

**Title: Francois Jean Gariepy**

**Date: July 6, 2020**

## **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 “RU”, Rural to “RS”, Rural Shoreline in order to prevent a split-zoning, which would result from a conditionally approved consent application (File # B0024/2020) that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Whitson Lake in Val Caron. 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 June 8, 2020.

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, a mobile home dwelling, a 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, a seasonal dwelling on a legal existing waterfront lot, a 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:** “RS”, Rural Shoreline

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 Whitson Lake in Val Caron. The “RS” Zone permits the same land uses along with the same special provisions as the “RU” Zone; however, the “RS” Zone does not permit any non-residential land uses. The “RS” Zone permits smaller minimum lot areas and lot frontages, reduced interior side, corner side and rear yard setbacks, and a reduced maximum building height in comparison to the “RU” Zone. Those development standards applicable to the “RS” Zone are intended to facilitate appropriate development on smaller, typically waterfront-only rural lots.

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

The subject lands are located on the south side of Main Street and to the east of Municipal Road #80 in the community of Val Caron. Whitson Lake is situated to the south of the lands. The lands are also bounded by Fire Road #3 to the west and Fire Road #7 to the east. The lands have a total approximate lot area of 27.11 ha (67 acres) with approximately 175 m (574.15 ft) of lot frontage on Main Street. There is an existing single-detached dwelling along with several accessory buildings and structures situated on the northerly portion of the lands. The southerly portion of the lands that are proposed to be rezoned are presently vacant.

### **Surrounding Land Uses:**

North: Main Street (Val Caron) and rural residential uses.

East: Rural residential uses and several large tracts of vacant rural lands.

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South: Cluster of rural waterfront lots along the northerly shore of Whitson Lake.

West: Rural residential uses, large open space tract of land, urban residential land uses along the Municipal Road #80 corridor.

The existing zoning and location map attached to this report indicate 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 attached to 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 244 m (800 ft) of the subject lands on May 11, 2020. The statutory Notice of Public Hearing dated July 23, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner indicated on the application form that they would not be conducting any public consultation ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning.

At the time of writing this report, no telephone 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.

### **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.

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

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**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 rezoning is largely technical in nature that 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 "RS", Rural Shoreline 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 Whitson Lake. The benefitting lands to the south are situated within an existing "RS" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "RS" 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, the City's Drainage Section, Fire Services, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest.

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

Building Services has noted from a technical perspective that PINs 73502-0364 and 73502-0611 must be consolidated once the lot addition has been completed. This does not impact the rezoning application, but will be addressed through the consent planning process.

Conservation Sudbury advises that the northerly portion 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](#).

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

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Environmental Planning Initiatives notes that the lands to be severed and the benefitting lands to the south would form a developable waterfront lot immediately adjacent to Whitson Lake. Increasing levels of phosphorus in lakes can lead to an increasing incidence of nuisance aquatic vegetation, green algae, and, in some cases, toxic cyanobacteria (ie. blue-green algae). Cyanobacterial blooms were confirmed by the Sudbury District Health Unit in Whitson Lake in 2015 and in 2017. Existing vegetation on the subject lands acts as an important buffer, absorbing run-off sediments and holding soil in place. Vegetation removal on the subject lands should therefore be kept to a minimum during any site preparation or construction activities or for purposes of converting existing natural vegetation to lawns. Lawns require higher maintenance and expense and generally require importing soils to the lands. Imported soils can introduce considerable quantities of phosphorus. The owner is encouraged to contact the City's Lake Water Quality Program to discuss and consider the use of appropriate development guidelines that can help reduce phosphorus levels or maintain them at low levels.

### **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 "RS", Rural Shoreline. 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. It is noted 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 "RS" 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 waterfront lot. Staff would further note that the benefitting lands at present also form a legally existing undersized waterfront lot in terms of both minimum lot area and minimum 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.

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 # B0024/2020) that is intended to facilitate a lot addition to an existing rural waterfront lot having water frontage on Whitson Lake in Val Caron. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would fulfill a condition related to the provisional consent decision that was issued by the City's Consent Official on June 8, 2020.

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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.