

## 918 Red Deer Lake Road South, Sudbury

Presented To:	Planning Committee
Meeting Date:	January 20, 2025
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-9/24-02

## Report Summary

This report provides a recommendation regarding an application to permit a shipping container as an accessory use to a single detached dwelling.

This report is presented by Stephanie Poirier, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Yvonne St. Denis to amend By law 2010 100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning on the subject lands from "RU", Rural to "RU(S)", Rural Special on those lands described as PIN 73480-0059, Parcel 46602, Plan 53R-7884 Part 1, Lot 3, Concession 4, Township of Cleland, as outlined in the report entitled "918 Red Deer Lake Road South, Sudbury" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 20th, 2025, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the following conditions be completed:
  - a) That the owner shall have applied for a building permit, submitted a structural evaluation done by a Professional Engineer, and demonstrated appropriate means of access/egress to the satisfaction of the Chief Building Official.
2. That the amending zoning by-law include the following site-specific provisions:
  - a) In addition to the uses permitted in a RU Zone, a shipping container may be permitted accessory to a single detached dwelling;
  - b) Maximum number of shipping containers shall be one;
  - c) The shipping container shall be located no closer to the road than the single detached dwelling;
  - d) A 1.8 metre-wide planting strip adjacent to the full length of the shipping container shall be required between the shipping container and the road. The required planting strip shall be supplemented with the planting of coniferous trees to provide year-round screening and include the retention and integration of natural vegetation wherever possible.
3. That conditional approval shall lapse on January 20th, 2027 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. The rezoning application does not directly align with or negatively impact any of strategic goals and objectives that are identified within the City's Strategic Plan. The rezoning application does not directly align with or negatively impact any of the stated goals and recommendations that are contained within the CEEP.

## **Financial Implications**

There are no financial implications associated with this report

## **Report Overview:**

The purpose and effect of the application is to rezone the subject lands from the "RU", Rural Zone to the "RU", Rural Special Zone in order to permit a shipping container as an accessory use to a single detached dwelling.

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.

# Staff Report

## Proposal:

The purpose and effect of the application is to rezone the subject lands from the “RU” Rural Zone to the “RU(S)” Rural Special Zone in order to permit a shipping container as an accessory use to a single detached dwelling.

The subject lands are located on the north side of Red Deer Lake Road South, east of Highway 537, and are known municipally as 918 Red Deer Lake Road South, Sudbury.

The subject lands contain a single detached dwelling, three accessory buildings and a shipping container. The lands are serviced by a private septic system and well and have an existing access from Red Deer Lake Road South.

The subject lands are designated “Rural” within the City’s Official Plan and are zoned “RU” Rural within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

Surrounding land uses are rural in nature.

A Location Map is attached to this report.

## 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 (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 PPS 2020. Staff has reviewed the planning matters contained within the PPS and is satisfied that the application for Zoning By-law Amendment does not conflict with the PPS.

## **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 is satisfied that the application for Zoning By-law Amendment does not conflict with the Growth Plan for Northern Ontario.

## **Official Plan for the City of Greater Sudbury:**

The subject lands are designated 'Rural' in the Official Plan for the City of Greater Sudbury. One single detached dwelling is permitted on any existing lot, provided that it fronts onto a public road that is maintained year-round. The lot must also have the capability to provide an individual on-site sewage disposal system and water supply with both quantity and quality suitable for domestic uses.

## **Zoning By-law 2010-100Z:**

The subject lands are zoned "RU", Rural within the City's Zoning By-law. The "RU" Zone permits a range of residential and non-residential uses.

The development standards for the "RU", Rural Zone are as follows:

- Minimum lot area of 2 ha
- Minimum lot frontage of 90 m
- Minimum front yard setback 10 m
- Minimum rear yard setback 10 m
- Minimum interior side yard setback 10 m
- Maximum lot coverage 10%
- Maximum height of non-residential uses 21 m

### 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; or,
- c) In accordance with Sections 4.40.5 and 4.40.7 of this By-law.

### 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.

### 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.

## **Consultation:**

### **Public Comments:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on November 15th, 2024. The statutory Notice of Public Hearing dated December 19th, 2024 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

At the time of writing this report, no oral or written submissions were received from members of the public.

### **Department/Agency Comments:**

The application including relevant accompanying materials have 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 agencies and departments did not contain any concerns with the application. Building Services advised that a Building Permit is required and as part of the submission will need to include a structural evaluation by a Professional Engineer, and to demonstrate appropriate access/egress.

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

## **Planning Analysis:**

The Provincial Policy Statement and City's Official Plan permit residential uses in rural land use areas subject to appropriate servicing and year-round public road access. Neither document contains specific policies on accessory uses in the rural context. Staff are of the opinion that the subject lands are used for residential purposes and that the shipping container will be accessory to the residential use and therefore do not conflict with the PPS or Official Plan.

The City's current approach to shipping containers, as articulated in the zoning by-law, is based on prohibiting them in certain zones in order 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. Shipping containers are not permitted in Rural Zones as an accessory structure in conjunction with a residential use, therefore a rezoning application has been submitted in order to permit a shipping container that is accessory to the residential use of the lands.

The subject lands are approximately 38.92 acres in size and contain a single detached dwelling, three accessory buildings, and a shipping container. The majority of the subject lands are occupied by wetlands, watercourse, and naturalized vegetation. Surrounding uses are characterized in a similar manner being rural with low density forms of housing with lots of naturalized vegetation. The nearest residential dwelling appears to be greater than 230 m from the shipping container. Red Deer Lake Road South is classified as a local road and is not anticipated to generate through traffic given that the primary function of local roads is private land access. The shipping container is currently located in the front yard of the subject lands, approximately 7.6 m from Red Deer Lake Road South and is highly visible from the road. Staff advised the applicant of concerns with protecting the quality of character of rural residential areas and as a result the applicant has provided a concept plan with a new proposed location of the shipping container that would be located approximately 19.8 m from the road, further from the road than the existing single detached dwelling and accessory buildings.

The new proposed location would also be partially screened from the road by existing natural vegetation. Staff have included a site-specific provision that requires additional vegetation be included between the shipping container and the road in order to reduce visibility from the road. Additionally, staff have specified that the maximum number of shipping containers is one. Staff are satisfied that relocating the shipping container, the addition of a vegetative buffer, and limiting the number of shipping containers, address concerns with maintaining the character of the area.

Shipping containers that are unaltered and are without benefit of a building permit are considered to be a public safety concern as they designed for intermodal transportation rather than for storage purposes. The existing shipping container on the subject lands was established without benefit of building permit. In order to address public safety concerns, staff have included a condition that would require the applicant to apply for a building permit, submit a structural evaluation completed by a Professional Engineer that is licensed in Ontario, and to demonstrate an appropriate access/egress.

Staff can support the application given the characteristics of the subject lands and surrounding area, the visibility of the proposed structure being reduced, and public safety concerns being addressed, as described in the resolution.

**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 objection with the proposed use subject to the following advisory comments:

- A Building Permit to the satisfaction of the Chief Building Official will be required for the shipping container
- Part of the complete permit application will be a structural evaluation of the shipping container done by a Professional Engineer, licensed in Ontario (PEO)
- The shipping container must have appropriate means of access/egress. Modifications may be required to provide a standard door and hardware

#### b) Development Engineering

This location is not presently serviced with municipal water or sanitary sewer. No objection to the zone change.

#### c) Infrastructure and Capital Planning

No concerns.

#### d) Conservation Sudbury

Subject property is located outside of the jurisdictional boundary of the Conservation Authority. No comment on the proposed rezoning.

#### e) Strategic and Environmental Planning

Strategic and Environmental Planning do not have concerns with this application.