

By-law 2016-132P

**A By-law of the City of Greater Sudbury to
Adopt Official Plan Amendment No. 75 to
the Official Plan for the City of Greater Sudbury**


Whereas the Official Plan for the City of Greater Sudbury was adopted by City Council on June 14, 2006 by By-law 2006-200 and partly approved by the Ontario Municipal Board on December 17, 2007, January 22, 2008 and April 10, 2008;

And Whereas the Council of the City of Greater Sudbury deems it desirable to adopt Amendment No. 75 to the Official Plan for the City of Greater Sudbury pursuant to subsection 17(22) of the *Planning Act*, as amended;


Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. Amendment No. 75 to the Official Plan for the City of Greater Sudbury attached hereto as Schedule "A" is hereby adopted.

Read and Passed in Open Council this 12th day of July, 2016



Mayor



Clerk

**Amendment Number 75
to The City of Greater Sudbury Official Plan**

**Components of
the Amendment:**

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

The Amendment, consisting of the following text, constitutes Amendment No. 75 to the Official Plan for the City of Greater Sudbury.

Part A - The Preamble

Background:

The *Planning Act*, as amended by The *Strong Communities through Affordable Housing Act, 2011*, requires municipalities to establish Official Plan policies and zoning by-law provisions allowing second units in single, semi and row houses as well as in accessory structures in new and existing developments. The *Strong Communities through Affordable Housing Act, 2011* also amended the *Planning Act* to remove the ability to appeal the establishment of Official Plan policies and Zoning By-law regulations related to secondary units, except during a comprehensive review.

As part of undertaking the City of Greater Sudbury Housing and Homelessness Background Study (2013), the issue of second units was thoroughly investigated, including:

- Legislative and historical context;
- Rationale and benefits of second units;
- Feedback from stakeholders and public consultation;
- Potential Impacts of Secondary Suite Policies;

A discussion paper on second suite policy options was brought forward to Planning Committee in October of 2013. The report recommended that the Official Plan contain policies that permit second suites in detached, semi-detached, street townhouses, row dwellings and accessory buildings, subject to a number of criteria, including:

- A restriction of one second suite per lot;
- Adequate servicing being available;
- Not being located on or adjacent to hazard lands;
- Not causing alterations to the main building exterior that would change the character of the existing neighbourhood; and,
- Satisfying all applicable requirements of the Zoning By-law, Building Code, Fire Code and Property Standards By-law.

Schedule "A"
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In April, 2016, Staff received direction to initiate an official plan amendment for second suites, separate from the ongoing Phase 1 Official Plan Review.

Purpose of the Amendment: This Amendment incorporates new second suite policies in the Official Plan for the City of Greater Sudbury.

Location: This Amendment applies to all lands within the City of Greater Sudbury.

Basis: **Item 1**
The *Planning Act*, as amended by the *Strong Communities through Affordable Housing Act, 2011*, requires municipalities to establish Official Plan policies and zoning by-law provisions allowing second units in single, semi and row houses as well as in accessory structures in new and existing developments. This item introduces a new 'Secondary Dwelling Unit' section to the Official Plan.

The new section also specifically permits Secondary Dwelling Units in Rural Areas, the Agricultural Reserve and the Valley East Urban Expansion Reserve, and stipulates that, in these designations, a Secondary Dwelling Unit can be serviced by its own individual on-site water and sewage system, where appropriate, can be located in a mobile home unit, and must be sited in a way that does not enable a future lot severance.

Item 2
Item 2 removes the requirement to obtain a rezoning to permit a secondary dwelling unit on a lot.

Part B - The Amendment

All of this part of Schedule 'A', entitled 'Part B – The Amendment', consisting of the following text, constitutes Amendment No. 75 to the Official Plan for the City of Greater Sudbury (hereinafter referred to as the Official Plan)

Details Of The Amendment

The Official Plan is hereby amended, as follows:

Item 1
By inserting a new Section 2.2.4 after Section 2.2.3, as follows:

"2.2.4. Secondary Dwelling Units

Secondary dwelling units, also referred to as accessory suites or dwellings, can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Secondary dwelling units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot or in an accessory building.

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Policies

1. Secondary dwelling units are permitted in single detached, semi-detached, street townhouse and row dwellings as well as in accessory structures.
2. Mobile homes are not permitted as secondary dwelling units in the Living Area designations.
3. No more than one Secondary dwelling unit will be permitted in association with each primary dwelling on the same lot.
4. Adequate servicing must be available to service the Secondary dwelling unit through either the municipal system or through individual, privately owned systems. Secondary dwelling units will be connected to the service lines of the primary dwelling to City specifications.
5. Secondary dwelling units will not cause alterations to the main building exterior that would change the character of an existing neighbourhood or streetscape.
6. Secondary dwelling units must satisfy all applicable requirements of the Ontario Building Code, Ontario Fire Code as well as the Zoning By-law and Property Standards By-law.
7. Secondary dwelling units are not to be considered in the calculation of density requirements outlined in this official plan.
8. Additional regulations for Secondary dwelling units will be established in the Zoning By-law.
9. Existing Garden Suites may be considered as Secondary dwellings provided they conform with these policies and the Zoning By-law.
10. Secondary dwelling units are permitted in Rural Areas, the Agricultural Reserve and the Valley East Urban Expansion Reserve.
Notwithstanding the policies of this plan, a Secondary dwelling unit proposed in the Rural Area, the Agricultural Reserve or the Valley East Urban Expansion Reserve, may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies a mobile home may be used as a Secondary dwelling unit if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Rural Area, the Agricultural Reserve or the Valley East Expansion Reserve. "

Item 2

By deleting the entirety of Policy 5 of section 3.3 'Intensification'.