

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 9, 2022

TO: Committee of the Whole

FROM: Melanie Knight, Senior Planner

SUBJECT: Zoning By-law Amendment Z-03-22 (Walker) 775 Country Street (785 Country Street), Municipality of Mississippi Mills

RECOMMENDATION:

THAT Committee of the Whole recommend to Council approve the Zoning By-law Amendment to amend the zoning of the lands municipally known as 775 Country Street from “Rural” Zone (RU) and “Agricultural” Zone (A) to “Rural – Special Exception” Zone (RU-40) to permit site specific minimum lot frontage and lot areas and to prohibit the construction of a dwelling, similar in effect to the draft By-law contained in Attachment B.

BACKGROUND:

The property affected by the subject Zoning By-law Amendment is a proposed severed lot that will be considered by the Lanark County Land Division Committee as part of a surplus farm dwelling severance application located at 785 Country Street (B22-059).

The Consent application has been circulated and is anticipated to be heard by the Land Division Committee on August 9, 2022. Planning staff provided municipal comments to the County pertaining to the proposed consent and have no concerns or objections related to the consent, subject to a number of conditions including implementing this Zoning By-law Amendment.

As Staff had no issues with the consent application and no development, other than the severance is proposed, staff are comfortable having the Zoning By-law Amendment rise to the Committee of the Whole after the Land Division Committee meeting on the same day. Staff will provide the Committee of the Whole a verbal update on the decision of Land Division Committee at the August 9 Committee of the Whole meeting. The by-law is intended to follow the normal process and rise to the August 23, 2022, meeting.

The proposed severed lot is vacant and proposed to be added to the overall farming operation located at 775 Country Street and the retained lot containing the dwelling is considered the surplus farm dwelling as part of the farm consolidation. The subject property is currently split zoned as *Rural* (RU) and *Agricultural* (A).


Figure 1 below shows both the severed and retained properties. As noted earlier, the severed lot is the subject property for this Zoning By-law Amendment.

PURPOSE AND INTENT OF ZONING BY-LAW AMENDMENT:

The purpose and intent of the Zoning By-law Amendment is to rezone the severed parcel from the current split zoning to a site-specific Rural zone (RU-40) in order to restrict the future development of a dwelling on the proposed severed parcel, address site-specific lot area and frontage requirements of the Rural (RU) zone and to regularize the boundary of the Agricultural (A) zone and Rural (RU) zone between the proposed severed and retained lots.

Figure 1 – Location



 Approximate area to be rezoned from Rural (RU) and Agricultural (A) to a site-specific Rural (RU-40) zone.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

The property is located south of Almonte on Country Street and is surrounded by a mix of rural, agricultural and non-farm residential uses. The lot directly to the south of 785 Country Street is a Hydro One transformer site (831 Country St.).

The property at 775 Country Street is a farm that is proposed to be expanded by way of adding the proposed severed lot (from 785 Country Street) to the existing farming operation at 775 Country Street.

775 Country Street does not have frontage onto Country Street and currently has a right-of-way easement over 785 Country Street for access. The proposed severance would provide the owners of 775 Country Street with direct access to Country Street, thereby no longer needing a right-of-way of access over the lands currently part of 785 Country Street.

As part of the Consent and Zoning By-law Amendment applications, the applicant has submitted a description of the purpose of the lands along with a Planning Rationale providing an overview of the applications, which can be found in Attachment A.

SERVICING AND INFRASTRUCTURE:

The proposed severed parcel is currently vacant and used for farmland as well as access to 785 Country Street. The proposed retained parcel contains a single detached dwelling, which was constructed in 2003. No changes are proposed to the retained lot, which already has independent driveway access and is serviced by private services (well and septic).

The property at 775 Country Street currently contains an existing driveway to access 785 Country Street. No changes are proposed to the existing driveway access. The severed parcel is to remain vacant and thus, no servicing (private) is anticipated.

PROVINCIAL POLICY STATEMENT:

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, all planning decisions must be consistent with the PPS.

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

COMMUNITY OFFICIAL PLAN (COP):

The proposed severed and retained parcels are 'split designated' Rural (RU) and Agriculture (A) in the Community Official Plan as noted in Figure 2 below.

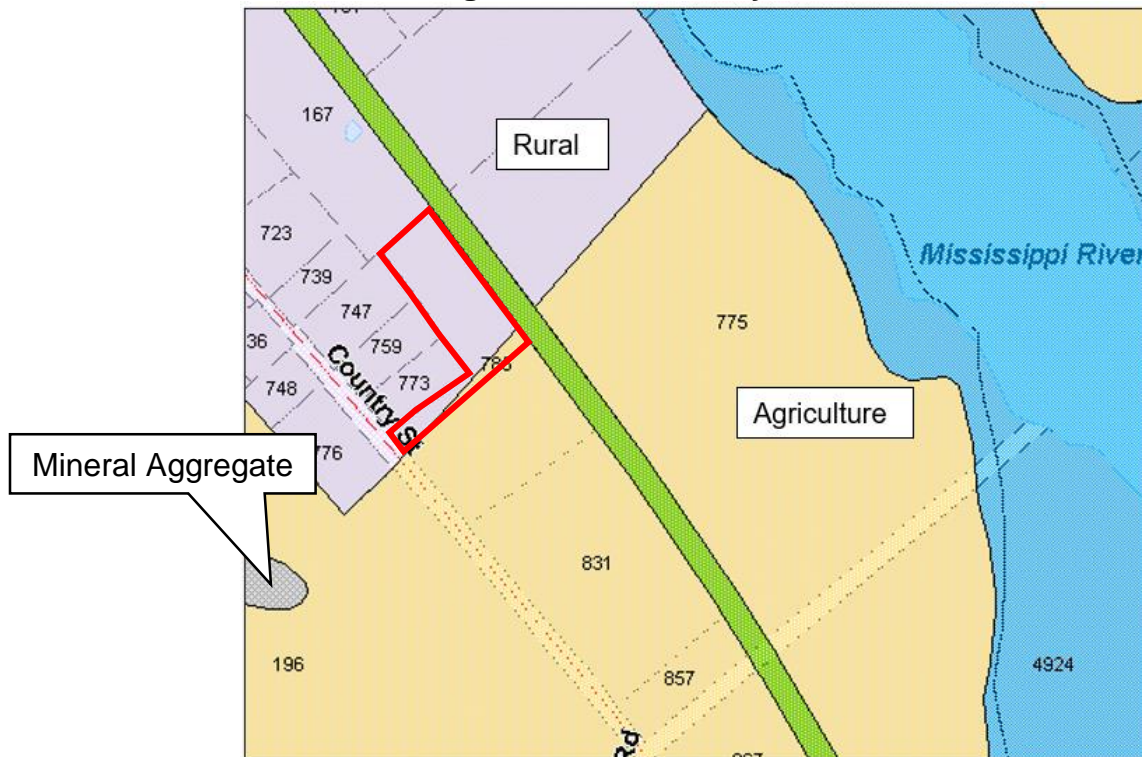
Both the retained and severed parcels are, and will continue to be, designated as they exist today. The existing uses are permitted in both the Rural and Agricultural designations.

The Official Plan provides the policy framework to evaluate Consent applications for the purposes of farm consolidation in both the Rural and Agricultural designations. Farm-

related severances may be considered where the surplus farm dwelling was constructed prior to the adoption of the Official Plan (December 13, 2005) which is being made surplus as part of a farm consolidation where farm holdings are being expanded, subject to a Zoning By-law Amendment which prohibits the construction of a new residential dwelling on the farmland as a result of the severance. The lot area and frontage for the surplus farm dwelling should be kept to a minimum in order to keep as much land in agricultural production as possible. In addition, undersized agricultural properties may be considered provided the severed agricultural lands are consolidated with an abutting agricultural property.

The subject lands are approximately 170 metres from an Aggregate and Mineral Resource. Section 3.5 of the Official Plan provide the policy framework for these designations as well as evaluation criteria for any development proposed within buffer areas ranging between 150 metres and 500 metres from these resources (depending on their operational status).

Figure 2 – Community Official Plan

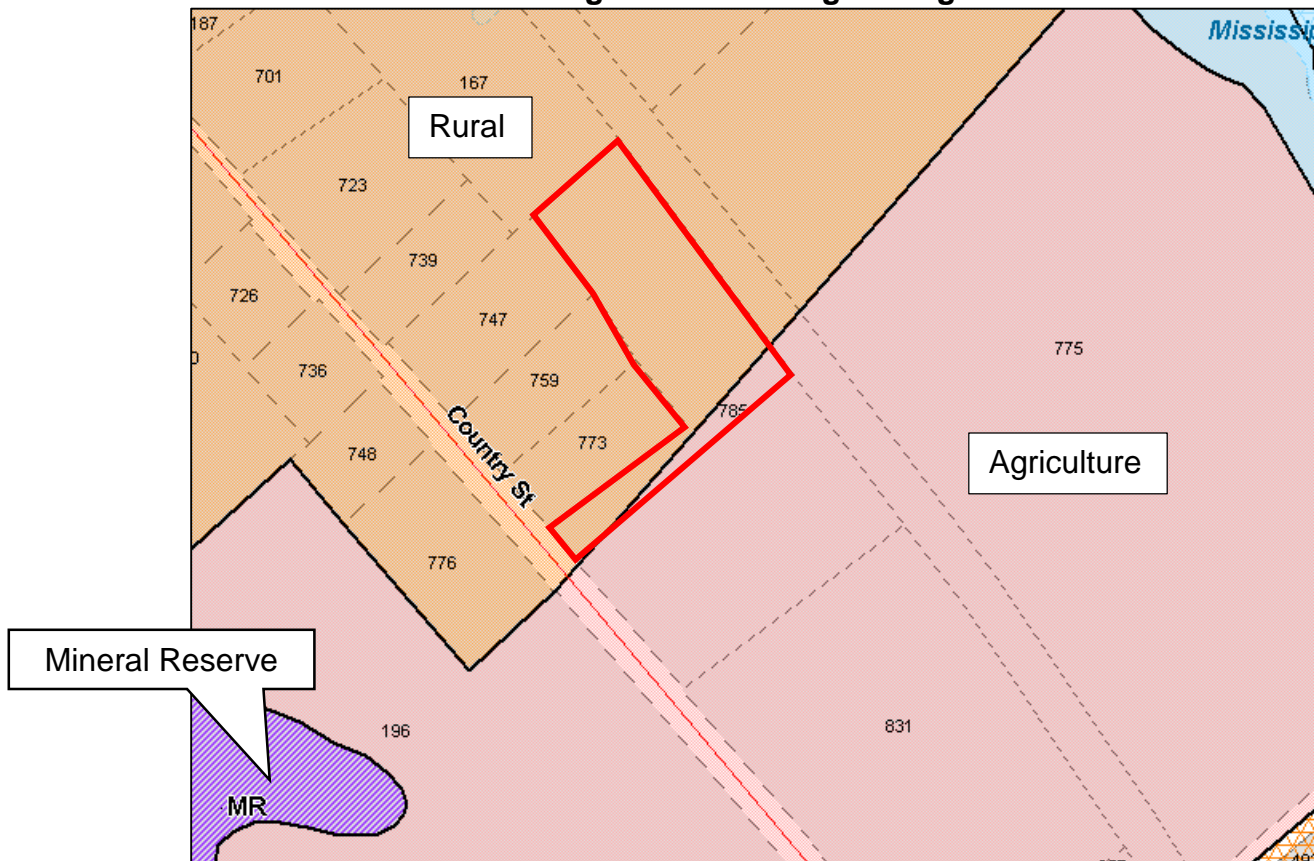


ZONING BY-LAW #11-83:

As shown in Figure 3 below, the subject property is zoned Agriculture and Rural on Schedule A of the Municipal Zoning By-law. The zoning boundaries follow the same Official Plan designation boundaries. In addition, the Mineral Reserve zone (within 170 metres of the subject lands) follows the same Mineral Aggregate boundaries in the Official Plan.

The Agricultural zone provides for a variety of agricultural uses including a single detached dwelling. The Rural zone permits many of the same uses as the Agricultural zone. The proposed severed lot will require site-specific lot area and frontage provisions to address the reductions as a result of the Consent application.

Figure 3 – Existing Zoning



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, no questions or comments were received.

Internal Departments

No comments or concerns were received from any departments.

External Agencies

No comments or concerns were received from any departments.

Public Comments

No other comments or concerns from members of the public were received at the time of the preparation of this report.

EVALUATION:

Community Official Plan (COP)

As noted above, the subject lands are designated Rural and Agricultural in the Official Plan. The proposed consent application to expand the existing farming operation at 775 Country Street meets the policies of both the Rural and Agricultural designations. The Zoning By-law Amendment will implement the required policy to restrict the development of future dwellings on the severed lands as well as address site specific lot area and frontage requirements.

As illustrated in Figure 2, the property is split designated between Agricultural and Rural. Policy 1.5.2 Land Use Boundaries provide for the framework to guide the interpretation of the designation boundaries and in this circumstance, the designation boundary generally follows the location of the existing driveway to access 775 Country Street. This existing driveway is the boundary proposed for the severed lands. As a result, the implementing zoning boundary between the Rural and Agricultural zone will be regularized to follow the severed lands boundary to ensure the boundary has a clear, absolute boundary.

With respect to the Mineral Reserve designation to the west of the site, Section 3.5 of the Official Plan provide the policy framework for these designations as well as evaluation criteria for any development proposed within buffer areas ranging between 150 metres and 500 metres from these resources (depending on their operational status). The edge of the Mineral Reserve designation is approximately 180 metres from the severed lands. Section 3.5 of the Official Plan specifically require that creation of new lots for non-farm buildings and structures adjacent to aggregate resources ensure that there is an appropriate building envelope outside of the separation distances. As this Zoning By-law Amendment is to restrict the development of any dwellings and is not for non-farm purposes, staff are of the opinion that the intent of this policy is met.

Zoning By-law #11-83

The severed lands are proposed to be rezoned to regularize the zoning boundary between the Rural and Agricultural zones and to permit a reduced lot frontage and lot area and to prohibit future dwellings in accordance with the Official Plan policies.

In addition, the property located at 775 Country Street currently does not have frontage on a road as even with this severance application, because the OVRT bisects the connection between the severed lands and the farming operation at 775 Country Street. The proposed severance does not technically alter this legal non-conforming arrangement from a zoning perspective because of the OVRT bisecting the two lots;

however, with both parcels under one ownership, it will allow the property owner to functionally have their own frontage onto Country Street.

SUMMARY:

Having reviewed and assessed the proposed Zoning Amendment application, staff are satisfied that the proposal is consistent with the Provincial Policy Statement 2020, conforms to the intent of the Community Official Plan and satisfies the applicable sections of the Municipal Zoning Bylaw #11-83.

As the development proposal complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed zoning by-law amendment.

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

Respectfully submitted by,



Melanie Knight
Senior Planner

Reviewed by:



Ken Kelly
CAO

ATTACHMENTS:

ATTACHMENT A: Applicant's Planning Rationale

ATTACHMENT B: Draft By-law for August 23, 2022 Council