

## **Official Plan Phase 1 – Proposed Zoning By-law Update**

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Managers' Reports
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-12

### **Report Summary**

This report provides a recommendation regarding the proposed changes to Zoning By-law 2010-100Z in order to implement recent changes to the Official Plan made as part of Phase 1 of the Five Year Review of the Official Plan.

### **Resolution**

THAT the City of Greater Sudbury directs staff to initiate an amendment to Zoning By-law 2010-100Z, under Section 26(9) of the Planning Act to implement Phase 1 of the Five Year Review of the Official Plan, as outlined in the report entitled “Official Plan Phase 1 – Proposed Zoning By-law Update”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021.

### **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The Official Plan is a blueprint to help guide Greater Sudbury’s development over the next twenty years. It establishes long term goals, shapes policies and outlines social, economic, natural and built environment strategies for the City. The Zoning By-law is the vehicle for implementing those policies that regulate land use, scale and intensity of development.

### **Financial Implications**

There are no financial implications associated with the approval of this report.

### **Background**

Phase One of the Five Year Review of the Official Plan (OPA 88) was adopted by City Council on June 26, 2018 by By-law 2018-124P and approved, with modifications, by the Province on April 25<sup>th</sup>, 2019 (see Reference 1). As a result Council’s new land use planning policies for growth and settlement; lake water quality; source water protection; climate change; planning for an aging population; local food systems and natural and built heritage came into effect on April 26, 2019. These

policies are now being used to guide the review and analysis of relevant land use planning applications.

Pursuant to subsection 26(9) of the Planning Act, the City is required to update its Zoning By-law no later than three years after the Official Plan review came into effect.

Phase Two of the Official Plan review launched with a Special Meeting of Planning Committee on June 26, 2019.

## **Proposed Timing Public Consultation**

The Planning Act and the Official Plan for the City of Greater Sudbury require two (2) open houses be held prior to the Public Hearing to for a Zoning By-law Amendment proposed as the result of a comprehensive plan review process, such as Phase 1 of the Five Year Review of the Official Plan. The following table provides an approximate proposed consultation schedule.

<b>Meeting Type</b>	<b>Approximate date</b>
Open House #1	Week of June 14 <sup>th</sup> , 2021
Open House #2	Week of June 14 <sup>th</sup> , 2021
Public Hearing	June 28, 2021

Once confirmed the dates and times of the open houses will be advertised as required under the Planning Act and by the Official Plan for the City of Greater Sudbury.

Phase 1 of the Five Year Review of the Official Plan contained a number of policy changes that would necessitate amendments to the Zoning By-law. This report summarizes the proposed changes to the Zoning By-law required to implement the Phase One amendments to the Official Plan.

## **Overview of Changes**

### **Shoreline Development Amendments**

The Official Plan contains policies to protect sensitive groundwater features. These policies were further strengthened through Phase 1 of the Five Year Review of the Official Plan. Previously Section 8.4.1 of the Plan required a 12.0 metre setback from the normal high water mark of a lake or river for all new development, excluding shoreline structures. The current policies require a setback from the normal high water mark of lakes or streams of 30.0 metres and a setback of 12.0 metres from the normal high water mark of a permanently flowing stream. Additionally, a setback of 30.0 metres from a lake or river will be required for leaching beds. The current setback for leaching beds from a lake, river or stream as per Part 8 of the Ontario Building Code is 15.0 m.

Amendments were also made to Section 8.5.2, Vegetative Buffers, which require that a shoreline buffer area of 20.0 metres be maintained in a natural state adjacent to a lake or river. A buffer area of 12.0 must be maintained adjacent to a permanently flowing stream. Additional provisions in Section 8.5.2 permit a portion of the shoreline buffer area to be cleared of natural vegetation. On a residential lot, a maximum of 25% of the shoreline buffer area may be cleared, however it must not exceed an area of 276 m<sup>2</sup> or 23m in length along the shoreline. The policies related to the amount for shoreline buffer area that may be cleared have not changed in the Official Plan and the associated provisions of the Zoning By-law are not proposed to change.

### **Shopping Centre Commercial (C5) Zone Amendments**

These proposed changes are not directly related to the Phase 1 review of the Official Plan, but rather the LaSalle Corridor Official Plan amendment. They were identified as a requirement based on the recent changes to the Zoning By-law that introduced permission for long-term care facilities, retirement homes and multiple dwellings as permitted uses within the C5 zone and additionally serve to implement housing related policies of the Official Plan.

The C5 Shopping Centre Commercial Zones are most often located in Regional Centres and Secondary Community Nodes. They are located in strategic areas throughout the City and are intended to be developed at transit supportive densities, including medium density buildings.

The proposed amendments would remove the current maximum lot coverage of 50% and remove the maximum gross floor area (gfa) which limits the gfa to 100% of the lot area. The removal of these maximums will provide additional flexibility for the development of C5 properties.

Current provisions for parking and loading, as well as a minimum requirement of 15% for landscaped open space provide sufficient limitation on the lot coverage. These provisions, in combination with the application of Site Plan Control can be used to achieve high quality design.

### **Limited General Commercial (C4) Zone Amendments**

Section 4.2.1, Downtown, of the Official Plan has been amended to require both a minimum and a maximum height limit for the shoulder areas of the Central Business District. The zoning classification that aligns with the shoulder area to the downtown is the C4 (Limited General Commercial) Zone. At present, the Zoning By-law provides for a maximum height of 34.0 m within the C4 Zone. It is proposed that a minimum height of 8.0 m be implemented which is consistent with the minimum height of the C6 Downtown Commercial Zone and will provide for an appropriate height transition between the Downtown and adjacent areas.

### **Farm Consolidation Amendments**

Section 6.2.2, Lot Creation of the Official Plan has been amended. Specifically, Policy 4 pertains to farm consolidations that result in a residence surplus to the farm operation on Agriculture (A) zoned lands.

The proposed amendment to the zoning by-law would eliminate the need for rezoning, provided that the proposed lot had a minimum lot area of 0.4 ha, a maximum lot area of 1.0 ha and a minimum lot frontage of 45 metres, in addition to being separated from agricultural uses in accordance with the Minimum Distance Separation Formula. Rezoning would remain a requirement where farm consolidation of non-abutting lands occurs. A draft of the proposed amending by-law is appended to this Report as Appendix A.

### **Planning Act**

Section 26(9) of the Planning requires that the council of a municipality amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan no later than three years after the revision to the official plan comes into effect. Phase 1 of the Five Year Review of the Official Plan was approved by the Ministry of Municipal Affairs on April 25, 2019. The Zoning By-law amendments as proposed in this report would ensure conformity with the Official Plan within the timelines set out in the Planning Act.

### **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 2020 PPS. The following PPS policies are pertinent to the proposed Zoning By-law Amendments:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, specifically 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.

Section 2.2 Water, which requires Planning authorities to protect, improve or restore the *quality and quantity of water* by, using the *watershed* approach as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development, amongst other considerations.

Section 2.3 Agriculture, specifically section 2.3.4.1.c) which pertains to lot creation resulting in a *residence surplus to a farm operation*.

The proposed amendments are consistent with the policies of the Provincial Policy Statement.

## **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. The Plan identifies Greater Sudbury as an economic and service hub in Northern Ontario. The proposed amendments do not conflict with the Growth Plan for Northern Ontario.

## **Summary and Recommendation**

It is recommended that staff be directed to initiate public consultation on the Zoning By-law Amendments to implement Phase 1 of the Five Year Review of the Official Plan.

## **Resources Cited**

1. Official Plan Review Phase 1 Update, June 10, 2019  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1316&itemid=16881&lang=en>
2. Bill 108 Implementation: Official Plan and Zoning By-law Amendments, June 22, 2020  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=3&id=1451>
3. Proposed Zoning By-law Amendment for Commercial Parking Standards and the Shopping Centre Commercial Zone, December 14, 2020  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1460&itemid=20553&lang=en>
4. Provincial Policy Statement, 2020, <https://www.ontario.ca/page/provincial-policy-statement-2020>
5. Growth Plan for Northern Ontario, <https://www.ontario.ca/document/growth-plan-northern-ontario>