

**The Corporation of the
City of Sault Ste. Marie**

C O U N C I L R E P O R T

March 18, 2024

TO: Mayor Matthew Shoemaker and Members of City Council
AUTHOR: Jonathan Kircal, RPP, Planner
DEPARTMENT: Community Development and Enterprise Services
RE: Gentle Density: Proposed Amendments to the Official Plan
and Zoning By-law Regarding Residential Development
Regulations

PURPOSE

The applicant, the City of Sault Ste. Marie (c/o Planning Division) is proposing a series of amendments aimed towards increasing housing supply by integrating small-scale residential intensification within existing neighbourhoods without the need for planning approvals. This includes permitting a broader spectrum of residential uses across residential, commercial and institutional zones throughout the urban area of the city, alongside revising development standards to promote flexibility and higher residential densities.

PROPOSED CHANGE

The proposed changes will permit any type of residential home or building on most residential lots so long as it conforms to the building envelope created through a set of performance standards.

These performance standards consist of maximum height, lot setbacks, lot coverage, parking, front yard landscaping and frontage. Additional flexibility for residential development on Institutional and Commercial lands is also proposed.

The proposed official plan amendment is attached to this report as Official Plan Amendment 249 and the proposed zoning by-law amendments are attached as schedule A.

In summary, the proposed amendments include the following:

- Permitting residential buildings of any type (i.e. single-detached, semi-detached, townhouse, apartment) on all urban residential lots, conditional upon conforming to the prescribed set of performance standards and the development envelope. This includes conforming to minimum setback

- distances, maximum lot coverage percentages, maximum building height, minimum landscaping percentages, and parking provisions.
- Permitting additional types of residential uses to be located within Commercial zones and permitting them to be located on the ground floor when design objectives to ensure occupant privacy are satisfied.
- Permitting a variety of dwelling units within the Institutional Zone (I).
- Reducing parking requirements from 1.25 spaces to 1 space per dwelling.

Subject Property:

The proposed amendments apply city-wide, with urban lots as the primary focus, impacting numerous properties with varying zoning classifications.

BACKGROUND

An information report discussing the proposed zoning amendments was submitted to the December 18, 2023, Council meeting.

This application was originally scheduled to be heard at the January 29, 2024 Council meeting; however, the application was deferred. This delay was necessitated by revisions to simplify the proposed framework, prompting the need for new public notice.

This report highlights numerous zoning amendments aimed at fulfilling several actions outlined in the Housing Action Plan, specifically those sub-actions under the '*Mechanisms for Residential Intensification (Regulatory Flexibility)*'.

Also identified in this report are zoning amendments required to conform with the recent *More Homes Built Faster Act, 2022* (Bill 23) mandating that municipalities eliminate by-laws or policies that would restrict construction of three dwelling units on an urban residential lot, including units in association with singles, semis and multiple-attached dwellings (i.e. townhouse).

This report also responds to the following Council resolution passed on March 21, 2022:

Whereas the City of Sault Ste. Marie, like other northern municipalities, struggles to maintain assessment growth rates commensurate with the cost of providing municipal services; and

Whereas the draft Official Plan for Sault Ste. Marie 2022 highlights the need for an increase in housing supply; and

Whereas in-fill, purpose-built rental and densification developments provide an increase in housing supply without requiring extensions/increases in municipal services; and

Whereas the Provincial government has recently published the report of the Housing Affordability Task Force, which recommends, among other things, 'as-of-right' zoning by-laws that would, subject to maximum lot coverage, height and parking minimums, allow up to 4 units to occupy property that currently has single family residential zoning

Now Therefore Be it Resolved that staff be requested to report on the potential benefits and costs of Sault Ste. Marie adopting 'as of right' zoning in its new Official Plan.

This application is also the result of a culmination of on-going city-building initiatives, including:

- Implementing a financial incentive program to catalyze residential development in strategically designated growth areas and to enhance the availability of affordable housing units;
- Reforming parking regulations to better align with utilization trends;
- Prioritizing active transportation;
- Inventorying and reviewing vacant and under-utilized municipal lands that can be used for residential development; and
- Identifying strategic growth areas that direct higher levels of residential density and mixed uses to these areas.

COMMENTS

The significance of the proposed zoning amendments is due to one key aspect: a substantial 73% of urban residential lands are currently zoned as R2, imposing significant restrictions by excluding common built forms like townhouses and small-scale apartments. The implementation of these changes will unlock development opportunities across the majority of urban residential neighbourhoods.

Consolidating Built Form Types into "Residential Structures"

Single-Detached or
Multi-Unit Conversion



Semi-Detached
House



Townhouse



Apartment
(Low-Rise)



The zoning by-law will eliminate distinctions among various residential built form types, consolidating them under the umbrella term "Residential Structures." Residential Structures will be permitted on urban residential lots without requiring a rezoning, provided they meet defined performance standards.

The zoning by-law amendments discussed in this report present a new approach by shifting away from emphasizing built form types and instead focusing on establishing a development envelope that is based on performance standards, largely employed in the current zoning by-law. Performance standards include criteria such as maximum height, minimum building setbacks, maximum lot coverage, parking requirements, minimum front yard landscaping, and minimum required lot frontage and area. Performance standards therefore influence a building's scale, massing and siting on a given lot.

Current Zoning Approach (Based on Built Form Type Permissions)				
Built Form Type	R2	R3	R4	R5
Single-Detached	✓	✓		
Semi-Detached		✓	✓	
Duplex, Triplex		✓	✓	
Multiple-Attached (Townhouse)		✓	✓	✓
Apartment			✓	✓
High Rise Apartment				✓

Composition of Urban Residentially Zoned Lots	
R2	73%
R3	19%
R4	7.2%
R5	1%

**Proposed Zoning Approach
(Based on Performance Standards and the Resulting Development Envelope)**

Any residential built form type (i.e. Residential Structure) is permitted so long as it fits within development envelope and other applicable regulations (e.g. minimum density regulations. in an R4 and R5 zone, etc)

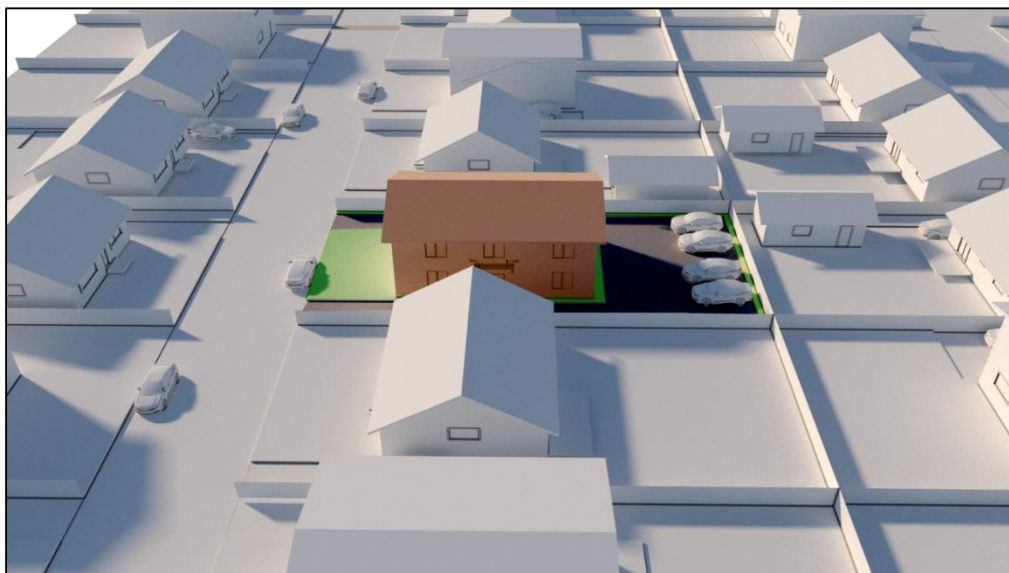
As-of-Right Density (Townhouse on a Large Lot)

An example of a townhouse with one rear yard additional dwelling unit as a stand-alone structure that conforms to the performance standards and fits within the development envelope. Under existing zoning regulations, this would not be permitted in the R2 zone, which most urban residential lots are designated as. Under the proposed zoning framework, this townhouse development would be permitted as-of-right, eliminating the requirement for a rezoning.



As-of-Right Density (Small-Scale Apartment on a Typically Sized Lot)

An example of a 4-unit apartment building with rear yard parking that conforms to the performance standards and fits within the development envelope. Under existing zoning regulations, this would only be permitted in the R4 and R5 zones, which represent a small proportion of overall urban residential land. Under the proposed zoning framework, it would be permitted as-of-right, eliminating the requirement for rezoning.



Under the proposed approach, any built form type that can physically fit within the development envelope is deemed permissible. This means that a low-rise apartment could potentially be built in an R2 zone if it adheres to the constraints outlined by the development envelope and performance standards.

The changes proposed are transformational for the future of residential development in most urban parts of the city.

Residential development will continue to be excluded from Industrial zoned lands due to incompatibility concerns. Further, due to water and sewage limitations in the rural area, no major changes are proposed for lots outside the urban settlement area of the city, which will continue to be capped at 2 dwelling units per lot.

Streamlining Built Form Types

Under the proposed zoning framework, distinguishing between residential built form types is counterproductive, therefore, all of the built form types that are identified in the existing zoning by-law can be repealed and replaced by a new term, “*Residential Structure*”. Regardless of the number of dwelling units or the built form type of the building (i.e. single-detached home, townhouse, apartment, etc.), it will be identified in the proposed zoning by-law as a Residential Structure and defined as “*any building designed, used or intended to be used for residential occupancy and consisting of one or more dwelling units*”.

Multiple Configurations for Residential Development

The development envelope via performance standards will dictate the development potential of a lot. There will be no explicit maximums placed on the number of dwelling units or number of buildings on a lot. This level of flexibility for residential development will allow it to occur in a variety of ways. Dwelling units can be contained within one building or distributed across multiple buildings on a given lot – provided it is all contained within the development envelope.

Repealing the Term “Accessory Use Second Units”

The *Strong Communities Through Affordable Housing Act, 2011* mandated municipalities to allow accessory use second units in association with singles, semis and townhouse dwellings. In 2023, Bill 23 expanded upon this legislation by raising the minimum number of units permissible on an urban residential lot to at least 3 and designating them as Additional Residential Units (ARU). The ARU regulations have superseded those pertaining to “second units” in the Planning Act. Consequently, it is recommended to repeal the Accessory Use Second Unit regulations outlined in the existing zoning by-law.

The proposed zoning changes exceed the Provincial ARU requirements outlined in Bill 23, as they eliminate any explicit dwelling unit cap. Instead, these changes will allow the dimensions and size of the lot (i.e. development envelope) to determine its development potential. Proposed technical amendments will maintain compliance with Bill 23 by allowing additional residential development on lots containing subdivided townhomes and semi-detached homes. This is further discussed in the “Other Zoning Amendments” section under sub-heading “Lots Divided Into Separate Units”.

Development Potential Will Still Be Limited in the Rural Areas

Concerns regarding groundwater quantity, strain on septic infrastructure, and the peripheral location of these lots beyond the urban settlement area make it appropriate to exclude these lands from these amendments. Lands zoned Rural Area Zone (RA) or Estate Residential Zone (R1) fall into this category.

R1 and RA zoned lands will continue to be limited to having no more than two residential dwelling units per lot. The only change that is being proposed is a technical amendment to define such residential dwellings as a Residential Structure.

Urban Residential Areas

Height and Unit Limitations

The height of a residential structure is a significant performance standard that determines the size of the development envelope. Different zones have specific height requirements, spanning from two storeys in the R2 zone, to five storeys in the R4, and ultimately unlimited height within the R5 zone. This will allocate denser and, more importantly, taller forms of building types, such as apartments, towards areas that are appropriately zoned.

Taller buildings are subject to scaled up performance standards such as greater frontage, setback, landscaped open space, and maximum lot coverage requirements. This will appropriately control a building's bulk, scale, massing and siting on the lot so that it does not pose impacts on abutting properties or the streetscape.

Higher density zones will continue to have minimum dwelling unit requirements. This is to ensure that residential development supports broader strategic objectives of efficiently aligning growth and density to areas that can best accommodate it.

Height and Performance Standards <i>To simplify comparison, building regulations between different zones were combined. Table should therefore not be interpreted as an explicit regulation.</i>					
Performance Standards (Minimum unless otherwise noted)	1 Storey	2 Storeys	3 Storeys	4 – 5 Storeys	6+ Storeys (no height restrictions)
Lot area (Downtown)	550m ² (279m ²)	460m ²	N/A	N/A	N/A
Frontage	15m (9m)	18m	23m	23m	30m
Front yard	7.5m	7.5	7.5m	7.5m	7.5m or ½ building height, whichever is greater
Exterior side yard	4m	4.5	7.5m	7.5m	7.5m or ½ building height, whichever is greater
Interior side yard	1.2m	1.8m	5m	7.5m	4.6m or ½ building height, whichever is greater
Other interior side yard	3m	3m	5m	7.5	N/A
Rear yard	1.2m	10m	10m	10m	10m or ½ building height, whichever is greater
Maximum lot coverage (Downtown 60%)	40% (60%)	40% (60%)	30% (60%)	30% (60%)	33% (60%)
Landscaped open space	N/A	N/A	30%	30%	33%
Required front and exterior side yard landscaping (Downtown Exempt)	50% (Downtown Exempt)	50% (Downtown Exempt)	50% (Downtown Exempt)	50% (Downtown Exempt)	N/A
Distance from other buildings	1m	1m	1m	1 m	N/A

Overview of Proposed Development Potential on Urban Residential Lots				
Zone	Existing Regulations		Proposed Regulations	
	Maximum Storeys	Largest permitted building	Maximum Storeys	Largest permitted building
R2 Single-Detached/ Gentle Density	2	Single-detached	2	Residential Structure, subject to R2 performance standards
R3 Low Density	2	Multiple-attached (i.e. townhouse)	3	Residential Structure, subject to R3 performance standards.
R4 Medium Density	5	Apartment	5	Residential Structure, subject to R4 performance standards. Minimum 2 units
R5 High Density	No maximum	High-rise apartment	No maximum	Residential Structure, subject to R5 performance standards. Minimum 4 units

Height Limit in Required Rear Yards of Urban Residential Lots

To control the overall massing of structures in amenity areas such as backyards, and to address concerns related to privacy and shadow impacts, buildings proposed to be located within the required rear yards of urban residential lots will be limited to one storey. For the most part, this means that structures, residential or otherwise, will be capped at one storey in height if located within 10 metres of the rear lot line.

Currently, regulations for second units restrict stand alone structures to one storey, while those incorporated into accessory structures like garages (i.e. garage lofts) are capped at 6 metres – a regulation that has been identified as impractical. The proposed regulations maintain much of what exists for Second Units but provide improvement by eliminating the 6-metre cap for structures like garage lofts. Instead, these structures will adhere to the overall height limit as found within the designated zone. Therefore, garage lofts can be two storeys in height provided they are not located in the required rear yard (i.e. typically 10 metres from the rear lot line).

Front Yard Parking and Landscaping:

A new regulation is proposed to require at least 50% of the required front and exterior side yards to be landscaped for new development within the R2, R3, R4 and R5 zones.

This responds to anticipated increases in parking demand. The aim of the regulation is to minimize the visual impact and traffic safety concerns associated with large parking areas that directly abut or encroach upon the public right-of-way.

Properties located within the defined downtown area will be excluded from the landscaping requirement for front and exterior side yards. Given the smaller size of downtown lots and the denser character, expecting these properties to adhere to this standard would be unrealistic.

Upzoning the R2 Lots (Zoning Map Change)

In line with the objectives set by the Housing Affordability Task Force, specifically sub-actions 4.1 of the Housing Action Plan, Planning staff will undertake a future study to assess residential development potential. If required, the City may rezone surplus lands that are suitable and desirable for housing development.

Therefore, it is very much possible that some R2 zones may be “upzoned” to a higher residential category such as R3 to enable higher density development on lots deemed appropriate. Conversely, some lots may undergo ‘downzoning’ to align permitted density levels to the character of the specific area, such as downzoning an R4 lot to an R2 lot in locations closer to the urban settlement area’s edge.

While specific evaluation criteria are yet to be defined, factors such as lot size, location, and the overall character of the abutting lots and the immediate area are likely to form part of the evaluation.

This task will be conducted sometime in 2024, with a formal rezoning application and report submitted to Council for approval.

Renaming the Single-Detached Zone (R2) to the Gentle Density Residential Zone (R2)

The name of the Single-Detached Residential Zone (R2) no longer describes the zone’s function or purpose. It is therefore recommended to change it from Single-Detached Residential Zone (R2) to Gentle Density Residential Zone (R2).

A new introductory section of the Gentle Density Residential Zone (R2) will also be created. The introduction is used to explain the intent and purpose of the zoning and has no legal weight.

Proposed Introductory Section for the Gentle Density Residential Zone
<i>This zone is especially designed for the majority of the single detached neighbourhoods in Sault Ste. Marie. Zone regulations are aimed at promoting low-impact, modest, and incremental housing developments. Examples of such housing developments include the conversion of single-detached homes to create multi-unit dwellings and purpose-built multiplexes.</i>
Existing Introductory Section for the Single-Detached Residential Zone
<i>This zone is especially designed for the majority of the single detached neighbourhoods in Sault Ste. Marie. Zone regulations are aimed at providing for and regulating single detached dwelling units with special regard for maintaining the present character of the existing neighbourhoods.</i>

The introductory section for the Low Density Residential Zone (R3) will be revised by deleting the following sentence “*This is the first zone where dwellings of greater density than single detached are permitted*”.

Institutionally Zoned Lands

The Institutional Zone (I) permits schools, places of worship, government offices, community organizations, and non-profit agencies. At present, other than nursing homes and assisted living facilities, residential uses are not permitted in the Institutional zone.

Planning staff recommend permitting residential uses on Institutional lands. This will enable flexibility to co-locate residential uses with supportive non-profit and similar activities, as well as to convert under-utilized space such as former schools and churches to residential uses. Institutional zoned lands are aptly suited to accommodate residential growth given they are often well integrated with existing residential neighbourhoods.

Performance standards for residential development on Institutional zoned lands will be based on the Low Density Residential Zone (R3) standards. The R3 building regulations permit an appropriate scale of residential development for these areas. Higher scale development would prompt the need for a rezoning or minor variance application, enabling staff an opportunity to review the proposal.

A number of institutionally zoned lands are located beyond the Urban Settlement Area and are therefore not appropriate for denser forms of residential uses. It is therefore recommended that any residential development of such lands be subject to Estate Residential Zone (R1) regulations, which would cap residential development to two dwelling units per lot.

Commercially Zoned Lands

Residential uses are generally permitted throughout the Commercial zones and therefore, the proposed amendments do not represent significant changes for

these zones, however, there are two exceptions: residential uses on the ground-floor and within the C5 (Shopping Centre) zone.

Ground Floor Residential

Currently, ground floor residential uses are not permitted in the C2 and C4 zone. The C2 zone is predominately located downtown, along Queen Street between Bay and Albert Street. The C4 zone is predominantly located along major commercial corridors such as Trunk Road, Great Northern Road, and parts of Second Line West.

The rationale for the ground floor residential restriction is to avoid privacy impacts for residential occupants, as well as to facilitate vibrant commercial corridors and an appealing public realm at street level. This concern is more relevant for commercial to residential conversions because buildings are likely to feature large storefront windows that are not appropriate from a residential privacy standpoint.

The proposed zoning amendments will make a distinction between ground floor residential conversions and purpose-built new residential construction. The Official Plan is proposed to be amended to facilitate site specific zoning amendments in support of residential ground floor conversions on the condition that they are designed to provide a residential aesthetic that is sympathetic to the surrounding commercial streetscape, with special regard for providing appropriate privacy for occupants (e.g. the removal of large storefront windows that are not appropriate from a residential privacy standpoint). A façade plan will be required to be submitted for Planning staff's evaluation. Such an approval process should be conducted through the minor variance route.

New purpose-built residential construction provides greater flexibility to incorporate building design and external aesthetics to accommodate the needs of ground floor residential occupants, addressing concerns related to privacy, noise, and other potential disturbances in commercial areas. It also allows greater opportunity to design buildings that appropriately respond to the surrounding street environment. For this reason, such proposals will be permitted as-of-right.

Streamlining Residential Development Regulations in Commercial Zones

To streamline regulations for residential developments within commercial zones and to ensure contextual appropriateness, these developments will now be subject to the building regulations specified in the respective commercial zone whereas they are currently subject to various residential zone regulations. This shift aims to provide increased development flexibility in accordance with the character of existing commercial areas.

Currently, townhouse and apartment developments in the C1 and CT2 zones are permitted to reach a height of five storeys, while singles, semis, duplexes, and

triplexes are restricted to two storeys. The proposed changes will establish a uniform cap of three storeys for all Residential Structures in the C1 and CT2 zone.

The C1 zone predominantly encompasses the historic commercial areas of Korah Road and Steelton, while the CT2 zone is primarily situated in the commercial-to-residential transition area between downtown and the rail line to the north. Considering the shallow lots and the prevalence of abutting small-scale residential uses, a three-storey height limit is deemed appropriate.

General Locations of the Traditional Commercial Zone (C1)



Cluster of C1 zoned lands (highlighted in yellow) exist within the Steelton area, along Wellington Street West, with others located along Gore Street and within the James Street neighbourhood.



Cluster of C1 zoned lands (highlighted in yellow) also exist within the commercial strip located at the intersection of Wallace Terrace and Korah Road.

Location of the Commercial Transitional Zone (CT2)



CT2 zoned lands (highlighted in red) are predominantly located between the downtown commercial buildings and the rail line to the north. Few CT2 zoned lands exist around the former hospital site on Queen Street.

Residential Uses in the C5 Zone

The Shopping Centre Zone (C5) currently does not permit residential uses. Given that these sites inherently host considerable commercial and employment opportunities, permitting denser residential development alongside such amenities will foster vibrant, walkable, and mixed-use areas. Large under-utilized parking areas that are associated with such lots – and other large scale commercial lots – also represent significant development potential.

Site Plan Control will enable staff to review technical matters of any proposals on such sites where the number of dwelling units exceeds ten.

There are no uses that are permitted within a C5 zone that pose incompatibility issues with residential uses.

Overview of Proposed Residential Potential on Commercial Zoned Lots				
Zone	Existing Regulations		Proposed Regulations	
	Residential Use Permitted	Maximum Storeys	Residential Use Permitted	Maximum Storeys
C1 Traditional Commercial Zone	Yes	2 for new builds of singles, semis, triplexes. 5 for new builds of townhouses, apartments. 2 for conversions of existing commercial building.	Yes Subject to C1 regulations.	3
C2 Central Commercial Zone	Yes No ground floor residential.	No Max	Yes, Subject to C2 regulations. No ground floor residential, unless new build.	No Max
CT2 Commercial Transitional Zone	Yes	2 for singles, semis, triplexes. 5 for townhouses, apartments.	Yes Subject to CT2 regulations.	3
C3 Riverfront Zone	Yes, but no less than 3 units.	No Max	Yes, but no less than 3 units. Subject to C3 regulations.	No Max
C4 General Commercial Zone	Yes No ground floor residential.	No Max	Yes, but no less than 3 units. Subject to C4 regulations. No ground floor residential, unless new build.	No Max
C5 Shopping Centre Zone	No	N/A	Yes, but no less than 4 units. Subject to C5 regulations No ground floor residential, unless new build.	No Max
For ease of comparison, building regulations were simplified and combined.				

Amendment 7: Parking and Loading Requirements

A staff-conducted jurisdictional scan and on-site survey of select parking areas indicate that current parking requirements lean towards the higher end.

The zoning by-law currently follows a uniform parking standard without considering a property's locational advantages within the city. These regulations could needlessly restrict the number of units on a site to fit in an unwarranted amount of parking spaces. Additionally, an excess of parking spaces might significantly impact the visual appeal of the streetscape.

A forthcoming City-initiated zoning amendment will further discuss this issue and propose reductions based on location, proximity to active transportation options, services, retail and employment opportunities, and other community amenities.

As an interim measure, until the comprehensive parking report is submitted to Council, it is recommended to reduce parking requirements from 1.25 to 1 space for all residential uses. To ensure an adequate provision of accessible parking spaces, the percentage allotted for barrier-free parking will be increased from 6% to 8% to mitigate the reduction of barrier-free parking alongside the overall reduction of conventional parking.

Existing zoning provisions permit stacked parking, also known as tandem parking, for second units. Tandem parking is an arrangement whereby two or more vehicles can park in a line, one behind the other. The vehicle closest to the exit would need to be moved for the second vehicle to exit. This arrangement reduces the amount of space required to accommodate vehicles and their turning maneuvers and is advantageous for smaller-scale infill development and conversions where space is typically limited and occupants can make appropriate arrangements.

Planning staff recommend maintaining the existing parking regulations that permit no more than two vehicles to be parked in stacked form per driveway. Too many stacked cars can present challenges by inconveniencing vehicle owners, impeding vehicular and pedestrian access by blocking them in, and necessitating impractical coordination among occupants.

Similarly, a review of other municipalities' standards revealed that Sault Ste. Marie's specified dimensions for loading spaces tend to be on the higher end. To align with the standards of other cities, the length of a loading space is proposed to be reduced from 20 metres to 10 metres exclusively for residential uses. Based on local experience, the existing loading space requirements are deemed to be excessive.

Other Zoning Amendments

Legal Non-Conforming Lots

To enhance clarity, refining existing clauses is needed to articulate the criteria for evaluating development on *legally* existing lots that do not meet lot frontage and/or lot area requirements. The term “*legally existing*” refers to lots (or buildings) that were legally in existence on the day of the passing of zoning by-law 2005-150, which was in November, 2005. Planning staff propose to change this date to align with the adoption of the “gentle density” by-law (i.e. April 8, 2024).

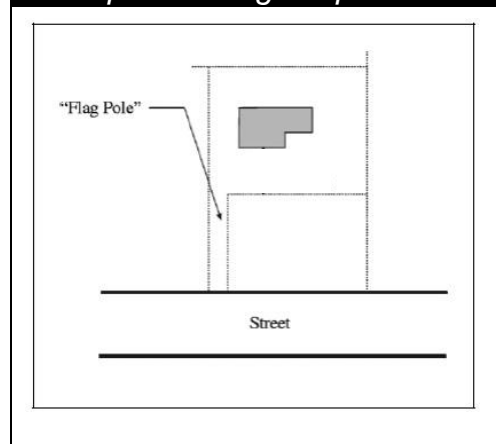
Section 4.11.1 (Existing Non-Conforming Lots) within the Zoning By-law is intended to grant legal, non-conforming status to legally existing lots that are deficient in terms of frontage and/or lot area. The principal aim of this existing provision is to reduce barriers for residential development on lots that do not meet the required frontage and/or area criteria.

Development on such lots must still comply with other aspects of the zoning by-law, including height, setbacks front yard, rear yard, etc. There are already established provisions to address situations involving non-conforming lots. For example, in cases where a legally existing lot falls short of the required frontage, said lot can still be built upon with the added relief of a 25% reduction in the side yard setbacks. Developing on a lot with frontage or area deficiencies will not have unintended consequences as long as other standards are met.

This clause has been applied in cases involving flag-shaped lots, where frontage is deficient only because the initial portion of the lot (i.e., the flag pole) is intended for use as a driveway access into the larger development area of the parcel (i.e., the flag).

Irregularly shaped lots or legacy lots that do not meet the current zoning by-law's lot area or frontage requirements will be granted an exemption from these standards. This exemption is intended to maintain a degree of development potential for non-conforming lots, which are typically irregular shaped or internal lots.

Example of a flag-shaped lot



Lots Divided Into Separate Units (i.e. townhouses, semi-detached)

This subsection refers to townhouses and semis that span across multiple lots where each lot and dwelling unit is individually owned.

In section 4.12.2 (Severance of Attached Dwellings Permitted), a change is proposed to clarify that lot frontages, area and building setbacks of severed lots for attached residential dwelling units (i.e. townhomes, semi-detached) are

considered compliant with the by-law and not deficient. The purpose of this amendment is to avoid scenarios in which a subdivided Residential Dwelling Structure could be deemed as not conforming with various requirements that were at one point approved by the Committee of Adjustment. Such a status would inadvertently restrict the lot's residential development potential, contravening the regulations of Bill 23.

Interior Side Yard Setbacks From Shared Lot Lines

Section 9.7.3.4 and 9.8.3.2 (Interior Side Yards and Common Walls), waives side yard setback requirements from the lot lines that are also used as shared walls. At present, this provision is only applicable in the R2 and R3 zones. This provision facilitates the construction of townhouses and semi-detached homes that span multiple lots without needing to obtain a variance to waive interior side yard setbacks. This application proposes to extend this provision to the R4 and R5 zones.

Frontage Requirements When Severing Attached Residential Structures

To facilitate severance applications, sections 9.7.3.3 and 9.8.3.1 (Additional Regulations for Semi-Detached Dwellings) are existing zoning regulations that halve the lot frontage requirements for only semi-detached homes located in the R2 and R3 zones. This provision will now be expanded to include townhouses (i.e. Residential Structure) as well broadened to also be applicable in the R4 and R5 zones.

It is proposed to replace section 9.7.3.3 and 9.8.3.1 with the following new provision: *Where a series of two or more attached dwellings (i.e. semis, townhomes) are proposed to be constructed in a line or a row, with each unit having a shared wall, the minimum frontage requirements will be 8 metres plus any required side yard setback.*

Frontage Requirements	
	<i>Minimum frontage requirement will be 8 metres. Minimum frontage requirements for the end unit lots will need to factor in additional lengths to accommodate the required side yard.</i>

This new frontage requirement will be consistent with existing zoning regulations for semi-detached units, as well as consistent with the average frontage length of existing townhomes.

ANALYSIS

Conformity with Official Plan (OP)

The proposed zoning changes are directed towards Residentially, Commercially and Institutionally zoned lands. Such lands are also subject to the corresponding Residential, Commercial and Institutional land use policies contained in the OP and must therefore be evaluated for conformity to these specific policies and other broader policies in the Plan.

Proposed zoning amendments represent an elimination of a significant portion of residential development regulations, thereby enabling a diverse range of housing options on urban residential lots without the need for a rezoning application. This will permit various building combinations with no dwelling unit restrictions, as "performance standards" will govern the scale of the building proportionate to the lot size, shape and configuration.

Similar to other municipalities across the world, Sault Ste. Marie faces high housing demand and low housing supply. Recommended changes seek to establish a flexible and adaptable regulatory framework for housing development, ultimately bolstering housing supply.

Therefore, the following Official Plan policies and goals support the recommended zoning amendments:

Housing Policies

- *HO.1 – Opportunities for a full range of housing types shall be provided to meet the present and expected needs of the community.*
- *HO.2 – Innovative and alternative residential development standards supporting affordable housing and compact urban form shall be encouraged.*
- *HO.4 – Medium and high density – including affordable housing – will be encouraged to be built before or at the same time as low density units.*

Residential Land Use Policies

- *R.1 – A mixture of housing types and diversity of ownership and tenure forms shall be encouraged in new development.*
- *R.2 – Low and high density development should be integrated and compatible in density, height and building setbacks. Generally, high density*

development shall be restricted to major arterial streets and areas abutting the downtown core.

- *R.3 – Medium density residential dwellings may be integrated into low density areas subject to rezoning.*
- *R.4 – Small scale intensification may be permitted in all residential areas unless adequate supporting infrastructure is not available or significant physical constraints exist.*
- *R.5 – Small scale residential intensification may include, but not be limited to, rooming, boarding and lodging houses, apartments in houses, infill development and redevelopment.*

PART VI – Physical Development – Built Environment

- *Goal: to develop flexible and adaptable land use plans and development procedures that respond rapidly to development opportunities.*

These amendments unlock considerable development potential in the urban serviced areas of the City by accommodating future growth through infill development and redevelopment.

As-of-right zoning for higher density residential buildings within the City's urban area fosters an environment conducive to active transportation infrastructure. Compact, mixed-use developments promote walkability, cycling, and public transit usage due to shorter distances between residences, workplaces, and amenities, thus reducing carbon emissions.

Therefore, the following Official Plan policies and goals support the recommended zoning amendments:

Part V – Physical Development – Natural Development

- *Broad policies with the underlining theme of protecting natural environmental features.*

Energy Policies

- *E.2 – Infill development to maximize the use of existing services shall be encouraged.*
- *E.3 – Rehabilitation and retrofitting of existing buildings for improved energy efficiency shall be promoted.*
- *E.4 – Alternative Transportation and energy efficient forms of transportation such as public transit, cycling and walking shall be supported.*

Official Plan land use policies already support residential development on Commercially designated lands where suitable. The proposed zoning changes that are specific to Commercially zoned lands are supported by the OP. The Highway Zone, linked with incompatible uses and locations, will continue to exclude residential development.

Therefore, the following Official Plan policies and goals support the recommended zoning amendments:

Commercial Land Use Policies

- *The conversion of existing vacant commercial space to residential or other non-commercial use shall be encouraged where appropriate and permitted subject to Zoning By-law approval without an Official Plan amendment.*
- *... Mixed use and high density residential development shall be permitted [in the downtown area].*

Institutional Land Use Policies

The majority of lands that are zoned Institutional also fall under the Institutional designation in the Official Plan's Land Use Schedule (C). Any changes to the I Zone must therefore comply with its corresponding OP policies.

Currently, the Official Plan envisions group residences rather than private, market residential uses on Institutionally zoned lands. To align with the zoning changes proposed, it is recommended that the OP be amended to permit residential development on lands designated institutional. This can be implemented by the attached OPA 249 T-163 amendment.

Institutional lands predominantly host existing or former schools, places of worship, and community centres. A shift towards re-purposing or partially converting these lands to accommodate residential uses will unlock additional lands, which are often located in residential areas.

Conformity with Provincial Policy Statement 2020 (PPS)

Directing residential growth to already serviced urban areas optimizes existing infrastructure and lessens the need for the City to create and maintain new infrastructure for residential growth. Increased densities further support ongoing efforts to expand and enhance active transportation infrastructure.

A variety of residential housing types with varying densities, from single-detached homes to small-scale walk-up apartments, will be permitted.

Therefore, the following Provincial policies support the recommended zoning amendments:

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 – Healthy, liveable and safe communities are sustained by:

- *A. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- *B. accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- *C. avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- *E. promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.*

Settlement Areas

1.1.3 – Settlement Areas shall be the focus of growth and development.

1.1.3.2 – Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*

At its December 11, 2023 Council Meeting, the City pledged to meet the provincial housing target of 1,500 housing starts by 2031. As per the Province's housing supply progress tracker¹, last updated February 22, 2024, the City has already recorded 482 housing starts since 2022.

¹ . *Tracking Housing Supply Progress | Ontario Ministry of Municipal Affairs and Housing*

<http://www.ontario.ca/page/tracking-housing-supply-progress>. Accessed 2 Mar. 2024.

Planning staff's municipal housing assessment report proposed a more ambitious target of 3,115 new units by 2036. The "gentle density" approach in these zoning amendments is an important step in achieving these targets.

The reduction of zoning regulations provides significant flexibility and relaxation for residential development, encouraging developers to explore cost-effective development forms.

Therefore, the following Provincial policies support the recommended zoning amendments:

Housing

1.4.3 – Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- *A. establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans...;*
- *B. permitting and facilitating:*
 - *1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - *2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- *C. directing the 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;*
- *D. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- *F. establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

Conformity with Growth Plan for Northern Ontario 2011

Establishing a regulatory framework that supports a robust housing supply stimulates the construction industry, generating economic activity. It also enhances housing affordability, allowing individuals and families to secure a home without allocating a high proportion of income on housing costs. This fosters a healthier community and supports a workforce. Higher density neighbourhoods

can meet the population density thresholds required to support alternative forms of transportation associated with reduced transportation carbon emissions.

Therefore, the following GPNO policies support the recommended zoning amendments:

4.2 Long Range Planning For All Communities

All municipalities should [...] prepare long-term community strategies. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

- *A. economic, social and environmental sustainability.*
- *B. accommodation of the diverse needs of all residents, now and in the future.*
- *C. optimized use of existing infrastructure.*

4.4 Strategic Core Areas

- *Municipalities that contain strategic core areas are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts that can:*
 - *B. accommodate higher densities*

CONSULTATION

Public Comments

Public notice was advertised on the Sault Star and posted on the City website and Sootoday on Saturday February 24 and February 28 respectively. As this is a City-wide application, no physical notices were mailed out. Up to the drafting of this report, no comments were received as a result of the public notice process.

As part of the Grow the Sault initiative, particularly the gentle density project, four public information sessions occurred in November 2023. These sessions, promoted in online media, social media, and the City website, engaged approximately 80 members of the public.

During these public information sessions, many individuals expressed enthusiasm and support for the increased supply of diverse housing to match a variety of living situations and affordability tolerances.

Those who were more critical of the initiative commented that permitting denser forms of housing would negatively alter the character of the community and that a looser form of zoning would make neighbourhoods unpredictable in terms of development trends. Some were also concerned that such policies would eventually lead to outright prohibiting single-detached dwellings.

While not explicitly mentioned by the public, it can be expected that other concerns would mirror those typically raised for rezoning applications involving denser development forms. For example, increased traffic, privacy loss, property values, and the capacity of water, stormwater, and sewer systems.

Traffic impacts are associated with larger developments that would automatically trigger site plan control (11 or more dwelling units). Traffic studies, at the expense of the developer and to the satisfaction of staff, can be requested as part of the site plan control process.

Similarly, servicing studies addressing stormwater, sewer, and water capacity will be required in the site plan control process. Although concerns for smaller developments can exist, they are less likely to be problematic. The Engineering division is actively implementing a stormwater management program to address quality and quantity concerns for development projects of 11 or more units. For developments of less than 11 units, stormwater management and servicing capacity is handled through the building permit process in collaboration with Engineering Services and PUC Services Inc. The Planning Division is not involved in such cases.

The sewer and water capacity for many existing neighbourhoods is usually based on higher flows than the existing number of occupants in existing single-detached homes to future proof the infrastructure. On an annual basis, Planning staff and PUC's water service consultant discuss development trends that may impact water demand. Further, development uptake is expected to occur gradually, rather than in sudden surges. This pacing will enable staff to monitor for problem areas and either address the problem or apply development restrictions where appropriate.

Application Circulation

As part of the application review, this proposal was circulated to the following City divisions and external agencies for detailed technical review and comment: Accessibility Advisory Committee, Algoma District School Board, Batchewana First Nation, Bell Canada, Building Division, Canada Post, CN Rail, Community Development and Enterprise Services, Conservation Authority, CPKC Rail, Downtown Association, Economic Development Corporation, Enbridge, Engineering Services, Fire Services, Garden River First Nation, Huron Superior Catholic District School Board, Hydro One, Legal Division, Municipal Heritage Committee, Ontario Power Generation, Prince Township, Public Works, Public Utilities Commission, Rogers Communication, Sault North Planning Board, Trans Canada Pipeline, Transit Services, and Transport Canada.

In-person meetings were also conducted with representation from Planning, Engineering, Public Works, Building, Legal, the Secretary-Treasurer of the Committee of Adjustment, and PUC. During these meetings, feedback was provided to enhance the technical wording of the proposed amendments. It was

also discussed that due to recent Provincial legislative changes impacting site plan control requirements, Planning staffs' involvement in the development approvals process has been diminished. The anticipated as-of-right zoning regulations will further reduce the role of Planning staff. Each department and agency have their own requirements, and Planning staff is tasked with serving as the intermediary between all parties to assist developers through the development approvals process. Planning staff will continue to collaborate with departments and agencies to ensure that consultation and guidance for developers and other stakeholders is maintained, even when projects may not be subject to site plan control.

Engineering Department and Public Works

The Engineering Department supports the proposed zoning amendments; however, it is emphasized that associated by-laws and policies (e.g. stormwater management) must be reviewed to ensure that they align with the growth-orientated amendments.

Engineering also noted that increased population densities in areas where existing infrastructure (e.g. downstream sewer, stormwater capacity, etc) lacks capacity would lead to servicing issues.

With this being said, Engineering is proactively evaluating existing infrastructure to identify bottlenecks and opportunities for improvement that would support increased levels of densities. It is noted that the City has no dedicated funding source to support growth-related infrastructure improvements, which may prompt the need to reallocate funds to support growth-related infrastructure.

Similarly to Engineering department's comments, the Public Works Department expressed support for the proposed amendments, with comments relating to additional pressures presented due to increased population density. Increased population density can intensify the demand for waste collection services and escalate the utilization of on-street parking, thereby potentially affecting municipal services like snow clearing. Meeting increased demands may require additional resources to maintain service levels.

Planning staff note that the proposed amendments represent a different approach to conventional growth management practices. Urban growth has been synonymous with the continuous expansion of built-up areas, necessitating the outward extension of infrastructure and the substantial investment of resources for its construction and maintenance.

The proposed approach is to manage growth by directing it to areas that are already within the urban and built-up areas of the city with existing infrastructure in place. While Engineering and Public Works acknowledge the need for upgrades to accommodate additional demands in some cases, this growth strategy is still more cost-effective than constructing and maintaining more infrastructure.

The anticipated long-term benefits to municipal finances are expected to off-set the incremental costs associated with infrastructure upgrades and other service adjustments required to minimize impacts on city servicing (i.e. parking enforcement). This approach allows for the strategic allocation of resources to enhance services in response to growth, such as prioritizing parking enforcement over allocating additional resources for snow removal on new roads.

Under the umbrella of the “Grow the Sault” initiative, specifically the Strategic Growth Areas project, Planning staff, in collaboration with Engineering and Public Works, are actively working to align growth initiatives with infrastructure development. A report detailing these efforts is anticipated to be submitted to Council in the second quarter of 2024.

Building

The Building Division provided comments on internal processing.

The matter of applicants demonstrating the presence of a water source for lots zoned as Rural Area was highlighted. Planning staff note that this is not a significant issue, as the proposed amendments do not seek to change the current permissions in the Rural Area zone. Section 8.2.3 of the zoning by-law already requires that applicants demonstrate the safe ability of having a well and on-site sewage disposal system. This is sufficient from a zoning perspective.

Transit

Transit Services commented the need for parabus access to be maintained.

Recently, Planning staff, in collaboration with the Accessory Advisory Committee, Engineering Services, and Transit Services, has been actively engaged in discussions to identify optimal strategies for site plan design. The primary goal is to guarantee that parabus services have appropriate access to serve residential developments.

For developments of 11 or more residential dwellings, site plan control can be used to ensure that the design of any internal roadways and parking aisles facilitate the safe maneuvering of parabuses.

For smaller scale developments that fall short of the threshold for site plan control, they can often be serviced directly from a public street. Additional controls are being investigated that can implement preferred design considerations outside of a site plan control application.

Sault Ste. Marie Region Conservation Authority (CA)

The Conservation Authority notes that proposed developments that are located on lands that are within the jurisdiction of the CA must still obtain permits as outlined in the relevant provincial regulations.

Ministry of Natural Resources and Forestry

The MNRF submitted a general comment relating to the protection of aggregate resources. The Ministry noted that land use impact studies, primarily MECP's *Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses*, may be required where sensitive development, such as residential uses, occurs within 300-metres of aggregate pit operations.

Planning staff note that aggregate pit operations are only permitted within the Rural Aggregate Extraction Zone (REX). The REX zone is located along the northern border of the city, along the first outcroppings of the Precambrian upland bedrock. The zoning that is located in these areas, such as Rural Estate and Rural Residential zones, is limited in development potential. A single-detached residential zone with an optional second dwelling unit is permitted in these zones. Further, the proposed zoning changes presented in this report do not propose to introduce any new development potential in these zones.

FINANCIAL IMPLICATIONS

The proposed regulations establish a framework where growth is directed to existing areas of the City already serviced by infrastructure like roads, water, sewer and other utilities. Directing growth from within rather than expanding outwards avoids the need for costly infrastructure expansion, but may prompt the need to consider higher levels of service or upgrades to infrastructure that are located in areas that will experience a sizeable increase in population growth. The latter is typically still more cost effective than outward growth.

Therefore, approval of this application will not result in any incremental changes to municipal finances.

STRATEGIC PLAN / POLICY IMPACT / CLIMATE CHANGE

The proposed amendments support the following strategic focus areas of the corporate strategic plan.

- Infrastructure: directing growth to already serviced areas of the City maintains existing infrastructure without the need for costly expansion.
- Service Delivery: removing exclusive zoning regulations to establish as-of-right zoning will reduce the need for application submissions, therefore streamlining development processes.
- Quality of Life: Increasing housing supply better ensures that residents have better access to affordable and diverse housing options. Affordable and adequate housing is a social determinant of health that influences quality of life. Reduced regulations, especially in the downtown, can assist with other City initiatives aimed at transforming the downtown into a vibrant complete neighbourhood.

Climate Impact:

As-of-right zoning for higher density residential structures within the city's urban area fosters an environment conducive to active transportation. Compact, mixed-use developments promote walkability, cycling, and public transit usage due to shorter distances between residences, workplaces, and amenities, thus reducing carbon emissions.

SUMMARY

A series of transformational amendments with respect to residential development are being proposed. The primary objective is to create a framework that promotes the integration of low-density residential housing within neighbourhoods, while simultaneously significantly reducing residential development regulations in locations that are deemed appropriate. Technical and supporting amendments to better facilitate these changes are also included as part of this application. Ultimately, this comprehensive approach aims to streamline the residential development process, reducing the necessity for developers to undergo the procedure of submitting rezoning applications.

The proposed amendments align with the principles of form-based zoning, which is a planning approach that prioritizes the physical form of buildings, rather than the specific use of the building (i.e. single-family home, multi-family home, etc).

The major changes proposed include:

- Permitting residential buildings of any type and any number of dwelling units (i.e. single-detached, semi-detached, townhouse, apartment) on all urban residential lots, including lots in the Single-Detached Residential Zone (R2), conditional upon conforming to the prescribed set of performance standards and the development envelope. This includes conforming to minimum setbacks, maximum lot coverage, maximum building height, minimum landscaping, and minimum parking provisions;
- Permitting additional types of residential uses to be located within Commercial zones, including ground floor when design objectives to ensure occupant privacy are satisfied;
- Permitting a variety of dwelling units within the Institutional Zone (I); and
- Reducing parking requirements from 1.25 spaces to 1 space per dwelling.

RECOMMENDATION

It is therefore recommended that Council take the following action:

Resolved that the report of the Planner dated March 18, 2024 concerning Gentle Density: Proposed Amendments to the Official Plan and Zoning By-law Regarding

Residential Development Regulations be received and that Council approve this application in the following manner:

- Amend the Official Plan as outlined in OPA 249.
- Amend Zoning By-law 2005-150 as outlined in Schedule A – Proposed Zoning Amendments.

And that the Legal Department be requested to prepare the necessary by-law(s) to effect the same.

Respectfully submitted,

Jonathan Kircal, RPP
Planner
705.759.6227
j.kircal@cityssm.on.ca