
Tuesday, August 9th, 2022

5:30 p.m.

**Tay Valley Township Municipal Office – 217 Harper Road, Tay Valley, Ontario
Council Chambers**

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

Chair, Councillor Fred Dobie

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:

Whyte (David and Susan)

- The Planner will provide a brief overview of the details of the file and details of the amendment. The public will then be given an opportunity to make comments and ask questions.
- If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of Tay Valley Township to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body is not entitled to appeal the decision.
- If a person or public body does not make oral submissions at a public meeting or make written submissions to Tay Valley Township before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the Ontario Land Tribunal by filing with the Clerk within 20 days of the notice of decision.

- An appeal to the Ontario Land Tribunal may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.
- If you are interested in receiving a copy of the decision, please contact the Administrative Assistant at adminassistant@tayvalleytwp.ca.

3. APPLICATIONS

- i) **FILE #ZA22-10: David Whyte and Susan Whyte – *attached, page 4.***
30 Highway 511
Part Lot 27, Concession 3
Geographic Township of Bathurst
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) PUBLIC COMMENTS
 - d) RECOMMENDATION

4. ADJOURNMENT

APPLICATIONS

PUBLIC MEETING CONCERNING PROPOSED ZONING BY-LAW AMENDMENT

August 9^h, 2022

Noelle Reeve, Planner

APPLICATION ZA22-10 WHYTE

STAFF RECOMMENDATION

It is recommended:

“**THAT**, Zoning By-Law No. 02-021 be amended by changing the zoning of the lands at Part Lot 27, Concession 3, Geographic Township of Bathurst (Roll #0911-916-015-42500) known locally as 30 Highway 511 (Lanark Rd) from Commercial (C) to Residential (R).”

BACKGROUND

The application applies to an approximately 0.85 ha (1.9 acre) lot with 100m frontage on Highway 511.

The purpose of this application is to change the zoning of the property from Commercial (C) to Residential (R).

The effect of the amendment is to permit a dwelling to be rebuilt on the footprint of a previous residential foundation.

DISCUSSION

Provincial Policy Statement (PPS)

Section 1.1.1 Building Strong Healthy Communities - states that “Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.” This section can be met because the dwelling is being proposed on a County Road, beyond the floodplain and regulated area, outside of the Township’s designated Employment Lands and the trees on the property will be retained.

Section 1.2.6 Land Use Compatibility requires that “Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures”. The Planner reviewed the Ministry of Environment Parks and Conservation’s D-Series Guidelines on Land Use Compatibility and determined the proposed dwelling exceeds the required 70m separation distance from a Class II industrial use.

Lanark County Sustainable Communities Official Plan

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

Official Plan

The subject property is designated in the Official Plan as Rural, Floodplain, Flood Regulated Area, Source Water Protection Intake Zone 8, and Organic Soils (in the northern west corner).

Section 3.6 Rural designation permits residential uses. Section 3.5 Floodplain prohibits development within a Floodplain. The dwelling and attached garage are proposed beyond the Floodplain designation. If a pool is proposed in the Flood Regulated Area, permission from the Rideau Valley Conservation Authority (RVCA) will be required. A single-family dwelling residential use is not regulated under the Mississippi Rideau Source Water Protection Plan under the Clean Water Act. Section 2.20.3 so the proposal confirms to the Source Water Protection Zone IPZ 8 requirements. Organic Soils does not generally permit development within these soils, but no buildings are proposed in this area as it coincides with the Floodplain.

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

Zoning By-Law

The property was previously rezoned from Residential (R) to Commercial (C) in 1998 and the existing dwelling and attached garage were demolished that same year. The lot has sat vacant for the past 24 years.

The current proposal is to rezone the lot back to residential use. Proposed lot coverage at 3.2% would be well below the 10% permitted. Setbacks would be met so no special exception is required.

Planner

The Planner considered whether the proposed use would be in keeping with other land uses in the area (commercial and vacant land). Highway 115 has commercial and industrial development along its south end near Highway 7 and the corner of the Highway is designated Employment Lands in the Official Plan.

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

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

The cement company would be classed as a Class II industrial use under the Ministry of Environment Conservation and Parks D-6-3 guidelines, while the Planing Mill would only rise to the level of a Class 1.

The proposed residence is located 3-times the required separation distance from the cement company under the Ministry of Environment Conservation and Parks D-6-3 guidelines. The street side of the property also has a cedar hedge as a buffer. Therefore, there are no sensitive use (residential) compatibility issues.

Lanark County

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

Rideau Valley Conservation Authority (RVCA)

The RVCA had no objections to the application. RVCA did note the requirement for a permit for any work within the flood regulated area.

Mississippi Rideau Septic System Office (MRSSO)

MRSSO had no objections to the application.

Public Comment

None

CONCLUSION

The Planner recommends that the proposed amendment to rezone the lands at Part Lot 27, Concession 3, Geographic Township of Bathurst (Roll #0911-916-015-42500) known locally as 30 Highway 511 from Commercial (C) to Residential (R) be approved.

ATTACHMENTS

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

Prepared and Submitted By:

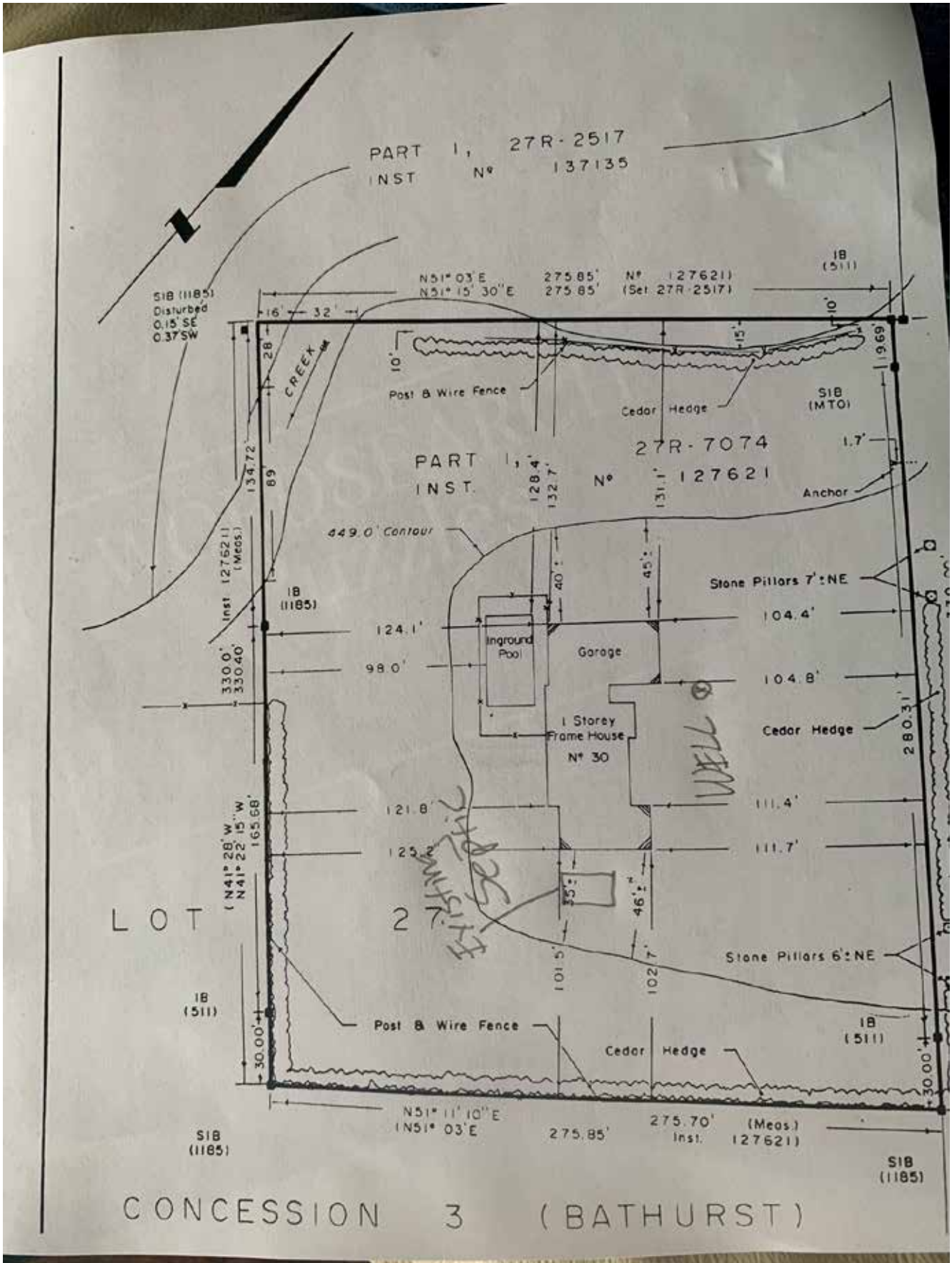
Approved for Submission By:

Original signed

Original signed

**Noelle Reeve,
Planner**

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



BY-LAW NO. 2022-0xx

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2002-121
(Whyte – 30 Highway 511)**

(PART LOT 27, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF BATHURST)

WHEREAS, the *Planning Act, R.S.O. 1990, Chapter P.13 Section 34 as amended*, provides that the Councils of local municipalities may enact by-laws regulating the use of land and the erection, location and use of buildings and structures within the municipality;

AND WHEREAS, By-Law No. 2002-121 regulates the use of land and the erection, location and use of buildings and structures within Tay Valley Township;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it advisable to amend By-Law No. 2002-121, as hereinafter set out;

AND WHEREAS, this By-Law implements the policies and intentions of the Official Plan for Tay Valley Township;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

- 1.1 THAT**, By-Law No. 2002-121 is hereby amended by amending the zoning from Commercial (C) to Residential (R) on the lands legally described as Part Lot 27, Concession 3, geographic Township of Bathurst, now in Tay Valley Township, County of Lanark (Roll # 091191601542500), in accordance with Schedule "A" attached hereto and forming part of this By-Law.
- 1.2 THAT**, all other applicable standards and requirements of By-Law No. 2002-121 shall continue to apply to the subject property.
- 1.3 THAT**, this By-Law shall come into force and effect with the passing thereof, in accordance with *the Planning Act*, as amended.

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0xx**

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this XX day of XX, 2022.

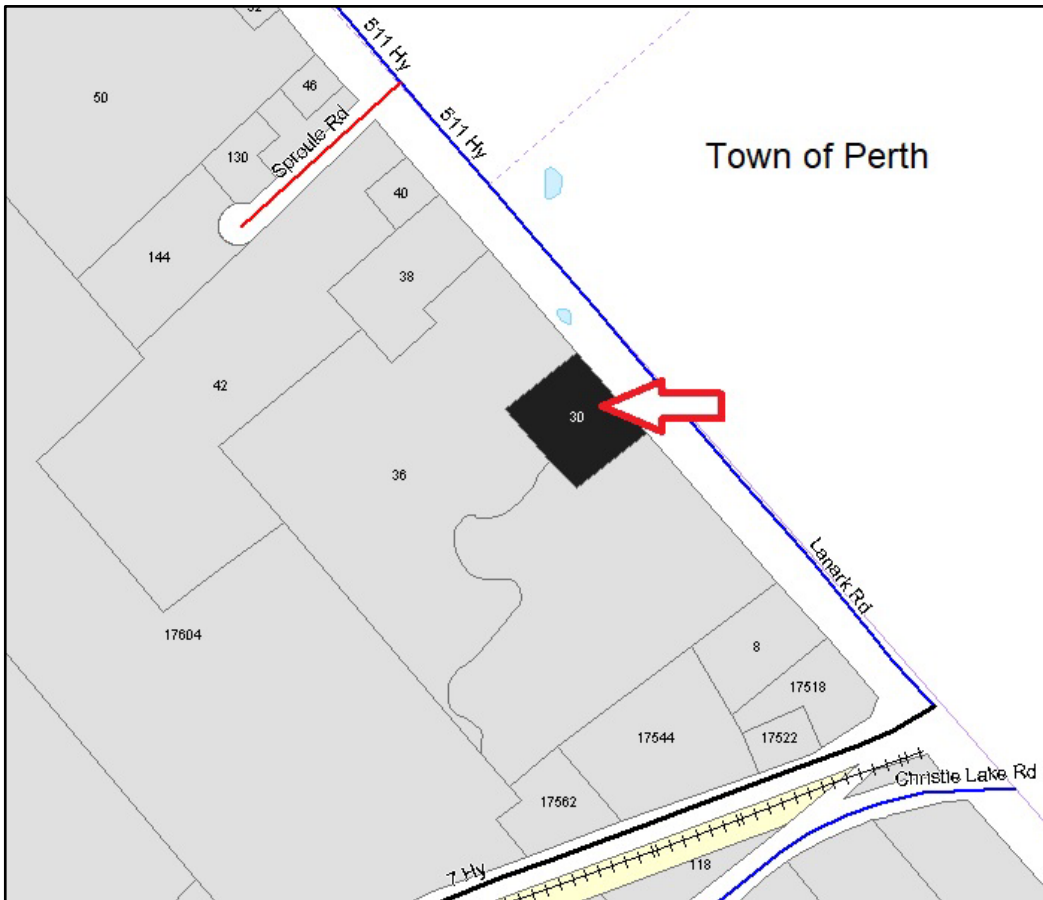
Brian Campbell, Reeve

Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2022-0xx**

SCHEDULE "A"

Whyte – 30 Highway 511
Part Lot 27, Concession 3
Geographic Township of Bathurst
Tay Valley Township



Area Subject to the By-Law

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

Certificate of Authentication

This is Schedule "A" to By-Law 2022-0xx
passed this XX day of XX, 2022

Reeve

Clerk

Whyte Zoning By-law Amendment

Public Notice

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

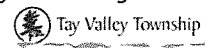
Ontario Land Tribunal

Please be cautioned that if, at a later date, a person or public body choose to appeal Council's decision on this matter to the Ontario Land Tribunal, the Tribunal may dismiss all or part of an appeal without holding a hearing if the reasons set out in the appeal do not refer to land use planning grounds offended by the decision, the appeal is not made in good faith, or is frivolous or vexatious or made only for the purpose of delay.

The Tribunal may also dismiss the appeal if the appellant did not make oral submission at the public meeting or did not make written submission before the plan or amendment were adopted.

If you choose to appeal, you must submit written reasons, the prescribed fee and any other background material requested. This notice is not intended to discourage your objection in any way. It is intended only to inform you of your rights and obligations and to encourage early participation.

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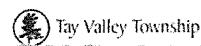
Whyte

30 Highway 511

Part Lot 27, Concession 3, Geographic Township of Bathurst

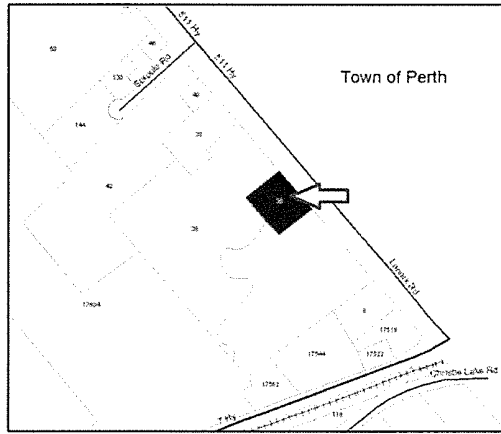
- The application applies to an approximately 0.85-ha (1.9-acre) lot with 100m frontage on Highway 511.
- The purpose of this application is to change the zoning of the property from Commercial (C) to Residential (R).
- The effect of the amendment is to permit a dwelling to be rebuilt on the footprint of a previous residential foundation.

2



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Whyte Location

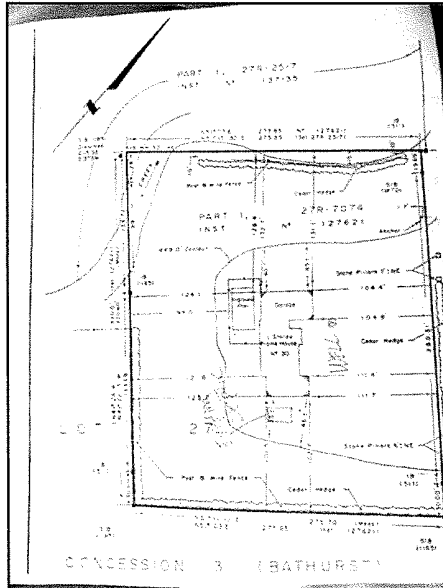


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Whyte Site Sketch

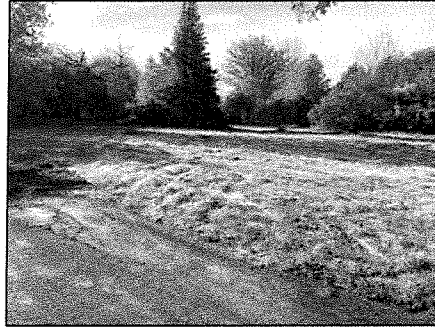
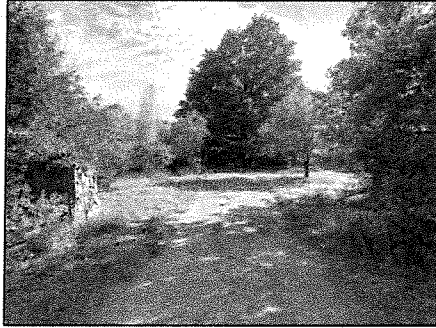


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Whyte
Photos



5



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Whyte
Photos



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Whyte Planner's Comments Provincial Policy Statement (PPS)

- Section 1.1.1 Building Strong Healthy Communities - states that "Healthy, livable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term...and c) avoiding development and land use patterns which may cause environmental or public health and safety concerns." This section can be met because the dwelling is being proposed on a County Road, beyond the floodplain and regulated area, outside of the Township's designated Employment Lands and the trees on the property will be retained.

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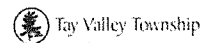


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Whyte County Sustainable Communities Official Plan

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

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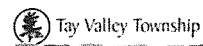
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Whyte

Planner's Comments Official Plan

- The subject property is designated in the Official Plan as Rural, Floodplain, Flood Regulated Area, Source Water Protection Intake Zone 8, and Organic Soils in the northern west corner.
- Section 3.6 Rural designation permits residential uses. Section 3.5 Floodplain prohibits development within it. The dwelling and attached garage are proposed beyond the Floodplain designation. If a pool is proposed in the Flood Regulated Area, permission from the RVCA will be required.

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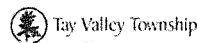
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Whyte

Planner's Comments Official Plan

- A single-family dwelling residential use is not regulated under the Mississippi Rideau Source Water Protection Plan under the Clean Water Act. Section 2.20.3 Organic Soils does not generally permit development within these soils, and no buildings are proposed in this area as it coincides with the Floodplain.
- Section 5.4 Site Plan Control is required for development within 100m (300 ft) of a waterbody.

10

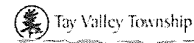


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Whyte Planner's Comments Zoning

- The lot was rezoned from Residential (R) to Commercial (C) in 1998 and the existing dwelling and attached garage were demolished that same year. The lot has sat vacant for the past 24 years.
- The current proposal is to rezone the lot back to residential use. Proposed lot coverage at 3.2% would be well below the 10% permitted. Setbacks would be met so no special exception is required.

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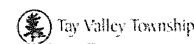


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Whyte Planner's Comments

- The Planner considered whether the proposed use would be in keeping with other land uses in the area (commercial and vacant land). Highway 511 has commercial and industrial development along its south end near Highway 7 and the corner of the highway is designated Employment Lands in the Official Plan.
- Between the Employment Lands (zoned commercial) to the south and the subject lot is a large cedar hedge and a 16-acre open field and floodplain which provide a substantial buffer.
- To the north is a forested part of the floodplain between the subject lot and adjacent commercial facility. West of the lot is also forested floodplain.

12



12

Whyte Planner's Comments

- East of the lot, across Highway 511, in the Town of Perth, properties are zoned Commercial and include: a building supply yard, hair dressing salon, and a cement company.
- The cement company would be designated as Class II under the Ministry of Environment Conservation and Parks D-6-3 guidelines, while the building supply yard would only rise to the level of a Class 1. The proposed residence is located three times the required separation distance from the cement company under the Ministry of Environment Conservation and Parks D-6-3 guidelines.
- The street side of the property also has a cedar hedge as a buffer. Therefore, there are no sensitive use (residential) compatibility use issues.

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Whyte Comments

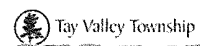
Lanark County

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

Rideau Valley Conservation Authority (RVCA)

- The RVCA had no objections to the application. RVCA did note the requirement for a permit for any work within the flood regulated area.

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Whyte Comments Continued

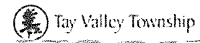
Mississippi-Rideau Septic System Office (MRSSO)

- The MRSSO had no objections to the application.

Public Comments

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

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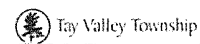


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Whyte Recommendation

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

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