

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 m² (21,764.63 ft²) 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:

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| 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.