

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: December 7, 2021

TO: Committee of the Whole

FROM: Tyler Duval, Planning Consultant

SUBJECT: **ZONING BY-LAW AMENDMENT Z-14-21**
CON 6 W PT LOTS 3 AND 4 RP; 27R6172 PARTS 2 TO 13
Ramsay Ward, Municipality of Mississippi Mills

CIVIC ADDRESS: 913 Quarry Road

OWNER: Greg Bowes

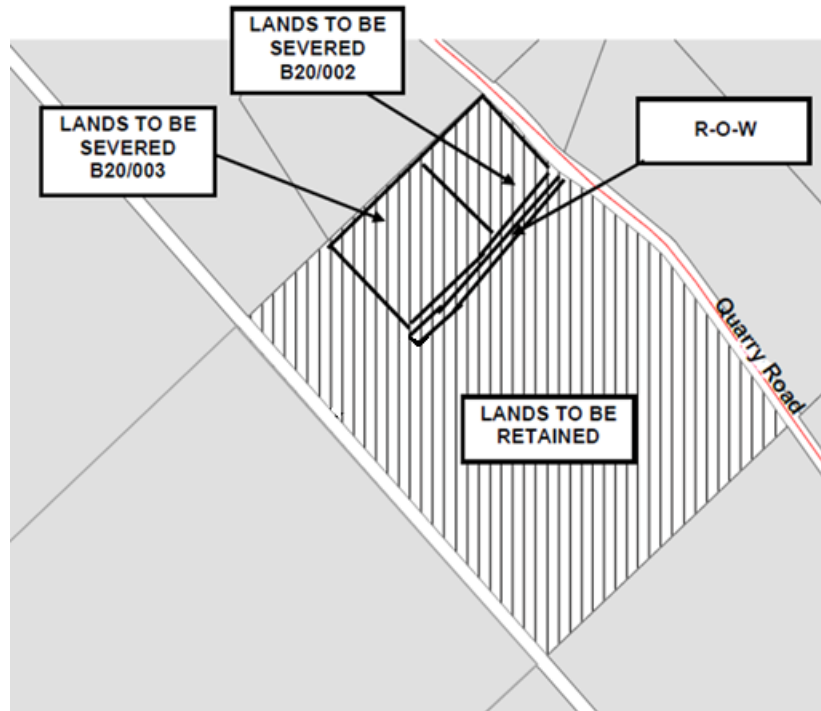
RECOMMENDATION:

THAT, the Committee of the Whole recommend Council approve the Zoning By-law Amendment to change the zoning of the lands, described CON 6 W PT LOTS 3 AND 4 RP; 27R6172 PARTS 2 TO 13, Ramsay Ward, from “Rural” (RU) Zone to “Rural – Special Exception 37” (RU-37) Zone and “Limited Service Residential – Special Exception 25 - Holding” (LSR-25-h) Zone. The holding provision will require that the Owners enter into a Site Plan Agreement with the Municipality in order to register an agreement on title regarding use, maintenance and liability for the private road and the limited services for the proposed development.

BACKGROUND

In May 2021, the County of Lanark conditionally approved three consent applications on the subject property (B20/002, B20/003 and B20/004). The applications are seeking to create two residential lots from the property as shown on Figure 1 below and to establish a right-of-way (ROW) easement on the subject property. A private road is proposed to be constructed within the limits of the ROW easement to access the proposed lots.

Figure 1 – Conditional Consent Approval



PURPOSE AND EFFECT

The purpose and intent of the Zoning By-law Amendment is to rezone portion of the property from “Rural Zone” (RU) to “Rural Special Exception” (RU-37) to permit residential development on the lands subject to Consent Application B20-002, and to rezone portion of the property from “Rural Zone” (RU) to “Limited Service Residential Special Exception” with a holding provision (LSR-25-h) to permit residential development on the lands and the construction of a private road (ROW easement) subject to Consent Applications B20-003 and B20-004.

The special exceptions are twofold. The special exception is required to implement the required 30 metre setback from active agricultural operations to residential lots as per the Locally Significant Agricultural Operations policies of the Community Official Plan. Staff are recommending that the area of ROW easement and the lot to be rezoned to LSR-25 also be subject to a holding provision (LSR-25-h). The holding provision is subject to the Applicant entering into a Site Plan Agreement with the Municipality with applicable securities posted and the Agreement registered on title. The Site Plan Agreement will address the elements of the proposed development including, but not limited to, the following:

- the design and construction of the private road;
- applicable securities to be held by the municipality; and
- any notifications regarding the limited municipal services such as garbage pick up, snowplowing and emergency access.

The proposed Zoning By-law Amendment is a condition of the provisional approval made by the Lanark County Land Division Committee.

SERVICING & INFRASTRUCTURE

The retained and severed lots are, and will continue, to be serviced by private wells and septic systems. Staff do not foresee any municipal infrastructure changes resulting from the proposed severances.

Driveway access is proposed via a private road on the retained lands intersecting with Quarry Road, a municipally owned and maintained road.

The private road to be constructed will not be eligible to the full breadth of municipal services such as: water, sewer, waste removal, snow clearing and emergency services. These limited services are contemplated by the intent of the LSR zone and will be addressed through the Site Plan Control process to ensure that the current owner and future owners acknowledge and agree to provide their own services, such as garbage disposal and snow clearing.

Figure 2 – Aerial Photo (2019)



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.

Fire Chief:

Property owners are responsible for emergency response access to their property.

The Fire Department will respond to any incident but there is a chance that any obstructions (road conditions, private bridge, branches / trees, personal vehicles, locked gates, remote property location, access to water supply, islands, steep inclines, poor terrain / soft ground) may limit quick access and would delay or reduce our fire protection services. The "limited service" clause in our By-law addresses this issue.

Director of Roads and Public Works:

The proposed private road shall be designed and constructed by a Professional Engineer, as approved by the Municipality. The Applicant shall consult directly with the Municipality of Mississippi Mills in this regard.

The private right-of-way width shall meet the required road geometric and infrastructure requirements as set out by the Municipality and as detailed in the Community Official Plan. The Applicant shall consult directly with the Municipality of Mississippi Mills in this regard.

That the Applicant enters into a Development Agreement (Site Plan Agreement) with the Municipality to be registered on title of the lands for the development of the proposed private road. The Applicant will be required to provide securities for the details associated with the private road development of the lands. The agreement shall include the following:

"Engineering plans detailing the construction details for the private road and shall demonstrate that access for municipal emergency vehicles has been addressed to the satisfaction of the Municipality (refer to section 4.6.9 of Official Plan regarding private roadways)."

Recreation Coordinator:

No concerns or objections.

Planner:

The private road shall be constructed as per the Council approved Private Road Standards (adopted through the Community Official Plan). Approval of the private road's design will be subject to the review of the Public Works Department.

The Holding Provision will be used to control development of the LSR parcel. The Holding Zone will only be lifted once the private road is constructed to the satisfaction of the Municipality.

The setbacks for both lots will implement the Locally Significant Agricultural Operations policies of the Official Plan (Section 3.3.4). A Zoning Schedule will be used to clearly demonstrate the applicable setbacks for both proposed lots.

CBO:

No comment.

EXTERNAL AGENCY CIRCULATION

Mississippi Valley Conservation:

No issues with regard to Mississippi Valley Conservation Authority's plan input and review program.

Leeds, Grenville & Lanark District Health Unit:

No issues with proposed zoning applications.

Additional sandy loam fill will be required in the area of proposed leaching beds.

Ministry of Energy, Northern Development and Mines:

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

Enbridge Gas Inc.:

Enbridge Gas Inc. does not object to the proposed application.

FROM THE PUBLIC

No comments received.

The Municipality held a Public Meeting on October 19, 2021, to provide an opportunity for the public to comment on the application.

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 residential dwellings.

Section 4.6.8 of the Community Official Plan speaks to the use, construction and operation of private roads. The specific private road policies subject to this application include:

SECTION 4.6. – TRANSPORTATION
Section 4.6.8 – Private Roads
<p><i>1. There is no legal obligation on the part of the Municipality to maintain or repair private roads or otherwise provide services to any development located on a private road, nor is there any responsibility acknowledged for the provision of school busing.</i></p> <p>No Municipal services are proposed nor requested for the site.</p>
<p><i>2. New private roads shall be developed under agreement with the Municipality and will be required to meet a minimum standard of construction and maintenance to ensure that access can be gained for emergency vehicles in accordance with Section 3.2.5.6 of the Ontario Building Code and detailed in Appendix B.</i></p> <p>A Site Plan Agreement will be registered on title of the affected properties. The private road will be constructed to all applicable standards of the COP and the Ontario Building Code.</p>
<p><i>3. The Municipality may, at its sole discretion, register notice on title or require that an owner enter into an agreement acknowledging that the Municipality will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road and further that the Municipality may not be able to provide emergency services to development located on a private road due to the condition of the road.</i></p> <p>A Site Plan Agreement will be registered on title of the affected properties to this effect.</p>
<p><i>4. New private roads or extensions of private roads may be permitted provided that: any such road serves not more than a total of five separate lots; the private road is constructed to a standard capable of accommodating emergency vehicles; it is directly connected to a public road which is maintained year round; the road is owned jointly by the lot owners served by it or the lot owners have right of access set out in a deed; and, an agreement is registered against the land setting out the procedures for maintenance of the road and absolving the Municipality of any liability or responsibility for its upkeep or the provision of services.</i></p> <p>The private road will:</p> <ul style="list-style-type: none"> • not serve more than a total of five lots; • be constructed to a Municipally approved standard;

<ul style="list-style-type: none"> • be directly connected to a Municipally owned and maintained public road (year-round); and • be used by private property owners and registered on the titles of the applicable properties.
<p><i>5. The design and construction of a private road will be undertaken by a professional engineer or other persons competent in road construction, as approved by the Municipality.</i></p> <p>The private road will be designed by a professional engineer, the reviewed and approved by the Municipality's Director of Public Works.</p>
<p><i>7. In circumstances where a private road is not being maintained to an acceptable standard, the Municipality may make improvements to bring the road to an appropriate standard and assess any costs relating to the work to the relevant parties. This action shall not be interpreted as the Municipality assuming responsibility for the private road.</i></p> <p>In the event of the private road becoming unsafe or unacceptable to Municipal standards, the Municipality may make improvements to bring the road to an appropriate standard and assess any costs relating to the work to the relevant parties. This action shall not be interpreted as the Municipality assuming responsibility for the private road.</p>

The policies of the COP regarding the use of private roads do not prohibit the proposed use of a new private road. The Applicant is aware of the policies and Municipal requirements. Moreover, a registered Site Plan Agreement shall be executed between the Owner and the Municipality in order to govern the construction of the private road. This Agreement will be applied by means of Site Plan Control. If Site Plan approval is granted by the Municipality, the Holding provision will be satisfied, and the applicant may apply to have the holding provision lifted.

Section 3.3.4 of the COP speaks to *Locally Significant Agricultural Operations*. The COP establishes a "Rural - Agriculture" overlay for lands within the Rural land use designation in order to protect existing agricultural operations within the Municipality.

It is the direction of the COP to assess development applications in the rural area in terms of their impact on active agricultural operations and land base. When lands are affected by the Rural - Agriculture overlay or where the subject property or surrounding lands support active agricultural activities, the following additional criteria shall be used to assess the merits of the development proposal:

SECTION 3.3. – RURAL POLICIES
Section 3.3.4 – Locally Significant Agricultural Operations

1. The establishment of new non-farm buildings shall maintain a setback of 30 metres from lands which are being utilized as part of an active agricultural operation. The creation of new lots adjacent to an active agricultural operation shall ensure that there is an appropriate building envelope outside of the 30 metre setback.

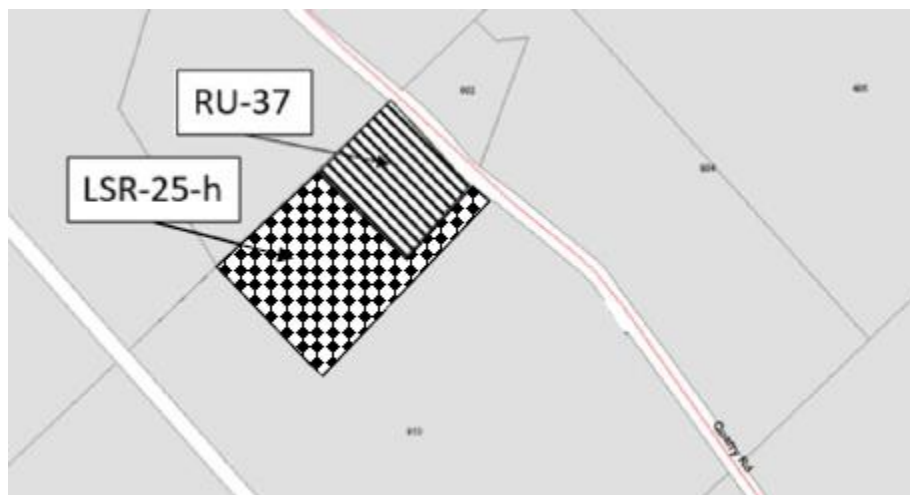
The proposed Zoning By-law Amendment and associated zoning schedule implements this policy. An appropriate building envelope will be required on both properties implementing the required 30-metre setback to ensure that development on these lots will not negatively impact adjacent agricultural operations.

As such, it is the opinion of Staff that the proposed development conforms to the intent and nature of the Community Official Plan.

ZONING BY-LAW #11-83

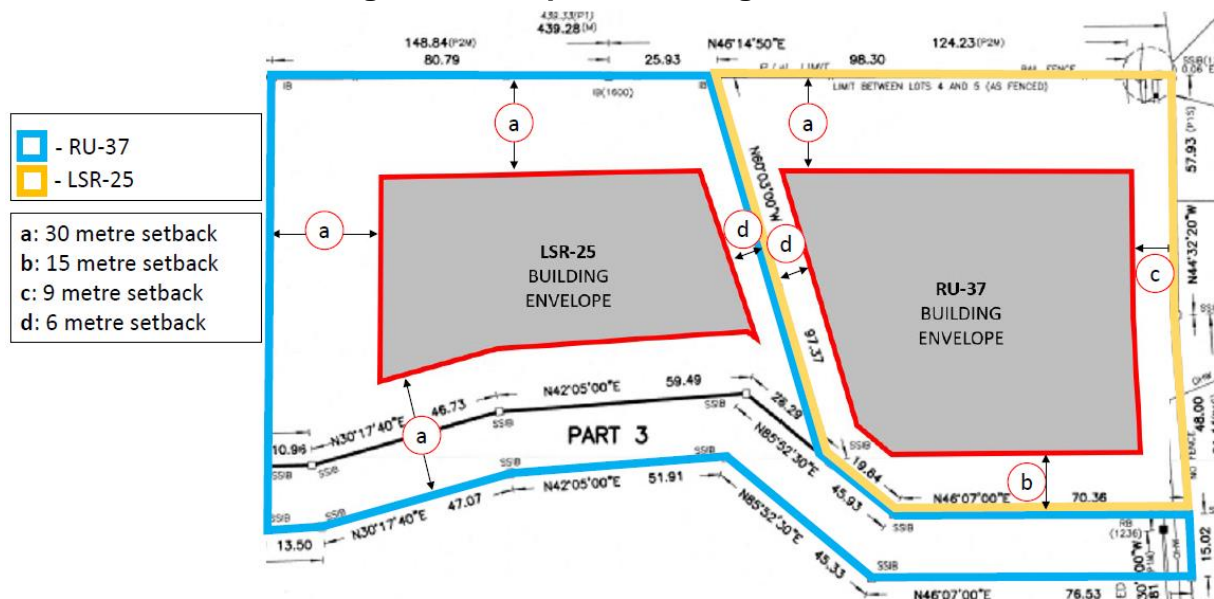
The subject lands are presently zoned “Rural” (RU) in the Municipal Comprehensive Zoning By-law #11-83. The amendment is seeking to rezone to two separate zones subject to the conditional approvals of consent applications B20/002 and B20/003 as shown in the figure below (being RU-37 and LSR-25-h, respectively).

Figure 3 – Proposed Zoning



The proposed “Rural – Special Exception 37” (RU-37) Zone is required in order to implement the COP policies related to Locally Significant Agricultural Operations. All other performance standards of the standard RU will apply to the subject land. The proposed zoning for the RU-37 zoned lot identifies the frontage of this lot to be the lot line abutting Quarry Road.

The proposed “Limited Service Residential – Special Exception 25” (LSR-25) Zone is required in order to permit a dwelling on a parcel of land that does not abut an opened



Staff are recommending the use of a Holding Provision as an implementation tool that the Municipality can use to require additional safeguards are in place to ensure the proper development of a site. This Holding Provision is subject to the Applicant entering into a Site Plan Agreement with the Municipality with applicable securities posted and the Agreement registered on title. The Site Plan Agreement will address the elements of the proposed development including, but not limited to, the following:

- the design and construction of the private road
- applicable securities to be held by the municipality
- any notifications to be registered on title regarding the limited municipal services such as garbage pick up, snowploughing and emergency access.

The lifting of the Holding Zone will require Council approval, once the requirements of the holding provision have been satisfied.

A draft by-law reflecting the above noted zoning details has been drafted and is appended to this report (Attachment B).

The draft by-law will also propose the addition of an entirely new section to the Comprehensive Zoning By-law to be named: **Section 42 – Zoning Schedules**. The intent of the new section will be to list and display the approved zoning schedules for complex performance standards such as contained in the recommended Zoning By-law Amendment. This Zoning Schedules section will also be populated with future zoning by-law amendments, which may require a schedule.

SUMMARY

Having reviewed and assessed the proposed Zoning By-law Amendment, staff are satisfied that the proposal conforms to the policies of the Community Official Plan and satisfies the applicable sections of the Municipal Zoning Bylaw #11-83.

The Holding Zone, and subsequent Site Plan Control requirement, will be the municipal tools that ensure that the limited service components raised during the review of the application are addressed and registered on title. The Agreement, registered on title, will serve as notice to the current and any future property owners as the Site Plan Agreement and any associated obligations and warning clauses will run with the title of the property, regardless of ownership.

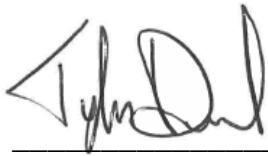
As the development complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed land use.

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

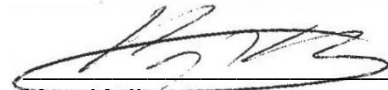
Staff propose the following recommendation:

THAT, Committee of the Whole recommend Council approve the Zoning By-law Amendment to change the zoning of the lands, described as CON 6 W PT LOTS 3 AND 4 RP; 27R6172 PARTS 2 TO 13, Ramsay Ward, from “Rural” (RU) Zone to “Rural – Special Exception 37” (RU-37) Zone and “Limited Service Residential – Special Exception 25 - Holding” (LSR-25-h) Zone. The holding provision will require that the Owners enter into a Site Plan Agreement with the Municipality in order to register an agreement on title regarding use, maintenance and liability agreement regarding a municipal unopened road allowance.

All of which is respectfully submitted,



Tyler Duval, RPP, MCIP
Planning Consultant



Ken Kelly
Chief Administrative Officer

Reviewed by:



Melanie Knight, RPP, MCIP
Senior Planner

Attachments:

Attachment A – Location Map
Attachment B – Draft By-Law

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 "Rural – Special Exception" (RU-37), and "Rural" (RU) Zone to "Limited Service Residential – Special Exception" (LSR-25-h) for the lands identified on the attached Schedule 'A', which are legally described as CON 6 W PT LOTS 3 AND 4, Ramsay 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:

"11.3.37 Notwithstanding their 'RU' Zoning designation, on those lands delineated as 'RU-37' 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 the performance standards shall be set out by Schedule 'B' of this by-law.

Notwithstanding any other provisions in this by-law, on those lands delineated as 'RU-37 on Schedule 'A' to this By-law, the front lot line is deemed to be the lot line abutting Quarry Road.
3. That Section 18 to By-law No. 11-83, as amended, is hereby further amended by adding the following Subsection to Section 18.3:

"11.3.25 Notwithstanding their 'LSR' Zoning designation, on those lands delineated as 'LSR-25-h' on Schedule 'A' to this By-law, may be used in compliance with the LSR zone provisions contained in this by-law, excepting however that the performance standards shall be set out by Schedule 'B' of this by-law.
4. That By-law No. 11-83, as amended, is hereby further amended by adding the following Section, following Section 41, being;

“Section 42 – Zoning Schedules”

5. That Section 42 to By-law No. 11-83, as amended, is hereby further amended by adding the following Subsection:
“Section 42.1”
6. That Section 42.1 to By-law No. 11-83, as amended, is hereby further amended by adding Schedule ‘B’ of this By-law to Section 42.1:
7. 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

Casey Munro, Deputy Clerk

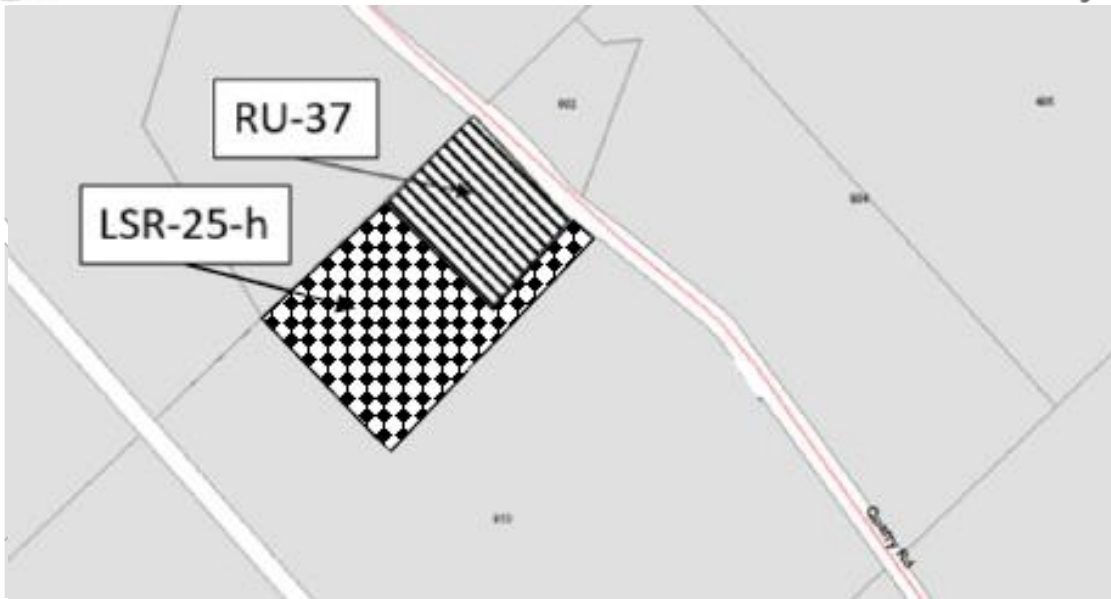
Bylaw 21-XXX
Schedule "A"

Lands Subject to the Amendment

Con 6 W Pt Lot 3 and 4, 27R6172 Parts 2 to 13, Ramsey Ward, Municipality of Mississippi Mills



LOCATION MAP
Zoning Amendment Application Z-14-21
CON 6 W PT LOTS 3 AND 4 RP; 27R6172 PARTS 2 TO 13
Ramsey Ward, Mississippi Mills



Bylaw 21-XXX
Schedule "B"

Zoning Schedule

