

Institutional As-of-Right Zoning By-law Amendment

Presented To:	Planning Committee
Meeting Date:	November 25, 2024
Type:	Managers' Reports
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-021

Report Summary

This report provides a recommendation directing staff to undertake the process to amend Zoning By-law 2010-100Z to permit 'R3', Medium Density Residential zone uses and standards as-of-right within the 'I', Institutional zone.

Resolution

THAT the City of Greater Sudbury directs staff to undertake the process to amend Zoning By-law 2010-100Z to permit 'R3', Medium Density Residential zone built forms and standards as-of-right within the 'I', Institutional zone consistent with Option 1 as outlined in the report entitled "Institutional As-of-Right Zoning By-law Amendment", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 25, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

Permitting residential uses as-of-right in the 'I', Institutional zone aligns with Council's Strategic Priorities including "Expand Affordable and Attainable Housing Options" and "Develop and Promote Solutions to Support Existing Housing Choices".

The Housing As-of-Right Zoning Review provides recommendations that support the creation of compact, complete communities, Goal 1 of the CEEP.

Financial Implications

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

Staff Report

BACKGROUND:

The Housing As-of-Right Zoning Review was commenced in 2022. J.L. Richards and Associates Ltd. was retained to conduct research and provide recommendations to assist with an as-of-right residential land use planning review. The report provided a summary of potential policy amendments to facilitate housing creation and increase the City's housing supply under five (5) themes:

1. Mixed Use Development;
2. Residential Uses on Institutional Lands;
3. Secondary Dwelling Units;
4. Minimum Density Requirements; and,
5. Affordable Housing.

The findings and recommendations of the consultant's report are informed by comparable municipal precedents, internal stakeholder consultation and external stakeholder consultation. As-of-right zoning serves to bring housing supply to market by eliminating the need for a rezoning or minor variance process in certain situations. The focus of this report is on zoning by-law amendments to address the second theme of 'Residential Uses on Institutional Lands' as directed by Council through resolution CC2023-252.

Housing-As-Of-Right Zoning Review Findings and Recommendations

To address residential uses in Institutional zones, the question was posed: "What parameters can be set out as to residential uses on institutional lands?". The report found that the City has various institutional uses of all sizes, from educational facilities and places of worship to medical and research institutions. When these lands are declared surplus and sold to private interests with the intent developing the land for residential purposes, a rezoning is required, introducing additional risk, time, and cost to the developer. An analysis of examples within the City and of comparable municipalities was conducted as well as internal and external stakeholder interviews. The Housing As-of-Right Zoning Review recommended that the City amend the 'I', Institutional zone so that institutional sites can develop residential uses as-of-right while being respectful of established neighbourhood uses.

Options to Incorporate Residential Uses within the 'I', Institutional Zone

Permitting residential uses within the 'I', Institutional zone can be accomplished by permitting the built forms and standards associated with one of the existing residential zones. The residential built forms permitted in the 'R3' and 'R3-1', Medium Density Residential zones include:

- Single Detached Dwelling;
- Semi-Detached Dwelling;
- Duplex Dwelling;
- Street Townhouse Dwelling;
- Row Dwelling; and
- Multiple Dwelling.

The residential built forms permitted in the 'R4', High Density Residential zone include:

- Duplex Dwelling;
- Street Townhouse Dwelling;
- Row Dwelling; and
- Multiple Dwelling.

Alternatively, residential uses could be added to the 'I', Institutional zone and rely on the existing standards of the 'I', Institutional zone.

The predominate difference between these options relate to the standards applied to the different built forms,

particular as it relates to height, side yard setback, and density. The table below compares the standards applied to multiple dwelling unit development for the different zone. As the surrounding neighbourhoods around 'I', Institutional zoned properties are typically zoned 'R1-5', Low Density Residential, staff have included that zone for comparison.

Standard	R1-5	R3	R3-1	R4	I
Min. Front Yard	6.0 m	6.0 m	6.0 m	10.0 m	10.0 m
Min. Rear Yard	7.5 m	7.5 m	7.5 m	10.0 m (plus 1.0 m for every storey above five)	10.0 m
Min. Interior Side Yard	1.2 m	1.2 m (5 m when 3 storeys)	1.2 m (5 m when 3 or more storeys)	10.0 m (plus 1.0 m for every storey above five)	10.0 m
Min. Corner Side Yard	4.5 m	4.5 m	4.5 m	10.0 m	10.0 m
Max. Lot Coverage	40%	40%	50%	50%	50%
Min. Landscaped Open Space	40%	30%	30%	30%	15%
Max. Height	11.0 m	11.0 m	19.0 m and five storeys	63.0 m	50.0 m
Max. Density	One single detached dwelling plus two secondary dwelling units	30 units per building	No max. number of units per building	No max. number of units per building	No max. density

For a more visual representation, staff have prepared schematic drawings in Figures 1 and 2 below showing the multiple dwelling developments at maximum density, with the minimum required setbacks. The 'R1-5' zone was again included.

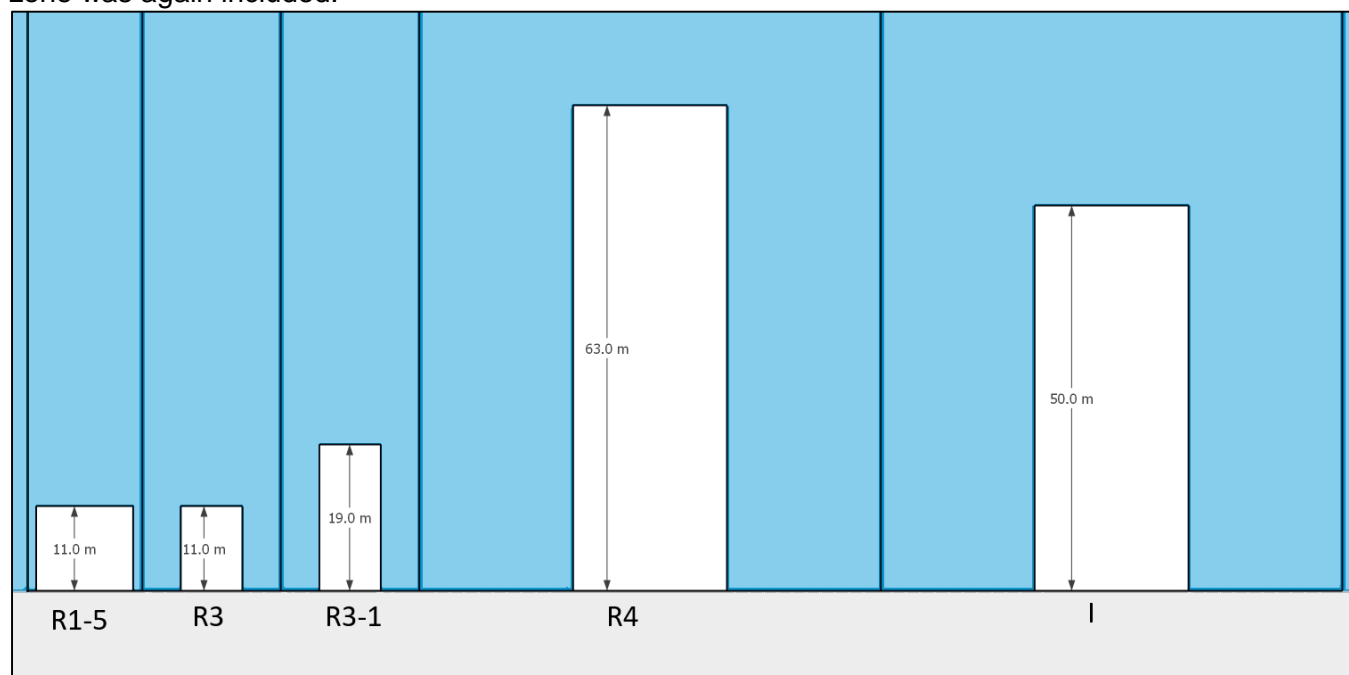


Figure 1 - This figure shows a view from the street of the greatest height permitted in each of the noted zones at the minimum permitted side yard setbacks. The figure is drawn to scale.

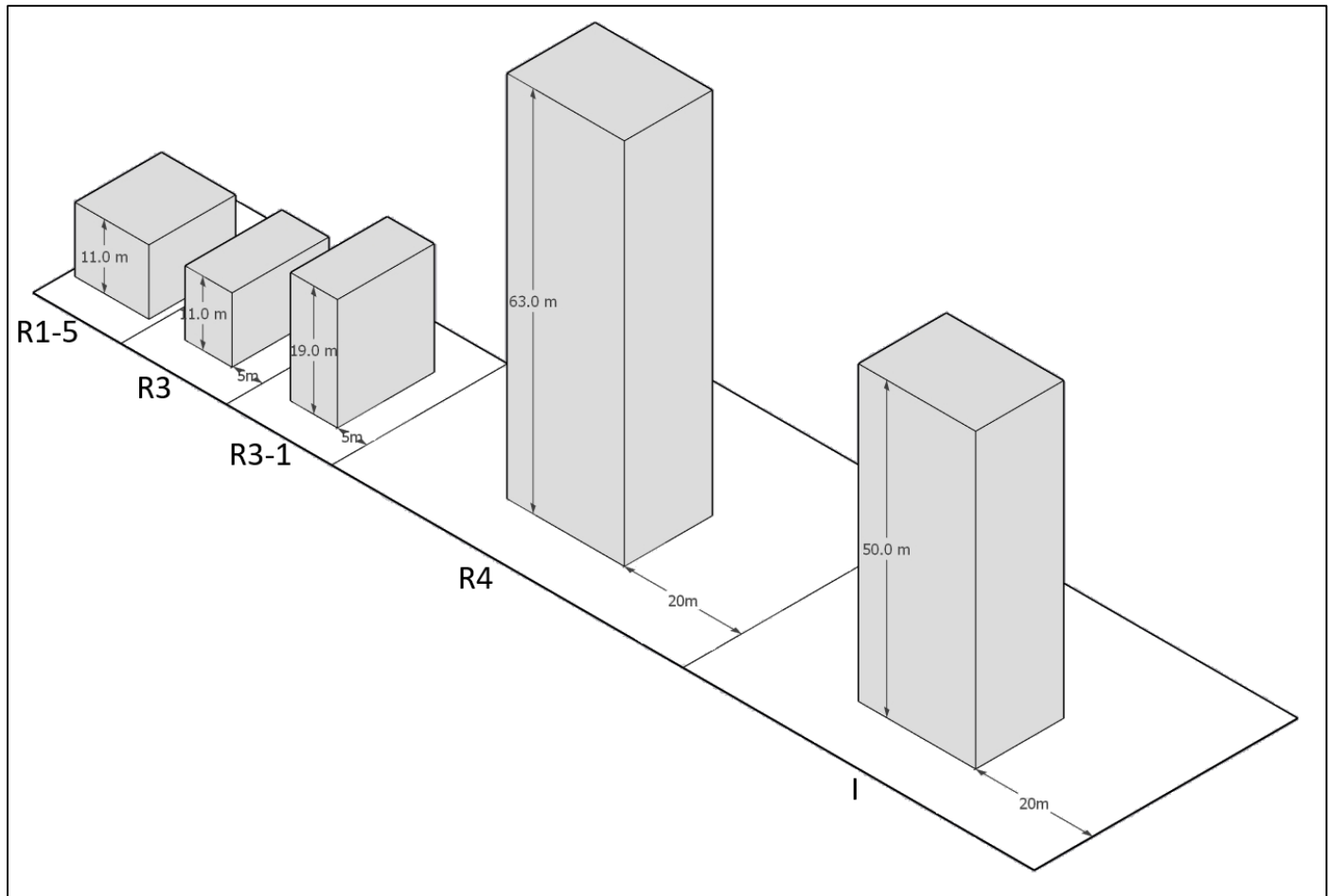


Figure 2 - This figure shows an aerial view of the greatest height permitted in each of the noted zones at the minimum permitted side yard setbacks. The figure is drawn to scale.

Staff have identified five options for incorporating residential uses in the 'I', Institutional zone:

Option 1: Amend the 'I', Institutional Zone to Permit 'R3' Residential Built Forms and Standards

The 'R3' zone permits a number of residential built forms, however, the maximum height permitted is 11.0 metres and a maximum of 30 multiple dwelling units are permitted per building.

Option 2: Amend the 'I', Institutional Zone to Permit 'R3-1' Residential Built Forms and Standards

This option would permit development at greater heights and density than the 'R3', Medium Density zone as proposed in Option 1. The 'R3-1' zone permits development of multiple dwelling units in buildings up to five storeys or 19 metres, without limiting the number of multiple dwellings within each individual building but has similar setback standards to the 'R3' zone.

Option 3: Amend the 'I', Institutional Zone to Permit 'R4' Residential Built Forms and Standards

Permitting 'R4' residential built forms and standards would allow for the greatest intensification of underutilized institutional parcels. This zone permits a maximum height of 63 metres, which is approximately 15 to 19 storeys, and does not limit the number of multiple dwelling units per building. These standards of the 'R4', High Density zone would require the greatest setbacks, greater even than the I, Institutional zone.

Option 4: Amend the 'I', Institutional Zone to Permit 'R3' Residential Built Forms

This option would rely on the development standards associated with the 'I', Institutional zone. There would be no maximum number of multiple dwelling units per building, and any residential built form would have a maximum permitted height of 50.0 metres. The 'I', Institutional zone standards has the lowest minimum required landscaped open space requirement at 15%, while the 'R3', 'R3-1', and 'R4' zones all require a minimum landscaped open space of 30%.

Option 5: Make No Amendments

This option would require developers to make an application for rezoning when they acquire surplus institutional parcels with the intent to redevelop as, or to include, residential uses.

Analysis

Option 1: This is the recommended approach. It permits the intensification of underutilized institutional parcels while the standards associated with the 'R3', Medium Density zone are consistent with those found in the 'R1-5', Low Density Residential One zone. Both zones allow development only to 11 metres in height, while the R3, Medium Density zone has greater side yard setbacks than the 1.2 metres requires by the 'R1-5', Low Density Residential One zone for multiple dwelling units. This would allow for flexibility for the developer, at standards that are compatible with adjacent low density residential neighbourhoods. Finally, this approach is consistent with the recommendations of the Housing As-of-Right Zoning Review completed by J.L. Richards and Associates Ltd.

Option 2: This option would allow for the intensification of underutilized institutional parcels at a greater intensity than would be allowed through Option 1, but with the same residential built forms and setbacks as Option 1. However, development would be permitted at greater heights (19 metres vs 11 metres). This option is viable, as the difference in height is not substantial and represents a difference of approximately 2 storeys.

Option 3: Permitting the residential built forms and standards of the 'R4', High Density zone would permit development that may not be compatible with the adjacent established neighbourhood. Staff are also concerned that permitting high density residential development would be contrary to recent amendments to the City's Official Plan, particularly OPA 119, which focuses high density development (91 units per hectare or greater) to strategic nodes and corridors. Staff do not recommend Option 3.

Option 4: As with Option 3, Option 4 would permit high density development that may not be compatible with the adjacent established neighbourhood despite the greater minimum setbacks required by the 'I', Institutional zone. Again, staff are concerned that permitting high density residential development would be contrary to recent amendments to the City's Official Plan, particularly OPA 119, which focuses high density development (91 units per hectare or greater) to strategic nodes and corridors. Staff do not recommend Option 4.

Option 5: Requiring developers to apply for zoning by-law amendments when surplus institutional lands are acquired adds uncertainty to the development process. Allowing the residential built forms and standards of the 'R3', Medium Density zone would allow for compatible residential development, offering greater flexibility and stability for the developer. Should a developer be interested in greater heights or densities than permitted, a minor variance application or rezoning application can be submitted for consideration. Historically staff have been supportive of rezoning applications to allow surplus institutional lands to permit residential uses. Option 5 is the least supportive of housing and is not recommended by staff.

Other Considerations

Servicing Capacity

The addition of tens or hundreds of residential units within an existing municipal service area will require servicing capacity from the municipal water and wastewater systems. Some areas of the City are nearing or at service capacity for water, wastewater, or both. It is recommended that a holding provision to ensure connection to and capacity within the municipal water and wastewater systems be employed to address this issue.

Unserviced Institutional Uses

The 'I', Institutional zone permits a number of uses that would not require water nor wastewater, such as cemeteries or parks, and therefore a number of parcels zoned 'I', Institutional are located in areas outside of the settlement area where municipal water nor wastewater exist. The same holding provision noted for servicing capacity would prohibit inappropriate development in areas not serviced by municipal water or wastewater.

RECOMMENDATION

Staff are of the opinion that the built forms and standards for residential uses of the 'R3', Medium Density zone, as outlined in Option 1, are the most appropriate to permit as-of-right in the 'I', Institutional zone and that staff should be directed to amend Zoning By-law 2010-100Z as such.

RESOURCES CITED

1. City of Greater Sudbury Zoning By-law 2010-100Z
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/>
2. Official Plan Amendment 119 – Nodes and Corridors, presented at the June 24, 2024 Planning Committee meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=54519>