

## **Zoning By-law Amendment to Implement Phase 1 of Official Plan Review**

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Melissa Riou Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-12

## **Report Summary**

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

This report is presented by Melissa Riou, Senior Planner.

## **Resolution**

THAT the City of Greater Sudbury approves the proposed by-law which would amend Zoning By-law 2010-100Z under Sections 34 and 26(9) of the Planning Act to implement Phase 1 of the Five Year Review of the Official Plan, as described in the report entitled “Zoning By-law Amendment to Implement Phase 1 of Official Plan Review”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 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 20 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.

The policies of the Official Plan are consistent with the CEEP. Though not directly aligned with the goals to reduce greenhouse gas emissions, the changes align with climate adaptation and carbon sequestration. The amendments to the commercial zones are consistent with the goal of developing compact complete communities.

## **Financial Implications**

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

## Background

On May 10, 2021 Planning Committee directed staff to initiate an amendment to the Zoning By-law. 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. If approved, the attached amendment would implement the required changes within the Planning Act timeline.

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.

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

## 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 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 the dates and times of the required open houses which were held virtually, as well as today's public hearing.

Meeting Type	Date
Open House #1	June 15, 2021 from 1:00 – 2:00 pm
Open House #2	June 16, 2021 from 6:00 – 7:00 pm
Public Hearing	June 28, 2021

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 describes the 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 Official Plan required a 12.0 m setback from the normal high water mark of a lake or river for all new development, excluding shoreline structures. The City had proposed to increase the required setback to 20.0 metres to lakes and rivers while maintaining a setback of 12.0 m to permanently flowing streams, which was adopted by Council on June 26, 2018. The Province, who is the approval authority for comprehensive reviews to the Official Plan under Section 26 of the Planning Act, modified the required setback to 30.0 metres from the normal high water mark adjacent to lakes and rivers. There are no appeal rights to the Provincial modification to the Official Plan, and the Zoning By-law is required to conform to the Official Plan policies. The proposed amendment to the Zoning By-law is consistent with the setback as modified by the Province.

The amendments to Section 4.41 (Waterbodies – Water frontage, Setbacks and buffers) of the Zoning

By-law would implement a setback of 30.0 metres from the high water mark for all new development, excluding shoreline structures abutting lakes or rivers, as well as requiring a 30.0 metre setback for leaching beds adjacent to lakes, rivers and streams.

Additionally, Section 4.4.1 of the Zoning By-law is to be amended to require a shoreline buffer area of 20.0 m for lots abutting lakes or rivers and a 12.0 metre setback for lots abutting streams.

### **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 change would amend Table 7.3: Standards for Commercial Zones by removing 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. The change would amend table 7.3: standards for Commercial Zones, by including a minimum height of 8.0 m in the C4 zone, which is consistent with the minimum height of the Downtown Commercial (C6) Zone.

### **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 amending by-law would introduce a special provision to Table 9.3 where new lots created for a residence surplus to a farm operation created through a farm consolidation and that have a minimum lot area of 0.4 ha, a maximum lot area of 1.0 ha, and a frontage of 45 m would not require a zoning by-law amendment. Rezoning would still be required in instances where the farm consolidation of non-abutting lands occurs.

The policy tests of the Official Plan would still be required to be met for a farm consolidation. The amendments to the zoning by-law establish size requirements for lots containing a surplus dwelling created through farm consolidation which are not in the Official Plan.

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 the attached by-law to amend By-law 2010-100Z, be approved in order to implement Phase 1 of the Five Year Review of the Official Plan under Section 26(9) of the Planning Act.

## **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>
6. Staff Report, “Official Plan Review, Phase 1 Implementation – Proposed Zoning By-law Amendment”, May 10, 2021 <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=39883>