



City of North Bay Report to Council

Report No: CSBU 2021-11

Date: February 25, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Proposed Zoning By-law Amendment by Robert Collins – 1410 Cassells St.

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Zoning By-law Amendment by Robert Collins for the property locally known as 1410 Cassells St. in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-11 to rezone the property from a “Residential Second Density (R2)” zone to a “Residential Second Density Special (R2 Sp.)” zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Background

Site Information

Legal Description: See Appendix A

Site Description:

The subject property is an existing lot of record on Cassells St, located within the Settlement Area, as shown below on Figure 1 and on Schedule ‘A’ attached hereto.

The subject property is designated “Residential” by the Official Plan and is zoned “Residential Second Density (R2)” under the City’s Zoning By-law No. 2015-30.

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Figure 1: Map of Subject Property and Surrounding Area



The property has an existing lot area of approximately 416 square metres and lot frontage of 16 metres on Cassells St.

The property is currently developed with a two storey residence with an addition and a garage, both of which are in the rear yard. There is an existing commercial retail use, which operates from the entrance on Cassells St. There is also a fence around a portion of the easterly side lot.

Surrounding Land Uses:

The subject property is located within a mixed use neighbourhood. The lands immediately surrounding the subject property are predominantly residential. There are a number of commercial uses a short distance away. This includes a major commercial node located at the intersection of Cassells and the Highway a short distance to the east and the entrance into the Central Business District, which begins just west of the property.

There are also some community uses in the area, such as parks and places of worship.

Proposal

The property owner, Robert Collins, has submitted an application to amend Zoning By-law 2015-30 to rezone the property located at 1410 Cassells to permit a Local Retail Store as a home based business. If approved, the subject lands would be re-zoned from "Residential Second Density (R2)" to "Residential Second Density Special (R2. Sp)".

The Special Zone request would recognize this use within a residential zoned property and would remove the requirement that the business owner reside within the dwelling.

The proposed Zoning By-law Amendment pertains only to the use of the property in its existing exterior layout. There is no development proposed at this time.

Summary

As described in more detail in the section above, the purpose of this Zoning By-law amendment is to permit a Local Retail Store use as a Home Based business. The property owner is the sole proprietor of the business.

The City's Zoning By-law contains provisions that enable Home Based Businesses within a residential zone. These provisions allow limited commercial activity, but done only in a manner that protects the residential neighbourhood from some of the potential adverse consequences of commercial activity, such as elevated levels of traffic, large parking areas, lighting, etc. Some of the provisions that seek to provide this protection include limiting the total commercial floor space, restricting the number of employees and patrons and regulations that speak to the character of the neighbourhood.

Due to these regulations retail businesses are not permitted as Home Based Businesses. Retail uses have characteristics and operations that can be incompatible with adjacent residential uses. For example, most retail operations generate considerable traffic, require parking, signage and inventory deliveries.

However, the subject property has a few notable characteristics that make this an appropriate use in comparison to many other residential areas throughout the City, including:

- Arterial Road: the subject property fronts on Cassells Street, which is an arterial road as defined by Schedule 5 of the Official Plan. Arterial roads are capable of handling more intensive uses and higher levels of traffic.
- General Character of Neighbourhood: The area is mixed use with a number of other major uses that largely define the character of the area. There are other commercial uses, both large format and smaller format. There are two churches within a block, an institutional use as well as all types of residential uses. The subject property is also in close

proximity to the Central Business District as defined by Schedule 1 of the City of North Bay Official Plan. Considering these larger and more intrusive uses all being present within a short distance, it is staff's opinion that the property subject to this rezoning application will have a negligible impact on the general character of the neighbourhood.

- Parking: The subject property also has 5 parking spaces fronting on Princess Street West to accommodate
- Historical Use: The property has been used as a retail store for a number of years. This use is in non-conformance with the City's Zoning By-law. No complaints have been received by staff regarding the use of the property. There has been no correspondence or objections received from any member of the public.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2020).

Provincial Policy

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion that the proposed Zoning By-law amendment conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The current Provincial Policy Statement issued by the Provincial government came into effect in May of 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

There are no matters of provincial interest in the subject application.

Planning Services Staff are of the opinion that the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

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

Excerpts of the Official Plan applicable to this application are outlined below;

Section 2.2.1.7 – Home Based Businesses

Section 2.2.1.7 reads;

“Home based businesses are an important part of the local economy. They provide an opportunity for entrepreneurship and business ownership. It is the intent of this Plan that when these businesses grow to a level that is incompatible with the surrounding residential neighbourhood, it is anticipated that the business use will relocate to an appropriately zoned area.”

The business operating on the subject property has been in operation for 20+ years and has not created a situation where relocation would be necessary and/or appropriate for this use. To the extent of our knowledge, the business has not been the source of complaints over its period of operation; therefore

there is no need for the business use to relocate to a commercial zone.

Section 2.2.1.7.1 continues;

"Home based businesses are sole proprietor undertakings which are located in residential neighbourhoods which are subordinate to the principle residential use of the dwelling unit".

The property owner is also the sole proprietor of the business and the local retail use is subordinate to the principle residential use of the dwelling unit.

Section 2.2.1.7.2 continues;

"The Comprehensive Zoning By-law shall set out permitted uses and regulations associated with the start-up and operation of home based businesses within the Urban and Rural areas. No home based business shall be permitted which compromises the residential character of the dwelling unit or the residential amenity and enjoyment of the residential neighbourhood or rural setting by its residents".

Although the subject property is located in an area that is predominantly residential, there are a number of commercial uses and places of worship along Cassells Street in close proximity to the subject property that are more intrusive and define the character of the neighbourhood in a more significant way than the subject property. The proposed application would recognize the existing retail use, but it would not fundamentally alter the manner in which the property functions. Given this, it is staff's opinion that the property will not affect the general character of the neighbourhood.

Planning Staff are of the opinion that the Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Residential Second Density (R2)".

Uses permitted within the "Residential Second Density (R2)" include;

- Single Detached Dwelling
- Group Home Type 1
- Group Home Type 2
- Accessory Bed and Breakfast
- Accessory Home Based Business
- Parks and Playgrounds
- Accessory Day Nursery

- Institutional Uses

The proposed Zoning By-law Amendment would not affect the above noted list of permitted uses.

Section 3.28 of the Zoning By-law provides regulations for the operation of Home Based Businesses within residential zones. Section 3.28.1.1 of the Zoning By-law states that “a home based business shall be carried on only by a person whose normal and principal place of residence is on the premises”. The applicant, who is the owner of the property and maintains a residence on site but does not live there, has asked that this requirement be removed for this property.

A retail store is not a permitted use as a home based in the Zoning By-law. The proposed Zoning By-law Amendment would permit this use as a Home Based Business.

The remainder of the regulations that govern and restrict the size and scope of home based businesses shall remain in effect. This includes provisions that limit the amount of commercial floor space, the number of outside employees to one individual and the number of patrons that can be on site at any one time. In staff’s opinion, ensuring that these other limits remain force shall help maintain the character of the neighbourhood.

Correspondence

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

No public correspondence was received.

At the time of writing this report, no comments were received from internal departments or external agencies. Any correspondence received prior to the public meeting will be presented at this time.

Financial/Legal Implications

None

Corporate Strategic Plan

☐ Natural North and Near

☒ Economic Prosperity

☐ Affordable Balanced Growth

☐ Spirited Safe Community

☐ Responsible and Responsive Government

Specific Objectives

- Create an environment that supports entrepreneurship in North Bay.

Options Analysis

Option 1

To approve the proposed Zoning By-law Amendment

1. That the proposed Zoning By-law Amendment by Robert Collins for the property locally known as 1410 Cassells St. in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-11 to rezone the property from a “Residential Second Density (R2)” zone to a “Residential Second Density Special (R2 Sp.)” zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Option 2

To deny the proposed Zoning By-law Amendment. This option is not recommended

Recommended Option

Option 1 is the recommended option

1. That the proposed Zoning By-law Amendment by Robert Collins for the property locally known as 1410 Cassells St. in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-11 to rezone the property from a “Residential Second Density (R2)” zone to a “Residential Second Density Special (R2 Sp.)” zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Respectfully submitted,

Name: Peter Carello, MCIP RPP

Title: Senior Planner – Current Operations

I concur with this report and recommendation.

Name: Beverley Hillier, MCIP RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP

Title: Director of Community Development and Growth

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

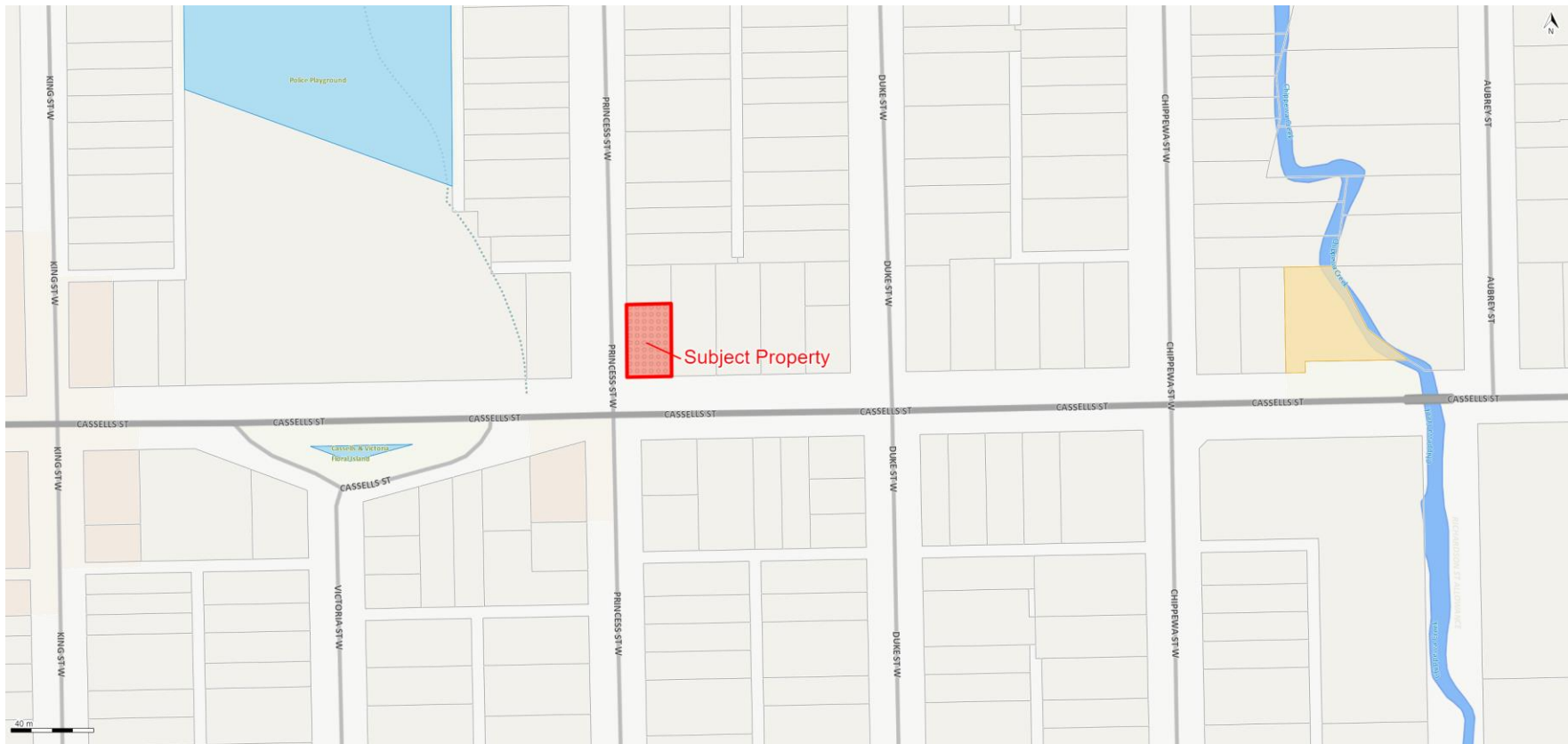
Personnel designated for continuance:

Name: Peter Carello

Title: Senior Planner – Current Operations

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Amendment – 1410 Cassells Street

Schedule A



Appendix A

PIN 49150-0251 (LT)

PCL 4013 SEC WF; PT LT 26 PL M45 Widdifield as in LT62500; North Bay; District of Nipissing