

## Appendix A

### AMENDMENT NUMBER 124 TO THE CITY OF GREATER SUDBURY OFFICIAL PLAN

**Components of the Amendment:** Part A, the Preamble, does not constitute part of this Amendment.

Part B, the Amendment, constitutes Amendment 124 to the City of Greater Sudbury Official Plan.

#### **PART A - THE PREAMBLE**

**Background:** The Planning Act, as amended by Bill 23, *the More Built Faster Act, 2022*, removed site plan control for residential development with ten or fewer residential units on a lot, except as allowed by Ontario Regulation 254/23: Prescribed Areas - Section 41 of the Act. It also removed exterior design as a matter subject to site plan control. The proposed amendment ensures compliance with these changes to the Planning Act.

**Purpose:** This amendment implements certain changes to the Planning Act with respect to site plan control.

**Location:** All lands within the City of Greater Sudbury.

**Basis:** The Planning Act, as amended by Bill 23, *the More Homes Built Faster Act, 2022*, removed the ability for municipalities to apply site plan control to residential development with ten or fewer units on a lot, except those areas exempted by Ontario Regulation 254/23. It also removes exterior design as a matter subject to site plan control. The official plan cannot contravene the Planning Act, therefore an amendment is required.

#### **PART B - THE AMENDMENT**

The Official Plan is hereby amended, as follows:

- 1) In Part 5.0 Rural Areas, 5.2.5 Rural Industrial/Commercial by:
  - a. Replacing '4. Rural industrial/commercial sites are to be located with adequate separation distances from residential areas, and provide proper buffering and landscaping along Arterial Road frontages. Entrances are restricted to Secondary Arterial and Local Roads, and no temporary structures, outside storage or sales displays may be visible from the frontage of abutting roads.

All such development is subject to rezoning and site plan control.' with **'4. Rural industrial/commercial sites are to be located with adequate separation distances from residential areas, and provide proper buffering and landscaping along Arterial Road frontages. Entrances are restricted to Secondary Arterial and Local Roads, and no temporary structures, outside storage or sales displays may be visible from the frontage of abutting roads. All such development is subject to rezoning. Site plan control may be required, as appropriate.'**

2) In Part 19.0 Implementation, 19.6 Site Plan Control Areas by:

- a. Replacing 'b. Single detached dwellings, two-family dwellings, triplex dwellings, fourplex dwellings, on individual lots and buildings accessory thereto, regardless of zoning.' with **'b. Development of ten residential units or less, on individual lots and buildings accessory thereto, regardless of zoning.'**
- b. Adding subsection i to 19.6b **'i. Site Plan Control is permitted for any residential built form, regardless of zoning if:**
  1. **The lot, either wholly or partially, is within 300 metres of a railway line; or,**
  2. **The lot, either wholly or partially, is within 120 metres of**
    - a. **A wetland**
    - b. **A lake**
    - c. **A river or stream valley, whether or not it contains a watercourse.'**
- c. Removing 'Site plan control may be applied to the exterior design of new buildings including without limitation the character, scale, appearance and building design features and their sustainable design, where appropriate.'
- d. Replacing 'Notwithstanding the provisions of b. above, all developments proposed under the provisions of Section 19.7 will be subject to site plan control.' with

**‘Notwithstanding the provisions of b. above, all developments proposed under the provisions of Section 19.7 will be subject to site plan control, as applicable.’**

3) In Part 19.0 Implementation, 19.7 Comprehensive Planned Unit Developments by:

- a. Replacing ‘The CPUD provision applies to lands under unified control that are generally intended for mixed use and/or mixed density development. It may form part of a larger proposal that includes traditional development by subdivision. Comprehensive Planned Unit Development will be permitted only through an amendment to the Zoning By-law. The layout and design of streets, services, landscaping, open space and individual buildings are presented in the form of a detailed Concept Plan that is submitted prior to rezoning approval. Once final approval is obtained, a site plan in conformity with the initial Concept Plan must be submitted and approved. This will allow some flexibility in revising the initial concept as circumstances dictate, particularly in the case of multi-phase projects.’ with **‘The CPUD provision applies to large parcels of land or parcels that have common ownership that are generally intended for mixed use and/or mixed density development. It may form part of a larger proposal that includes traditional development by subdivision. Comprehensive Planned Unit Development will be permitted only through an amendment to the Zoning By-law. The layout and design of streets, services, landscaping, open space and individual buildings are presented in the form of a detailed Concept Plan that is submitted prior to rezoning approval. Once final approval is obtained, a site plan in conformity with the initial Concept Plan must be submitted and approved, as applicable. This will allow some flexibility in revising the initial concept as circumstances dictate, particularly in the case of multi-phase projects.’**

4) In Part 19.0 Implementation, 19.7 Comprehensive Planned Unit Development, 19.7.1 Policies by:

- a. Replacing 'a) Comprehensive Planned Unit Development will be permitted only through an amendment to the Zoning By-law based on the submission of a detailed Concept Plan. Once final approval under the Zoning By-law is obtained, the proponent must enter into a site plan agreement pursuant to Section 41 of The Planning Act. The site plan will be consistent with the initial Concept Plan and subject to the site plan standards in Section 20.6. In considering an application under the CPUD provision, the City will have regard to the following factors beyond the normal rezoning criteria:' with **'Comprehensive Planned Unit Development will be permitted only through an amendment to the Zoning By-law based on the submission of a detailed Concept Plan. Once final approval under the Zoning By-law is obtained, the proponent must enter into a site plan agreement pursuant to Section 41 of The Planning Act, as applicable. The site plan will be consistent with the initial Concept Plan and subject to the site plan standards in Section 20.6. In considering an application under the CPUD provision, the City will have regard to the following factors beyond the normal rezoning criteria:'**
- b. Removing, in its entirety, c. 'Where an applicant also wishes to create a condominium development, an application for CPUD will be accompanied by an application for condominium approval.' and re-numbering subsequent sections from d. to c.; e. to d.; and, f. to e.
- c. Removing the following from e. 'The City may also pass a by-law under the Planning Act authorizing increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.'