

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: March 21, 2023

TO: Committee of the Whole

FROM: Melanie Knight, Senior Planner

SUBJECT: **Zoning By-law Amendment – Z-02-23**
Concession 12, Lot 6 (Pakenham)
Pakenham Ward, Municipality of Mississippi Mills
Municipally Known as 816 Concession 12 S Pakenham

OWNER: William (John) Grainger and Katherine Armstrong

APPLICANT: Tracy Zander, ZanderPlan

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 legally known as Concession 12, Lot 6 (Pakenham), Pakenham Ward, Municipality of Mississippi Mills, municipally known as 816 12th Concession S Pakenham, from Rural (RU) and Agricultural (A) to site specific Rural and Agricultural zones (RU-41 and A-45) in order to permit site specific provisions and to prohibit residential uses, similar in effect to the details in Attachment A.

BACKGROUND:

The purpose of the application is to rezone the subject lands as a result of the conditional approval of a severance of a surplus farm dwelling (B22-071). The severed lot to be rezoned is approximately 0.49 ha in size and contains the existing dwelling as well as two barns (to be decommissioned) and a shed. The retained lands to be rezoned are approximately 68.8 ha in size and are currently part of a larger farming operation.

The severed lot was included in the circulation of this Zoning By-law Amendment in an abundance of caution as a survey of the severed lot has yet to be completed and the Department wants to confirm the proposed side yard and rear yard setbacks of the proposed severed lot to determine if any site-specific zoning provisions are required.

PURPOSE AND EFFECT:

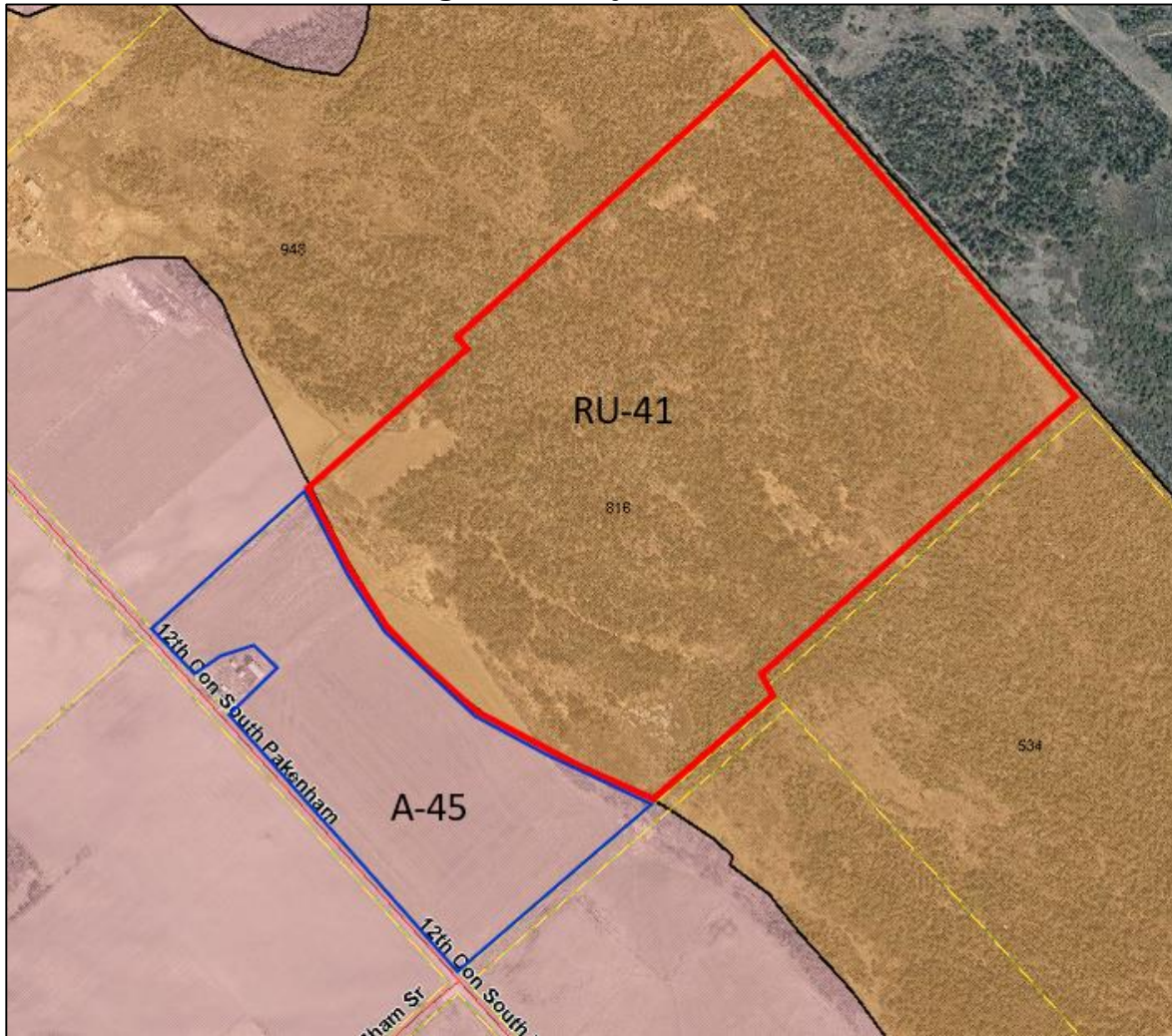
The purpose of the Zoning By-law Amendment is to rezone the retained lands to prohibit any future residential dwellings in accordance with the Agricultural and Rural

policies of the Official Plan as it pertains to surplus farm dwelling severances.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

As illustrated in Figure 1, the subject property is located on the east side of 12th Concession South Pakenham and is surrounded by a mix of rural, non-farm residential uses and agricultural uses.

Figure 1: Subject Lands



- Area to be rezoned from Agricultural (A) to a site specific Agricultural Zone (A-45)
- Area to be rezoned from Rural (RU) to a site specific Rural Zone (RU-41)

PROPOSED DEVELOPMENT:

As previously mentioned, the proposed amendment is to appropriately rezone the subject lands as a condition of severance for a surplus farm dwelling. No further development is proposed at this time.

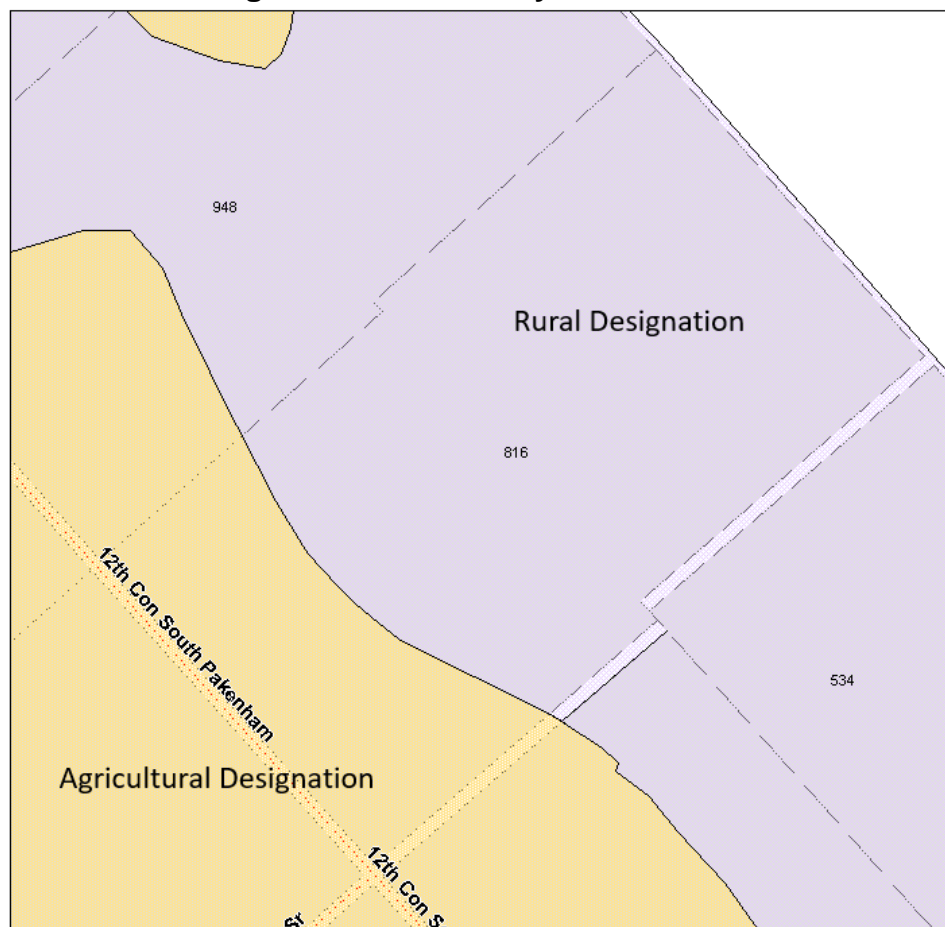
SERVICING & INFRASTRUCTURE:

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

COMMUNITY OFFICIAL PLAN (COP):

The subject lands are designated both “Agriculture” and “Rural” in the Community Official Plan (COP). Both the Agriculture and Rural designation permits agricultural uses, rural uses, non-farm residential dwellings and related accessory uses. The proposed severance is within the Agricultural designation and as such, the Agricultural designations apply. Figure 2 provides an illustration of the applicable designations for the subject property.

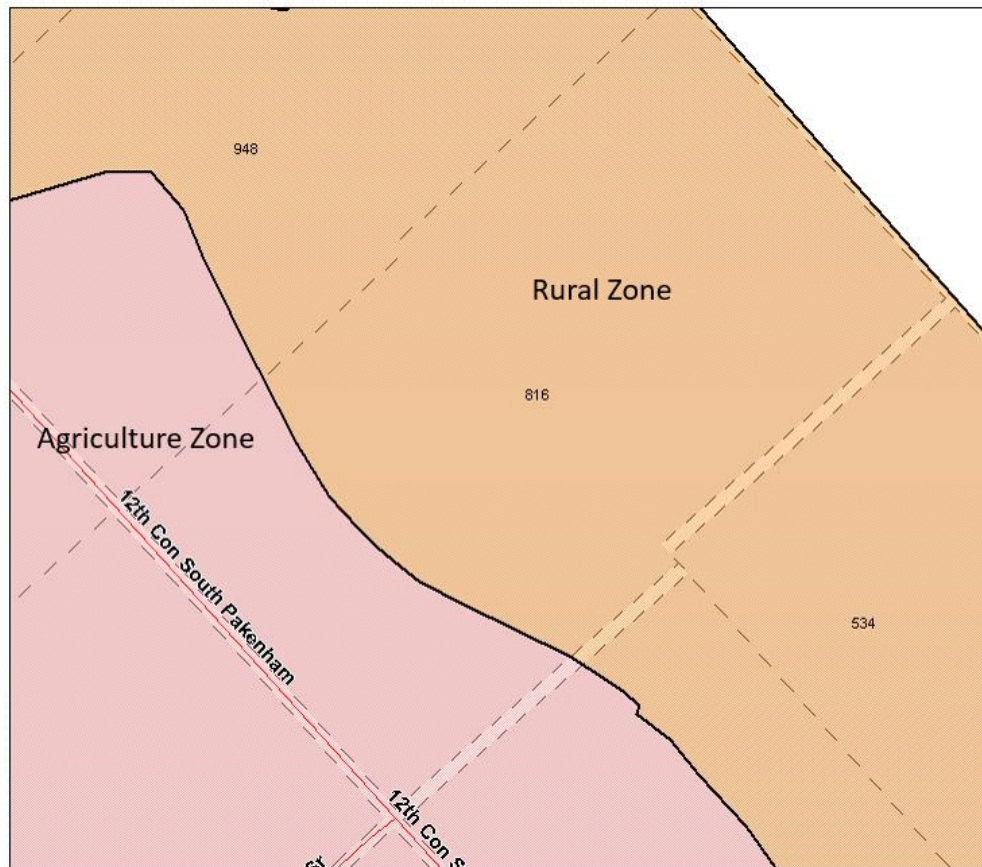
Figure 2 – Community Official Plan



ZONING BY-LAW #11-83:

The property is zoned Agricultural (A) and Rural (RU) in Zoning By-law 11-83. The Rural and Agricultural zones permit a variety of agricultural uses including a single detached dwelling and specific performance standards for agricultural uses as well as non-farm residential uses. Figure 3 provides an illustration of the applicable zoning for the subject property.

Figure 3 - Zoning



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, no questions or comments were received.

EVALUATION:

Community Official Plan (COP)

The Official Plan provides the policy framework to evaluate Consent applications for the purposes of farm consolidation in both the Rural and Agricultural designations. Farm-related severances may be considered where the surplus farm dwelling was constructed prior to the adoption of the Official Plan (December 13, 2005) which is being made surplus as part of a farm consolidation where farm holdings are being expanded, subject to a Zoning By-law Amendment which prohibits the construction of a new residential dwelling on the farmland as a result of the severance.

The lot area and frontage for the surplus farm dwelling should be kept to a minimum in order to keep as much land in agricultural production as possible. In addition,

undersized agricultural properties may be considered provided the severed agricultural lands are consolidated with an abutting agricultural property.

According to the Municipality's records, the dwelling was constructed in the 1890's. The proposed severed lot is minimized keeping as much agricultural lands in operation as possible. The applicant owns additional agricultural parcels in the area as part of an overall farming operation and most recently expanded their operation in 2019/2020 as part of the purchase of lands resulting from another surplus farm severance (B19-055). The retained lands will continue to remain within the larger, recently expanded farming operation.

Staff are of the opinion that the proposed Zoning By-law Amendment is in conformity with the applicable policies of the COP.

Zoning By-law #11-83

The property is split zoned Rural (RU) and Agricultural (A) in Zoning By-law 11-83. The Zoning By-law provides for a variety of agricultural uses including a single detached dwelling and specific performance standards for agricultural uses as well as non-farm residential uses.

As noted above, the Official Plan provides the policy framework for surplus farm dwelling severances with the requirement that the retained lot be appropriately rezoned to prohibit future residential uses. The recommended Zoning By-law Amendment includes this prohibition as well as some site-specific performance standards (lot area) for the retained lot in recognition of the split-zoning of the property. In the case of lots containing more than one zone, the Zoning By-law requires that each individual zone meet the minimum provisions of the Zoning By-law as if the zone were considered 'its own lot'. Specifically, Section 3.24 states:

3.2.4 More Than One Zone on a Lot

Where a lot has two or more of its parts classified in different zones, then the provisions for each zone shall apply to each part as if said part was a separate lot, except that the lot area requirement for a permitted use in an Agricultural zone may include any part of that lot that may be zoned Environmental Protection.

With respect to the severed lot, based on the severance sketch submitted with the Consent Application, the existing dwelling appears to enjoy a legal non-conforming front yard setback. This legal non-conforming right carries forward with the severed lot and so does not need to be addressed in the site-specific zoning.

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. As the proposed amendments to implement the Official Plan policies for surplus farm dwelling, including prohibiting residential uses on the retained lands, 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,



Melanie Knight, MCIP, RPP
Senior Planner



Ken Kelly
CAO

ATTACHMENTS:

1. Attachment A – Proposed Zoning By-law