

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a semi-detached dwelling.

There previously was a semi-detached dwelling on the property that was demolished. While the zoning by-law permits the reconstruction of existing non-complying structures, in this case a rezoning is required for the reason that the applicant did not apply to reconstruct the dwelling at the same time as their application for demolition. The applicant has also indicated a preference for the semi-detached dwelling to be permitted by the zoning by-law, rather than relying on any non-complying status.

The applicant has requested site-specific relief to permit a similar front yard setback as the original dwelling, given there is a hydro easement through the middle of the lot which limits the building envelope.

Existing Zoning: R1-5, Low Density Residential One with a Flood Plain Overlay

The R1-5 zone permits a single detached dwelling, a bed and breakfast, a home daycare, and a group home (type 1).

The majority of the site is within the Flood Plan Overlay, which only permits legally existing buildings and structures. No new buildings or structures shall be erected or used.

Requested Zoning: R2-2(S), Low Density Residential Two Special

The proposed R2-2(S) zone would permit a range of low density residential uses. The applicant has requested site-specific relief for a reduced front yard setback of 4.1 m.

Location and Site Description:

The subject property is described as PIN 73599-0371, Parcel 40720, Lot 67, Plan M-1023, Lot 12, Concession 2, Township of McKim. The subject lands are located on the north side of Collins Drive, and identified municipally as 1 Collins Drive. The lands are 0.09 ha in size with approximately 38 m of frontage and are currently serviced with municipal water and sanitary sewer. There are City transit stops to the northeast on Balsam Street approximately 110 m from the subject lands.

The applicant's site sketch shows the location of the proposed dwelling as well as two hydro easements that are on the property. The applicant has revised their application to request a 4.1 m front yard setback rather than the 4.3 m setback shown on the sketch.

Surrounding Land Uses:

The area surrounding the site includes:

North, South and West: single-detached dwellings

East: multiple dwelling

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses surrounding the vacant subject lands, which consist mainly of single detached dwellings, with the exception of the multiple dwelling to the east.

Public Consultation:

Notice of complete application of the application was circulated to the public and surrounding property owners on December 29, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on March 4, 2021. The owner was 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. At the time of writing this report, the Planning Services Division has not received any comments or concerns from the public.

Policy & Regulatory Framework:

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [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 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 Provincial Policy Statement (PPS).

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities 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.

Policy 3.1.1(b) of the PPS states that "Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards". The definition of 'Development' is "the creation of a new lot, a change in land use, or the construction of buildings and structures". The proposed change in land use is considered as development as defined in the PPS (2020).

Policy 3.1.5.(a) states that "Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools".

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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

Official Plan for the City of Greater Sudbury:

Section 2.3 of the Official Plan regarding reinforcement of the urban structure 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 given it is essential for completing our communities, and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability as well as site topography and drainage, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Section 3.2.1 outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, and medium density residential uses up to a maximum density of 90 units per hectare. Policy 3.2(3) states that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Policy 3.2.1(6) establishes the following criteria to for consideration when rezoning lands in the Living Area 1 designation:

- 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 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.

Section 20.7 includes policies pertaining to hazard lands, and states that development may only be permitted if approved by Conservation Sudbury or the Ministry of Natural Resources and Forestry (whomever is the appropriate authority). Development shall not be permitted where there is an unacceptable risk to public health or safety or of property damage.

The subject lands are located within Hazard lands where there may be flooding and erosion hazards, specifically Conditional Development Area 'D' in the community of Copper Cliff. Within Area D, the replacement, expansion or alteration of existing buildings and infilling on existing vacant residential lots may be permitted. Development will not be permitted where there is an unacceptable risk to public health or safety or of property damage.

Zoning By-law 2010-100Z:

The development standards for the requested zone require a maximum height of 11 m. The minimum required front yard is 6 m, rear yard is 7.5 m and interior side yard is 1.8 m. The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space. Parking provisions for the proposed semi-detached dwelling require one (1) space per unit.

Site Plan Control:

A Site Plan Control Application is not required for residential dwellings with four or less units.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received are included in Appendix 1, and have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

Building Services has advised that the proposed structure on the submitted plot plan is being constructed in very close proximity to hydro easements and also over a sanitary easement. They have requested the owner to provide a survey in order to further assess this proposal.

Conservation Sudbury has advised that given the presence of the floodplain they would support only the development of a single detached dwelling, and have recommended that the proponent amend the proposal. Prior to approval of a rezoning for a semi-detached dwelling, Conservation Sudbury is requesting that a permit pursuant to Section 28 of the Conservation Authorities Act be issued, and that a group home and private home daycare be prohibited.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and 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 circulation.

The application to permit a semi-detached on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas to 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. The Official Plan encourages all forms of intensification. Intensification and infill development also support goals related to emissions reduction, which can be achieved by promoting communities that are more compact. This is articulated further in the City's Community Energy and Emissions Plan.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. 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, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal for a semi-detached dwelling in this location represents an opportunity to provide an alternative form of housing.

There are full municipal services with adequate capacity, and public transit stops are available approximately 120 m east of the site. Employment opportunities, commercial areas, and community services are available within relatively close proximity.

In terms of the overall suitability of the lot, staff recommends that the applicant's request for a reduced front yard setback is in keeping with the setbacks of in the neighbourhood, is minor in nature and should be permitted in order to provide flexibility in the development of the lot. It is expected that the lot is of sufficient size to accommodate the required parking, landscaping and amenity space. Finland Street provides access to the proposed driveway and parking in the rear yard. There is no impact on traffic expected by this proposal.

The footprint of the proposed dwelling is larger than what was previously on the lot. Building Services has advised that the proposed structure on the submitted plot plan being constructed is in very close proximity to hydro easements and also over a sanitary easement. To further assess this proposal, Building Services has requested that the owner provide a survey. Technical Services staff has advised Building Services that rather than relying on as-built drawings, the sanitary sewer lines must be scoped and plotted on a survey in order to confirm their location. It is recommended that this survey be required as a condition of rezoning, given it is necessary to confirm the site has sufficient area to accommodate the proposed dwelling.

The Official Plan identifies that the subject lands are within an area where there may be flooding and erosion hazards where the replacement, expansion or alteration of existing buildings and infilling on existing vacant residential lots may be permitted. Conservation Sudbury has advised that given the presence of the floodplain they would support only the development of a single detached dwelling, and have recommended that the proponent amend the proposal. Prior to approval of a rezoning for a semi-detached dwelling, Conservation Sudbury is requesting that a permit pursuant to Section 28 of the *Conservation Authorities Act* be issued, and that a group home and private home daycare be prohibited. It is recommended that the Section 28 permit be provided as a condition of rezoning.

Additionally, staff recommends that the only permitted use in the zone be restricted to a dwelling containing not more than two dwelling units, specifically excluding a bed and breakfast, a home daycare, and a group home (type 1). Two units would represent a net density of approximately 22 units per hectare, which is below the maximum net density of 36 units per hectare for a low density development. Restriction of the use would recognize the floodplain constraints on the subject lands and implement the comments from Conservation Sudbury, and is in keeping with provincial policy to limit institutional and day care uses in the floodplain. Restricting the use in this manner would also permit flexibility in the type of structure that could be built on the property, including the semi-detached dwelling currently proposed by the applicant, as well as a single detached dwelling with a secondary dwelling unit, or a duplex dwelling. While these other dwelling types have not been specifically requested, it is recommended that they would also be compatible with the adjacent lands, which are comprised of low density residential uses to the north, west and south, and a multiple dwelling to the east.

Conclusion

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

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

- To rezone the lands from R2-2 to R2-2(S) to enable the development of a dwelling containing not more than two (2) dwelling units, to permit a reduced front yard setback to 4.1 m where 6 m would be required.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff has identified the need for further information provided by the applicant in order to be satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Should this information be provided, staff is of the opinion that the proposed zoning by-law amendment would be appropriate based on the following:

- The proposed dwelling will maintain the range and mix of housing available in the area;
- The site is suitable for the proposed density and building form;
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate;
- Adequate parking, landscaping and amenity areas can be provided;
- The impact on local streets will be minimal; and,
- The sewer and water services are adequate for the site.

Staff recommends approval of the application as described in the Resolution section on the basis that it is 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.