

Housekeeping Amendments

Presented To:	Planning Committee
Meeting Date:	February 23, 2022
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides a recommendation regarding housekeeping amendments to By-law 2010-100Z.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the amendments to Zoning By-law 2010-100Z for the City of Greater Sudbury as outlined in the report entitled “Housekeeping Amendments”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 23, 2022.

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

The proposed housekeeping amendments to the Zoning By-law are operational matters under the Planning Act.

Financial Implications

There are no financial implications associated with this report.

Report Overview

The housekeeping amendments to By-law 2010-100Z as proposed in this report are to make corrections to definitions pertaining to linked dwellings and natural hazards, references to Wellhead Protection Areas, the list of permitted residential uses in certain commercial zones, and revise the special zoning applied to the unopened portion of Chapman Street being PIN 02123-0379. The draft amendments to the By-law are set out in Attachment 1 to the report and in the attached map. Should the Planning Committee concur with the housekeeping amendments as proposed, then the resolution included in this report should be adopted.

Staff Report

Proposal:

On September 29, 2010 Council enacted By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury. By-law 2010-100Z replaced the eight (8) Zoning By-laws from the former Municipalities and Townships that were amalgamated into the City in 2001. No appeals to the By-law were filed at the end of the appeal period. In accordance with the Planning Act the By-law was deemed to have come into force on the day it was enacted on September 29, 2010.

Since the enactment of Zoning By-law 2010-100Z, matters have been identified that require the need for “housekeeping” amendments respecting typographical, punctuation, mapping errors, along with changes which assist in the interpretation and application of the By-law. Eleven (11) housekeeping amendments have been enacted since 2010 and this report addresses further housekeeping amendments to the By-law.

This report identifies the By-law Section and the issue which requires addressing, along with the suggested amendments. The draft amendments are set out in detail on Attachment 1 to the report. One change to the zone map is also proposed, which is shown on the attached map.

The housekeeping amendment pertaining to linked dwellings was identified through an inquiry by a property owner about constructing linked dwellings and problematic zoning provisions potentially limiting their development. A linked dwelling is a form of semi-detached dwelling constructed in pairs but only connected along the foundation wall below finished grade. A linked dwelling looks like single dwellings at street-level.

The current zoning provisions identify a linked dwelling and semi-detached dwelling as separate uses and treat them in a similar manner. The recommended amendment would combine the definition of linked dwelling and semi-detached dwelling, such that they are treated in the same manner with respect to the zones where they are permitted and secondary dwelling unit permissions. The minimum interior side yard setback along the common lot line will be 0.6 m with eaves being the only permitted encroachment. Through the lot creation process, reciprocal access easements will be registered along the common lot line to enable home maintenance activities between the dwellings. The effect of the amendment will simplify implementation of the zoning by-law thereby enabling this building form and supporting Council's goals related to the provision of affordable housing.

The housekeeping amendment pertaining to natural hazards was identified by the Nickel District Conservation Authority. Both the Provincial Policy Statement and the City's Official Plan require the consideration of a range of natural hazards in the land use planning process. The City's zoning by-law currently includes overlay zones for known flooding hazards and where approval by the Conservation Authority is required prior to development. Additional zoning provisions are recommended to reflect that other lands are also under the jurisdiction of the Conservation Authority and where development is subject to their approval, such as any newly-identified flooding hazards, erosion hazards, dynamic beach hazards, and areas with unstable soils or bedrock.

The housekeeping amendment pertaining to Wellhead Protection Areas was identified by staff responding to questions from the public reviewing the City's zone mapping, which refers to Wellhead Protection Areas (WHPA) 'A', 'B' and 'C' categories while the zoning by-law text refers to WHPAs generally. For clarity, the text of the by-law is recommended to be updated to refer to the 'A', 'B' and 'C' categories.

The housekeeping amendment pertaining to residential uses in certain commercial zones was identified by staff. The City's zoning by-law was recently updated to expressly permit long term care facilities, retirement homes and multiple dwellings in the Shopping Centre Commercial (C5) Zone. For clarity, the list of permitted uses in the General Commercial (C2) Zone, Limited General Commercial (C4) Zone and Downtown Commercial (C6) Zone is recommended to be updated to include long term care facilities and retirement homes. These two uses are included in the definition of Institutional Use, which is currently permitted in these zones.

The housekeeping amendment that would revise the special zoning applied to the unopened portion of Chapman Street being PIN 02123-0379 was identified by staff (see map attached). The unopened portion of Chapman Street located west of Arthur Street is subject to a lease agreement with the City to permit overflow parking for the abutting retail store (Smith's Market). A concurrent temporary use by-law to permit this use was approved in 1998 and has now been extended seven (7) times. To eliminate the need for repeated extensions, staff determined this could be addressed through the Lasalle Boulevard Corridor Study and the lands were recently rezoned to "C2(120)", General Commercial Special. The "C2(120)" zoning however does not permit the use as intended, and the recommended amendment to Schedule "A" Zone Maps would rezone PIN 02123-0379, being an unopened portion of the Chapman Street road allowance, Plan M-243 in Lot 2, Concession 5, Township of McKim, from "C2(120)", General Commercial Special to a revised "C2 Special", General Commercial Special to reflect the current temporary use provisions.

Public Consultation:

The statutory notice of public hearing was provided by newspaper on February 5, 2022. At the time of writing this report, no comments had been received from the public.

Conclusion:

The housekeeping amendments to By-law 2010-100Z as proposed in this report are to make corrections to definitions pertaining to linked dwellings and natural hazards, references to Wellhead Protection Areas, the list of permitted residential uses in certain commercial zones, and revise the special zoning applied to the unopened portion of Chapman Street being PIN 02123-0379. The draft amendments to the By-law are set out in Attachment 1 to the report and in the attached map. Should the Planning Committee concur with the housekeeping amendments as proposed, then the resolution included in this report should be adopted.