

CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 24-049

BEING a By Law to Adopt Amendment No. 33 to the Mississippi Mills Community Official Plan.

WHEREAS in 2021, Council passed an Interim Control By-law and extended the by-law for an additional year to study development on private roads;

WHEREAS public information sessions were held in 2023 to introduce the project to the public and provide them with an opportunity to ask questions and provide comments;

WHEREAS the Council of the Corporation of the Municipality of Mississippi Mills held public meetings on January 16, 2024 and April 9, 2024 respecting the recommendations of the study;

AND WHEREAS Committee of the Whole held a meeting on August 13, 2024 to consider Official Plan Amendment No. 33;

AND WHEREAS Committee of the Whole has recommended to Council to enact and pass Official Plan Amendment No. 33 at its August 13, 2024 meeting;

AND WHEREAS the Council has reviewed the information and material and has considered public comments as they relate to this amendment and has passed Resolution No CW122-24 on August 13, 2024 endorsing Committee of the Whole's recommendation;

AND WHEREAS the Council has given serious consideration for the need to adopt an amendment to the Official Plan of the Municipality of Mississippi Mills amend the policy framework for private roads and cluster lot development;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, hereby ENACTS as follows:

1. That Amendment No. 33 to the Mississippi Mills Official Plan, a copy of which is attached to and forms part of this By-law, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Lanark for the approval of Amendment No. 33 to the Mississippi Mills Community Official Plan.

BY-LAW read, passed, signed and sealed in open Council this 27 day of August 2024.


Christa Lowry, Mayor




Jeanne Harfield Clerk

**OFFICIAL PLAN AMENDMENT No. 33
TO THE COMMUNITY OFFICIAL PLAN OF THE
MUNICIPALITY OF MISSISSIPPI MILLS**

**Limited Service Residential (LSR) and Private Roads Study
Municipality of Mississippi Mills**

July 30, 2024


**AMENDMENT NO. 33
TO THE COMMUNITY OFFICIAL PLAN
MUNICIPALITY OF MISSISSIPPI MILLS**

The attached explanatory text constituting Amendment No. 33 to the Community Official Plan of the Municipality of Mississippi Mills was prepared for and recommended to the Council of the Corporation of the Municipality of Mississippi Mills.

This Amendment to the Community Official Plan of the Municipality of Mississippi Mills was adopted by the Corporation of the Municipality of Mississippi Mills in accordance with Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, by By-law No. 24-049 passed on the 27 day of August 2024.



Christa Lowry, Mayor



Jeanne Harfield, Clerk

OFFICIAL PLAN AMENDMENT No. 33
TO THE COMMUNITY OFFICIAL PLAN OF THE
MUNICIPALITY OF MISSISSIPPI MILLS

PART A - THE PREAMBLE, contains an explanation of the purpose and basis for the amendment, as well as the lands affected, but does not constitute part of this amendment.

PART B - THE AMENDMENT, consisting of the following text and schedule constitutes Amendment No. 33 to the Municipality of Mississippi Mills' Community Official Plan (COP).

PART C – RECOMMENDATION REPORT

PART D – THE APPENDICES, which are listed or attached hereto, do not constitute a part of this amendment.

PART A – THE PREAMBLE

BACKGROUND

The first Mississippi Mills Community Official Plan (COP) was adopted by Council on December 13, 2005, and approved with modifications by the Minister of Municipal Affairs and Housing on August 29, 2006.

In November 2021, Council passed an Interim Control By-law in Mississippi Mills in order to restrict development on existing lots zoned as Limited Service Residential (LSR) and development on private roads. The LSR zone is intended to recognize and permit limited-service residential development in Rural designated areas and ensure the maintenance of local rural character. Limited service means that municipal services would not be provided. There are currently 134 lots zoned as LSR within the Municipality.

Parsons was hired as the consultant to complete the study. A recommendation report was submitted by Parsons to the Municipality in December of 2023 and presented at the second PIC as part of MM2048 and at a second public meeting on April 4, 2024.

POLICY CHANGES AS A RESULT OF OFFICIAL PLAN AMENDMENT (OPA) 33:

PURPOSE

The proposed amendments are an update to the existing policies of the Official Plan and the provisions of the Zoning By-law. The Official Plan policy updates will provide an updated policy framework to evaluate future developments on private roads.

The Zoning By-law Amendment proposes to align the zoning with the updated Official Plan policies. This would include rezoning some properties which are currently zoned incorrectly as 'Limited Service Residential (LSR)', as some of these properties are located on municipal roads that are regularly maintained.

LOCATION

The lands affected by this Amendment include all lands within the Municipality of Mississippi Mills that are subject to any new proposed developments on private roads and in some cases, any future developments on existing properties residing on private roads.

BASIS

The Interim Control By-law was put into place so an evaluation of cluster lot development policies and severance policies to create lots on private roads could be conducted and to see if any updates were needed before approving new developments on private roads within the Municipality. Cluster lot development policies were adopted into the Mississippi Mills Community Official Plan (COP) in 2006 and were intended to be a central element in the Municipality's Growth and Settlement Strategy. Cluster lot developments are typically a group of three (3) to five (5) lots created by a consent

(severance) and are only accessible through a private road. Cluster lot developments are often to direct development away from public roads, reduce visual impact of strip development, and increase financial viability of scattered rural residential development. In Mississippi Mills, there have been 16 lots within four (4) separate development clusters that have been created since 2005. Additionally, all of these lots are currently designated Rural and located within the Rural zone.

PART B – THE AMENDMENT

All of this part of the document, entitled Part B – The Amendment, consists of the following text and schedule to Amendment No. 33, constitutes Amendment No. 33 to the Community Official Plan (COP) of the Municipality of Mississippi Mills.

DETAILS OF THE AMENDMENT

The Municipality of Mississippi Mills Community Official Plan (COP) is hereby amended as follows:

Item 1: Modify Section 1.7.1 Five Year Review, by deleting v. and renumbering the items accordingly, which will read as follows:

A review shall include as a minimum:

- i. A *comprehensive review* of the "70/30 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.

Item 2: Delete Section 3.3.7 Cluster Lot Development in its entirety and replace with the following:

A cluster lot development is a grouping of three (3) to five (5) severed 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 and reduce the visual impact of strip 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 (5) lots could be considered.
- b. Where the original township lot has had two (2) previous severances, a cluster lot development proposal involving four (4) 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 (3) 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 (6) 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, rural 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 retained property from which the cluster lot development is severed shall be a minimum lot of 20 hectares.
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 Site Plan Control and managed under a Common Elements Condominium.
4. The intersection of the private road and 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 cluster lot development shall be approximately one residential lot per hectare of land. The minimum lot size shall generally be 1.0 ha and shall not include lands described as significant natural heritage features within the Plan. Any lot(s) less than 1.0 ha will demonstrate that the lot(s) are of sufficient size to adequately accommodate individual private services.
7. Generally, the placement of dwellings within the cluster lot development shall be

determined based on the following considerations:

- a) houses should either be set back from the nearest public road a minimum of 100 metres, or the dwelling(s) must be screened from the public road by topography such as berms, 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 during development and into the future. The Site Plan Agreement shall be used to implement this requirement.
 - b) the siting of dwellings shall take into consideration landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
 - c) any identifiable features of rural character are maintained or enhanced through the location of the dwellings;
 - d) the location of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed; and
 - e) buffering shall be provided where a cluster lot development is in close proximity to an active agricultural operation or Agricultural designation.
8. 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".
 9. Where cluster lot development includes lands adjacent to natural heritage features, the appropriate policies of this Plan apply. If cluster lot development is proposed within 120 metres of natural heritage features, an Environmental Impact Assessment shall be required in accordance with Section 3.1.6 of this Plan.
 10. New private roads or extension to existing private roads will not be permitted to cross private lands via an easement or other such legal instrument; rather the private road shall 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".
 11. Cluster lot development including residential uses including accessory structures, private services and private roads shall not be permitted within 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.
 12. 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, well locations, existing and proposed natural features including treed areas and landscaping, slopes, watercourses, grading and drainage plans, and any additional information that may be required by the Municipality.

13. The Mississippi Mills Rural Design Guidelines shall apply to all cluster lot developments, as applicable.
14. New cluster lot developments shall be subject to a holding zone that may not be lifted until the following requirements have been met:
 - a) The new private road has been design, constructed and approved by the Municipality;
 - b) A Common Elements Condominium" has been registered that includes details related to the ownership, maintenance and liability of the private road; and
 - c) Completion of the Site Plan Control process with all securities, insurance and registration of all applicable agreements completed.

Item 3: Delete Section 4.6.4.5 Unopened Road Allowances in its entirety and replace with the following:

1. This Plan recognizes that the public may use unopened public road allowances for such uses as recreation and to access lands even though they are not maintained by the Municipality. The Municipality will not provide services to properties through unopened road allowances.
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, proof of insurance and in some cases a License of Occupation granted by the Municipality, prior to any works being undertaken.
4. The intentional or unintentional blocking up of an unopened road allowance by a private body is prohibited.
5. New uses of unopened road allowances as lanes to gain access to year-round residential development shall be discouraged and shall not be permitted with Council approval and a registered agreement with the Municipality against the benefitting property owner 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.

Item 4: Delete Section 4.6.8 Private Roads in its entirety and replace with the following:

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 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 acceptable 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 and at a minimum, new private roads shall meet the minimum design standards in Appendix B of this Plan.

Item 5 Section 5.14 add the following definition:

Private Road: 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.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Municipality of Mississippi Mills Community Official Plan (COP).

PART C – REPORT:

Recommendation Report for Official Plan Amendment 33 can be accessed on the Municipality's website under <https://www.mississippimills.ca/en/how-we-grow.aspx>

Limited Service Residential and Private Roads Interim Control By-law Study

Recommendations Report

December 2023

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1.0 Introduction

In November 2021, Mississippi Mills Municipal Council passed an Interim Control By-law (ICB) to restrict development on existing lots zoned Limited Service Residential (LSR) and evaluate the success of cluster lot development policies in the Official Plan and Zoning By-law and determine if updates are needed prior to the municipality approving new developments on private roads. Cluster Lot developments consists of a grouping of three to five lots created by consent and accessed by a private road for rural non-farm residential development. The intent of this form of development is to create an alternative to historic rural development and avoid rural estate subdivisions by directing development away from public roads, reduce the visual impact of strip development, and increase the financial viability of scattered rural residential development.

The ICB was extended for an additional year in December 2022 in order to complete this study. The ICB is due to expire in December 2023.

1.1 Study Objectives

The purpose of this Study is to evaluate the cluster lot subdivision policies within the Municipality of Mississippi Mills Community Official Plan, Comprehensive Zoning By-law, and other related policies by meeting the following objectives.

1. Understand the original intent for implementing the cluster lot development policies.
2. Understand the history and extent of issues surrounding the cluster lot development policies and developments on private roads.
3. Identify lessons learned from other jurisdictions addressing similar issues.
4. Develop a broad range of possible interventions or recommendations to address the issues.

1.2 Planning Background

The Municipality of Mississippi Mills consists of three former municipalities, the Townships of Ramsay and Pakenham and Town of Almonte, that amalgamated in 1998. Prior to amalgamation, the majority of growth within the current municipal boundaries occurred in Ramsay Township in the form of lot severances and estate lot subdivisions which began to create significant impacts on the rural landscape and financial stability of the Township.

The concept of “complex lot” development, now referred to as cluster lot development, was first introduced in the Ramsay Ward Official Plan prior to amalgamation as a new and innovative way of promoting rural residential development in a more visually pleasing, financially viable way. Approved policies within the Ramsay Ward Official Plan allowed up to 25 lots created by cluster lot development as pilot project. Similar cluster lot development pilot project policies were carried forward into the current Mississippi Mills Community Official Plan (COP), which permitted the creation of a total maximum of 40 lots by cluster lot development.

The cluster lot development policy is viewed as a central element of the Municipality’s Growth and Settlement Strategy as expressed in the COP and the limited rural development policies of the Provincial Policy Statement (PPS). A review of the cluster lot policies by the Ministry of Municipal Affairs and Housing at the time deemed that a planning justification report would be necessary prior to adoption of the cluster lot policies to demonstrate compliance with the 2005 PPS. The justification report was completed in November 2005 and adopted in the 2006 COP. The report concluded that cluster lot development had significantly less visual impact on the rural landscape, were more financially viable, posed reduced environmental impacts, and helped maintain the rural area social fabric compared to existing pattern of rural residential development represented by estate lot subdivisions.

A review of the cluster lot policies occurred in 2014, where staff raised concerns regarding encouraging rural intensification on private roads. A recommendation presented to Council to remove the cluster lot development policies from the COP was rejected. Council instead directed staff to revise the existing policy to increase the number of lots permitted with a single cluster lot development to up to nine (9) lots. However, this was not supported by staff and the cluster policies remained capped at the creation of up to five (5) new lots from an existing lot.

In November 2021, Council passed an ICB to restrict development on existing lots zoned LSR and to evaluate the success of the cluster lot development policies in the Official Plan and Zoning By-law and determine if updates were needed prior to the municipality approving new developments on private roads. The ICB was further extended in 2022.

2.0 Background Review and Analysis

2.1 Provincial Legislative and Policy Changes

In June 2019, Bill 108, the *More Homes, More Choice Act* was passed. The Bill includes extensive amendments to legislation related to housing development in Ontario, including substantial changes to the planning and appeal process, municipal revenue generation tools and environmental protection. The changes are intended to shorten approvals, incentivize the building of a variety of housing types, and provide certainty in the calculation of development levies. The Bill is part of the provincial government's broader strategy for tackling Ontario's housing affordability crisis.

In November 2022, Bill 23, *More Homes Built Faster Act* was passed. The Bill introduced extensive changes to a number of Acts and regulations including the *Development Charges Act*, *Planning Act*, *Municipal Act*, and others. One of the changes was the removal of the requirement for Site Plan Control for residential developments of 10 units or less.

In April 2023, the Government of Ontario introduced Bill 97, *Helping Homebuyers, Protecting Tenants Act*. The Bill includes a proposed *Provincial Planning Statement*, which integrates the 2020 PPS and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* into a singular, province-wide policy document. The Bill amended the previous Bill 23 policies regarding developments subject to Site Plan Control, to allow municipalities to subject developments less than 10 units proposed within 120 metres of a shoreline or 300 metres of a railway line to Site Plan Control. The associated regulation came into effect on August 9th, 2023.

The proposed changes to the PPS are intended to simplify existing policies and refocus them on achieving housing development while giving large and fast-growing municipalities the tools needed to help deliver on new housing units. Some of the key changes that influence this study include:

- Provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility (e.g., leveraging capacity in the private sector servicing).
- Require municipalities to permit more housing on farms, including residential lot creation subject to criteria, additional residential units, and housing for farm workers.
- Provide a simplified and flexible approach for municipalities to undertake settlement area boundary expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion to an existing settlement area.

While the proposed changes to the PPS are not yet in effect, the changes could allow for greater residential lot creation in the rural area which may negate the need for the current cluster lot policies. However, these are the priorities of the current government, and could change or revert back to existing policies of limiting settlement area expansion and residential development in the rural area.

2.2 Municipality of Mississippi Mills Community Official Plan (2005 as amended)

The Municipality of Mississippi Mills COP was first adopted by Council in 2005 and by the Ministry of Municipal Affairs and Housing in 2006. The 5-year review of the COP was adopted by Council in 2018 and subsequently approved by Lanark County in 2019. The COP is a legal document containing the goals, objectives and policies which guide the development, growth and change in the Municipality. This COP is intended to assist Municipal Council and its various committees, municipal staff, developers, government agencies, and the public in their efforts to maintain and strengthen the environmental, economic, physical, and social fabric of the Municipality.

The COP permits limited residential development in the rural area through two processes, severance and cluster lot development. These policies are summarized in the sections that follow.

2.2.1 Rural Severance Policies

Section 3.3.6 of the COP – Severances and Lot Creation, allows for lot creation in the *Rural designation* for residential purposes however is limited to the following cases:

1. Farm-related severances for a farm dwelling built prior to adoption of the COP made surplus to a farm operation as a result of farm consolidation.

2. Non-farm-related severances are limited to two new lots plus the retained lot. A third severance is permitted in cases to create a lot for an accessory detached dwelling built between 1998 and 2005 that is deemed surplus to the farming operation and has an independent well and septic system as well as a separate entrance.

Permitted uses on a rural residential lot includes a single dwelling, a home-based business, garden suite, bed and breakfast establishments, and limited agricultural uses. When preparing a plan to support a severance, the following criteria apply as paraphrased from the policies:

- I. The access point on the driveway must be located so as that no safety hazards are created.
- II. A severance will only be approved when the proposed driveway is 150 metres from the immediate neighbouring driveway on the same side of the road, or as approved by council where soil conditions, topography, safety, sight lines or other sound planning considerations suggest a lesser distance. A shared driveway would only be permitted where it would be beneficial to the above noted conditions.
- III. There is a demonstrated capacity for the lot to develop on private services.
- IV. The lot has frontage on a public road of acceptable standard to support year-round maintenance and emergency vehicle access. Direct access to a County Road or Provincial Highway is discouraged.
- V. Minimum lot area is to be at least one hectare and the calculation is not to include any lands on the lot that are in the “Flood Plain” designation.
- VI. The location is to avoid any impacts on significant landscape, vegetation, wildlife habitats or other significant features.
- VII. New lots or their accesses are not permitted in Prime Agricultural designated lands.

The objective of the Rural Severance policies is to allow for limited development for residential uses in the Rural Area, subject to a set of criteria and studies, to maintain the overall rural character and provide for the protection of natural and traditional agricultural areas and uses. Based on the policies above, lot creation through severance is not permitted on private roads.

2.2.2 Cluster Lot Policies

Section 3.3.7 of the COP – Cluster Lot Development, outlines the objectives and policies related to this alternative and limited form of residential development in the rural area. As stated in the COP, the main purpose of this alternative form of rural 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*”.

A maximum of five (5) new lots plus the retained lot is permitted. Further, the establishment of cluster lot developments is discouraged within 1 kilometre of the Almonte urban boundary. This type of separation requirement from a settlement area is typically in place to remove the pressure to expand a settlement boundary and to reduce the pressure to extend costly public services to the rural area.

The following policies apply to cluster lot development. Underlined text denotes policies specifically related to private road creation within the developments.

1. *The parent property from which the cluster lot development proposal is severed has a minimum lot area of 50 acres.*
2. *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 4.6.12.*
3. *The access point to the development from the public road must be located so that no safety hazards are created at the intersection.*
4. *Lots are to be serviced either by private individual water and sewage systems or by communal systems. A communal water and sewage system shall be built in accordance with the requirements of the Municipality and the province. Appropriate servicing studies, including a hydrogeological review, shall be required.*
5. *The overall density of development shall be approximately one residential lot per hectare of land. The size of the individual building lots may be as small 0.4 hectares provided sufficient common land is provided to meet the overall density of one residential lot per hectare of land. The minimum lot size shall not include lands within the “Flood Plain” designation.*

6. 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 or mature vegetation;
 - ii. the siting of dwellings shall take into consideration the significant 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;
 - v. 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 shall be used to carry out this requirement.
7. Appropriate buffering, in accordance with Section 3.3.3 [General Policies] of this Plan, shall be provided where a cluster lot development is in close proximity to active agricultural operations.
8. The cluster lot development may include land held in common ownership to be used as open space for recreation, as a site for communal systems or for an access road right-of-way. Once common land is set aside, it cannot be developed further. Such land may be managed under a “common elements condominium”.
9. In the event that the lots are being proposed within significant natural features or lands adjacent to such features, an Environmental Impact Assessment shall be required in accordance with 3.1.6 [Environmental Hazards and Constraints] of this Plan.
10. If the private road accessing the cluster lot development crosses private land, a deeded right-of-way adequate for right-of-use, road construction and maintenance must be provided, together with an agreement for the maintenance of the right-of-way by the benefiting owners.
11. Residential uses (including accessory structures), private or communal wells, sewage disposal facilities and access roads shall not be permitted on prime agricultural lands, or where there are aggregate resources, wetlands, flood plains, or significant habitat of endangered or threatened species.
12. Where the development affects lands adjacent to natural heritage features, the appropriate policies of this Plan apply.
13. Proponents of cluster lot development proposals shall be required to submit an accurate site plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, natural features including treed areas, slopes, watercourses, drainage courses and low areas subject to ponding/flooding.
14. The Municipality shall develop design guidelines for cluster lot development proposals.

The objective of the cluster lot policies is to provide for an alternative and low-impact form of development in the rural area where access is to be provided by a private road. It is intended that the private road be developed to municipal standard for roads of that type and access, and an agreement be secured that speaks to the maintenance of the private roads with all the benefiting owners.

2.2.2.1 Cluster Lot Development Inventory

As originally adopted in 2005, the cluster lot policies were introduced as a pilot project to a maximum of 40 lots. To date, a total of sixteen (16) lots within four (4) development clusters have been created through pilot project. **Table 2-1** summarizes the Official Plan designation and zoning information for each of the developments. The location of these cluster lots within the municipality is illustrated **Figure 2-1** and the individual cluster lot developments in **Figure 2-2** to **Figure 2-5**.

Table 2-1: Cluster Lot Development Inventory

Road Name	Year of Approval	Number of Lots	Official Plan Designation	Zone
Armon Daria Lane	2016	4	Rural	Rural – RU 27
McIntosh Way	2005	5	Rural	Rural – RU 21
Stoneridge Lane	2016	4	Rural	Rural - RU
Walnut Ridge Lane	2009	3	Rural	Rural - RU
Total Lots Created by Cluster Lot		16		

Figure 2-1: Cluster Lot Developments within the Municipality

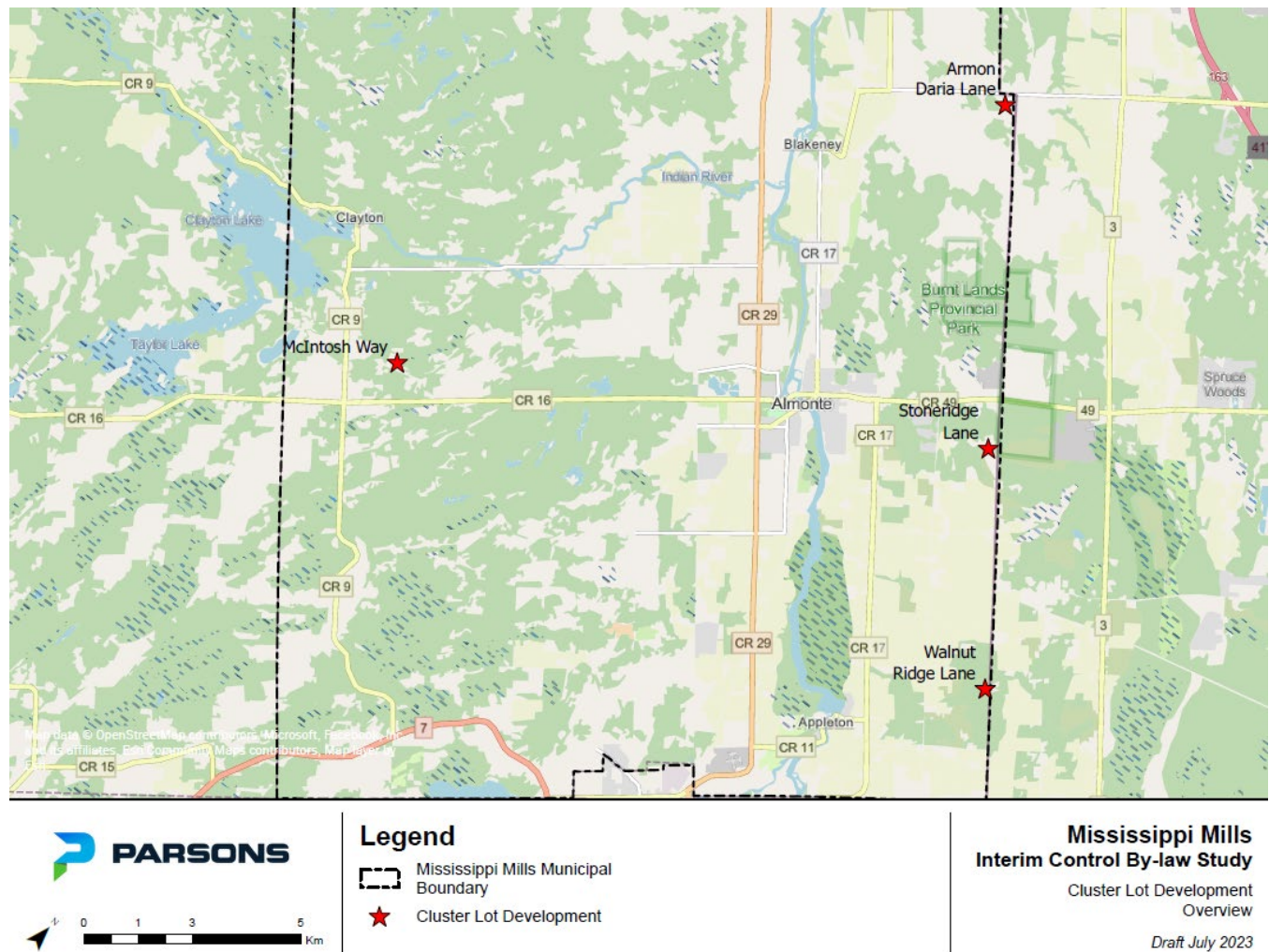
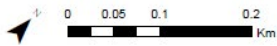
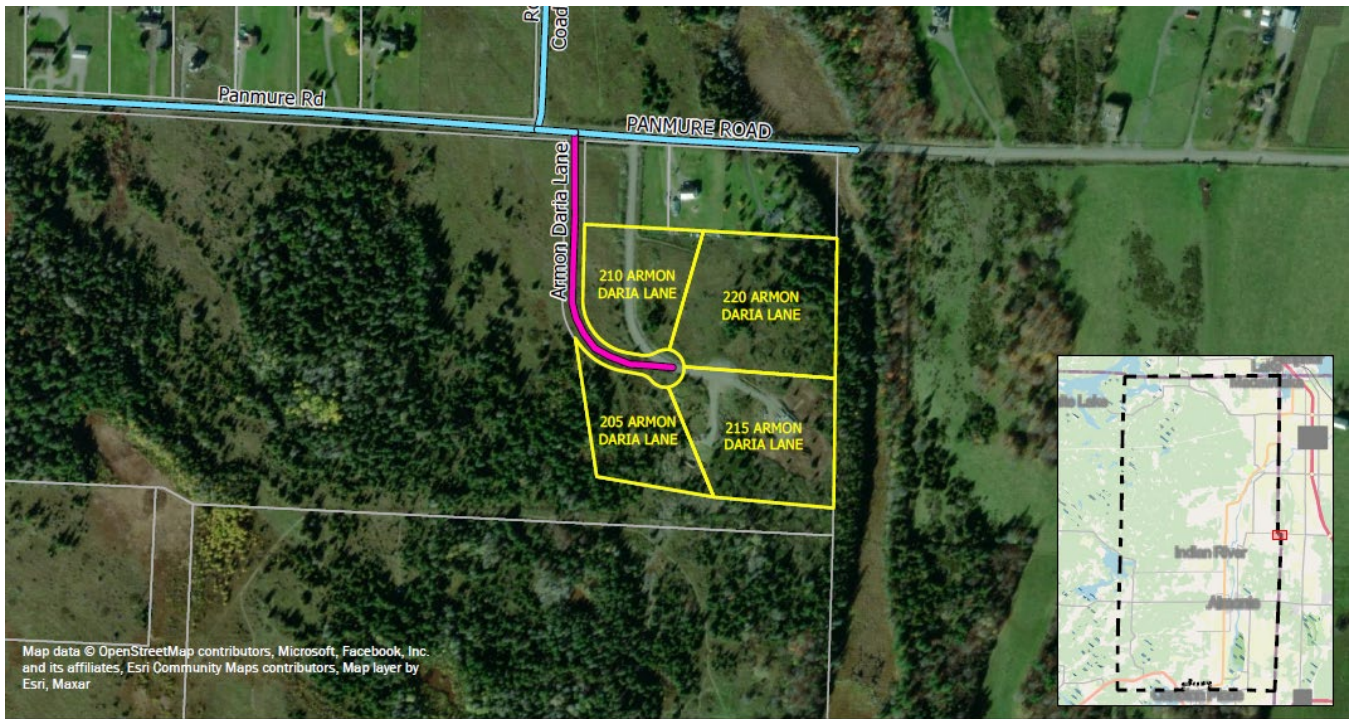


Figure 2-2: Armon Daria Lane Cluster Lot



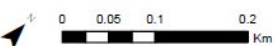
Legend

- Roadways - By Jurisdiction
- Municipal
 - Private
 - Provincial
- Cluster Lot Parcels
 - Parcel Boundaries

**Mississippi Mills
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Cluster Lot Development
Parcel Inventory
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Figure 2-3: McIntosh Way Cluster Lot



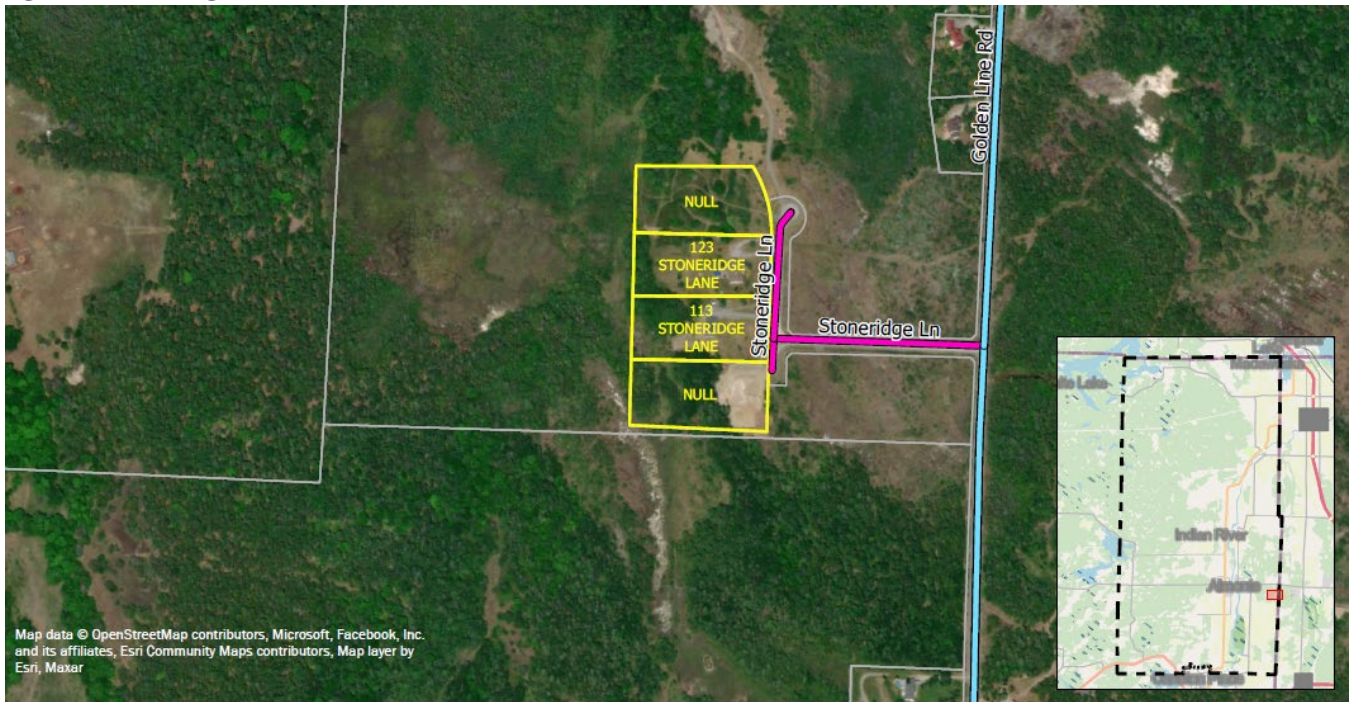
Legend

- Roadways - By Jurisdiction
- Municipal
 - Private
 - Provincial
- Cluster Lot Parcels
 - Parcel Boundaries

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Cluster Lot Development
Parcel Inventory
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Figure 2-4: Stoneridge Lane Cluster Lot

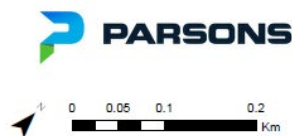


Legend

- Roadways - By Jurisdiction
- Municipal
 - Private
 - Provincial
- Cluster Lot Parcels
 - Parcel Boundaries

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Figure 2-5: Walnut Ridge Lane Cluster Lot



Legend

- Roadways - By Jurisdiction
- Municipal
 - Private
 - Provincial
- Cluster Lot Parcels
 - Parcel Boundaries

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2.2.3 Transportation Policies

A number of developments have historically taken place on non-publicly owned or maintained roads (private roads). Section 4.6 of the COP includes a hierarchy of roads as part of the municipality's overall transportation network that are differentiated by owner and planned function, as well as outlining the responsibilities related to construction and operation of new roads. The COP policies are summarized in **Table 2-2** below. Underlined text denotes policies specifically related to private road creation within developments.

Table 2-2: Mississippi Mills Transportation Network - Road Types

Road Type	Owner	Planned Function, Access and Development
Provincial Highway (Section 4.6.2)	Ontario Ministry of Transportation	<p>Include the Special Controlled Access Highway (Highway 7) that is intended to carry a high volume of traffic at high speeds.</p> <p>Access to the highway is restricted subject to the requirements and permits issued by the Ministry of Transportation.</p> <p>Minimum lot frontage and access density standards to be met to qualify for a lot severance.</p> <p>Lots with access to a municipal right-of-way are not eligible for access to the provincial highway.</p>
County Road (Section 4.6.3)	County of Lanark	<p>Include arterial and collector roads.</p> <p>Designed for the distribution of medium to high volumes of traffic at relatively high speeds.</p> <p>Access and building controls are set out by the County of Lanark and shall be limited.</p> <p>The County may require the use of shared entrances as a means of providing safe access.</p> <p>Creation of new lots fronting and having access on a county road is discouraged where access to a local road is available.</p>
Local Municipal Road (Section. 4.6.4)	Municipality of Mississippi Mills	<p>Includes all public roads that are not provincial highways or county roads.</p> <p>Designed to accommodate low volumes of traffic at moderate speeds.</p> <p>Intended to provide direct access to abutting properties subject to the approval of the municipality in locations that can accommodate traffic in a safe manner.</p> <p>The municipality may require the use of shared entrances as a means of providing safe access.</p> <p>The municipality may, through condition of subdivision, severance or Site Plan, require the dedication or conveyance of lands for the local road system.</p> <p>New municipal roads may be extended to existing lots or which are established under a plan of subdivision or consent and assumed by the municipality provided the standards of construction have been met.</p>
Seasonally Local Municipal Roads (Section 4.6.4.4)	Municipality of Mississippi Mills	<p>Part of the Local Municipal Road Network.</p> <p>The municipality may post seasonally maintained roads with signs where winter maintenance is not provided. The Zoning By-law will limit development on seasonally maintained roads.</p>
Unopened Road Allowances (Section 4.6.4.5)	Municipality of Mississippi Mills	<p>Undeveloped land intended for uses including roadways, pedestrian, cycling or recreational trails and walkways, utility corridors, public access to waterways, recreational trails or any other possible future public use.</p> <p>Recognized that unopened road allowances are not maintained by the municipality however public use is permitted.</p> <p>No services are provided to lands with frontage on unopened road allowances.</p> <p>All private works improvements require prior approval from the municipality.</p> <p><u>Use to gain access to year-round residential development is discouraged.</u></p>
Laneways (Section 4.6.7)	Municipality of Mississippi Mills or Private	<p>Use may be permitted subject to an evaluation by the municipality of the functional, operational, servicing and financial issues.</p>
Private Road	Private Ownership	<p><u>Serves two or more legally conveyable lots and may include a right-of-way registered on title.</u></p> <p>No legal obligation on the part of the municipality to maintain or repair private roads or otherwise provide services, including school busing.</p> <p><u>New private roads are to be developed under agreement with the municipality and will be required to meet the minimum standard of construction and maintenance to ensure access for emergency vehicles.</u></p> <p><u>The municipality may register notice on title or require the owner to enter into an agreement acknowledging that the municipality will not be responsible for repair or maintenance of the private road or may not be able to provide emergency services depending on the condition of the road.</u></p> <p><u>New private roads must not serve more than five lots, be directly connected to public road-maintained year-round, the road is jointly owned with access to each lot set out in a deed and an agreement against the land setting out the procedures of maintenance and absolving the</u></p>

Road Type	Owner	Planned Function, Access and Development
		<p><u>municipality for any responsibility for maintenance or liability for its upkeep or the provision of services.</u></p>
		<p>The design and construction of private roads shall be undertaken by professional engineer or other persons competent in road construction as approved by the municipality.</p>
		<p><u>A private road may also be permitted as part of a plan of condominium.</u></p>
		<p>In circumstances where a private road is not being maintained to an acceptable standard, the Municipality may make improvements to bring the 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.</p>
		<p><u>The municipality may assume a private road into the local road system, as it would a new road established under a plan of subdivision, provided the standards for road construction have been met. All costs of developing new roads are borne by the developer.</u></p>
		<p><u>Prior to the assumption of a road into the local road system, the Municipality may require a cost-benefit analysis to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues.</u></p>
		<p>Private roads may be permitted to cross unopened road allowances with the permission of the Municipality.</p>

The responsibility for ownership and maintenance by the Municipality universally requires that the roadway be designed and built to a municipal standard. Responsibility and access may be established through right-of-way and agreement or as part of a plan of a Plan of Condominium. The mechanism and process to ensure that new private roads are owned and maintained could be amended to provide further clarification as the process could prevent uncertainty on the future ownership, maintenance, and liability.

2.2.3.1 Private Roads and Laneways Inventory

According to information provided by the Municipality, a total of 26 Private Roads or Laneways exist in the municipality as listed below. A total of 118 lots have frontage entirely on Private Roads including the cluster lot developments. Other than those associated with the cluster lot developments (Armon Daria Lane, McIntosh Way, Stoneridge Lane, and Walnut Ridge Lane), the lots were created prior to the cluster lot policies.

<i>Armon Daria Lane</i>	<i>Head Pond Road North</i>	<i>(Section of) Robert Murray Road</i>
<i>Birch Point Lane</i>	<i>Joe Bay Trail</i>	<i>Section of Montgomery Park Road</i>
<i>Borden Road</i>	<i>Lakeside Parkway</i>	<i>Short Street</i>
<i>Cedar Way (Boundary Road)</i>	<i>Maple Drive</i>	<i>Smith Lane</i>
<i>Davison Crescent</i>	<i>McIntosh Way</i>	<i>Stoneridge Lane</i>
<i>Diamond Park</i>	<i>Old Mill Lane</i>	<i>Sunset View Lane</i>
<i>Fire Research Lane</i>	<i>Patrick Lane</i>	<i>Walnut Ridge Lane</i>
<i>Glen Rapids Lane</i>	<i>Patty Place</i>	<i>3rd Concession Pakenham</i>
<i>Green Acres Road</i>	<i>Riverside Lane</i>	

Private Roads within the municipality are identified by various street types (ie. Road, Lane, Crescent, etc.) making it difficult to differentiate between private roads and publicly maintained roads. It is important to differentiate between lots that were developed under the cluster lot policies and those developed prior to these policies as the rules for their development would be different and may have different recommendations as it relates to this study.

Further, while historically many of the private roads serve developments that have frontage on watercourses or waterbodies, the newer cluster lot developments do not follow this pattern.

2.3 Municipality of Mississippi Comprehensive Zoning By-law

The Municipality of Mississippi Mills Comprehensive Zoning By-law #11-83, as amended, regulates the use of land in the municipality. In recognition of the rural area and lands where full public services are not provided, the Zoning By-Law includes the Limited Service Residential (LSR) Zone. The purpose of the LSR Zone is to:

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

The By-law also defines limited service to mean the following:

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.

The permitted uses in the LSR Zone include:

- a single detached dwelling
- a seasonal detached dwelling
- buildings, structures and uses accessory to a permitted use
- sewage disposal system

The following performance standards are required in the LSR Zone:

Provision	Standard
Minimum Lot Area	4,000 m ² (0.4 ha)
Minimum Lot Frontage	60 m
Minimum Front Yard	7.5 m
Minimum Exterior Yard	7.5 m
Minimum Side Yard	3 m
Minimum Rear Yard	7.5 m
Minimum Floor Area	75 m ²
Maximum Building Height	11 m
Maximum Lot Coverage	15%

The LSR Zone includes a number of exception zones which set out site specific development standards based on context including such things as increased minimum lot areas, lot frontage, yard setbacks, and specific requirements related development within or adjacent to natural environment areas (ie. wetlands, setback to watercourses for floodlines).

A total of 134 lots in the municipality are zoned LSR or have an LSR exception zone applied to them. A map inventory of the LSR lots is included as **Appendix A**. None of the cluster lot developments are zoned LSR in the Zoning By-law, rather are Rural Zone (RU). Further, while outlined in the zone objectives below that the lots are to be located in the Rural Designation of the Official Plan, they are located in a number of designations including the Agricultural and residential designations.

The objective of the RU Zone is to:

1. accommodate agricultural, forestry, non-farm residential lots by severance in areas designated Rural in the Community Official Plan;
2. recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and

3. regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.

Permitted residential uses in the RU Zone include:

- detached dwelling
- detached dwelling accessory to an agricultural use
- garden suite
- group home type A within a non-farm single detached dwelling
- accessory apartment [By-law #17-61]

A hunt or fishing camp is a permitted non-residential use in the zone.

The following performance standards are required in the LSR Zone for Non-Farm Residential Uses:

Provision	Standard
Minimum Lot Area	10,000 m ² (1.0 ha)
Minimum Lot Frontage	45 m
Minimum Front Yard	9 m
Minimum Exterior Yard	9 m
Minimum Side Yard	6 m
Minimum Rear Yard	9 m
Maximum Building Height	11 m
Maximum Lot Coverage	15%
Minimum separation from accessory detached dwelling to any structure where animals are housed	30 m
Minimum separation between non-farm buildings and structures on lands adjacent to the agricultural designation	150 m

Two of the cluster lots are located with the RU Parent Zone (Stoneridge Lane and Walnut Ridge Lane) whereas two exception zones were created, namely RU-21 (McIntosh Way) and RU-27 (Armon Daria Lane). In each of these exception cases, the rezoning removed the requirement for frontage on a public street and established that the front lot line is to be the lot line that abuts the public road.

Section 6.7 – Frontage on a Public Street specifically acknowledges that lots with the Limited Service Residential Zone do not have frontage on a public street. In absence of a formal agreement, there is no formal acknowledgement that these lands are only afforded limited service.

While two of the cluster lot developments sought exceptions to be included in the Rural Zone, two of the cluster lot developments may be in contravention of the By-law as it relates to the requirement of frontage on a public street (Stoneridge Land and Walnut Ridge Lane). The Rural Zone is more appropriate to accommodate the typical residential development in the rural area by way of severance.

2.4 Site Plan Control By-Law 22-041

Site Plan Control is a planning tool authorized under Section 41 of the *Planning Act* that enables a municipality to exercise site-specific controls over development to ensure good design and compatible development, and minimizes negative impacts to surrounding land uses. A Site Plan Control By-law is a legal document that sets out whether development can proceed with or without Site Plan Approval and permits a municipality to require the owner to enter into one or more agreements to provide and maintain certain elements of the development including driveways, lanes, aisles or other access type features. Such an agreement may be registered against the land to which it applies, and the municipality may enforce the agreement against present and future owners.

The Municipality of Mississippi Mills' Site Plan Control By-law 22-041 sets out the classes of development that are subject to Site Plan Control unless otherwise expressly exempt. As it relates to this study, only small buildings or structures not requiring a building permit under the Ontario Building Code are exempt. A Site Plan Control Agreement is required in circumstances that need special conditions, or where securities are required to be posted by the applicant. Presently, as it applies to residential development within the Rural Area, the following classes of development are subject to Site Plan Control Approval.

- New seasonal or single detached dwellings on lots which obtain access via a private road or right-of-way easement;
- Detached Secondary Dwelling Units/Additional Residential Units;
- Secondary Dwelling Units/Additional Residential Units contained entirely within the existing dwelling; and
- Cluster Lot Development.

As it relates to Roads, Site Plan Control Approval is required in the following cases:

- Extension of a municipal right-of-way;
- Extension of a municipal right-of-way as a result of a related Planning Act application;
- Upgrading of a municipal right-of-way; and
- Upgrading of a municipal right-of-way as a result of a related Planning Act application;

While Bill 23 removed the ability to require Site Plan Control for residential developments that contain less than 10 units, the legislation did not remove the ability to require Site Plan Control approval for lots within 120 metres of a watercourse or waterbody. Further, the new legislation would not limit the ability of the municipality to extend the requirement for Site Plan Control for the extension or establishment of a private road within a cluster lot development.

2.5 Best Practices Review

A best practice review of other municipalities with similar policies and provisions related to cluster lot subdivisions with a focus on development without frontage on a public road was undertaken. Policies and provisions related to rural and waterfront development were reviewed for such considerations as permitted density, Official Plan Designation and Zoning, permitted uses, lot creation process, conditions and implementation tools related to private roads and access policies.

A total of five (5) municipalities were compared including the Town of Bracebridge, Tay Valley Township, Municipality of Clarington, Town of Gravenhurst, and the Town of Lanark Highlands. These municipalities were considered comparable to Mississippi Mills in that they had large rural areas with smaller urban centres and having some waterfront development. A summary table comparing the policies and implementation tools and procedures is provided in **Table 2-3**.

From the five municipalities that were reviewed, three were chosen for an interview to further discuss the policies, specific challenges with cluster lot or waterfront developments, and explore mechanisms and tools to manage this form of development. A survey was prepared to provide context and guide the discussion. The survey questions were listed below.

1. What have been the significant issues/problems related to rural cluster lot development or shoreline developments within the municipality?
2. Are the specific policies related to water access lots?
3. How are access roads managed (private vs. public, or both)? What are the design standards for private roads?
4. What are the implementation tools used to support rural cluster lot/shoreline development?
5. How has using Plan of Condominium succeeded? How has it been challenging?
6. Are there other tools your municipality uses (i.e. development agreements, Site Plan Control, etc.)
7. Are private roads signed in your municipality? Does this cause issues related to third-party deliveries?
8. Any other lessons learned regarding rural cluster subdivision/shoreline developments? Regarding private roads?
9. Are there other special considerations for shoreline cluster lot development that you could share?

While outreach to three municipalities was attempted only two responses and follow-up meetings were able to be completed prior to issuance of the report including that from Tay Valley Township and Town of Bracebridge. Meeting notes from these meetings are included in **Appendix B** and the findings summarized below.

Tay Valley Township

- Cluster Lot development is only permitted to proceed through a plan of condominium process for the road. The Township currently has one active cluster lot development that is proceeding through this process. This process is the only way for the establishment of a private road.
- Private roads created prior to 2002, prior to the cluster lot policies were required to sign road access agreements that would absolve the Township if any liability related to the road. This caused a concern related to the cost of insurance.
- The Township encourages Private Road Associations to be created (with a board of directors) that has the ability to obtain Liability Insurance for the road and responsibility for the road.
- Noted that the Township does not maintain any private road and any maintenance may be construed as assuming the road which may lead to confusion.
- Private roads are not explicitly named/classified as “private” or signed this way but do have a different colour road sign.

Town of Bracebridge

- New private road development is only permitted in waterfront areas and new roads are only permitted through plan of subdivision.
- The municipality allows for extension of historical private roads (that may not have a dedicated ROW), provided it is to serve a limited number of new freehold lots and deeded access can be obtained. In these cases, the municipality does not request a maintenance agreement.
- There are cases of private roads in unopened road allowances but these are required to be maintained by a roads association with insurance to which the municipality is named.
- Island lot development is permitted provided deeded access and provision of parking can be provided at the shoreline where a municipal address can be assigned. The exception is in areas on larger lakes where there are multiple marinas and access points available with parking.
- Road signage is uniform throughout the municipality, however private roads are differentiated with the use of “Private” as the road type.

Table 2-3: Best Practice Review

Element	Municipality of Mississippi Mills	Town of Bracebridge	Tay Valley Township	Municipality of Clarington	Town of Gravenhurst	Township of Lanark Highlands
Density	<ul style="list-style-type: none"> 3 – 5 lots (not including retained parcel) Parent property = minimum lot area of 50 ac Building lots = minimum 0.4ha Density = 1 lot/ha Dwellings within cluster: <ul style="list-style-type: none"> 100m setback from public road No required separation between clusters indicated 	<ul style="list-style-type: none"> 25 lots per cluster Clustered separated by at least two concession roads Density = 1 lot/1.6ha Average lot/unit size at least 1.2ha; minimum lot/unit size = 0.4ha 	<ul style="list-style-type: none"> 5 – 7 lots (not including retained parcel) Density = 1 lot/ha Building lots = minimum 0.4 ha Minimum avg. lot area in developments of 3 or more = 0.8 ha* Dwellings within cluster: <ul style="list-style-type: none"> 100m setback from public road 	<ul style="list-style-type: none"> Minimum lot size = 0.4 ha No other density/separation provisions provided (save ZBL setback requirements) 	Waterfront: <ul style="list-style-type: none"> Max. density = 2.5 units/ha Min. lot area = 0.4 ha < 60 m frontage along waterbody > 60m road frontage Rural: <ul style="list-style-type: none"> Min. lot size = 0.4ha Maximum of 3 lots per original 40 ha lot (not including retained parcel)* Avg. lot size = 10 ha Rural cluster = more than 6 dwellings within a 400m distance 	Waterfront Communities <ul style="list-style-type: none"> Density = 1.25 units/ha Rural Communities* <ul style="list-style-type: none"> 5 – 10 lots Parent property min. area = 20ha Max. density = 1 lot/ha Min. lot size = 0.4ha Dwellings within cluster: <ul style="list-style-type: none"> 30m setback from public road
Official Plan Designation	Rural, Agricultural	Waterfront Area Shoreline	Rural	Rural	Waterfront Rural	Rural Communities or Village and Hamlet Communities*
Zoning Designation	Limited Service Residential (LSR)	Shoreline Residential 1 (SR1)	Limited Services Residential (LSR)	Rural Cluster (RC)	Residential Waterfront (RW-XX) Rural zone (unspecified)	Limited Service Residential (LSR)
Permitted Uses	ZBL: <ul style="list-style-type: none"> Single detached dwelling Seasonal detached dwelling Buildings, structures, and uses accessory to permitted use Sewage disposal system 	ZBL: <ul style="list-style-type: none"> Detached dwelling Seasonal dwelling Home occupation (only permitted in detached dwelling) Sleeping cabin* (accessory only) 	OP: <ul style="list-style-type: none"> Intended for year-round principal residence ZBL: <ul style="list-style-type: none"> Single dwelling 	OP: <ul style="list-style-type: none"> Single detached dwelling ZBL: <ul style="list-style-type: none"> Single detached dwelling Home occupation 	OP: <ul style="list-style-type: none"> Waterfront: single detached dwellings Rural: single dwellings, accessory garden suite or secondary apartment ** ZBL: <ul style="list-style-type: none"> Residential Waterfront: Bed and breakfast; dwelling single-detached 	Waterfront Communities (Residential) <ul style="list-style-type: none"> Single-detached dwellings Rural Communities <ul style="list-style-type: none"> Single dwelling units Semi-detached and duplex dwellings
Lot Creation Mechanism	Consent	Plan of Subdivision	Consent	Consent	Waterfront: Plan of Subdivision Rural: unspecified	Plan of Subdivision
Private Road Conditions	<ul style="list-style-type: none"> Deeded right-of-way required, if private road crosses private land May be held in common ownership under Plan of Condominium Private Roads may not serve more than a total of 5 lots 	<ul style="list-style-type: none"> Development is considered on existing private road where legal right of way can be obtained Owned and maintained by condominium corporation Meet requirements for emergency access 	<ul style="list-style-type: none"> Deeded right-of-way required, if private road crosses private land Can be held in common ownership, and managed under “Common Elements Condominium” 	None (requires access to public road)	Rural: requires public road frontage Waterfront: public or condominium road frontage	May be held in common ownership under Plan of Condominium*
Implementation Tools	Site Plan Control	Official Plan Amendment Site Plan Control	Site Plan Control	Zoning By-law Amendment	Official Plan Amendment (Waterfront)	Site Plan Control Zoning By-law Amendment
Specific Access Policies		Shoreline development in Waterfront Area designated areas may be considered with existing public or private road access, or water access**			Shoreline development on the basis of water access is only permitted such that sufficient long term provisions for mainland parking, docking, and waste disposal is provided.	
Notes		*means an area in the second storey of a boathouse or detached garage or a separate detached accessory building that is located on the same lot as the principal building, and that is used for sleeping accommodation in which sanitary facilities may be provided, but does not include cooking facilities. ** permitted on the basis that adequate private parking and docking facilities are available	* may be reduced where located near Hamlet or peripheral areas of Perth	Once cluster limits have been defined in ZBA, no expansion is permitted; infilling may be permitted	*additional lots may be considered where proposed lot is located between two lots that are <100m apart or within rural cluster **must maintain gross density of 1 dwelling/0.4ha	*per 30Nov2022 OP Redline Revisions

3.0 Recommended Policy Approach

The objective of the study was to:

1. Understand the original intent for implementing the cluster lot development policies.
2. Understand the history and extent of issues surrounding the cluster lot development policies and developments on private roads.
3. Identify lessons learned from other jurisdictions addressing similar issues.
4. Develop a broad range of possible interventions or recommendation to address the issues.

As outlined in **Section 1.2 - Planning Background**, the cluster lot development policy is viewed as a central element of the Municipality's Growth and Settlement Strategy as expressed in the Community Official Plan and are consistent with the current limited rural development policies of the Provincial Policy Statement. However, since the adoption of these policies in the 2005 Community Official Plan, increasing pressure on the Municipality to maintain private roads associated with rural residential developments led to the passing of the Interim Control By-law to identify the potential issues and develop a toolbox to manage the private road developments in the municipality.

3.1 Understanding the Extent of Issues surrounding Private Road and Cluster Lot Developments

In order to understand the extent of the issues surrounding private road and cluster lot developments, review of policies and staff reports related to lot creation and private roads, associated zoning, and focused discussions with administrative and operational staff was undertaken. The background review also included the preparation of an inventory of the Limited-Service Residential Zoned properties in the municipality. The overall findings of the background review are as follows.

- Changes to the provincial planning regime and proposed changes to the PPS has and will make residential development in the rural area easier and municipalities will need to find a way to regulate this form of development under the current regime.
- All cluster lot developments are to be contained within the Rural Designation recognizing this limited alternative form of rural development. However, the current COP policies do not explicitly state this requirement, nor does the COP provide direction on what zone that should be applied to them.
- All of the cluster lot developments are zoned Rural (RU), which is a more appropriate, and the traditional zone, for typical rural residential severances.
- The COP contains policies related to the design of private roads and the requirement for access, maintenance, and liability. However, it does not use prescriptive language as to the exact mechanism(s) or process that should be used.
- A total of 134 Lots within the municipality are zoned Limited Service Residential (LSR) or have an LSR exception zone applied to them. The majority of these lots were created or began development prior to the cluster lot development policies.
- Of the total LSR Zone lots, 118 lots have frontage only on a private road. Some of the LSR zoned properties have direct access to the public road and some via easement or right-of-way.
- The objective of the LSR Zone is to specially recognize lots that are not eligible for full public services. Further, section 6.7 of the Zoning By-law (Frontage on a Public Street) specifically recognizes that LSR zoned properties are not required to have frontage on a public street. Some of the cluster lots are contained within a Rural Exception Zone (Armon Daria Lane and McIntosh Way lots) which specifically exempt these lots from having frontage on a public street, whereas the other cluster lots in the RU Zone are non-conforming to this requirement.
- The requirement and registration of agreements for access, maintenance and liability of private roads has been inconsistently applied.
- Private roads are identified by various street types (ie. Road, Lane, Crescent, etc.) making it difficult to differentiate between private roads and publicly maintained roads. It is important to differentiate between lots that were developed under the cluster lot policies and those developed prior to these policies.

3.2 Lessons Learned from Other Municipalities

The study also included a best practice review that uncovered a number of similarities and take-aways as it relates to private road rural residential developments that could help inform the recommendations of this study. These include:

1. A road naming policy for private roads is used in other municipalities by identifying private roads using the “Private” extension for the road type.
2. Private roads that may fall into unopened road allowances have only been permitted under agreement for construction and operation and the requirement for insurance that includes the municipality.
3. In the case of historical private roads, other municipalities are encouraging residents on historical private roads to develop a roads association as one way to manage these private roads where no formal agreements exist and where maintenance and liability would be considered under the guidance and responsibility of the association. These municipalities do not undertake any form of maintenance on existing private roads.

3.3 Study Recommendations

Based on the forgoing analysis, the recommendation to update the existing policy framework can be grouped into the following categories:

1. Updates to the Community Official Plan
2. Updates and revisions to the Zoning By-law
3. Other Implementation Tools

3.3.1 Recommended Updates to the Community Official Plan

As noted above, the cluster lot development policies are viewed as a critical element of the municipalities Growth and Settlement Strategy. However, there has been some inconsistent application of the policies which may be due in part to unclear language or competing directions. The policies of the Official Plan could be updated to provide clearer and stronger direction on the following:

- Make clear that cluster lot developments are permitted in the Rural designation (similar to severances) and where they are specifically not permitted (ie. Agricultural or Environmental Areas). References to the pilot project could be removed.
- Specify that the lands are to be zoned Limited Service Residential to highlight that the lots are not eligible for municipal services and that the private roads are the responsibility of the benefiting owners, including the maintenance and liability.
- Clarify that non-farm residential lots on private roads may only be created through the cluster lot development process.
- Remove the ability for private roads to access cluster lot developments over private lands (or unopened road allowances). Private roads should be identified as a separate and distinct parcel that would be subject to Site Plan Control Approval and implemented via Plan of Condominium. In cases where the private road would cross an unopened road allowance, an agreement would be required for maintenance and liability related to that section of the road that cross the unopened road allowance.
- Require that new lots be subject to a holding zone that may not be lifted until the design and agreements related to on-going maintenance and operation of the private road that serves the lot is completed and registered on title. Holding Zones are used in conjunction with a zoning designation when the proposed uses for those lands are considered premature or inappropriate for the development at a certain time or until the application has met certain conditions. Use of holding zones is a tool municipalities can use to ensure that the policies of the Official Plan are fully implemented as it relates to a new private road ensuring that they are designed to the municipalities private road standards and that the responsibility for on-going maintenance and liability is secured through the Plan of Condominium process or Site Plan Control with a registered Agreement.
- Specify that new private roads or extensions may not be created by severance and may only be approved through the cluster lot development process, where road standards, maintenance and liability are clearly outlined through a condominium agreement.

- Create a Roads Schedule that corresponds to the existing road hierarchy outlined in the Official Plan to clearly identify private roads. New private roads should be added as an amendment to the Official Plan or at the time of a 5-year review.
- Provide clarity that the Municipality has developed design guidelines for development within the Rural Area that includes cluster lot developments.

3.3.2 Recommended Updates to the Comprehensive Zoning By-law

The objective of the Limited Service Residential Zone is to permit limited residential development in areas designated Rural in the Community Official Plan. As defined in the section, 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*. The review of the by-law has shown that cluster lots are not zoned as LSR. In order to be consistent in their implementation, cluster Lot developments should be zoned LSR where they do not have direct access to a Public Road. The following changes are recommended to the 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 this form of development as limited service residential. These include:
 - 205 Armon Daria Lane
 - 210 Armon Daria Lane
 - 215 Armon Daria Lane
 - 220 Armon Daria Lane
 - 420 McIntosh Way
 - 411 McIntosh Way
 - 406 McIntosh Way
 - 435 McIntosh Way
 - Unnumberd McIntosh Way
 - 113 Stroneridge Lane
 - 123 Stroneridge Lane
 - Unnumbered Stoneridge Lane
 - Unnumbered Stroneridge Lane
 - 112 Walnut Ridge Lane
 - 130 Walnut Ridge Lane
 - Unnumbered Walnut Ridge Lane
- Rezone existing lots zoned LSR to Rural (RU), Agricultural (A), or Residential (R1) 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
 - 3306 12th Concession Pakenham North
 - 154 McManus Road
 - 361 Deer Run Road
 - 358 Deer Run Road
 - 588 Ski Hill Road
 - 578 Ski Hill Road
 - 568 Ski Hill Road
 - 560 Ski Hill Road
 - 550 Ski Hill Road
 - 540 Ski Hill Road
 - 510 Skill Hill Road
 - 500 Ski Hill Road
 - Lynx Hollow Road
 - 129 Blakeney Road
 - 137 Blakeney Road
 - 175 Booth Drive

- 159 Booth Drive
- 149 Booth Drive
- 143 Booth Drive
- 141 Booth Drive
- 137 Booth Drive
- 127 Booth Drive
- Require that new lots zoned Limited Service Residential be subject to a holding zone that may not be lifted until the design and agreements related to on-going maintenance and operation of the private road that serves the lot is completed and registered on title.

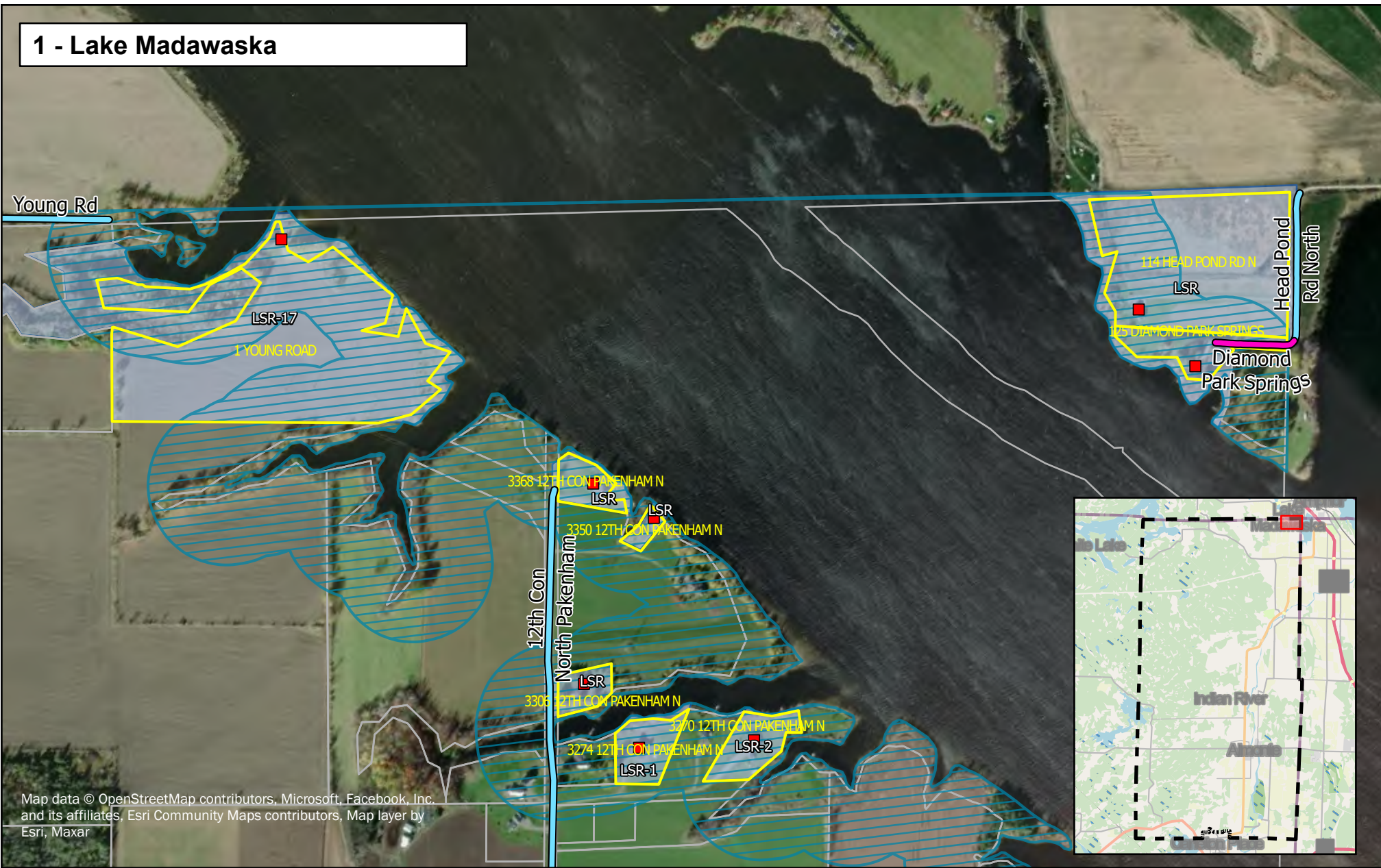
3.3.3 Other Recommended Policy or Administrative Changes

Other policy or administrative changes are also recommended to reinforce that cluster lot developments are subject to a more rigorous planning process to ensure that private road developments follow a consistent process. The following are recommended:

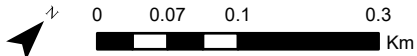
- Require an update to the Site Plan Control By-law that adds development of private roads to the list of development types that is subject to Site Plan Control and agreements. This is to highlight the requirement that private roads will only be approved when there is a formal process for maintenance and liability of the roads.
- Require that new Private Roads be identified as “Private” and consider renaming existing private roads to follow this typology. In addition to providing a schedule of road types in the municipality, having private roads clearly identified will assist in reducing confusion as to what roads are municipally maintained and those that are the responsibility of the benefiting adjacent landowners and residents.
- Encourage the owners of existing private roads to develop a Road Association where a board of directors is responsible for the road and its maintenance and can obtain private road liability insurance. Residents’ using private roads to access their properties have a common interest in, and a shared commitment to the road’s condition and safety. Ensuring uninterrupted access, fair use, and sharing of the costs means planning ahead and ensuring everyone is included in the decision making. The Federation of Ontario Cottagers’ Association can assist residents on private roads to develop a Roads Association that provides a formal process for the maintenance and liability of private roads.

Appendix A: LSR Zoned Properties Inventory Maps

1 - Lake Madawaska



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

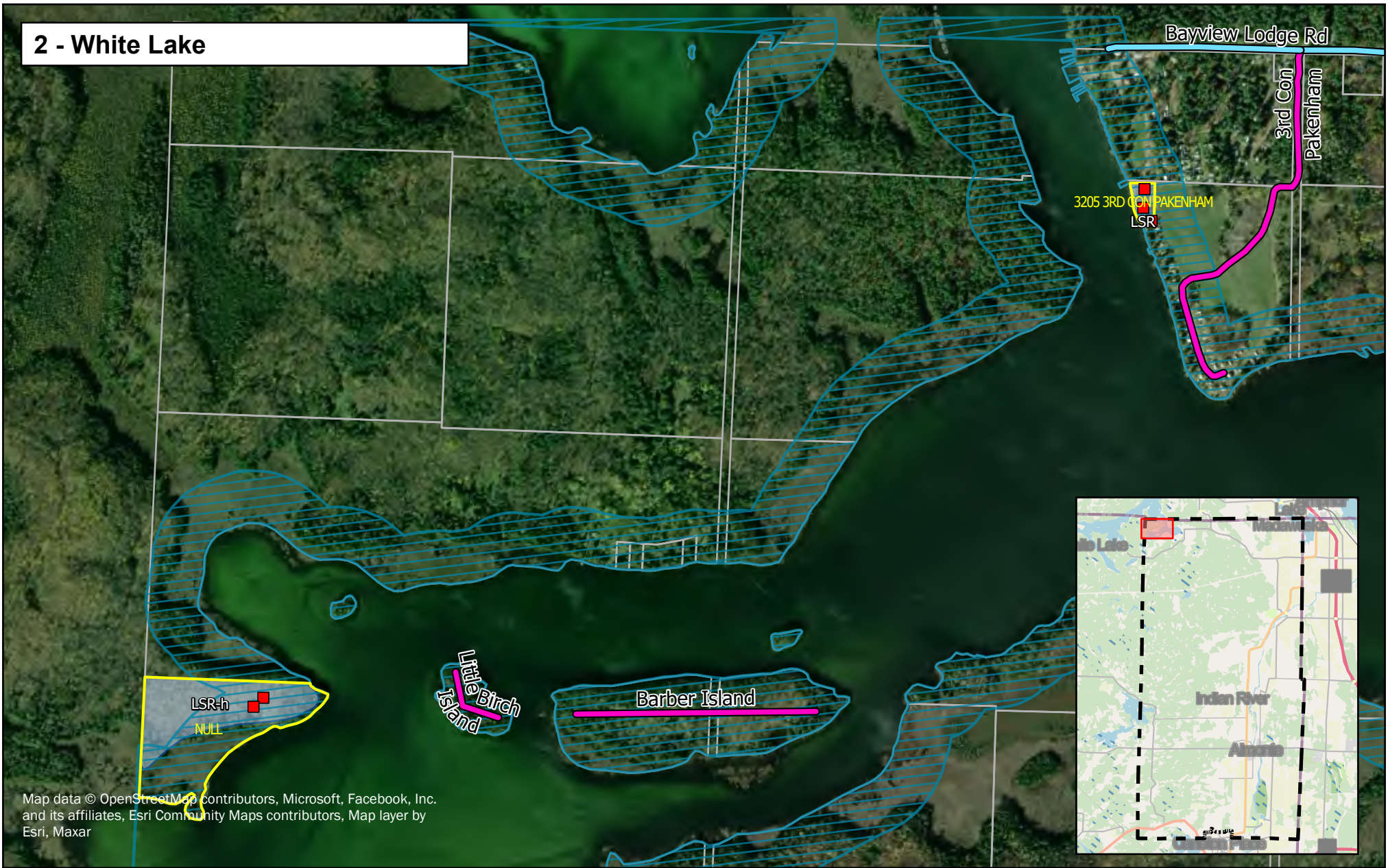
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

Mississippi Mills Interim Control By-law Study

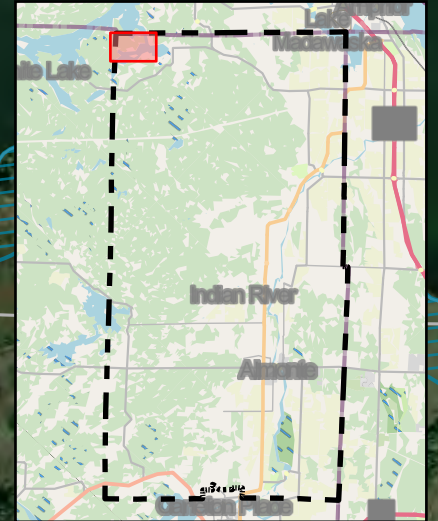
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2 - White Lake



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Legend

Roadways - By Jurisdiction

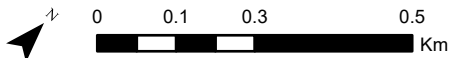
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

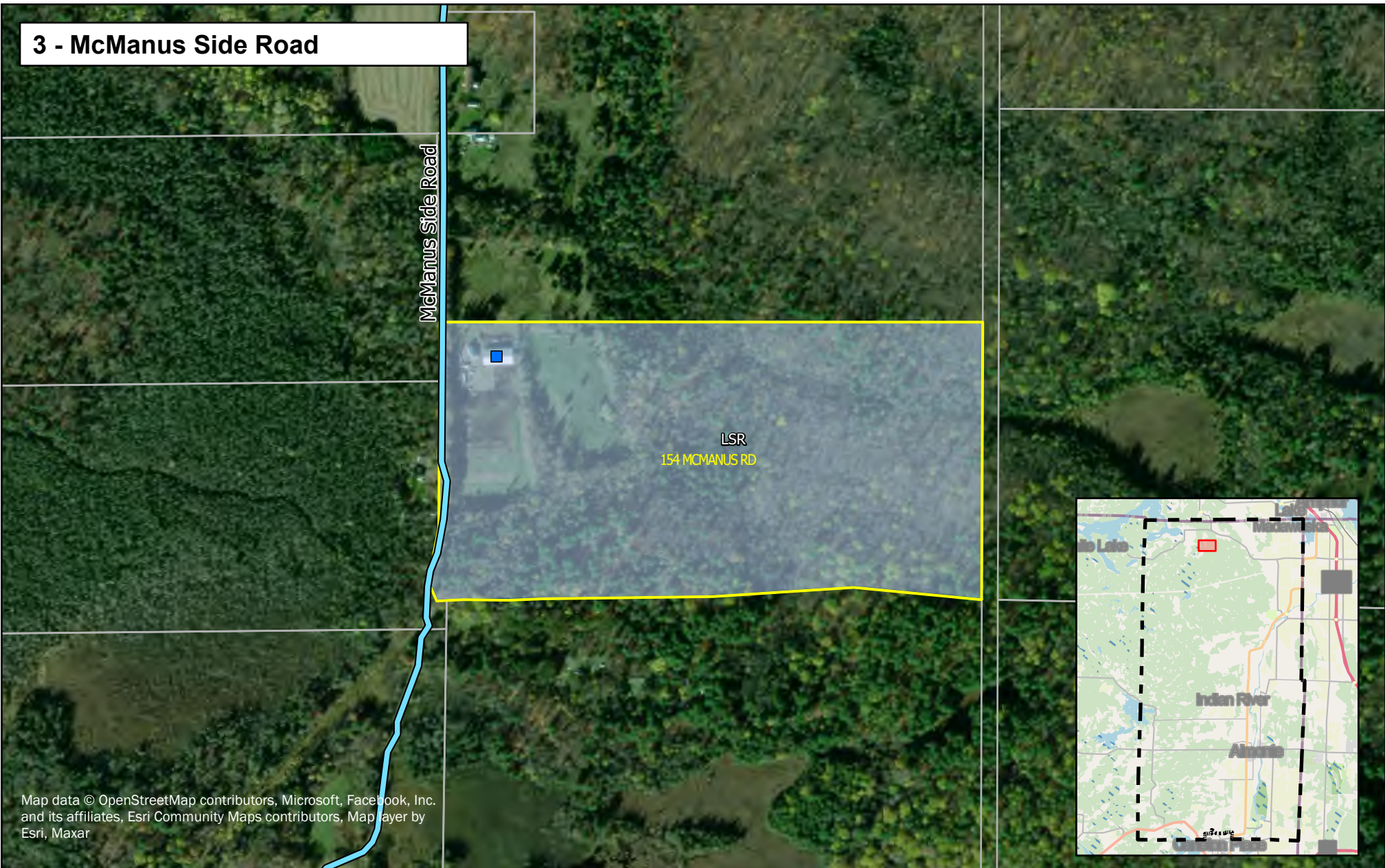


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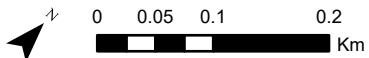
Limited Service Residential
Parcel Inventory

December 2023

3 - McManus Side Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

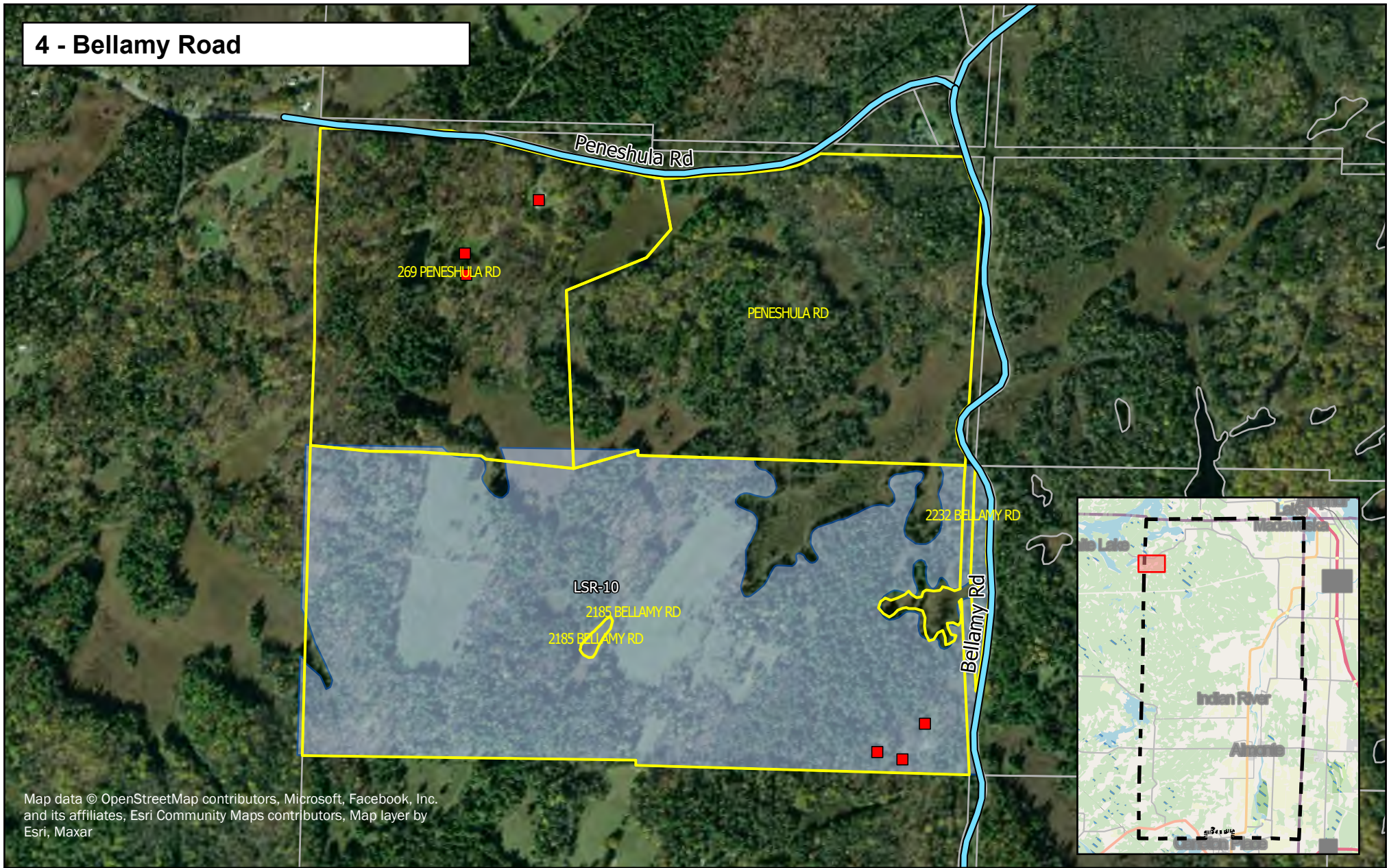
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

Mississippi Mills Interim Control By-law Study

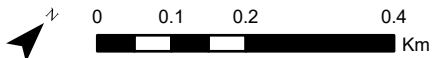
Limited Service Residential Parcel Inventory

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4 - Bellamy Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

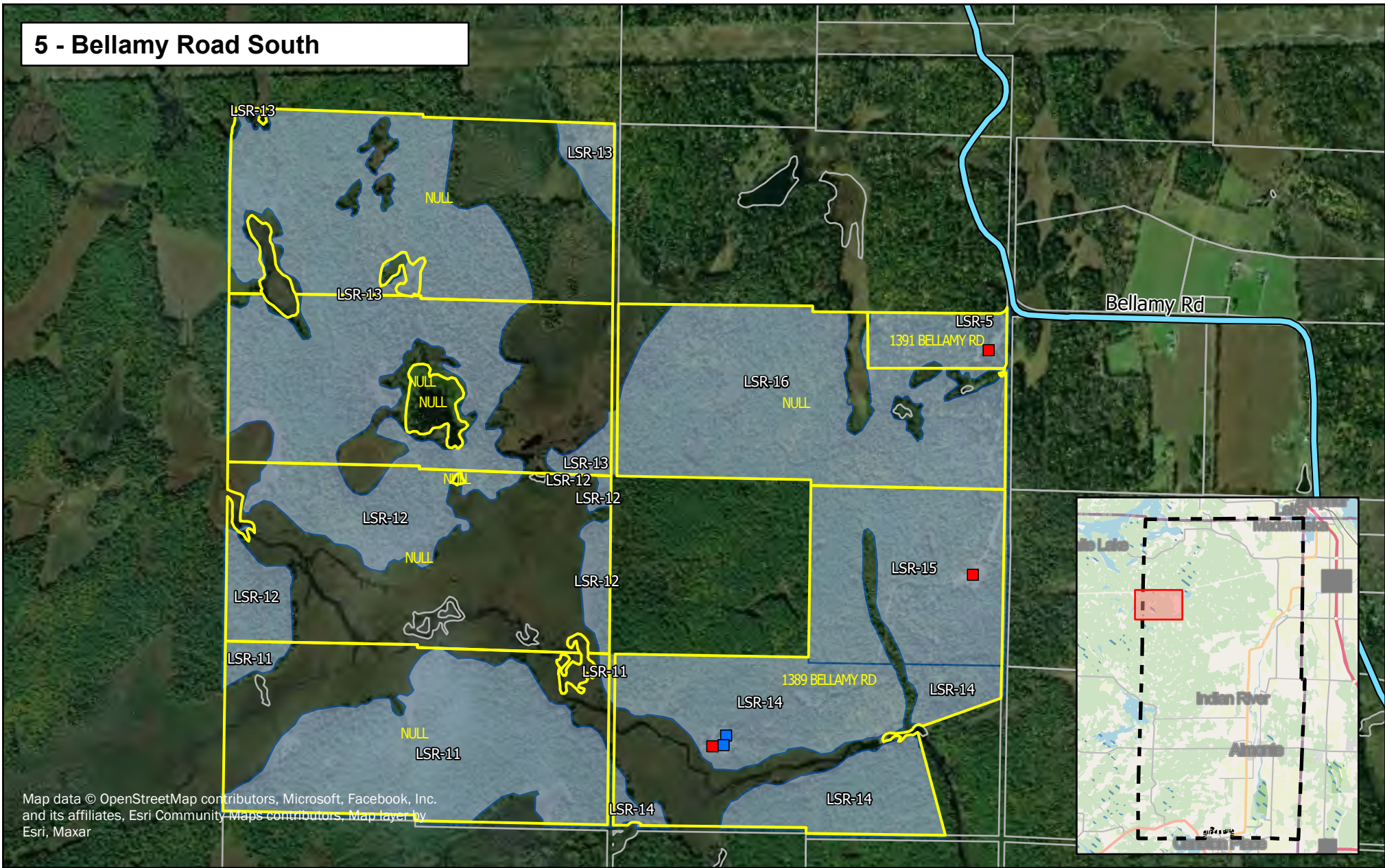
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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5 - Bellamy Road South



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Legend

Roadways - By Jurisdiction

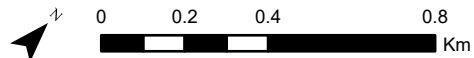
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

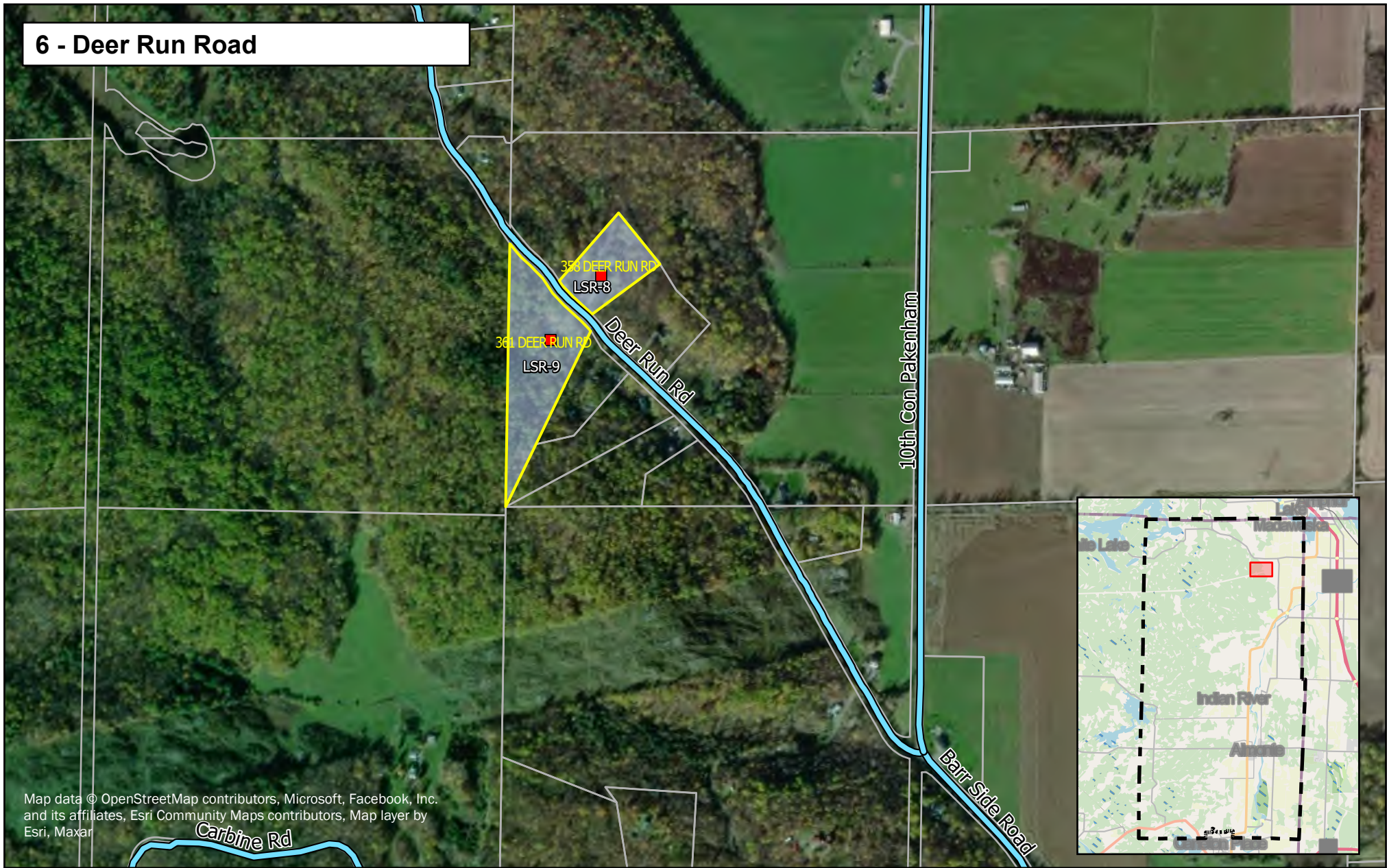


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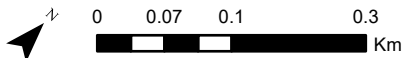
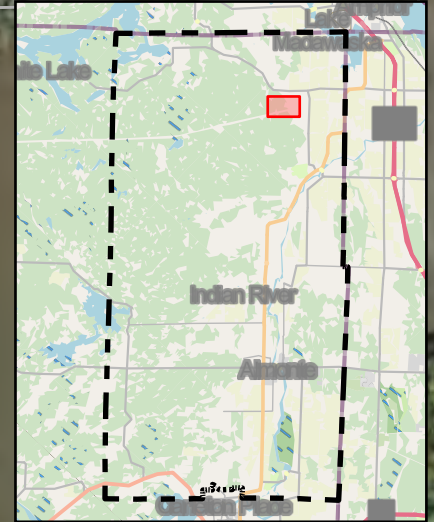
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6 - Deer Run Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

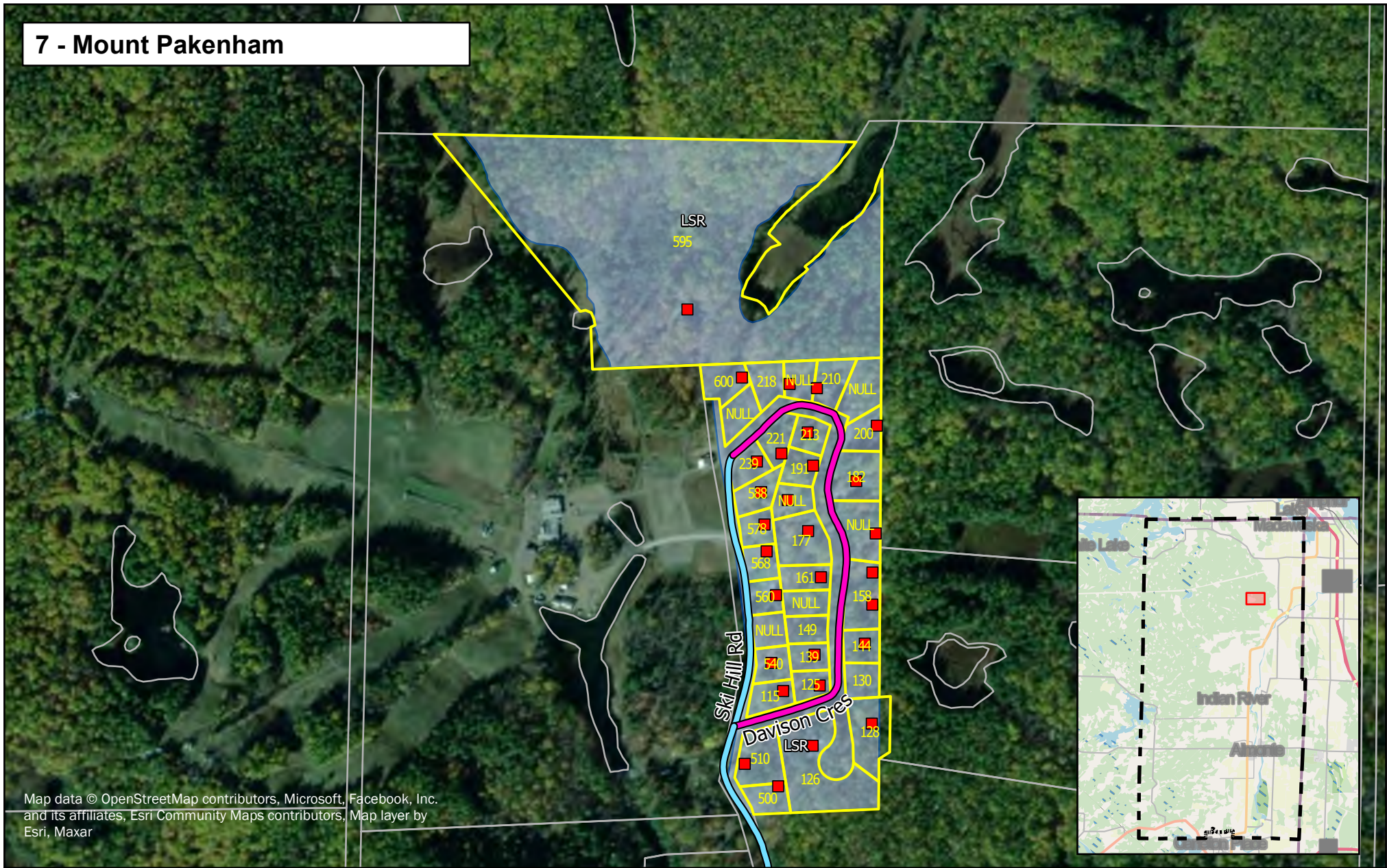
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

Mississippi Mills Interim Control By-law Study

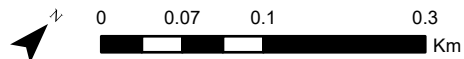
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7 - Mount Pakenham



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

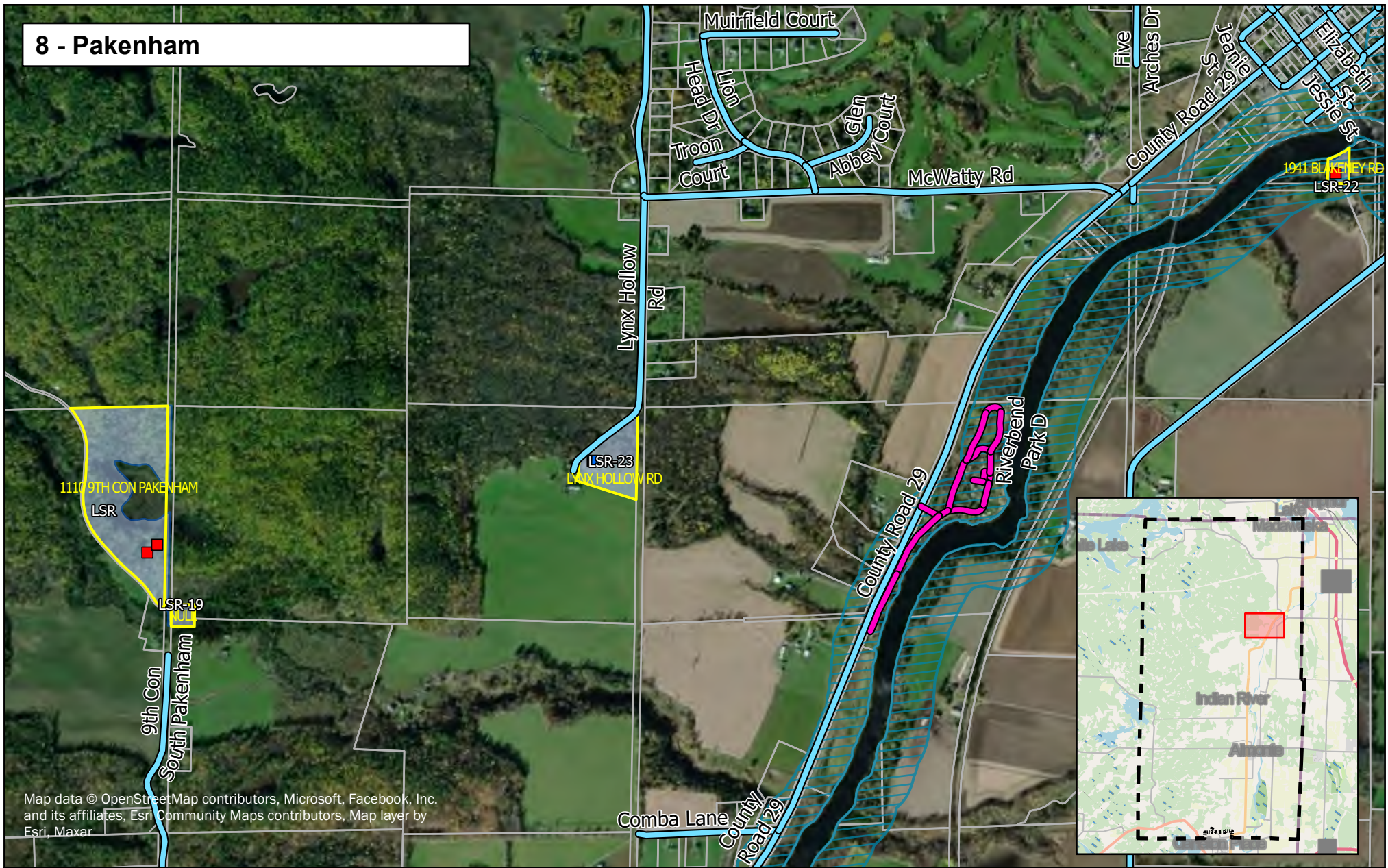
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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8 - Pakenham



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Legend

Roadways - By Jurisdiction

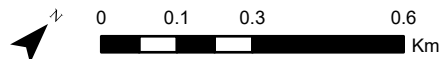
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

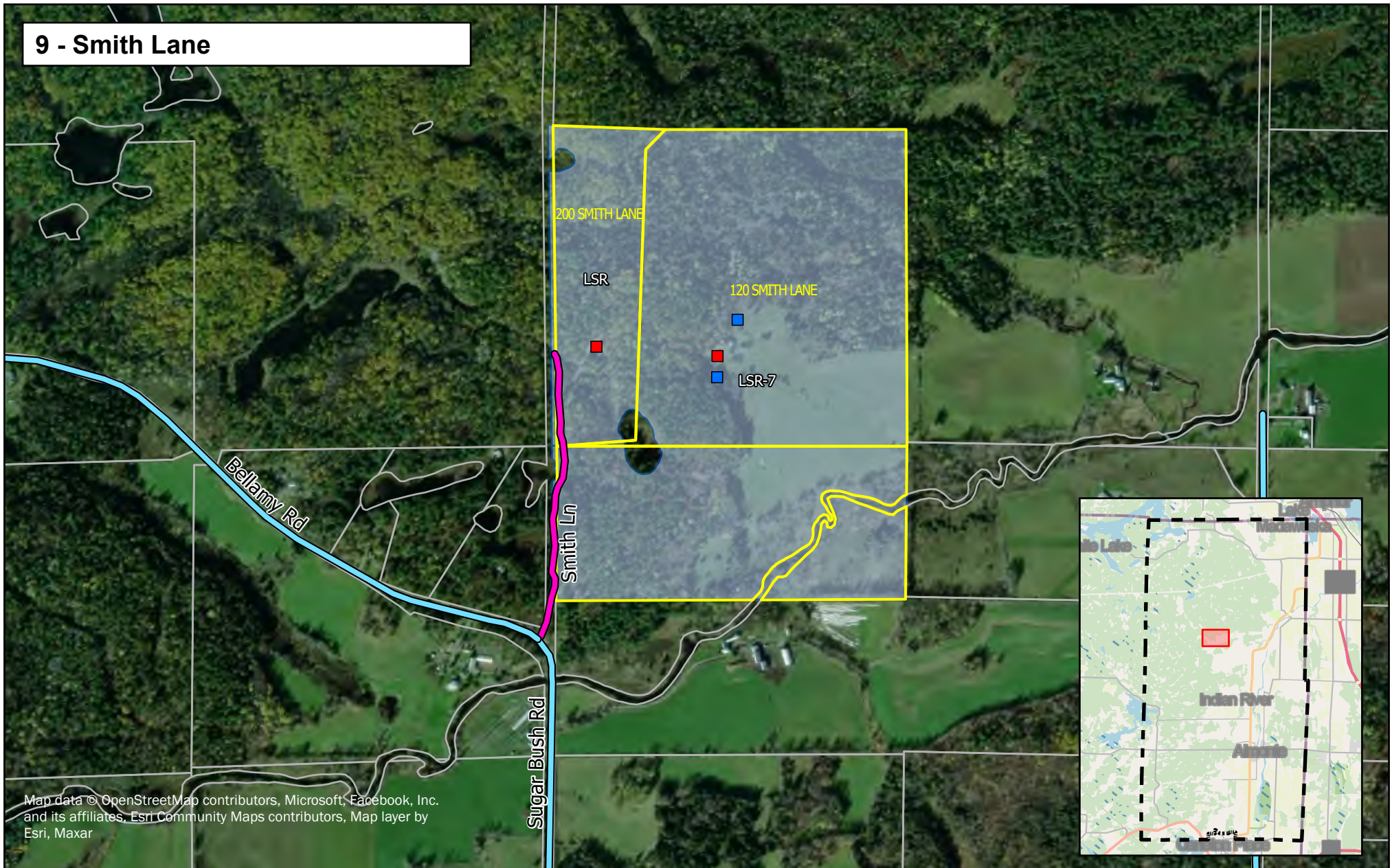


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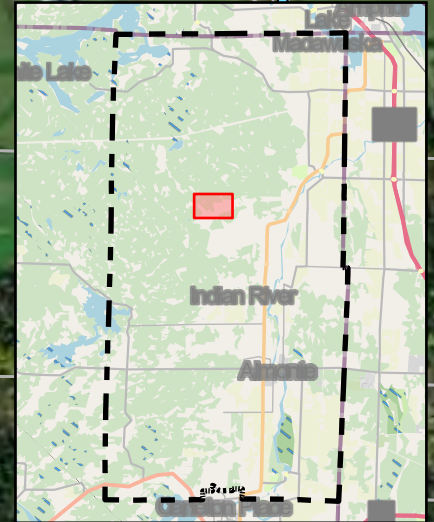
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9 - Smith Lane



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Legend

Roadways - By Jurisdiction

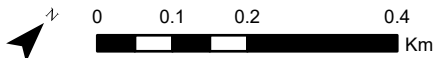
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

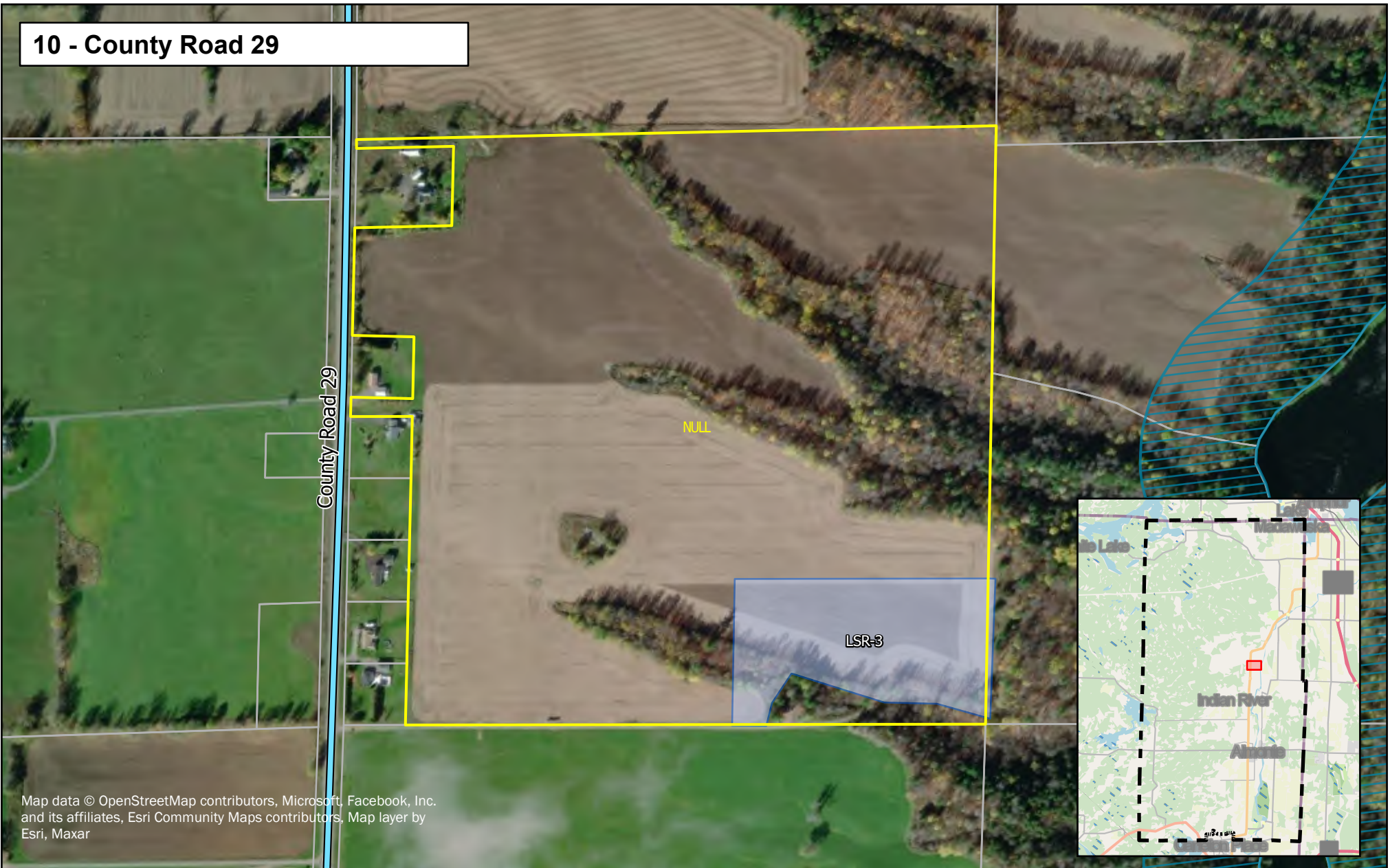


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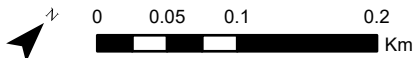
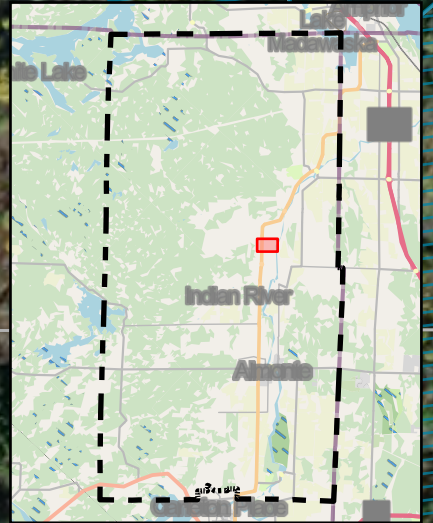
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10 - County Road 29



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

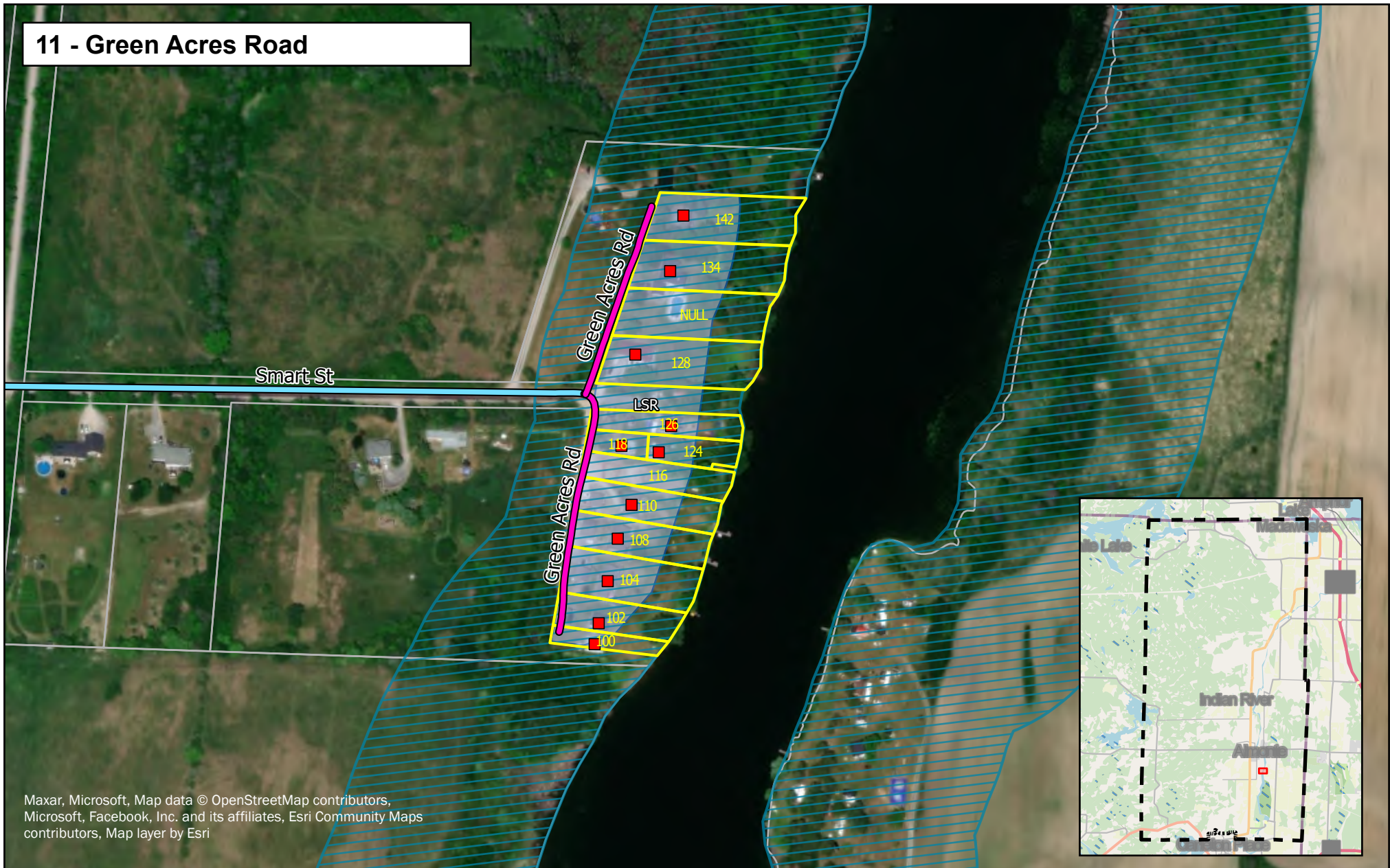
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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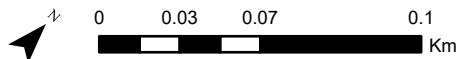
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December 2023

11 - Green Acres Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

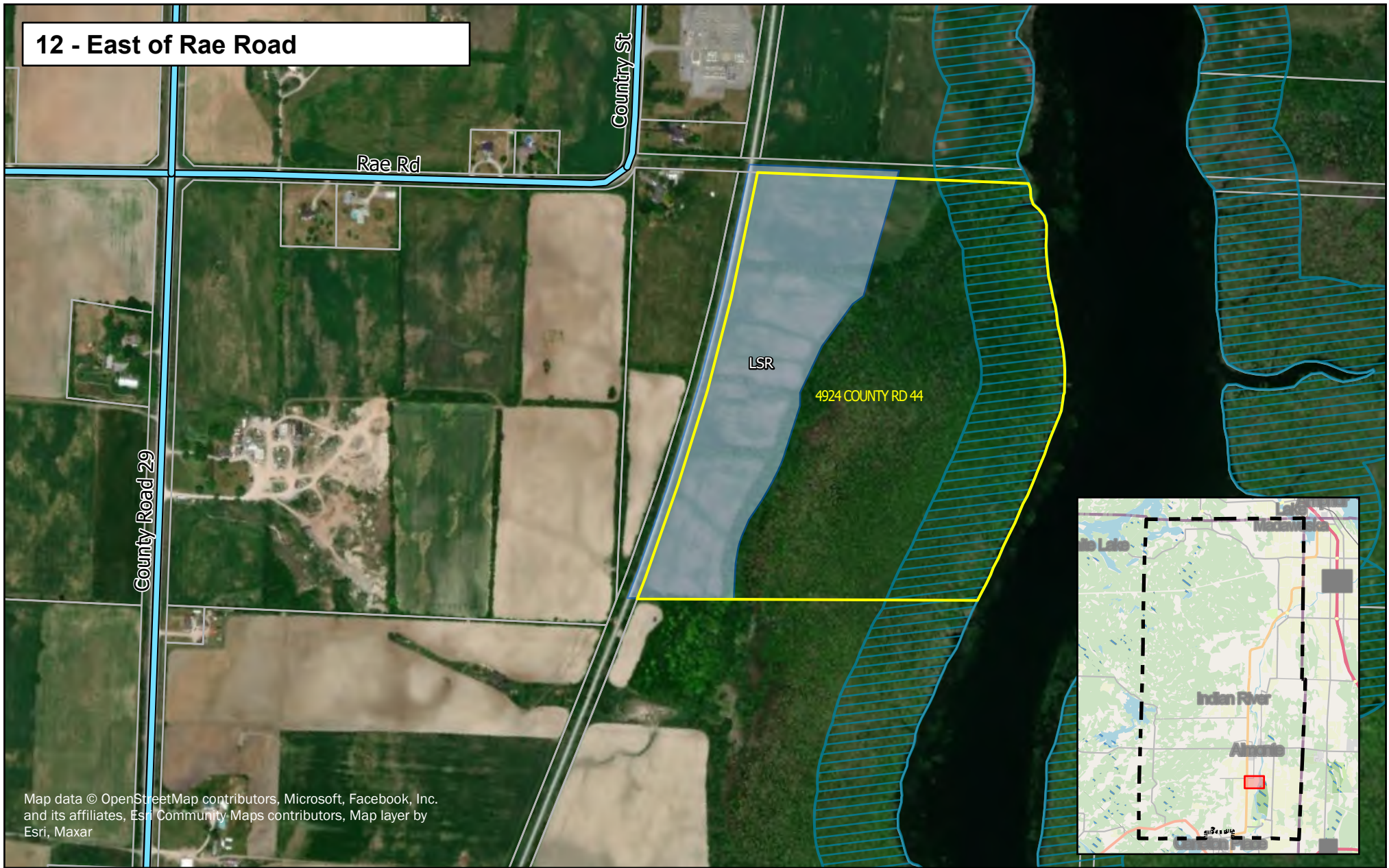
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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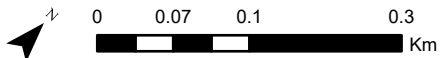
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12 - East of Rae Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

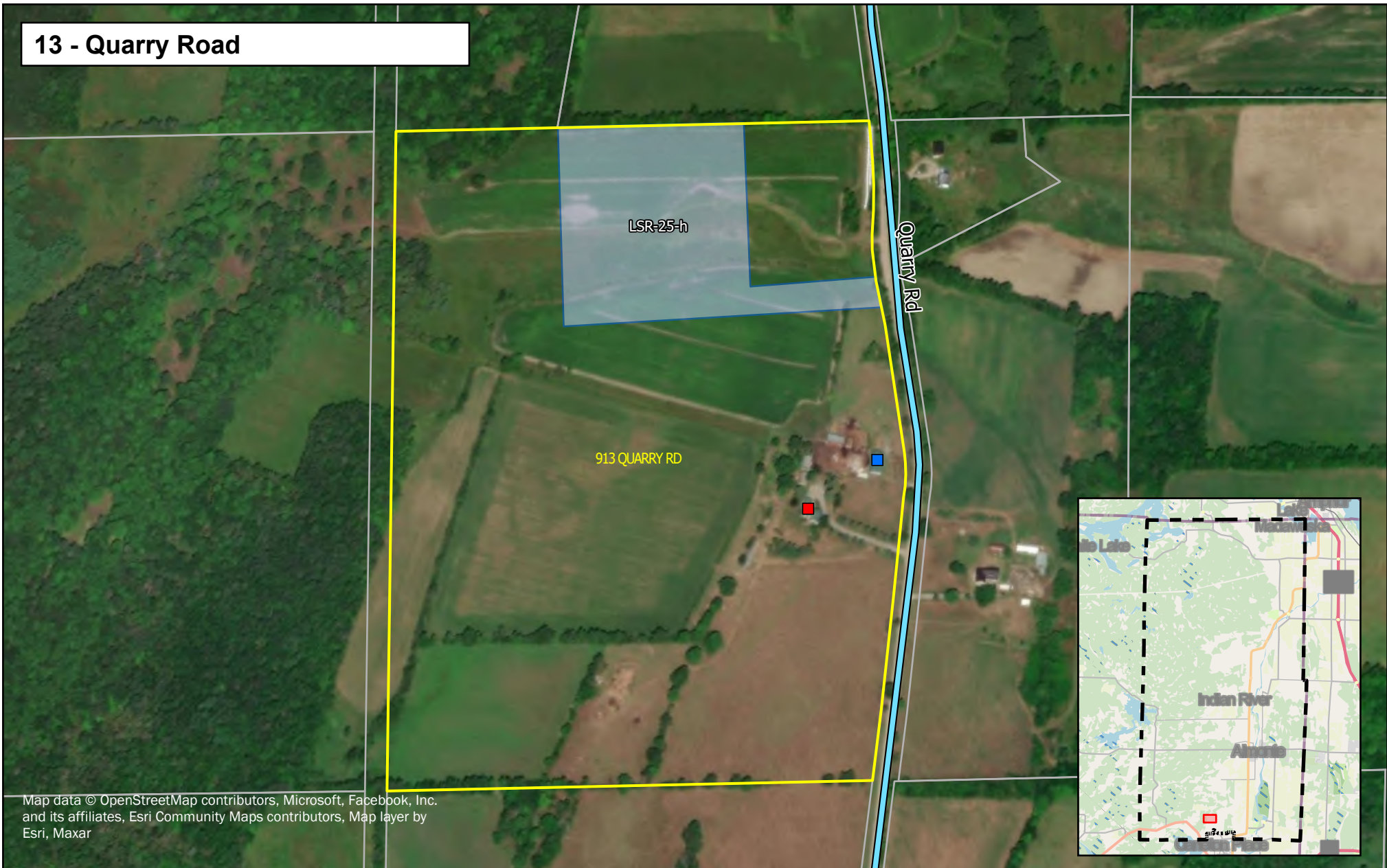
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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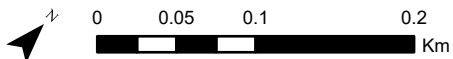
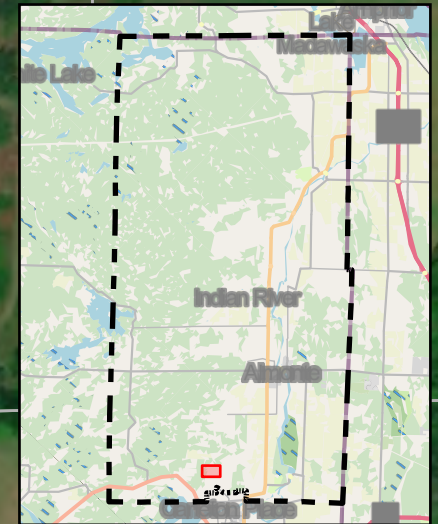
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13 - Quarry Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

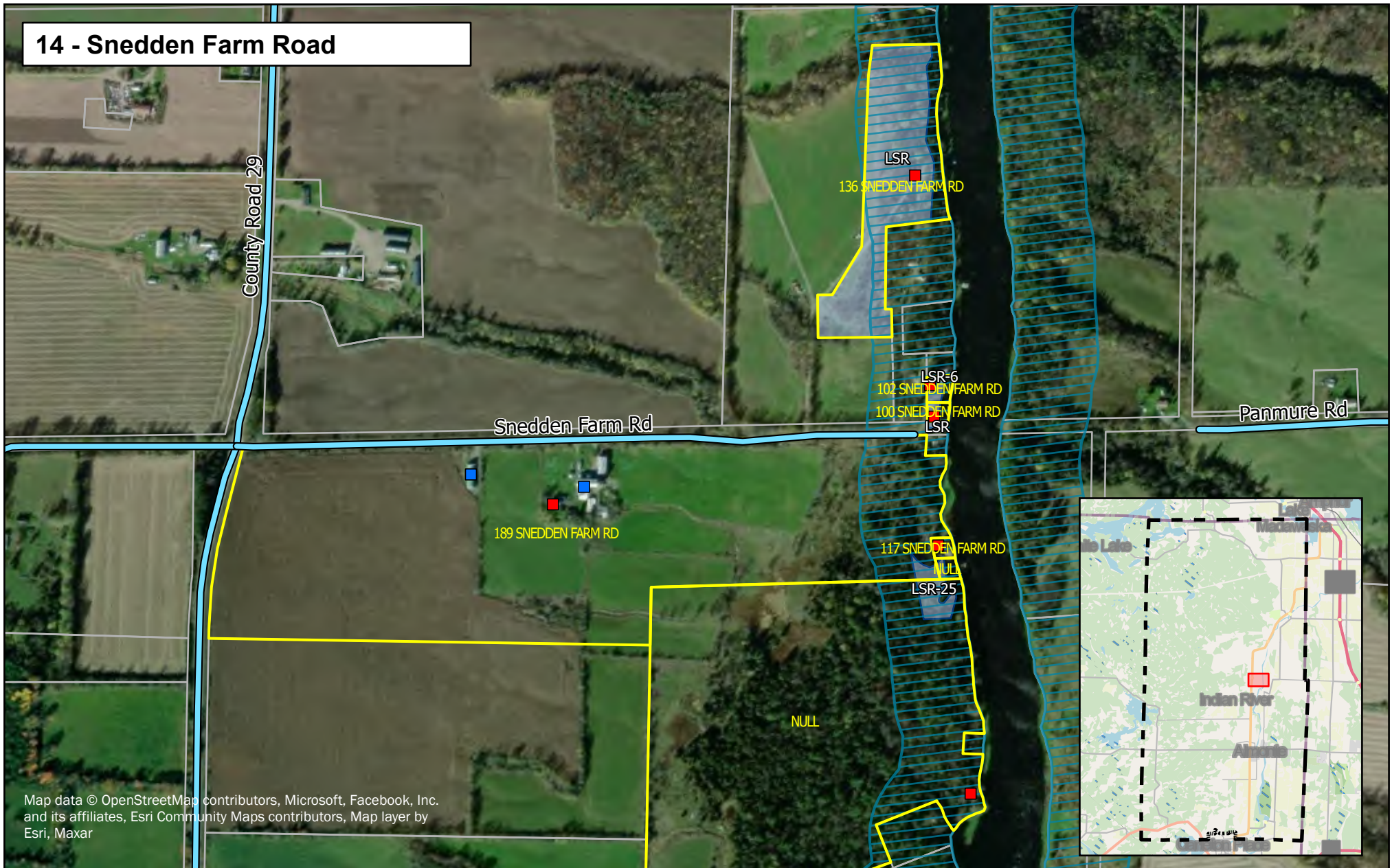
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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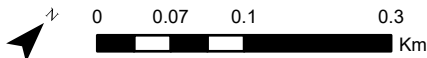
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14 - Snedden Farm Road



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

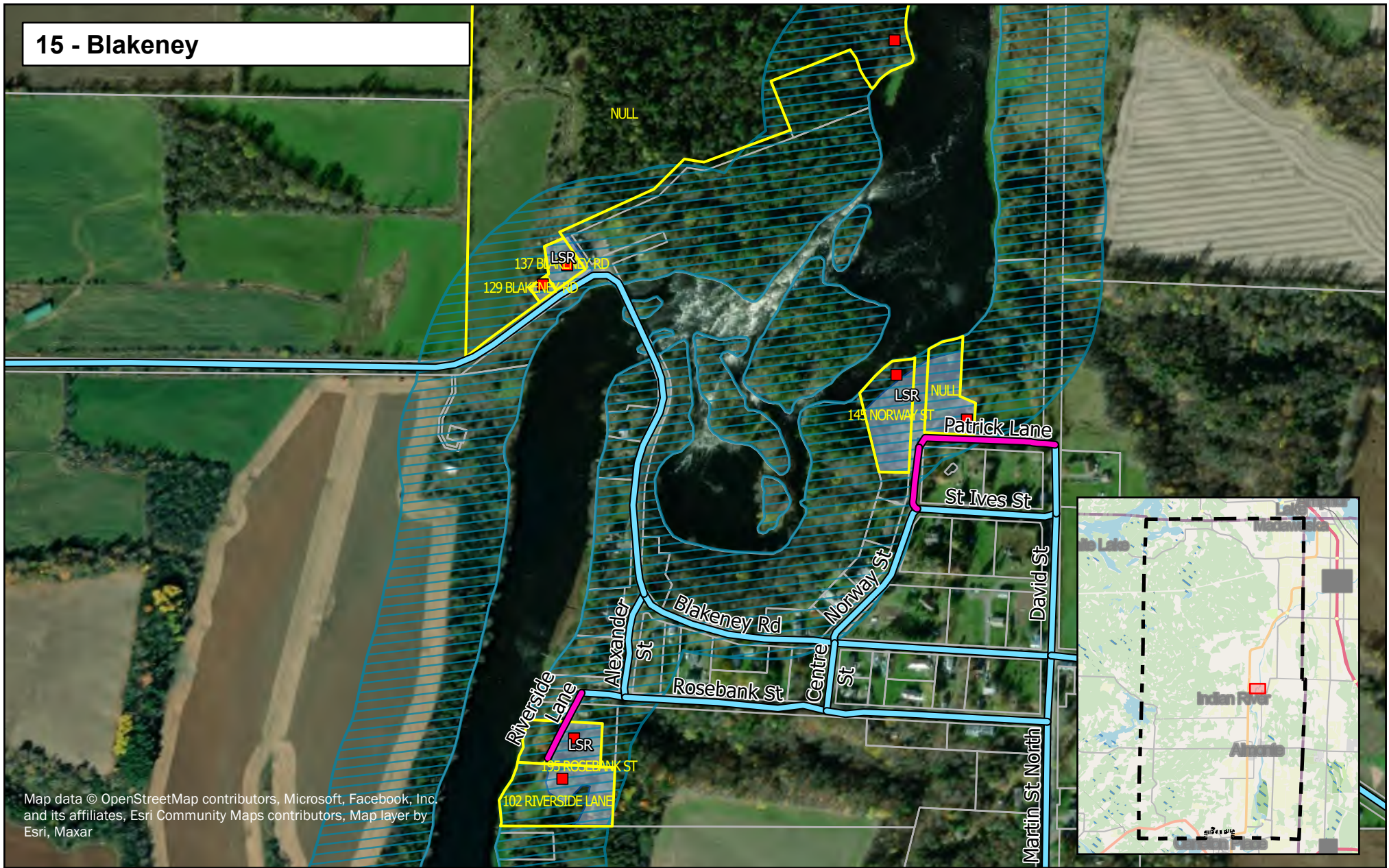
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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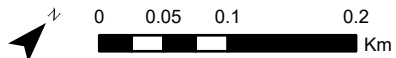
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15 - Blakeney



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

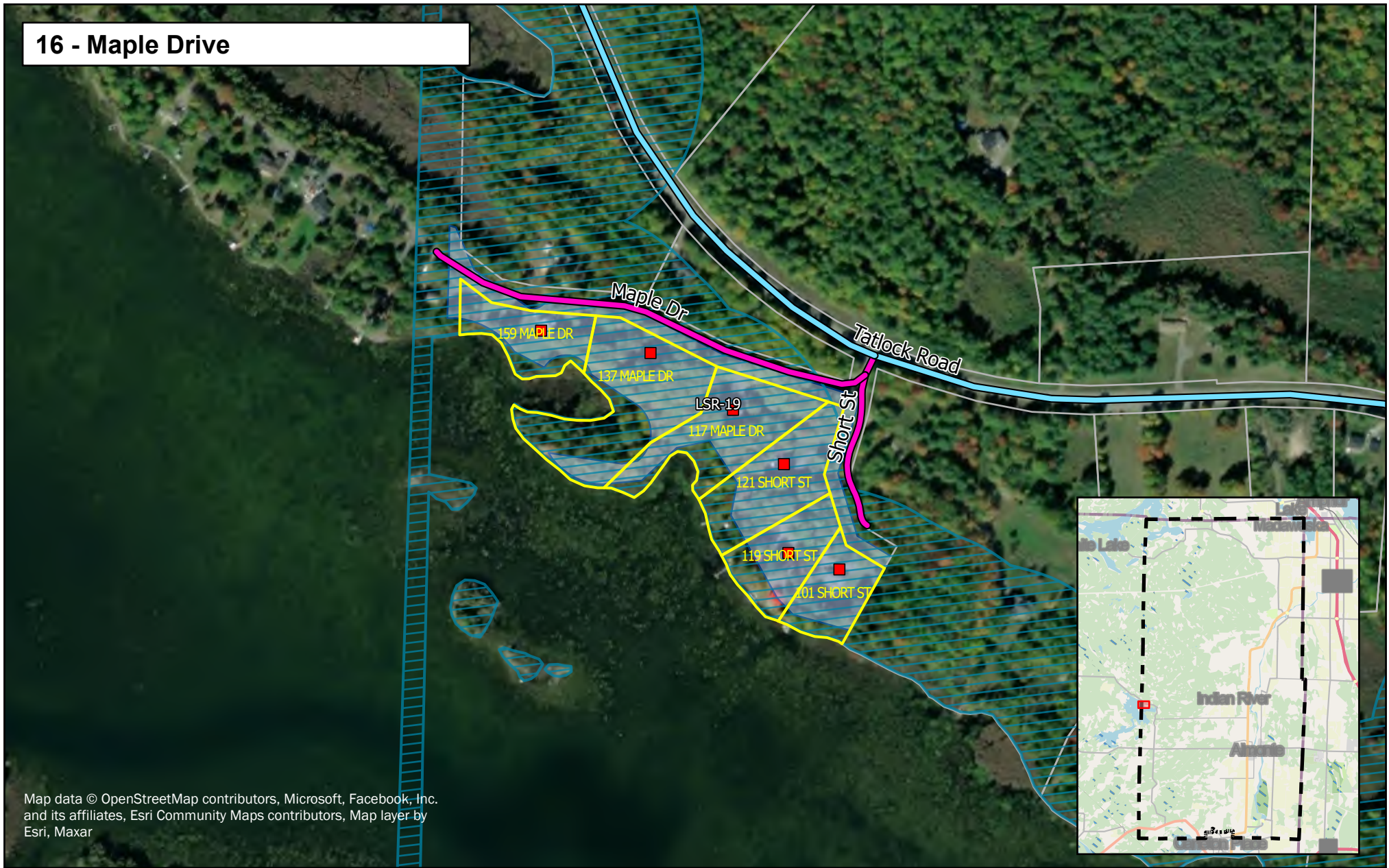
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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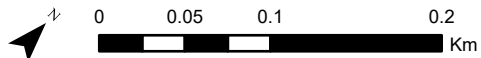
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16 - Maple Drive



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boundaries - LSR

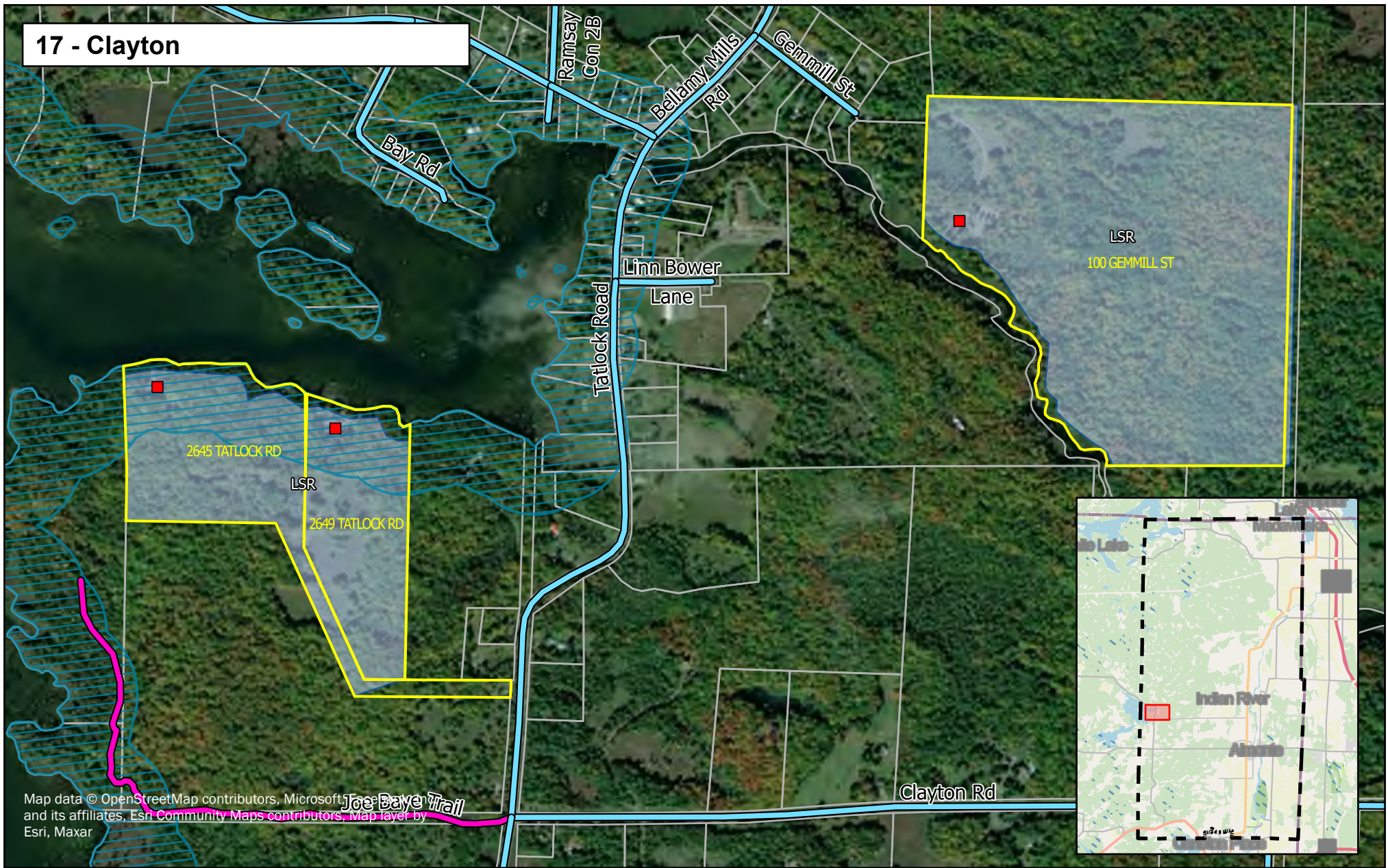
- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

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Limited Service Residential Parcel Inventory

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17 - Clayton



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Legend

Roadways - By Jurisdiction

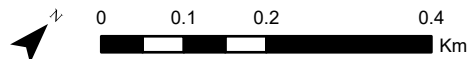
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

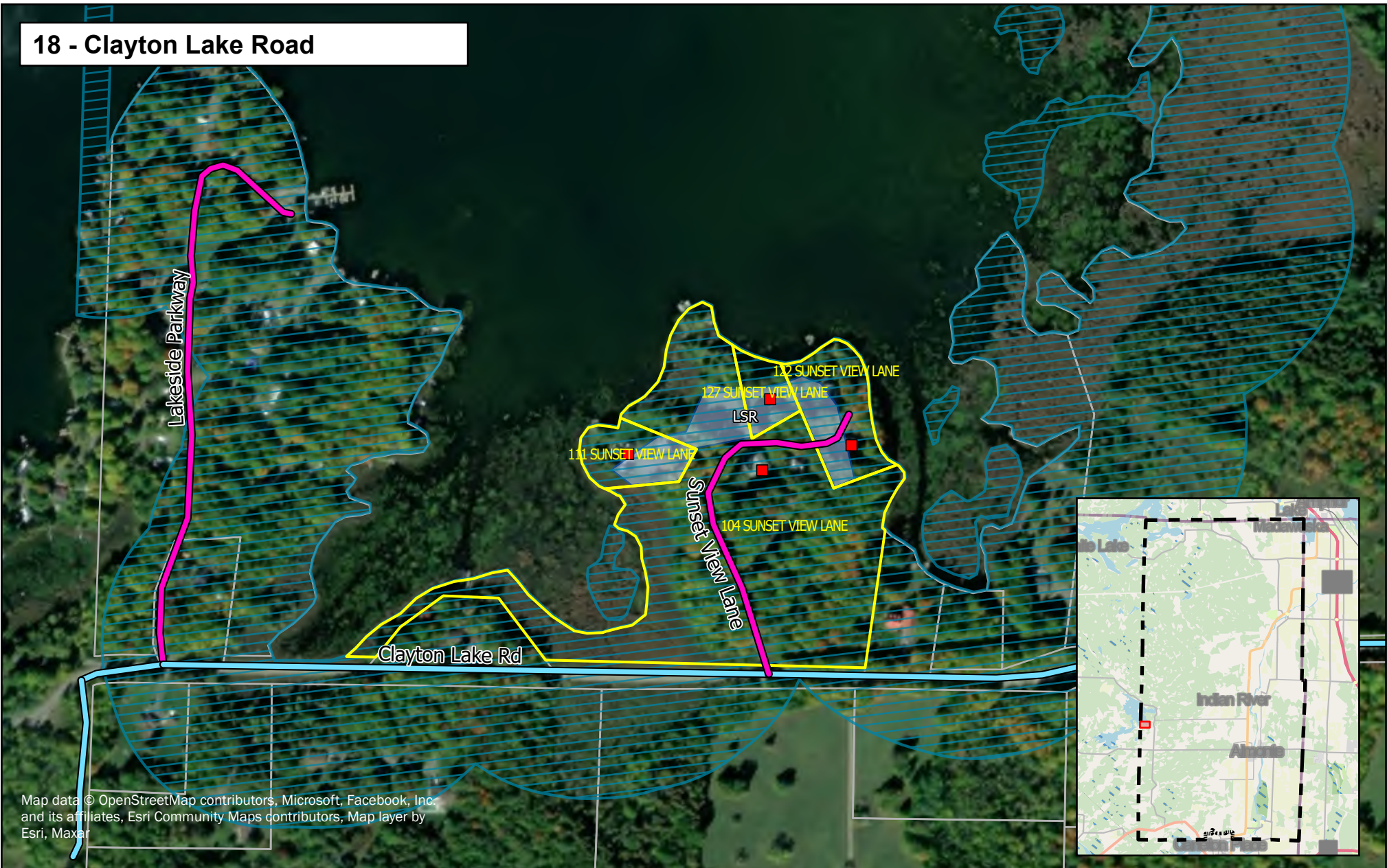


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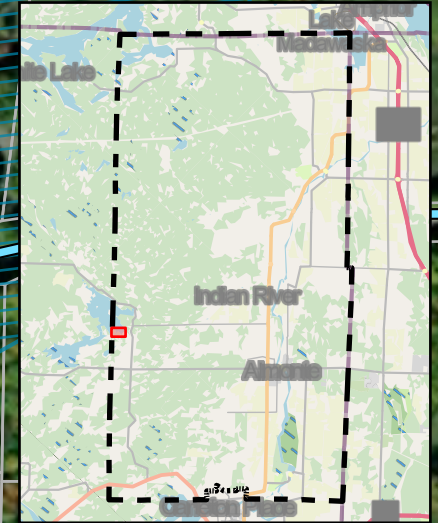
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18 - Clayton Lake Road



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Legend

Roadways - By Jurisdiction

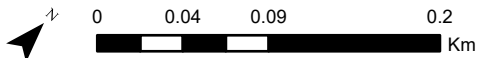
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

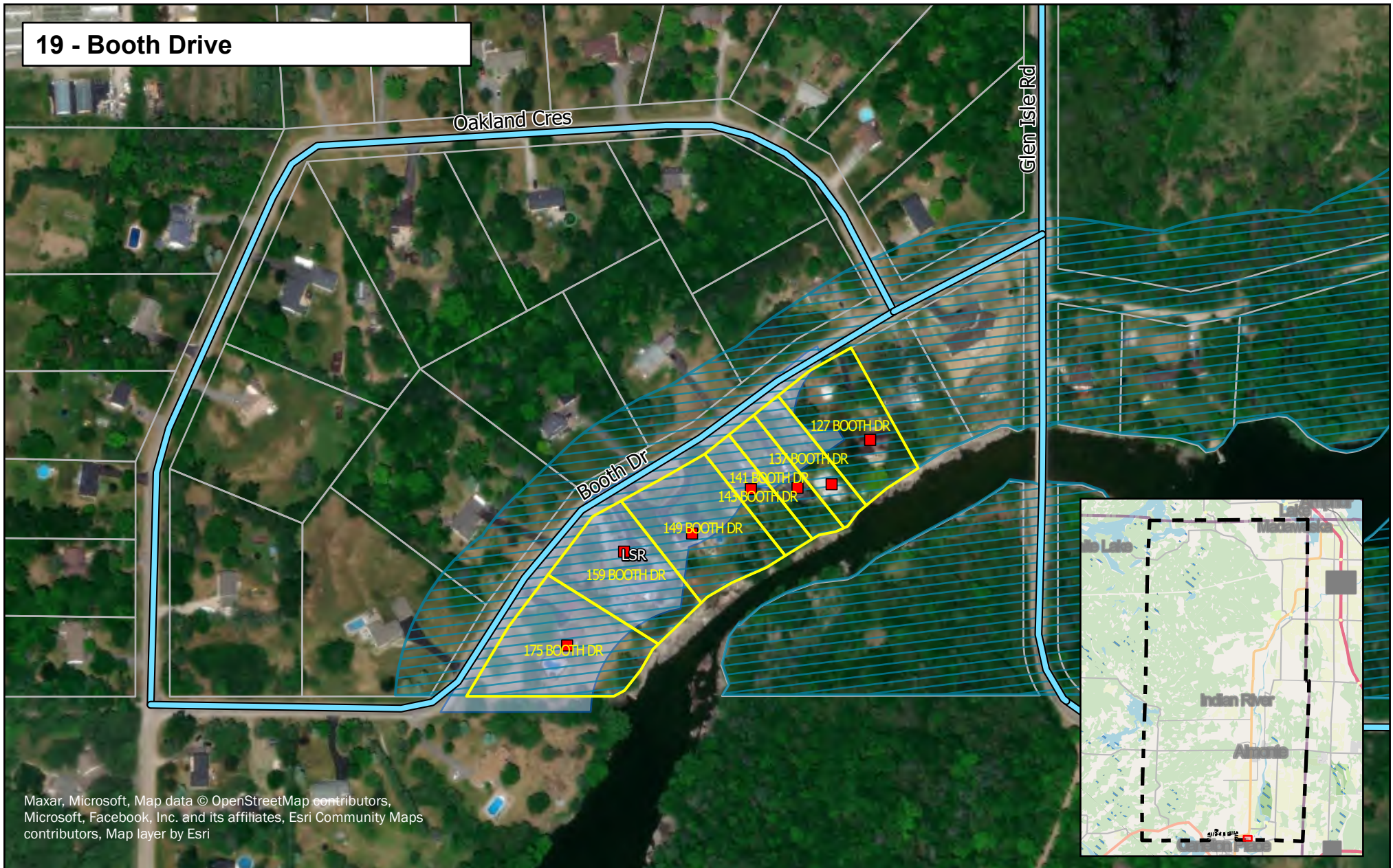


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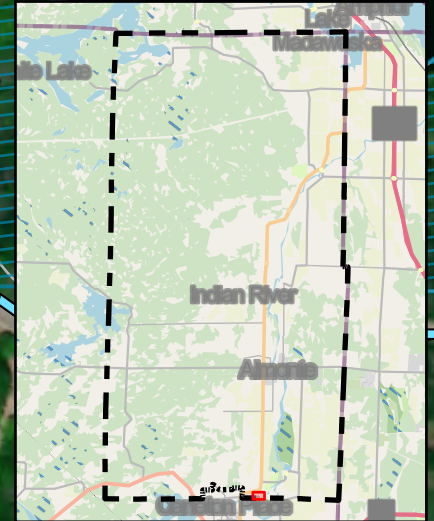
Limited Service Residential Parcel Inventory

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19 - Booth Drive



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Legend




Roadways - By Jurisdiction

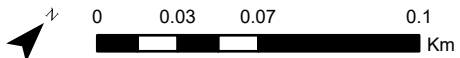
-  Municipal
-  Private
-  Provincial

Approximate Building Location

-  Non Residential
-  Residential

Parcel Boudaries - LSR

-  Parcel Boundaries
-  Zoning Overlay - LSR
-  120m Shoreline Buffer

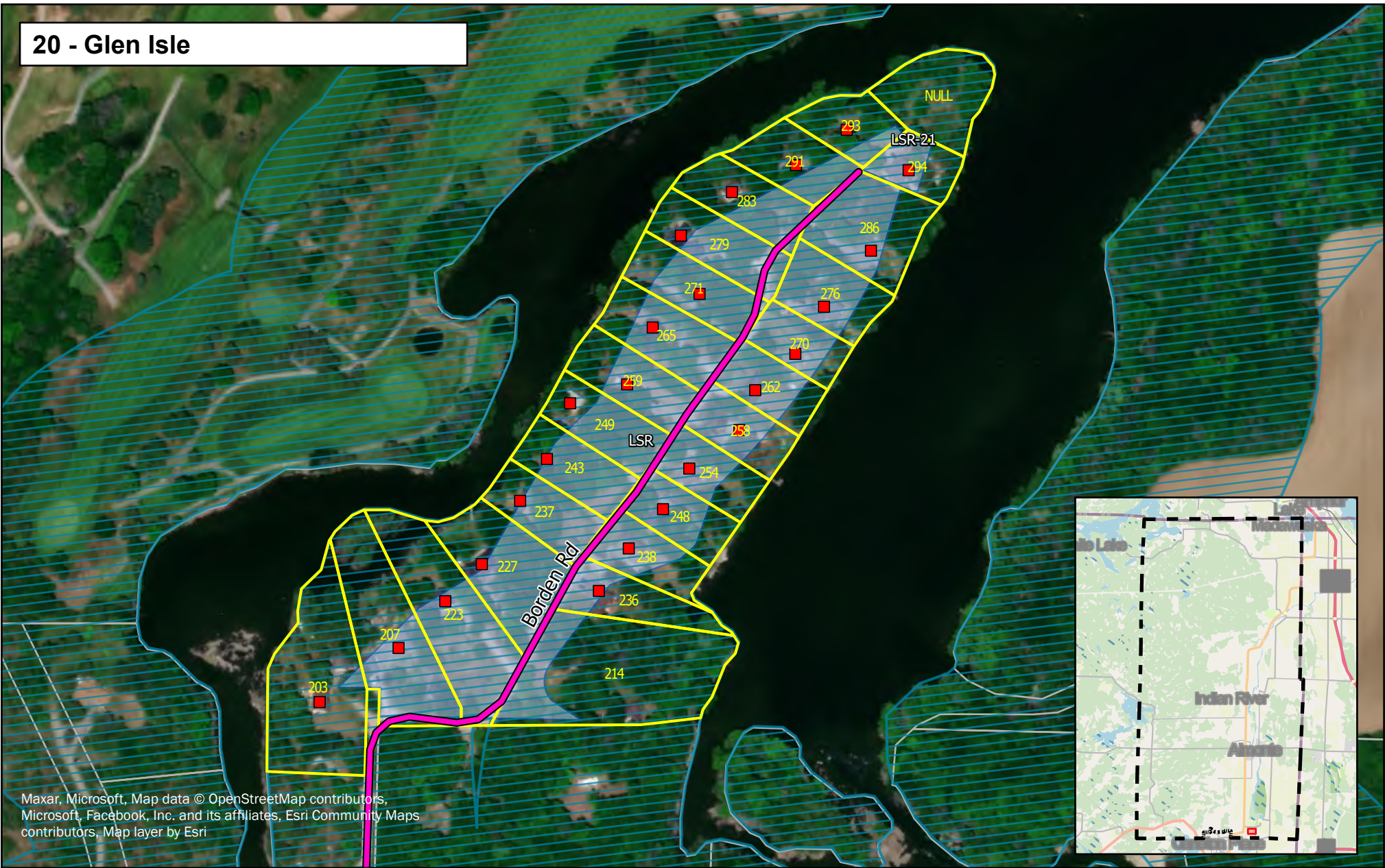


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Limited Service Residential Parcel Inventory

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20 - Glen Isle



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Legend

Roadways - By Jurisdiction

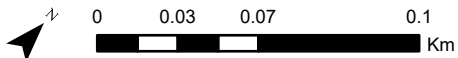
- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

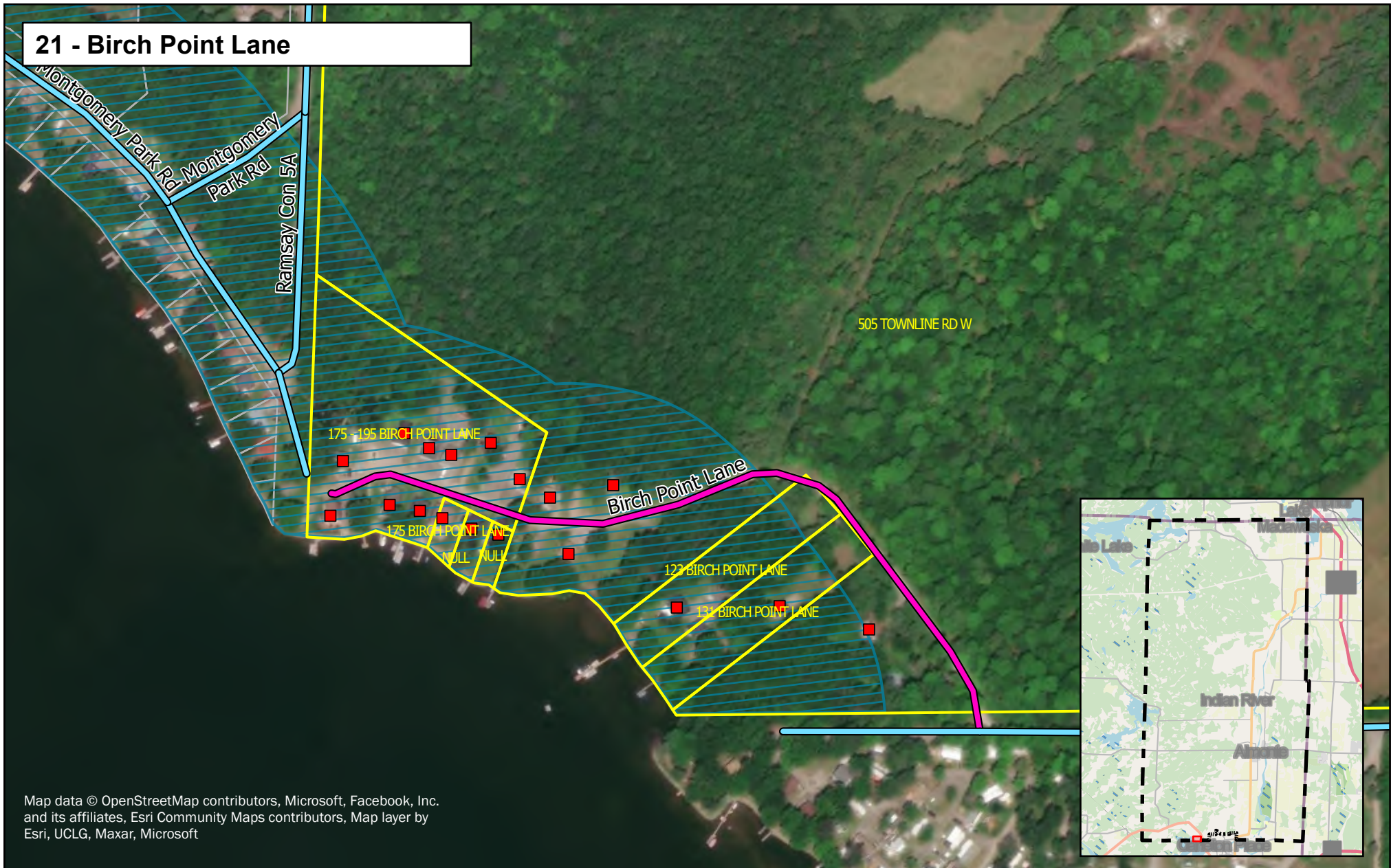


Mississippi Mills Interim Control By-law Study

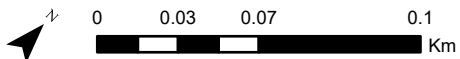
Limited Service Residential Parcel Inventory

December 2023

21 - Birch Point Lane



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Legend

Roadways - By Jurisdiction

- Municipal
- Private
- Provincial

Approximate Building Location

- Non Residential
- Residential

Parcel Boudaries - LSR

- Parcel Boundaries
- Zoning Overlay - LSR
- 120m Shoreline Buffer

Mississippi Mills Interim Control By-law Study

Limited Service Residential Parcel Inventory

December 2023

Appendix B: Best Practices Review Meeting Notes

**Mississippi Mills
Interim Control By-Law – Limited-Service Residential Study**

**Meeting with Tay Valley Township
Agenda and Meeting Notes**

Date: Thursday, July 6, 2023
Time: 11:00am to 11:45am
Location: Virtual (MS Teams)
Parsons Project Number: 478712

ATTENDEES:

Name	Department/Company	Email
Noelle Reeve (NR)	Tay Valley Township (TVT)	planner@tayvalleytwp.ca
Pamela Whyte (PW)	Parsons Inc.	pamela.whyte@parsons.com
Ivan Ho	Parsons Inc.	ivan.ho@parsons.com
Absent:		
Melanie Knight	Mississippi Mills	mknight@mississippimills.ca

MEETING OBJECTIVES

The primary objective of this meeting was to review previous experience and lessons learned regarding rural cluster lot development within Tay Valley Township and discuss potential considerations for the review of similar policies in Mississippi Mills.

AGENDA

Item No.	Description/Comments	Action Item
1.0	Overview of the ICB Study	
1.1	PW provided an overview of the study background, previous cluster lot development and private roads experiences within Mississippi Mills.	INFO
2.0	Tay Valley Township	
2.1	TVT has one cluster lot development which is proceeding through plan of condominium for the condominium road; TVT sees condominium roads as the only way to proceed with cluster lot developments. <ul style="list-style-type: none"> Noted that Mississippi Mills OP does include using Plan of Condominium as a tool, but that more prescriptive language may be needed. 	TVT to provide template for Condominium Agreement
2.2	Noted that TVT received guidance from the MMAH (starting in 2002) not to permit the creation of new private roads*, due in part to issues with emergency vehicle access. <p><i>*Note it was determined that private roads in this sense was meant to mean those that cross private property and not as may be approved through a plan of subdivision, condominium, or other formal process.</i></p> <ul style="list-style-type: none"> TVT noted that there may be another municipalities in Lanark County that appealed this restriction, subsequently allowing private road in exchange for a reduced number of consents per property permitted. 	INFO

Item No.	Description/Comments	Action Item
	<ul style="list-style-type: none"> • TVT noted that it may be assumed that when a municipality takes maintenance action on a road, they are essentially assuming liability of that road. 	
2.3	<p>TVT noted that there are private unassumed roads within the Township, which are abandoned subdivision roads that do not conform to the standards of the Township, that are owned by the Township but not maintained; residents within subdivisions created prior to 2002 were required to sign a road access agreement (lifting liability from the Township); noted that issues with road access agreements began due to rising insurance rates and that policies related to private unassumed roads will need to be determined.</p>	<p>TVT to send excerpt of Section 3.4 (under appeal to OLT) of ZBL</p>
3.0	Waterfront Development in TVT	
3.1	<p>Regarding waterfront development, TVT requires that island properties have a deeded ROW and parking space on the mainland for access to island, which is used as the civic address for building permit and septic permit; additionally, a signed agreement which states that the property will be rezoned to Limited Service Residential is required, as well as a limited services agreement which acknowledges 'limited services' (no garbage pick-up, unguaranteed emergency response times, etc) to the property.</p>	<p>TVT to provide copy of Limited Services Agreement</p>
4.0	Private Road Associations	
4.1	<p>Noted that the township encourages Private Road Associations for maintenance of private roads. Federation of Ontario Cottager's Associations supports that Road Associations (with a Board of Directors) that has the ability to obtain Director's Liability Insurance to pass the liability of the road to the Private Road Association (provided through Cade Insurance Group)</p> <ul style="list-style-type: none"> • Noted that private roads in TVT are not explicitly indicated 'private road' but are rather differentiated through a different color road name sign 	<p>INFO</p>

**Mississippi Mills
Interim Control By-Law – Limited-Service Residential Study**

**Meeting with Town of Bracebridge
Agenda and Meeting Notes**

Date: Thursday, July 6, 2023
Time: 3:00pm to 3:30pm
Location: Virtual (MS Teams)
Parsons Project Number: 478712

ATTENDEES:

Name	Department/Company	Email
Matt Holmes (MH)	Town of Bracebridge	mholmes@bracebridge.ca
Pamela Whyte (PW)	Parsons Inc.	pamela.whyte@parsons.com
Ivan Ho	Parsons Inc.	ivan.ho@parsons.com
Absent:		
Melanie Knight	Mississippi Mills	mknight@mississippimills.ca

MEETING OBJECTIVES

The primary objective of this meeting was to review previous experience and lessons learned regarding rural cluster lot development within the Town of Bracebridge and discuss potential considerations for the review of similar policies in Mississippi Mills.

AGENDA

Item No.	Description/Comments	Action Item
1.0	Overview of the ICB Study	
1.1	PW provided an overview of the study background, previous cluster lot development and private roads experiences within Mississippi Mills.	INFO
2.0	Town of Bracebridge	
2.1	MH provided an overview of the Town of Bracebridge: <ul style="list-style-type: none"> Noted that areas outside of urban areas are either Rural or Waterfront, where Waterfront consists of lands within approximately 500ft of a waterbody, and Rural consists of the remaining land. Noted that development (through consent) in Rural areas is only permitted on year-round publicly maintained road (does not include condominium roads). Exceptions are made for 'resource-uses', such as woodland retreats, hunt camps. Development is more permissive in Waterfront areas and is permitted on private roads but must be through a plan of condominium. Historically to accommodate the tourist and recreational uses associated with Waterfront areas. 	INFO
3.0	Private Roads	
3.1	MH noted that Bracebridge does not permit development of new private roads (outside the plan of subdivision/condominium process); minor extensions of existing private roads are permitted but only when extended	INFO

Item No.	Description/Comments	Action Item
	<p>to service freehold lots. A maintenance agreement is not required in these cases but must prove deeded access as a condition of consent.</p> <ul style="list-style-type: none"> This does not include new condominium roads, which can be newly created (as Condominium Roads are better able to accommodate emergency services and maintenance requirements). Noted that District of Muskoka maintains a 12.0m width standard for Condominium common elements containing a roadway. 	
3.2	MH noted that there tends to be a pressure on the municipality to provide more services on private roads, particularly in Waterfront areas with higher taxes.	INFO
3.3	Noted that much of the existing Waterfront development is historic, and that new developers find that they do not have a legal ROW over private roads entirety.	INFO
3.4	There are private roads that fall within old municipal road allowances that are privately maintained by road associations. Municipality tries to confirm that the road associations have insurance and include the municipality on the insurance.	INFO
4.0	Island Development and Access	
4.1	MH noted that properties that are water-access only require deeded mainland access points. Exceptions are made for larger lakes with multiple marinas and access points available.	INFO
5.0	Signage	
5.1	MH noted that signage throughout Muskoka is uniform, and that private roads are noted with using 'pvt' at the end of the road name.	INFO
6.0	Plans of Subdivision Roads	
6.1	<p>PW questioned whether plan of subdivision roads were assumed to be private roads through the development process.</p> <ul style="list-style-type: none"> MH noted that developers typically prefer developing private roads due to lower costs, and lower design standard requirements 	INFO
7.0	Draft PPS - Rural Growth	
7.1	MH noted that there is limited urban land available for development within the municipality, with plans to expand the urban boundary. Giving consideration to proposed changes to the Provincial Policy Statement, the municipality may need to make rural development more permissible which is an interest of council.	INFO

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.~~ ~~an assessment of the cluster lot development pilot project detailed in Section 3.3.7.;~~
- ~~vi.~~v. achievements of Council in terms of carrying out the identified studies and actions noted in the Plan
- ~~vii.~~vi. feedback received from the development industry and property owners related to the Municipality’s planning program;
- ~~viii.~~vii. appropriateness of policies in managing growth and development, resource management, provincially and locally significant agricultural lands and/or protecting the environment;
- ~~ix.~~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.

~~Since the cluster lot development is a new approach to rural residential development, it will be treated initially as a pilot project. The maximum number of residential lots which can be created under the pilot project within Mississippi Mills shall be 40. The cluster lot development policies and the success of their implementation shall be assessed during the five-year review of this Plan. If necessary, appropriate changes to the policies will be made following the review of this Plan.~~

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 ~~be discouraged~~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)".

- 4.2. _____ The parent property from which the cluster lot development proposal is severed has a minimum lot area of 50 acres.
- 2.3. _____ 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. ~~812.~~ New private roads shall be subject to the Site Plan Control Process and managed under a “common elements condominium”.
- 3.4. _____ 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.
- 4.5. _____ Lots are to be serviced ~~either~~ by private individual water and sewage systems ~~or by communal systems. A communal water and sewage system shall be built in accordance with the requirements of the Municipality and the province.~~ Appropriate servicing studies, including a hydrogeological review, shall be required.
- 5.6. _____ The overall density of development shall be approximately one residential lot per hectare of land. ~~The size of the individual building lots may be as small 0.4 hectares provided sufficient common land is provided to meet the overall density of one residential lot per hectare of land.~~ The minimum lot size shall not include lands within the “described as Flood Plain,” significant natural heritage features within the Plan designation.
- 6.7. _____ 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 ~~or~~ 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 ~~the significant~~ landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
 - iii. ~~i~~ 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; ~~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 shall be used to carry out this requirement.~~

~~7.8.~~ 7.8. 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.

~~8.9.~~ 8.9. The cluster lot development may include land held in common ownership to be used as open space for recreation, ~~as a site for communal systems or for an access road right-of-way.~~ Once common land is set aside, it This land cannot be developed further. ~~Such land and~~ may shall be managed under ~~a the~~ “common elements condominium”.

~~9.10.~~ 9.10. 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 significant natural heritage features or lands adjacent to such features, an Environmental Impact Assessment shall be required in accordance with 3.1.6 of this Plan.

~~10.11.~~ 10.11. If the private road accessing the cluster lot development crosses private land, a deeded right-of-way adequate for right-of-use, road construction and maintenance must be provided, together with an agreement for the maintenance of the right-of-way by the benefiting owners. 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”.

~~11.12.~~ 11.12. Residential uses (including accessory structures), private ~~or communal wells, sewage disposal facilities~~ and access roads shall not be permitted on prime agricultural lands with the “Agricultural” designation, or where there are aggregate resources, wetlands, significant woodlands, flood plains, ~~or~~ significant habitat of endangered or threatened species or areas of natural or scientific interest unless as otherwise directed in an Environmental Impact Statement.

~~12.~~ 12. Where the development affects lands adjacent to natural heritage features, the appropriate policies of this Plan apply.

13. Proponents of cluster lot developments ~~proposals~~ 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, ~~drainage courses and low areas subject to ponding/flooding, grading and drainage plans, and any additional information that may be prescribed through pre-consultation with the Municipality.~~

~~14.~~ 14. The Municipality shall develop design guidelines for cluster lot developments proposals 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 land properties fronting on an 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 prior 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. The 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 and may include a right-of-way registered on titles as identified as a common element developed under the cluster lot development policies of this Plan. A driveway provides providing access to only one property or legally conveyable lot, or despite the length of the access. A driveway also includes a 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 be developed under agreement with the Municipality 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. ~~New private roads or extensions of private roads may be permitted provided that: any such road serves not more than a total of five separate lots; the private road is constructed to a standard capable of accommodating emergency vehicles; it is directly connected to a public road which is maintained year round; the road is owned jointly by the lot owners served by it or the lot owners have right of access set out in a deed; and, an agreement is registered against the land setting out the procedures for maintenance of the road and absolving the Municipality of any liability or responsibility for its upkeep or the provision of services.~~ The design and construction of a private road will be undertaken by a professional engineer or other persons competent in road construction, as ~~approved~~ determined by the Municipality.
5. ~~A new private road may also be permitted as part of a plan of condominium.~~
- 6.5. _____ 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.
7. ~~The use of unopened road allowances as lanes to gain access to year-round residential development shall be discouraged. Private roads may be permitted to cross unopened road allowances with the permission of the Municipality.~~
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.