

# Appendix 1

## Departmental & Agency Comments

File: 751-6/21-04

**RE:** Application for Rezoning – Alesabetta & Fiorenzo Montini  
PINs 73595-0071 & 73595-0254, Parcels 9580 & 13780 S.E.S., in Lot 6, Concession 1,  
Township of McKim)

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### Development Engineering

No comments.

### Infrastructure Capital Planning Services

No concerns.

### Building Services

1. Owner to be advised that accessory outdoor storage is not permitted in a “C2” (General Commercial) zone in accordance with CGS Zoning By-Law 2010-100Z.
2. With respect to outdoor display and sales as an accessory use, owner to be advised a minimum setback of 10 m from a residential zone is required in accordance with Section 4.27.1. (b) (ii) of the CGS Zoning By-Law 2010-100Z. A review of the submitted plot plan indicates an outside storage and display area on the northerly portion of the property. Setbacks to be met or site relief will be required.
3. Owner to be informed that required areas of landscaped open space shall not be used for outdoor display and sales in accordance with Section 4.27.2. (a) of the CGS Zoning By-Law 2010-100Z.
4. A review of the submitted plot plan indicates the minimum interior side yard setback of 0.73 m on the northerly side does not meet minimum requirements in accordance with CGS Zoning By-Law 2010-100Z. Site specific relief will be required.
5. Owner to be advised that planting strips are required where the lot line of a non-residential lot abuts a residential lot or residential zone. In accordance with CGS Zoning By-Law 2010-100Z, the northerly and southerly property lines must have a 3 m wide planting strip. Alternatively where a planting strip contains an opaque wall or opaque fence having a height of 1.5 m or more, the width of the required planting strip may be reduced to 1.8 m in width.
6. We acknowledge parking calculations detailed on the submitted plot plan, however, parking for the commercial building shall conform to the requirements of an automotive use whereby 1/30 m<sup>2</sup> net floor area is required. Owner to provide the dimensions of the additions to the westerly and southerly faces of the commercial building, in order to verify parking. Parking space dimensions to comply with Section 5.2.3.1. (a) of the CGS Zoning By-Law 2010-100Z. A minor variance may be required.
7. A search of our records indicates additions were constructed to the westerly and southerly faces of the commercial building without benefit of a building permit. Building permit and

building permit documents to be submitted to the satisfaction of the Chief Building Official. Setbacks to the property line to be met in accordance with CGS Zoning By-Law 2010-100Z. A minor variance may be required.

8. A change of use permit will be required in accordance with the Ontario Building Code whereby the commercial building has transitioned from an industrial automobile use to retail sales and office space.
9. If all C2 uses are permitted, should future change of use be established in the commercial building to a more sensitive use, a Record of Site Condition may be required under the Environmental Protection Act, Ontario Regulation 153/04.
10. Our records indicate a second unit has been added to the single family dwelling without benefit of a building permit which must be legalized. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.
11. A search of our records indicates the shed located adjacent to the tri-plex, may have been built without benefit of a building permit. Owner to be informed that any accessory structure 10 m<sup>2</sup> (108 ft<sup>2</sup>) in area or more requires a building permit. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Setbacks to the property line must be met in accordance with CGS Zoning By-Law 2010-100Z. A minor variance may be required.
12. Our research indicates a shipping container may be located on the subject property. Owner to be advised that storage containers are not permitted and shall be removed in accordance with CGS Zoning By-Law 2010-100Z.

#### Conservation Sudbury

Conservation Sudbury staff has reviewed the above-noted application to amend By-law 2010-100Z, being the City of Greater Sudbury Zoning By-law from "R3-1", Medium Density Residential to "C2", General Commercial.

The application has been submitted in order to recognize an existing commercial use, being an automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers; and further, to allow all uses permitted in the C2 zone.

The property has a history of legal non-conforming use, which was lost when the current commercial use was established without benefit of Committee of Adjustment approval.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS) and as a regulatory authority under Ontario Regulation 156/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies.

#### Site Characteristics:

The subject lands are irregularly shaped and located on the west side of Paris Street in Sudbury. There is flood plain that extends onto the parcel. The parcel currently contains three existing structures. Due to the flood plain, portions of the subject lands are regulated by Ontario Regulation 156/06.

#### Comments:

Policy 3.1.1b) of the PPS states that "Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by

flooding hazards and/or erosion hazards.” Further, Policy 3.1.2d) states that “Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.” ‘Development’ is defined as “the creation of a new lot, a change in land use, or the construction of buildings and structures.” As the proposal is requesting a change in land use, this application is considered development as defined in the PPS (2020).

#### Recommendation:

As stated in our SPART comments dated December 11, 2019, Conservation Sudbury does not oppose the rezoning in principle, however, the rezoning of lands within the limit of the flood plain cannot be permitted to be developed. As such, Conservation Sudbury is requesting the following site-specific provision:

“That development, as defined by the Conservation Authorities Act, R.S.O. 1990, c. C.27, be prohibited in the regulatory flood plain, unless otherwise approved by Conservation Sudbury.”

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

Finally, the proponent is advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury 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 flood plains, watercourses, shorelines, wetlands, and valley slopes.

#### Greater Sudbury Transit

No concerns.