

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: May 4, 2021

TO: Committee of the Whole

FROM: Tyler Duval, Planning Consultant

**SUBJECT: BACKGROUND REPORT –ZONING BY-LAW AMENDMENT Z-05-21
CON 12 PT LOT 12 - 26R1440; PART 1
Pakenham Ward, Municipality of Mississippi Mills**

**CIVIC
ADDRESS:** 4676 Dark's Side Road, Pakenham

OWNER: 2755249 ONTARIO INC

AGENT: Tracy Zander, ZanderPlan Inc.

PURPOSE AND EFFECT

The purpose of the Zoning By-law Amendment application is to change the zoning of the subject lands from "Residential Third Density Special Exception 5" (R3-5) to "Residential Fourth Density Special Exception" (R4-X) to permit the conversion of the existing building into a 22-unit apartment dwelling. The special exception to the R4 Zone is to omit the standard requirements for *privacy yards* and *equipped children's play area*. The proposed zoning provisions are as follows:

1. Minimum lot area of 600 m²;
2. Minimum lot frontage of 30 m;
3. Minimum front yard setback of 5 m;
4. Minimum rear yard setback of 7.5 m;
5. Minimum interior side yard setback of 6 m
6. Minimum exterior side yard setback of 6 m;
7. Maximum building height of 11 m;
8. Maximum lot coverage of 45%
9. Courts: Where a building is in a court, the distance between opposing sidewalls of the building forming the court shall be not less than 12 m (39 ft);
10. Privacy Yards: Nil; and
11. Equipped Children's Play Area: Nil

DESCRIPTION OF SUBJECT LANDS

The subject property is situated in the northeast part of the Village of Pakenham on the eastern side of the Mississippi River with frontage along Dark's Side Road. The property is approximately 3.8 acres (1.5 hectares) in area, with 156 metres (511 feet) of frontage on Dark's Side Road

Located on the property is an unoccupied institutional building which previously was used for long-term care. The vacant building is serviced by private well and sanitary systems.

Land uses adjacent to the site are primarily agriculture, with some low density single detached dwellings along 12 Concession South Pakenham and Dark's Side Road.

SERVICING & INFRASTRUCTURE

The lot is serviced by private well and sanitary services.

The lot fronts onto Dark's Side Road with three (3) vehicular accesses.

There are no sidewalks along the frontage of the property; none are currently proposed to be added.

Figure 1 – Context Map



COMMUNITY OFFICIAL PLAN (COP)

Schedule B of the Official Plan identifies the subject lands as “Residential”.

3.6.1 Goal and Objectives

It is a goal of this Plan to:

Promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community.

The following objectives are designed to implement the goal:

1. Promote and support development which provides for affordable, rental and/or increased density of housing types.

[...]

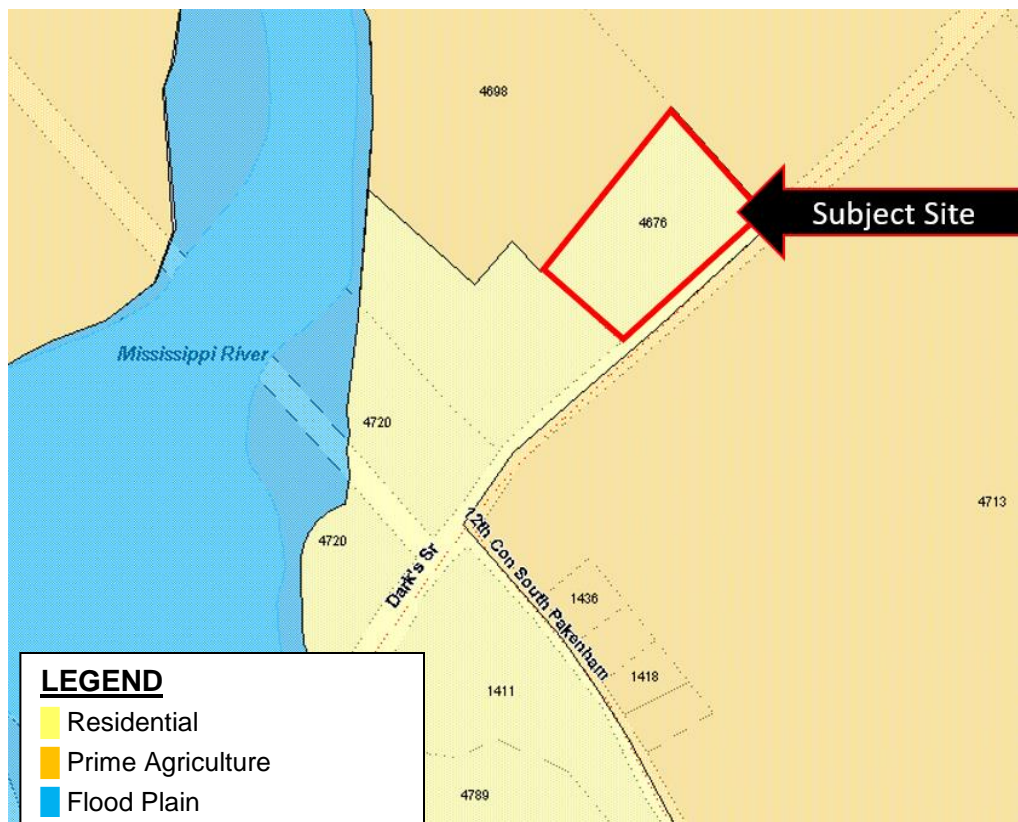
3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing.

[...].

5. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

[...]

Figure 2 – Community Official Plan Designation



Generally, “Residential” lands shall be used for low and medium density uses and accessory uses (Policy 3.6.2).

The Residential Land Use objectives instruct that the Municipality “*Promote and support development which provides for affordable, rental and/or increased density of housing types*” and where intensification is planned within existing neighbourhoods that the new development is “*compatible with surrounding uses in terms of design*”.

3.6.2 Residential Permitted Uses

Lands designated "Residential" shall be predominately used for low and medium density residential uses and associated accessory uses.

[...]

3.6.5 Range of Housing Types

1. The Town shall support a wide range of housing types, zoning standards and subdivision design standards.

2. The Town has established the following housing mix targets:

- Low Density - 70%*
- Medium Density - 30%*

[...]

4. Medium density residential development shall include four-plex housing, townhouses, 3 storey apartments, converted dwellings of three or more units and similar multi-unit forms of housing. In general, medium density residential development shall have a maximum net density of 35 units per net hectare (15 units per net acre).

5. All medium density residential development proposals shall address the following criteria:

i. Proximity to shopping, parkland, health care, education and other community amenities;

ii. compatibility with existing land uses in the immediate area and the historical character of existing buildings;

iii. designed with a maximum of three (3) stories and where possible, a building profile which conforms visually with the surrounding residential structures;

iv. availability of adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles

v. necessary buffering from abutting uses;

*vi. suitable landscaping, lot grading, drainage and on-site amenities; and,
vii. the availability of full municipal services to accommodate the proposed density of development.*

6. Medium density residential development shall be placed in separate zones in the Zoning By-law and shall be subject to Site Plan Control.

7. The Municipality shall strive to maintain the existing mix of housing tenure. To this end, the Municipality establishes the following housing tenure targets:

- i. Ownership 70%*
- ii. Rental 30%*

As proposed, the gross density generated by the 22 units would be 14.7 units per hectare, whereas the maximum permitted density for a low-rise apartment is 35 UPH, as per Policy 3.6.5 (4).

ZONING BY-LAW #11-83

The subject property is proposed to be zoned “Residential Fourth Density Special Exception” (R4-X) in the Municipality of Mississippi Mills Zoning Bylaw 11-83. The Residential Fourth Density Zone permits a mix of residential uses including the proposed low-rise apartment dwelling.

The intent of the R4 Zone is to allow a range of residential uses to provide additional housing choices within the urban area of Almonte and rural settlement areas and villages as described in the Community Official Plan.

The following table represents the proposed developments adherence to the prescribed zone provisions:

Table 1 – Zone Provisions of the Residential Second Density Zone Subzone D

Provisions	Dwelling, Apartment (low-rise)	Proposed Development
Lot Area, Minimum (m ²)	600	15,000
Lot Frontage, Minimum (m)	30	156
Front Yard, Minimum (m)	5	10.1
Rear Yard, Minimum (m)	7.5	13.1
Side Yard, Minimum (m)	6	16.1
Exterior Side Yard, Minimum (m)	6	n/a
Maximum Height (m)	11	Existing building less 11 m
Lot Coverage, Maximum (%)	45	9.6
Courts	(a)	Existing 30 m court
Privacy Yards	(b)	Nil *
Equipped Children's Play Area	(c)	Nil *

* - criteria marked with * are the development standards where the special exception is applied

(a) Where a building is in a court, the distance between opposing sidewalls of the building forming the court shall be not less than 12 m (39 ft).

(b) Privacy yards with a minimum depth of 6 m (19.6 ft) which are clear and unobstructed by any parking area or driveway, other than a private driveway for the exclusive use of a dwelling unit, shall be provided adjoining any ground floor habitable room window, except for a dwelling containing less than 10 dwelling units, in which case a driveway shall be permitted to be within 3 m of an end wall in an interior side yard.

Within a privacy yard, an area with a minimum depth of 3 m (9.8 ft) unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose this provision a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finished grade.

(c) For dwelling houses which do not have a separate privacy yard for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be a minimum of 4% of the lot area which may be included in the area calculated as required landscaped open space.

The children's play area shall be located not less than 6 m (19 6 ft) from a ground floor habitable room window and not in the front or exterior side yards.

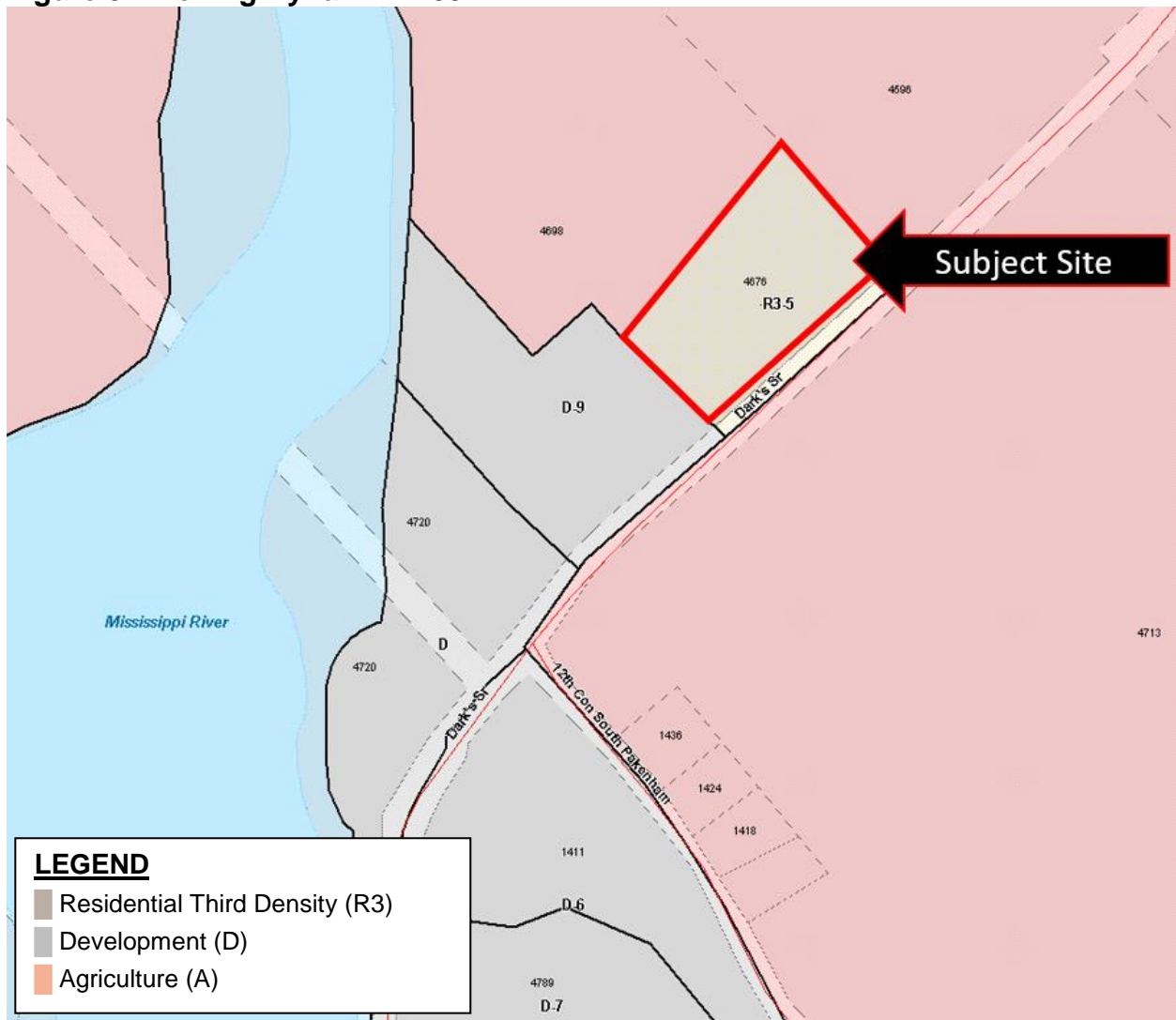
For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finish grade.

The proposed use will meet or exceed the minimum required parking as prescribe by the zoning by-law, as shown in Table 2 below.

Table 2 – Parking Requirements

Provisions	Dwelling, Apartment (low-rise)	Proposed Development
Minimum Parking Spaces (1.2 spaces per unit)	27 spaces	27 spaces
Minimum Visitor Parking Spaces (0.2 spaces per unit)	5 spaces	8 spaces
Minimum Accessible Parking Spaces (26-50 total spaces)	2 spaces	2 spaces

Figure 3 – Zoning By-law #11-83



PUBLIC COMMENTS RECEIVED:

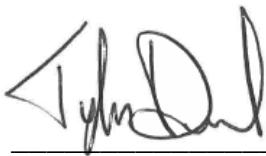
Staff circulated the application in accordance with the provisions of the Planning Act. Notice was posted on the subject property and circulated by mail to all property owners within 120m of the subject lands. Notice was also circulated to prescribed agencies and public bodies electronically.

All comments submitted by commenting agencies and members of the public will be collected, summarized and included in the final staff report received by municipal Council.

Appendix B of the report includes the technical comments received – to date – by members of the public and commenting agencies.

A staff report analyzing the merits of the application will be prepared following the public meeting in order to fully consider any and all public comments received.

All of which is respectfully submitted,



Tyler Duval, MCIP, RPP, M.PI.
Planning Consultant



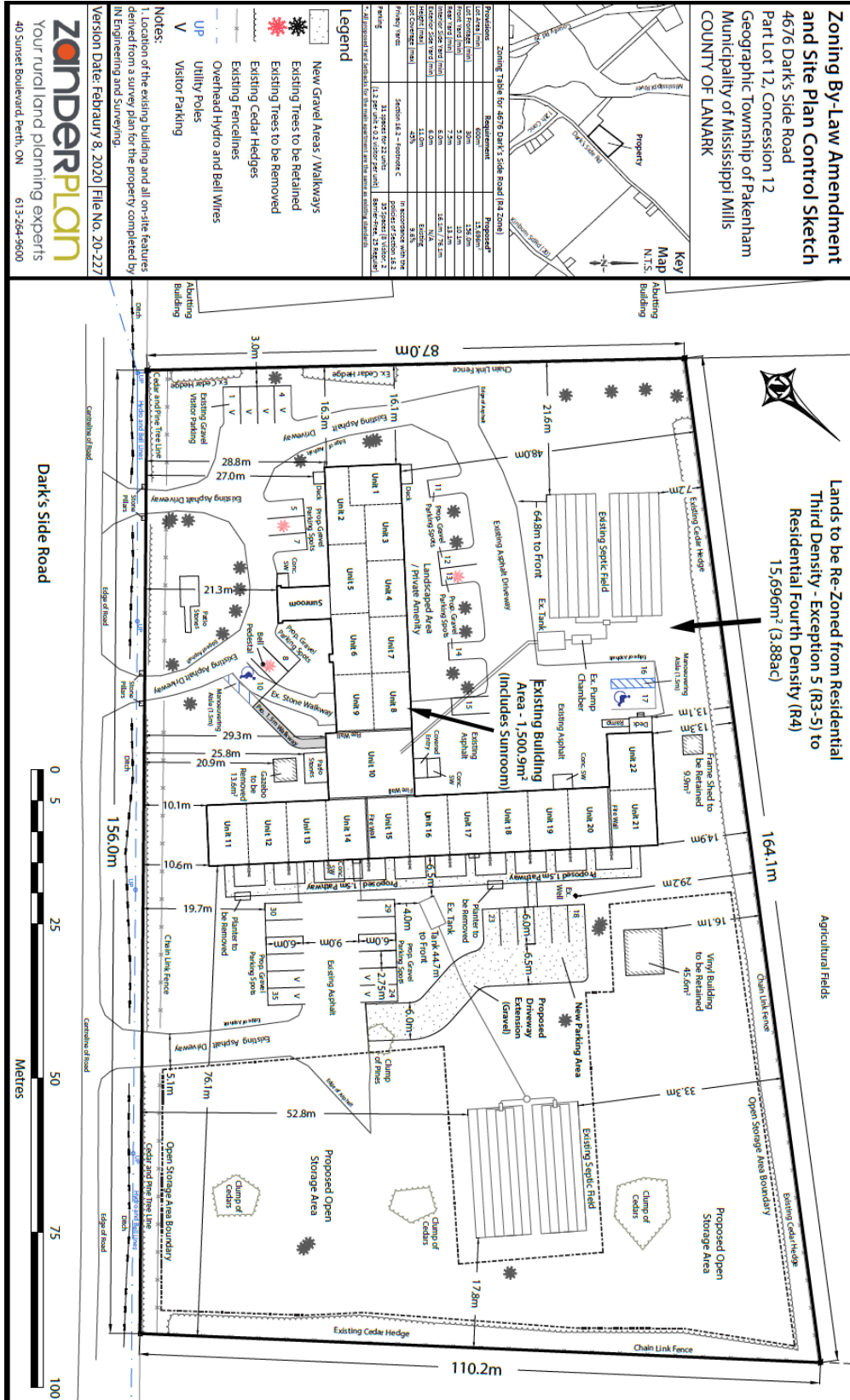
Ken Kelly
Chief Administrative Officer

Attachments:

Appendix A – Proposed Site Plan

Appendix B – Public Comments/Questions

Appendix A – Proposed Site Plan



Appendix B – Public Comments/Questions

MVCA

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process.

We note that if Site Plan Control is required, with a SWMP, we will provide a review upon request by the municipality.

Mississippi Mills Building Department

No objection to the proposal.

Phase 1 ESA would be required before we can issue a building permit.

Mississippi Mills Fire Department

While the fire department has no objection to the change of use, there are known issues that affect fire protection. Not all issues are Fire Code related but may impact the safety of responders. Please note the following concerns from the fire department regarding:

1. We understand that the septic system may have been condemned and there is an open pit in the yard. This has been identified as a known hazard on the north side of the structure by the department. Fire department planning limits firefighters from working on that side of the building until repairs are performed and the grounds are made safe. Has the local health unit been involved to review and approve the system as it exists?
2. The fire department access must be evaluated as there is limited access to firefighting when entering the property. Department access routes must be reviewed to ensure compliance with the Building Code. Current access limits fire protection services to the rear portion of the structure.
3. We are unclear where parking will be provided for residents and the pending impact to response apparatus.
4. There is no water supply at this location for the pending risk. The fire department will not approve any reduction of fire protection requirements required by the building code including any onsite water supply.
5. The previous transition to a Vulnerable Occupancy was the primary cause of concern. The Vulnerable Occupancy definition in the Building Code requires a significant increase in fire protection requirements. The fire department will enforce the Fire Code if there is a change in the business model from residential to vulnerable occupancy when admitting residents.

Mississippi Mills Recreation Department

No comment

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Mississippi Mills Municipal Councillor(s)
Concern with septic system.

