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**Tuesday, August 13<sup>th</sup>, 2024  
5:30 p.m.  
Municipal Office – 217 Harper Road, Perth, Ontario  
Council Chambers**

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

**Avery**

**1000654129 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.
- Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.
- 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 Planning Administrative Assistant at [adminassistant@tayvalleytwp.ca](mailto:adminassistant@tayvalleytwp.ca).

### 3. APPLICATIONS

- i) **FILE #ZA24-07: William Avery and Jeanette Avery – *attached, page 4.***  
**Bennett Lake Road**  
**Part Lot 5, Concession 11,**  
**Geographic Township of Bathurst**
  - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
  - b) APPLICANT COMMENTS
  - c) PUBLIC COMMENTS
  - d) RECOMMENDATION
- ii) **FILE #ZA24-08: 1000654129 Ontario Inc. – *attached, page 17.***  
**30 Highway 511**  
**Part Lot 27, Concession 3,**  
**Geographic Township of Bathurst**
  - 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**

August 13, 2024

**Noelle Reeve, Planner**

**APPLICATION ZA24-07 – AVERY**

**STAFF RECOMMENDATION**

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of a portion of the lands at Part Lot 5, Concession 11, in the geographic Township of Bathurst, municipally known as Bennett Lake Road from Rural (RU) to Residential (R);

**AND THAT**, the necessary by-law be brought forward to the next Council meeting.”

**BACKGROUND**

The application applies to an approximately 0.8-ha (2-acre) severed lot, with frontage on Bennett Lake Road.

The purpose of the amendment is to change the zoning of the proposed severed lot, to be created by consent application B23/153 under *the Planning Act*, from Rural (RU) to Residential (R). The amendment would ensure the appropriate zoning for the creation of a lot under 1 ha in size.

**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. Parts “c) avoiding development and land use patterns which may cause environmental or public health and safety concerns. This section can be met as the three lots are located on a County road and the retained parcel from the original lot has recently been rezoned as Open Space Exception-9 (OS-9) which only permits a conservation use.

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 2.1.5d) states that “Development and site alteration shall not be permitted in Significant Wildlife Habitat unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions”. Precluding development of the retained parcel through the Open Space Exception -9 zone ensures there will be no negative impacts on the ecological function of the Significant Wildlife Habitat, and Significant Woodlands (Rare Trees, Deep Interior Forest, and Old Growth) located on the retained parcel.

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.

Section 5.5.2.1 Endangered or Threatened Species Habitat states “Development and/or site alteration is prohibited in significant habitat of endangered or threatened species as may be identified from time to time”.

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. This section is met as there will not be any development to affect the stream and wetland on the retained parcel.

## **Official Plan**

The subject property is designated in the Official Plan as Rural. Section 3.6 states “the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas”.

Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands requires protection of Endangered and Threatened Species. Threatened and Endangered Species are not identified in either the County or Township Official Plan schedules in order to protect their habitat. However, provincial maps identify their locations in the Township.

Precluding development on the retained parcel through the Open Space Exception-9 zone ensures there will be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and for this lot specifically protected the ecological function of the wetland and forested areas to the rear of it.

## **Zoning By-Law**

The lot is currently zoned Rural (RU) and requires rezoning of this proposed 0.8-ha severed parcel to Residential (R) as the minimum lot size allowed in the RU zone is 1.0 ha. However, the R zone allows for lots with a minimum size of 0.405 ha.

## **Planner**

When the subject lot was surveyed as part of the conditions of clearing the severance application, it was determined that its actual size would be less than the Rural zone standard. However, at 0.8ha (2 acres) the proposed lot is almost double the Residential zone standard area requirement of 0.45ha (1.1 acre) and, therefore, the Residential zone is appropriate for the lot size.

## **Public Comments**

No comments were received at the time of the report.

## **CONCLUSION**

The Planner recommends that the proposed amendment be approved to rezone a portion of the lands at Part Lot 5, Concession 11, in the geographic Township of Bathurst, municipally known as Bennett Lake Road from Rural (RU) to Residential (R).

## **ATTACHMENTS**

- i) Zoning By-Law

**Prepared and Submitted By:**

*Original signed*

**Noelle Reeve,  
Planner**

**Approved for Submission By:**

*Original signed*

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

# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2024-0XX

### A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (AVERY) (PART LOT 5, CONCESSION 11, GEOGRAPHIC TOWNSHIP OF BATHURST)

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**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 Rural (RU) to Residential (R) on a portion of the lands legally described as Part Lot 5, Concession 11, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 0911916030333101), 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.

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

**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, 2024.

\_\_\_\_\_  
**Robert Rainer, Reeve**

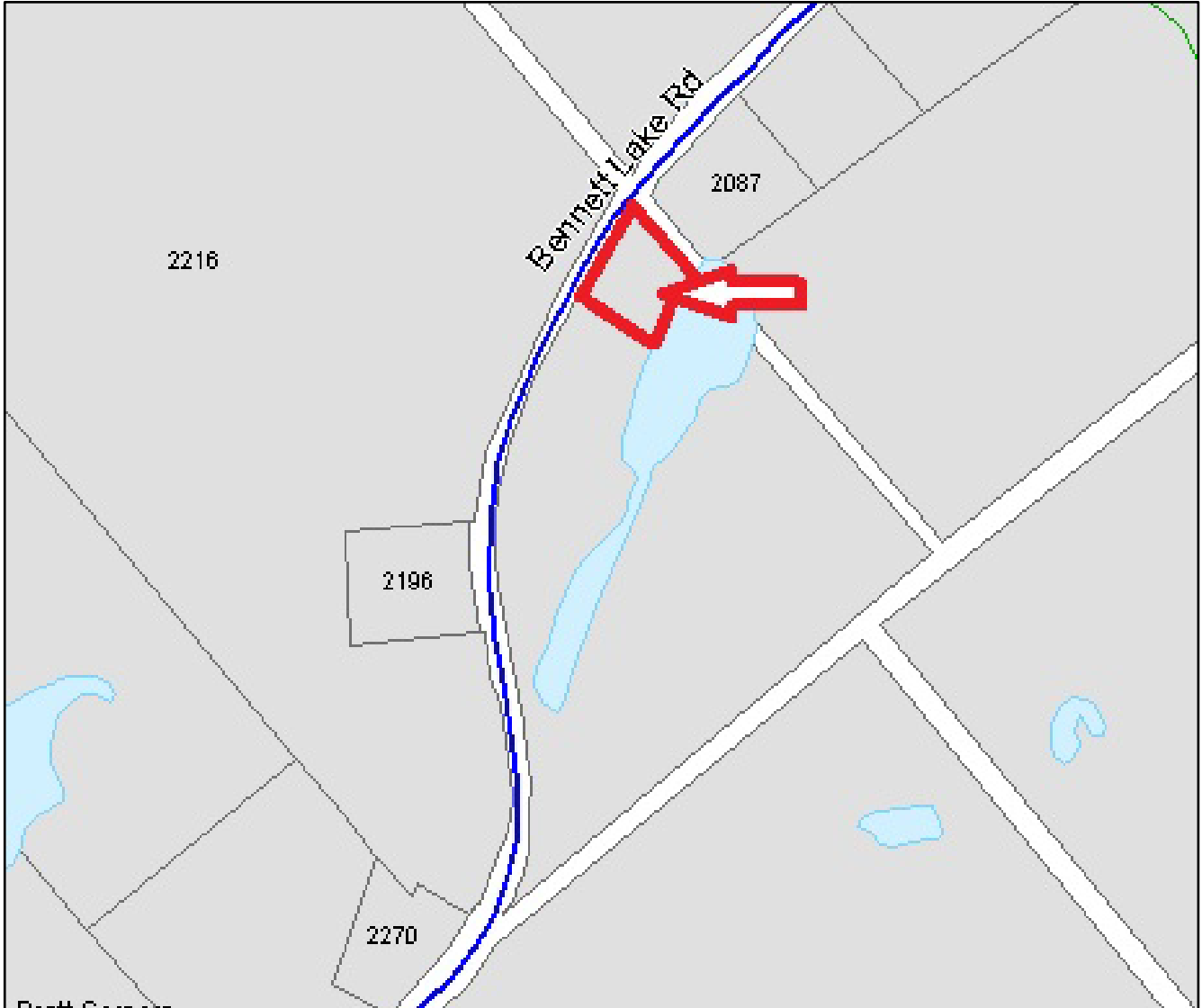
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**Amanda Mabo, CAO/Clerk**



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

**SCHEDULE "A"**

Avery – Bennett Lake Road  
Part Lot 5, Concession 11  
Geographic Township of Bathurst  
Tay Valley Township



Area(s) Subject to the By-Law  
To amend the Zoning from Rural (RU)  
to Residential (R)

Certificate of Authentication  
This is Schedule "A" to By-Law 2024-XX  
passed this XX day of XX 2024.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

# Avery 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.

1



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# Avery Zoning By-law Amendment

## **Ontario Land Tribunal**

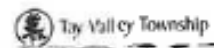
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land 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.

2



2

## Avery

### Bennett Lake Road

Part Lot 5, Concession 11, Geographic Township of Bathurst

- The application applies to an approximately 0.8-ha (2-acre) severed lot, with frontage on Bennett Lake Road.
- The purpose of the amendment is to change the zoning of the proposed severed lot, to be created by consent application B23/153 under the Planning Act, from Rural (RU) to Residential (R). The amendment would ensure the appropriate zoning for the creation of a lot under 1 ha in size.

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## Avery Location



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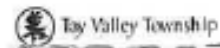


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## Avery Photos



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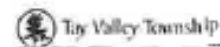


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## Avery Planner's Comments Provincial Policy Statement (PPS)

- 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." Part c) requires "avoiding development and land use patterns which may cause environmental or public health and safety concerns". These sections can be met as met as the lot is located on a County road and the retained parcel from the original lot has recently been rezoned as Open Space Exception-9 (OS-9) which only permits a conservation use.

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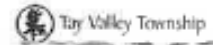


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## Avery Planner's Comments Provincial Policy Statement (PPS)

- 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 2.1.5d) states that "Development and site alteration shall not be permitted in Significant Wildlife Habitat unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions". Precluding development of the retained parcel through the Open Space Exception -9 zone ensured there would be no negative impacts on the ecological function of the Significant Wildlife Habitat, and Significant Woodlands (Rare Trees, Deep Interior Forest, and Old Growth) located on the retained parcel.

7



7

## Avery Planner's Comments Provincial Policy Statement (PPS)

- 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.

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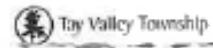


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## Avery County Sustainable Communities Official Plan

- Section 3 Rural Land designation permits a variety of uses including residential uses.
- Section 5.5.2.1 Endangered or Threatened Species Habitat states "Development and/or site alteration is prohibited in significant habitat of endangered or threatened species as may be identified from time to time".
- 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. This section and 5.5.2.1 is met as there will not be any development to affect the stream and wetland on the retained parcel.

9

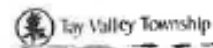


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## Avery Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 3.6 states "the intent of the Rural designation is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas".
- Threatened and Endangered Species are not identified in either the County or Township Official Plan schedules in order to protect their habitat. Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands requires protection of Endangered and Threatened Species.

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## Avery Planner's Comments Official Plan

- Precluding development through the Open Space Exception-9 zone ensured there would be no negative impacts on the cultural and natural heritage landscape of the Rural areas of the Township and specifically protects the ecological function of the wetland and forested areas as significant wildlife habitat.

11

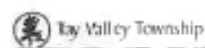


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## Avery Planner's Comments Zoning

- The lot is currently zoned Rural (Ru) and requires rezoning of this proposed 0.8-ha severed parcel to Residential (R) as the minimum lot size allowed in the RU zone is 1.0 ha.
- When the subject lot was surveyed as part of the conditions of clearing the severance application, it was determined that its actual size would be less than the Rural zone standard. However, at 0.8ha (2 acres) the proposed lot is almost double the Residential zone area requirement of 0.45ha (1.1 acre) and, therefore, the Residential zone is appropriate for the lot size.

12



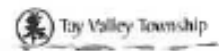
12

## Avery 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.

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## Avery Recommendation

"THAT, Zoning By-Law No. 2002-121 be amended to rezone a portion of the lands at Concession 11, Part Lot 5, Bennett Lake Road, Geographic Township of Bathurst (Roll #0911-916-030-33101) from Rural (RU) to Residential (R)."

14



14



**PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT**

August 13, 2024

**Noelle Reeve, Planner**

**APPLICATION ZA24-08 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 General Industrial Special Exception-4 (M-4) to General Commercial (C) and retain the Flood Plain (FP) zone;

**AND THAT**, the necessary by-law be brought forward to the next Council meeting.

**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 correct the zoning of a portion of the property from General Industrial Special Exception-4 (M-4) to Commercial (C) and retain the Flood Plain (FP) zone. The effect of the amendment is to correct the zoning for a commercial machining and paint workshop, on the portion of the property outside of the flood plain.

**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.

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.

The Planner reviewed the Ministry of Environment Parks and Conservation's D-Series Guidelines on Land Use Compatibility and determined the proposed machining and paint workshop 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 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 commercial workshop 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**

In 1998 the lot was rezoned from Residential (R) to Commercial (C) and the existing dwelling and attached garage were demolished that same year.

In 2022, the lot was rezoned from Commercial back to Residential, but the lot continued to remain vacant.

In 2023 the lot was rezoned General Industrial Special Exception-4 (M-4) to accommodate a fabrication business on a lot which is 0.76 ha rather than the 1.0-ha minimum. The same lot is now proposed to be rezoned to General Commercial (C) to recognize that the proposed use is for a commercial workshop which meets the minimum lot area requirement of 0.405 ha.

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.

## **Planner**

The applicant is proposing to rezone a portion of the lot to General Commercial (C) to allow a commercial machining and paint workshop to operate on the property. 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 6.5-ha 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 Lanark County Public Works Department noted that the existing Residential entrance must be upgraded to a Commercial entrance.

## **Rideau Valley Conservation Authority (RVCA)**

The RVCA was not circulated for this zoning correction as they had no objections to the previous application, when zoning was changed to General Industrial Special Exception-4 (M-4). RVCA did previously 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 has applied for a new septic system to be installed on the proposed lands to be rezoned.

## **Public Comments**

A neighbouring property owner submitted a comment that they were pleased to learn that the Industrial designation was not required.

## **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 General Industrial Special Exception-4 (M-4) to General Commercial (C).

**ATTACHMENTS**

- i) Site Drawing
- ii) Zoning By-Law

**Prepared and Submitted By:**

**Approved for Submission By:**

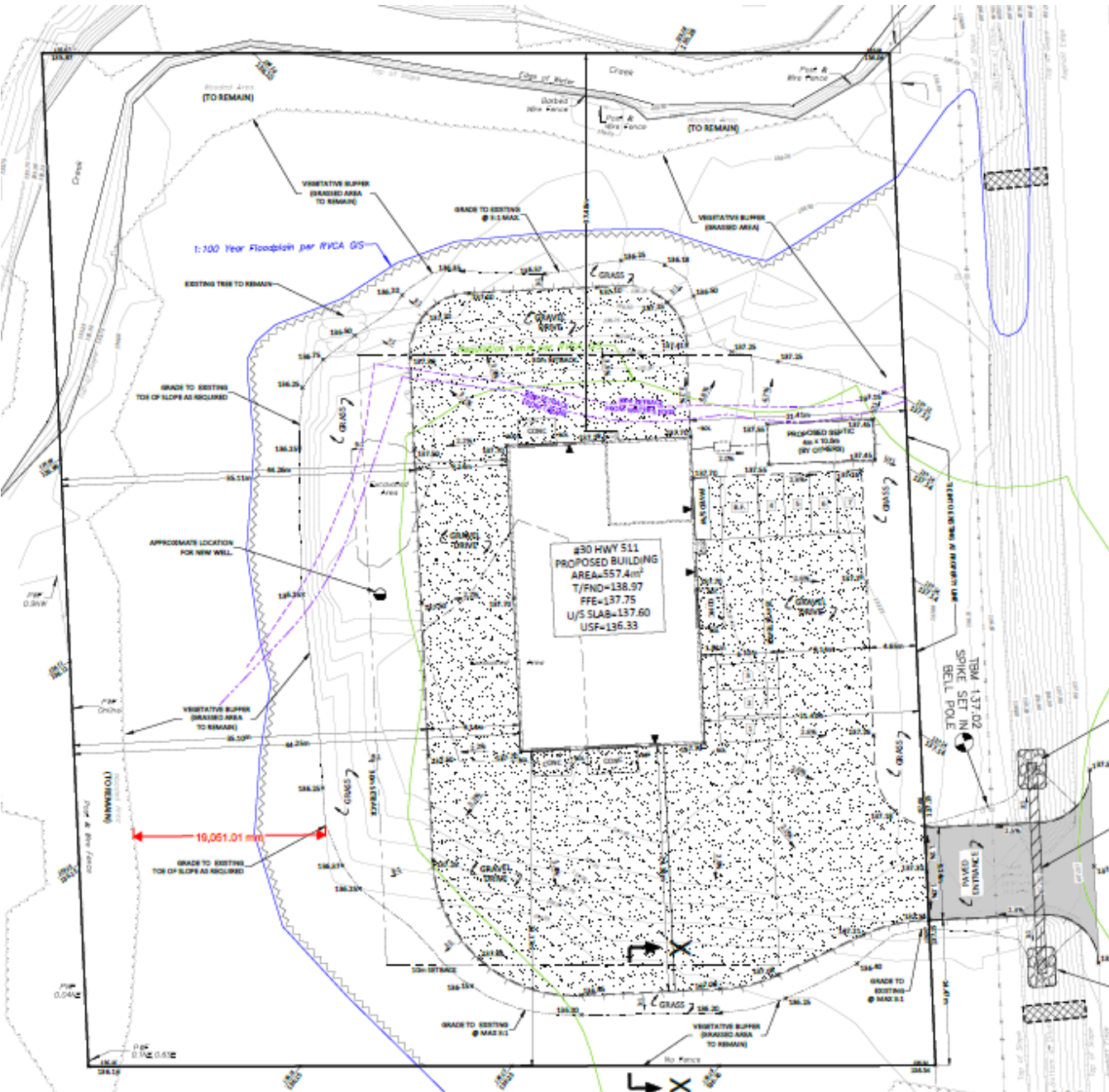
*Original signed*

*Original signed*

**Noelle Reeve,  
Planner**

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

Attachment 1 Site Drawing



# THE CORPORATION OF TAY VALLEY TOWNSHIP

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## BY-LAW NO. 2024-0XX

### 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)

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**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

- 1.3 **THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from General Industrial Special Exception-4 (M-4) to General Commercial (C) on a 1.9 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.
- 1.4 **THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.5 **THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

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

**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, 2024.

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**Rob Rainer, Reeve**

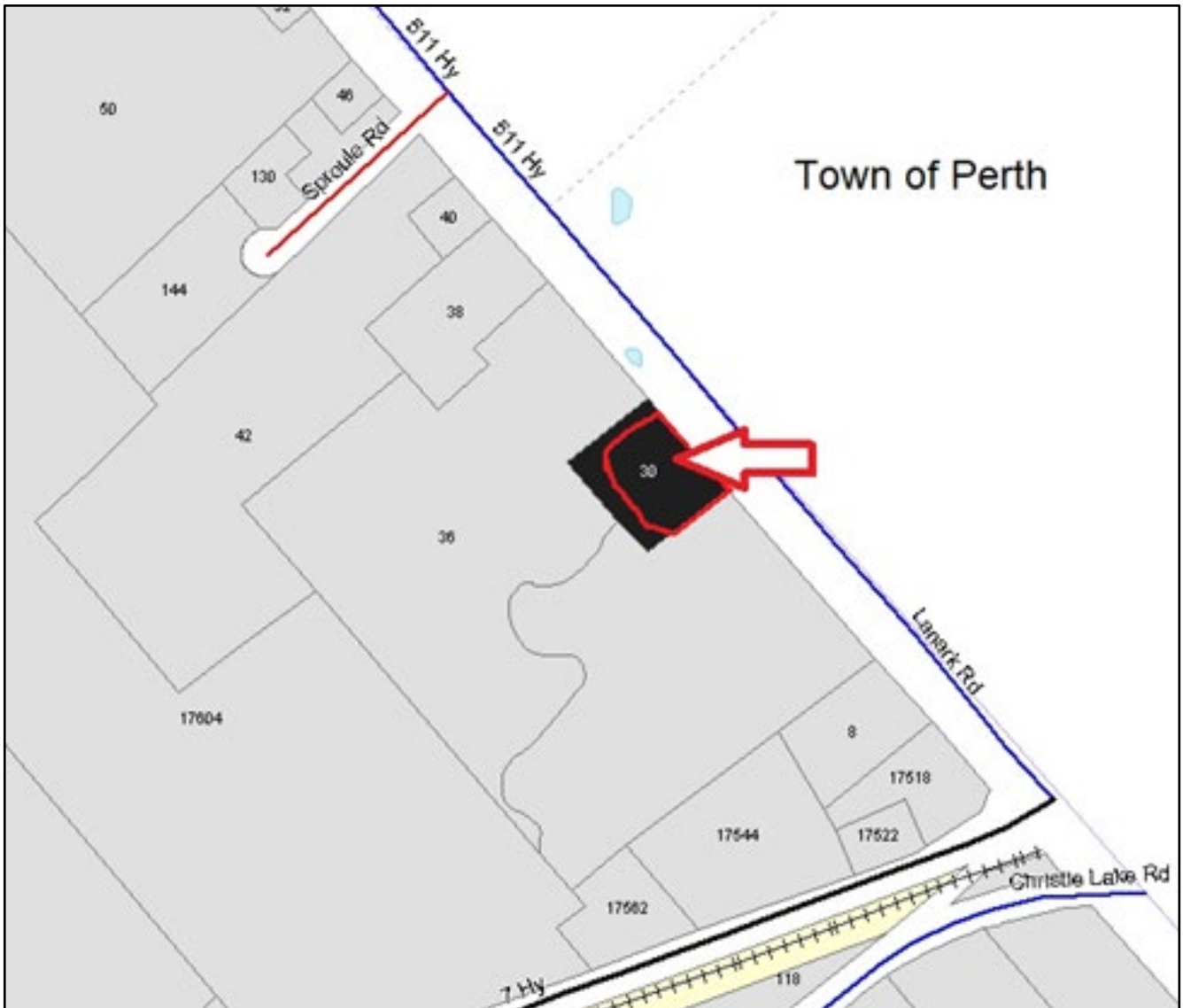
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**Amanda Mabo, Clerk**

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

**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  
General Industrial Special Exception-4 (M-4)  
to General Commercial (C).

Certificate of Authentication  
This is Schedule "A" to By-Law 2024-0xx  
passed this xx day of xx 2024.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

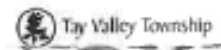


## 1000654129 Ontario Inc. Zoning By-law Amendment

### **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.

1



1

## 1000654129 Ontario Inc. Zoning By-law Amendment

### **Ontario Land Tribunal**

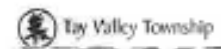
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

Please be cautioned that the Ontario Land 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.

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## 1000654129 Ontario Inc.

30 Highway 511

Part Lot 5, Concession 11, Geographic Township of Bathurst

- 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 correct the zoning of a portion of the property from General Industrial Special Exception-4 (M-4) to Commercial (C) and retain the Flood Plain (FP) zone.
- The effect of the amendment is to correct the zoning for a commercial machining and paint workshop, on the portion of the property outside of the flood plain.

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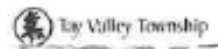


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## 1000654129 Ontario Inc. Location

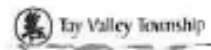
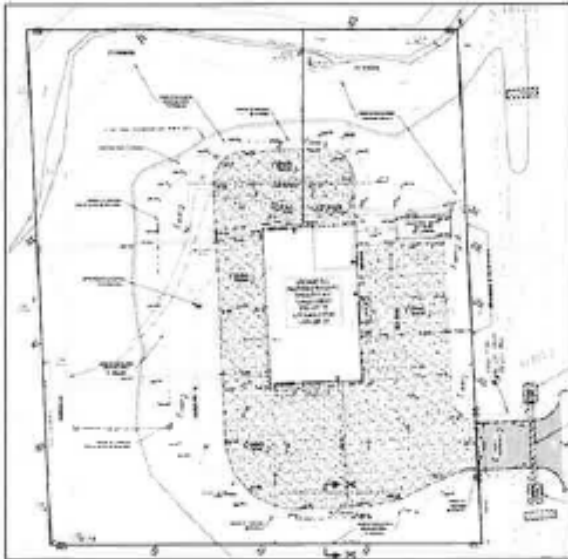


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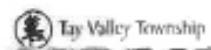
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1000654129 Ontario Inc.  
Site Sketch



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1000654129 Ontario Inc.  
Photo

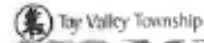


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1000654129 Ontario Inc.  
Planner's Comments  
Provincial Policy Statement (PPS)

- 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 on a County road and outside of the floodplain.

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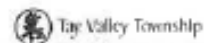


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1000654129 Ontario Inc.  
Planner's Comments  
Provincial Policy Statement (PPS)

- 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.

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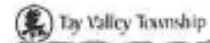


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1000654129 Ontario Inc.  
Planner's Comments  
Provincial Policy Statement (PPS)

- The Planner reviewed the Ministry of Environment Parks and Conservation's D-Series Guidelines on Land Use Compatibility and determined the proposed machining and paint workshop 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, vacant land to the south, with Perth Planing Mill across Highway 511, which is three lanes wide at this location.

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

- 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.
- Geotextile fencing is in place to protect the water quality of Blueberry Creek.

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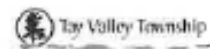


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## 1000654129 Ontario Inc. County Sustainable Communities Official Plan

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

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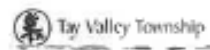


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## 1000654129 Ontario Inc. Planner's Comments Official Plan

- 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 commercial workshop 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 a Commercial use.
- A Site Plan Control Agreement has been signed and RVCA permits have been obtained by the applicant.

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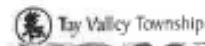


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## 1000654129 Ontario Inc. Planner's Comments Zoning

- In 1998 the lot was rezoned from Residential (R) to Commercial (C) and the existing dwelling and garage were demolished.
- In 2022, the lot was rezoned from Commercial back to Residential, but the lot remained vacant.
- In 2023 the lot was rezoned General Industrial Special Exception-4 (M-4) to accommodate a fabrication business on a lot which is 0.76 ha rather than the 1.0-ha minimum. The same lot is now proposed to be rezoned to General Commercial (C) to recognize that the proposed use is for a commercial workshop (lot size is met).
- 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.

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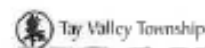


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## 1000654129 Ontario Inc. Planner's Comments

- The applicant is proposing to rezone a portion of the lot to General Commercial (C) to allow a commercial machining and paint workshop to operate on the property. The Planner considered whether the proposed use would be in keeping with other land uses in the area (commercial, industrial, and vacant land). Highway 511 has commercial and industrial development along its south end near Highway 7 and the corner of the highway is designated Employment Lands in the Official Plan.
- Between the Employment Lands (zoned commercial) to the south and the subject lot is a 6.5-ha 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.

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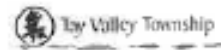


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## 1000654129 Ontario Inc. Planner's Comments

- 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-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.

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## 1000654129 Ontario Inc. Comments

### **Lanark County**

- The Lanark County Public Works Department noted that the existing Residential entrance must be upgraded to a Commercial entrance.

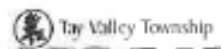
### **Rideau Valley Conservation Authority**

- The RVCA was not circulated for this zoning correction as they had no objections to the previous application, when zoning was changed to General Industrial Special Exception-4 (M-4). RVCA permits have been issued for work within the flood regulated area. Source water protection was met for the proposed use.

### **Mississippi Rideau Septic System Office (MRSSO)**

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

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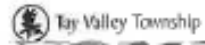


## 1000654129 Ontario Inc. Comments Continued

### **Public Comments**

- A neighbouring property owner submitted a comment that they were pleased to learn that the Industrial designation was not required.
- Members of the public are welcome to speak to the application at this meeting.

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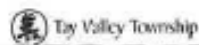


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## 1000654129 Ontario Inc. Recommendation

"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 General Industrial Special Exception-4 (M-4) to General Commercial (C)."

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