



**AGENDA
PUBLIC MEETING
ZONING BY-LAW AMENDMENT**

**Tuesday, June 1, 2021
5:30 p.m.
Via GoToMeeting**

GoToMeeting: <https://global.gotomeeting.com/join/927121589>

Members of the Public:

Meetings will now be held using GotoMeeting - Video Conferencing. By clicking the link above (allow extra time for downloading the program if it is the first time you have used GoToMeeting on your device), you will be able to see the agenda, see Members of Council and hear the proceedings of the meeting. Please ensure the volume on your device is **on** and **turned up** to hear the meeting. The Public is asked to ensure that their mic and camera buttons are off for the entire meeting.

As the province of Ontario continues to take significant steps to limit the transmission of the COVID-19 virus, the Township continues to protect the health and safety of the public, Council, Committee and Board Members, and employees while at the same time processing *Planning Act* applications. Therefore, the Township is holding an electronic public meeting, as per the Procedural By-Law, in accordance with the *Planning Act*, Section 34.

There will **NOT** be any ability to attend the public meeting in person to help prevent the spread of COVID-19. The public may participate by alternate means. The Township strongly encourages written comments to be submitted prior to the public meeting to adminassistant@tayvalleytwp.ca. A video conference link will be available during the public meeting to enable the public to participate and make oral representations. There will also be the ability to view the meeting agenda and materials on an electronic device. The details to join the video conference and view the materials are located above.

Video Conference Participation Etiquette

- a meeting via video conference shall never be treated differently than a meeting in person, whereby all attendees shall abide by proper meeting procedure and etiquette;
 - we ask that all public attendees mute their cameras and mics; doing so will eliminate any background noise and create a much more seamless process
 - the Chair will call the meeting to order at the time indicated on the agenda;
 - roll call will be completed visually by the Chair;
 - the Chair will then remind all attendees to place their devices on mute
 - as the Chair moves through the agenda, he will call on the Planner to speak to each Application;
 - for Members, we request that you retain your questions until the end of the report, at which time the Chair will ask if anyone has questions;
 - just as during an in-person meeting, Members will be required to raise their hand and the Chair will call on you to speak;
 - the same process will be used when the Applicant and the Public are asked for comments, anyone wishing to speak will need to unmute their mic and state their name and upon completion of your comment, re-mute your device
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*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting*

Chair, Reeve Brian Campbell

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear an application for Zoning By-Law Amendment for the following application:

O'Donoghue

- The Planner will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour, to the application will be heard.

- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting, or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Local Planning Appeal Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Local Planning Appeal Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Planning Assistant at planningassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA21-09: O'Donoughue – *attached, page 5.***
155 Miller Bay Road
Part Lot 4, Concession 7
Geographic Township of North Burgess
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATION

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

June 1, 2021

Noelle Reeve, Planner

APPLICATION ZA21- 09 - O'DONOUGHUE

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-121 be amended to rezone the lands at Concession 7, Part Lot 4, 155 Miller Bay Road, Geographic Township of North Burgess (Roll #091191102538500) from Seasonal Residential (RS) to Residential Limited Services Special Exception 186 (RLS -186).”

BACKGROUND

The application applies to an approximately 0.25ha (0.62 acre) lot with water frontage of 67m.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception-186 (RLS-186) to permit an existing cottage to be converted to a year-round residence with a water setback of 13.7m from Otty Lake, rather than the required 30m, and to permit the construction of an addition at 19.8m and mudroom at 22.8m, both at the rear of the building, plus a screened porch with a water setback of 17.8m on the west side of the building.

The effect of the amendment is to permit the existing cottage to be used as a year-round residence with a 13.7 m setback from Otty Lake and to construct additions to the dwelling, less than 30 m from the lake, at a total lot coverage of 9.1%.

DISCUSSION

Provincial Policy Statement

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met as the additions will be set back farther from the lake than the cottage, a new septic system will be installed, and requirements in the Site Plan Control Agreement will provide protection to the water quality of the lake.

Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. Otty Lake water quality is rated Fair to Good by the

Rideau Valley Conservation Authority (RVCA). Through a Site Plan Control Agreement, water quality can be improved by the proposed redevelopment.

County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including residential uses.

Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.

Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

A setback of less than 30m is permitted in exceptional circumstances where existing development or lot constraints preclude the 30m setback from being met. The existing cottage is setback 13.7m and the additions will be set farther back.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS).

Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will not be met. However, setbacks of 17.8 for a screened in porch, 19.8m for an addition, and mudroom at 22.8m all exceed the current cottage setback from water.

Planner

The applicants have proposed construction at an increased setback from the lake compared to the existing cottage. The new septic system will be located 30m from the lake. A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

Rideau Valley Conservation Authority (RVCA)

The RVCA has no objection to the requested amendment. Regular Site Plan Control Agreement requirements are proposed. RVCA did note that silt and erosion controls for the newly drilled well had been breached and require re-staking/repair.

The property overlies a highly vulnerable aquifer as does most of Tay Valley Township. In these cases, the RVCA recommends increased well-casing depths, increased distances from septic systems to wells, and ensuring septic systems are down gradient from wells.

Mississippi Rideau Septic System Office (MRSSO)

A septic permit application has been submitted. Due to the thin soils, imported sand will be required for the mantle.

Public

A neighbour had questions about the location of the additions. The Planner sent him the applicant's site sketch. No further questions were raised by the neighbour. At the time of the writing of the report the Planner had not heard from the Otty Lake Association.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 7, Part Lot 4, 155 Miller Bay Road, Geographic Township of North Burgess (Roll #091191102538500) from Seasonal Residential (RS) to Residential Limited Services Special Exception 186 (RLS -186).

ATTACHMENTS

- i) Site Sketch
- ii) Zoning By-law

Prepared and Submitted By:

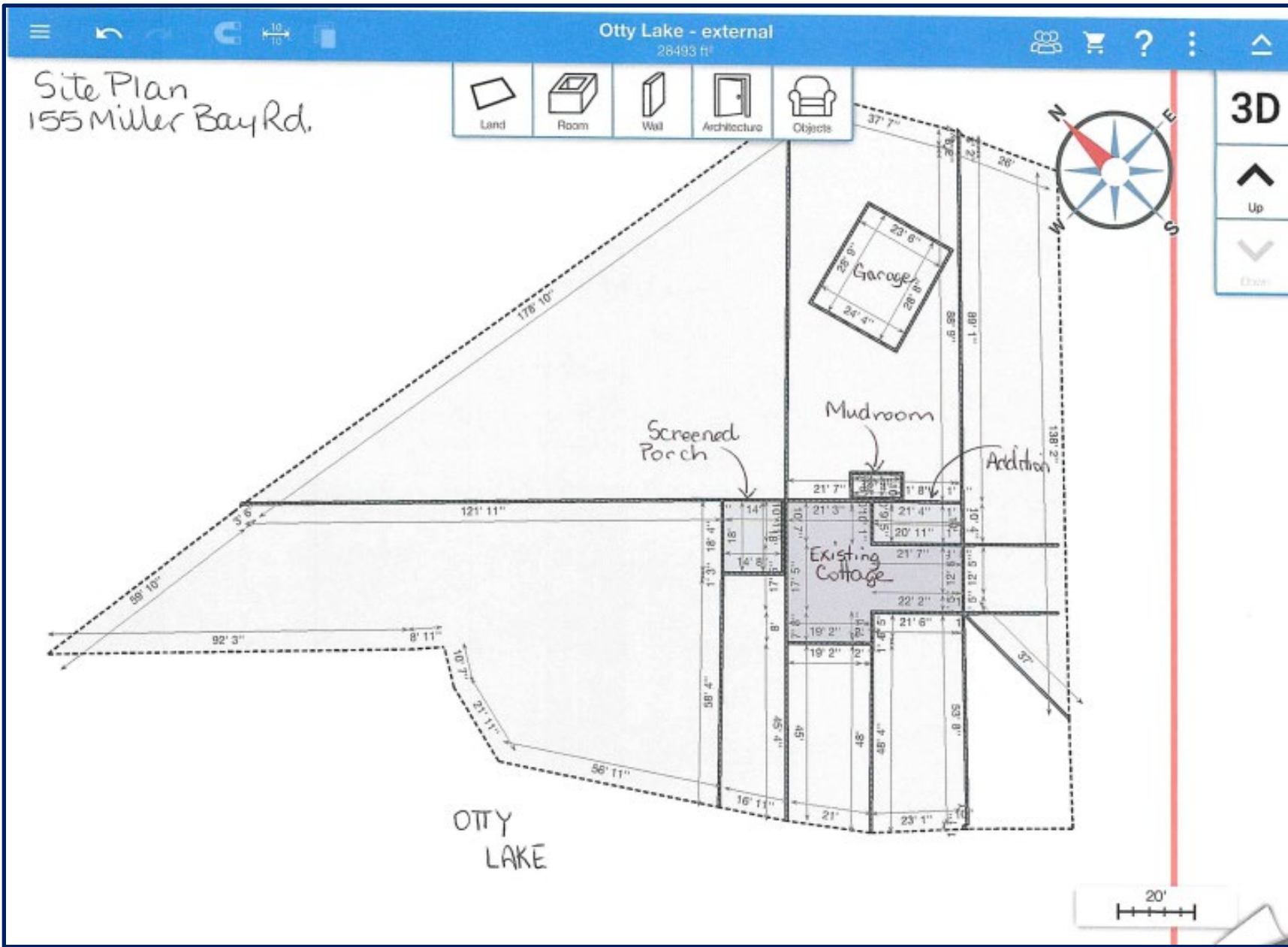
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

**Amanda Mabo,
Acting Chief Administrative Officer/Clerk**



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2021-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (O'DONOUGHUE – 155 MILLER BAY ROAD) (PART LOT 4, CONCESSION 7, GEOGRAPHIC TOWNSHIP OF NORTH BURGESS)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121, as amended, regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as amended, as hereinafter set out;

AND WHEREAS, this By-Law implements the polices and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121, as amended, is further amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception-186 (RLS-186) on the lands legally described as Part Lot 4, Concession 7, Geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll #091191102538500), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.2 **THAT**, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.1.4 (Exception Zones):

186. RLS-186 (Part Lot 4, Concession 7, North Burgess)

Notwithstanding the provisions of Section 3.29, on the lands zoned RLS-186 the following provisions shall prevail:

- Water Setback dwelling (minimum) 13.7 m
- Water setback screened porch (minimum) 17.8 m

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

- Water setback addition (minimum) 19.8 m
- Water setback mudroom (minimum) 22.8 m

1.3 THAT, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.

1.4 THAT, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 22nd day of June 2021.

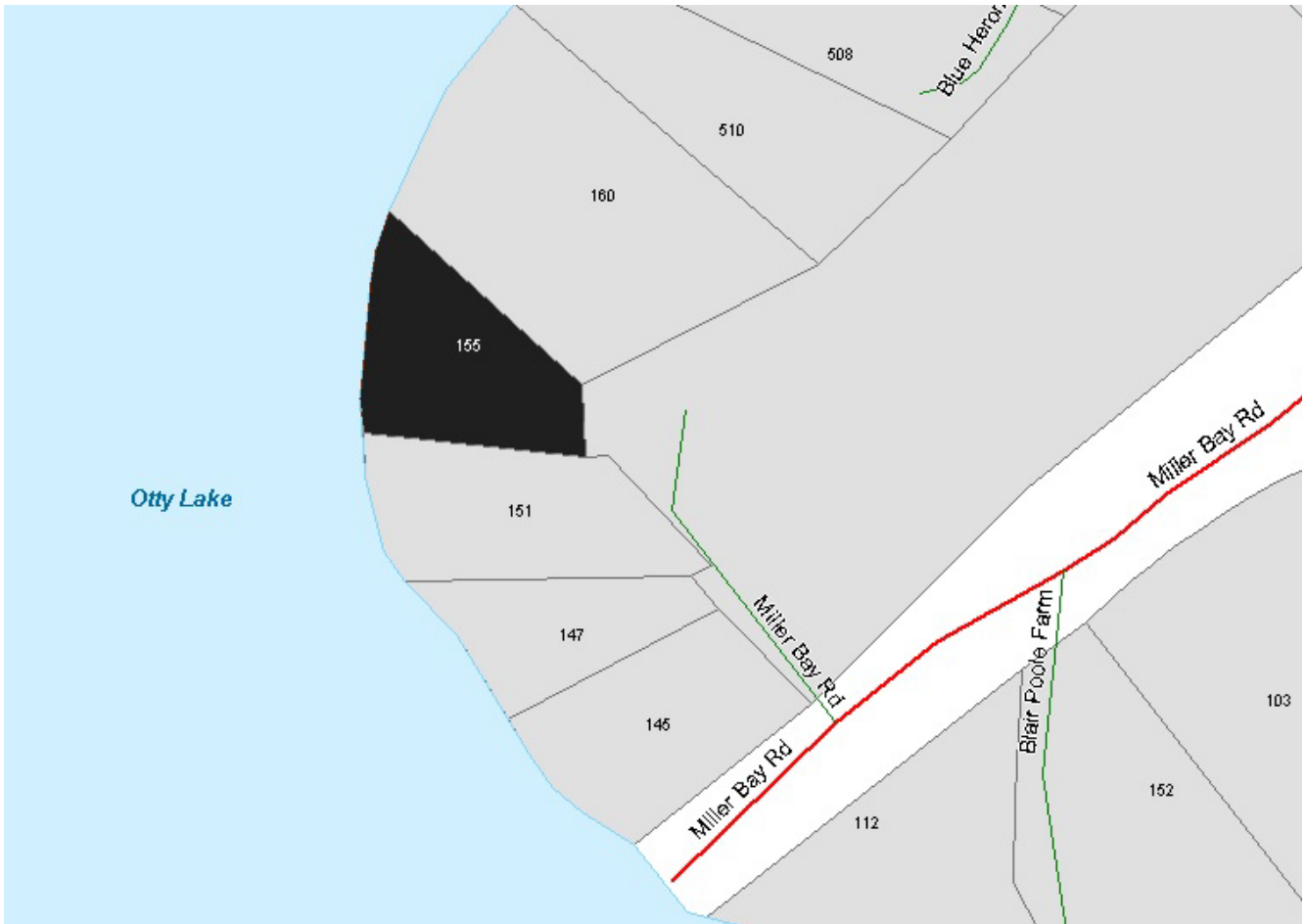
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2021-0xx**

SCHEDULE "A"

O'DONOUGHUE – 115 Miller Bay Road
Part Lot 4, Concession 7
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions Seasonal Residential (RS) to Residential Limited Services Special Exception (RLS-186)

Certificate of Authentication

This is Schedule "A" to By-Law 2021-0xx passed this 22nd day of June 2021.

Reeve

Clerk

O'Donoghue Zoning By-law Amendment

Public Notice

Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice was also given to other public agencies as required.

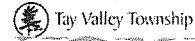
Local Planning Appeal Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Local Planning Appeal Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

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1

O'Donoghue

155 Miller Bay Road

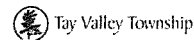
Part Lot 4, Concession 7, Geographic Township of North Burgess

The application applies to an approximately 0.25 ha (0.62 acre) lot.

The purpose of this application is to change the zoning of the property from Seasonal Residential (RS) to Residential Limited Services Special Exception-186 (RLS-186) to permit an existing cottage to be converted to a year-round residence with a water setback of 13.7m from Otty Lake, rather than the required 30m, and to permit the construction of an addition at 19.8m and mudroom at 22.8m, both at the rear of the building, plus a screened porch with a water setback of 17.8m on the west side of the building.

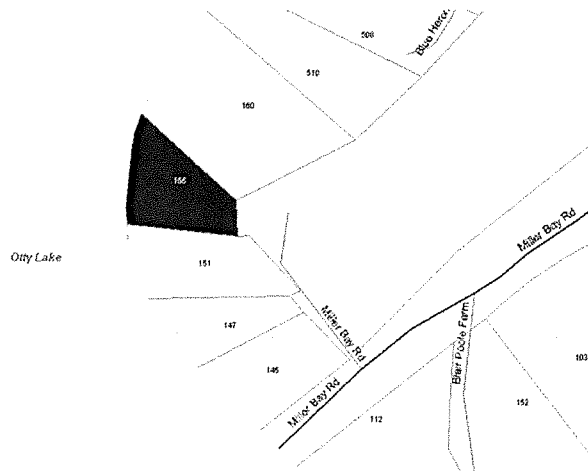
The effect of the amendment is to allow the existing cottage to be used as a year-round residence with a 13.7 m setback from Otty Lake and to construct additions to the dwelling, less than 30 m from the lake, at a total lot coverage of 9.1%.

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2

O'Donoughue Location

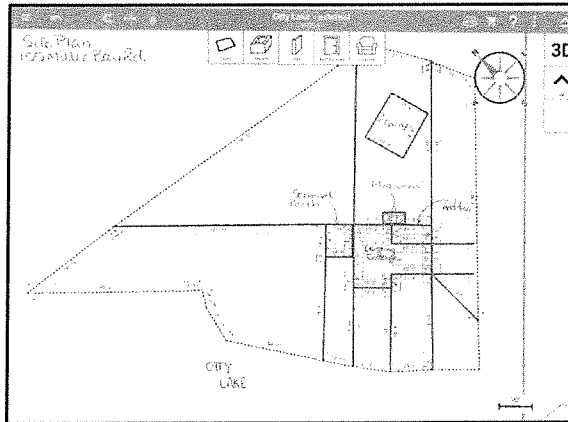


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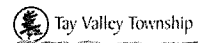


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O'Donoughue Site Sketch



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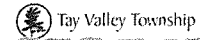


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O'Donoghue Planner's Comments PPS

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met as the additions will be set back farther from the lake than the cottage, review of the septic capacity and through requirements in the Site Plan Control Agreement.

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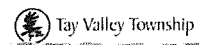


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O'Donoghue Planner's Comments PPS

- Section 2.2 of the PPS requires planning authorities to protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. Otty Lake water quality is rated Fair to Good by the RVCA. Through a Site Plan Control Agreement water quality can be maintained and perhaps improved by the proposed redevelopment
- Section 3.1 Natural Hazards is not applicable.

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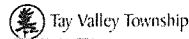


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O'Donoghue County Sustainable Community Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.4.4 of the County of Lanark's Sustainable Communities Official Plan indicates that municipalities have an obligation to consider the impact of development and land use on waterbodies in order to ensure their long-term viability.

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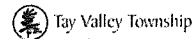


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O'Donoghue Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 Rural designation permits residential uses.
- Section 2.24.1 Waterfront Development states that "An adequate water setback serves an important function in relation to the protection of natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- A setback of less than 30m is permitted in exceptional circumstances where an existing development or lot constraints preclude the 30m setback from being met. The existing cottage is setback 13.7m and the additions will be set farther back.

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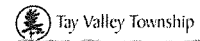


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O'Donoghue Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS).
- Section 3.29 of the Zoning By-Law requires a 30 m setback from water which will not be met. However, setbacks of 17.8 for a screened in porch, 19.8m for an addition, and mudroom at 22.8m all exceed the current cottage setback from water.

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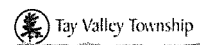


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O'Donoghue Planner's Comments

- The applicants have proposed construction at an increased setback from the lake than the existing cottage. The new septic system will be located 30m from the lake. A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer along the shore and that runoff from the building is directed to the rear of the lot away from the lake.

10



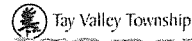
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O'Donoghue Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA stated they have no objection to the requested amendment.
- The owner should install sediment & erosion controls between the construction area and Otty Lake.
- Any demolished material and excess soil should be disposed of at a proper disposal site, 30m or more from the highwater mark of Otty Lake.
- RVCA also has recommendations for a site plan control agreement to include requirements for RVCA permits for any shoreline work, runoff management is to be implemented, and a plan to maintain existing vegetation.

11



11

O'Donoghue Comments Continued

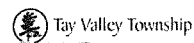
Mississippi-Rideau Septic System Office (MRSSO)

- A septic permit application has been submitted.

Public Comments

- A neighbour had questions about the location of the additions. The Planner sent them the applicant's site sketch.

12



12

O'Donoghue Recommendation

"THAT, Zoning By-Law No. 02-121 be amended to rezone the lands at 155 Miller Bay Rd, Part Lot 4, Concession 7, Geographic Township of North Burgess (Roll #091191102538500) from Seasonal Residential (RS) to Residential Limited Services Special Exception-186 (RLS - 186)."

13

