
Tuesday, May 7th, 2024

5:30 p.m.

Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

*5:30 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting*

Chair, Councillor Fred Dobbie

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:

2865539 Ontario Inc

- 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 #ZA24-04: 2865539 Ontario Inc – *attached, page 4.***
665 Stanley Road
Part Lot 13, Concession 8,
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

May 7, 2024

Noelle Reeve, Planner

APPLICATION ZA24-04 – 2865539 Ontario Inc.

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 8, geographic Township of North Burgess (Roll #0911-911-015-03502) known locally as 665 Stanley Road, from Commercial (C) to Residential (R).

BACKGROUND

The application applies to an approximately 0.74ha (1.82 acre) lot with a dwelling located on it with 120m (400 ft) frontage on Stanley Road.

The purpose of this amendment is to change the zoning of the property from Commercial (C) to Residential (R). The effect of the amendment is to permit the property to be used for residential purposes.

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 dwelling is already built and a residential use is appropriate in this location close to the Hamlet of Stanleyville.

Section 2.1 1 Wise Use and Management of Resources - Natural Heritage states that, “Natural features and areas shall be protected for the long term”. Section 2.1 Natural Heritage is satisfied as there are no streams or other natural features on the property.

The aquifers throughout Tay Valley Township 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 ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater.

Lanark County Sustainable Communities Official Plan

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

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

Section 3.2.3.1 Minimum Distance Separation 1 (MDS1) requires compliance with the OMAFRA separation distances between farms and sensitive uses. In this instance, a MDS 1 setback calculation is not required because, "Amendments to rezone or redesignate land already zoned or designated for a non-agricultural use, shall only need to meet the MDS 1 setbacks if the amendment(s) will permit a more sensitive land use than existed before". The proposed residential use was already permitted as an accessory use to the Commercial use so is not creating a more sensitive use.

Zoning By-Law

The lot is currently zoned Commercial (C) and requires rezoning to Residential (R) to recognize the proposed use by new owners as residential.

Planner

The lot was previously zoned Rural (which permitted a residential use) before the rezoning to Commercial in 2022. Therefore, returning the lot to a residential use is in keeping with the existing rural landscape. The small size of the lot meets the zone standards for a residential lot but is too small for a rural use.

Rideau Valley Conservation Authority (RVCA)

RVCA was not circulated as there are no waterbodies on the property.

Mississippi Rideau Septic System Office (MRSSO)

MRSSO was not circulated as no changes are proposed to the building, therefore, no changes are proposed for the septic capacity.

Public Comments

No comments were received as of the writing of the report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Part Lot 13, Concession 8, Geographic Township of North Burgess (Roll #0911-911-015-03502) known locally as 665 Stanley Road, from Commercial (C) to Residential (R).

ATTACHMENTS

- i) Site Sketch
- ii) Proposed Zoning By-Law

Prepared and Submitted By:

Original signed

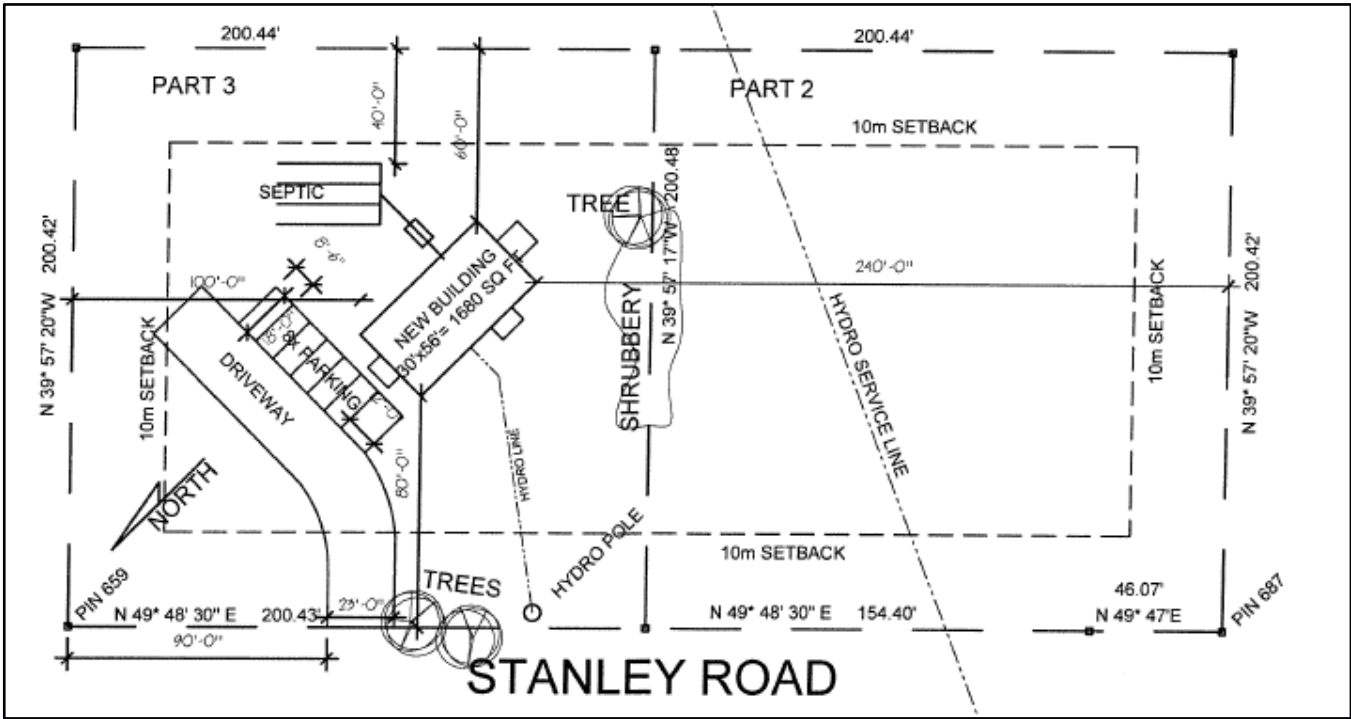
**Noelle Reeve,
Planner**

Approved for Submission By:

Original signed

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

Attachment 1 Site Sketch



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2024-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (2865539 ONTARIO INC – 665 STANLEY ROAD) (PT E1/2 LOT 13, CONCESSION 8, 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 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, as amended, is further amended by amending the zoning from Commercial (C) to Residential (R) on the lands legally described as Part East ½ Lot 13, Concession 8, Geographic Township of North Burgess, Parts 2 and 3 on Plan 27R-3961, now in Tay Valley Township, County of Lanark (Roll #091191101503502) in accordance with Schedule “A” attached hereto and forming part of this By-Law.
- 1.2 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 **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.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-0XX**

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX 2024.

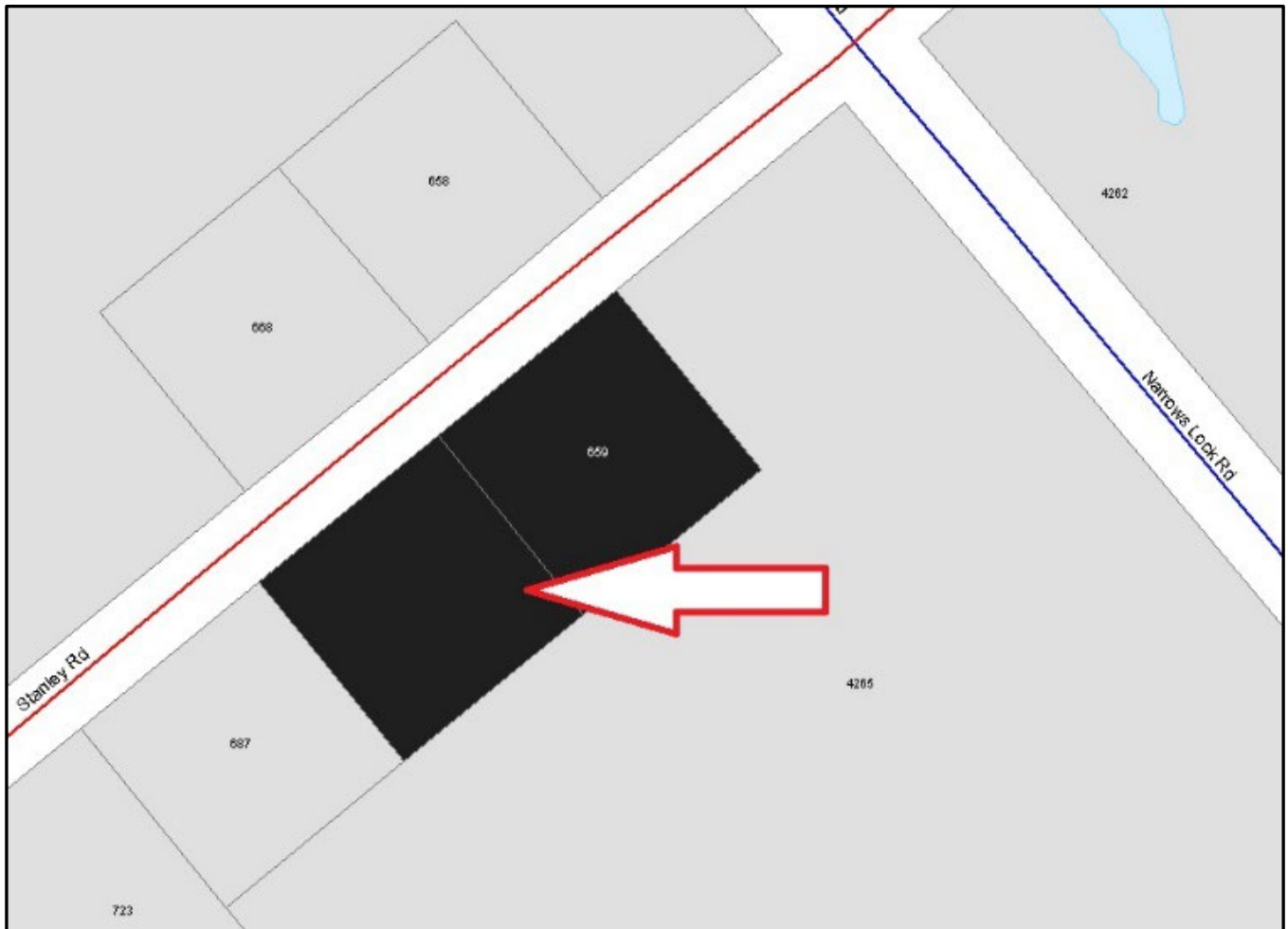
Rob Rainer, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2024-XX**

SCHEDULE “A”

2865539 Ontario Inc – 665 Stanley Road
Part East ½ Lot 13, Concession 8
Geographic Township of North Burgess
Parts 2 and 3 on Plan 27R3961
PIN 05223-0333
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning provisions
Commercial (C) to Residential (R)

Reeve

Certificate of Authentication

This is Schedule “A” to By-Law 2024-XX
passed this XX day of XX 2022.

Clerk

2865539 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.

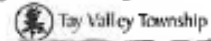
Ontario Land Tribunal

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.

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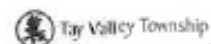
2865539 Ontario Inc.

665 Stanley Road

Part Lot 13, Concession 8, Geographic Township of North Burgess

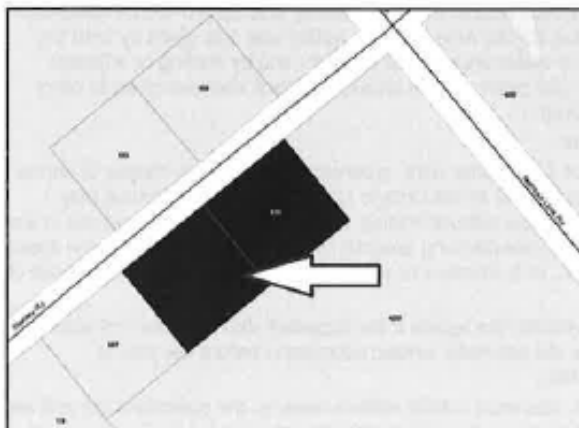
- The application applies to a 0.74-ha (1.82-acre) vacant lot, with 120m frontage on Stanley Road.
- The purpose of this application is to change the zoning of the property from Commercial (C) to Residential (R) to permit Residential use the existing structure.
- The effect of the amendment is to remove the commercial zoning and continue to allow a residential use.

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2865539 Ontario Inc. Location



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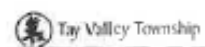


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2865539 Ontario Inc. Site Sketch



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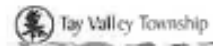


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**2865539 Ontario Inc.
Planner's Comments
Provincial Policy Statement (PPS)**

- 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 dwelling is already built and a residential use is appropriate in this location close to the Hamlet of Stanleyville.

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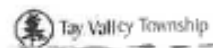


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2865539 Ontario Inc. County Sustainable Communities Official Plan

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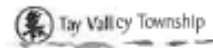


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2865539 Ontario Inc. Planner's Comments Zoning

- The lot is currently zoned Commercial (C) and requires rezoning to Residential (R) to recognize the proposed use by new owners as residential.

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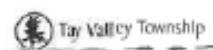


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2865539 Ontario Inc. Planner's Comments

- The lot was previously zoned Rural (which permitted a residential use) before the rezoning to Commercial in 2022. Therefore, returning the lot to a residential use is in keeping with the existing rural landscape. The small size of the lot meets the zone standards for a residential lot but is too small for a rural use.

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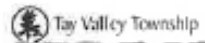
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2865539 Ontario Inc. Comments

Rideau Valley Conservation Authority (RVCA)

- The RVCA was not circulated as there are no waterbodies on the property.

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2865539 Ontario Inc. Comments Continued

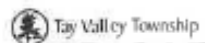
Mississippi-Rideau Septic System Office (MRSSO)

- MRSSO was not circulated as no changes are proposed to the building, therefore, no changes are proposed for the septic capacity.

Public Comments

- The Township has not received any public comments regarding this application.
- Members of the public are welcome to speak to the application at this meeting.

12



12

2865539 Ontario Inc. Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone the lands at Concession 8, Part Lot 13, 665 Stanley Road, Geographic Township of North Burgess (Roll #091191101503502) from Commercial (C) to Residential (R)."

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