

Additional Dwelling Units – Fourth Units As-of-Right – Official Plan and Zoning By- law Amendments

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-010 & 751-6-24- 13

Report Summary

The report provides a recommendation regarding City-initiated amendments to the Official Plan and Zoning By-law pertaining to Additional Dwelling Units – Fourth-Units as-of-right.

This report is presented by Ed Landry, Senior Planner.

Resolution

THAT The City of Greater Sudbury approves the proposed Official Plan Amendment 138 and related Zoning By-law amendments, and directs staff to prepare the necessary by-laws, as outlined in the report entitled “Additional Dwelling Units – Fourth Units As-of-Right – Official Plan and Zoning By-law Amendments”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee Meeting on December 9, 2024.

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

The proposed amendments align with Council’s Strategic Priorities including “Expand Affordable and Attainable Housing Options” and “Develop and Promote Solutions to Support Existing Housing Choices”. The proposed amendments will help address the actions outlined in the Housing goal of the Strategic Plan, which reflect Council’s desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable and suitable housing options in the City of Greater Sudbury.

The proposed amendments to the Official Plan and Zoning By-law support Goal 1 of the CEEP, which seeks the creation of compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Background

Council Motion

Council passed the following motion on November 12, 2024:

(CC2024-266 – Lefebvre/Cormier)

WHEREAS The provision of housing is a priority of Council of the City of Greater Sudbury

AND WHEREAS The Government of Canada is inviting municipalities to apply for the Canada Housing Infrastructure Fund (CHIF) to accelerate new construction, rehabilitation and expansion of housing-enabling drinking water, wastewater, stormwater, and solid waste infrastructure, to directly support the creation of new housing supply and improved densification.

AND WHEREAS Prior to making an application to the CHIF, municipalities must have zoning in place and in effect for four units as-of-right

AND WHEREAS The City recently adopted changes to the Official Plan and Zoning By-law to allow third units as-of-right

AND WHEREAS City staff had been directed to return with policy options for four units-as of right by the end of Q1, 2025

NOW THEREFORE The City directs staff to return to Planning Committee on December 9, 2024 with a public hearing under the Planning Act to amend the recently adopted third unit policies to allow for fourth units as-of-right, where appropriate

Proposed Four-Units As-of-Right Amendments

The proposed changes would amend the policies recently introduced to the City's Official Plan via Official Plan Amendment (OPA) 134. Specifically, the proposed OPA (See Attachment A) would allow a maximum of 4 units on a fully-serviced parcel within the City's settlement areas, or 3 units within the primary building when there is a unit in an accessory building. Similar changes are proposed for the Zoning By-law (See Attachment B). All other zoning standards are proposed to stay the same (e.g., setbacks, building heights, parking requirements, etc.). If the proposed changes are adopted, staff will monitor development applications such as zoning by-law amendments and minor variance applications to see if any further changes are required.

Recent Legislative History

Up to Two Units – Separate Buildings (OPA 75)

In 2016, the City of Greater Sudbury amended its Official Plan and Zoning By-law to implement the requirements of the Strong Communities Through Affordable Housing Act, 2011 (See Reference 1). At the time, an official plan was required to contain policies authorizing a second residential unit in single detached, semi-detached and row dwellings, if no ancillary structure to the dwelling contained a residential unit OR authorize a secondary residential unit in an accessory structure, provided that there was not a secondary unit in the primary residential structure.

Up to Three Units – Separate Buildings (OPA 108)

The More Homes, More Choice Act, 2019 (formerly Bill 108), made further changes to the Planning Act regarding additional residential units. Specifically, Bill 108 required official plans to contain policies permitting two residential units in a detached house, semi-detached house or rowhouse (the primary unit and an

additional residential unit) and an additional residential unit in a structure ancillary to the primary dwelling unit, for a potential of up to three units. In parallel to this, Ontario Regulation 299/199 required that each additional residential unit was to have one parking space for the sole use of the occupant of the additional residential unit, unless a parking space is not required for the occupant of the primary residential unit. This regulation also specified that a required parking space may be tandem. The City amended its official plan and zoning by-law to implement the changes brought in by Bill 108 (See Reference 2).

Up to Three Units in a Single Building (OPA 134)

The City's most recent amendments to the Official Plan and Zoning By-law came into effect on November 15, 2024. These amendments were made to conform to the More Homes Built Faster Act (formerly Bill 23), which restricted municipalities from having policies that had the effect of prohibiting a number of uses, including up to three units in a single building in certain circumstances. The ZBLA also introduced definitions for "Parcel of Urban Residential Land", "Parcel of Rural Residential Land" and "Settlement Area" to meet the requirements brought in via Bill 23 (See Reference 3).

Bill 23 also introduced the concept of parcels of urban residential land. Unlike previous amendments to the Planning Act related to additional residential units, a distinction is now made between land located in fully serviced settlement areas and land located in partially serviced/unserved areas. Urban residential land comprises land located within settlement area boundaries that is fully serviced by municipal water and sanitary sewer. Under new subsections 16(3.1) and (3.2), not more than one (1) parking space per unit may be required and no minimum floor area may be established.

Policy & Regulatory Framework

The proposed amendments to the Official Plan and Zoning By-law are subject to the following policy and regulatory framework:

- The Planning Act
- 2024 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Planning Act

The Planning Act is provincial legislation that sets out the rules for land use planning in Ontario (See Reference 4). The Planning Act restricts municipalities from having policies that prohibit the use of third dwelling units (within the same dwelling) on parcels of urban residential land. Further, amendments that enact 3rd unit policies are shielded from appeal to the Ontario Land Tribunal. The proposed policies would go beyond this standard and could therefore be subject to appeal.

Provincial Policy Statement, 2024

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that advice and decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS). The proposed amendments to the official plan and zoning by-law are consistent with the Provincial Policy Statement, 2024 (PPS, See Reference 5), specifically:

- Policy 4 of Section 2.1
- Policy 1b) of Section 2.2

Taken together, these policies seek to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the municipality.

Growth Plan for Northern Ontario

The proposed amendments conform to and do not conflict with the Growth Plan for Northern Ontario, 2011 (GPNO – See Reference 6). Specifically, policy 3.4.3 of the GPNO encourages municipalities to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality open spaces, and easy access to local stores and services. The proposed amendments would facilitate a greater range and mix of housing types.

Official Plan for the City of Greater Sudbury, 2006 & Zoning By-law 2010-100Z

The proposed amendment makes use of the framework already established in both the official plan and zoning by-law regarding additional dwelling units.

Recommendation

The Province has made a number of legislative and regulatory changes related to the provision of housing, and the City has kept pace with corresponding amendments to its official plan and zoning by-law. As noted above, the Federal Government has been providing infrastructure funding related to housing, conditional upon municipalities having policies that would allow fourth units as of right.

Per the Canada Housing Infrastructure Fund (CHIF) website (See Reference 7), “municipalities in the provinces with populations of 30,000 and above are required to have implemented zoning for four units as-of-right (4AOR), or be in the process of implementing zoning changes to allow 4AOR, to submit an application. This is required to allow for more “missing middle” housing types (e.g., duplexes and multiplexes).”

“Applicants will be required to attest that they have implemented 4AOR zoning or are in the process of implementing zoning changes to allow 4AOR and to specify how the municipality has implemented or will implement the zoning change. The Government of Canada expects the zoning change to be implemented by Spring 2025. Projects will not receive funding until applicable zoning requirements are in place.”

City staff has been tracking the official plan and zoning by-law changes made at the local level related to Federal government’s requirements for fourth units (e.g., Toronto, Hamilton, London, Kitchener, Barrie, Guelph, etc.). For the most part, there have been no additional changes beyond what was introduced in the City of Greater Sudbury’s recent 3rd unit & residential parking amendments (e.g., lot coverage, building separations, building heights, “front-yard” parking and landscaping requirements, parking to unit ratios, tandem parking, etc.)

The introduction of a fourth unit in a main building or accessory building will be limited by the provisions of the zoning by-law including servicing, parking (one space per unit), building heights (up to 8 metres for an accessory building), setbacks and lot coverage, as well as the requirements of the Building Code and Fire Code. As noted in a report presented on November 13, 2024, the City has joined a local BuildingIN initiative that will help in the review and revision of multi-unit infill housing policies (See Reference 8). The work may result in further recommendations related to fourth units as of right.

Staff recommends the adoption of the proposed amendments included in Attachments A and B. Staff also recommends a mandatory review of the policies by the end of 2025, which will be aided by ongoing work on the City’s various housing initiatives.

Resources Cited

1. Second Unit Official Plan Amendment / Zoning By-law” Public Hearing report presented at the June 27, 2016 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=10908>
2. “Bill 108 Implementation: Official Plan and Zoning By-law Amendments,” Public Hearing Report presented at the June 22, 2020 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=370>
3. “Additional Dwelling Units – Official Plan and Zoning By-law Amendments,” Public Hearing Report presented at the September 16, 2024 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=54738>
4. Planning Act
<https://www.ontario.ca/laws/statute/90p13>
5. Provincial Policy Statement, 2024
<https://www.ontario.ca/page/provincial-planning-statement-2024>
6. Growth Plan for Northern Ontario
<https://www.ontario.ca/document/growth-plan-northern-ontario>
7. “Canada Housing Infrastructure Fund: Before you apply - Applicant guide for the direct delivery stream (Fall 2024 intake)”
https://housing-infrastructure.canada.ca/housing-logement/chif-fcil/chif-applicant-guide-demandeur-fcil-eng.html#toc_2
8. “BuildingIN Project”, report presented at the November 13, 2024 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=55180>