



## Planning Committee Agenda

**Monday, June 28, 2021**

**Tom Davies Square**

**Councillor Kirwan, Chair**

12:15 p.m. Closed Session, Committee Room C-12 / Electronic Participation

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

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1.	<b>Call to Order</b>	
2.	<b>Roll Call</b>	
3.	<b>Closed Session</b> Resolution to move to Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matters regarding Elm Street, Sudbury in accordance with the Municipal Act, 2001, s.239(2)(c).	
4.	<b>Recess</b>	
5.	<b>Open Session</b>	
6.	<b>Roll Call</b>	
7.	<b>Declarations of Pecuniary Interest and the General Nature Thereof</b>	
8.	<b>Public Hearings</b>	
8.1.	<b>3027 Vern Drive, Val Caron</b> This report provides a recommendation regarding a request to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling.  This report is presented by Mauro Manzon, Senior Planner.	4
8.2.	<b>5241 Outremont Boulevard, Hanmer</b> This report provides a recommendation regarding changing the zoning classification on three portions of the subject lands.  This report is presented by Glen Ferguson, Senior Planner.  - Letter(s) of concern from concerned citizen(s)	11
8.3.	<b>1049, 1063 and 1069 Notre Dame Avenue, Sudbury</b> This report provides a recommendation regarding a request for rezoning in order to permit a mixed-use development comprising residential, office and storage uses.  This report is presented by Mauro Manzon, Senior Planner.	26
8.4.	<b>Zoning By-law Amendment to Implement Phase 1 of Official Plan Review</b> This report provides a recommendation regarding the proposed amendment to Zoning By-law 2010-100Z in order to implement recent policy changes to the Official Plan made as part of Phase 1 of the Five Year Review of the Official Plan.	47

This report is presented by Melissa Riou, Senior Planner.

**9. Matters Arising from the Closed Session**

At this point in the meeting, the Chair of the Closed Session, will rise and report. The Committee will then consider any resolution(s) emanating from the Closed Session.

**10. Consent Agenda**

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.

**10.1. Routine Management Reports**

**10.1.1. 1 Dow Drive, Copper Cliff**

55

This report provides a recommendation regarding a request to extend a draft plan of condominium approval.

**11. Members' Motions**

**12. Addendum**

**13. Civic Petitions**

**14. Question Period**

**15. Adjournment**

## 3027 Vern Drive, Val Caron

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-04

## Report Summary

This report provides a recommendation regarding a request to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Alain and Sandra Chouinard to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73500-0054, Parcel 49368 S.E.S., Part 2, Plan 53R-12854 in Lot 12, Concession 6, Township of Blezard in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled “3027 Vern Drive, Val Caron”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021.

## 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. The application seeks to provide an alternative form of housing for family members that aligns with the housing objectives of the City.

## Financial Implications

There are no financial implications associated with this report as this is an application to extend the use of an existing dwelling unit in a detached building as a garden suite.



## Report Overview

An application to extend a temporary use by-law has been submitted in order to continue the use of a 77 m<sup>2</sup> garden suite on the property municipally known as 3027 Vern Drive, Val Caron. The unit has been occupied since 2011 and has maintained compliance with the provisions applied to garden suites. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

## STAFF REPORT

### PROPOSAL:

An application to extend a temporary use by-law for a three-year period has been submitted in order to continue the use of a dwelling unit in a detached building as a garden suite, which was constructed in 2011. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites. There is no limit on the number of extensions.

### Existing Zoning: "A", Agricultural

The subject land is zoned "A", Agricultural, which permits a residential use in the form of a single detached dwelling or a mobile home. Secondary dwelling units are also permitted subject to the provisions of Section 4.2.10.

Under Section 4.10 of the Zoning By-law, garden suites may be converted to secondary dwelling units subject to the applicable provisions including registration with Building Services.

### Requested Zoning: Extension of a temporary use identified as T56 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to May 11, 2024.

### Location and Site Description:

PIN 73500-0054, Parcel 49368 S.E.S., Part 2, Plan 53R-12854 in Lot 12, Concession 6, Township of Blezard (3027 Vern Drive, Val Caron)

The subject property is located on the south side of Vern Drive in Blezard Valley. The area forms part of the Agricultural Reserve, and is zoned accordingly. The lot was created as part of a consent process in 1990 (File #B0706/1989).

Total lot area is 0.4 ha, with 60 metres of frontage and a depth of 68 metres. A one-storey, 194 m<sup>2</sup> single detached dwelling constructed in 2007 occupies the property. A permit was issued in 2011 for a 77 m<sup>2</sup> accessory building to be used as a garden suite (Permit #B11-1997). The garden suite is located in the rear yard approximately 48.5 metres from the street line.

Single detached dwellings on approximate 0.4 ha lots abut to the east (3013 Vern Drive) and west (3067 Vern Drive). Rural residential uses are also situated opposite the subject property. A vacant rural parcel abuts to the south.

### Related Applications:

The garden suite on this property was first approved as a temporary use in 2011 and this is the first extension. Under Section 39.1(4) of the *Planning Act*, Council may grant a maximum three (3) year extension for garden suites. There is no limit on the number of extensions.

### Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on April 27, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on June 10, 2021.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

## **POLICY & REGULATORY FRAMEWORK:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **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.

Section 1.4 of the PPS encourages a range of housing types in order to address housing needs within the community, including persons who need to live within close proximity of family members but also desire a measure of independent living. Garden suites are intended to provide such accommodation subject to the provisions of Section 39.1 of the *Planning Act*.

### **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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Services Hubs such as Greater Sudbury.

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

The subject property is designated as part of the Agricultural Reserve. Under Section 6.2.1 of the Official Plan, garden suites are permitted in the Agricultural Reserve in accordance with the criteria under Section 2.3.5 as follows:

- a single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- services will be connected to the service lines of the host dwelling unit to City specifications;
- a garden suite can be integrated with the prevailing character of the surrounding area, and will be removed at no expense to the City at the termination of its use; and,
- an agreement may be required between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and removal of the structure.

Notwithstanding the above, a garden suite may be served by its own individual on-site sewage and water services, where appropriate. A mobile home may be used as a garden suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Agricultural Reserve.

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

The subject land is zoned “A”, Agricultural. Residential uses in the form of a single detached dwelling or a mobile home on a permanent foundation are permitted. Garden suites are also permitted subject to the setback requirements applied to accessory buildings.

A site visit revealed a shipping container located adjacent to the garden suite. The owners are advised that a shipping container is permitted in Agricultural zones only as an accessory structure used in conjunction with a permitted agricultural use.

**Site Plan Control:**

A Site Plan Control Agreement is not required.

**Department/Agency Review:**

Commenting departments and agencies have no concerns related to the extension of the temporary use by-law.

**PLANNING ANALYSIS:**

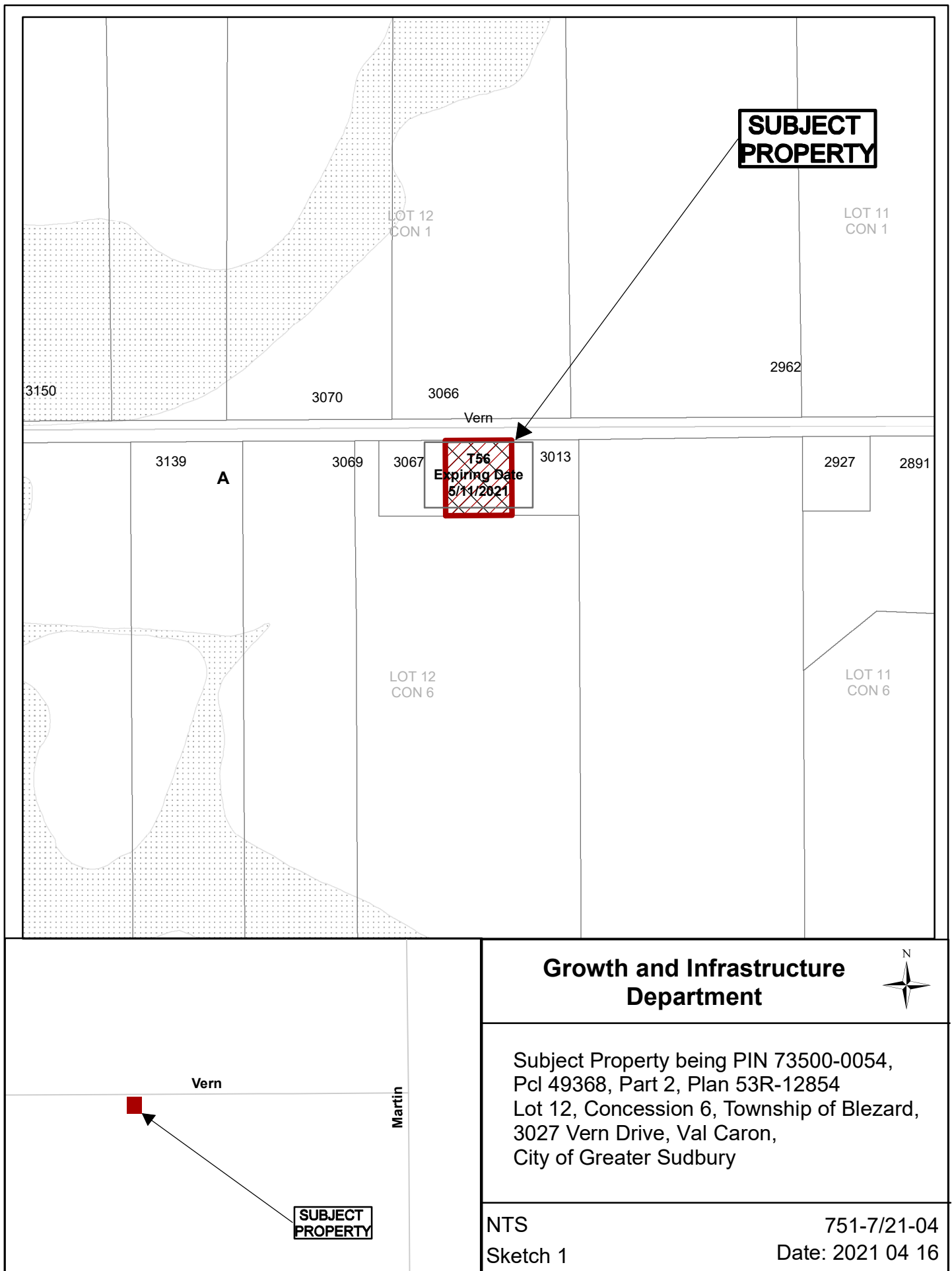
The dwelling unit has been in place since 2011 and continues to be maintained and occupied in compliance with the provisions applied to garden suites. The owners advised Planning Services that they do not wish to convert the garden suite to a secondary dwelling unit at this time. The garden suite has not created any land use conflicts and is discretely sited on the lot within the rear yard.

The owners are advised that once the garden suite is no longer required for its intended purpose, the City shall be notified, the dwelling unit must be discontinued, and the building must be converted to a non-residential use. A building permit may be required for the conversion of the garden suite.

Alternatively, the owners could register the garden suite as a secondary dwelling unit subject to the provisions of Sections 4.2.10 and 4.10 of the Zoning By-law.

If additional garden suite extensions are required in the future, the owners are advised to submit an application for extension at least four (4) months prior to the lapsing date.

The application to extend the temporary use by-law for a three-year period is recommended for approval.



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**REPORT**

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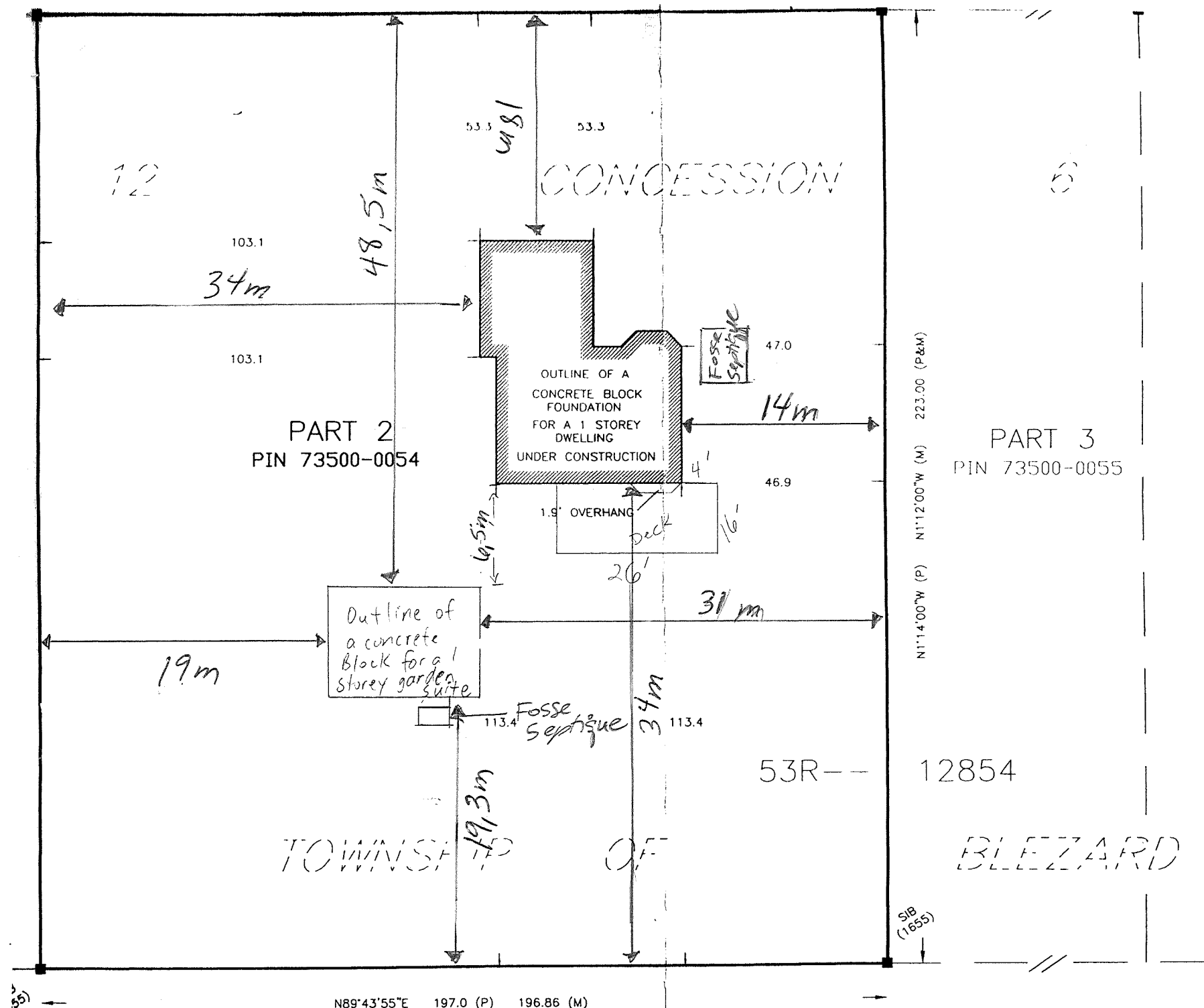
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Photo 1: 3027 Vern Drive, Val Caron  
View of main dwelling  
File 751-7/21-04 Photography: May 25, 2021



Photo 2: 3027 Vern Drive, Val Caron  
View of garden suite located west of main dwelling  
File 751-7/21-04 Photography: May 25, 2021

## 5241 Outremont Boulevard, Hanmer

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-2 & 751-7/21-3

## Report Summary

This report provides a recommendation regarding changing the zoning classification on three portions of the subject lands.

This report is presented by Glen Ferguson, Senior Planner.

- Letter(s) of concern from concerned citizen(s)

## Resolution

THAT the City of Greater Sudbury approves the applications by Guy & Jody Bellehumeur to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “RU”, Rural to “RMH-1(1)”, Residential Mobile Home Special – Subzone 1 and from “RU”, Rural to “RU(S)”, Rural Special on those lands described as PINs 73506-0023 & 73506-0027, Lots 15-24 & Lots 41-42 & 47-61, Plan M-477, Lot 1, Concession 4, Township of Hanmer, as outlined in the report entitled “5241 Outremont Boulevard, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law:
  - a) The owners shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
  - b) The owners shall apply for a building permit for the encroaching deck and shed associated with the mobile home site that is to benefit from the rezoning of the lands to the satisfaction of the Chief Building Official.
2. That the amending zoning by-law include a site-specific provision permitting a reduced minimum lot area of 1.4 hectares on those retained lands that are to be rezoned from “RU”, Rural to “RU(S)”, Rural Special and presently described as being PIN 73506-0023; and,
3. That conditional approval shall lapse on July 13, 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 City's 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 for rezoning as there is no anticipated new buildings to be constructed.

## **Report Overview:**

This report reviews two applications for Zoning By-law Amendment that would prevent two split-zonings that would result from two concurrently submitted consent applications (Files # B0037/2021 & B0038/2021). The proposed rezonings are intended to resolve the locations of an encroaching deck and shed accessory to a mobile home dwelling and an existing asphalt road that are currently being utilized by the benefitting lands (ie. Pine Grove Mobile Home Park). The benefitting lands presently contain a mobile home park that is accessed from and has frontage on Gravel Drive in the community of Hanmer. The portions of the subject lands to be severed and consolidated are presently zoned "RU", Rural under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The benefitting lands are zoned "RMH-1(1)", Residential Mobile Home Special – Subzone 1. In this particular case, the "RU" Zone applicable to the lands being severed is more restrictive than the "RMH-1(1)" Zone that is applicable to the benefitting lands. 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.

Staff has noted in the report that the proposed rezoning would not result in any new driveway entrances or access to the existing mobile home park from Outremont Boulevard, nor would any additional mobile home sites be permitted beyond those already permitted within the applicable "RMH-1(1)" Zone (ie. 203 mobile home sites).

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 applications for Zoning By-law Amendment seek to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on two westerly portions of the subject lands from "RU", Rural to "RMH-1(1)", Residential Mobile Home Special – Subzone 1 in order to prevent a split-zoning, which would result from two concurrently submitted consent applications (Files # B0037/2021 & B0038/2021) that are intended to resolve the locations of an encroaching deck and shed accessory to a mobile home dwelling and an existing asphalt road that are currently being utilized by the benefitting lands (ie. Pine Grove Mobile Home Park). Site-specific relief with respect to a reduced minimum lot area of 1.4 ha (3.45 acres) is also being sought for one of the retained lots (ie. PIN 73506-0023). If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would address two conditions of provisional consent related to the above noted and concurrently submitted consent applications.

It should be noted that the proposed rezonings would not result in any new driveway entrances or access to the existing mobile home park from Outremont Boulevard. The proposed rezonings also would not have the effect of permitting any additional mobile home sites beyond those currently permitted in the applicable



“RMH-1(1)” Zone (ie. 203 mobile home sites).

The owner’s agent has submitted a Concept Plan in support of the proposed rezonings that would facilitate the above noted lot additions that each amount to a lot boundary re-alignment between two abutting properties.

**Existing Zoning:** “RU”, Rural

The “RU” Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, hunting or fishing camp provided it is a legal existing use, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

**Requested Zoning:** “RMH-1(1)”, Residential Mobile Home Special – Subzone 1

The proposed rezoning seeks to prevent a split-zoning, which would result from two concurrently submitted consent applications (Files # B0037/2021 & B0038/2021) that are intended to facilitate two separate lot additions to an existing mobile home park that is accessed from and has frontage on Gravel Drive in Hanmer. The “RMH-1(1)” Zone permits a mobile home park having a maximum of 203 mobile home sites, as well as an administrative office, convenience store, and a maintenance garage on defined portions of the lands as permitted accessory uses. The maintenance garage is also permitted to include the storage of not more than three trailers. Other permitted uses include a day care centre provided it is within a mobile home park and a single-detached dwelling.

Site-specific relief with respect to a reduced minimum lot area of 1.40 ha (3.45 acres) where 2 ha (4.94 acres) is required is also being sought for one of the retained lots (ie. PIN 73506-0023). It is noted in this regard that the retained lands are presently legal non-complying from a minimum lot area perspective as they currently have a minimum lot area of 1.44 ha (3.56 acres).

**Location and Site Description:**

The subject lands are generally located at the northerly end of Outremont Boulevard in the community of Hanmer. The two westerly portions of land to be rezoned and consolidated with the abutting lands to the west collectively have an area of approximately 2,022 m<sup>2</sup> (21,764.63 ft<sup>2</sup>) and contain an encroaching deck and shed accessory to a mobile home dwelling and an existing asphalt road that are currently being utilized by the Pine Grove Mobile Home Park. The portion of the retained lands that are to be rezoned are presently described as being PIN 73506-0023 and would have a lot area of 1.40 ha (3.45 acres).

**Surrounding Land Uses:**

- |        |  |
|--------|--|
| North: | Several large and vacant rural lots, an open pit/quarry operation, disposal industrial use (ie. landfill), Onwatin Lake, and a cluster of small rural shoreline lots having frontage on Onwatin Lake Road. |
| East:  | Large and mostly vacant block of land owned by the City (ie. Valley East Cemetery) and a large and vacant rural lot having frontage on both Gravel Drive and Notre Dame Avenue.                            |
| South: | Low density residential land uses having frontage on Outremont Boulevard and the Valley East Cemetery.   |

West: Pine Grove Mobile Home Park (ie. the benefitting lands) and a mobile home and trailers sales and storage business.

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. Aerial photography of the subject lands depicting the portion of the lands that are to be rezoned is also attached to this report for reference purposes.

### **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 April 19, 2021. The statutory Notice of Public Hearing dated June 10, 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 owners and agent were 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 agent indicated on the owner's application form that they would not be conducting any public consultation ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezonings.

At the time of writing this report, several telephone calls 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 were received by the Planning Services Division.

### **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 rezonings 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 applications to rezone the lands conform to and do not conflict with the Growth Plan for Northern Ontario.

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

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.

Staff in general has no concerns with respect to the proposed rezonings conforming to the applicable Rural Area policies in the Official Plan for the City of Greater Sudbury. Staff advises that the rezonings are largely technical in nature (ie. to facilitate two lot boundary re-alignments) and are intended to prevent split-zonings from occurring as a result of two concurrently submitted consent applications.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

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

The lands are presently zoned “RU”, Rural in the City’s Zoning By-law. The owners are requesting that the subject lands be rezoned to “RMH-1(1)”, Residential Mobile Home Special – Subzone 1 in order to prevent two split-zonings from occurring, which would result from two concurrently submitted consent applications that are intended to resolve the locations of an encroaching deck and shed accessory to a mobile home dwelling and an existing asphalt road that are currently being utilized by the benefitting lands (ie. Pine Grove Mobile Home Park). The benefitting lands to the west in both cases are situated within an existing “RMH-1(1)” Zone. No further site-specific relief from any general or parking provisions or from the development standards of the “RMH-1(1)” Zone is being requested by the owner’s agent. Site-specific relief with respect to a reduced minimum lot area of 1.40 ha (3.45 acres) where 2 ha (4.94 acres) is required is also being sought for one of the retained lots (ie. PIN 73506-0023).

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

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

Active Transportation, Development Engineering, the City’s Drainage Section, Operations, Roads, and Transportation and Innovation have advised during their review of the related consent applications that they have no concerns from their respective areas of interest. No additional comments with respect to the rezoning application were received. Transit Services has advised in their review of the rezoning applications that they have no concerns from their respective area of interest.

Building Services provided comments on both of the related consent applications and advised that a rezoning of the lands would be required in order to prevent a split-zoning from occurring on the benefitting lands. Building Services did note however in their review that the encroaching deck and shed associated with one of the consent and rezoning applications (Files # B0037/2021 & 751-7/21-2) do not appear to have been constructed with benefit of a building permit.

Conservation Sudbury has no concerns with the proposed rezonings and has noted that it does not appear that a permit pursuant to Section 28 of the [Conservation Authorities Act](#) will be required as the subject lands do not appear to contain any obvious flood plains, watercourses, shorelines, wetlands, valley slopes or other environmental features.

### **PLANNING ANALYSIS:**

The 2020 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 applications with respect to applicable policies, including issues raised through agency and

department circulation.

As noted previously in this report, the owners are requesting that the subject lands be rezoned from “RU”, Rural to “RMH-1(1)”, Residential Mobile Home Special – Subzone 1. Staff has no concerns with the requested zone category and would note that the two portions of the land to be rezoned would act to prevent a split-zoning from occurring as a result of the two proposed lot boundary re-alignments.

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 “RU” Zone applicable to the lands being severed is more restrictive from a minimum lot area and minimum lot frontage perspective

than the “RMH-1(1)” Zone that is applicable to benefitting lands. 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. Staff also have no concerns with providing site-specific relief with respect to a reduced minimum lot area of 1.40 ha (3.45 acres) where 2 ha (4.94 acres) is required on one of the retained lots described at present as being PIN 73506-0023. In this regard, staff would note that no new rural lot would be created should the site-specific minimum lot area relief be approved. Staff also notes that the southerly existing PIN 73506-0023 forms a legal existing undersized rural lot of record and said lot would be reduced by 0.04 ha (0.10 acres), which is minor in nature and would result in a good land use planning outcome.

It is on this basis that staff has no concerns with the requested zone categories, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning applications being approved. It is also recommended that a satisfactory building permit application be submitted to Building Services with respect to the encroaching deck and shed that are associated with part of the overall development proposal as a condition of the rezoning applications being approved.

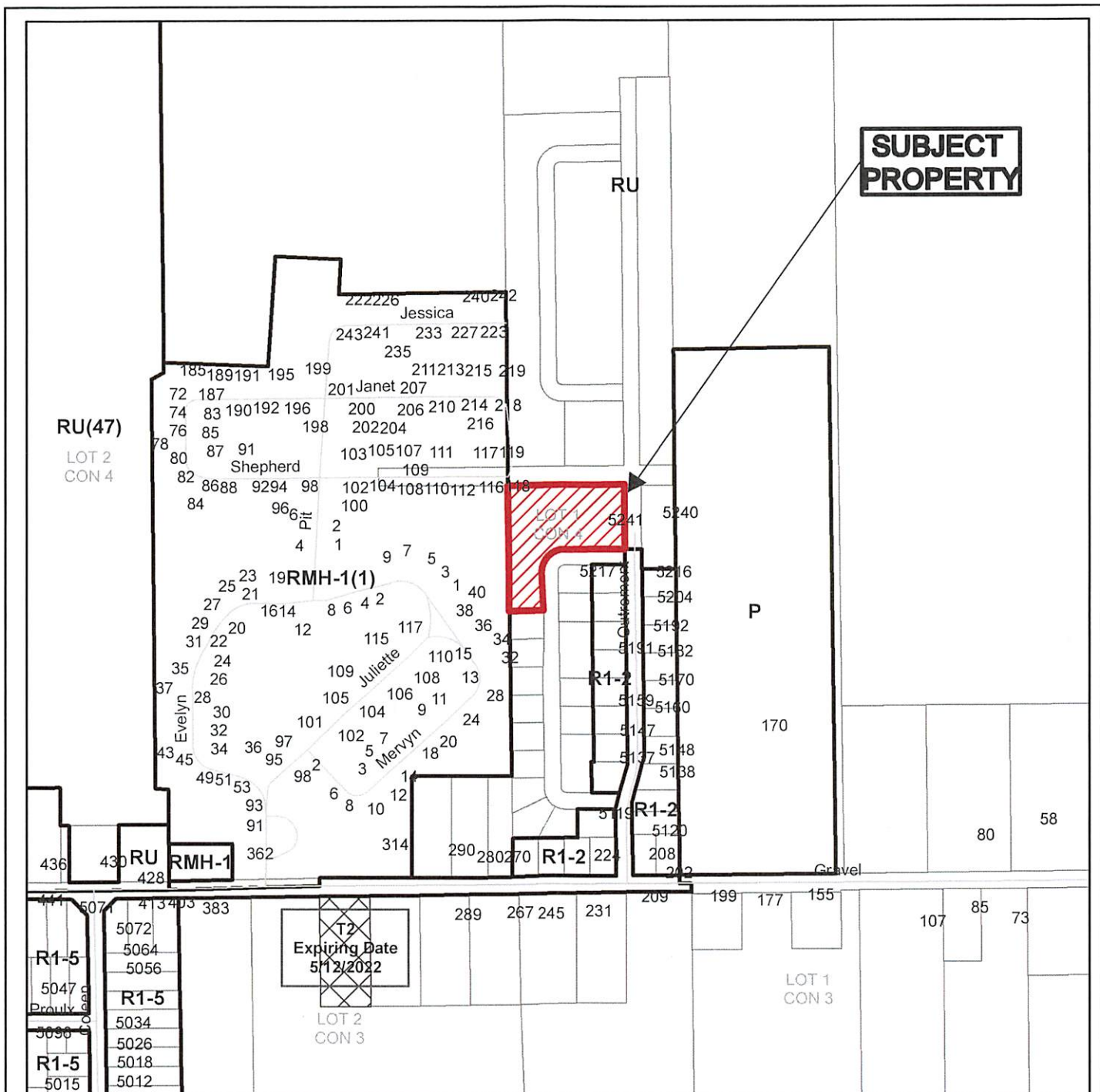
## **CONCLUSION:**

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 the PPS and further there would be no matters of provincial interest impacted should the rezonings be approved. Staff also notes that the applications conform to and do not conflict with the Growth Plan for Northern Ontario.

The amending zoning by-law would prevent two split-zonings, which would result from two conditionally approved consent applications (File # B0037/2021 & B0038/2021) that are intended to resolve the locations of an encroaching deck and shed accessory to a mobile home dwelling and an existing asphalt road that are currently being utilized by the benefitting lands (ie. Pine Grove Mobile Home Park). If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would fulfil a condition related to each of the above noted provisional consent decisions that were issued by the City’s Consent Official on May 3, 2021. Site-specific relief with respect to a reduced minimum lot area of 1.40 ha (3.45 acres) where 2 ha (4.94 acres) is required would also be provided for one of the retained lots (ie. PIN 73506-0023).

Staff is supportive of the rezoning applications and is recommending that they be approved with conditions that, firstly, a registered survey plan be provided which describes the lands to be rezoned, and secondly, that the owners apply through Building Services for a building permit for the encroaching deck and shed associated with the mobile home site that stands to benefit from the rezoning of the lands.

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



**SUBJECT  
PROPERTY**

**RU(47)**

LOT 2  
CON 4

**RMH-1(1)**

**RU RMH-1**

**T2**  
Expiring Date  
5/12/2022

LOT 2  
CON 3

**RU**

**R1-2**

**R1-2**

**R1-2**

**P**

170

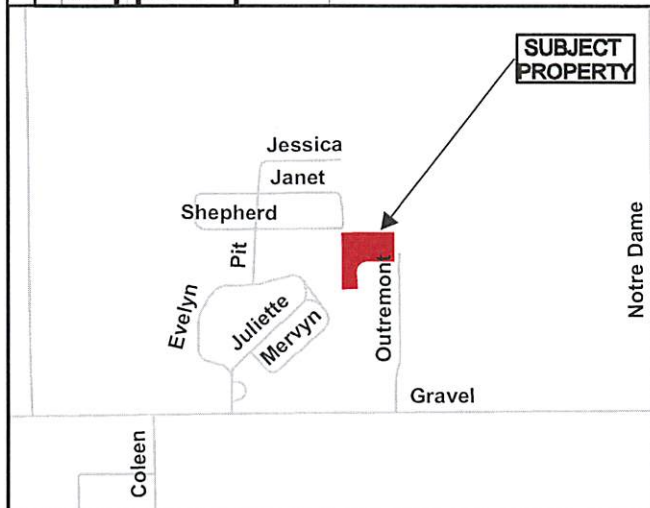
80

58

LOT 1  
CON 3

Gravel

107 85 73



**SUBJECT  
PROPERTY**

## Growth and Infrastructure Department

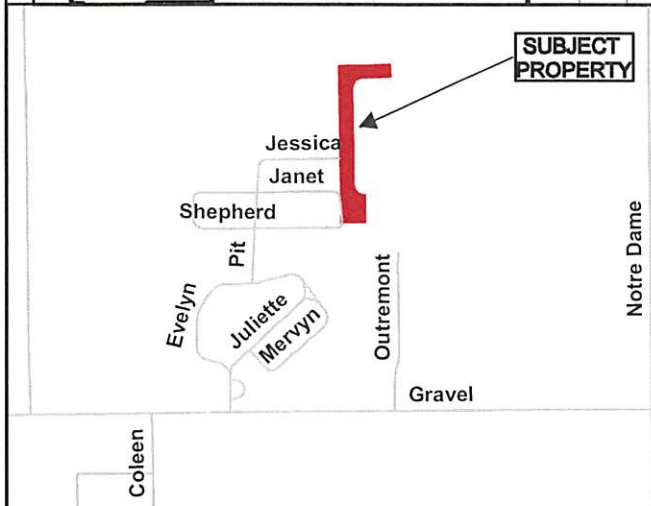
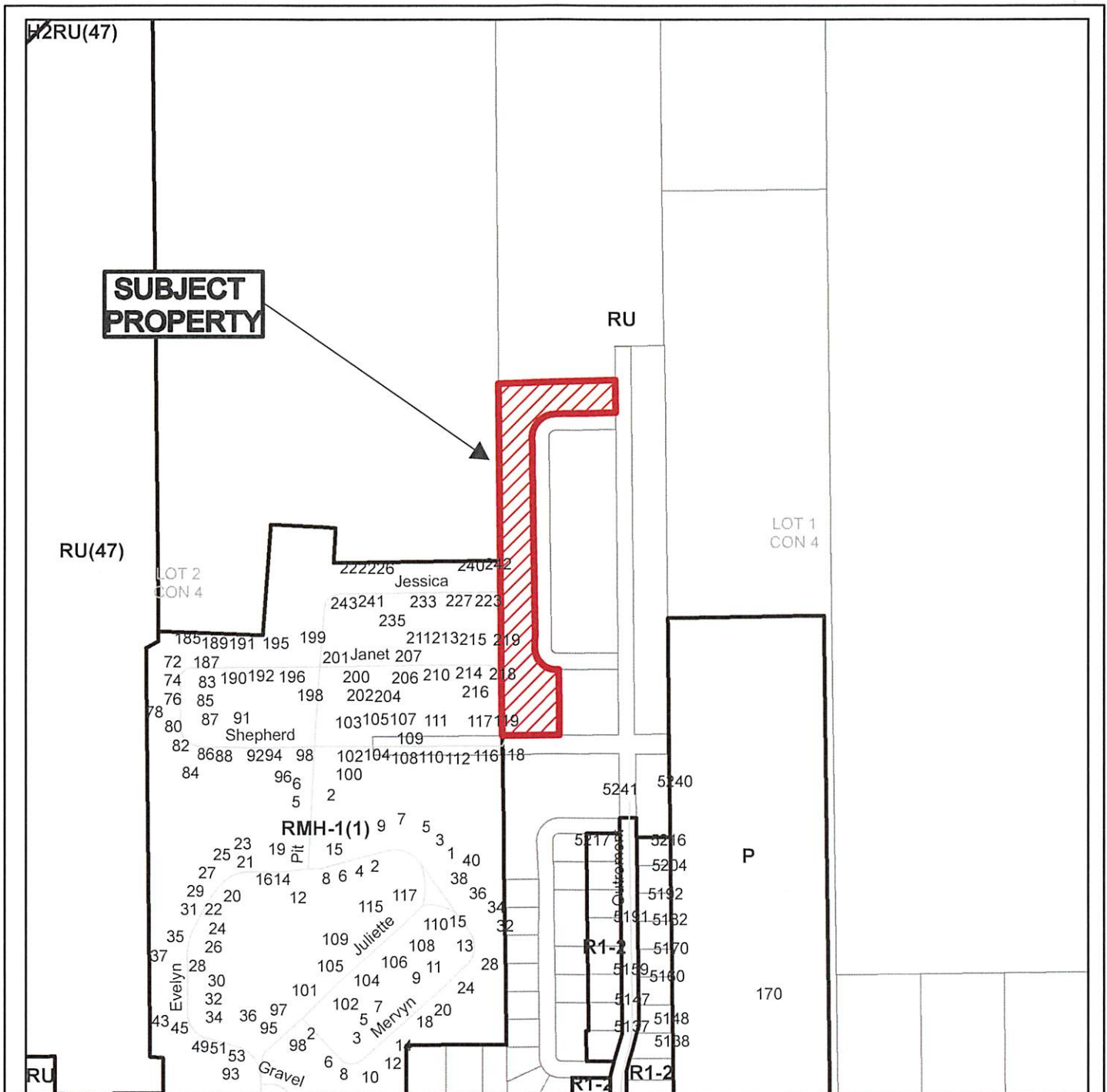



Subject Property being PIN 73506-0023,  
Lots 15-24, Plan M-477  
Lot 1, Concession 4, Township of Hanmer,  
5241 Outremont Boulevard, Hanmer,  
City of Greater Sudbury

NTS  
Sketch 1

751-7/21-02  
Date: 2021 04 16





<b>Growth and Infrastructure Department</b> 	
Subject Property being PIN 73506-0027, Lots 41-42 & 47-61, Plan M-477 Lot 1, Concession 4, Township of Hanmer, Outremont Boulevard, Hanmer, City of Greater Sudbury	
NTS Sketch 1	751-7/21-03 Date: 2021 04 16



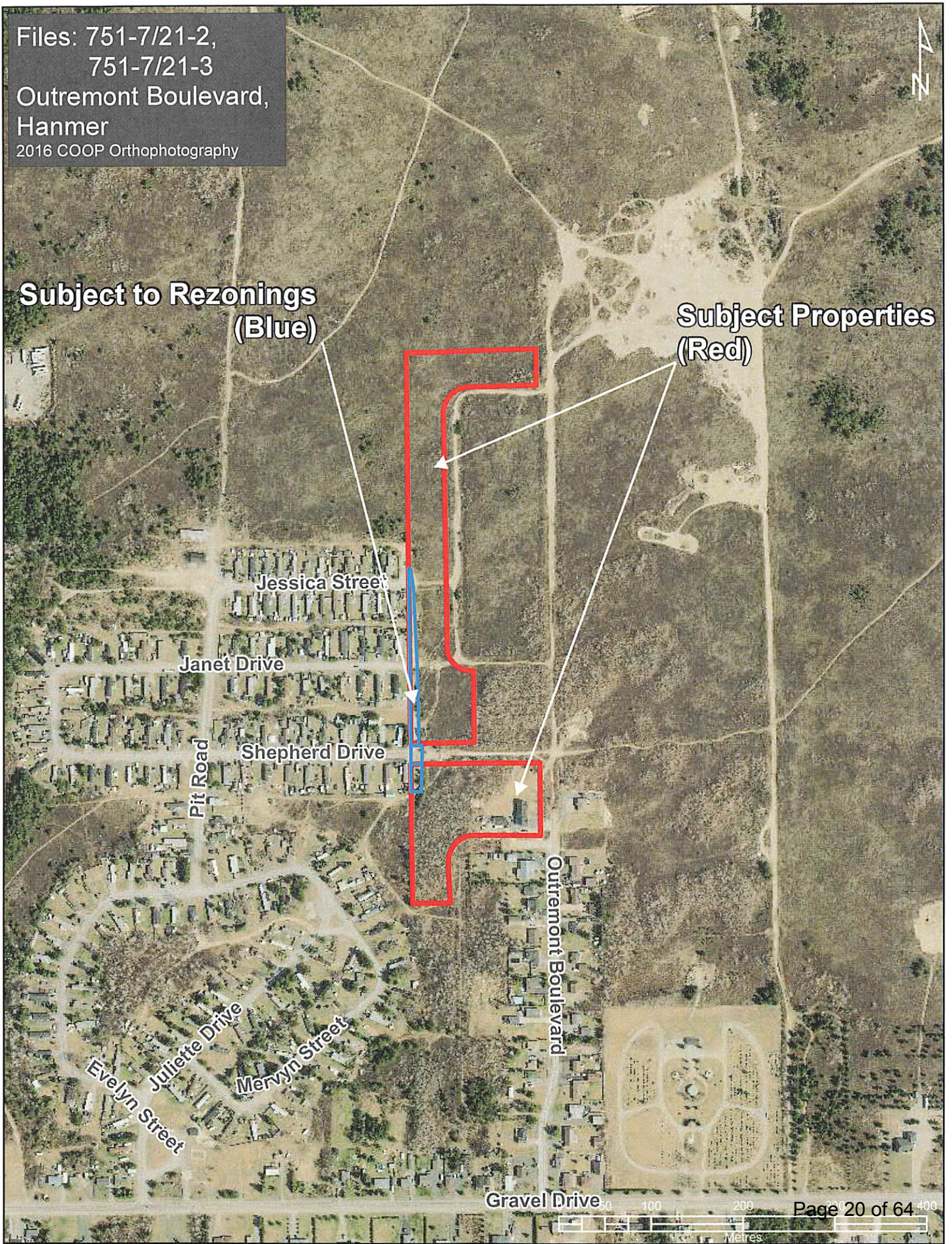


Files: 751-7/21-2,  
751-7/21-3  
Outremont Boulevard,  
Hanmer  
2016 COOP Orthophotography



**Subject to Rezoning  
(Blue)**

**Subject Properties  
(Red)**



Jessica Street

Janet Drive

Shepherd Drive

Pit Road

Outremont Boulevard

Evelyn Street  
Juliette Drive

Mervyn Street

Gravel Drive





>>> "Andy Lemay" <[REDACTED]> 5/27/2021 6:17 PM >>>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Glen:

Thank you for a speedy reply and especially for the attachments and web addresses.

I would like to address the encroachments, and also my concerns on the value and the future viability of the surrounding lots and streets.

I do agree with you in your email reply that these encroachments and also the action of: "to prevent two zones from being on one lot" really needs to be addressed. My concerns are this solution is tantamount to expanding the park and rezoning those pieces to Mobile Home RMH-1(1) Zone. Even though these small pieces of land compared to the whole may seem minor, they do have an impact on the over 100 building lots directly to the east of the Pine Grove Mobile Home Park. Also, you will note on a supporting document on file "Pine Grove Trailer Park" (a sketch from Tulloch Engineering File 19-3008), it shows a number of other encroachments. These and any other encroachments should also be addressed for compliance.

Essentially it is regrettable that these encroachments exist, however that was and still is within the purview and control of the owners, shareholders or management team of the Pine Grove Trailer Park. In retrospect perhaps they should internally survey or hire before they set anything on their property to ensure they do not create any more future problems for their neighbors or surrounding landowners. My other concern is these two applications, # 751-7/21-02 and # 751-7/21-03 were submitted by Guy and Jody Bellehumeur rather than whom I believe should really be the applicant "Pine Grove Mobile Home Park". I would just like to state that I am very happy with the establishment and growth of this business and the benefits that have accrued to the community. In a cursory review of historical documents, you would note that over the years, there are a number of applications for usage changes, including commercial use, establishing "buffer" zones with surrounding properties, other improvements and expansions. Congratulations to them for their success and diligence. So why are they not the applicant instead of Guy and Jody Bellehumeur. This really begs for an explanation as to why this was approached in this manner, especially in application 751-7/21-3 (. location of asphalt road) which is not even close to their personal property.

Anyways both these applications submitted by Guy and Jody Bellehumeur should be cancelled and in lieu an application by Pine Grove Mobile Home Park should be submitted to deal with **ALL** these encroachments and any other issues of non-compliance as required. On a more positive note, this could also provide the Planning Committee with a broader range of opportunities or equitable solutions in dealing with the mobile home park and the surrounding property owners and the future development of the entire area including the residential building lots just on the other side of the eastern border of the mobile home park.

My other concerns centre around the value and the future viability of my two building lots, other surrounding building lots and the related development of the streets. (See Registered Plan M-477 and the Tulloch Sketch). In essence this area is on the east side sharing the eastern boundary of the mobile home park, and is composed of over 100 building lots, mostly zoned rural RU and some zoned residential R1-2 on the developed portion of Outremont Boulevard and the on Gravel Drive. Also, there are three proposed undeveloped roads Granby Drive, Villette Court and Beaupre Avenue that belong to the municipality. Most of the lots front on these undeveloped roads. Finally, just for a mention a little further east behind some houses on Outremont Boulevard is the civic Cemetery and these building lots are only about five kilometers from the Hanmer Shopping Mall. Essentially an established neighborhood. Speaking for myself only, I think in view of the current size of the mobile home park we would need a buffer between the mobile home park and the back of the 25 lots that front on the proposed Granby Drive and Villette Court. See Plan M-447 There is an easement LT137873 that runs just north of Gravel

Drive all the way behind the lots on Granby Drive and Villette Court which may be configured into part of a buffer zone. However, I think this is a power/cable/telephone corridor for use to supply the proposed new homes in this area. This would need to be clarified.

Finally, I think if there is any further mobile home park RMH-1(1) rezoning past the eastern boundary of the current mobile home park this could have a further very detrimental effect on the value and marketability of the properties on Granby, Villette, Beaupre, Outremont and others. I am still very concerned and request that the Planning Committee provide some guidance and support in the development of this area especially in view that there are multiple land owners. Is there a ways and means to move forward to build the proposed roads Granby, Villette and Beaupre, and then if necessary rezone the building lots to residential R1-2 like that on Outremont so building homes can begin?

**Due to COVID restrictions I have been unable to go for a site visit therefore any corrections or new information is much appreciated.**

**Attachments and Notes**

1. Plan M477 for 751-721-2 751-721-3 CIRCA September 11, 1957

This plan provides an overview of the layout of the area that I refer to in my emails

Also, for instance you will notice that the Guy and Joy Bellehumeur property (5241 Outremont Boulevard) is comprised of

Lots 15 to 24 (10 Lots)

2. Plan (53R13652) October 11 1991

Provides a look at what the property looked like before the Mobile Home Park Expansion

Note almost a mirror image of the on eastern boundary of the Mobile Home Trailer park.

3. Plan (53R13643) October 4 1991

Same as 2 above.

PLAN 53R-13643

RECEIVED AND DEPOSITED

DATE 91 10 04

B Phillips  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF SUDBURY (N° 53)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.

OCT 4, 1991 James E. Kirkland  
DATE JAMES E. KIRKLAND

PARTS 1, 2 & 3 PART OF PCL 2869 S.E.S.  
PARTS 4, 5, 6 & 7 PART OF PCL 2871 S.E.S.  
PARTS 4 & 7 SUBJECT TO EASEMENT N° 160148

PLAN OF SURVEY OF  
LOT 49 and 50 REG'D PLAN M-533  
and PART OF LOT 2, CONCESSION 4  
TOWNSHIP OF HANMER  
TOWN OF VALLEY EAST  
REGIONAL MUNICIPALITY OF SUDBURY  
DISTRICT OF SUDBURY

SCALE 1:2000 0 10 20 30 40 50 METRES

JAMES E. KIRKLAND O.L.S. 1991

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT  
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEY'S ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE THEREUNDER.

THIS SURVEY WAS COMPLETED ON THE 3rd DAY OF  
OCTOBER 1991.

OCT 4/91 James E. Kirkland  
DATE JAMES E. KIRKLAND  
SUDBURY ONT. ONTARIO LAND SURVEYOR

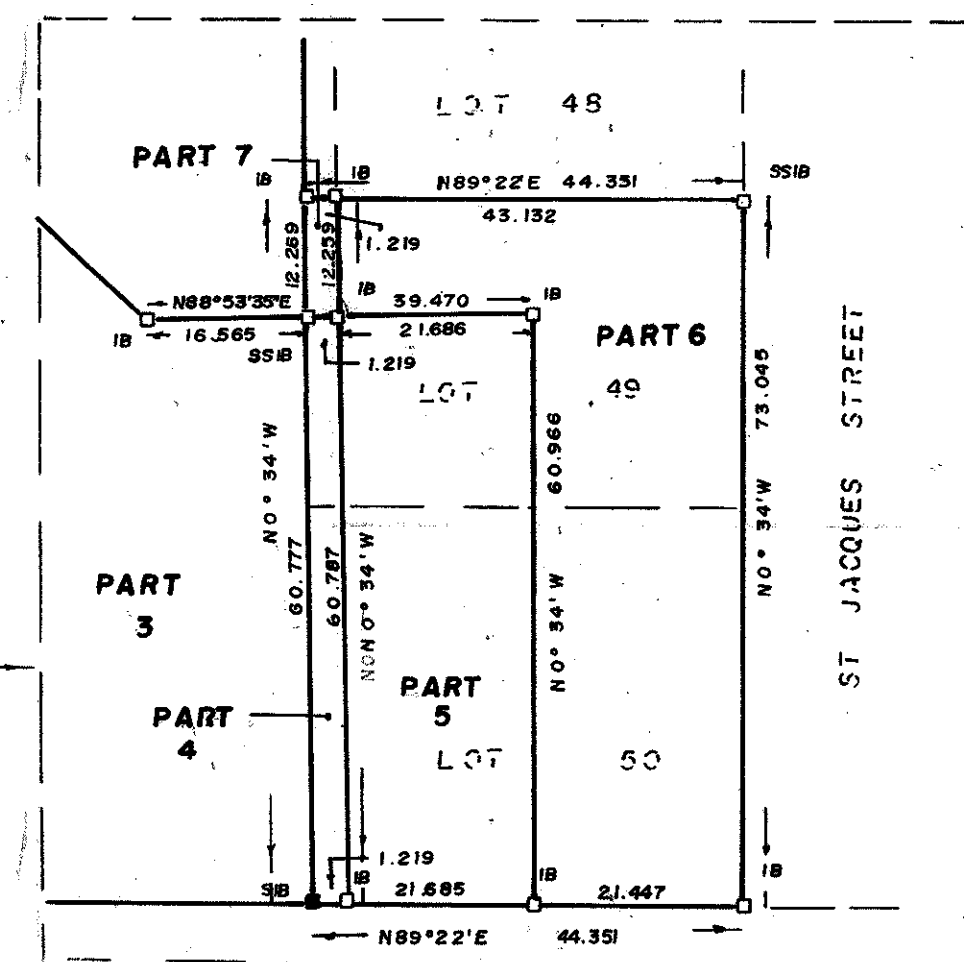
CAUTION  
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE  
MEANING OF THE PLANNING ACT

METRIC NOTE  
DISTANCES ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

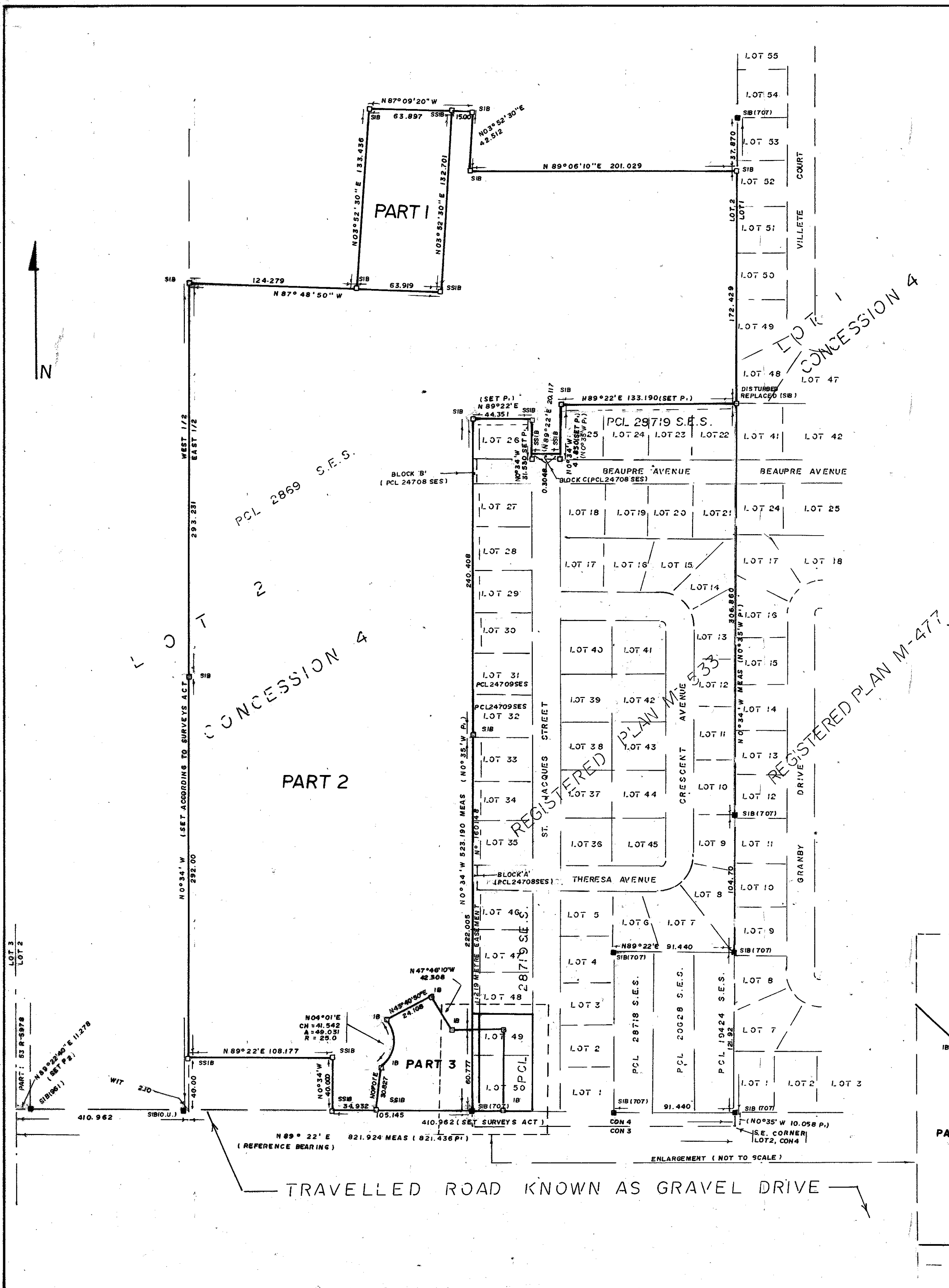
BEARING NOTE  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
NORTH LIMIT OF GRAVEL DRIVE AS SHOWN ON REGISTERED  
PLAN M-533 AND HAVING A BEARING OF N 89° 22' E

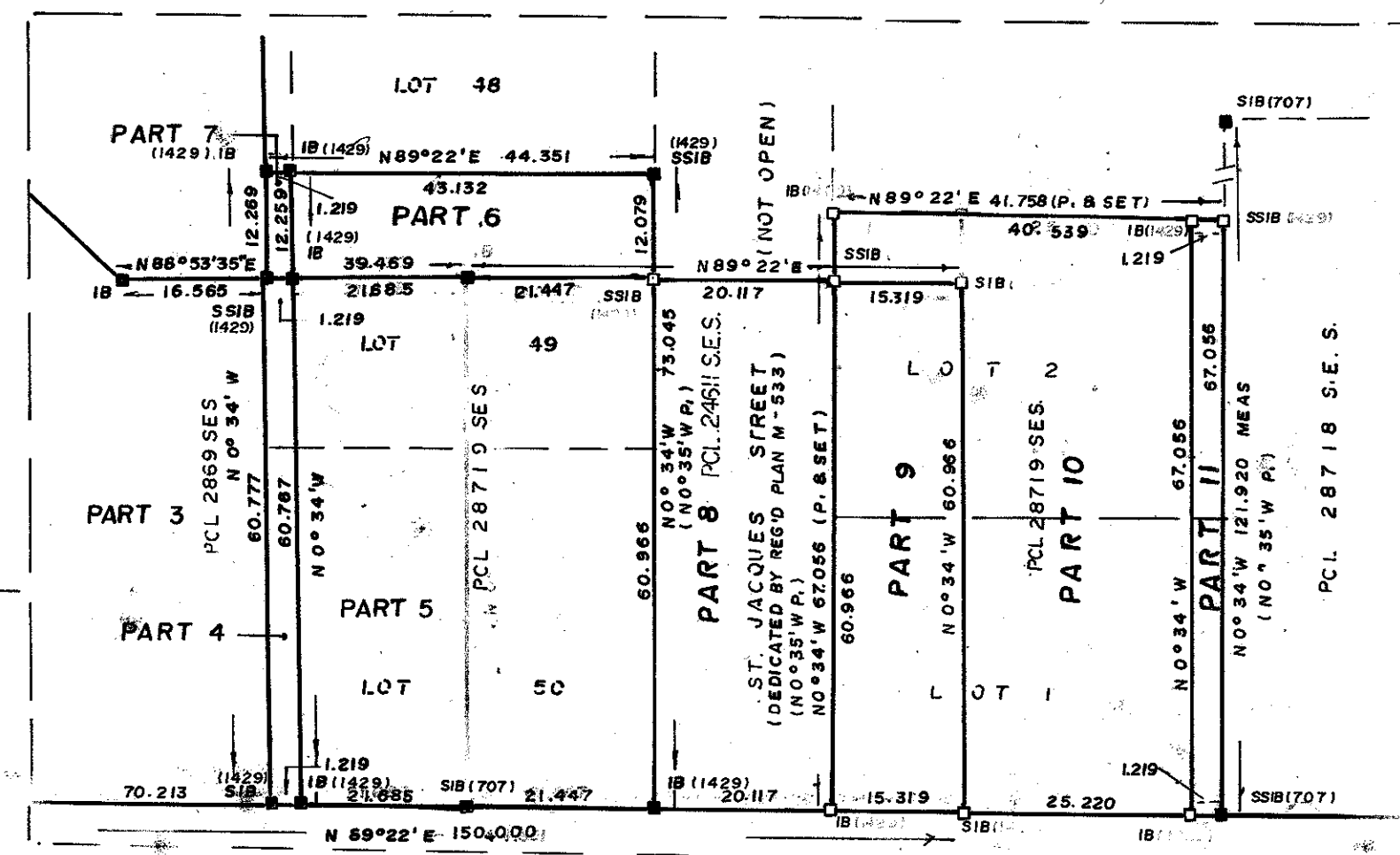
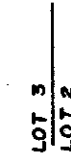
#### LEGEND

SIB	DENOTES	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
WIT.	"	WITNESS
WIT.	"	FOUND SURVEY MONUMENT
WIT.	"	PLANTED SURVEY MONUMENT
P	"	REGISTERED PLAN M-533
P2	"	PLAN 53R-5978
P3	"	REGISTERED PLAN M-477
707	"	R.T. LANE O.L.S.
O.U.	"	ORIGIN UNKNOWN



K 91-192





45-27

DATE: 91 10 11

PAW.

**LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF SUDBURY (No.53)**

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.

OCT 10, 1991  
DATE

*James E. Kirkland*  
JAMES E. KIRKLAND

SCHEDULE  
PARTS 1,2 & 3 PART OF PCL 2869 S.E.S.  
PARTS 4,5,7,9,10 & 11 PART OF PCL 28719 S.E.S.  
PARTS 4,7, & 11 SUBJECT TO EASEMENT N° 160148  
PART 8 IS PART OF PCL 24611 S.E.S.

PLAN OF SURVEY OF  
LOTS 1, 2, 49 AND 50 AND  
PART OF ST. JACQUES STREET  
REGISTERED PLAN M-533 AND  
PART OF LOT 2, CONCESSION 4  
TOWNSHIP OF HAMMER  
TOWN OF VALLEY EAST  
REGIONAL MUNICIPALITY OF SUDBURY  
DISTRICT OF SUDBURY.

SCALE 1:2000

0 10 20 30 40 50 100 METRES

JAMES E. KIRKLAND O.L.S. 1991

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT:

THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE  
WITH THE SURVEY'S ACT AND THE LAND TITLES ACT  
AND THE REGULATIONS MADE THEREUNDER

THIS SURVEY WAS COMPLETED ON THE 10<sup>th</sup> DAY OF Oct. 1991.

Oct 10, 1991      James E. Kirland  
DATE      JAMES E. KIRLAND  
SUDBURY, ONT.      ONTARIO LAND SURVEYOR

**CAUTION**

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE  
MEANING OF THE PLANNING ACT.

METRIC NOTE

DISTANCES ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTH LIMIT OF GRAVEL DRIVE AS SHOWN ON REGISTERED PLAN M-533 AND HAVING A BEARING OF N89°22'E

LEGEND

DI	denotes	PLANTED SURVEY MONUMENT
DI	denotes	FOUND SURVEY MONUMENT
IB	denotes	IRON BAR
SIB	denotes	STANDARD IRON BAR
SSIB	denotes	SHORT STANDARD IRON BAR
WIT	denotes	WITNESS
P	denotes	REGISTERED PLAN M-533
P2	denotes	PLAN 53R-5978
P3	denotes	REGISTERED PAN M-477
707	denotes	R.T. LANE O.L.S.
O.U.	denotes	ORIGIN UNKNOWN
IG&R	denotes	J. KIRKLAND O.L.S.



212

STANDARD IRON BARS SHOWN THUS ■ S. I. B.

NEW YORK: SUN GUYVER

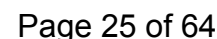
ONTARIO LAND SURVEYOR

Vidal G. Saulhier  
Pense de Lapointe

11/1/1911

RENE D. LAPOSTOLLE AND VITAL R. GAUTHIER  
- do - 19<sup>th</sup> day of JUNE 1944  
Ray T. Lee  
O. L. Smith

11-477



## 1049, 1063 and 1069 Notre Dame Avenue, Sudbury

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-06

## Report Summary

This report provides a recommendation regarding a request for rezoning in order to permit a mixed-use development comprising residential, office and storage uses.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Devla Properties Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R3-1", Medium Density Residential to "C2 Special", General Commercial Special on lands described as PINs 02127-0341, 02127-0502 & 02127-0504, Parcel 5808 S.E.S., in Lot 4, Concession 5, Township of McKim, as outlined in the report entitled "1049, 1063 and 1069 Notre Dame Avenue, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021 subject to the following conditions:

1. That the amending by-law includes the following site-specific provisions:
  - (i) In addition to the uses permitted in the C2 zone, the following uses shall also be permitted:
    - (a) Row dwellings and related accessory uses;
    - (b) Warehousing and storage accessory to an office use;
  - (ii) The following site-specific provisions shall be applied to row dwellings:
    - (a) A minimum privacy yard of four (4) metres shall be required;
    - (b) A minimum court of 2.5 metres shall be permitted between opposing walls of one or more row dwellings provided that neither of such walls contains balconies or habitable room windows;
    - (c) The minimum difference in setbacks for adjacent groups of row dwellings shall be 0.95 metre.
  - (iii) The minimum front yard setback shall be 13.7 metres;
  - (iv) The minimum rear yard setback shall be 4.2 metres;

- (v) A minimum 3.0 metre-wide landscaped area abutting the street line on PINs 02127-0502 & 02127-0504 shall not be required;
- (vi) Planting strips shall be provided along the northerly and southerly lot lines;
- (vii) A planting strip shall not be required along the westerly limit of the subject lands;
- (viii) Parking shall be permitted within 3 metres of the northerly and southerly lot lines;
- (ix) The minimum width of the driveway aisle shall be 5.7 metres;
- (x) A refuse storage area may be permitted in the required rear yard provided it maintains a minimum setback of 1.2 metres from the rear lot line.

## **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. The proposal is consistent with the goals and objectives of the Strategic Plan by diversifying the supply of new housing. The application also supports business retention and growth by providing a new base of operations for the owner/applicant. The proposed infill development on a major arterial corridor serviced by public transit and located in proximity to a major employment area is consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

## **Financial Implications**

If the application for rezoning is approved, staff estimates approximately \$42,000 in taxation revenue in the supplemental tax year only, based on the assumption of nine row dwelling units and two apartment dwelling units, at an estimated assessed value of \$275,000 per dwelling unit at the 2021 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 \$116,000 based on the assumption of nine row dwelling units and two apartment dwelling units based on the rates in effect as of this report. There may an exemption of up to 50% of development charges for the townhouse portion if the multi-residential units are partially or fully constructed within 100 metres of the common property line between the Notre Dame Corridor and the parcel of land on which the Multi-Unit Residential Building is located are located, as defined in the Development Charges By-Law.

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges for the office space as the assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

## **Report Overview:**

An application for rezoning has been submitted in order to permit a mixed-use development located on Notre Dame Avenue opposite the Taxation Data Centre. The proposed uses include nine (9) row dwelling units and an office building containing a main floor business office, two (2) second floor apartment units, and an accessory equipment garage. Site-specific relief covering a range of zone standards is required to accommodate development.

The site is a preferred location for mixed-use development given the location on a major arterial corridor, the availability of public transit, the proximity to services and employment areas, and the opportunities for alternative active transportation. It is recommended that the application be approved based on conformity with the policies of the Secondary Community Node and consistency with Provincial planning policies.



# Staff Report

## Proposal:

An application for rezoning has been submitted in order to permit a mixed-use development comprising nine (9) row dwelling units and a two-storey office building containing main floor office space, two (2) apartment units and an accessory equipment garage.

Site-specific relief is required for front and rear yard setbacks, a 3.0 metre-wide landscaped area abutting the street line on PINs 02127-0502 & 02127-0504, a planting strip along the westerly lot line abutting a low density residential zone, privacy yard depth, required court, building offset, parking located closer than 3.0 metres to a Residential zone, the width of the driveway aisle and the location of a refuse storage area.

## **Existing Zoning:** “R3-1”, Medium Density Residential

The existing zoning permits low density housing types (singles, semis, duplexes), row dwellings, street townhouses, multiple dwellings, shared housing, day care centre and Group Home Type 1.

## **Requested Zoning:** “C2 Special”, General Commercial Special

The proposed special zoning would add row dwellings and an equipment storage garage as permitted uses in the C2 zone, which includes office uses. A special zoning is required in order to address the site-specific relief required to accommodate development.

## **Location and Site Description:**

PINs 02127-0341, 02127-0502 & 02127-0504, Parcel 5808 S.E.S., in Lot 4, Concession 5, Township of McKim (1049, 1063 & 1069 Notre Dame Avenue, Sudbury)

The subject lands comprise three (3) lots located on the west side of Notre Dame Avenue opposite the Taxation Data Centre on GOVA Route 1 Main Line. The properties are being consolidated for mixed-use development. The area is fully serviced by municipal water and sewer. Notre Dame Avenue is fully urbanized at this location with sidewalks and bike lanes.

Total site area is approximately 0.27 ha, with 69 metres of frontage and a depth of approximately 40 metres. The lands are currently vacant. A single detached dwelling occupying southerly PIN 02127-0341 was demolished in 2020. There are currently two driveway entrances to the site. The property is relatively flat, with a significant rise in elevation on abutting lands to the west.

A single detached dwelling abuts the northerly limit of the lands (1077 Notre Dame Avenue) and a vacant lot zoned R3-1 abuts the southerly limit. Single detached dwellings on Gordon Avenue abut the westerly limit of the subject lands. The dwellings on Gordon Avenue are situated at a higher elevation compared to the subject site, approximately five to seven metres from base of slope.

## **Surrounding Land Uses:**

The area surrounding the site includes:

North: single detached dwelling

East: Taxation Data Centre

South: vacant residential lot zoned R3-1

West: single detached dwellings zoned R2-2

## **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on March 11, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on June 10, 2021.

The applicant 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.

The application indicates that the owner intends to issue letters to adjacent property owners.

As of the date of this report, one (1) phone call has been received seeking clarification.

### **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

## **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.

Section 1.1 of the Provincial Policy Statement identifies fully serviced settlement areas as the preferred location for new development, including a focus on residential intensification, the utilization of existing and planned services and transit-supportive development. The housing policies of Section 1.4.3 are also applicable. The PPS places an emphasis on addressing both market-based and affordable housing needs through the provision of a broad range of housing types.

## **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.

Under Section 4.3.3 of the Growth Plan, economic and service hubs in Northern Ontario shall maintain updated official plans and develop other supporting documents to achieve the following:

- develop a diverse mix of land uses, an appropriate range of housing types, and high quality public spaces; and providing easy access to stores, services and recreational opportunities;
- encourage a significant portion of future residential and employment development to locate in existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

The GPNO defines intensification corridors as areas along major roads, arterials or transit corridors that have the potential to provide a focus for higher density mixed-use development.

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

The subject lands are designated as Secondary Community Node in the Official Plan. The policies under Section 4.2.3 are applied as follows:

1. Secondary Community Nodes shall be located on primary transit corridors and shall be planned to promote a local identity and a sense of place unique to that node and its surrounding community.
2. Permitted uses in Secondary Community Nodes may include residential, retail, office, service, institutional, recreational, entertainment, parks and community-oriented activities.
3. The mixing of uses should be in the form of either mixed-use buildings with ground-oriented commercial and institutional uses and residential uses above the second storey, or a mix of uses and buildings on the same development site.
4. Secondary Community Nodes shall be planned to:
  - a. encourage a cycling and pedestrian-friendly built form by locating commercial and other active non-residential uses at grade;
  - b. be the focal point for expression of community heritage and character;
  - c. develop at transit-supportive densities;
  - d. provide residential development primarily in the form of medium and high density buildings, and discouraging single-detached dwellings;
  - e. provide for a mix of housing types, tenures and affordability;
  - f. include, where appropriate, open spaces that either parks and/or plazas accessible to the public;
  - g. be designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower-density neighbourhoods; and,
  - h. provide mobility choices and associated facilities to encourage alternative active transportation options.
5. Reductions in parking shall be considered in order to promote a greater mix of uses and a more compact, cycling and pedestrian-friendly built form. The City may require a traffic impact study and/or a transportation demand management plan in support of the reduction in parking.

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

Site-specific relief is required in order to accommodate the proposed development as follows:

- front yard setback of 13.7 metres where 15 metres is required on Primary Arterial Roads;
- rear yard setback of 4.21 metres where 7.5 metres is required;
- minimum privacy yard depth of 3.34 metres where 7.5 metres is required;
- no landscaping abutting the street line on PINs 02127-0502 & 02127-0504 where a minimum 3.0 metre-wide landscaped area is required;
- no planting strip along the westerly lot line abutting an "R2-2", Low Density Residential Two zone;
- parking that is located closer than 3.0 metres to a Residential zone;
- building separation of 2.7 metres where 3.0 metres is required;
- building offset of 0.95 metre where 1.5 metres are required; and,
- refuse storage area located in rear yard.

Further to the above, the first site plan submission indicates that additional relief is required. The required court is reduced to 2.59 metres and the width of the driveway aisle between the office building and parking space #17 is 5.7 metres where six (6) metres is required. It is recommended that this relief be included in the amending by-law. The owner is advised that any future changes to the design through the site plan process will require minor variances through Committee of Adjustment.

### **Site Plan Control:**

The owner has submitted an application for Site Plan Control concurrent with the rezoning.

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

Building Services have noted the range of site-specific relief required for the development.

Transportation & Innovation Services Section have indicated the following issues:

- only one (1) driveway entrance is permitted based on Official Plan policies applied to Primary Arterial Roads;
- parking spaces 20 and 21 are not functional nor would the snow storage area be accessible;
- access to the molok waste receptacles is constrained;
- five (5) metres of land are required for road widening improvements along southerly PIN 02127-0341 (land has already been acquired for northerly PINs 02127-0502 & 02127-0504); and,
- general concern related to the amount of on-site parking based on mix of uses.

### **Planning Analysis:**

#### **Land use compatibility**

There are no significant issues related to land use compatibility with adjacent uses. Planting strips will be provided along the northerly and southerly lot lines where the development will abut a single detached dwelling to the north and vacant residential land to the south. In terms of the interface with low density housing to the west on Gordon Avenue, the difference in elevation renders a planting strip ineffective as a screening device. It is therefore recommended that relief be granted for a planting strip along the westerly limit of the subject lands.

There are no conflicts envisioned with the mix of uses proposed on-site, which are viewed as being compatible with limited potential for nuisance factors. The equipment garage is an accessory use that will form a relatively small component of the site. The owner is advised that outdoor storage is not permitted in C2 zones; and further, that automotive repair is not permitted in a building containing dwelling units.

The proposed development aligns with the mixed-use character of the surrounding area and will enhance the residential component of the arterial corridor, which is desirable given the proximity to a major employment area. The availability of transit and the frequency of service support the development of office and residential uses at this location. The street has been fully urbanized, including a grade-separated bike lane.

#### **Suitability of lot**

##### **a) Density**

The residential density is calculated at 41 dwelling units per hectare (du/ha), which is less than the maximum density permitted under both the existing R3-1 zoning (90 du/ha) and the proposed C2 zoning (60 du/ha). The resultant density is tied to the proposed built form, which essentially limits the intensity of use on this site. A higher density may be achieved with a multiple dwelling format.

##### **b) Built form**

The applicant is proposing to construct three (3) buildings on the site: two (2) row dwellings containing a total of nine (9) two-bedroom units; and, a two-storey mixed-use building containing 145 m<sup>2</sup> of office space and a 61 m<sup>2</sup> equipment garage on the main floor, as well as two (2), two-bedroom apartment units on the second floor. The office and equipment garage are intended to be the base of operations for the owner/applicant.

A range of zoning relief is required, which highlights the difficulty of siting front-loaded row dwellings on a Primary Arterial Road. There is insufficient lot depth to reorient the dwellings so that the units do not face the street line, as was done with the Harvest Moon Co-op located to the south. The proposed development will not comply with the 4.5 metre build-to line recommended by the Lasalle Corridor Study, to be implemented as part of a forthcoming zoning amendment.

c) Parking

Special consideration is extended to the availability of on-site parking given that there are no opportunities for off-site parking, nor is on-street parking available in the vicinity. The parking requirements are calculated as follows:

row dwellings: 9 units x 1.5 spaces per unit = 13.5

apartments above office: 2 units x 1 space per unit = 2

offices: 115 m<sup>2</sup> net floor area / 1 space per 30 m<sup>2</sup> nfa = 3.8

equipment garage: 61.44 m<sup>2</sup> net floor area / 1 space per 90 m<sup>2</sup> nfa = 0.68

Total required parking spaces for all uses prior to rounding: 19.98

The recently adopted 10% reduction in parking for commercial uses on GOVA routes has no effect in this instance due to the small size of the office use. Required and provided parking are summarized as follows:

Total required parking: 20 parking spaces (23 provided)

Required accessible parking: 1 space (2 provided)

Given that there are three surplus parking spaces, it is recommended that parking spaces 20 and 21 be deleted, as these spaces are not functional and parked vehicles would restrict access to the snow storage area. It is further recommended that the refuse storage area be relocated to the westerly limit of the driveway to provide better access for waste removal trucks. Site-specific relief would be required to permit the refuse storage area in the rear yard with a minimum setback of 1.2 metres from the lot line.

d) Site-specific relief

The proposed development requires a range of zoning relief, which can be supported based on the following rationale:

- The reduced front yard setback along northerly PINs 02127-0502 & 02127-0504 is acceptable, as the 5-metre strip of land for road improvements has already been acquired. There remains sufficient room to provide a parking aisle, parking spaces and pedestrian access to the row dwelling units.
- The reduced rear yard setback is measured at its closest point, being Unit #9. The setback improves for the remaining units. There is sufficient distance between the dwelling units and the rear lot line to provide a privacy yard with a minimum depth of 4 metres for each unit. There is no negative impact on abutting low density housing to the west.
- The elimination of parking space 20 and the relocation of the refuse storage area will provide an improved amenity area (privacy yard) for Unit #1.
- Although a minimum 3 metre-wide landscaped area cannot be provided along the street line of PINs 02127-0502 & 02127-0504 due to the road widening, landscaping will be provided within the right-of-way and will be contiguous with the abutting southerly lot.
- A planting strip along the westerly limit of the land is not required due to the difference in

elevation, where the abutting single detached dwellings are situated a sufficient distance from the top of the slope.

- The reduced court between row dwelling buildings and the reduced parking setback to Residential zones are considered minor in nature based on the degree of relief.
- The reduced width of the driveway aisle based on the first site plan submission occurs only at one location between the office building and parking space #17. The remaining parking and driveway aisles appear to be in compliance (not dimensioned on site plan submission).

### Official Plan

As referenced earlier in this report, the lands were recently redesignated as Secondary Community Node under the Official Plan amendments associated with the Lasalle Corridor Study. The proposal presents general conformity with Official Plan policies applied to Secondary Community Nodes based on the following observations:

- The proposed uses conform to the permitted uses in Secondary Community Nodes, which include office and residential;
- The mixed-use building will contain a ground-oriented commercial use with residential units above;
- The residential component is defined as medium density residential and will contain a mix of dwelling types;
- The interface with low density housing is deemed to be compatible;
- Alternative active transportation options are available due to the full urbanization of the roadway including bike lanes.

### 2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The subject site is located in a fully serviced area within settlement area boundaries, consistent with Provincial policies that place an emphasis on residential intensification and the utilization of existing and planned services. The proposed development is transit-supportive given the location on the main public transit corridor in the City. The proposal also aligns with housing policies geared to diversification of the supply of new housing, including the provision of apartments and ground-oriented dwelling units such as row dwellings. The development is not located in a regulated area and there are no concerns related to hazard lands. The application is consistent with the 2020 Provincial Policy Statement.

The proposed development will further concentrate office and residential uses along an intensification corridor on a site offering close proximity to a major node of employment. Access to stores and services is facilitated by the availability of public transit. The application conforms to the 2011 Growth Plan for Northern Ontario.

### **Conclusion:**

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.

# Appendix 1

## Departmental & Agency Comments

File: 751-6/21-06

**RE:** Application for Rezoning – Devla Properties Inc.  
PINs 02127-0341, 02127-0502 & 02127-0504, Parcel 5808 S.E.S., in Lot 4, Concession 5, Township of McKim (1049, 1063 & 1069 Notre Dame Avenue, Sudbury)

---

### Development Engineering

No comments.

### Infrastructure Capital Planning Services: Transportation & Innovation

The number of proposed parking spaces appears to be low given the size of the commercial unit and the two residential units.

The two parking spots adjacent to the snow piling area do not appear to be functional given the snow would have to be cleared through and stored near the parking spots.

It appears that the location of the molok waste receptacles would not allow for the garbage truck to enter and exit the site in a forward motion.

The owner is reminded that five (5) metres of land is required for road widening improvements at this location. Acquisition and timing to be discussed. Nothing should be constructed within five-metre strip of land along the street line in order to accommodate future road improvements.

Notre Dame Avenue is designated as a Primary Arterial Roadway. In accordance with the policies of the Official Plan, "Access to this type of roadway is to be strictly regulated and kept to a minimum." The Transportation Study for the new Official Plan further indicates that "road access policies and by-laws need to be more stringently enforced in order to uphold the intended function of the specific road segment." As a condition of approval, we require that only a single entrance is permitted.

### Building Services

The owner is advised of the following comments:

1. A minimum building separation of 3 metres is required.
2. A 3-metre landscape strip is required along the front lot line adjacent to Notre Dame Avenue.
3. A planting strip is required along the rear property line.
4. There is a requirement to provide a minimum of three (3) bicycle parking spaces for the proposed office building.
5. A minimum rear yard setback of 7.5 metres is required where a setback from only 4.21 metres to 6.8 metres is provided for the row dwellings and 5.74 metres where 7.5 metres is required for the mixed-use commercial building.
6. A minimum front yard setback of 15 metres is required where only 13.71 metres is provided.
7. This site is also subject to site plan control.

### Conservation Sudbury

Conservation Sudbury does not oppose the approval of zoning by-law amendment application 751-6/21-06.

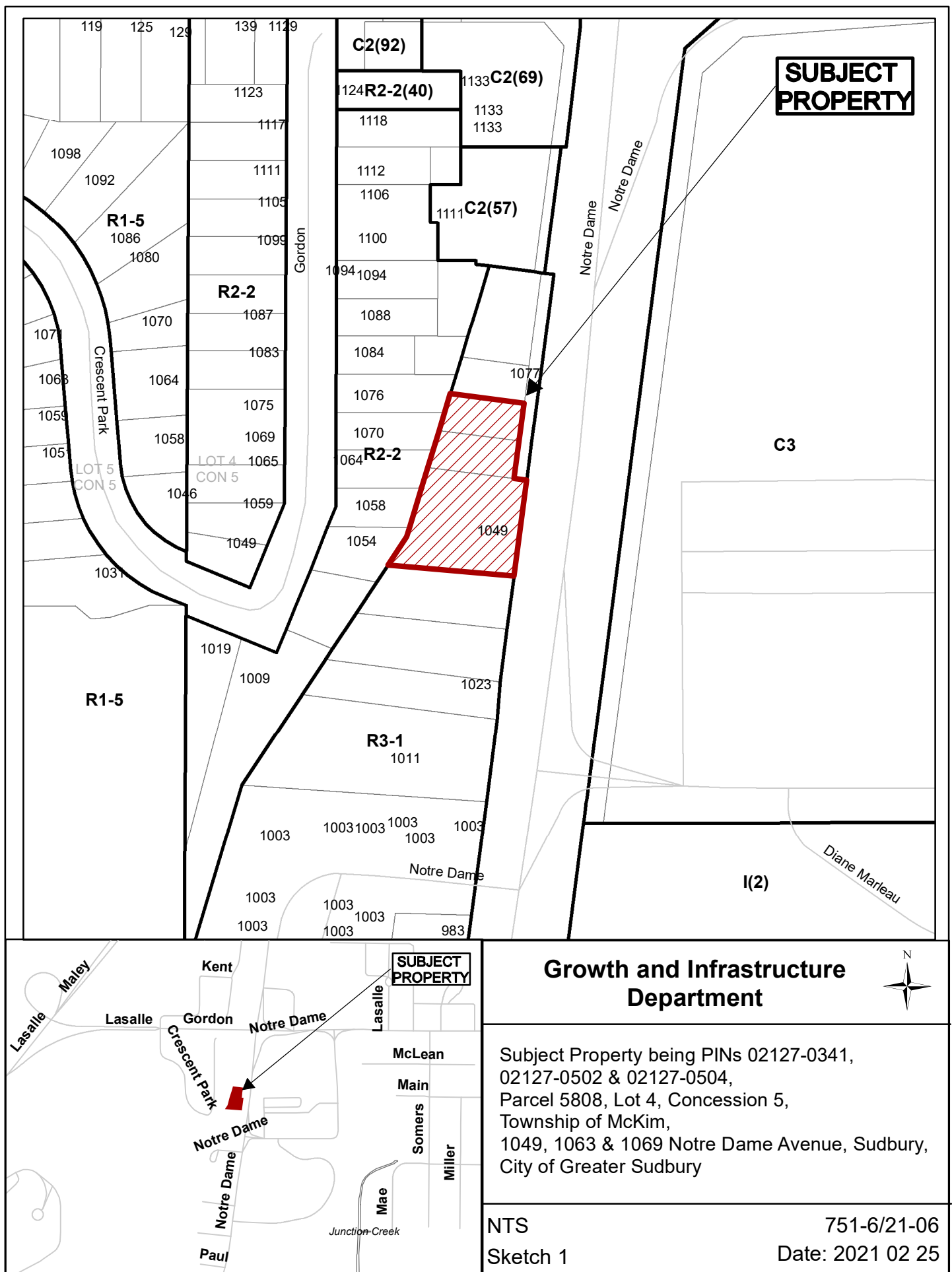
The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

Please be advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.

### Greater Sudbury Transit

No concerns.



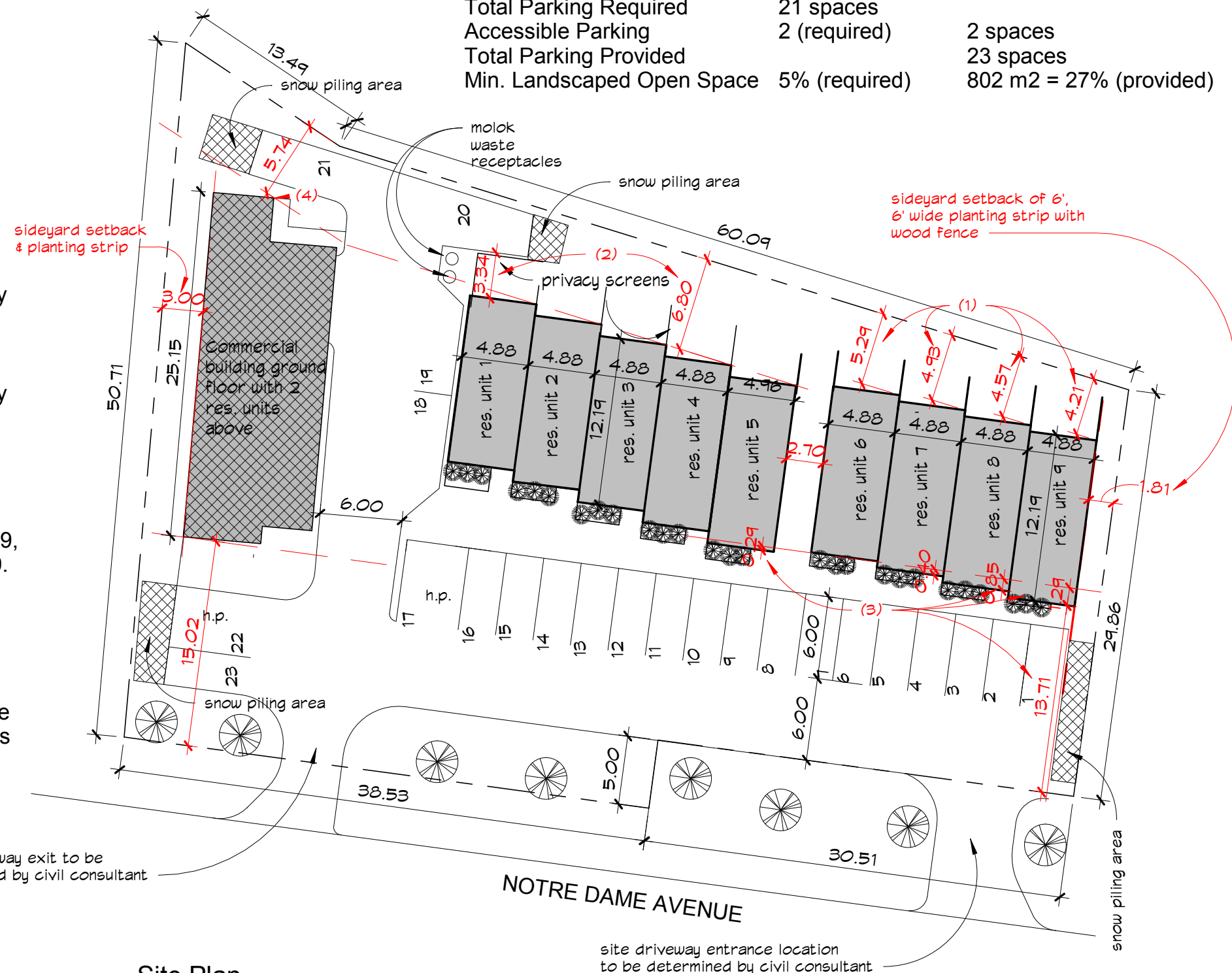


<p><b>Growth and Infrastructure Department</b></p> <p>Subject Property being PINs 02127-0341, 02127-0502 &amp; 02127-0504, Parcel 5808, Lot 4, Concession 5, Township of McKim, 1049, 1063 &amp; 1069 Notre Dame Avenue, Sudbury, City of Greater Sudbury</p>	
<p>NTS Sketch 1</p>	<p>751-6/21-06 Date: 2021 02 25</p>

ZONING CHANGE  
REQ'D FOR PARTIAL  
COMMERCIAL USE  
OF PROPERTY FROM R3-1  
to C2 SPECIAL

MINOR VARIANCE RELIEF  
REQUIRED  
(see items highlighted in red on  
plans)

- (1) rear yard setback and privacy yard from 7.5 m to between 4.21 m and 5.29 m @ res. units 6, 7, 8, 9.
- (2) rear yard setback and privacy yard from 7.5 m to 6.8 m at units 2, 3, 4, 5, and 3.34 m at unit 1.
- (3) front yard setback reduction from 15.0 m down to 13.7 m (worst case scenario) at unit 9, applicable to units 5, 7, 8 & 9.
- (4) rear yard setback from 7.5 m down to 5.72 m at rear of commercial building.
- (5) planting strip elimination at rear of the property because of the height (elevation) of the adjoining properties along this rear lot line.

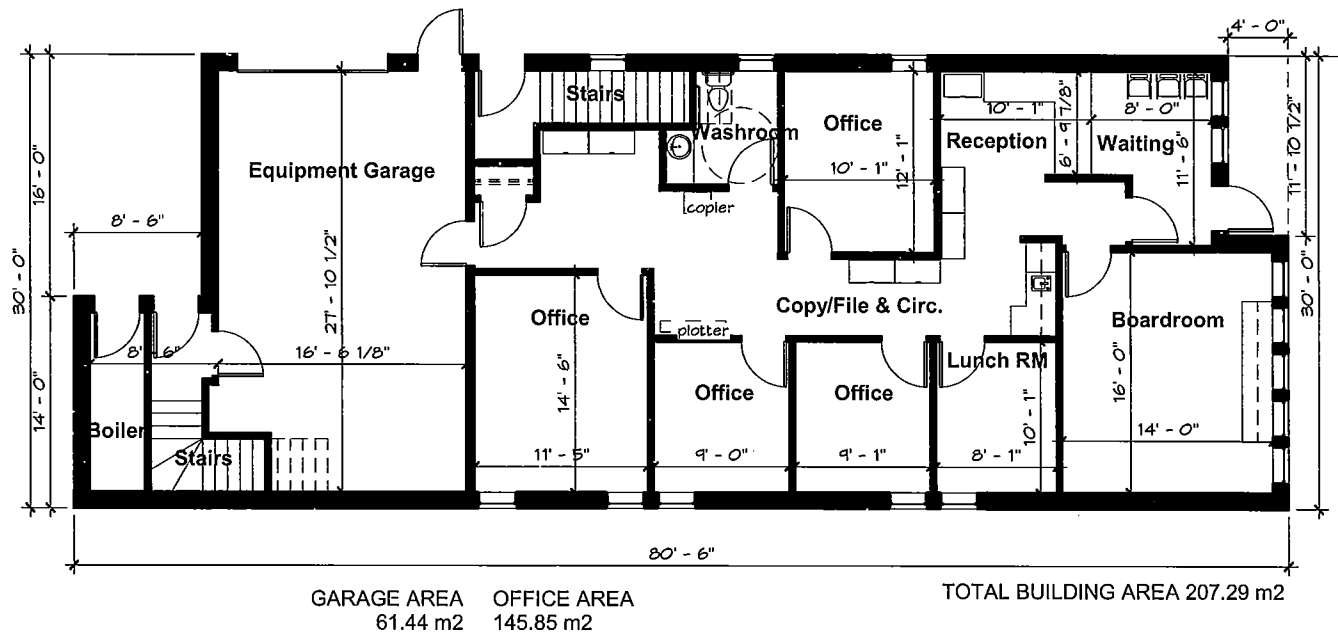


1 Site Plan  
1" = 30'-0"

## PROJECT DATA

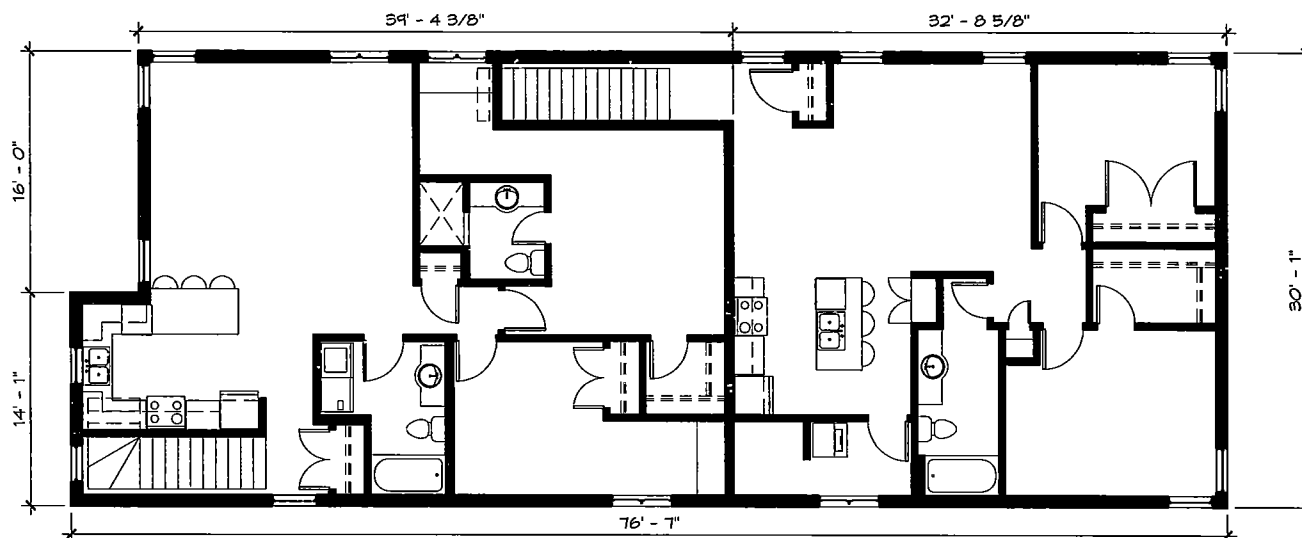
Zoning	R3-1 (present)	Proposed
Lot Area	2,723 m <sup>2</sup>	C2 - Special
9 Res. Units		542.81 m <sup>2</sup>
Commercial Unit (with 2 res. units above)		207.29 m <sup>2</sup>
Total Building Area		750.10 m <sup>2</sup>
Lot Coverage	50% (permitted)	27.54% (actual)
Parking Req'd (residential)	11 units x1.5	16.5 spaces
(commercial)	1/30m <sup>2</sup> n.f.a.	115 n.f.a = 4 spaces
Total Parking Required	21 spaces	2 spaces
Accessible Parking	2 (required)	23 spaces
Total Parking Provided		
Min. Landscaped Open Space	5% (required)	802 m <sup>2</sup> = 27% (provided)

<p>p o c h b e l a i n architect • architecte</p> <p>10 Greenway Drive, Garson ON, P3L0A6 (705) 690 3284 rcbarchitect@gmail.com</p>																	
<p>NOTRE DAME AVENUE</p>																	
<p>PROJECT: NEW 11 UNIT RESIDENTIAL PROJECT AND OFFICE SPACE FOR DEVLA PROPERTIES, NORTHERN HOME BUILDERS</p>																	
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<p>CHECKED BY: rcb</p>																	
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<p>SHEET NUMBER: A0</p>																	
<p>Page 38 of 64</p>																	



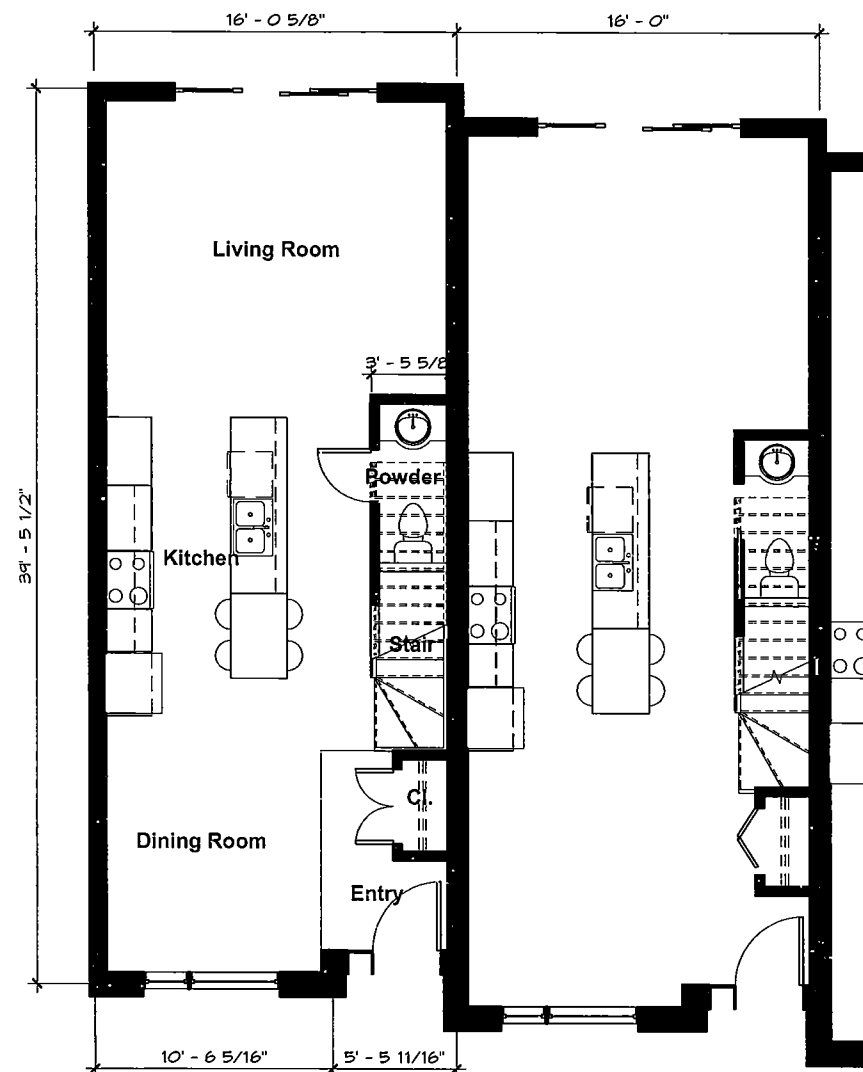
① Commercial Bldg. G F.  
1/8" = 1'-0"

<p><b>p o c h b e l o i p</b> architect • architects</p> <p>10 Greenway Drive, Garson ON, P3L0A6 (705) 690 3284 rcbarchitect@gmail.com</p>														
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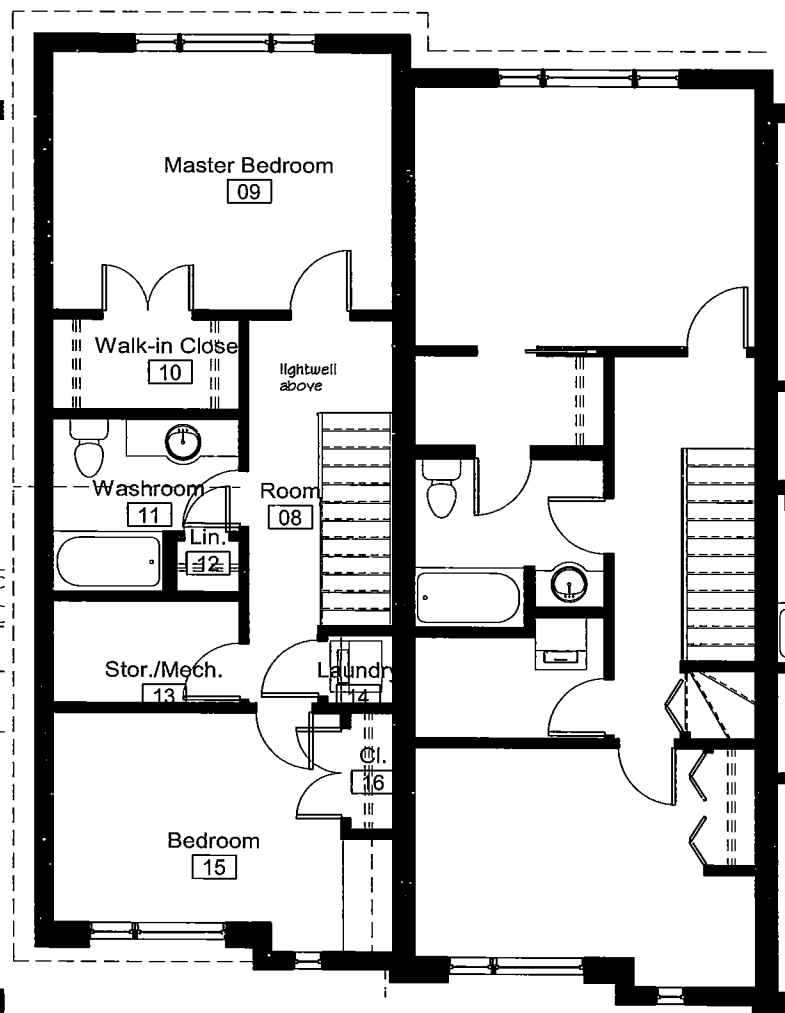


① Commercial Bldg. S.F.  
1/8" = 1'-0"

<p><b>p o c h b e l a i p</b> architect • architecte</p> <p>10 Greenway Drive, Garson ON, P3L0A6 (705) 690 3284 rcbarchitect@gmail.com</p>														
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<p>TITLE: <b>COMMERCIAL BUILDING UPPER FLOOR (2 APARTMENTS)</b></p>														
<p>SHEET NUMBER: <b>A2</b></p>														



① Housing Typical Unit Layout G.F.  
3/16" = 1'-0"



② Housing Typical Unit Layout S.F.  
3/16" = 1'-0"

**p o c h b e l a i p**  
architect • architects

10 Greenway Drive, Garson ON, P3L0A6  
(705) 690 3284 rcbarchitect@gmail.com

**NOTRE DAME AVENUE**

PROJECT:  
**NEW 11 UNIT RESIDENTIAL  
PROJECT AND OFFICE SPACE  
FOR DEVLA PROPERTIES,  
NORTHERN HOME BUILDERS**

ISSUED FOR - REVISION:

RE	DATE	DESCRIPTION

PROJECT NO:  
2021

DATE:  
Feb 2021

ORIGINAL SCALE:

3/16" = 1'-0"

DESIGNED BY:

rcb

DRAWN BY:

rcb

CHECKED BY:

rcb

1"

**ARCHITECTURAL**

TITLE:

**APARTMENT BUILDING TYPICAL  
UNIT LAYOUT**

SHEET NUMBER:

**A3**



① East Elevation  
1/8" = 1'-0"

<p><b>p o c h b e l a i r</b> architect • architects</p> <p>10 Greenway Drive, Garson ON, P3L0A6 (705) 690 3284 rcbarchitect@gmail.com</p>														
<p><b>NOTRE DAME AVENUE</b></p>														
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<p>TITLE:  <b>APARTMENT BUILDING PARTIAL NOTRE DAME ELEVATION</b></p>														
<p>SHEET NUMBER: <b>A4</b></p>														





Photo 1: 1049, 1063 & 1069 Notre Dame Ave, Sudbury  
View of subject lands from northeast corner at street line  
File 751-6/21-06 Photography: May 9, 2021



Photo 2: 1049, 1063 & 1069 Notre Dame Ave, Sudbury  
View of subject lands from southeast corner at street line  
File 751-6/21-06 Photography: May 9, 2021





Photo 3: 1049, 1063 & 1069 Notre Dame Ave, Sudbury  
Interface with low density housing on Gordon Ave abutting northerly  
portion of subject lands (PINs 02127-0502 & 02127-0504)  
File 751-6/21-06 Photography: May 9, 2021



Photo 4: 1049, 1063 & 1069 Notre Dame Ave, Sudbury  
Interface with low density housing on Gordon Ave abutting southerly  
portion of subject lands (PIN 02127-0341)  
File 751-6/21-06 Photography: May 9, 2021





Photo 5: 1077 Notre Dame Ave, Sudbury  
Single detached dwelling abutting northerly limit of subject lands  
File 751-6/21-06 Photography: May 9, 2021



Photo 6: 1039 Notre Dame Ave, Sudbury  
Vacant residential land abutting southerly limit of subject lands  
File 751-6/21-06 Photography: May 9, 2021



Photo 7: 1049, 1063 & 1069 Notre Dame Ave, Sudbury  
View of street line facing south from northerly driveway entrance  
File 751-6/21-06 Photography: May 9, 2021



Photo 8: 1050 Notre Dame Ave, Sudbury  
Taxation Data Centre opposite subject lands  
File 751-6/21-06 Photography: May 9, 2021

## **Zoning By-law Amendment to Implement Phase 1 of Official Plan Review**

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
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 amendment to Zoning By-law 2010-100Z in order to implement recent policy changes to the Official Plan made as part of Phase 1 of the Five Year Review of the Official Plan.

This report is presented by Melissa Riou, Senior Planner.

## **Resolution**

THAT the City of Greater Sudbury approves the proposed by-law which would amend Zoning By-law 2010-100Z under Sections 34 and 26(9) of the Planning Act to implement Phase 1 of the Five Year Review of the Official Plan, as described in the report entitled “Zoning By-law Amendment to Implement Phase 1 of Official Plan Review”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 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 20 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.

The policies of the Official Plan are consistent with the CEEP. Though not directly aligned with the goals to reduce greenhouse gas emissions, the changes align with climate adaptation and carbon sequestration. The amendments to the commercial zones are consistent with the goal of developing compact complete communities.

## **Financial Implications**

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



## Background

On May 10, 2021 Planning Committee directed staff to initiate an amendment to the Zoning By-law. 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. If approved, the attached amendment would implement the required changes within the Planning Act timeline.

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.

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

## 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 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 the dates and times of the required open houses which were held virtually, as well as today's public hearing.

Meeting Type	Date
Open House #1	June 15, 2021 from 1:00 – 2:00 pm
Open House #2	June 16, 2021 from 6:00 – 7:00 pm
Public Hearing	June 28, 2021

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 describes the 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 Official Plan required a 12.0 m setback from the normal high water mark of a lake or river for all new development, excluding shoreline structures. The City had proposed to increase the required setback to 20.0 metres to lakes and rivers while maintaining a setback of 12.0 m to permanently flowing streams, which was adopted by Council on June 26, 2018. The Province, who is the approval authority for comprehensive reviews to the Official Plan under Section 26 of the Planning Act, modified the required setback to 30.0 metres from the normal high water mark adjacent to lakes and rivers. There are no appeal rights to the Provincial modification to the Official Plan, and the Zoning By-law is required to conform to the Official Plan policies. The proposed amendment to the Zoning By-law is consistent with the setback as modified by the Province.

The amendments to Section 4.41 (Waterbodies – Water frontage, Setbacks and buffers) of the Zoning

By-law would implement a setback of 30.0 metres from the high water mark for all new development, excluding shoreline structures abutting lakes or rivers, as well as requiring a 30.0 metre setback for leaching beds adjacent to lakes, rivers and streams.

Additionally, Section 4.4.1 of the Zoning By-law is to be amended to require a shoreline buffer area of 20.0 m for lots abutting lakes or rivers and a 12.0 metre setback for lots abutting streams.

### **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 change would amend Table 7.3: Standards for Commercial Zones by removing 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. The change would amend table 7.3: standards for Commercial Zones, by including a minimum height of 8.0 m in the C4 zone, which is consistent with the minimum height of the Downtown Commercial (C6) Zone.

### **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 amending by-law would introduce a special provision to Table 9.3 where new lots created for a residence surplus to a farm operation created through a farm consolidation and that have a minimum lot area of 0.4 ha, a maximum lot area of 1.0 ha, and a frontage of 45 m would not require a zoning by-law amendment. Rezoning would still be required in instances where the farm consolidation of non-abutting lands occurs.

The policy tests of the Official Plan would still be required to be met for a farm consolidation. The amendments to the zoning by-law establish size requirements for lots containing a surplus dwelling created through farm consolidation which are not in the Official Plan.

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 the attached by-law to amend By-law 2010-100Z, be approved in order to implement Phase 1 of the Five Year Review of the Official Plan under Section 26(9) of the Planning Act.

## **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>
6. Staff Report, “Official Plan Review, Phase 1 Implementation – Proposed Zoning By-law Amendment”, May 10, 2021 <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=39883>

**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.

## 1 Dow Drive, Copper Cliff

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Routine Management Reports
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	741-6/14001

## Report Summary

This report provides a recommendation regarding a request to extend a draft plan of condominium approval.

## Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of condominium for the conditions of draft approval of plan of condominium for Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1, Concession 2, Township of Snider, File 741-6/14001, as outlined in the report entitled "1 Dow Drive, Copper Cliff", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021, be amended as follows:

a) By deleting Condition #10 and replacing it with the following:

"That this draft approval shall lapse on July 20, 2024, unless an extension is granted by Council pursuant to Section 51(33) of the Planning Act."

## 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. The application involves a proposed change in tenure from rental to condominium form of ownership. There is no conflict with the Strategic Plan or the Community Energy & Emissions Plan.

## Financial Implications

There are no financial implications associated with the extension of the draft plan of condominium approval.

## Report Summary:

An application has been submitted to extend draft plan of condominium approval for three (3) years for the property municipally known as 1 Dow Drive, Copper Cliff. The subject land is zoned "R3", Medium Density Residential and comprises part of the residential complex known as West Side Village (formerly Copper Cliff Gardens). Draft plan approval was granted in 2015 and extended in 2018 in order to convert 138 row dwelling units to condominium form of ownership.

Commenting departments advised that their requirements are addressed by Council's existing conditions of approval. Staff therefore recommend a three-year extension to July 20, 2024.

# STAFF REPORT

## Applicant:

McDaniel Clark, TJG Properties Inc.

## Location:

Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1, Concession 2, Township of Snider (1 Dow Drive, Copper Cliff)

## Application:

The owner of the property has requested an extension to the draft plan of condominium approval in order to apply condominium form of ownership to 138 row dwelling units. The draft approval was previously extended in 2018. The owner has requested a three-year extension to July 20, 2024 (correspondence attached).

## Background:

The subject land is zoned "R3", Medium Density Residential and comprises part of the residential complex known as West Side Village (formerly Copper Cliff Gardens). An application for draft plan of condominium was approved by Council on July 7, 2015 in order to apply condominium form of ownership to a row dwelling complex comprising 138 dwelling units (Recommendation PL2015-122). The row dwellings are similar in built form, comprising two-storey units with front and rear access, contained in 26 buildings. 252 parking spaces are allocated to the row dwelling development.

The five-storey multiple dwelling and the open space lands on the southerly portion of the property are excluded from the application.

Due to the age of the buildings and associated infrastructure, the following background reports were provided as part of the initial review of this file:

- Structural Condition Assessment Report by Granville B. Vickerman & Associates
- Mechanical-Electrical Building System Report by K. Lang Engineering Ltd.
- Sewer and Water Assessment Report by R.V. Anderson Associates Limited
- CCTV Inspections by Infratech Sewer & Water Services Inc.

The current conditions of draft approval dated July 2018 are attached for review.

## Departmental/Agency Circulation:

There are no concerns from commenting agencies and departments concerning the proposed extension.

## Policy & Regulatory Framework:

### [Official Plan for the City of Greater Sudbury, 2006](#)

Policies applied to the conversion of rental units to condominium ownership are outlined under Section 17.2.8 as follows:

- a) That the rental vacancy rate for the whole City is 3% or higher for the preceding three years (three successive Fall rental market surveys as undertaken by the Canada and Mortgage Housing Corporation (CMHC);
- b) That the rental vacancy rate for the specific unit size for the entire City and the specific local housing market zone based on CMHC data, has been at or above 2% for the preceding three years;



- c) That the proposed conversion shall not reduce the rental vacancy rate for the majority of the unit type to below 2% for the entire City and the specific local housing market zone;
- d) That the subject property meets the requirements of the City's Property Standards By-law and the requirements of the Ontario Building Code and that any deficiencies be addressed prior to final approval;
- e) That the subject property be inspected by a qualified professional and a report be submitted to the City that addresses the following matters: a life and safety audit of the building(s); a structural report; a mechanical report; an electrical report; and a site servicing report.
- f) Written confirmation from the applicant that the tenants of the subject property have been notified of the application for conversion to condominium tenure and of their rights under the Residential Tenancies Act or any successor legislation;
- g) That all provisions of other applicable legislation and policies have been satisfied;
- h) That an application for the conversion of residential rental property to condominium tenure will not be considered unless the application is complete and includes all required document and reports. Applications for condominium conversion will be considered chronologically based on the date of submission of a complete application;
- i) That an application for the conversion of residential rental property to condominium tenure includes the number of units being converted by unit size and the average rent for each unit size; and,
- j) In cases where the existing market rent levels for the units proposed to be converted are equal to or less than 90% of the average market rent levels for the entire City and the specific local housing market zone for rental units of a similar unit size, the City may consider the following:
  - i) That replacement units be provided with rents at no more than 90% of average market rents for the entire City and the specific local housing market zone for a period of ten years, increased annually by not more than the Provincial Rent Increase Guideline; or,
  - ii) The subject units be sold as affordable ownership units the purchase price of which is at least 10% below the average purchase price of a resale unit in the regional market area and that the tenants of the subject units, if applicable, be given the right of first refusal to purchase the unit; or,
  - iii) A contribution is made to an Affordable Housing Fund established by the City at a rate based on a percentage of the average house price for a similar unit in the regional market area.

#### 2020 Provincial Policy Statement (PPS)

Under Section 1.4.3 of the PPS, Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans;
- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

## [2011 Growth Plan for Northern Ontario](#) (GPNO)

The GPNO identifies Greater Sudbury as an Economic and Service Hub. Under Section 4.3.3, economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for developing a diverse mix of land uses and an appropriate range of housing types.

### **Planning Analysis:**

As part of the Phase 1 amendments implemented under the Comprehensive Review of the Official Plan in April 2019, policies applied to the conversion of rental accommodation to condominium form of ownership have been expanded as outlined above. More detailed inputs are now utilized, including a three-year average of vacancy rates broken down by market zone, unit type and unit size. The intent is to protect the supply of affordable rental market housing while also providing opportunities for a range of tenure types.

Notwithstanding the above, the application complied to the rental conversion policies in effect at the time of the initial draft plan approval in 2015.

Condominium conversions align with the housing policies of the City and are consistent with Provincial policies, including diversification of the housing supply and providing opportunities for entry-level home ownership. Condominium conversions may be less expensive than new purpose-built condominiums, and as such may be an affordable housing option for some households.

The conditions of draft approval address the age and condition of the buildings based on the Structural Condition Assessment Report that was submitted with the initial application in 2015. Various site improvements are required prior to registration, including upgrades to the sanitary sewer system.

### **Conclusion:**

Staff are satisfied that the conditions of draft approval adequately address the pre-conditions for condominium conversion, including required building improvements and infrastructure upgrades. A three-year extension to July 20, 2024 is recommended.

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PLANNING SERVICES

## **WILLIAMS & McDANIEL** PROPERTY MANAGEMENT

• SERVICE • COMMITMENT • INTEGRITY •

March 4, 2021

Alex Singbush,  
Manager Of Development Approvals  
200 Brady Street,  
Sudbury, ON P3A 5P3

RE: Extension of Draft Plan of Condominium Approval - McDaniel  
Clark, TJG Properties Inc. (Agent: Williams & McDaniel Property  
Management) – Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan  
SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1,  
Concession 2, Township of Snider (1 Dow Drive, Copper Cliff)

Dear Alex,

Further to your letter of March 1, 2021 we would like to request an extension of our draft plan approval for the above noted property.

We have spent over \$3.6 million dollars in upgrades and restorations since our purchase of the property three years ago.

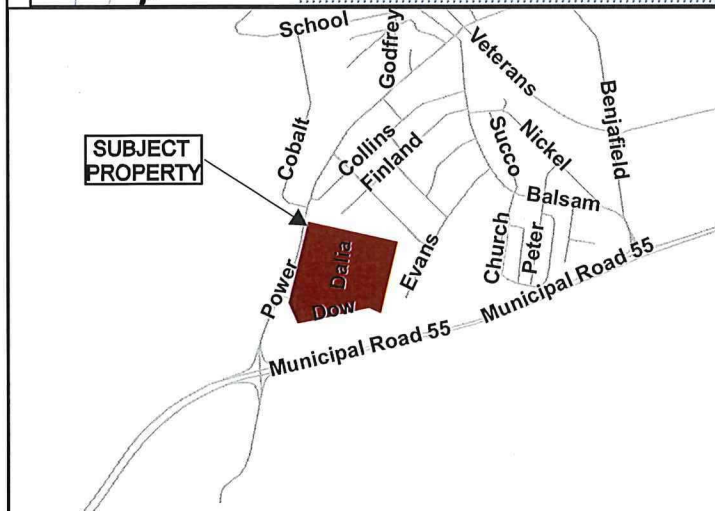
We still have several large components that we wish to upgrade in order to get us to the position to move ahead with the Condominium Plan.

Please find enclosed a cheque for \$817.50 which represents the 3-year extension fee.

Sincerely,

Clark McDaniel,  
CEO,  
Williams & McDaniel Property Management





## Growth and Development Department



Subject Property being part of PINs 73371-0171 & 73599-0830, part of Parts 1, 3 & 6, all of Parts 4, 5, 7 & 8, Plan SR-2974, Lot 1, Con. 2, Twp. of Snider, Lot 12, Con 2, Twp of McKim, Dow Drive, Tulip Terrace, Rosebud Court, Dahlia Court, Marigold Place, Copper Cliff, City of Greater Sudbury

NTS  
Sketch 1

741-6/14001  
Date: 2014 03 11







**CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT CONDOMINIUM ARE AS FOLLOWS:**

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1. That this approval applies to the draft plan of condominium of Parts 4, 5, 7 & 8 and Pt. of Parts 1, 3 & 6, Plan SR-2974 in Lot 12, Concession 2, Township of McKim and Lot 1, Concession 2, Township of Snider, as shown on a plan prepared by D. S. Dorland, O.L.S. and dated February 18, 2014.
2. That the final Condominium Plan be integrated with the City of Greater Sudbury Control Network. Final plan coordinate listings and an AutoCAD simple line file of the resultant parcel fabric (with coordinated points labelled) are to be provided to this office as part of this requirement. The final plan must also be provided in AutoCAD.dwg format.
3. That prior to the signing of the final plan, Planning Services Division is to be advised by the City Solicitor that the cash payment in lieu of the 5% parkland dedication has been satisfied in accordance with Section 51.1(3) of the Planning Act.
4. That the infrastructure deficiencies identified in the memorandum dated March 18, 2015 from the Supervisor of Development Engineering be addressed to the satisfaction of the General Manager of Growth and Infrastructure.
5. That the recommendations of the Structural Condition Assessment Report dated August 6, 2014 by Granville B. Vickerman & Associates be implemented prior to registration to the satisfaction of the Chief Building Official, to include the following:
  - a) Replacement of weeping tile systems;
  - b) Assessment and repair of foundations as required; and,
  - c) Replacement of existing mansard roofs with a peaked roof system and new siding.
6. That a building assessment report be provided to a standard consistent with the Professional Engineers of Ontario Professional Practice Bulletin to the satisfaction of the Chief Building Official in order to address the following items:
  - a) Fire separation between units, including condition, type of construction, effective fire resistance rating and recommended upgrading;
  - b) Sound attenuation between units;
  - c) Interior and exterior handrails, guards, stairs and landings; and,
  - d) Current insulation and energy efficiency.

The recommendations of the report shall be implemented by the owner prior to registration to the satisfaction of the Chief Building Official.

...2

7. The owner shall upgrade all smoke and carbon monoxide (CO) alarms to meet current Municipal By law and Ontario Fire Code regulations to the satisfaction of the Chief Building Official.
8. The owner shall submit a report on the adequacy of fire hydrant water flows and fire hydrant spacing to the satisfaction of the General Manager of Growth and Infrastructure. Any required upgrades of the existing distribution system shall be completed by the owner prior to registration to the satisfaction of the General Manager of Growth and Infrastructure.
9. Prior to registration, the owner shall verify which units are adequately floodproofed to the satisfaction of the Nickel District Conservation Authority. Based on the results of the survey, the owner shall identify in the condominium declaration the units that are not floodproofed and are located in the designated flood plain.
10. That this draft approval shall lapse on July 20, 2021, unless an extension is granted by Council pursuant to Section 51(33) of the Planning Act.
11. That such easements that may be required for utility and drainage purposes shall be granted to the appropriate authority to the satisfaction of the City Solicitor.