

STAFF REPORT

TO: Erica Kellogg, Deputy Clerk – Planning & Development
Municipality of Magnetawan

FROM: Patrick Townes, BA, BEd and Jamie Robinson, BES, MCIP, RPP
MHBC Planning Limited

DATE: June 25, 2025

SUBJECT: Zoning By-law Amendment Application – Mulligan
4601 Highway 124

Recommendation

Based on the land use planning analysis contained in this Planning Report, MHBC Planning Limited recommends:

THAT Council receives the Planning Report dated June 25, 2025 respecting the Zoning By-law Amendment application for the subject property located at 4601 Highway 124 (Mulligan); and,

THAT Council approves the Zoning By-law Amendment and passes a By-law.

Proposal /Background

A Zoning By-law Amendment application has been submitted for the subject property located on Concession 8, Part Lot 3, RP42R12391, Part 1 which are locally known as 4601 Highway 124. The owners of the subject property are Mitchell Mulligan and Caitlyn Rainey.

The purpose and effect of the Zoning By-law Amendment application is to rezone a portion of the subject property located at 4601 Highway 124 from the Rural Residential (RR) Zone to a Rural Residential Exception (RR-08) Zone to permit a home industry with outdoor storage. The proposed home industry use includes marine equipment (boat and boat accessories) service and repairs within the existing accessory building on the subject property. An area is also proposed for the outside storage of marine equipment on the subject property. The owner is also proposing some additional uses on the subject property, that are not permitted within the Rural Residential (RR) Zone and are permitted within the Rural (RU) Zone.

The subject property is currently developed with an existing dwelling, shed and garage. The existing garage has a size of approximately 122 square metres and is proposed to be used for the home industry use. The owner is also proposing to use the area surrounding the existing garage for outdoor storage.

The location of the subject property is shown on Figure 1, and the location of the lands to be rezoned are outlined in red on Figure 2. The subject property has a lot area of 9.8 hectares (24.2 acres) and has a lot frontage of 100 metres on Highway 124.

Figure 1: Location of Subject Property

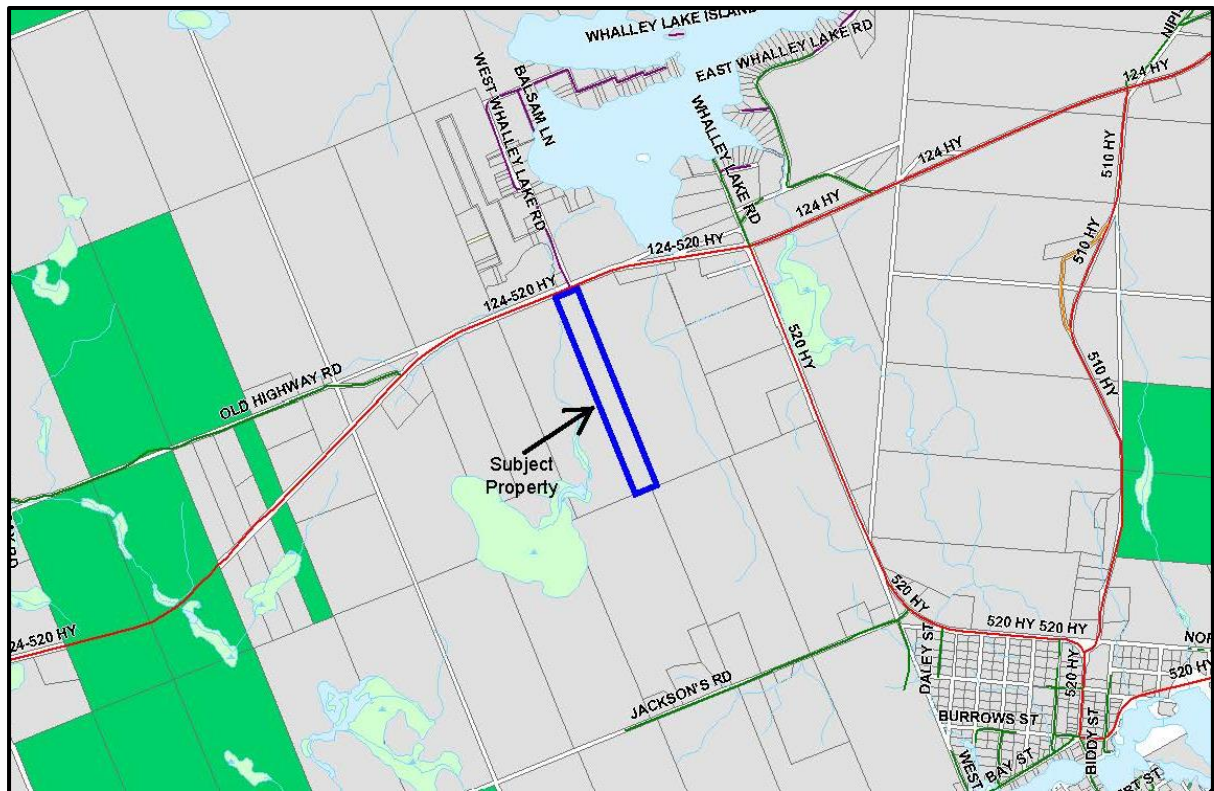
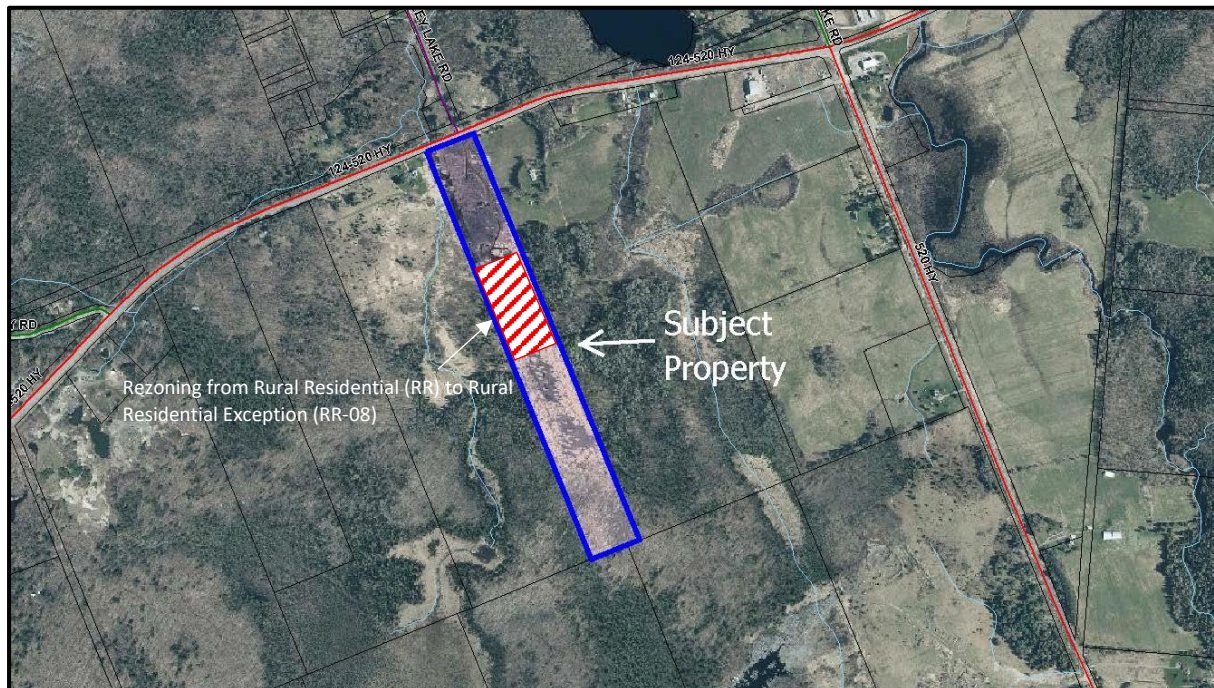


Figure 2: Aerial Image of Subject Property



The proposed area to be rezoned for the home industry use includes a portion of the subject property, totalling 3 hectares (7.4 acres) and is inclusive of the area containing the existing garage and the lands surrounding the garage to be used for outside storage. This area is shown on figure 2.

The owner is also proposing the following uses on the subject property: farm, farm produce outlet accessory to a farm, logging, resource management activities, and riding school or boarding stables. These uses are currently not permitted within the Rural Residential (RR) Zone. These changes would apply to the entirety of the subject property and would be captured under a separate exception zone.

Area Context

The following is a summary of the surrounding land uses:

North: Existing rural and rural residential uses.

East: Existing rural and rural residential uses.

South: Existing License B Pit and rural uses.

West: Existing rural and rural residential uses.

Policy Analysis

Provincial Planning Statement

The Provincial Planning Statement (PPS) is a document that provides policy direction on matters of Provincial interest concerning land use planning. Ontario has a policy-led planning system, and the PPS sets the foundation for regulating the development and use of land in the Province. Policies are set out to provide for appropriate development while also protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. When making land use planning decisions, Planning Authorities must ensure that all planning decisions are consistent with the PPS.

The subject property is located outside of a Settlement Area and are considered Rural Lands in the context of the PPS. Section 2.6 of the PPS outlines policies for Rural Lands. The existing rural residential use is considered as a permitted use in the context of the PPS. A home industry use is accessory to a principal residential use and would be considered as an other rural land use, under Section 2.6.1 g) which is also considered as a permitted use. The permitted uses within the Rural Residential (RR) Zone and the additional proposed permitted uses are permitted in the context of the PPS.

Section 3.6 of the PPS outlines policies for sewage, water, and stormwater. Where municipal sewage services and municipal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. The subject property currently has a dwelling, garage, and shed. It is understood that the property is serviced by an existing well and a septic system.

Chapter 4 of the PPS contains policies related to the wise use and management of resources. Section 4.1 of the PPS specifies that development and site alteration shall not be permitted on adjacent lands to natural heritage features. There are no significant natural heritage features located on the subject property or within 120 metres of the lands to be rezoned. Further, no new buildings or structures are proposed as a result of this application.

The proposed Zoning By-law Amendment is consistent with the PPS.

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides policy direction on growth and development within Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with the schedules of the Official Plan, the subject property is designated as Rural. The subject property is also located within an aggregate and mineral resources area.

Section 5.2.1 of the Official Plan includes the permitted uses within the Rural designation. A home industry is included as a permitted use.

Section 4 of the Official Plan includes general land use policies, including policies regarding wetlands and other natural heritage features and areas. There are no significant natural heritage features located on the subject property or within 120 metres of the lands to be rezoned. Further, no new buildings or structures are proposed as a result of this application.

Section 4.1 of the Official Plan includes policies regarding land use compatibility. The subject property is large in size and is representative of a rural lot. The existing garage to be used for the home industry is located 165 metres from the closest dwelling on the adjacent property to the east. Further, the location of the existing garage and the lands to be rezoned are setback 272 metres from the Highway in an area that appears to contain existing vegetation on the subject property. From a visual and noise perspective, the proposed location of the home industry appears to be appropriate to limit potential impacts on adjacent land uses.

Section 4.14 of the Official Plan includes policies regarding the mapped aggregate and mineral resources area and states the following:

Development of these areas for purposes other than resource extraction is not permitted except where it can be shown that the proposed development has a greater public interest than the extraction of the resource and will not adversely effect the availability of the resource and long-term viability of the aggregate industry in the future.

The proposed application does not include any new buildings and structures but is rather to permit a home industry use within an existing garage. The existing use on the subject property is to remain residential and as a result there is no adverse impact on the availability of the resource and long-term viability of the aggregate industry as a result of this application.

The owner is proposing some additional uses on the subject property that are permitted within the Rural (RU) Zone, however are not permitted in the Rural Residential (RR) Zone. The subject property is relatively large in size and

representative of a rural lot within the Municipality. The proposed uses, including a home industry, are appropriate on the subject property and for the rural area.

The proposed Zoning By-law Amendment conforms with the Official Plan.

Municipality of Magnetawan Zoning By-law

The property is currently located within the Rural Residential (RR) Zone. The permitted uses within the RR Zone include the following:

- Detached dwelling;
- Home occupation;
- Bed and breakfast establishment; and,
- Resource management uses.

A home industry use is not a permitted use within the RR Zone, however it is a permitted use within the Rural (RU) Zone. The intent of the Zoning By-law is to permit home industries as of right on a property within the RU Zone because these properties are typically larger in size than properties within the RR Zone. The subject property has a lot area of 9.8 hectares (24.2 acres) which is larger than the minimum lot area of a RR Zone which is 1 hectare (2.5 acres).

Rather than rezoning the subject property to a general commercial zone, it is recommended that a site-specific zoning be applied to the subject property, that includes the lands where the existing garage is located and the surrounding lands to include outside storage.

The proposed use on the subject property would be considered as a home industry which is defined in the Zoning By-law as the following:

Any occupation of an industrial nature conducted entirely within a building or part of a building accessory to a detached dwelling.

Section 3.11 of the Zoning By-law includes provisions that apply to home industries. A review of this section is included in Table 1.

Table 1: Zoning By-law Section 3.11 Summary

Section 3.11 Home Industry Provisions	Comment
A maximum of four (4) persons, who are not residents, may be engaged in the home industry;	It is understood that there will be four (4) or less persons who are engaged in the home industry who are not residents. The owner will need to ensure compliance with this requirement in the future.
Such home industry may be located in part of a dwelling, or in any accessory building located on a lot on which a dwelling is in existence, provided the total gross floor area utilized by the home industry does not exceed a maximum of 150 square metres;	The proposed home industry is located within the existing garage on the subject property. The existing garage has a size of approximately 122 square metres and meets this provision.
There shall be no outside storage of goods, materials or articles;	A site-specific amendment is required to include outside storage as a permitted

Section 3.11 Home Industry Provisions	Comment
	use. The draft Zoning By-law Amendment includes an area of 3 hectares (7.4 acres) which can be used for outside storage. This establishes a specific area where this use is permitted and where the potential for land use impacts are lower.
Notwithstanding section 3.121 a maximum of four currently licenced motor vehicles associated with the home industry may be parked or stored on the lot but only within an interior side or rear yard;	The owner will need to ensure compliance with this requirement in the future.
There shall be no emission of noise, odour or dust which is not normally attributed to the use of the land for residential uses;	The proposed marine equipment (boat and boat accessories) service and repairs within the existing accessory building will not have emission of noise, odour or dust that is not attributed to a residential use. All maintenance work is to be completed within the existing garage.
A home industry shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling on the lot;	The marine equipment (boat and boat accessories) service and repairs is proposed within the existing garage. The residential character of the lot will not change and this use is accessory to the residential principal use on the subject property.
The home industry shall comply with the following minimum lot area, yard and setback provisions: i) Minimum lot area 1.0 hectares ii) Minimum setback from all lot lines 30 metres iii) Minimum separation from dwelling in existence on another lot 100 metres	The subject property is larger than 1 hectare, the existing garage is setback more than 30 metres from all lot lines and the closest dwelling is located 165 metres east from the existing garage.
Maximum sign size 1 square metre	The owner will need to ensure compliance with this requirement in the future.

*Existing buildings which do not meet the setback requirements of subsection ii) may be used for home industries provided that all of the other provisions in this section are met.

The proposed home industry use is to be located within the existing garage on the subject property. The Zoning By-law includes criteria to evaluate the use of home industries, and with the exception of the outside storage provision, the proposed home industry on the subject property meet these requirements. The dwelling located to the east of the subject property is located 165 metres from the existing garage and the dwelling to the west is located 260 metres from the existing garage. The existing

garage is also setback 272 metres from Highway 124. This use is compatible with the residential uses in the area due to the distance from neighbouring properties and the road. Due to the location and the site-specific zoning, outside storage is also not anticipated to have a negative impact on surrounding land uses from a visual perspective (from adjacent properties and the road).

The owner reached out to municipal staff to determine if additional uses could be permitted on the subject property, including the following: farm, farm produce outlet accessory to a farm, logging, resource management activities, and riding school or boarding stables. Although these uses are not proposed, the owner would like to open future opportunities for additional uses. The additional proposed uses are permitted within the Rural (RU) Zone in the Zoning By-law however they are not permitted within the Rural Residential (RR) Zone. Generally properties within the RR Zone are smaller in lot area – the minimum requirement in the Zoning By-law is 1 hectare. The minimum lot area for the RU Zone is 10 hectares. The subject property is 9.8 hectares and is just smaller than the minimum lot area for the RU Zone. Based on a review of the additional proposed uses, the size of the lot, and the shape of the lot, the additional permitted uses are appropriate.

Comments from Departments

The following comments were received on the application:

Road Department: Has no concerns with the application.

Fire Chief: Has no concerns with the application.

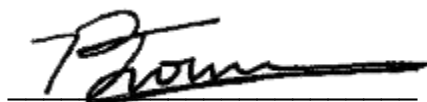
Building Department: Has no concerns with the application.

By-law Department: Has no concerns with the application.

Summary

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Municipality's Official Plan, is appropriate and represents good planning. The proposed Zoning By-law will permit a home industry with outdoor storage on the subject property. The proposed home industry use includes marine equipment (boat and boat accessories) service and repairs within the existing accessory building on the subject property. An area is also proposed for the outside storage of marine equipment on the subject property which is adequately setback from adjacent residential dwellings on surrounding properties. Additional permitted uses are also proposed that are in keeping with the rural character of the subject property and the surrounding area.

Respectfully submitted,



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