



REPORT N° AMÉ-19-32-R

Date	07/03/2019
Submitted by	Claire Lemay
Subject	Zoning and Official Plan Amendments – Lot 106 and Block 287 Plan 50M-308, Block 554 Draft Plan of Subdivision Morris Village Stage 5, Pt Lot D, concession 8 – Spacebuilders Ottawa Ltd.
File N°	D-09-86 & D-14-519

1) **NATURE/GOAL :**

The purpose of this report is to present the proposed amendments to the Zoning By-law 2016-10 and to the Official Plan of the Urban Area of the City of Clarence-Rockland, submitted by Spacebuilders Ottawa Ltd., for Lot 106 and Block 287 on Plan 50M-308 and Block 554 on the Draft plan of subdivision for Morris Village Stage 5, Part of Lot D, Concession 8, in Rockland.

2) **DIRECTIVE/PREVIOUS POLICY :**

N/A

3) **DEPARTMENT'S RECOMMENDATION :**

WHEREAS the proposed amendments to the Official Plan of the Urban Area of the City of Clarence-Rockland and to the Zoning By-law 2016-10 are consistent with the Provincial Policy Statement, and conform to the Official Plan of the United Counties of Prescott and Russell;

AND WHEREAS the owners of the properties intend to develop lot 106 on Plan 50M-308 with a single detached dwelling and to develop Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 with townhouses;

AND WHEREAS concurrent applications for consent have been submitted to sever portions of the rear lots of these subject properties to attach them to the parcel of land known as Part of Lot D, Concession 8, lots 15 to 22 on the Draft Plan of Subdivision for Morris Village Stage 5;

THAT the Municipal Council adopt By-law 2019-31 amending the Official Plan of the Urban Area of the City of Clarence-Rockland to change the designation of a portion of Block 287 on Plan 50M-308 and a portion of Block 554 on the Draft Plan of Subdivision for Morris Village from "Medium Density Residential" to "Low Density Residential" as recommended by the Infrastructure and Planning Department;

AND THAT the Municipal Council adopt By-law 2019-30 amending the Zoning By-law 2016-10 to change the zoning category of a portion of lot 106 on

Plan 50M-308 from "Urban Residential First Density – Special (R1S) Zone" to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone", to change the zoning category of a portion of Block 287 on Plan 50M-308 from "Urban Residential Third Density – Exception 50 (R3-50) Zone" to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone", and to change the zoning category of a portion of Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 from "Urban Residential Third Density – Exception 14 (R3-14) Zone" to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone", as recommended by the Infrastructure and Planning Department.

ATTENDU QUE les amendements proposés au Plan officiel de l'aire urbaine de la Cité de Clarence-Rockland et au Règlement de Zonage 2016-10 sont conformes à la Déclaration de principes provinciale et au Plan officiel des Comtés unis de Prescott et Russell;

ET ATTENDU QUE les propriétaires ont l'intention de développer le lot 106 sur le Plan 50M-308 avec une habitation isolée et de développer le Block 287 sur le Plan 50M-308 et le Block 554 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris avec des maisons en rangées;

ET ATTENDU QUE des demandes d'autorisation ont été soumises pour détacher une partie des cours en arrière des terrains sujet à ces demandes pour les attacher à une parcelle de terrain décrite comme étant une partie du lot D, concession 8, lots 15 à 22 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris;

QUE le Conseil municipal adopte le règlement 2019-31 amendant le Plan officiel de l'aire urbaine de la Cité de Clarence-Rockland afin de changer la désignation du bloc 287 sur le Plan 50M-308 et du bloc 554 sur l'Ébauche de plan de lotissement de Stage 5 du Village Morris de « Résidentielle à moyenne densité » à « Résidentielle à faible densité », tel que recommandé par le Département d'infrastructures et aménagement du territoire;

ET QUE le Conseil municipal adopte le règlement 2019-30 amendant le Règlement de zonage 2016-10 afin de changer la catégorie de zonage d'une partie du lot 106 du Plan 50M-308 de « Zone résidentielle urbaine de densité 1 – Spéciale (R1S) » à « Zone résidentielle urbaine de densité 1 – Spéciale – Exception 2 (R1S-2) », de changer la catégorie de zonage d'une partie du bloc 287 sur le Plan 50M-308 de « Zone résidentielle urbaine de densité 3 – exception 50 (R3-50) » à « Zone résidentielle urbaine de densité 1 – Spéciale – Exception 2 (R1S-2) », et de changer la catégorie de zonage d'une partie du bloc 554 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris de « Zone résidentielle urbaine de densité 3 – Exception 14 (R3-14) » à « Zone résidentielle de densité 1 – Spéciale – Exception 2 (R1S-2) », tel que recommandé par le Département d'infrastructures et aménagement du territoire.

4) **BACKGROUND :**

Stage 4 of the Morris Village Subdivision (Plan 50M-308) was registered in 2012. Lot 106 of Plan 50M-308 (civic address 853 Platinum Street) was intended to be used for the construction of a single detached dwelling. Block 287 of Plan 50M-308 was intended to be used for the construction of a low-rise apartment building. Stage 5 of the Morris Village subdivision received draft approval in 2018. The engineering drawings for this development are currently under review. Block 554 of this draft plan was intended to be used for the construction of a low-rise apartment building.

The developer and property owner, Spacebuilders Ottawa Ltd., has since decided that townhouses are a more appropriate use than apartment buildings for Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Stage 5 of Morris Village. Following pre-consultations with staff in the City's Infrastructure and Planning Department, concurrent applications were submitted for Site Plan Approval (D-11-296) for two blocks of townhouses (total of 9 units) on Block 287 of Plan 50M-308 as well as two consent applications (B-CR-004-2019 and B-CR-005-2019) to sever a portion of the rear yard of Block 287 on Plan 50M-308 and a portion of the rear yard of Lot 106 on Plan 50M-308 in order to attach these parcels of land to the future lots 15 to 18 on the Draft Plan of Subdivision for Morris Village Stage 5.

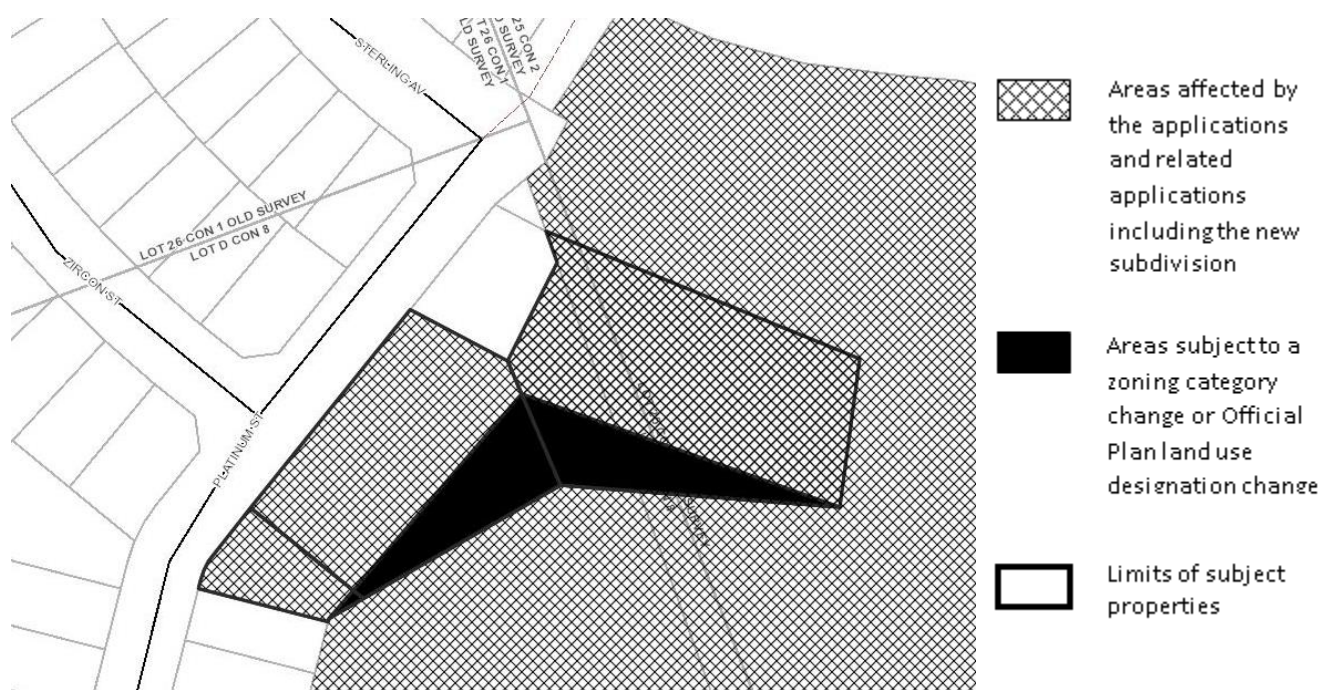


Figure 1: Keymap

5) **DISCUSSION :**

Provincial Policy Statement

The subject properties are located within a settlement area as defined in the Provincial Policy Statement. New residential development is directed to

settlement areas according to section 1.1.3 of the Provincial Policy Statement. A mix of densities and a mix of land uses are to be promoted.

Official Plan of the United Counties of Prescott and Russell

The subject property is located within the "Urban Policy Area" according to Schedule "A" of the Official Plan of the United Counties of Prescott and Russell. This policy area permits residential uses of low density, medium density, and high density. Section 2.2.6 defines medium density uses as up to 55 units per net hectare for townhouses or row houses and up to 75 units per net hectare for apartments. Low density uses are defined as up to 35 units per net hectare.

Official Plan of the Urban Area of the City of Clarence-Rockland

Two of the subject properties (Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5) are currently within the "Medium Density Residential" land use designation according to Schedule A of the Official Plan of the Urban Area. This land use designation permits townhouses and apartments. Lot 106 on Plan 50M-308 is designated as "Low Density Residential"; no changes are proposed to the designation of this property. The "Low Density Residential" land use designation permits single and semi-detached dwellings.

The proposed amendment to the Official Plan of the Urban Area of the City of Clarence-Rockland would change the land use designation for a portion of the rear yard of the two subject properties (Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5) from "Medium Density Residential" to "Low Density Residential". These parcels of land would then be severed from the subject properties and attached to the adjacent lots having frontage on a new extension of Diamond Street in the future Phase 1 of the Morris Village Stage 5 subdivision. These lots are to be used for single detached dwellings and are currently within the "Low Density Residential" land use designation.

Zoning By-law 2016-10

The subject property lot 106 on Plan 50M-308 is within the "Urban Residential First Density – Special (R1S) Zone" according to Map B of the City of Clarence-Rockland Zoning By-law. This zone permits single detached dwellings. The proposed amendment to change the zoning category of the rear portion of the property to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone" is a required condition of approval of severance file B-CR-005-2019 in order to ensure that the entirety of lot 15 on the Draft Plan of Subdivision for Morris Village Stage 5 is all within the same zone.

The subject property Block 287 on Plan 50M-308 is within the "Urban Residential Third Density – Exception 50 (R3-50) Zone" according to

Schedule B of the City of Clarence-Rockland Zoning By-law. This zone permits townhouses and apartment buildings. The proposed amendment to change the zoning category of the rear portion of the property to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone" is a required condition of approval of severance file B-CR-004-2019 in order to ensure that the entirety of lots 15 through 18 (inclusive) on the Draft Plan of Subdivision for Morris Village Stage 5 are all within the same zone.

The subject property Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 is within the "Urban Residential Third Density – Exception 14 (R3-14) Zone" according to Schedule B of the City of Clarence-Rockland Zoning By-law. This zone permits townhouses and apartment buildings. The proposed amendment to change the zoning category of the rear portion of the property to "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone" will have the effect of ensuring that the entirety of lots 19 through 22 (inclusive) on the Draft Plan of Subdivision for Morris Village Stage 5 are all within the same zone once the proposed location of the property line between these lots and Block 554 is moved on the final approved plan of subdivision for Phase 1 of Morris Village Stage 5.

The "Urban Residential First Density – Special – Exception 2 (R1S-2) Zone" permits single detached dwellings. The subject properties are all currently vacant. Conformity of the future buildings to the zoning by-law requirements will be reviewed at the time of Site Plan Control for the townhouses and at the time of Building Permit review for the single detached dwellings.

Conclusion

The proposed amendment to the Official Plan of the Urban Area of the City of Clarence-Rockland conforms to the Official Plan of the United Counties of Prescott and Russell and is consistent with the Provincial Policy Statement. The proposed amendment to the Zoning By-law 2016-10 conforms to the Official Plan of the United Counties of Prescott and Russell and is consistent with the Provincial Policy Statement and will be in conformity with the Official Plan of the Urban Area of the City of Clarence-Rockland if the concurrent amendment to that Official Plan is approved. The purpose of the proposed amendments is to permit the realignment of the rear property lines of the subject properties as a result of the change of intended use of Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 from apartments to townhouses.

6) CONSULTATION:

A notice of public meeting was sent to different agencies and to the property owners within 120 meters of the subject property and a sign was posted on the property.

The Planning Committee held a public meeting on March 6th, 2019, at which time no comments from the public were received.

7) **RECOMMENDATION FROM PLANNING COMMITTEE :**

WHEREAS the proposed amendments to the Official Plan of the Urban Area of the City of Clarence-Rockland and to the Zoning By-law 2016-10 are consistent with the Provincial Policy Statement, and conform to the Official Plan of the United Counties of Prescott and Russell;

AND WHEREAS the owners of the properties intend to develop lot 106 on Plan 50M-308 with a single detached dwelling and to develop Block 287 on Plan 50M-308 and Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 with townhouses;

AND WHEREAS concurrent applications for consent have been submitted to sever portions of the rear lots of these subject properties to attach them to the parcel of land known as Part of Lot D, Concession 8, lots 15 to 22 on the Draft Plan of Subdivision for Morris Village Stage 5;

THAT the Planning Committee recommend to Municipal Council the adoption of the proposed amendment to the Official Plan of the Urban Area of the City of Clarence-Rockland to change the designation of a portion of Block 287 on Plan 50M-308 and a portion of Block 554 on the Draft Plan of Subdivision for Morris Village from "Medium Density Residential" to "Low Density Residential" as recommended by the Infrastructure and Planning Department;

AND THAT the Planning Committee recommend to Municipal Council the adoption of the proposed amendment to the Zoning By-law 2016-10 to change the zoning category of a portion of lot 106 on Plan 50M-308 from "Urban Residential First Density - Special (R1S) Zone" to "Urban Residential First Density - Special - Exception 2 (R1S-2) Zone", to change the zoning category of a portion of Block 287 on Plan 50M-308 from "Urban Residential Third Density - Exception 50 (R3-50) Zone" to "Urban Residential First Density - Special - Exception 2 (R1S-2) Zone", and to change the zoning category of a portion of Block 554 on the Draft Plan of Subdivision for Morris Village Stage 5 from "Urban Residential Third Density - Exception 14 (R3-14) Zone" to "Urban Residential First Density - Special - Exception 2 (R1S-2) Zone", as recommended by the Infrastructure and Planning Department.

ATTENDUE QUE les amendements proposés au Plan officiel de l'aire urbaine de la Cité de Clarence-Rockland et au Règlement de Zonage 2016-10 sont conformes à la Déclaration de principes provinciale et au Plan officiel des Comtés unis de Prescott et Russell;

ET ATTENDUE QUE les propriétaires ont l'intention de développer le lot 106 sur le Plan 50M-308 avec une habitation isolée et de développer le Block 287 sur le Plan 50M-308 et le Block 554 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris avec des maisons en rangées;

ET ATTENDUE QUE des demandes d'autorisation ont été soumis pour détacher une partie des cours en arrière des terrains sujet à ces demandes pour les attacher à une parcelle de terrain décrite comme étant une partie du lot D, concession 8, lots 15 à 22 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris;

QUE le Comité d'aménagement recommande au Conseil municipal l'adoption de l'amendement proposé au Plan officiel de l'aire urbaine de la Cité de Clarence-Rockland afin de changer la désignation du bloc 287 sur le Plan 50M-308 et du bloc 554 sur l'Ébauche de plan de lotissement de Stage 5 du Village Morris de « Résidentielle à moyenne densité » à « Résidentielle à faible densité », tel que recommandé par le Département d'infrastructures et aménagement du territoire;

ET QUE le Comité d'aménagement recommande au Conseil municipal l'adoption de l'amendement proposé au Règlement de zonage 2016-10 afin de changer la catégorie de zonage d'une partie du lot 106 du Plan 50M-308 de « Zone résidentielle urbaine de densité 1 – Spéciale (R1S) » à « Zone résidentielle urbaine de densité 1 – Spéciale – Exception 2 (R1S-2) », de changer la catégorie de zonage d'une partie du bloc 287 sur le Plan 50M-308 de « Zone résidentielle urbaine de densité 3 – exception 50 (R3-50) » à « Zone résidentielle urbaine de densité 1 – Spéciale – Exception 2 (R1S-2) », et de changer la catégorie de zonage d'une partie du bloc 554 sur l'Ébauche de plan de lotissement de Stage 5 du village Morris de « Zone résidentielle urbaine de densité 3 – Exception 14 (R3-14) » à « Zone résidentielle de densité 1 – Spéciale – Exception 2 (R1S-2) », tel que recommandé par le Département d'infrastructures et aménagement du territoire.

8) FINANCIAL IMPACT (expenses/material/etc.):

There are no direct financial implications associated with the approval of the zoning amendment. In the event the zoning amendment is refused and appealed, an external planner and external legal counsel would be retained.

9) LEGAL IMPLICATIONS :

In accordance with Bill 139, if the proposed zoning by-law is adopted, it can only be appealed to the Local Planning Appeals Tribunal on the basis of inconsistency with the Provincial Policy Statement or lack of conformity with the Official Plan. Were the zoning by-law appealed, the preparation of the necessary documentation for the Tribunal and the making of submissions to the Tribunal could be done within staff resources.

If the zoning amendment is refused, reasons must be provided. For an appeal of a refusal of a zoning application to succeed, the appellant must first show that the existing zoning is inconsistent with the Provincial Policy Statement and/or does not conform to the Official Plan. The City Clerk and

Chief Administrative Officer would seek to retain an external planner to provide an affidavit in support of the refusal for the initial Tribunal review of the item should an appeal of the refusal be forthcoming. External legal counsel would also be retained to represent the City at the Tribunal.

10) **RISK MANAGEMENT :**

N/A

11) **STRATEGIC IMPLICATIONS :**

N/A

12) **SUPPORTING DOCUMENTS:**

By-law 2019-30

By-law 2019-31

Official Plan Amendment No. 12