of Realty Services.

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 are presented to City Council for ratification.

ALL as contained in Report R 149/2022 (Planning Services) as submitted by the Development & Emergency Services Department.

### **5.3. Consent to Sever - 2811 Oliver Road**

28 - 34

Report R 150/2022 (Development & Emergency Services - Planning Services) presenting an application requesting consent to sever the lands relative to the above noted.

The Applicant has requested consent for the severance of the lands known as 2811 Oliver Road to create one new parcel of land with one retained. Each parcel, severed and retained, would be approximately 2 hectares in size. The proposed severance would result in a new rural lot to be developed in accordance with the Zoning By-law.

Approval of the application would facilitate the recently approved Official Plan Amendment No. 9 which amends the Lot Creation Policies to permit the severance of the subject lands to create an additional lot in the Rural 1 designation. Administration does not oppose the consent application provided that the recommended conditions are applied.

THAT WITH RESPECT TO the application from Lindstrom Holdings Inc. to create one new rural lot as it applies to the lands described as PT LT MARKED GEORGE A.L. WOOD N OF NEEBING MCINTYRE SPO RT 1. 55R3329 THUNDER BAY and municipally known as 2811 Oliver

Road, we recommend that the proposed severance as shown on the site sketch prepared by Stantec dated May 24, 2022 in Attachment "B" be approved conditionally, for a period of two years ending on September 12, 2024, subject to the conditions outlined in Attachment "C" to this Report.

AND THAT the severance proceeds to final approval to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment.

ALL as contained in Report R 150/2022 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

## **6. By-Laws and By-law Resolution**

### **6.1. BL 90/2022 - Site Plan Control Designation - 70 Secord Street 35 - 37**

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, as amended (70 Secord Street).

### **6.2. BL 91/2022 - Zoning By-law Amendment - 70 Secord Street 38 - 42**

A By-law to amend By-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of The Corporation of the City of Thunder Bay (70 Secord Street).

### **6.3. BL 100/2022 - Zoning By-law Amendment - 3200 Lloyd Street 43 - 49**

A By-law to amend By-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of The Corporation of the City of Thunder Bay (3200 Lloyd Street).

### **6.4. BL 101/2022 – Part-lot Control Exemption By-law - Former Hillcrest Highschool Field - 443 Hebert Street 50 - 52**

A By-law to exempt the lands from the Part-lot Control Provisions of the *Planning Act*. (443 Hebert Street)

### **6.5. By-Law Resolution**

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

By-law Number: BL 90/2022

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O 1990, as amended (70 Second Street);

By-law Number: BL 91/2022

A By-law to amend by-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of The Corporation of the City of Thunder Bay (70 Second Street);

By-law Number: BL 100/2022

A By-law to amend By-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of the Corporation of the City of Thunder Bay (3200 Lloyd Street);

By-law Number: BL 101/2022

A By-law to exempt the lands from the Part-lot Control Provisions of the Planning Act. (443 Hebert Street).

**7. New Business**

**8. Adjournment**

# Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Planning Services	REPORT	R 159/2022
DATE PREPARED	08/26/2022	FILE	Z-05-2022
MEETING DATE	09/12/2022 (mm/dd/yyyy)		
SUBJECT	Zoning By-law Amendment - 2405124 Ontario Ltd. – 3200 Lloyd Street		

## RECOMMENDATION

THAT a Public Meeting having been held with respect to the application by 2405124 Ontario Ltd. relative to PLAN 700 LOT 15 & 16, shown as PROPERTY LOCATION 1 and PROPERTY LOCATION 2, on Attachment B to Report R 159/2022 (Planning Services), Zoning By-law 100-2010 be amended as follows:

- That the portion of the lands shown as "PROPERTY LOCATION 1," be rezoned from the "R5" – Residential Future Zone to "R1-H" – Residential One Zone – Holding;
- That the portion of the lands shown as "PROPERTY LOCATION 2," be rezoned from the "R1" – Residential One Zone to "R1-H" – Residential One Zone – Holding;
- That the minimum required lot frontage be established as 30.0 metres;
- That the minimum required lot area be established as 2,100 square metres;
- That a no build for dwellings area within 30 metres of the railway corridor be established;
- That the "H" symbol may be removed from the lands once approval is given for a draft plan of subdivision and the owners have entered into a subdivision agreement; and
- That only existing uses may be permitted until the H - Holding Symbol is removed.

THAT a Public Meeting having been held with respect to the application by 2405124 Ontario Ltd. relative to



PLAN 700 LOT 15 & 16, shown as PROPERTY LOCATION, on Attachment C to Report R 159/2022 (Planning Services), Zoning By-law 1/2022 be amended as follows:

- That the portion of the lands shown as "PROPERTY LOCATION," be rezoned from the "RS1" – Rural Settlement Zone to the "RS1" – Rural Settlement Zone subject to Holding provisions;
- That the minimum required lot frontage be established as 30.0 metres;
- That the minimum required lot area be established as 2,100 square metres;
- That a no build area for homes within 30 metres of the railway corridor is established;
- That the "H" symbol may be removed from the lands once approval is given for draft plan of subdivision and the owners have entered into a subdivision agreement; and
- That only existing uses may be permitted until the H - Holding Symbol is removed.

AND THAT the necessary By-law be presented to City Council for ratification;

ALL as contained in Report R 159/2022 (Planning Services), as submitted by the Development & Emergency Services Department.

### ***EXECUTIVE SUMMARY***

The applicant, 2405124 Ontario Ltd., has applied to amend the Zoning By-law to facilitate a future application for a partially serviced residential plan of subdivision comprised of lots for single detached dwellings. These lands are landlocked as there is no built and maintained City road extending across the lot frontage. The Applicant seeks to have the Zoning By-law amended ahead of a future application for a Draft Plan Subdivision Approval.

The proposed amendment to the Zoning By-law(s) would also apply a Holding Symbol that would be removed once a Subdivision Agreement is entered into, establish a no build area near the railway corridor, and amend the lot frontage and area requirements.

Administration is recommending that this application be approved as it does not conflict

with the policies of the Official Plan for the Zoning By-law amendment.

## ***DISCUSSION***

### **Description of Proposal**

The applicant seeks to amend the Zoning By-law at this time in order to set the regulatory framework in anticipation of submitting applications for lot creation. The proposed development scheme is comprised of up to 14 lots for single detached dwellings, serviced with municipal piped water and private septic systems.

The subject lands front on the unopened Lloyd Street road allowance. The applicant wishes to proceed with the creation and development of lots once the Zoning regulations are in place.

This application for a Zoning By-law Amendment proposes to rezone a portion of the lands from the "R5" – Residential Future Zone to the "R1-H" – Residential One Zone - Holding and another portion from "R1" – Residential One Zone to the "R1-H" – Residential One Zone - Holding under Zoning By-law 100-2010 to allow for the development of single detached dwellings. The application also proposes to amend Zoning By-law 1/2022 (currently under appeal) from the "RS1" – Rural Settlement Zone to the "RS1" – Rural Settlement Zone subject to holding provisions.

The "H" - Holding symbol would be removed once the developer has received draft plan approval for a plan of subdivision and has entered into a Subdivision Agreement with the City. The applicant anticipates submitting an application for draft plan approval within the next several months. A plan of subdivision application is a public process and will be circulated to appropriate agencies and the surrounding neighbourhood for review and comment.

In addition, this application also proposes to amend the lot frontage and lot area regulations of both Zoning By-laws to allow for the creation of lots with 30 metres of lot frontage and 2,100 square meters of lot area.

The lands are shown on Attachment A, B and C to this Report. The development scheme to which this amendment would facilitate is shown on Attachment D.

### **Description of Subject Property**

The subject property, which is shown on Attachment A" of this report, is approximately four hectares in size with 208 metres of lot frontage on the unopened portion of Lloyd Street.

Surrounding lands are residential with lots of various sizes from a similar size as proposed by the Applicant and up to two hectares. The northeast corner of the lands

abuts an active railway corridor. The lands, including adjacent lands to the north and south east, are part of a recently evaluated wetland complex.

### Neighbourhood Comments

A Notice of Application was mailed to area residents on August 12, 2022? and a Notice of Public Meeting was mailed on August 22, 2022.

There were 11 letters/e-mails of objection received as well as a petition letter (61 signatories) from area property owners in regards to the Notice of Application. Two letters of objection were received as a result of the Notice of Public Meeting.

Content of the objections centre mainly on the impacts of the potential future lot creation that would be facilitated by the requested amendment to the Zoning By-law(s). In summary the objections are as follows:

- Oppose the reduction to lot frontage and area to facilitate 14 additional lots on city water and private septic systems
- Lack of proper vehicle turn around at the end of Lloyd Street
- That the high water table and poor drainage in the area would be worsened
- Excess noise and traffic
- Concern of adequate access with additional lots
- Concern about adequate water pressure with new lots
- Concern of well water interference
- Need for environmental assessment for the wetland area, species and species habitat
- That drainage issues in the area was worsened when tree were clear cut

### Planning Services Division Response to Neighbourhood Comments

The items of concern are associated with future application(s) to create new lots and infrastructure. These comments would be considered as part of the future plan of subdivision application. It is noted that this amendment does not create lots and that further approvals are required to do so.

### Agency Comments

Thunder Bay Fire Rescue, Tbaytel, Ministry of Transportation, and Thunder Bay Transit, have indicated no objections.

### Engineering & Operations Division

The Engineering & Operations Division has reviewed the request for the Zoning By-Law Amendment to re-zone the property from R5 (Residential Future) to R1 (Residential One) and to reduce the required lot frontage and area from 60 metres and 10,000

square metres to 30 metres and 2,100 square metres, and does not object to the requested amendments if a condition to establish a Holding symbol is applied to the entirety of the lands, until such time that a Draft Plan of Subdivision approval is obtained, and a subdivision agreement is registered.

Both Engineering and Planning have requested and recommended to the applicant throughout the current process that the applicant proceed with a Draft Plan of Subdivision (Draft Plan) application concurrent with the Zoning By-Law Amendment application, as encouraged in the Official Plan. A concurrent application would have been better suited to address the other requirements related to the potential future development of these lands, and the preliminary studies required with a Draft Plan could have addressed the concerns raised by the public and commenting agencies.

However, the requested Zoning By-Law Amendments, if approved, will not result in any direct development of these lands, and further public and agency consultation will be required through the Draft Plan process. Even if approval is received for the subject Zoning By-Law Amendments, no building permits can be issued without going through the Draft Plan of Subdivision process, which is a public process. Further permits from the Lakehead Region Conservation Authority must be obtained.

The Engineering and Operations Division further explains that in order to support a lot size (and associated frontage) reduction in partially serviced areas, an applicant is required to submit a hydrogeological study in accordance with Ministry Guidelines (Procedure D-5-4: Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment) and the City's Engineering and Development Standards. To support the current Zoning By-Law Amendment application, the applicant has submitted a satisfactory hydrogeological study, which is limited to a review of the potential impacts associated with nutrient loading from individual septic systems on the groundwater aquifers and surface water bodies, being a tributary to Pennock Creek.

Prior to any development occurring, and as part of Draft Plan process, the applicant will be required to submit further technical studies and preliminary designs to determine if, and how, the subject lands are to be developed. These studies will include, but not be limited to, grading and drainage plans, stormwater management plans, an assessment of groundwater mounding, environmental impact studies relating to the wetland and natural heritage features, servicing plans, and erosion control plans. The division reports, that to date, "we have not received any satisfactory studies other than the hydrogeological study to support the required lot size (and associated frontage) reduction".

#### Canadian Pacific Railway (CP)

CP notes that the safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the

recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

#### Lakehead Region Conservation Authority (LRCA)

The LRCA advised that the subject property is within the LRCA Regulated Area, with regulated features including the evaluated wetland and its associated 30 metre buffer. Any development within the regulated area will require a permit from the LRCA. For a permit to be issued, it will need to be confirmed that the proposed residential development will not negatively impact flooding, erosion, dynamic beaches, pollution, or the conservation of land. Specifically, it must be demonstrated that the development will not result in negatively impacting flooding on adjacent and downstream properties and infrastructure. At this time, it cannot be confirmed that the LRCA will issue required permits if the lots are to be created. The Applicant has been provided with a list of the required information to be provided as part of a lot creation application.

#### Planning Division Comments

- Provincial Policy Statement 2020 (PPS)

The proposed development is located within a rural settlement area, and is adjacent to an existing built up area that contains low density residential uses. There is no conflict with the PPS in terms of the requested Zoning By-law Amendment. However, the lot creation process will require the Applicant to confirm that lot creation with City water and private septic systems will have no "negative impacts" as defined in the PPS.

- Growth Plan for Northern Ontario, 2011

The proposed amendment does not conflict with the Growth Plan for Northern Ontario.

- City of Thunder Bay Official Plan

The subject property is located within the Rural Settlement Area where residential development on partial services may proceed by an approved plan of subdivision. The lands are also designated Natural Corridor and Evaluated Wetland in the Official Plan.

Proposed development or site alteration in, adjacent to, or within 30 metres of these wetland areas may require the completion of an Environmental Impact Study (EIS) conducted by a qualified professional with recognized expertise in the appropriate disciplines, to demonstrate that the function of these wetlands will be protected, maintained, or replicated. The need for such a Study will be determined on a case-by-case basis in consultation with the City, the Lakehead Region Conservation Authority, and any other relevant agency. It is expected that a detailed EIS will be submitted as part of a plan of subdivision application.

A Plan of Subdivision shall be required where three or more new lots (being three or more new and one retained) are to be created. Within the Rural Area, subdivision development where a new or extended public or private road is required is permitted only within the Rural Settlement Areas. The Local Improvement process shall not be used to extend or build new roads.

Where a Zoning By-law amendment is required to facilitate the development of a Plan of Subdivision, it is encouraged that applications be submitted in a coordinated fashion.

Despite Administration's suggestion to submit a concurrent plan of subdivision application, the Applicant has not submitted such as it is their preference is to establish the zoning regulations ahead of such application.

- Zoning By-law

The property is zoned "R1" – Residential Zone One and "R5" – Residential Future Zone with Environmental Overlay (EO) in Zoning By-law 100-2010 and "RS1" – Rural Settlement Zone with Environmental Overlay (EO) in Zoning By-law 1/2022 (currently under appeal)

Where municipal water is the only service available, both Zoning By-laws allow single detached dwellings on lots with a minimum lot area of 10,000 square metres and minimum lot frontage of 60.0 metres. The Applicant has requested a minimum lot area of 2,100 square metres and minimum lot frontage of 30.0 metres to facilitate a future lot creation proposal for up to 14 lots on new local roads.

As noted by the Engineering and Operations Division, to support the Zoning By-Law Amendment application, the Applicant has submitted a satisfactory hydrogeological study, which is limited to a review of the potential impacts associated with nutrient loading from individual septic systems on the groundwater aquifers and surface water bodies, being a tributary to Pennock Creek. Additional studies and reports will be required as part of a future application to create lots.

To ascertain that no development occur within 30 metres from the CP Rail Corridor, as requested, Planning Services recommends that a no build area be established in the amending by-law.

The development of new lots on new roads requires a Plan of Subdivision approval, therefore it is recommended that an "H" - Holding symbol be applied. The proposed Zoning By-law Amendment has been structured such that the holding symbol may be removed once the applicant has entered into a Subdivision Agreement for the development.

Until the "H" – Holding symbol is removed, only those uses legally existing would be permitted. It should be noted that when the "H" - Holding symbol is removed, City

Council must only give notice of its intention to pass the amending by-law to the applicant and persons and public bodies that have given the City Clerk a written request for notice. There is no requirement to hold an additional public meeting and there is no provision to appeal the decision to remove the "H" – Holding symbol.

### ***FINANCIAL IMPLICATIONS***

There are no direct costs to the City as a result of the Zoning By-law Amendment.

### ***CONCLUSION***

It is concluded that the application for the Zoning By-law Amendment conforms to the policies of the Official Plan, is consistent with the Provincial Policy Statement, will support appropriate development, and should be approved.

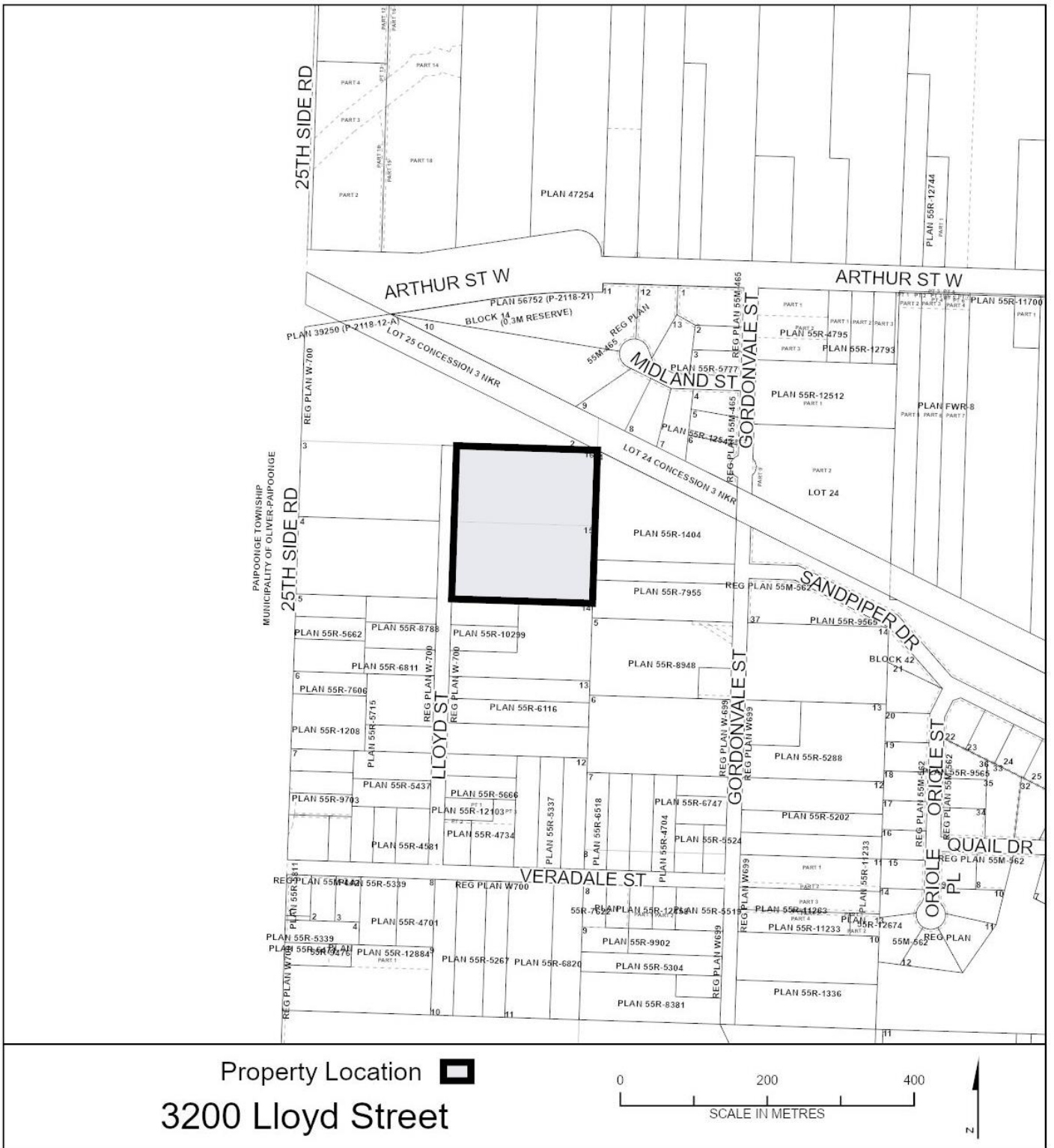
### ***REFERENCE MATERIAL ATTACHED***

Attachment A – Property Location  
Attachment B – Property Location ZBL 100-2022  
Attachment C – Property Location ZBL 1/2022  
Attachment D – Potential Development Scheme

***PREPARED BY:*** Decio Lopes RPP, Senior Planner

THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	September 1, 2022

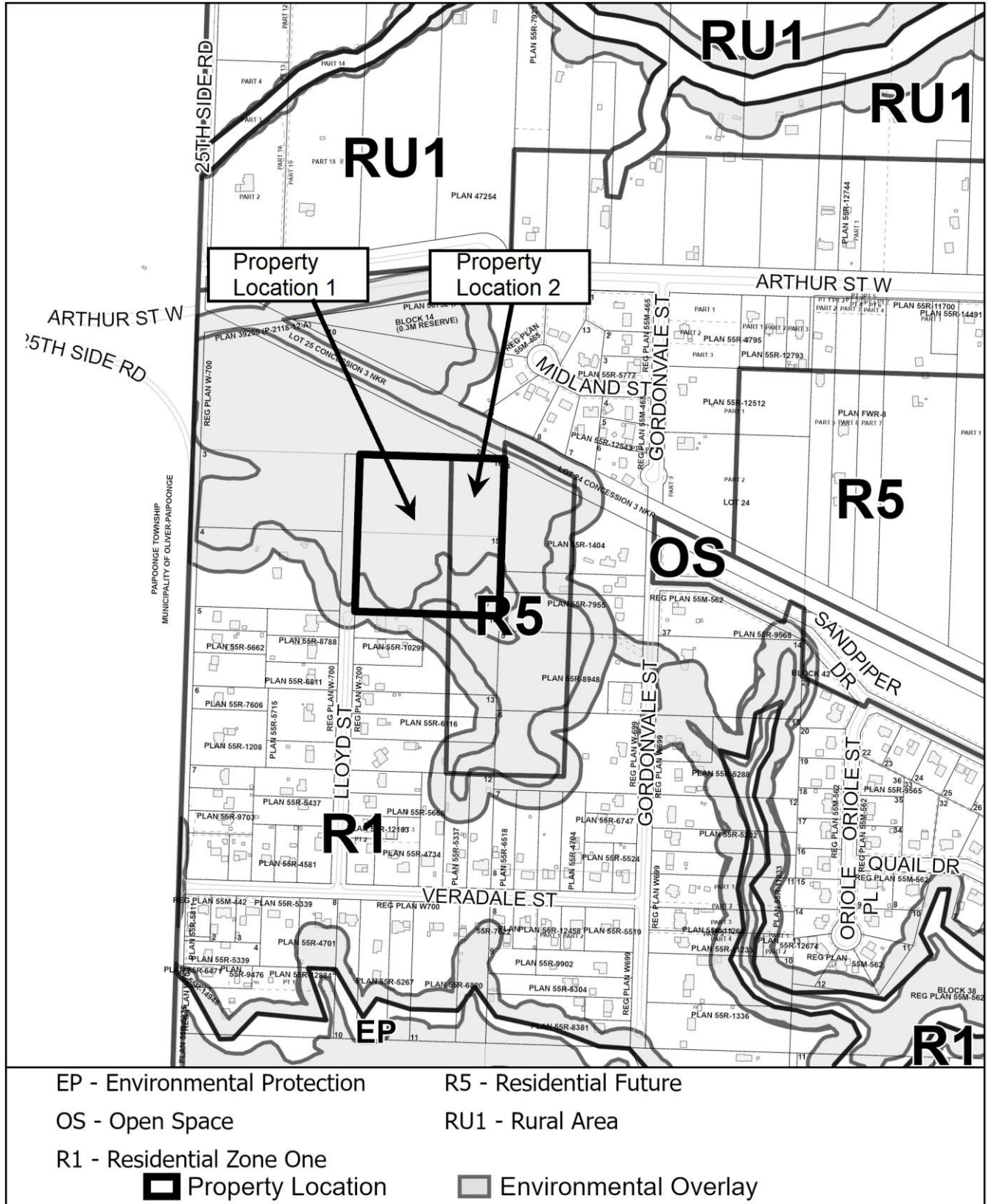
## ATTACHMENT A – PROPERTY LOCATION



TITLE – <b>PROPERTY LOCATION</b>			Date: <b>SEPTEMBER 2022</b>
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-05-2021</b>	

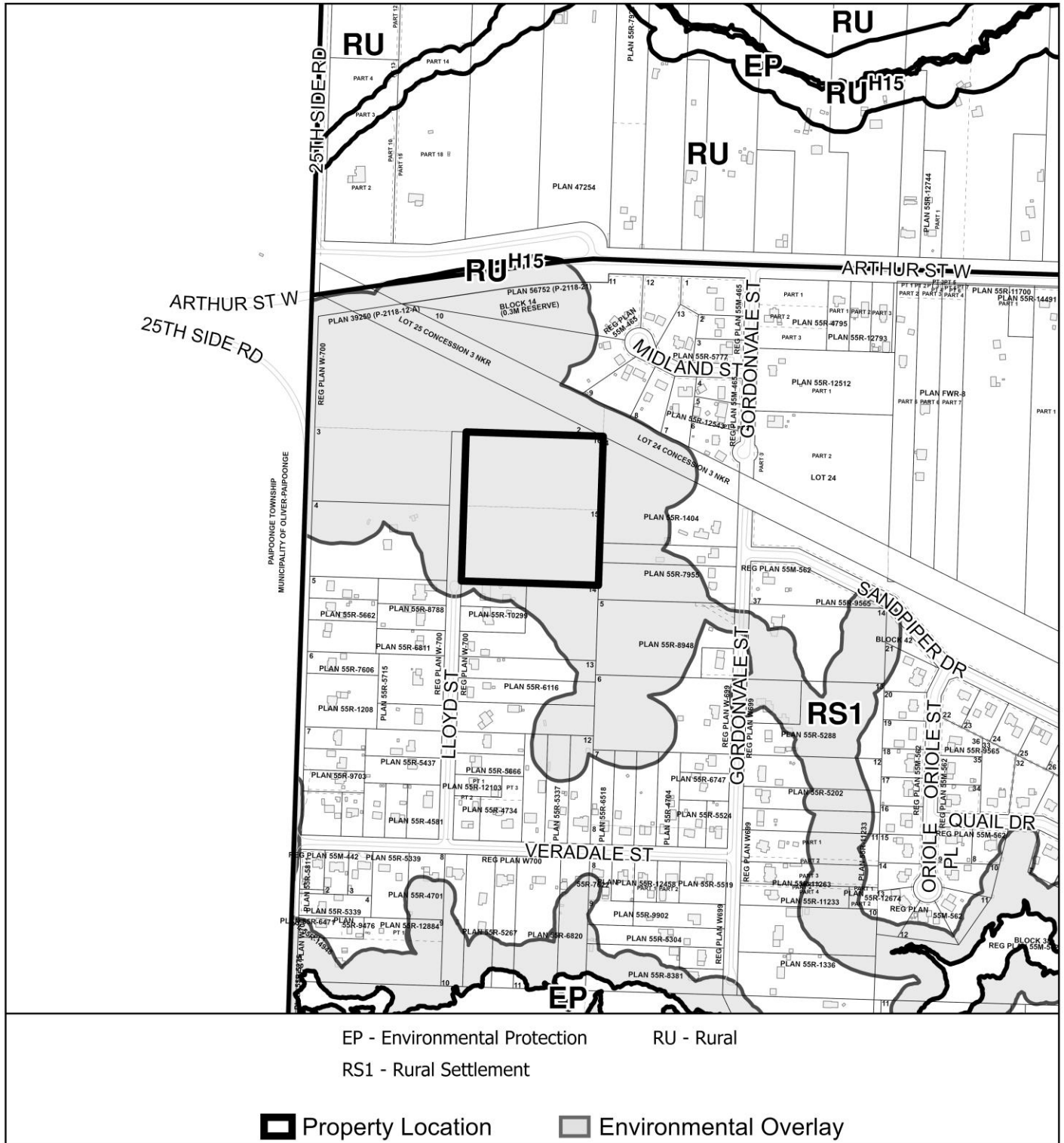


# Attachment B – Property Location Zoning By-law 100-2010



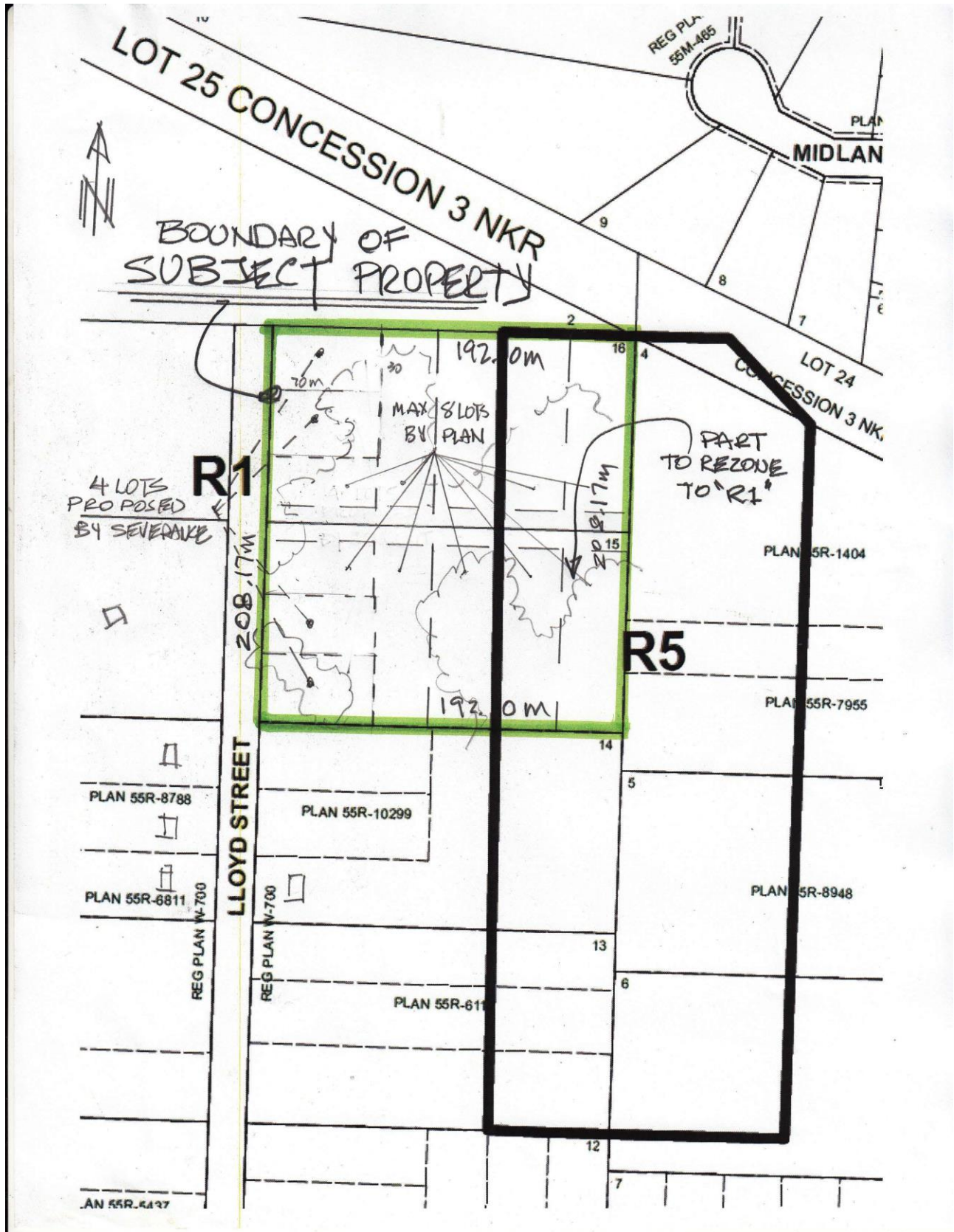
TITLE: <b>Applicant's Sketch</b>			Date: <b>SEPTEMBER 2022</b>
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-05-2021</b>	

# ATTACHMENT C – PROPERTY LOCATION Zoning By-law 1/2022



TITLE – PROPERTY LOCATION - Zoning By-law 1/2022			Date: SEPTEMBER 2022
PREPARED BY DL	SCALE As Noted	FILE NO. Z-05-2021	

# ATTACHMENT D – POTENTIAL DEVELOPMENT SCHEME



TITLE – POTENTIAL DEVELOPMENT SCHEME			Date: SEPTEMBER 2022
PREPARED BY DL	SCALE As Noted	FILE NO. Z-05-2021	



# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT</b>	R 149/2022
<b>DATE PREPARED</b>	08/12/2022	<b>FILE</b>	Z-11-2022
<b>MEETING DATE</b>	City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)		
<b>SUBJECT</b>	Zoning By-law Amendment - 70 Secord St		

## RECOMMENDATION

THAT a Public Meeting having been held with respect to the application from SeeBay Inc. to amend Zoning By-law 100-2010 and 1/2022 as it applies to PL 1353 LESS S PT LT 88-90, municipally known as 70 Secord Street we recommend that the Zoning By-laws be amended as follows:

1. That Zoning By-law 100-2010 be amended as follows:
  - a. That the subject property be rezoned to "MU2" – Mixed Use Zone Two
  - b. That the following uses be permitted in addition to those listed in 14.1 a):
    - Mixed Use Building
    - Office
    - Restaurant
    - Retail Store
    - Recreation Facility
    - Personal Services Establishment
  - c. That there is no minimum number of parking spaces for a permitted use in the existing building
2. That Zoning By-law 1-2021 be amended as follows:
  - a. That the subject property be rezoned to "UX" – Urban Mixed Use Zone
  - b. That there is no minimum number of parking spaces for a permitted use in the existing building

Subject to the following conditions:

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

1. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control; and
2. The Applicant enters into a licence agreement to the satisfaction of Realty Services.

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 are presented to City Council for ratification.

ALL as contained in Report R 149/2022 (Planning Services) as submitted by the Development & Emergency Services Department.

## ***EXECUTIVE SUMMARY***

The Applicant is seeking approval to rezone their lands to the “MU2” – Mixed Use Zone Two in the 2010 Zoning By-law (in effect) and “UX” – Urban Mixed Use Zone in the 2022 Zoning By-law (under appeal). The proposed site-specific zoning amendment would also eliminate the minimum number of parking spaces for a permitted use in the existing building.

The proposal is considered appropriate as it will permit compatible land uses within an existing non-residential building located on the edge the Residential and Strategic Core designations. The Applicant’s request 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 supports the approval of the proposed amendment.

## ***DISCUSSION***

### **Description of Proposal**

The purpose of this application is to rezone the subject lands to allow for a wider range of non-residential uses to re-purpose the former church building. The proposed amendment would specifically amend Zoning By-law 100-2010 (in effect) by rezoning the subject lands to the “MU2”– Mixed Use Zone Two, eliminating minimum parking for permitted uses within the existing building, and permitting the following uses in addition to those permitted by the “MU2” Zone:

- Mixed Use Building
- Office
- Restaurant
- Retail Store
- Recreation Facility
- Personal Services Establishment

The proposed amendment would specifically amend Zoning By-law 1-2022 (under appeal) by rezoning the subject lands to the “UX” – Urban Mixed Use Zone and eliminating minimum parking for permitted uses within the existing building.

It is necessary to amend both Zoning By-laws as Zoning By-law 100-2010 is currently in effect and Zoning By-law 1-2022 will retroactively take effect on April 11, 2022, once all appeals have been resolved. None of the appeals to Zoning By-law 1-2022 are related to the subject property.

The effect of the proposed amendment would be that the full range of uses allowed in the “UX” Zone would be permitted within the existing building without requiring additional parking to be constructed. The Applicant is proposing to use the existing church building as a mixed use building with an office and one home (dwelling unit). The Applicant is also seeking to increase flexibility when looking for suitable commercial tenants, should the proposed office ever be relocated.

#### Description of Subject Property and Surrounding Area

Currently, a two and a half storey building formerly used as a church and a small shed exist on the subject property. There is a fenced in lawn and no on-site parking. There are low-density residential uses around the property towards the north. The Italian Cultural Centre is immediately south of the property across Secord Street.

The property is currently zoned as “R2” – Residential Zone Two and designated as Residential in the Official Plan. The boundary of the Strategic Core designation and “DN”- Downtown Neighbourhood Zone is next to the property along Secord Street.

#### Neighbourhood Comments

A sign was posted and a Notice of Application was mailed to surrounding property owners on July 15<sup>th</sup>, 2022 outlining the nature of the proposed Zoning By-law amendment. One letter was received from a neighbour requesting more information about the proposal and asking how the Applicant intended to deal with parking.

The Applicant responded directly to the concerned neighbour noting that the planned use for the church as a consulting engineering office would have a lesser parking demand than the former church. The Applicant indicated that their office hours will coincide with the hours when most residents will be away at work, so more on-street parking will be available for office staff. The office staff also have a mixed schedule of on-site and remote work, so the Applicant anticipates a lower demand for parking overall. The Applicant noted that the subject area is well-served by City transit and the higher density of the surrounding area offers opportunities for carpooling. They also stated that if needed, they could seek a parking arrangement with nearby parking lot owners such as the Italian Cultural Centre which is directly across Secord Street.

The property owner followed up noting that they did not object to the Applicant's proposal provided that they dealt with any parking issues. They commended the Applicant for the hybrid work model and encouraged the Applicant to seek a parking arrangement with the Italian Cultural Centre.

### Agency Comments

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

- COTB Engineering & Operations
- Thunder Bay Fire Rescue
- Tbaytel
- Thunder Bay Police Service
- COTB Transit Services

The Parking Authority responded without objection to the proposed amendment and was unaware of any parking concerns in the area when the property was operating as a church. Further it was explained that parking is available on Secord Street during the day, however overnight parking in the winter months is restricted. This could pose an inconvenience for the residents of the proposed home as there is a limited amount of parking available on Dufferin Street.

Realty Services had no objections to the proposed amendment, however they did note that the concrete steps of the former church encroach onto the City road allowance. As such, a licence agreement with the City is required through Realty Services.

Building Services noted that a building permit and a water service upgrade would be required to change the use from a church to the proposed office and home.

### Planning Services Division Comments

#### **Provincial Policy Statement, 2020**

The proposal is consistent with the Provincial Policy Statement (PPS), 2020, as it supports policies described in Sections 1.1.1 and 1.4.3 and does not conflict with any other policies.

In Section 1.1.1 of the PPS, it is stated that healthy, liveable and safe communities are sustained by promoting efficient development, accommodating an appropriate range and mix of uses, including industrial and commercial, to meet long-term needs, and by promoting cost-effective development patterns and standards to minimize land consumption and servicing costs. The proposed mixed use zoning will allow for the flexible and efficient use of an existing vacant building. This promotes cost-effective development as it involves repurposing an existing building within a developed area where a range of services are already in place. Furthermore the proposed use adds to the mixture of uses in the existing neighbourhood and is compatible with surrounding uses.

The proposed re-purposing of the building as a mixed use building with a dwelling unit supports policy 1.4.3, by adding to the range and mix of housing options at a location with good access to existing infrastructure and public services such as transit and parks.

### **Growth Plan for Northern Ontario, 2011**

The proposal is consistent with the Growth Plan for Northern Ontario, as it makes efficient use of existing infrastructure and contributes to a diverse mix of land uses as well as a range and mix of employment types. It does not conflict with any policy in the plan.

### **Official Plan**

The proposal contributes to the Official Plan's (OP) general goal to direct development in an efficient and cost-effective manner by making efficient use of an existing vacant building.

The property is designated as Residential in the Official Plan. Where existing non-residential uses within the Residential designation cannot be reasonably converted to a residential use, continued commercial use may be permitted. Where necessary, amendments to the Zoning By-law to permit the continued commercial use of an existing building may be considered without an Official Plan Amendment. The existing building was formerly a church. While the Applicant finds it reasonable to convert a portion of the church to a dwelling, the remaining portion of the former church is more suited to an office. The property is also adjacent to the "DN" – Downtown Neighbourhood where a wide range of residential and non-residential uses are permitted. The proposed zone, "UX" – Urban Mixed Use Zone, was designed to provide flexibility for existing non-residential buildings in the Residential Area. For these reasons, Planning Services finds it appropriate to expand the list of non-residential uses permitted within the existing building.

The proposal also supports the creation of a positive climate for business to develop a diversified, growing economy which is a general objective of the Employment Area section in the OP.

### **Zoning By-law**

The subject property is currently zoned "R2" – Residential Zone Two (Zoning By-law 100-2010) and "UL" – Urban Low-rise Zone (Zoning By-law 1-2022). Both zones primarily permit low density residential uses. The proposed "UX" Zone would allow for a range of non-residential uses to occupy the existing building and would also permit up to four dwelling units. The proposed amendment to "MU2" Zone and the additional uses listed is intended to provide similar zoning regulations, until the appeals to Zoning By-law 1-2022 are resolved.



To facilitate the flexibility needed to effectively repurpose the site, the proposed amendment would also recognize the lack of onsite parking. Due to the site's existing built-up condition and its location next to the downtown area, Planning Services finds it appropriate to allow for the range of uses permitted by the "UX" Zone, even though there are no on-site parking spaces. The benefits of repurposing the building and making more housing and office space available near the downtown area outweigh the potential increased demand for on-street parking. It is also noted that the former church operated without any on-site parking.

### **Site Plan Control**

Planning Services recommends that the subject property be designated as an area of Site Plan Control (SPC). However, as no exterior construction is necessary, an SPC agreement will not be required to support the proposed change in use.

### **FINANCIAL IMPLICATION**

There is an expected increase in tax revenue as the site is currently exempted as a place of worship.

All costs associated with the proposed development will be the responsibility of the applicant.

### **CONCLUSION**

In conclusion, the requested Zoning By-law amendment would permit uses that are compatible with the surrounding area, are consistent with the Provincial Policy Statement and Growth Plan for Northern Ontario, conform to the Official Plan, and represent good planning. As such, Administration supports the proposed amendment and recommends that it be approved.

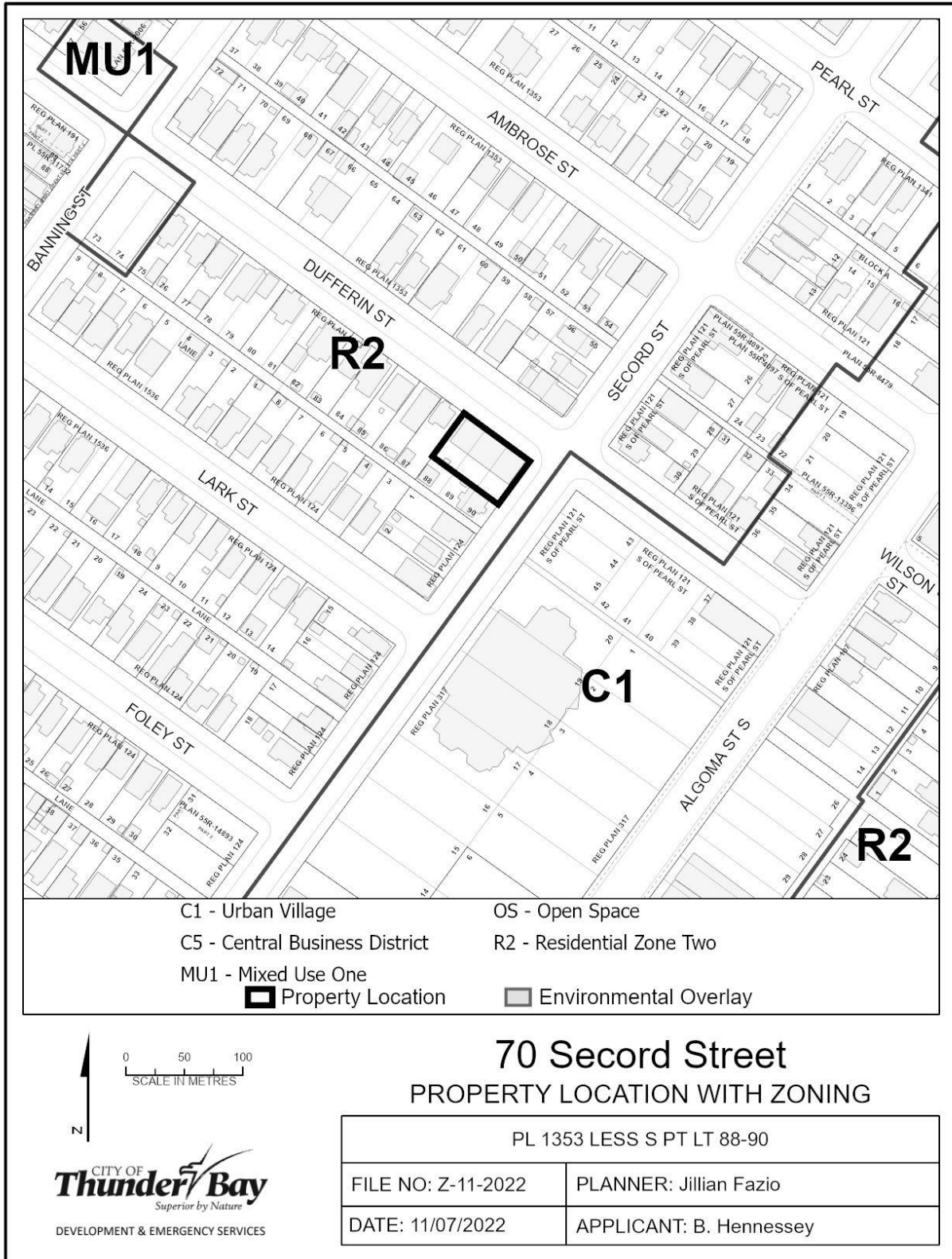
### **REFERENCE MATERIAL ATTACHED:**

Attachment A - Property Location  
Attachment B - Applicant's Site Sketch

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

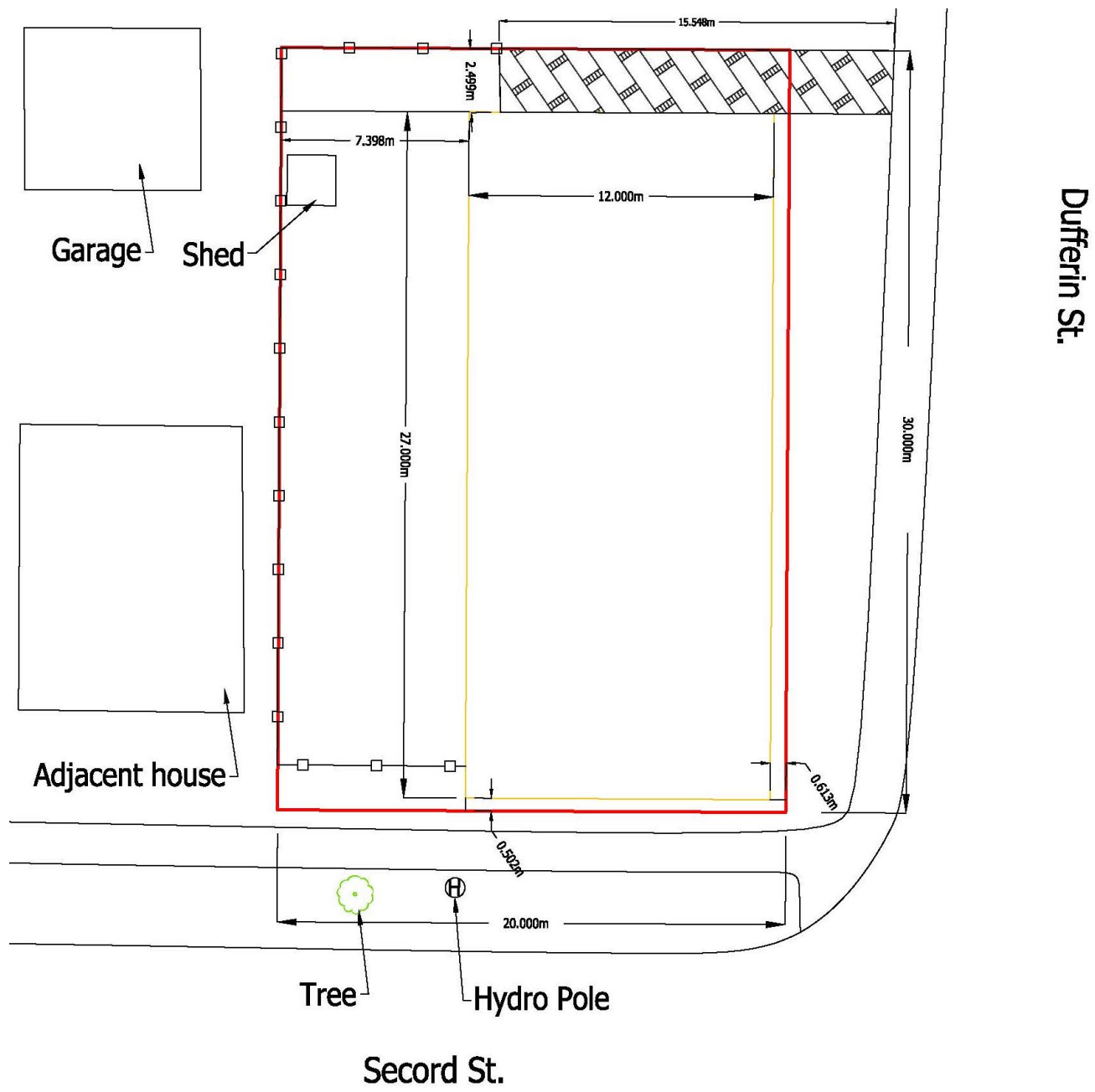
THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	August 31, 2022

# ATTACHMENT A – Property Location



TITLE: <b>Property Location</b>		Date: <b>September 12, 2022</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-11-2022</b>

ATTACHMENT B – Applicant’s Site Sketch



TITLE: <b>Applicant's Site Sketch</b>		Date: <b>September 2022</b>	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-11-2022</b>	

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT</b>	R 150/2022
<b>DATE PREPARED</b>	08/26/2022	<b>FILE</b>	B-61-2022
<b>MEETING DATE</b>	City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)		
<b>SUBJECT</b>	Consent to Sever - 2811 Oliver Road		

## RECOMMENDATION

THAT WITH RESPECT TO the application from Lindstrom Holdings Inc. to create one new rural lot as it applies to the lands described as PT LT MARKED GEORGE A.L. WOOD N OF NEEBING MCINTYRE SPO RT 1. 55R3329 THUNDER BAY and municipally known as 2811 Oliver Road, we recommend that the proposed severance as shown on the site sketch prepared by Stantec dated May 24, 2022 in Attachment "B" be approved conditionally, for a period of two years ending on September 12, 2024, subject to the conditions outlined in Attachment "C" to this Report.

AND THAT the severance proceeds to final approval to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment.

ALL as contained in Report R 150/2022 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

## EXECUTIVE SUMMARY

The Applicant has requested consent for the severance of the lands known as 2811 Oliver Road to create one new parcel of land with one retained. Each parcel, severed and retained, would be approximately 2 hectares in size. The proposed severance would result in a new rural lot to be developed in accordance with the Zoning By-law.

Approval of the application would facilitate the recently approved Official Plan Amendment No. 9 which amends the Lot Creation Policies to permit the severance of the subject lands to create an additional lot in the Rural 1 designation. Administration does not oppose the consent application provided that the recommended conditions are applied.

## ***DISCUSSION***

### Description of Proposal

The Applicant has requested consent for the severance of the subject lands to create one new parcel of land with one retained. Each parcel, severed and retained, would have a lot frontage of 62.34 metres, a lot depth of 330 metres, and a lot area of approximately 2 hectares. Official Plan Amendment No. 9 was approved on August 22, 2022 and would amend the Lot Creation Policies to permit the severance of the subject lands to create an additional lot in the Rural 1 designation.

The proposed severance would result in a new rural lot to be developed in accordance with the Zoning By-law. Since piped public services are not available, both the existing lot and the new lot, would be serviced with private wells and sewage systems.

The Committee of Adjustment (COA) is the approval body for applications for Consent under Section 53 of the *Planning Act*; however, Council has decided to approve a site specific Official Plan Amendment to allow for the severance and to consider the severance application as well.

### Description of the Property

The subject property is located on the south side of Oliver Road approximately 7.5 kilometres west of the Thunder Bay Expressway. The existing parcel is approximately 4.1 hectares (including lands within the EP Zone) in area with approximately 125 metres of lot frontage along Oliver Road. The lands were severed from the parent parcel in 1979 and are currently vacant with the exception of a small shed. The surrounding area is Rural in character with the predominant development being single detached houses on large lots.

The subject property is zoned “RU1” – Rural Area Zone and “EP” – Environmental Protection in Zoning By-law 100-2010 and “RU” – Rural Zone in the new Zoning By-law 1/2022. The lands are designated as Rural 1 in the Official Plan.

The “EP” Zone applies to the portion of the lands formerly considered to be part of an Evaluated Wetland. Updated mapping from the Lakehead Region Conservation Authority was implemented through the 2019 Official Plan update and subsequent 2022 Zoning By-law removing this portion from the “EP” Zone.

### Agency Comments

The following agencies responded with no objections to the proposed lot creation:

- Synergy North
- Thunder Bay Fire Rescue
- Thunder Bay Police Service
- Tbaytel

### Planning Services Comments

On July 25, 2022, Planning Services presented Report 128/2022 at City Council (Public Meeting) which included a recommendation that Council not approve a site specific Official Plan Amendment to allow for the creation of a new lot from the subject lands. In Report 128/2022, Planning Services provided its opinion that the proposed amendment was not supported. The planning rationale provided in Report 128/2022 concluded that the request is not consistent with the Official Plan or Provincial Policy Statement, as it does not promote sustainable land use patterns or cost effective development.

City Council referred the matter to Administration to prepare an alternate resolution which would provide the opportunity to approve the applicant's request. City Council agreed with the rationale provided by the Applicant and concluded that approval of the proposed amendment was consistent with the Provincial Policy Statement and the Official Plan as it would maintain the existing rural character, represent infill of an existing serviced area, and contribute to the housing supply.

As per Council's direction, Planning Services prepared an alternate resolution to approve the requested Official Plan Amendment. Council passed this resolution and adopted Official Plan Amendment No. 10 on August 22, 2022.

Council also withdrew delegated authority to the Committee of Adjustment for this request enabling it to approve the subject Consent to Sever application described in this Report.

The proposed Consent to Sever application conforms to the Official Plan as amended by Official Plan Amendment No.10, and complies with Zoning By-laws 100-2010 and 1/2022. Planning Services recommends that the matters outlined in Attachment "C" of this Report be imposed as conditions of approval.

### ***FINANCIAL IMPLICATION***

No direct financial implications for the City of Thunder Bay would result from this proposal; however, there is potential for indirect and long-term costs associated with road maintenance and the demand for municipal services such as garbage collection that an increase in rural residential development would bring.

### ***CONCLUSION***

Administration does not oppose the consent application to sever the subject lands to create one additional lot in the Rural 1 designation as per Official Plan Amendment No. 10 provided that the recommend conditions are applied. The proposed lot creation conforms to the Official Plan as amended by Official Plan Amendment No. 10, and complies with Zoning By-laws 100-2010 and 1/2022.

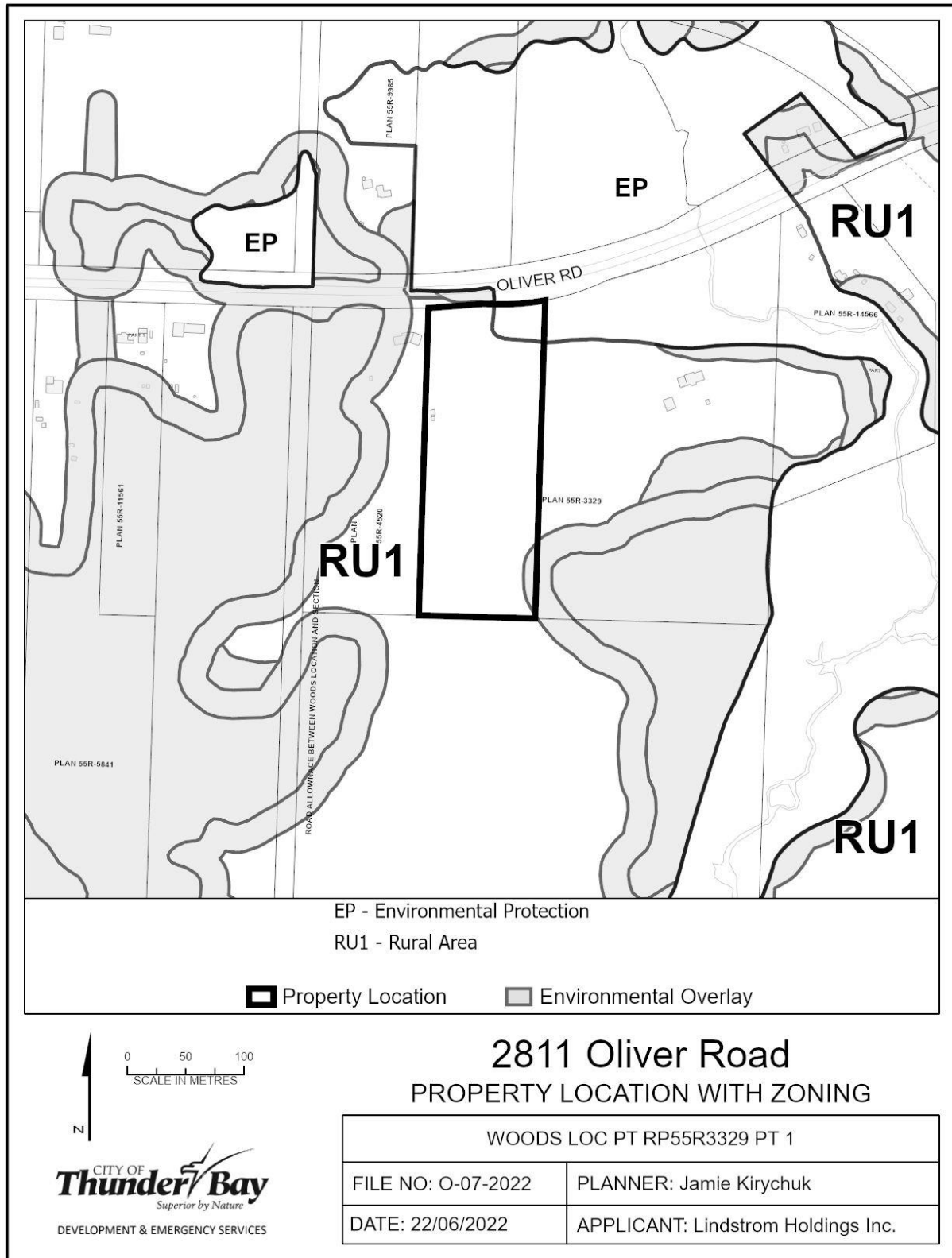
**REFERENCE MATERIAL ATTACHED:**

Attachment A – Property Location  
Attachment B – Applicant’s Site Sketch  
Attachment C – Conditions of Approval

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

THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	September 1, 2022

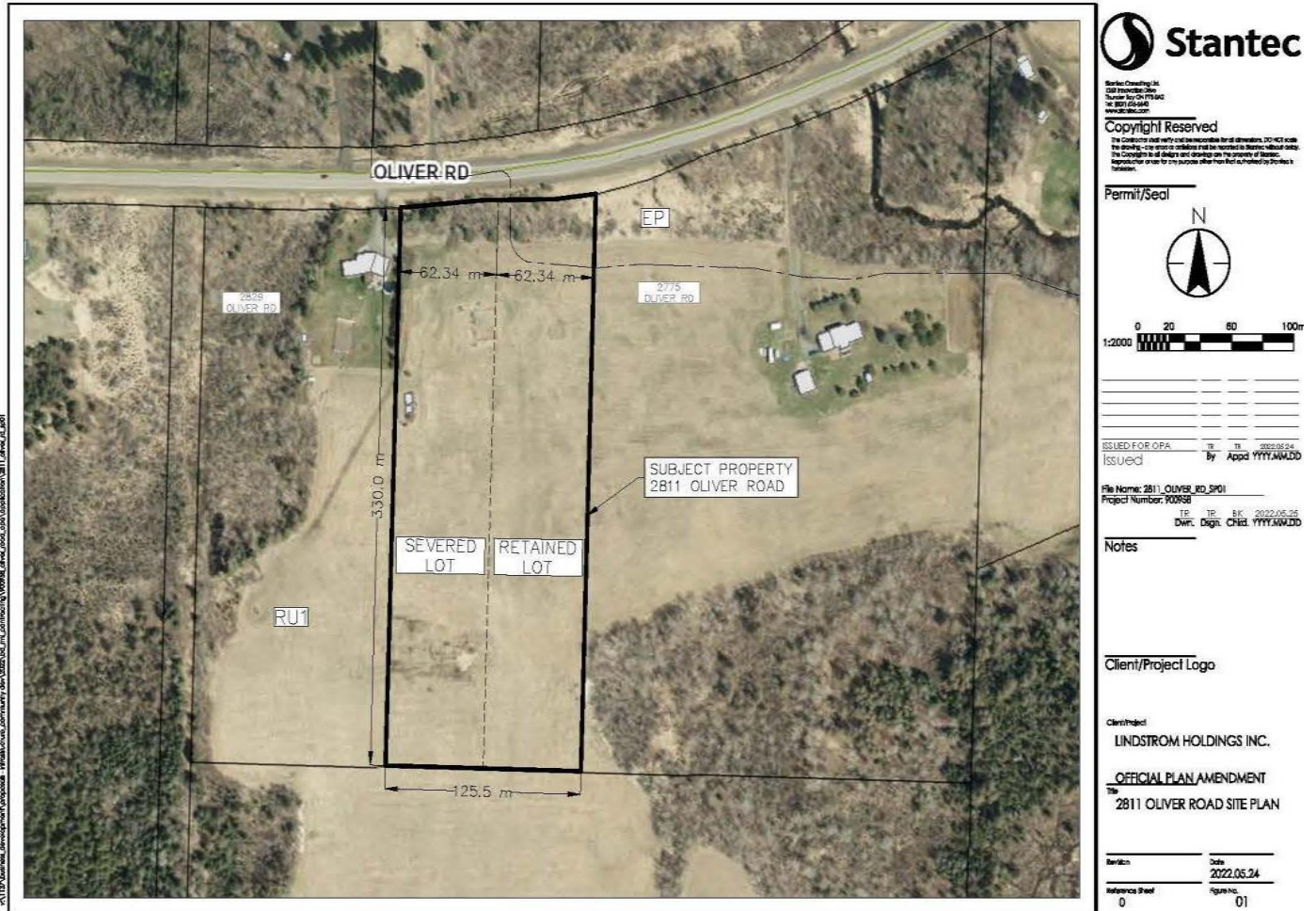
**ATTACHMENT A – Property Location**



TITLE: <b>Property Location</b>		Date: <b>September 2022</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>B-61-2022</b>



## ATTACHMENT B – Applicant's Site Sketch



TITLE: <b>Applicant's Site Sketch</b>		Date: <b>September 2022</b>	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>B-61-2022</b>	

Condition consent approval for file no. B-61-2022 applies for a period of 2 years, ending on September 12, 2024 subject to the following conditions:

1. That the applicant submit to the Secretary-Treasurer, a proper legal description of the lands to be severed including the lot frontage, lot depth, and lot area of the surveyed parcel(s), prepared by an Ontario Land Surveyor. The Plan shall contain a minimum of two observed reference points noted on the printed Plan. The Reference Plan drawing shall be modified to represent real world co-ordinates based on North American Datum (NAD) 1983 Canadian Spatial Reference System (CSRS) Version 6 (2010.0). The drawing shall be supplied in digital format (AutoCAD.dwg or ArcGIS shapefile) and hard copy format;
2. That the applicant receive preliminary approval from the Thunder Bay District Health Unit for the required on-site septic system for the parcel being created;
3. That the applicant completes and returns to the Building Division, the municipality's Well Water Quantity Testing forms required for the severed and retained parcels to the satisfaction of the Building Division;
4. That the applicant prepare, for the approval of the City Engineer, a lot grading and drainage plan and the construction of any drainage facilities and dedication of easements as required;
5. That payment of the required Parkland fee is made, pursuant to subsections 51.1(1) & 51.1(3) of Section 51 of the Planning Act, R.S.O. 1990, for the lot to be severed;
6. That Official Plan Amendment Number 9 is approved; and
7. That By-law 87/2022 to withdraw authority for approval of Consent through Section 54(7) of the Planning Act is passed.



# Memorandum

Corporate By-law Number BL 90/2022

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<b>TO:</b>	Office of the City Clerk	<b>FILE:</b> Z-11-2022
<b>FROM:</b>	Jillian Fazio, Planner II Development & Emergency Services - Planning Services	
<b>DATE:</b>	08/12/2022	
<b>SUBJECT:</b>	BL 90/2022 - Site Plan Control Designation - 70 Secord Street	
<b>MEETING DATE:</b>	City Council (Public Meeting) - 09/12/2022 (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 (70 Secord Street).

**Authorization:** Report R 149/2022 (Planning Services) – September 12, 2022

**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 PL 1353 LESS S PT LT 88-90, municipally known as 70 Secord Street.

## Schedules and Attachments:

EXHIBIT TO BL 90/2022

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



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 90/2022

A By-law to designate areas of Site Plan Control  
pursuant to Section 41 of the Planning Act, R.S.O. 1990,  
as amended (70 Second Street).

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 September 12, 2022.

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 PL 1353 LESS S PT LT 88-90, and shown as "Property Location" on the Exhibit 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 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

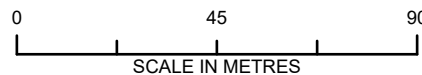
Dana Earle

Deputy City Clerk



Property Location 

**70 Secord Street**



THIS IS EXHIBIT ONE TO BY-LAW NUMBER 90/2022

MAYOR \_\_\_\_\_

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

## Memorandum

Corporate By-law Number BL 91/2022

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**TO:** Office of the City Clerk **FILE:** Z-11-2022

**FROM:** Jillian Fazio, Planner II  
Development & Emergency Services - Planning Services

**DATE:** 08/18/2022

**SUBJECT:** BL 91/2022 - Zoning By-law Amendment - 70 Secord Street

**MEETING DATE:** City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of The Corporation of the City of Thunder Bay (70 Secord Street).

**Authorization:** Report R 149/2022 (Planning Services) – September 12, 2022

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, as amended and By-law 1/2022, as amended, the City of Thunder Bay Zoning By-law, specifically:

To amend By-law 100-2010 by rezoning the lands to the “MU2” – Mixed Use Zone Two, permitting a range of additional land uses, recognizing the current building location, and eliminating the minimum number of parking spaces required for a permitted use in the existing building; and

To amend By-law 1-2022 by rezoning the lands to the “UX” – Urban Mixed Use Zone, recognizing the current building location, and eliminating the minimum number of parking spaces required for a permitted use in the existing building.

### Schedules and Attachments:

EXHIBIT TO BL 91/2022

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



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 91/2022

A By-law to amend By-law 100-2010 and By-law 1/2022  
(The Zoning By-laws) of The Corporation of the City of  
Thunder Bay (70 Secord Street).

Recitals

1. The Corporation of the City of Thunder Bay Zoning By-law 100-2010 was approved on October 18, 2010.
2. A new Corporation of the City of Thunder Bay Zoning By-law 1/2022 was approved on April 11, 2022.
3. 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.
4. 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 1/2022 of The Corporation of the City of Thunder Bay.
5. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of a Public Meeting was given on August 22, 2022, and a Public Meeting was held on September 12, 2022 at which Report R 149/2022 (Planning Services) was considered.
6. The intent of this By-law is to ensure development may proceed under either By-law 100-2010 or By-law 1/2022 and therefore it establishes site specific regulations that provide for the intended use under both By-law Number 100-2010 and By-law Number 1/2022.

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

1. Schedule "B" of By-law Number 100-2010 is amended by adding the following paragraph to it:

"202           (1)    The following parcel of land (referred to in this paragraph as the "affected land") within THUNDER BAY, in the District of Thunder Bay:

PL 1353 LESS S PT LT 88-90 and portions of the abutting STREET ALLOWANCES, and shown as "Property Location" on the Exhibit to and forming part of this Amending By-law, is removed from the "R2"

– Residential Zone Two, as shown on Map 6P of Schedule “A”, and is instead designated as “MU2” – Mixed Use Zone Two.

- (2) The provisions of Section 14.1 and Tables 5.15.9 and 14.2.1 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) Permitted USES:

In the case of the BUILDING existing on the 12th day of September, 2022 and in addition to the USES permitted in Section 14.1 a) of this BY-LAW, the following USES are permitted:

- MIXED USE BUILDING
- OFFICE
- RESTAURANT
- RETAIL STORE
- RECREATION FACILITY
- PERSONAL SERVICES ESTABLISHMENT

b) REGULATIONS

In the case of the BUILDING existing on the 12th day of September, 2022, no minimum number of PARKING SPACES are required for a permitted USE

2. Map 6P of Schedule “A” to By-law Number 1/2022 is amended by removing the following parcel of land from the “UL” – Urban Low-rise Zone and instead designating it as “UX<sup>SP92</sup>” – Urban Mixed Use Zone subject to site-specific provision no. 92:

PL 1353 LESS S PT LT 88-90 within Thunder Bay, in the District of Thunder Bay and shown as "Property Location" on the Exhibit to and forming part of this Amending By-law.

3. Schedule "C" of By-law Number 1/2022 is amended by adding the following paragraph to it:

**SP92: Site-specific provision no. 92**

The following provision applies to lands zoned UX<sup>SP92</sup>, as shown on Map 6P of Schedule "A":

- a) Despite Section 3.3, in the case of permitted use in the building existing on the 12th day of September, 2022, there is no minimum number of parking spaces.



4. This By-law is in accordance with the Official Plan, as amended.
5. 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 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

\_\_\_\_\_  
Mayor

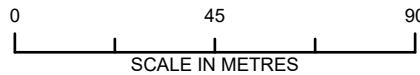
Dana Earle

\_\_\_\_\_  
Deputy City Clerk



Property Location 

70 Secord Street



THIS IS EXHIBIT ONE TO BY-LAW NUMBER 91/2022

MAYOR \_\_\_\_\_

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



**Memorandum**

**Corporate By-law Number BL 100/2022**

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**TO:** Office of the City Clerk **FILE:** Z-05-2021

**FROM:** Decio Lopes  
Development & Emergency Services - Planning Services

**DATE:** 08/29/2022

**SUBJECT:** BL 100/2022 - Zoning By-law Amendment - 3200 Lloyd Street

**MEETING DATE:** City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law 100-2010 and By-law 1/2022 (The Zoning By-laws) of The Corporation of the City of Thunder Bay (3200 Lloyd Street).

**Authorization:** Report R 159/2022 (Planning Services) - City Council (Public Meeting) - September 12, 2022

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, as amended and By-law 1/2022, as amended, the City of Thunder Bay Zoning By-laws, specifically:

**By-law 100-2010**

To rezone the lands to the "R1-H" - Residential Zone One - Holding, and reduce the minimum lot frontage from 60.0 metres to 30.0 metres, reduce the minimum lot area from 10,000 square metres to 2,100 square metres, and establish a no build area of a minimum of 30.0 metres from from a rail corridor.

**By-law 1/2022**

To rezone the lands to the "RS1-H" - Rural Settlement - Holding, and reduce the minimum lot frontage from 60.0 metres to 30.0 metres, reduce the minimum lot area from 10,000 square metres to 2,100 square metres, and establish a no build area of a minimum of 30.0 metres from from a rail corridor.

The effect of this amendment is to establish the zoning regulation for a future application for lot creation.

**Schedules and Attachments:**

EXHIBIT ONE TO BL 100/2022

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



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 100/2022

A By-law to amend By-law 100-2010 and By-law 1/2022  
(The Zoning By-laws) of The Corporation of the City of  
Thunder Bay (3200 Lloyd Street).

Recitals

1. The Corporation of the City of Thunder Bay Zoning By-law 100-2010 was approved on October 18, 2010.
2. A new Corporation of the City of Thunder Bay Zoning By-law 1/2022 was approved on April 11, 2022.
3. 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.
4. 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 1/2022 of The Corporation of the City of Thunder Bay.
5. The recitals to this By-law are operative provisions of it.
6. 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.
7. 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.
8. 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 Subdivision Agreement has been entered into to provide municipal services for the development to the satisfaction of the City Engineer.*

9. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of a Public Meeting was given on August 23, 2022, and a Public Meeting was held on September 12, 2022 at which Report R 159/2022 (Planning Services) was considered.
10. The intent of this By-law is to ensure development may proceed under either By-law 100-2010 or By-law 1/2022 and therefore it establishes site specific regulations that provide for the intended use under both By-law Number 100-2010 and By-law Number 1/2022.

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

1. Schedule "B" of By-law Number 100-2010 is amended by adding the following paragraph to it:

- "203           (1)    The following parcel of land (referred to in this paragraph as the "affected land") within THUNDER BAY, in the District of Thunder Bay:
- i)           Plan 700, Lots 15 and 16; THUNDER BAY and shown as "Property Location" on Exhibit One to and forming part of this Amending By-law, is removed from the "R5" – Residential Future Zone and "R1" – Residential Zone One, as shown on Map 9D of Schedule "A", and is instead designated as part of the "R1-H" – Residential Zone One – Holding.
  - (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 USES, BUILDINGS, and structures lawfully existing on the 12th day of September, 2022 are permitted.
    - b)          No new BUILDINGS or structures are permitted.
  - (3)          The provisions of Sections 4.1, 13.1, and Table 13.2.1 of this BY-LAW continue to apply to lands shown as "Property Location" on Exhibit One. In addition to all other provisions of this BY-LAW, the lands shown as "Property Location" on Exhibit One are subject to the following provisions:
    - a)          REGULATIONS

The provisions of Table 8.2.1 of this By-law continue to apply to the affected land. In addition to all other provisions of this By-law, the affected land is subject to the following provisions:

- i.) In the case of a SINGLE DETACHED DWELLING, the minimum LOT FRONTAGE is 30.0 metres and the minimum LOT AREA is 2,100 square meters.
- ii.) In the case of a SINGLE DETACHED DWELLING, the minimum distance from a rail corridor is 30.0 meters

2. Schedule "A" of By-law Number 1/2022 is amended by adding the superscripts "SP93" and "H18" to the "RS1" – Rural Settlement Zone label on Map 9D that applies to the following parcel of land within THUNDER BAY, in the District of Thunder Bay:

Plan 700 Lots 15 and 16; THUNDER BAY and shown as "Property Location" on Exhibit One to and forming part of this Amending By-law.

3. Schedule "B" of By-law Number 1/2022 is amended by adding the following paragraph to it:

**H17: Development holding provision no. 17**

The following provisions apply to lands zoned RS1<sup>SP93 H17</sup> and shown on Map 9D of Schedule "A":

a) No development is permitted, except for expansions to existing main buildings or development of accessory uses, buildings, or structures.

b) The Holding Symbol must not be removed until the following criteria are met:

- i) Draft plan approval is issued and a subsequent agreement is executed, and
- ii) Municipal water service is available.

4. Schedule "C" of By-law Number 1/2022 is amended by adding the following paragraph to it:

**SP93: Site-specific provision no. 93**

The following provisions applies to lands zoned RS1<sup>SP93</sup>, as shown on Map 9D of Schedule "A":

- a) Despite the Density Standards of Table 2.1.1, the minimum **lot frontage** is 30.0 metres and the minimum **lot area** is 2,100 square metres.
- b) In addition to Table 2.2.1, no **home** may be located within 30.0 metres of a **rail corridor**.

5. This By-law is in accordance with the Official Plan, as amended.

6. 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 12th day of September, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

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Bill Mauro

Mayor

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Dana Earle

Deputy City Clerk







**Memorandum**

**Corporate By-law Number BL 101/2022**

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**TO:** Office of the City Clerk **FILE:** PE-01-2021

**FROM:** Decio Lopes  
Development & Emergency Services - Planning Services

**DATE:** 08/30/2022

**SUBJECT:** BL 101/2022 – Part-lot Control Exemption By-law - Former Hillcrest  
Highschool Field - 443 Hebert Street

**MEETING DATE:** City Council (Public Meeting) - 09/12/2022 (mm/dd/yyyy)

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**By-law Description:** A By-law to exempt the lands from the Part-lot Control Provisions of the Planning Act. (443 Hebert Street)

**Authorization:** Report R 121/2021 (Development & Emergency Services – Planning Services) – Committee of the Whole – April 19, 2021.

**By-law Explanation:** The purpose of this By-law is to exempt PLAN 138, Lots 24 to 28, 38 to 44, 52, part of Lots 29, 37, 45 45 to 51, 53, part of lane, part of street all described as a Portion of Part 1 on RP 55-14156 less Parts 2, 4 to 7, 9, 10, 13, and 14 from Part-lot Control under Section 50(7) of the Planning Act, R.S.O.

The effect of the By-law allows for the creation of no more than 5 lots, and necessary easements.

**Schedules and Attachments:**

EXHIBIT TO BL 101/2022

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



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 101/2022

A By-law to exempt the lands from the Part-lot Control  
Provisions of the Planning Act. (443 Hebert Street)

Recitals

1. Authority is provided in accordance with Section 50(7) of the Planning Act, R.S.O. 1990, as amended (the "Act"), to pass a by-law to designate lands not to be subject to part lot control;

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

1. Subsection 5 of Section 50 of the Planning Act, R.S.O. c.P. 13, shall cease to apply to the lands described as PLAN 138, Lots 24 to 28, 38 to 44, 52, part of Lots 29, 37, 45 45 to 51, 53, part of lane, part of street all described as a Portion of Part 1 on RP 55-14156 less Parts 2, 4 to 7, 9, 10, 13, and 14, shown as "Property Location" on Exhibit One to this by-law, in the City of Thunder Bay, in the District of Thunder Bay to allow for the no more than no more than 5 lots and necessary easements.
2. This By-law shall remain in for and effect for a period of four years from the date of its passing and shall expire on September 12, 2026.
3. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 12th day of September, A.D. 2022 as witnessed by the Seal of the

Corporation and the hands of its proper Officers.

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

Mayor

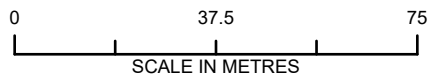
\_\_\_\_\_  
Dana Earle

Deputy City Clerk



Property Location
  Proposed parcel splits

448 Hebert Street



THIS IS EXHIBIT ONE TO BY-LAW NUMBER **101/2022**

MAYOR \_\_\_\_\_

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