



Planning Committee Agenda

Monday, December 9, 2024

Tom Davies Square

Councillor Cormier, Chair

11:15 a.m. Closed Session Committee Room C-12 / Electronic Participation

1:00 p.m. Open Session Council Chamber / Electronic Participation

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1.	Call to Order	
2.	Roll Call	
3.	Closed Session Resolution to move to Closed Session to deal with three Proposed or Pending Acquisition or Disposition of Land Matters, the first regarding Dube Road, Sudbury, the second regarding Montpelier Road, Chelmsford, and the third regarding Fairbank Lake Road, Worthington in accordance with Municipal Act, 2001, par 239 (2)(c).	
4.	Recess	
5.	Open Session	
6.	Roll Call	
7.	Declarations of Pecuniary Interest and the General Nature Thereof	
8.	Public Hearings	
8.1	214 Moonlight Avenue, Sudbury This report provides a recommendation regarding an application to rezone the subject lands from the "R1-5" Low Density Residential One Zone to the "R3(S)" Medium Density Residential Special Zone in order to permit the construction of a two-storey multiple dwelling unit containing eight units with site specific provisions. This report is presented by Stephanie Poirier, Senior Planner.	5
8.2	0 Wanup Pit Road, Sudbury This report provides a recommendation regarding an application for rezoning in order to permit the development of an aggregate pit or quarry. This report is presented by Wendy Kaufman, Senior Planner. Letter(s) of concern from concerned resident(s).	18
8.3	30 Ste. Anne Rd and 38 Xavier Street, Sudbury This report provides a recommendation with respect to an application to rezone the subject lands to "I(24)", Institutional Special, in order to prevent a split-zoning, which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize the entrance areas and transfer ownership of the internal sidewalks. This report is presented by Wendy Kaufman, Senior Planner.	41

8.4	Additional Dwelling Units – Fourth Units As-of-Right – Official Plan and Zoning By-law Amendments	53
	The report provides a recommendation regarding City-initiated amendments to the Official Plan and Zoning By-law pertaining to Additional Dwelling Units – Fourth-Units as-of-right.	
	This report is presented by Ed Landry, Senior Planner.	
9.	Matters Arising from the Closed Session	
	At this point in the meeting, the Chair of the Closed Session, will rise and report. The Committee will then consider any resolution(s) emanating from the Closed Session.	
10.	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.	
10.1	Routine Management Reports	
10.1.1	B0054-2024 – 400 Moxam Landing Road, Lively	60
	This report provides a recommendation regarding a consent referral to create one new rural lot in addition to the four rural lots already created by way of the consent process.	
10.1.2	416 Melvin Avenue, Sudbury – Declaration of Surplus Land and Addition to Affordable Housing Land Bank	66
	This report provides a recommendation to declare surplus vacant land municipally known as 416 Melvin Avenue, Sudbury, and that the land be added to the Affordable Housing Land Bank.	
10.1.3	Billiard's Green Subdivision Extension, Sudbury	71
	This report provides a recommendation regarding an application for an extension to the draft plan of subdivision approval for the subject lands (File #780-6/12002) for a period of three years until November 7, 2027.	
11.	Managers' Reports	
11.1	Regulation of Shipping Containers	85
	This report provides a recommendation with respect to amendments to the	

City's Zoning By-law, respecting shipping containers.

12. **Members' Motions**
13. **Addendum**
14. **Civic Petitions**
15. **Question Period**
16. **Adjournment**

214 Moonlight Avenue, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-17

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands from the “R1-5” Low Density Residential One Zone to the “R3(S)” Medium Density Residential Special Zone in order to permit the construction of a two-storey multiple dwelling unit containing eight units with site specific provisions.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Christopher Lamarche & Ashley Urban to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5” Low Density Residential One Zone to the “R3(S)” Medium Density Residential Special Zone, on lands described as PIN 73574-0116, Parcel 14752, Lot 7, Plan M-226, Lot 8, Concession 3, Township of Neelon, as outlined in the report entitled “214 Moonlight Avenue, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 9, 2024, subject to the following condition:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) A refuse storage area may be permitted in the required front yard provided it maintains a minimum setback of 15 metres from the front lot line;
 - b) Parking shall be permitted in the required front yard provided it maintains a minimum setback of 3 m from the front lot line;
 - c) A maximum fence height of 1.5 m shall be permitted in the front yard along the north and south lot lines to within 6 m of the front lot line, where a maximum height of 1 m is permitted.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

If approved, staff estimates approximately \$35,000 in taxation revenue, based on the assumption of eight multiple dwelling units based on an estimated assessed value of \$275,000 at the 2024 property tax rates.

Additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

Report Overview:

An application for rezoning has been submitted to permit the construction of a two-storey multiple dwelling unit containing eight units with site specific provisions.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Planning Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The purpose and effect of the application is to rezone the subject lands from the “R1-5” Low Density Residential One Zone to the “R3(S)” Medium Density Residential Special Zone in order to permit the construction of a two-storey multiple dwelling unit containing eight units. The following special provision has been requested:

- Refuse storage to be located in the front yard, whereas refuse storage is required to be located in an interior side yard.

The subject lands are designated ‘Living Area 1’ within the City’s Official Plan, are zoned ‘Low Density Residential One (R1-5)’ within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury, and are located within the Ramsey Lake Intake Protection Zone (IPZ) “3” and the Ramsey Lake Issue Contributing Area (ICA) within the Source Water Protection Plan. The subject lands are currently vacant of buildings or structures. The subject lands will be serviced by a municipal water and sanitary connection. The subject lands are accessed by an existing driveway from Moonlight Avenue.

Surrounding uses are residential in nature.

A location map has been attached for reference.

Policy & Regulatory Framework:

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

- [2024 Provincial Planning Statement;](#)
- [2011 Growth Plan for Northern Ontario;](#)
- [Official Plan for the City of Greater Sudbury, 2006;](#) and,
- [Zoning By-law 2010-100Z.](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Planning Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Planning Statement (PPS).

Several sections of the PPS are relevant to the application and intended medium density residential use of the lands.

Policy 2.1.6 identifies that planning authorities should support complete communities by accommodating an appropriate range and mix of land uses to meet long term needs, which improves accessibility for people of all ages and abilities, and improves social equity and overall quality of life for people of all ages, abilities, and incomes.

Policy 2.2 speaks to housing and requires planning authorities to provide an appropriate range and mix of housing options to meet social, health, and economic needs of current and future residents by permitting densities for new housing and residential intensification which efficiently use land, resources, infrastructure, public service facilities, and transit.

Policy 2.3 speaks to settlement areas and requires that settlement areas be the focus of growth and development. Land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, and are transit supportive. Intensification and redevelopment to achieve complete communities shall be supported.

Policy 2.9 speaks to energy conservation, air quality, and climate change and requires planning authorities to reduce greenhouse gas emissions by supporting compact and complete communities that are transit supportive, conserve and use energy efficiently, protect the environment, and improve air quality.

Policy 3.6 speaks to sewage, water, and stormwater and includes a servicing hierarchy where municipal sewage and water services are the preferred form of servicing within settlement areas to support protection of the environment and minimize potential risk to human health and safety.

Growth Plan for Northern Ontario:

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. The Growth Plan encourages Municipalities to plan communities that achieve accommodation of the diverse needs of all residents, now and in the future, optimize use of existing infrastructure, and result in a high quality of place.

Official Plan for the City of Greater Sudbury:

The subject property is designated as 'Living Area 1' in the City of Greater Sudbury Official Plan.

Section 3.1 contains the objectives of the 'Living Area 1' designation. The objectives applicable to this application are as follows:

- a. meet Greater Sudbury's housing needs, including the special needs of the elderly, handicapped, low-income individuals and families, and students, by encouraging the provision of an adequate supply of affordable, ownership, rental, and special needs housing in Living Areas;
- b. encourage the development of a mix of residential uses;
- c. achieve stability in the City's housing market by ensuring that a sufficient supply of designated and serviceable residential land is available to meet existing and future needs;
- e. focus residential development in areas that have sufficient infrastructure and public service capacity

Section 3.2 contains general policies for Living Areas, and states that medium density housing is permitted in all 'Living Area I' designations where full municipal services are available. Additionally, it states that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Areas designated 'Living Area I' in Communities are seen as the primary focus of residential development. Section 3.2.1 contains policies for the 'Living Area I' designation. The following are applicable:

- 2. In medium density developments, all low density housing forms are permitted, including small apartment buildings no more than five storeys in height to a maximum net density of 90 units per hectare.
- 3. Medium and high density housing should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.

4. Medium and high density housing are to be located in areas with adequate servicing capacity and a road system that can accommodate growth. Sites should be of a suitable size to provide adequate landscaping and amenity features.

5. In considering applications to rezone land in Living Area I, Council will ensure amongst other matters that:

- a. the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d. the impact of traffic on local streets is minimal.

Section 2.3 of the Official Plan speaks to reinforcement of the urban structure and states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The subject lands are zoned 'Low Density Residential One (R1-5)' within the City's Zoning By-law.

The development standards for a multiple dwelling in the requested zone being the 'Medium Density Residential (R3) Zone' are as follows:

- Minimum lot area of 110 m² per dwelling unit
- Minimum lot frontage of 18 m
- Minimum lot depth of 30 m
- Minimum front yard setback 6 m
- Minimum rear yard setback 7.5 m
- Minimum interior side yard setback for two-storey building 1.8 m
- Maximum lot coverage 40%
- Minimum landscaped open space 30%
- Maximum height 11 m

Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit. The subject lands abut a transit route which permits a 10% reduction in number of parking spaces. The proposed 8 unit dwelling requires a total of 11 parking spaces.

Landscaping provisions require a 3.0 m landscape area along the right-of-way of Moonlight Avenue. Additionally, a 3 m wide planting strip, or 1.5 m tall opaque fence with 1.8 m planting strip is required to be provided along both interior side and rear lot lines.

Refuse storage is permitted to be located in an interior yard only, and no encroachment into the required front yard is permitted.

Consultation:

Public Consultation:

The statutory notice of the application was provided by newspaper on October 21, 2024 along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on September 20, 2024. The statutory notice of the public hearing was provided by newspaper on November 16, 2024, and courtesy mail-out within 122 m of the property on November 14, 2024.

At the time of writing this report, two written submissions and two phone calls with respect to this application have been received by the Planning Services Division. Concerns received were in regards to the proposed type of built form and its compatibility with surrounding single detached dwellings. A copy of the written submissions has been attached for reference.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved. Comments received from departments generally had no concerns with the rezoning request. Advisory comments were provided from Building Services and Development Engineering in regards to building permit requirements for a Comprehensive Plot Plan.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis:

The Provincial Planning Statement, Growth Plan for Northern Ontario, and City of Sudbury Official Plan all encourage appropriate growth and residential intensification to occur within settlement areas on full municipal services. The subject lands are located in an existing residential area within the City of Sudbury and municipal services are available.

The PPS and Official Plan promote residential intensification and encourage a wide range of housing forms in order to accommodate current and future housing needs. The proposed rezoning from low density to medium density will result in residential intensification on a vacant lot and is intended to contribute to diversifying the housing supply by permitting a multiple unit dwelling containing eight units.

The subject lands are designated 'Living Area I' within the Official Plan which is intended for residential use. The proposed eight units would result in a net density of approximately 68 units per hectare, which is within the range for medium density development (36-90 units per ha). The applicant has submitted a concept plan, which demonstrates that the lands are of an appropriate size to accommodate a two-storey eight unit multiple dwelling with eleven parking spaces in the front yard and buffering from abutting lower density residential uses in the form of fencing and a planting strip. In order to increase buffering between the proposed parking area and abutting low density residential, staff recommend that a maximum fence height of 1.5 m be permitted in the front yard along the north and south lot lines to within 6 m of the front lot line, whereas a maximum height of 1 m is permitted. Staff are of the opinion that the proposed built form being two-stories in height (8.33 m) maintains the character of surrounding low density residential, which also permits two-storey buildings. Staff are satisfied that appropriate amenity space is provided on site in the rear yard and note that the proposed siting of the building requires no building setback or lot coverage relief. Surrounding land uses are lower density residential in the form of single detached dwellings. Staff are of the opinion that the proposal is compatible with adjacent residential uses in terms of scale, massing, height, siting, setbacks and

the location of parking and amenity areas. Given the limited relief being sought, staff are of the opinion that the proposal is considered to be appropriate intensification of the subject lands. The concept plan is attached to the report for reference.

The Official Plan provides location criteria for medium density housing developments. The subject lands has frontage along Moonlight Avenue which is classified as a collector road and is located approximately +/- 416 m from the Kingsway and +/- 530 m from Bancroft Drive both classified as arterial roads. No traffic concerns were identified by the Infrastructure Capital Planning department through the circulation process. The subject lands abut a public transit route with the nearest stops approximately +/- 96 m to the north and +/- 119 m to the south on Moonlight Ave. Adequate municipal water and sanitary services are available, subject to engineering and design. The subject lands are located in close proximity to both active and passive recreational opportunities, including the Ridgemount Playground, Moonlight Ridge Tot Lot, and Trans Canada Trail. Employment opportunities exist within the area along the Kingsway. Based on the above, the proposed rezoning is in conformity with the location criteria of the official plan for medium density development.

The Provincial Planning Statement and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies that a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure. The proposal represents an opportunity to provide additional rental units within the City of Sudbury. Additionally, this proposal supports the City's Municipal Housing Pledge to achieve the target of 3800 new homes constructed by 2031. The City's [Housing Supply and Demand Analysis](#) (N. Barry Lyon Consultants Ltd., 2023) identified the most significant housing gaps are observed in the rental market. There is an immediate need for 470 additional rental units to achieve a vacancy rate of 5%, and an average of 66 additional rental units per year for the next 30 years to meet anticipated demand. This proposal will help to contribute to the diverse range of housing options and rental unit housing targets.

As part of the rezoning application, the applicant requested a site specific provision to allow for refuse storage to be located in the required front yard. In reviewing the application, staff identified that relief is also required for permission to have parking located in the front yard which has been included within the resolution. Additionally, given the proposed location of refuse storage and parking in the front yard, staff recommend that relief be provided allowing for a 1.5 m tall fence in the front yard up to 6 m from the front lot line to allow for additional buffering between the subject lands and adjacent low density residential uses.

Overall staff is satisfied that the applicant has demonstrated that the subject lands will be functional as a result of the proposed residential intensification and that the use will be compatible with the surrounding area.

Conclusion:

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Appendix 1:

Departmental & Agency Comments

a) Building Services

No concerns for the proposed rezoning subject to the following advisory comments:

- A Building Permit to the satisfaction of the Chief Building Official is required for the proposed Multiple Dwelling which will include the requirement of a Comprehensive Plot Plan addressing servicing requirements and lot grading. The building design with a gross floor area exceeding 600 sq.m. will require design drawings by an Architect.
- The required planting strips must be provided along the entire length of property lines abutting the adjacent R1-5 Low Density Residential One lots. This includes the rear property line not specifically indicated on the sketch.
- The planting strips to the north and south are to extend to the front property line. However, fences greater than 1.0 m are not permitted within the Front Yard. Building Permit submission to include details of the planting strip development.

b) Conservation Sudbury

Conservation Sudbury has no objection to the application for rezoning for 214 Moonlight Ave. Subject property does not appear to contain any features regulated by Conservation Sudbury, such as watercourses, wetlands or valley slopes.

c) Development Engineering

Development Engineering has reviewed the above noted application. We have confirmed that both water and sanitary sewer are available for this development.

We have no objection to this change from “R1-5”, Low Density Residential One Zone to “R3(s)”, Medium Density Residential Special Zone under By-law 2010-100Z. Please note that a design lot grading plan will be required at the building permit stage.

d) Enbridge Gas

Enbridge Gas does not object to the proposed application, however, we reserve the right to amend or remove development conditions.

e) Infrastructure Capital Planning

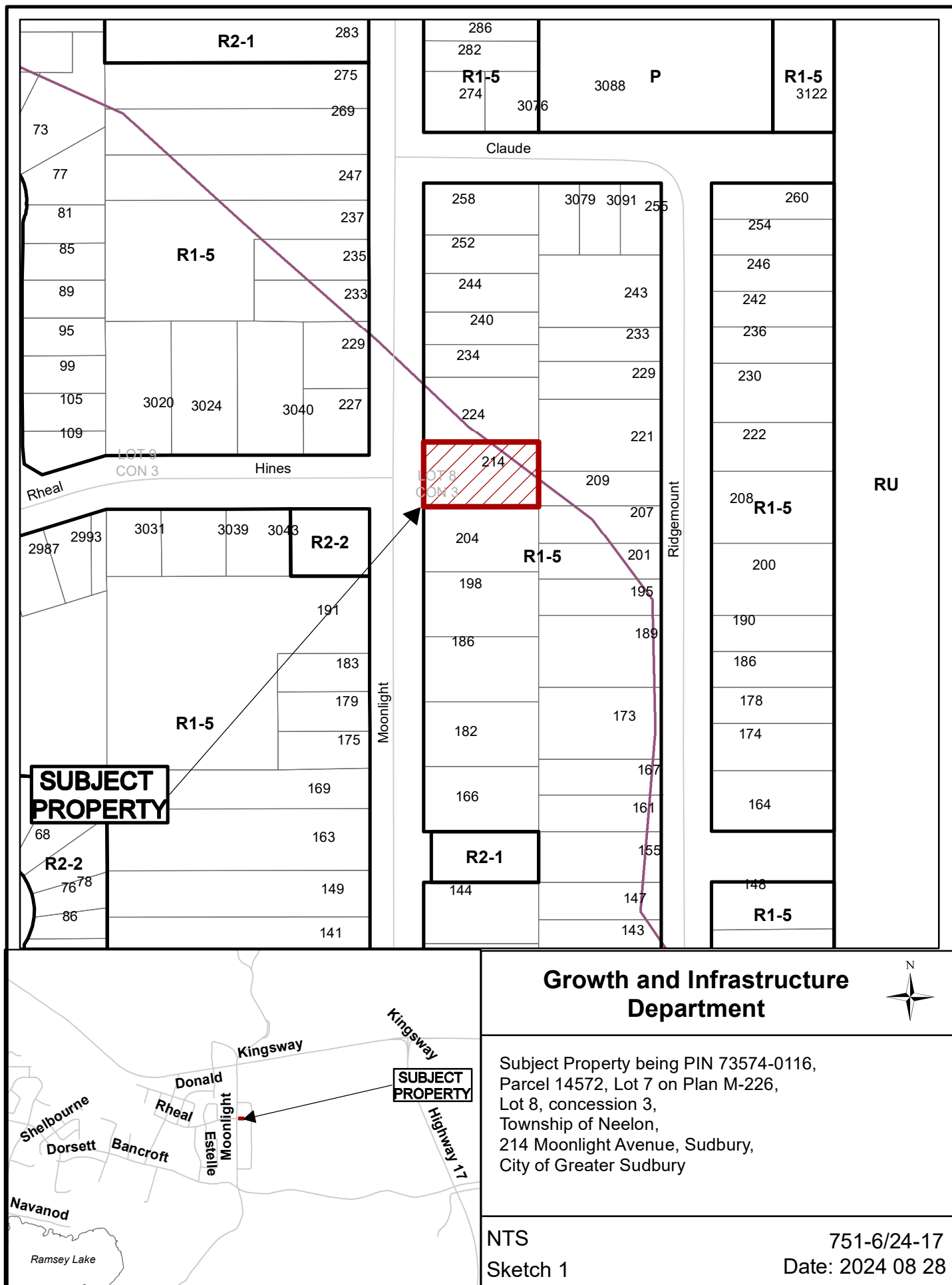
No concerns.

f) Strategic & Environmental Planning

No concerns.

g) Source Water Protection

There are no significant drinking water threats identified at this time regarding the proposed development at 214 Moonlight Avenue, Sudbury.



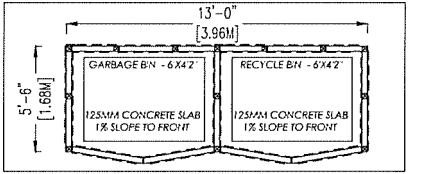
214 MOONLIGHT AVENUE
PCL 14752 LOT 7 M226 NEELON
CITY OF GREATER SUDBURY
2024

SITE STATISTIC TABLE		
CURRENT ZONING	R1-5	
PROPOSED ZONING	R3 SPECIAL	
	REQUIRED	PROVIDED FOR PROPERTY
LOT AREA		1180 M2
LOT AREA PER UNIT	110 M2	147 M2
MAXIMUM NUMBER OF DWELLING UNITS	MAXIMUM OF 30	8
TOTAL LOT COVERAGE	40%	373 M2 32%
LOT FRONTAGE	18M	25.8M (84'8")
LOT DEPTH	30M	45.8M (150')
FRONT YARD	6M	20.6M (67'6")
REAR YARD	7.5M	7.5M (24'7")
SIDE YARD - 1	1.8M	2.08M (6'10")
SIDE YARD - 2	1.8M	2.08M (6'10")
BUILDING AREA		373 M2 (4033 SQ.FT.)
GROSS FLOOR AREA		746 M2 (8066 SQ.FT.)
STOREYS ABOVE GRADE		2
STOREYS BELOW GRADE		0
BUILDING HEIGHT	15M MAX.	8.33M
PARKING CALCULATION RATIO	1.5 PARKING PER UNIT - 12	11 (10% REDUCTION AS PER 5.5.1.1)
BARRIER FREE SPACES	1 SPACE PER 10-50 PARKING SPACES PROVIDED	1
BICYCLE SPACES	0.5 SPACES PER DWELLING UNIT	4
LOADING SPACES	N/A	N/A
WIDTH OF DRIVEWAY	6.3M	6.3M
WIDTH OF PARKING AISLES	6M	7.7M
PARKING SETBACK FROM STREET LINE	3M	3.05M
SITE TRIANGLE DIMENSION	N/A	N/A
LANDSCAPE OPEN SPACE %	30%	36% 429 M2
PLANTING STRIPS - WIDTH AND SCREENING DEVICE	3 METRE WIDE ABUTTING R1 PROPERTY	1.8M WITH OPAQUE FENCE
LANDSCAPE AREA AT PUBLIC ROADS	3 METRE WIDE LANDSCAPE AREA ALONG ROAD	3.05 METRE WIDE LANDSCAPE AREA ALONG ROAD
PRIVACY YARDS	N/A	N/A
LOCATION OF REFUSE AREA	INTERIOR YARD (AS PER 4.2.9)	LOCATED WITHIN FRONT YARD
FIRE HYDRANTS	N/A	N/A
FIRE ACCESS ROUTE	N/A	N/A
FIRE FLOWS	N/A	N/A

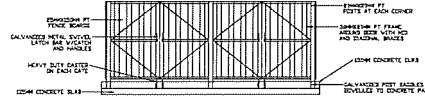
R3 SPECIAL REZONING RELIEF

*REFUSE STORAGE AREA TO BE PERMITTED IN THE FRONT YARD (4.2.9)

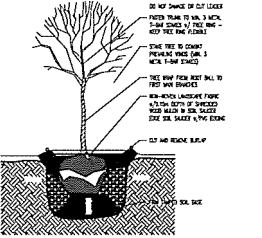
OWNER TO ENTER INTO AGREEMENT WITH CGS FOR CURBSIDE GARBAGE PICKUP (\$80/UNIT ANNUALLY) OWNER RESPONSIBLE TO HAVE GARBAGE PLACED AT CURB ON GARBAGE COLLECTION DAY



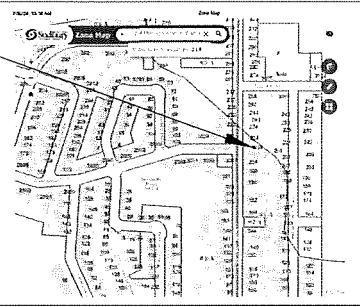
1 Garbage Enclosure - Plan View



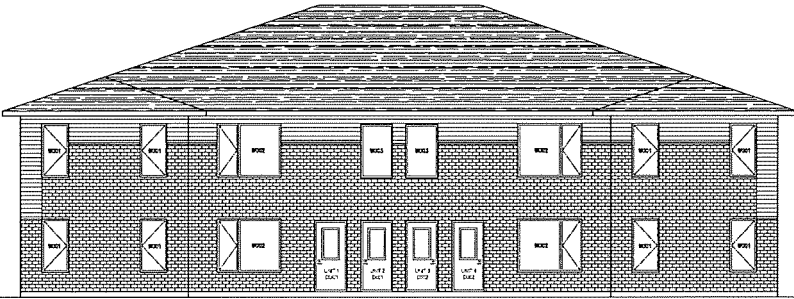
2 Garbage Enclosure - Front Elevation



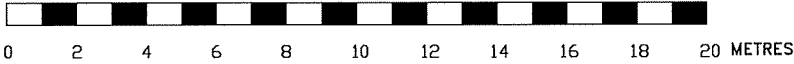
3 Tree Planting Detail - Japanese Lilac



214
MOONLIGHT
AVENUE



FRONT ELEVATION



SCALE

214 MOONLIGHT ROAD

GENERAL NOTES:

- All dimensions given are in imperial units and are measured from either the element finished face or center line. (Unless otherwise noted)
- All construction to comply with the Ontario Building Code 2012 Edition.
- All building site work shall be graded so that surface, sump and roof drainage will not accumulate at or near the building and will not adversely affect adjacent properties.
- Every excavation shall be undertaken in such a manner as to prevent movement which would cause damage to adjacent property, existing structures, utilities, roads and sidewalks at all stages of construction. Ensure that the bottom of excavation for foundations are free of all organic material. If termite are known to exist, all stumps, roots and wood debris shall be removed to a min. depth of 11-34" in excavated area. The distance between untreated structural wood elements and ground should be 17-34".
- No work shall encroach onto adjoining properties surfaces. Drainage shall not be discharged directly or indirectly onto sidewalk, driveway, stairway or any adjoining property.
- It is the contractor's responsibility to check elevations and levels of all municipal services and establish appropriate methods of dealing with those services.
- All framing lumber shall be SPF #1 kiln dried unless noted. Provide exterior grade plywood where required by OBC.
- All dimensions and existing conditions shall be verified by the general contractor at the site prior to construction. The general contractor shall be responsible to notify the client of any discrepancies between the site conditions and the assumed design conditions prior to the commencement of construction.
- All penetrations through a required fire separation are to be fire-stopped and smoke sealed, as well as any and all combustible services penetrating a required fire separation are to be protected with a fire-stop system.
- The general contractor shall be solely responsible for the construction, method of erection and installation procedures of all structural members including the erection of any pre-engineered components. The general contractor shall exercise extreme caution and care during the demolition process of any existing structure and masonry walls, be solely responsible to support the existing structure and call a professional structural engineer for an inspection and review prior to cutting existing members or removing existing walls.

GENERAL SCOPE OF WORK

- CLIENT APPLICATION TO CREATE ONE 8 UNIT MULTIPLE DWELLING BUILDING IN COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS AND THE ONTARIO BUILDING CODE.

LIMITATIONS OF DESIGN:

- It shall be the contractor's responsibility to ensure all material, appliances, assemblies, and labour conform to all applicable Codes, Bylaws, and Good Construction Practices.
- Notations on the drawings are to assist the contractor and do not necessarily address all aspects of construction.
- The contractor shall check and verify all dimensions and existing site conditions and advise the owner of any discrepancy prior to commencing work.
- The contractor shall verify window and door rough stud openings with manufacturer & owner prior to framing.
- Technical design data for all pre-engineered framing components are required for the building permit application.
- Any expenses for engaging a Professional Engineer shall be the sole responsibility of the Owner.

I, ROHIT WALIA, DECLARE THAT I REVIEW AND TAKE RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF A FIRM REGISTERED UNDER SUBSECTION 3.2.4, DIV. 'C' OF THE ONTARIO BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED IN THE APPROPRIATE CLASSES / CATEGORIES FOR SUCH DESIGN WORK.

INDIVIDUAL BCIN#: 35171 FIRM BCIN#: 123463

ROHIT WALIA, PRINCIPAL DESIGNER
CR DESIGN BUILD INC.

PROJECT	8 UNIT MULTIPLE DWELLING BUILDING	DRAWN	RW	SHEET	
CHECKED	RW	PROJECT #			
ADDRESS	214 MOONLIGHT AVENUE, SUDBURY	DRAWING			
TITLE	Plot Plan	DATE	2024-08-22	PP	
SCALE	1" = 11'-0"				

Connie Rossi

From: alicia labelle <[REDACTED]>
Sent: Tuesday, October 1, 2024 5:17 PM
To: Alex Singbush
Subject: Application file#751-6/24-17

You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello in regards to the application to build an apartment building on moonlight ave. That building will be oversized for the property and probably won't provide enough parking. With 8 units depending on the size there can be anywhere from 8 - 32 people in the building. I have many concerns and the information you provided is limited, I will reach out to Stephanie for more information as stated in the letter. With that being said I do not like the idea of this building or support it, especially with the minimal information you provided.

Thank you
Alicia

Sent from my Bell Samsung device over Canada's largest network.

Stephanie Poirier

From: t brown [REDACTED]
Sent: Monday, October 7, 2024 7:34 PM
To: Alex Singbush
Subject: File# 751-6/24-17

You don't often get email from [REDACTED]. [Learn why this is important](#)

To whom it may concern.

Please be advised in the matter of an application under Section 34 of planning act RSO 1990 chapter p-13 A notice of application has been submitted regarding pin number 73574-0116 parcel 14752 lot 7, plan m-226, lot 8, concession 3, Township of neelon 214 moonlight. Greater Sudbury Ontario.

I Tracy Brown Homeowner of residence 204 moonlight would like to contest the the amendment of bylaw 2010-100z being the zoning bylaw for the greater City of Sudbury changing zoning classification on the subject Land from the r1-5 low density residential one zone to the r3s medium density residential special Zone. I would like to get back to you with further details or have someone contact myself or my husband as we are both homeowners of the neighboring house at 204 moonlight at [REDACTED] or [REDACTED]. We realize this matter is of great importance and would appreciate contact in the near future.

thank you I look forward to speaking with you .

Sincerely Tracy Brown

Sent from my Bell Samsung device over Canada's largest network.



Photo 1. 214 Moonlight Avenue, Sudbury. Photo taken October 27th, 2024. CGS file 751-6/24-17

0 Wanup Pit Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-9/24-03

Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit the development of an aggregate pit or quarry.

This report is presented by Wendy Kaufman, Senior Planner.

Letter(s) of concern from concerned resident(s).

Resolution

THAT the City of Greater Sudbury approves the application by Fisher Wavy Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural to "M5", Extractive Industrial on lands described as PIN 73479-0002, Parcel 3506 SEC SES, Lot 3, Concession 4, Township of Dill, as outlined in the report entitled "0 Wanup Pit Road, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 9, 2024, subject to the following conditions:

1. That the amending by-law includes the following site-specific provisions:
 - (i) No development or use of land shall be permitted within 300 metres of the easterly lot line.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. There is general alignment with the goals and objectives of Strategic Plan given that the proposal will support the City's industrial resource sector and will also contribute towards business retention and growth. However, while there is an inherent conflict with the CEEP based on the increased emissions resulting from the processing and transportation of aggregates over the lifespan of the proposed pit and quarry, there is merit in making aggregate resource available as close to market as possible to reduce overall impacts of transportation.

Financial Implications

As there are no plans to construct buildings at this time, there are no financial implications associated with this report.

Report Overview:

An application for rezoning has been submitted on vacant rural lands in order to permit the development of a Class A Licence, Pit and Quarry Above the Ground Water Table with a total extraction area of 18.8 hectares. The subject land is located on 0 Wanup Pit Road in Dill Township, approximately two (2) km northeast of the intersection of Highway 69 South and Old Wanup Road.

The proponents have demonstrated general conformity with the broad framework of policies applied to aggregate resource development, including a comprehensive analysis of environmental features and functions. Staff is recommending approval of the application as described in the Resolution.

Staff Report

Proposal:

An application for rezoning has been submitted in order to permit a Class 'A' License Pit and Quarry Above the Ground Water Table with a total extraction area of 18.8 hectares to be licensed under the Aggregate Resources Act. The total area of the subject parcel is approximately 29.1 hectares, and the extraction area would be located on the westerly portion of the property.

Pits and quarries are regulated by the Ministry of Natural Resources and Forestry under the Aggregate Resources Act, and a Class 'A' license issued under the Aggregate Resources Act permits the removal of more than 20,000 tonnes of aggregate annually. The applicant has advised that the lands contain a high-quality aggregate resource suitable for large-scale infrastructure projects, road building and construction projects for the local market. [Aggregate Resource Inventory Paper 173](#) (prepared by the Ontario Geological Survey) identifies the proposed extraction area is located within an aggregate deposit of primary significance for this area. The purpose of Aggregate Resource Inventory Papers is to determine the quality and quantity of aggregate in an area to help ensure that sufficient aggregate resources are available for future use, as candidate areas for protection through the Official Plan.

The owner provided the following materials in support of the application:

- Cover Letter
- Concept Plan
- Natural Environmental Report (NER)
- Proposed Aggregate Resources Act Site Plans
 - Satellite Imagery
 - Existing Features
 - Operational Features
 - Rehabilitation Features
- MTO Correspondence

Existing Zoning: "RU", Rural

Rural zoning permits a residential use in the form of a single detached dwelling or a mobile home on a permanent foundation. Seasonal dwellings with an accessory private cabin are only permitted on legal existing waterfront lots. Other permitted residential uses include a bed and breakfast establishment, group home type 1, and private home daycare.

Permitted non-residential uses include agricultural use, animal shelter, cannabis production facility, distilling facility, forestry use, legal existing hunting or fishing camp, garden nursery, kennel, public utility, small-scale brewing facility, veterinary clinic, and winery. Some of these uses are subject to special setback provisions.

Requested Zoning: "M5", Extractive Industrial

The permitted uses in the "M5", Extractive Industrial zone include pits, quarries and aggregate transfer sites along with accessory outdoor display and sales and accessory outdoor storage. Forestry and agricultural uses are also permitted.

Location and Site Description:

The lands are legally described as PIN 73479-0002, Parcel 3506 SEC SES, Lot 3, Concession 4, Township of Dill. The total area of the subject parcel is approximately 29.1 hectares in size and is located approximately two (2) km northeast of the intersection of Highway 69 South and Old Wanup Road. The applicant owns abutting lands to the north, west and south, and lands to the northwest are currently used for aggregate extraction. Lands to the east are Crown-owned, and lands to the southeast are privately-owned.

A rail corridor is located approximately 450 m east of the Parcel.

The site is accessible through the abutting aggregate extraction area to the west and Wanup Pit Road, which is also known as Unnamed Private Road 128 and is a private road. Aggregate material is hauled from Wanup Pit Road to Estaire Road and then Highway 69. There are no municipal sewer and water services available in this area. Large wetland areas are located along the southern boundary and in a north-south direction through the middle of the property.

Surrounding Land Uses:

The area surrounding the site includes:

North:	vacant land owned by the applicant and zoned M5(5) or RU
Northwest and west:	licensed aggregate extraction area owned by the applicant and zoned M(7), Wanup Pit Road
East:	Crown land, rail corridor, Wanapitei River
Southeast	privately-owned land with residential use accessed via Axeli Road
South:	vacant land owned by the applicant and zoned M5(7)

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on May 30, 2024. The statutory notice of the public hearing was provided by newspaper on November 16, 2024, along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on November 14, 2024.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

As of the date of this report, one written comment letter was received raising concerns that the development would impact the use of their residential property.

Policy & 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, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Planning Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Planning Statement (PPS):

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the Provincial Planning Statement.

2.6 Rural Lands in Municipalities

1. On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
- c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services;
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

2. Development that can be sustained by rural service levels should be promoted.

3. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.

4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

3.5 Land Use Compatibility

1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

4.5.2 Protection of Long-Term Resource Supply

1. As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

2. Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

3. Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

The Natural Environmental Report submitted with the application identifies the following features are or may be present on the site: significant wetlands, endangered and threatened species, significant wildlife habitat, and fish habitat. Applicable policies from Section 4.1 Natural Heritage include the following (the subject lands are in Ecoregion 5E):

4. Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1.

5. Development and site alteration shall not be permitted in:

- d) significant wildlife habitat.

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

6. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

7. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

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.

The GPNO has no specific policies on aggregate resources. However, the Plan does speak broadly to the sustainable development of natural resources as follows:

Natural resource management and stewardship practices will occur within a framework that recognizes and responds to evolving environmental, economic and social values, and science-based knowledge and information, which allows for the introduction of new practices, technologies and management approaches, traditional knowledge, and locally and regionally responsive approaches.

Official Plan for the City of Greater Sudbury:

The subject parcel has a split land use designation. The westerly portion is designated as Aggregate Reserve, and the easterly portion is designated as Rural. Wetland features are identified on Schedule 5, Natural Heritage.

Section 1.4 Vision includes the following statement:

Greater Sudbury is open to business providing an economic environment that retains and grows a wide variety of industrial, institutional and commercial enterprises. The natural resources that form the basis for our economy, in particular the mineral and mineral aggregate resources are protected and see additional investment and activity. The community's Economic Development Strategic Plan has been realized making the city a magnet for new investment and human capital.

Section 4.6 Mineral and Aggregate Extraction Designations includes the following statement:

It is the intent of this Plan to responsibly manage mineral and aggregate resources by protecting them for long-term use. This will be achieved by protecting existing and potential resources, controlling and regulating current surface operations, minimizing adverse impacts of operations on the environment, requiring proper and progressive rehabilitation of closed mines and mineral aggregate operations, protecting mineral resources from incompatible uses, and by providing for sequential uses.

Section 4.6.2 establishes applicable policies for the Aggregate Reserve designation as follows:

1. The primary use of lands designated as Aggregate Reserve will be pit and quarry operations. Other uses that do not preclude the possibility of future expansion and extraction may also be permitted.
2. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. The location of permitted mineral aggregate operations can be found through provincial mapping such as the Ministry of Natural Resources and Forestry's Pits and Quarries Online.
6. In considering an amendment to the Zoning By-law to permit new mineral aggregate operations or expansions of existing operations, the following information will be reviewed:
 - a. the location, nature, extent and economic potential of the mineral deposit;
 - b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on:
 - i. natural heritage features, including significant geologic formations on the site and in the area;
 - ii. agricultural resources and activities;
 - iii. the character of the area;
 - iv. the groundwater recharge functions on the site and in the immediate area;
 - v. cultural heritage resources in the area through an archaeological assessment and/or a cultural heritage impact assessment;
 - vi. surface water features in the area; and,
 - vii. nearby wells used for drinking water purposes.

- c. the capability of the existing road network to service the proposed location;
- d. the effect of the noise, odour, dust and vibration generated by the use and the use of haul routes on adjacent land uses; and,
- e. how the impacts of the proposed pit or quarry will be mitigated in order to lessen the impacts.

8. Landscaping and buffering will be used to enhance the physical appearance of lands and structures.

Pits and quarries are permitted in Rural designations subject to rezoning. The applicable Official Plan policies under Section 5.2.5 include the following:

- 1. Rural industrial/commercial uses are generally resource-based and may include agriculture, dry industrial/commercial uses, and forestry.
- 2. Pits and quarries are permitted in appropriately zoned areas.
- 4. Rural industrial/commercial sites are to be located with adequate separation distances from residential areas and provide proper buffering and landscaping along Arterial Road frontages. Entrances are restricted to Secondary Arterial and Local Roads, and no temporary structures, outside storage or sales displays may be visible from the frontage of abutting roads. All such development is subject to rezoning and site plan control.
- 5. New resource-related industries should not impact the natural resource base. Rural industrial/commercial uses must generate limited amounts of wastewater and minimize land use conflicts.

The Natural Environmental Report submitted with the application identifies the following features are or may be present on the site: significant wetlands, endangered and threatened species, significant wildlife habitat, and fish habitat. Applicable policies from Chapter 9 Natural Environment include the following:

9.2.2 Habitat of Endangered Species and Threatened Species

- 2. Development and site alteration are not permitted in habitat of endangered species and threatened species except in accordance with provincial and federal requirements.
- 3. Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry of Natural Resources and Forestry. This area can be modified if justified by a study completed by a qualified professional.

9.2.3 Wetlands

- 3. In areas without a watershed or subwatershed plan, development and site alteration are not permitted in a wetland unless it can be demonstrated that there will be no impacts to the quality and quantity of surface water features that are hydrologically linked to the wetland and that losses of significant wetland features and functions will not occur.
- 4. Development and site alteration are not permitted in a provincially significant wetland. Where another land use designation in this Plan overlaps with and into lands within a provincially significant wetland, this policy will prevail to the extent of the overlap.
- 5. Development and site alteration are not permitted on lands adjacent to a sensitive wetland or a provincially significant wetland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on natural features or ecological functions. Adjacent lands are considered to be within 50 metres of any sensitive wetland, and within 120 metres of a provincially significant wetland. This area can be modified if justified by a study.

9.2.4 Fish Habitat

1. Development and site alteration are not permitted in fish habitat except in accordance with provincial and federal requirements. 2. All construction activities will be mitigated to prevent impacts on receiving waters.

3. Development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands are considered to be within 120 metres of fish habitat. This area can be modified if justified by a study.

Section 9.2.5 Significant wildlife habitat

Significant wildlife habitat is ecologically important and contributes to the quality and diversity of the City. For the purposes of this Plan, significant wildlife habitat, includes the following:

- a. Habitat used by moose during the critical late winter period;
- b. Great blue heron nesting sites; and,
- c. Osprey nesting sites.

All known locations of the above features in the City are shown on Schedule 5, Natural Heritage.

1. Development and site alteration is not permitted within significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. 2. Development and site alteration is not permitted on adjacent lands to significant wildlife habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands are considered to be within 120 meters of features listed in 9.2.5 a, b, and c.

Zoning By-law 2010-100Z:

In the “M5”, Extractive Industrial zone the minimum setbacks from all lot lines is 15.0 metres. Any open excavation and fencing associated with, or pertaining to an extractive use shall be located not closer than 30.0 metres to a street line or 15.0 metres to any other lot line; and, be fully encircled by a continuous fence or other barrier not less than 1.8 metres in height, located not closer than 10.0 metres to any part of such excavation. No part of any extractive use, except for an accessory business office, shall be established or erected closer than 150 metres to a Residential (R) Zone.

No accessory industrial use shall be permitted in an M5 Zone except for the washing, screening, sorting, drying, stockpiling, crushing, blending or other such primary processing, excluding roasting or smelting, of ores, minerals or aggregates originating from an extractive use to which the said industrial use is accessory.

Site Plan Control:

Site plan control is not typically applied to pits and quarries. The proposed pit and quarry will be subject to a detailed operational plan approved by the Province as part of the licensing process.

Department/Agency Review:

Infrastructure Capital Planning and Building Services advised that there are no concerns based on their area of interest.

Development Engineering advises this site is not presently serviced with municipal water or sanitary sewer. They have no objection to the development of an aggregate pit or quarry, with access being provided via the existing abutting license area to Wanup Pit Road.

Strategic and Environmental Planning Initiatives has advised that Tulloch Environmental's report entitled “Natural Environmental Report – Ethier Sand and Gravel – Dill Pit” (December 18, 2023), satisfies the requirements for a full-site environmental impact study as per the City's Official Plan. The report identifies the

significant natural heritage features present on the subject lands, assesses the potential impacts of the proposed activities on these features, and recommends measures to avoid or mitigate impacts. The Aggregate Resources Act plans included in the circulation package adhere closely to Tulloch Environmental's recommendations for avoiding and mitigating impacts to significant natural features, which supports the project's ability to comply with relevant federal and provincial environmental legislation and policy. The owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the federal Migratory Birds Convention Act, the federal Fisheries Act, the provincial Endangered Species Act and the provincial Fish and Wildlife Conservation Act.

Conservation Sudbury advises of no objection, and is in acceptance of the Natural Environmental Report by Tulloch Engineering dated December 18, 2023. Any new roads or access routes to the quarry site must be located at least 30 m from the wetlands as shown in the above cited report. Otherwise, the new roads or access routes will require a permit from Conservation Sudbury and must comply with Conservation Sudbury's wetland guidelines (available on the Conservation Sudbury website).

Correspondence provided by the applicant from the Ministry of Transportation (MTO) states that given the expansion of the existing site will not result in an increase in traffic, the MTO has no comments to provide in regards to traffic management. Both the existing and proposed expansion area of the quarry site are located outside of MTO's permit control area and no MTO permits will be required. MTO will continue to monitor the intersection of Wanup Pit Road and Highway 7279 (Estaire Road) and if any concerns are raised, MTO may request improvements be made. However, without an increase in truck traffic, it is unlikely this will occur.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

Staff acknowledges that a license issued by the Province under the Aggregate Resources Act is required to enable the use. The purposes of the Aggregate Resources Act are to provide for the management of the aggregate resources of Ontario; to control and regulate aggregate operations on Crown and private lands; to require the rehabilitation of land from which aggregate has been excavated; and to minimize adverse impact on the environment in respect of aggregate operations. The materials submitted in support of the rezoning application are also required for the related license application. The focus of the rezoning review is the appropriateness of the proposed location for the aggregate extraction use. A license may not be issued unless the City's zoning by-law permits the use.

Staff recommends that the application is consistent with the PPS and conforms to the Official Plan policies that permit the extraction of mineral aggregate resources in the Aggregate Reserve and Rural Areas, and serve to make mineral aggregates available as close to markets as possible. These documents protect the viability of aggregate resources and ensure it is available for extraction.

Staff also recommends that the application is consistent with the PPS and conforms to the Official Plan policies that support a diversified rural economy by promoting resource-related uses.

A detailed analysis of the information required to be reviewed when considering a rezoning to permit new mineral aggregate operations or expansions of existing operations is included below. As required by the PPS and the Official Plan, staff recommends that extraction in this location can be undertaken in a manner that minimizes social, economic and environmental impacts.

a. the location, nature, extent and economic potential of the mineral deposit:

The subject lands are located in an area identified in the Official Plan for aggregate extraction, mainly surrounded by lands zoned for this purpose. The lands are separated from sensitive receptors, with the

closest being approximately 800 m to the southeast. The applicant has advised that the lands contain a high-quality aggregate resource suitable for large-scale infrastructure projects, road building and construction projects for the local market. Mapping prepared by the Ontario Geological Survey identifies that the proposed extraction area is located within an aggregate deposit of primary significance for this area.

- b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (i) natural heritage features, including significant geologic formations on the site and in the area:

The Natural Environmental Report submitted with the application, which was prepared in partial fulfillment of license application standards under the Aggregate Resources Act, states that the project was initially scoped to reduce project impacts by integrating natural heritage feature avoidance into the project design, including no work performed in large wetland complexes or Category 1 or 2 habitat for provincially threatened turtles. The materials submitted with the application indicate the proposed extraction area is to be located on the westerly portion of the subject lands.

Threatened and endangered species are present on the site and are to be protected in accordance with provincial and federal requirements. The Natural Environmental Report states that the project will require review by the Species at Risk Branch of the Ministry of the Environment, Conservation and Parks, and that Endangered Species Act authorizations will be necessary. This permitting will be sought after the issuance of an Aggregate Resources Act license.

The large wetland complexes have not been evaluated for provincial significance since these are to be protected through an operational setback of 120 m.

Significant wildlife habitat in the form of candidate moose aquatic feeding areas, as well as fish habitat, may be present in the large wetland complexes on the site. The significance of these for habitat has not been evaluated as wetlands are to be protected through an operational setback of 120 m.

The Natural Environmental Report includes a review of the potential impacts and mitigation measures to avoid or minimize impacts. The report states that these are considered to be commitments on behalf of the proponent.

Strategic and Environmental Planning Initiatives has advised that the Natural Environmental Report satisfies the requirements for a full-site environmental impact study as per the City's Official Plan. The report identifies the significant natural heritage features present on the subject lands, assesses the potential impacts of the proposed activities on these features, and recommends measures to avoid or mitigate impacts. The Aggregate Resources Act plans included in the circulation package adhere closely to Tulloch Environmental's recommendations for avoiding and mitigating impacts to significant natural features, which supports the project's ability to comply with relevant federal and provincial environmental legislation and policy. Staff recommends that impacts to the natural heritage features have been assessed and will be mitigated through the licensing process.

- b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (ii) agricultural resources and activities:

Agricultural resources and activities are not impacted by this proposal given..

- b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (iii) the character of the area:

Given the relatively isolated location of the subject lands, the impacts on the visual character of the area are not expected to be impacted by this proposal. Staff recommends that the proposed use is compatible with the existing adjacent aggregate extraction uses and vacant Crown land to the east. Further, landscaping and buffering is not required to enhance the physical appearance of lands and structures given the site is not visible from any abutting roads.

- b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have

on (iv) the groundwater recharge functions on the site and in the immediate area:

Impacts to groundwater recharge function, or the process of water moving downward from the surface and replenishing an aquifer, has not been assessed in the materials submitted in support of the application. However, the lands are not located in a significant groundwater recharge area for drinking water as per the Greater Sudbury Source Protection Area Assessment Report. Extraction below the water table is not proposed, and overall, wetlands (surface water features) are to be protected. Impacts to groundwater recharge functions will be further assessed through the licensing process.

b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (v) cultural heritage resources in the area through an archaeological assessment and/or a cultural heritage impact assessment:

Impacts to cultural heritage resources were not assessed in the materials submitted in support of the application. However, the lands are not located within proximity of a trigger for archeological significance that is known to City staff (e.g. known archaeological site). This matter will be further assessed through the licensing process depending on the potential or likelihood that the lands will contain any archaeological resources.

b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (vi) surface water features in the area:

The Natural Environmental Report submitted with the application states that current conceptual site plans of the extraction area include setbacks from adjacent wetlands and surface water systems that range from 30 to 120 metres. Setbacks widths vary due to differences in wetland sensitivity and to maintain habitat connectivity among wetland units. Impacts to surface water features will be further assessed through the licensing process.

b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on (vii) nearby wells used for drinking water purposes:

Impacts on nearby wells has not been assessed in the materials submitted in support of the application. The nearest residential use is located approximately 800 m southeast of the subject lands.

c. the capability of the existing road network to service the proposed location:

The site is accessible through the abutting aggregate extraction area to the west and Wanup Pit Road, which is also known as Unnamed Private Road 128 and is a private road. Aggregate material is hauled from Wanup Pit Road to Estaire Road and then Highway 69. Infrastructure Capital Planning Services and the Ministry of Transportation (MTO) have advised of no concerns. MTO will continue to monitor the intersection of Wanup Pit Road and Highway 7279 (Estaire Road) and if any concerns are raised, MTO may request improvements be made. Staff recommends that the proposed continued use of an entrance onto a Local Road aligns with the rural industrial policies in the Official Plan. Staff recommends that the existing road network is capable of servicing the proposed development and is appropriate for the rural service levels/infrastructure that is available.

d. the effect of the noise, odour, dust and vibration generated by the use and the use of haul routes on adjacent land uses:

Resource extraction is considered a major facility under the Provincial Planning Statement, and adequate separation distances between aggregate facilities and adjacent sensitive land uses (i.e. residential use) is required. In this case, the subject land is located in a rural area and is largely surrounded by lands owned by the applicant for aggregate extraction purposes. However, there is one (1) sensitive receptor in the form of a single-detached dwelling located at 655 Axeli Road to the southeast that is within approximately 800 m of the property boundary and falls within the potential influence area of 1,000 metres. Staff recommends that no land use or site alteration be permitted within 300 metres of the easterly property line in order to ensure that

the proposed aggregate extraction is adequately separated from the adjacent residential use. This aligns with the location of the proposed extraction area and avoidance of natural heritage features on this site.

e. how the impacts of the proposed pit or quarry will be mitigated in order to lessen the impacts:

The Natural Environmental Report submitted with the application states that the project was initially scoped to reduce project impacts by integrating natural heritage feature avoidance into the project design, including no work performed in large wetland complexes or Category 1 or 2 habitat for provincially threatened turtles. The extraction area is proposed to be located on the westerly portion of the property. Further, staff is recommending that no land use or site alteration be permitted within 300 metres of the easterly property line due to proximity to a sensitive residential use located to the southeast of the subject lands.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site-specific zoning by-law:

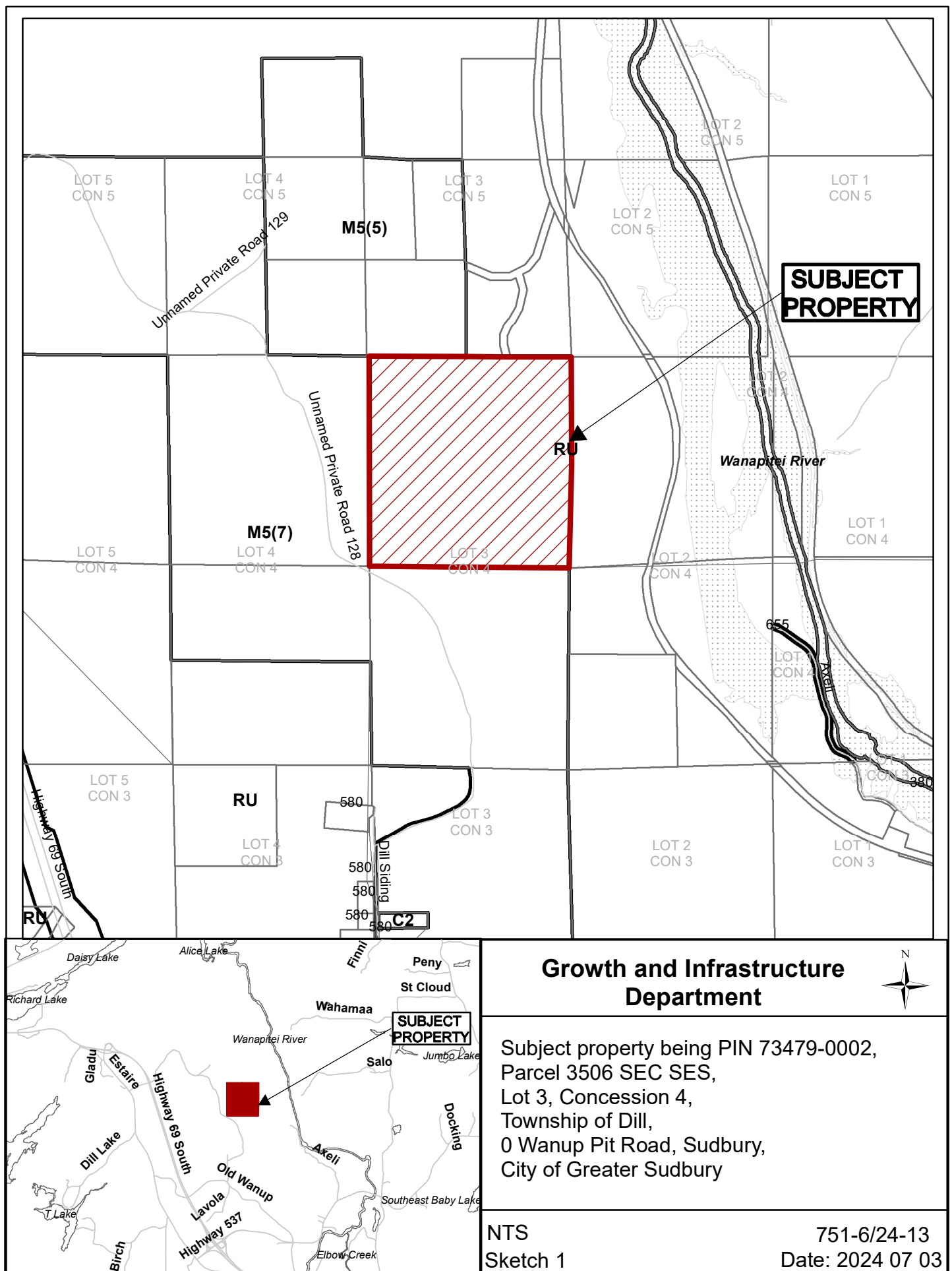
- To rezone the lands from "RU", Rural to "M5", Extractive Industrial, to permit the development of an aggregate pit or quarry along with a site-specific zone standard to prohibit development or use of land within 300 m of the easterly lot line.

The development of the subject lands complies with several policy directives by enabling the extraction of mineral aggregate resources while considering off-site impacts. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The lands contain a high-quality aggregate, and extraction complies with policies that permit resource-based uses in rural areas to make the resource available to the local market while supporting a diversified rural economy.
- Extraction can occur in a manner that minimizes social, economic and environmental impacts.
- The proposed use is compatible with surrounding uses and landscaping and buffering is not required to enhance the physical appearance of the lands.
- The proposed continued use of an entrance onto a Local Road and use of the existing road network are appropriate for the proposed development.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

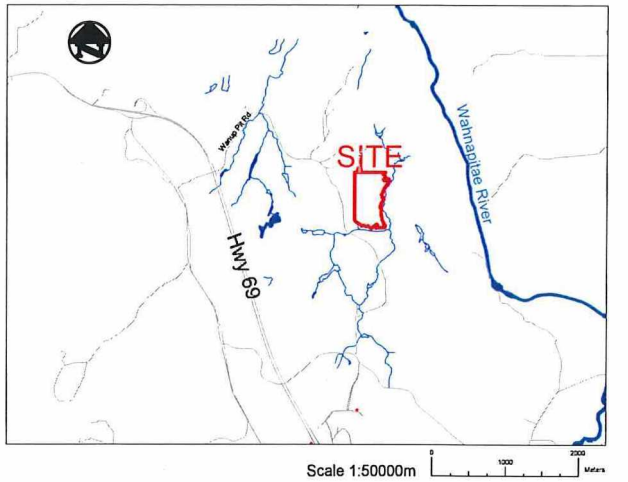




LEGEND

— Boundary

- - - Excavation Setback



Ministry of Natural Resources Approval

This site plan is prepared under the Aggregate Resources Act for a Class A Licence,
Pit and Quarry Above the Ground Water Table.

Applicant: Ethier Sand & Gravel Ltd.

Signature

Date

Dill License Expansion, Licence # Satellite Imagery

Lot 3, Con. 4 & 5
Dill Township
City of Greater Sudbury



Licensee: Ethier Sand & Gravel Ltd.
2589 Ida St.
Sudbury, ON
P3E 4W9

Sheet

1 of 4

Jessica Sheppard, P. Eng
Pioneer Construction Inc.
175 Progress Rd., North Bay, ON
(705) 497 6219

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JUN 25 2024

PLANNING SERVICES



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JUN 25 2024

Planners | Surveyors | Biologists | Engineers

PLANNING SERVICES

June 25, 2024
211129

Planning Services

City of Greater Sudbury
Tom Davies Square
200 Brady Street
Sudbury
Ontario. P3A 5P3

Re: Application for Rezoning – 0 Wanup Pit Road Proposal

Dear Planning Services,

TULLOCH is retained by the owner of PIN 734790002 in Sudbury to coordinate the submission of an application for rezoning over the property legally described as follows:

PCL 3506 SEC SES; N 1/2 LT 3 CON 4 DILL EXCEPT LT19405; GREATER SUDBURY

The application proposes to rezone the lands from "RU", Rural to "M5", Extractive Industrial to facilitate the development of a new Class A license, Pit and Quarry above the groundwater table.

The proposed licensed area is approximately 29.1 hectares, and the proposed extraction area will be 18.8 hectares. The annual tonnage per the Class A Licence will permit the removal of over 20,000 tonnes of aggregate material per year. Access to the operation will be provided through the abutting Aggregate Licence 3833 to Wanup Pit Road

As the regulation and approval of aggregate operations is the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF) through the *Aggregate Resources Act*, a formal application will be submitted to the MNRF.

PLANNING RATIONALE

2020 Provincial Policy Statement

Per the 2020 PPS, the proposed area to be extracted contains a viable aggregate deposit which can be extracted in a manner that avoids and mitigates impacts on any natural heritage features water resources, or incompatible land uses. The application represents the optimization of the long-term

availability of mineral aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered and/or separated to prevent or mitigate adverse effects.

From a land use perspective, the proposed aggregate operation:

- Represents an efficient use of existing infrastructure by not requiring the expansion of municipal infrastructure (1.1.5.5, 1.6.7.1, 1.6.7.2, 1.7.1a);
- Enhances long-term economic prosperity by providing employment and economic development opportunities in an area appropriate for aggregate extraction (1.7.1a,c).
- Optimizes the long-term availability of aggregate resources, utilizes existing infrastructure and has been appropriately designed, buffered, and separated to prevent adverse effects (1.2.6.1);
- Represents the wise use and management of resources and provides for economic benefits including supporting jobs and future infrastructure needs (2.0);
- Recommendations from the Natural Environmental Report will allow the project and its extraction to proceed in a manner that is compliant with the Endangered Species Act, Fisheries Act, and Migratory Birds Convention Act and no further on-site studies are necessary (2.1.5, 2.1.6);
- No fish habitats, significant wetlands, significant coastal wetlands, significant woodlands, significant valleylands, significant areas of natural and scientific interest are located within the extraction area (2.1.5) and adjacent features will have no negative impacts (2.1.8);
- Mitigates compatibility concerns and minimizes social impacts given that extraction is currently not proposed where sensitive receptors are within 500.0 metres (2.5.2.2);
- Is not located within a prime agricultural area and is not suitable for such (2.4.4.1);

City of Greater Sudbury Official Plan

The lands are designated Aggregate Reserve in the City's Official Plan. Section 4.6.2.1 states that the primary use of lands designated as Aggregate Reserve will be pit and quarry operations in addition to other uses that do not preclude the possibility of future expansion and extraction.

Section 4.6.2.6 Official Plan states that:

- 4.6.2.6** *In considering an amendment to the Zoning By-law to permit new mineral aggregate operations or expansions of existing operations, the following information will be reviewed:*
- a. the location, nature, extent and economic potential of the mineral deposit;*
 - b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on:*
 - i. natural heritage features, including significant geologic formations on the site and in the area;*
 - ii. agricultural resources and activities;*
 - iii. the character of the area;*
 - iv. the groundwater recharge functions on the site and in the immediate area;*

- v. cultural heritage resources in the area through an archaeological assessment and/or a cultural heritage impact assessment;
- vi. surface water features in the area; and,
- vii. nearby wells used for drinking water purposes.

- c. the capability of the existing road network to service the proposed location;
- d. the effect of the noise, odour, dust and vibration generated by the use and the use of haul routes on adjacent land uses; and,
- e. how the impacts of the proposed pit or quarry will be mitigated to lessen the impacts.

4.6.2.8 Landscaping and buffering will be used to enhance the physical appearance of lands and structures.

This application conforms to the intent of the policies found in 4.6.2.1., 4.6.2.6 and 4.6.2.8, as outlined in *Table 1* below:

Table 1: Official Plan Conformity Planning Rationale

PLANNING CONSIDERATIONS	RATIONALE
<i>Location and Site Characteristics</i>	<ul style="list-style-type: none"> The overall property is ± 64.3 hectares and therefore provides adequate area for the intended quarry/pit-related uses while allowing for appropriate setbacks/buffering. The land contains a high-quality aggregate resource suitable for large-scale infrastructure projects, road building and construction projects for the local market. The City and the Province intend to manage mineral and aggregate resources by protecting them for long-term use given that the aggregate industry generates economic effects on both primary industries and secondary industries.
<i>Land Use Compatibility</i>	<ul style="list-style-type: none"> The impact on the surrounding land uses will be negligible given that the area is rural with little development, the application proposes significant setbacks and requirements of the ARA seek to limit and control any potential land conflicts through the provision of setbacks to sensitive receptors. Uses surrounding the proposed lands include existing aggregate operations, vacant lands and open spaces, rural and rural residential uses

	<ul style="list-style-type: none"> Aggregate extraction uses are an established use in the area. The property will be appropriately buffered and separated from sensitive land uses per <i>Aggregate Resources Act</i> standards and OP policy. The operations of the proposed extraction operation will remain above the established water table and no sensitive groundwater features, or surface water features are within the proposed extraction area. Across the Site wetland setbacks range from 30-100.0-metres with a 60.0-metre buffer around the eastern wetland complexes and a 100.0-metre buffer around the southern wetland complexes as recommended in the Natural Environmental Report. Setback widths vary due to differences in wetland sensitivity and to maintain habitat connectivity among wetland units. Whip-poor-will habitat was found to be present on site, should the SAR remain on the Endangered Species Act at the time of activity, permitting is required to be undertaken before commencement of any site activity. The status of Eastern Whip-poor-will is anticipated to be downgraded to a Species of Special Concern in early January 2025. No agricultural resources and activities are on or abutting the subject lands. No sensitive receptors are located within 500 metres of the proposed license.
<i>Access and Infrastructure</i>	<ul style="list-style-type: none"> MTO has no concerns with the application. Access will be provided via the existing abutting licence (#3833) Given the high cost of transporting aggregate materials, locating aggregate operations near where the material will be used (close to population centres such as Sudbury) is vital.

City of Greater Sudbury Zoning By-law 2010-100z

The lands are proposed to be rezoned from 'RU-Rural' to 'M5-Extractive Industrial'. Permitted uses in the M5 zone include:

- Accessory Outdoor Storage Display and Sales
- Accessory Outdoor Storage
- Aggregate Transfer Site
- Agricultural Uses
- Forestry Use
- Pit
- Quarry

The proposed aggregate extraction operation will be developed by the requirements and provisions of the 'M5-Extractive Industrial' zone and given the overall large size of the property no site-specific reliefs are required to enable the development.

Given the analysis contained herein, the subject zoning by-law amendment is consistent with the 2020 PPS, conforms with the City of Greater Sudbury's Official Plan, and represents good planning.

We trust that this submission package will enable the City of Greater Sudbury to issue a notice of complete application.

This submission package includes the following:

- 2024 City of Greater Sudbury Application to Amend the Zoning By-Law;
- Natural Environmental Report (NER);
- Proposed Aggregate Resources Act Site Plans
 - Concept Plan;
 - Existing Conditions Plan;
 - Quarry Operational Plan; and
 - Rehabilitation Plan
- MTO Correspondence; and
- PC2022-016 Pre-Consultation Understanding
- Legal Property Description

For payment of this fee, please contact Chelsea Streich by calling 705-522-6303 Ext. 601, or by emailing chelsea.streich@tulloch.ca.

Respectfully submitted,



Vanessa Smith, M.Pl., RPP
Project Manager | Land Use Planner

RECEIVED

UCF 01 2024

PLANNING SERVICES

September 22, 2024

To: Alex Singbush,

IN THE MATTER OF AN application under Section 34 of The Planning Act, R.S.O. 1990 Chapter P.13

Applicant: Fisher Wavy Inc.

Location: PIN 73479-0002, Parcel 3506 SEC SES, Lot 3, Concession 4, Township of Dill (0 Wanup Pit Road, Sudbury)

Application: To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU" Rural, to "M5" Extractive Industrial.

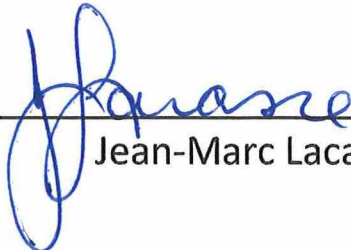
Proposal: The application would permit the development of an aggregate pit or quarry.

My name is Jean-Marc Lacasse and I live at 655 Axeli Road, Sudbury. My wife and I have lived here for 17 years. The existing gravel pit (Ethier) is very close to our house, so we have lived with the dust, noise (sometimes working well into the night) for quite a while. When they set off a charge the whole house shakes and the windows rattle like they are going to shatter.

With this new proposal, the pit would be touching the northwest corner of our property making living conditions even worse.

The most important thing would be the lowering of property values for myself and others in the area.

I would disagree with this proposal.



Jean-Marc Lacasse

30 Ste. Anne Rd and 38 Xavier Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-19

Report Summary

This report provides a recommendation with respect to an application to rezone the subject lands to “I(24)”, Institutional Special, in order to prevent a split-zoning, which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize the entrance areas and transfer ownership of the internal sidewalks.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “C4(16), Office Commercial Special to “I(24)”, Institutional Special on those lands described as Firstly: PINs 02138-0199 and 02138-0200, Lot 93 on Plan 85-S, Part of Lot 92 on Plan RCP 8559, Lots 316 and 317, Part of Lots 315, 318, 319-322, Lane and Part of Block Z on Plan 1-SC designated as Parts 1-3 on Plan 53R-16526 except Parts 6-8, Plan 53R-20995 and including Parts 2-4 on Plan 53R-20995, Part Lots 5 and 6, Concession 4, Township of McKim; Secondly: PIN 02138-0077, Lot 94, Plan 85-S, Part Lot 5, Concession 4, Township of McKim, as outlined in the report entitled “30 Ste. Anne Rd and 38 Xavier Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 9, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on December 10, 2026, unless Condition #1 above has been met or an extension has been granted by Council.

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

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding. Preventing a split-zoning that would result from a lot line adjustments between abutting properties does not either directly align with or negatively impact any of strategic goals and

objectives that are identified within the City's Strategic Plan. The rezoning application would facilitate a lot line adjustment between abutting properties and it is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

Financial Implications

There are no financial implications associated with the report.

Report Overview:

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification on the subject lands from "C4(16), Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning due to a lot line adjustment between abutting properties to formalize entrance areas and transfer ownership of the internal sidewalks. The split-zoning would result from the consolidation of the subject lands with those abutting lands known municipally as 20 Ste. Anne Road in Sudbury.(Red Oak Villa) The benefitting lands are presently zoned "I(24)", Institutional Special in the City's Zoning By-law. The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "C4(16), Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks. The subject lands will be consolidated with the abutting lands known municipally as 20 Ste. Anne Road in Sudbury, which contains a retirement home (Red Oak Villa).

The applicant has submitted two Concept Plans in support of the application.

Existing Zoning: "C4(16), Office Commercial Special

The "C4(16)" Zone permits a range of commercial uses with site-specific parking rates and development standards.

Requested Zoning: "I(24)", Institutional Special

The I(24) special zone additionally permits a retirement home with a maximum of 198 guest rooms and related accessory uses. The development standards for the Institutional zone apply with exceptions for parking and setbacks. A minor variance approved in 2017 permitted an increase in the number of guest rooms from 198 to 207, and approval of two retaining walls having reduced yard setbacks.

Location and Site Description:

The subject lands are located on a portions of 30 Ste. Anne Road and 38 Xavier Street in the community of Sudbury. The lands are shown on the concept plan as Area 1, 2 and 3, described as follows:

- Area 1: approximately 1139 square metres and includes the parking area beside the driveway entrance
- Area 2: approximately 990 square metres and includes an internal pedestrian sidewalk
- Area 3: approximately 958 square metres and includes an undeveloped parking area

The property known as 38 Xavier Street is a Designated Heritage Site though the building on the property has been demolished.

Surrounding Land Uses:

North: office on retained lands at 30 Ste. Anne Road, Designated Heritage Site 162 Mackenzie Street (formerly known as St. Louis de Gonazgue), Marymount Academy

East: retained lands at 38 Xavier Street used for parking, Native People of Sudbury Development Corporation

South: Main Public Library, Red Oak Villa, Ste. Anne Road

West: Mackenzie Street, Sudbury Secondary School, low density residential use

The existing zoning and location map is attached to this report indicating the location of the subject lands that are to be rezoned, as well as the applicable zoning in the immediate area. The submitted Concept Plans are also attached to this report for reference purposes.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on September 26, 2024. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on November 14, 2024.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing. As of the date of this report, one question from the public regarding the purpose of the application was received. No public input 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:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning application be approved.

Growth Plan for Northern Ontario:

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands and benefitting lands are designated Downtown in the Official Plan for the City of Greater Sudbury. Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Downtown policies in the City's Official Plan. Staff acknowledges that the proposed rezoning is largely technical in nature, and will facilitate lot line adjustments and prevent a split-zoning.

Zoning By-law 2010-100Z:

The subject lands are presently zoned "C4(16), Office Commercial Special in the City's Zoning By-law. The owner is requesting that a portion of the subject lands be rezoned to "I(24)", Institutional Special in order to prevent a split-zoning and facilitate lot additions. No site-specific relief from any zone provisions is being requested.

Site Plan Control

There are site plan control agreements registered over the three properties affected by the application. The proposed changes to the property fabric would not impact the site plan requirements. Area 3 is not included in the site plan control agreement, and if this area will be used for parking or other uses covered under site plan control then a site plan amendment may be required to address grading, access, landscaping, surface treatment, etc.

Related Applications

Consent application B0076/2024 was conditionally approved on October 7, 2024 to consolidate the subject lands with the abutting property known as 20 Ste. Anne Road. The conditions include that the lands must be rezoned to eliminate the split-zoning prior to issues of a final consent certificate.

Previous rezoning application [751-6/15-22](#) resulted the current “I(24)”, Institutional Special zone, which was an amendment to the original “I(24)” zone and permitted the expansion of the retirement home at 20 Ste. Anne Road (Red Oak Villa). Minor variance application B0044/2017 was approved in 2017 to permit an increase in the number of guest rooms from 198 to 207, and permit two retaining walls having reduced yard setbacks. The original “I(24)” zone was carried forward in By-law 2010-100 from a 2004 amendment to the previous By-law 95-500Z, which permitted a seniors residence with 85 guest rooms as well as retail stores, offices, personal services shops and a restaurant (File 751-6/04-7).

Department/Agency Review:

The application including relevant accompanying materials was circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Given the technical nature of the development proposal, only those agencies and departments that are integral to the review were circulated the rezoning application. The owner is therefore cautioned that the related consent application is circulated to a wider range of agencies and departments that may have interest in matters extending beyond the split-zoning issue that this rezoning application is intended to resolve.

No concerns were raised by Infrastructure Capital Planning, Development Engineering or Conservation Sudbury.

Building Services advises of no objections and offers the following comment: The addition of Area 1 located with frontage on Mackenzie would, by zoning definition, change the front lot line for 20 Ste. Anne Rd. The “I(24)” specific standards will need to be revised accordingly with the rotation of the lot fabric, and with additional relief for reduced lot frontage of 26.5m where 30m is required. Alternatively, the existing front lot line on Ste. Anne could be deemed the front lot line.

PLANNING ANALYSIS:

The 2024 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to applicable policies, including any issues raised through agency and department circulation.

The application requests to rezone the subject lands from “C4(16)”, Office Commercial Special to “I(24)”, Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks.

The principle of developing a retirement home at 20 Ste. Anne Road was established through previous applications. The proposed "I(24)" Zone is appropriate and desirable from the perspective of aligning lands with the retirement home. Preventing a split-zoning is desirable from a good land use planning perspective in order to avoid interpretation challenges as it relates to the City's Zoning By-law.

Further to comments from Building Services, the addition of Area 1 will change the front lot line for 20 Ste. Anne Rd to Mackenzie Street, and the amount of frontage is deficient. Staff recommends that this issue cannot be resolved through an amendment to the "I(24)" special zoning since the lands at 20 Ste. Anne Road are not subject to the current application. This issue will not affect the existing development, and the owner is advised that zoning relief may be required to enable redevelopment of the site at 20 Ste. Anne Road.

It is on this basis that staff has no concerns with the requested zone category and would note that a registered survey plan providing a legal description of the lands to be rezoned is required in order to prepare an amending zoning by-law should the rezoning application be approved.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

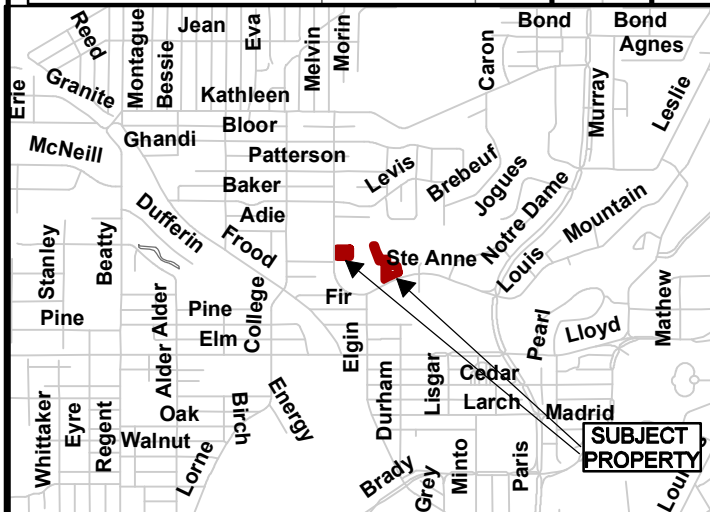
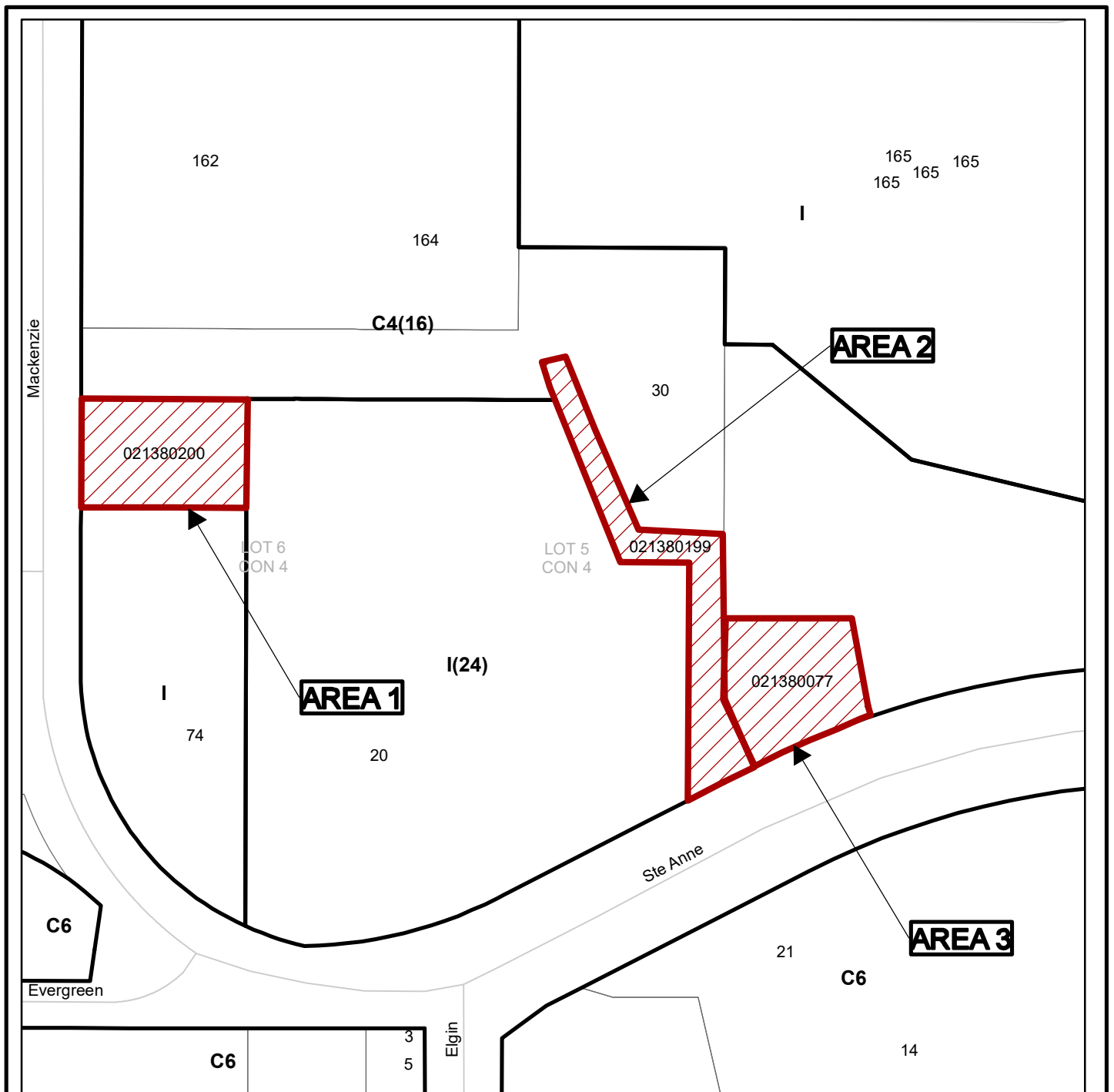
- To rezone the subject lands from "C4(16)", Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks.

Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The principle of developing a retirement home at 20 Ste. Anne Road was established through previously-approved planning applications.
- The proposed "I(24)" zone is appropriate and desirable from the perspective of aligning lands with the retirement home.
- Preventing a split-zoning will avoid interpretation challenges as it relates to the City's Zoning By-law.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.



Growth and Infrastructure Department

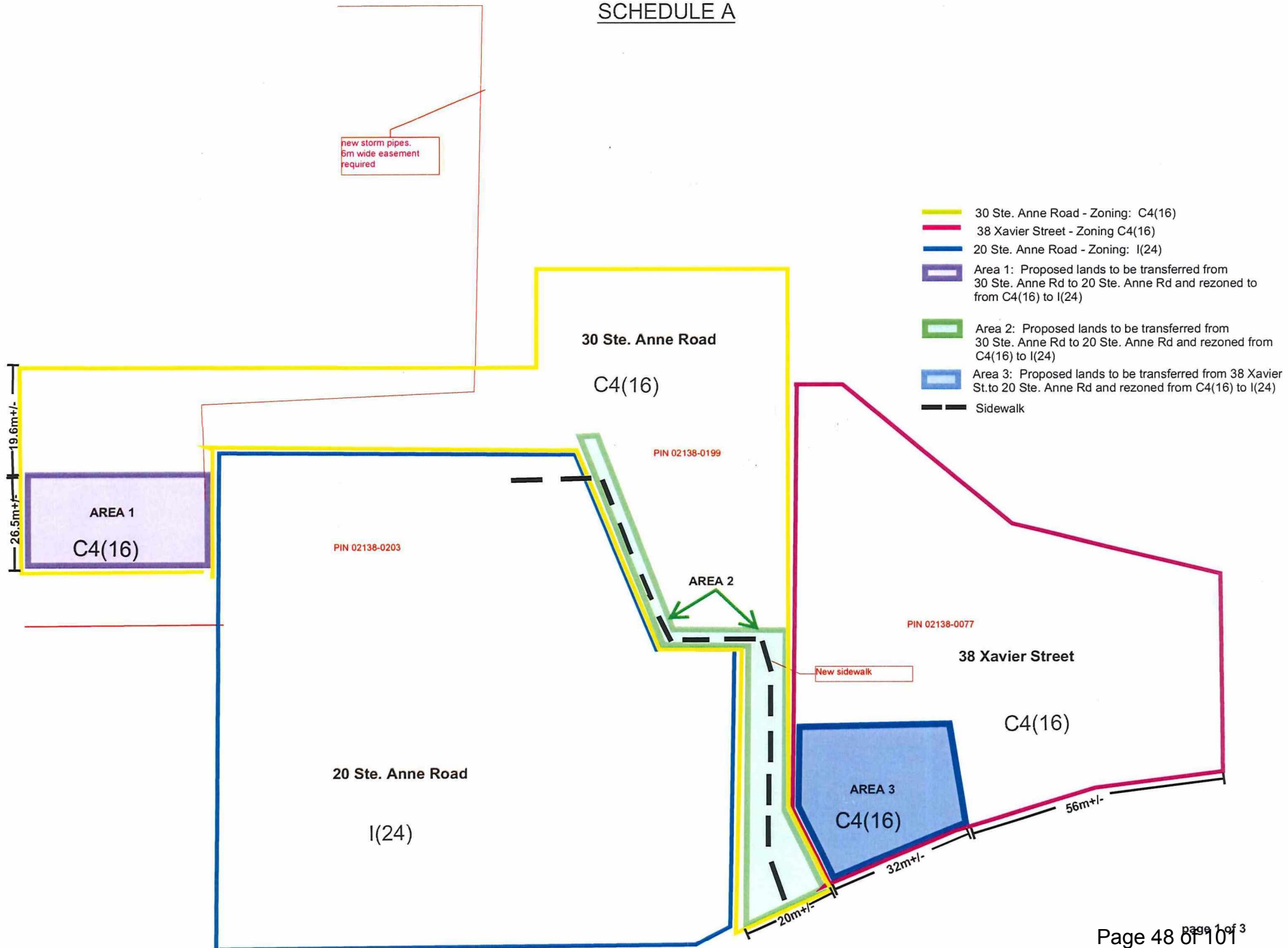


Subject Property being Firstly: PINs 02138-0199 and 02138-0200, Lot 93 on Plan 85-S, Part of Lot 92 on Plan RCP 8559, Lots 316 and 317, Part of Lots 315, 318, 319-322, Lane and Part of Block Z on Plan 1-SC designated as Parts 1-3 on Plan 53R-16526 except Parts 6-8, Plan 53R-20995 and including Parts 2-4 on Plan 53R-20995, Part Lots 5 and 6, Concession 4, Township of McKim; Secondly: PIN 02138-0077, Lot 94, Plan 85-S, Part Lot 5, Concession 4, Township of McKim, 30 Ste Anne Road & 38 Xavier Street, Sudbury, City of Greater Sudbury

NTS
Sketch 1

751-6/24-019
Date: 2024 09 25

SCHEDULE A



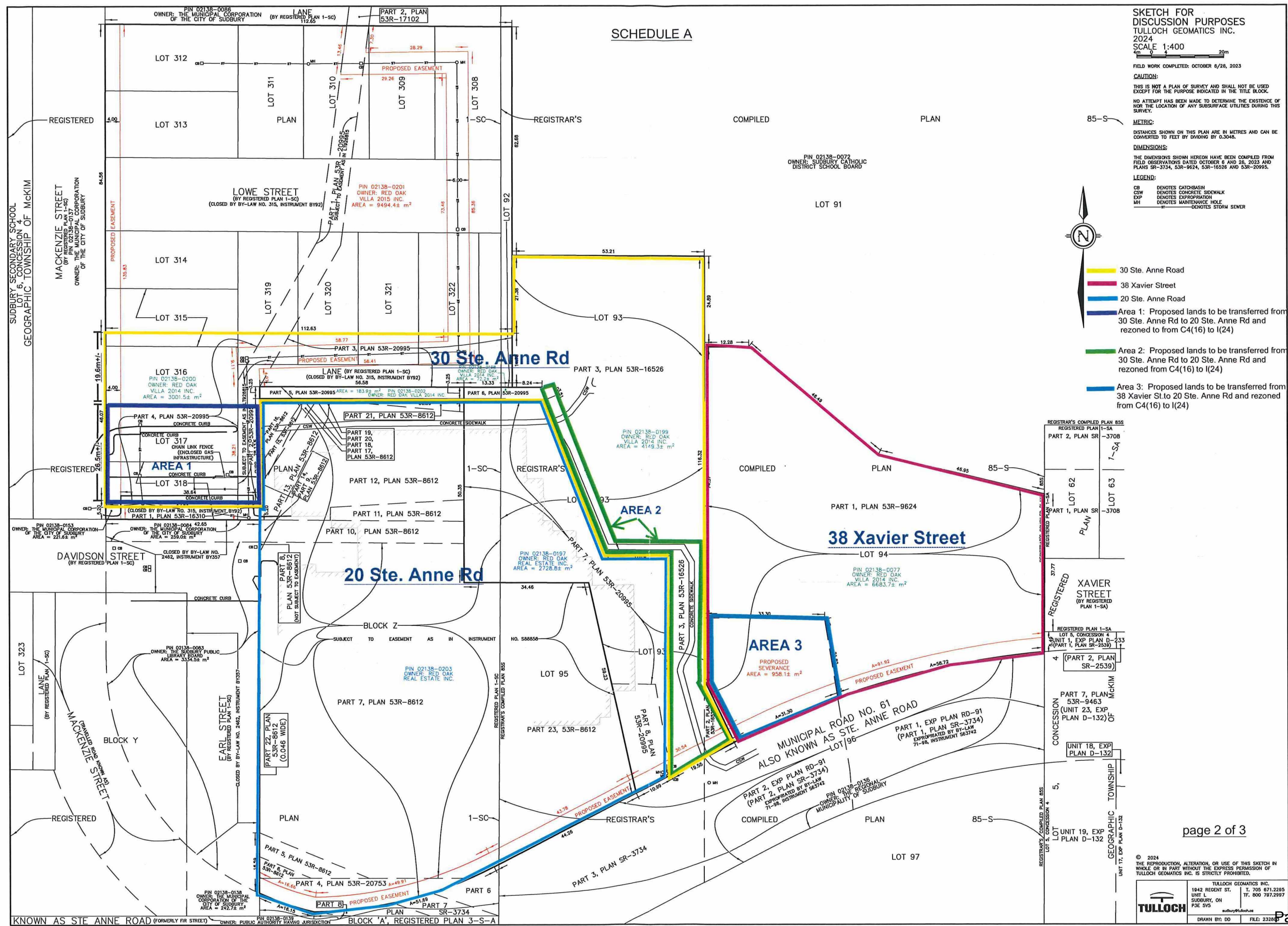




Photo 1. Parking area in the centre foreground adjacent to Mackenzie Street shown as 'Area 1' on the applicant's concept plan, to be severed from 30 Ste. Anne Road and added to 20 St. Anne Road (Red Oak Villa), facing east. Photo taken October 30, 2024. CGS File 751-6/24-19.



Photo 2. Undeveloped parking area adjacent to Ste. Anne Road shown as 'Area 3' on the applicant's concept plan, to be severed from 38 Xavier Street and added to 20 St. Anne Road (Red Oak Villa), facing northeast. Photo taken October 30, 2024. CGS File 751-6/24-19.



Photo 3. Pedestrian pathway in the centre of the photo and extending from Mackenzie Street shown as 'Area 2' on the applicant's concept plan, to be severed from 30 Ste. Anne Road and added to 20 St. Anne Road (Red Oak Villa), facing north. Photo taken October 30, 2024. CGS File 751-6/24-19.



Photo 4. Pedestrian pathway in the centre of the photo and extending from 30 Ste. Anne Road shown as 'Area 2' on the applicant's concept plan, to be severed from 30 Ste. Anne Road and added to 20 St. Anne Road (Red Oak Villa), facing south. Photo taken October 30, 2024. CGS File 751-6/24-19.

Additional Dwelling Units – Fourth Units As-of-Right – Official Plan and Zoning By-law Amendments

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-010 & 751-6-24-13

Report Summary

The report provides a recommendation regarding City-initiated amendments to the Official Plan and Zoning By-law pertaining to Additional Dwelling Units – Fourth-Units as-of-right.

This report is presented by Ed Landry, Senior Planner.

Resolution

THAT The City of Greater Sudbury approves the proposed Official Plan Amendment 138 and related Zoning By-law amendments, and directs staff to prepare the necessary by-laws, as outlined in the report entitled “Additional Dwelling Units – Fourth Units As-of-Right – Official Plan and Zoning By-law Amendments”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee Meeting on December 9, 2024.

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

The proposed amendments align with Council’s Strategic Priorities including “Expand Affordable and Attainable Housing Options” and “Develop and Promote Solutions to Support Existing Housing Choices”. The proposed amendments will help address the actions outlined in the Housing goal of the Strategic Plan, which reflect Council’s desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable and suitable housing options in the City of Greater Sudbury.

The proposed amendments to the Official Plan and Zoning By-law support Goal 1 of the CEEP, which seeks the creation of compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Background

Council Motion

Council passed the following motion on November 12, 2024:

(CC2024-266 – Lefebvre/Cormier)

WHEREAS The provision of housing is a priority of Council of the City of Greater Sudbury

AND WHEREAS The Government of Canada is inviting municipalities to apply for the Canada Housing Infrastructure Fund (CHIF) to accelerate new construction, rehabilitation and expansion of housing-enabling drinking water, wastewater, stormwater, and solid waste infrastructure, to directly support the creation of new housing supply and improved densification.

AND WHEREAS Prior to making an application to the CHIF, municipalities must have zoning in place and in effect for four units as-of-right

AND WHEREAS The City recently adopted changes to the Official Plan and Zoning By-law to allow third units as-of-right

AND WHEREAS City staff had been directed to return with policy options for four units-as of right by the end of Q1, 2025

NOW THEREFORE The City directs staff to return to Planning Committee on December 9, 2024 with a public hearing under the Planning Act to amend the recently adopted third unit policies to allow for fourth units as-of-right, where appropriate

Proposed Four-Units As-of-Right Amendments

The proposed changes would amend the policies recently introduced to the City's Official Plan via Official Plan Amendment (OPA) 134. Specifically, the proposed OPA (See Attachment A) would allow a maximum of 4 units on a fully-serviced parcel within the City's settlement areas, or 3 units within the primary building when there is a unit in an accessory building. Similar changes are proposed for the Zoning By-law (See Attachment B). All other zoning standards are proposed to stay the same (e.g., setbacks, building heights, parking requirements, etc.). If the proposed changes are adopted, staff will monitor development applications such as zoning by-law amendments and minor variance applications to see if any further changes are required.

Recent Legislative History

Up to Two Units – Separate Buildings (OPA 75)

In 2016, the City of Greater Sudbury amended its Official Plan and Zoning By-law to implement the requirements of the Strong Communities Through Affordable Housing Act, 2011 (See Reference 1). At the time, an official plan was required to contain policies authorizing a second residential unit in single detached, semi-detached and row dwellings, if no ancillary structure to the dwelling contained a residential unit OR authorize a secondary residential unit in an accessory structure, provided that there was not a secondary unit in the primary residential structure.

Up to Three Units – Separate Buildings (OPA 108)

The More Homes, More Choice Act, 2019 (formerly Bill 108), made further changes to the Planning Act regarding additional residential units. Specifically, Bill 108 required official plans to contain policies permitting two residential units in a detached house, semi-detached house or rowhouse (the primary unit and an

additional residential unit) and an additional residential unit in a structure ancillary to the primary dwelling unit, for a potential of up to three units. In parallel to this, Ontario Regulation 299/199 required that each additional residential unit was to have one parking space for the sole use of the occupant of the additional residential unit, unless a parking space is not required for the occupant of the primary residential unit. This regulation also specified that a required parking space may be tandem. The City amended its official plan and zoning by-law to implement the changes brought in by Bill 108 (See Reference 2).

Up to Three Units in a Single Building (OPA 134)

The City's most recent amendments to the Official Plan and Zoning By-law came into effect on November 15, 2024. These amendments were made to conform to the More Homes Built Faster Act (formerly Bill 23), which restricted municipalities from having policies that had the effect of prohibiting a number of uses, including up to three units in a single building in certain circumstances. The ZBLA also introduced definitions for "Parcel of Urban Residential Land", "Parcel of Rural Residential Land" and "Settlement Area" to meet the requirements brought in via Bill 23 (See Reference 3).

Bill 23 also introduced the concept of parcels of urban residential land. Unlike previous amendments to the Planning Act related to additional residential units, a distinction is now made between land located in fully serviced settlement areas and land located in partially serviced/unserved areas. Urban residential land comprises land located within settlement area boundaries that is fully serviced by municipal water and sanitary sewer. Under new subsections 16(3.1) and (3.2), not more than one (1) parking space per unit may be required and no minimum floor area may be established.

Policy & Regulatory Framework

The proposed amendments to the Official Plan and Zoning By-law are subject to the following policy and regulatory framework:

- The Planning Act
- 2024 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Planning Act

The Planning Act is provincial legislation that sets out the rules for land use planning in Ontario (See Reference 4). The Planning Act restricts municipalities from having policies that prohibit the use of third dwelling units (within the same dwelling) on parcels of urban residential land. Further, amendments that enact 3rd unit policies are shielded from appeal to the Ontario Land Tribunal. The proposed policies would go beyond this standard and could therefore be subject to appeal.

Provincial Policy Statement, 2024

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that advice and decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS). The proposed amendments to the official plan and zoning by-law are consistent with the Provincial Policy Statement, 2024 (PPS, See Reference 5), specifically:

- Policy 4 of Section 2.1
- Policy 1b) of Section 2.2

Taken together, these policies seek to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the municipality.

Growth Plan for Northern Ontario

The proposed amendments conform to and do not conflict with the Growth Plan for Northern Ontario, 2011 (GPNO – See Reference 6). Specifically, policy 3.4.3 of the GPNO encourages municipalities to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality open spaces, and easy access to local stores and services. The proposed amendments would facilitate a greater range and mix of housing types.

Official Plan for the City of Greater Sudbury, 2006 & Zoning By-law 2010-100Z

The proposed amendment makes use of the framework already established in both the official plan and zoning by-law regarding additional dwelling units.

Recommendation

The Province has made a number of legislative and regulatory changes related to the provision of housing, and the City has kept pace with corresponding amendments to its official plan and zoning by-law. As noted above, the Federal Government has been providing infrastructure funding related to housing, conditional upon municipalities having policies that would allow fourth units as of right.

Per the Canada Housing Infrastructure Fund (CHIF) website (See Reference 7), “municipalities in the provinces with populations of 30,000 and above are required to have implemented zoning for four units as-of-right (4AOR), or be in the process of implementing zoning changes to allow 4AOR, to submit an application. This is required to allow for more “missing middle” housing types (e.g., duplexes and multiplexes).”

“Applicants will be required to attest that they have implemented 4AOR zoning or are in the process of implementing zoning changes to allow 4AOR and to specify how the municipality has implemented or will implement the zoning change. The Government of Canada expects the zoning change to be implemented by Spring 2025. Projects will not receive funding until applicable zoning requirements are in place.”

City staff has been tracking the official plan and zoning by-law changes made at the local level related to Federal government’s requirements for fourth units (e.g., Toronto, Hamilton, London, Kitchener, Barrie, Guelph, etc.). For the most part, there have been no additional changes beyond what was introduced in the City of Greater Sudbury’s recent 3rd unit & residential parking amendments (e.g., lot coverage, building separations, building heights, “front-yard” parking and landscaping requirements, parking to unit ratios, tandem parking, etc.)

The introduction of a fourth unit in a main building or accessory building will be limited by the provisions of the zoning by-law including servicing, parking (one space per unit), building heights (up to 8 metres for an accessory building), setbacks and lot coverage, as well as the requirements of the Building Code and Fire Code. As noted in a report presented on November 13, 2024, the City has joined a local BuildingIN initiative that will help in the review and revision of multi-unit infill housing policies (See Reference 8). The work may result in further recommendations related to fourth units as of right.

Staff recommends the adoption of the proposed amendments included in Attachments A and B. Staff also recommends a mandatory review of the policies by the end of 2025, which will be aided by ongoing work on the City’s various housing initiatives.

Resources Cited

1. Second Unit Official Plan Amendment / Zoning By-law” Public Hearing report presented at the June 27, 2016 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=10908>
2. “Bill 108 Implementation: Official Plan and Zoning By-law Amendments,” Public Hearing Report presented at the June 22, 2020 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=370>
3. “Additional Dwelling Units – Official Plan and Zoning By-law Amendments,” Public Hearing Report presented at the September 16, 2024 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=54738>
4. Planning Act
<https://www.ontario.ca/laws/statute/90p13>
5. Provincial Policy Statement, 2024
<https://www.ontario.ca/page/provincial-planning-statement-2024>
6. Growth Plan for Northern Ontario
<https://www.ontario.ca/document/growth-plan-northern-ontario>
7. “Canada Housing Infrastructure Fund: Before you apply - Applicant guide for the direct delivery stream (Fall 2024 intake)”
https://housing-infrastructure.canada.ca/housing-logement/chif-fcil/chif-applicant-guide-demandeur-fcil-eng.html#toc_2
8. “BuildingIN Project”, report presented at the November 13, 2024 Planning Committee Meeting
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=55180>

Attachment A – Proposed Official Plan Amendment

That the City of Greater Sudbury Official Plan is hereby amended as follows:

1. In Section 2.3.6, by deleting and replacing policies 1 through 3 as follows:

“

1. No more than three dwelling units are permitted in a single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling on a parcel of urban residential land if all buildings and structures accessory to the single detached dwelling, semi-detached dwelling, row dwelling, or street townhouse dwelling contain no more than one dwelling unit.
2. No more than four dwelling units are permitted in a single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling on a parcel of urban residential land if no building or structure accessory to the single detached dwelling, semi-detached dwelling, row dwelling, or street townhouse dwelling contains any dwelling units.
3. No more than one dwelling unit is permitted in a building or structure accessory to a single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse on a parcel of urban residential land, if the single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling contains no more than three dwelling units and no other building or structure accessory to the single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling contains any dwelling units.”

Appendix B – Proposed Zoning By-law Amendment

That the City of Greater Sudbury Zoning By-law 2010-100Z be amended as follows:

1. In Part 3, Definitions, by adding “inside or” after “A partially or *unserved lot* that is” in the “Parcel of Rural Residential Land” definition.
2. In Section 4.2.10.1, by deleting and replacing clauses i through iii with:
 - i. No more than three *dwelling units* are permitted in a *single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling* on a *parcel of urban residential land* if all *buildings and structures accessory* to the *single detached dwelling, semi-detached dwelling, row dwelling, or street townhouse dwelling* contain no more than one *dwelling unit*.
 - ii. No more than four *dwelling units* are permitted in a *single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling* on a *parcel of urban residential land* if no *building or structure accessory* to the *single detached dwelling, semi-detached dwelling, row dwelling, or street townhouse dwelling* contains any *dwelling units*.
 - iii. No more than one *dwelling unit* is permitted in a *building or structure accessory* to a *single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse* on a *parcel of urban residential land*, if the *single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling* contains no more than three *dwelling units* and no other *building or structure accessory* to the *single detached dwelling, semi-detached dwelling, duplex dwelling, row dwelling, or street townhouse dwelling* contains any *dwelling units*.

B0054-2024 – 400 Moxam Landing Road, Lively

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Routine Management Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	B0054/2024

Report Summary

This report provides a recommendation regarding a consent referral to create one new rural lot in addition to the four rural lots already created by way of the consent process.

Resolution

THAT the City of Greater Sudbury approves the request by Roger Chiasson to allow Consent Application B0054/2024 on those lands described as PIN 73373-0131, Part 1 on Plan 53R-21595, Part Lot 1, Concession 3, Township of Waters (400 Moxam Landing Road, Lively), to proceed by way of the consent process, as outlined in the report entitled “B0054-2024 – 400 Moxam Landing Road, Lively” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 9, 2024.

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

The request to create one new rural lot in addition to four rural lots already created by way of the consent process as opposed to requiring a plan of subdivision is an operational matter under the Planning Act to which the City is responding.

Financial Implications

There are no financial implications associated with this report.

STAFF REPORT

Applicant:

Roger Chiasson

Location:

PIN 73373-0131, Part 1 on Plan 53R-21595, Part Lot 1, Concession 3, Township of Waters (400 Moxam Landing Road, Lively)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury.

Section 19.4.1.a. of the City's Official Plan requires "that all proposals which have the effect of creating more than three new lots be process as applications for a Plan of Subdivision, unless in The City's opinion a Plan of Subdivision is not necessary for the proper development of the area".

[Zoning By-law](#)

The subject lands are presently zoned "RU", Rural under By-law 2010-100Z being the Zoning By-Law for the City of Greater Sudbury. The "RU" Zone permits specified residential and non-residential uses. The minimum lot area required in the "RU" Zone is 2 ha, and the minimum lot frontage required is 90 m.

The request from the owner would not change the zoning classification of the subject lands.

Site Description & Surrounding Land Uses:

The subject lands are located on the east side of Moxam Landing Road and on the south side of Melins Road in Lively. The lands have a total area of 27.33 ha (67.53 acres) with a lot frontage of approximately 840.31 metres along Moxam Landing Road. The subject lands contain a single detached dwelling and accessory buildings that are proposed to remain with the retained lands. The single detached dwelling is serviced by a private septic system and an individual well. Surrounding uses are rural in nature.

Application:

In accordance with Section 19.4.1 of the Official Plan, the Consent Official has referred the subject applications for consent to the Planning Committee and Council in order to determine whether the proposed lot creation should be permitted to proceed by the way of the consent process, or alternatively if a plan of subdivision is required.

Proposal:

The owner is seeking approval from the Consent Official to create one additional new rural lot having a minimum lot frontage of 175.81 m (577 ft) on Moxam Landing Road. The parent parcel of land has been the subject of a number of previous applications for consent that resulted in a cluster of new lots having frontage on Melin's Road and Moxam Landing Road.

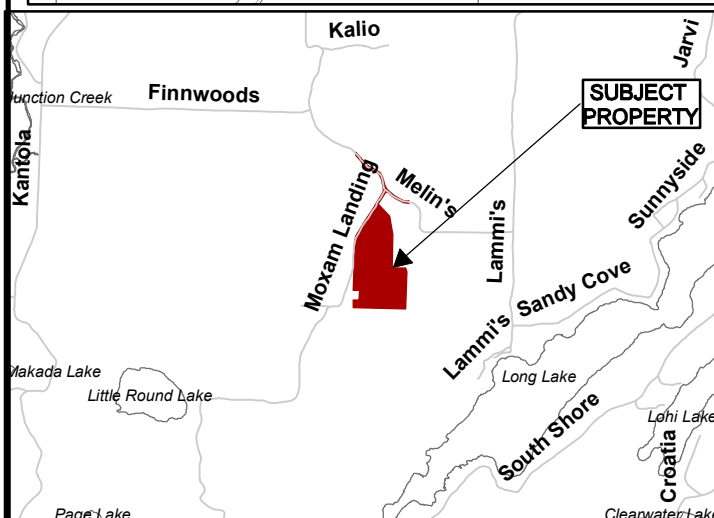
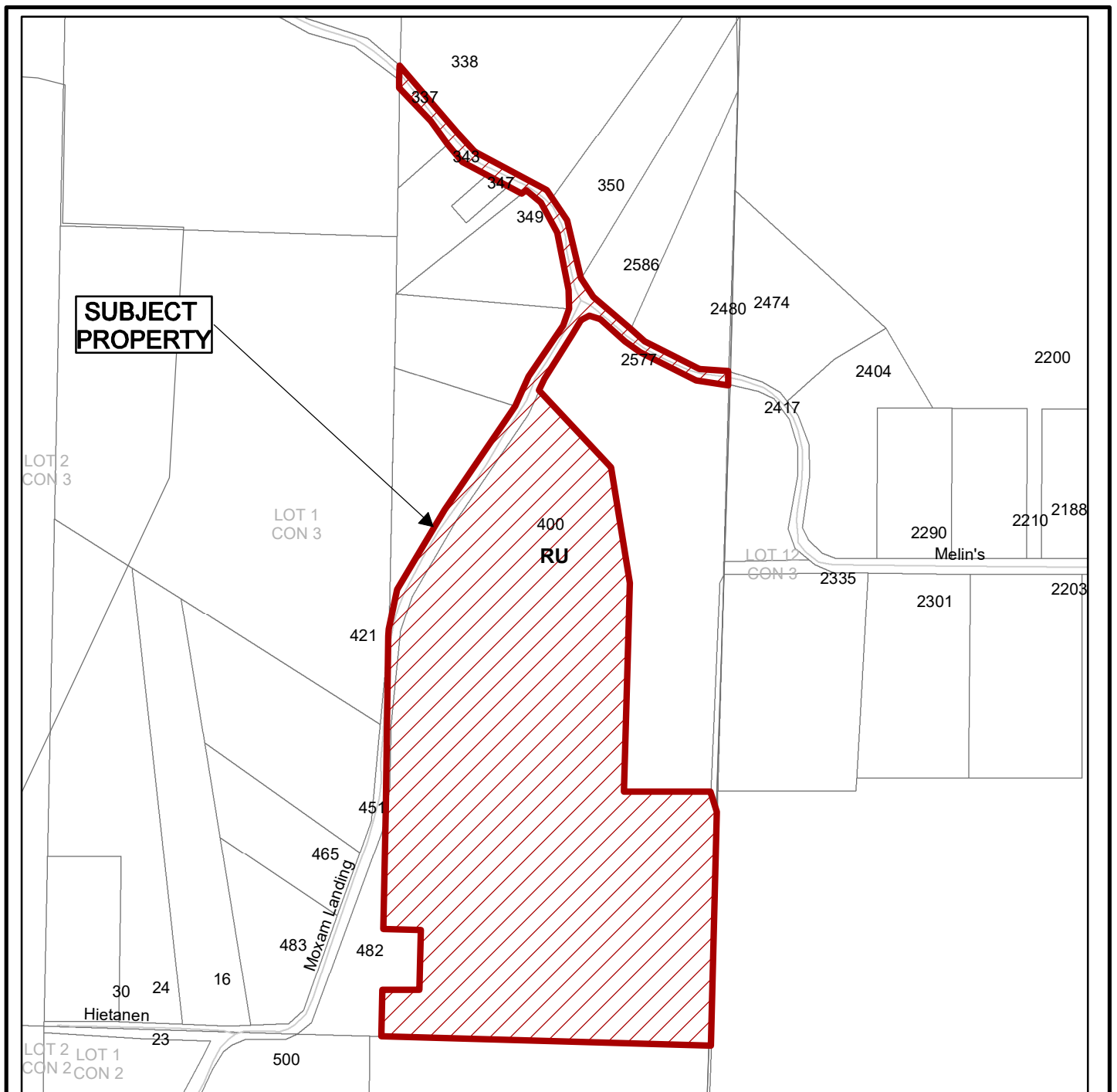
Planning Considerations:

The lands have been the subject of a number of previous consent applications to create rural lots (Files # B0092/1994, B0093/1994, B0094/1994, B0093/2021).

With respect to Section 19.4.1 of the City's Official Plan, staff note that a fulsome review of the proposal would be conducted by internal departments and external agencies through the consent process. Any concerns identified with the proposal are able to be addressed through the consent process, by amendments to the application, conditions of approval, or refusal of the application. Staff further advises that no land use planning matters which would prescribe the subdivision planning process as the preferred method for lot creation in this case have been identified during the review of the request.

Summary:

Staff has reviewed the consent referral request and advises that in general there are no land use planning matters which would prescribe the subdivision planning process as the preferred method for lot creation in this instance. It is on this basis that staff recommends that the proposed new rural lot be considered by way of the consent process.



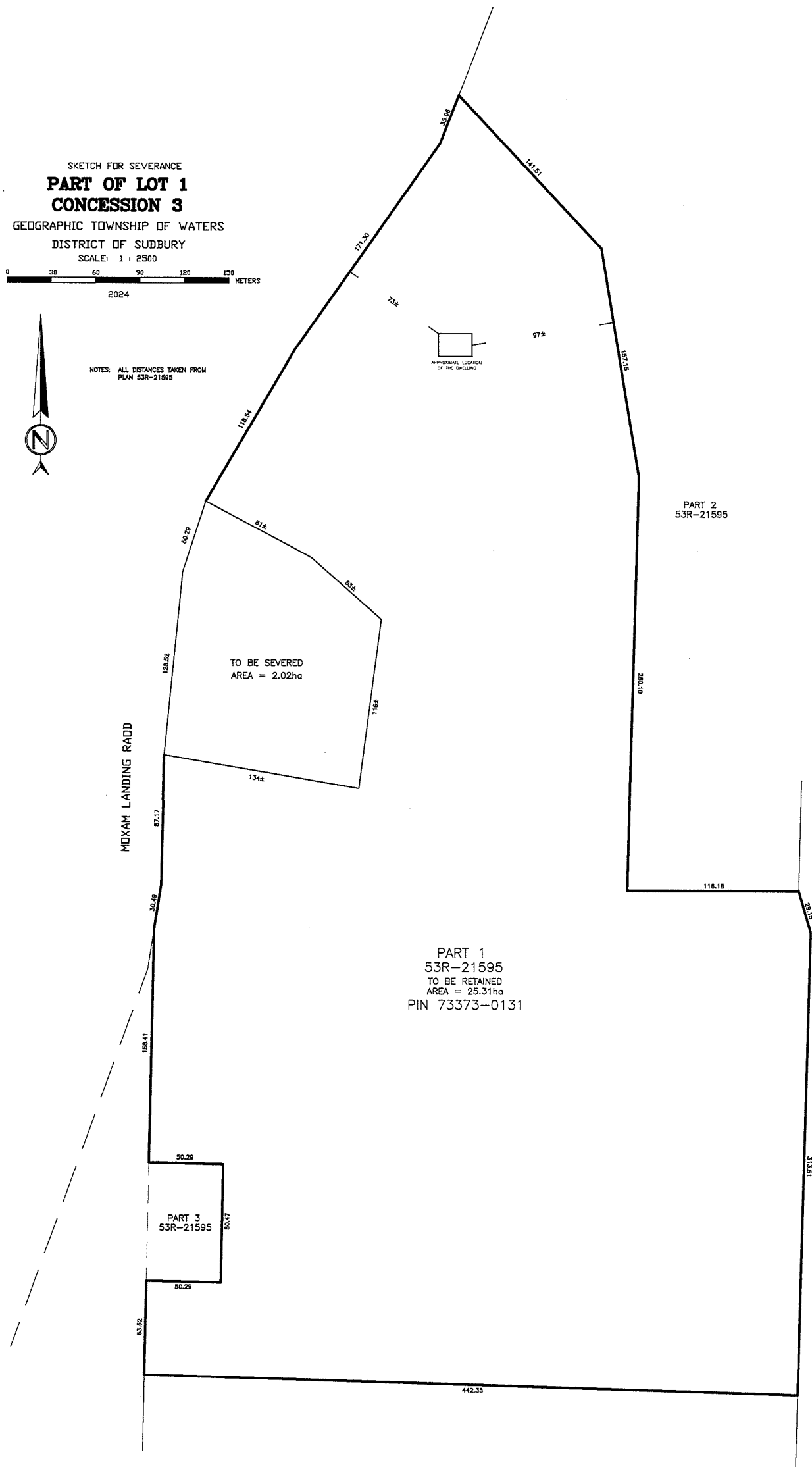
Application for Consent

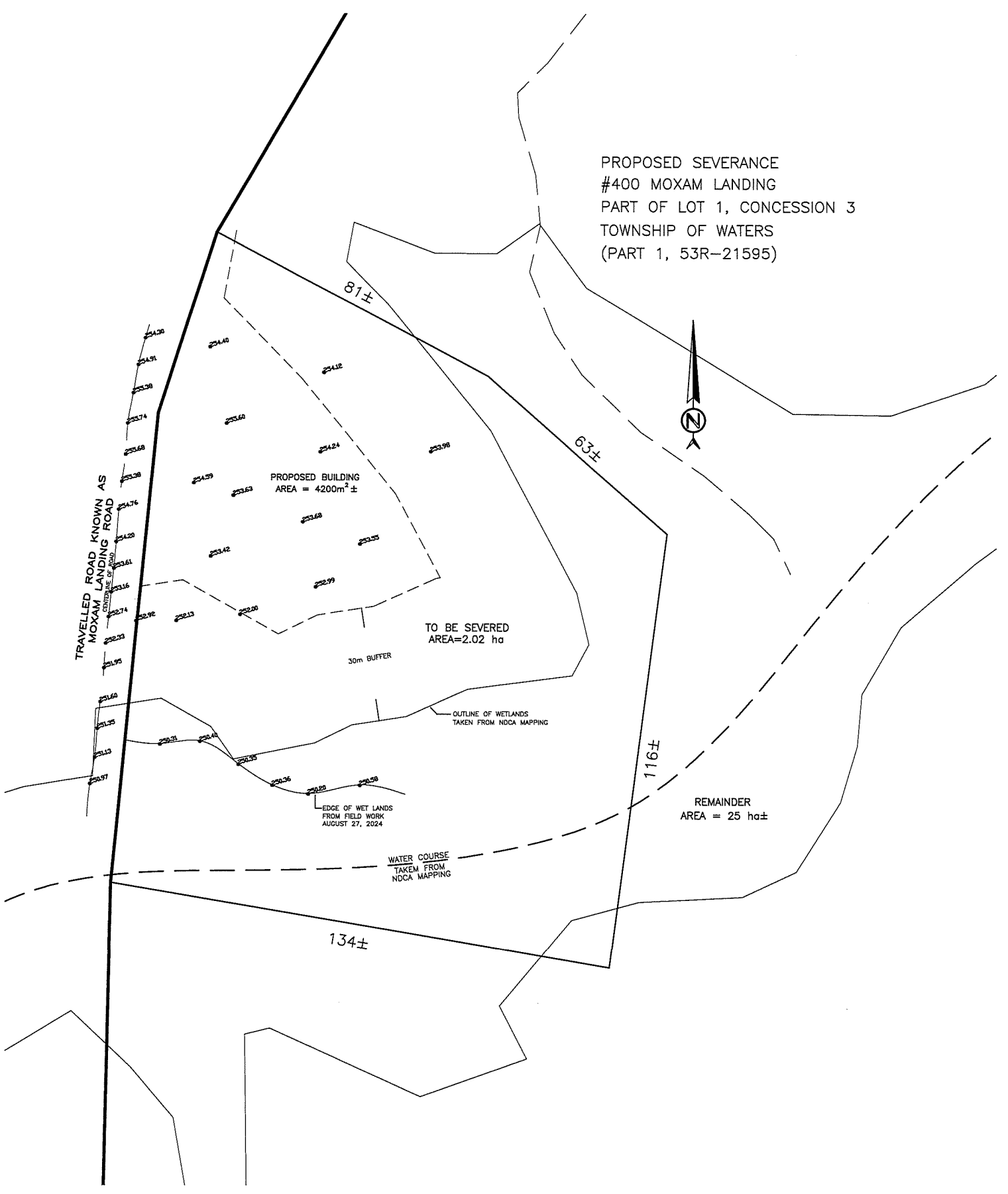


Subject Property being PIN 73373-0131,
Part 1 on Plan 53R-21595,
Part Lot 1, Concession 3,
Township of Waters,
400 Moxam Landing Road, Lively,
City of Greater Sudbury

NTS
Sketch 1

B0054/2024
Date: 2024 07 17





416 Melvin Avenue, Sudbury – Declaration of Surplus Land and Addition to Affordable Housing Land Bank

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Routine Management Reports
Prepared by:	Tanya Rossmann-Gibson Real Estate
Recommended by:	General Manager of Corporate Services
File Number:	N/A

Report Summary

This report provides a recommendation to declare surplus vacant land municipally known as 416 Melvin Avenue, Sudbury, and that the land be added to the Affordable Housing Land Bank.

Resolution

THAT the City of Greater Sudbury declare surplus to the City's needs vacant land at 416 Melvin Avenue, Sudbury, legally described as PIN 02130-0038(LT), being part of Lot 848, Plan M-100, part of Lot 6, Concession 4, Township of McKim, City of Greater Sudbury;

AND THAT the land be added to the Affordable Housing Land Bank, as outlined in the report entitled "416 Melvin Avenue, Sudbury – Declaration of Surplus Land and Addition to Affordable Housing Land Bank", from the General Manager of Corporate Services, presented at the Planning Committee meeting on December 9, 2024.

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

The Land Banking Strategy aligns with Council's Strategic Priorities including "Expanding Affordable and Attainable Housing Options" and "Develop and Promote Solutions to Support Existing Housing Choices". The Land Banking Strategy is one of the actions of the Housing Supply Strategy and addresses actions outlined in the Housing goal of the Strategic Plan, which reflect Council's desire for all citizens, especially vulnerable populations, to have access to safe, affordable, attainable and suitable housing options in the City of Greater Sudbury.

The Land Banking Strategy aligns with the Climate Action Plans and the creation of compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Background

The subject land measures approximately 245 square metres (2,640 square feet) in size and is zoned Low Density Residential Two (R2-3). The location of the subject land is identified on the attached Schedule 'A' and photographs of the subject property are shown on the attached Schedule 'B'.

The City became the registered owner of the subject land through the vesting of title subsequent to a failed tax sale.

The proposal to declare the subject land surplus to the City's needs was circulated to all City departments and outside agencies in accordance with Property By-law 2008-174. No objections were received. The following comments and requirements were identified:

- Greater Sudbury Hydro requested a 3-metre-wide easement be transferred to them to protect existing facilities along the frontage of Melvin Avenue.
- Water & Wastewater advised there is a water and sewer service line to the property, which may need to be permanently capped at the mains.
- Planning Services recommended land banking the subject property for use in conjunction with the Affordable Housing Community Improvement Plan (AHCIP).

No further comments or objections were received.

Affordable Housing Community Improvement Plan (AHCIP)

A key component of the AHCIP is the land banking of municipal property for use in conjunction with the Plan. The AHCIP allows Council to acquire, sell, lease, prepare and dispose of property at below market value to achieve the goals of the Official Plan and the Affordable Housing Strategy. Projects and potential landbank properties are reviewed using criteria to assess the feasibility of developing the property and also, locational criteria focused on the needs of the tenants.

The subject property scored well under the AHCIP scoring matrix. Below is a summary of the affordable housing assessment on the subject property.

Primary Criteria:

The property is located within the settlement boundary.

Transit Oriented: The property is within 100m of two transit routes (24-Cambrian Heights Local and route 11).

Servicing Feasibility: The lot previously contained a single detached dwelling. Servicing connections exist.

Geotechnical Feasibility: The site is relatively flat and previously contained a dwelling.

Secondary Criteria:

High Demand Area: Donovan is a secondary priority area.

Active Transportation: Sidewalk on Melvin Street which is proposed to have a signed bike route.

Open Space/Community Recreation: The property is in approximately 166m to passive recreation opportunities at Kathleen-Morin Hilltop Park and approximately 850m to soccer fields and tennis courts at Sacre Coeur to the east and Antwerp playground to the west.

Educational Facilities: The site is approximately 289m to Ecole St Joseph, 850m to Sacre Coeur and Sudbury Secondary.

Health Care: The Shaw Pharmacy is over 1,000m away, EarlyON Child and Family Center is 289m.

Food Security: The Melvin Street Variety is approximately 100m from the property. The nearest full grocery store is Food Basics on Notre Dame. There are a variety of food options along Kathleen.

Employment/Commercial Areas: There are a limited number of employment opportunities along Kathleen Street, a range of employment is available along the Notre Dame Corridor, which is approximately 1,130m from the property.

Summary Comment: This site scores well from a land banking perspective for the purpose of affordable housing.

If approved, the land will be declared surplus to the City's needs and added to the City's Affordable Housing Land Bank. A further report will follow with respect to any future transfer of the property.

Resources Cited

Affordable Housing Land Banking Strategy Phase 2 Update

<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=53497>

Draft City of Greater Sudbury Housing Supply Strategy, December 2023

<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=52176>

City of Greater Sudbury Strategic Plan 2019-2027 Revised 2023

https://www.greatersudbury.ca/sites/sudburyen/includes/themes/MuraBootstrap3/js/pdfjs-2.8.335/web/viewer_even_spreads.html?file=https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/report-pdfs/revised-strategic-plan-2023/#zoom=page-width

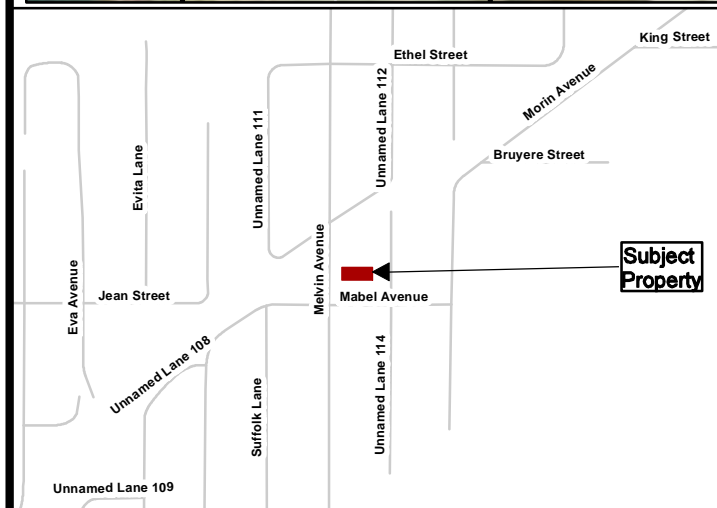
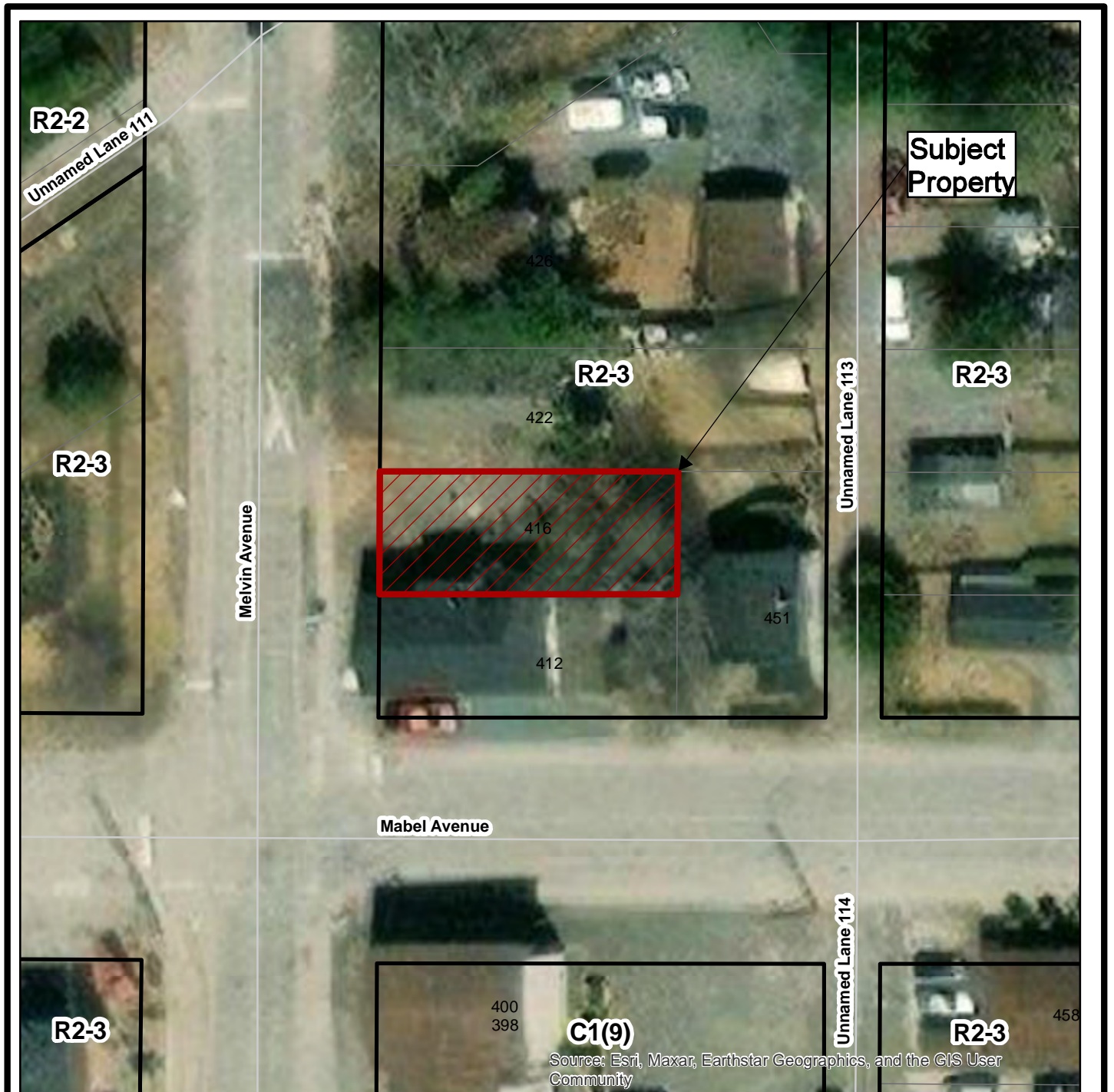
Property By-law 2008-174, as amended.

<https://www.greatersudbury.ca/do-business/available-lands-and-buildings/general-procedures/bylaw-2008-174/>

Affordable Housing Community Improvement Plan, August 2018

<https://www.greatersudbury.ca/do-business/planning-and-development/affordable-housing-strategy/housing-strategy-pdfs/affordable-housing-community-improvement-plan/>

SCHEDULE 'A'



<p>416 Melvin Avenue, Sudbury</p>	<p>PIN 02130-0038, Part Lot 848 on Plan M100, Township of McKim, City of Greater Sudbury</p>
<p>NTS</p>	<p>Date: 2023 05 23</p>

Schedule 'B'

Re: 416 Melvin Avenue, Sudbury
Declaration of Surplus Land and Addition to Affordable Housing Land Bank



View looking east from Melvin Avenue



View looking east from Melvin Avenue

Billiard's Green Subdivision Extension, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/12002

Report Summary

This report provides a recommendation regarding an application for an extension to the draft plan of subdivision approval for the subject lands (File #780-6/12002) for a period of three years until November 7, 2027.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder, File 780-6/12002, in the report entitled "Billiard's Green Subdivision Extension, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 9, 2024 as follows:

By deleting Condition #10 and replacing it with the following:

"10. That this draft approval shall lapse on November 7, 2027."

2. By replacing Condition 34(a) with the following:

"a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision.

3. By deleting Condition 34(h).

4. By adding new Condition 34 (h)(i) and (j) as follows:

"(h) The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is

greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater.

(i) A hierarchical approach to stormwater management must be followed as described by the Ministry of the Environment, Conservation and Parks and as amended by City of Greater Sudbury most recent Storm Water Management Guide and Engineering Design Standards.

(j) Stormwater management must further follow the recommendations of the Algonquin Road Subwatershed Study.”

5. By deleting Condition #35.

6 . In Condition #36, by replacing ‘Authority’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 156/06)’ with ‘Conservation Authorities Act’.

7. By adding new Condition #38:

“38. The wetland(s) must be mapped by a qualified professional (OWES-certified with experience in wetland mapping) to the satisfaction of Conservation Sudbury. The wetlands must be mapped within the location of the proposed subdivision and within 30 metres of the proposed subdivision. All mapping must include the wetland boundary and areas of potential interference shown at 12 metres and 30 metres from the wetland boundary. Development must comply with Conservation Sudbury’s wetland guidelines and proponent must demonstrate that loss of wetlands will not aggravate flooding or erosion to downstream parcels to the satisfaction of Conservation Sudbury.”

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

The application to extend this draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the housing available in this area. The application aligns with the Community Energy and Emissions Plan (CEEP) by supporting the strategy of compact, complete communities.

Financial Implications

If approved, staff estimates approximately \$393,400 in taxation revenue, based on the assumption of 22 semi-detached dwelling units and 66 row dwelling units based on an estimated assessed value of \$300,000 and \$275,000, respectively, at the 2024 property tax rates.

Additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department at the time of permit issuance.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

Staff Report

Applicant:

Dalron Construction Ltd.

Location:

Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on April 10, 2013 and subsequently extended in 2016 and 2021. The plan includes 154 residential units consisting of 32 semi-detached dwelling and 122 row dwelling. A first phase of the subdivision was registered in 2018, with one block for 22 semi-detached and 66 row dwelling units and one block for parkland remaining.

Proposal:

The owner is requesting that the draft approval for the above noted lands be extended for a period of three years until November 7, 2027.

Background:

The City received a request from Dalron Construction Ltd. on May 21, 2024 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of PIN 73478-0607, Parcel 2877, Parts 1 & 2, 53R-18053, Lot 4, Concession 5, Township of Broder. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to November 7, 2027.

The plan of subdivision was draft approved initially on April 10, 2013. Conditional approval was extended in 2016, in 2018 as a result of registering the first phase, in 2021, and a four-month administrative extension has been granted to allow time to review the current extension request. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on March 7, 2025.

The lands within the plan of subdivision are designated Living Area 1 in the Official Plan and are zoned 'H40R2-2', Hold – Low Density Residential Two, and 'H40R3-1', Hold - Medium Density Residential. Until such time as the "H40" symbol has been removed through a zoning by-law amendment, a maximum of 74 dwelling units are permitted. The "H40" symbol may only be removed if a public road connection exists from the subject lands to Maurice Street or Tuscany Trail.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of subdivision approval extension requests. Applicants must reapply for subdivision approval if a draft plan approval has lapsed as there is no other avenue for relief.

Departmental & Agency Circulation:

Infrastructure and Capital Planning Services, Building Services, Development Engineering, and Environmental Planning Initiatives have each advised that they have no concerns from their respective areas of interest. In some cases, they have recommended technical updates or revisions.

Planning Considerations:

Official Plan

Section 20.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

The owner has advised that they are currently developing in this area with the construction of 20 row dwellings and look forward to development continuing in this location. This extension will provide additional time for Dalron to rezone to accommodate the development of additional row dwelling units.

Development Engineering has advised that the most recent phase of the subdivision was registered in November 2018. There are currently no submissions of drawings for an additional phase of this subdivision. Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

Draft Approval Conditions

Condition #10 should be deleted entirely and replaced with a sentence referring to November 7, 2027, as the revised date on which the subject draft plan of subdivision approval shall lapse.

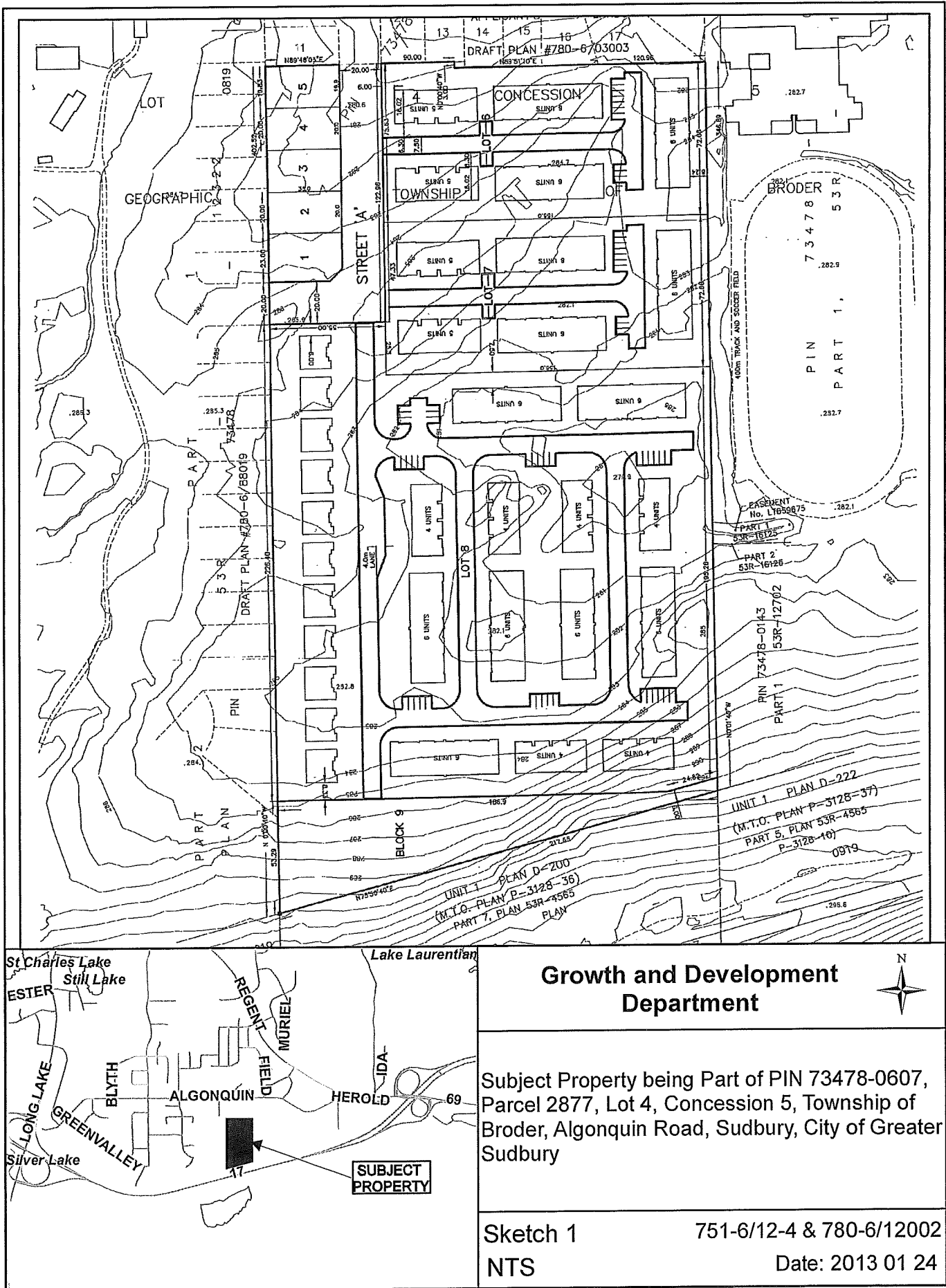
Infrastructure and Capital Planning Services, Drainage Section, has requested updates to the stormwater management conditions requiring the owner to design and construct stormwater management works for quality control and quantity control rather than providing a cash contribution in lieu of on-site stormwater quantity controls. Further, staff recommends that Condition #35 be deleted, which pertains to confirming off-site infrastructure is available and no longer aligns with the approach of providing on-site quantity control. Under the City's Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) that was issued on October 16th 2023, the City can no longer request cash in-lieu for previous draft approved submissions that are not in detailed design or have not started construction. Stormwater must now be managed onsite. Note that the City has submitted a CLI amendment form to the Ministry of Environment, Conservation and Parks requesting to amend the CLI-ECA to allow the City to request cash in-lieu for previous draft approved subdivisions. The City is waiting to hear back from the Ministry.

Conservation Sudbury has recommended condition #36 be updated to replace a reference to a regulation to reflect the current legislative and statutory context, and by adding a new condition (Condition #38) to reflect that they have adopted Wetland Guidelines that require wetlands to be mapped by a professional, setbacks shown, and demonstrate that any loss of wetlands will not aggravate flooding or erosion to downstream parcels.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments. The draft conditions are attached to this report along with the draft approved plan of subdivision for reference purposes.

Conclusion:

The Planning Services Division has reviewed the request to extend the subject draft approval and has no objections to the requested extension. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes, where identified, have been included in the Resolution section of this report and will now form part of the draft plan approval if approved by Council. The Planning Services Division therefore recommends that the application to extend the draft approval for the subject lands for a period of three years until November 7, 2027, be approved as outlined in the Resolution section of this report.



**CITY OF GREATER SUDBURY COUNCIL'S CONDITIONS APPLYING TO THE
APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT
SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of Part of PIN 73478-0607, Parcel 2877, Lot 4, Concession 5, Township of Broder as shown on a plan of subdivision prepared by R.V. Anderson Associates Limited and dated November 2012.
2. That the street(s) shall be named to the satisfaction of the City.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City and held in trust by the City until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the City in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the City against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development.
10. That this draft approval shall lapse on March 7, 2025.

11. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
12. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official, the Director of Planning Services, and the Nickel District Conservation Authority. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor. The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19.
13. All streets will be constructed to an urban standard, including the required curbs, gutters and sidewalks.
14. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans, to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path. A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.
15. The owner agrees to provide the required soils report, water, sanitary sewer and

lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.

16. The owner shall provide to the City, as part of the submission of servicing plans a Sediment and Erosion Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
17. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Inc. at the cost of the owner.
18. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated in to the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
19. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Inc. or Hydro One, Bell, Union Gas, Canada Post, Vianet and Eastlink (where applicable). This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
20. The owner must provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
21. Development on the proposed blocks (Lots 6, 7, and 8) must have the water supply metered at the lot line. The five R2-2" lots are to be serviced in accordance with current City standards.
22. A water connection, complete with a water check valve and associated chamber, must be provided for the proposed subdivision to the west within proposed Street 'A'.
23. The owner is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. The owner must cost share in the upgrade of the downstream City sanitary sewer

system as determined by the water/wastewater department. If construction proceeds prior to the City upgrading the existing system, the owner must complete the upgrades subject to a cost sharing agreement.

24. Deleted.
25. Deleted.
26. The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:
 - a) The owner will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
 - b) The blasting consultant shall be retained by the owner and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
 - c) The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - i) Pre-blast survey of surface structures and infrastructure within affected area
 - ii) Trial blast activities
 - iii) Procedures during blasting
 - iv) Procedures for addressing blasting damage complaints
 - v) Blast notification mechanism to adjoining residences
 - vi) Structural stability of exposed rock faces
 - d) The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

- e) Should the owner's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
27. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) That the home/business mail delivered will be from a designated Community Mail Box.
 - ii) That the owner be responsible for officially notifying the purchasers of the Community Mail Box locations prior to the closing on any home sales.
 - b) The owner further agrees to:
 - i) Install concrete pads in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. Canada Post will need to be informed when the pads are in place.
 - ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision. Provide curb depressions at the community mailbox site location(s). These are to be 2 meters in width and no higher than 25 mm.
 - iii) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.
28. That 5% of the value of the land included in the subdivision be dedicated to the City for municipal parks purposes in accordance with Section 51.1 (1) of The Planning Act. As a component of the municipal parks dedication Lots 1 and 2 and Block 9, as generally indicated on the plan, shall be dedicated to the City to the satisfaction of the Director of Planning Services, Director of Leisure Services, and the City Solicitor.
29. That a Noise Impact Study in accordance with Ministry of Environment Guidelines be prepared prior to the execution of the subdivision agreement by a

professional noise consultant to determine what impact, if any, traffic noise from Highway 17 would have on residents of the subdivision and to recommend mitigation measures if required to the satisfaction of the Director of Planning Services.

30. That prior to the signing of the final plan, the Planning Services Division is to be advised by the Ministry of Transportation that sufficient lands have been dedicated to accommodate Highway 17 improvements, and that a storm water management report has been submitted for their review.
31. Deleted.
32. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
33. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.
34. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City and the Nickel District Conservation Authority. The report must address the following requirements:
 - a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2-year design storm. Any resulting post development runoff in excess of the 2-year design storm must be conveyed through overland flow system within the City's right-of-way.
 - b) There is a wetland on the subject parcel. The flood retention capacity of the lost wetland must be identified, and it must be demonstrated that the flood retention capacity of the lost wetland has been accommodated.
 - c) "Enhanced" level must be used for the design of stormwater quality controls

as defined by the Ministry of the Environment, Conservation and Parks.

- d) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- e) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure.
- f) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- g) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.
- h) The owner is required to provide a cash contribution in lieu of onsite stormwater quantity controls and for stormwater improvements within the watershed as outlined in the Algonquin Road Watershed Stormwater Management Study.

The owner shall be responsible for the design and construction of any required stormwater management works, to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development.

- 35. Draft approval does not guarantee completion of stormwater improvements within the watershed as outlined in the Algonquin Road Watershed Stormwater Management Study. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services, that sufficient off-site stormwater quantity control(s) exist to service any resulting post development runoff in excess of the 2-year design storm, under the regulatory storm scenario. The regulatory storm is the greater of the 100- year or Timmins storm.
- 36. That the owner obtain approval from the Nickel District Conservation Authority for the placement of fill, the alteration of existing grades or any construction activity at this location under the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 156/06) prior to undertaking the proposed works. Following the completion of these works, the Owner shall agree to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications as approved by the Nickel District Conservation Authority and the City. The owner shall agree to carry out or cause to be carried out the recommendations and measures contained within the plans and reports

approved by the Nickel District Conservation Authority and the City.

37. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.

Notes

1. Please be advised that the Nickel District Conservation Authority regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although the Nickel District Conservation Authority makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes.”

Regulation of Shipping Containers

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Managers' Reports
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides a recommendation with respect to amendments to the City's Zoning By-law, respecting shipping containers.

Resolution

THAT the City of Greater Sudbury directs Staff to prepare a Zoning By-law Amendment Application on amendments to Zoning By-law 2010-100Z as set out in Option 2A, as outlined in the report entitled "Regulation of Shipping Containers", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 9, 2024.

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

The regulation of shipping containers aligns with the strategic goals of strengthening quality of life and place including matters of public safety, while also facilitating business retention and growth through the expansion of as-of-right zoning permissions. There is no conflict with the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications with this report.

Report Overview

This manager's report responds to a Planning Committee recommendation ratified by Council on August 15, 2023, directing Staff to undertake a review of shipping container provisions under the Zoning By-law and prepare recommendations based on the key findings as outlined in the report entitled "Regulation of Shipping containers", from the General Manager of Growth and Infrastructure, presented at the Planning Committee Meeting on August 14, 2023. The report recommends that Council direct Staff to prepare a Zoning By-law Amendment Application with respect to amendments to the zoning by-law as set out in Option 2A in the report.

Background:

On August 14, 2023 Planning Committee received a report which provided an overview of how shipping containers are currently regulated by the City from a zoning perspective, identified issues associated with their use for accessory storage and presented possible options for Council's consideration related to the expanded permission of shipping containers under the Zoning By-law. The following options were set out in the report based on a degree of change from the lowest to highest.

1. Option 1- Maintain the current provisions as set out in the Zoning By-law, where shipping containers are permitted as accessory uses to specific land uses (agricultural, extractive, transport terminal or warehouse);
2. Option 2- Expand the permissions to include Industrial zones and automotive and recreational vehicle sales establishments subject to appropriate zone standards, building permits and site plan control.
3. Option 3- Expand permissions to include all ICI, (Industrial, Commercial, Institutional), zones subject to appropriate zone standards, building permits and site plan control.
4. Option 4- Expand Rural and Agricultural zone permissions to allow shipping containers without a permitted agricultural use;
5. Option 5- Expand permissions to include all zones including Residential zones, where shipping containers would be treated as a type of accessory use subject to appropriate zones standards and building permits.

This report is a response to the August 15, 2023 Council resolution directing staff to undertake a review of shipping container provisions under the Zoning By-law and prepare recommendations based on the key findings as outlined in the report entitled "Regulation of Shipping Containers", from the General Manager of Growth and Infrastructure, presented at the Planning Committee Meeting on August 14, 2023.

Planning Analysis

Option 1- Maintain Current Provisions

The City's current approach to shipping containers, as articulated in the zoning by-law, is based on prohibiting them in certain zones to protect the quality and character of residential areas and other areas that define our community image. Shipping and storage containers are permitted in most of the industrial zones and in the Agricultural and Rural zones as an accessory structure in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use. They are also permitted for the purposes of rental, sale, or distribution in a M2 Light Industrial or M3 Heavy Industrial Zone for use off site. Shipping and storage containers are permitted on a temporary basis to support construction activities, or for up to 14 days to support moving activities. By contrast, shipping and storage containers are not permitted on Residential, Commercial, Business Industrial and Mixed Light Industrial/Service Commercial zoned lots. These zones are associated with the areas of our City where residents live, shop and work, in our higher profile locations such as key nodes and corridors that define our community. Should Planning Committee decide to maintain the current provisions, a site-specific Planning Act application would continue to be required to permit shipping containers on Residential, Commercial, Business Industrial and Mixed Light Industrial/Service Commercial zoned lots. This would allow for staff evaluation of the proposed shipping containers on a case-by-case basis. The current provisions in the zoning by-law can be found below.

Current Provisions as set out in the Zoning By-law

Under Zoning By-law 2010-100Z, the accessory use of shipping containers is currently limited to specific land uses as set out in Section 4.34 as follows:

4.34 Shipping and storage containers

Shipping or storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone and shall only be located on a lot:

- a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;
- b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site; or,
- c) In accordance with Sections 4.40.5 and 4.40.7 of this By-law.

Sections 4.40.5 and 4.40.7 referenced above speak to the temporary use of storage containers for moving and construction purposes:

4.40.5 Temporary Construction Uses

Nothing in this By-law shall apply to prevent the use of any part of any lot for, a tool shed, construction trailer, shipping or storage container, scaffold or other building or structure incidental to construction and the temporary storage of construction supplies and equipment in all Zones within the City on the same lot on which the construction work is in progress or in relation to a road or public utility, so long as it is necessary for the work in progress and until the work is completed or abandoned.

For the purposes of this section, abandoned shall mean the discontinuation of work for more than 90 consecutive days or the failure to maintain a current building permit. (By-law 2011-49Z)

4.40.7 Temporary Shipping or Storage Containers

Nothing in this By-law shall apply to prevent the use of any part of any lot for the placement and use of not more than a total of one shipping or storage container shall be permitted on a residential lot or a lot within a Commercial (C) or Institutional (I) Zone for a maximum of 14 consecutive days for the purposes of being loaded or unloaded where a use, business or the occupants of a dwelling are moving from a premises or lot to another premises or lot.

Option 2- Expand Permissions to include Industrial Zones and automotive and recreational vehicle sales establishments.

Automotive Sales Establishments are permitted in the C2, M1-1 and M1 Zones and Recreation Vehicle Sales and Service establishments are permitted in the C2, C5, C7, M1 and M2 zones. Through research it was determined that automotive and recreational sales establishments are permitted in zone categories that generally can be found along corridors with high visibility and in closer proximity to residential uses. Staff have concerns about the visual impacts to the high profile areas if shipping containers were permitted as an accessory use to automotive and recreational vehicle sales establishments and would prefer to continue to evaluate the appropriateness of shipping containers through a Planning Act application on a case by case basis rather than allow a blanket permission. Additionally, as outlined in the 2023 report, the storage of tires within shipping containers is a fire safety hazard. For these reasons, staff do not recommend permission for shipping containers for automotive and recreational vehicle sales establishments.

In evaluating the appropriateness of allowing shipping containers in the industrial zone categories, staff determined that permission for them in some of the industrial zone categories subject to location criteria, site plan control, and building permits could be supported. As a result, staff have included a revised Option 2, titled Option 2A below.

Option 2A- Expand Permissions to include some Industrial Zones

Staff have reviewed the industrial zone categories, permitted uses in each category, and general location of properties containing industrial zoning. Based on this information, staff would have similar concerns with

aesthetics in allowing shipping containers in the M1-1 Business Industrial and the M1 Mixed Light Industrial/Service Commercial zones. Staff however, are of the opinion that permitting shipping containers as accessory uses in the M2 Light Industrial, M3 Heavy Industrial, M4 Mining Industrial, M5 Extractive Industrial, and M6 Disposal Industrial to be appropriate subject to criteria. This is due to the fact that these zones don't typically front onto major arterial roads and the zones do not permit automotive sales establishments. Staff recommend that permissions restrict the location of shipping containers in these zone categories to the interior yard, meaning not abutting a public road. By restricting the permission of shipping containers to an accessory use and its location to an interior yard, a main building(s) would need to be present on the lot and the shipping container would need to be located in the rear or interior side yard, thereby reducing its visibility somewhat from the public roadway. Additionally, staff recommend that shipping containers be prohibited in yards that abut a residential zone category. Staff are of the opinion that this option would result in modest flexibility to permissions for shipping containers, while protecting urban design standards and public safety throughout the Municipality. Staff would continue to evaluate permission for shipping containers in the commercial, institutional, and residential areas on an individual basis through a Planning Act application.

Option 3- Extend permissions to include all ICI (Industrial, Commercial, Institutional) Zones

Commercial and institutional uses are much more likely to abut residential lots and zones than industrial zones, as many commercial uses and institutional uses such as places of worship and school tends to be neighbourhood focussed. Given that these uses are more integrated locationally with residential areas, permission for shipping containers would not maintain the character of the residential context. Through research it was identified that shipping containers are not designed to be used as accessory buildings and as such may result safety challenges. Staff recommends that shipping containers be located in areas that are separated from residential areas and in zone categories that would benefit from staff review through the site plan control process in order to ensure public safety and compliance with the Ontario Building Code.

Planning staff have considered the issue of the permission of shipping containers in the context of the Downtown, Regional Centres and the existing and proposed Regional Corridors and Secondary Community Nodes and the mix of zoning in the centres and corridors and impact on the use and urban design objectives for these areas. Given the function and high visibility of these areas, special attention to sound urban design principles is essential. Siting buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and effective landscaping can aesthetically enhance the appearance of Regional Corridors. Staff do not recommend extending permissions to allow shipping containers in all industrial, commercial, and institutional zones and would see benefits in continuing to evaluate requests to do so on an individual basis.

Option 4 - Expand Permissions to the Rural and Agricultural Zone

The current provisions permit shipping containers accessory to an agricultural use or extractive use, however, would not permit them as of right on rural or agricultural parcels that are used for residential purposes. Rural and agricultural areas are located outside of settlement areas, are typically larger in size in comparison to within the settlement areas, and generally contain more naturalized areas in the form of trees and rock. The rural area also includes existing undersized lots, making it challenging to create a 'one size fits all' policy approach to shipping containers in the rural and agricultural zone categories.

Residential accessory buildings in the rural and agricultural areas are governed by the same accessory building standards for all residential lots, except for increased height provision of 6.5 m. Staff note that the maximum lot coverage for accessory buildings is 10%, which could result in larger parcels of land containing many shipping containers, altering the character of the rural areas to that of more industrial in nature. Additionally, the height provisions could allow for stacked containers, which is a safety concern. Given the diverse character of the rural and agricultural zoned parcels, staff would recommend that permission for shipping containers continue to be done on a site-specific basis. Staff do not support permission for shipping containers as a residential accessory use in the rural area.

Option 5- Expand Permissions to include all Zones, including Residential

Typical backyard sheds are constructed of wood with a pitched roof similar to most dwellings and are visually unassuming in a residential setting. A smaller 10 ft. or 20 ft. long shipping container would generally be comparable in size to a typical backyard shed. Shipping containers, however, have corrugated metal sides with a flat roof with an entry typically from one end and does not look like a typical garden shed.

Zoning By-law 2010-100Z restricts where accessory structures can be located on a Residential Lot, how large they can be, and how tall they can be. Structures accessory to a residential dwelling, are permitted up to a maximum height of 5 m (16.4 ft.) on a residential lot, and in the Agricultural and Rural Zones up to a height of 6.5 m (21.3 ft.). Accessory structures 2.5 m (8.2 ft.) and less in height can be no closer than 0.6 m (2 ft.) from the rear or side lot lines and those greater than 2.5 m in height can be no closer than 1.2 m (3.9 ft.) from the rear or side lot lines. As most shipping containers are 2.4 m (8 ft.) high they would be able to be located at 0.6 m from the rear or side lots.

Accessory buildings or structures on a residential lot are generally not permitted within a required front yard or required exterior side yard. However, this could still allow for an accessory structure to be located beyond the minimum required front yard (6 m in most Residential zones and 10 m in most Rural zones) or required exterior side yard on a corner lot (4.5 m in most Residential zones and 10 m in Rural and Agricultural Zones and 3 m in Rural Shoreline and Seasonal Limited Service Zones). In such instances where the shipping container were to be located within the front yard, it would most likely be highly visible to the public.

While restrictions can be put in place in the bylaw to control the placement of shipping containers as accessory uses, it is difficult to control the appearance of these uses. Additionally, residential developments under 10 units do not benefit from the site plan control process.

Of the 14 municipalities surveyed in 2023, only 4 permitted shipping containers in all zones including residential. Staff are concerned about the aesthetics and the potential proliferation of their use as accessory structures on residential lots and in Residential zones. Planning staff do not support the permission of shipping containers in Residential Zones on a permanent basis.

Conclusion:

Staff recognize that shipping containers are a more affordable alternative to traditional building materials. Additionally, based on the researched conducted in 2023, it is apparent that shipping containers are being established on properties without benefit of Building Permit and in areas where the use is not permitted within the current provisions of the Zoning By-law. It is also recognized that the improper use of shipping containers can cause public safety concerns, and that they are visually considered unsightly. Based on these reasons, staff are of the opinion that some flexibility in permissions when it comes to shipping containers is warranted in some of the industrial zone categories, subject to location criteria. It is also noted that most industrial uses are subject to the Site Plan Control process, which would allow staff the opportunity to review any proposed accessory shipping containers in more detail. Staff therefore recommend that Planning Committee provide staff with direction on proceeding to prepare a zoning by-law amendment application based on Option 2A- Expand the permissions to include some Industrial Zones subject to appropriate zone standards, building permits and site plan control.

It should be noted that staff do not recommend any changes to the temporary provisions section for shipping containers in any of the options above. Additionally, staff recommend that a definition of shipping container be included in the future zoning by-law amendment application for clarification purposes.

In all potential options listed above, a Building Permit is required for the installation of shipping containers to ensure compliance with the Ontario Building Code. Obtaining a Building Permit is essential for safety purposes.

Resources Cited

1. Regulation of Shipping Containers Report, August 14 , 2023

<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=50482>

2. Municipal Review Shipping Containers 2023

<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=50483>

Regulation of Shipping Containers

Presented To:	Planning Committee
Meeting Date:	August 14, 2023
Type:	Managers' Reports
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides Planning Committee with information concerning the regulation of shipping containers, including a comparative analysis with other Ontario municipalities related to zoning provisions.

Resolution

THAT the City of Greater Sudbury directs Staff to undertake a review of shipping container provisions under the Zoning By-law and prepare recommendations based on the key findings, as outlined in the report entitled "Regulation of Shipping Containers", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 14, 2023.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The regulation of shipping containers aligns with the strategic goals of strengthening quality of life and place including matters of public safety, while also facilitating business retention and growth through the expansion of as-of-right zoning permissions. There is no conflict with the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications associated with this report at this time.

Report Overview:

This manager's report is intended to provide an overview of issues related to the regulation of shipping containers, which have become increasingly popular as storage units in commercial and industrial settings. Topics covered include an analysis of zoning provisions, matters related to public safety and the issuance of building permits, the impact on community standards, the assessment of modified shipping containers for tax purposes, and potential amendments to the Zoning By-law.

Staff Report: Regulation of Shipping Containers Planning Services Division

Background:

This report is intended to provide Planning Committee with information concerning the regulation of shipping containers, including a comparative analysis with other Ontario municipalities related to zoning provisions. Other topics to be addressed include matters related to public safety and the issuance of building permits, the impact on community standards, and the assessment of modified shipping containers for tax purposes.

In recent years, shipping containers have proliferated throughout the community, as surplus units are relatively inexpensive and easily attainable. In most cases, the shipping containers have been placed on the property in contravention of the Zoning By-law and are typically being used as storage buildings without benefit of a building permit. The latter presents concerns related to public safety given that shipping containers are designed for the intermodal transport of goods and do not meet minimum requirements under the Ontario Building Code related to life safety requirements. There have also been public complaints related to the use of unmodified shipping containers, which are often unscreened and visible from public roads and residential areas. Another evolving trend is the conversion of shipping containers to a habitable use, such as a dwelling unit or commercial space. Such conversions require more substantive retrofits compared to containers used for commercial and industrial storage.

Under Zoning By-law 2010-100Z, the accessory use of shipping containers is limited to specific land uses as set out in Section 4.34 as follows:

4.34 Shipping and storage containers

Shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone and shall only be located on a lot:

- a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;*
- b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site; and,*
- c) In accordance with Sections 4.40.5 and 4.40.7 of this By- law.*

Sections 4.40.5 and 4.40.7 referenced above speak to the temporary use of storage containers for moving and construction purposes:

4.40.5 Temporary Construction Uses

Nothing in this By-law shall apply to prevent the use of any part of any lot for, a tool shed, construction trailer, shipping or storage container, scaffold or other building or structure incidental to construction and the temporary storage of construction supplies and equipment in all Zones within the City on the same lot on which the construction work is in progress or in relation to a road or public utility, so long as it is necessary for the work in progress and until the work is completed or abandoned.

For the purposes of this section, abandoned shall mean the discontinuation of work for more than 90 consecutive days or the failure to maintain a current building permit. (By-law 2011-49Z)

4.40.7 Temporary Shipping or Storage Containers

Nothing in this By-law shall apply to prevent the use of any part of any lot for the placement and use of not more than a total of one shipping or storage container shall be permitted on a residential lot or a lot within a Commercial (C) or Institutional (I) Zone for a maximum of 14 consecutive days for the purposes of being loaded or unloaded where a use, business or the occupants of a dwelling are moving from a premises or lot to another premises or lot.

In regards to Planning approvals, Council has historically maintained a consistent approach. Since the adoption of Zoning By-law 2010-100Z in September 2010, seven of eight applications submitted in order to permit shipping containers on a permanent or temporary basis have been denied by Council. There have been a further 16 applications where one or more shipping containers were determined to be present following a site visit. The typical practice has been to require removal of the shipping container as a condition of approval.

Given the increasing popularity of repurposed containers and the challenges related to enforcement and compliance, this report presents an overview of the regulatory framework, identifies issues, and presents possible options for Council's consideration related to the expanded use of shipping containers.

Discussion:

1. Comparison of zoning regulations applied to shipping containers

A review of Ontario municipalities was conducted in order to determine how shipping containers are regulated from a zoning perspective. The objective was to provide a representative sampling across jurisdictions based on different approaches to regulation. The results were grouped into three broad categories:

Permissive: generally permitted in all zones subject to special provisions;

Moderately permissive: generally prohibited in Residential zones but permitted in Industrial, Commercial and Institutional (ICI) zones subject to special provisions; and,

Restrictive: generally treated as per the intended use (intermodal transport) and restricted by zone and type of use; and/or, permitted as a temporary use only.

Some municipalities do not regulate shipping containers through their Zoning By-laws (e.g., Barrie, Cambridge, Mississauga). Defined terms also vary across Zoning By-laws, with some municipalities using the term *freight containers*, *storage containers*, *intermodal containers* or *sea cans*. Some Zoning By-laws make a distinction between *shipping containers* and *storage/truck trailers* (trailer portion of a tractor-trailer unit).

The results are summarized in the table contained in **Appendix 1**.

The review demonstrated that the regulation of shipping containers through Zoning By-laws varies widely. Some municipalities have adopted broadly permissive provisions whereby shipping containers are permitted in all zones including Residential areas (Burlington, Hamilton). Under this approach, shipping containers are acknowledged as a cost-effective building solution that is gaining in popularity. The containers are essentially treated as another type of accessory structure, where a building permit is required if the size of the unit exceeds 10 m² of floor area.

At the other end of the spectrum, there are municipalities that maintain fairly restrictive provisions, where shipping containers are limited to industrial and/or agricultural uses; or alternatively, permitted as a temporary use only (Greater Sudbury, Waterloo, Bradford-West Gwillimbury). In these cases, shipping containers are generally treated as per their intended use (i.e., intermodal transport).

A number of municipalities fall somewhere in the middle, where shipping containers are permitted as accessory uses in selected zones subject to special provisions addressing the siting, number, size and stacking of containers. In these instances, shipping containers are generally prohibited in Residential zones.

Key findings: For those municipalities that permit shipping containers in ICI zones, the use of a shipping container as a repurposed structure is subject to special zoning provisions including limits on the number, size and stacking of containers. Site plan control is utilized to ensure proper siting and screening.

2. Health and safety concerns

A shipping container is not constructed to function as a building, but rather for the intermodal transport of goods and materials. An unmodified shipping container does not meet the requirements of the Ontario Building Code, and presents specific concerns related to public safety. A particular hazard is the storage of flammable and combustible liquids and gas-powered equipment, which may produce ignitable vapours in a confined space without ventilation. A firefighter was killed in Enderby, BC in December 2011 when flammable liquids being stored in a shipping container vaporized and ignited, resulting in a catastrophic failure of the structure. In Greater Sudbury, it was reported by local media that a shipping container exploded on an industrial site in Coniston on November 18, 2021. In Ontario, explosions are investigated by the Office of the Fire Marshal (OFM).

Although a shipping container is typically constructed of steel and is considered strong, the units also tend to deteriorate over time through exposure to the elements. Many surplus containers are rusted and in poor condition, raising questions about the structural stability. If shipping containers are to be accessed on a regular basis, restrictions on the stacking of containers should also be considered in the interest of workplace safety.

In 2022, amendments were made to the Ontario Building Code (OBC) that potentially impact the regulation of shipping containers by increasing the minimum size of a shed requiring a building permit from 10 m² to 15 m². A shed is exempt from the requirement to obtain a permit under Section 8 of the *Building Code Act* and is exempt from compliance with the Ontario Building Code, provided that the shed,

- (a) is not more than 15 m² in gross area;
- (b) is not more than one storey in building height;
- (c) is not attached to a building or any other structure;
- (d) is used only for storage purposes ancillary to a principal building on the lot; and,
- (e) does not have plumbing.

Many shipping containers being used locally for storage purposes are smaller units measuring 2.44 m (8 ft) by 6 m (20 ft), or 14.64 m². If defined as a shed, these containers would be exempt from permit control and would not have to comply with the Ontario Building Code. Notwithstanding the above, the Ontario Building Code does not define a shed and additional clarification is therefore required. Note, however, that the exemption does not apply to sheds that are attached to buildings or any other structures (i.e., linked or stacked shipping containers would not be exempt even if defined as a type of shed).

Key findings: There are legitimate safety concerns related to the use of a shipping container as an accessory storage building. This is an issue that extends beyond zoning compliance to a matter of public safety.

Notwithstanding the above, shipping containers may be repurposed for an alternative use provided a building permit is issued to address life safety concerns including proper ventilation, structural safety, explosion protection, adequate ingress and egress, proper anchorage, snow loading and other matters.

Additional clarification is required on the regulatory change to the Ontario Building Code that exempts sheds not exceeding 15 m² in building area from the permit process.

3. Impact on community standards

The increasing use of surplus shipping containers has an impact on community standards. In many cases the shipping containers are unscreened and visible from public roadways and/or abutting properties, including residential areas. Surplus containers are often in poor condition with excessive rust and graffiti. This has an impact on community standards and is detrimental towards efforts to improve the quality of the urban environment. It is particularly relevant to an industrial-based city such as Greater Sudbury, which implies strong demand for shipping containers.

Most notably, shipping containers are increasingly used by automotive sales establishments and recreational vehicle sales establishments for storage purposes, including the seasonal storage of snow and summer tires. Although tires are considered relatively stable, if subjected to fire the tires will burn extremely hot and release toxic smoke. The run-off is particularly hazardous because tires are petroleum-based. The radiant heat could be significant enough to ignite adjacent containers.

A visual survey of the City utilizing aerial photography indicated shipping containers present at a number of automotive and RV dealerships in contravention of the Zoning By-law. The analysis revealed 22 dealerships with shipping containers installed on the site, including seven (7) sites with more than five (5) containers. In two cases, there were more than ten (10) shipping containers placed on the property. In many instances, the units are clearly visible from the public right-of-way.

Key findings: Appropriate zone standards, site plan control and enhanced compliance and enforcement are essential tools in ensuring that converted shipping containers do not negatively impact community standards, most notably mixed-use corridors and residential areas.

Although tires do not ignite easily, a concentration of tires in any one area should be considered a potential hazard.

4. Impact on municipal assessment

The following information was provided by the City's Tax Department in consultation with MPAC. In general, shipping containers meet the definition of "land" under the *Assessment Act* and are assessed if the unit is installed with some degree of permanency, most notably for commercial and industrial storage.

MPAC advised that each structure is reviewed on an individual basis. If an unmodified shipping container is installed on the ground with no modifications and no real foundation, a typical 8 by 20 foot container (160 sq. ft./14.64 m²) may produce a value of \$9.37 per square foot, resulting in an assessed value of \$1,499. Based on a commercial tax rate of 3.5%, this would generate \$52 in annual taxes.

Modified shipping containers placed on a foundation with other improvements such as a roll-up door would result in a higher valuation. For example, a typical 8 by 40 foot container (320 sq. ft./30 m²) may produce a value of \$26.56 per square foot. This calculates to approximately \$297 in tax per year. Additional costs may be added for hydro, air conditioning and other improvements.

MPAC does not assess residential sheds under 200 sq. ft. (18.6 m²) Therefore, if a 20-foot shipping container was placed on a residential property as an accessory structure, there would be no assessment and in turn no taxes levied.

5. Other considerations

- How can site plan control be utilized to regulate shipping containers to address aesthetics and ensure compliance with applicable zone standards?

Fort Erie amended their Site Plan Control By-law to include a definition of "Converted shipping/cargo container" and requires the submission of drawings showing elevations, massing, grading, site layout and other matters. Special design options are offered for residential properties in lieu of site plan control.

Options/next steps:

The following options are listed based on degree of change, from lowest to highest level of use:

- Maintain the current provisions as set out in the Zoning By-law, where shipping containers are permitted as accessory uses to specific land uses (agricultural, extractive, transport terminal or warehouse);
- Expand permissions to include Industrial zones and automotive and RV sales establishments subject to appropriate zone standards, building permits and site plan control;
- Expand permissions to include all ICI zones subject to appropriate zone standards, building permits and site plan control;
- Expand Rural and Agricultural zone permissions to allow shipping containers without a permitted agricultural use;
- Expand permissions to include all zones including Residential zones, where shipping containers would be treated as a type of accessory use subject to appropriate zones standards and building permits.

It is recommended that Staff be directed to evaluate the above noted options and prepare a recommendation based on the key findings presented in this report. The recommendation shall include appropriate development standards to be implemented through the Zoning By-law and Site Plan Control.

Appendices:

Appendix 1: Municipal survey

Resources:

City of London. *Information Report on Shipping Containers and Trailers*. City of London, ON, May 9, 2016.
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<https://www.ufv.ca/media/assets/criminal-justice-research/UFV-Research-Note---Intermodal-Shipping-Container-Fire-Safety.pdf>

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<https://www.sudbury.com/local-news/breaking-news-early-morning-explosion-at-industrial-park-rocks-coniston-4770818>

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Red River Mutual. *Loss Prevention Safety Tip: Tire Storage Safety*. Red River Mutual, n.d.
<https://redrivermutual.com/site-content/uploads/2018/04/Tire-Storage-Safety-new-logo.pdf>

Town of Fort Erie. *Information Report on Shipping/Cargo Containers Zoning By-law Amendment and Changes to the Site Plan Control By-law*. Town of Fort Erie, ON, April 9, 2019.
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Appendix 1

Municipal review: shipping container provisions

Category	Municipality	Zones	Special provisions	Permit required	Notes
Permissive	Fort Erie	Permitted in all zones	Subject to special provisions dependent on zone and use Stacking not permitted for converted containers Maximum two (2) converted containers in Commercial zones	yes	Site plan fee of \$760 applied to converted containers Development charges applied
	Burlington	Permitted in all zones	Regulated as accessory building Subject to building regulations	yes	Site plan control required if located on ICI property
	Hamilton	Permitted in all zones	Subject to setbacks applied to accessory use in respective zone	yes	Development charges applied Converted containers treated the same as any other building
	Sault Ste. Marie	Permitted in all zones	May not be used to accommodate work areas, shops, office uses, or retail sales Permitted in rear yard only Minimum 4.5 m distance from any building Minimum 9 m setback from any lot line Maximum 3 containers per lot	n/a	Storage trailers (trailer portion of a tractor-trailer unit) only permitted in the rear yard of Industrial and Commercial zones Subject to same provisions as freight (shipping) containers

Category	Municipality	Zones	Special provisions	Permit required	Notes
Moderately permissive	Kitchener	Prohibited in Residential zones	Subject to setbacks applied to accessory use in respective zone	yes	Deemed to be a building if used for purposes other than shipping Subject to site plan control
	London	Permitted in multi-family and non-residential zones	Location, floor area, setbacks and all other regulations of the underlying zone apply Permitted in rear yard only Subject to site plan control (must be screened from public view) Limited to 1 to 2 containers and subject to size and height restrictions	yes	Site plan approval and building permit required when shipping containers used as building additions Also permitted as temporary uses for construction purposes
	North Bay	Permitted in industrial, commercial, institutional and open space zones subject to the provisions applied to the main building	Containers shall not used as workspace, office space or any other use other than storage Not permitted in any yard adjacent to a residential use Prohibited in residential zones except as temporary uses	n/a	Only empty containers may be stacked to a maximum height of two containers
	Ottawa	Restricted use in Residential zones	Unmodified shipping container is a prohibited accessory building in Residential zones except as a temporary use	yes	
	Windsor	Prohibited in Development Reserve Districts and Residential Districts	Subject to setbacks applied to accessory use in respective zone	yes	Exception for temporary construction purposes in Residential Districts Development charges not applied to accessory structures

Category	Municipality	Zones	Special provisions	Permit required	Notes
Restrictive	Bradford West Gwillimbury	Not permitted in Residential, Commercial or Prestige Employment (M2) Zones	Shall only be located on a lot as an accessory structure used in conjunction with a permitted agricultural use, transport terminal or warehouse	n/a	Provisions are similar to those of Greater Sudbury
	Greater Sudbury	Shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone	Shall only be located on a lot: a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site	n/a	Also subject to provisions of Section 4.40.5 (Temporary Construction Uses) and 4.40.7 (Temporary shipping or storage containers for moving purposes)
	Milton	Only permitted in M2, General Industrial zones	Must be accessory to a principal building on a lot having a minimum area of 0.4 ha Must be located in rear yard and no closer than 30 m to a street line Must be screened from view	n/a	
	Oakville	Only permitted on a lot where outside storage is a permitted use Outside storage permitted in Employment zones E2 and E3 as accessory use only	Shall only be used as a building in conjunction with manufacturing, transportation terminal, warehousing	yes	

Category	Municipality	Zones	Special provisions	Permit required	Notes
Restrictive	Waterloo	Permitted as temporary use for storage only in C5, Corridor Commercial and E3, Flexible Industrial zones	Time limits: C5 zone: 30 days E3 zone: 180 days (screening required)	yes	Deemed to be a building if used for the permanent or temporary shelter, accommodation, or enclosure of persons, animals, or chattels May be used as a temporary pop-up commercial establishment, temporary sales centre, community centre, community workshop/studio, makerspace (Class A) or business incubator subject to special provisions including time limits, site plan approval and a zoning certificate