

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: April 5, 2022
TO: Council
FROM: Melanie Knight, Senior Planner
SUBJECT: BACKGROUND REPORT – ZONING BY-LAW AMENDMENT Z-02-22
CON 12 PT LOTS 25; AND 26 RP 26R99 PART 5 RP;27R9218 PART
4 RP 27R11237; PARTS 1 TO 7
Pakenham Ward, Municipality of Mississippi Mills
Municipally known as 3232 12th Concession, Pakenham North

OWNER/APPLICANT: Michael Ryan

BACKGROUND

The property is located on the northeast side of 12th Concession North, Pakenham. The property was originally a land-locked parcel with no frontage onto an opened municipal right of way. Access to the property was granted via a legal right-of-way easement over the property to the immediate south, in favour of the subject property. The original, land locked parcel is zoned Limited Service Residential (LSR). The lands continue to be vacant.

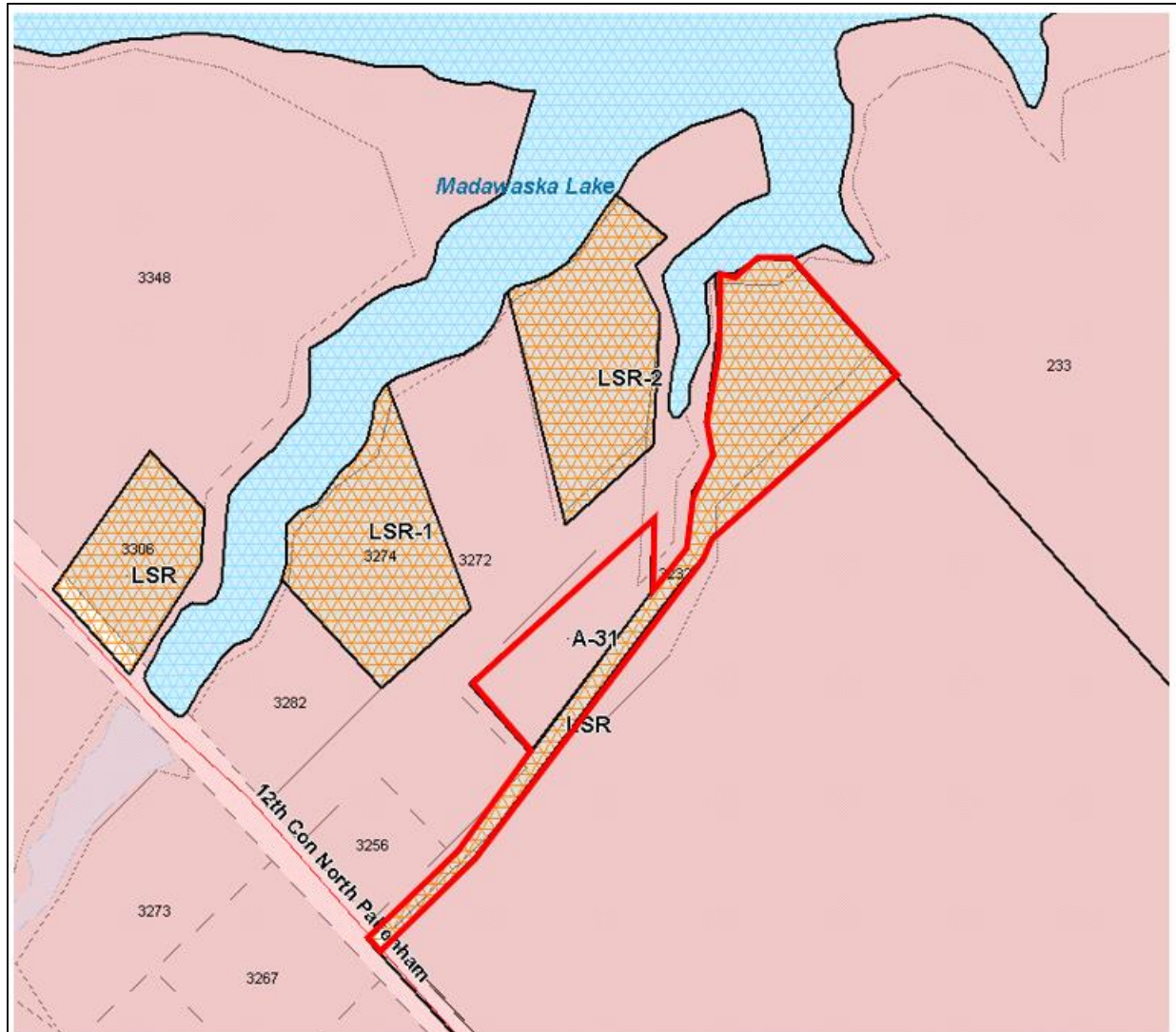
The property was subject to a lot addition application in 2018 (B18-058), which added a narrow strip of land providing proper frontage onto 12th Concession North, in addition to a small remnant parcel of land from the agricultural property. The area of the lot addition was 'split zoned' a site-specific Agricultural zoning (A-31) as well as LSR. Figure 1 is an image from the 2018 consent report that clearly shows the lot addition.

Figure 1 – Lot addition from 2018



Figure 2 below shows the current zoning of the subject lands, split zoned as A-31 and LSR. The subject property, including the lot addition from 2018, is outlined in red below.

Figure 2 – Existing Zoning



The applicant inquired with the Municipality in December 2021 regarding the required setbacks to construct a single detached dwelling in the spring of 2022. At that time, Planning staff informed the applicant of the Interim Control By-law which is in effect, that limits development of lots zoned LSR. As a result, the applicant is unable to obtain a building permit for the area of the property zoned LSR until the Interim Control By-law expires.

In addition, the A-31 zoning is a site-specific zoning as a result of a surplus farm dwelling severance from the farming operation to the south of the subject property. As with all surplus farm dwelling severances, the A-31 zoning restricts the development of single detached dwellings. Therefore, a building permit for a single detached dwelling was not able to be issued for either the LSR zoned portion of the property or the A-31 portion of the property.

At the time of the applicant's inquiry, Planning staff had reviewed the file in depth and determined that the LSR zoning could be amended for the property because as a result of the lot addition the property obtained proper frontage on an opened, municipal road. Thus, Planning staff could consider an application to amend the existing LSR zoning for the property.

Further detail regarding the Interim Control By-law and how it pertains to this property is contained in the Zoning By-law section of the report.

PURPOSE AND EFFECT

The purpose and effect of the Zoning By-law Amendment is to rezone the property from "Limited Service Residential (LSR) and Agricultural Special Exception" (A-31) to an Agricultural Special Exception (A-XX) zone to regularize the zoning on the property, recognize that the subject property has frontage on an opened, municipal road allowance and to permit the construction of a single detached dwelling as shown on the applicant's sketch (contained in Attachment A).

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES

The subject lands are located near the northern corner of the Municipality of Mississippi Mills, bordering the City of Ottawa, Town of Arnprior, and the Township of McNab/Braeside. The lands fall immediately adjacent to Madawaska Lake. The surrounding character is predominantly agricultural with non-farm, residential properties bordering Madawaska Lake.

SERVICING & INFRASTRUCTURE

The property is currently vacant. To facilitate the development of a single detached dwelling, the applicant will be required to obtain the necessary building permits, septic and well approvals to service the proposed single detached dwelling.

As previously mentioned, the property has frontage along 12th Concession North Pakenham.

COMMUNITY OFFICIAL PLAN (COP)

The property is designated Agricultural in the Community Official Plan. The Agricultural designation permits agricultural operations and accessory residential dwellings, non-farm residential dwellings, and home-based businesses (among others), as further detailed in the Zoning By-law.

ZONING BY-LAW #11-83

It is recognized that the municipality currently has an Interim Control By-law in effect restricting Planning Act applications proposing any new Limited Service Residential (LSR) zone or development without frontage on an opened, municipal road allowance and other related restrictions. The Interim Control By-law does not affect these lands as the property has frontage on an opened, municipal road allowance and is proposing to amend the existing LSR Zone, therefore not proposing a new LSR zone but rather regularize the zoning for this lot to a Special Agricultural Zone.

The purpose of the LSR zone as contained Zoning By-law #11-83, is to:

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

In this 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.”

In addition, Section 6.7 of the Zoning By-law provides the following General Provision as it relates to LSR zoned lots:

“6.7 FRONTAGE ON A PUBLIC STREET

(1) No building or structure shall be erected in any zone except the Limited Services Residential (LSR) Zone unless the lot on which such building or structure is located has frontage on a road which is an improved road and is part of the Corporation’s approved road system.”

As a result of the lot addition in 2018, the above noted zoning provisions no longer apply to the subject lands.

PUBLIC AND AGENCY COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations. At the time of preparation of this report, the following comments were received:

Public Comments

Questions were received from the a few members of the public requiring further explanation of the requested Zoning By-law Amendment. After speaking with Planning staff, both members of the public were satisfied with the information and declined to be notified of the decision of Council regarding the Zoning By-law Amendment.

Internal Departments and External Agencies/Organizations

- Mississippi Mills Parks Department: No comment
- Mississippi Mills Public Works Department: No concerns, if the owner has not already obtained an entrance permit and civic address, these will be required to be obtained.
- Ministry of Natural Resources and Forestry (MNRF): comments are currently outstanding, and staff will follow up with the MNRF regarding the proposed Zoning By-law Amendment.

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,



Melanie Knight, MCIP, RPP
Senior Planner

Approved by,



Ken Kelly
CAO

ATTACHMENTS:

Attachment A – Property Sketch

Attachment A – Property Sketch

