

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 9, 2022

TO: Council

FROM: Jeffrey Ren, Planner

SUBJECT: **Background Report Zoning By-law Amendment - Z-10-22
Concession 4, Part Lot 1, Ramsay Ward, Municipality of Mississippi
Mills, municipally known as 121 Montgomery Park Road**

OWNERS: Richard Sulpher & Heather Sulpher

APPLICANT: Tracy Zander, ZanderPlan Inc.

RECOMMENDATION:

THAT Council receive this report for information.

BACKGROUND:

The Community Official Plan (COP) includes specific and restrictive policies regarding development in areas designated as Floodplain or Two Zone Flood Plain; these policies are implemented through the Environmental Hazard Zone (EH Zone) and Environmental Hazard Zone, Subzone 'a' (EH-a Zone).

Development in such areas is generally limited to minor alterations and additions or redevelopment in some circumstances. All development in the Floodplain and Two Zone Flood Plain is subject to Site Plan Control. In addition, any deviations from the performance standards contained in the Municipality's Zoning By-law should be reviewed as part of a Zoning By-law Amendment application.

PURPOSE AND EFFECT:

The purpose and effect of the Zoning By-law Amendment is to rezone the subject properties from *Environmental Hazard Special Exception 'a' Zone* (EH-a) to *Environmental Hazard Special Exception Zone* (EH-XX) to permit the demolition of the existing dwelling and the rebuilding of a new detached dwelling.

A number of amendments to the performance standards in the EH-a zone are also being sought; the new dwelling is proposed to have:

- a reduced rear yard setback of 6.94 metres from the required 7.5 metres,

- a reduced front yard setback of 5.20 metres from the required 6 metres,
- a reduced side yard setback of 1.07 metres from the required 1.2 metres,
- a reduced projection of a deck of 3.03 metres from the required maximum projection of 2 metres and
- an increase to lot coverage of 31% from 30%.

Prior to the issuance of a Building Permit for the proposed development, the applicants would be required to also go through the Site Plan Control process and obtain a permit from the Mississippi Valley Conservation Authority (MVCA).


DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

The subject property is located along the southwest side of the intersection of Montgomery Park Road and Ramsay Concession 5A. The subject property is approximately 466.1 m², with approximately 19.3 metres of frontage along Montgomery Park Road and backs onto Mississippi Lake. The property is zoned *Environmental Hazard Special Exception 'a'* (EH-a) and is located within a floodplain.

The property is currently occupied by a single storey detached dwelling and a detached garage. Surrounding land uses include Mississippi Lake to the south and residential land uses to the north, west and east on lands zoned *Environmental Hazard Special Exception 'a'* (EH-a). Figure 1 below shows an aerial image of the subject property.

Figure 1: Subject Properties



 Area to be rezoned from *Environmental Hazard Special Exception 'a'* (EH-a) to *Environmental Hazard Special Exception XX* (EH-XX)

The properties along Montgomery Park Road have historically been used for seasonal dwellings (cottages) and the area is characterized by a single-loaded municipal right-of-way with a variety of dwellings. The properties on Montgomery Park Road are all within the Floodplain designation in the Community Official Plan (COP) as well as some that are 'split designated' Floodplain and Rural. Regardless of the split designation, every lot along the road is, at least partially, designated Floodplain.

PROPOSED DEVELOPMENT:

The applicant is proposing to remove the existing dwelling and rebuild a new detached dwelling. The existing dwelling measures approximately 119.49 square metres and exhibits a number of existing non-complying performance standards, including a lot coverage of 37% whereas the Zoning By-law states that the maximum lot coverage is 30%.

The applicants are proposing to demolish the existing dwelling and detached garage. The proposed new dwelling would have a reduced building footprint with a reduced lot coverage of 31%, which remains slightly over the maximum 30% lot coverage required in the Zoning By-law. As previously listed, a number of amendments to the EH-a performance standards remain necessary despite the reduced overall footprint.

As noted above, should Council approve the requested amendments, the applicants would be required to go through the Site Plan Control process and obtain a permit from the Mississippi Valley Conservation Authority (MVCA) before the issuance of a Building Permit for the proposed addition.

SERVICING & INFRASTRUCTURE:

The subject properties are currently serviced by a private well and septic system. No servicing changes have been proposed.

Staff do not foresee any servicing or infrastructure concerns resulting from the proposed Zoning By-law Amendment. If approved, the specific servicing and infrastructure impacts associated with the proposed addition will also be further assessed in greater detail at the Site Plan Control stage.

COMMUNITY OFFICIAL PLAN (COP):

The subject lands are designated as Flood Plain in the Community Official Plan (COP). As per Section 3.1.6.1.2 of the COP, no new development is permitted within the Flood Plain except for flood or erosion control structures, shoreline stabilization, water intake facilities and marine facilities, such as docks.

Policies for existing development in the Flood Plain in Section 3.1.6.1.4 of the COP state that minor expansions or additions are permitted so long as no new dwelling units are created, and the applicants adequately demonstrate that their proposed

development has no adverse effects on the hydraulic characteristics of the flood plain(s). Such proposed developments are also subject to Site Plan Control and MVCA permitting.

The subject property is located along the shores of Mississippi Lake and are subject to the Mississippi Lake Two Zone Flood Plain Policies of Section 3.1.6.1.5 of the COP. The policies of Section 3.1.6.1.5 differentiate between a Floodway area and a Flood Fringe area. The areas identified as Flood Fringe represent areas where flood depth and velocity are generally less severe.

The majority of subject property is located in the Flood Fringe as shown in Figure 2. Development in the Flood Fringe is restricted to development on existing lots of records, redevelopment, replacement and additions or alterations of existing buildings and structures. Again, development in the Flood Fringe is subject to Site Plan Control and MVCA permitting. The subject property is also affected by a Source Water Protection overlay in the COP.

Figure 2: Floodway Limits



ZONING BY-LAW #11-83:

The subject lands are presently zoned *Environmental Hazard Special Exception 'a'* (EH-a) as per Comprehensive Zoning By-law #11-83. The EH-a Zone permits detached dwellings in accordance with the Residential Second Density (R2) Zone provisions in addition to the following provisions:

- the minimum first floor elevation for a dwelling shall be 136.1 m (446 ft) geodetic;
- no openings, electrical service, or living space shall be permitted below 136.1 m (446 ft) geodetic;
- the final surface elevation of a crawlspace for a dwelling shall be no lower than 135.0 m (442 ft) geodetic; and,
- in addition to the normal permit process, the location of dwellings, wells and septic systems shall require the approval of the Mississippi Valley Conservation Authority through their approval process.

The first three policies above pertain to the minimum elevations that are required for the proposed replacement of the dwelling. If the Zoning By-law Amendment is approved, the Site Plan Control process will require detailed floor plans and building elevations along with the usual Site Plan and Grading Plan for the proposed development. In addition, the Site Plan Control agreement will include clauses pertaining to the above noted requirements as well as acknowledgement that the development is occurring in the Flood Fringe.

Detached dwellings in the R2 Zone follow the performance standards for detached dwellings in the Residential First Density (R1) Zone. The R1 Zone requires a minimum front yard setback of 7.5 metres, a minimum rear yard setback of 10 metres, a minimum side yard setback of 3 metres and a maximum lot coverage of 30% for a detached dwelling with no municipal water and sewer. As noted previously, the existing dwelling does not comply with the applicable performance standards.

The proposed new dwelling would feature a reduced building footprint with a reduced lot coverage of 31%, however, the footprint of the proposed rebuilt dwelling remains over the maximum 30% lot coverage outlined in the Zoning By-law. Several amendments to the zone performance standards remain necessary despite the reduced overall footprint; the rebuilt dwelling is proposed to have a rear yard setback of 6.94 metres, a front yard setback of 5.20 metres, a side yard setback of 1.07 metres, and a 3.03 metres front yard deck projection.

The EH-a Zone also specifies that Section 6.24 of the Zoning By-law does not apply. Section 6.24 of the Zoning By-law specifies that a 30-metre setback is required from any development to a waterbody.

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; however, it is anticipated that comments will be forthcoming from Public Works and the MVCA.

It is noted that for these types of applications, staff will work closely with the MVCA with respect to the permissions requested as part of this Zoning By-law Amendment. Staff will ensure that the MVCA's analysis and comments are presented to Council as part of a Recommendation Report in the future.

NEXT STEPS:

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, Approved by,



Jeffrey Ren
Planner



Melanie Knight, MCIP, RPP
Senior Planner

ATTACHMENTS:

1. Attachment A – Site Plan
2. Attachment B – Site Photos