

Appendix C: Draft Proposed Changes to the Community Official Plan and Comprehensive Zoning By-law

The following pages include the proposed draft amendments to the Community Official Plan and Comprehensive Zoning By-law #11-83.

Proposed changes to the Community Official Plan includes changes to the following Sections:

- Section 1: Introduction, to remove the reference to reviewing the cluster lot policies as part of the Plan's five-year review process as this study will serve as that review.
- Section 3.3.7: Cluster Lot Policies in accordance with the recommendations found in Section 3.3.1 of this Report; and
- Section 4.6. Transportation including Section 4.6.4.5: Unopened Road Allowances and Section 4.6.8 Private Roads in accordance with the recommendations found in Section 3.3.1 of this Report.

Proposed Changes to the Comprehensive Zoning By-law in accordance with the recommendations found in Section 3.3.2 of this Report.

PROPOSED CHANGES TO THE COMMUNITY OFFICIAL PLAN

1 INTRODUCTION

1.7.1 Five Year Review

A review shall include as a minimum:

- i. A *comprehensive review* of the “50/30/20 Settlement Strategy” and the accuracy of the population projection of the Plan;
- ii. infrastructure capacity and servicing options to accommodate growth;
- iii. trends, technology and emerging ideas on the management of growth and resources;
- iv. a *comprehensive review* of the supply of lands available for development;
- v. achievements of Council in terms of carrying out the identified studies and actions noted in the Plan
- vi. feedback received from the development industry and property owners related to the Municipality’s planning program;
- vii. appropriateness of policies in managing growth and development, resource management, provincially and locally significant agricultural lands and/or protecting the environment;
- viii. a review and assessment of the function, health and land use boundaries of downtown commercial core areas.

A public report shall be prepared which summarizes:

- an assessment of the above noted items;
- comments received from government agencies and the general public related to the review of the Community Official Plan;
- the components of the Community Official Plan which the Municipal staff and Council believe are in need of updating; and,
- studies, guidelines and other actions recommended in the Community Official Plan which have been achieved since the previous review.

If the review process determines that the Plan is in need of being updated, Council shall initiate an amendment to the Community Official Plan designed to implement the necessary changes.

3 LAND USE POLICIES

3.3 RURAL POLICIES

3.3.6 Cluster Lot Development

A cluster lot development is a grouping of three to five lots (not including the retained parcel) created by consent for clustered rural non-farm residential development. The main purpose of this alternative form of rural residential development is to direct housing away from public roads, reduce the visual impact of strip development, and increase the financial viability of scattered rural residential development.

The number of lots permitted in any specific cluster lot development proposal shall be determined based on the number of lots which were previously severed from the original township lot. The number of previous severances shall include all lots, including those created prior to July 1973:

- a. If an original township lot has had one (1) or fewer previous severances, a cluster lot development proposal involving the maximum of five lots could be considered.
- b. Where the original township lot has had two (2) previous severances, a cluster lot development proposal involving four lots could be considered.
- c. Where the original township lot has had three (3) previous severances, a cluster lot development proposal involving the minimum three lots could be considered.
- d. In no case shall a cluster lot development proposal, plus previous severances result in a situation where there are more than six lots created from an original township lot, excluding the remnant parcel.

Generally, the establishment of cluster lot development shall not be permitted within 1 kilometre of the Almonte urban boundary.

If there is an original township lot which has not had any previous severances, the property owner may be able to pursue the creation of lots under severance policies of Section 3.3.6 or a cluster lot development proposal, but not both. This means that previous severances from an original township lot used in the above calculations must have existed prior to the date of the adoption of this Plan by the Municipal Council.

The following policies shall apply to cluster lot development proposals:

1. Non-Farm residential lots on private roads may only be created through the cluster lot development process and are to be located only within the “Rural” designation and zoned “Limited Service Residential (LSR)”.
2. The parent property from which the cluster lot development proposal is severed has a minimum lot area of 50 acres.
3. The single internal road serving the cluster lot development shall be a private road built and maintained to standards set by the Municipality in accordance with the

private road policies of this Plan found in Section 4.6.8. New private roads shall be subject to the Site Plan Control Process and managed under a “common elements condominium”.

4. The access point to the development from the public road must be located so that no safety hazards are created at the intersection, adjacent intersections, or existing entrances.
5. Lots are to be serviced by private individual water and sewage systems. Appropriate servicing studies, including a hydrogeological review, shall be required.
6. The overall density of development shall be approximately one residential lot per hectare of land. The minimum lot size shall not include lands described as significant natural heritage features within the Plan.
7. Generally, the placement of dwellings within the cluster lot development shall be determined based on the following considerations:
 - i. houses should either be set back from the nearest public road a minimum of 100 metres or the dwellings must be screened from such road by topography mature vegetation, or through new plantings. When the 100 metre setback is waived due to a screen of mature vegetation, agreements must be entered into that ensure the screening effect of the vegetation is not compromised. The site plan control process or a development agreement shall be used to implement this requirement.
 - ii. the siting of dwellings shall take into consideration landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
 - iii. identifiable features of rural character are maintained or enhanced through the location of the dwellings;
 - iv. the siting of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed;
8. Appropriate buffering, in accordance with Section 3.3.3 of this Plan, shall be provided where a cluster lot development is in close proximity to an active agricultural operation.
9. The cluster lot development may include land held in common ownership to be used as open space for recreation. This land cannot be developed further and shall be managed under the “common elements condominium”.
10. Where development includes lands adjacent to natural heritage features, the appropriate policies of this Plan apply. In the event that the lots are being proposed within 120 metres of natural heritage features, an Environmental Impact Assessment shall be required in accordance with 3.1.6 of this Plan.
11. New private roads or extension to existing private roads will not be permitted to

cross private lands, rather be a distinct parcel of land identified within the cluster lot development where the ownership, maintenance and liability of the private road shall be included under a “common elements condominium”.

12. Residential uses (including accessory structures), private and access roads shall not be permitted with the “Agricultural” designation, or where there are aggregate resources, wetlands, significant woodlands, flood plains, significant habitat of endangered or threatened species or areas of natural or scientific interest unless as otherwise directed in an Environmental Impact Statement.
13. Proponents of cluster lot developments shall be required to submit an accurate site plan based on an up to date survey and R-Plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, existing and proposed natural features including treed areas and landscaping, slopes, watercourses, grading and drainage plans, and any additional information that may be prescribed through pre-consultation with the Municipality.
14. The design guidelines for cluster lot developments are contained within Mississippi Mills Rural Design Guidelines shall apply to all cluster lot developments.
15. New cluster lot developments shall be subject to a holding zone that may not be lifted until the following requirements have been met:
 - i. The new private road has been design, constructed and approved by the municipality;
 - ii. A "common elements condominium" has been registered that includes details related to the ownership, maintenance and liability of the private road; and
 - iii. Completion of the Site Plan Control process with all securities, insurance and registration of all applicable agreements completed.

4.6 TRANSPORTATION

4.6.4.5 Unopened Road Allowances

1. This Plan recognizes that the public may use unopened public road allowances even though they are not maintained by the Municipality. The Municipality will not provide services to properties through unopened road allowance.
2. The Municipality shall retain ownership of all unopened road allowances unless it is clearly demonstrated that there is no use for the road allowance for roadways, pedestrians, cycling or recreation trail or walkways, utility corridors, public access to waterways, recreational vehicle trails or any other possible future public use, in accordance with the Municipality's Land Sale By-Law.
3. All private works or improvements to unopened road allowances shall require approval from the Municipality prior to any works being undertaken. The intentional or unintentional blocking up of an unopened road allowance by a private body shall be prohibited.
4. New uses of unopened road allowances as lanes to gain access to year-round residential development shall be discouraged and shall not be permitted until under a registered agreement with the Municipality against the property of the benefiting party that shall include the procedures for maintenance of the unopened road allowance and indemnifying the Municipality of any liability or responsibility for any upkeep or the provision of services.

4.6.8 Private Roads

A private road is defined as a road under private ownership which serves two or more legally conveyable lots as identified as a common element developed under the cluster lot development policies of this Plan. A driveway providing access to only one property or legally conveyable lot, or shared access between two abutting properties is not considered a private road under this Plan.

1. There is no legal obligation on the part of the Municipality to maintain or repair private roads or otherwise provide services to any development located on a private road, nor is there any responsibility acknowledged for the provision of school busing or other services provided by other government bodies or agencies.
2. New private roads or extensions to existing private roads shall only be developed as part of a cluster lot development in accordance with Section 3.3.7 of this Plan and to and will be required to meet a minimum standard of construction and maintenance to ensure that access can be gained for emergency vehicles in accordance with the most current standard outlined in Section 3.2.5.6 of the Ontario Building Code and to a standard acceptable to the municipality as detailed in Appendix B, as may be updated from time to time. A new private road may only be permitted if the road connects to a public road and where the subject property has frontage on that same public road.

3. The Municipality may, at its sole discretion, register notice on title or require that an owner enter into an agreement acknowledging that the Municipality will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road and further that the Municipality may not be able to provide emergency services to development located on a private road due to the condition of the road.
4. The design and construction of a private road will be undertaken by a professional engineer or other persons competent in road construction, as determined by the Municipality.
5. In circumstances where a private road is not being maintained to an acceptable standard, the Municipality may make improvements to bring the private road to an appropriate standard and assess any costs relating to the work to the relevant parties. This action shall not be interpreted as the Municipality assuming responsibility for the private road.
6. The Municipality shall develop guidelines for the construction of new private roads.

PROPOSED CHANGES TO THE COMPREHENSIVE ZONING BY-LAW

Rezone lots developed through the cluster lot policies to Limited Service Residential to recognize the objectives and policies of the Official Plan for these development as limited service residential. This may also include adjusting zone boundaries where required to recognize existing developments. These include:

- 205 Armon Daria Lane: Rezone from RU-27 to LSR and adjust zone boundary to coincide with south lot line and location of private road leading to Panmure Road.
- 210 Armon Daria Lane: Rezone from RU-27 to LSR and adjust zone boundary to coincide with north and west lot line and location of private road leading to Panmure Road.
- 215 Armon Daria Lane: Rezone from RU-27 to LSR.
- 220 Armon Daria Lane: Rezone from RU-27 to LSR and adjust north lot line to coincide with exiting lot boundary.
- 420 McIntosh Way: Rezone from RU-21 to LSR.
- 411 McIntosh Way: Rezone from RU-21 to LSR.
- 406 McIntosh Way: Rezone from RU-21 to LSR.
- 435 McIntosh Way: Rezone from RU-21 to LSR.
- Unnumberd McIntosh Way: Rezone from RU-21 to LSR.
- 113 Stroneridge Lane: Rezone from RU to LSR and include extent of Stroneridge Lane.
- 123 Stroneridge Lane: Rezone from RU to LSR and include extent of Stroneridge Lane.
- Unnumbered Stoneridge Lane: Rezone from RU to LSR and include extent of Stroneridge Lane.
- Unnumbered Stroneridge Lane: Rezone from RU to LSR and include extent of Stroneridge Lane.
- 112 Walnut Ridge Lane: Rezone from RU to LSR and include extent of Walnut Ridge Lane.
- 130 Walnut Ridge Lane: Rezone from RU to LSR and include extent of Walnut Ridge Lane.
- Unnumbered Walnut Ridge Lane: Rezone from RU to LSR and include extent of Walnut Ridge Lane.

Rezone existing lots zoned LSR to Rural (RU), Agricultural (A), or Residential (RR) where they have frontage on a public road, recognizing the level of service that these lots are provided. These include:

- 3368 12th Concession Pakenham North: Rezone from LSR to A.
- 3306 12th Concession Pakenham North: Rezone from LSR to A.
- 154 McManus Road: Rezone from LSR to RU.
- 361 Deer Run Road: Rezone from LSR-9 to RU.

- 358 Deer Run Road: Rezone from LSR-8 to RU.
- 588 Ski Hill Road: Rezone from LSR to RU.
- 578 Ski Hill Road: Rezone from LSR to RU.
- 568 Ski Hill Road: Rezone from LSR to RU.
- 560 Ski Hill Road: Rezone from LSR to RU.
- 550 Ski Hill Road: Rezone from LSR to RU.
- 540 Ski Hill Road: Rezone from LSR to RU.
- 510 Skill Hill Road: Rezone from LSR to RU.
- 500 Ski Hill Road: Rezone from LSR to RU.
- 600 Ski Hill Road: Rezone from LSR to RU.
- 100 Lynx Hollow Road: Rezone from LSR-23 to RU.
- 129 Blakeney Road: Rezone from LSR to RU.
- 137 Blakeney Road: Rezone from LSR to RU.
- 175 Booth Drive: Rezone from LSR to RR.
- 159 Booth Drive: Rezone from LSR to RR.
- 149 Booth Drive: Rezone from LSR to RR.
- 143 Booth Drive: Rezone from LSR to RR.
- 141 Booth Drive: Rezone from LSR to RR.
- 137 Booth Drive: Rezone from LSR to RR.
- 127 Booth Drive: Rezone from LSR to RR.