



## REPORT N° AMÉ-20-10-R

<b>Date</b>	20/02/2020
<b>Submitted by</b>	Claire Lemay
<b>Subject</b>	Zoning By-law Amendment – 808 Powers St – 2701220 Ontario Inc
<b>File N°</b>	D-14-534

1) **NATURE/GOAL :**

The purpose of this report is to present a proposed amendment to the Zoning By-law for the property located at 808 Powers Street in Rockland. The property owners have requested this amendment in order to permit the construction of a semi-detached dwelling on their property with modified driveway width and setbacks.

2) **DIRECTIVE/PREVIOUS POLICY :**

N/A

3) **DEPARTMENT'S RECOMMENDATION :**

WHEREAS the proposed amendment to the Zoning by-law is consistent with the Provincial Policy Statement and conforms to the Official Plan of the United Counties of Prescott and Russell and to the Official Plan of the Urban Area of the City of Clarence-Rockland; and

WHEREAS the Planning Department recommends that Council approve the proposed amendment to the Zoning By-law; and

WHEREAS the Planning Committee, at its meeting of March 4, 2020 voted against the Planning Department's recommendation;

BE IT RESOLVED THAT Council hereby adopts By-law 2020-21, being a by-law to amend the Zoning By-law 2016-10 in order to change the zoning category of the property located at 808 Powers Street from "Urban Residential First Density (R1) Zone" to "Urban Residential Second Density – Exception 29 (R2-29) Zone".

ATTENDU QUE l'amendement proposé au Règlement de zonage est conforme à la Déclaration de principes provinciale, au Plan officiel des Comtés unis de Prescott et Russell, et au Plan officiel de l'aire urbaine de la Cité de Clarence-Rockland; et

ATTENDU QUE le département de l'aménagement du territoire recommande que le conseil approuve la modification au Règlement de zonage proposée; et

ATTENDU QUE le Comité d'aménagement, lors de sa réunion du 4 mars 2020 a voté contre la recommandation du département de l'aménagement du territoire ;

QU'IL SOIT RÉSOLU QUE le Conseil adopte le règlement 2020-21 amendant le Règlement de zonage 2016-10 afin de modifier la catégorie de zonage de la propriété situé au 808 rue Powers de « Zone résidentielle urbaine de densité 1 (R1) » à « Zone résidentielle urbaine de densité 2 – exception 29 (R2-29) ».

4) **BACKGROUND :**

Denise MacPherson on behalf of 2701220 Ontario Inc. submitted a complete application for a Zoning By-law Amendment on February 12, 2020 for the property located at 808 Powers Street in Rockland. The attached *Preliminary Site Plan* and *House Plan* as well as a *Planning Application Summary Letter from André P. Barrette, OLS*, in support of the application were submitted as supporting documents to this application.

5) **DISCUSSION :**

The subject property is located on Powers Street, within the built-up area of the Urban Area of Rockland. The proposed amendment to the Zoning by-law 2016-10 would modify the zoning category from "Urban Residential First Density (R1) Zone" to "Urban Residential Second Density – Exception 29 (R2-29) Zone". The special exception zone would permit a maximum driveway width of 7.0m, a minimum of 0.5m landscape buffer between the driveway and the side lot line, and an interior side yard setback of 1.8m on each side. The property owner has the intention of demolishing the existing detached dwelling and building a semi-detached dwelling on the property. The attached preliminary site plan and house plans illustrate the proposed "raised bungalow" semi-detached dwelling with second units at the basement level. Parking for a total of 8 vehicles is proposed to be provided on the property.

Provincial Policy Statement

The Provincial Policy Statement 2014 encourages intensification and infill development within the built-up areas of settlement areas where municipal infrastructure is sufficient to accommodate it. Municipal water and sewer services are available at the site. There is a storm sewer in front of a portion of the property. The property has frontage on a municipal road, although the width of the road right of way is narrower than recommended.

Official Plan of the United Counties of Prescott and Russell

The Official Plan of the United Counties of Prescott and Russell encourages residential intensification. Section 2.1.2.1 Residential

Intensification specifies that small-scale intensification and infill development in the Urban Policy Area's built-up area shall account for a portion of the County's housing needs.

The County Official Plan also encourages infill development as a way of achieving the Counties' goals regarding affordable housing. Specifically, section 7.6.1 Affordable Housing contains the following policy:

"[...] local Councils will provide for affordable housing by enabling a full range of housing types and densities [...] by: [...] Encouraging infill and housing intensification particularly in urban core areas. This may be achieved through the conversion of single detached dwellings to multiple units [...]"

Section 2.1.2.1, Policy 3 sets out criteria for the evaluation of infill and intensification applications. The following table lists these criteria and the analysis of their application to the proposed zoning by-law amendment for 808 Powers street.

<b>Table 1: Residential infill, intensification and redevelopment criteria</b>	
<b>The proposed development lands are appropriately suited for intensification in the context of the surrounding neighbourhood and the local municipality as a whole</b>	The subject property is within the built-up area of Rockland. The site is located within close walking distance of the Urban Core Area and its many amenities.
<b>The road network can accommodate the traffic generated</b>	Powers Street is very narrow. The road right-of-way is approximately 3.7m wide. The edge of asphalt is situated in some cases, including on the subject property, inside the property line, within the front yard of the properties fronting on the street. The proposed semi-detached dwelling would generate only slightly more traffic than a single detached dwelling, which is currently permitted. The proposed special exception zone would allow a wider driveway in order to accommodate more vehicles to be parked on the property. This is necessary because there is no on-street parking available. This may also have the effect of moderately increasing the amount of traffic caused by the

	proposed development.
<b>The proposed development is consistent with the policies of the appropriate land use designation associated with the land</b>	The land use designation in the local Official Plan is "Low Density Residential" which permits both single and semi-detached dwellings.
<b>The proposal respects and reinforces the existing physical character of the buildings, streetscapes and parks and open space areas</b>	The proposed development is a 1.5 storey semi-detached dwelling. The scale and massing of the proposed building are in keeping with the generally one- and two-storey dwellings in the neighbourhood.
<b>The proposal is compatible with the surrounding development</b>	The proposed semi-detached dwelling with a total of 4 proposed units
<b>The proposal provide heights, massing and scale appropriate to the site and compatible with adjacent lands</b>	The proposed development is a 1.5 storey semi-detached dwelling. The scale and massing of the proposed building are in keeping with the generally one- and two-storey dwellings in the neighbourhood.
<b>The proposal provides adequate privacy, sunlight and views of the sky for existing and new residents</b>	The proposed zoning provisions do not reduce the views or privacy of the neighbours compared to the existing zoning provisions. The proposed dwelling would be larger than the current dwelling and would be closer to the southerly neighbour but farther from the northerly neighbour.
<b>The proposal screens loading and service areas</b>	N/A
<b>The conservation of significant cultural heritage resources</b>	N/A
<b>The proposal complies to the appropriate urban design and built form policies of this Plan and of the local municipality's Official Pan</b>	No urban design analysis was submitted with the application. The local Official Plan does not contain urban design guidelines. Section 10.17 of the Official Plan of the Urban Area sets out aspirational objectives for high-quality design, aesthetically pleasing built environment, and design elements that complement existing built form. The proposed building architectural elevations are in the attachments to this report along with a proposed floor plan for the dwelling. The look of the proposed building is quite

	similar to other properties in Rockland.
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The County Official Plan encourages infill development as a way of achieving the Counties' goals regarding affordable housing. The proposed three-bedroom dwelling units would provide a much-needed type of affordable rental housing. Specifically, section 7.6.1 Affordable Housing contains the following policy:

"[...] local Councils will provide for affordable housing by enabling a full range of housing types and densities [...] by: [...] Encouraging infill and housing intensification particularly in urban core areas. This may be achieved through the conversion of single detached dwellings to multiple units [...]"

Section 7.4.4 of the County Official Plan lays out criteria for local municipalities to consider when reviewing applications for amendments to the zoning by-law. Some of these criteria are similar to the criteria for infill developments of section 2.1.2.1 listed in Table 1 above. Some of the criteria are not applicable to this project. Table 2 below lists those criteria which remain to be evaluated.

<b>Table 2: Development Criteria</b>	
<b>The provision of safe access onto or from a local or county road or provincial highway.</b>	As noted above, Powers Street is very narrow. The proposed site plan includes a front yard setback of 11.5m in order to accommodate the tandem parking of multiple vehicles on the driveway in front of the proposed dwelling. Due to the unique circumstances of Powers Street, the vehicle parked closest to the street would be only a few inches from the edge of asphalt of the roadway. This could pose difficulty for future residents of the subject property backing in or out of their driveway onto a narrow street.
<b>Adequate access to, and provision of, off-street parking.</b>	The proposed site layout includes a total of four parking spaces for the four proposed units. The Zoning by-law requires only two parking spaces per main unit in a semi-detached dwelling and one parking space for a second dwelling. More off-street parking is provided than is required by the zoning by-law.

<b>Access and manoeuvring of emergency vehicles in providing protection to public and private properties.</b>	Protective services and the United Counties of Prescott and Russell did not have any concerns regarding the proposed amendment.
<b>Adequate grade drainage or storm water management and erosion control.</b>	A grading plan has not been submitted with this proposal. One will be required for building permit review. Grading must be designed so as to ensure that the property does not drain onto the adjacent lots. The reduction of the width of landscaping between the driveway and the side lot line from 1.0m to 0.5m may pose issues for snow storage.
<b>The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.</b>	There are a number of nearby elementary and high schools. School bus service is already available for this area.
<b>The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.</b>	A road widening of Powers Street is recommended, given the narrow right-of-way and the fact that the edge of asphalt and utilities are located on private property. The storm pipe is located in front of the northern portion of the property. No stormwater infrastructure exists in the southern portion of Powers Street; a sump pump will be required for the basements. New services will be required for the property, including a new sanitary sewer connection. These upgrades will be at the cost of the property owner.

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

The subject property is located within the "Low Density Residential" land use designation on Schedule A of the Official Plan of the Urban Area of the City of Clarence-Rockland. This designation permits single detached and semi-detached dwellings.

Similarly to the Official Plan of the United Counties of Prescott and Russell, the Official Plan of the Urban Area of the City of Clarence-Rockland also contains many policies promoting residential infill and intensification as well as policies aimed at ensuring adequate provision of affordable housing options.

Section 2.14 of the Urban Area Official Plan promotes affordable housing. Specifically, it says:

“Council shall encourage infill and housing intensification, particularly in the core area of the Urban Area. Development standards and densities within the Urban Area should be cost-effective, thereby reducing the costs associated with housing. Alternative housing types, such as garden suites and accessory dwelling units, and secondary dwellings shall be permitted in the Urban Area.”

### Conclusions

Overall, the proposed amendment to the zoning by-law meets the criteria set out by the Official Plan of the United Counties for residential infill and intensification development. The proposed amendment also generally meets the development criteria of the Official Plan of the United Counties. The only potential concern is the safety of Powers Street due to the narrow right-of-way. This is a safety concern which affects all properties on Powers street, regardless of the number of dwelling units on each property.

Due to the narrow right-of-way, municipal options for improving traffic safety on Powers Street are limited. Council requested that municipal staff investigate the possibility of converting some narrow streets in Rockland to one-way streets; this study includes Powers Street. The study is to be presented to the Committee of the Whole on March 25<sup>th</sup>. The municipality should investigate options for improving traffic safety on Powers Street regardless of the proposed zoning by-law amendment for the property located at 808 Powers Street.

The proposed amendment to the Zoning By-law is consistent with the Provincial Policy Statement and conforms to the Official Plan of the United Counties of Prescott and Russell and to the Official Plan of the Urban Area of the City of Clarence-Rockland. The only potential concern is the security of Powers Street, which staff and Council are already aware of and options for improving security, such as making the road one-way, are being investigated. The proposal would help the City of achieving its goals regarding intensification and affordable housing.

#### 6) **CONSULTATION:**

A public notice was sent to neighbouring property owners within 120m and a notice was posted on site on February 12, 2020.

Written submissions from neighbouring property owners outlining their objections to the proposed amendment are included in the attachments to this report. A “petition” letter signed by multiple residents of Powers Street and adjacent streets is also included.

The public meeting of the Planning Committee held on March 4, 2020 served to collect the comments from the public. Many residents of Powers street voiced their objections to the proposed construction of a semi-detached dwelling with second units on this property. The objections centered on two issues in particular; traffic safety and snow clearing. The residents of adjacent properties indicated their concerns that there are many children who live on this street and that the street is not safe for pedestrians. It was also mentioned that cars have difficulty backing out of their driveways safely because of the narrow street. Furthermore, there is a significant safety concern for residents of Powers Street associated with the use of a vacant property near the Modelo hair salon for parking of customers of that salon, as this adds many vehicles to the traffic on the street. It was suggested that there is insufficient space for snow storage on the subject property with the layout that was proposed. Residents mentioned that the catch basin located within Powers Street in front of the subject property is often blocked with snow. Residents who objected to the proposal indicated that while having two units on the property would be acceptable, four is too many. It was stated many times that the proposed parking area on the subject property which would accommodate four cars is too much and that four cars should not be added to the traffic on Powers Street.

It should be noted that, according to provincial legislation, it is not possible to object to or to appeal to the Local Planning Appeals Tribunal the addition of a second unit on a property.

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

The following departments/agencies responded to the technical circulation with no comments or no concerns : the United Counties of Prescott and Russell, the Protective Services Department, the Community Services Department, the Finance Department, Environmental Services and Building Services.

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 :**

If the proposed zoning by-law is adopted, it can be appealed to the Local Planning Appeals Tribunal. 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, 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 2020-21  
Preliminary Site Plan  
House Plan  
Planning Application Summary Letter from André P. Barrette  
Written Submissions from Residents