

THE MUNICIPALITY OF MAGNETAWAN

STAFF REPORT

TO: Nicole Gourlay, Deputy Clerk,
Municipality of Magnetawan

FROM: Jamie Robinson, BES, MCIP, RPP & Jonathan Pauk, HBASc, MSc, MCIP,
RPP - MHBC Planning Limited

DATE: June 30, 2021

SUBJECT Zoning By-law Amendment – Munn – 1743 Nipissing Road South,
Municipality of Magnetawan

Recommendation

1. That Council receive this Report;
2. If no comments are received on the proposed application that require further Staff review, that Council enact the attached Zoning By-law Amendment.

Proposal / Background

On April 21, 2021 the Central Almaguin Planning Board granted provisional consent to Consent Application B017/20. The provisional consent application seeks to create two new rural residential lots fronting onto Nipissing Road and Midlothian Road.

The Zoning By-law Amendment proposes to rezone the Severed Lot 1 and Severed Lot 2 from the Agricultural Zone to the Rural Residential Zone. In addition, the application proposes to rezone a portion of the Retained Lot from the Agricultural Zone to the Rural Exception Zone.

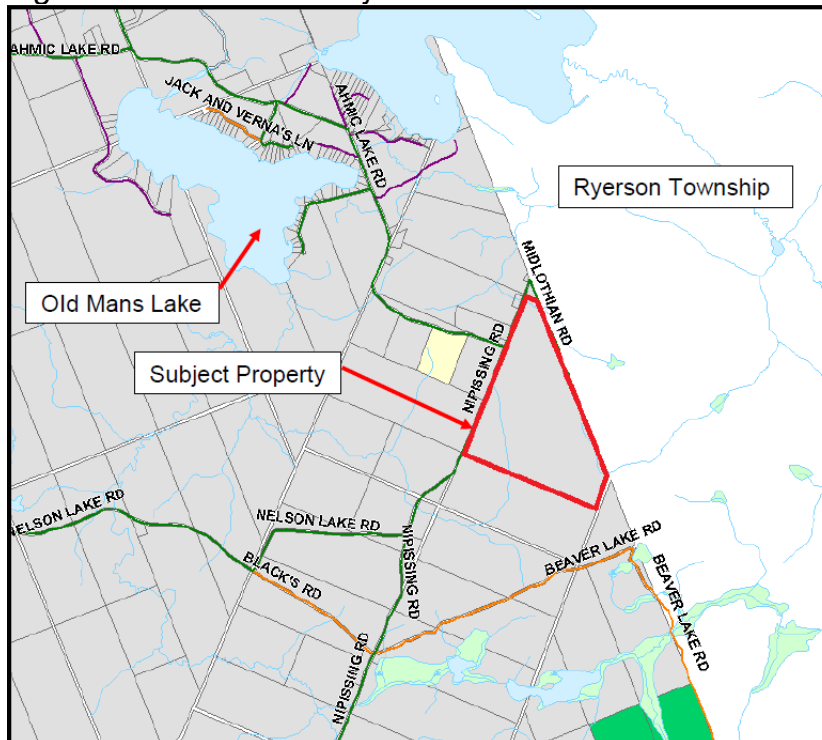
The applicants have filed the current application for Zoning By-law Amendment to rezone the Severed Lot 1 and Severed Lot 2 to the Rural Residential (RR) Zone. A portion of the Retained Lot is to be rezoned from the Agricultural Zone to the Rural Exception Eight (RU-8) Zone to permit a proposed contractor's yard use.

The proposed Zoning By-law Amendment is to satisfy the condition of Consent approval. A formal Reference Plan of the proposed severed lot has not been completed at this time, but will be required prior to satisfaction of all conditions of Consent approval.

Area Context

The subject property is currently developed with a single detached dwelling, a detached garage, and four storage sheds. The subject property is located on the east side of Nipissing Road. The subject property is bound by Nipissing Road to the west and the Ryerson Township municipal boundary (Midlothian Road) to the east.

Figure 1: Location of Subject Lands



The surrounding land uses can be summarized as follows:

North: Cornball Store and the Spence Cemetery.

East: Midlothian Road and the Ryerson Township Municipal Boundary

South: A large tract of forested lands, and Beaver Lake Road further to the south.

West: Nipissing Road South, Rural Lands, and an existing ARA License area.

Policy Analysis

Provincial Policy Statement

The Provincial Policy 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 decisions are consistent with the PPS.

The subject property is located outside of the Magnetawan Village settlement area and are considered to be Rural Lands by the PPS. The PPS, specifically Section 1.1.5.2 (c), permits residential development, including lot creation, that is locally appropriate and other rural land uses, as permitted uses on Rural Lands. The proposed use of the subject property is consistent with the PPS.

A portion of the retained lands are proposed to contain the existing barn, shed and is to host a future contractor's yard. The contractor's yard would be considered an 'other rural land use' in the context of the PPS. The proposed Zoning By-law Amendment seeks to rezone a portion of the Retained Lot to permit a contractor's yard. Severed Lot 1 is to contain the existing dwelling, garage, shed, septic and drilled well. Severed Lot 2 would, at the present time, be vacant. Future construction of a residential dwelling on the proposed Severed Lot 2 would be considered a permitted use on the subject property.

Section 1.1.4.1 (f) of the PPS states healthy, integrated and viable rural areas should be supported by, *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products*. The future contractor's yard on the retained lot would enable a business opportunity to be located within the Municipality, thereby promoting the diversification of the economic base of the Municipality.

Section 1.1.5.4 of the PPS indicates that *development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted*. The proposed contractor's use is compatible with the surrounding rural land uses and will not negatively impact the character of the area.

Section 2.0 of the PPS contains policies related to the wise use and management of resources. Ontario's long-term prosperity, environmental health, and social well-being is dependent on protecting water and natural heritage features. Upon review of Municipality's Environmental Features mapping the subject property is entirely located within a Deer Wintering Area (Stratum 2). As proposed, uses would not appear to result in vegetation or tree removal within the significant deer wintering habitat area.

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

Municipality of Magnetawan Official Plan

The Municipality's Official Plan provides policies to manage change within the Municipality of Magnetawan. The policies in the Plan address the environment, cultural and built heritage, natural resources and servicing and transportation. In accordance with Schedule A – Land Use, the subject lands are designated Agricultural and within the Aggregate & Mineral Resources overlay. In accordance with Schedule B (Natural Features), the subject property is located within the Deer Wintering Area (Stratum 2) overlay.

Section 5.2.1 of the Official Plan contains policies for Rural Areas in the Municipality and states that the permitted uses include residential dwellings and small scale industrial and commercial developments. The existing dwelling on Severed Lot 1, future residential development on

Severed Lot 2 is a permitted use. The proposed contractor's yard is a small scale commercial use and is a permitted use within the Rural designation.

The proposed Zoning By-law Amendment application proposes land uses that are permitted by the Official Plan and are compatible with surrounding land uses. The proposal conforms to the Official Plan contained within the Municipality's Official Plan.

Municipality of Magnetawan Zoning By-law

The subject property is Zoned Agriculture (A) and Environmental Protection (EP). Both of the proposed severed lots are located within the Agricultural Zone and the Retained Lot is within the Agricultural and Environmental Protection Zone. The minimum required lot area in the Agricultural Zone is 20 hectares. Severed Lot 1 and Severed Lot 2 do not comply with the minimum lot area standard for agricultural uses and as a result, this application proposes to rezone the lots to the Rural Residential Zone to recognize the future residential use of each of the lots.

A portion of the proposed Retained Lot is to be rezoned from the Agricultural (A) Zone to the Rural Exception Eight (RU-8) Zone to add a contractor's yard as a permitted use, to define the area where the business can operate on the lot and to ensure outdoor storage areas are screened from views from the road and adjacent residential uses. An area measuring 100 metres (Nipissing Road) by 65 metres (depth) is to be rezoned to permit the proposed contractor's use. The defined area is shown in the attached Zoning By-law Amendment.

Staff have also recommended that fencing be included on the portion of the property that is to be rezoned. The intent of this provision is to ensure that the business operates within the portion of the Retained Lot to be rezoned and to screen the business from surrounding residential uses.

A contractor's yard is defined in the Municipality's Zoning By-law as, "*A yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein.*"

The proposed Retained Lot complies to the Zoning By-law requirements for minimum lot frontage and minimum lot area for the Rural Zone. The proposed Severed Lot 1 and Severed Lot 2 do not comply with the Rural Zone requirements and are to be rezoned to the Rural Residential Zone.

The Applicant has confirmed that the proposed Severed Lot 1 is to contain the existing dwelling, garage and accessory buildings. The proposed Severed Lot 2 is to be vacant and is to host a future residential use. A portion of the proposed Retained Lot is to be as a future contractor's yard operation.

Please refer to Attachment #1 to this Report for a copy of the draft Zoning By-law Amendment.

Summary

It is our opinion that the rezoning of Severed Lot 1 and Severed Lot 2, to the Rural Residential Zone and the rezoning of a portion of the Retained Lot to the Rural Exception Eight (RU-8)

Zone, is consistent with the PPS, conforms to the Municipality's Official Plan and represents good land use planning. The proposed Zoning By-law Amendment also seeks to satisfy a condition of Consent approval for File B017/20.

Respectively submitted,



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Attachment 1 – Draft Zoning By-law Amendment