

NOTICE OF THE PASSING OF BY-LAWS
AMENDING ZONING BY-LAW 2005-150 AND THE OFFICIAL
PLAN FOR THE CORPORATION OF THE CITY OF SAULT STE. MARIE

TAKE NOTICE that the Council of The Corporation of the City of Sault Ste. Marie on the 8th day of April, 2024 passed Zoning By-law 2024-48 under section 34 of the Planning Act, R.S.O. 1990, c. P.13 and on the 8th day of April, 2024 City Council passed By-law 2024-47 amending the Official Plan amendment under Section 17 of the said Act. Council received written and oral submissions regarding the said By-law for which the effect was both duly considered and formed part of the deliberations of Council.

AND TAKE NOTICE that under the provisions of Section 17 and Section 34(19) of the Planning Act, the applicant, any person or public body who, before the by-law was passed made oral submissions at a public meeting or written submissions to Council or the Minister may appeal to the Ontario Land Tribunal (OLT) in respect of the zoning by-law or an Official Plan Amendment by filing a notice of appeal with the Clerk of The Corporation of the City of Sault Ste. Marie at the address set out below not later than the 1st day of May, 2024. A notice of appeal must set out the reasons for the appeal along with the land use planning ground or grounds upon which the appeal is based and be accompanied by the fee required by the OLT. An objection filed with the City Clerk before the day of the passing of the Zoning by-law or a by-law adopting an Official Plan Amendment is **not** considered a notice of appeal under the Planning Act. A notice of appeal to the OLT must be filed with the City Clerk after the date of the passing of the by-law and not later than the date set out in this paragraph. The decision of the City Council is final, if the notice of appeal is not received.

An explanation of the purpose and effect of the by-laws, describing the lands to which they apply and a key map showing the location of the lands to which the by-laws apply is attached. The complete by-laws are available for inspection in my office during regular office hours, (8:30 a.m. to 4:30 p.m.).

Only individuals, corporations and public bodies may appeal a decision of Council to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. Each appeal must be accompanied by a certified cheque or money order payable to the Minister of Finance in the amount of \$1,100.00.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the OLT, there are reasonable grounds to add the person or public body as a party.

If you wish to appeal to the OLT, you must use the OLT appeal form. A copy of the appeal form is available from the OLT website at <https://olt.gov.on.ca>.

DATED at Sault Ste. Marie, Ontario, this 11th day of April, 2024.

RACHEL TYCZINSKI, CITY CLERK
The Corporation of the
City of Sault Ste. Marie
Civic Centre, 99 Foster Drive
Sault Ste. Marie, ON P6A 5X6

EXPLANATORY NOTE IN RESPECT OF ZONING BY-LAW 2024-48

The purpose of Zoning By-law 2024-48 is to amend Sault Ste. Marie Zoning By-law 2005-150 concerning Gentle Density: Proposed Amendments to the Zoning By-law regarding Residential Development Regulations. The text amendments are attached as Schedule "A".

This by-law shall not come into force until Official Plan Amendment No. 249 is approved by Council and the final date for appeal has expired without an appeal being filed.

An Explanatory Note in respect of the Official Plan Amendment By-law 2024-47 concerning Amendment No. 249 to the Official Plan is attached.

DATED at Sault Ste. Marie, Ontario, this 11th day of April, 2024.

RACHEL TYCZINSKI, CITY CLERK
The Corporation of the
City of Sault Ste. Marie,
Civic Centre, 99 Foster Drive,
Sault Ste. Marie, Ontario,
P6A 5X6.

**AMENDMENT NO. 249
TO THE
SAULT STE. MARIE OFFICIAL PLAN**

PURPOSE

This Amendment is an amendment to the Text of the Official Plan as it relates to Residential, Commercial and Institutional Policies of the Plan.

LOCATION

Applies to all Residential, Commercial and Institutionally designated lands.

BASIS

This Amendment is necessary in view of a request to permit residential development.

Council now considers it desirable to amend the Official Plan.

DETAILS OF THE ACTUAL AMENDMENT & POLICIES RELATED THERETO

The Official Plan for the City of Sault Ste. Marie is hereby amended by adding the following paragraph to the Special Exceptions Section:

“Special Exceptions”

163. Amend the Institutional Land Use Policies (Section 2.3.1) by adding the following new Policy (IN.2):

- Residential uses are supported on lands that are designated as Institutional on Land Use Schedule C of the Official Plan.

164. Repeal and replace Commercial Land Use Policy C.1 with the following:

- The conversion of existing vacant commercial space to residential uses is permitted without an amendment to this Plan, subject to the following:
 - Where existing buildings are proposed to be converted, ground floor residential uses are generally discouraged unless it can be demonstrated that ground floor dwelling units are designed to provide a residential aesthetic that is sympathetic to the surrounding commercial streetscape, with special regard for providing appropriate privacy for occupants. Ie. The removal of large storefront windows.
 - Where new buildings are proposed, ground floor residential uses are permitted, however the ground floor façade shall be designed to respond to the overall character of the area, by balancing a residential aesthetic with the surrounding commercial streetscape.

165. Amend the Residential Land Use Policies (Section 2.3.1) by adding the following new Policy (R.9):

- Where commercially zoned lands are located upon lots designated Residential, the conversion of existing vacant commercial space to residential uses is subject to the following:
 - Where existing buildings are proposed to be converted, ground floor residential uses are generally discouraged unless it can be demonstrated that ground floor dwelling units are designed to provide a residential aesthetic that is sympathetic to the surrounding commercial streetscape, with special regard for providing appropriate privacy for occupants. I.e. The removal of large storefront windows.
 - Where new buildings are proposed, ground floor residential uses are permitted, however the ground floor façade shall be designed to respond to the overall character of the area, by balancing a residential aesthetic with the surrounding commercial streetscape.

INTERPRETATION

The provisions of the Official Plan as amended from time to time will be applied to this Amendment.

Schedule A – Proposed Zoning Amendments

PROPOSED CHANGE

Amendment #1: Update Definitions and Terms.

- Repeal the following Sections: 1.1.8 (Accessory Use Second Units), 1.31 (Dwelling, Duplex), 1.33 (Dwelling, Semi-Detached), 1.34 (Dwelling, Single-Detached), and 1.35 (Dwelling, Triplex).
- Repeal the following terms from Zoning By-law 2005-150 entirely: “*Dwelling, Duplex*”, “*Double Duplex, Dwelling*”, “*Semi-Detached, Dwelling*”, “*Single-Detached, Dwelling*”, “*Triplex*”, “*Multiple-Attached Dwelling*”, and “*Apartment*”.
- Amend the term “*Existing*” to read “*Legally Existing*” in Section 2 (Definitions), and replace the definition with the following wording “*Means that a building, use, yard, or lot was legally in existence on April 8, 2024*”.
- Add “*Residential Structure*” as a new use in Section 1 (Permitted Uses Defined) and define it as: “*any building designed, used or intended to be used for residential occupancy and consisting of one or more dwelling units*”.

Amendment #2: Repeal Regulations for Accessory Use Second Units.

- Repeal Section 4.15 (Regulations for Accessory Use Second Units).
- Repeal the definition and term for “Accessory Use Second Units” from Zoning By-law 2005-150 entirely.

Amendment #3: Rural Area Zone (RA).

- Repeal and replace Section 8.2.1 (General Provisions for All Rural Zones) with the following wording: “*Number of Dwellings Per Lot: Not more than two dwelling units are permitted on any lot in the rural zones*”.
- Amend Section 8.5.1 (Permitted Uses in an RA Zone) by:
 - Repeal “*Accessory Use Second Units*” and “*Single Detached Dwelling*” as permitted uses.
 - Add “*Residential Structure*” containing up to 2 dwelling units as a new permitted use; and
- Repeal and replace “*Single-Detached Dwelling*” in Section 8.5.2 (Rural Area Zone Building and Use Regulations) with the following wording: “*Residential Structure containing up to 2 residential dwelling units*”.

Amendment #4: Estate Residential Zone (R1).

- Repeal and replace “*Accessory Use Second Units*” and “*Single Detached Dwelling*” with “*Residential Structure containing up to 2 dwelling units*” in Section 9.5.1 (List of Permitted Uses).
- Amend Table 9.5.2 by reducing the rear yard setback from 10m to 1.2m for single-storey buildings located on properties that do not abut Lake Superior or St. Mary’s River.

Amendment #5: Single-Detached Residential Zone (R2).

- Amend Zoning By-law 2005-150 by renaming the “*Single-Detached Residential Zone (R2)*” to the “*Gentle Density Residential Zone (R2)*”, with a replaced introductory section to read: “*This zone is especially designed for the majority of the single detached neighbourhoods in Sault Ste. Marie. Zone regulations are aimed at promoting low-impact, modest, and incremental housing developments. Examples of such housing developments include the conversion of single-detached homes to create multi-unit dwellings and purpose built multiplexes*”.
- Amend Section 9.6.1 (List of Permitted Uses) by:
 - Repeal and replace the statement “*Any Lot May Be Used For One Of The Following Permitted Uses*” with the following wording: “*Permitted Uses*”.
 - Repeal “*Accessory Use Second Units*”, and “*Single Detached Dwelling*” as permitted uses.
 - Add “*Residential Structure*” as a new permitted use.
- Repeal and replace Section 9.6.2 (Single Detached Residential Zone Building Regulation table) with Appendix A table (Gentle Density Residential Zone Building Regulations).
- Amend Section 9.6 (Single Detached Residential Zone) by adding the following new regulation for Residential Structures: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #6: Low Density Residential Zone (R3).

- Amend Section 9.7.1 (List of Permitted Uses) by:
 - Repeal and replace the statement “*Any Lot May Be Used For One Of The Following Permitted Uses*” with the following wording: “*Permitted Uses*”.
 - Repeal “*Accessory Use Second Units*”, “*Single Detached Dwelling*”, “*Semi-Detached Dwelling*”, “*Duplex Dwelling*”, “*Triplex*”, and “*Multiple-Attached Dwelling*” as permitted uses.
 - Repeal the statement “*subject to site plan control*” for Multiple-Attached Dwellings.
 - Add “*Residential Structure*” as a new permitted uses.
- Amend Section 9.7 by adding the following new regulation for Residential Structures: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.
- Repeal and replace Section 9.7.2 (Low Density Zone Building Regulation table) with Appendix B table (Amended Low Density Zone Building Regulations).
- Repeal the introductory section of Section 9.7 by deleting the following sentence: “*This is the first zone where dwellings of greater density than single detached are permitted*”.

Schedule A – Proposed Zoning Amendments

Amendment #7: Medium Density Residential Zone (R4).

- Amend Section 9.8.1 (List of Permitted Uses) by:
 - Repeal and replace the statement “*Any Lot May Be Used For One Of The Following Permitted Uses*” with the following wording: “*Permitted Uses*”.
 - Repeal “*Accessory Use Second Units*”, “*Semi-Detached Dwelling*”, “*Duplex Dwelling*”, “*Triplex Dwelling*”, “*Multiple-Attached Dwelling*” and “*Apartments*” as permitted uses.
 - Repeal the statement “*subject to site plan control*” for Multiple-Attached Dwellings and Apartments.
 - Add “*Residential Structure*” containing at least 2 dwelling units as a new permitted use.
- Amend Section 9.8 by adding the following new regulation for Residential Structures: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.
- Repeal and replace Section 9.8.2 (Medium Density Residential Zone Building Regulations table) with Appendix C table (Amended Medium Density Residential Zone Building Regulations).

Amendment #8: High Density Residential Zone (R5).

- Amend Section 9.9.1 (List of Permitted Uses) by:
 - Repeal and replace the statement “*Any Lot May Be Used For One Of The Following Permitted Uses*” with the following wording: “*Permitted Uses*”.
 - Repeal “*Accessory Use Second Units*”, “*Multiple-Attached Dwelling*”, and “*Apartments*” as permitted uses.
 - Repeal the statement “*subject to site plan control*” for Multiple-Attached Dwellings and Apartments.
 - Add “*Residential Structure containing no less than 4 dwelling units*” as a new permitted use.
- Amend Section 9.9 by adding the following new regulation for Residential Structures: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.
- Amend Section 9.9.2 (High Density Residential Zone Building Regulations) by adding the following building regulations: “*Required front yard and exterior side yard landscaping: 50% minimum*”.

Amendment #9: Institutional Zone (I).

- Amend Section 11.1 (List of Permitted Uses) by
 - Add “*Residential Structure*” as a new permitted use, subject to the R3 Zone (Appendix B).
- Amend Section 11 by adding the following new regulations:
 - “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.
 - “*Residential development on Institutional Zoned lands are subject to R1 Zone (Estate Residential) regulations if located outside of the Urban Settlement Area boundary*”.

Amendment #10: Traditional Commercial Zone (C1).

- Amend Section 13.1.1 (List of Permitted Uses) by:
 - Repeal “*Single Detached Dwelling*”, “*Semi-Detached Dwelling*”, and “*Duplexes and Triplexes*”, “*Multiple-Attached Dwellings*”, and “*Apartments*”.
 - Add “*Residential Structures*” as a new permitted use, subject to C1 building regulations.
 - Amend Table 13.1.2 (Traditional Commercial Zone Building Regulations) by increasing the *maximum building height* from 2 storeys to 3 storeys for all permitted uses.
- Amend Section 13 by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #11: Central Commercial Zone (C2).

- Amend Section 13.2.1 (List of Permitted Uses) by :
 - Repeal the use “*Residential Dwellings – with no dwelling units on the ground floor*”.
 - Add “*Residential Structures*” as a new permitted use, subject to C2 building regulations and subject to the following provisions: “*ground floor residential uses not permitted within legally existing buildings. Residential uses not subject to height restrictions*”.
- Amend Section 13.2 (Central Commercial Zone C2) by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #12: Commercial Transitional Zone (CT2).

- Amend Section 13.3.1 (List of Permitted Uses) by:
 - Repeal “*Single Detached Dwelling*”, “*Semi-Detached Dwelling*”, and “*Duplexes and Triplexes*”, “*Multiple-Attached Dwellings*”, and “*Apartments*”.
 - Add “*Residential Structures*” as a new permitted use, subject to CT2 building regulations.
- Amend Table 13.3.2 (Commercial Transitional Zone Building Regulations) by increasing the *maximum building height* from 12 meters to 3 storeys for all permitted uses.
- Amend Section 13.3 by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #13: Riverfront Zone (C3).

- Amend Section 13.4.1 (List of Permitted Uses) by:
 - Repeal “*Multiple-Attached Dwellings*”, and “*Apartment Dwellings*” as permitted uses.
 - Add “*Residential Structures containing no less than 3 dwelling units*” as a new permitted use, subject to C3 building regulations.

Schedule A – Proposed Zoning Amendments

- Amend Section 13.4 by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #14: General Commercial Zone (C4).

- Amend Section 13.5.1 (List of Permitted Uses) by:
 - Repeal “*Residential dwellings*” as a permitted use.
 - Replace the Residential Dwelling clause from “*with no dwelling units on the ground floor*” to “*with no dwelling units on the ground floor if located within a legally existing building*”
 - Add “*Residential Structures containing no less than 3 dwelling units*” as a new permitted use, subject to C4 building regulations.
- Amend Section 13.5 by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #15: Shopping Centre Zone (C5).

- Amend Section 13.6.1 (List of Permitted Uses) by:
 - Add “*Residential Structures containing no less than 4 dwelling units*” as a new permitted use, subject to C5 building regulations and subject to the following provision: “*ground floor residential uses not permitted within legally existing buildings*”.
- Amend Section 13.6 (Shopping Centre Zone C5 Introduction) by replacing the statement “*Shopping centres shall have a minimum gross floor area of 10,000m²*” with “*Retail centres must maintain a minimum gross floor area of 10,000 square meters, except in the case of residential developments where this requirement does not apply.*”
- Amend Section 13.6 by adding the following new regulation: “*Lots that are proposed to have 11 or more dwelling units are subject to site plan control*”.

Amendment #16: Residential Parking and Loading Requirements.

- Amend table 5.7 (Minimum Parking Requirements For All Permitted Uses) by reducing the number of required parking spaces for Residential Uses from 1.25 spaces to 1 space per dwelling unit.
- Amend Section 5.5.3 (Required Barrier-Free Parking Spaces for Residential Uses) by increasing the minimum number of required barrier-free parking spaces for residential uses from 6% to 8% of the total required parking spaces.
- Amend Section 5.6 (Stacked Spaces For Drive Through Facilities, Car Washes, and Designated Employee Parking) by adding in the following clause: “*Up to two required parking spaces may be located in a stacked parking configuration within a driveway for residential developments of no more than 4 units*”.
- Amend Section 6.2.1 (Dimensions of Loading Spaces) by reducing the required length of a loading space from 20 metres to 10 meters for residential uses only.

Amendment #17: Miscellaneous.

- Repeal Section 9.4.2 (Additional Regulations in all Residential Zones, One Dwelling Unit per Lot).
- Repeal Section 9.4.4 (Multiple and Semi-Detached Lots).
- Repeal Section 9.7.3.3 (Semi-Detached Dwellings), 9.7.3.4 (Interior Side Yards and Common Walls), 9.8.3.1 (Semi-Detached Dwellings) and 9.8.3.2 (Interior Side Yards and Common Walls).
- Repeal section 9.7.3.4 (Interior Side Yards and Common Walls).
- Repeal section 9.8.3.2 (Interior Side Yards and Common Walls).
- Amend Section 4.11 (Non-Conforming Buildings, Structures, and Lots) by adding the following new subsection to read: “*Front and Exterior Side Yard Landscaping Exemption: Lots located in the defined “Downtown” are exempt from the regulation that requires 50% of the required front and exterior yard to be landscaped*”.
- Amend Section 4.11.1 (Existing Non-Conforming Lots) by replacing the text with the following: “*Legally existing Lots that lack the required frontage and/or area as set out in this By-law, may be built upon so long as all other regulations in this By-law are adhered to.*”
- Amend Section 4.12.2 (Severance Of Attached Dwellings Permitted) by replacing the text with the following:
 - The severance of dwelling units within a pair or a row of attached dwellings will be deemed to conform to the following, so long as the building was in conformity to the zoning by-law at the time of its construction:
 - The required building setbacks.
 - The required lot frontage.
 - The required lot area.
- Amend Section 4 (General Provisions for All Zones) by adding the following new clauses:
 - *Interior Side Yards and Common Walls: Within the R2, R3, R4 and R5 zone, where dwelling units share a common wall, no interior side yard is required between the dwelling units that share such a common wall.*
- Amend Section 4 (General Provisions for All Zones) by adding the following new clauses:
 - *Frontage Requirements When Severing Attached Residential Structures: Within the R2, R3, R4 and R5 zone, where a series of two or more attached dwellings (i.e. semis, townhomes) are proposed to be constructed in a line or a row, with each unit having a shared wall, the minimum frontage requirements will be 8 metres plus any required side yard setback.*
- Amend Section 13.4.2 (Riverfront Zone C3 Building Regulations) by replacing the text: “*Setback from Bay Street*” with “*Front Yard Setback*”.

Schedule A – Proposed Zoning Amendments

- Amend Section 2 (Definitions) by adding the following new term, definition and map illustration as found on Appendix D: “*Urban Settlement Area: The boundary marking the limit between the urban growth areas and other areas such as rural and resource areas where urban growth is not encourage*”.
- Repeal the following tables from Zoning By-law 2005-150: Tables 1, 10, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.

Appendix A – Gentle Density Residential Zone (R2) <i>(formerly Amended Single-Detached Residential Zone (R2))</i>		
Standards (Minimum, unless otherwise noted)	R2 lots that abut Lake Superior and St. Mary’s River	All other R2 lots
Lot Area	650m ²	550m ²
Frontage	18m	15m
Front yard	7.5m	7.5m
Exterior side yard	4m	4m
Interior side yard	1.2m for 1 storey 1.8m for 2 storeys	1.2m for 1 storey 1.8m for 2 storeys
The other interior side yard*	3.5m	3m
Rear yard Setback	15m from rear lot line	10m
Maximum Building Height <i>(Height in rear yard setback)</i>	2 storeys (1 storey)	2 storeys (1 storey)
Maximum Lot Coverage	40%	40%
Landscaped Open Space	n/a	n/a
Required Front and Exterior Yard Landscaping	50%	50%
Distance from any other building	1 metre	1 metre
Minimum Number of Dwelling Units	N/A	N/A

Schedule A – Proposed Zoning Amendments

Appendix B - Amended Low Density Residential Zone (R3)			
Standards (Minimum, unless otherwise noted)	1 Storey	2 Storeys	3 Stories
Lot Area <i>(In the downtown)</i>	460m ² (279m ²)	460m ²	N/A
Frontage <i>(In the downtown)</i>	14m (9m)	18m	23m
Front yard <i>(In the downtown)</i>	7.5m (7.5m)	7.5m	7.5m
Exterior side yard	4m	4.5m	7.5m
Interior side yard	1.2m for 1 storey 1.8m for 2 storeys	1.2m for 1 storey, 1.8m for 2 storeys	5m
The other interior side yard*	3m	3m	5m
Rear yard <i>(Rear yard setback for a 1-storey bldg)</i>	10m (1.2m)	10m (1.2m)	10m (1.2m)
Maximum Lot Coverage <i>(In the downtown)</i>	40% (60%)	40% (60%)	30% (60%)
Landscaped Open Space	N/A	N/A	30%
Required Front and Exterior Yard Landscaping <i>(Downtown)</i>	50% (Legally existing lots in the Downtown are exempt from this requirement)	50% (Legally existing lots in the Downtown are exempt from this requirement)	50% (Legally existing lots in the Downtown are exempt from this requirement)
Distance from any other building	1 metre	1 metre	1 metre
Minimum Number of Dwelling Units	N/A	N/A	N/A

Schedule A – Proposed Zoning Amendments

Appendix C – Amended Medium Density Residential Zone (R4)				
Standards (Minimum, unless otherwise noted)	1 Storey	2 Storey	3	4 to 5 or More Stories
Lot Area	460m ² (279m ²)	460m ²	N/A	N/A
Frontage	14m (9m)	18m	23m	23m
Front yard	7.5m (7.5m)	7.5m	7.5m	7.5m
Exterior side yard	4m	4.5m	7.5m	7.5m
Interior side yard	1.2m for 1 storey 1.8m for 2 storeys	1.2m for 1 storey, 1.8m for 2 storeys	5m	7.5m
The other interior side yard*	3m	3m	5m	7.5m
Rear yard (Rear yard setback for a 1-storey bldg)	10m (1.2m)	10m (1.2m)	10m (1.2m)	10m (1.2m)
Maximum Lot Coverage	40% (60%)	40% (60%)	30% (60%)	30%
Landscaped Open Space	N/A	N/A	30%	30%
Required Front and Exterior Yard Landscaping	50% (Legally existing lots in the Downtown are exempt from this requirement)	50% (Legally existing lots in the Downtown are exempt from this requirement)	50% (Legally existing lots in the Downtown are exempt from this requirement)	50%
Distance from any other building	1 metre	1 metre	1 metre	1 metre
Minimum Number of Dwelling Units	2	2	2	2

