

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: August 10, 2021
TO: Committee of the Whole
FROM: Tyler Duval, Planning Consultant
SUBJECT: **BACKGROUND REPORT – ZONING BY-LAW AMENDMENT Z-06-21
CON 10 W PT LOT 18; 26RP206 Part 1
Ramsay Ward, Municipality of Mississippi Mills
Municipally known as 5766 Martin Street North**
OWNER: Luc Poirier and Beverly Frans

BACKGROUND

In 2010, the subject lands received a temporary zoning approval to permit a Garden Suite on the subject lands for a period of 10 years (file no. Z-09-10). The building used as the Garden Suite is a 1,666 square foot single story structure. Today, the building is still occupied for residential use and requires further Planning Approval in order to bring the property into compliance with the Municipality's Zoning By-Law as the temporary use has lapsed.

Rather than use a temporary zone to extend the time period, the owners/applicants are seeking to permanently re-zone the property to allow the Garden Suite building in perpetuity; to be recognized as an additional dwelling. Recent policy changes in the Planning Act and Provincial Policy Statement have facilitated the use of Additional Residential Units (aka Secondary Dwelling Units) – and so, the owners/applicants are electing to consider the existing building as *detached* Secondary Dwelling Unit rather than a Garden Suite in order to avoid another temporary zoning.

PURPOSE AND EFFECT

The purpose and intent of the Zoning By-law Amendment is to rezone the property from "Rural Special Exception 25 Temporary Zone" (RU-25-t) to "Rural Special Exception" (RU-XX) to permit a Secondary Dwelling Unit in an existing detached building that is ancillary to the primary existing dwelling unit. The Secondary Dwelling Unit would be 120% the GFA of the of the primary dwelling unit.

As per the Municipality's Zoning By-Law, Secondary Dwelling Units are only permitted *within* an existing single detached *within* a settlement area limited to 40% of the Ground Floor Area of said dwelling. As such, the application seeks a site-specific amendment.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject property, located at Part Lot 18, Conc. 10, RP 26R206, Part 1, Ramsay Ward, is municipally known as 5766 Martin Street North. The property is 10.17 hectares (25 acres) in

size and has had a residential use since 1974. The subject property has frontage onto a County road.

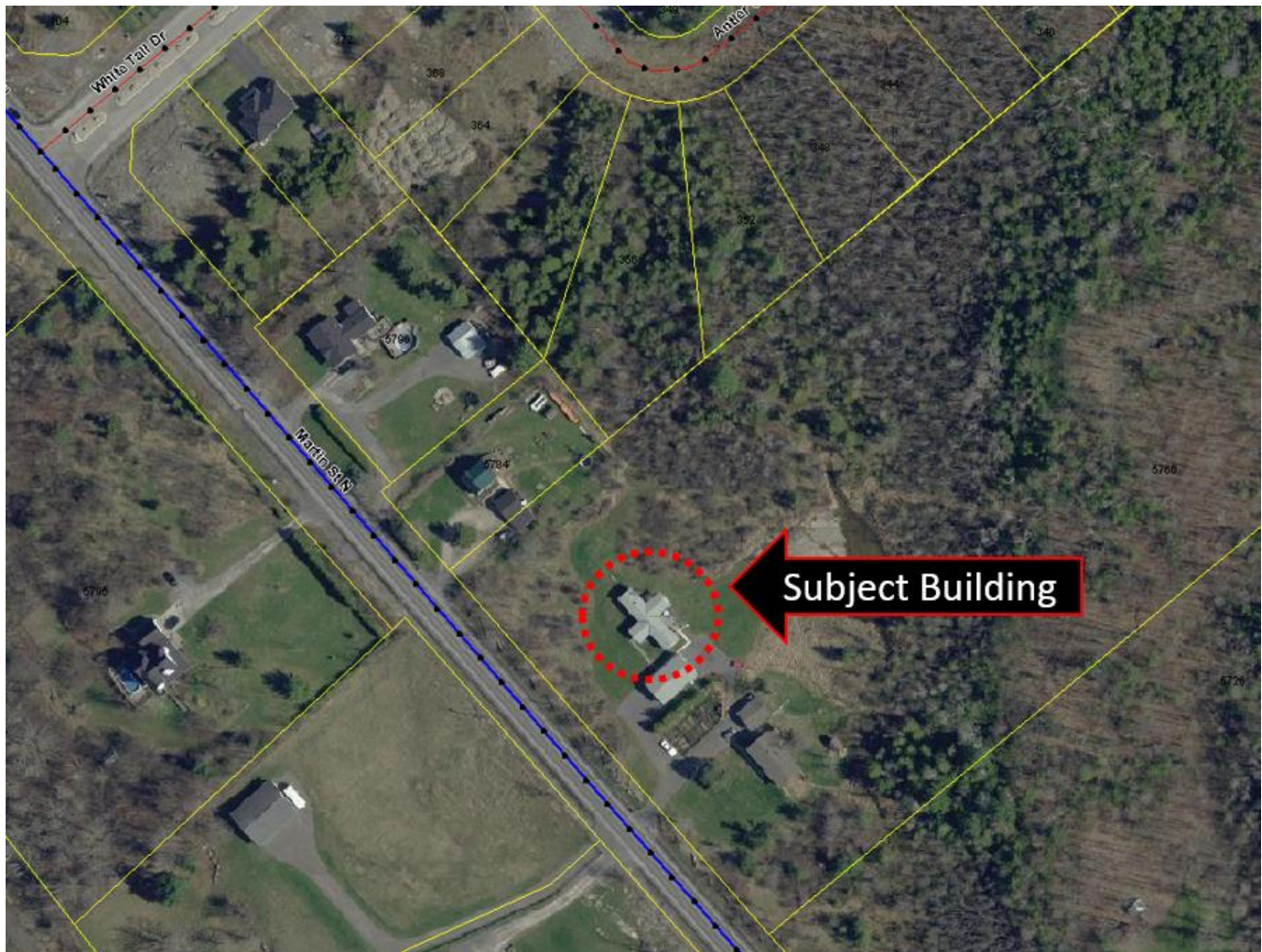
The subject lands are located in Ramsey Ward, approximately 500 metres north of the Almonte Ward boundary. The property is presently occupied by a single storey detached dwelling and an existing Garden Suite building. The lot is on full private services (shared well and individual septic systems).

The immediate surrounding character is predominantly rural, with the exception of the White Tail Ridge subdivision located immediately to the north of the property. The location of the subject lands within the Municipality is depicted in the following Aerial Photo:

Figure 1 – Aerial Photo (2019)



Figure 2 – Aerial Photo (2019)



SERVICING & INFRASTRUCTURE

The proposed development does not propose any changes to the existing servicing or infrastructure of the site. The property is accessed from Martin Street North, a County of Lanark road. The lot is on full private services. The primary dwelling and the Garden Suite building have their own septic systems but share a well.

COMMUNITY OFFICIAL PLAN (COP)

The subject property is designated as “Rural” under the Community Official Plan. Permitted uses include non-farm residential dwellings and accessory uses, including Second Dwelling Units (Section 3.6.9).

Section 3.6.9 of the COP States:

“One second unit may be permitted within a single detached dwelling, semi-detached dwelling or duplex dwelling or in a building or structure ancillary to these housing types subject to the requirements of the Zoning By-law.

The Zoning By-law may provide for second unit regulations which allow for such units without an amendment to the Zoning By-law provided the following criteria are satisfied:

- i. only one second unit per property;*
- ii. all requirements of the Zoning By-law are met, including adequate off-street parking, and minimum floor area for apartment units;*
- iii. all building code and fire code requirements are addressed; and,*
- iv. Secondary dwelling unit must connect to existing residential servicing.”*

ZONING BY-LAW #11-83

The subject lands are presently zoned “Rural Special Exception 25 Temporary Zone” (RU-25-t) within the Comprehensive Zoning By-law #11-83. The lot received its temporary zoning in 2010 (file no. Z-09-10). As required by the temporary status, the lot must be re-zoned in order to bring the lot and its buildings into compliance with the Zoning By-Law.

The amendment to the Rural Zone Section of the Zoning By-Law is proposed as follows:

12.3 SPECIAL PROVISIONS

- 12.3.X *Notwithstanding their ‘RU’ Zoning designation, on those lands delineated as ‘RU-x’ on Schedule ‘A’ to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:*
- i) a Secondary Dwelling Unit in an existing detached building that is ancillary to the primary existing dwelling unit shall be permitted; and*
 - ii) a Secondary Dwelling Unit shall have a maximum Ground Floor Area of 120% the GFA of the of the primary dwelling unit*

The by-law has been drafted and is included in Attachment A of this report.

PUBLIC COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act and at the time of posting the staff report have not received any comments from adjacent property owners.

Comments were received, at the time of preparation of this report, from the following Municipal Departments and external agencies (Included in Appendix B):

- Building Department
- Fire Services
- Parks and Recreation

- Enbridge
- Leeds, Grenville and Lanark District Health Unit
- Mississippi Valley Conservation
- Ministry of Energy, Northern Development and Mines

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 by,

Approved by,



Tyler Duval RPP MCIP M.PI.
Planning Consultant



Ken Kelly
Chief Administrative Officer

ATTACHMENTS:

Attachment A – Draft By-Law

Attachment B – Comments Received

Attachment A – 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 "Rural – Special Exception 25 – Temporary Zone" (RU-25-t) Zone to "Rural – Special Exception" (RU-x) for the lands identified on the attached Schedule 'A', which are legally described as West Part Lot 18, Concession 10, Ramsey Ward, Municipality of Mississippi Mills.
2. That Section 12 to By-law No. 11-83, as amended, is hereby further amended by adding the following Subsection to Section 12.3:
 "12.3.X Notwithstanding their 'RU' Zoning designation, on those lands delineated as 'RU-x' on Schedule 'A' to this By-law, may be used in compliance with the RU zone provisions contained in this by-law, excepting however, that:
 - i) a Secondary Dwelling Unit is permitted in an ancillary building; and*
 - ii) the maximum Ground Floor Area of a Secondary Dwelling Unit in an ancillary building be limited to 120% the Ground Floor Area of the primary dwelling.*
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

Attachment B – Comments Received

Building Department

No objections.

Fire Services

No objections or concerns.

Parks and Recreation

No concern.

Enbridge

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 found a sewage permit for the “Garden suite”, file number SF-55758-11 and have no objections to the re-zoning of the above mentioned property in principle. If any alterations are made in the future, a sewage maintenance inspection may be required.

Mississippi Valley Conservation

The subject proposal involves an increase in the maximum allowable GFA of a Secondary Dwelling Unit. The maximum permitted in the by-law is 40% the GFA of the primary dwelling unit, while the proposed is 120%. This is such a significant deviation from what is currently permitted, that we suggest the intent of the by-law be considered as part of an overall policy change, rather than a site-specific zoning amendment. This would provide the opportunity to conduct a more rigorous evaluation of the intent of the by-law. Approval of the subject application has the potential to set a precedent for applications of a similar nature.

MVCA also recommends that Water Quality and Quantity be considered for secondary units, as part of a scoped hydrogeological assessment. Sustainable groundwater use and the provision for secondary dwelling units is of particular concern for privately serviced areas. Design thresholds for occupancy is generally based on 5 people max per dwelling (property). To permit more could potentially create issues with safe well yields and groundwater contamination.

Ministry of Energy, Northern Development and Mines

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