



REPORT N° AMÉ-20-11-R

Date	13/02/2020
Submitted by	Claire Lemay
Subject	Amendment to the Site Plan Control Area By-law
File N°	D-11-1

1) **NATURE/GOAL :**

The purpose of this report is to propose a minor amendment to the Site Plan Control Area By-law of the Corporation of the City of Clarence-Rockland in order to allow certain residential developments containing three residential units to be exempt from Site Plan Control.

2) **DIRECTIVE/PREVIOUS POLICY :**

The Site Plan Control Area By-law 2018-22 was approved in August 2018 along with a template Site Plan Agreement and process guide.

3) **DEPARTMENT'S RECOMMENDATION :**

WHEREAS Council wishes to encourage small-scale residential infill development, intensification, and redevelopment within the urban area and villages; and

WHEREAS three-unit dwellings have effectively been discouraged as a result of the Site Plan Control By-law, which allows residential development of two units or fewer to be exempt from Site Plan Control; and

WHEREAS recent changes to provincial policy regarding Second Units have had the effect of rendering it possible to have three or four units on a single lot without the construction being subject to Site Plan Control;

THAT the Committee of the Whole recommends that Council adopt a by-law modifying by-law 2018-22 (the Site Plan Control Area By-law) in order to exempt three-unit dwellings, townhouses with three dwelling units, and bed and breakfasts with three or fewer lodging units from Site Plan Control.

ATTENDU QUE le Conseil désire encourager des petits projets résidentiels de densification et développement intercalaire dans l'aire urbaine et les villages; et

ATTENDU QUE des triplex ont été effectivement découragés à cause du règlement de plan d'implantation, qui permet des aménagements résidentiels de deux unités ou moins à être exempté du contrôle de plan d'implantation; et

ATTENDU QUE des changements récents aux politiques provinciales concernant les deuxièmes unités ont eu l'effet de rendre possible la construction de deux ou trois unités d'hébergement sur un seul terrain sans que l'aménagement soit sujet au processus de contrôle de plan d'implantation;

QUE le Comité plénier recommande au Conseil l'adoption d'un règlement modifiant le règlement 2018-22 (le Règlement de plan d'implantation) afin d'exempter du processus de contrôle de plan d'implantation des triplex, des maisons en rangées avec trois unités, et des gîtes touristiques contenant trois unités d'hébergement ou moins.

4) **BACKGROUND :**

The Site Plan Control Area By-law 2018-22 designates the entirety of the area of the City of Clarence-Rockland as a Site Plan Control Area. All forms of development are subject to Site Plan Control unless specifically exempted by the by-law.

The City of Clarence-Rockland Site Plan Control By-law 2018-22 as well as the previous By-laws 2013-05, and 2012-24 require and have required that a residential development having three or more units be subject to Site Plan Control. This includes townhouse dwellings, triplex or three-unit dwellings, and apartment buildings. Single detached, semi-detached, and duplex dwellings are and have been exempt from Site Plan Control.

Recent changes to provincial policy regarding second units (also known as accessory apartments) have led to modifications in zoning regulations, adopted through various technical anomalies by-law amendments and in the new comprehensive zoning by-law update (By-law 2016-10). Corresponding changes to Official Plan policy have also been implemented. This has resulted in second units being permitted in single detached and semi-detached dwellings in almost all circumstances. The intention of these policy and regulatory changes has been to encourage intensification, infill development, and redevelopment that is compatible and in keeping with the character of established residential neighbourhoods as well as to increase the stock of affordable rental housing options.

As a result of these recent policy changes, it is now possible to build a semi-detached dwelling (two primary units, separated vertically) with a second dwelling associated with each primary unit, often resulting in a total of four residential units on a single property, if the semi-detached dwelling is located on a single lot. Newly approved changes to provincial policy also have the effect of permitting second dwellings in accessory structures as well as within the same building as the

principal unit, which could result in three residential units being permitted on a single property, even in zones that permit only single-detached dwellings. These four-unit buildings (semi-detached with second dwellings) or three units on one lot (two units in a principal house and one in an ancillary structure) are not subject to Site Plan Control because semi-detached dwellings and second units are both listed as exempt forms of development in the Site Plan Control By-law 2018-22.

5) **DISCUSSION :**

It seems incongruous that a triplex or three-unit dwelling should be subject to Site Plan Control when a building containing four units (composed of a semi-detached dwelling with added second dwellings for each principal unit) or three units on a single lot (two units in a principal house and one in an ancillary structure) would not be.

During pre-consultation meetings with property owners who are interested in adding additional units to their houses or interested in redeveloping a vacant or underutilized lot, planning staff often ends up recommending that a semi-detached or single-detached dwelling be built with second dwellings in order to avoid the need for going through the Site Plan Control process for a building containing three dwelling units. Three-unit or “triplex” dwellings are thereby effectively discouraged, without any real justification.

The application fee for Site Plan Control is \$149.00 per dwelling unit, with a minimum fee of \$1,061.00, and additional engineering review fees are also charged. A letter of credit for 50% of the amount of the estimated cost of the work is required as security deposit. In some cases, when the estimated cost of work is below \$50,000, a Letter of Undertaking process may be chosen instead of a Site Plan Agreement. This process has a lower application fee of \$583.00. The Site Plan approval process, even for a Letter of Undertaking, can add a delay of between two and six months for small-scale projects. The additional costs and delays can be a barrier to homeowners and small-scale developers.

It is therefore recommended by the City of Clarence-Rockland Infrastructure and Planning Department to change the number of residential units that acts as the threshold for the requirement of a Site Plan Control application to four instead of three.

The proposed modification consists of changing two sections in the Site Plan Control Area By-law 2018-22. These are:

1. In section 6 (a), to add a “three-unit dwelling” and “townhouse dwelling containing three or fewer dwelling units” to the list of

exempt forms of residential development for properties where there is no Site Plan Agreement registered on title.

2. In section 6 (f), to change the number “2” to “3” in order to increase the number of lodging units permitted in a bed and breakfast without requiring the change to that use to be subject to Site Plan Control.

These proposed changes would have the effect of encouraging more three-unit dwellings (also known as triplexes) as a preferred form of infill development within the urban area of Rockland and in villages where the available services are sufficient. The number of new semi-detached dwellings may decrease if certain property owners choose to build a three-unit dwelling instead of a semi-detached dwelling.

Sufficient regulations have been included in the Zoning By-law 2016-10 so as to ensure that such infill development and redevelopment is compatible with the character of existing neighbourhoods. Additionally, all requirements of the Ontario Building Code must be met and a building location plan and grading plan are reviewed by Development Services staff at the time of building permit application.

In general, the purpose of Site Plan Control is to ensure functional and aesthetically pleasing, safe development and redevelopment. The Official Plan of the Urban Area of the City of Clarence-Rockland states the following in Section 4.22:

“Site Plan Control is intended to be used where the type of development proposed or the features of the particular site require greater care in regulating the development of buildings, structures and other proposed features than is possible or practical through the Zoning By-law.”

The construction of three-unit dwellings or the conversion of an existing residence into a bed and breakfast with three lodging units does not require, for example, a stormwater management strategy, a servicing brief, a landscaping plan, or for a parking lot or loading area layout to be revised. It therefore does not make sense to include such small-scale developments along with larger commercial and multi-unit residential developments which really do benefit from the Site Plan Control process and where increased revisions and broader agency consultation really is required.

Recent changes to the City of Ottawa’s Site Plan Control By-law approved in 2019 had a similar effect of increasing the number of units that are exempt from Site Plan Control. As of this amendment, a residential project proposing four units is subject to Site Plan Control within that jurisdiction, whereas a project proposing only three units is no longer subject to Site Plan Control.

The Official Plan of the Urban Area of the City of Clarence-Rockland, Section 4.22, states that "Site Plan Control may be applied to all residential uses containing more than two (2) units..." Similarly, the Official Plan of the United Counties of Prescott and Russell, Section 7.4.3, policy 2 states that: "Site Plan Control may be applied to the following land uses: [...] A residential dwelling consisting of three (3) or more dwelling units". These policies do not preclude Council from modifying the Site Plan Control Area By-law in order to allow residential uses containing three units or fewer to be exempt from the Site Plan Control process. The proposed modification is consistent with the Provincial Policy Statement, particularly with respect to policies encouraging a range and mix of housing options as well as promoting intensification and redevelopment within settlement areas.

6) **CONSULTATION:**

N/A

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

N/A

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

N/A

9) **LEGAL IMPLICATIONS :**

N/A

10) **RISK MANAGEMENT :**

N/A

11) **STRATEGIC IMPLICATIONS :**

N/A

12) **SUPPORTING DOCUMENTS:**

By-law 2020-XX