



# OPERATIONS COMMITTEE AGENDA

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Operations Committee Meeting  
**Monday, February 3, 2014**  
Tom Davies Square

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**COUNCILLOR JACQUES BARBEAU, CHAIR**

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**Claude Berthiaume, Vice-Chair**

6:00 p.m. or 30 minutes  
after the conclusion of the  
Community Services Meeting,  
whichever is earlier.

OPERATIONS COMMITTEE MEETING  
COMMITTEE ROOM C-11

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please call 3-1-1 or email [clerks@greatersudbury.ca](mailto:clerks@greatersudbury.ca).

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

## **CONSENT AGENDA**

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

## **CORRESPONDENCE FOR INFORMATION ONLY**

- C-1. Report dated January 22, 2014 from the Acting General Manager of Growth & Development regarding Enforcement of Fence and Hedge Height Regulations. **4 - 8**  
**(FOR INFORMATION ONLY)**  
(This report provides information on the enforcement of fence and hedge heights regulations pursuant to the Zoning By-law.)

## **REGULAR AGENDA**

### **MANAGERS' REPORTS**

- R-1. Report dated January 17, 2014 from the Acting General Manager of Growth & Development regarding Recommendations from the Solid Waste Advisory Panel. **9 - 11**  
**(RECOMMENDATION PREPARED)**  
(This report recommends that hours of operation at the Penage Residential Waste Depot be amended and that the City provide waste collection services for non-City owned community centres.)
- R-2. Report dated January 28, 2014 from the General Manager of Infrastructure Services regarding MTO Highway 17 Route Planning Comments - Sudbury to Markstay. **12 - 13**  
**(RECOMMENDATION PREPARED)**  
(This report is seeking direction from Council for Staff to provide comments to the Ministry of Transportation regarding the Highway 17 Four Laning Study from Sudbury to Markstay.)

**ADDENDUM**

**CIVIC PETITIONS**

**QUESTION PERIOD AND ANNOUNCEMENTS**

**NOTICES OF MOTION**

**ADJOURNMENT**

**BRIGITTE SOBUSH, DEPUTY CITY CLERK**

## For Information Only

### Enforcement of Fence and Hedge Height Regulations

Presented To: Operations Committee

Presented: Monday, Feb 03, 2014

Report Date: Wednesday, Jan 22, 2014

Type: Correspondence for Information Only

### Recommendation

For Information Only

## Background

A report regarding by-law requirements for height and sight lines for fencing including hedgerows, was requested by the Operations Committee during their meeting of Monday, August 12, 2013.

The height and sight lines for fencing, including hedgerows is regulated by the Zoning By-law, 2010-100Z as amended.

Table 4.1 to Zoning By-law 2010-100Z as amended regulates structures and ornamental features that may encroach in the required yard in a zone as outlined in the table attached to this report. (See attachment 1) In Residential and Commercial Zones, fences and hedgerows 1 m or less in height are permitted in all yards. Fences and hedgerows greater than 1 m in height are permitted in all yards except the front and corner side yards. The by-law also regulates any portion of a fence above 2 m in height shall not be opaque.

Sight Triangles are defined in the Zoning By-law and are required at the intersection of at least 2 streets and/or a railway right of way. The by-law regulates the use of the land within the sight triangle to ensure buildings, parked vehicles, grading of land and landscaping materials do not impede or obstruct the field of view across the sight triangle of motorists driving on abutting roads. All items within the sight triangle must not exceed 1 m in height.

Both the height of fences, including hedges, and sight triangles were regulated in the former City of Sudbury Zoning By-law, 95-500Z to a height of 1 m in the front and exterior side yards and 1 m in height within a sight triangle.

#### Signed By

##### **Report Prepared By**

Darlene Barker  
Manager of Compliance and  
Enforcement  
*Digitally Signed Jan 22, 14*

##### **Division Review**

Guido Mazza  
Director of Building Services/Chief  
Building Official  
*Digitally Signed Jan 22, 14*

##### **Recommended by the Department**

Paul Baskcomb  
Acting General Manager of Growth &  
Development  
*Digitally Signed Jan 22, 14*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 27, 14*

Zoning by-laws from the former municipalities, 83-300, 83-301, 83-302, 83-303 and 83-304, regulated the height of fences and landscaping in the sight triangles to a maximum of 0.9 m, and regulated fences in exterior yards to a maximum height of 1m. The height of hedges in exterior yards outside of the sight triangles were not regulated by these former Zoning By-laws.

## **Analysis**

Both the height of items permitted in a sight triangle and the height of fences and hedgerows in front and side corner lots are consistently regulated to a maximum height of 1 meter.

The purpose of regulating the use of the sight triangle is to provide unobstructed vision to motorists travelling on abutting roads, as stated in the by-law, and indirectly increases safety to other members of the public using the roadway. The same is true for the regulation of fence and hedgerow heights in the front yard and side corner lots. A 1 meter height restriction increases visibility to pedestrians using the side walk and cyclists using bike lanes. The height restriction also increases visibility for motorists when driving out of driveways to access the road safely.

Restricting the height of fences and hedgerows in the front yard increases safety for residents and the community. Having an unobstructed view of the front of a house from the street will increase visibility of house numbers and reduce response time for fire, police and ambulance emergency services. The police also identify increased visibility to the front of a residence from the street as a method of crime prevention.

## **Municipal Survey**

A number of Ontario's municipalities were surveyed for information on the regulation of height and sight lines for fencing, including hedges. (See table 2 attached to this report). Some regulate the height of fences through a separate Fence By-law pursuant to the Municipal Act. Of the municipalities surveyed, the City of Windsor is the only one that regulates the height of hedges in the same manner as fences. All municipalities have regulations to restrict the use of a property within a sight triangle, including height of all items within it, including fences and hedges.

## **Enforcement**

To date, the Compliance and Enforcement Section has received 208 cases requesting investigation of the height and placement of hedgerows (153) and fences (55) to determine compliance with the standards in the zoning by-law. Most cases detail safety concerns related to visibility impairments of motorists due to the placement and height of hedges and fences in the front and side corner yards.

The procedure followed by By-law Enforcement Officers is to gain voluntary compliance with the by-law. The Officers first inspect the property to determine if there is a violation of the by-law, by measuring the fence and/or hedge and determine its location on the property. If the standard in the by-law is not met, the officer will notify the owner or occupant of the property and negotiate a date for compliance. There may be a Notice of Violation issued to the owner or occupant outlining the particulars of the by-law and formalizing the date for compliance. If the recipients of a Notice require additional time to comply the officer may use discretion in enforcement and extend the deadline to effect compliance.

There are generally 2 options available to effect compliance with a Notice of Violation; adjust the fence or hedge to comply with the standards in the by-law or apply for a minor variance to the by-law to permit the fence or hedge. If application has been made requesting a minor variance, enforcement action is stayed

until the outcome of the application is determined. If a request for minor variance is denied by the Committee of Adjustment, the applicant is afforded an appeal of that decision through the Ontario Municipal Board. Since 2010, fourteen (14) minor variances to the by-law have been granted to permit fences and hedges on private property exceeding the maximum height in the front and corner side yards.

If all attempts to gain voluntary compliance fail, the officer then proceeds with the process of prosecution for offences of the zoning by-law, pursuant to the Provincial Offences Act. A summons is issued to the offender to attend at the Ontario Court of Justice to answer to the charges and the responsibility of determining outcome is transferred to the court and the prosecutor. The officer will continue to inspect the property during this process to provide the court with ongoing status updates. Upon conviction the court may impose monetary penalties or a Court Order to Comply. The officer will continue to follow up after the prosecution if required by the outcome of the court.

## **Conclusion**

In 2010, Council enacted the Zoning By-law containing height restrictions for hedges and fences and items within the sight triangle. Standards are established through enactment of this by-law for fences and hedgerows in front yards to maintain open views for the safety of motorists, pedestrians, residents and the community.

The standards are upheld through enforcement of the by-law reactively upon receipt of a complaint or when staff identifies a safety concern. The standards may be adjusted through a public process by application for a variance to the by-law where specific details of the property may be assessed to determine a decision by the Committee of Adjustment. Staff will continue to enforce the standards established by Council using existing procedures with the goal to resolve all non-compliance issues through voluntary compliance.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<u>All Zones</u> Chimneys	Any yard and Court	May encroach 0.6 m into the <i>required yard</i> or <i>required court</i> .
<u>All Zones</u> Functional and ornamental roofless <i>structures</i> including but not limited to drop awnings, clothes poles, flag poles, lighting fixtures, mail boxes, fountains, statues, monuments, benches, cenotaphs, memorials, planters, garden trellises, <i>patios</i> , walkways, <i>retaining walls</i> less than 1.0 m in <i>height</i> or other similar accessory <i>structures</i> (By-law 2012-67)	Any <i>required yard</i> or <i>court</i> .	Permitted
<u>In Residential (R) and Commercial (C) Zones</u> <i>Fences</i> and hedgerows 1.0 m or less in height (By-law 2012-67Z)	All Yards	Permitted
<u>In Residential (R) and Commercial (C) Zones</u> <i>Fences</i> and hedgerows more than 1.0 m in height provided that any portion of a <i>fence</i> above 2.0 m in height shall not be opaque (By-law 2012-67Z)	All Yards other than the <i>Front</i> and or <i>Corner Side Yards</i>	Permitted
<u>All Zones except Residential(R) and Commercial (C) Zones</u> <i>Fences</i> and hedgerows with no maximum height (By-law 2012-67Z)	All Yards	Permitted

Attachment 2 – Municipal Survey of Fence and Hedge Regulations

Municipality	Fence By-law or Zoning? #	Does Fence include Hedge?	Height Restrictions?	Any other restrictions? Sight lines?	Exemptions?	Enforcement Reactive or Proactive?
North Bay	Fence By-Law 2002-105	No	Yes	0.9 metres on a corner lot.	No	Reactive and Proactive
Kawartha Lakes	No Pool Enclosure	No	No	No	No	
Ottawa	Fence By-Law 2003-462	No	7 ft – side & rear yard. 3 feet front	75cm on a corner lot	No	Reactive
Markham	Fence By-Law 277-97	No	1.20 metres front, 1.80 metres side, 1.80 metres rear	1.2 metres on a corner lot	No	Reactive and Proactive
Brampton	Zoning	No repealed 2013	2 m rear and side, 1m front	6 metres from intersection and .8 metres from street	No	Reactive
Barrie	Zoning	No	1meter front yard 2metre interior side yard 2 metre exterior side yard (corner lots) 2 meter Rear Yard 2meter Rear Yard (corner lot)	0.30 m setback required from all lot-lines which abut street	No	Reactive
Windsor	Fence By-Law #170-2012 Zoning By-Law	Yes	Rear and side yard defined in Zoning By-Law	2.2m side or rear yard 1.2 m font yard including hedge 2.5 m on any property abutting publicly owned walkway or alley, excluding a hedge. 0.9 m from effective grade within a visibility triangle	No	Reactive
Kingston	By-Law 2003-405	No	2.4 metres rear or side	1.0 metre within a sight triangle	Yes	Reactive



Presented To:	Operations Committee
Presented:	Monday, Feb 03, 2014
Report Date	Friday, Jan 17, 2014
Type:	Managers' Reports

## Request for Decision

### Recommendations from the Solid Waste Advisory Panel

#### Recommendation

That the City of Greater Sudbury approve the amendment of the hours of operation at the Penage Residential Waste Depot in accordance with the report dated January 17, 2014 from the General Manager of Growth & Development; and

That the City of Greater Sudbury approve a new curbside waste collection service for community centres not owned by the municipality in accordance with the said report.

#### Finance Implications

If approved, the cost of monitoring the Penage Depot will be funded within the current operating budget through reduced expenditures related to clean-up and service costs. The shelter will be funded from the 2014 Capital Budget. The waste collection for the Community Centres will be considered an unbudgeted expenditure for 2014 and will form part of the 2015 operating budget.

#### Signed By

##### **Report Prepared By**

Renee Brownlee  
Supervisor of Collection & Recycling  
*Digitally Signed Jan 17, 14*

##### **Division Review**

Chantal Mathieu  
Director of Environmental Services  
*Digitally Signed Jan 17, 14*

##### **Recommended by the Department**

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Jan 17, 14*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 17, 14*

#### **Background:**

The following are recommendations from the Solid Waste Advisory Panel.

#### **1) Penage Depot**

The Penage Residential Depot is in place to provide waste collection services to City of Greater Sudbury residents in the Penage Lake area without curbside collection. The City currently operates the depot under a Ministry of the Environment Certificate of Approval.

The site has been problematic over the years and to ensure site compliance, staff and the Solid Waste Advisory Panel recommend that the site be staffed and hours of operation be established. Ultimately the goal is to prevent site closure and to ensure that the residents in the area continue to have a convenient disposal/recycling area.

The proposed hours of operation are as follows:

Seasonality	Days of Operation	Hours of Operation
November to April	Wednesdays and Sundays	1:00 p.m. to 5:00 p.m.
May to October	Wednesdays and Sundays	1:00 p.m. to 7:00 p.m.

This schedule is similar to the Kukagami Residential Depot.

Staff have consulted with the 2 local Camper Associations in the past and we will continue to do so in the future.

If the current service level change is approved by Council, staff would communicate the new hours of operation to area residents prior to implementation.

**Budget Impact:**

No increase to the overall operational budget is expected. The increase cost to staff the site is expected to be offset by the reduced clean-up costs, service costs etc.

A one-time cost of approximately \$5,000 will be required to build a shelter for the staff at the site. This will be funded from the 2014 Solid Waste Capital Budget.

**2) Waste Collection for Community Centres (not owned by the City)**

In December 2013, Councillor Barbeau requested that the community centres not owned by the municipality be provided waste management services similar to municipal facilities.

The City supports six non-municipal owned facilities that operate as community centres. These Centres are funded annually by the City to cover various operating costs. In 2014, the funding was increased from \$14,000 to \$16,000 per year. Only five of the six facilities operate from their own facility.

Without very specific details on quantities of waste produced at each facility, staff prepared two options for the Solid Waste Advisory Panel meeting of January 14<sup>th</sup>, 2014:

- 1) A three container system at an approximate cost of \$3,400 per year per facility.
- 2) A curbside system at an approximate cost of \$700 per year per facility. This is suitable for facilities that produce small quantities of waste and that are located on a residential collection route. The service would be provided under the Biz Box, Biz Bag and green cart program.

The Panel recommends Option #2.

## **Budget Impact**

If all five facilities request the service, then the impact to the operational budget will be approximately \$3,500 per year.

### **OPERATING BUDGET POLICY**

#### **Section 5.2 New Service Levels or Projects Approved during the Year**

In limited circumstances, Council may approve a new service level or project during the course of the year. Both the expenditure and revenues associated with the new service level or project must have matching budgets so as to have no affect on the City's year end surplus (deficit), unless otherwise approved by Council. If approved by Council as a permanent service level enhancement, it will be included in the following year's base budget. The Council resolution will serve as the audit trail for the budget amendment.

Presented To:	Operations Committee
Presented:	Monday, Feb 03, 2014
Report Date	Tuesday, Jan 28, 2014
Type:	Managers' Reports

## Request for Decision

### MTO Highway 17 Route Planning Comments - Sudbury to Markstay

#### Recommendation

THAT the City of Greater Sudbury direct staff to forward comments to the Ministry of Transportation regarding the Transportation Environmental Study Report Highway 17 Route Planning Study from Sudbury (Southeast Bypass) to Markstay as outlined in the report dated January 28, 2014 from the General Manager of Infrastructure Services.

## Background

In August 2010, the Ministry of Transportation (MTO) commenced a Transportation Environmental Study Report Highway 17 Route Planning Study from Sudbury (Southeast Bypass) to Markstay.

As part of this process, the MTO has held many public consultations, including general public open houses and meetings with business owners. MTO has also presented to the Operations Committee on February 13 and October 22, 2012, and April 15, 2013. At the last meeting the Preferred Plan was presented, and is shown in Exhibit 'A'. The MTO has requested the City's comments on the Preferred Plan.

Infrastructure Services and Planning staff have reviewed MTO's Preferred Plan and have the following comments:

- That the City of Greater Sudbury be invited to participate in the detailed design of the Preferred Plan.
- That the MTO undertake public consultation as part of the detailed design of the Preferred Plan.
- That the detailed design consider storm water treatment to protect the Wanapitei River as a source of drinking water. The Preferred Plan has Highway 17 crossing the Wanapitei River upstream of the City's water intake for the Wanapitei Water Treatment Plant.
- That the MTO continue to work with the City of Greater Sudbury to connect the extension of Maley Drive easterly to the Kingsway, Highway 17, or Garson-Coniston Road area.

#### Signed By

##### **Report Prepared By**

David Shelsted  
Director of Roads & Transportation  
Services  
*Digitally Signed Jan 28, 14*

##### **Division Review**

David Shelsted  
Director of Roads & Transportation  
Services  
*Digitally Signed Jan 28, 14*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Jan 28, 14*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 28, 14*

- That the City of Greater Sudbury wishes to enter discussions regarding active transportation and landscaping of the new road corridor and the existing road corridor.
- That the City of Greater Sudbury be consulted should the MTO consider transferring the existing road corridor to the City. This consultation shall include the impact of future capital and operation costs. MTO has not made a recommendation on future ownership.

It is recommended that these comments be forwarded to the MTO for inclusion into the Transportation Environmental Study Report.