



Mississippi Mills 2048

Our Community, Our Future



Municipality-Initiated Official Plan Amendment OPA 33

LSR and Private Roads ICB Study

- In November 2021, Mississippi Mills Council passed an Interim Control By-law (ICB) to restrict development on *Limited Service Residential* (LSR) zoned properties and development on private properties.
- The purpose of the ICB was to allow the Municipality time to evaluate development on private roads, including cluster lot development and determine what updates were needed before allowing any new developments on private roads.
- The ICB was extended in December 2022 to December 2023, to accommodate the study completion.

Background

- 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.
- Pilot project policies were carried forward from the Ramsay Ward OP into the COP that would permit a maximum of 40 lots created by cluster lot development.
- A policy review in 2014 raised concerns regarding cluster lot development policies encouraging rural intensification on private roads. Council instructed staff to review increasing the maximum number of lots permitted to nine. This was not supported by staff and the maximum number of lots permitted remained at five.

Study Objectives

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

Cluster Lot Developments Overview

- Groups of three to five lots created through Consent (severance)
- Limited services (no garbage pick up, emergency access, snow plowing)
- Properties only accessed through a private road
- Alternative to historic rural development for rural, non-farm residential development
- Intended to direct development away from public roads, reduce visual impact of strip development, and increase financial viability of scattered rural residential development



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Background Review and Analysis

Community Official Plan (COP)

- The COP permits lot creation in the **Rural** designation either through severance or cluster lot development.
- The **Rural** designation permits the creation of two, new non-farm residential lots plus the retained lot from an original township lot or a lot created after July 1, 1973.
- Cluster lot developments permit a maximum of five new lots from a parent lot which must be larger than 20.2 ha (50 ac). New cluster lots must meet a minimum 0.4 ha (1.0 ac) lot size.
- Cluster lots are intended to be accessed through private roads. New private roads are required to meet municipal road standards, are limited to serving no more than five lots, and need to maintain an agreement establishing responsibility for maintenance and liability between the property owners.

Zoning By-law

- The *Limited Service Residential (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.
- The *Rural (RU)* zone is intended to accommodate non-farm residential lots by severance in **Rural** designated areas and ensure development compatibility with adjacent uses and rural context.

Existing Cluster Lots

16 lots within 4 separate development clusters have been created since 2005 through the cluster lot development pilot project. All the lots are currently designated *Rural* and located within the *Rural* zone.

There are currently 134 lots zoned *LSR* within the Municipality.

Existing Private Roads

The Municipality has 26 private roads that are identified by various street types (Road, Lane, etc.). A total of 118 lots have frontage entirely on private roads.

Many historic private roads have lots that front onto watercourses, while newer private roads do not follow this pattern.

Consent and Site Plan Control By-law

Site Plan Control is required for a variety of developments within the Municipality. A Site Plan Control agreement may also be required to be registered on title to provide and maintain certain elements of a development, including access.

As part of the Consent (severance) process, a Development Agreement is usually required by the Municipality to ensure details of development on private roads are controlled and implemented.



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Best Practices Review

The study reviewed cluster lot development policies and provisions from five similar municipalities with large rural areas, smaller urban centres, and waterfront development.

Policies related to rural and waterfront development considerations were reviewed, including OP designation, zoning, permitted density, permitted uses, lot creation process, conditions and implementation tools related to private roads and access policies.

Results

- Cluster lot developments were largely restricted to **Rural** and **Waterfront** designations. Three of five municipalities used cluster lot or limited-service specific zones.
- Most municipalities limited development of cluster lots to 3 – 10 new lots with densities between 1 – 1.25 lots/ha. Most municipalities had a minimum lot size of 0.4 ha (1 ac).
- Most municipalities required new lots to be created through Consent (severance) or Plan of Subdivision and implemented through Official Plan/Zoning Amendment and Site Plan Control/Plan of Condominium processes.

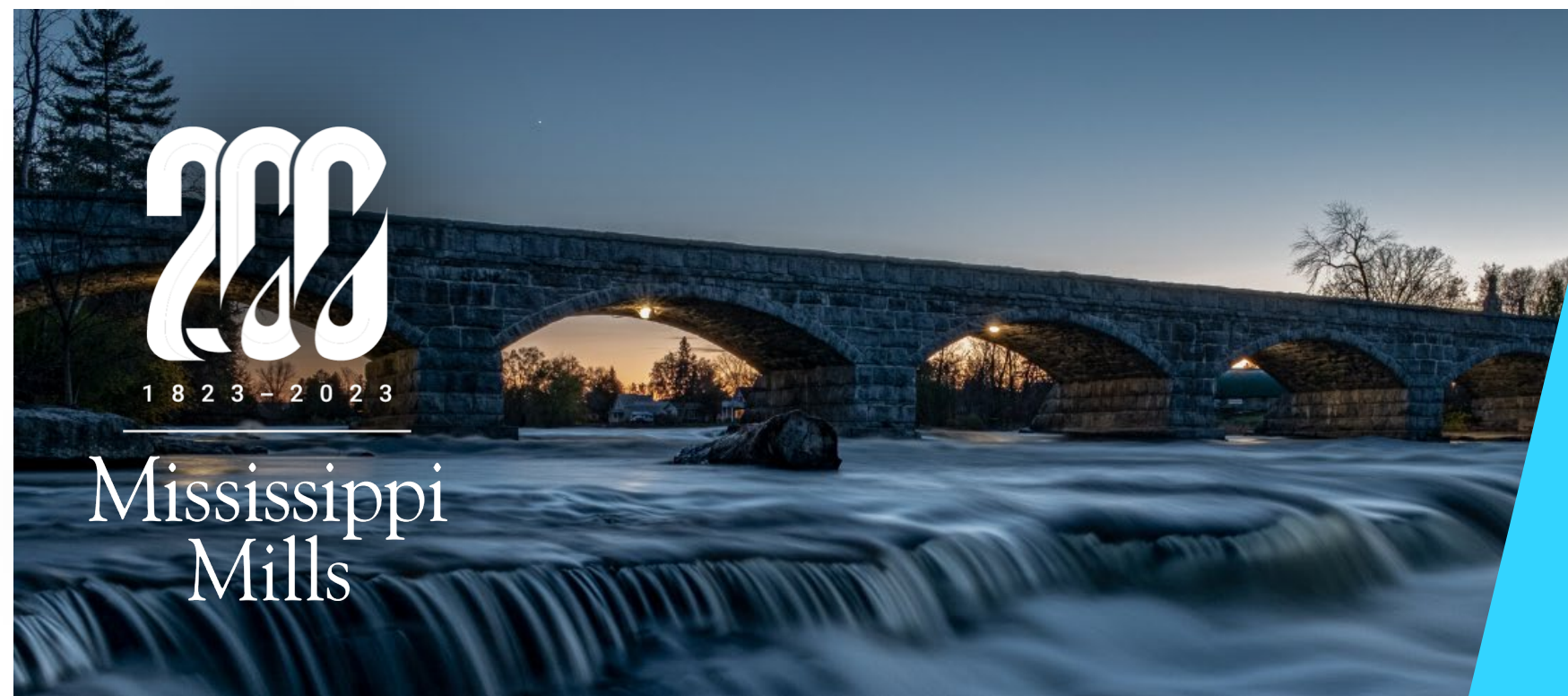
Best Practice Municipalities

- Town of Bracebridge*
- Tay Valley Township*
- Municipality of Clarington
- Town of Gravenhurst
- Town of Lanark Highlands

* Interviewed municipality

Interview Findings

1. Private roads are identified using the “Private” extension to indicate the road type.
2. Private roads in or crossing unopened road allowances are only permitted under agreement for construction, operation, and insurance that includes the municipality.
3. Residents on historic private roads are encouraged to form a roads association to manage maintenance and liability of the road where no formal agreement exists.



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Study Recommendations

Updates to the Community Official Plan

- Clarify that cluster lot developments are permitted within the **Rural** designation only.
- Specify that the lots created through cluster lot developments are to be zoned Limited Service Residential.
- Clarify that new, non-farm residential lots on private roads can only be created through the cluster lot development process.
- Prohibit cluster lot development access via private roads over private land or unopened road allowances. Private roads are only to be created through the cluster lot development process.
- Maintain the requirement that new private roads be subject to Site Plan Control and introduce a requirement that the operation, maintenance and liability of the road be managed by Plan of Condominium.
- Require a holding zone on new cluster lots (not allow building permits) until the construction of the road as well as the operation, maintenance and liability of the road are under agreement through the 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 would be added as an amendment to the Official Plan or at the time of a 5-year review.





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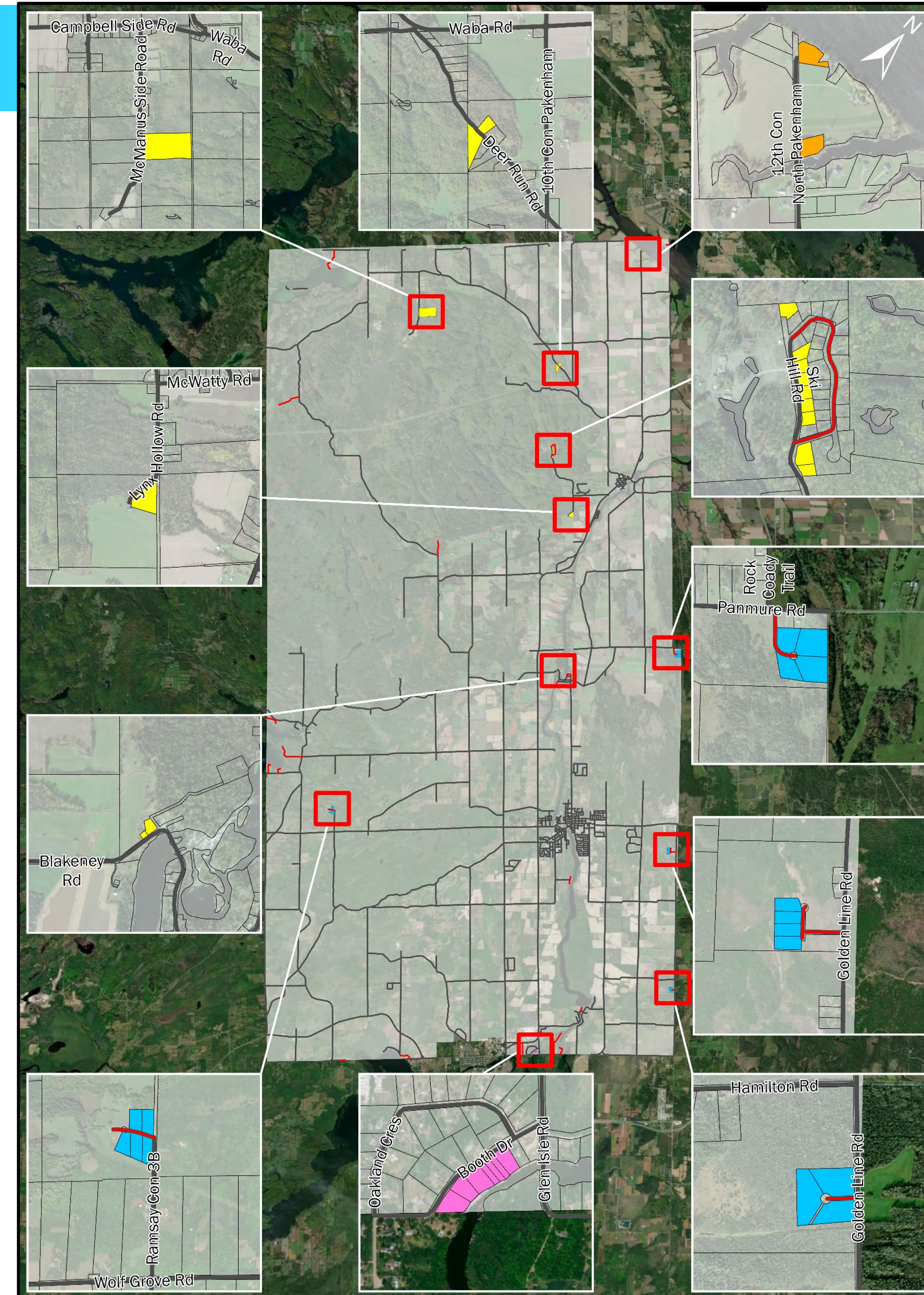
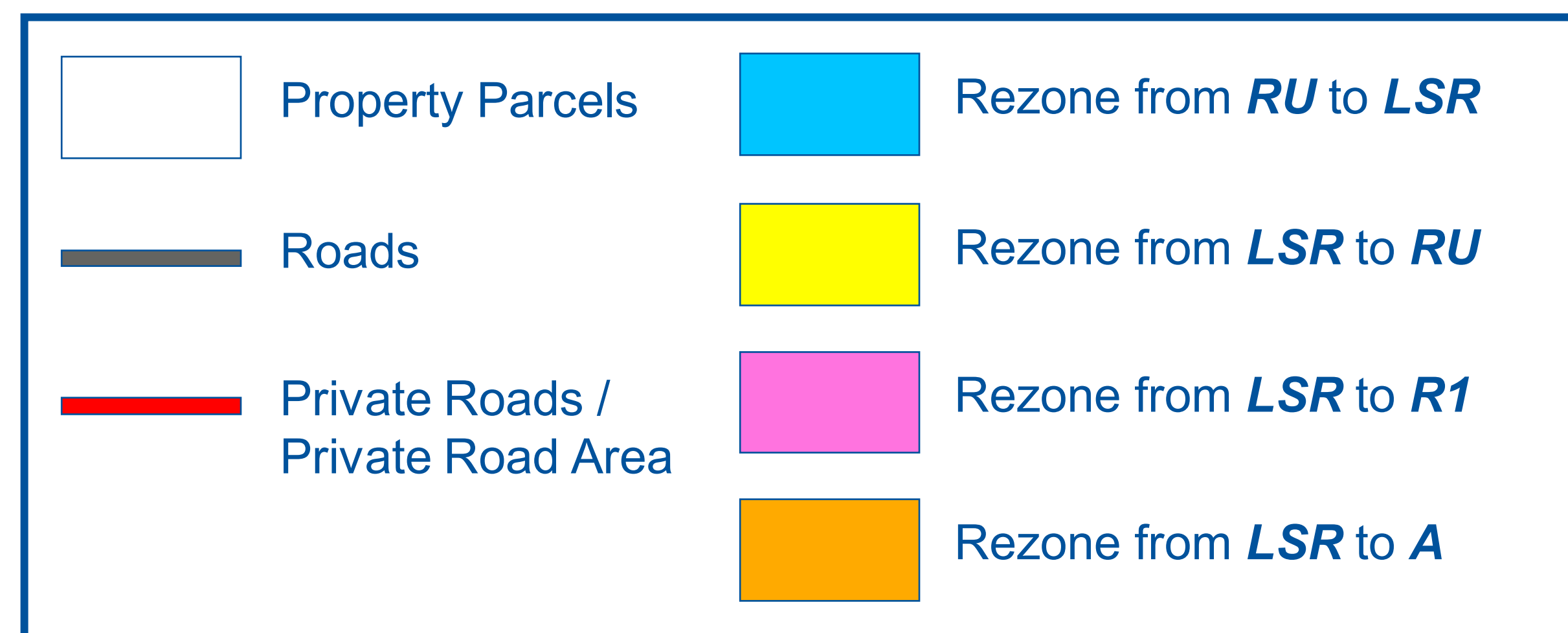
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Study Recommendations

Updates to the Comprehensive Zoning By-law

- Rezone lots developed through the cluster lot policies to *LSR* to recognize the objectives and policies of the Official Plan for these developments as limited service residential.
- 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.
- Require that new lots zoned *LSR* be subject to a holding zone that may not be lifted until the design, construction and agreements related to on-going operation, maintenance and liability are completed and registered on title.





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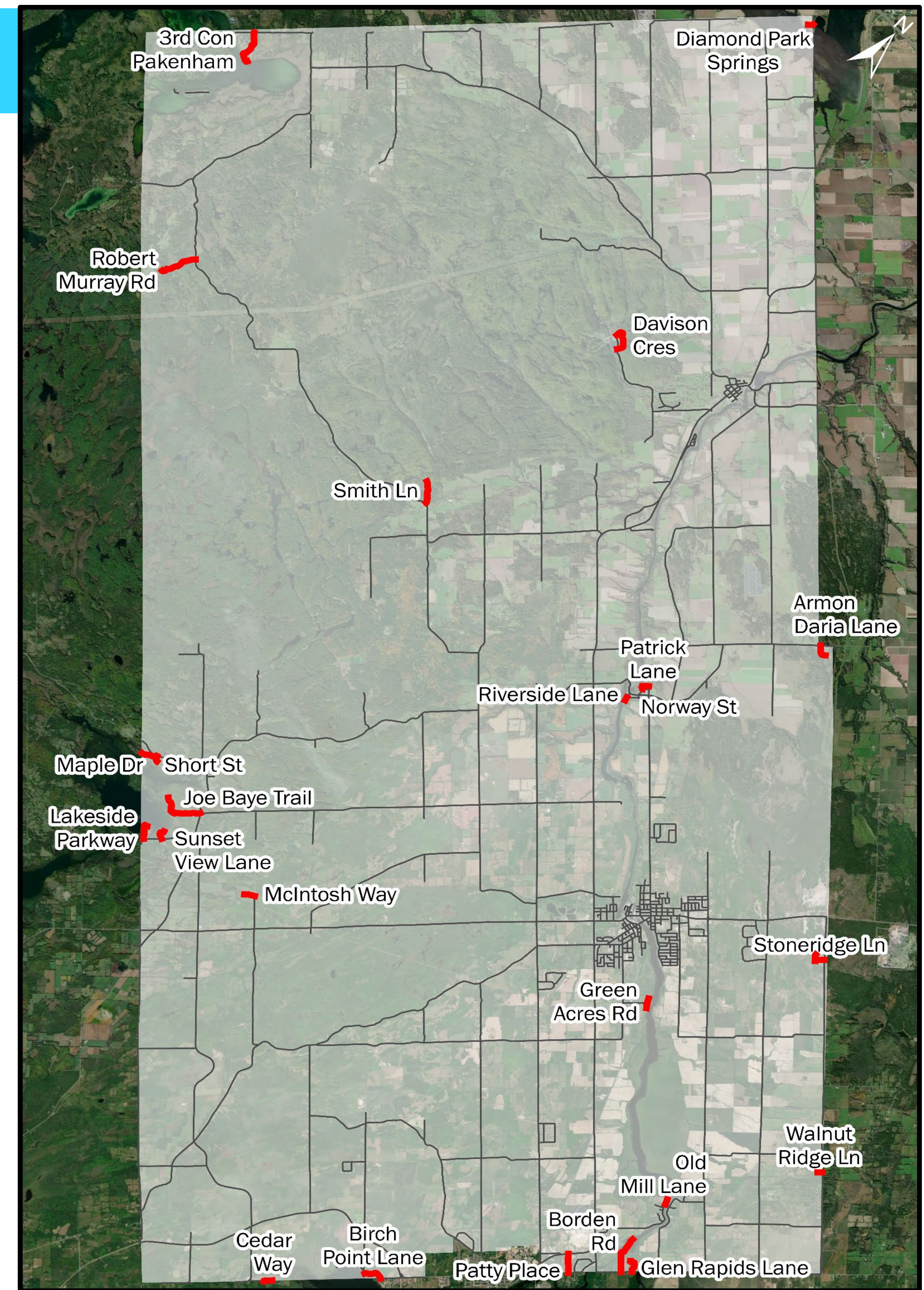
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Staff Recommendations

Other Policy and Administrative Updates

- Update the Site Plan Control By-law to add development of private roads to the list of development types that are subject to Site Plan Control and agreements.
- Require that new Private Roads be named as “Private”.
- Consider renaming existing private roads to follow this typology.
- Provide a schedule of road types in the Municipality so that private roads are clearly identified and will assist in reducing confusion as to what roads are municipally maintained and those that are the responsibility of the property owner.
- Encourage owners of existing private roads to develop a Road Association that is responsible for maintenance and obtaining private road liability insurance. Residents using a private road for access 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.





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Next Steps

Refine Recommendations

- Based on the feedback received, the draft recommendations and amendments will be refined prior to presenting to Council.

Preparation of Staff Report and Presentation to Council:

- Municipal staff will prepare a Staff Report that provides an overview of the study findings, results and staff's recommendations to Council.

Check out How We Grow on our website:

The Municipality is welcoming feedback on the information presented tonight as well as the draft study report and amendments to the Official Plan until February 1st, 2024. The draft report is posted on the Municipalities website at:

<https://www.mississippimills.ca/en/how-we-grow.aspx>

Contact Us:

Comments can be directed to the Acting Director of Development Services and Engineering at:

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