

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**DATE:** August 25, 2020

**TO:** Committee of the Whole

**FROM:** Niki Dwyer, Director of Planning  
c/o Maggie Yet, Planner I

**SUBJECT:** **ZONING BY-LAW AMENDMENT Z-08-20**  
**West Part Lot 10, Concession 11 Pakenham**  
**Pakenham Ward, Municipality of Mississippi Mills**  
**Municipally known as 0931-946-025-06900-0000**

**OWNER:** Steve and Patricia Burgess

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### **RECOMMENDATION:**

**THAT Committee of the Whole recommend that Council approve the Zoning By-law Amendment to change the zoning on part of the lands known legally as West Part Lot 10, Concession 11 Pakenham, Municipality of Mississippi Mills from “Development” (D) to “Residential First Density” (R1).**

### **BACKGROUND**

The applicants, Steve and Patricia Burgess filed consent application B19/038 in Spring 2019. The purpose of the severance application was to create a 1ha residential parcel from the original parent parcel, leaving approximately 34 ha of land for agricultural purposes. The severed land is proposed to have 30m of frontage on Blakeney road, a County owned and maintained road. The zoning amendment application was required by the Municipality as a condition of the severance approval in order to recognize a residential use of the property.

### **PURPOSE AND EFFECT**

The purpose and intent of the Zoning By-law Amendment is to change the zoning from “Development” (D) to “Residential First Density” (R1), to fulfil a condition for the severance and recognize the land for a residential use. The Community Official Plan designates the land as “Residential” and is not subject to amendment. The subject land is located within the Settlement Boundary of the Village of Pakenham.

### **DESCRIPTION OF SUBJECT LANDS**

The subject lands are located partially within the Village of Pakenham, approximately 1.8 km (5,905 ft) southwest of the municipal boundary. The lands are ±34.98 ha (86.44 ac) in size with ±630.4 m (2068.2 ft) frontage along Blakeney Road. The lands are used

for agriculture and two barns and a shed are located on the subject lands. The location of the subject lands within the Municipality is depicted in the following Aerial Photo:

**Figure 1 – Aerial Photo (2017):**



**SERVICING & INFRASTRUCTURE**

The severed lands will be serviced by private well and septic and the retained lands are to remain unserviced. Future driveway access will be along Blakeney Road, a County owned and maintained road. Staff do not foresee any municipal infrastructure changes resulting from the proposed severances.

**COMMENTS**

*FROM 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 concerns or objections.

**Fire Chief:** No concerns or objections.

**Director of Roads and Public Works:** No concerns or objections.

**Recreation Coordinator:** No concerns or objections.

### *FROM EXTERNAL AGENCY CIRCULATION*

Mississippi Valley Conservation Authority has indicated that they have no objections or concerns with the application at this time and referred to their original comments on the application for consent. Enbridge Gas has also confirmed no objections to the application.

### *FROM THE PUBLIC*

The Municipality held a Virtual Public Meeting on June 25, 2020 to provide an opportunity for the public to comment on the application. During the Public Meeting, no comments were received or have been received in the lead up to the preparation of this report.

## **EVALUATION**

### **PROVINCIAL POLICY STATEMENT (PPS), 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the *Planning Act, R.S.O. 1990*, all planning decisions must be consistent with the PPS.

The PPS encourages Municipalities to manage and direct land use activities in healthy, livable and safe communities by promoting efficient development patterns and accommodate an appropriate range and mix of residential housing types (Policy 1.1.1).

Growth and development shall be focused in Settlement Areas where land use patterns are appropriate for and efficiently use land and infrastructure available (Policy 1.1.3.2). Development should promote intensification and compact forms which avoid or mitigate risk to public health and safety (Policy 1.1.3.4).

Furthermore, development shall generally be directed to areas outside of hazardous lands adjacent to rivers, streams and small inland lake systems which are impacted by flooding hazards and/or erosion hazards or hazardous sites (ie. areas of leda clay or unstable bedrock) (Policy 3.1.1)

### **COMMUNITY OFFICIAL PLAN (COP)**

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

#### ***3.3.1 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.*

Generally, “Residential” lands shall be predominantly used for low and medium density uses and accessory uses (Policy 3.6.2). The Municipality has established housing mix targets of 70% low density based on a gross density 15 units per ha threshold (6 units per acre). These targets are primarily intended to be applied in Almonte Ward where

Municipal services can support more intensified development. As a result, the net density of the Village of Pakenham represents approximately 1.04 units per ha.

Policy 3.6.7 establishes that the Municipality shall:

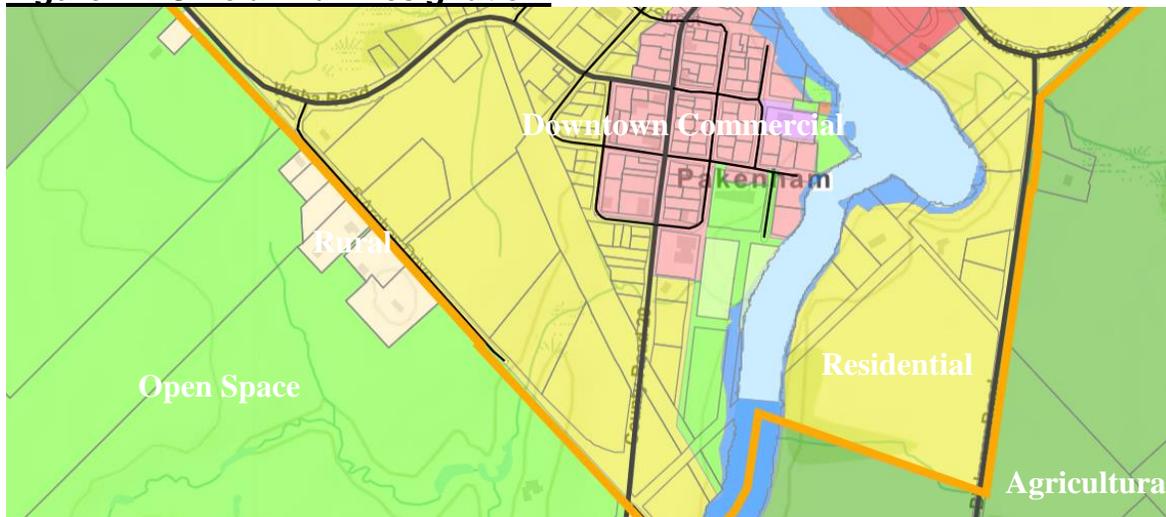
*“...give priority to the infilling of existing residential areas as a means of efficiently meeting anticipated housing demands. Infilling shall be considered small scale residential development within existing residential neighbourhoods involving the creation of new residential lots or the development/redevelopment of existing lots”.*

All infilling development may be subject to site plan control and shall be required to meet the specific design policies found in Policy 4.2.2 of the Community Official Plan.

In cases where residentially designated lands within the settlement areas of Almonte and Pakenham abut agriculturally designated lands, a minimum 30m setback between any new dwelling and the boundary of the Agriculture designation must be maintained (Policy 3.6.16).

This proposed development will be subject to further review to ensure that the design of the dwelling conforms to the character of the neighbourhood, the placement meets the 30m Agricultural setback and complies with the setbacks of the Zoning Bylaw but in general, the proposed new use of the land meets the intents of the Community Official Plan.

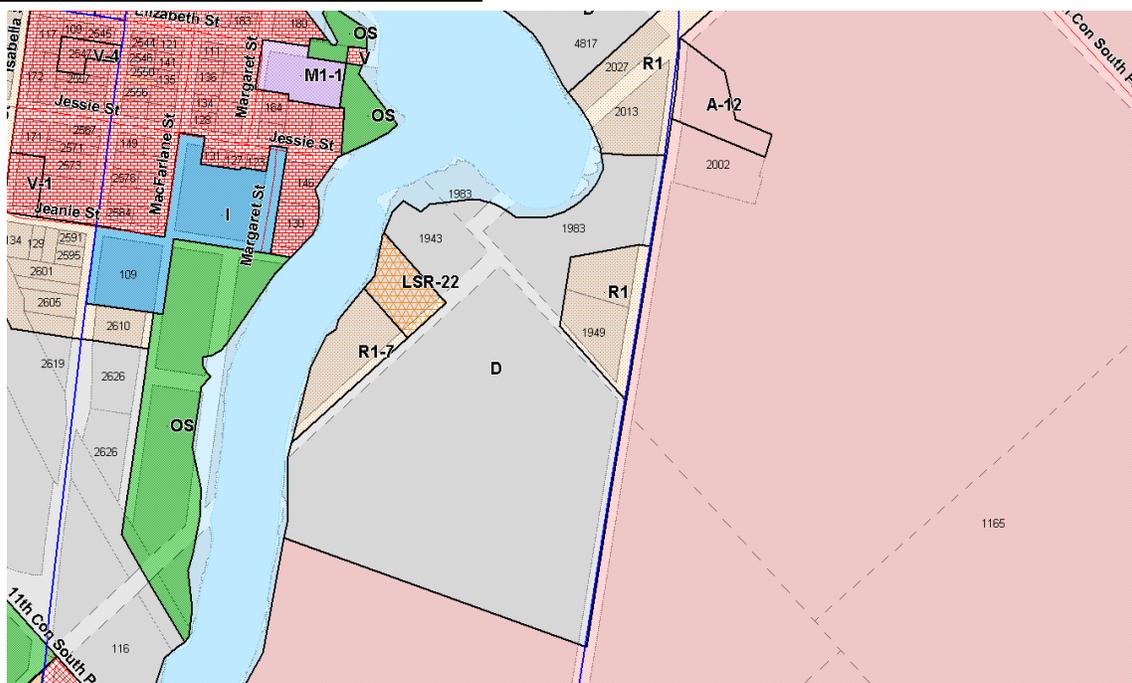
**Figure 2 – Official Plan Designation:**



**ZONING BY-LAW #11-83**

The subject lands are presently zoned “Development (D)” and “Agricultural” (A) within the Comprehensive Zoning By-law #11-83.

**Figure 3 – Zoning Bylaw Schedule:**



As required by consent application B19/038, the severed lands will be zoned “Residential First Density” (R1) while the retained lands will continue to be zoned “Development” (D) and “Agricultural” (A). No special provisions are required to recognize a single detached dwelling as the development form on the property.

**SUMMARY:**

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

As there are no outstanding objections or public comments with respect to the public interest issues associated with the application, staff are satisfied with the approval of the application as requested.

All of which is respectfully submitted,

*Left unsigned*

Niki Dwyer, MCIP RPP MA BES  
Director of Planning

  
Ken Kelly  
Chief Administrative Officer

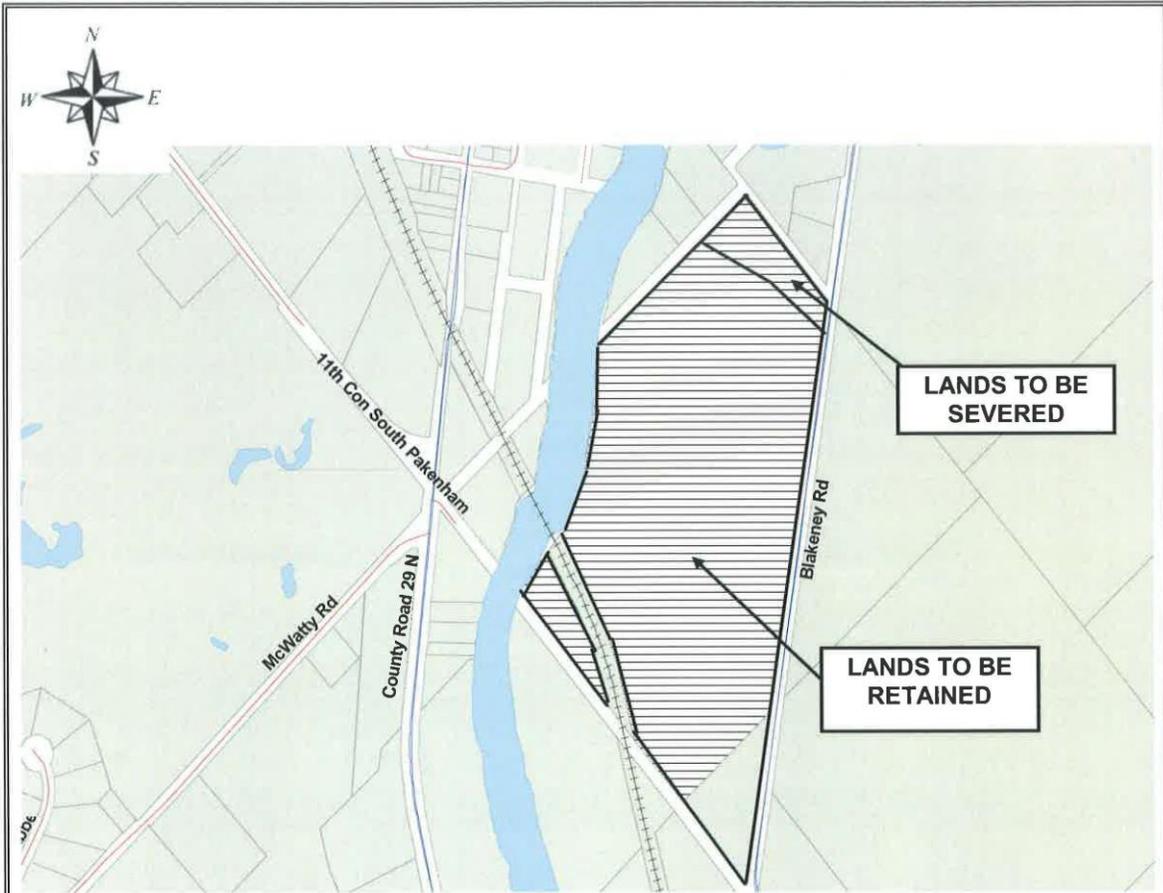
**ATTACHMENTS:**

Appendix A – Location Map

Appendix B – Property Sketch

Appendix C – Residential First Density (R1) Provisions

**Appendix A – Context Map (Provided by County of Lanark)**



The above is for reference purposes only and may not be to scale – complete details are found in the application form.

Landowner: Steven and Patricia Burgess  
File No.: B19/038  
Subject Land: W. Pt. Lot 10, Con. 11, geographic Township of Pakenham in the Municipality of Mississippi Mills

**APPLICATION FOR  
CONSENT**

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

# Appendix B – Property Sketch

**Proposed Severance**  
**Roll: 0931-946-0250-69000**  
**West Part Lot 10, Concession 11 Pakenham**  
**Pakenham Ward, Municipality of Mississippi Mills**



## Appendix C – Residential First Density (R1) Zone Provisions

### SECTION 13 – RESIDENTIAL FIRST DENSITY (R1) ZONE

#### PURPOSE OF THE ZONE

The purpose of the R1 – Residential First Density Zone is to:

- (1) limit the building form to single detached dwellings in areas designated as **Residential and Rural Settlement Area & Village** in the Community Official Plan;
- (2) permit a number of other residential uses to provide additional housing choices within detached residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) regulate development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced; and
- (5) permit different development standards, identified by subzones, primarily for developing areas designated **Residential** in the Almonte Ward, which promote efficient land use and compact form incorporating newer design approaches [*By-law #18-77*].

#### 13.1 USES PERMITTED

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 13.2 (1) to (3);
  - (b) a maximum of 3 guest bedrooms in a **bed and breakfast**;
  - (c) a maximum of 10 residents is permitted in a **group home Type A**;
  - (d) a maximum of 10 residents is permitted in a **retirement home**, converted

**accessory apartment**

**bed and breakfast**

detached dwelling

garden suite

group home Type A

**home-based business** - domestic and household arts

**home-based business** - professional uses

**park**

#### CONDITIONAL PERMITTED USES

- (2) The following conditional use is also permitted in the R1 zone, subject to the following:
  - (a) it is located on a lot fronting on and having direct vehicular access to Main Street East or West; and
  - (b) a maximum of seven rooming units, or a maximum of one dwelling unit and six rooming units. (2) The zone provisions are set out in Tables 13.2A, 13.3A and 13.3B (3) A park is not subject to the provisions of Tables 13.2A, 13.3A and 13.3B, however, any development will be subject to the zone provisions for a

detached dwelling.  
**rooming house, converted**

(3) The following conditional use is also permitted in the R1 zone, subject to the following:

- (a) the use is located in residential buildings with heritage value and the unique historic characteristics of the buildings are preserved in keeping with the Municipality's heritage and design policies and guidelines.
  - (b) adequate off-street parking is provided per Section 9 – Parking, Queuing, and Loading Spacing Provisions of this Plan;
  - (c) each guest room has a minimum floor area of 25 square meters;
  - (d) signage shall be in keeping with the Municipality's heritage and design policies and guidelines;
  - (e) a minimum of 15% of the site has to be maintained as usable landscaped open space;
  - (f) the site has to be located on or within 50 m of an arterial road;
  - (g) the use is subject to Site Plan Control;
- country inn**

### 13.2 ZONE PROVISIONS

**TABLE 13.2A - R1**

| <b>Zone Provisions</b>                | <b>No Municipal Water or Sewer</b> | <b>Either Municipal Water or Sewer</b> | <b>Municipal Water and Sewer</b> |
|---------------------------------------|------------------------------------|--|----------------------------------|
| Lot Area, Minimum (m <sup>2</sup> )   | 2000 (c)                           | 1000 (c)                               | 450                              |
| Lot Frontage, Minimum (m)             | 30                                 | 20                                     | 18                               |
| Front Yard, Minimum (m)               | 7.5                                | 6                                      | 6                                |
| Side Yard, Minimum (m)                | 3 (d)                              | 3 (d)                                  | 1.2 (a), (d)                     |
| Exterior Side Yard, Minimum (m)       | 7.5                                | 7.5                                    | 4.5                              |
| Rear Yard, Minimum (m)                | 10                                 | 10                                     | 7.5                              |
| Building Height, Maximum (m)          | 9                                  | 9                                      | 9                                |
| Lot Coverage, Maximum                 | 30%                                | 30%                                    | 40%, 45%(e)                      |
| Floor Area, Minimum (m <sup>2</sup> ) | 75                                 | 75                                     | 75                               |