

## Institutional As-of-Right Zoning By-law Amendment

Presented To:	Planning Committee
Meeting Date:	January 20, 2025
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-21

## Report Summary

This report provides a recommendation to amend Zoning By-law 2010-100Z to permit 'R3-1', Medium Density Residential zone uses and standards as-of-right within the 'I', Institutional zone. The proposed amendment includes a holding provision that requires that the parcel be located within the urban settlement area and be serviced by municipal water and wastewater with sufficient capacity.

This report is presented by Bailey Chabot, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves an amendment to Zoning By-law 2010-100Z by adding the uses permitted in the 'R3-1', Medium Density zone as-of-right to the 'I', Institutional zone as outlined in the report titled "Institutional As-of-Right Zoning By-law Amendment", from the General Manager, Growth and Infrastructure, presented at the Planning Committee meeting on January 20, 2025 subject to the following:

1. Uses Permitted in R3-1 zone shall be developed in accordance the standards of each dwelling type or use required in the Standards for Medium Density Residential (R3 and R3-1) Zones.
2. Other provisions of Zoning By-law 2010-100Z shall apply to Uses Permitted in R3-1 zone as though the parcel were zoned R3-1.
3. That a holding provision be applied, prohibiting the 'R3-1' uses in an 'I', Institutional zone. The holding provision can be removed on a site-specific basis provided the following conditions are satisfied:
  - a. The subject parcel is within the settlement area;
  - b. The subject parcel is serviced by municipal water and municipal wastewater with sufficient capacity to support the proposed uses; and,
  - c. The subject parcel is located within a Community as identified in policy 2.2.1. Communities of the Official Plan.

## **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.

## **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**

Staff presented options for incorporating residential uses within the 'I', Institutional zone at the November 25, 2024 Planning Committee meeting. Options included:

- Amend the 'I', Institutional Zone to Permit 'R3' Residential Built Forms and Standards;
- Amend the 'I', Institutional Zone to Permit 'R3-1' Residential Built Forms and Standards;
- Amend the 'I', Institutional Zone to Permit 'R4' Residential Built Forms and Standards;
- Amend the 'I', Institutional Zone to Permit 'R3' Residential Built Forms Using Institutional Standards; and,
- Make No Amendments to Zoning By-law 2010-100Z.

Staff were directed to undertake the process to amend Zoning By-law 2010-100Z to permit 'R3-1', Medium Density Residential zone built forms and standards in the 'I', Institutional zone by resolution PL2024-182.

## **Proposed Zoning By-law Amendment**

The 'R3-1', Medium Density Residential zone permits several residential uses, with some ancillary and compatible commercial uses. Staff are proposing to amend Zoning By-law 2010-100Z to permit all the uses of the 'R3-1', Medium Density Residential zone in the 'I', Institutional zone. The proposed amendment directs the R3-1 uses to be developed at the standards established in the 'R3-1' zone for each built form.

The proposed amendment includes a holding provision. The holding provision prevents any of the R3-1 uses until the following is satisfactorily demonstrated:

1. The subject parcel is within the settlement area;
2. The subject parcel is serviced by municipal water and municipal wastewater with sufficient capacity to support the proposed use(s); and,
3. The subject parcel is located within a Community as identified in policy 2.2.1. Communities of the Official Plan.

Given that there are 'I', Institutional zoned parcels throughout the City, in urban, non-urban, and rural areas, with full, partial, or no municipal services, the holding provision prevents residential development in inappropriate locations or where municipal services do not exist or do not have capacity to support the development.

## **Public Consultation:**

The statutory Notice of Application and Notice of Public Hearing was provided to the public by newspaper on December 28, 2024.

At the time of writing this report no public comment has been received.

## **POLICY AND REGULATORY FRAMEWORK:**

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

- [2024 Provincial Planning 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.

### **2024 Provincial Planning Statement (PPS):**

The PPS acknowledges the Province's goal of getting at least 1.5 million homes built by 2031 and identifies that Ontario will increase the supply and mix of housing options. "Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come."

Specifically, the following are relevant policies of the PPS:

- Chapter 2: Building Homes, Sustaining Strong and Competitive Communities:
  - 2.2.1.c) - Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.
  - 2.3.2. - Land use patterns within settlement areas should be based on densities and a mix of land uses which:
    - a) efficiently use land and resources;
    - b) optimize existing and planned infrastructure and public service facilities;
    - c) support active transportation;
    - d) are transit-supportive, as appropriate; and
    - e) are freight-supportive.
  - 2.3.3. - Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.
  - 2.9.1.a) & c) - Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that support the achievement of compact, transit-supportive, and complete communities and support energy conservation and efficiency.
- Chapter 3: General Policies for Infrastructure and Public Service Facilities:
  - 3.1.1.a), b), & c) - Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle, which may be demonstrated through asset management planning, leverage the capacity of development proponents, where appropriate, and are available to meet current and projected needs.
  - 3.2.2. - Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

- 3.6.1.b) - Planning for sewage and water services shall ensure that these services are provided in a manner that:
  1. can be sustained by the water resources upon which such services rely;
  2. is feasible and financially viable over their life cycle;
  3. protects human health and safety, and the natural environment, including the quality and quantity of water; and
  4. aligns with comprehensive municipal planning for these services, where applicable.
- 3.6.1.c) - Planning for sewage and water services shall ensure that these services are provided in a manner that promote water and energy conservation and efficiency.

### **Growth Plan for Northern Ontario (GPNO):**

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. There are no policies that are relevant to this application, therefore the application does not conflict with the Growth Plan.

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

Section 4.4 Institutional Areas directs the development of institutional uses and allows them on lands designated Institutional. Policy 2 permits small scale institutional uses that are compatible with a residential setting on lands designated Living Area. Policy 3 permits the conversion of surplus institutional buildings and vacant lands held by institutions based on the following criteria:

- i) the need for such lands or buildings for other public uses, and their long term value to the community;
- j) the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed use;
- k) for conversion to residential uses, the appropriateness of the proposed density; and,
- l) the policies of Sections 2.3.2, 11.3.2 and 11.8, and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

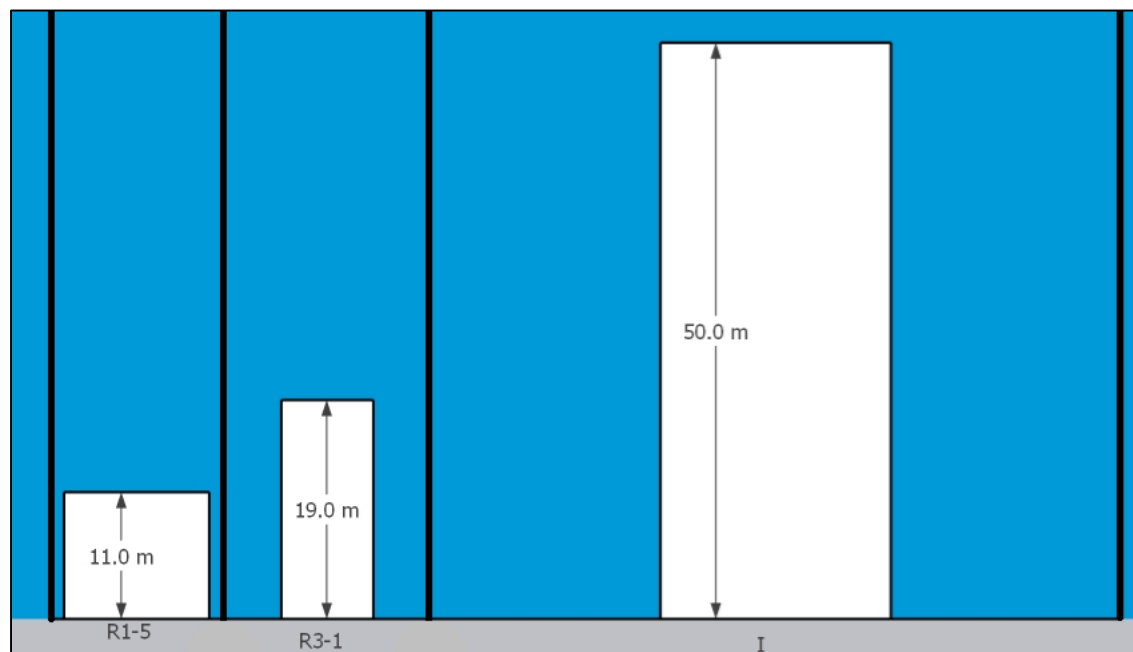
### **Analysis**

Permitting R3-1 uses in the 'I', Institutional zone will support the creation of additional housing in support of the Province's goal of 1.5 million homes by 2031. The proposed Zoning By-law Amendment will support additional housing options by allowing for a range and mix of residential built forms in existing built-up areas. This will allow intensification and the efficient use of land, optimization of existing infrastructure and public facilities, and generally supporting active transportation. Greater intensification and redevelopment of existing parcels supports climate change reduction efforts. The proposed Zoning By-law Amendment is consistent with the Provincial Planning Statement.

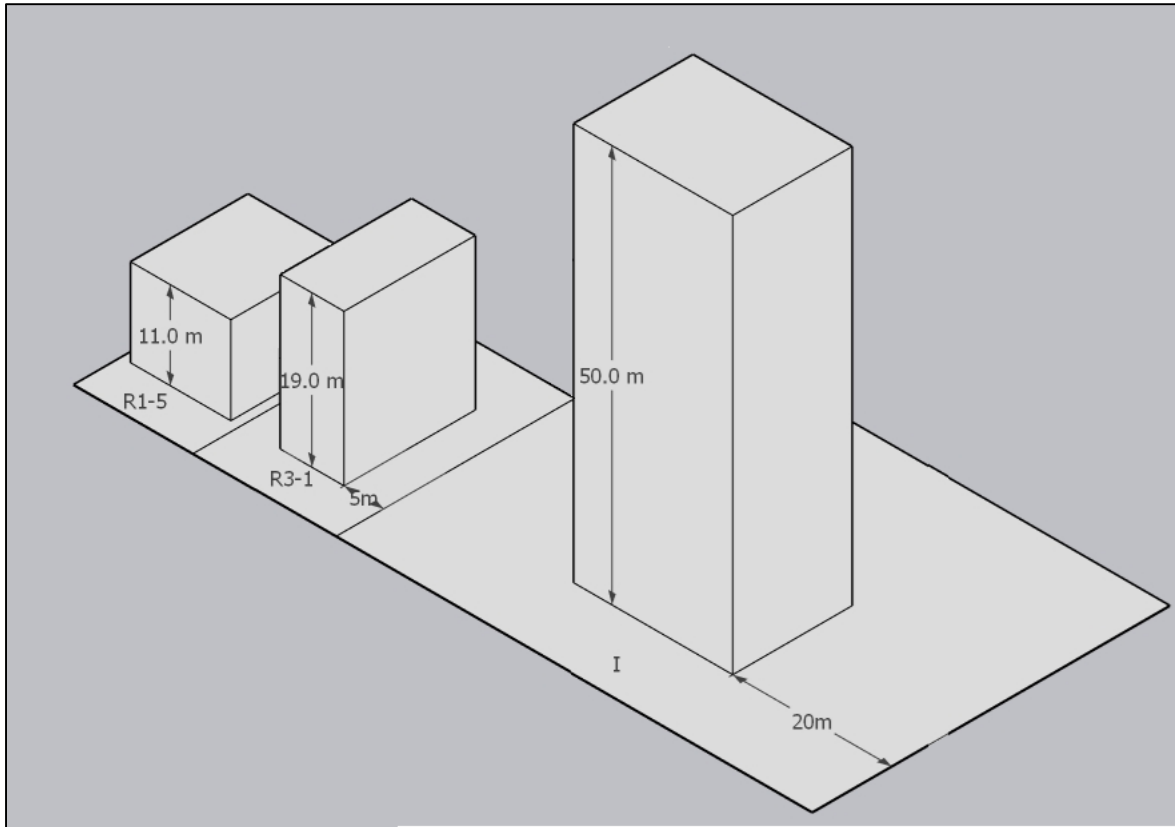
The City's Official Plan permits conversion of surplus institutional buildings and vacant institutional lands pending compliance with set criteria. The proposed Zoning By-law Amendment permits development that is generally compatible with low density residential uses typically found adjacent to institutional sites, such as elementary school. The R3-1 zone standards will naturally limit the density of development and will limit the height of multiple dwellings to 19 metres. The table and figures below provide comparison of built forms permitted in a low density, 'R1-5' zone, a multiple dwelling as permitted in the medium density 'R3-1' zone, and an institutional use, such as a retirement home, permitted in the institutional 'I' zone.

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

Finally, the criteria outlined in the Official Plan address items such as focusing intensification in the built-up area of the City, ensuring transit-supportive development and accessibility, the preservation of heritage resources per the Ontario Heritage Act, and ensuring compliance with urban design criteria. The proposed Zoning By-law Amendment conforms with these policies as noted above. The preservation of heritage resources and ensuring compliance with urban design criteria will take place through subsequent Planning Act applications, such as site plan control or draft plan of subdivision. Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the Official Plan.



**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.

### Holding Provision

To address items in the PPS and the Official Plan relating to focusing intensification to the settlement area and efficient use of public infrastructure, staff are recommending the use of a holding provision. The holding provision would prohibit R3-1 uses in the 'I', Institutional zone until the following is satisfactorily demonstrated:

1. The subject parcel is within the settlement area;
2. The subject parcel is serviced by municipal water and municipal wastewater with sufficient capacity to support the proposed use(s); and,
3. The subject parcel is located within a Community as identified in policy 2.2.1. Communities of the Official Plan.

### **RECOMMENDATION**

Staff are of the opinion the proposed Zoning By-law Amendment is consistent with the PPS, does not conflict with the GPNO, and conforms to the City of Greater Sudbury's Official Plan. Staff are recommending Zoning By-law 2010-100Z be amended as noted in the resolution section.

### **RESOURCES CITED**

1. Institutional As-of-Right Zoning By-law Amendment Report, November 25, 2024 Planning Committee Meeting  
<https://pub-greatersudbury.escribemeetings.com/Meeting.aspx?Id=51f53740-cdc9-46e5-b00b-f3c694f09625&Agenda=Agenda&lang=English&Item=25&Tab=attachments>