

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: August 23, 2022

TO: Committee of the Whole

FROM: Jeffrey Ren, Planner

SUBJECT: **Zoning By-law Amendment - Z-10-22**
Concession 4, Part Lot 1
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 121 Montgomery Park Road

OWNERS: Richard Sulpher & Heather Sulpher

APPLICANT: Tracy Zander, ZanderPlan Inc.

RECOMMENDATION:

THAT Committee of the Whole recommend that Council approve the Zoning By-law Amendment to amend the zoning of the subject lands which are municipally known as 121 Montgomery Park Road from “Environmental Hazard, Special Exception ‘a’” Zone (EH-a) to “Environmental Hazard, Special Exception 5” Zone (EH-5) in order to permit the removal of the existing dwelling and the rebuilding of a detached dwelling with modifications to the applicable performance standards, as detailed in Attachment B.

BACKGROUND:

The Community Official Plan (COP) includes specific and restrictive policies regarding development in areas designated as Floodplain or Two Zone Flood Plain; these policies are implemented through the Environmental Hazard Zone (EH Zone) and Environmental Hazard Zone, Subzone ‘a’ (EH-a Zone).

Development in such areas is generally limited to minor alterations and additions or redevelopment in some circumstances. All development in the Floodplain and Two Zone Flood Plain is subject to Site Plan Control. In addition, any deviations from the performance standards contained in the Municipality’s Zoning By-law should be reviewed as part of a Zoning By-law Amendment application.

PURPOSE AND EFFECT:

The purpose and effect of the Zoning By-law Amendment is to rezone the subject properties from *Environmental Hazard Special Exception 'a' Zone* (EH-a) to *Environmental Hazard Special Exception 5 Zone* (EH-5) to permit the demolition of the existing dwelling and the rebuilding of a new detached dwelling.

A number of amendments to the performance standards in the EH-a zone are also being sought; the new dwelling is proposed to have:

- a reduced rear yard setback of 6.94 metres from the required 7.5 metres;
- a reduced front yard setback of 5.20 metres from the required 6 metres;
- a reduced side yard setback of 1.07 metres from the required 1.2 metres;
- a reduced projection of a deck of 3.03 metres from the required maximum projection of 2 metres; and,
- an increase to lot coverage of 31% from 30%.

Prior to the issuance of a Building Permit for the proposed development, the applicants would be required to also go through the Site Plan Control process and obtain a permit from the Mississippi Valley Conservation Authority (MVCA).

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

The subject property is located along the southwest side of the intersection of Montgomery Park Road and Ramsay Concession 5A. The subject property is approximately 466.1 m², with approximately 19.3 metres of frontage along Montgomery Park Road and backs onto Mississippi Lake. The property is zoned *Environmental Hazard Special Exception 'a'* (EH-a) and is located within a floodplain.

The property is currently occupied by a single storey detached dwelling and a detached garage. Surrounding land uses include Mississippi Lake to the south and residential land uses to the north, west and east on lands zoned *Environmental Hazard Special Exception 'a'* (EH-a). Figure 1 below shows an aerial image of the subject property.

[illegible]

The properties along Montgomery Park Road have historically been used for seasonal dwellings (cottages) and the area is characterized by a single-loaded municipal right-of-way with a variety of dwellings. The properties on Montgomery Park Road are all within the Floodplain designation in the Community Official Plan (COP) as well as some that are 'split designated' Floodplain and Rural. Regardless of the split designation, every lot along the road is, at least partially, designated Floodplain.

PROPOSED DEVELOPMENT:

The applicant is proposing to remove the existing dwelling and rebuild a new detached dwelling. The existing dwelling measures approximately 119.49 m² and exhibits a number of existing non-complying performance standards, including a lot coverage of 37% whereas the Zoning By-law states that the maximum lot coverage is 30%.

The applicants are proposing to demolish the existing dwelling and detached garage. The proposed new dwelling would have a reduced building footprint with a reduced lot coverage of 31%, which remains slightly over the maximum 30% lot coverage required in the Zoning By-law. As previously listed, a number of amendments to the EH-a performance standards remain necessary despite the reduced overall footprint.

As noted above, should Council approve the requested amendments, the applicants would be required to go through the Site Plan Control process and obtain a permit from

the Mississippi Valley Conservation Authority (MVCA) before the issuance of a Building Permit for the proposed addition.

SERVICING & INFRASTRUCTURE:

The subject properties are currently serviced by a private well and septic system. No servicing changes have been proposed.

Staff do not foresee any servicing or infrastructure concerns resulting from the proposed Zoning By-law Amendment. If approved, the specific servicing and infrastructure impacts associated with the proposed addition will also be further assessed in greater detail at the Site Plan Control stage.

COMMUNITY OFFICIAL PLAN (COP):

The subject lands are designated as Flood Plain in the Community Official Plan (COP). As per Section 3.1.6.1.2 of the COP, no new development is permitted within the Flood Plain except for flood or erosion control structures, shoreline stabilization, water intake facilities and marine facilities, such as docks.

Policies for existing development in the Flood Plain in Section 3.1.6.1.4 of the COP state that minor expansions or additions are permitted so long as no new dwelling units are created, and the applicants adequately demonstrate that their proposed development has no adverse effects on the hydraulic characteristics of the flood plain(s). Such proposed developments are also subject to Site Plan Control and MVCA permitting.

The subject property is located along the shores of Mississippi Lake and are subject to the Mississippi Lake Two Zone Flood Plain Policies of Section 3.1.6.1.5 of the COP. The policies of Section 3.1.6.1.5 differentiate between a Floodway area and a Flood Fringe area. The areas identified as Flood Fringe represent areas where flood depth and velocity are generally less severe.

The majority of subject property is located in the Flood Fringe as shown in Figure 2. Development in the Flood Fringe is restricted to development on existing lots of records, redevelopment, replacement and additions or alterations of existing buildings and structures. Again, development in the Flood Fringe is subject to Site Plan Control and MVCA permitting. The subject property is also affected by a Source Water Protection overlay in the COP.

Figure 2: Floodway Limits



 Subject Property

ZONING BY-LAW #11-83:

The subject lands are presently zoned *Environmental Hazard Special Exception 'a'* (EH-a) as per Comprehensive Zoning By-law #11-83. The EH-a Zone permits detached dwellings in accordance with the Residential Second Density (R2) Zone provisions in addition to the following provisions:

- the minimum first floor elevation for a dwelling shall be 136.1 m (446 ft) geodetic;
- no openings, electrical service, or living space shall be permitted below 136.1 m (446 ft) geodetic;
- the final surface elevation of a crawlspace for a dwelling shall be no lower than 135.0 m (442 ft) geodetic; and,
- in addition to the normal permit process, the location of dwellings, wells and septic systems shall require the approval of the Mississippi Valley Conservation Authority through their approval process.

The first three policies above pertain to the minimum elevations that are required for the proposed replacement of the dwelling. If the Zoning By-law Amendment is approved, the Site Plan Control process will require detailed floor plans and building elevations

along with the usual Site Plan and Grading Plan for the proposed development. In addition, the Site Plan Control agreement will include clauses pertaining to the above noted requirements as well as acknowledgement that the development is occurring in the Flood Fringe.

Detached dwellings in the R2 Zone follow the performance standards for detached dwellings in the Residential First Density (R1) Zone. The R1 Zone requires:

- a minimum front yard setback of 7.5 metres,
- a minimum rear yard setback of 10 metres,
- a minimum side yard setback of 3 metres, and
- a maximum lot coverage of 30% for a detached dwelling with no municipal water and sewer.

As noted previously, the existing dwelling does not comply with the above noted applicable performance standards.

The proposed new dwelling is proposing a reduced building footprint with a reduced lot coverage of 31%, however, the footprint of the proposed rebuilt dwelling remains over the maximum 30% lot coverage outlined in the Zoning By-law. Several amendments to the zone performance standards remain necessary despite the reduced overall footprint; the rebuilt dwelling is proposed to have a rear yard setback of 6.94 metres, a front yard setback of 5.20 metres, a side yard setback of 1.07 metres, and a 3.03 metres front yard deck projection.

The EH-a Zone also specifies that Section 6.24 of the Zoning By-law does not apply. Section 6.24 of the Zoning By-law specifies that a 30-metre setback is required from any development to a waterbody.

PUBLIC AND AGENCY COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations.

It is noted that for these types of applications, staff will work closely with the MVCA with respect to the permissions requested as part of this Zoning By-law Amendment. The MVCA submitted the comments and the complete submission from the MVCA is attached to this report. As noted in the MVCA's comments, a Regulation Permit is required for the proposed development subject to a number of conditions.

Based on the attached comments, the MVCA noted no objection to the subject application provided the following mitigation measures are implemented:

1. The shoreline area should be naturalized to the greatest extent possible with a vegetated buffer of native plant species. This should take the form of a 3 m wide vegetated strip (measured landward from the lake and/or retaining wall) along the shoreline area.

2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. In order to achieve this, eaves troughing shall be installed. The eaves troughing shall be outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.
6. Pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA for the proposed works.

In addition to the MVCA implementing conditions by way of the Regulation Permit, the Municipality can implement these conditions through the Site Plan Control agreement. At the time of preparation of this report, no other questions or comments were received.

EVALUATION:

Provincial Policy Statement, 2020 (PPS, 2020)

The Provincial Policy Statement, 2020 represents the Provincial Government's policies on land use planning. Provincial priorities and key policy directives from the Province are laid out in the PPS, 2020. Policies regarding natural hazards and the protection of public health and safety are contained in the PPS, 2020. Specifically, with regards to natural hazards such as floodplains, the PPS directs planning authorities to prepare for the impacts of a changing climate that may increase the risk associated with natural hazards in Policy 3.1.3. Under Policy 3.1.6, the PPS, 2020 also specifies that where a two-zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

The Municipality has taken the appropriate steps to consider the impacts of a changing climate and the risks associated with natural hazards by seeking Council direction for requests relating to reliefs to Zoning By-law provisions affecting lands in the EH Zone. As noted above, the subject property is located within a two-zone floodplain. The Municipality has the appropriate mechanisms, via Site Plan Control, MVCA permitting

and Building Permits requirements, to ensure that all permitted development in the floodplain meets floodproofing standards and considers adequate mitigation measures.

Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the applicable policies of the PPS, 2020.

Community Official Plan (COP)

As noted above, the subject property is designated Flood Plain in the Community Official Plan (COP). As per Section 3.1.6.1.2 of the COP, no new development is permitted within the Flood Plain except for flood or erosion control structures, shoreline stabilization, water intake facilities and marine facilities, such as docks. However, as the subject property is located along the shores of Mississippi Lake, it is further subject to the Mississippi Lake Two Zone Flood Plain Policies of Section 3.1.6.1.5 of the COP. The policies of Section 3.1.6.1.5 differentiate between a Floodway area and a Flood Fringe area. The areas identified as Flood Fringe represent areas where flood depth and velocity are generally less severe. As shown previously, the majority of the subject property is located in the Flood Fringe. The policies for development in the Flood Fringe area are less severe than those of the general Flood Plain designation and allows development on existing lots of records, redevelopment, replacement and additions or alterations of existing buildings and structures. Again, development in the Flood Fringe is subject to Site Plan Control and MVCA permitting. The subject proposal is for the replacement of an existing dwelling in the Flood Fringe area; this represents a form of development that has been contemplated by the COP and is considered permissible.

Staff are of the opinion that the proposed Zoning By-law Amendment to replace an existing dwelling with a new dwelling located in a Flood Fringe area is in conformity with the intent of the COP.

Zoning By-law #11-83

As previously mentioned, the subject property is zoned *Environmental Hazard Special Exception 'a'* (EH-a) as per Comprehensive Zoning By-law #11-83. The EH-a Zone permits detached dwellings in accordance with the Residential Second Density (R2) Zone provisions in addition to a number of provisions pertaining to the minimum elevations that are required for the proposed addition and to an exemption from the minimum 30 metre setback from a waterbody.

Detached dwellings in the R2 Zone follow the performance standards for detached dwellings in the Residential First Density (R1) Zone. The performance standards that are proposed to be changed are listed below:

Provision	Required	Proposed
Minimum Rear Yard Setback	7.5 metres	6.94 metres
Minimum Front Yard Setback	6 metres	5.20 metres

policies regarding additions in the Floodplain and Flood Fringe area, the applicants will be required to apply for Site Plan Control approval and MVCA permitting prior to receiving a Building Permit. At the Site Plan Control stage, aspects of the proposed addition relating to floodproofing and elevations will be examined and required to be adhered to through the conditions of the Site Plan Control agreement. The Site Plan Control agreement can also include conditions whereby the applicant has acknowledged and agreed that the property is located in a floodplain and that Montgomery Park Road is subject to flooding greater than 0.3 m and does not have safe access in the event of a flooding event as well as the required mitigation measures. The applicants will also be required to address and implement the recommendations of the MVCA.

Staff are of the opinion that the proposed addition will receive ample review prior to final approval to ensure that any environmental and safety concerns are properly mitigated.

SUMMARY:

Having reviewed and assessed the proposed Zoning By-law Amendment application, Staff are satisfied that the proposal is consistent with the Provincial Policy Statement 2020, conforms to the intent of the Community Official Plan and conforms to the intent of Zoning Bylaw #11-83. As the proposed Zoning By-law Amendment complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed Zoning By-law Amendment.

It is the professional opinion of the Planning Department that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning.

All of which is respectfully submitted by, Approved by,



Jeffrey Ren
Planner



Melanie Knight, MCIP, RPP
Senior Planner

ATTACHMENTS:

1. Attachment A – MVCA comments
2. Attachment B – Proposed Zoning By-law