

Zoning By-law Amendments for Legal Existing Structures and Shoreline Development

Presented To:	Planning Committee
Meeting Date:	June 9, 2025
Type:	Public Hearing
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/25-04

Report Summary

This report provides a recommendation regarding amending Zoning By-law 2010-100Z to be more consistent with Official Plan policy 3.C of section 8.4.

This report is presented by Bailey Chabot, Senior Planner.

Resolution

THAT the City of Greater Sudbury amends Zoning By-law 2010-100Z by adding paragraph d) to 4.41.2 Setback Requirements for Residential Buildings and Accessory Structures as outlined in the report entitled “Zoning By-law Amendments for Legal Existing Structures and Shoreline Development”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 9, 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.

STAFF 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 metres highwater mark setback, but did comply with the 12 metres 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 metres highwater mark setback, even if the expansion is not closer to the highwater mark setback than the existing structure.

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:

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

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 typically support these applications so long as the applicant is not seeking other forms of relief that may impact the waterbody.

Proposed Zoning By-law Amendment

Staff were directed by Council Resolution CC2025-81 to amend Zoning By-law 2010-100Z to better align with Official Plan policy with regards to existing shoreline structures. To address Council Resolution CC2025-81, staff propose to add paragraph d) to 4.41.2 Setback Requirements for Residential Buildings and Accessory

Structures:

- “d) Nothing in this By-law shall apply to prevent the enlargement, reconstruction, repair and/or renovation of any *legally existing building or structure* provided that:
- i. The enlargement, reconstruction, repair and/or renovation does not exceed the permitted area to be cleared of natural vegetation; and,
 - ii. The enlargement, reconstruction, repair and/or renovation does not further encroach into the required highwater mark setback.”

Public Consultation:

The statutory Notice of Application and Notice of Public Hearing was provided to the public by newspaper on May 17, 2025.

At the time of writing this report no public comment has been received.

POLICY AND REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [2024 Provincial Planning Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City’s Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision, and site plans.

2024 Provincial Planning Statement (PPS):

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. Specifically, the following are relevant policies of the PPS:

Chapter 4: Wise Use and Management of Resources

- 4.1.1. - Natural features and areas shall be protected for the long term.
- 4.1.2. - The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 4.2.1. - Planning authorities shall protect, improve or restore the quality and quantity of water by:
 - a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential negative impacts, including cross-jurisdictional and crosswatershed impacts;
 - c) identifying water resource systems;
 - d) maintaining linkages and functions of water resource systems;

- e) implementing necessary restrictions on development and site alteration to:
 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and
 - 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
- g) ensuring consideration of environmental lake capacity, where applicable.

Growth Plan for Northern Ontario (GPNO):

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. There are no policies that are relevant to this application, therefore the application does not conflict with the Growth Plan.

Official Plan for the City of Greater Sudbury:

Section 8.4 Surface Water Resources – Lakes, Rivers and Streams of the Official Plan outlines policies aimed at protecting surface water quality through the restriction and management of development on shorelines of lakes, rivers and streams. Being at the interface of land and water, shorelines are particularly important to water quality and fish and wildlife habitat. Policy 3. of section 8.4.1 General Policies establishes the minimum highwater setback at 30 metres for lakes and rivers, and 12 metres for permanently flowing streams. However, the policy permits reductions in the setback under certain circumstances:

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

Zoning By-law 2010-100Z:

The Zoning By-law permits only gazebos, boathouses, docks, decks, stairs, water pumps, saunas, boat launches, marine railways, waterlines and heat pump loops to be located within the highwater mark setback of shoreline lot. It does not permit additions to legal existing structures within the highwater mark setback, regardless of whether the addition is closer to the shoreline than the existing structure.

Analysis

The proposed zoning by-law amendment would have the effect of permitting additions to legal existing structures within the highwater mark setback where the addition is no closer to the highwater mark setback than the existing structure. This is consistent with the PPS as no further encroachment in the highwater mark setback is permitted as-of-right, allowing for the continued protection of any ecological and surface water features. The proposed amendment is also consistent with policy 3.c. of section 8.4.1 General Policies of the Official Plan.

Staff are of the opinion that the proposed amendment conforms to the relevant policies of the PPS, does not conflict with the GPNO, is consistent with the policies of the Official Plan, and represents good planning.

Other Considerations

The proposed amendment does not apply to additions that would exceed the maximum permitted area to be cleared of natural vegetation, as identified in 4.41.3 Shoreline Buffer Areas of Zoning By-law 2010-100Z. The vegetative buffer areas are critical in protecting ecological and surface water features that exist on-site. Landowners may still seek relief from these provisions through a minor variance or rezoning process but will be required to demonstrate compliance with the important policies identified above.

It is important to note that the proposed amendment does not exempt landowners from the Conservation Authorities Act. Any development within a natural hazard will still require permission from Conservation Sudbury regardless of compliance with Zoning By-law 2010-100Z.

RECOMMENDATION

Staff are of the opinion that the proposed amendment conforms to the relevant policies of the PPS, does not conflict with the GPNO, is consistent with the policies of the Official Plan, and represents good planning.

Staff are recommending the City of Greater Sudbury Zoning By-law 2010-100Z be amended as noted in the resolution section.

RESOURCES CITED

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