



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Dan Namisniak, Planner
Date: December 6, 2022
Report: RPT-0336-22
Subject: ZBA26-22-DN - Zoning By-Law Amendment Application
Purpose: Recommendation Report for Approval

Recommendation

That Zoning By-Law Amendment Application ZBA25-22-DN from IBI Group c/o Odete Gomes, Agent on behalf of Gord's General Contracting, Applicant and Carolyn Stuart, Owner of the subject lands identified as Part Lot 6, North of Spruce Street, in the geographic Town of Paris, County of Brant, municipally known as 19 Spruce Street, proposing to amend the current Neighbourhood Commercial-Special Exception (C1-1) zone, to allow for uses to be limited to a 'Medical Office', be approved; and

That the reason(s) for approval are as follows:

- The application is minor and technical in nature, allowing for less restrictive zoning to permit a range of compatible uses of appropriate size and scale within an existing building.
- The application is consistent with the policies of the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe.
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012) and Zoning By-Law.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None.

Executive Summary

The purpose of this report is to provide the Planning and Development Committee and the public with information from the application to amend the County of Brant Zoning By-Law 61-16.

Zoning By-Law Amendment Application **ZBA25-22-DN** proposes to amend the current Neighbourhood Commercial-Special Exception (C1-1) zone, to allow for uses to be limited to a

‘Medical Office’.

The current Neighbourhood Commercial-Special Exception (C1-1) zone, outlines that uses shall be limited to a ‘dental office’ with a minimum side yard of 0.6 metres. All other requirements of the By-Law shall apply.

This application would result in the existing building to be utilized for a ‘Medical Office’, as defined in Zoning By-Law 61-16 which includes consultation, diagnosis, and/or treatment of patients by licensed medical practitioners including but not limited to family physician, psychiatrist, acupuncturist, dentist, optometrist, chiropractor, or osteopath or as stated in the Regulated Health Professions Act, but shall not include overnight accommodation for in-patient care, or facilities for laboratories, dispensary, surgical procedures which require hospitalization.

Specifically, the Applicant is proposing to establish a Counseling Office within the existing building. The proposal does not entail any construction or exterior alterations to the existing building, only minor interior renovations.

With the exception of the minimum 0.6 metre setback established through a previous Zoning By-Law amendment application, any zoning deficiencies identified such as street setback, parking, landscape buffer/ coverage are considered to be legal non-complying as these existing conditions were lawfully established prior to the passing of this By-Law and shall continue to be permitted until such time that any alteration or enlargement results in a situation of further non-compliance.

No concerns were raised as part of the public or technical circulation of this Zoning By-Law Amendment Application.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application **ZBA25-22-DN** be **Approved**.

Zoning Background

The current zoning was originally established as an amendment to the Town of Paris Zoning By-Law 2794 as Local Commercial-Special Exception (C2-1), By-Law 05-91. This zone was then carried over when establishing Zoning By-Law 110-01 as Neighbourhood Commercial-Special Exception (C3-1) and more recently incorporated into current County of Brant Zoning By-Law 61-16 as Neighbourhood Commercial-Special Exception (C1-1) zone.

Location / Existing Conditions

The subject lands are located east of Market Street, on the north side of Spruce Street within the Primary Urban Settlement Area of Paris.

The subject lands are rectangular in shape and have frontage along Spruce Street of 18.9 metres (62 feet), a depth of 20.1 metres (65 feet) 113.1 metres (371.1 feet) and a total area of approximately 380 square metres (0.9 acres).

The subject lands contain an existing structure previously used as a dentist office having an area of 94.3 square metres (1,015 square feet), rear gravel area accessed via existing laneway (Watt’s Lane).

The subject lands are fully serviced by municipal water, sanitary and storm.

The surrounding area consists of a mix of residential, commercial, and light industrial uses.

Report

Planning Act R.S.O (1990)

Section 34(10) of *the Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment Applications.

Conformity with Municipal Policies/Plans

Provincial Policy Statement – 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

Section 1.1.1 of the *Provincial Policy Statement* identifies that healthy, livable and safe communities are sustained by:

- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - ***The application will result in establishing less restrictive zoning to allow for a range of compatible uses included within the 'Medical Office' zoning definition.***
 - ***This application will also encourage the re-purposing of an existing building for commercial uses which will serve the community.***

It is my professional opinion that the request conforms to the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Section 2.2.5 of the *Growth Plan* outlines ways to promote economic development and competitiveness:

- a) Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.
 - ***The application will create an opportunity for a range of commercial uses, as outlined in the 'Medical Office' zoning definition. This use is to be established***

within the existing building and within an area containing limited commercial and light industrial uses.

It is my professional opinion that the request conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

Schedule 'A' of the County of Brant Official Plan identifies the land use designation of the subject lands as 'Urban Residential'.

Section 3.4 of the Official Plan describes that the intent of the Urban Residential designation is to accommodate safe and well-designed neighbourhoods and to contribute to the creation of complete communities.

Section 3.4.2 permits a range of neighbourhood commercial uses that support residential neighbourhoods including small scale personal service shops, businesses and offices which provide for the sale of convenience goods and other personal services to meet the daily living needs of local residents, such as medical clinics, convenience stores and daycare centres.

- ***The proposed 'Medical Office' use, and the range of specific uses prescribed within the zoning definition, is identified as a permitted and desired use within the Urban Residential land use designation contributing to the creation of complete communities.***

Road Classification

Section 5.3.2.1 of the County of Brant Official Plan provides explanation to the classification of roads and the existing and proposed road system as shown on Schedule B.

- ***Schedule 'B' of the Official Plan confirms that the Road Classification is an Urban Residential Local Road.***
- ***Urban Residential Local Roads are intended to provide land access to adjacent residential, commercial, institutional or other uses.***

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.

Source Water Protection

Source water protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- ***Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.***

County of Brant Zoning By-Law 61-16

Zoning History

- The current zoning was originally established as an amendment to the Town of Paris Zoning By-Law 2794 as Local Commercial-Special Exception (C2-1), By-Law 05-91.
- This zone was then carried over when establishing Zoning By-Law 110-01 as Neighbourhood Commercial-Special Exception (C3-1).
- Most recently the zoning was incorporated into current County of Brant Zoning By-Law 61-16 as Neighbourhood Commercial-Special Exception (C1-1) zone.

Current Zoning

Zoning By-law 61-16 identifies that the subject lands are zoned Neighbourhood Commercial-Special Exception (C1-1).

The current Neighbourhood Commercial-Special Exception (C1-1) zone, outlines that uses shall be limited to a 'dental office' with a minimum side yard of 0.6 metres. All other requirements of the By-Law shall apply.

This application would result in the existing building to be utilized for a 'Medical Office', as defined in Zoning By-Law 61-16 which includes consultation, diagnosis, and/or treatment of patients by licensed medical practitioners including but not limited to:

- family physician
- psychiatrist
- acupuncturist
- optometrist
- chiropractor
- osteopath
- dentist

or as stated in the *Regulated Health Professions Act*, but shall not include overnight accommodation for in-patient care, or facilities for laboratories, dispensary, surgical procedures which require hospitalization.

- ***Specifically, the Applicant is proposing to establish a Counseling Office within the existing building. No construction or modifications to the exterior of the subject lands are proposed at this time.***

Existing Zoning Deficiencies	Existing (C1-1)	Required (C1-1)
Lot Area	380sm*	1,000sm
Street Setback	0.84m*	6m
Interior SY Setback	0.97m	0.6m
Standard Parking (1/15sm)	0*	7
Barrier Free Parking	0*	1
*Provisions for Commercial uses abutting Residential zones (landscape buffers)		
*Legal Non-Complying		

Section 4.28.2 of Zoning By-Law 61-16 identifies provisions for *legal non-complying buildings and structures*.

- a) A building or structure that has been lawfully established prior to the passing of this By-Law shall be permitted under Section 34(9) of the *Planning Act* as a legal non complying building or structure and considered as such for the purposes of this By-Law.
- b) Such a building or structure shall be permitted to be altered or restored without the need for evaluation and approval by the Committee of Adjustment under the powers granted by Section 45(2) of the *Planning Act* provided it can be shown to the satisfaction of the County of Brant that any alteration or restoration does not result in the following:
 - i. The enlargement or extension of the building or structure that results in an increase to a situation of non-conformity with respect to any applicable performance standard of this By-Law,
 - ii. An increased risk to human health or wellbeing, and/ or
 - iii. The potential for undue adverse impacts to the surroundings.
- ***With the exception of the minimum 0.6 metre setback established and recognized through a previous Zoning By-Law amendment application, any zoning deficiencies identified related to the building (street setback) are considered to be legal non-complying as these existing conditions were lawfully established prior to the current Zoning By-Law 61-16 and are considered to be legal non-complying.***

Section 4.28.3 of Zoning By-Law 61-16 identifies provisions for *legal non-conforming uses*.

- ***Any zoning deficiencies identified related to the use such as parking, landscape buffer/ coverage is considered to be legal non-conforming as these existing conditions were lawfully established prior to the current Zoning By-Law 61-16 and continue to be in use with no changes proposed at this time.***
- ***The application will result in establishing less restrictive zoning to allow for a range of compatible uses included within the 'Medical Office' zoning definition.***
- ***The desire for uses beyond the 'Medical Office' use and expansion of the building may be subject to further Planning Act applications.***

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations

The following comments were received from departments/agencies as part of the circulation of this application:

Development Engineering Division:

- As per a Site Inspection, County staff noted that the existing parking at the front of the building is located within the Spruce Street right of way. County staff would recommend that parking spaces be located on private property at the rear of the building with an entrance off Watts Lane, with possibly an accessible parking space along the east face of the existing building with appropriate signage. This would eliminate the existing parking spaces within the Spruce Street right of way.
 - ***It is my opinion that the zoning modification is minor in nature and will allow the building structure and functions of the lot such as existing parking conditions to maintain their legal non-complying status.***
 - ***If required, the applicant has been able to demonstrate that 5-6 parking stalls can be accommodated in the gravel area in the rear of the building.***

The following departments/agencies did not provide any comments/ concerns as part of the circulation of this application:

- | | |
|--------------------------|---|
| · Environmental Planning | · Canada Post |
| · Field Services | · GIS Mapping / Civic Addressing |
| · Fire | · Parks & Facilities |
| · Operations | · Energy Plus: |
| · Building | · Union Gas |
| · Economic Development | · Imperial Oil |
| · Energy Plus | · Six Nation/Mississaugas of the Credit |
| | · Bell Canada |

Public Considerations

Notice of this Application has been circulated to all property owners within 125 metres of the subject lands in accordance with the *Planning Act* as follows:

- Notice of Complete Application – June 27, 2022
- Notice of the *September 6, 2022* - Public Information Meeting - August 16, 2022
- Notice of the *December 6, 2022* - Public Recommendation Meeting – November 16, 2022
- A site visit along with the posting of the Public Notice sign was completed on November 16, 2022

At the time of writing this report, no public comments or correspondence have been received.

Conclusions and Recommendations

Zoning By-Law Amendment Application **ZBA25-22-DN** proposes to amend the current Neighbourhood Commercial-Special Exception (C1-1) zone, to allow for uses to be limited to a 'Medical Office' as defined in Zoning By-Law 61-16 where the current zoning limits uses to a 'dental office' with a minimum side yard of 0.6 metres.

This application would result in the existing building to be utilized for a 'Medical Office', which includes consultation, diagnosis, and/or treatment of patients by licensed medical practitioners including but not limited to family physician, psychiatrist, acupuncturist, dentist, optometrist, chiropractor, or osteopath or as stated in the *Regulated Health Professions Act*, but shall not include overnight accommodation for in-patient care, or facilities for laboratories, dispensary, surgical procedures which require hospitalization.

Specifically, the Applicant is proposing to establish a Counseling Office within the existing building. The proposal does not entail any construction or exterior alterations to the existing building, only minor interior renovations.

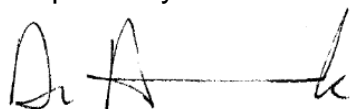
With the exception of the minimum 0.6 metre setback established through a previous zoning applications, any zoning deficiencies identified such as street setback, parking, landscape buffer/ coverage are considered to be legal non-complying as these existing conditions were lawfully established prior to the passing of this By-Law and shall continue to be permitted until such time that any alteration or enlargement results in a situation of further non-compliance.

Adequate public notice and technical circulation of this application were provided with no concerns identified.

Based on the analysis above, I confirm that the appropriate measures have been taken to ensure that the rezoning is consistent with the *Provincial Policy Statement* and conforms to the Growth Plan and County of Brant Official Plan and meets the intent of Zoning By-Law 651-16.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that the Zoning By-Law Amendment Application **ZBA25-22-DN** be **Approved.**

Prepared by:



Dan Namisniak, BA, CPT, MCIP, RPP
Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning

Submitted By: Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Site Plan
5. Site Photos

Copy to

1. Pam Duesling, General Manager of Development Services
2. Mat Vaughan, Director of Development Planning
3. Alysha Dyjach, Clerk/Manager of Council Committee Services
4. Alyssa Seitz, Planning Administrative Assistant
5. Applicant/Agent

File # ZBA30-22-DN

In adopting this report, is a bylaw or agreement required?

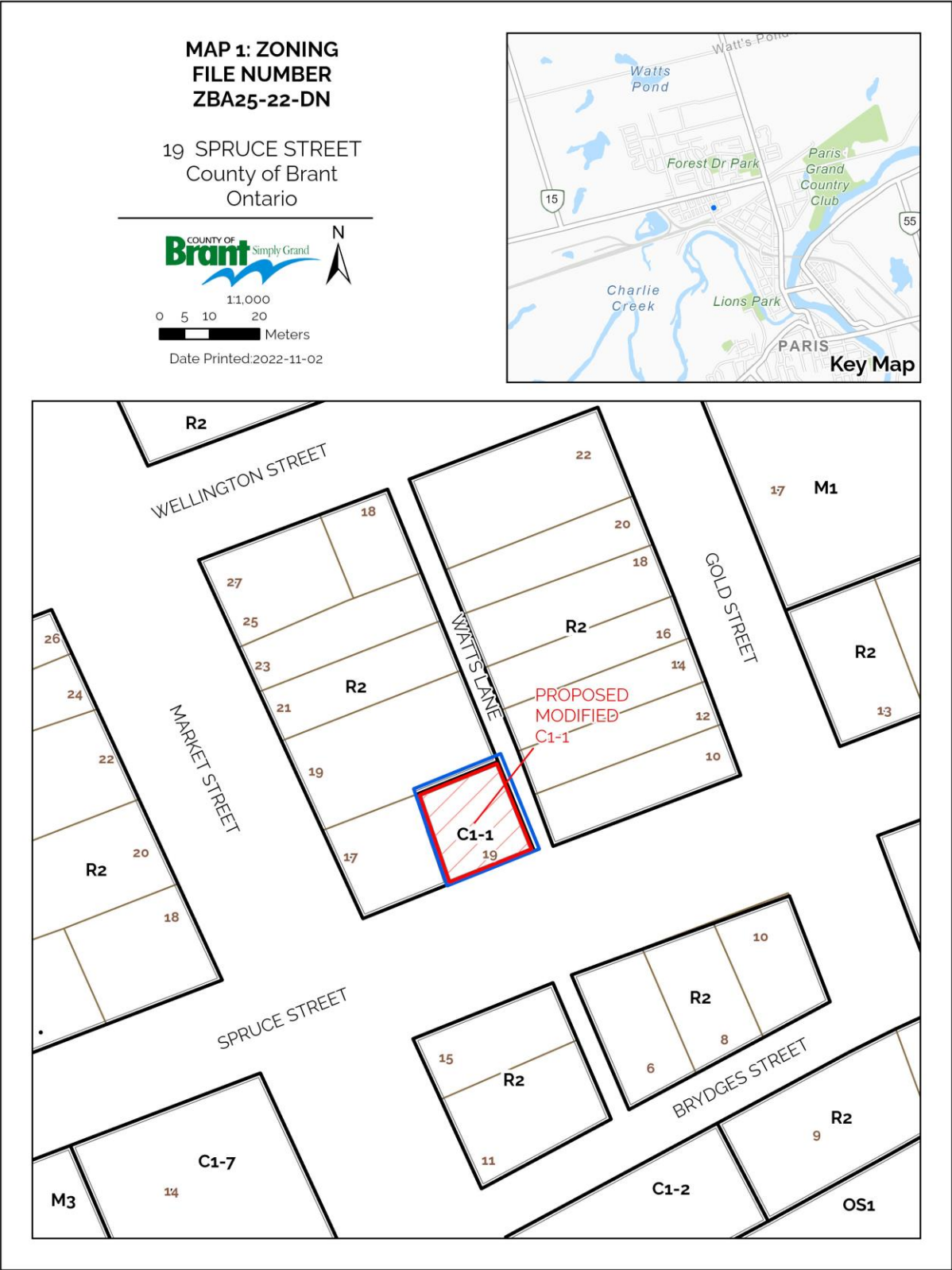
If so, it should be referenced in the recommendation section.

By-Law required? (Yes)

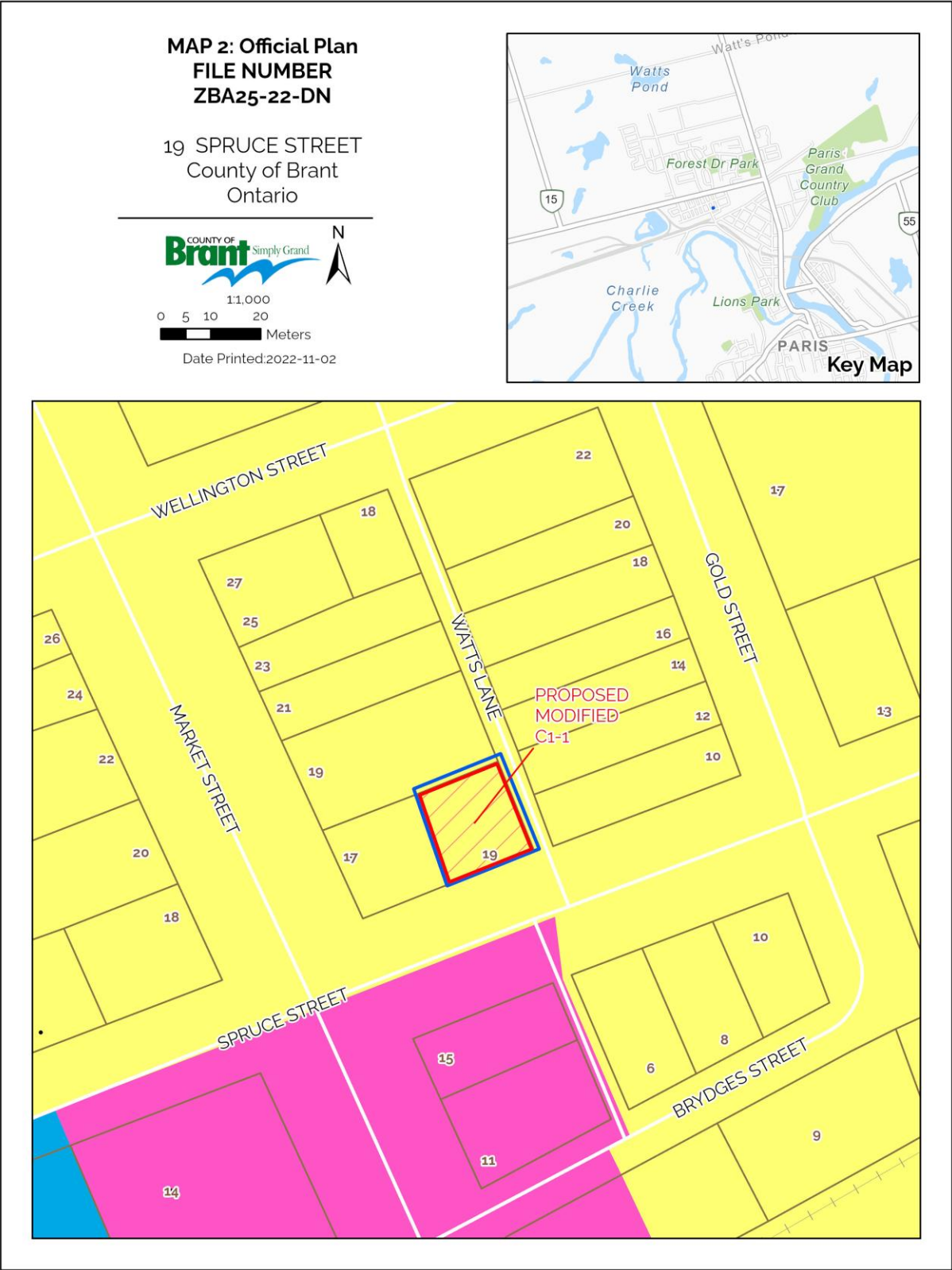
Agreement(s) or other documents to be signed by Mayor and /or Clerk? (No)

Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

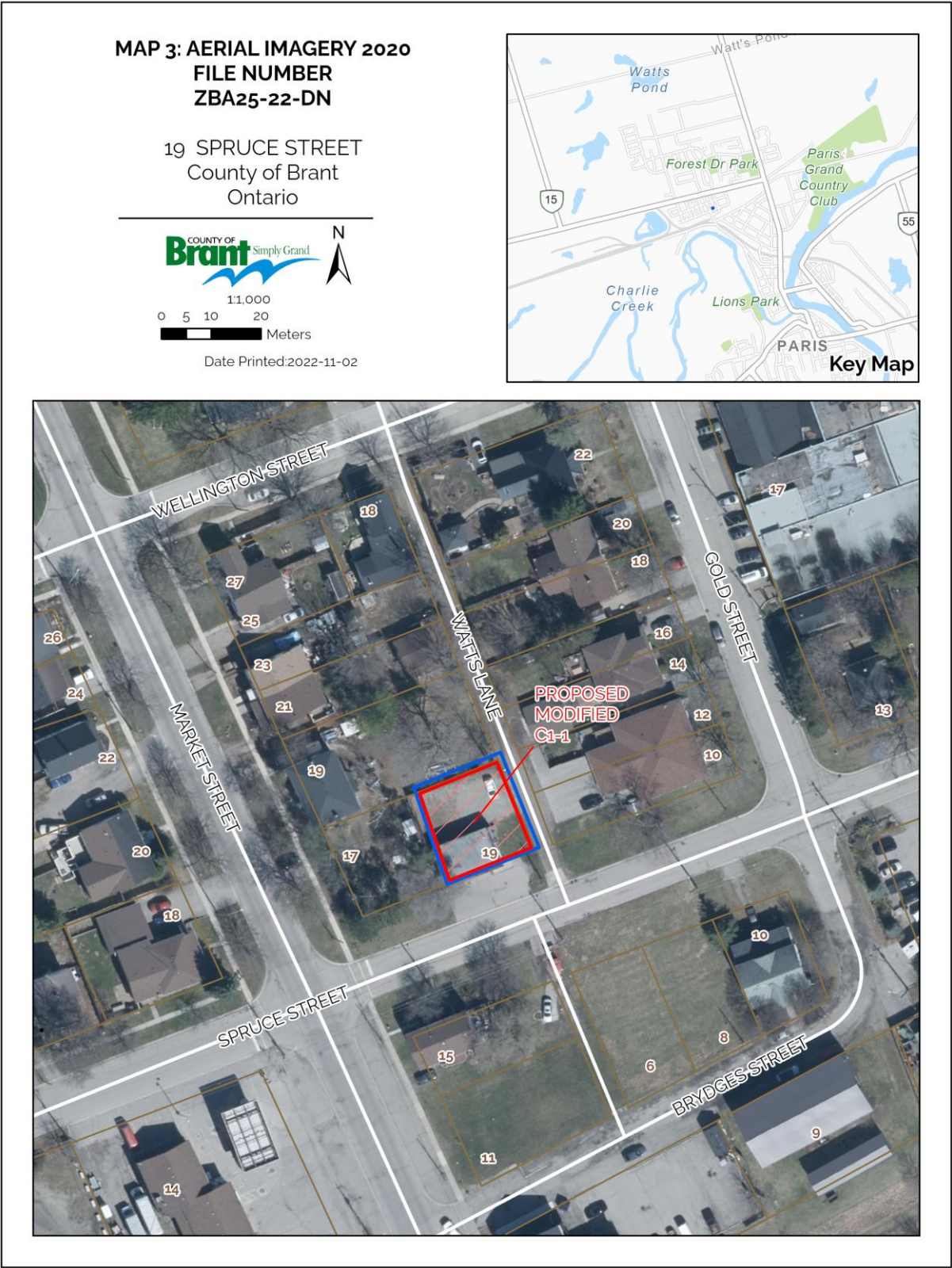
Attachment 1 - Zoning Map



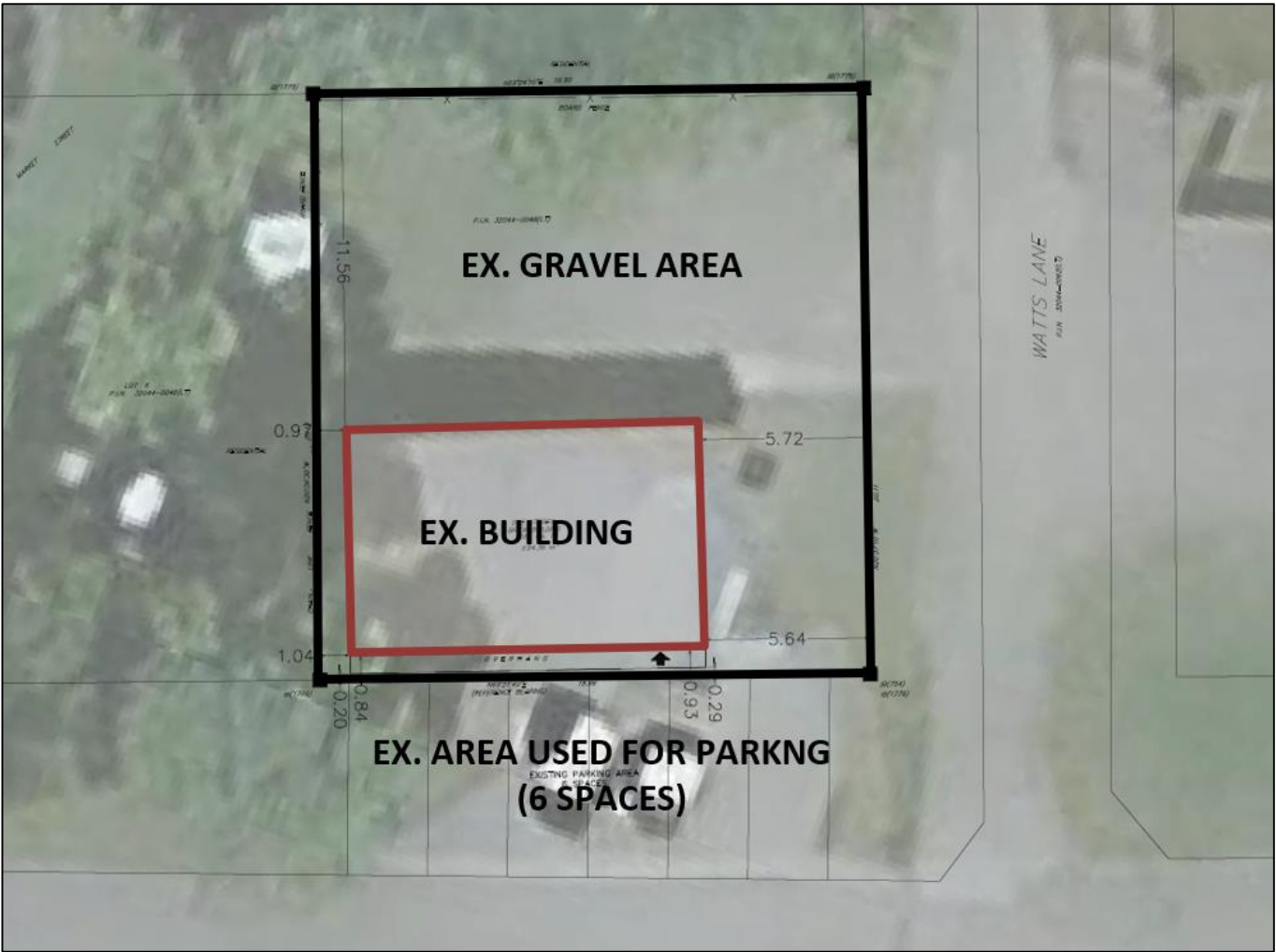
Attachment 2 - Official Plan Map



Attachment 3 - Air Photo



Attachment 4 - Site Plan



Attachment 5 - Site Photos



Front of Existing Building along Spruce Street



Existing Parking Area located in front of the building within the County of Brant Right of Way.