
Tuesday, November 21st, 2023

5:30 p.m.

Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

*5:30 p.m. Public Meeting - Zoning By-Law Amendments
Following Council Meeting*

Chair, Councillor Korrine Jordan

1. CALL TO ORDER

2. INTRODUCTION

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

1000654129 Ontario Inc.

Morrison

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- 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 Ontario Land 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 Ontario Land 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 Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Ontario Land 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 Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA23-08: 1000654129 Ontario Inc. – *attached, page 4.***
30 Highway 511
Concession 3, Part Lot 27,
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA23-08: Brad Morrison – *attached, page 21.***
313 Silvery Lane
Concession 4 and 5, Part Lot 13,
Geographic Township of South Sherbrooke
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

November 21, 2023

Noelle Reeve, Planner

APPLICATION ZA22-08 1000654129 Ontario Inc.

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of a portion of the land at Part Lot 27, Concession 3, Geographic Township of Bathurst (Roll #0911-916-015-42500) municipally known as 30 Highway 511 from Residential (R) to General Industrial Special Exception-4 (M-4) as outlined.

BACKGROUND

The application applies to a 0.85 ha (1.9 acre) lot with 100m (330 ft) road front on Highway 511 and over 60m frontage on Blueberry Creek.

The purpose of this application is to change the zoning of a portion of the lot from Residential (R) to Industrial Special Exception-4 (M-4) to recognize the undersized lot area.

The effect of the amendment is to permit a machining and fabrication shop to operate on the property.

DISCUSSION

Provincial Policy Statement (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 development is proposed outside of the floodplain and the property has a treed buffer on all sides and the front and the rear.

Section 1.2.6.1 Land Use Compatibility states that “Major facilities and sensitive land uses shall be planned and developed to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long term operational and economic viability of major facilities...”. This section can be met as the owner has stated that the machine shop will not be noisier than a tractor in a field, there should not be any odour, and any contaminants associated with spray coating will be managed.

The Planner reviewed the Ministry of Environment Parks and Conservation's D-Series Guidelines on Land Use Compatibility and determined the proposed machining and fabricating shop meets the required separation distance from a sensitive use.

The noise level would be similar to traffic noise on Highway 511; the hours of operation would be 7:30am -4:30pm; powder coating runs through a cartridge filter; and there is an oil catch basin included in the building specifications.

The property is located on Highway 511 and is bordered by compatible uses - a commercial use to the north (Arnott Brothers), a creek to the west, open space to the south, with Perth Planing Mill across Highway 511, which is three lanes wide at this location.

Section 2.2.1 (f) Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas..." The lot is located in Source Water Protection Intake Protection Zone 8 for Perth's drinking water, however, the use is not restricted in this zone.

Lanark County Sustainable Communities Official Plan

Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses.

Official Plan

Parts of the subject property are designated in the Official Plan as Rural, Intake Protection Zone 8, Floodplain, Flood Regulated Area or Organic Soil. Section 3.6 Rural designation permits industrial and commercial uses. The proposed machine shop is located outside of the Floodplain and Organic Soil designations. Intake Protection Zone 8 does not prohibit the proposed use.

Section 5.4 Site Plan Control is required for development within 100m (300 ft) of a waterbody as well as for an Industrial use.

Zoning By-Law

The lot is currently zoned Residential (R) and is proposed to be rezoned to General Industrial Special Exception-4 (M-4). The lot was rezoned from Residential (R) to Commercial (C) in 1998 and the existing dwelling and attached garage were demolished that same year. The lot was rezoned from Commercial back to Residential last year but the lot continued to sit vacant as it has for the past 25 years.

Setbacks are met. Lot coverage requirements are met as the lot coverage will be 5.1% following construction of the machine shop, well under the 20% permitted. The special exception is required to recognize the lot area of 0.85 ha rather than the 1 ha required.

Planner

The applicant is proposing to rezone a portion of the lot to Industrial Special Exception-4 (M-4) to allow a machine and metal fabrication shop to operate on the property and recognize the slightly undersized area of the lot. The Planner considered whether the proposed use would be in keeping with other land uses in the area (commercial, industrial, and vacant

land). Highway 115 has commercial and industrial development along its south end near Highway 7 and the corner of the highways is designated Employment Lands in the Official Plan.

Between the Employment Lands (zoned commercial) to the south and the subject lot is a large cedar hedge and a 16-acre open field and floodplain which provides a substantial buffer. To the north is a forested part of the floodplain between the subject lot and Arnott Brothers commercial facility. West of the lot is also forested floodplain.

East of the lot, across Highway 511 in the Town of Perth, properties are zoned Commercial and include: the Perth Planing Mill, the Curly Red Head Salon, and slightly farther north is a Cavanaugh owned cement manufacturing operation.

The use is permitted by the Official Plan and is consistent with existing Commercial and Industrial development along this section of Highway 511.

Lanark County

The County Public Works Department confirmed an entrance permit for the property had been issued in 1998.

Rideau Valley Conservation Authority (RVCA)

The RVCA had no objections to the application. RVCA did note the requirement for a permit for any work within the flood regulated area. Source water protection was met for the proposed use.

Mississippi Rideau Septic System Office (MRSSO)

The applicant is applying for a new septic system to be installed on the proposed lands to be rezoned.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone a portion of the land at Concession 3 Part Lot 27, 30 Highway 511, Geographic Township of Bathurst (Roll number 091191601542500) from Residential (R) to General Industrial Special Exception-4 (M-4).

ATTACHMENTS

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

Prepared and Submitted By:

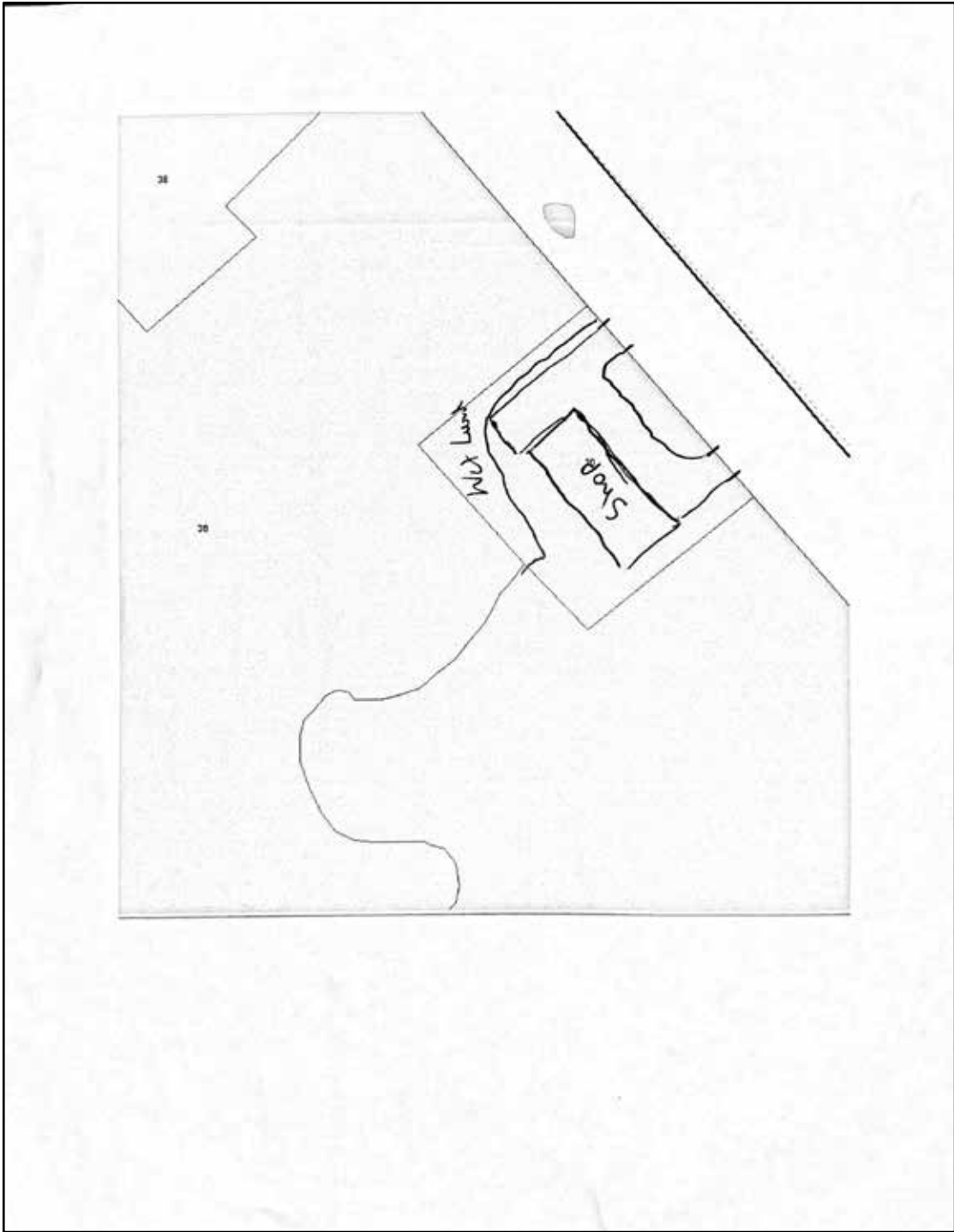
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (1000654129 ONTARIO INC– 30 HIGHWAY 511) (PART LOT 27, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BATHURST)

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 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 hereinafter set out;

AND WHEREAS, this By-Law implements the policies 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 is hereby amended by amending the zoning from Residential (R) to General Industrial Special Exception-4 (M-4) on a 0.85 ha lot legally described as Part Lot 27, Concession 3, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191601542500), 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 7.4.4 (Exception Zones).

4. M-4 (Part Lot 27, Concession 3, Bathurst)

Notwithstanding the provisions of Section 7.1, on the lands zoned M-4 the following provisions shall prevail:

- Lot area (minimum) 0.85 ha

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 XX day of XX, 2023.

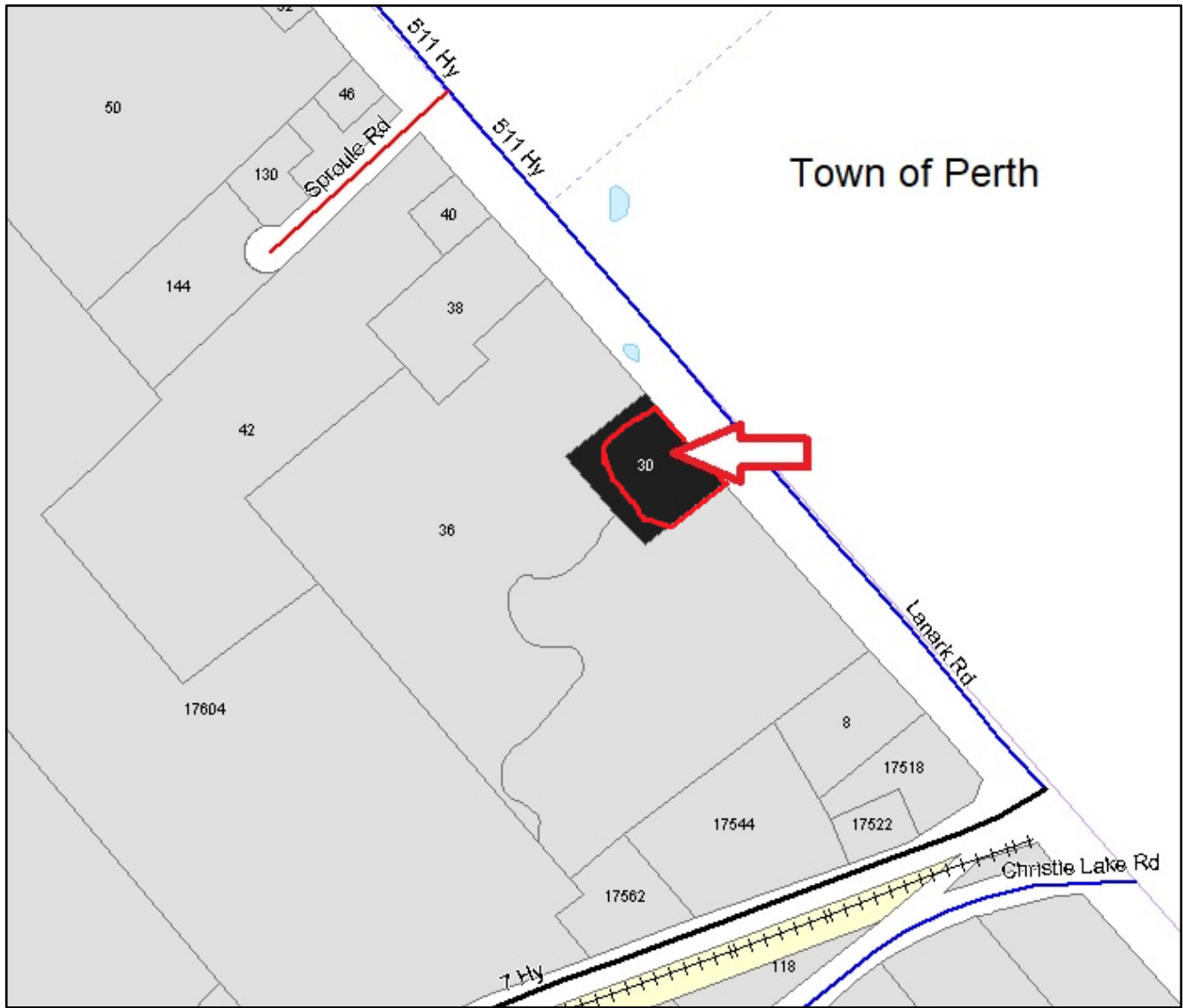
Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-0xx**

SCHEDULE "A"

1000654129 Ontario Inc. – 30 Highway 511
Part Lot 27, Concession 3
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law
To amend the Zoning from
Residential (R) to General Industrial-4(M-4)

Certificate of Authentication
This is Schedule "A" to By-Law 2023-0xx
passed this xx day of xx 2023.

Reeve

Clerk

1000654129 Ontario Inc. 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.

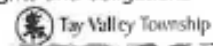
Ontario Land Tribunal

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 Ontario Land 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.

1



1

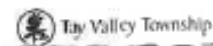
1000654129 Ontario Inc.

30 Highway 511

Part Lot 27, Concession 3, Geographic Township of Bathurst

- The application applies to a 0.85 ha (1.9 acre) lot with 100m (330 ft) road frontage on Highway 511 and over 60m frontage on Blueberry Creek.
- The purpose of this application is to change the zoning of a portion of the lot from Residential (R) to Industrial Special Exception-4 (M-4) to recognize the undersized lot area.
- The effect of the amendment is to permit a machining and fabrication shop to operate on the property.

2

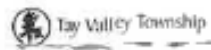


2

1000654129 Ontario Inc. Location



3



3

1000654129 Ontario Inc. Site Sketch



4

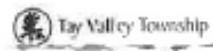


4

1000654129 Ontario Inc.
Photos



5

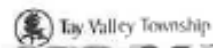


5

1000654129 Ontario Inc.
Photos



6

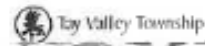


6

1000654129 Ontario Inc.
Planner's Comments
Provincial Policy Statement (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 development is proposed outside of the floodplain and the property has a treed buffer on all sides and the front and the rear.

7

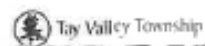


7

1000654129 Ontario Inc.
Planner's Comments
Provincial Policy Statement (PPS)

- Section 1.2.6.1 Land Use Compatibility states that "Major facilities and sensitive land uses shall be planned and developed to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long term operational and economic viability of major facilities...". This section can be met as the owner has stated that machine shop will not be noisier than a tractor in a field, there should not be any odour, and any contaminants associated with spray coating will be managed.

8

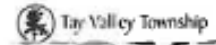


8

1000654129 Ontario Inc.
Planner's Comments
Provincial Policy Statement (PPS)

- The proposed machining and fabricating shop meets the required Ministry of Environment separation distance from a sensitive use.
- The noise level would be similar to traffic noise on Highway 511; the hours of operation would be 7:30am -4:30pm; powder coating runs through a cartridge filter; and there is an oil catch basin included in the building specifications. The property is bordered by compatible uses.
- Section 2.2.1 (f) Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas..." The lot is located in Source Water Protection Intake Protection Zone 8 for Perth's drinking water, however, the use is not restricted in this zone.

9

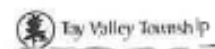


9

1000654129 Ontario Inc.
County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including industrial and commercial uses.

10

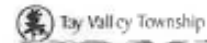


10

1000654129 Ontario Inc. Planner's Comments Official Plan

- Parts of the subject property are designated in the Official Plan as Rural, Intake Protection Zone 8, Floodplain, Flood Regulated Area or Organic Soil. Section 3.6 Rural designation permits industrial and commercial uses. The proposed machine shop is located outside of the Floodplain and Organic Soil designations. Intake Protection Zone 8 does not prohibit the proposed use.
- Section 5.4 Site Plan Control is required for development within 100m (300 ft) of a waterbody as well as for an Industrial use.

11

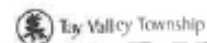


11

1000654129 Ontario Inc. Planner's Comments Zoning

- The lot is currently zoned Residential (R) and is proposed to be rezoned to General Industrial Special Exception-4 (M-4). The lot was rezoned from Residential (R) to Commercial (C) in 1998 and the existing dwelling and attached garage were demolished that same year.
- The lot was rezoned from Commercial back to Residential last year, but the lot continued to sit vacant as it has for the past 25 years.
- Setbacks are met. Lot coverage requirements are met as the lot coverage will be 5.1% following construction of the machine shop, well under the 20% permitted.

12

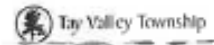


12

1000654129 Ontario Inc. Planner's Comments

- Highway 115 has commercial and industrial development along its south end near Highway 7 and the corner of the highways is designated Employment Lands in the Official Plan.
- Between the Employment Lands (zoned commercial) to the south and the subject lot is a large cedar hedge and a 16-acre open field and floodplain which provides a substantial buffer. To the north is a forested part of the floodplain between the subject lot and Arnott Brothers commercial facility. West of the lot is also forested floodplain.

13

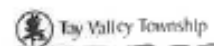


13

1000654129 Ontario Inc. Planner's Comments

- East of the lot, across Highway 511 in the Town of Perth, properties are zoned Commercial and include: the Perth Planing Mill, the Curly Red Head Salon, and slightly farther north is a Cavanaugh cement manufacturing operation.
- The use is permitted by the Official Plan and is consistent with existing Commercial and Industrial development along this section of Highway 511.

14



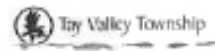
14

1000654129 Ontario Inc.
Comments

Rideau Valley Conservation Authority

- The RVCA had no objections to the application. RVCA did note the requirement for a permit for any work within the flood regulated area. Source water protection was met for the proposed use.

15



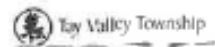
15

1000654129 Ontario Inc.
Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The applicant is applying for a new septic system to be installed on the proposed lands to be rezoned.

16



16

1000654129 Ontario Inc. Comments Continued

Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

17

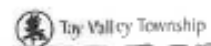


17

1000654129 Ontario Inc. Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 3, Part Lot 27, 30 Highway 511, Geographic Township of Bathurst (Roll #0911-916-015-42500) from Residential (R) to General Industrial Special Exception-4 (M-4).

18



18

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

November 21, 2023

Noelle Reeve, Planner

APPLICATION ZA23-10 MORRISON

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 13 Concession 4 and 5, Geographic Township of South Sherbrooke (Roll #0911-914-020-77100) known locally as 313 Silvery Lane from Seasonal Residential (RS) to Residential Limited Services Special Exception-195 (RLS-195).

BACKGROUND

The application applies to an approximately 0.45-ha (1-acre) lot with an existing cottage at 21.3m from Little Silver Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Residential Special Exception-195 (RLS-195). The effect of the amendment is to allow a cottage to be rebuilt as a year-round residence at a setback of 31m from the lake and to recognize a reduced water setback of 25m (82 ft), rather than the 30m required for the existing septic system.

DISCUSSION

Provincial Policy Statement (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 applicant is proposing to build a year-round residence 10m farther from the lake than the current cottage that exceeds the required 30m water setback.

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. Little Silver Lake water quality is rated Fair by the Rideau Valley Conservation Authority (RVCA). Through a Site Plan Control Agreement water quality can be maintained and perhaps improved by the proposed redevelopment.

Section 3.1 Protecting Health and Safety – Natural Hazards is met because the proposed cottage location is located beyond the steep slope on the property.

Lanark 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 an existing development or lot constraints preclude the 30m setback from being met. The proposed dwelling will exceed the 30m required water setback. However, the existing septic requires relief as it is located 25m from the lake.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow a permanent dwelling to be built on the lot. A special exception is required to recognize the location of the existing septic system at 25m from the lake. Lot coverage requirements are met as the lot coverage will only be 4.7% following construction of the new dwelling and the Floor Space Index will only be 3.7% both of which are significantly below the maximum of 10% and 12% respectively.

Planner

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)

RVCA had no concerns as a result of the proposed development. Recommendations provided by RVCA concerning shoreline erosion include: directing runoff from eaves troughs, installing sediment and erosion controls prior to work, and a vegetation plan to ensure retention of a vegetative buffer.

A permit would be required from RVCA for any work proposed along the shoreline or within 15m inland from Little Silver Lake.

Finally, most of RVCA's watershed has been identified as a highly vulnerable aquifer as stated in the catchment report and indicated in the Mississippi-Rideau Source Water Protection Plan. These are aquifers that are vulnerable to surface contaminants due to thin or

absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking groundwater supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Mississippi Rideau Septic System Office (MRSSO)

The applicant will be applying for a Part 10/11 Renovation/Change of Use septic permit.

Little Silver and Rainbow Lakes Property Owners' Association (LSRLPOA)

The Association has no objection to and supports this application for amendment.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 4 and 5, Part Lot 13, 313 Silvery Lane, Geographic Township of South Sherbrooke (Roll number 091191402077100) from Seasonal Residential RS to Residential Limited Services Special Exception-195 (RLS-195).

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,
Chief Administrative Officer/Clerk**

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2023-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (MORRISON – 313 SILVERY LANE) (PART LOT 13, CONCESSION 4 and 5, GEOGRAPHIC TOWNSHIP OF SOUTH SHERBROOKE)

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 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 hereinafter set out;

AND WHEREAS, this By-Law implements the policies 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 is hereby amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception-195 (RLS-195) on the lands legally described as Part Lot 13, Concession 4 and 5, geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll # 091191402077100), 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).

195. RLS-195 (Part Lot 13, Concession 4 and 5, South Sherbrooke)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-195 the following provisions shall prevail:

- Water Setback for existing septic system (minimum) 25m

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.

4. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2023.

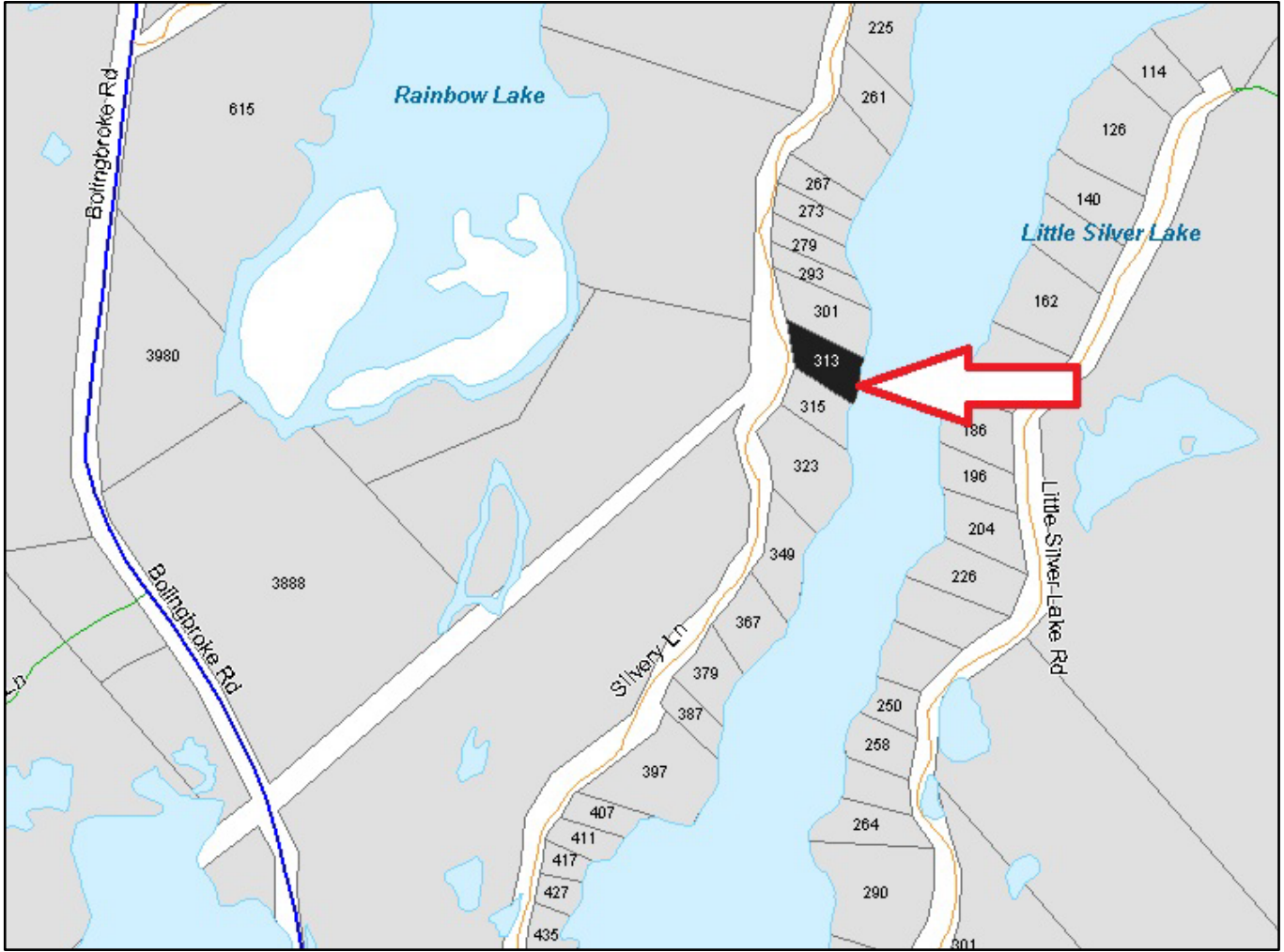
Robert Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2023-XX**

SCHEDULE "A"

Morrison – 313 Silvery Lane
Part Lot 13, Concession 4 and 5
Geographic Township of South Sherbrooke
Tay Valley Township



Area(s) Subject to the By-Law
To amend the Zoning from
Seasonal Residential (RS) to
Residential Limited Services Special Exception-195(RLS-195)

Certificate of Authentication
This is Schedule "A" to By-Law 2023-XX
passed this XX day of XX 2023.

Reeve

Clerk

Morrison Zoning By-law Amendment

Public Notice

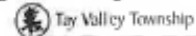
Pursuant to the Planning Act, Notice of public meeting is to be provided a minimum of 20 days prior for a Zoning By-law Amendment. Notice was duly given by both the posting of the notice in a visible area for the property and by mailing to adjacent property owners within 120 metres of the location. Notice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

Ontario Land 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 Ontario Land 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.



1

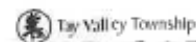
1

MORRISON

313 Silvery Lane

Part Lot 13, Concession 4 and 5, Geographic Township of South Sherbrooke

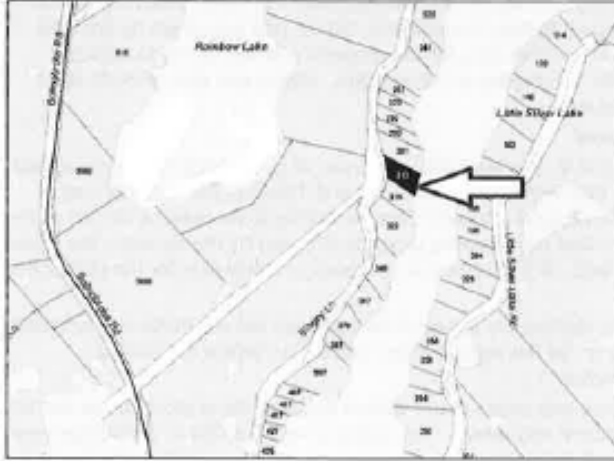
- The application applies to an approximately 0.45-ha (1-acre) lot with an existing cottage at 21.3m from Little Silver Lake.
- The purpose of this application is to change the zoning from Seasonal Residential (RS) to Residential Special Exception-195 (RLS-195).
- The effect of the amendment is to allow a cottage to be rebuilt as a year-round residence at a setback of 31m from the lake and to recognize a reduced water setback of 25m (82 ft), rather than the 30m required for the existing septic system.



2

2

Morrison Location

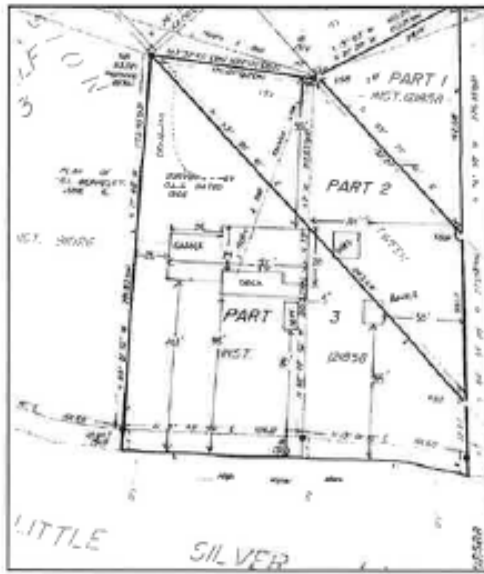


3



3

Morrison Site Sketch

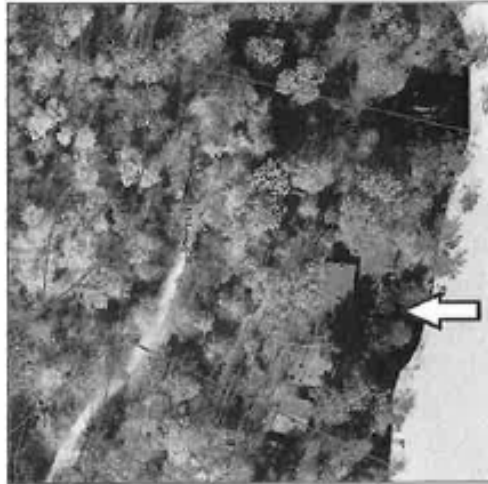


4

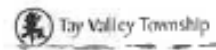


4

Morrison Aerial Photo (2019)



5

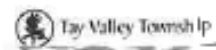


5

Morrison Planner's Comments Provincial Policy Statement (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 applicant is proposing to build a year-round residence 10m farther from the lake than the current cottage that exceeds the required 30m water setback.

6



6

Morrison Planner's Comments Provincial Policy Statement (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. Little Silver Lake water quality is rated Fair by the Rideau Valley Conservation Authority (RVCA). Through a Site Plan Control Agreement water quality can be maintained and perhaps improved by the proposed redevelopment.
- Section 3.1 Protecting Health and Safety – Natural Hazards is met because the proposed cottage location is located beyond the steep slope on the property.

7

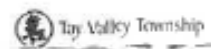


7

Morrison 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.

8



8

Morrison 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."

9

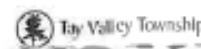


9

Morrison Planner's Comments Official Plan

- 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 proposed dwelling will exceed the 30m required water setback. However, the existing septic requires relief as it is located 25m from the lake.

10



10

Morrison Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow a permanent dwelling to be built on the lot. A special exception is required to recognize the location of the existing septic system at 25m from the lake.
- Lot coverage requirements are met as the lot coverage will only be 4.7% following construction of the new dwelling and the Floor Space Index will only be 3.7% both of which are significantly below the maximum of 10% and 12% respectively.

11

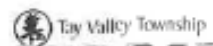


11

Morrison Planner's Comments

- 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.

12



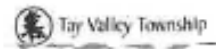
12

Morrison Comments

Rideau Valley Conservation Authority

- The RVCA has no objection to the proposal
- Recommendations provided by RVCA concerning shoreline protection include: directing runoff from eaves troughs, installing sediment and erosion controls prior to work, and a vegetation plan to ensure retention of a vegetative buffer.
- A permit would be required from RVCA for any work proposed along the shoreline or within 15m inland from Little Silver Lake.
- Care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

13



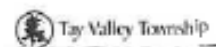
13

Morrison Comments Continued

Mississippi-Rideau Septic System Office (MRSSO)

- The applicant will be applying for a Part 10/11 Renovation/Change of Use septic permit.

14



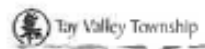
14

Morrison
Comments Continued

**Little Silver and Rainbow Lakes
Property Owners' Association (LSRLPOA)**

- The Association has no objection to and supports this application.

15



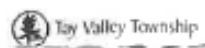
15

Morrison
Comments Continued

Public Comments

- No comments were received at the time of the report. Members of the public are welcome to speak to the application at this meeting.

16

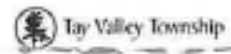


16

Morrison Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 4 and 5, Part Lot 13, 30 Highway 511, Geographic Township of South Sherbrooke (Roll #0911-914-020-77100) from Seasonal Residential (RS) to Residential Limited Services Special Exception-4 (RLS-195).

17



17