

Bill 23, More Home Built Faster Act, 2022 Implementation – Site Plan Control

Presented To:	Planning Committee
Meeting Date:	April 12, 2023
Type:	Public Hearing
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/23-001

Report Summary

This report provides recommendations regarding amendments to the City’s Official Plan and the City’s Site Plan Control By-law 2010-220, as amended, in response to legislative changes resulting from Bill 23, More Homes Built Faster Act, 2022.

This report is presented by Bailey Chabot, Senior Planner and Jonathan Clark, Subdivision and Site Plan Control Engineer.

Resolutions

Resolution 1:

Resolution regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the Official Plan Amendment to implement Bill 23, More Homes Built Faster Act, 2022 with respect to changes to site plan control, as outlined in the report titled “Bill 23, More Homes Built Faster Act, 2022 Implementation - Site Plan Control”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2023.

Resolution 2:

Resolution regarding Site Plan Control By-law 2010-220:

THAT staff be directed to amend Site Plan Control By-law 2010-220, as amended, to implement the changes outlined in the report titled “Bill 23, More Homes Built Faster Act, 2022 Implementation - Site Plan Control”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2023.

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

The proposed amendments to the Official Plan and Site Plan Control By-law 2010-220 are operational matters under the Planning Act.

Financial Implications

There are no financial implications associated with this report.

Report Overview

This report provides recommendations regarding amendments to the City's Official Plan and the City's Site Plan Control By-law 2010-220, as amended, in response to legislative changes resulting from Bill 23, More Homes Built Faster Act, 2022.

STAFF REPORT

Background

Introduced for first reading on October 25, 2022, Bill 23, the More Homes Built Faster Act, 2022 ("Bill 23") received Royal Assent on November 28, 2022. Bill 23 is seen as the second step toward implementing the findings of the Province's Housing Affordability Task Force. The government had indicated that it would use the balance of the task force report as a long-term road map for upcoming statutory, policy and regulatory changes. Bill 23 introduces various amendments to multiple statutes including: City of Toronto Act, 2006; Municipal Act, 2001; Planning Act; Development Charges Act, 1997; Conservation Authorities Act; Ontario Heritage Act.

A number of changes were brought in with Bill 23 and include: new thresholds around designating and including properties on the City's heritage register; limiting third-party appeals on Planning Act applications; exempting residential development of 10 residential units or less from site plan control; reducing the parkland dedication requirements and rates related to residential development; removing public meeting requirements for draft plans of subdivision; requiring that no official plan have policies that prohibit secondary and tertiary units on "parcels of urban residential land" (i.e. fully-serviced lands); and more.

At the January 24, 2023 Council Meeting, staff brought forward a report regarding these changes. Council Resolution CC2023-19 stemming from that report states:

THAT The City of Greater Sudbury directs staff to return to Planning Committee with proposed amendments to the City's Site Plan Control By-law to implement the More Homes Built Faster Act, 2022 by the end of Q2, 2023, as described in the report entitled "More Homes Built Faster Act, 2022 (Bill 23)" from the General Manager, Growth and Infrastructure, presented at the January 24, 2023, Council Meeting.

This report is to address the required changes to the Official Plan and Site Plan Control By-law to comply with Bill 23 and as directed by Council in Resolution CC2023-19.

Proposed Changes to the Official Plan

The City of Greater Sudbury's Official Plan contains policies to guide land use planning decisions that reinforce and strengthen our city, with specific policies directing site plan control. Current policies designate development with greater than four residential units as subject to site plan and allow the imposition of site plan control on exempted properties where warranted. The Official Plan also directs staff to implement site plan control for waterfront properties "in order to implement the policies and programs related to the protection of water resources".

The proposed changes to the Official Plan are provided in detail in Appendix A. The changes are regulatory and nature and reflect only the necessary changes to comply with Bill 23. Examples of changes include:

- Removal of the ability to require site plan control for shoreline development (if 10 or fewer residential units are proposed) (8.4.1.5 & 8.4.1.6)

- Removal of the ability to require site plan control for residential development if 10 or fewer residential units are proposed (19.6b)
- Removal of the ability to require site plan control for comprehensive planned unit developments where 10 or fewer residential units are proposed (19.7.1a)

Proposed Changes to Site Plan Control By-law 2010-220

The City of Greater Sudbury's Site Plan Control By-law 2010-220, as amended, creates the regulatory structure for site plan control. Currently, the by-law requires site plan control for residential development where there are five units or more and allows for the regulation of exterior design elements. The proposed changes to Site Plan Control By-law 2010-220, as amended, are provided in detail in Appendix B. The changes are regulatory in nature and reflect only the necessary changes to comply with Bill 23.

Public Consultation

Notice of public hearing was published by newspaper, in accordance with the Planning Act and with City policy, the week of March 23. At the time of writing this report, no comments have been received from the public.

Policy and Regulatory Framework

Planning Act

Bill 23 introduced changes to section 41 of the Planning Act. Section 41 of the Planning Act allows for development to be subject to site plan control. Bill 23 amended section 41(1.2) of the Planning Act to modify the definition of 'development' to not include the "construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units". This amendment to section 41(1.2) prohibits site plan control on residential development where 10 or fewer residential units are proposed on a parcel. Bill 23 also amended section 41(4.1) of the Planning Act so that exterior design is not subject to site plan control which prohibits the City from establishing design requirements for building exteriors or commenting on external building design "except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands".

The proposed amendments to the Official Plan and the Site Plan Control By-law 2010-220 are to comply with these changes. Staff will continue to monitor the implementation of Bill 23 and any future legislative changes. Should further amendments be required to the Official Plan, Zoning By-law 2010-100, or other City by-law, staff will bring forward a report at that time.

Provincial Policy Statement, 2020

The proposed OPA and amendment to Site Plan Control By-law 2010-220 does not conflict with the Provincial Policy Statement, 2020 (PPS). The PPS does not speak to site plan control.

Growth Plan for Northern Ontario, 2011

The proposed OPA and amendment to Site Plan Control By-law 2010-220 does not conflict with the Growth Plan for Northern Ontario, 2011 (GPNO). The GPNO does not speak to site plan control.

Conclusion and Next Steps

It is recommended that the amendments to the Official Plan and Site Plan Control By-law 2010-220 to implement the required changes from Bill 23, More Homes Built Faster Act, 2022 with respect to site plan control be approved as described in the resolutions.