

**Title: Alain & Linda Groleau**

**Date: September 17, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "R1-5", Low Density Residential One to "R2-2", Low Density Residential Two. The proposed rezoning is intended to permit a duplex dwelling or a semi-detached dwelling.

The owner has submitted a Concept Plan and a photo of their preferred built-form in support of the proposed rezoning that would allow for the development of a duplex dwelling or a semi-detached dwelling on the subject lands.

### **Existing Zoning:** "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment with a maximum of two rooms, a group home type 1 with a maximum of ten beds, private home daycare, and a single-detached dwelling.

### **Requested Zoning:** "R2-2", Low Density Residential Two

The proposed rezoning would allow for the development of a duplex dwelling or semi-detached dwelling on the subject lands. The "R2-2" Zone permits a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling.

### **Location and Site Description:**

The subject lands are located on the east side of Notre Dame Avenue and to the south of Clyde Street in the community of Hanmer. The lands have a total lot area of approximately 930 m<sup>2</sup> (10,018 ft<sup>2</sup>) with approximately 30 m (100 ft) of lot frontage onto Notre Dame Avenue. The lands presently contain a detached garage.

### **Surrounding Land Uses:**

North: Low density urban residential and general commercial land uses.

East: Medium and low density urban residential land uses.

South: Low density urban residential land uses.

West: Low density urban residential land uses.

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.

Site photos depict the subject lands with a detached garage located in the rear yard. Photos of the immediately surrounding residential area also illustrate the low density residential nature of the general area, as well as the presence of a small commercial area to the north of the subject lands at Cote Boulevard and Notre Dame Avenue.

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### **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 July 25, 2019. The statutory Notice of Public Hearing dated September 19, 2019 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. Staff understands that the owners and/or agent has spoken with immediate neighbours in the area regarding the proposed rezoning. The application when submitted also included chart indicating that the owners have spoken to five neighbours regarding their proposed rezoning and in each case these neighbours have indicated they have no objections. The chart also indicated that the owners and/or agent were unable to speak with five other neighbours as they were not home at the time.

At the time of writing this report, no phone calls, emails or letter submissions have been 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.

### **2014 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 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns should have a mix of densities and land uses which efficiently use land and resources, are appropriate for the infrastructure available, minimize negative impacts on air quality and climate change and support active transportation and are transit-supportive are to be promoted;
3. Section 1.1.3.4 notes that appropriate development standards should be promoted which facilitate intensification and compact form, while avoiding or mitigating risks to public health and safety;

4. Section 1.4.3 outlines that municipalities are required to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged;
5. Section 1.4 generally requires municipalities to provide for an appropriate range of housing types and densities in order to meet the housing needs of current and futures residents;
6. Section 1.4.3 specifically directs municipalities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents and to permit and facilitate all forms of intensification; and,
7. Section 1.4.3 also directs development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

**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 application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Area 1 includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

The following policies under the Living Area 1 designation are relevant to the proposed rezoning:

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is permitted in the community of Sudbury.

Section 3.2.1.6 of the Official Plan specifically outlines those matters to be reviewed when considering applications to rezone lands within the Living Area 1 designation:

- a) The site is suitable in terms of size and shape to accommodate the proposed density and built 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 2.3.3 of the Official Plan generally acknowledges that residential intensification is an effective means of ensuring the efficient use of land and infrastructure in the City. Intensification is permitted in the Living Area 1 designation and encouraged on sites with suitable existing or planned infrastructure. Intensification is to be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the development proposal.

Section 2.3.3.9 establishes criteria to evaluate applications for intensification:

- a) Suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
- b) The compatibility of the proposed development on the existing and planned character of the area;
- c) The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d) The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation; and,
- e) The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure.

Residential intensification proposals are to be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 18.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 18.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 18.2.1 which are relevant to the development proposal include:

1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
2. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households; and,
3. To promote a range of housing types suitable to the needs of senior citizens.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

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**Zoning By-law 2010-100Z:**

The owner is requesting that the subject lands be rezoned to “R2-2” in order to permit a duplex dwelling or semi-detached dwelling. The “R2-2” Zone also permits a broader range of residential uses including a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling. The owner has not indicated that they are seeking to limit the permitted uses on the subject lands to just that of a duplex dwelling or semi-detached dwelling. No site-specific relief from any general or parking provisions or from the development standards of the “R2-2” Zone is being requested by the owner.

**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 formulate appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, the City’s Drainage Section, Operations, Roads, Traffic and Transportation, and Water/Wastewater have each advised that they have no concerns from their respective areas of interest.

Building Services has advised that any development that is to take place on the subject lands will require a building permit prior to construction. Building Services also noted in their comments that the lands are within a Source Water Protection Area.

Development Engineering advises that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

**PLANNING ANALYSIS:**

The 2014 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 application in respect of the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Hanmer is an identified settlement area in the City’s Official Plan. The addition of a duplex dwelling or semi-detached dwelling in addition to those other uses permitted in the requested “R2-2” Zone in this urban setting and location should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area of the City. The lands are serviced with municipal water and sanitary sewer and access to public transportation (ie. 105 Valley Route) is available to the north at Cote Boulevard. Active transportation is also an option for residents as sidewalks are available along Notre Dame Avenue and the lands are in close proximity to a commercial area to the north. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;

3. The subject lands are presently zoned to permit a single-detached dwelling, however staff is satisfied that the lands can appropriately be zoned to permit a duplex dwelling or semi-detached dwelling at a higher density than currently permitted and in doing so no risks have been identified with respect to public health and safety. Staff notes that the owner is not seeking any site-specific relief in order to accommodate the built-form they are requesting being that of duplex dwelling or semi-detached dwelling;
4. Staff is of the opinion that the proposed rezoning would positively contribute to and allow for additional housing options in terms of tenure and built-form in this particular area of Hanmer. The rezoning would also positively contribute to permitting and facilitate all forms of housing to meet social, health and well-being requirements for current and future residents in Hanmer.
5. Staff notes that in this particular area there are not many properties zoned for duplex dwellings and semi-detached dwellings, however secondary units within existing single-detached dwellings are permitted. Staff is satisfied that collectively the rezoning and the possibility of secondary dwelling units emerging in this part of Hanmer is a positive contribution toward improving the mix of housing types and built-forms available in this particular neighbourhood; and,
6. As previously noted, the lands are presently serviced with municipal water and sanitary sewer infrastructure and therefore the rezoning would represent the municipality directing new housing options toward location where appropriate municipal infrastructure and public service facilities are available.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal to allow for a special needs facility accommodating a maximum of sixteen individuals as a permitted use on the subject lands are discussed in detail below.

With respect to general Living Area 1 policies in the Official Plan, staff has the following comments:

1. The proposed residential land use being that of a duplex dwelling or semi-detached dwelling is permitted within the Living Area 1 designation and would yield a density of approximately 21 residential dwelling units per hectare, which is within the threshold of those low density residential policies in the Official Plan; and,
2. Staff is of the opinion that the proposed residential density is not excessive and that the duplex dwelling or semi-detached dwelling that is being proposed can be reasonably accommodated in this setting along Notre Dame Avenue in Hanmer. Staff also have no concerns with those other uses permitted in the parent "R2-2" Zone being reasonably accommodated on the subject lands should the rezoning be approved.

With respect to the Living Area 1 policies set out under Section 3.2.1(6) of the Official Plan that are to be considered when rezoning lands, staff has the following comments:

1. Staff has reviewed both the submitted sketch and example photograph of the intended built-form and are satisfied that in general "R2-2" land uses can be reasonably situated on the site and the subject lands are of appropriate size and shaped to accommodate the proposed density and built-form;

2. Staff notes the subject lands are located along the east side of Notre Dame Avenue and within an established residential neighbourhood having homes of varying ages in terms of housing stock and consisting of predominantly single-detached dwellings. Staff is of the opinion that to permit a duplex dwelling or semi-detached dwelling in this setting is not an excessive departure from the low density nature of this particular residential neighbourhood. Staff in reviewing the submitted sketch is satisfied that those uses permitted in the “R2-2” Zone that is being requested can be reasonably accommodated in this residential setting with respect to scale, massing, height, siting, setbacks and the location of parking and amenity areas. The City’s Zoning By-law has established development standards within the existing “R2-2” Zone which would ensure that the subject lands are not developed in an excessive manner that is out of character in this area of Hanmer;
3. Staff is satisfied that adequate on-site parking, lighting, landscaping and amenity areas can be provided on the subject lands. The built-form as depicted on the submitted sketch is that of a duplex dwelling or a semi-detached dwelling, which is a permitted low density residential built-form in the Living Area 1 designation. It is noted that the comprehensive site lighting is therefore not a concern in this low density residential setting. The submitted sketch demonstrates that sufficient land is available to provide each dwelling unit with one required parking space either within an attached garage or along the side of each dwelling unit. Sufficient areas for landscaped open space and outdoor amenity areas would also appear to be available both in the front yard and the rear yard; and,
4. Staff is satisfied that minimal traffic impacts would be generated along Notre Dame Avenue should a duplex dwelling or semi-detached dwelling, as well as those other uses permitted in the parent “R2-2” Zone be a permitted use on the lands. The City’s Traffic Section did review the application and expressed no traffic impact concerns with respect to the proposed rezoning.

With respect to intensification policies set out under Section 2.3.3 of the Official Plan, staff is of the opinion that the addition of a duplex dwelling or semi-detached dwelling along with other uses in the “R2-2” Zone can be accomplished in a complementary manner without disrupting the existing character of the residential neighbourhood in this part of Hanmer.

Staff is satisfied that a building constructed in compliance with the “R2-2” development standards in this location will not appear imposing on nearby low density single-detached dwellings and staff notes that a single-detached dwelling will continue to be a permitted use of the lands should the owner’s intentions change. No issues with respect to soil conditions, drainage or topography were identified in the review of the application. It is anticipated that the proposed development can adequately provide for on-site landscaping, fencing, and planting in a complimentary manner to other uses in the immediate area. No issues with respect to adequate ingress and egress from the lands onto Notre Dame Avenue, or other roads and traffic matters, were identified through the circulation of the application. Staff also notes there is access to public transit and active transportation options in this particular part of Hanmer. Staff is therefore satisfied that this represents a balanced approach to intensification in this setting.

Residential intensification proposals are to be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

With respect to housing policies set out under Section 18.0 of the Official Plan, staff notes that the proposed would allow for what amount to two residential dwelling units on the subject lands as opposed to one residential dwelling unit and the request therefore represents an opportunity to improve the availability and provision of adequate and affordable housing in the community of Sudbury. The addition of “R2-2” land uses as permitted uses in general would also positively contribute to the diversity of housing types and forms available in the general neighbourhood along Notre Dame Avenue. Staff would advise the owner that the Official Plan encourages and is supportive of residential dwelling units which have two bedrooms or less which serve as an attractive housing option for those with smaller household

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sizes living in or wanting to live Hanmer. Staff are also of the opinion that the proposed rezoning and uses permitted in the "R2-2" Zone in general contributes to ensuring that a range of suitable housing types are available to meet the needs of senior citizens living in Hanmer.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the subject lands be rezoned from "R1-5", Low Density Residential One to "R2-2", Low Density Residential Special Two. Staff has no concerns with the requested zone category. Staff further notes that beyond a duplex dwelling or a semi-detached dwelling the amending zoning by-law will also allow for all other uses permitted in the parent "R2-2" Zone. Staff has reviewed the submitted sketch and analyzed those other uses that could locate on the lands and are satisfied that the "R2-2" request is reasonable and supportable.

Staff does note however that there is a detached garage at present located in the rear of the subject lands. Section 4.2.1 of the Zoning By-law only permits accessory buildings, structures and uses where a principal building, structure or use is already in existence on the lot or a valid building permit has been issued for the principal building or structure. Staff would recommend that no amending zoning by-law be enacted until such time as the detached garage has been removed or otherwise brought into compliance with the City's Zoning By-law.

### **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. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff is recommending that prior to the passing of an amending zoning by-law that the existing detached garage in the rear yard be removed or otherwise brought into compliance with the City's Zoning By-law.

The following are the principles of the proposed site-specific amending zoning by-law:

- To allow for the development of any of those uses permitted in the parent "R2-2" Zone and that no site-specific relief be provided in order to situate any of those "R2-2" uses on the subject lands.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the resolution section of this report.