

## 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 m<sup>2</sup> 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.