



AGENDA / ORDRE DU JOUR

SPECIAL COUNCIL MEETING - Wednesday, February 15, 2017 at 5:30pm
RÉUNION SPÉCIALE DU CONSEIL - Mercredi le 15 février 2017 à 17:30

1. **Call to Order and Roll Call / Ouverture de la réunion et présence**
2. **Adoption of Agenda / Adoption de l'ordre du jour**
3. **Disclosure of Pecuniary Interest / Déclarations d'intérêts pécuniaires**
4. **Public Hearings for Zoning By-law Amendment Applications**
 - 4.1 **File No.:** 17-01FR - Albert Duquette **p. 2**
Request: Rezone the proposed severed lot through the consent application from 'RR' to 'WR' to recognize the intended use as waterfront and to recognize the reduced lot area
Location: 6173 Hwy 64, Monetville
 - 4.2 **File No.:** 17-02FR - Todd & Roger Fryer **p. 16**
Request: To permit a temporary use provision for a garden suite
Location: 357 Mercer Rd, Monetville
5. **Adjournment / Ajournement**

**NOTICE OF APPLICATION FOR CONSENT
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13
AND
NOTICE OF PUBLIC HEARING FOR A PROPOSED AMENDMENT TO ZONING BY-LAW 2014-23 OF THE
MUNICIPALITY OF FRENCH RIVER**

Respecting an application for consent by Albert Duquette
to the Sudbury East Planning Board
Part of Lot 4, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Part 1, Plan 53R-8138
Parcel 44744 Sudbury East Section
(Roll No. 5201-060-000-267-00)
(SEPB File No. B/01/17/FR and ZBA 17-01FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/01/17/FR at its meeting on **February 9th, 2017 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **February 15th, 2017 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 17-01FR.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, P0H 2N0**. The subject land is also subject to an application for a zoning by-law amendment (**SEPB File No. ZBA 17-01FR**).

IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office.

Dated at Warren, this 27th day of January, 2017.

Matthew Dumont
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

Purpose and Effect of the Proposed Consent and Zoning By-law Amendment

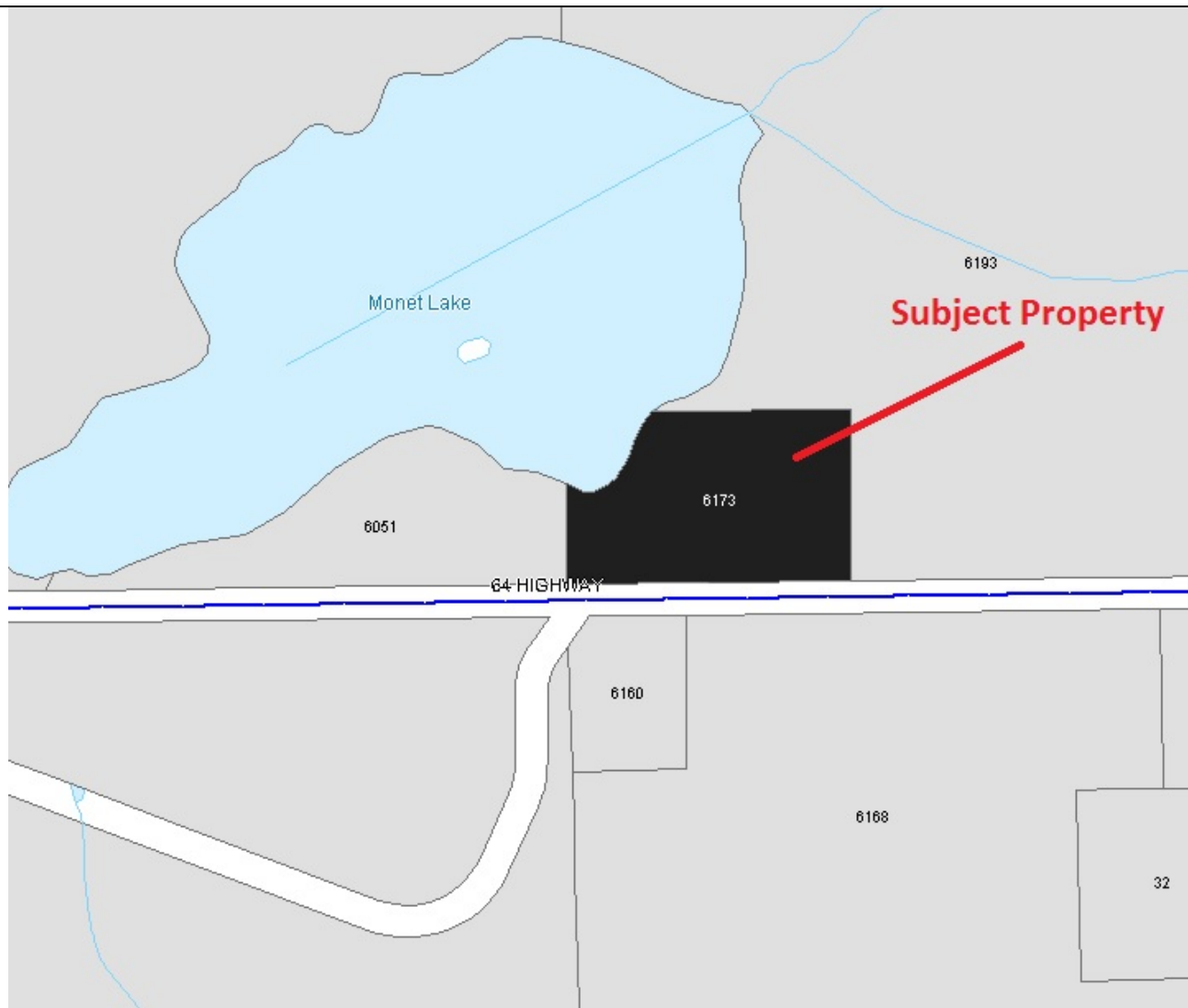
Re: Application Nos. B/01/17FR and ZBA 17-01FR
(Albert Duquette)
Roll nos. 5201-060-000-267-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provision of Section 34 of the Planning Act, R.S.O 1990, Chapter P.13 and consent under section 53(5) of the Planning Act, R.S.O 1990.

An application has been received from Albert Duquette to rezone lands described as Part of Lot 4, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury (Parcel 44744 Sudbury East Section).

The subject lands are presently zoned Residential Rural (RR) under zoning By-law 2014-23 of the Municipality of French River. The proposed Zoning By-law Amendment will rezone the lot to be severed through consent application B/01/17/FR to Waterfront Residential (WR) to recognize the intended use of the lot and reduced lot area which will have an approximate lot area of 0.77 hectares and a water frontage of approximately 87 metres on Monet Lake and a lot frontage of approximately 85 meters on Highway 64. The proposed retained lands will have an approximate lot area of 0.08 hectares and a lot frontage of 85 metres on Highway 64, and current zoning be maintained as Residential Rural (RR).

The subject property is located within the Rural Policy Area designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).



KEY MAP

Consent and Zoning By-law Amendment Applications
 (Albert Duquette)
 Part of Lot 4, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 1, Plan 53R-8138
 Parcel 44744 S.E.S.
 (Roll No. 5201-060-000-267-00)
 (SEPB File No. B/01/17/FR & ZBA 17-01FR)



Planning Report: **APPLICATION FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** February 9th, 2017
Report To: **COUNCIL FOR**
MUNICIPALITY OF FRENCH RIVER **Meeting Date:** February 15th, 2017
Report Date: January 27th, 2017
Applicant(s)/Owners: Albert Duquette
Agent/Solicitor: Goodridge, Goulet Planning & Surveying Ltd.
File Number: B/01/17/FR and ZBA 17-01FR
Property Description: Part of Lot 4, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Being Part 1, Plan 53R-8138
Parcel 44744 Sudbury East Section
(Roll No.5201-060-000-267-00)
6173 HWY 64

APPLICATION:

The purpose of the Application for Consent is to create one (1) waterfront residential lot with an approximate area of 0.77 hectares, having approximately 87 meters of water frontage on Monet Lake and approximately 85 meters of frontage on Highway 64, which is vacant land, but has several travel trailers and an assortment of equipment. The proposed retained lot is to be approximately 0.8 hectares in lot area with a lot frontage of approximately 85 metres and contains a single detached dwelling with accessory structures, including two wood sheds. Each of the proposed lands, severed and retained, have access on a provincial highway (Highway 64).

The lands are located on the south side of Highway 64, and are north of Monet Lake, and municipally known as 6173 Highway 64. Lands in the area are predominately rural and residential rural, and have some waterfront residential to west of the subject property.

The subject lands are presently zoned Residential Rural (RU) under Zoning By-law 2014-23 of the Municipality of French River. The proposed zoning by-law amendment will rezone the severed lands to Waterfront Residential (WR), in order to recognize the intended use of such lands, reduced lot area, and environmental regulations provided by the applicant's consultant and the Ministry of Natural Resources and Forestry's department. The proposed use for the severed lot is "Residential".

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	0.77 hectares	85 metres
Retained Lot	0.80 hectares	85 metres
Access:	Publicly maintained (Ministry of Transportation) year-round road	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Not applicable.	
Garbage Collection:	Not available	
Fire Protection:	Available	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT (PPS), 2014

The Provincial Policy Statement (2014) directs that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managed change and promoting efficient land use and development patterns. Efficient land use and development patterns supporting strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

Section 1.1.4.1(a) of the PPS states that limited residential development is permitted in rural areas in municipalities.

The applicant's proposal seeks to create one (1) Waterfront Residential (WR) lot. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding limited development in rural areas that is appropriate for private services.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application.

OFFICIAL PLAN

Official Plan Designation: **Rural Policy Area**, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010)

Comments:

Single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to the Official Plan provided the proposed use meets the criteria established in the Plan. Notwithstanding the foregoing, within the lands designated "Rural", there are existing uses that may be zoned for waterfront residential or tourist commercial type uses.

Municipalities will promote economic development by identifying areas for specific types of development that are key to the economic base of the Planning Area; these include lands for housing.

Section 3.5.2.5 contains policies respecting Significant Habitat of Endangered and Threatened Species. Development and site alteration are not permitted on lands adjacent to such habitat, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. A screening was required by the Sudbury East Planning Board to evaluate the Blanding's turtle habitat. The applicants submitted an ecological site assessment prepared by Fri Ecological Services which was reviewed and supported by the MNFR. It was noted by the consultants that the following measures are taken to avoid negative impacts to the species habitat:

- The proposed dock be constructed on the portion of shoreline where there is minimal aquatic vegetation and a bedrock bottom;
- The proposed dock be a floating structure or pipe design with minimal footprint on the lake bottom;
- The dock access pathway through 30 meter buffer dock meanders with natural contours of the bedrock;
- The building envelope be located within the existing built up area

All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of the Official Plan.

The applications, as proposed, generally conform to the intent and the policies of the Official Plan.

ZONING BY-LAW (2014-23)

Current Zoning: **Residential Rural (RR)**

Proposed Zoning: **Waterfront Residential (WR) (Severed Lands) with Special Provision S77**

An application to amend Zoning By-law 2014-23 for the severed and retained lands must be approved, in order to recognize the intended waterfront residential use of such lot.

The minimum lot area and the minimum lot frontage for new lot creation in the Waterfront Residential Zone (WR) is 0.80 hectares and 60.0 metres respectively; the proposed severed lot has a lot area of approximately 0.77 hectares, therefore, the lot does not meet the regulations. The reduced lot area will be recognized as a special provision under the zoning by-law amendment. In addition, it is recommended that given the habitat protection recommendations of Fri Ecological Services that the development be placed under site specific zoning, to ensure that site alteration does not adversely affect significant habitat

The proposal involves no new land use or change in land use. The applications, as proposed, comply with the regulations of the Zoning By-law.

AGENCY REVIEW

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Municipality of French River: The proposed severance with subject to the Municipalities Parkland Dedication Policy.

Ministry of Transportation: No objections to the proposed severance and rezoning, however, MTO has requested the following notes to be added:

- 1. The subject lands are located within the MTO's permit control area. Any new structures, septic systems, wells or site alterations within 45 metres of the limits of Highway 64 must meet MTO setback requirements and will require permits and approvals from the MTO prior to the start of work.*
- 2. Upon registration of the deeds, a new MTO entrance permit will be required to reflect any change in ownership, as well as to reflect the upgraded use of the field entrance on the severed parcel to a residential entrance.*

Bell Canada: No concerns or easement requirements for the proposed application.
No Comments were received as of the date this report was written.

Ministry of Natural resources and Forestry: No objections with the proposed development. The recommendations that were provided in the report completed by Fri Ecological Services were deemed acceptable for Blanding turtles. In addition, the MNRF provided the follow recommendations:

- 1. Should building construction extend into the active period for Blanding's Turtles (May 1st to September 30th), that exclusion fencing be established prior to May 1st and effectively maintained along the described building envelope perimeter adjacent to the lake and wetland throughout the active period, and*
- 2. Leaving the "fill slope" undisturbed is appropriate*

Sudbury District Health Unit: Both the severed and retained lots are capable of development for installation of a septic tank and leaching bed system.

PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on January 27th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and it's Regulations (O.REG. 197/96) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

Those matters under Section 51(24) have been reviewed and considered; there is no adverse effect expected from the proposed consent with respect to the listed criteria.

RECOMMENDATION:

Consent:

Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

Zoning By-law Amendment:

That the Municipality of French River approve application for Zone Change, File Number ZBA 17-01FR, for lands owned by Albert Duquette, which proposes to change the zoning of the severed lands described as Part of Lot 4, Concession 5,

in the Township of Martland, now in the Municipality of French River, from 'Residential Rural (RR)' to 'Waterfront Residential (WR)' Zone.

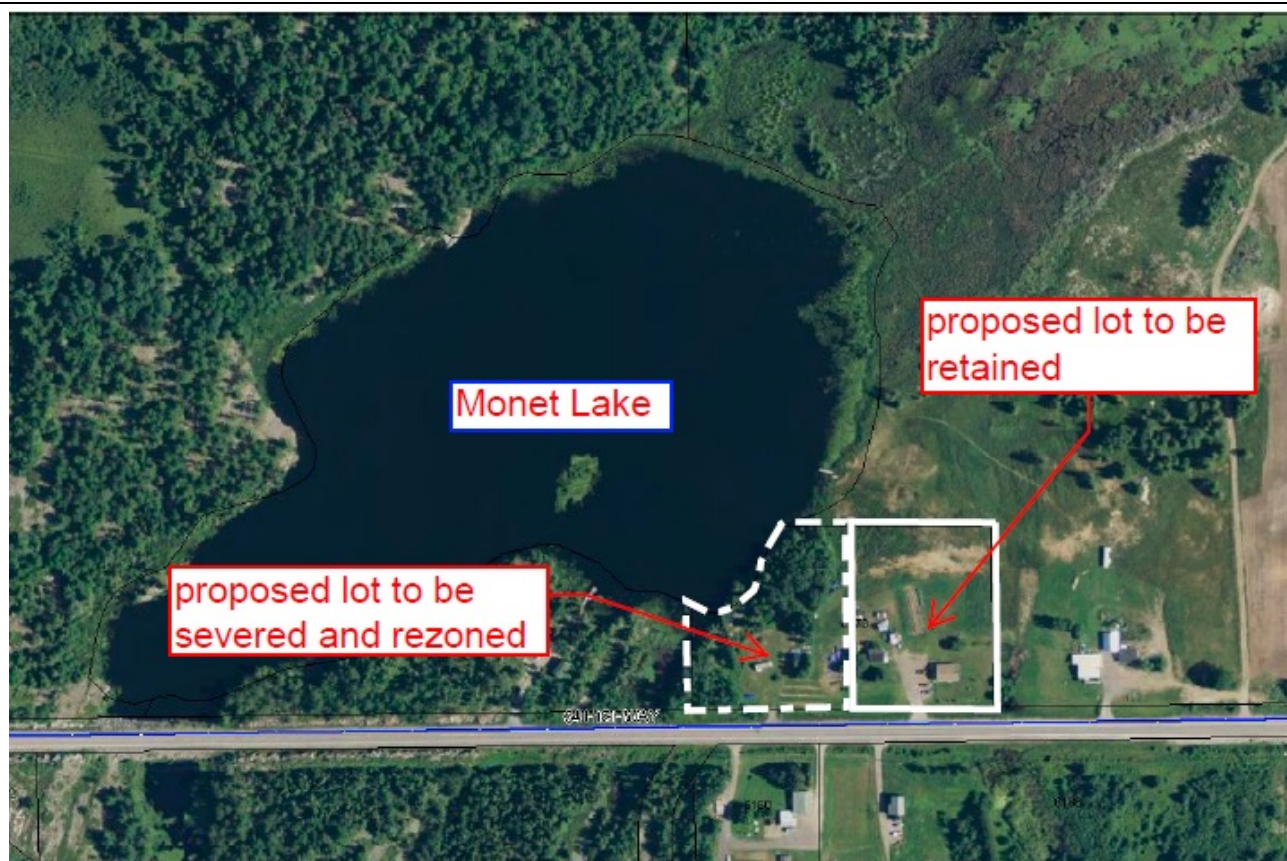
That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Whereas the application for consent is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

Respectfully submitted,



Matthew Dumont
Director of Planning



KEY MAP

Consent and Zoning By-law Amendment Applications
 (Albert Duquette)
 Part of Lot 4, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 1, Plan 53R-8138
 Parcel 44744 S.E.S.
 (Roll No. 5201-060-000-267-00)
 (SEPB File No. B/01/17/FR & ZBA 17-01FR)

**SUDBURY EAST PLANNING BOARD
CONSENT-IN-PRINCIPLE - CONDITIONS**

Planning Board Date of Decision: February 9th, 2017
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): Albert Duquette
Owner(s): same as above
Agent/Solicitor: Goodridge, Goulet Planning & Surveying Ltd.
File Number: B/01/17/FR and ZBA 16-09
Property Description: Part of Lot 4, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
being Part 1, Plan 53R-8138
Parcel 44744 Sudbury East Section
(Roll No. 5201-060-000-267-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/01/17/FR**, **which must be fulfilled within one year from the date of this letter**, are set out below. These conditions must be fulfilled prior to the granting of consent.

CONDITIONS:

1. This approval applies to the creation of one (1) Waterfront Residential (WR) lot of approximately 0.77 hectares in area with approximately 85 metres of lot frontage, as applied for on Part of Lot 4, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-8138 (Parcel 44744 Sudbury East Section).
2. Prior to the granting of Final Consent through the provision of the Certificate of the Official a fee of \$100.00 must be paid to the Sudbury East Planning Board.
3. The following documents shall be provided for the transaction described in Condition 1:
 - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
 - c) a reference plan of survey (**a paper copy and an electronic copy**), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates..
4. Where it is determined on drafting a reference plan of survey that an existing public road traverses the subject lands to which the consent approval applies (severed and/or retained lands), that portion of such road which traverses the subject lands shall be laid out on the final reference plan of survey and shall be transferred to the appropriate authority. The cost of any survey shall be borne by the applicant.

5. If required, Drainage Assessment reapportionment be completed to the satisfaction of the Drainage Superintendent for the Municipality of French River.
6. The Sudbury East Planning Board must be advised in writing by the Municipality of French River that the owner has conveyed up to 5% of the land to be severed to the Municipality of French River for park or other recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.
7. An amendment to Zoning By-law 2014-23 of the Municipality of French River for the severed lands shall be approved, in order to recognize the reduce lot area and waterfront residential use, and to address species at risk concerns, as per recommendations from ecological site assessment report.
8. The Director of Planning and/or the Chief Building Official is to be advised, in writing, by the owner that the lands to be severed must be brought back to its original use, which was vacant land prior to any development. Items to be removed from the lot, but are not limited to, include travel trailer (s), equipment, trucks, and so forth.

NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.

3. An approved Building Permit must be obtained from the Municipality of French River prior to any demolition, new construction, addition, expansion, or alteration to buildings, structures, or changes in use, including the installation of private sewage disposal systems.

4. Prior to the installation of a subsurface sewage disposal system, a Certificate of Approval must be obtained from the Sudbury and District Health Unit.
5. The Ministry of Transportation has advised that permits for proposed land use changes, buildings, and entrances are required. Applications may be obtained from the Ministry's District Office at 447 McKeown Avenue, North Bay, ON P1B 9S9.
6. Work on or modifications to Municipal Drains must be completed under the direction of the Municipal Drainage Superintendent.
7. If a well is used as the drinking water source, it must be constructed in accordance with Ontario Regulation 903 made under the *Ontario Water Resources Act*.
8. The Endangered Species Act, 2007 applies to species listed on the Species at Risk in Ontario List (available here: www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/246809.html). If any protected species and/or habitats are observed, please contact the Ministry of Natural Resources and Forestry, Sudbury District Planner as soon as possible.
9. Should any human remains be identified during operations, all work in the vicinity of the discovery will be suspended immediately. Notification will be made to the Ontario Provincial Police, or local police, who will conduct a site investigation and contact the district coroner. Notification must also be made to the Heritage Operations Unit of the Ministry of Culture, Tourism & Sport and the Registrar of Cemeteries, Ministry of Government Services.
10. Should any other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture, Tourism & Sport's archaeologist immediately contacted at (807) 475-1632. This provides for the potential for deeply buried or enigmatic local site areas not typically identified in evaluations of potential.

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2017-**

Being a By-law to amend Zoning By-law 2014-23, as amended
(Albert Duquette)

WHEREAS By-law 2014-23 of the Municipality of French River has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Municipality of French River, under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River may amend such By-law in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River has received an application to amend such By-law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

1. Schedule(s) A8 (Martland Township) of By-law 2014-23 of the Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 77 (S77), changing the Residential Rural Zone (RR) to a Waterfront Residential Zone (WR), on Part of Lot 4, Concession 5, in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-8138, Parcel 44744 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section(s) 8 of By-law 2014-23 Municipality of French River is hereby amended by the addition of the following Special Provision:
 77. Notwithstanding any provisions to the contrary of Section(s) 7.7.1 of By-law 2014-23, within the lands zoned Waterfront Residential (WR), described as Part of Lot 4, Concession 5, in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-8138, Parcel 44744 Sudbury East Section, the following special provisions shall apply:
 - (i) Regulations:
 - Minimum lot area 0.77 hectares
 - The building envelope be located within the existing built up area
3. Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall take effect on the date of passage and come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 15th day of February, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 15th day of February, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

**NOTICE OF PUBLIC HEARING
CONCERNING A PROPOSED
AMENDMENT TO
ZONING BY-LAW 2014-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by Todd and Roger Fryer
to rezone lands on Part of Lot 3, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 966 Sudbury East Section
(Roll No. 5201-060-000-264-00)
(SEPB File No. ZBA 17-02FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **February 15th, 2017 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Noelville, Ontario.**

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, P.O. Box 250, Warren, Ontario, POH 2N0. Any person or public body may attend the Public Hearing and/or make written or verbal representations either in support of or in opposition to the Proposed Zoning By-law Amendment.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of French River before the by-law is passed; the person or public body is not entitled to appeal the decision of the Council for the Municipality of French River to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Council for the Municipality of French River 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 Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Dated at Warren, this 27th day of January, 2017.

Matthew Dumont MCIP, RPP
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

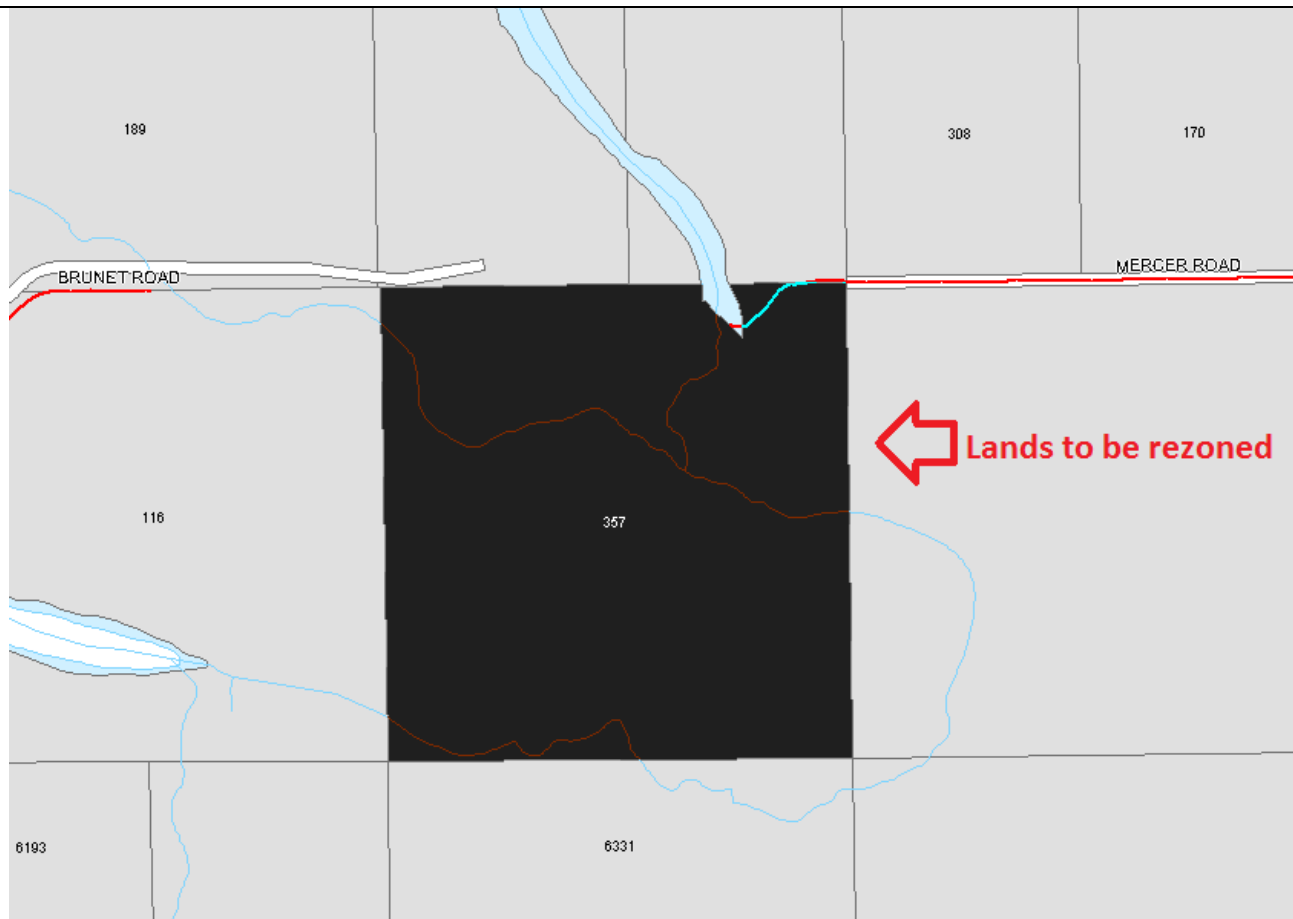
Re: Application No. ZBA 17-02FR
(Todd and Roger Fryer)
Roll No. 5201-060-00-264-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provisions of Section 39 of the Planning Act, R.S.O. 1990, Chapter P.13.

An application has been received from Joan Manley, on behalf of Todd and Roger Fryer, to rezone lands described as Part of Lot 3, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, and (Parcel 966 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-23 Municipality of French River. The Proposed Zoning By-law Amendment will maintain the present zoning of the property (Rural (RU)), however, a temporary use provision will be implemented in order to permit the applicant to propose a garden suite on the subject lands. The use of the garden suite will be for a period of ten (10) years.

The subject property is located within the Rural Policy Area designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).



KEY MAP

Zoning By-law Amendment Application
 (Todd and Roger Fryer)
 Part of Lot 3, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 966 S.E.S.
 (Roll No. 5201-060-000-264-00)
 (SEPB File No. ZBA 17-02FR)



Planning Report: **APPLICATION FOR ZONING BY-LAW AMENDMENT**
Report to: **MUNICIPALITY OF FRENCH RIVER**
Meeting Date: February 15th, 2017
Report Date: January 27th, 2017

Applicant(s): Todd and Roger Fryer
Agent/Solicitor: Joan Manley
File Number: ZBA 17-02FR
Property Description: Part of Lot 3, Concession 5
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 966 Sudbury East Section
(Roll No. 5201-060-000-264-00)
357 Mercer RD

APPLICATION:

An application has been received from Todd and Roger Fryer to rezone lands described as Part of Lot 3, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury (Parcel 966 Sudbury East Section).

The subject property, 357 Mercer Road, is presently zoned Rural under the Zoning By-law 2014-23 of the Municipality of French River. The proposed Zoning By-law Amendment will maintain the current zoning of the subject property, however, a temporary use provision will be implemented in order to allow the applicants to have a garden suite on the subject property. The subject lands contain a single detached –dwelling. The use of the garden suite will be for a period of ten (10) years and is to be occupied by a family member to provide care and support to those living in the single detached dwelling.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 65 hectares	106 metres
Access:	Publicly maintained (Municipality of French) year-round road (357 Mercer RD)	
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
School Busing:	Available	
Garbage Collection:	Not available	
Fire Protection:	Available	

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2014

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions “shall be consistent with” all policy statements issued under the Act.

No provincial interests, as expressed in the Provincial Policy Statement, are adversely affected by this application.

Section 39.1(3) of the *Planning Act* states that a by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 20 years from the day of passing of the by-law.

OFFICIAL PLAN

Official Plan Designation: **Rural Policy Area**, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010)

Lands designated rural are to be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and other industrial uses not appropriate in settlement areas, as well as limited residential developments, where appropriate.

The Official Plan contains policies respecting Temporary Uses which permit municipalities to pass by-laws to permit the temporary use of land, buildings or structures for a specified time period for any purpose that is otherwise prohibited by the implementing Zoning By-law, in accordance with the provisions of the *Planning Act*.

Section 4.2.6 further states that in considering a request for a temporary use by-law, the municipality will consider the following:

- a) The proposed use is generally in conformity with the intent and policies of this Plan;
- b) The proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing by-law expires;
- c) The temporary use will not hamper the ability of the land, building or structure to subsequently be used in accordance with the provisions of this Plan;
- d) Circumstances are unique or particular to the subject property or proposed use;
- e) The proposed use is generally compatible with the surrounding area;
- f) Representations by the public; and
- g) Any required capital expenditures.

The application, as proposed, generally conforms to the intent and the policies of the Official Plan. Garden suites are permitted to be established as a temporary use and the structure can be converted to a non-dwelling use once it is no longer required as a garden suite. The garden suite is situated in close proximity to the primary dwelling, and has not and is not anticipated to hamper the use or subsequent use of the land.

ZONING BY-LAW (BY-LAW 2014-23)

Current Zoning: Rural (RU)

Proposed Zoning: Rural (RU) with a Special Provision S78

The proposed amending Zoning By-law will establish provisions to permit the temporary use of a garden suite on the subject lands for a period of ten (10) years. The sketch submitted by the applicant indicates conformity with the relevant Rural (RU) zoning provisions, including setbacks and lot coverage.

Section 39.1(3) of the Planning Act states that a by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 20 years from the day of the passing of the by-law.

Despite subsection (3), council may by by-law grant further periods of not more than 3 years each during which the temporary use is authorized (Section 39.1(4) – Planning Act).

Section 39.1(1) of the Planning Act authorizes a council that has passed a temporary use by-law for a garden suite that they may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable (i.e. – installation, maintenance and removal; period of occupancy; monetary or other form of security for actual or potential costs to the municipality related to the garden suite).

AGENCY REVIEW

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Chief Building Officer (Municipality of French River):

- Appropriate septic approvals must be from the Sudbury and District Health Unit
- Designed and constructed in compliance with,
 - CSA Z240.2.1, “Structural Requirements for Manufactured Homes”, if the building is constructed in sections not wider than 4.88m, **or**
 - CSA A277, “Procedures for Factory Certification Buildings”.
- A foundation designed and constructed in compliance with the 2012 Ontario Building Code Section 9.15. “Footings and Foundations” or CSA Z240.10.1, Site preparation, Foundation and Anchorage Manufactured Homes”.
- Prior to occupancy of the structure, all prescribed inspection (including occupancy) must be completed.

PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on January 27th, 2017, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 545/06) thereto. As of the writing of this report, no comments or concerns had been received from neighbouring property owners.

RECOMMENDATION:

That the Municipality of French River approve application for Zone Change, File Number ZBA 17-02FR, for lands owned by Todd and Roger Fryer, which proposes to change the zoning of lands described as Part of Lot 3, Concession 5, in the Township of Martland, in the Municipality of French River, and known municipally as 357 Mercer Road, from 'Rural (Rural)' to the 'Rural Zone with a Temporary Use Provision' to allow a garden suite for a duration of ten (10) years on the subject site.

That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,



Matthew Dumont MCIP, RPP
Director of Planning



KEY MAP

Zoning By-law Amendment Application
 (Todd and Roger Fryer)
 Part of Lot 3, Concession 5
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 966 S.E.S.
 (Roll No. 5201-060-000-264-00)
 (SEPB File No. ZBA 17-02FR)

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2017-**

Being a By-law to amend Zoning By-law 2014-23, as amended
(Todd and Roger Fryer)

WHEREAS By-law 2014-23 of the Municipality of French has been passed, being a Zoning By-law to regulate the use of land and the character, location, and use of buildings and structures, in the Municipality of French River, under the authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River may amend such By-law in accordance with the provisions of Section 39 of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS the Council for the Municipality of French River has received an application to amend such By-law;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER ENACTS AS FOLLOWS:

1. Schedule(s) A8 (Martland Township) of By-law 2014-23 of the Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 78 (S78) to the Rural Zone (RU), on Part of Lot 3, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcel 966 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section(s) 8 of By-law 2014-23 Municipality of French River is hereby amended by the addition of the following Special Provision:
 78. Notwithstanding any provisions to the contrary of Section(s) 7.22.1 of By-law 2014-23, within the lands zoned Rural (RU), described as Part of Lot 3, Concession 5, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcel 966 Sudbury East Section, the following special provisions shall apply:
 - (i) Permitted Uses:
 - a garden suite for a period not to exceed ten (10) years from the date of the passing of this By-law

All other provisions of By-law 2014-23 as applicable to the Rural Zone (RU) shall apply.

3. Schedule "A-1" is hereby declared to form part of this By-law.
4. This By-law shall take effect on the date of passage and come into force in accordance with Section 39 of the Planning Act, R.S.O. 1990, Chapter P.13.

READ A FIRST AND SECOND TIME this 15th day of February, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK

READ A THIRD TIME AND FINALLY PASSED this 15th day of February, 2017.

CHAIR / MAYOR

SECRETARY-TREASURER / CLERK