

Legal Existing Structures and Shoreline Development

Presented To:	Planning Committee
Meeting Date:	April 14, 2025
Type:	Managers' Reports
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides a recommendation regarding directing staff to undertake the process to amend Zoning By-law 2010-100Z to be more consistent with Official Plan policy 3.c, section 8.4.

Resolution

THAT the City of Greater Sudbury directs staff to undertake the process to amend Zoning By-law 2010-100Z to be more consistent with Official Plan policy 3.c of section 8.4 as outlined in the report entitled “Legal Existing Structures and Shoreline Development”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 14, 2025.

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

The proposal for amendments to Zoning By-law 2010-100Z align with Council’s Strategic Priorities including “Demonstrate Innovation and Cost-Effective Service Delivery” by reducing the number of development applications homeowners require for low-risk additions.

Financial Implications

There are no financial implications associated with this report.

Background

Shoreline Development Standards

In the winter of 2022, the City of Greater Sudbury implemented increased standards for development along shorelines as mandated by the Province of Ontario. The City's Zoning By-law 2010-100Z was amended to increase the minimum required setback to the highwater mark for lakes and rivers from 12 metres to 30 metres. The required shoreline buffer area was increased from 12 metres in depth to 20 metres in depth. Given the City's 330 plus lakes and rivers, many existing buildings, including dwellings, do not comply with the 30 metre highwater mark setback, but did comply with the 12 metre highwater setback at the time of construction. These buildings are termed 'legal existing'.

To allow for the continued use of legal existing buildings, municipalities rely on provisions in their zoning by-laws. Zoning By-law 2010-100Z includes Section 4.16 (Legal Existing Dwellings), which permits the continued use of legally existing dwellings. However, when looking to expand shoreline legal existing dwellings, homeowners are often required to seek relief from the shoreline development standards, particularly the 30 metre highwater mark setback, even if the expansion is not closer to the highwater mark setback than the existing structure, as shown in the Figure 1 below.

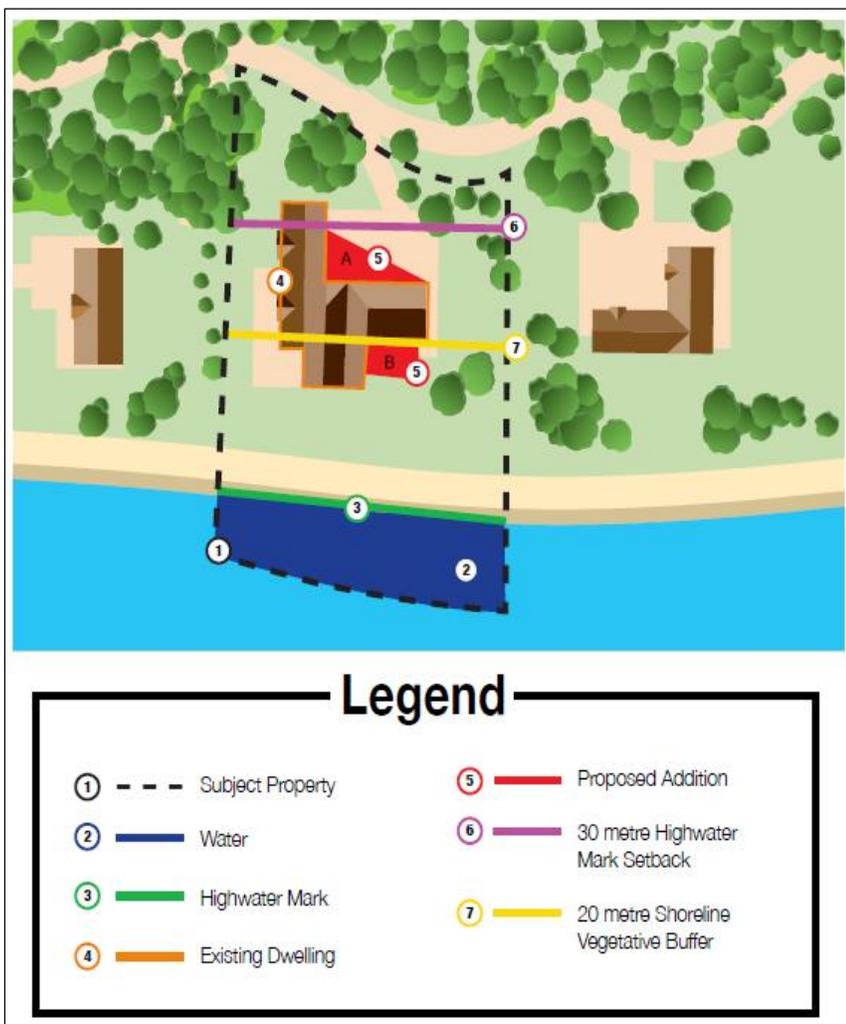


Figure 1 - Two additions (A and B) to a legal existing dwelling with shoreline on a lake

City of Greater Sudbury Official Plan, 2006

Chapter 8 (Water Resources) of the Official Plan sets policy for the protection and management of water resources, while section 8.4 Surface Water Resources – Lakes, Rivers, and Streams includes specific policy for development adjacent to shorelines of lakes, rivers, and streams. Policy 3 establishes a 30-metre setback from the normal highwater mark of a lake or river and a 12-metre setback from the normal highwater mark of a permanently flowing stream for all new structures. Policy 3 also contemplates reduced high water mark setbacks where:

- sufficient lot depth is not available;
- terrain or soil conditions exist which make other locations on the lot less suitable;
- the proposal is for an addition to an existing building or replacement of a leaching bed where the setback is not further reduced; or,
- redevelopment is proposed on an existing lot and a net improvement is achieved.

Policy 3.c permits additions to legal existing buildings so long as the highwater mark is not further reduced. In the example provided in Figure 1, addition A is on the north side of the existing dwelling, away from the water, and is no closer to the highwater mark. In the same example, addition B is on the south side of the existing dwelling, toward the water, but is also no closer to the highwater mark than the existing dwelling. The difference between addition A and B is that addition A would not require further relief from Zoning By-law 2010-100Z, while addition B would also require relief from the shoreline buffer area standards.

Identified Impacts

Every year the City receives applications for minor variance to permit additions to legal existing buildings wherein the additions are no closer to the highwater mark setback than the existing dwelling. From the applicant's perspective, this causes additional cost and time to their building project, while staff time is needed to process and review these applications. Given Official Plan policy 3.c in section 8.4, staff do not oppose these applications so long as the applicant is not seeking other forms of relief that may impact the waterbody.

RECOMMENDATION

Staff are seeking direction to amend Zoning By-law 2010-100Z to better align with policy in the Official Plan and to create efficiencies in the development process.

Resources Cited

1. City of Greater Sudbury Zoning By-law 2010-100Z
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/>