

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: September 21, 2021

TO: Committee of the Whole

FROM: Tyler Duval, Planning Consultant

SUBJECT: **ZONING BY-LAW AMENDMENT Z-09-21**
CON 9 PT LOT 26 and 27
Ramsay Ward, Municipality of Mississippi Mills

CIVIC
ADDRESS: 189 Snedden Farm Road

APPLICANT: Evelyn Wheeler
OWNER: Robert Alexander Snedden

RECOMMENDATION:

THAT Council approve the Zoning By-law Amendment to change the zoning of the lands subject to Consent Application B20/127 described as Concession 9 Part Lot 26 and 27, Ramsay Ward, from “Rural (RU) Zone” to “Limited Service Residential (LSR) Zone”.

SUMMARY AND ADDITIONAL INFORMATION

This report was initially brought to Committee of the Whole on the evening of September 7th, 2021. The Committee elected to differ the file until additional information could be considered.

Attachment ‘D’ provides the additional information requested at the time of deferral. The additional information in Appendix ‘D’ speaks specifically to the past uses of the Limited Service Residential (LSR) Zone in the Municipality.

Based on the findings in Attachment ‘D’, the Staff recommendation and draft by-law have been changed

BACKGROUND

The Applicant has submitted a Consent application to the County of Lanark requesting to sever and transfer – by way of a lot addition – a ±0.91 ha (2.27 ac) parcel from 189 Snedden Farm Road to 119 Snedden Farm Road, thereby creating the “proposed subject property” (File No. B20/127).

The proposed subject property (existing lot to be enlarged) would not result in any changes to road frontage, as access to the existing property is already provided for by way of a registered easement (right-of-way), over Part 2 of Plan 26R-2816 and Part 1 of Plan 26R-1714.

The consent application does not propose the creation of a new lot, only the enlargement of an existing lot.

PURPOSE AND EFFECT

The purpose and intent of the Zoning By-law Amendment is to rezone the property from “Rural” (RU) to “Limited Service Residential” (LSR) in order to permit a Dwelling Unit on the subject property. The proposed Zoning By-Law Amendment is a condition of a County of Lanark lot addition application (file no. B20-127).

SERVICING & INFRASTRUCTURE

No changes to the private services. No changes to existing access.

119 Snedden Farm Road does not have any direct frontage on a public road but there is currently a registered easement (right-of-way) over Part 2 of Plan 26R-2816 and Part 1 of Plan 26R-1714 that provides access to the proposed subject property.

189 Snedden Farm Road will maintain its current frontage along a municipally owned and year-round maintained public road.

Figure 1



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.

MUNICIPAL COUNCIL

No comments received by members of Council.

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.

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.

Mississippi Valley Conservation

MVCA previously provided a review of consent application #B20/127, 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 24, 2021 to provide an opportunity for the public to comment on the application. A copy of all public submissions is appended to this report.

EVALUATION

COMMUNITY OFFICIAL PLAN (COP)

The subject lands are, and will continue to be, designated as “Rural” under the Community Official Plan. Permitted uses include the existing residential use.

ZONING BY-LAW #11-83

The subject lands are presently zoned “Rural (RU)” within the Comprehensive Zoning By-law #11-83. As required by consent application B20/127, lands must be rezoned to an appropriate zone that addresses the lot frontage along an opened road.

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

SUMMARY

Having reviewed and assessed the proposed Zoning Amendment, 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.

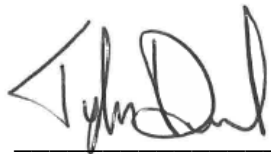
As the development complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed land use.

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 lands subject to Consent Application B20/127 described as Concession 9 Part Lot 26 and 27, Ramsay Ward, from “Rural (RU) Zone” to “Limited Service Residential (LSR) Zone”.

All of which is respectfully submitted,



Tyler Duval, RPP, MCIP
Planning Consultant



Ken Kelly
Chief Administrative Officer

Attachments:

- Attachment A – Location Map
- Attachment B – Draft By-Law
- Attachment C – Comments Received
- Attachment D – Additional Information

Attachment A – Location Map



Attachment B – 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" (RU) Zone to "Limited Service Residential" (LSR) for the lands identified on the attached Schedule 'A', which are legally known as Con 9 Pt Lot 26 and 27, Ramsay Ward, Municipality of Mississippi Mills.
2. 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, 2021.**

Christa Lowry, Mayor

Cynthia Moyle, Acting Clerk

Bylaw 21-XXX
Schedule "A"

Lands Subject to the Amendment.

Con 9 Pt Lot 26 and 27, Ramsay Ward, Municipality of Mississippi Mills



LOCATION MAP
Zoning Amendment Application Z-09-21
CON 9 PT LOT 26 AND 27
Ramsay Ward, Mississippi Mills



Attachment C – Comments Received

Parks and Recreation

No concerns.

Enbridge Gas Inc.

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

Mississippi Valley Conservation

MVCA previously provided a review of consent application #B20/127, 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.

Attachment D – Additional Information

The focus of the following remarks are to do with the interpretation of “**Lot Frontage**” and “**Front Lot Line**” in the case of a Lot that does not abut a street.

To properly unpack this concept, it is important to refer to the definitions of the Zoning By-law:

“**LOT FRONTAGE**” means the horizontal distance between the side lot lines, such distance being measured perpendicularly to a line joining the middle of **the front lot line** with either the middle of the rear lot line or the apex of the triangle formed by the side lot lines at the minimum distance from the front lot line at which erection of buildings or other structures is permitted by this By-law.

“**LOT LINE, FRONT**” means the line dividing the lot from the street.

[...]

(f) Where the “Lot” does not abut a **street**, the “Front Lot Line” shall be determined to be the boundary of the “Lot” closest to the **street** from which access to the “Lot” is gained.

As per the definitions above, the **Lot Frontage** is determined by measuring the distance between side lot lines, the measurement is to be parallel to the **Front Lot Line**. As per the definition, a parcel that does not abut a street may still have a **Front Lot Line**. As such, by definition, a land-locked parcel can technically have a measured frontage – being the length of the lot line nearest to the **street** it gains **access**.

Staying with the definitions, or in this instance, lack of a definition, it is important to consider the term **street**. Currently, **street** is not a defined term in the Zoning By-law. However, the following terms are defined as follows:

“**STREET, OPEN PUBLIC**” means an open thoroughfare under the jurisdiction of the Corporation, the County, the Province of Ontario, or the Government of Canada. This definition includes highways, roads, rights-of-way and road allowances, but excludes public lanes and private rights-of-way.

“**STREET, PRIVATE**” means a street, not otherwise defined herein, which is described on a plan of subdivision or on a plan of condominium which is not under the jurisdiction of the Corporation, but which has been approved by the Corporation.

“**STREET, UNOPENED PUBLIC**” means a street which has not been assumed by the Corporation, the County, the Province of Ontario, or the Government of Canada as a public thoroughfare.

The definition of **Front Lot Line** refers to the term **street**, which must include all three defined types of **streets** – being **Open Public**, **Private**, and **Unopened Public**.

As such, land-locked properties do in fact have a measurable **Lot Frontage**. Traditionally, if a lot does not abut an opened and public road, there is no lot frontage. However, the Municipality

of Mississippi Mills Zoning By-law has a unique way of defining **Lot Frontage**, which implies that a land-locked parcel does have frontage (if it can prove legal access).

The Zoning By-law describes the purpose of the Limited Service Residential (LSR) Zone as follows:

- (1) recognize and permit limited service residential development in areas designated as Rural in the Community Official Plan;
- (2) permit residential-only used as well as related and accessory uses;
- (3) regulate development in a manner that respects the rural character of the area.

In the Zoning By-law, limited service means municipal services which may normally be provided on an opened public highway will not be guaranteed including, but not limited to, snow ploughing, road grading, school busing, garbage pickup, access by emergency vehicles, sanitary sewers, or piped water supply.

The permitted uses in the LSR Zone are regulated as follows:

No person shall within the “LSR” zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- a single detached dwelling
- a seasonal detached dwelling
- buildings, structures and uses accessory to a permitted use
- sewage disposal system

If a use is permitted, such as a dwelling, LSR Zone requires the following development standards:

18.2 ZONE PROVISIONS

No person shall within any LSR Zone use any lot or erect or use any building or structure except in accordance with the following provisions:

PROVISIONS

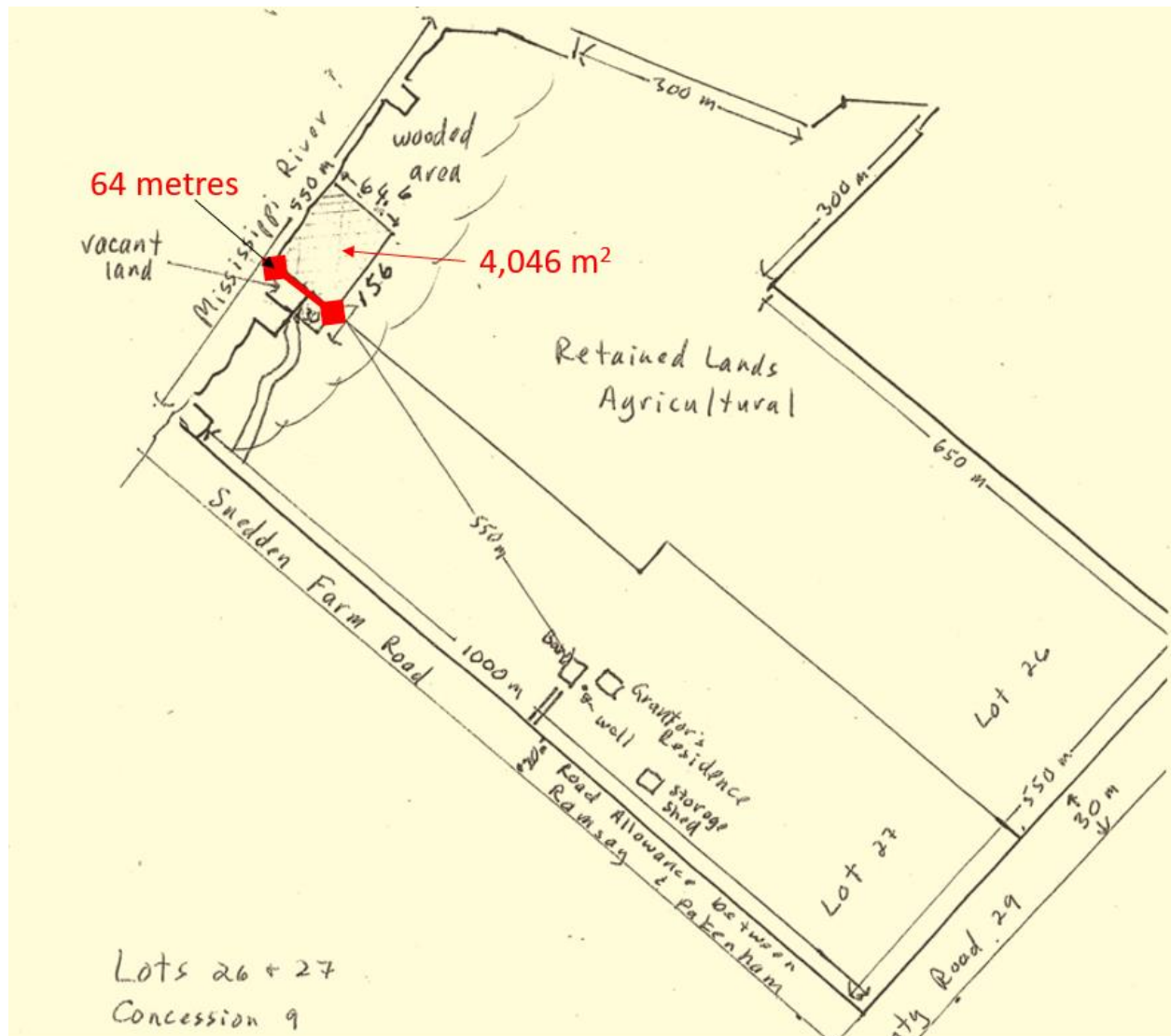
Minimum lot area	4000 m ²	(43,055.6 ft ²)
Minimum lot frontage	60 m	(98.4 ft)
Minimum front yard	7.5 m	(24.6 ft)
Minimum exterior side yard	7.5 m	(24.6 ft)
Minimum side yard	3 m	(9.8 ft)
Minimum rear yard	7.5 m	(24.6 ft)
Minimum floor area	75 m ²	(807 ft ²)
Maximum building height	11 m	(36.1 ft)
Maximum lot coverage	15 %	

Section 18.2 of the Zoning By-law calls for 60 metres of **Lot Frontage** for a lot that does not abut any type of **street**.

As such, the subject Zoning By-law Amendment is incorrect in stating a required 0 metres of **Lot Frontage**. In fact, the subject lot currently exceeds the minimum required 60 metres of frontage

of defined in the By-law. Further, the minimum required lot area of the LSR Zone (4,000 m²) is exceeded as well.

Figure 1 – Lot Specifications



As per **Figure 1**, the existing lot's configuration exceeds the minimum requirements of the LSR Zone. By definition, the **Lot Frontage** measures 64 metres, whereas 60 metres are required. The existing lot area is 4,046 m² whereas the minimum lot area is the LSR Zone is 4,000 m².

As a result, the subject application can appropriately be zoned LSR with no special exceptions required.

RECENT ZONING BY-LAW AMENDMENTS TO LSR

Example 1

By-law #18-101

Rezone to LSR-22 to permit a single-detached home without frontage on an opened road allowance at 1941 Blakeney Rd.



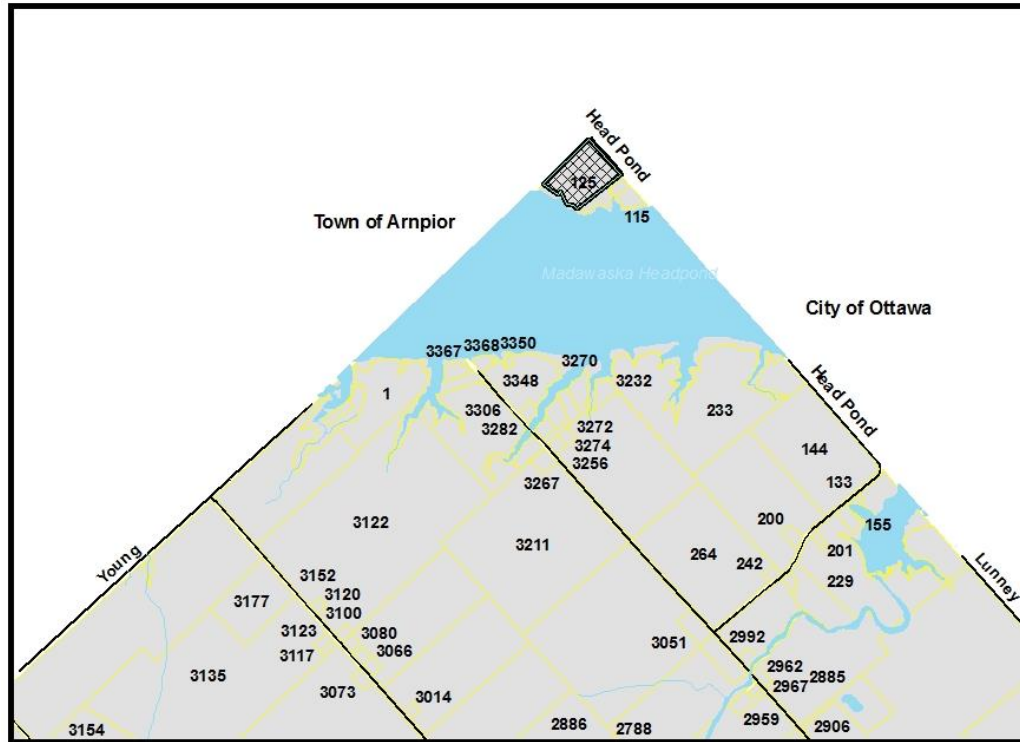
This lot does not abut an opened municipal road. As per the Zoning By-law's definitions, this lot has 60 metres of **Lot Frontage**, however the rezoning of this property implemented a special exception zone to permit "a single-detached home without frontage".

In my professional opinion, the Special Exception was not required on this file as the existing lot exceeds the minimum lot area and frontage of the standard LSR Zone. The LSR Zone is appropriate for this parcel.

Example 2

By-law #19-17

Rezone to LSR to permit a residential development on non-serviced lands at 125 Head Pond Rd N.



This lot does not abut an opened municipal road. As per the Zoning By-law's definitions, this lot has 88 metres of **Lot Frontage**.

In my professional opinion, the LSR Zone is appropriate for this property as the existing lot exceeds the minimum lot area and frontage of the standard LSR Zone.

Example 3

By-law #19-83

Rezone to permit a residential development on non-serviced lands at 154 McManus SR.

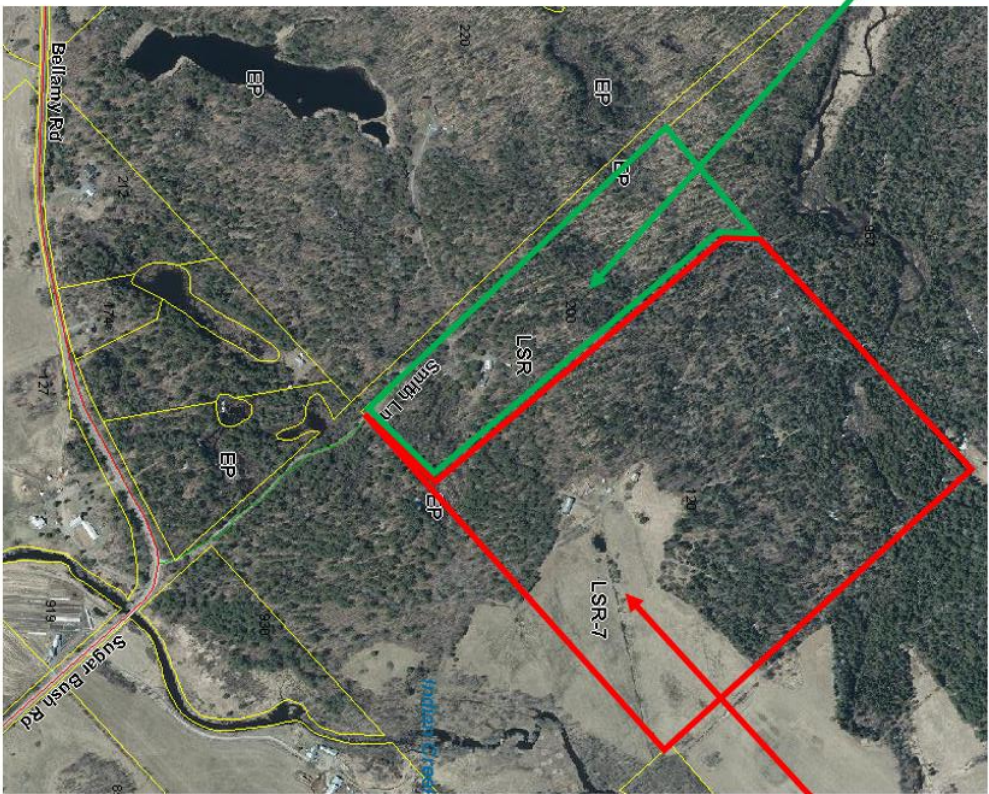


This lot does not abut an opened municipal road. As per the Zoning By-law's definitions, this lot has 335 metres of **Lot Frontage**.

In my professional opinion, the LSR Zone is appropriate for this property as the existing lot exceeds the minimum lot area and frontage of the standard LSR Zone.

OTHER EXAMPLE OF THE LSR ZONE IN THE MUNICIPALITY

Minimum lot area	4000 m ²
Minimum lot frontage	60 m
Minimum front yard	7.5 m
Minimum exterior side yard	7.5 m
Minimum side yard	3 m
Minimum rear yard	7.5 m
Minimum floor area	75 m ²
Maximum building height	11 m
Maximum lot coverage	15 %



Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-7' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

1) the minimum lot area shall be 50 ha (123 ac).



Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-2' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

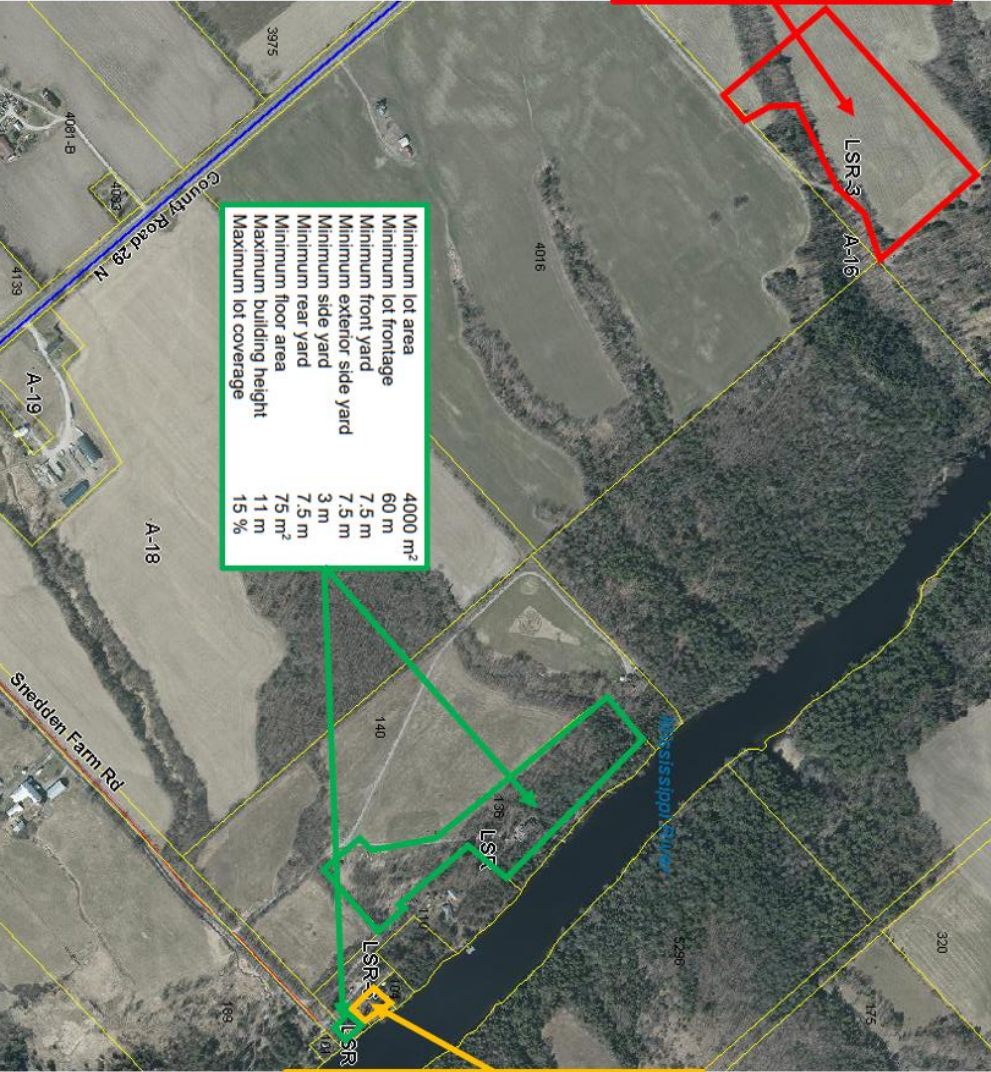
- 1) the minimum lot area shall be 1.0 ha (2.4 a);
- 2) the minimum lot frontage shall be 120 m (393 ft); and
- 3) the minimum setback from the Madawaska River shall be 30 m (98 ft).

Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-1' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

- 1) the minimum lot area shall be 0.8 ha (1.9 ac); and
- 2) the minimum lot frontage shall be 120 m (393 ft).

Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-3' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

- 1) the minimum lot area shall be 9.0 ha (22 ac); and
- 2) the minimum lot frontage shall be 300 m (984 ft).



Notwithstanding their 'LSR' zoning designation, on those lands delineated as 'LSR-6' to this By-law, development shall be permitted in accordance with the LSR zone provisions, excepting however that:

- 1) the minimum lot area shall be 0.1 ha (0.24 ac);
- 2) the minimum rear yard shall be 6 m (19.6 ft); and
- 3) the minimum setback from the flood plain shall be 7 m (22.9 ft).

