



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

Tuesday, February 3rd, 2026

5:15 p.m.

**Municipal Office – 217 Harper Road, Perth, Ontario
Council Chambers**

Livestream Link: <http://www.tayvalleytwp.ca/livestream/>

**5:15 p.m. Public Meeting - Zoning By-Law Amendment
Following Committee of the Whole Meeting**

Chair, Councillor Marilyn Thomas

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:

Pemberton

- 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 #ZA25-13: Pemberton – *attached, page 4.***
4232 Scotch Line
Part Lot 16, Concession 6,
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

February 3rd, 2026

Noelle Reeve, Planner

APPLICATION ZA25-13 – PEMBERTON

STAFF RECOMMENDATION

It is recommended:

“THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 16, Concession 9, geographic Township of North Burgess (Roll #0911-911-015-56210) known locally as 4232 Scotch Line from Rural (RU) to Commercial (C) and Rural Special Exception 22 (RU-22).”

BACKGROUND

The application applies to an approximately 5.78 ha (14.30 acre) lot with 116m (380ft) frontage on Scotch Line.

The lot is currently zoned Rural (RU) and is proposed to be split-zoned by rezoning the southeast part of the lot to Commercial (C). The remainder of the lot is proposed to be rezoned to Rural – Special Exception -22 (RU-22).

The effect of the amendment is to allow approximately 0.8 ha (2 acres) to be zoned Commercial for a business. The Rural – Special Exception – RU-22 zone is proposed to allow a reduced frontage to 56m instead of the 60m required for the Rural Special Exception zone.

The current owners have a business on the property and wish legalize the situation.

DISCUSSION

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities:

Section 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,
- [c] Promoting an appropriate mix of housing,
- [e]. Promoting diversification of the economic base and
- [g] Preserving biodiversity.”

Section 2.6 Rural Lands in Municipalities states that, “Development that can be sustained by current rural service levels shall be supported”. No new buildings are proposed to be constructed. Existing shipping containers are proposed to be used to store the grading equipment the business sells.

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”. A stream and a fen are found in the middle of the property north of the proposed area for commercial use.

Section 4.2 speaks to Water. There is a stream in the middle of the property north of the proposed area for commercial use.

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”. The existing 30m water setback will protect the stream and fen on the property.

The aquifers throughout Tay Valley Township are vulnerable to surface contaminants due to thin or absent soils overlying bedrock that may be fractured. Where these conditions exist, it may be possible for contaminants to enter drinking ground water supplies. For this reason, care should be taken to avoid land uses and practices that may inadvertently lead to undesirable effects on groundwater (e.g., spilling gas on the ground).

Section 4.6 speaks to Cultural Heritage and Archaeology. No new building construction is proposed.

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.

Overall, the proposal is consistent with the Provincial Planning Statement, 2024.

Lanark County Sustainable Communities Official Plan

Section 3 Rural land designation permits a variety of uses including commercial and residential uses.

Tay Valley Township Official Plan

The subject property is designated in the Official Plan as Rural, Abandoned Mine Buffer and Natural Heritage, Corridors and Linkages.

Section 2.2 Community Development Policies states that the Township seeks to secure a satisfactory ratio between residential assessment and industrial/commercial assessment. The Township recognizes that economic growth is unlikely to come from new large industry and, therefore, the Township will prioritize the retention and growth of the small businesses in the Township. The rezoning would be in line with these goals.

Section 2.3.3.3.5.1 Rural designation permits a wide range of commercial uses as well as residential uses. The rural residential use is also a permitted use.

“A variety of Commercial uses including locally-oriented, rurally-oriented and highway Commercial uses shall be permitted. These Commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses.”

“Vehicular access to commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.” There are currently three entrances to the property: a u-shaped residential driveway and a field entrance. A County permit for a Commercial entrance has been submitted and it is expected that one residential entrance may be extinguished and the commercial entrance replace it.

“Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.” In addition, “The outdoor storage of goods and materials will be strictly controlled.” A Site Plan Control Agreement will be executed for this property that will include conditions for buffering the commercial use and outdoor storage of goods and materials and will indicate the appropriate amount of parking spaces.

Section 3 speaks to Natural Heritage features. They are north of the proposed commercial area and no development is proposed near the stream and fen at this time in the Rural zone..

Overall, the proposed Zoning amendment meets the intent of the Tay Valley Township Official Plan.

Zoning By-Law

The lot is currently zoned Rural (RU) and is proposed to be split-zoned by rezoning the east part of the lot to Commercial (C). The remainder of the lot is proposed to be rezoned to Rural–Special Exception–22 (RU-22).

Section 3 of the Zoning By-Law describes General Provisions for development that apply to all underlying zones. Relevant sections include Section 3.15 Parking Requirements. This section will be met for the Commercial use and parking location will be outlined on the Site Plan Control Agreement.

Section 6.1.2 Setbacks will be met for the proposed Commercial zone. Setbacks from the Commercial zone lines and lot lines are 10m. Minimum area of 1 acre (4,050 m²) will be exceeded as 2 acres (0.8ha) is the size proposed for the Commercial zone.

The Rural Zone (RU) performance standards are set out in Section 10.1.2. Frontage at 56m instead of the required 60m is the only standard not met for the Rural zone.

Therefore, the following exception from Section 10.1.2 Rural zone is sought:

- recognition of the lot frontage of 56m instead of the required 60m.

Planner

The owners of the property seek to legalize the Commercial use that is on the property currently.

The Planner supports the application because the Township supports local businesses and the business is located on the Scotch Line which is a major road in the Township and is an appropriate location. The exception sought for the Rural Zone use has no impact on the neighbours, this is only to allow relief for frontage on the Scotch Line.

The property will require a Site Plan Control Agreement for the Commercial use to implement conditions to ensure it will not impact nearby sensitive land uses (residential dwellings).

Rideau Valley Conservation Authority (RVCA)

Comments from the RVCA were not available at the time of the report.

Mississippi Rideau Septic System Office (MRSSO)

The applicant did not require a septic application from the MRSSO for the Commercial zone.

Public Comments

None at the time of the report.

CONCLUSION

The Planner recommends that the proposed amendment be approved to rezone the lands at Part Lot 16, Concession 9, geographic Township of North Burgess (Roll #0911-911-015-5610) known locally as 4232 Scotch Line from Rural (RU) to Commercial and Rural- Special Exception - 22 (RU-22).

ATTACHMENTS

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

Prepared and Submitted By:

Original signed

**Noelle Reeve,
Planner**

Approved for Submission By:

Original signed

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

Attachment 1 - Site Sketch



THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2026-0xx

A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121, AS AMENDED (PEMBERTON – 4232 SCOTCH LINE ROAD) (PART LOT 16, CONCESSION 9, 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:

1. GENERAL REGULATIONS

1.1 **THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from Rural (RU) to Commercial (C) and Rural – Special Exception - 22 (RU-22) on a 5.78 ha lot legally described as Part Lot 16, Concession 9, geographic Township of North Burgess, now in Tay Valley Township, County of Lanark (Roll # 091191101556210), 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 10.1.3 (Rural Zone):

22. RU-22 (Part Lot 16, Concession 6, North Burgess)
Notwithstanding the provisions of Section 10.1.2, on the lands zoned RU-22 the following provisions shall prevail

- Lot Frontage(minimum)

56m

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2026-0xx

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.

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 XX, 2026.

Robert Rainer, Reeve

Amanda Mabo, Clerk

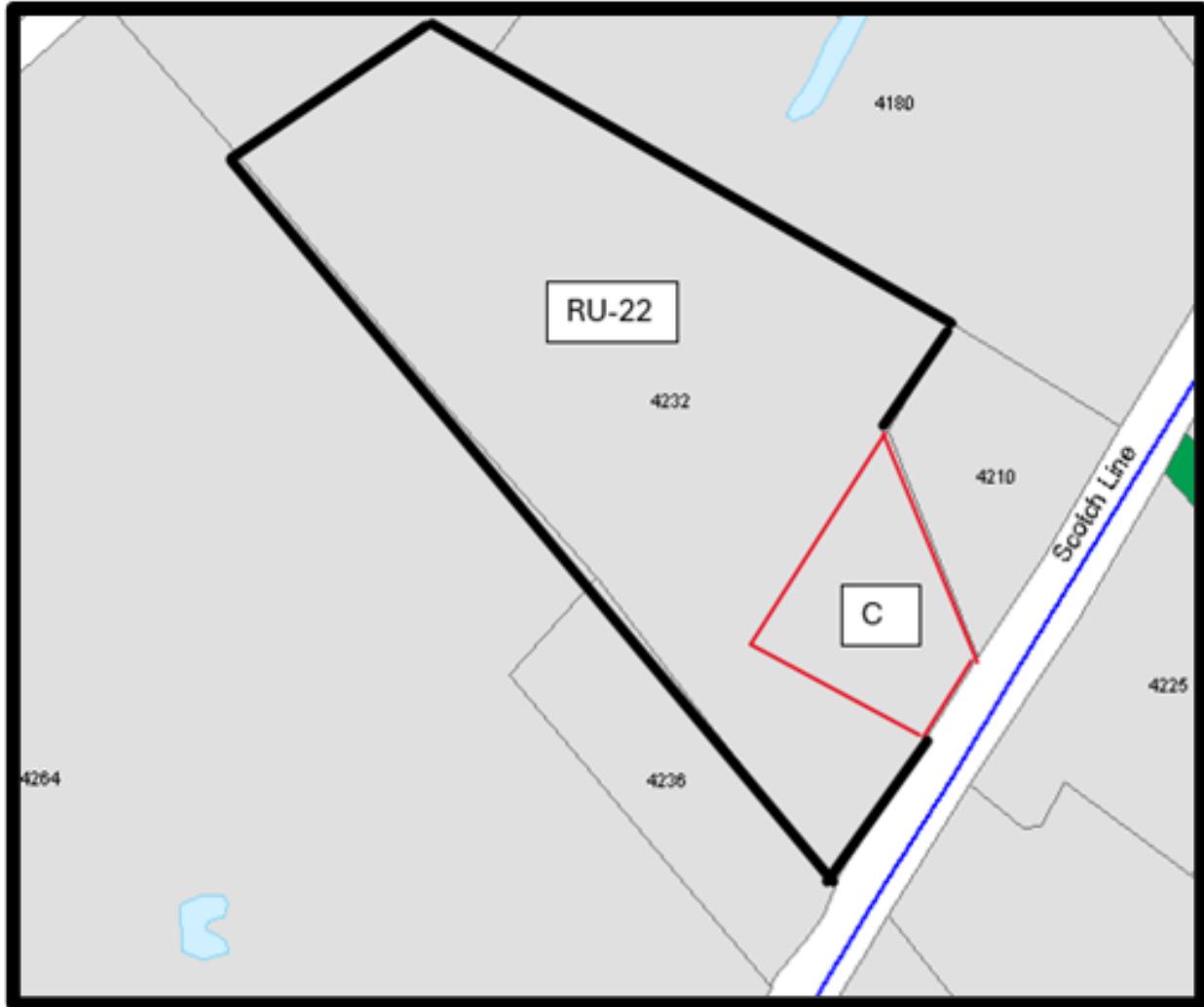
4.2 APPROVED BY THE REEVE this XX day of XX, 2026 pursuant to Reeve Decision/Direction #2026-XX.

Rob Rainer, Reeve

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2026-0xx**

SCHEDULE “A”

Pemberton – 4232 Scotch Line Road
Part Lot 16, Concession 9
Geographic Township of North Burgess
Tay Valley Township



Area(s) Subject to the By-Law

To amend the Zoning from Rural (RU) to
Commercial (C)
And Rural - Special Exception – 22 (RU-22)

Certificate of Authentication

This is Schedule “A” to By-Law 2026-0xx
passed this xxth day of 2026.

Reeve

Clerk

Pemberton 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

Pemberton 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

Pemberton

4232 Scotch Line Road

Part Lot 16, Concession 9, Geographic Township of North Burgess

- The application applies to an approximately 5.78 ha (14.30 acre) lot with 116m (380ft) frontage on Scotch Line.
- The lot is currently zoned Rural (RU) and is proposed to be split-zoned by rezoning the southeast part of the lot to Commercial (C). The remainder of the lot is proposed to be rezoned to Rural – Special Exception -22 (RU-22).
- The effect of the amendment is to allow approximately 0.8 ha (2 acres) to be zoned Commercial for a business. The Rural – Special Exception – RU-22 zone is proposed to allow a reduced frontage to 56m instead of the 60m required for the Rural Special Exception zone.
- The current owners have a business on the property and wish to legalize the situation.

3



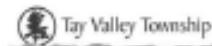
3

Pemberton

Location



4



4

Pemberton
Photos – Rural Special Exception -22



5



5

Pemberton
Photos - Rural Special Exception -22



6



6

Pemberton Photos - Commercial

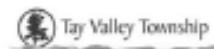
7



7

Pemberton Photos - Commercial

8



8

Pemberton

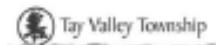
Planner's Comments

Provincial Planning Statement (PPS)

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities:

- Section 2.5.1 Rural Areas in Municipalities states that "Healthy, integrated and viable rural areas should be supported by:
 - [a] Building upon rural character and leveraging rural amenities and assets,
 - [c] Promoting an appropriate mix of housing,
 - [e] Promoting diversification of the economic base, and
 - [g] Preserving biodiversity."
- Section 2.6 Rural Lands in Municipalities states that, "Development that can be sustained by current rural service levels shall be supported". No new buildings are proposed to be constructed. Existing shipping containers are proposed to be used to store the grading equipment the business sells.

9



9

Pemberton

Planner's Comments

Provincial Planning Statement (PPS)

Chapter 4: Wise Use and Management of Resources

- Section 4.1. Natural Heritage states that, "Natural features and areas shall be protected for the long term". A stream and a fen are found in the middle of the property north of the proposed area for Commercial use.
- Section 4.2 speaks to Water. There is a stream in the middle of the property north of the proposed area for Commercial use.
- 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". The existing 30m water setback will protect the stream and fen on the property.

10



10

Pemberton 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 speaks to Cultural Heritage and Archaeology. No new building construction is proposed.

Chapter 5 Protecting Public Health and Safety Section

- Section 5.2.2 b Natural Hazards states, "Development shall generally be directed to areas outside of hazards". No hazards have been identified.
- Overall, the proposal is consistent with the Provincial Planning Statement, 2024.

11



11

Pemberton County Sustainable Communities Official Plan

- Section 3 Rural land designation permits a variety of uses including commercial and residential uses.

12

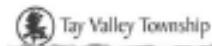


12

Pemberton Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, Abandoned Mine Buffer and Natural Heritage, Corridors and Linkages.
- Section 2.2 Community Development Policies states that the Township seeks to secure a satisfactory ratio between residential assessment and industrial/commercial assessment. The Township recognizes that economic growth is unlikely to come from new large industry and, therefore, the Township will prioritize the retention and growth of the small businesses in the Township. The rezoning would be in line with these goals.
- Section 2.3.3.3.5.1 Rural designation permits a wide range of commercial uses as well as residential uses. The rural residential use is also a permitted use.

13



13

Pemberton Planner's Comments Official Plan

- "A variety of Commercial uses including locally-oriented, rurally-oriented and highway Commercial uses shall be permitted. These Commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses."
- "Vehicular access to commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety." There are currently three entrances to the property: a u-shaped residential driveway and a field entrance. A County permit for a Commercial entrance has been submitted and it is expected that one residential entrance may be extinguished.

14



14

Pemberton Planner's Comments Official Plan

- "Where Commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required." In addition, "The outdoor storage of goods and materials will be strictly controlled." A Site Plan Control Agreement will be executed for this property that will include conditions for buffering the Commercial use and outdoor storage of goods and materials, and will indicate the appropriate amount of parking spaces.
- Section 3 speaks to Natural Heritage features. They are north of the proposed commercial area and no development is proposed near the stream and fen at this time in the Rural zone.
- Overall, the proposed Zoning amendment meets the intent of the Tay Valley Township Official Plan.

15



Pemberton Planner's Comments Zoning

- The lot is currently zoned Rural (RU) and is proposed to be split-zoned by rezoning the south-east part of the lot to Commercial (C). The remainder of the lot is proposed to be rezoned to Rural-Special Exception-22 (RU-22).
- Section 3 of the Zoning By-Law describes General Provisions for development that apply to all underlying zones. Relevant sections include Section 3.15 Parking Requirements. This section will be met for the Commercial use and parking location will be outlined on the Site Plan Control Agreement.
- Section 6.1.2 Setbacks will be met for the proposed Commercial zone. Setbacks from the Commercial zone lines and lot lines are 10m. Minimum area of 1 acre (4,050 m²) will be exceeded as 2 acres (0.8ha) is the size proposed for the Commercial zone.

16



16

Pemberton Planner's Comments Zoning

- The Rural Zone (RU) performance standards are set out in Section 10.1.2. Frontage at 56m instead of the required 60m is the only standard not met for the Rural zone.
- Therefore, the following exception from Section 10.1.2 Rural zone is sought:
 - recognition of the lot frontage of 56m instead of the required 60m.

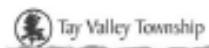
17



Pemberton Planner's Comments

- The owners of the property seek to legalize the Commercial use that is on the property currently.
- The Planner supports the application because the Township supports local businesses and the business is located on the Scotch Line which is a major road in the Township and is an appropriate location. The exception sought for the Rural Zone use has no impact on the neighbours, this is only to allow relief for frontage on the Scotch Line.
- The property will require a Site Plan Control Agreement for the Commercial use to implement conditions to ensure it will not impact nearby sensitive land uses (residential dwellings).

18



Pemberton RVCA Comments

Rideau Valley Conservation Authority (RVCA)

- The comments from RVCA were not available at the time of the report.

19



Pemberton MRSSO Comments

Mississippi Rideau Septic System Office (MRSSO)

- The applicant did not require a septic application from the MRSSO for the Commercial zone

20



Pemberton 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.

21



21

Pemberton Recommendation

"THAT, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 16, Concession 6, in the geographic Township of North Burgess, municipally known as 4232 Scotch Line Road from Rural (RU) to Commercial and Rural - Special Exception - 22 (RU-22)."

22



22