

Title: Richard Belanger

Date: October 8, 2020

Staff Report

Proposal:

An application for rezoning has been submitted in order to sever an existing dwelling from the rural parent parcel. The proposed lot would have 0.4 ha of lot area and 73.6 metres of road frontage.

Existing Zoning: "RU", Rural

Rural zoning permits a residential use in the form of a single detached dwelling or a mobile home on a permanent foundation.

Requested Zoning: "R1-5", Low Density Residential One.

R1-5 zoning permits a single detached dwelling and related accessory uses. A secondary dwelling unit may also be permitted subject to the provisions of Section 4.2.10 of the Zoning By-law.

Location and Site Description:

Part of PIN 73347-0745, Part of Parcel 30246 S.W.S., Part of Part 1, Plan 53R-11563 in Lot 7, Concession 2, Township of Rayside (800 Notre Dame Street West, Azilda)

The subject property forms a rural residential lot that is located on the boundary of the Azilda urban area. The existing dwelling is serviced by municipal sewer and water. Notre Dame Street is designated as a Collector Road and is constructed to a rural standard. The closest transit stop is located approximately 60 metres to the east on the south side of Notre Dame Street.

Total area of the land to be rezoned is approximately 0.4 ha, with 73.6 metres of road frontage. The land is occupied by a one-storey, 185 m² single detached dwelling constructed in 1972 and two outbuildings. The 3.1 ha portion to be retained comprises undeveloped rural lands. The Pilon Municipal Drain traverses the property, which falls within the regulated area of Conservation Sudbury.

Single detached dwellings are the predominant housing type in the vicinity.

Surrounding Land Uses:

The area surrounding the site includes:

North: Municipal Road 35

East: Single detached dwellings

South: Single detached dwellings and a farm property on south side of road

West: Vacant rural land comprising the remainder of the parent parcel

Related Applications:

The owner has submitted a concurrent consent application which is currently in process (File B0045/2020).

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

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The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The application indicates that no additional public consultation would take place prior to the hearing.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

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 (PPS):

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.

Under Section 1.1.3 of the PPS, settlement areas shall be the focus of growth and development. New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. An expansion of the settlement area boundary may only occur at the time of a comprehensive review of the Official Plan provided there is a demonstrated need.

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.

The GPNO encourages a broad housing mix in keeping with the City's designation as an Economic and Service Hub.

Official Plan for the City of Greater Sudbury:

The subject land is designated as Living Area 1, which permits a range of residential use including low density housing types. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- 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.

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Zoning By-law 2010-100Z:

The proposed lot complies with R1-5 zoning provisions in regards to lot size, lot frontage, setbacks, lot coverage and other matters. The rural remainder also maintains conformity with minimum rural lot standards.

Site Plan Control:

Site plan control is not implemented for low density residential uses not on water.

Department/Agency Review:

Staff generally do not have any concerns related to the application, other than the following comments for the owner's information:

- Building Services advised that there is an open building permit that should be addressed;
- Conservation Sudbury noted that there is a regulated area on the property associated with the municipal drain and that any works within this area require a permit under the Conservation Authorities Act (see attached regulation area map).

Planning Analysis:

Land use compatibility

No change in land use is proposed with this application, as the owner is applying to sever an existing dwelling from the rural parent parcel. The proposed zoning is consistent with adjacent uses. In essence the application is a technical amendment required to accommodate a concurrent consent process. The proposal aligns with the low density residential character of the surrounding area.

Suitability of lot

The configuration of the proposed lot complies with R1-5 zoning standards. Lot area, frontage, setbacks, lot coverage and other provisions exceed the minimum requirements typically implemented under R1-5 zoning.

The rural remainder also maintains conformity with rural zoning standards, providing 3.08 ha of lot area where a minimum 2 ha is required and 206 metres of road frontage where 90 metres is required.

Sewer and water servicing

The existing dwelling is serviced by municipal sewer and water. The wastewater gravity main within the Notre Dame Street right-of-way ends at the easterly limit of the subject lot.

The proposed lot is sufficiently large that there may be potential to create an additional lot(s) on the lands to be rezoned R1-5. The owner is therefore advised of the following:

- the sanitary sewer would have to be extended to accommodate any future severance beyond what is proposed with this application;
- any future consent must be located within the Living Area 1 designation and not encroach onto the rural remainder, which has insufficient area to be further split under the Rural policies of the Official Plan;

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- any proposed extension of the sanitary sewer must be reviewed and approved by Water/Wastewater Services; and,
- the extension of the sanitary sewer is not guaranteed given the location on the periphery of an urban area and any other technical matters that may arise.

Official Plan

As described above, the proposal addresses basic criteria related to land use compatibility and site suitability that are applied to Living Area designations. The key issue related to conformity with the Official Plan concerns the location. A mapping exercise confirmed that the easterly portion of the parent parcel is designated Living Area 1 and located within the settlement area boundary, with the remainder of the property designated as Rural.

The split land use designation therefore allows the proposed severance of the easterly portion from the parent parcel. This is an important consideration as it directly relates to a matter of Provincial interest, whereby fully serviced settlement areas shall be the focus of development. The rural remainder maintains conformity with the Rural policies of the Official Plan.

2020 Provincial Policy Statement (PPS)

As with Official Plan conformity, the main consideration relates to the location within a settlement area. Small, urban-sized lots created beyond the settlement boundary, which is generally defined as the limit of the designated Living Area, would be viewed as an expansion of the settlement boundary. Such expansions can only occur at the time of a comprehensive review and provided there is a need to designate additional lands. In this case, the proposed lot is located within the settlement area boundary and the proposal is consistent with the PPS.

2011 Growth Plan for Northern Ontario (GPNO)

There is no conflict with the Growth Plan for Northern Ontario.

Conclusion:

The owner is advised that a final plan of survey is required in order to enact the amending by-law. The survey will also be required as a condition of consent approval.

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.