

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-10-20
PLAN 779 Part Block E, Being Part 3 on Reference Plan 27R-9111
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 0931-946-025-074-050000**

OWNER: Glen and Scott Timmins

RECOMMENDATION:

THAT Committee of the Whole recommend that Council approve the Zoning By-law Amendment to change the zoning on the lands known Municipally as PLAN 779 Part Block E, Being Part 3 on Reference Plan 27R-9111, Pakenham Ward, Municipality of Mississippi Mills from “Development” (D) to “Residential First Density” (R1).

BACKGROUND

The applicants, Glen and Scott Timmins have filed a consent application for the purpose of subdividing the subject parcel into two holdings. This consent application has not been deemed complete by the County of Lanark and as a result no file reference is available at this time. Pre-emptively to the assessment of the consent, the applicants are also seeking an amendment to the Municipal Zoning Bylaw 11-83 to recognize the lands for residential development, namely a single detached dwelling. If the zoning amendment is approved, but the consent is unsuccessful the applicants would still be able to construct a single detached dwelling on the entire holding.

PURPOSE AND EFFECT

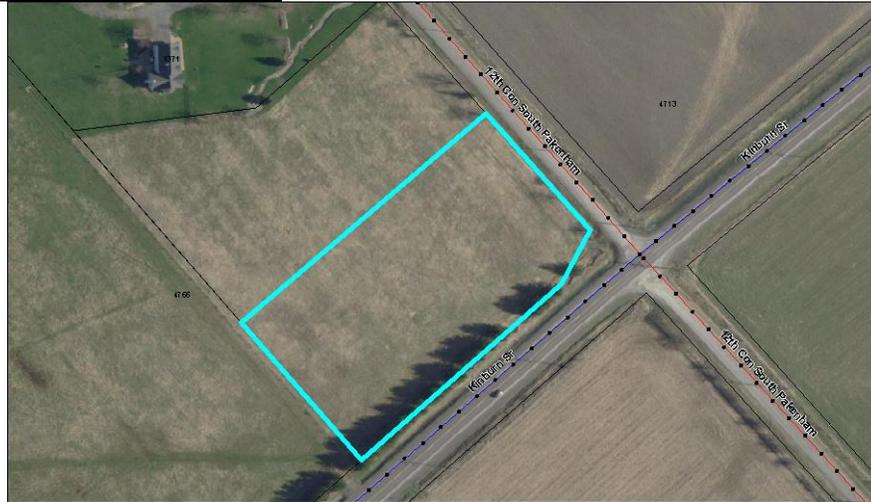
The purpose and intent of the Zoning By-law Amendment is to change the zoning from “Development” (D) to “Residential First Density” (R1), to recognize the land for a residential use. The Community Official Plan designates the land as “Residential” and is not subject to amendment. The subject land is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

DESCRIPTION OF SUBJECT LANDS

The subject lands are located within the Village of Pakenham at the intersection of Kinburn Side Road and 12th Concession South Pakenham. The entire area of the

subject lands represents approximately 1 ha (2.47 acres) with 65m of frontage on 12th Concession and 112m of frontage on Kinburn Side Road (exclusive of a day-light triangle at the intersection). The lands are presently vacant and the severance proposal seeks to divide the lands approximately in equal halves with the proposed property line running north-south through the holding. The location of the subject lands within the Municipality is depicted in the following Aerial Photo:

Figure 1 – Aerial Photo (2014):



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 Kinburn Side Road (severed lands) and 12th Concession S (retained lands). Staff do not foresee any hydrogeological challenges resulting from the rezoning of the property to recognize a single residence. A Hydrogeological Assessment will be recommended as a condition of approval of the consent to support the water quality and quantity through the creation of 2 holdings.

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

LGLD Health Unit has indicated that prior to development an application and permit for septic installation will be required. 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.

Subsequent to the public meeting the applicant provided the following comments:

“Please have noted that currently both properties as they stand fronting on the 12th Concession have wells drilled with well reports supplied by the contracted drilling company. The depths ended up being within the estimated level suggested prior by the contractor and we were satisfied with the results enough to proceed with the application for consent. My comment is simply that I would prefer not having a requirement for a Hydrological study be conditional on a property where a Well already exists along with a professionally administered report. As I understand it the proposed application for consent exceeds in square meters the minimums outlined in the bylaw as well as a substantial number of already existing properties within a 500m radius.”

Staff have noted the comments but acknowledge that discussion regarding the need for the Hydrogeological study will occur by the Land Division Committee at the consent phase of the development’s review.

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).

- 1.1.3.2 *Land use patterns within settlement areas shall be based on:*
 - a) *densities and a mix of land uses which:*
 - 1. *efficiently use land and resources;*

2. *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
3. *minimize negative impacts to air quality and climate change, and promote energy efficiency;*

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.

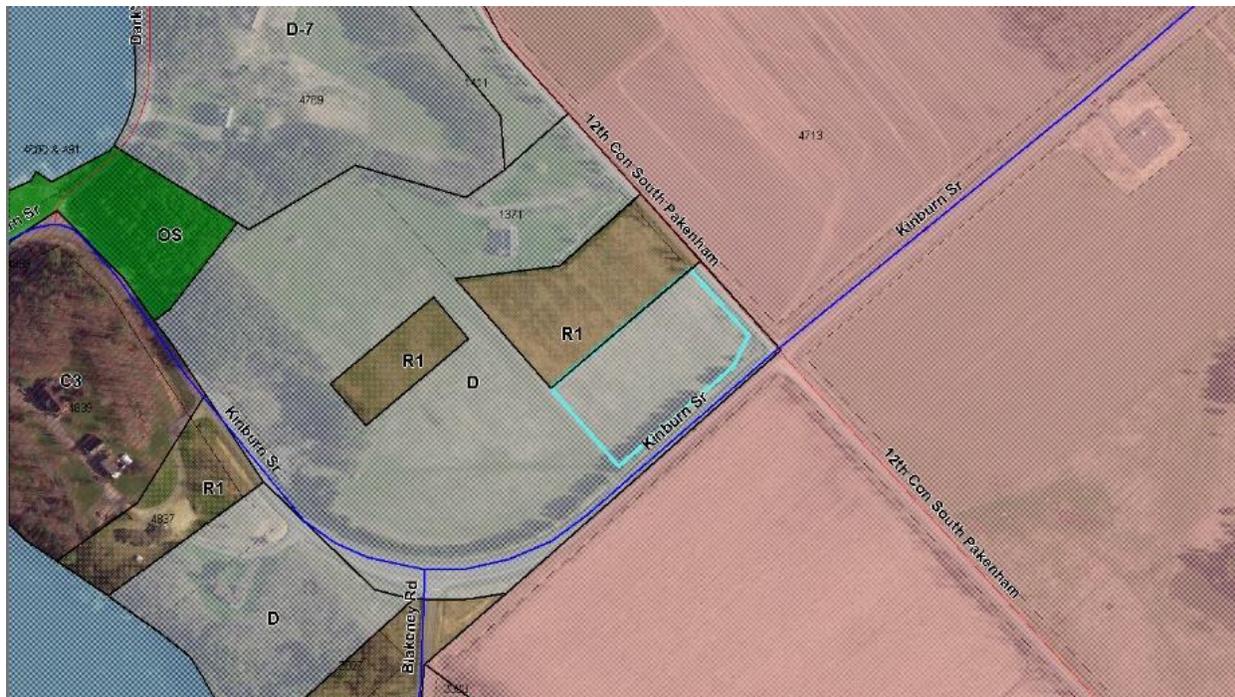
Figure 2 – Official Plan Designation:



ZONING BY-LAW #11-83

The subject lands are presently zoned “Development (D)” and “Residential First Density” (R1) within the Comprehensive Zoning By-law #11-83.

Figure 3 – Zoning Bylaw Schedule:



The lands were placed in the development reserve as part of the comprehensive Zoning Bylaw repeal and replacement in 2011. Prior to the adoption of Bylaw 11-83, the lands, as part of the original lot of record, were recognized as Rural. While there is limited

supporting rationale for the change of the designation, it would be logical to conclude that the change of use was intended to pre-plan for the assessment of the lands for infilling potential around the Village.

Minimum lot provisions for Residential Development on private well and septic in the R1 Zone is as follows:

Provisions	No Municipal Water or Sewer	Existing Holding	Proposed Lots	
			A	B
Lot Area, Minimum (m ²)	2000 (c)	10000	5000	5000
Lot Frontage, Minimum (m)	30	65	65	56
Front Yard, Minimum (m)	7.5	-	TBD	TBD
Side Yard, Minimum (m)	3	-	TBD	TBD
Exterior Side Yard, Minimum (m)	7.5	-	TBD	TBD
Rear Yard, Minimum (m)	10	-	TBD	TBD
Building Height, Maximum (m)	9	-	TBD	TBD
Lot Coverage, Maximum	30%	0%	TBD	TBD
Floor Area, Minimum (m ²)	75	0	TBD	TBD

c) Lots serviced by private services may require lot sizes larger than that necessary to meet zone provisions in order to accommodate the servicing systems capable of handling the increased levels of water consumption and sewage generation that may be associated with these uses.

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 sections of the Municipal Zoning Bylaw #11-83.

As there are no further 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 – Property Sketch

Appendix B – Residential First Density (R1) Provisions

Appendix A – Property Sketch (post proposed severance)



Appendix B – Residential First Density (R1) Provisions

SECTION 13 –RESIDENTIALFIRST 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

Zone Provisions	No Municipal Water or Sewer	Either Municipal Water or Sewer	Municipal Water and Sewer
Lot Area, Minimum (m ²)	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 ²)	75	75	75