



# PLANNING COMMITTEE AGENDA

**Monday, May 10, 2021**

**Tom Davies Square**

**Councillor Kirwan, Chair**

1:00 p.m. Open Session Council Chamber / Electronic Participation

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<b>1.</b>	<b>Call to Order</b>	
<b>2.</b>	<b>Roll Call</b>	
<b>3.</b>	<b>Declarations of Pecuniary Interest and the General Nature Thereof</b>	
<b>4.</b>	<b>Public Hearings</b>	
<b>4.1.</b>	<b>0 Celine Street and 0 Louisa Drive, Sudbury</b>	<b>4</b>
	This report provides a recommendation regarding an application for rezoning in order to prevent a split-zoning, 0 Celine Street and 0 Louisa Drive, Sudbury – Sitiri Investments Ltd.	
	This report is presented by Glen Ferguson, Senior Planner.	
<b>4.2.</b>	<b>LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment</b>	<b>19</b>
	This report provides a recommendation regarding the proposed zoning amendments associated with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS).	
	This report is presented by Ed Landry, Senior Planner, Community and Strategic Planning.	
<b>5.</b>	<b>Consent Agenda</b>	
	For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.	
	A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.	
	Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.	
<b>5.1.</b>	<b>Routine Management Reports</b>	
<b>5.1.1.</b>	<b>4292 Municipal Road 15, Chelmsford</b>	<b>34</b>
	This report provides a recommendation regarding a request to extend a conditional approval on a rezoning application, 4292 Municipal Road 15, Chelmsford – Luc Soenens.	
<b>6.</b>	<b>Managers' Reports</b>	

<b>6.1.</b>	<b>Block 25, Lot 53M-1204, Lot 4, Concession 6, Snider Township</b>	<b>56</b>
	This report provides a recommendation regarding a deeming by-law for Block 25, Lot 53M-1204, Lot 4, Concession 6, Snider Township.	
<b>6.2.</b>	<b>Official Plan Phase 1 – Proposed Zoning By-law Update</b>	<b>59</b>
	This report provides a recommendation regarding the proposed changes to Zoning By-law 2010-100Z in order to implement recent changes to the Official Plan made as part of Phase 1 of the Five Year Review of the Official Plan.	
<b>7.</b>	<b>Members' Motions</b>	
<b>8.</b>	<b>Addendum</b>	
<b>9.</b>	<b>Civic Petitions</b>	
<b>10.</b>	<b>Question Period</b>	
<b>11.</b>	<b>Adjournment</b>	

## **0 Celine Street and 0 Louisa Drive, Sudbury**

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-03

## **Report Summary**

This report provides a recommendation regarding an application for rezoning in order to prevent a split-zoning, 0 Celine Street and 0 Louisa Drive, Sudbury – Sitiri Investments Ltd.

This report is presented by Glen Ferguson, Senior Planner.

## **Resolution**

THAT the City of Greater Sudbury approves the application by Sitiri Investments Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “R1-5”, Low Density Residential One to “C1”, Local Commercial on those lands described as PIN 73478-0139, Part of Lot 54, Plan M-403, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Celine Street and 0 Louisa Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on May 25, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

## **Financial Implications**

There are no financial implications associated with this report.



## Report Summary

This report reviews an application for Zoning By-law Amendment intended to prevent a split-zoning that would result from a concurrently submitted consent application (File # B0008/2021) that is intended to consolidate a vacant westerly portion of the subject lands with abutting vacant local commercial lands to the west. The benefitting lands presently have frontage on Celine Street in the community of Sudbury. The portion of the subject lands to be severed and consolidated are presently zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The benefitting lands are zoned "C1", Local Commercial. In this particular case, the "C1" Zone applicable to the benefitting lands is more restrictive from a minimum lot area and minimum lot frontage perspective than the "R1-5" Zone that is applicable to the lands being severed. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City's Zoning By-law.

The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

## Staff Report

### Proposal:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a portion of the subject lands from "R1-5", Low Density Residential One to "C1", Local Commercial in order to prevent a split-zoning, which would result from a concurrently submitted consent application (File # B0008/2021) that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street in Sudbury. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would address an anticipated condition of provisional consent related to the above noted previous and concurrently submitted consent application.

Staff would also note that the current application for rezoning is seeking the same planning approval that was formerly approved by Planning Committee on November 2, 2015, and ratified by Council on November 24, 2015 (File # 751-6/5-21). The condition of approval on the above noted first rezoning application were not satisfied and said prior rezoning approval has since lapsed. The position of staff remains the same insofar as the rezoning approval should be conditional upon the submission of a registered survey plan.

The owner's agent has submitted a Concept Plan in support of the proposed rezoning that would facilitate the above noted lot addition that amounts to a lot boundary re-alignment between two abutting properties.

### **Existing Zoning:** "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, group home type 1 within a single-detached dwelling and having a maximum of ten beds, private home daycare and a single-detached dwelling.

### **Requested Zoning:** "C1", Local Commercial

The proposed rezoning seeks to prevent a split-zoning, which would result from a concurrently submitted consent application (File # B0008/2021) that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street in Sudbury. The "C1" Zone permits a convenience store, day centre, medical office, personal service shop, pet grooming establishment, and pharmacy with each having a maximum net floor area of up to 150 m<sup>2</sup> ( ft<sup>2</sup>) per lot. Permitted residential uses in the "C1" Zone include generally any dwelling containing not more than two dwelling units, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, and a private home daycare.

### **Location and Site Description:**

The subject lands are located on the west side of Louisa Drive and to the east of both Celine Street and Regent Street in the community of Sudbury. The portion of the lands to be rezoned are in the rear of the lands and have an area of approximately 440 m<sup>2</sup> (4,736 ft<sup>2</sup>). The lands are presently vacant.

### **Surrounding Land Uses:**

North:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and a cluster of limited general commercial land uses fronting Armstrong Street.
East:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings.
South:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings, automotive use including shipping container and equipment storage at Cam Street and Celine Street, and vacant lands zoned to permit a place of worship (i.e. "I(40)").
West:	Vacant lands zoned to permit local commercial land uses fronting Celine Street and a medical office and low density urban residential lands uses on the west side of Regent Street.

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area. The previous staff report is also attached to this report for reference purposes and includes site photos, which provide context as it relates to the current rezoning application.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on February 1, 2021. The statutory Notice of Public Hearing dated April 22, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner's agent indicated on their application form that they would not be conducting any public consultation beyond speaking with directly abutting landowners ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning. The owner's agent also noted that the proposed rezoning also amounts to a re-application.

At the time of writing this report, the Planning Services Division received one telephone call seeking clarification around the development proposal, and one emailed letter submission requesting a copy of any decision made by the City's Planning Committee with respect to the rezoning application.

### **Policy and Regulatory Framework:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

### **2020 Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury:**

The subject lands are located at the boundary of a Living Area 1 and Mixed Use Commercial designation in the Official Plan for the City of Greater Sudbury. Section 19.9 (formerly Section 20.9) of the City's Official Plan notes that the boundaries of land use designations on Schedule 1 – Land Use are considered to be general guidelines only, except where such areas or boundaries coincide with existing roads, railways, rivers, waterbodies and other defined features. The Official Plan permits minor adjustments without a formal amendment through the enactment of zoning by-laws provided the general purpose and intent of the City's Official Plan is maintained. It is on this basis that staff has and continues to be of the opinion that the subject lands are situated within the Mixed Use Commercial land use designation.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Mixed Use Commercial policies in the Official Plan for the City of Greater Sudbury. Staff acknowledges that the proposed rezoning is largely technical in nature (i.e. to facilitate a lot boundary re-alignment) and it is intended to prevent a split-zoning from occurring as a result of a concurrently submitted consent application.

### **Zoning By-law 2010-100Z:**

The lands are presently zoned "R1-5", Low Density Residential One in the City's Zoning By-law. The owner is requesting that the subject lands be rezoned to "C1", Local Commercial in order to prevent a split-zoning, which would result from a concurrently submitted consent application that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street. The benefitting lands to the west are situated within an existing "C1" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "C1" Zone is being requested by the owner's agent.

### **Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Active Transportation, Building Services, Development Engineering, the City's Drainage Section, Fire Services, Operations, Roads, Transportation and Innovation, and Transit Services have each advised that they no concerns from their respective areas of interest.

## **Planning Analysis:**

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to applicable policies, including issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that the subject lands be rezoned from “R1-5”, Low Density Residential One to “C1”, Local Commercial. Staff has no concerns with the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. It is noted that Section 4.23 – Multiple Zones on One Lot of the City’s Zoning By-law outlines where a lot is divided into more than one zone that the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entirety of the lot. In this particular case, the “C1” Zone applicable to the benefitting lands is more restrictive from a minimum lot area and minimum lot frontage perspective than the “R1-5” Zone that is applicable to the lands being severed. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City’s Zoning By-law.

It is on this basis that staff has no concerns with the requested zone category, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning being approved.

## **Conclusion:**

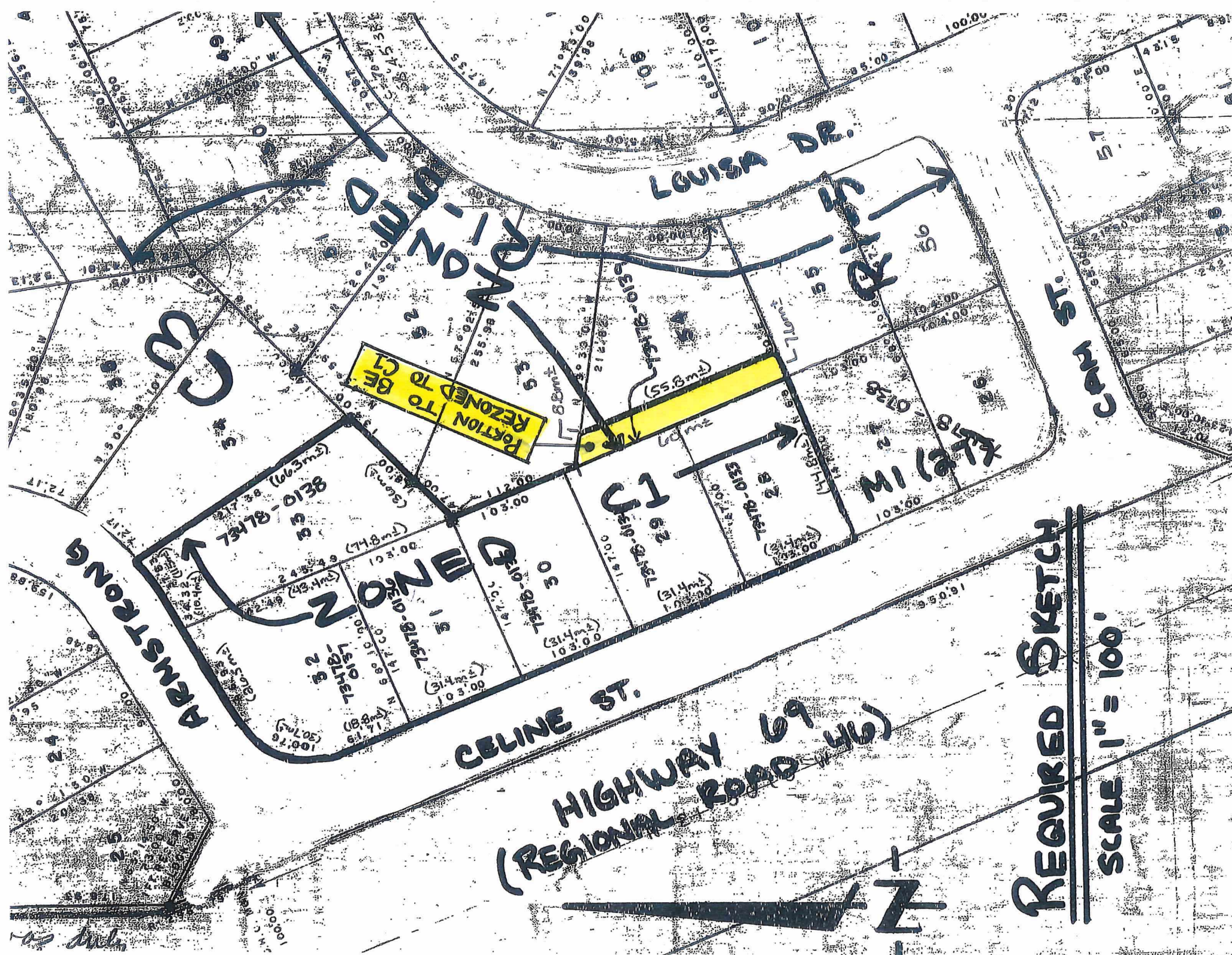
Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning be approved. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff has no concerns with the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. If approved, the amending zoning by-law would prevent a split-zoning, which would result from a concurrently submitted consent application (File # B00008/2021) that is intended to facilitate a lot addition to an existing local commercial lot having frontage on Celine Street in Sudbury.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.









Presented To: Planning Committee  
Presented: Monday, Nov 02, 2015  
Report Date: Thursday, Oct 08, 2015  
Type: Public Hearings  
File Number: 751-6/15-21

## Request for Decision

### **Sitiri Investments Ltd. - Application for rezoning in order to facilitate a lot boundary adjustment on a local commercial lot, Louisa Drive, Sudbury**

#### **Recommendation**

THAT the City of Greater Sudbury approves the application by Sitiri Investments Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "R1-5", Low Density Residential One to "C1", Local Commercial Special in order to expand the existing "C1" Zone presently fronting Celine Street onto a westerly portion of those lands described as PIN 73478-0139, Part of Parcel 50613 S.E.S., Part of Lot 54, Plan M-403, Lot 4, Concession 6, Township of Broder subject to the following conditions:

1. That prior to the enactment of the amending by law:
  - a) The owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow for the preparation of the by-law, and;
  - b) The owner shall submit to the Consent Official an application for consent to consolidate the lands to be rezoned to "C1" with those lands to west described as Parcels 50607 & 50608, Lots 28 & 29, Plan M403, Lot 4, Concession 6, Township of Broder to the satisfaction of the Director of Planning Services.

#### **Signed By**

##### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 8, 15*

##### **Recommended by the Division**

Eric Taylor  
Acting Director of Planning Services  
*Digitally Signed Oct 8, 15*

##### **Recommended by the Department**

Paul Baskcomb  
General Manager of Growth & Development  
*Digitally Signed Oct 14, 15*

##### **Recommended by the C.A.O.**

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed Oct 21, 15*

#### **STAFF REPORT**

##### **Applicant:**

Sitiri Investments Ltd.

##### **Location:**

PIN 73478-0139, Part of Parcel 50613 S.E.S., Part of Lot 54, Plan M-403, Lot 4, Concession 6, Township of Broder (Louisa Drive, Sudbury)

##### **Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the

zoning classification of the subject lands from "R1-5", Low Density Residential One to "C1", Local Commercial.

**Proposal:**

The application is intended to expand the existing "C1" Zone presently fronting Celine Street onto a westerly portion of the subject lands. It is the intent of the owner to consolidate the lands to be rezoned with those lands to the west described legally as Parcels 50607 & 50608, Lots 28 & 29, Plan M403, Lot 4, Concession 6, Township of Broder. At this time, the owner has not applied for consent to consolidate the subject lands with the abutting lots.

**Official Plan Conformity:**

The subject lands are located at the boundary of a Living Area 1 and Mixed Use Commercial designation in the Official Plan for the City of Greater Sudbury. Section 20.9 of the Official Plan provides that boundary designations on the map are considered to be general guidelines only, except where such areas or boundaries coincide with existing roads, railways, rivers, waterbodies and other defined features. The Official Plan permits minor adjustments without a formal amendment through the passing of by-laws provided the general purpose and intent of the Official Plan is maintained. Planning staff is satisfied that the portion of the lands subject to this rezoning application can be considered to be within the Mixed Use Commercial designation.

The Mixed Use Commercial designation is typically located along arterial road corridors and it is the intent of the Official Plan to recognize the development potential of these lands by permitting a balance of mixed uses including commercial, institutional, residential, and parks and open space through the rezoning process. General industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors. Subject to rezoning, new development may be permitted provided that:

- a) Sewer and water capacities are adequate for the site;
- b) Parking can be adequately provided;
- c) No new access to Arterial Roads will be permitted where reasonable alternate access is available;
- d) The traffic carrying capacity of the Arterial Road is not significantly affected;
- e) Traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
- f) Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

**Site Description & Surrounding Land Uses:**

The subject lands are located on the south side of Louisa Drive and to the east of Regent Street and Celine Street in the community of Sudbury. The portion of the lands that are to be rezoned are in the rear of the lands and have an area of approximately 440 m<sup>2</sup> (4,736 ft<sup>2</sup>). The lands are presently vacant.

Surrounding uses to the east are urban residential in nature with the predominant use being that of single-detached dwellings. There is an existing light industrial use containing an automobile-related and storage container and equipment use located to the immediate south-west of the lands to be rezoned.



Commercial development also exists to the west along the Regent Street corridor.

### **Departmental & Agency Comments:**

#### Building Services

No concerns. It is noted that a three (3) metre wide planting strip, the full length of the lot line is required where abutting a residential lot of zone, or in the alternative, where a planting strip contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.8 metres in width.

#### Development Engineering

No concerns. This property is currently serviced with municipal water and sanitary sewer.

#### Drainage

No concerns.

#### Roads, Traffic & Transportation

No concerns.

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

### **Planning Considerations:**

#### Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2014 (PPS). Staff has reviewed the PPS 2014 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

#### Official Plan

Section 4.3 of the Official Plan outlines those matters to be reviewed when considering applications to rezone lands within the Mixed Use Commercial land use designation. Staff has reviewed those matters described in Section 4.3 and has the following comments:

- a) Development Engineering has reviewed the rezoning application and advises that the site is presently serviced with municipal sewer and water infrastructure;
- b) Staff has reviewed the resulting lot fabric and is satisfied that the resulting local commercial lot will be capable of providing adequate parking in the future once a local use for the lands is ready to proceed;
- c) The lands do not immediately abut Regent Street and no new access onto Regent Street would be possible when the lands proceed with a local commercial development;
- d) It is not anticipated that a local commercial use in this location would negatively impact the traffic carrying capacity of Regent Street;

e) Once development proceeds, any required traffic or road improvements, as well as ensuring appropriate landscaping and buffering is provided would be appropriately addressed through the site planning process.

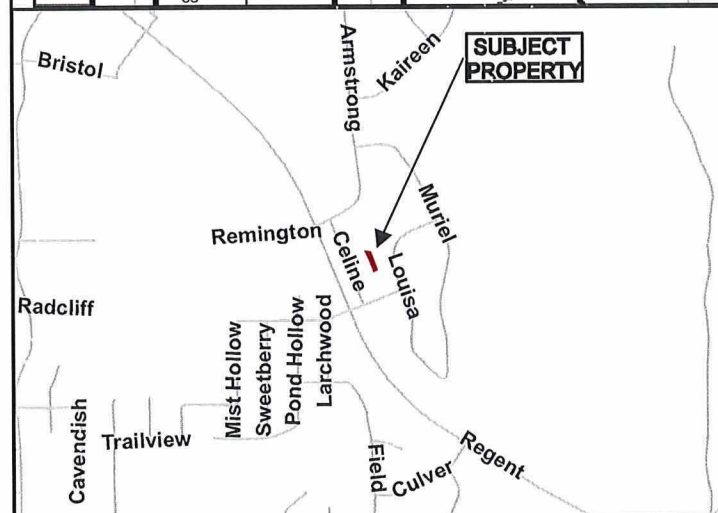
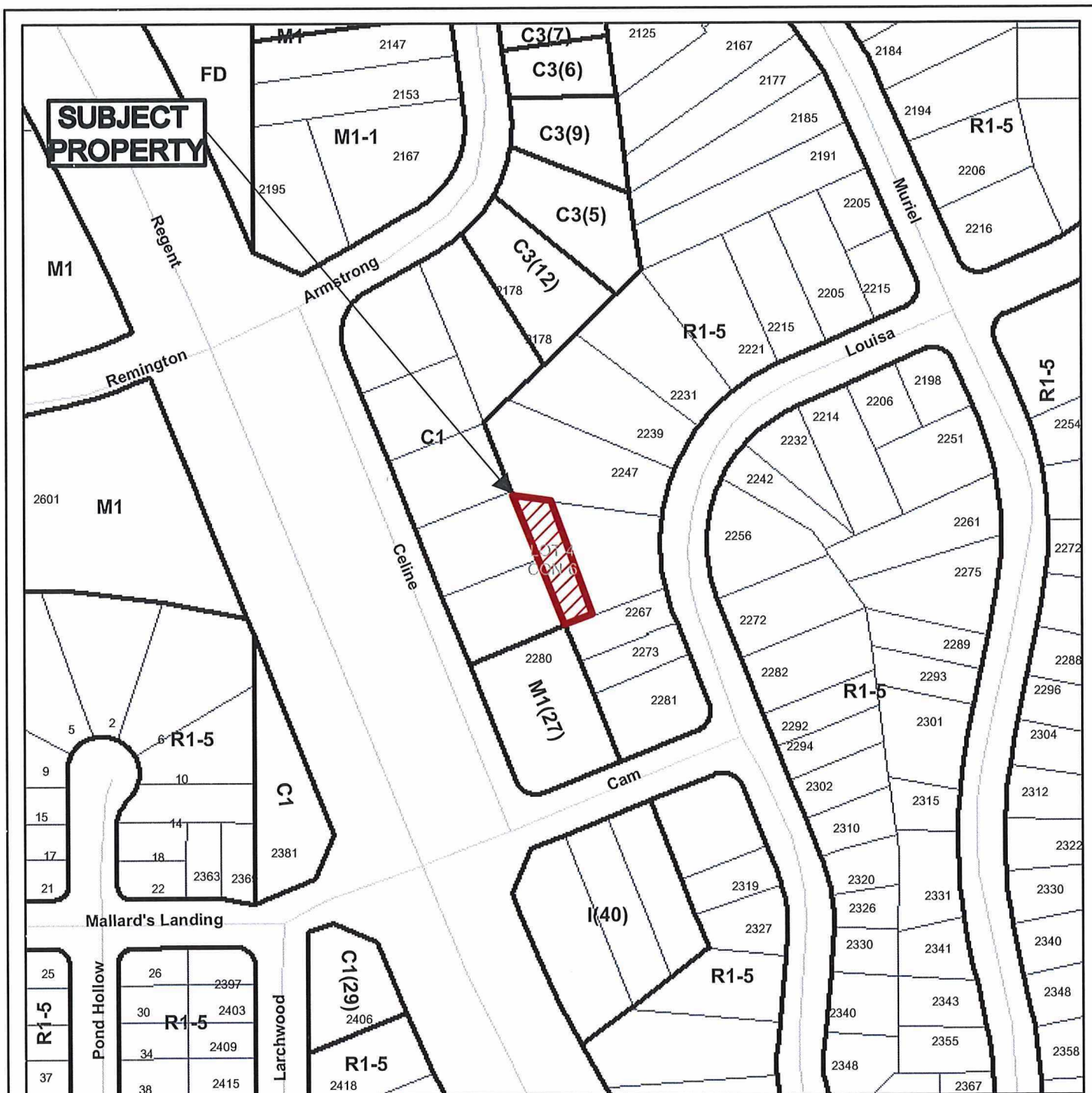
Based on a review of the above matters, staff has no objections to the application to rezone the lands from "R1-5", Low Density Residential One to "C1", Local Commercial in order to facilitate a lot boundary adjustment that would expand the size of the local commercial lands along Celine Street.

#### Zoning By-law

The applicant is requesting that the subject lands be rezoned from "R1-5", Low Density Residential One to "C1", Local Commercial. Staff has reviewed the development proposal in light of this request and confirm that the requested "C1", Local Commercial Zone would be appropriate. Staff has reviewed the submitted sketch and have no concerns with respect to the resulting lot fabric and compliance with the "R1-5" Zone on the residential lot fronting Louisa Drive or the "C1" Zone on the local commercial lot fronting Celine Street. Staff will however require a registered survey of the portion of the subject lands that is to be rezoned to "C1" in order to prepare an amending zoning by-law.

#### Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury and no matters of provincial interest are impacted with respect to the Provincial Policy Statement. Staff advises that prior to the enactment of the amending by-law a registered survey of the lands to be rezoned is to be submitted to the Planning Services Division in order to allow for the preparation of the by-law and that the owner apply for consent to consolidate the subject lands with the abutting lots to the west. The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law in order to expand the existing "C1" Zone presently fronting Celine Street onto a westerly portion of the subject lands be approved subject to the condition outlined in the recommendation section of this report.



## Growth and Development Department



Subject Property being part of PIN 73478-0139,  
part of Pcl. 50613 SES, part of Lot 54, Plan  
M-403, Lot 4, Con. 6, Twp. of Broder, Louisa  
Drive, Sudbury, City of Greater Sudbury

NTS  
Sketch 1

751-6/15-21  
Date: 2015 08 12



ARMSTRONG

C3

NON ZONED

NON ZONED

LOUISIANA P.R.

R15

CAM ST.

(REGIONAL HIGHWAY ROUTE 66) CELINE ST.

PORTION TO BE REZONED TO C1

REQUIRED SKETCH

SCALE 1" = 100'





PHOTO 1 EXISTING LOCAL COMMERCIAL LOT FRONTING CELINE STREET LOOKING NORTH EAST



PHOTO 2 EXISTING URBAN RESIDENTIAL LOT AS SEEN FROM LOUISA DRIVE LOOKING NORTH WEST

751-6/15-21 PHOTOGRAPHY OCTOBER 6, 2015



PHOTO 3 EXISTING LIGHT INDUSTRIAL USE FRONTING CELINE  
STREET LOOKING SOUTH EAST

751-6/15-21 PHOTOGRAPHY OCTOBER 6, 2015

## LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Public Hearing
Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-01

## Report Summary

This report provides a recommendation regarding the proposed zoning amendments associated with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS).

This report is presented by Ed Landry, Senior Planner, Community and Strategic Planning.

## Resolution

THAT The City of Greater Sudbury directs staff to complete their review of application File 751-6/21-01 and return with a final recommended zoning by-law amendment, as outlined in the report entitled “LaSalle Boulevard Corridor Plan and Strategy - Proposed Zoning By-law Amendment”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 10, 2021.

## Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The proposed zoning by-law amendment is consistent with Goal 2.4B of Council’s 2019-2027 Strategic Plan which is “to complete the existing nodes and corridors strategy to ensure that strategic centres and corridors are ready for investment that complements transit and active transportation strategies.”

In terms of the City’s Community Energy and Emissions Plan (CEEP) goals, the proposed zoning by-law amendment will have the effect of encouraging more modes of transportation such as transit and active transportation. The proposed changes help the City get closer to its goals of transit mode share to 25% and active mobility transportation mode share of 35% by 2050 (Goals 7 and 8, respectively – Reference 3). The proposed amendment also reinforces the goal of compact, complete communities by encouraging infill development, decreasing dwelling size through an increase in multi-family buildings, and increasing building type mix (Goal 1).

## **Financial Implications**

There are no financial implications associated with this report at this time.

## **Background**

Council endorsed the City's Nodes and Corridors Strategy in November, 2016 (See Reference 1). The strategy prioritizes study areas to help guide investment and intensification within the community. It will help revitalize and better connect our Downtown, the Town Centres, strategic core areas and corridors of the City. Such a strategy will help create new and distinctive corridors and centres, all featuring mixed uses, public realm improvements and public transit.

In 2017, Council directed staff to proceed with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS – See Reference 2). The LBCPS was completed over 13 months with various check-ins with the community and with Council. The LBCPS has a number of recommendations associated with land use planning to create a new land use framework for the corridor, including integrating high-quality intensification, supporting public transit, and policies for private and public realm improvements.

In July 2018, Council directed staff to commence work on the Official Plan and Zoning amendments. The draft proposed Official Plan Amendment (OPA 102) was brought to Planning Committee in June 2019 (See Reference 3). The OPA was adopted on April 14, 2020. The OPA came into effect on June 18, 2020.

## **Purpose**

This report is the third of three reports on the proposed zoning amendments associated with the LaSalle Boulevard Corridor Plan and Strategy (LBCPS). The July 6, 2020 report described the approach to the zoning by-law amendment (See Reference 4). The September 21, 2020 report further refined the approach and included a draft zoning by-law amendment (See Reference 5). This third report includes the final zoning by-law presented for consideration at a public hearing under the Planning Act.

Highlights of the proposed zoning by-law include rezoning most of the parcels along LaSalle Boulevard to General Commercial (C2) Special, and establishing build-to line from the City's desired Right Of Way. In order to implement the built form recommendations of the LBCPS, intended to create a more pedestrian environment along LaSalle, the amendment introduces a requirement that 60% of the front lot line be occupied by a building.

## **PUBLIC CONSULTATION**

The current emergency declaration required some modifications to City practices regarding public consultation. The City held two online open houses on May 4 and May 5, 2021 to the proposed ZBLA.

Staff sent Notice of Public Hearing and Open Houses per the requirements of the Planning Act, including direct communication with corridor stakeholders, publishing notices in community newspapers, and making use of the City's social media platforms. In all, over 3000 notices were sent out to the community.

The City has provided citizens the opportunity to comment online via such channels as "Over to You", which was also used in the development of LaSalle Boulevard Corridor Plan and Strategy and Official Plan Amendment No. 102.

This May 10, 2021 public hearing is the first of two-stages for input. Staff should now be directed to consider the feedback, make changes as appropriate, and return at a later date with the final recommended zoning by-law amendment for adoption.



## **Discussion**

### **Proposed Draft Zoning By-Law**

The changes to the Official Plan (OPA 102 – See discussion below) to implement the LBCPS guide the more detailed proposed changes to the City's Zoning By-law. Pursuant to the Planning Act, the zoning by-law must conform to the Official Plan.

The following section of the report details the proposed zoning by-law, which would rezone the properties fronting onto LaSalle Boulevard from Notre Dame to Falconbridge Road. The proposed zoning by-law would also encompass some properties on the west side of Notre Dame Avenue as shown on Attachment B - Proposed Zoning Changes.

### **Rezoning to “C2” General Commercial Special**

The proposed zoning by-law rezones the majority of the properties along LaSalle to C2 – General Commercial – Special (See Attachment B). In general, properties rezoned to 'C2 (XXX)' include existing C1, C3, R1, R2, vacant R3, M1 and M1-1. Other zones like R3 and R3-1 would also each be placed in a new Special Zone (e.g. R3 (xx)).

As noted in the July, 2020 report, the C2 Zone is the most permissive commercial zone in the City's Zoning By-law. It allows for most commercial uses except for Camping Grounds, Carnivals, Commercial Tourist Facilities and Marinas. It also permits any dwelling containing not more than 2 dwelling units, multiple dwelling, private home daycares and shared housing (along the corridors only).

### **Prohibition of Some Uses along LaSalle**

Not all permitted C2, R3 and R3-1 uses meet the new vision of LaSalle as expressed in the Official Plan. Subsection 1(3) of the proposed zoning by-law (See Attachment E) prohibits future standalone commercial parking lots, duplexes, single and semi-detached dwellings. Doing so encourages the development of these properties to increase assessment. It would also encourage sound urban design and community-oriented uses at transit-supportive densities in compact, pedestrian-friendly built forms.

### **Establishment of a Build-To Line based on 30M Right of way**

The current minimum setback for commercial uses along LaSalle is 7.5m, and 9.0 metres for business industrial uses. The proposed zoning by-law (see Subsection 1(2) of Attachment E) introduces a build-to line to the corridor in order to promote a more consistent streetscape, introduce sound urban design, and to make the corridor friendlier to all users. A build-to line would bring buildings closer to the street, and would direct the parking to the rear of the buildings.

The build-to line requires that new buildings to be set back from 0m (minimum) to 4.5m (maximum) of the desired Right-of-Way as expressed in the City's Official Plan (which is 30 metres for LaSalle Boulevard). The Right of Way is the City's long-term vision for a road, and includes the space required for travelling lanes, the curb, sidewalk, and associated amenities.

### **Establishment of Percentage of Lot Line Occupied by Building**

As noted in the July, 2020 report, this tool is typically used to ensure that the front of the building is located along the front lot line of the street. Should the City adopt a build-to standard for building, there is a risk that

new buildings would be turned to their side and the flank of the building would front onto LaSalle.

Subsection 1(2) of the proposed zoning by-law introduces a “Percentage of Lot Line Occupied by Building” of 60%.

## **Maximum or Minimum Building Heights**

The LBCPS recommends that the City establish a minimum height of 11 metres along the corridor. It also recommends that the City consider a height overlay schedule to accommodate varied standards along the corridor.

Only the Downtown Commercial (C6 Zone) contains a minimum height in the City’s Zoning By-law. It is 8 metres. The C2 and C3 zones currently have maximum height provisions of 15 metres and 8 metres, respectively.

Staff does not recommend implementing a minimum building height or modifying maximum building heights at this time.

## **Holding Zone**

Subsection 1(4) of the proposed zoning by-law introduces a Holding Zone to those properties smaller than the minimum lot size for a C2 zone (1350 sq. m). These properties are identified in Attachment D. Further to the newly-adopted Official Plan policies, the Holding Zone would be conditional upon a site plan agreement being entered into with the City. The effect of the Holding Provision and site plan control is to “discourage small lot rezoning” and to “promote land assembly for consolidated development.” Land assembly could “reduce the need for additional driveways along arterials and can be used to promote a more consistent streetscape.”

Legally existing single, semi-detached, duplex, group homes (type 1), row dwellings and linked dwellings would enjoy legal nonconforming status.

## **Legal Non-Conforming Uses**

The proposed zoning by-law outlined in this report may create a legal non-conforming status for certain uses, lots or buildings. For example, some buildings may not meet the new standards of the proposed build-to line, the percentage of lot occupied by a building, while some industrial uses, single-detached dwellings, etc, may no longer be a permitted use along the corridor. These situations are contemplated by the City’s Zoning By-law.

Section 4.24 of the City’s Zoning By-law relates to non-conforming uses. Section 4.24.1 allows for the continuation of existing uses, lots, buildings or structures if they were lawfully used for those purposes prior to the effective date of the zoning by-law.

## **Existing Special Exception Zones**

There are numerous zoning exceptions along the corridor. These are demarcated by the use of a bracket after the Zone category (e.g. C1(14)). These exceptions generally:

- Add additional permitted uses to zone
- Remove permitted uses from a zone
- Provide minimum parking requirements; and/or
- Provide tailored setbacks and building sizes

The proposed zoning by-law maintains most of the exception zones along LaSalle, save and except the C1 specials and the M1 and M1-1 specials. The City has reached out to individual land owners and tenants with exception zones. Feedback received as part of this process will be analyzed and addressed as part of the next report.

## **Policy and Regulatory Framework**

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

The proposed ZBLA is consistent with the Provincial Policy Statement, 2020 (PPS, See Reference 6). Specifically, the proposed zoning by-law amendment is consistent with:

- Policy 1.1.1 a) b) e) and f);
- Policy 1.1.3.2 a) e) f) ;
- Policy 1.1.3.3;
- Policy 1.6.7.4;
- Policy 1.7.1 a) b) d), e); and,
- Policy 1.8 a) b) c) e);

Taken together, these policies seek to: promote efficient development and land use patterns to sustain the financial well-being of the City; accommodate a range of uses; improve accessibility and encourage active transportation and transit; make an efficient use of infrastructure; minimize negative impacts to air quality and climate change; and, support long-term economic prosperity.

### **Growth Plan for Northern Ontario**

The proposed ZBLA conforms to and does not conflict with the Growth Plan for Northern Ontario, 2011 (GPNO – See Reference 7). Specifically, the GPNO identifies Greater Sudbury as containing Strategic Core Areas. Strategic Core Areas are defined by the GPNO as “delineated medium-to-high density areas [...] that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.” LaSalle Boulevard was identified as one of the City’s key nodes and significant corridors as part of the City’s Nodes and Corridors Strategy.

Per Section 4.4.2 of the GPNO, Greater Sudbury is encouraged to plan for these areas “to function as vibrant, walkable, mixed-use districts that can: a) attract employment uses and clusters, including office and retail; b) accommodate higher densities; c) provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social, and cultural services.” The proposed ZBLA strengthens the City’s Official Plan in this regard, both as it relates to LaSalle Boulevard, and as it relates to the implementation of the new land use designations brought in by Official Plan Amendment No. 102.

### **Official Plan for the City of Greater Sudbury**

With Official Plan Amendment No 102, the City introduced new land use designations to the City’s Official Plan, including ‘Secondary Community Nodes’ and ‘Regional Corridors’. Secondary Community Nodes are nodes along the City’s strategic corridors with a concentration of uses at a smaller scale than a Regional Centre (e.g. LaSalle Court Mall vs New Sudbury Shopping Centre). These Secondary Community Nodes are located on primary transit corridors and permitted uses include residential, retail, service, institutional, park and other community-oriented activities. Given the function and high visibility of these nodes, special attention to sound urban design principles is essential.

Regional Corridors are the primary arterial links connecting the Regional Centres and the Secondary Community Nodes. These corridors are the City’s ‘Main Streets’ and the permitted uses include medium-density residential, retail, service, institutional, parks, open spaces, office and community-oriented uses at transit-supportive densities in compact, pedestrian-friendly built forms. Sound urban design principles is essential.

The proposed zoning by-law implements the changes introduced by OPA 102, and otherwise conforms to the City's Official Plan.

### **Zoning By-law 2010-100Z:**

The proposal would maintain the development standards, as they exist today, for all zones along LaSalle with a few exceptions. As noted above, the proposed amendment seeks to introduce a build-to line to the corridor, as well as a standard percentage of front lot-line occupied by a building.

### **Site Plan Control**

Section 19.6 of the City's Official Plan designates the entire municipality as a site plan area pursuant to the Planning Act. Section 41 of the Planning Act enables municipalities to require site plan approval for development that has the effect of "substantially increasing the size or usability" of buildings or structures.

The proposal to rezone many of the parcels along LaSalle would allow for more flexibility and could lead to substantially increasing the size or usability of the parcels. In those cases, a site plan control agreement would be a requirement prior to obtaining a building permit.

### **Department/Agency Review**

The application has been circulated to all appropriate agencies and City divisions. Responses received will be used to assist in refining the final recommended amendment, where appropriate.

### **Nickel District Conservation Authority**

The Nickel District Conservation Authority ("Conservation Sudbury") notes that some parcels proposed to be rezoned are regulated by Ontario Regulation 156/06. Further to this, there are a number of parcels that contain the hazards listed in the applicable policies of the 2020 Provincial Policy Statement ("2020 PPS") (i.e. flooding, erosion, and hazardous sites) that have not had the limit of development defined. They have noted that the following features are captured by the proposed amendment to the zoning by-law:

- The Frood (West) Branch of Junction Creek;
- The Ponderosa Provincially Significant Wetland;
- An unnamed tributary of Junction Creek;
- Junction Creek; and,
- An unnamed wetland.

Conservation Sudbury is requesting the following hold provision for any parcel containing, or adjacent to, a natural hazard regulated by Ontario Regulation 156/06:

"Until such time as the "H" symbol has been removed by amendment to this By-law by Council, no development shall be permitted on lands zoned H51C2(xxxx).

The "H" Holding symbol in this By-law shall only be removed by Council of the City of Greater Sudbury pursuant to Section 36 of The Planning Act, R.S.O. 1990, c. P. 13, provided that the following condition is first satisfied:

1. The limits of development associated with the natural hazard have been established to the satisfaction of Conservation Sudbury."

### **Summary and Recommendations**

This report outlined the background to the LaSalle Boulevard Corridor Plan and Study (LBCPS), and

introduced a proposed zoning by-law amendment (ZBLA) that incorporates Official Plan Amendment No. 102 and the LBCPS' land use planning recommendations where appropriate.

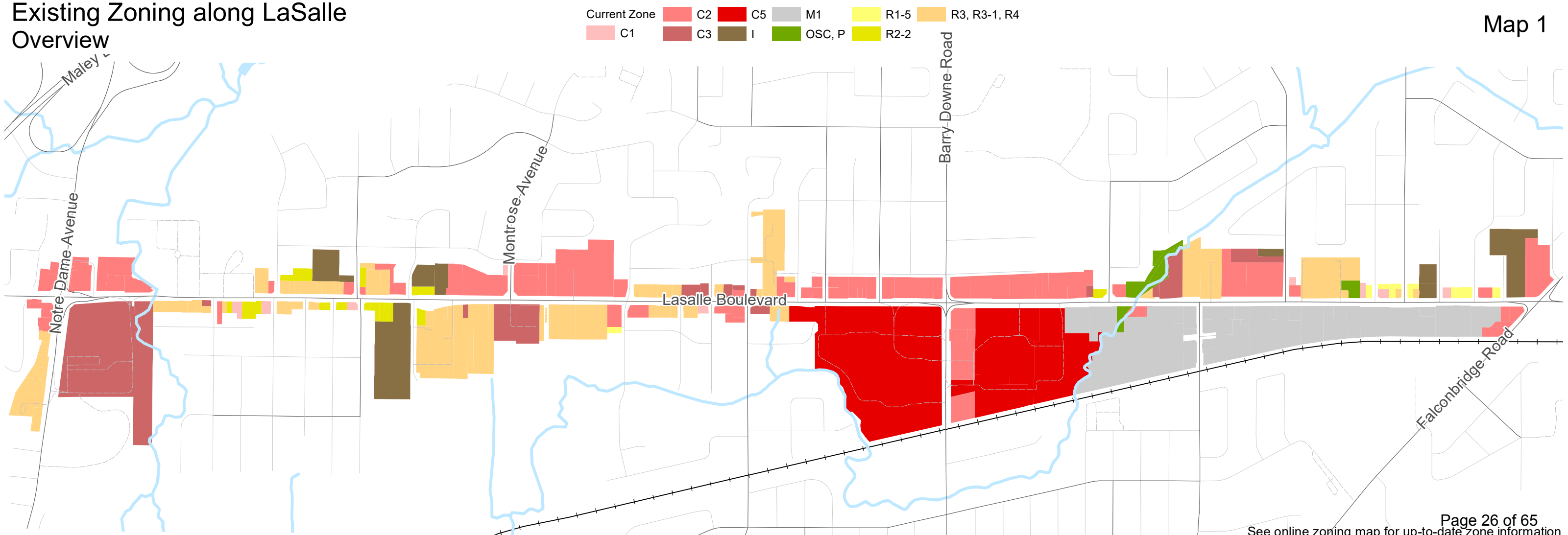
Highlights of the proposed zoning by-law include rezoning many of the parcels along LaSalle Boulevard to a "C2" (General Commercial) Special, and establishing a 0-4.5m build-to line from the Right Of Way. In order to complement that concept, the amendments would introduce a requirement that a certain percentage of the front lot line be occupied by a building.

Staff is seeking direction to consider the feedback, make changes as appropriate, and return at a later date with the final recommended zoning by-law amendment for adoption.

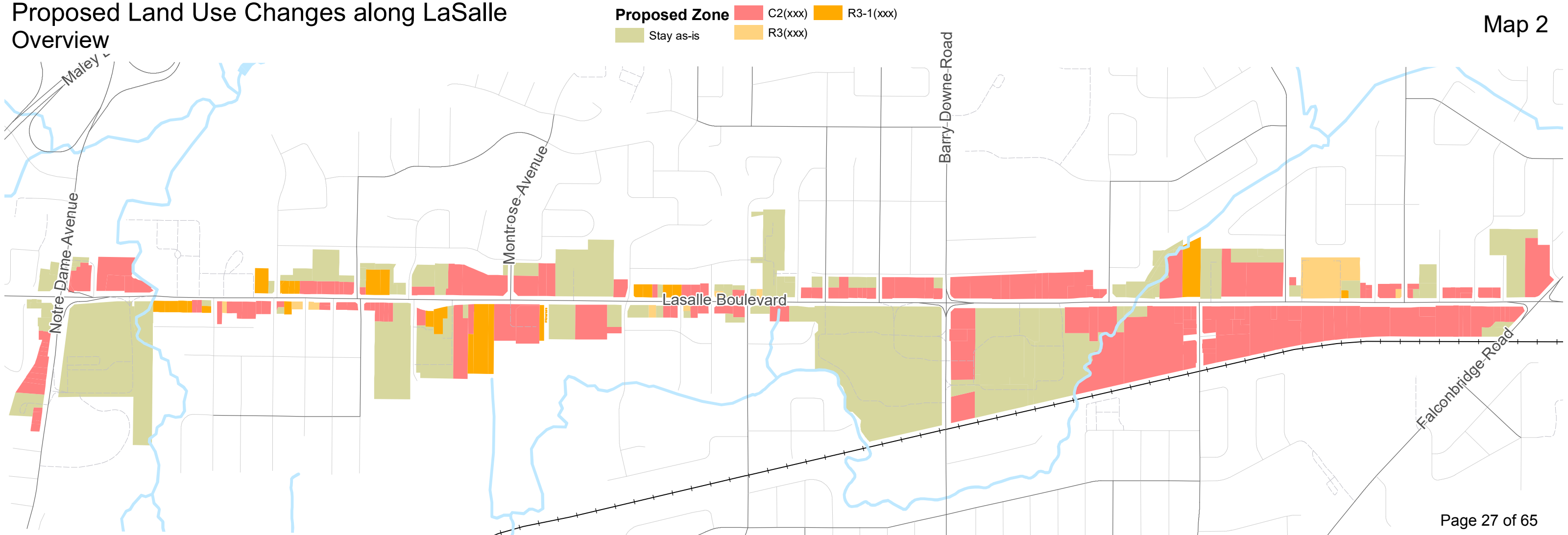
## Resources Cited

1. City-Wide Nodes and Corridor Strategy  
<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=9&id=992>
2. "Proposed LaSalle Boulevard Corridor Plan and Strategy", July 9, 2018 Report From the General Manager of Growth and Infrastructure  
<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1227&itemid=14212>
3. Official Plan Amendment No. 102  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1444&itemid=18472&lang=en>
4. July 6, 2020 Report, "LaSalle Boulevard Corridor Plan and Strategy – Proposed Approach to Zoning By-Law Amendment", July 6, 2020 report from the General Manager of Growth and Infrastructure.  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=8&id=1452>
5. "LaSalle Boulevard Corridor Plan and Strategy – Proposed Zoning By-law Amendment", September 21, 2020 report from the General Manager of Growth and Infrastructure  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=8&id=1455>
6. Provincial Policy Statement, 2020  
[www.ontario.ca/pps](http://www.ontario.ca/pps)
7. Growth Plan for Northern Ontario  
<https://www.ontario.ca/document/growth-plan-northern-ontario>
8. City of Greater Sudbury Zoning By-law  
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/>

# Existing Zoning along LaSalle Overview



# Proposed Land Use Changes along LaSalle Overview

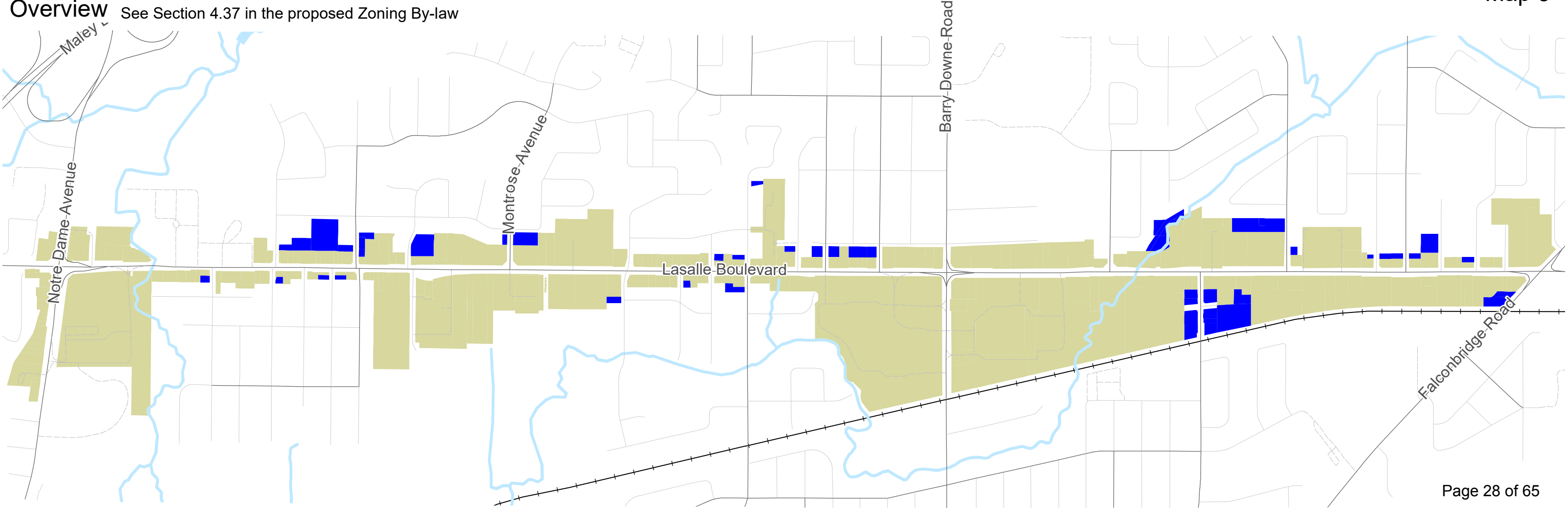


# Proposed Form Changes

Overview See Section 4.37 in the proposed Zoning By-law

No Form Change Form Change




Map 3

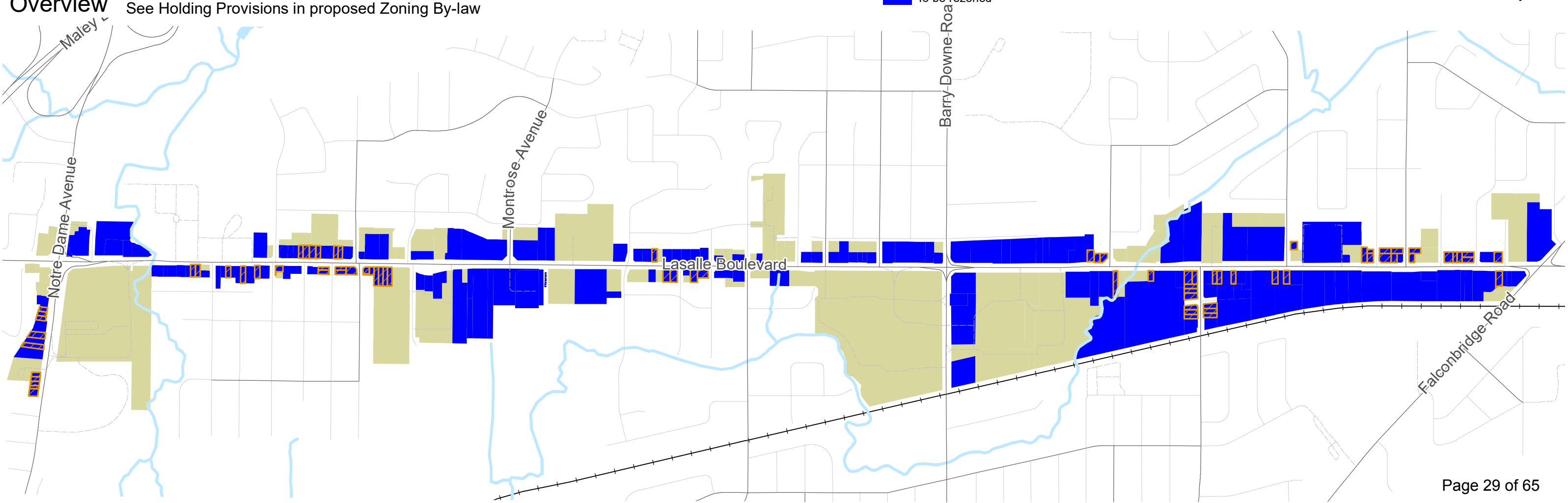




# Properties Subject to Proposed Holding Zones

Overview See Holding Provisions in proposed Zoning By-law

-  Proposed Holding Zone
-  Zone to stay as-is
-  To be rezoned



**By-law 2021-XXXZ**

**A By-law of the City of Greater Sudbury  
to Amend By-law 2010-100Z being the  
Comprehensive Zoning By-law for the City of Greater Sudbury**

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. That By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury be and the same is hereby amended by:

- (1) In PART 3, DEFINITIONS, by adding the following definitions

“

X	Build-To Line	The <i>building line</i> on which the front of a <i>building</i> or <i>structure</i> must be located or built, and which is measured from the desired <i>Right of Way width</i> .
X	Percentage of Front Lot Line Occupied by Building	The percentage of the length of the <i>front lot line</i> which must be occupied by a <i>building</i> .
X	Right of Way width	Desired width of a <i>public road</i> as described in the City of Greater Sudbury Official Plan
X	Significant Corridor	Lots directly abutting the following roads:  LaSalle Boulevard, from X to X Barry Downe Road, from X to X Notre Dame Avenue, from X to X

- (2) In Part 4, General Provisions, Section 4.37 Special Setbacks, by adding a new section as follows:

**“4.37.4. Corridor Setback**

Notwithstanding any other *yard* provision in this By-law to the contrary, and subject to section 4.35 Sight Triangles, the following provisions shall apply to lots having *lot frontage* on a *significant corridor*:

- i. The minimum *build-to line* shall be 0 to 4.5 metres;
- ii. The minimum *percentage of the front lot line occupied by a building* shall be 60%.”

- (3) In Part 11, Exceptions, by adding the following:

**“C2 (XXX) (LASALLE BOULEVARD CORRIDOR OVERLAY)**

Notwithstanding any other provision hereof to the contrary, within any area designated C2 (XXX) on the Zone Maps, all provisions of this By-law applicable to C2 Zones shall apply subject to the following modifications:

- i. The following *uses* shall not be permitted:
  - a. *parking lot*;
  - b. *single detached dwelling*;
  - c. *semi-detached dwelling*;
  - d. *duplex dwelling*;”

**R3 (XXX) (LASALLE BOULEVARD CORRIDOR OVERLAY)**

Notwithstanding any other provision hereof to the contrary, within any area designated R3 (XXX) on the Zone Maps, all provisions of this By-law applicable to R3 Zone shall apply subject to the following modifications:

- i. The following *uses* shall not be permitted:
  - a. *single detached dwelling*;
  - b. *semi-detached dwelling*;

- c. *duplex dwelling*;

**R3-1 (XXX) (LASALLE BOULEVARD CORRIDOR OVERLAY)**

Notwithstanding any other provision hereof to the contrary, within any area designated R3-1(XXX) on the Zone Maps, all provisions of this By-law applicable to R3-1 Zone shall apply subject to the following modifications:

- ii. The following *uses* shall not be permitted:
  - a. *single detached dwelling*;
  - b. *semi-detached dwelling*;
  - c. *duplex dwelling*;

(4) In Part 13, Holding Provisions, by adding the following:

Symbol	Application	Property/Legal Description	Conditions for Removal	Date Enacted	Date Removed
H50	Consolidation with abutting lots, Site Plan Control Agreement		<p>Until such time as the "H" symbol has been removed by amendment to this By-law by Council, the only uses permitted on lands designated H50C2(XXXXX) shall be those uses legally permitted on the date of the by-law applying the "H", Holding designation, subject to the provisions of the applicable zoning classification in effect at that time.</p> <p>The "H" Holding symbol in this By-law shall only be removed by Council of the City of Greater Sudbury pursuant to Section 36 of The Planning Act, R.S.O. 1990, c. P. 13, provided that the following conditions are first satisfied:</p>	TBD	

ATTACHMENT E – PROPOSED ZONING BY-LAW AMENDMENT TEXT

			<ol style="list-style-type: none"><li>1. The minimum <i>lot area</i> is 1,350 m<sup>2</sup>; and,</li><li>2. The owner(s) have entered into a <i>Site Plan Control Agreement</i> with the City of Greater Sudbury to the satisfaction of Director of Planning Services demonstrating that the <i>lot</i> is of an appropriate size for the proposed use and number of driveways onto LaSalle Boulevard have been reduced.</li></ol>		
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(5) By Rezoning the lands within the LaSalle Corridor Overlay as illustrated on Schedule 1 of this By-law

2. This By-law is in conformity with the City of Greater Sudbury Official Plan as amended by Official Plan Amendment #102.

Read and Passed in Open Council this Xth day of XXXX, 2021

## 4292 Municipal Road 15, Chelmsford

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/18-04

## Report Summary

This report provides a recommendation regarding a request to extend a conditional approval on a rezoning application, 4292 Municipal Road 15, Chelmsford – Luc Soenens.

## Resolution

THAT the City of Greater Sudbury approves the application by Luc Soenens to extend the approval of a Zoning By-law Amendment Application, File # 751-5/18-4, on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, for a period of one year until May 7, 2022, as outlined in the report entitled “4292 Municipal Road 15, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021.

## Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to extend the approval of a Zoning By-law Amendment from Council is an operational matter under the Planning Act to which the City is responding.

## Financial Implications

If the rezoning extension is approved, staff estimates approximately \$4,800 in taxation revenue in the supplemental tax year only, based on the assumption of 1 single detached dwelling unit at an estimated assessed value of \$400,000 at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$18,000 based on the assumption of 1 single detached dwelling units based on the rates in effect as of this report.

## Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the creation of one new rural lot on Municipal Road #15 having a minimum lot frontage of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the Zoning By-law. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division, the submission of a satisfactory site alteration permit application to Building Services, and the removal of all unlicensed motor vehicles from the subject lands.

At the time of writing this report, staff understands from the owner’s agent that said registered survey plan is nearing completion, pending receipt of comments received from agencies and departments on the associated application for consent that would legally create the new rural lot (File # B0023/2021). The owner’s agent has also advised that a site alteration permit application has been submitted to Building Services and is in circulation for comments from relevant agencies and departments. The owner’s agent has further advised that all unlicensed motor vehicles have now been removed from the subject lands.

This current request to extend the conditional rezoning approval is the first instance in which an extension is being requested. The fee for the requested extension has been provided by the owner. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until May 7, 2022.

## Staff Report

### Applicant:

Luc Soenens

### Location:

PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)

### Application:

The original application for rezoning for which an extension is now being applied for sought to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from “RU”, Rural to “RU(S)”, Rural Special.

### Proposal:

Staff received an email from the owner’s agent dated March 31, 2021, requesting that their client’s rezoning approval be extended for a period of one year until May 7, 2022. The resolution to conditionally approve the rezoning was ratified by Council initially on May 7, 2019. This is the first request made by the owner’s agent to extend the conditional rezoning approval. The fee for the requested extension has also been received from the owner’s agent.

The rezoning once completed would facilitate the creation of one new rural lot having a minimum lot frontage of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the Zoning By-law.

## **Site Description & Surrounding Land Uses:**

The subject lands are located on the north side of Municipal Road #15 between Fire Route U to the west and Montee Principale to the east in the community of Chelmsford. The lands have a total lot area of approximately 30.98 ha (76.56 acres) along with approximately 133 m (436.35 ft) of frontage onto Municipal Road #15. The lands presently contain a single-detached dwelling on the easterly portions. The single-detached dwelling is accessed via an existing driveway on the easterly portions of the lands out to Municipal Road #15. At the time of writing the original staff report to the City's Planning Committee, there was a number of unlicensed motor vehicles located on the lands and the owner has recently advised that they have removed said unlicensed motor vehicles.

Surrounding uses are rural residential in nature with the predominant built-form being single-detached dwellings. There is a veterinary clinic located immediately to the south. There are also a number of large vacant agricultural and rural lots in the area and further there is an existing extractive use in the form of a pit located further to the east on Municipal Road #15. The lots along the north side of Municipal Road #15 are deep rural lots and are generally well vegetated. There are a number of large and deep agricultural lots located to the south of the subject lands along Municipal Road #15.

## **Planning Considerations:**

Staff would first note that the City's Planning Committee concurrently approved Official Plan Amendment (File # 701-5/18-4) and Council has since now enacted Official Plan Amendment #99 on August 13, 2019. There were no appeals received with respect to the enactment of OPA #99 and said amendment to the City's Official Plan is now in full force and effect. OPA #99 provides for a rural lot creation exception that is to be implemented through an amending zoning by-law, which is the subject of this particular conditional rezoning extension request.

The application for rezoning was originally approved by Planning Committee through resolution PL2019-43 on April 8, 2019 and ratified by Council on May 7, 2019. The rezoning approval was conditional upon the owner providing or addressing the following items:

1. That prior to passing an amending zoning by-law the owner provide the Development Approvals Section with a registered survey plan delineating the lands to be rezoned to the satisfaction of the Director of Planning Services;
2. That prior to passing an amending zoning by-law the owner apply for a site alteration permit to the satisfaction of the Chief Building Official; and,
3. That prior to passing an amending zoning by-law the owner remove all unlicensed vehicles from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services

The owner's agent has indicated to staff by requesting an extension to their conditional approval that they wish to continue to pursue the rezoning of the subject lands. At the time of writing this report, staff have the following observations and comments with respect to the status of the above noted conditions of approval:

1. The owner's agent has not yet submitted a registered survey necessary for the purposes of enacting the amending zoning by-law has not been submitted. Staff understands from the owner's agent that said registered survey plan is nearing completion pending receipt of comments received from agencies and departments on the associated application for consent that would legally create the new rural lot (File # B0023/2021);
2. The owner's agent has advised that a site alteration permit application has been submitted to Building Services and is in circulation for comments from relevant agencies and departments; and,
3. The owner's agent has advised in their extension request letter dated March 31, 2021, that all unlicensed motor vehicles have now been removed from the subject lands. Staff is in receipt of site photos and will be attending the lands for an inspection prior to clearing this condition of approval.

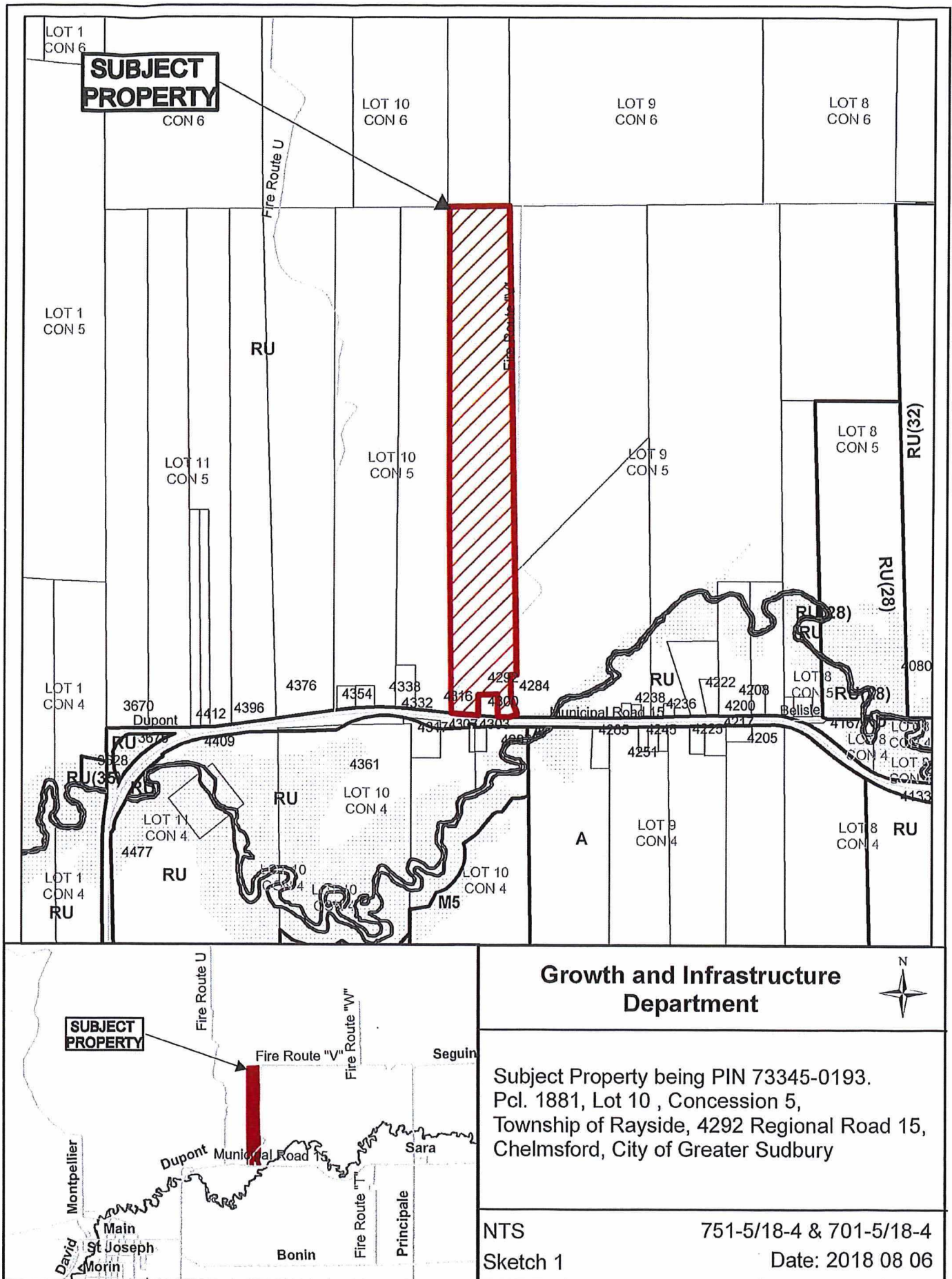


A copy of the approved resolution from Planning Committee, which was ratified by Council on May 7, 2019, is attached to this report for reference purposes. A copy of the original staff report, which recommended approval of the rezoning request, is also attached to this report for reference purposes.

Staff has reviewed the extension request and has no concerns with a one year extension at this time, but would reiterate that the amending zoning by-law can only be enacted once all of the above noted conditions of approval are satisfied.

**Summary:**

The owner's agent has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate the creation of one new rural lot having a minimum lot frontage on Municipal Road #15 of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division, the submission of a satisfactory site alteration permit application to Building Services, and the removal of all unlicensed motor vehicles from the subject lands. This current request to extend the conditional rezoning approval would be the first extension granted. The owner's agent has provided the fees necessary for this extension request. Staff therefore has no concerns and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until May 7, 2022.



Presented To:	Planning Committee
Presented:	Monday, Apr 08, 2019
Report Date	Monday, Mar 18, 2019
Type:	Public Hearings
File Number:	751-5/18-4

## Request for Decision

### Luc Soenens – Applications for Official Plan Amendment and Zoning By-law Amendment in order to facilitate the creation of a rural lot, 4292 Municipal Road #15, Chelmsford

#### Resolution

Resolution regarding Official Plan Amendment Application:

THAT the City of Greater Sudbury denies the application by Luc Soenens to amend the Official Plan for the City of Greater Sudbury to provide for a site-specific exception from Section 5.2.2 in order to facilitate the creation of one new rural lot on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled “Luc Soenens” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

Resolution regarding Zoning By-law Amendment Application:

THAT the City of Greater Sudbury denies the application by Luc Soenens to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands from “RU”, Rural to “RU(S)”, Rural Special on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled “Luc Soenens” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

#### Signed By

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Mar 18, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Mar 18, 19*

##### **Financial Implications**

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Mar 19, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Mar 25, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Mar 26, 19*

#### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Official Plan and Zoning By-law is an operational matter under the Planning Act to which the City is responding.

#### Report Summary

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment intended to facilitate the creation of one new rural lot having a minimum lot frontage of approximately 63 m (206.69 ft)

along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the Zoning By-law. Staff advises that the development proposal does not conform to the rural lot creation policies of the Official Plan for the City of Greater Sudbury and further it is not consistent with the rural land use policy directions as set out under the 2014 Provincial Policy Statement. The Planning Services Division is therefore recommending that the Official Plan Amendment and Zoning By-law Amendment applications be denied as outlined in the resolution section of this report.

The subject lands are not serviced with municipal water or sanitary sewer infrastructure. Public transit does not run along Municipal Road #15. Both Handi-Transit and TransCab services are also not provided along this portion of Municipal Road #15. Garbage collection and snow removal services are provided along Municipal Road #15.

### **Financial Implications**

This report has no financial implications as staff recommends that this Official Plan amendment and rezoning request be denied.

**Title:** Luc Soenens

**Date:** March 7, 2019

## **STAFF REPORT**

### **Applicant:**

Luc Soenens

### **Location:**

PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)

### **Official Plan and Zoning By-law:**

#### [Official Plan](#)

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Rural lot creation policies are intended to mitigate the pressures inherent to unserved development and the environmental impact of private septic systems. Development is intended to be concentrated in fully serviced communities and limits on location, size and the number of lot creations in the Rural designation have therefore been established.

Rural lot creation for new lots not located on a lake or watercourse is permitted under Section 5.2.2(2) subject to the following policies:

1. The severed parcel and the parcel remaining must have a minimum size of 2 ha (5 acres) and a minimum public road frontage of 90 m (300 ft); and,
2. Regardless of the size and frontage of the parent parcel, no more than three new lots may be created from a single parent rural parcel based on the adoption date of the Official Plan.

#### [Zoning By-law](#)

The subject lands are presently zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "RU" Zone generally permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment, group home type 1, seasonal dwelling, private cabin and private home daycare. Permitted non-residential uses generally include an agricultural use, animal shelter, forestry use, hunting or fishing camp, garden nursery, kennel, public utility and veterinary clinic. The minimum lot area for lands zoned "RU" is 2 ha (5 acres) along with a minimum lot frontage requirement of 90 m (300 ft).

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the north side of Municipal Road #15 between Fire Route U to the west and Montee Principale to the east in the community of Chelmsford. The lands have a total lot area of approximately 30.98 ha (76.56 acres) along with approximately 133 m (436.35 ft) of frontage onto Municipal Road #15. The lands presently contain a single-detached dwelling on the easterly portions. The single-detached dwelling is accessed via an existing driveway on the easterly portions of the lands out to Municipal Road #15. There are a number of unlicensed motor vehicles located on the lands.

Surrounding uses are rural residential in nature with the predominant built-form being single-detached dwellings. There is a veterinary clinic located immediately to the south. There are also a number of large vacant agricultural and rural lots in the area and further there is an existing extractive use in the form of a pit located further to the east on Municipal Road #80. The lots along the north side of Municipal Road #15 are deep rural lots and are generally well vegetated. There are a number of large and deep agricultural lots located to the south of the subject lands along Municipal Road #80.

**Applications:**

1. To amend the Official Plan for the City of Greater Sudbury in order to provide for a site-specific exception to Section 5.2.2(2) in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 metres of lot frontage onto a public road; and,
2. To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU", Rural to "RU(S)", Rural Special.

**Proposal:**

The applications together would facilitate the creation of one new rural lot having a minimum lot frontage of approximately 63 m (206.69 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law. The lands to be severed presently contain a single-detached dwelling and the retained lands are presently vacant.

**Departmental/Agency Circulation:**

The City's Drainage Section, the Nickel District Conservation Authority, Operations, Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Development Engineering has noted the lands are not presently serviced with municipal water or sanitary sewer infrastructure.

Building Services has noted that the lands have been altered in contravention of [By-law 2009-170](#) being a by-law to regulate the removal of topsoil, the placing or dumping of fill and the alteration of grades of land. It is recommended that the owner be required to obtain a site alteration permit to the satisfaction of the Chief Building Official prior to an amending zoning by-law being passed. Building Services has also noted that a number of unlicensed vehicles are located on the lands and further that said unlicensed vehicles should be removed prior to passing of an amending zoning by-law.

**Neighbourhood Consultation:**

The statutory notice of the public hearing was provided by newspaper along with an initial courtesy mail-out to landowners and tenants within a minimum of 240 m (800 ft) of the subject lands. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The agent for the owner advised at the time of submission that no neighbourhood consultation would take place beyond the statutory notice requirements under the Planning Act. At the time of writing this report, several phone calls related to the application have been received by the Planning Services Division.



[2014 Provincial Policy Statement](#)

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2014 (PPS). The proposed Official Plan Amendment and rezoning is not consistent with the PPS for the following reasons:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The subject lands are not located within a designated settlement area in the City's Official Plan. The owner seeks to create an additional rural lot outside of a settlement area with both the proposed severed and retained parcels having less than the required 90 m (300 ft) of public road frontage onto Municipal Road #15. The City's in-force Official Plan identifies Living Areas which are intended to be the focus of growth and development in the City of Greater Sudbury. The subject lands are also not within a designated rural settlement area as described in the PPS;
2. Section 1.1.5.2 states that limited residential development is permitted on rural lands. Staff is of the opinion that the City's Official Plan allows for and has placed reasonable limits on rural lot creation. This approach to limiting rural lot creation is consistent with the PPS. Staff is of the opinion that the proposed development is not in keeping with good rural lot creation principles and that reasonable limited rural residential development opportunities exist under Section 5.2.2(2) of the current in-force Official Plan; and,
3. Section 1.1.5.9 states that new land uses, including the creation of lots, shall comply with the minimum distance separation (MDS) formulae established by the Ministry of Agriculture, Food and Rural Affairs. Staff notes that the agent for the owner did prepare and submit an MDS report and calculation in support of the application. Staff did review the MDS report and calculation and identified no areas of concern with respect to distance separation between the new lot proposed to be created and the nearest agricultural use.

[Growth Plan for Northern Ontario](#)

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to amend the Official Plan and rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

[Official Plan](#)

With respect to the rural lot creation policies set out under Section 5.2.2(2) of the Official Plan, staff notes that both the severed and retained lands would not provide for the minimum required 90 m (300 ft) of lot frontage onto a public road being that of Municipal Road #15. The policies relating to rural lot creation are intended to mitigate the pressures that result from unlimited and unserved rural development including but not limited to the environmental impacts of having additional private infrastructure services on undersized rural lots. At the same time, staff would advise that the parameters for rural lot creation with respect to minimum lot areas and minimum lot frontages provides for reasonable and limited rural residential lot creation and development as directed under the PPS. The rural lot proposed to be created and the retained lot would both be undersized from a minimum lot frontage perspective, whereas currently the lot as it exists maintains in excess of 90 m (300 ft) of public road frontage on Municipal Road #15. Staff has concerns that continued and subsequent applications could result in the creation of further undersized rural lots that would create additional demand for private infrastructure services. Staff cannot support the application and is of the opinion that the proposed rural lot creation does not conform to the rural lot

**Title: Luc Soenens**

**Date: March 7, 2019**

creation policies under Section 5.2.2(2) of the Official Plan.

### Zoning By-law

The applicant is requesting that the subject lands be rezoned from “RU”, Rural to “RU(S)”, Rural Special. The proposed rezoning would recognize a reduced minimum lot frontage for both the severed and retained lots whereas the parent “RU” Zone would require that both the severed and retained lands provide for a minimum lot frontage of 90 m (300 ft) onto Municipal Road #15. The owner is seeking to rezone the lands in order to recognize a resulting lot fabric having approximately 63 m (206.69 ft) on the severed portion along with a retained portion having approximately 72 m (236.22 ft) of lot frontage. The relief being sought would amount to a reduction in the minimum lot frontages of 27 m (88.58 ft) and 18 m (59.06 ft) respectively. Staff does note that the existing single-detached dwelling as shown on the submitted sketch appears to comply with all applicable “RU” Zone development standards otherwise. Staff cannot support the application to rezone the lands as the proposed development would not conform to the rural lot creation policies of the Official Plan for the City of Greater Sudbury.

Staff would also note that under Section 4.39 of the Zoning By-law the parking of any unlicensed motor vehicle(s) only as an accessory use to an automotive repair shop, automotive sales establishment, automotive body shop, vehicle repair shop, a vehicle sales or rental establishment or a recreation vehicle sales and service establishment located on the same lot as said uses. Aerial photography and site visits have indicated that a number of unlicensed vehicles are situated on the lands and staff would advise the owner that this is not permitted as none of the above noted land uses are permitted on the lands presently zoned “RU” under the Zoning By-law.

### Summary

Staff has reviewed the development proposal and is of the opinion that the development proposal does not conform with rural lot creation policies in the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the rural land use planning policy directions identified in PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff cannot support the applications as the development proposal does not represent good rural land use as it does not represent limited and reasonable rural residential development given the rural land use planning policy directions in the PPS and the applicable rural lot creation policies contained in the Official Plan. The Planning Services Division therefore recommends that both the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the resolution section of this report.



# Appendix 1

## Departmental & Agency Comments

**Files: 701-5/18-4 & 751-5/18-4**

**RE: Application for Official Plan Amendment & Rezoning – Luc Soenens – PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)**

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### Building Services

It appears that a portion of the site has been altered in contravention of CGS By-law 2009-170 for the Removal of Topsoil, the Placing or Dumping of Fill, and the Alteration of Grades of Land, as a Site Alteration Permit was not obtained. Prior to the passing of an amending zoning by-law, a Site Alteration Permit will be required to the satisfaction of the Chief Building Official.

Unlicensed motor vehicles and salvage or wrecking yards are not permitted uses in the “RU”, Rural Zone. All unlicensed motor vehicles must be removed from the retain portion.

### Development Engineering

No concerns. The lands are not presently serviced with municipal water or sanitary sewer.



SKETCH OF PROPOSED SEVERANCE AT  
**4292 REGIONAL ROAD #15**  
**PIN 73345-0193**  
CITY OF GREATER SUDBURY  
2018

FILE COPY

SCALE 1 : 1000  
0 10 20 30 40 METRES

CROWN

NOT TO SCALE

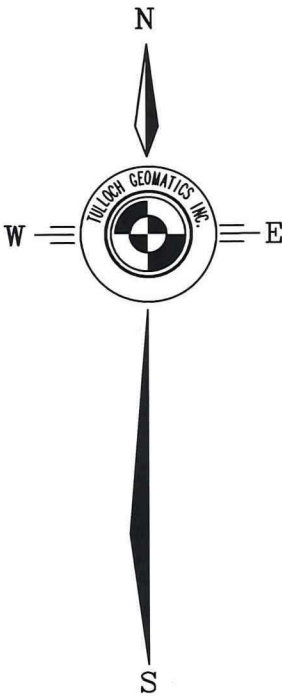
CONCESSION 6  
CONCESSION 5

LOT 9  
CON.

LOT 9  
CON.

LOT 10  
CON.

NOT TO SCALE



PROPOSED RETAINED  
66± ACRES

PROPOSED SEVERANCE  
5.00± ACRES

PIN 73345-0193

PART 1  
53R--8063  
PIN 73345-0309

PIN 73345-0650

PART 1 53R--16461

POOL

HOUSE

71.63±

NOTES

THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN HAVE BEEN COMPILED FROM REGISTRY PLANS AND HAVE NOT BEEN CONFIRMED.

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF TULLOCH GEOMATICS. ©TULLOCH GEOMATICS, 2018.

REGIONAL ROAD #15

NOTE : DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.





**Photo #1 – Subject lands as viewed from Municipal Road #15 looking north.**



**Photo #2 – Approximate location of new rural lot as viewed from subject lands looking west.**



**Photo #3 – Existing single detached dwelling located on the subject lands.**





**Photo #4 – Existing single-detached dwelling located to the west of the proposed new rural lot.**



**Photo #5 – Existing single-detached dwelling located between the existing road frontages of the subject lands.**





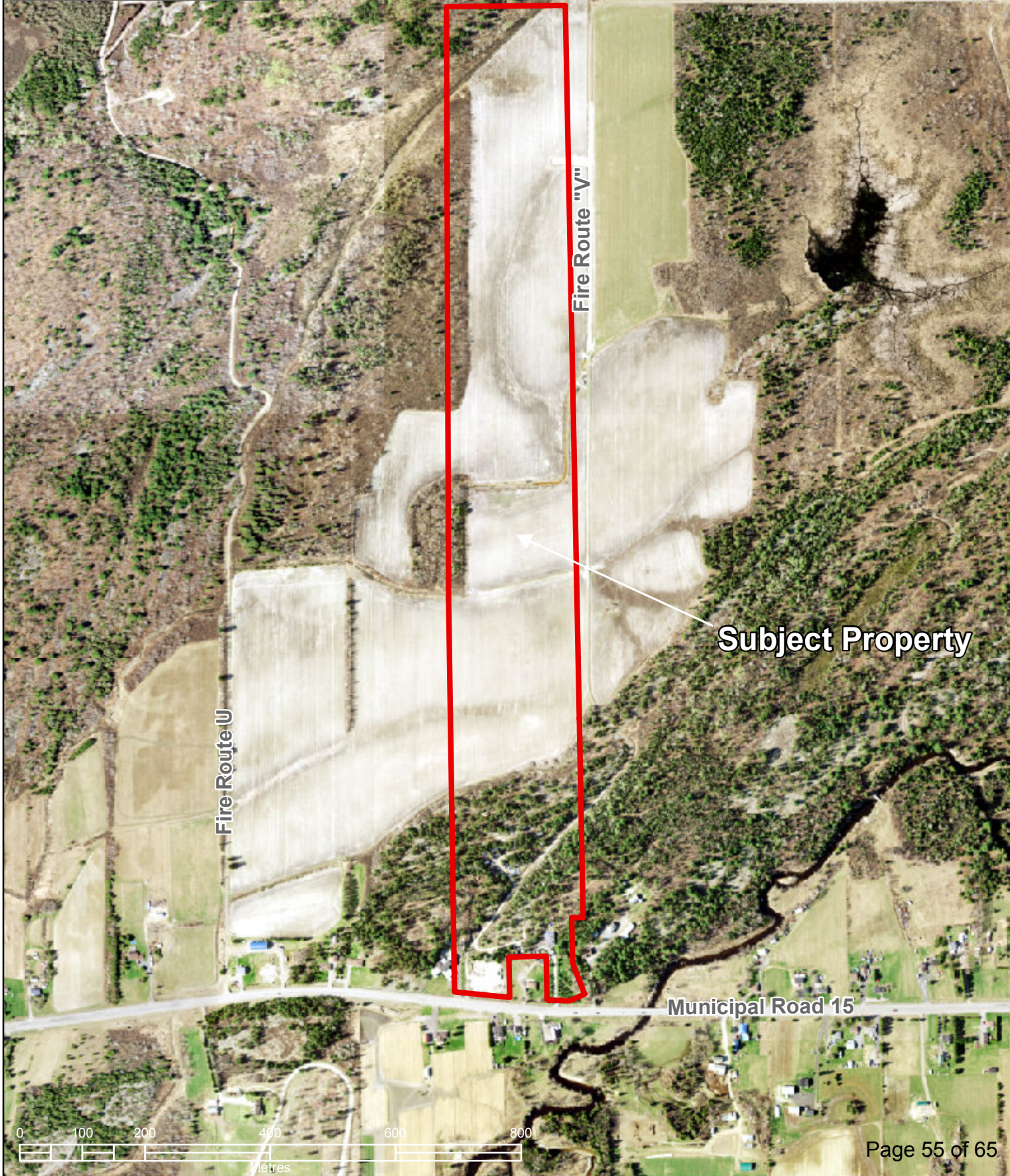
**Photo #6 – Existing residential dwellings to the south of the subject lands.**



***Photo #7 – Existing veterinary clinic located to the south of the subject lands.***



Files: 751-5/18-4,  
701-5/18-4.  
4292 M.R. 15,  
Chelmsford  
2016 COOP Orthophotography





## Block 25, Lot 53M-1204, Lot 4, Concession 6, Snider Township

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Managers' Reports
Prepared by:	Alex Singbush Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

## Report Summary

This report provides a recommendation regarding a deeming by-law for Block 25, Lot 53M-1204, Lot 4, Concession 6, Snider Township.

## Resolution

THAT the City of Greater Sudbury approves designating Block 25, Plan 53M-1204 as being deemed not to be part of a registered plan for the purposes of Section 50(3) of the Planning Act, as outlined in the report entitled "Block 25, Lot 53M-1204, Lot 4, Concession 6, Snider Township", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021; and,

THAT the City of Greater Sudbury directs staff to prepare a by-law to enact deeming Block 25, Plan 53M-1204 not to be part of a plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

## Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The designation of part of a Registered Plan to be deemed not to be a registered plan for the purposes of Section 50(3) of the Planning Act is an operational matter under the Planning Act.

## Financial Implications

There are no financial implications associated with this report.

## Report Summary

Staff are recommending that Block 25, Plan 53M-1204 be deemed to not be part of a registered plan of subdivision as a means of consolidating the block with an abutting parcel in the same ownership.

## Staff Report

### Location:

Block 25, Plan 53M-1204, Lot 4, Concession 6, Snider Township, Azilda

### Background:

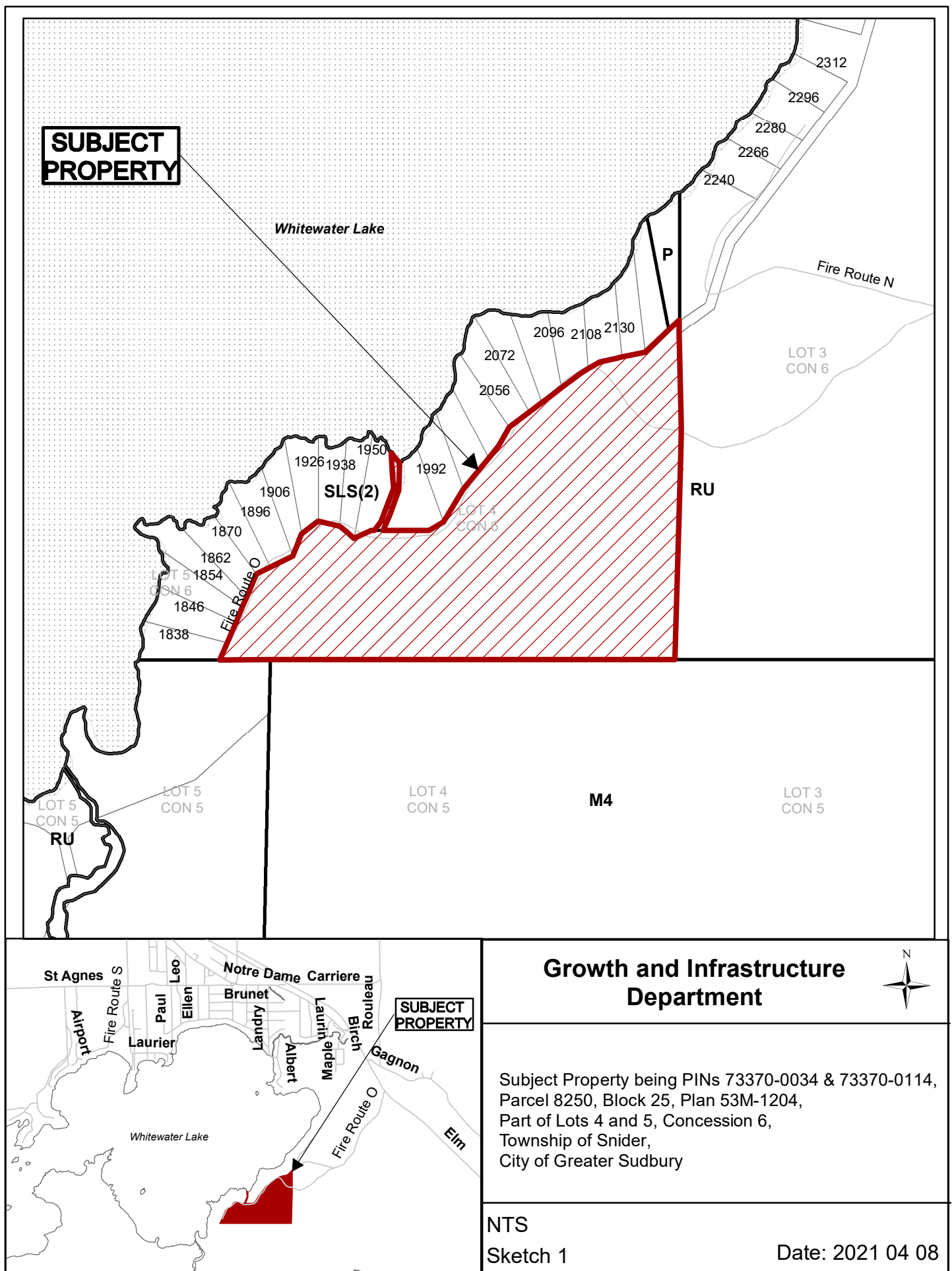
Section 50(4) of the Planning Act provides that the council of a local municipality may, by by-law, designate any plan of subdivision that has been registered for 8 years or more not to be a registered plan for the purposes of Section 50(3) of the Planning Act. Plan 53M-1204 was registered on October 10, 1989. Subsection 50(3) of the Planning Act contains the subdivision control provisions preventing the transfer of land unless the land is within a plan of subdivision along with other restrictions and requirements.

The subject lands are designated Rural in the Official Plan and are zoned "SLS(2)", Seasonal Limited Service Special and are vacant. The parcel proposed to be consolidated with the subject lands is zoned "RU", Rural and is also vacant. Section 2.4.1 of Zoning By-law 2010-100Z, the Zoning By-law for the City of Greater Sudbury indicates that: "g) Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *zone*."

The applicant has indicated that they wish to consolidate the waterfront block with the balance of their abutting lands.

In order to consolidate the land ownership and prevent the individual transfer of the block, it is recommended that a by-law be enacted by Council deeming Block 25, Plan 53M-1204 not to be a part of a registered plan for the purposes of Section 50(3) of the Planning Act. The deeming by-law would be forwarded to the Registry Office, and would appear on title to the property and would prevent the transfer of the lands individually. The holding could only be transferred together as long as the deeming by-law remains in place.

Staff has received request for a deeming by-law from the owner, which would have the effect of not allowing ownership of the lands to be transferred separately.



<b>Growth and Infrastructure Department</b>	
Subject Property being PINs 73370-0034 & 73370-0114, Parcel 8250, Block 25, Plan 53M-1204, Part of Lots 4 and 5, Concession 6, Township of Snider, City of Greater Sudbury	
NTS Sketch 1	Date: 2021 04 08



## **Official Plan Phase 1 – Proposed Zoning By-law Update**

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Managers' Reports
Prepared by:	Melissa Riou Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-12

## **Report Summary**

This report provides a recommendation regarding the proposed changes to Zoning By-law 2010-100Z in order to implement recent changes to the Official Plan made as part of Phase 1 of the Five Year Review of the Official Plan.

## **Resolution**

THAT the City of Greater Sudbury directs staff to initiate an amendment to Zoning By-law 2010-100Z, under Section 26(9) of the Planning Act to implement Phase 1 of the Five Year Review of the Official Plan, as outlined in the report entitled “Official Plan Phase 1 – Proposed Zoning By-law Update”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The Official Plan is a blueprint to help guide Greater Sudbury’s development over the next twenty years. It establishes long term goals, shapes policies and outlines social, economic, natural and built environment strategies for the City. The Zoning By-law is the vehicle for implementing those policies that regulate land use, scale and intensity of development.

## **Financial Implications**

There are no financial implications associated with the approval of this report.

## **Background**

Phase One of the Five Year Review of the Official Plan (OPA 88) was adopted by City Council on June 26, 2018 by By-law 2018-124P and approved, with modifications, by the Province on April 25<sup>th</sup>, 2019 (see Reference 1). As a result Council’s new land use planning policies for growth and settlement; lake water quality; source water protection; climate change; planning for an aging population; local food systems and natural and built heritage came into effect on April 26, 2019. These

policies are now being used to guide the review and analysis of relevant land use planning applications.

Pursuant to subsection 26(9) of the Planning Act, the City is required to update its Zoning By-law no later than three years after the Official Plan review came into effect.

Phase Two of the Official Plan review launched with a Special Meeting of Planning Committee on June 26, 2019.

## **Proposed Timing Public Consultation**

The Planning Act and the Official Plan for the City of Greater Sudbury require two (2) open houses be held prior to the Public Hearing to for a Zoning By-law Amendment proposed as the result of a comprehensive plan review process, such as Phase 1 of the Five Year Review of the Official Plan. The following table provides an approximate proposed consultation schedule.

<b>Meeting Type</b>	<b>Approximate date</b>
Open House #1	Week of June 14 <sup>th</sup> , 2021
Open House #2	Week of June 14 <sup>th</sup> , 2021
Public Hearing	June 28, 2021

Once confirmed the dates and times of the open houses will be advertised as required under the Planning Act and by the Official Plan for the City of Greater Sudbury.

Phase 1 of the Five Year Review of the Official Plan contained a number of policy changes that would necessitate amendments to the Zoning By-law. This report summarizes the proposed changes to the Zoning By-law required to implement the Phase One amendments to the Official Plan.

## **Overview of Changes**

### **Shoreline Development Amendments**

The Official Plan contains policies to protect sensitive groundwater features. These policies were further strengthened through Phase 1 of the Five Year Review of the Official Plan. Previously Section 8.4.1 of the Plan required a 12.0 metre setback from the normal high water mark of a lake or river for all new development, excluding shoreline structures. The current policies require a setback from the normal high water mark of lakes or streams of 30.0 metres and a setback of 12.0 metres from the normal high water mark of a permanently flowing stream. Additionally, a setback of 30.0 metres from a lake or river will be required for leaching beds. The current setback for leaching beds from a lake, river or stream as per Part 8 of the Ontario Building Code is 15.0 m.

Amendments were also made to Section 8.5.2, Vegetative Buffers, which require that a shoreline buffer area of 20.0 metres be maintained in a natural state adjacent to a lake or river. A buffer area of 12.0 must be maintained adjacent to a permanently flowing stream. Additional provisions in Section 8.5.2 permit a portion of the shoreline buffer area to be cleared of natural vegetation. On a residential lot, a maximum of 25% of the shoreline buffer area may be cleared, however it must not exceed an area of 276 m<sup>2</sup> or 23m in length along the shoreline. The policies related to the amount for shoreline buffer area that may be cleared have not changed in the Official Plan and the associated provisions of the Zoning By-law are not proposed to change.

### **Shopping Centre Commercial (C5) Zone Amendments**

These proposed changes are not directly related to the Phase 1 review of the Official Plan, but rather the LaSalle Corridor Official Plan amendment. They were identified as a requirement based on the recent changes to the Zoning By-law that introduced permission for long-term care facilities, retirement homes and multiple dwellings as permitted uses within the C5 zone and additionally serve to implement housing related policies of the Official Plan.

The C5 Shopping Centre Commercial Zones are most often located in Regional Centres and Secondary Community Nodes. They are located in strategic areas throughout the City and are intended to be developed at transit supportive densities, including medium density buildings.

The proposed amendments would remove the current maximum lot coverage of 50% and remove the maximum gross floor area (gfa) which limits the gfa to 100% of the lot area. The removal of these maximums will provide additional flexibility for the development of C5 properties.

Current provisions for parking and loading, as well as a minimum requirement of 15% for landscaped open space provide sufficient limitation on the lot coverage. These provisions, in combination with the application of Site Plan Control can be used to achieve high quality design.

### **Limited General Commercial (C4) Zone Amendments**

Section 4.2.1, Downtown, of the Official Plan has been amended to require both a minimum and a maximum height limit for the shoulder areas of the Central Business District. The zoning classification that aligns with the shoulder area to the downtown is the C4 (Limited General Commercial) Zone. At present, the Zoning By-law provides for a maximum height of 34.0 m within the C4 Zone. It is proposed that a minimum height of 8.0 m be implemented which is consistent with the minimum height of the C6 Downtown Commercial Zone and will provide for an appropriate height transition between the Downtown and adjacent areas.

### **Farm Consolidation Amendments**

Section 6.2.2, Lot Creation of the Official Plan has been amended. Specifically, Policy 4 pertains to farm consolidations that result in a residence surplus to the farm operation on Agriculture (A) zoned lands.

The proposed amendment to the zoning by-law would eliminate the need for rezoning, provided that the proposed lot had a minimum lot area of 0.4 ha, a maximum lot area of 1.0 ha and a minimum lot frontage of 45 metres, in addition to being separated from agricultural uses in accordance with the Minimum Distance Separation Formula. Rezoning would remain a requirement where farm consolidation of non-abutting lands occurs. A draft of the proposed amending by-law is appended to this Report as Appendix A.

### **Planning Act**

Section 26(9) of the Planning requires that the council of a municipality amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan no later than three years after the revision to the official plan comes into effect. Phase 1 of the Five Year Review of the Official Plan was approved by the Ministry of Municipal Affairs on April 25, 2019. The Zoning By-law amendments as proposed in this report would ensure conformity with the Official Plan within the timelines set out in the Planning Act.

### **2020 Provincial Policy Statement**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 PPS. The following PPS policies are pertinent to the proposed Zoning By-law Amendments:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, specifically promoting the integration of land use planning, growth management, *transit-supportive development*, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Section 2.2 Water, which requires Planning authorities to protect, improve or restore the *quality and quantity of water* by, using the *watershed* approach as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development, amongst other considerations.

Section 2.3 Agriculture, specifically section 2.3.4.1.c) which pertains to lot creation resulting in a *residence surplus to a farm operation*.

The proposed amendments are consistent with the policies of the Provincial Policy Statement.

## **Growth Plan for Northern Ontario**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. The Plan identifies Greater Sudbury as an economic and service hub in Northern Ontario. The proposed amendments do not conflict with the Growth Plan for Northern Ontario.

## **Summary and Recommendation**

It is recommended that staff be directed to initiate public consultation on the Zoning By-law Amendments to implement Phase 1 of the Five Year Review of the Official Plan.

## **Resources Cited**

1. Official Plan Review Phase 1 Update, June 10, 2019  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1316&itemid=16881&lang=en>
2. Bill 108 Implementation: Official Plan and Zoning By-law Amendments, June 22, 2020  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=3&id=1451>
3. Proposed Zoning By-law Amendment for Commercial Parking Standards and the Shopping Centre Commercial Zone, December 14, 2020  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1460&itemid=20553&lang=en>
4. Provincial Policy Statement, 2020, <https://www.ontario.ca/page/provincial-policy-statement-2020>
5. Growth Plan for Northern Ontario, <https://www.ontario.ca/document/growth-plan-northern-ontario>

**By-law 2021-XXXZ**

**A By-law of the City of Greater Sudbury  
to Amend By-law 2010-100Z being the  
Comprehensive Zoning By-law for the City of Greater Sudbury**

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. That By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury be and the same is hereby amended by:

- (1) In Part 3, DEFINITIONS, by adding a new definition for, “Lake” and renumbering all of the existing definition numbers following thereafter:**

174.	Lake	All named lakes within the City of Greater Sudbury
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- (2) In Part 3, DEFINITIONS, by adding a new definition for, “River” and renumbering all of the existing definition numbers following thereafter:**

292.	River	The main channels of the Vermilion, Wanapitei, and Onaping Rivers
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- (3) In Part 3, DEFINITIONS, by adding a new definition for, “Stream” and renumbering all of the existing definition numbers following thereafter:**

336.	Stream	Any permanently flowing, natural watercourse that is not a river. Roadside, small drainage ditches internal to established and proposed development projects and municipal drains are not considered streams.
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**(4) In Part 4, GENERAL PROVISIONS, Section 4.41 WATERBODIES – WATER FRONTAGE, SETBACKS AND BUFFERS, by:**

- a. Deleting subsection 4.41.2 Setback Requirements for Residential Buildings and Structures and replacing it with the following:

**“4.41.2 Setback Requirements for Residential Buildings and Accessory Structures**

Notwithstanding any other provisions of this By-law to the contrary, except for *gazebos, boathouses, docks, decks, stairs, water pumps and saunas* and Section 4.41.4:

- a) No person shall erect any residential building or other accessory building or structure closer than 30.0 metres to the *high water mark* of a *lake or river*;
  - b) No person shall erect any *residential building* or other *accessory building or structure* closer than 12.0 metres to the *high water mark* of a permanently flowing *stream*;
  - c) No person shall construct a leaching bed closer than 30.0 metres from the *high water mark* of a *lake, river or stream*.
- b. Deleting the first sentence of subsection 4.41.3 Shoreline Buffer Areas and replacing it with the following:
- “Notwithstanding any other provision of this By-law to the contrary, a *shoreline buffer area* is to remain in a natural vegetated state to a depth of:
- a) 20.0 metres from the *high water mark* of a *lake or river*;
  - b) 12.0 metres from the *high water mark* of a permanently flowing *stream*.”
- c. Deleting the first sentence of subsection 4.41.4 Shoreline Structures and Facilities and replacing it with the following:
- “a) Within 20 metres of the *high water mark* of a *lake or river*, or 12 metres of the *high water mark* of a permanently flowing *stream*, only the following structures shall be permitted within the area permitted to be cleared of natural vegetation in Section 4.4.1.3 above.”

**(5) In Part 7, COMMERCIAL ZONES, Section 7.3 ZONE STANDARDS, by amending the provisions of Table 7.3: Standards for Commercial Zones as follows:**

- a) Adding special provision “(11)” to the “Maximum Height” column for the C4 Zone;
- b) Deleting “50%” from the maximum lot coverage column for the C5 Zone and replacing it with “No maximum”;



c) Deleting Special Provision “7.(i) Maximum gross floor area – 100% of the lot area”.

**(6) In Part 9, RURAL ZONES, Section 9.3 ZONE STANDARDS, by amending the provisions of Table 9.3: Standards for All Rural Zones as follows:**

a) Adding special provision “(8)” to the “Other” column for the A Zone.

**(7) In Part 9, RURAL ZONES, Section 9.3 ZONE STANDARDS, by amending the Special Provisions for Table 9.3 by adding special provision “8” as follows:**

“8. For a new *lot* created for a residence surplus to a farming operation through farm consolidation the minimum *lot area* shall be 0.4 ha and the maximum *lot area* shall be 1.0 ha and the minimum *lot frontage* shall be 45 m.”

6. The applicant, a person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council, or the Minister may appeal the passage of this By-law to the Local Planning Appeal Tribunal by filing with the City Clerk, within 20 days of the giving of notice of passage of the By-law by the City Clerk:

(a) a Notice of Appeal;

(b) an explanation of how the by-law is inconsistent with a policy statement issued under subsection 3(1) of the Planning Act, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan; and

(c) the fee prescribed under the Local Planning Appeal Tribunal Act, 2017.

If these materials and fees have not been filed with the City Clerk within this period, this By-law shall be deemed to have come into force on the day it was passed. If these materials have been received within that time, this By-law shall not come into force until all appeals have been withdrawn or finally disposed of and except for those parts repealed or amended, and in such case it shall be deemed to have come into force on the day it was passed.

7. This By-law is in conformity with the City of Greater Sudbury Official Plan as amended. Read and Passed in Open Council this XXth day of June, 2021.