

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: December 6, 2022

TO: Committee of the Whole

FROM: Jeffrey Ren, Planner

SUBJECT: **Zoning By-law Amendment - Z-14-22**
Municipality-Wide Housekeeping Amendment

APPLICANT: Municipality of Mississippi Mills

RECOMMENDATION:

THAT Committee of the Whole recommend that Council approve the Housekeeping Zoning By-law Amendments similar in effect to those detailed in Attachments B to H to amend various provisions within Zoning By-law #11-83 to clarify the intent of provisions; correct technical errors to align with the Community Official Plan; and reflect the current best practices in planning.

BACKGROUND:

In 2011, the Municipality approved and adopted the current Zoning By-law, Comprehensive Zoning By-law #11-83. Since 2011, hundreds of Planning Act applications have been approved by Council and the Committee of Adjustment. In 2018, the Municipality initiated a consolidation of the Zoning By-law and amended several sections in order to address an accumulation of discrepancies and redundancies (primarily related to formatting and organization) that were found within the Zoning By-law.

As staff continue to use the Zoning By-law to process and evaluate new applications, errors, discrepancies, and redundancies continue to be identified. In the decade since the Zoning By-law was adopted, best practices in planning have also evolved; and some portions of the Zoning By-law which were previously introduced have since become outdated.

When a municipality identifies the need for minor updates to its Zoning By-law, the municipality may initiate a Zoning By-law Amendment to make these updates; these Zoning By-law Amendments are commonly referred to as a “housekeeping amendment”.

PURPOSE AND EFFECT:

The purpose and effect of the Zoning By-law Amendment is to amend select provisions within the Zoning By-law in order to:

1. Make the Zoning By-law easier to use and to understand;
2. Clarify the intent of currently ambiguous provisions;
3. Correct technical errors and improve consistency;
4. Align select provisions with corresponding community official plan policies; and,
5. Update outdated provisions to reflect the current best practices in planning.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

This application affects all lands within the Municipality of Mississippi Mills.

PROPOSED HOUSEKEEPING AMENDMENTS:

This housekeeping amendment proposes to address issues that have been grouped into seven thematic categories. These categories are as follows:

1. Inconsistent usage of select terms in various sections

- Deleting the word “designation” when referencing zoning to reduce confusion regarding the difference between zones in the Zoning By-law with designations in the Community Official Plan
- Replacing references to “road” with “street” as “street” is a defined term to improve consistency throughout the Zoning By-law

2. Ambiguities relating to the Accessory Uses, Buildings and Structures provisions

- Simplifying and clarifying Table 6.1 to reflect the most common types of accessory buildings, uses and structures (garages, sheds and pools) to make provisions relating to Accessory Uses, Buildings and Structures easier to understand

3. Provisions relating to minimum floor area and minimum dwelling unit area requirements which no longer reflect current best practices

- Deleting provisions relating to minimum floor area and minimum dwelling unit area for dwellings in residential zones to reflect current best practices, avoid

conflicts with the Ontario Building Code and to reduce barriers to the construction of more attainable housing types

- Removing provisions relating to dwelling unit contained within a non-residential building to reflect current best practices, avoid conflicts with the Ontario Building Code and to reduce barriers to the construction of more attainable housing types

4. Technical errors relating to the Downtown Commercial (C2) Zone introduced through previous consolidations

- Reducing the exterior side yard setback within the C2 zone (downtown Almonte) to “nil” as was previously required (the current requirement is 12 metres which reflects a previous provision for unserviced development in a commercial zone) to correct a consolidation error

5. Conflicting provisions relating to setbacks, landscaping and buffers in the Business Park (E1) Zone

- Deleting provisions which contain conflicting requirements with front yard setbacks, landscaping and buffering within the Business Park (E1) Zone; there are currently references to 7.5 metre buffer areas, 3 metre landscaped areas and 15 metre setbacks for parking areas
- Reducing the front yard setback to 6 metres, buffering, and landscaping provisions to a minimum 3 metre setback with a minimum 3 metre landscaped area where development abuts similarly zoned lots to encourage more efficient development

6. The omission of select uses within the permitted uses sections of the Business Park (E1), Downtown Commercial (C2), and Highway Commercial (C3) Zones that is either inconsistent with Community Official Plan policies or does not reflect current development trends

- Adding “Micro-Brewery” as a permitted use in the Downtown Commercial (C2), Highway Commercial (C3) and Business Park (E1) Zones where there is adequate Municipal servicing to reflect local development trends
- Adding the uses permitted in the Highway Commercial (C3) and Light Industrial (M1) Zones as permitted uses in the E1-1 Subzone (subject to compliance with Source Water Protection provisions) to reflect local development trends and to conform to Community Official Plan policies

7. The omission of certain provisions and performance standards relating to dwelling types in residential zones

- Amending provisions to provide directions for permitted dwelling types within a zone that do not have provisions relating to that specific dwelling type (i.e.: adding “in accordance with the R1 zone provisions” to detached dwellings in a Residential Second Density (R2) Zone as there are no provisions for detached dwellings in the R2 Zone)
- Clarifying the lot area and frontage requirements for a horizontally separated triplex
- Amending certain parking provisions to clarify minimum requirements and to bring parking requirements up to date with current planning best practices

References where the above-noted amendments can be found within the Zoning By-law have been included in a table as Attachment A. Draft by-laws which have the effect of formally introducing the above-noted changes to Zoning By-law #11-83 have been attached as Attachments B to H.

SERVICING & INFRASTRUCTURE:

The servicing and infrastructure implications of this application were evaluated by staff and external agencies through the technical circulation process. No servicing and infrastructure concerns have been identified.

This housekeeping amendment does not preclude the identification of any servicing or infrastructure issues for any parcel of land on an application-by-application basis in the future.

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. At the time of preparation of this report, the following comments were received:

Internal Departments

- No comments were received from Internal Departments.

External Agencies

The following comments were received by external agencies:

- Comments were received from the Mississippi Valley Conservation Authority (MVCA). The MVCA recommended that the Municipality strengthen provisions in the Zoning By-law which relate to water and natural heritage, particularly in the Environmental Hazard zone.

- Comments were received from Robinson Consultants, the Municipality's Drainage Superintendent. The Drainage Superintendent recommended the addition of provisions to clarify that any amendments to buffers or setbacks do not override those set specifically by by-law and/or other regulation as related to Municipal Drains.

The Planning Department recognizes that there are a number of provisions relating to drainage and environmental protection which could be improved, clarified or strengthened; these provisions were not considered in detail for this report as they did not fit into the seven thematic categories of housekeeping amendments which were considered for this amendment. The Department will be addressing the necessary housekeeping amendments relating to environmental and drainage concerns through a separate housekeeping amendment in 2023. At that point in time, staff will work closely with the MVCA and Drainage Superintendent to study the needed changes in a comprehensive fashion.

Public Comments

- No comments were received from members of the public.

EVALUATION:

Bill 23, the *Planning Act*, 1990 & the Provincial Policy Statement (PPS), 2020

The *Planning Act*, 1990 (the Act) establishes the ground rules for land use planning in Ontario; the act includes policies, regulations and procedures related to Official Plans (Part III) and the passing of By-Laws (Part V).

In recent years, a number of different changes have been made to the Act; most recently through Bill 23, the *More Homes Built Faster Act*, 2022, which was passed by the Provincial Government on November 23, 2022. Bill 23 proposes a number of changes to land use planning in Ontario, many of which will require municipalities to update related provisions within local official plans and zoning by-laws. The Planning Department anticipates that fulsome analysis, along with a comprehensive list of housekeeping amendments stemming from Bill 23 will be required in 2023. For the purposes of this housekeeping amendment, changes introduced by Bill 23 removes the ability for municipalities to regulate the minimum floor area of certain residential dwelling units via Sections 16(3.2) and 35.1(1.2) of the Act; this is one provincially mandated change which reflects current planning best practices and is being introduced proactively by the Municipality through this housekeeping amendment.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act*, R.S.O. 1990, all planning decisions must be consistent with the PPS. In general, since the amendments are specific and do not change the intent of the Zoning By-law, but rather augment it via amendments to outdated references, clearing up redundancies and discrepancies, and

realigning provisions with current best practice, there are no directly applicable sections of the PPS to be reviewed.

Community Official Plan (COP)

The proposed changes are expected to remain consistent with the Community Official Plan (COP) and there are no intentions to amend sections of the COP concurrently. Staff have evaluated the applicable policies of the COP to ensure that the proposed changes properly align the affected Zoning By-law provision with the corresponding COP policy directives.

Proposed Changes

1. Inconsistent usage of select terms in various sections

The changes covered under this category are clerical in nature as they seek to correct semantic inconsistencies in the Zoning By-law. The amendments are solely for the purpose of making the affected Zoning By-law provisions easier to read and do not affect the meaning of any provisions within Zoning By-law #11-83.

2. Ambiguities relating to the Accessory Uses, Buildings and Structures provisions

The changes covered under this category are also clerical in nature as they involve the reformatting of Table 6.1 within Zoning By-law #11-83. Table 6.1 contains the Accessory Uses, Buildings and Structures provisions. When people build sheds, pools, gazebos, and detached garages, they refer to Table 6.1. Although these provisions are commonly used, applicants often have to seek out staff advice when navigating the current table as the provisions regarding basic setbacks for common accessory building types are combined with specific provisions for less common accessory buildings such as wind turbines and marine facilities.

One minor clarification regarding the maximum cumulative area of all accessory buildings combined was added to clarify that the maximum for the Residential First (R1), Second (R2), and Third (R3) Density zones, Limited Service Residential (LSR) zones and Village (V) zones refers to the lesser of the lesser of 55 m² or 50% of the area of the yard in which they are located. The amendments proposed are solely for the purpose of making the affected Zoning By-law provisions easier to navigate and understand; they do not affect the meaning of any provisions within Zoning By-law #11-83.

3. Provisions relating to minimum floor area and minimum dwelling unit area requirements which no longer reflect current best practices

Minimum floor area and minimum dwelling unit area requirements are found in the R1, R2, R3 and Rural Residential (RR) zones; they are also found in the provisions relating

to dwelling unit contained within a non-residential building; all of these provisions are proposed to be deleted.

As noted above, the changes made in this section are now largely aligned with the incoming provincially mandated changes to land use planning in Ontario. Deleting provisions relating to minimum floor area and minimum dwelling unit area for dwellings in residential zones to reflect current best practices, avoid conflicts with the Ontario Building Code and to reduce barriers to the construction of more attainable housing types.

4. Technical errors relating to the Downtown Commercial (C2) Zone introduced through previous consolidations

The changes covered under this category are clerical in nature as they seek to correct a simple consolidation error in the Zoning By-law. The current requirement for exterior side yard setbacks in the C2 is 12 metres for downtown Almonte – this represents an unreasonable setback within the denser and historic downtown context. Prior to a previous consolidation, the originally intended setback was “nil” and this amendment is solely for the purpose of correcting the affected Zoning By-law provision to reflect the original intent.

5. Conflicting provisions relating to setbacks, landscaping and buffers in the Business Park (E1) Zone

The changes proposed in this category seek to make development more efficient and approachable in the E1 Zone. Staff recognized that there were a number of redundancies built into the setback, landscaping and buffer provisions of the E1 Zone. Some of the redundant provisions were introduced through multiple rounds of piecemeal amendments. By deleting provisions which contain conflicting requirements with setbacks, landscaping and buffering within the E1 Zone, the Mississippi Mills Business Park will better reflect the business park context, and respond to the current economic and development needs within the community.

Staff are confident that the proposed changes will maintain adequate consideration for the urban design and public realm aspect of the business park. Conflicting references to 7.5 metre buffer areas, 3 metre landscaped areas and 15 metre setbacks for parking areas are proposed to be reduced to a minimum 6 metre front yard setback, 3 metre side yard setback with a minimum 3 metre landscaped area where development abuts similarly zoned lots to encourage more efficient development.

6. The omission of select uses within the permitted uses sections of the Business Park (E1), Downtown Commercial (C2), and Highway Commercial (C3) Zones that is either inconsistent with Community Official Plan policies or does not reflect current development trends

The changes proposed in this category seek to address development pressures in the

local community and to better reflect COP policies in areas such as the Mississippi Mills Business Park. Mississippi Mills has a strong reputation as a community with thriving agri-tourism, premium food manufacturing, craft-distilling, craft-brewing and farm-gate sales businesses. The Planning Department is seeking to further support opportunities for local development by adding “Micro-Brewery” as a permitted use in the Downtown Commercial (C2), Highway Commercial (C3) and Business Park (E1) Zones, where there is adequate Municipal servicing. Although there are no specific policies within the COP regarding “Micro-Brewery” uses, staff are of the opinion that the addition of such a use is desirable and that such uses can be adequately reviewed through site plan control and building permit applications.

The proposed additions of uses permitted in the Highway Commercial (C3) and Light Industrial (M1) Zones as permitted uses in the E1-1 Subzone (subject to compliance with Source Water Protection provisions) are being made to directly reflect the policies of Section 3.7.4.1 of the COP relating to permitted uses in the “Business Park – Employment Area” designation.

7. The omission of certain provisions and performance standards relating to dwelling types in residential zones

The changes proposed in this category seek to formalize standard practices relating to residential zones, to add missing requirements for certain horizontally separated dwellings, to amend certain provisions to reflect current best practices and to amend certain provisions to improve consistency across the Municipality.

The Zoning By-law currently permits dwelling types within a zone that do not have provisions relating to that specific dwelling type. For example, detached dwellings are permitted in the R2 Zone as a listed permitted use, however, the R2 Zone does not provide provisions for detached dwellings. The standard practice within the Municipality is to refer to applicable provisions in a lower density zone when this occurs. This amendment would formalize this practice by adding a reference to the applicable zone provisions where provisions for a certain residential use do not exist within the zone provisions.

This amendment also clarifies the lot area and frontage requirements for horizontally separated triplexes and fourplexes. These horizontally separated units are functionally townhouses, however, there is some ambiguity regarding per unit lot area and frontage provision; this amendment clarifies that the per unit requirements are to be consistent for all horizontally separated triplexes, fourplexes and townhouses.

Amendments are also being made to address missing parking requirements for semi-detached, duplex and fourplex dwellings and to bring parking requirements up to date with current planning best practices. The amendment clarifies that one space per unit will be required to be consistent with other comparable dwelling types. along with the introduction of provisions for compact vehicle parking spaces that are smaller in size than a standard parking space. This encourages more efficient parking lot designs and

accommodates the use of smaller vehicles, reflecting current automobile trends. Staff evaluated the compact vehicle parking space provisions of municipalities across Ontario and propose to introduce a minimum length of 4.6 metres and a minimum width of 2.4 metres for compact car parking spaces and allowing parking lots with 5 or more spaces to have 20% of the parking spaces as compact vehicle parking spaces.

This category of amendments also includes an amendment to the minimum required lot area for lots zoned R1 that have no municipal services. In keeping with best practices associated with septic systems and private servicing, the minimum lot area is being increased to 4,000 m² (0.4 ha). R1 lots without municipal services are functionally the same as Rural Residential (RR) zoned lots; therefore, the functional considerations for private servicing should remain consistent.

SUMMARY:

Having reviewed and assessed the proposed Zoning 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. 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; therefore, staff recommend approval for this amendment.

All of which is respectfully submitted by, Approved by,



Jeffrey Ren
Planner



Melanie Knight, MCIP, RPP
Senior Planner

ATTACHMENTS:

1. Attachment A – Table of Proposed Changes
2. Attachment B – Draft By-law (Inconsistent usage of select terms in various sections)
3. Attachment C – Draft By-law (Ambiguities relating to the Accessory Uses, Buildings and Structures provisions)
4. Attachment D – Draft By-law (Provisions relating to minimum floor area and minimum dwelling unit area requirements which no longer reflect current best practices)
5. Attachment E – Draft By-law (Technical errors relating to the Downtown Commercial (C2) Zone introduced through previous consolidations)
6. Attachment F – Draft By-law (Conflicting provisions relating to setbacks, landscaping and buffers in the Business Park (E1) Zone)
7. Attachment G – Draft By-law (The omission of select uses within the permitted uses sections of the Business Park (E1), Downtown Commercial (C2), and Highway Commercial (C3) Zones that is either inconsistent with Community Official Plan policies or does not reflect current development trends)
8. Attachment H – Draft By-law (The omission of certain provisions and performance standards relating to dwelling types in residential zones)