



PUBLIC MEETING ZONING BY-LAW AMENDMENT

**IN PERSON AND LIVESTREAMED ELECTRONICALLY
TUESDAY, APRIL 4TH, 2023, 6:00 P.M.
AGENDA**

1. OPENING OF MEETING

Land Acknowledgement

“The Council and staff of the Township of Montague acknowledge that this sacred land on which the Township of Montague is now located and this meeting is being held is the ancestral and unceded territory of the Algonquin Anishinaabe Nation.”

2. INTRODUCTION

- a) The purpose of this public meeting is to hear the following application for Zoning By-Law Amendment:
 - ZB23-001 (4010868 Canada Inc.)
- b) The Planner will provide a brief overview of the file. The applicant will be given an opportunity to explain the need for the Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour, to the application will be heard.
- c) If a person or public body does not make oral or written submissions at a public meeting, or does not make written submissions to the Township of Montague before the by-law is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- d) If you wish to be notified of the decision of Council with respect to the below listed application, you must submit a written request to the Clerk or you must sign the attendance list provided at tonight's meeting. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing.
- e) 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.
- f) An appeal to the Tribunal may be filed with the Clerk of the Township of Montague, by any party entitled to do so, 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.

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

4. APPROVAL OF AGENDA

5. APPLICATIONS

5.1 ZB23-001 (4010868 Canada Inc.)

- a) Planner Review & Proposed By-Law Amendment
- b) Applicant Comments
- c) Oral & Written Submissions

6. ADJOURNMENT

REPORT

☐ **ACTION** ☒ **INFORMATION**

TO: Reeve Jennings & Members of Council
FROM: Kirsten Cote, Junior Planner
REVIEWED BY: Forbes Symon, Planning Consultant
DATE: March 29th, 2023
RE: Public Meeting Report
4010868 Canada Inc. Zoning By-Law Amendment (File #B23-001)

BACKGROUND

The following report includes a summary of the development proposal, identifies relevant Official Plan policies and Zoning By-Law provisions, and summarizes comments received to date.

Following this Public Meeting, Staff will prepare a Report for an upcoming Council Meeting, with recommendations.

The subject property is approximately 1.37 acres in size and is located at 401 Sturgess Road.

A detached dwelling that is serviced by a private well and septic system, and a shed, are located on the subject property.

The purpose of this Zoning By-law Amendment is to change the zoning designation from Rural (RU) to Highway Commercial - Special Exception 2 - Holding (CH-2-h) to permit the expansion of the self storage facility that is currently in operation on the adjacent lands known as 405 Sturgess Road and 12324 Highway 511.

The surrounding land uses consist of a mix of commercial, industrial, and residential properties, as well as a railway adjacent to the subject property.

DISCUSSION

Official Plan

Schedule "A" of the Township's Official Plan designates the subject lands as Rural.

Section 3.6.1 of the Official Plan states that:

The lands designated Rural represent the bulk of lands within the Township and include a wide variety of land types and activities at a relatively low density. These lands are characterized by their historical role in accommodating the farm and rural communities, as well as recreational uses. The intent of this Plan is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. Land uses in the Rural area will generally relate to the management and use of resources,

resource-based recreational activities, and commercial, industrial, and limited residential uses. The overall amount of development permitted will be consistent with the retention of the natural and cultural heritage and landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas.

Section 3.6.5.1(1) of the Official Plan addresses the use-specific Commercial Policies within the Rural designation, noting as follows:

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. In addition, small-scale businesses engaged in the custom production of articles such as artists' or artisans' studios shall be permitted. An accessory dwelling for the owner or operator shall be permitted.

The proposed use, namely a self-storage facility, will provide a service to area residents, businesses, and the travelling public.

Section 3.6.5.1(2) of the Official Plan states that:

Commercial uses must be appropriate for the proposed location.

The development proposal on the subject property would constitute an expansion of an approved, existing commercial use that is in operation on adjacent lands.

A Natural Corridor, namely a band of land that connects natural habitats, is located along the frontage of the subject lands, as identified in Appendix "C" herein. As the subject lands are already developed, the Applicant was not required to obtain an Environmental Impact Assessment to support their development proposal.

Zoning By-Law

Under the Township's Zoning By-Law No. 3478-2015, the subject property is currently zoned Rural (RU) and is proposed to be re-zoned to Highway Commercial - Special Exception 2 - Holding (CH-2-h).

Pursuant to the Township's Zoning By-Law the permitted uses in the CH-2 zone include the following:

- garden centre
- open storage, limited to vehicle storage
- personal service
- professional or business office
- retail store
- self storage facility

- service outlet
- vehicle sales or rental establishment
- warehouse

Staff propose to add the “existing dwelling” to the list of permitted uses as the applicant has not yet applied for a permit to demolish same.

Additionally, as the applicant has not yet submitted an application for Site Plan, Staff deem it appropriate to place a holding symbol on the subject lands until such time as the Site Plan Agreement has been finalized.

The resulting zoning designation would be CH-2-h.

It should be noted that, at the time of the writing of this report, the subject property is held in different ownership than the adjacent lands and, as such, the following zoning provisions set out in Township’s Zoning By-Law will apply to 401 Sturgess Road, namely:

Front Yard:	17.5m from the centre of the road
Interior Yard:	6m
Rear Yard:	10m
Maximum Lot Coverage:	20%

Comments from Notification/Circulation

The zoning by-law amendment application has been circulated to Township Staff for comment.

The following comment was received from the Manager of Public Works:

From a Public Works perspective my only comment is in regard to an increase in vehicular traffic from rural to highway commercial could led to additional maintenance constraints on the Township. Right now, this is a very low volume gravel road with two residential properties, and one commercial, adding additional commercial options could increase the amount of stops and starts entering/exiting these properties which leads to potholes and dust for the adjacent residential household. The existing length of the roadway which is maintained is approximately 100m.

Pursuant to the requirements under the Planning Act, the Notice of Application was circulated to all landowners within 120m of the subject lands and required external agencies under the Act, was posted on the Township’s website and at the subject property. As of the date of this report, the following comments have been received:

RVCA

The proposed application is within IPZ-3, score of 8, where certain policies in our Source Protection Plan apply.

Please see attached for the activities are subject to restrictions on this property. I don’t foresee there being any issues with the uses proposed in your below list, but I wanted to make you aware.

Intake Protection Zone – Vulnerability Score of 8 (IPZ-8)
Source Protection Requirements for Planning / Building / Development Applications

Prohibited	New Waste Disposal Site	<ul style="list-style-type: none"> Application of untreated septage to land
	New Sewage Works	<ul style="list-style-type: none"> Sewage treatment plant effluent discharges Industrial effluent discharges Combined sewer discharge from a stormwater outlet to surface water Sewage treatment plant bypass discharge to surface water
Risk Management Plan Required	Livestock	<p>The existing or future use of land as livestock grazing or pasturing, an outdoor confinement area or a farm-animal yard for one or more animals.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> Small, non-intensive farms (under 5 nutrient units) Activities already regulated under the <i>Nutrient Management Act</i> (i.e. a Nutrient Management Strategy is in place for the activity)
	Agricultural Source Material (e.g. manure)	<p>The existing or future land application or storage of any amount.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> Small, non-intensive farms (under 5 nutrient units) Residential use (backyard gardens) Activities already regulated under the <i>Nutrient Management Act</i> (i.e. a Nutrient Management Plan or Strategy is in place for the activity)
Transport Pathways Consultation Required*	Drainage Project	Large scale
	Major Construction Project	Project that may alter subsurface and / or local drainage (e.g. new road, road widening, high rise building, industrial building, shopping centre, housing development, solar farm)

*Municipalities notify the Source Protection Authority who evaluates the proposal and provides recommendations about the transport pathway to the municipality and the applicant.

For policy wording and additional details, view the Mississippi-Rideau Source Protection Plan at www.mrsourcewater.ca

VIA

We have no objection to any work as long as it meets the proximity guidelines of the Railway Association of Canada and the applicable article in the form email.

Staff requested clarification regarding the setback requirement and were advised that the usual setback is 30m from the right-of-way but there is potential for a reduced setback with appropriate buffering (ie. fencing).

Site specific development requirements, such as buffers, fencing, lighting, etc., will be addressed during a pre-consultation with the railway when the Site Plan development proposal is commenced.

The article referred to in the comments received from VIA relates to the creation of new entrances or roadways, neither of which is being proposed by the applicant.

Enbridge

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

FINANCIAL IMPLICATIONS

All costs associated with this Application are borne by the Applicant.

RELEVANT LEGISLATION AND POLICIES

Planning Act, R.S.O. 1990, c. P.13
Provincial Policy Statement 2020
Lanark County Sustainable Communities Official Plan
Township of Montague Official Plan
Township of Montague Zoning By-Law 3478-2015

ATTACHMENTS

Appendix "A":	Key Map
Appendix "B":	Official Plan Schedule "A"
Appendix "C":	Official Plan Schedule "C"
Appendix "D":	Zoning Schedule
Appendix "E":	Site Sketch

APPENDIX "A"

Key Map



APPENDIX "B"

Official Plan – Schedule "A"



★ Subject lands – Rural designation

APPENDIX "C"

Official Plan – Schedule "C"



★ Subject lands – Natural Corridor

APPENDIX "D"

Zoning



★ Subject lands – Rural

Site Sketch

