
Tuesday, November 4th, 2025

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 Keith Kerr

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 application:

**Burrows
Hall and Lelievre
St. Pierre**

- 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 specified 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 specified 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.
- 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 planningassistant@tayvalleytwp.ca.

3. APPLICATION

- i) **FILE #ZA25-09: Ian Burrows and Lori Yallin – *attached, page 5.***
570 Silver Lake Lane 22A
Part Lot 9, Concession 10,
Geographic Township of South Sherbrooke
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- ii) **FILE #ZA25-10: Claude Lelievre and Catherine Hall – *attached, page 23.***
733 Branch Road
Part Lot 6&7, Concession 10,
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION
- iii) **FILE #ZA25-11: Candice St. Pierre – *attached, page 42.***
147 Horseshoe Bay Road
Part Lot 17, Concession 3
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

November 4th, 2025

Noelle Reeve, Planner

APPLICATION ZA25-09 – Burrows and Yallin

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 9, Concession 10, Geographic Township of South Sherbrooke (Roll #0911-914-010-42201) known locally as 570 Silver Lake Lane 22A, from Seasonal Residential (RS) to Residential Limited Services (RLS).”

BACKGROUND

The application applies to approximately 5,166m² lot with 48.75m (160 ft) frontage on Silver Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential (RLS). The effect of the amendment is to allow a seasonal residential dwelling on a private road to be used as a year-round residence, as a condition of a lot addition.

DISCUSSION

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities:

States that: “Healthy, integrated and viable rural areas should be supported by:

- “a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration; and
- g) conserving biodiversity and considering the ecological benefits provided by nature;”.

Chapter 4 Wise Use and Management of Resources – 4.1.1 Natural Heritage: states that, “Natural features and areas shall be protected for the long term.”

These requirements of the Provincial Planning Statement 2024 will be satisfied because no new construction is proposed.

4.2.1 Water: states: “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration. A Site Plan Control Agreement has already been completed for this 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.

4.6.2 Cultural Heritage and Archaeology: states “Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved”. Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek. No new development is proposed.

Chapter 5 Protecting Public Health and Safety - 5.2.2 b Natural Hazards: states “Development shall generally be directed to areas outside of hazards”. No hazards have been identified.

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. This section is met as the developed area is more than 30m back from the lake.

Official Plan

The subject property is designated in the Official Plan as Rural. Section 2.3.3 Rural designation permits residential uses.

Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states “the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback”

Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the subject property.

Section 3.2.3.1 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.

Section 2.3.2.3 states “An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation.”

Section 3.2.7.3 Preservation of Vegetation states “As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.

3.2.10 Net Environmental Gain states “Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat.”

No new development is proposed and a Site Plan Control Agreement has previously been registered on the property when the cottage was built.

Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow the dwelling to be used as a year-round residence as a condition of a lot addition.

Planner

The owners are proposing to use the existing cottage structure as a year-round residence. Lot coverage at 3% and Floor Space Index of 2.4% are well below the 10% and 12% maximums permitted respectively. The dwelling is more than 30m from the shoreline and now construction is proposed.

Mississippi Valley Conservation Authority (MVCA)

The application was not circulated to MVCA as there were comments from the severance B24-126 for the lot addition.

Mississippi Rideau Septic System Office (MRSSO)

The application was not circulated to MRSSO as no new building additions or plumbing fixtures are being proposed.

Public Comments

None.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 10, Part Lot 9, 570 Silver Lake Lane 22A, Geographic Township of South Sherbrooke (Roll number 091191401042201) from Seasonal Residential RS to Residential Limited Services (RLS).

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

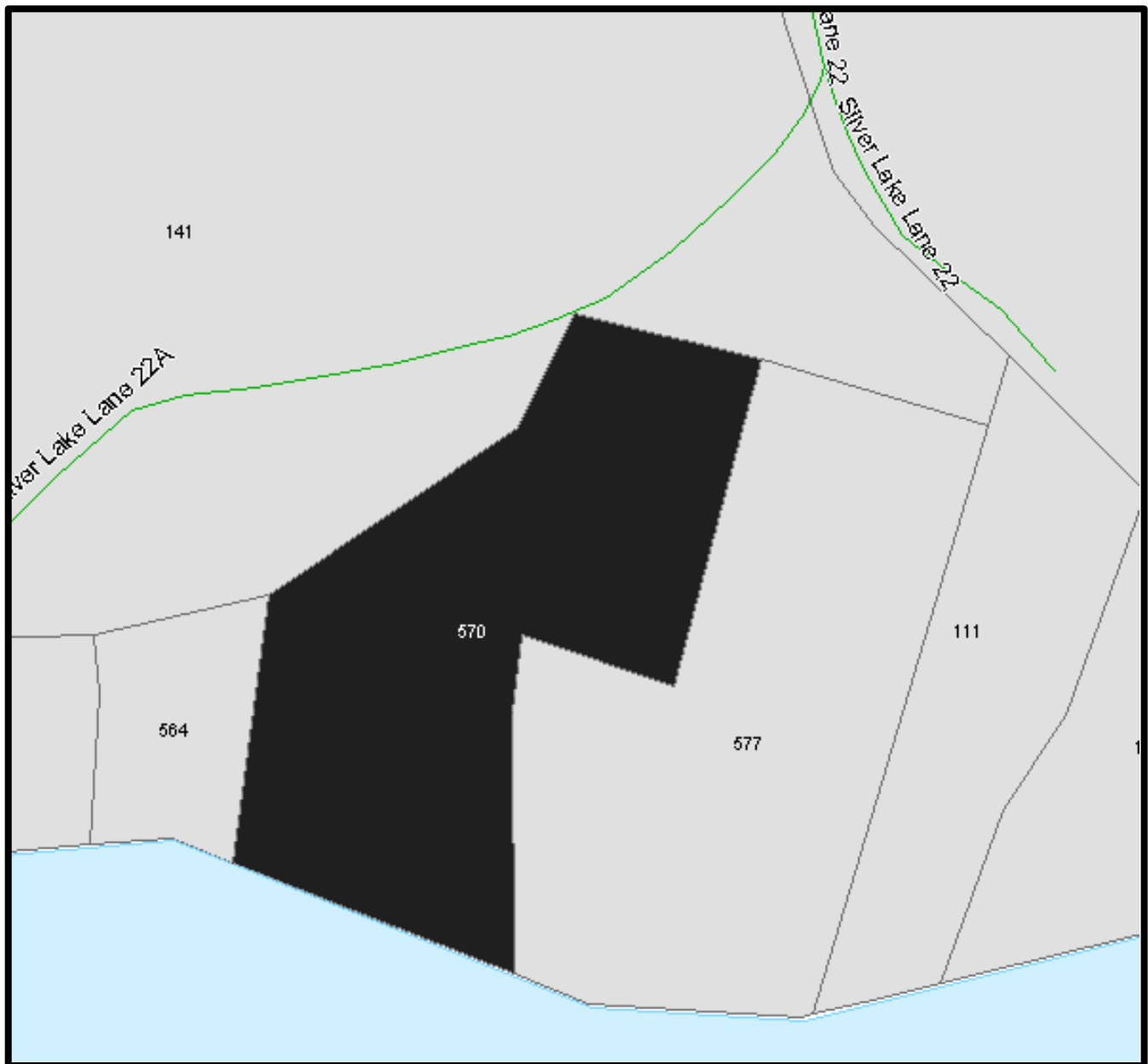
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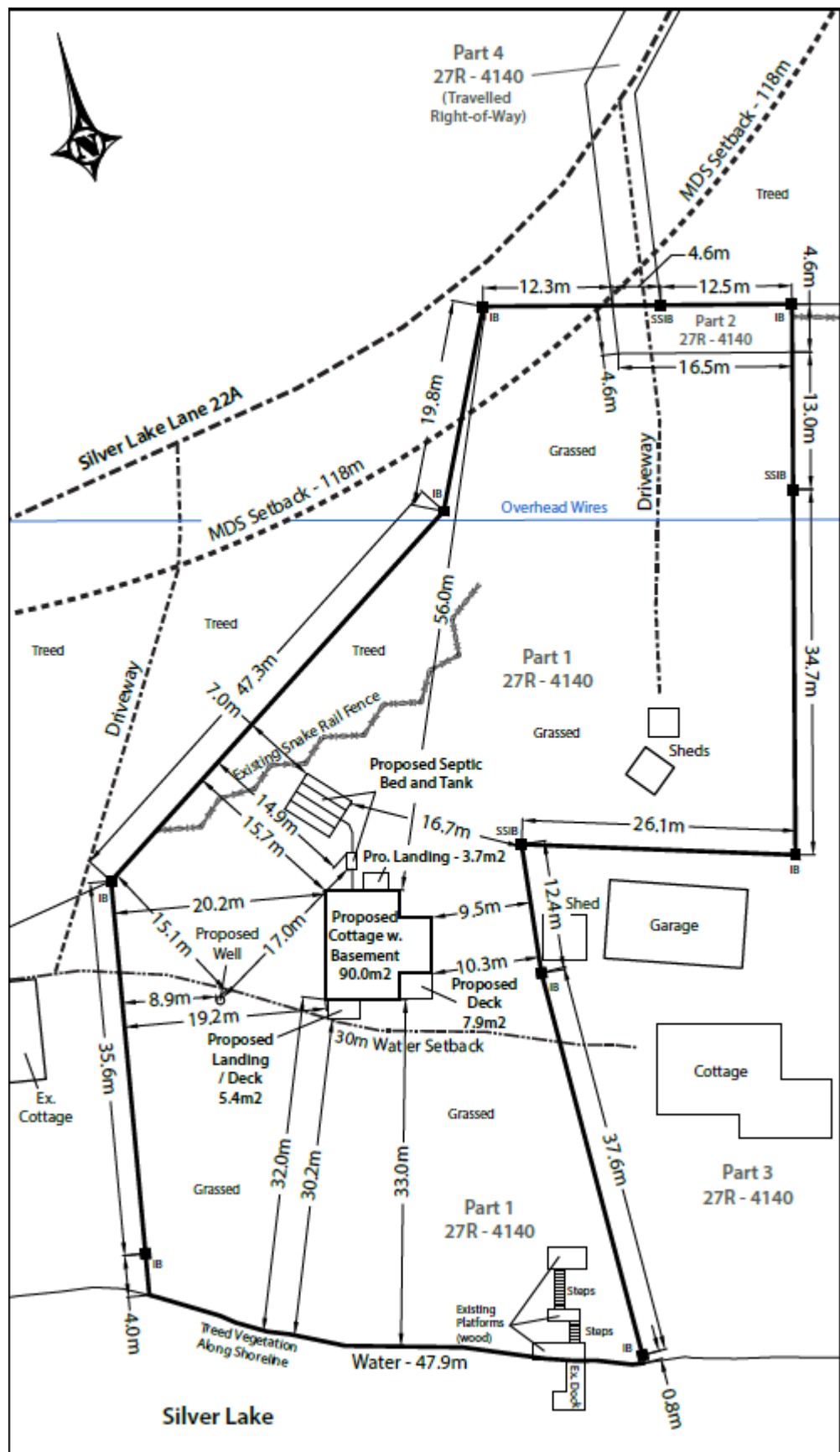
Original signed

**Noelle Reeve,
Planner**

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

Attachment # 1 Site Location





THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (BURROWS – 570 SILVER LAKE LANE 22A) (PART LOT 9, CONCESSION 10, 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 (RLS) on the lands legally described as Part Lot 9, Concession 10, geographic Township of South Sherbrooke, now in Tay Valley Township, County of Lanark (Roll # 091191401042201), 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. BY-LAWS TO BE AMENDED

All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

3. 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

4.1 ADOPTED BY COUNCIL this xx day of , 2025.

Rob Rainer, Reeve

Amanda Mabo, Clerk

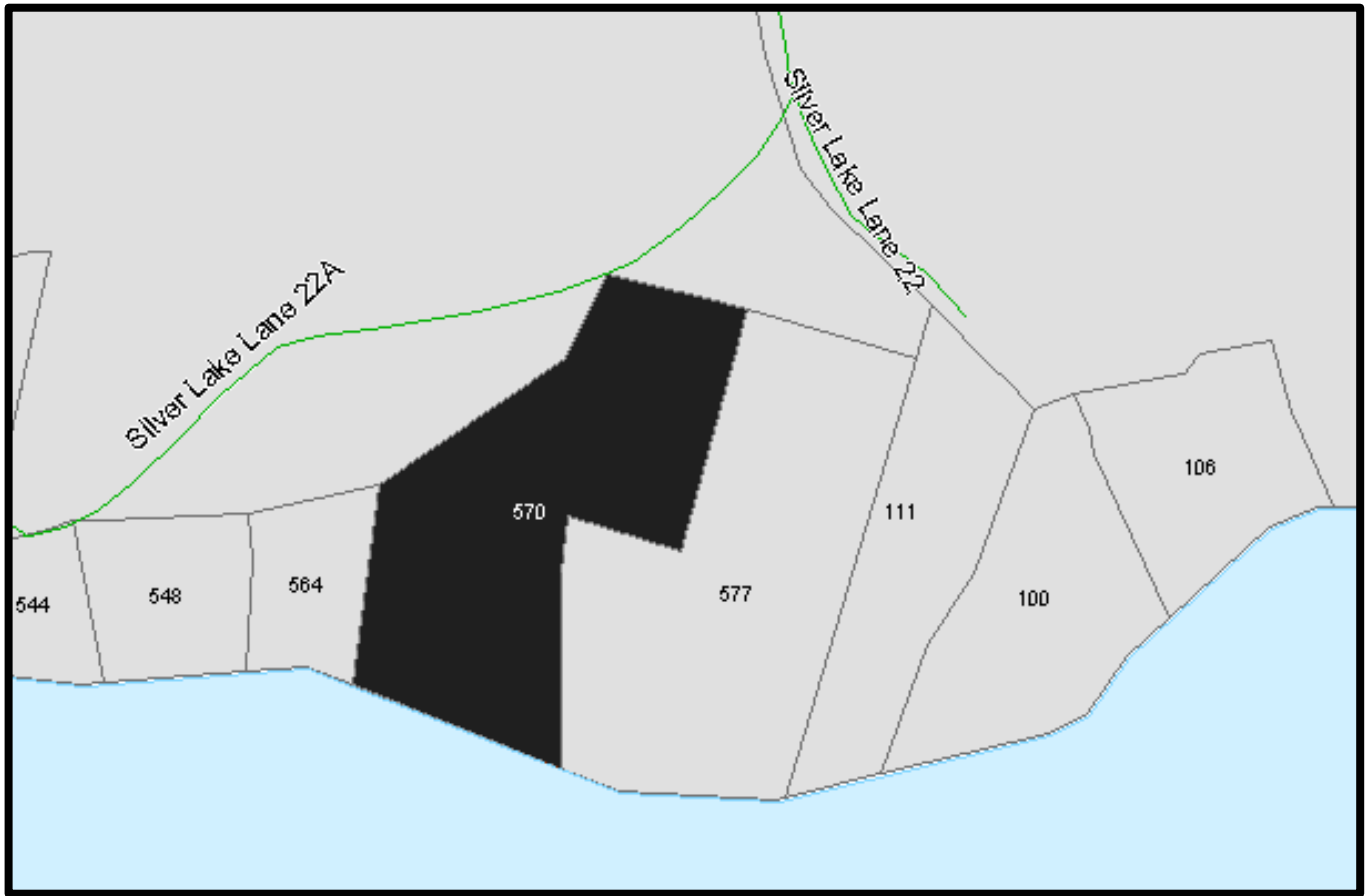
4.2 APPROVED BY THE REEVE this xx day of , 2025 pursuant to Reeve Decision/Direction #2025-xx.

Rob Rainer, Reeve

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

SCHEDULE "A"

Burrows – 570 Silver Lake Lane 22A
Part Lot 9, Concession 10
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 (RLS)

Certificate of Authentication

This is Schedule "A" to By-Law 2025-0xx
passed this xx day of 2025.

Reeve

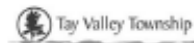
Clerk

Burrows 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

Burrows Zoning By-law Amendment

Ontario Land Tribunal

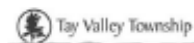
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

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

Burrows

570 Silver Lake Lane 22A

Part Lot 9, Concession 10, Geographic Township of South Sherbrooke

- The application applies to an approximately 5,166m² (1.01 acre) lot with 48.75m (160 ft) frontage on Silver Lake.
- The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential (RLS). The effect of the amendment is to allow a seasonal residential dwelling on a private road to be used as a year-round residence, as a condition of a severance for a lot addition.

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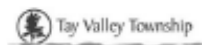


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Burrows Location



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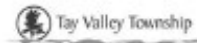


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Burrows Photos



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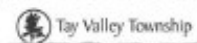


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Burrows Photos



6



6

Burrows

Planner's Comments

Provincial Planning Statement (PPS)

- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities Section 2.5.1 Rural Areas in Municipalities states, "Healthy, integrated and viable rural areas should be supported by:"
 - a) building upon rural character, and leveraging rural amenities and assets;
 - b) promoting regeneration; and
 - g) conserving biodiversity and considering the ecological benefits provided by nature".
- Chapter 4 Wise Use and Management of Resources – 4.1.1 Natural Heritage: states that, "Natural features and areas shall be protected for the long term."
- These requirements of the Provincial Planning Statement 2024 will be satisfied because no new construction is proposed.

7



7

Burrows

Planner's Comments

Provincial Planning Statement (PPS)

- 4.2.1 Water: states: "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alteration. A Site Plan Control Agreement has already been completed for this 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.

8



8

Burrows

Planner's Comments

Provincial Planning Statement (PPS)

- 4.6.2 Cultural Heritage and Archaeology: states "Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved". Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek. No new development is proposed.
- Chapter 5 Protecting Public Health and Safety - 5.2.2 b Natural Hazards: states "Development shall generally be directed to areas outside of hazards". No hazards have been identified.

9



9

Burrows

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. This section is met as the developed area is more than 30m back from the lake.

10



10

Burrows

Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural. Section 2.3.3 Rural designation permits residential uses.
- Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states "the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback"
- Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the subject property.

11



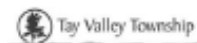
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Burrows

Planner's Comments Official Plan

- Section 3.2.3.1 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.
- Section 2.3.2.3 states "An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

12



12

Burrows

Planner's Comments Official Plan

- Section 3.2.7.3 Preservation of Vegetation states "As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.
- 3.2.10 Net Environmental Gain states "Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat."

13



13

Burrows

Planner's Comments Official Plan

- No new development is proposed and a Site Plan Control Agreement has previously been registered on the property when the cottage was built.
- Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

14



14

Burrows

Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services (RLS) to allow the dwelling to be used as a year-round residence as a condition of a severance for a lot addition.

15



15

Burrows

Comments Continued

Planner's Comments

- The owners are proposing to use the existing cottage structure as a year-round residence. Lot coverage at 3% and Floor Space Index of 2.4% are well below the 10% and 12% maximums permitted respectively. The dwelling is more than 30m from the shoreline and no construction is proposed.

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

Burrows Comments Continued

Mississippi Valley Conservation Authority (MVCA)

The application was not circulated to MVCA as there were comments from the severance B24-126 for the lot addition.

Mississippi Rideau Septic System Office (MRSSO)

The application was not circulated to MRSSO as no new building additions or plumbing fixtures are being proposed.

17

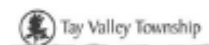


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Burrows Recommendation

"THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Concession 10, Part Lot 9, 570 Silver Lake Lane 22A, Geographic Township of South Sherbrooke (Roll number 091191401042201) from Seasonal Residential (RS) to Residential Limited Services (RLS)."

18



18

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

November 4th, 2025

Noelle Reeve, Planner

APPLICATION ZA25-10 – Hall and Lelievre

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 6 &7, Concession 10, Geographic Township of Bathurst (Roll #0911-916-030-06401) known locally as 733 Branch Road, from Seasonal Residential (RS) to Residential Limited Services – Special Exception 202 (RLS -202)”.

BACKGROUND

The application applies to an approximately 0.5-ha (1.25-acre) lot with 73.1m (239.94 ft) frontage on Bennett Lake.

The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential – Special Exception-202 (RLS-202). The effect of the amendment is to allow a permanent residence.

The rezoning also recognizes relief previously granted through Minor Variance MV22-19 for a dwelling at a water setback of 27.6m, with a 1.2m setback from the east side yard, and for a garage at a 4m rear yard setback.

DISCUSSION

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities:

states that “Healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character and leveraging rural amenities and assets; and
- b) Promoting regeneration.” This section can be met as the dwelling is maintaining the same water setback from Bennett Lake and a Site Plan Control Agreement is already registered.

Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, “Natural features and areas shall be protected for the long term”, and Section 4.1.2 states that “The diversity and connectivity of natural features in an area, and the long term

ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features”.

Section 4.2.1 Water states, “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations”. A Site Plan Control Agreement has already been completed for this property at the time of the Minor Variance.

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 (e.g., spilling gas on the ground).

Section 4.6.2 Cultural Heritage and Archaeology states “Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved”. Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek.

In this case, the dwelling and garage have already been built with relief through a minor variance and this application is to allow the owners to live there year-round. and no new disturbance is anticipated. If archaeological objects are uncovered in the future, an archaeologist must be informed.

Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states “Development shall generally be directed to areas outside of hazards”. No hazards have been identified.

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. A Site Plan Control Agreement has been completed for this property through the minor variance.

Official Plan

The subject property is designated in the Official Plan as Rural , Section 2.3.3 Rural designation permits residential uses.

Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states “the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections

between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback”

Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the subject property.

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Section 2.3.2.3 states “An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation.”

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3.2.10 Net Environmental Gain states “Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat.”

All of these considerations have been met as the dwelling has already been built, and a Site Plan Control Agreement has already been executed.

Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 202 (RLS-202) to allow a dwelling to be used as a year-round residence. The special exception recognizes the relief from the Zoning By-Law previously granted by Committee of Adjustment.

Floor space index of 2.2% is below the 12% permitted. Lot coverage is shown as 4.2% on the site sketch submitted.

Planner

The application is to allow the applicant to live there year-round and has already executed a site plan control agreement. The planner supports the application.

Mississippi Valley Conservation Authority (MVCA)

The Township did not circulate the Conservation Authority again as they commented on the Minor Variance in 2022 (application MV22-19).

Mississippi Rideau Septic System Office (MRSSO)

The applicant put in a new system in 2022 when constructing the new dwelling and garage.

Public Comments

None at the time of the report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Concession 10, Part Lot 6 & 7, 733 Branch Road, Geographic Township of Bathurst (Roll number 091191603006401) from Seasonal Residential RS to Residential Limited Services Special Exception-202 (RLS - 202).

ATTACHMENTS

- iii) Site Sketch
- iv) Zoning By-Law

Prepared and Submitted By:

Approved for Submission By:

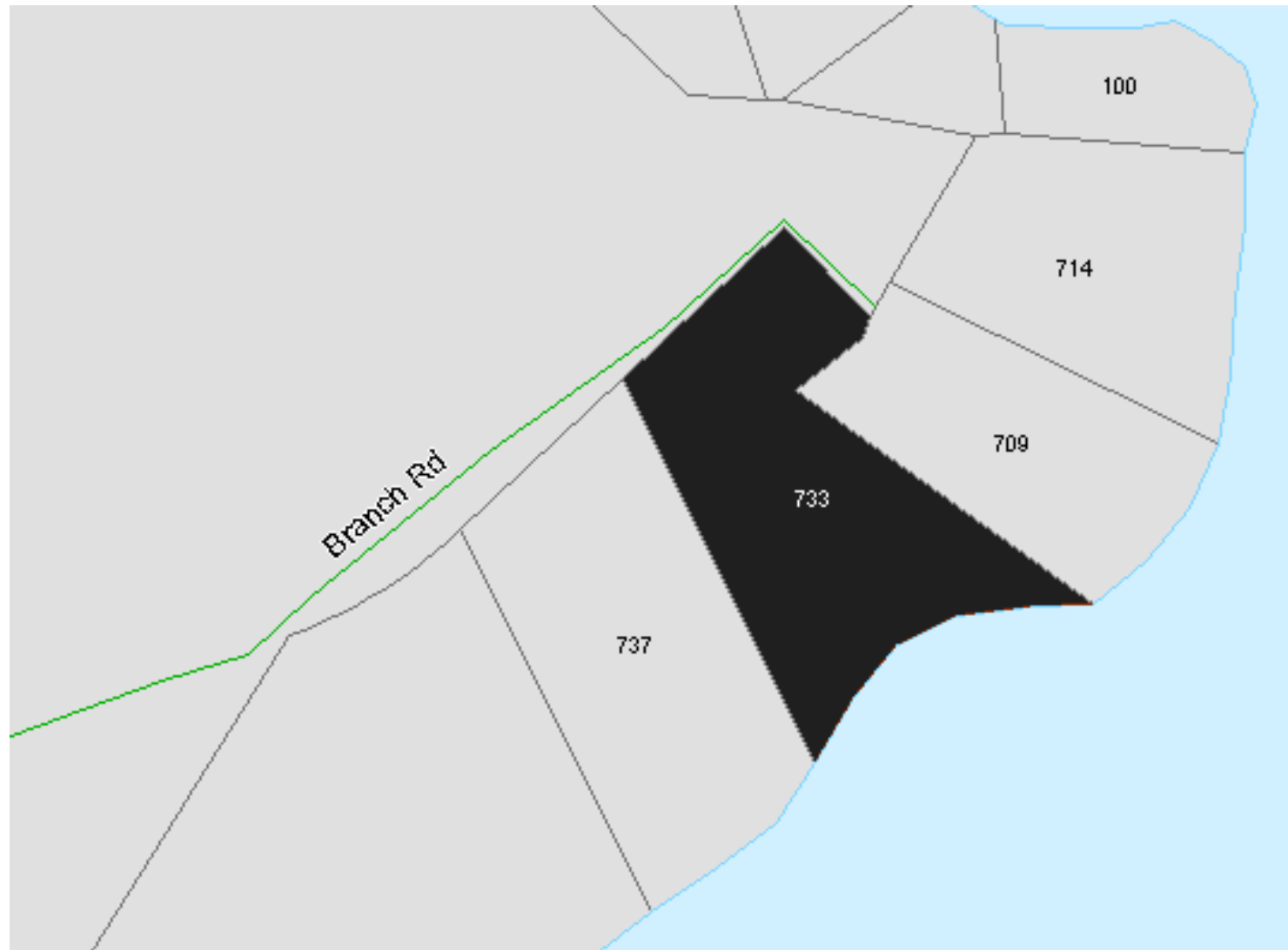
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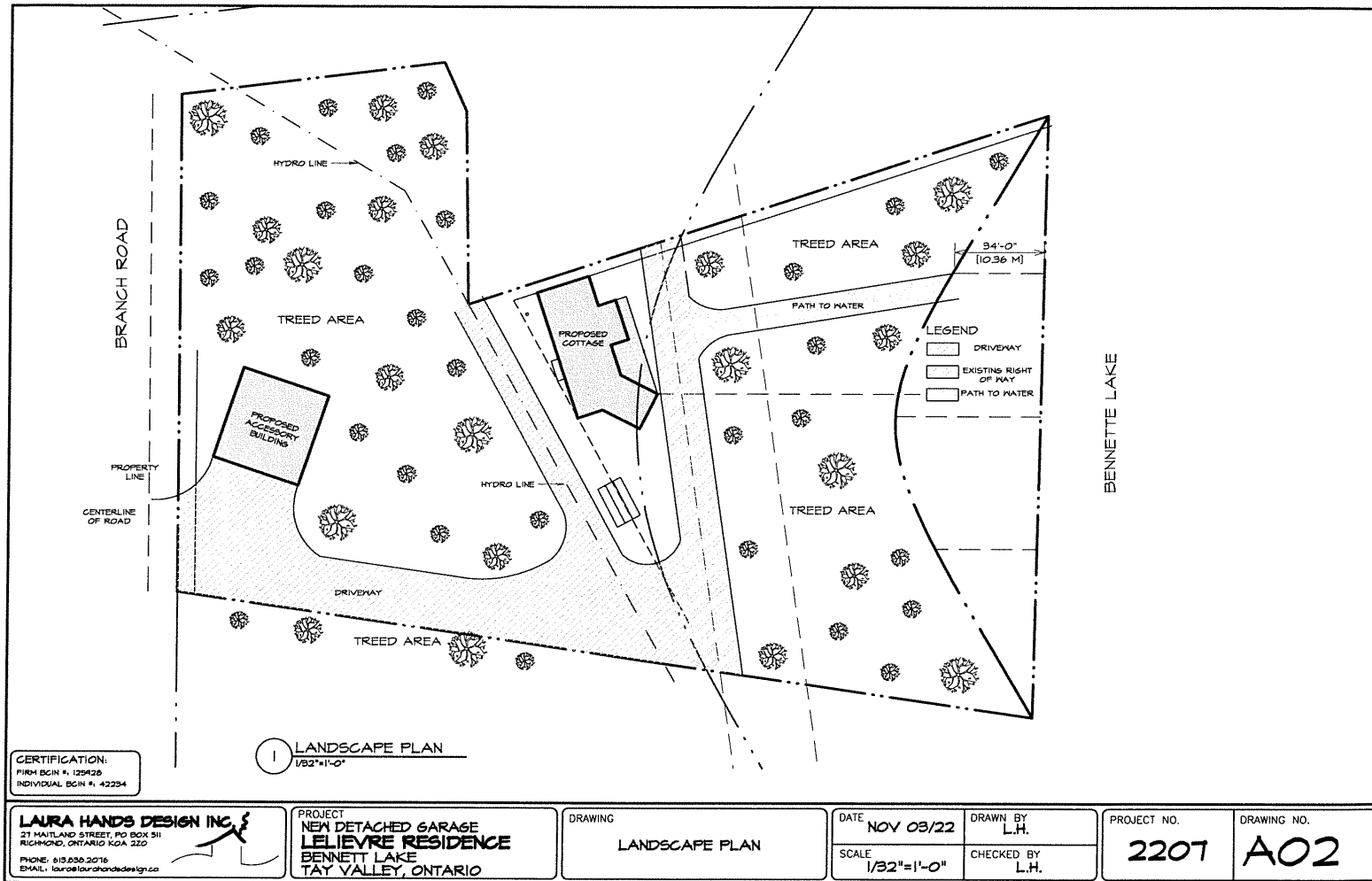
Original signed

**Noelle Reeve,
Planner**

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

Attachment #1





THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (HALL AND LELIEVRE) (733 BRANCH ROAD, PART LOT 6 & 7, CONCESSION 10, 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:

5. GENERAL REGULATIONS

1.3 THAT, By-Law No. 2002-121 is hereby amended by amending the zoning from Seasonal Residential (RS) to Residential Limited Services Special Exception - 202 (RLS-202) on the lands legally described as Part Lot 6 & 7, Concession 10, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191603006401), in accordance with Schedule "A" attached hereto and forming part of this By-Law.

1.4 THAT, By-Law No. 2002-121, as amended, is further amended by adding the following new subsection at the end of Section 5.3.2 (Exception Zones).

202. RLS-202 (Part Lot 6 and 7, Concession 10, Bathurst)

Notwithstanding the provisions of Section 5.3.2 and 3.29 on the lands zoned RLS-202 the following provisions shall prevail:

- Water Setback for dwelling (minimum) 27.6m
- East side yard setback for dwelling (minimum) 1.2m

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx**

1.5 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. BY-LAWS TO BE AMENDED

All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

3. 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

4.1 ADOPTED BY COUNCIL this xx day of , 2025.

Robert Rainer, Reeve

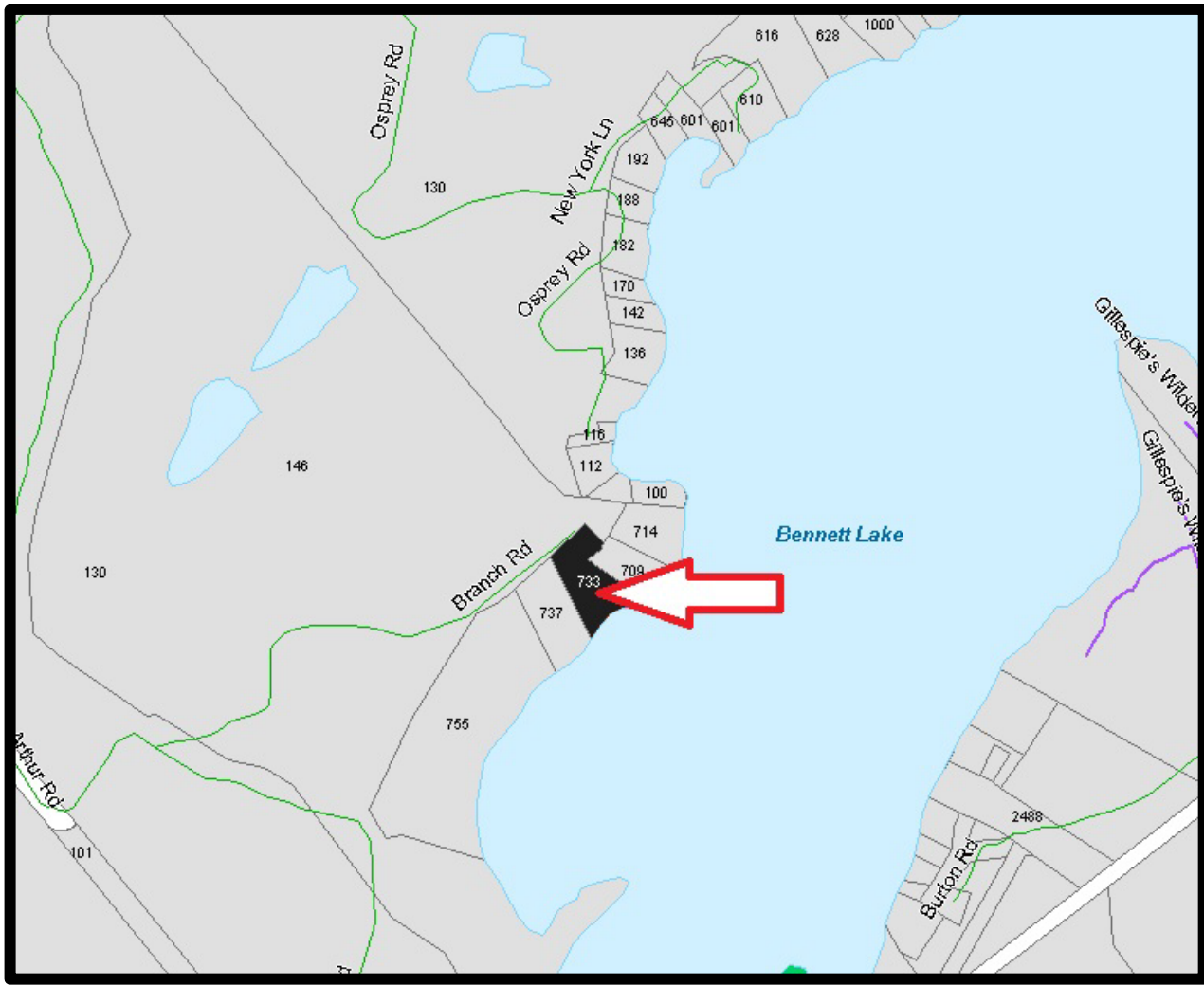
Amanda Mabo, Clerk

4.2 APPROVED BY THE REEVE this xx day of , 2025 pursuant to Reeve Decision/Direction #2025-xx.

Rob Rainer, Reeve

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-0xx
SCHEDULE "A"

Hall and Lelievre– 733 Branch Road
Part Lot 6 & 7, Concession 10
Geographic Township of Bathurst
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Seasonal Residential (RS) to
Residential Limited Services Special Exception-202
(RLS-202)

Certificate of Authentication

This is Schedule "A" to By-Law 2025-0xx
passed this xx day of 2025.

Reeve

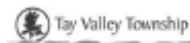
Clerk

Hall and Lelievre 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

Hall and Lelievre Zoning By-law Amendment

Ontario Land Tribunal

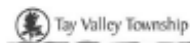
Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A "specified person" does not include an individual or a community association.

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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Hall and Lelievre

733 Branch Road

Part Lot 6&7, Concession 10, Geographic Township of Bathurst

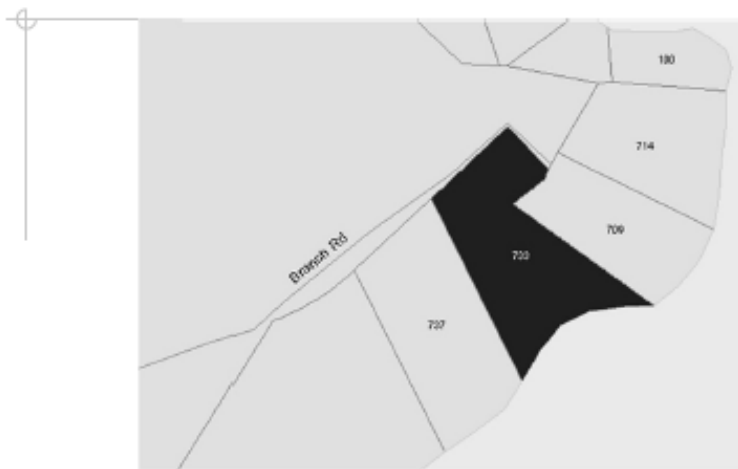
- The application applies to an approximately 0.5-ha (1.25-acre) lot with 73.1m (239.94 ft) frontage on Bennett Lake.
- The purpose of this application is to change the zoning from Seasonal Residential (RS) to Limited Services Residential – Special Exception-202 (RLS-202). The effect of the amendment is to allow a permanent residence.
- The rezoning also recognizes relief previously granted through Minor Variance MV22-19 for a dwelling at a water setback of 27.6m, with a 1.2m setback from the east side yard, and for a garage at a 4m rear yard setback.

3



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Hall and Lelievre Location



4



4

Hall and Lelievre Photos



5



5

Hall and Lelievre Photos



6



6

Hall and Lelievre Planner's Comments

Provincial Planning Statement (PPS)

- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities: states that "Healthy, integrated and viable rural areas should be supported by:
 - a) Building upon rural character and leveraging rural amenities and assets; and
 - b) Promoting regeneration." This section can be met as the dwelling is maintaining the same water setback from Bennett Lake and a Site Plan Control Agreement is already registered.
- Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, "Natural features and areas shall be protected for the long term", and Section 4.1.2 states that "The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features".

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Hall and Lelievre Planner's Comments

Provincial Planning Statement (PPS)

- Section 4.2.1 Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations". A Site Plan Control Agreement has already been completed for this property at the time of the Minor Variance.
- 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 (e.g., spilling gas on the ground).

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Hall and Lelievre Planner's Comments Provincial Planning Statement (PPS)

- Section 4.6.2 Cultural Heritage and Archaeology states "Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved". Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek.
- In this case, the dwelling and garage have already been built with relief through a minor variance and this application is to allow the owners to live there year-round. No new disturbance is anticipated. If archaeological objects are uncovered in the future, an archaeologist must be informed.
- Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states "Development shall generally be directed to areas outside of hazards". No hazards have been identified.

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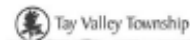


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Hall and Lelievre County Sustainable Communities Official Plan

- 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. A Site Plan Control Agreement will be executed for this property that will include a septic system and require maintenance of vegetation along the shoreline and between the lake and the dwelling which will protect water quality.

10



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Hall and Lelievre Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, Section 2.3.3 Rural designation permits residential uses.
- Section 3.1.3.2 Wildlife Habitat and Adjacent Lands states "the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback"

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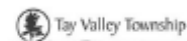


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Hall and Lelievre Planner's Comments Official Plan

- Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements are met for the subject property.
- Section 3.2.3.1 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.
- Section 2.3.2.3 states "An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."

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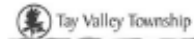


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Hall and Lelievre Planner's Comments Official Plan

- Section 3.2.7.3 Preservation of Vegetation states "As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.
- 3.2.10 Net Environmental Gain states "Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat."
- All of these considerations have been met as the dwelling has already been built, and a Site Plan Control Agreement has already been executed.
- Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

13



13

Hall and Lelievre Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 202 (RLS-202) to allow a dwelling to be used as a year-round residence. The special exception recognizes the relief from the Zoning By-Law previously granted by the Committee of Adjustment.
- Floor space index of 2.2% is below the 12% permitted. Lot coverage is shown as 4.2% on the site sketch submitted.

14



14

Hall and Lelievre Planner's Comments

The application is to allow the applicant to live there year-round and he has already executed a site plan control agreement. The Planner supports the application.

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Hall and Lelievre MVCA Comments

Mississippi Valley Conservation Authority (MVCA)

- The Township did not circulate the Conservation Authority again as they commented on the Minor Variance in 2022 (application MV22-19).

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Hall and Lelievre MRSSO Comments

Mississippi Rideau Septic System Office (MRSSO)

- The applicant put in a new system in 2022 when constructing the new dwelling and garage.

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Hall and Lelievre 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.

18



18

Hall and Lelievre Recommendation

"THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Concession 10, Part Lot 6 & 7, 733 Branch Road, Geographic Township of Bathurst (Roll number 091191603006401) from Seasonal Residential RS to Residential Limited Services Special Exception-202 (RLS - 202)."

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

NOVEMBER 4th, 2025

Noelle Reeve, Planner

APPLICATION ZA25-11- St. Pierre

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Pt Lot 17, Concession 3, geographic Township of North Burgess (Roll #0911-911-020-16200), known locally as 147 Horseshoe Bay Road, from Seasonal Residential to Residential Limited Services Exception – 201 (RLS-201).

BACKGROUND

The application applies to approximately 0.6 ha (1.48 acres) of land, at 147 Horseshoe Bay, in Pt Lot 17, Concession 3, Geographic Township of North Burgess.

The purpose of the proposed amendment is to seek approval from Council to recognize an existing dwelling at a water setback of 19.3m and permit an Additional Residential Unit to be constructed that is connected to a separate separate septic from the principal dwelling, to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted, and to access from a separate driveway.

The effect of the amendment would be to permit year-round residence of the dwelling and recognize a reduced water setback of 19.3m from Big Rideau Lake. Additionally, the rezoning would permit a second dwelling to have its own septic system and access and also allow the second dwelling to be located at a distance of 21.5m (67ft) from the principal dwelling.

A previous application to rezone to Residential Limited Services with multiple exceptions for relief from water setbacks for multiple decks and additions was refused by the Ontario Land Tribunal. Therefore, a new rezoning application is proposed.

The second dwelling will be constructed from the addition previously constructed on the principal dwelling.

DISCUSSION

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities states that “Healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character and leveraging rural amenities and assets; and

- b) Promoting regeneration.” This section can be met as the dwelling is maintaining the existing water setback from Big Rideau Lake and the proposed ARU exceeds the 30m water setback. A Site Plan Control Agreement will be required that will see regeneration of the locations where construction has been removed.

Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, “Natural features and areas shall be protected for the long term”, and Section 4.1.2 states that, “The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features”.

Section 4.2.1 Water states, “Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations”.

Vulnerability is defined in the PPS as “surface and/or ground water that can be easily changed or impacted”. Big Rideau Lake is classified as a moderately sensitive cold water trout lake by the Ministry of Natural Resources and Forestry and can, therefore, be impacted. The Rideau Valley Conservation Authority’s Big Rideau Lake-Portland Catchment Area Subwatershed Report classifies this area of Big Rideau Lake with a water quality rating of Fair (below Very Good, Good and above Poor, Very Poor).

A Site Plan Control Agreement will be executed for this property that will include a new septic system for the ARU and will require maintenance of the vegetation along the shoreline and back to the dwellings from the lake which will protect water quality.

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 (e.g., spilling gas on the ground).

Section 4.6.2 Cultural Heritage and Archaeology states “Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved”. Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek. The area where the ARU will be located has been disturbed previously when the septic for the dwelling was installed and no archaeological findings were discovered.

Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states, “Development shall generally be directed to areas outside of hazards”. No hazards have been identified but the extend of any hazard from slope will be determined by the RVCA.

The lake is also part of the Rideau Canal Waterway, the only UNESCO World Heritage Site in Ontario, which is a significant cultural and tourism asset for Tay Valley Township.

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 Sustainable Communities Official Plan* indicates that “municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource”.

A Site Plan Control Agreement will be executed for this property that will include a new septic system for the ARU and require maintenance of the vegetation along the shoreline and the area between it and the dwelling and the shoreline and the ARU which will protect water quality.

OFFICIAL PLAN

The subject property is designated as Rural in the Official Plan. Section 2.3.3 Rural designation permits residential uses.

Section 2.24.3 Rideau Canal World Heritage Site acknowledges the Rideau Canal is a *National Historic Site, a Canadian Heritage River and a UNESCO World Heritage Site*. Public consultation undertaken for the development of that Strategy identified that users of the Canal and local residents of the Big Rideau Lake segment of the Canal valued the visual value of the natural landscape over cottage views.

Section 2.22.2 Fish Habitat and Adjacent Lands states that spawning grounds, nursery, rearing, food supply and migration areas on which fish depend are to be protected. Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands, and Section 2.22.6 Significant Valleylands are both applicable to this property. No development or site alteration shall be permitted within 120m of the habitat without an Environmental Impact Study (EIS) that can demonstrate that there will be no negative impacts. The applicant did submit an EIS in support of his application.

Section 2.24.1 Waterfront Development states that the Township, “has a direct concern with the issue of water quality impacts related to water-oriented development. Over the years, research has been undertaken with respect to the issue of water quality and lake capacity including the *Rideau Lakes Basin Carrying Capacity and Proposed Shoreline Development Policies Report* and related *Municipal Site Evaluation Guidelines*. Various sections of the Official Plan incorporate policies implementing recommendations of this research in recognition of the importance of providing sustainable recreation, tourism and other water-oriented opportunities.”

“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.”

Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements will be met for the subject property.

Section 3.2.3.1 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.

Section 2.3.2.3 states “An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation.”

Section 3.2.7.3 Preservation of Vegetation states “As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.

3.2.10 Net Environmental Gain states “Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat.”

All of these considerations will be met as the ARU is being built more than 30m from the lake and the principal dwelling is being recognized with no change from its original construction in the 1980s. A Site Plan Control Agreement will be executed for this property that included a new septic system and requires vegetation of the shoreline and the area toward the cottage which will protect water quality.

Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

Zoning By-Law

The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 201 (RLS-201) to allow an existing dwelling to be used as a year-round residence. The special exceptions would permit an Additional Residential Unit to be constructed that is connected to a separate septic from the principal dwelling, to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted, and to access from a separate driveway.

Floor space index of 4.2% is below the 12% permitted. Lot coverage is shown as 7.2% on the site sketch submitted. All other setbacks are met from the side yards and rear yard.

Section 3.29 Water Setbacks of the Zoning By-law requires a 30 m setback from water which is met for the ARU while the existing water setback of the principal dwelling being recognized.

Planner

The proposal is supported by the Planner as both a permanent dwelling and ARU are permitted uses. The 30m water setback will be met for the ARU and the existing water setback of the dwelling will be recognized.

A Site Plan Control Agreement provides additional protection to the lake by ensuring a vegetative buffer is maintained along the shore and back to the dwelling and ARU and that runoff from the buildings is directed to the centre of the lot away from the lake.

Rideau Valley Conservation Authority (RVCA) And Parks Canada (RWDRT)

Parks Canada supports approval of the application.

The Rideau Canal National Historic Site of Canada, a Canadian Heritage River and a UNESCO World Heritage Site, is administered by Parks Canada to preserve the cultural, natural and scenic values so that all Canadians can enjoy this legacy into the future. All parties have a responsibility to ensure the stewardship and conservation of this internationally recognized waterway.

The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal [Parks Canada, *Rideau Canal NHS Management Plan*, p.69, 2005].

The *Rideau Canal National Historic Site Management Plan* (2005) represents the Minister of the Environment's commitment to the people of Canada with respect to the protection, presentation, operation and stewardship of the Rideau Canal. As stated in the plan, Parks Canada is committed to protect the natural, cultural and scenic values of the Canal and its setting while allowing for sustainable development on lands bordering the Canal and recreational use of the Canal itself.

With the 2007 inscription of the Rideau Canal on the World Heritage List, the World Heritage Committee addressed requirements for protection and management in the Statement of Outstanding Universal Value, including a 30m buffer zone. While not part of the site itself, the buffer zone surrounds the site and acts as a mechanism that provides the site an added layer of protection.

The Township's Official Plan recognizes the Rideau Canal World Heritage Site and its associated 30 metre setback for all development and site alterations adjacent water bodies. The World Heritage Committee also made reference to the visual setting of the canal. The Committee recommended that consideration be given to strengthening its visual protection outside the buffer zone, in order to ensure that the visual values of the setting are protected. Through the *Rideau Canal World Heritage Site Management Plan* (2005), Parks Canada is committed to safeguard the canal's visual setting.

This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement of vegetation on the property, development which complements the visual

character of the landscape, and the maintenance of a minimum 30 metre setback of all development from the water.

Mississippi Rideau Septic System Office (MRSSO)

The MRSSO does not object to this application for Zoning By-law Amendment as proposed, if the requirements of the OBC and the MRSSO are met. An application for the new septic for the ARU has been submitted.

PUBLIC

No comments at the time of the report.

Site Plan Control

Under the Township Bylaw 09-31, a Site Plan Control Agreement is required as construction is proposed within 100m of water. Site Plan Control ensures that vegetation on the property, especially along the waterfront, is retained and it also provides transparency about where future development would be allowed.

CONCLUSION

The Planner recommends that the application be approved to rezone the lands at Pt Lot 17, Concession 3, geographic Township of North Burgess (Roll #0911-911-020-16200), known locally as 147 Horseshoe Bay Road, from Seasonal Residential to Residential Limited Services Exception – 201 (RLS-201).

ATTACHMENTS

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

Prepared and Submitted By:

Approved for Submission By:

Original signed

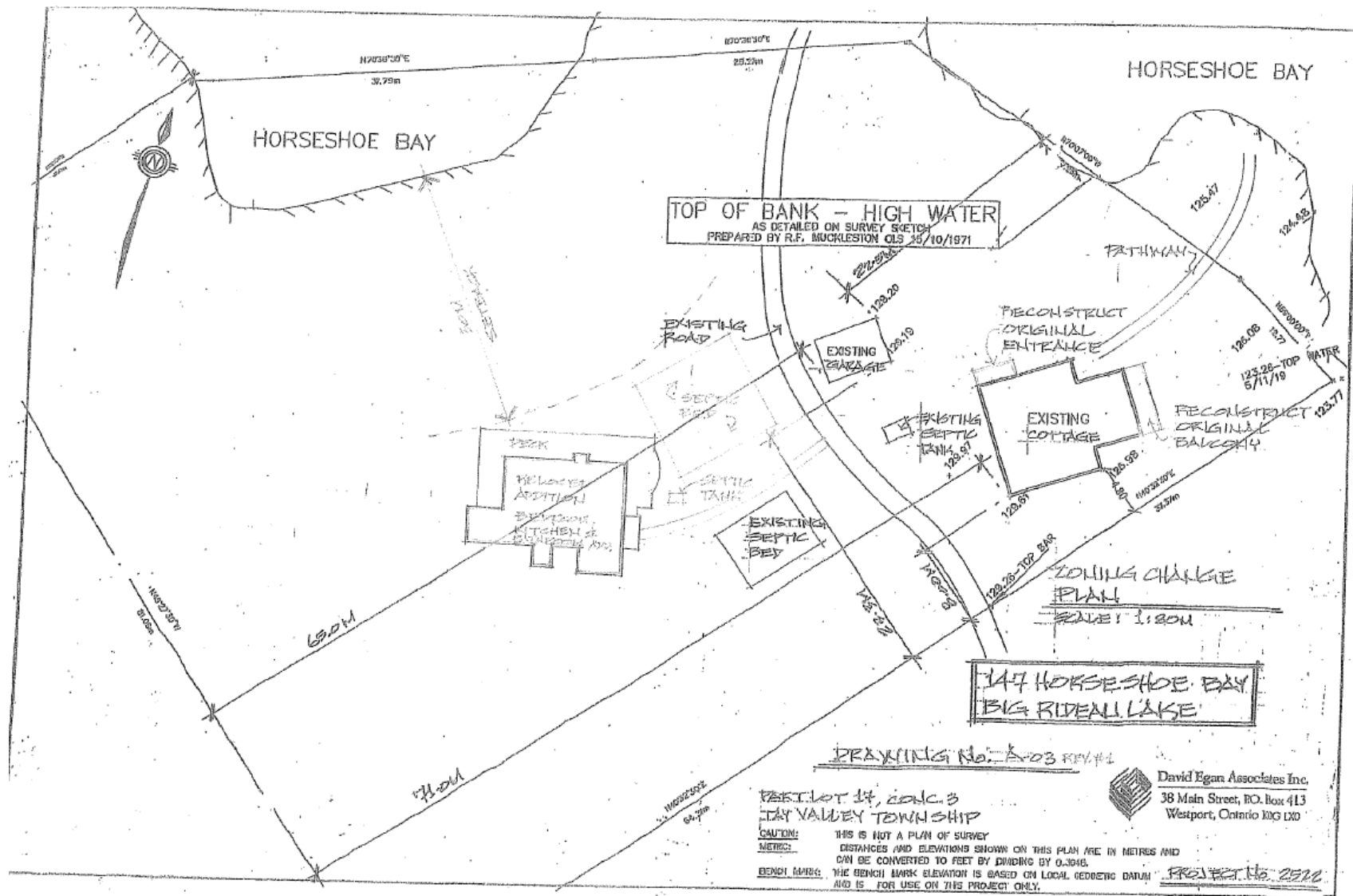
Original signed

**Noelle Reeve,
Planner**

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

Attachment #1





THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-0XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (ST. PIERRE – 147 HORSESHOE BAY) (PART LOT 17, CONCESSION 3, 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 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:

6. GENERAL REGULATIONS

- 1.1 THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from Seasonal Residential (RS) to Limited Services Residential Exception-192 (RLS-201) on the lands legally described as Part Lot 17, Concession 3, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191102016200), 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 3.19.1 and 3.19.3 (general Provisions) and Section 5.1.4 (Exception Zones).

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2025-XX

201. RLS-201 (Part Lot 17, Concession 3, North Burgess)

Notwithstanding the provisions of Section 5.1, on the lands zoned RLS-201 the following provisions shall prevail:

- Water Setback for cottage (minimum) 19.3m
- Separation from Primary Dwelling (Maximum) 21.5m
- Separate septic, well and driveway

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. BY-LAWS TO BE AMENDED

All by-laws or parts thereof and resolutions passed prior to this by-law which are in contravention of any terms of this by-law are hereby rescinded.

3. 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

4.1 ADOPTED BY COUNCIL this xx day of , 2025.

Robert Rainer, Reeve

Amanda Mabo, Clerk

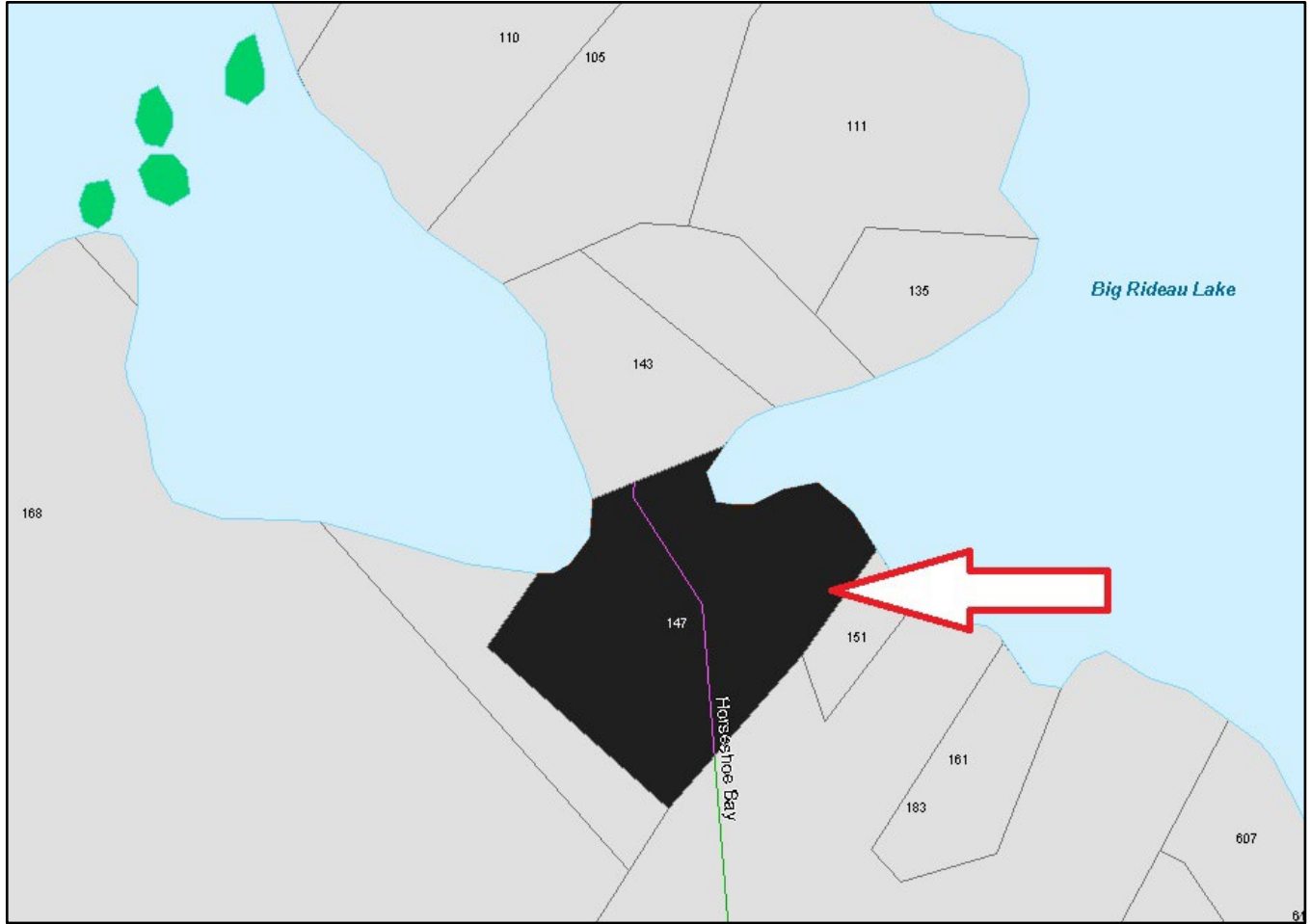
4.2 APPROVED BY THE REEVE this xx day of , 2025 pursuant to Reeve Decision/Direction #2025-xx.

Rob Rainer, Reeve

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2025-XX**

SCHEDULE “A”

St. Pierre – 147 Horseshoe Bay
Part Lot 17, Concession 3
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from
Seasonal Residential (RS) to
Limited Services Residential Exception-201 (RLS-201)

Certificate of Authentication

This is Schedule “A” to By-Law 2025-XX
passed this XX day of XX 2025.

Reeve

Clerk

St. Pierre 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.

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St. Pierre 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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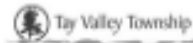
St. Pierre

147 Horseshoe Bay

Part Lot 17, Concession 3, Geographic Township of North Burgess

- **BACKGROUND**
- The application applies to approximately 0.6 ha (1.48 acres) of land, at 147 Horseshoe Bay, in Pt Lot 17, Concession 3, Geographic Township of North Burgess.
- The purpose of the proposed amendment is to seek approval from Council to recognize an existing dwelling at a water setback of 19.3m and permit an Additional Residential Unit to be constructed that is connected to a separate septic system from the principal dwelling, a separation of 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted, and access from a separate driveway.

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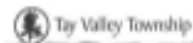
St. Pierre

147 Horseshoe Bay

Part Lot 17, Concession 3, Geographic Township of North Burgess

- The effect of the amendment would be to permit year-round residence of the existing dwelling and recognize its existing water setback of 19.3m from Big Rideau Lake. Additionally, the rezoning would permit a second dwelling to have its own septic system and driveway access and also allow the second dwelling to be located 21.5m (67ft) from the principal dwelling.
- A previous application to rezone to Residential Limited Services with multiple exceptions for relief from water setbacks for multiple decks and additions was refused by the Ontario Land Tribunal. Therefore, a new rezoning application is proposed.
- The second dwelling will be constructed from the addition previously connected to the principal dwelling.

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St. Pierre Location



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St. Pierre Photos



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St. Pierre Planner's Comments Provincial Planning Statement (PPS)

- Chapter 2 Building Homes, Sustaining Strong and Competitive Communities – 2.5.1 Rural Areas in Municipalities states that "Healthy, integrated and viable rural areas should be supported by:
 - a) Building upon rural character and leveraging rural amenities and assets; and
 - b) Promoting regeneration."
- This section can be met as the dwelling is maintaining the existing water setback from Big Rideau Lake and the proposed ARU exceeds the 30m water setback. A Site Plan Control Agreement will be required that will see regeneration of the locations where construction has been removed.

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St. Pierre Planner's Comments Provincial Planning Statement (PPS)

- Chapter 4: Wise Use and Management of Resources – 4.1.Natural Heritage states that, "Natural features and areas shall be protected for the long term", and Section 4.1.2 states that, "The diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity be natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and surface water features and ground water features".
- Section 4.2.1 Water states, "Planning authorities shall protect, improve or restore the quality and quantity of water by: e) implementing necessary restrictions on development and site alterations".

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St. Pierre

Planner's Comments

Provincial Planning Statement (PPS)

- Vulnerability is defined in the PPS as "surface and/or ground water that can be easily changed or impacted". Big Rideau Lake is classified as a moderately sensitive cold water trout lake by the Ministry of Natural Resources and Forestry and can, therefore, be impacted. The Rideau Valley Conservation Authority's Big Rideau Lake-Portland Catchment Area Subwatershed Report classifies this area of Big Rideau Lake with a water quality rating of Fair (below Very Good, Good and above Poor, Very Poor).
- A Site Plan Control Agreement will be executed for this property that will include a new septic system for the ARU and will require maintenance of the vegetation along the shoreline and back to the dwellings from the lake which will protect water quality.

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St. Pierre

Planner's Comments

Provincial Planning 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 (e.g., spilling gas on the ground).
- Section 4.6.2 Cultural Heritage and Archaeology states "Planning authorities shall not permit development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved". Areas of archaeological potential include lands that contain or are located within 300 meters of a primary water source such as a lakeshore, river or large creek. The area where the ARU will be located has been disturbed previously when the septic for the dwelling was installed and no archaeological artifacts were discovered.

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St. Pierre

Planner's Comments

Provincial Planning Statement (PPS)

- Chapter 5 Protecting Public Health and Safety Section 5.2.2 b Natural Hazards states, "Development shall generally be directed to areas outside of hazards". No hazards have been identified but the extend of any hazard from slope will be determined by the RVCA.
- The lake is also part of the Rideau Canal Waterway, the only UNESCO World Heritage Site in Ontario, which is a significant cultural and tourism asset for Tay Valley Township.

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St. Pierre

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 Sustainable Communities Official Plan indicates that "municipalities have an obligation to consider the impact of development and land use on waterbodies throughout the County in order to ensure the long-term viability of this important natural and economic resource".
- A Site Plan Control Agreement will be executed for this property that will include a new septic system for the ARU and require maintenance of the vegetation along the shoreline and the area between it and the dwelling and the shoreline and the ARU which will protect water quality.

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St. Pierre Planner's Comments Official Plan

- The subject property is designated as Rural in the Official Plan. Section 2.3.3 Rural designation permits residential uses.
- Section 2.24.3 Rideau Canal World Heritage Site acknowledges the Rideau Canal is a National Historic Site, a Canadian Heritage River and a UNESCO World Heritage Site. Public consultation undertaken for the development of that Strategy identified that users of the Canal and local residents of the Big Rideau Lake segment of the Canal valued the visual value of the natural landscape over views of cottages.
- Section 2.22.2 Fish Habitat and Adjacent Lands states that spawning grounds, nursery, rearing, food supply and migration areas on which fish depend are to be protected. Section 2.22.4 Endangered and Threatened Species Habitat and Adjacent Lands, and Section 2.22.6 Significant Valleylands are both applicable to this property. No development or site alteration shall be permitted within 120m of the habitat without an Environmental Impact Study (EIS) that can demonstrate that there will be no negative impacts. The applicant did submit an EIS in support of his application.

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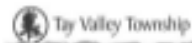


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St. Pierre Planner's Comments Official Plan

- Section 2.24.1 Waterfront Development states that the Township, "has a direct concern with the issue of water quality impacts related to water-oriented development. Over the years, research has been undertaken with respect to the issue of water quality and lake capacity including the Rideau Lakes Basin Carrying Capacity and Proposed Shoreline Development Policies Report and related Municipal Site Evaluation Guidelines. Various sections of the Official Plan incorporate policies implementing recommendations of this research in recognition of the importance of providing sustainable recreation, tourism and other water- oriented opportunities."

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St. Pierre Planner's Comments Official Plan

- "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."

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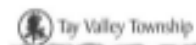


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St. Pierre Planner's Comments Official Plan

- Section 6.3.3.3 Residential Conversion from Secondary to Principal Use outlines the requirements for rezoning from RS to RLS to occur including: adequacy of septic, no environmental hazards, an Occupancy permit, etc. These requirements will be met for the subject property.
- Section 3.2.3.1 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."

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St. Pierre Planner's Comments Official Plan

- Section 2.3.2.3 states "An appropriate water setback can reduce phosphorus and other nutrient loads to the lake and in combination with vegetation, prevent erosion and sedimentation."
- Section 3.2.7.3 Preservation of Vegetation states "As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline."
- 3.2.10 Net Environmental Gain states "Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat."

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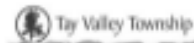


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St. Pierre Planner's Comments Official Plan

- All of these considerations will be met as the ARU is being built more than 30m from the lake and the water setback of the principal dwelling is being recognized with no change from its original construction in the 1980s. A Site Plan Control Agreement will be executed for this property that included a new septic system and requires vegetation of the shoreline and the area toward the cottage which will protect water quality.
- Where a seasonal dwelling is converted to a permanent occupancy, a Limited Services Agreement is required to inform the property owner that municipal services such as road maintenance and snow removal will not be provided by the municipality.

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St. Pierre Planner's Comments Zoning

- The lot is currently zoned Seasonal Residential (RS) and requires rezoning to Residential Limited Services - Special Exception 201 (RLS-201) to allow an existing dwelling to be used as a year-round residence. The special exceptions would permit an Additional Residential Unit to be constructed that is connected to a separate septic from the principal dwelling, to be separated 21.5m (67 ft) from the principal dwelling rather than the maximum 12m permitted, and to gain access from a separate driveway.
- Floor space index of 4.2% is below the 12% permitted. Lot coverage is shown as 7.2% on the site sketch submitted. All other setbacks are met from the side yards and rear yard.
- Section 3.29 Water Setbacks of the Zoning By-law requires a 30 m setback from water which is met for the ARU while the existing water setback of the principal dwelling is being recognized.

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St. Pierre Planner's Comments

- The proposal is supported by the Planner as both a permanent dwelling and ARU are permitted uses. The 30m water setback will be met for the ARU and the existing water setback of the dwelling will be recognized.
- A Site Plan Control Agreement will provide additional protection to the lake by ensuring a vegetative buffer is maintained along the shore and back to the dwelling and ARU and that runoff from the buildings is directed to the centre of the lot away from the lake.

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St. Pierre Comments

Rideau Waterway Development Review Team - Rideau Valley Conservation Authority (RVCA)

- Parks Canada supports approval of the application.
- The Rideau Canal National Historic Site of Canada, a Canadian Heritage River and a UNESCO World Heritage Site, is administered by Parks Canada to preserve the cultural, natural and scenic values so that all Canadians can enjoy this legacy into the future. All parties have a responsibility to ensure the stewardship and conservation of this internationally recognized waterway.
- The Rideau Canal National Historic Site is valued in part for its historic, ecological and visual associations with shore lands and communities along the waterway which contribute to the unique historical environment of the canal [Parks Canada, Rideau Canal NHS Management Plan, p.69, 2005].

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St. Pierre Comments

Rideau Waterway Development Review Team (RWDRT) – Parks Canada Comments

- The Rideau Canal National Historic Site Management Plan (2005) represents the Minister of the Environment's commitment to the people of Canada with respect to the protection, presentation, operation and stewardship of the Rideau Canal. As stated in the plan, Parks Canada is committed to protect the natural, cultural and scenic values of the Canal and its setting while allowing for sustainable development on lands bordering the Canal and recreational use of the Canal itself.
- With the 2007 inscription of the Rideau Canal on the World Heritage List, the World Heritage Committee addressed requirements for protection and management in the Statement of Outstanding Universal Value, including a 30m buffer zone. While not part of the site itself, the buffer zone surrounds the site and acts as a mechanism that provides the site an added layer of protection.

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St. Pierre Comments

Rideau Waterway Development Review Team (RWDRT) – Parks Canada Comments

- The Township's Official Plan recognizes the Rideau Canal World Heritage Site and its associated 30 metre setback for all development and site alterations adjacent water bodies. The World Heritage Committee also made reference to the visual setting of the canal. The Committee recommended that consideration be given to strengthening its visual protection outside the buffer zone, in order to ensure that the visual values of the setting are protected. Through the Rideau Canal World Heritage Site Management Plan (2005), Parks Canada is committed to safeguard the canal's visual setting.
- This can be achieved through the maintenance of a natural shoreline, the maintenance and enhancement of vegetation on the property, development which complements the visual character of the landscape, and the maintenance of a minimum 30 metre setback of all development from the water.

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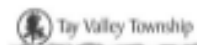
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St. Pierre Comments

Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO does not object to this application for Zoning By-law Amendment as proposed, if the requirements of the OBC and the MRSSO are met. An application for the new septic for the ARU has been submitted.

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St. Pierre Comments Continued

Public Comments

- No comments at the time of the report.

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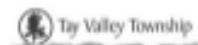
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St. Pierre Comments Continued

Site Plan Control Agreement

- Under the Township Bylaw 09-31, a Site Plan Control Agreement is required as construction is proposed within 100m of water. Site Plan Control ensures that vegetation on the property, especially along the waterfront, is retained and it also provides transparency about where future development would be allowed.

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St. Pierre Recommendation

"THAT, Zoning By-Law No. 2002-121 to rezone the lands at Pt Lot 17, Concession 3, geographic Township of North Burgess (Roll #0911-911-020-16200), known locally as 147 Horseshoe Bay Road, from Seasonal Residential to Residential Limited Services Exception – 201 (RLS-201) be approved."