

0 Montée Génereux, Chelmsford

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| Presented To: | Planning Committee |
| Meeting Date: | April 14, 2025 |
| Type: | Public Hearing |
| Prepared by: | Stephanie Poirier Planning Services |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number: | 751-5/24-10 |

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands from the “R2-2” Low Density Residential Two Zone to the “R3(S)” Medium Density Residential Special Zone in order to permit the construction of a one or two storey, 5-unit street townhouse with site specific provisions.

Additionally, this report provides a recommendation regarding a request to deem Lots 12-14, Plan 53M-1420 not to be part of a registered plan of subdivision.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

Resolution 1:

Resolution regarding the Zoning By-law Amendment

THAT the City of Greater Sudbury approves the application by Belmar Builders Inc/Vytis Lands (Kagawong) Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2-2” Low Density Residential Two Zone to the “R3(S)” Medium Density Residential Special Zone, on lands described as PINs 73348-0749, 73348-0750, 73348-0751, 73348-0752, 73348-0753, & 73348-0754, Lots 12-14 on Plan 53M-1420, Lot 1 Concession 2, Township of Balfour, as outlined in the report entitled “0 Montee Genereux, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 14, 2025, subject to the following condition:

- 1) That the amending zoning by-law include the following site-specific provisions:
 - a) That the easterly property limit be deemed the front lot line;
 - b) A minimum corner side yard setback of 3.5 m, whereas 4.5 m is required;
 - c) A minimum lot depth of 40 m, whereas a minimum of 45 m is required; and
 - d) 0 m wide planting strip with a 1.5 m tall privacy fence abutting lands zoned “R1-4” Low Density Residential One

Resolution 2:

Resolution regarding Deeming By-law

THAT the City of Greater Sudbury approves designating Lots 12-14, Plan 53M-1420 as being deemed not to be part of a registered plan for the purposes of Section 50(3) of the Planning Act, as outlined in the report entitled "O Montee Genereux, Chelmsford", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 14, 2025 and,

THAT Staff be directed to prepare a by-law for Council to enact deeming Lots 12-14, Plan 53M-1420 not to be part of a plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

If approved, staff estimates approximately \$19,800 in taxation revenue, based on the assumption of five dwelling units based on an estimated assessed value of \$275,000 at the 2024 property tax rates.

If there is additional taxation revenue, it 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.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

Report Overview:

An application for rezoning has been submitted to permit the construction of a one or two storey, 5-unit street townhouse with site specific provisions. Additionally, a request to deem Lots 12-14, Plan 53M-1420 to not be part of a registered plan of subdivision as a means of consolidating the lots by way of common ownership and preventing the transfer of the individual lots without lifting of the deeming by-law has been submitted.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Planning Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The purpose and effect of the application is to rezone the subject lands from the “R2-2” Low Density Residential Two Zone to the “R3(S)” Medium Density Residential Special Zone in order to permit the construction of a one or two storey, 5-unit street townhouse with the following site-specific provisions:

- That the easterly property limit be deemed the front lot line;
- A minimum corner side yard setback of 3.5 m, whereas 4.5 m is required;
- A minimum lot depth of 40 m, whereas a maximum of 45 m is required; and
- 0 m wide planting strip with a 1.5 m tall privacy fence abutting lands zoned “R1-4” Low Density Residential One

In addition to the rezoning application, the applicant has submitted a deeming by-law request which would have the effect of merging the six lots into one to facilitate the construction of the 5 townhomes.

The subject lands are designated ‘Living Area 1’ within the City’s Official Plan, are zoned “R2-2” Low Density Residential Two within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, and are regulated by the Nickel District Conservation Authority (NDCA).

The subject lands are currently vacant of buildings or structures. The subject lands will be serviced by municipal water and sanitary connections. The townhomes will be accessed by individual driveways from Montee Genereux.

Surrounding uses are low density residential, commercial, and industrial in nature.

The following materials have been submitted as part of the application and are attached for reference:

1. Planning Justification Memorandum
2. Concept Plan
3. Conceptual Grading Plan
4. Fire Flow Analysis

A location map has been attached for reference.

Policy & Regulatory Framework:

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

- [2024 Provincial Planning Statement](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury, 2006](#); and,
- [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 Planning 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 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. "Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. 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."

Several sections of the PPS are relevant to the application and intended residential use of the lands.

Policy 2.1.6 identifies that planning authorities should support complete communities by accommodating an appropriate range and mix of land uses to meet long term needs, which improves accessibility for people of all ages and abilities, and improves social equity and overall quality of life for people of all ages, abilities, and incomes.

Policy 2.2 speaks to housing and requires planning authorities to provide an appropriate range and mix of housing options to meet social, health, and economic needs of current and future residents by permitting densities for new housing and residential intensification which efficiently use land, resources, infrastructure, public service facilities, and transit.

Policy 2.3 speaks to settlement areas and requires that settlement areas be the focus of growth and development. Land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and are transit supportive. Intensification and redevelopment to achieve complete communities shall be supported.

Policy 2.9 speaks to energy conservation, air quality, and climate change and requires planning authorities to reduce greenhouse gas emissions by supporting compact and complete communities that are transit supportive, conserve and use energy efficiently, protect the environment, and improve air quality.

Policy 3.6 speaks to sewage, water, and stormwater and includes a servicing hierarchy where municipal sewage and water services are the preferred form of servicing within settlement areas to support protection of the environment and minimize potential risk to human health and safety.

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 Growth Plan encourages Municipalities to plan communities that achieve accommodation of the diverse needs of all residents, now and in the future, optimize use of existing infrastructure, and result in a high quality of place.

Official Plan for the City of Greater Sudbury:

The subject property is designated as 'Living Area 1' in the City of Greater Sudbury Official Plan.

Section 3.1 contains the objectives of the 'Living Area 1' designation. The objectives applicable to this application are as follows:

- a. meet Greater Sudbury's housing needs, including the special needs of the elderly, handicapped, low-income individuals and families, and students, by encouraging the provision of an adequate supply of affordable, ownership, rental, and special needs housing in Living Areas;
- b. encourage the development of a mix of residential uses;
- c. achieve stability in the City's housing market by ensuring that a sufficient supply of designated and serviceable residential land is available to meet existing and future needs;

e. focus residential development in areas that have sufficient infrastructure and public service capacity

Section 3.2 contains general policies for Living Areas, and states that low density housing is permitted in all 'Living Area I' designations. Low density development permits single detached dwellings, semi-detached dwellings, duplexes and townhouses to a maximum net density of 36 units per hectare.

Areas designated 'Living Area I' in Communities are seen as the primary focus of residential development. Section 3.2.1 contains policies for the 'Living Area I' designation. The following are applicable:

5. In considering applications to rezone land in Living Area I, Council will ensure amongst other matters that:
- a. the site is suitable in terms of size and shape to accommodate the proposed density and building form;
 - b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
 - c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
 - d. the impact of traffic on local streets is minimal.

Section 2.3 of the Official Plan speaks to reinforcement of the urban structure and states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The subject lands are zoned 'Low Density Residential Two (R2-2)' within the City's Zoning By-law.

The development standards for a multiple dwelling in the requested zone being the 'Medium Density Residential (R3) Zone' are as follows:

- Minimum lot area of 150 m² per dwelling unit
- Minimum lot frontage of 6 m (8 m for corner lots)
- Minimum lot depth of 45 m (abutting primary arterial road)
- Minimum front yard setback 6 m
- Minimum rear yard setback 15 m
- Minimum interior side yard setback for two-storey building 1.8 m
- Maximum lot coverage 40%
- Minimum landscaped open space 30%
- Maximum height 11 m

Parking provisions for the proposed multiple dwelling require 1 space per unit. The proposed 5-unit street townhome dwelling requires a total of 5 parking spaces.

Landscaping provisions require a 3.0 m landscape area along the right-of-way of Montee Généreux Street, Municipal Road 35, and Highway 144. Additionally, a 3 m wide planting strip, or 1.5 m tall opaque fence with 1.8 m planting strip is required to be provided along the southern interior side lot line.

Consultation:

Public Consultation:

The statutory notice of the application was provided by newspaper on January 11, 2025 along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on January 7, 2025. The statutory notice of the public hearing was provided by newspaper on March 22, 2025, and courtesy mail-out within 122 m of the property on March 20, 2025.

At the time of writing this report, no written or oral submissions from the public have been received by the Planning Services Division.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved. Comments received from departments generally had no concerns with the rezoning and deeming by-law requests. Advisory comments were provided from Building Services and Development Engineering regarding building permit requirements, including lot grading plan, and ensuring appropriate amount of service connections. Additionally, Conservation Sudbury advised that a permit will be required from their office as well.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis:

The Provincial Planning Statement, Growth Plan for Northern Ontario, and City of Sudbury Official Plan all encourage appropriate growth and residential intensification to occur within settlement areas on full municipal services. The subject lands are located in an existing residential area within Chelmsford and municipal services are available.

The PPS and Official Plan promote residential intensification and encourage a wide range of housing forms in order to accommodate current and future housing needs. The proposed rezoning will result in residential intensification on a vacant lot and is intended to contribute to diversifying the housing supply by permitting a townhouse dwelling containing five units. The Official Plan identifies that a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure. The proposal represents an opportunity to provide additional housing options within Chelmsford.

The subject lands are designated 'Living Area I' within the Official Plan which is intended for residential use. The proposed five units would result in a net density of approximately 16 units per hectare, which is within the range for low density development (up to 36 units per ha). The applicant has submitted a concept plan, which demonstrates that the lands are of an appropriate size to accommodate a one or two-storey five-unit townhouse dwelling with one parking space per unit located in individual driveways, and buffering from abutting lower density residential uses in the form of a privacy fence. Staff are of the opinion that the proposed built form being one or two-stories in height maintains the character of surrounding low density residential, which also permits two-storey buildings. Staff are satisfied that appropriate amenity space is provided on site in the rear yard and note that the proposed siting of the building requires no building setback or lot coverage relief, except for a 1 m corner side yard setback deficiency. Surrounding land uses to the south and east are lower density residential in the form of single detached dwellings. Staff are of the opinion that the proposal is compatible with adjacent residential uses in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. No traffic concerns were identified by roads staff.

Staff have reviewed the requested site-specific provisions and are supportive of the requested relief, as the applicant has demonstrated that the size of the subject lands and building siting will result in a functional residential development with appropriate buffering. Given the limited relief being sought, staff are of the opinion that the proposal is considered to be appropriate intensification of the subject lands.

The subject lands contain flood and erosion hazards associated with a municipal drain. The applicant has demonstrated that the proposed development will be located outside of the hazard areas. Conservation Sudbury has advised of no concerns.

The concept plan is attached to the report for reference.

Overall staff is satisfied that the applicant has demonstrated that the subject lands will be functional as a result of the proposed residential intensification and that the use will be compatible with the surrounding area.

Section 50(4) of the Planning Act provides that the council of a local municipality may, by by-law, designate any plan of subdivision that has been registered for 8 years or more not to be a registered plan for the purposes of Section 50(3) of the Planning Act. Plan 53M-1420 was registered in December of 2014. Subsection 50(3) of the Planning Act contains the subdivision control provisions preventing the transfer of land unless the land is within a plan of subdivision along with other restrictions and requirements.

Staff has received an acknowledgement from the owner that they understand the implications of the deeming by-law and agree with the lots being deemed for the purposes of Section 50(3) of the Planning Act.

In order to consolidate the land ownership as per the owner's request, it is recommended that a by-law be enacted by Council deeming Lots 12-14, Plan 53M-1420 not to be a registered plan for the purposes of Section 50(3) of the Planning Act. The deeming by-law would be forwarded to the Registry Office and would appear on title to the property and would prevent the transfer of the lots individually. The lots could only be transferred together as long as the deeming by-law remains in place.

Conclusion:

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Appendix 1:

Departmental & Agency Comments

a) Building Services

No objections with the proposed development subject to the following advisory comments:

- A Building Permit to the satisfaction of the Chief Building Official is required for the proposed building.
- Retaining walls greater than 1.0 m in height also require a Building Permit.

b) Conservation Sudbury

Conservation Sudbury has no objection to the application for the subject properties. The property backs onto the Lavallee Drain A and has an associated flood and erosion hazard regulated by Conservation Sudbury. Sketch submitted with the rezoning application demonstrates that the proposed development is possible outside of the regulatory hazards. Please note that a Section 28 permit from Conservation Sudbury will be required at the building permit stage.

c) Development Engineering

Development Engineering has reviewed the above noted application. This site is presently serviced with municipal water and sanitary sewer. Should the Owner wish to upgrade these services, the Owner will be responsible for requesting a Permit/Work Order through the City's Development Engineering Department. All existing unused water and sanitary services are to be capped and abandoned at the main in accordance with the City's Connection Protocol. All costs associated with abandonment and upgrading work will be borne entirely by the owner.

We have no objection to amending the Zoning By-law from "R2-2", Low Density Residential Two to "R3" Medium Density Residential in order to permit the construction of a one or two storey, 5-unit street townhouse. An update lot grading plan will be required prior to submission of a building permit for this site.

d) Infrastructure Capital Planning

No concerns.

e) Strategic & Environmental Planning

Staff from SEP do not have any objections to this application. The applicant is advised that compliance with the provincial Endangered Species Act, 2007 and the federal Migratory Birds Convention Act, 1994 is their sole responsibility.