

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 24, 2021

TO: Committee of the Whole

FROM: Tyler Duval, Planning Consultant

SUBJECT: ZONING BY-LAW AMENDMENT Z-13-21
Pt Lot 5 Con 11, Ramsay Ward, Municipality of Mississippi Mills

CIVIC
ADDRESS: 4867 Hamilton Road

OWNER: Garry and Lynne Monaghan

RECOMMENDATION:

THAT, Committee of the Whole recommend Council approve the Zoning By-law Amendment to change the zoning of the retained lands subject to Consent Application B20/101 on the lands described as Pt Lot 5 Con 11, Ramsay Ward, Municipality of Mississippi Mills from “Agricultural (A) Zone” to “Agricultural – Special Exception (A-x) Zone”, to prohibit residential uses and to reduce the minimum lot area to 33 hectares.

BACKGROUND

In Summer 2020, a surplus-farm dwelling consent application – B20/101– was submitted to Lanark County and the Municipality of Mississippi Mills for the property known municipally as 4867 Hamilton Road. The surplus dwelling severance request was for ±1.35ha (3.36ac). The proposed lot would be located along the parent property’s northern lot line. The County provisionally approved the request in March 2021, with a requirement that the landowners fulfil conditions set by the Municipality, one of which is to amend the zoning of the now vacant agricultural parcel to prohibit the construction of a dwelling. The associated Community Official Plan policy (Section 3.2.7) states the following:

The [Municipality] shall impose a condition on the severance of the surplus farm dwelling which shall require a zoning by-law amendment prohibiting the construction of a new residential dwelling on the farm land parcel rendered vacant as a result of the severance.

Consequently, the zoning of the property must be amended from “Agricultural (A)” to “Agricultural – Special Exception (A-x)” to prohibit residential uses on the retained lands and reduce the minimum required lot area to 33 hectares (81.5 acres).

PURPOSE AND EFFECT

The purpose and intent of the Zoning By-law Amendment is to rezone the property from “Agriculture Zone” (A) to “Agriculture Special Exception” (A-XX) to prohibit residential development of the retained lands subject to Consent Application B20-101, and to reduce the minimum required lot area to 33 hectares. The proposed amendment is a condition of the provisional approval made by the Lanark County Land Division Committee.

As per the Community Official Plan, the rezoned property – vacant agricultural land – would not be permitted to have a new dwelling constructed on it. The amendment would also address the existing lot size deficiency to legally permit an agricultural use.

SERVICING & INFRASTRUCTURE

The proposed severance would separate an existing farm dwelling from its parent property. It would maintain the existing private well and septic, the principal dwelling and outbuildings. Consequently, the retained property would not be serviced, with no proposed servicing as part of the application. The retained lot would maintain ± 540 m of frontage along Hamilton Road and ± 600 m along Ramsay Con 12, both municipal owned and maintained roads. The severed lot would have 74 m of road frontage along Hamilton Road. The municipal servicing and infrastructure demands would not change as a result of the application. The application was circulated to the Roads and Public Works Department for review and comment. The Acting Director had no objections to the application.

Figure 1 – Aerial Photo (2017)



COMMENTS

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.

INTERNAL CIRCULATION

Comments received based on the circulation of this application have been summarized below:

CAO: No comments received.

Clerk: No comments received.

CBO: No comments received

Fire Chief: No comments received.

Director of Roads and Public Works: No comments received.

Recreation Coordinator: No concerns or objections.

Municipal Council: No comments received.

EXTERNAL AGENCY CIRCULATION

Enbridge Gas Inc.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Leeds, Grenville & Lanark District Health Unit

Please be advised that our office has no objections to the re-zoning of this property from “Agriculture” to “Agriculture- Special Exception” in principle, as the change does not affect a private sewage system.

Mississippi Valley Conservation

MVCA previously provided a review of consent application #B20/101, for the subject property. We do not have any further comments to those provided in the review of the consent application.

Ministry of Energy, Northern Development and Mines

ENDM has no concerns regarding the Zoning By-law Amendment Application at this site

FROM THE PUBLIC

No comments received.

The Municipality held a Public Meeting on August 10, 2021 to provide an opportunity for the public to comment on the application. A copy of all public comments is appended to this report.

EVALUATION

COMMUNITY OFFICIAL PLAN (COP)

Both the retained and severed properties are, and will continue to be, designated as “Agriculture” under the Community Official Plan. Permitted uses include agriculture, agriculturally related businesses, forestry, a residential dwelling, and home-based businesses.

ZONING BY-LAW #11-83

The subject lands are presently zoned “Agriculture (A)” within the Comprehensive Zoning By-law #11-83. As required by consent application B20/101, the vacant farm property must be rezoned from “Agricultural (A)” to “Agricultural – Special Exception (A-x)” to prohibit residential uses on the retained lands and reduce the minimum required lot area to 33 ha (81.5 acres).

The by-law has been drafted and is appended to this report.

11.3 *Special Provisions*

11.3.X *(Retained Lands) Notwithstanding their ‘A’ Zoning designation, on those lands delineated as ‘A-x’ on Schedule ‘A’ to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:*

- i) all residential uses are prohibited; and*
- ii) the minimum lot area may be 33 ha*

SUMMARY

Having reviewed and assessed the proposed Zoning Amendment application, staff are satisfied that the proposal complies with the provisions of the Provincial Policy Statement 2020, conforms to the policies of the Community Official Plan and satisfies the applicable sections of the Municipal Zoning Bylaw #11-83.

As the development proposal complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed land use.

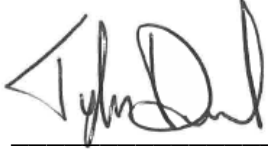
It is the professional opinion of the Planning Department that the proposed development to amend the Zoning By-law is appropriate and desirable.

Staff propose the following recommendation;

THAT Council approve the Zoning By-law Amendment to change the zoning of the retained lands subject to Consent Application B20/101 on the lands described as Pt Lot 5 Con 11, Ramsay Ward, Municipality of Mississippi Mills from

“Agricultural (A) Zone” to “Agricultural – Special Exception (A-x) Zone”, to prohibit residential uses and to reduce the minimum lot area to 33 hectares.

All of which is respectfully submitted,



Tyler Duval, RPP, MCIP
Planning Consultant

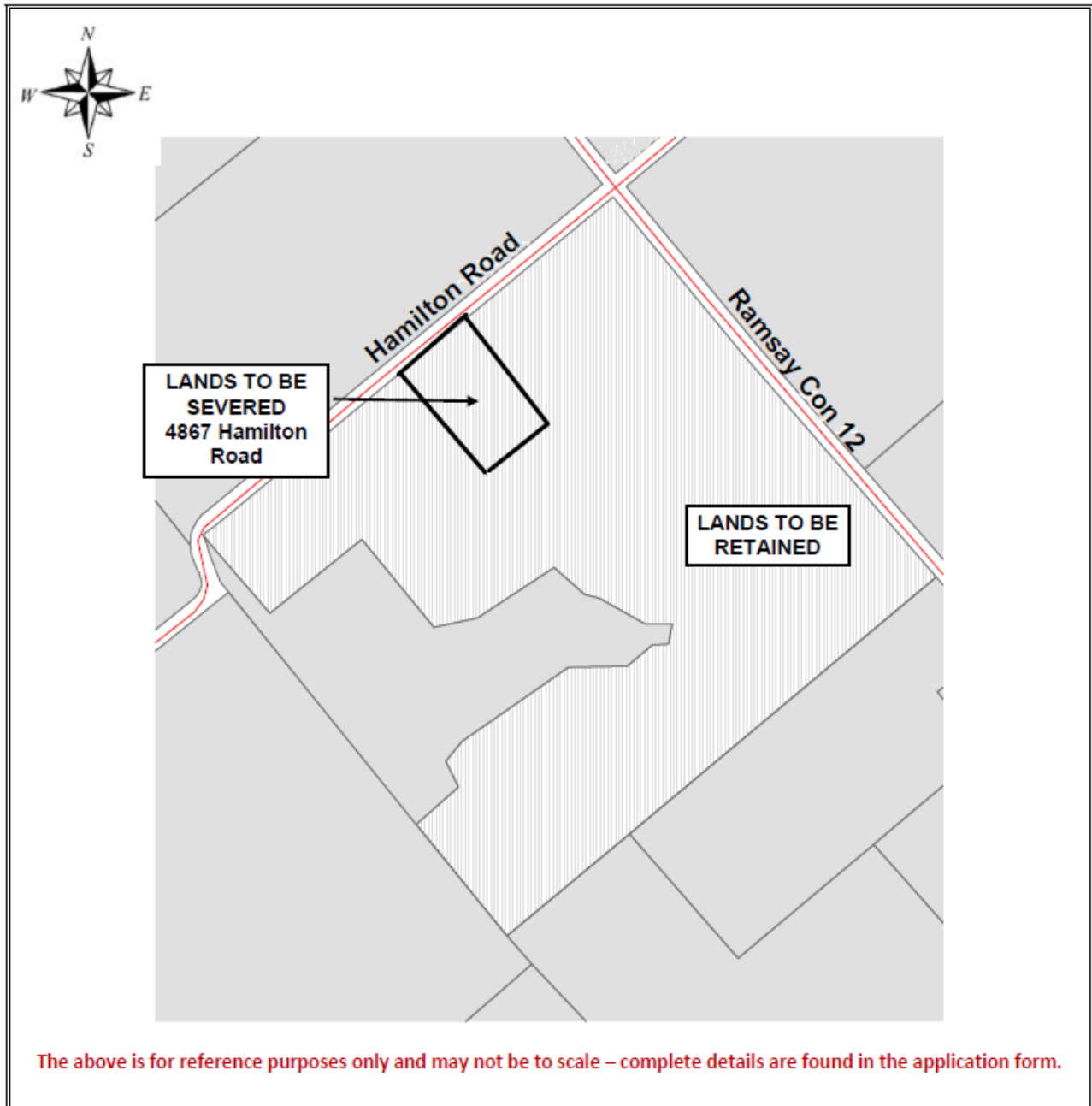


Ken Kelly
Chief Administrative Officer

Attachments:

- Attachment A – Location Map
- Attachment B – Property Sketch
- Attachment C – Draft By-Law
- Attachment D – Comments Received

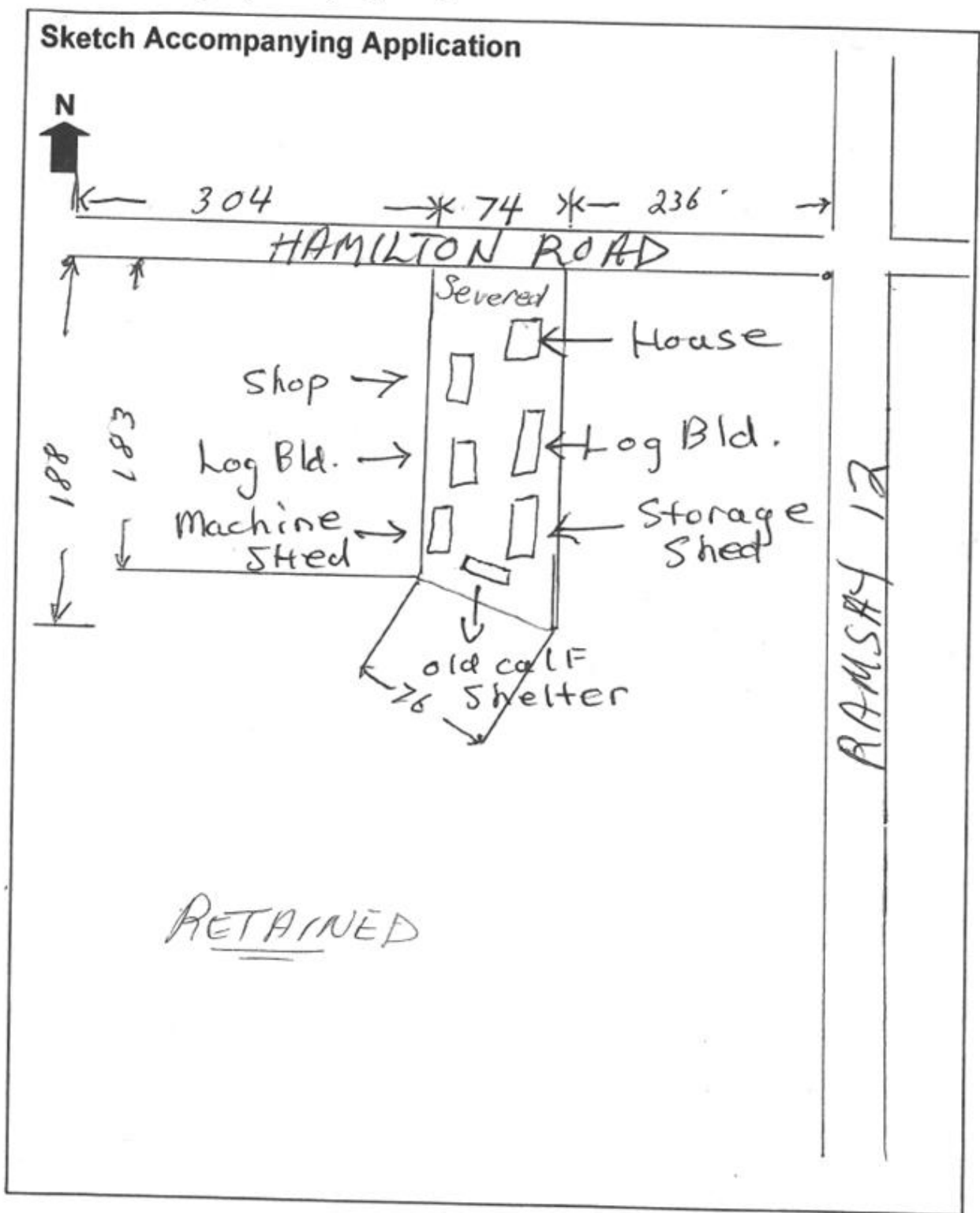
Attachment A – Location Map



Landowner: Garry and Lynne Monaghan
File No.: B20/101
Subject Land: Pt Lot 5 Con11 geographic Township of Ramsay, now in the Municipality of Mississippi Mills

**APPLICATION FOR
CONSENT**
"Sketch Only"
Prepared by Lanark County
Planning Dept.
NOT A LEGAL SURVEY

Attachment B – Property Sketch (Provided by Applicant)



Attachment C – Draft By-Law

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 21-XXX

BEING a by-law to amend By-law No. 11-83 being the Zoning By-law for the Municipality of Mississippi Mills.

WHEREAS the Council of the Corporation of the Municipality of Mississippi Mills passed Zoning Bylaw 11-83, known as the Zoning By-law, to regulate the development and use of lands within the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P.13, enacts as follows:

1. That Schedule 'A' to By-law No. 11-83, as amended, is hereby further amended by changing thereon from the "Agricultural" (A) Zone to "Agricultural – Special Exception" (A-x) for the lands identified on the attached Schedule 'A', which are legally described as Part of Lot 5, Concession 11, Ramsey Ward, Municipality of Mississippi Mills.
2. That Section 11 to By-law No. 11-83, as amended, is hereby further amended by adding the following Subsection to Section 11.3:
 "11.3.X Notwithstanding their 'A' Zoning designation, on those lands delineated as 'A-x' on Schedule 'A' to this By-law, may be used in compliance with the A zone provisions contained in this by-law, excepting however, that:
 i) all residential uses are prohibited; and
 ii) the minimum lot area may be 33 ha
3. This By-Law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the *Planning Act*, R.S.O. 1990, Chapter P.13.

BY-LAW read, passed, signed and sealed in open Council this **X day of XXX, 20XX.**

Christa Lowry, Mayor

Cynthia Moyle, Clerk

By-law No. 21-XXX
Schedule "A"

Lands Subject to the Amendment.

Part of Lot 5, Concession 11, Pakenham Ward, Municipality of Mississippi Mills;
Municipally known as 4867 Hamilton Road.



LOCATION MAP
Zoning Amendment Application Z-13-21
CON 11 PT LOT 5
Ramsay Ward, Mississippi Mills



Attachment D – Comments Received

Enbridge Gas Inc.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Leeds, Grenville & Lanark District Health Unit

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Mississippi Valley Conservation

MVCA previously provided a review of consent application #B20/101, for the subject property. We do not have any further comments to those provided in the review of the consent application.

Ministry of Energy, Northern Development and Mines

ENDM has no concerns regarding the Zoning By-law Amendment Application at this site.

Municipality of Mississippi Mills Recreation Department

No objection.