

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## STAFF REPORT

**DATE:** October 20, 2020

**TO:** Committee of the Whole

**FROM:** Maggie Yet, Planner 1

**SUBJECT: ZONING BY-LAW AMENDMENT Z-14-20**  
**Concession 11, W Part Lot 12 and W Part Lot 11,**  
**Pakenham Ward, Municipality of Mississippi Mills**

**KNOWN AS:** 191 Waba Road (PIN 05292-0067)

**OWNER(S):** Mervyn & Gail Downey

**APPLICANT:** ZanderPlan Inc.

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### **RECOMMENDATION:**

**THAT Council approve the Zoning By-law Amendment to change the zoning on part of the lands known legally as Concession 11, W Part Lot 12 and W Part Lot 11, Pakenham Ward, Municipality of Mississippi Mills from “Development” (D) to “Residential First Density” (R1).**

### **BACKGROUND**

The applicant (ZanderPlan Inc.) has submitted the zoning amendment application on behalf of their client (Mervyn and Gail Downey) in order to fulfill the conditions of approval for consent application B20-015, B20-016, B20-017 and B20-018. The owners seek to create four new lots from the original holding for the purpose of constructing single detached dwellings on the lands. The parent property will maintain the existing Development zoning.

### **PURPOSE AND EFFECT**

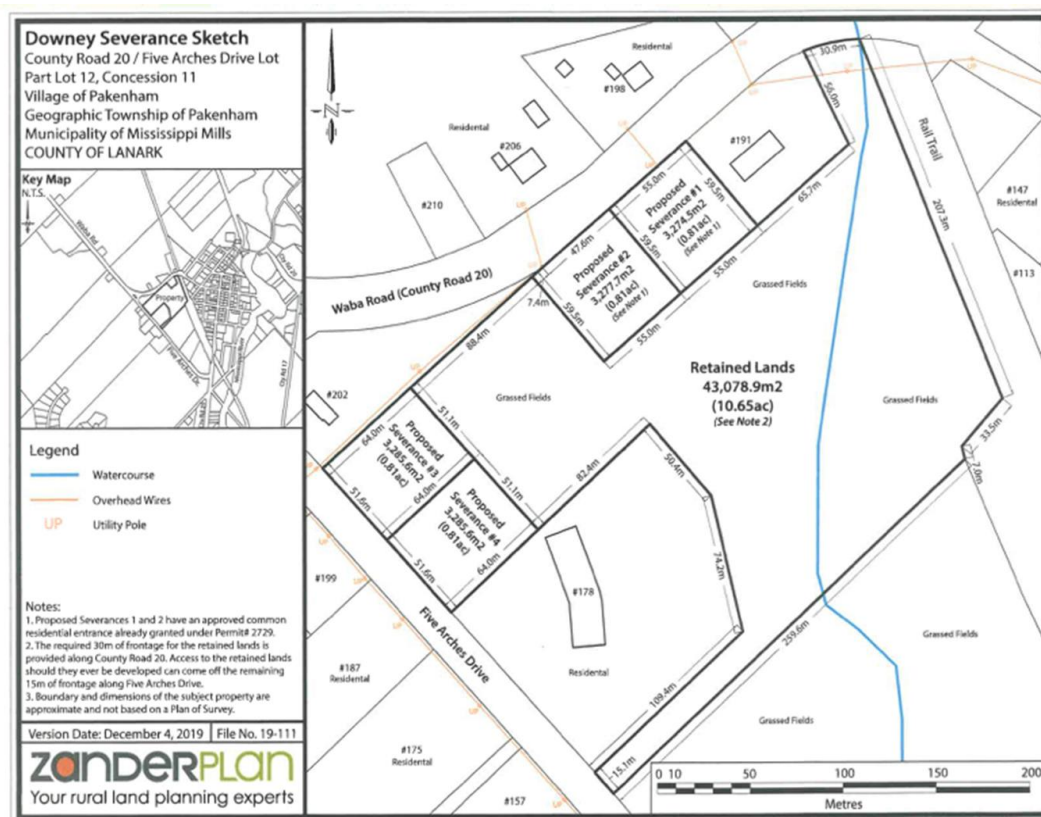
The purpose of the Zoning By-law Amendment is to rezone parts of the property from “Development (D)” to “Residential First Density (R1)” to recognize four severed lots for residential development. The remainder of the lands would remain zoned “Development”. The application is required as a condition of approval related to consent applications B20-015, B20-016, B20-017 and B20-018.

### **DESCRIPTION OF SUBJECT LANDS**

The subject lands are located in the Village of Pakenham along the western boundary of the settlement boundary. The lands are ±10.54 ha (26.05 ac) in size with frontage along Waba Road and Five Arches Drive. The lands are presently vacant and are generally surrounded by low and high density residential, open space and agricultural uses. The holding has been subject to the conditional approval of consent applications to create four new lots:

	Street Frontage	Frontage (m)	Area (ac)	Current Zoning	Proposed Zoning
Parcel 1	Waba Road	55.0	0.81	D	R1
Parcel 2	Waba Road	47.6	0.81	D	R1
Parcel 3	Five Arches Dr.	51.1	0.81	D	R1
Parcel 4	Five Arches Dr.	51.1	0.81	D	R1

**Figure 1 – Context Map:**



## **SERVICING & INFRASTRUCTURE**

The property falls outside of the urban settlement boundary of Almonte Ward, and thus the lands do not have access to municipal water and sanitary services. As such, development on the subject parcels will proceed on private services subject to approval by the Leeds, Lanark and Grenville District Health Unit. An additional condition of provisional consent for the severances will require the applicant to provide a Scoped Hydrogeological Evaluation Report to demonstrate a favourable groundwater quantity assessment, groundwater quality assessment, terrain evaluation and water quality impact risk analysis to the satisfaction of the Municipality and the County of Lanark.

Vehicular access to Parcels 1 and 2 will be new entrances on Waba Road, a County owned and maintained road, and Parcels 3 and 4 will have access from Fives Arches Drive, a municipal owned and maintained road. At the time of the consent application,

Parcels 1 and 2 were provisionally approved for entrance permits by the County's Public Works Department.

## **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 comments received.

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

**Director of Roads and Public Works:** No issues at this time.

**Recreation Coordinator:** The OVRT trail is County responsibility. No further comments or concerns.

### *FROM EXTERNAL AGENCY CIRCULATION*

The Leeds, Grenville and Lanark District Health Unit has no objection to the proposed zoning.

The Mississippi Valley Conservation Authority (MVCA) provided comments on the severance application stating no objections and has no further comments.

Comments were also received from Enbridge Gas indicating no objection to the proposed application.

### *FROM THE PUBLIC*

The Municipality held a Public Meeting on October 6, 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 prior 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.

In general, the PPS provides that development and land use patterns shall achieve sustainability by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; [Policy 1.1.1]*

Furthermore, specific to “Rural Areas”, the PPS proceeds to support development which:

- a) *Build[s] on rural character, and leverag[es] rural amenities and assets;*
- e) *us[es] rural infrastructure and public service facilities efficiently [Policy 1.1.4.1]*

The proposed change of use will not unduly impact the efficiency of providing services by the Municipality. It can also be assessed that the proposed development is representative of limited scale infill development in the Village of Pakenham.

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

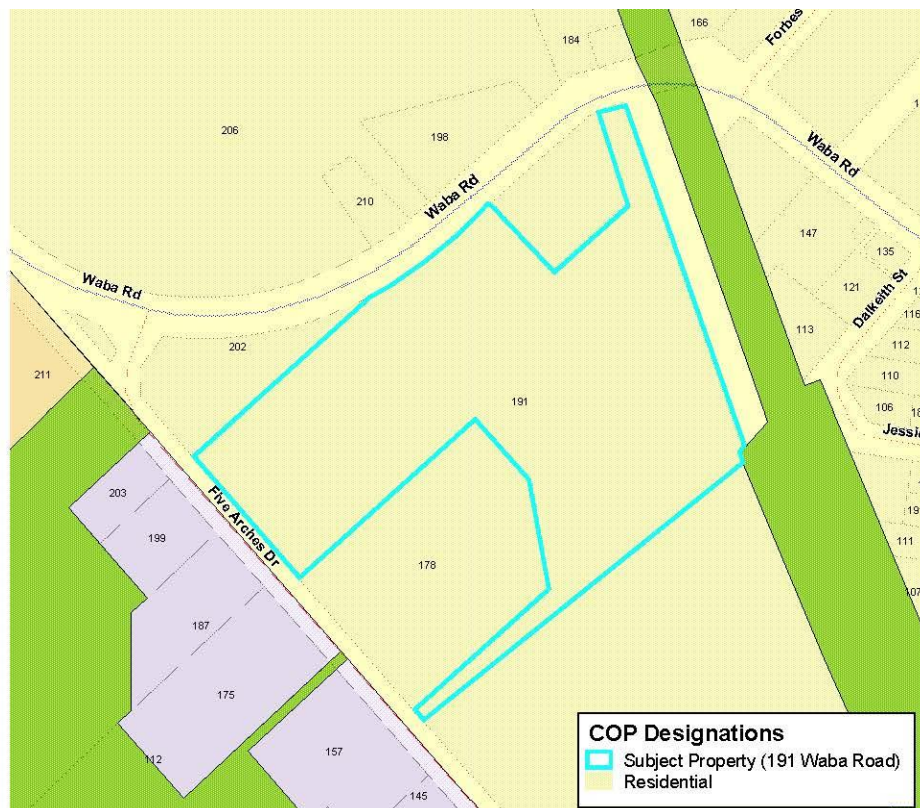
Schedule C of the Official Plan identifies the subject lands as “Residential” and are located in the Village of Pakenham which is identified by the COP as a settlement area. The Residential designation permits low and medium density residential uses and accessory uses.

#### **3.6.1 Goals and Objectives (Residential):**

*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.”***

**Figure 2 - Community Official Plan Designation**



The severed parcels are within the Residential designation and as a result the provisions of Section 5.3.11.2 General Consent Policies permit the additional severance of the lands subject to the following:

- (i) *The scale of development proposed or the total development potential of the property would not require a plan of subdivision;*
- (ii) *The application represents infilling in an existing built up area;*
- (iii) *The proposed lots are in keeping with the lot area, frontage and density pattern of the surrounding neighbourhood;*
- (iv) *The creation of lots would not create or worsen traffic, access or servicing problems;*
- (v) *The application represents an orderly and efficient use of land, and its approval would not hinder the development of the retained lands;*
- (vi) *The application meets all other policies of this Plan.*

Analysis of the application determined the proposed severances were consistent with the General Consent policies and met all other applicable policies of the COP, including Section 3.6.7 Infilling and 3.6.1 Residential policies.

Any future development of the lands will also be subject to Site Plan Control during which special consideration should be given to the visual impacts of the development on surrounding Village character.

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

The subject property is presently zoned “Development” (D) by the Municipality of Mississippi Mills Zoning Bylaw #11-83.

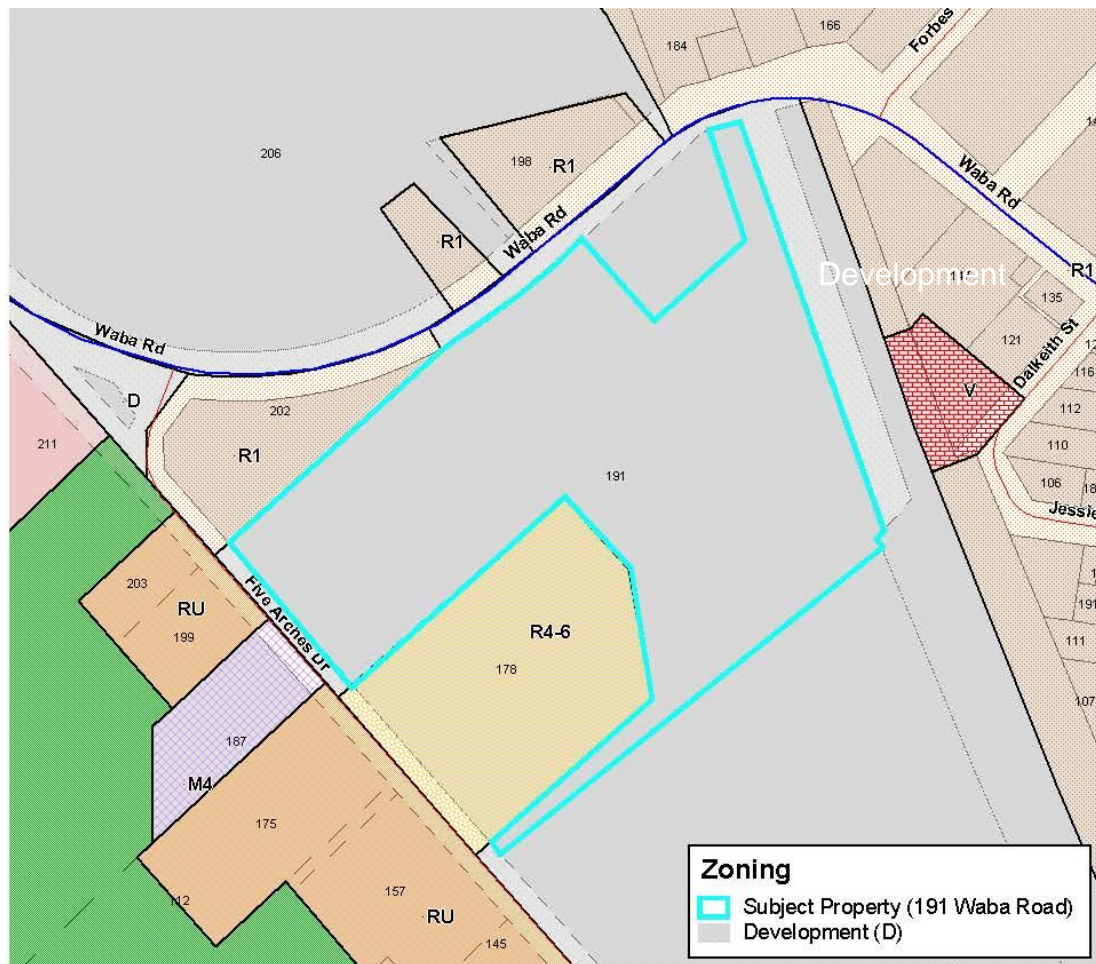
The “Development” zoning is considered to be a placeholder for the lands until a more detailed review of appropriate uses could be undertaken. The lands have since been subject to review through the consent processes in order to determine a supportable future use of the lands. Accordingly, it is now recommended that the four parcels subject to the consent be re-zoned to R1 to permit new residential development of the site.

<b>Zoning By-law Provisions</b>	<b>D Zone</b>	<b>R1 Zone</b>	<b>Retained Lands</b>	<b>Severance #1</b>	<b>Severance #2</b>	<b>Severance #3</b>	<b>Severance #4</b>
<b>Lot Area, Minimum (m<sup>2</sup>)</b>	Existing	2,000 <sup>1</sup>	99,734	3,274.5	3,277.7	3,258.6	3,285.6
<b>Lot Frontage, Minimum (m)</b>	Existing	30 <sup>1</sup>	88.4 (Waba Road); ±227.1 (Five Arches Drive)	55.0 (Waba Road)	47.6 (Waba Road)	51.6 (Five Arches Drive)	51.6 (Five Arches Drive)

<sup>1</sup> No municipal water and sewer services



**Figure 4 – Zoning Map:**



### **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 Comprehensive Zoning By-law #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,

Maggie Yet, MPLAN BA  
Planner 1

Ken Kelly  
Chief Administrative Officer

**ATTACHMENTS:**

Appendix A – Context Map of the Site

Appendix B – Development (D) and Residential First Density (R1) Provisions

## APPENDIX A

### Context Map (2014)





## **APPENDIX B**

### **SECTION 40 – DEVELOPMENT (D) ZONE**

#### **PURPOSE OF THE ZONE**

The purpose of the Development (D) Zone is to:

- (1) recognize lands intended for future urban development in the Town of Almonte, and future village development within the Villages of Pakenham, Appleton, Blakeney and Clayton;
- (2) limit the range of permitted uses to those which will not preclude future development options; and
- (3) impose regulations which ensure a low scale and intensity of development to reflect the characteristics of the existing land uses.

#### **40.1 USES PERMITTED**

No person shall within a D Zone use any lot or erect or use any building or structure, for any purpose except for the following:

- uses, buildings and structures legally existing at the date of passing of this By-Law.
- accessory structures for uses, buildings and structures legally existing at the date of passing of this By-Law.

#### **40.2 ZONING PROVISIONS**

<b>Zoning Mechanism</b>	<b>Provisions</b>
Lot Area, minimum	existing
Lot Frontage, minimum	existing
Front Yard, minimum	6 m (19.7 ft)
Side Yard, minimum	6 m (19.7 ft)
Exterior Side Yard, minimum	6 m (19.7 ft)
Rear Yard, minimum	8 m (26.2 ft)
Height, maximum	11 m (36.1 ft)

## 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.

**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

- (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.
- (4) Conversions that alter an existing residential use building to create another listed permitted use are subject to the provisions of Section 8.3 – Conversions.

**TABLE 13.2A - R1 Zone**

Provisions	No Municipal Water or Sewer	Either Municipal Water or Sewer	Municipal Water and Sewer
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

**Footnote**

- a) The minimum interior side yard width shall be 1.2 m, except where a garage or carport is located in the rear yard and accessed by a driveway, the minimum shall be 4.5 m.
- b) The maximum gross density shall be 15 units per hectare.
- 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.
- d) On lots abutting a non-residential use the minimum interior side yard requirement is 3.5 m.
- e) If the dwelling type is a bungalow, maximum lot coverage is 45%.