

Bill 23, More Homes Built Faster Act, 2022 Implementation - Site Plan Control

Presented To:	Planning Committee
Meeting Date:	June 24, 2024
Type:	Public Hearing
Prepared by:	Bailey Chabot and Jonathan Clark Planning Services
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 as well as housekeeping amendments related to the site plan control process.

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 and housekeeping amendments 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 June 24, 2024.

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 June 24, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

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 and as part of housekeeping.

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 including: 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.

However, in the spring of 2023 the Province advised that further clarification to the site plan control provisions of Bill 23 would be provided by way of regulation. In August 2023, the Province introduced Ontario Regulation 254/23: Prescribed Areas – Section 41 of the Act. O. Reg. 254/23 clarified that site plan control is applicable to areas that are within 300 metres of a railway line or within 120 metres of a wetland, a lake, or a river or stream valley, whether or not the valley contains a watercourse. These areas may be subject to site plan control when fewer than 10 residential units are proposed.

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. Additionally, housekeeping amendments relating to site plan control have been recommended as part of the Official Plan amendment to ensure policy is reflective of the best planning practice.

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 mostly regulatory in nature, reflecting the necessary changes to comply with Bill 23, or are intended to create clarity and streamline the site plan control process. Examples of changes include:

- Removal of the ability to require site plan control for residential development if 10 or fewer residential units are proposed (19.6.b)
- Addition of the ability to apply site plan control to lands within 300 metres of a railway line or 120 metres of a wetland, lake, or watercourse (19.6.b.i)
- 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)

- Amending the requirement for site plan control for all rural industrial/commercial sites to may be required, as appropriate (5.2.5a)

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.

It is important to note that the proposed changes to Site Plan Control By-law 2010-220 include the removal of site plan control for units with 10 or fewer residential units and does not include the exceptions based on area afforded by O. Reg. 254/23 despite the inclusion of policy in the Official Plan; this is intentional. Staff will work in the future to understand the implications, and, if appropriate, to create the framework that would allow the implementation of site plan control for development near railway lines or wetlands, lakes, and watercourses. If implemented, further amendments to Site Plan Control By-law 2010-220 would be required and would be presented to Planning Committee with a recommendation report at that time.

Public Consultation

Notice of public hearing was published by newspaper, in accordance with the Planning Act and with City policy on May 1, 2024. 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) 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, except as permitted by O. Reg. 254/23. Bill 23 also amended section 41(4.1) so that exterior design is not subject to site plan control. This amendment further prohibits the City from establishing design requirements for building exteriors or commenting on external building design.

The proposed amendments to the Official Plan and the Site Plan Control By-law 2010-220 are to comply with these changes.

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

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.