

## **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 on a portion of the subject lands from "RU", Rural to "SLS(4)", Seasonal Limited Service Special in order to prevent a split-zoning, which would result from a conditionally approved consent application (File # B0088/2020) that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Little Fairbank Lake in Whitefish. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would fulfil a condition related to the provisional consent decision that was issued by the City's Consent Official on January 25, 2021.

The owner's agent has submitted a Concept Plan along with supporting property information from Geowarehouse in support of the proposed rezoning that would facilitate the above noted lot consolidation that amounts to a lot boundary re-alignment between two abutting properties.

### **Existing Zoning:** "RU", Rural

The "RU" Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, hunting or fishing camp provided it is a legal existing use, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

### **Requested Zoning:** "SLS(4)", Seasonal Limited Service Special

The proposed rezoning seeks to prevent a split-zoning, which would result from a conditionally approved consent application that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Little Fairbank Lake in Whitefish. The "SLS(4)" Zone permits only a maximum of one seasonal dwelling and a private cabin that is accessory to a seasonal dwelling, while the "RU" Zone permits a wider range of residential uses as noted above. The "SLS(4)" does not permit any non-residential uses. The "SLS(4)" Zone also permits smaller minimum lot areas and lot frontages along with reduced interior side yard setback in comparison to the "RU" Zone. Those development standards applicable to the "SLS(4)" Zone are intended to facilitate appropriate and seasonal residential development on smaller, typically waterfront-only rural lots.

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

The subject lands are located on the east and west side of Langdon Road and to the north of Fairbank East Road in the community of Whitefish. Little Fairbank Lake is situated to the north and to the northeast of the lands. The lands have a total approximate lot area of 27 ha (68.85 acres) with approximately 845 m (2,772.31 ft) of lot frontage on Langdon Road. The rezoning that is proposed on the northerly portion of the lands presently contain an encroaching shed belonging to the benefitting lands. The benefitting lands to the north are known municipally as 232 Langdon Road and are accessed both by water and via an easement across lands situated to the immediate west that provide access out to Langdon Road. The lands to be retained contain an existing residential dwelling along with several accessory buildings and structures. The retained lands also have water frontage on Little Fairbank Lake.

**Title: John Dryland & Deborah Frantila**

**Date: January 25, 2021**

**Surrounding Land Uses:**

North: Small cluster of rural residential uses having water access to Little Fairbank Lake.

East: Small cluster of rural residential uses having water access to Little Fairbank Lake and several large tracts of vacant rural lands.

South: Several large tracts of vacant rural lands and Fairbank East Road.

West: Several large tracts of vacant rural lands, Sucker Lake and further to the west there is a small cluster of rural residential uses having water access to Fairbank Lake.

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. Aerial photography of the subject lands is also included as an attachment in this report for reference purposes.

**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 December 17, 2020. The statutory Notice of Public Hearing dated February 4, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 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. The owner indicated on their application form that they would conducting some degree of public consultation ahead of a statutory public meeting in the form of a public notice of their own ahead of the statutory public meeting at the City's Planning Committee.

At the time of writing this report, the Planning Services Division has not received any telephone calls, emails or letter submissions regarding the proposed rezoning application.

**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.

**2020 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 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

**Title: John Dryland & Deborah Frantila**

**Date: January 25, 2021**

**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 Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Rural Area policies in the Official Plan for the City of Greater Sudbury. Staff recognizes that the proposed rezoning is largely technical in nature, which is intended to prevent a split-zoning from occurring.

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

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

The lands are presently zoned "RU", Rural in the City's Zoning By-law. The owner is requesting that the subject lands be rezoned to "SLS(4)", Seasonal Limited Service Special in order to prevent a split-zoning, which would result from a conditionally approved consent application that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Little Fairbank Lake. The benefitting lands to the north are situated within an existing "SLS(4)" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "SLS(4)" 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.

Active Transportation, Building Services, the City's Drainage Section, Fire Services, Operations, Roads, Traffic and Transportation, Transit Services have each advised that they no concerns from their respective areas of interest.

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

Conservation Sudbury advises that the portions of the subject lands are situated within a floodplain regulated by [Ontario Regulation 156/06](#). The owner is advised that any development occurring within a regulated floodplain will require a permit under Section 28 of the [Conservation Authorities Act](#).

**Title: John Dryland & Deborah Frantila**

**Date: January 25, 2021**

Development Engineering advises that the lands are not currently serviced with municipal water and sanitary sewer.

### **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.

As noted previously in this report, the owner is requesting that the subject lands be rezoned from "RU", Rural to "SLS(4)", Seasonal Limited Service Special. Staff has no concerns with the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. Staff notes that Section 4.23 – Multiple Zones on One Lot of the City's Zoning By-law outlines that where a lot is divided into more than one zone, the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entirety of the lot. The "RU" Zone applicable to the lands being severed is more restrictive from a minimum lot area and minimum lot frontage perspective than the "SLS(4)" Zone that is applicable to the benefitting lands. Staff notes that the lands to be severed are therefore required to be rezoned in order to avoid the creation of a non-complying rural waterfront lot. Staff would further note that the benefitting lands at present also form a legally existing undersized waterfront lot in terms of minimum lot area and water frontage requirements and the proposed lot addition would bring the benefitting lands into closer compliance with minimum lot area requirements for a rural waterfront lot.

Staff has also reviewed the location of existing buildings and structures on the benefitting lands and note that the lot boundary re-alignment would appear to resolve an encroachment of an existing shed as well as bring several other accessory buildings and structures into compliance with yard setback requirements.

It is on this basis that staff has no concerns with the requested zone category, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning being approved.

### **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 PPS and further there would be no matters of provincial interest impacted should the rezoning be approved. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The amending zoning by-law would prevent a split-zoning, which would result from a conditionally approved consent application (File # B0088/2020) that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Little Fairbank Lake in Whitefish. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would fulfil a condition related to the provisional consent decision that was issued by the City's Consent Official on January 25, 2021.

The Planning Services Division is recommending that the application for a Zoning By-law Amendment be approved in accordance with the Resolution section of this report.