



AGENDA

SPECIAL MEETING OF COUNCIL
held in the Council Chambers
French River Municipal Complex
Wednesday, January 27, 2016 at 5:00pm

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Closed Session
 - personal matters that would identify municipal employees relating to budget deliberations

Public Hearing at 5:30pm

4. Public Hearing concerning a proposed amendment to Zoning By-law 2014-23, Application File No. ZBA 15-13FR (Greg & Christine Lebert)
5. Adjournment

ORDRE DU JOUR

ASSEMBLÉE SPÉCIALE DU CONSEIL
qui aura lieu dans la salle du conseil
Complexe municipal Rivière des Français
Le mercredi 27 janvier 2016 à 17h00

1. Appel à l'ordre, présence et l'adoption de l'ordre du jour
2. Révélation d'intérêt pécuniaire
3. Session à huis clos
 - renseignements privés d'un employé(e)s de la municipalité qui peut être identifiée concernant le budget

Audience publique à 17h30

4. Audience publique concernant un amendement proposé au règlement du zonage 2014-23 Application File No. ZBA 15-13FR (Greg & Christine Lebert)
5. Ajournement

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

Respecting an application by Greg and Christine Lebert
to rezone lands on Part of Lot 11, Concession 1
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 11683 Sudbury East Section
(Roll No. 5201-050-000-041-00)
(SEPB File No. ZBA 15-13FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **January 27, 2016 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, 5 Dyke Street, 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 5th day of January, 2016.

Melissa Riou, MCIP, RPP
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

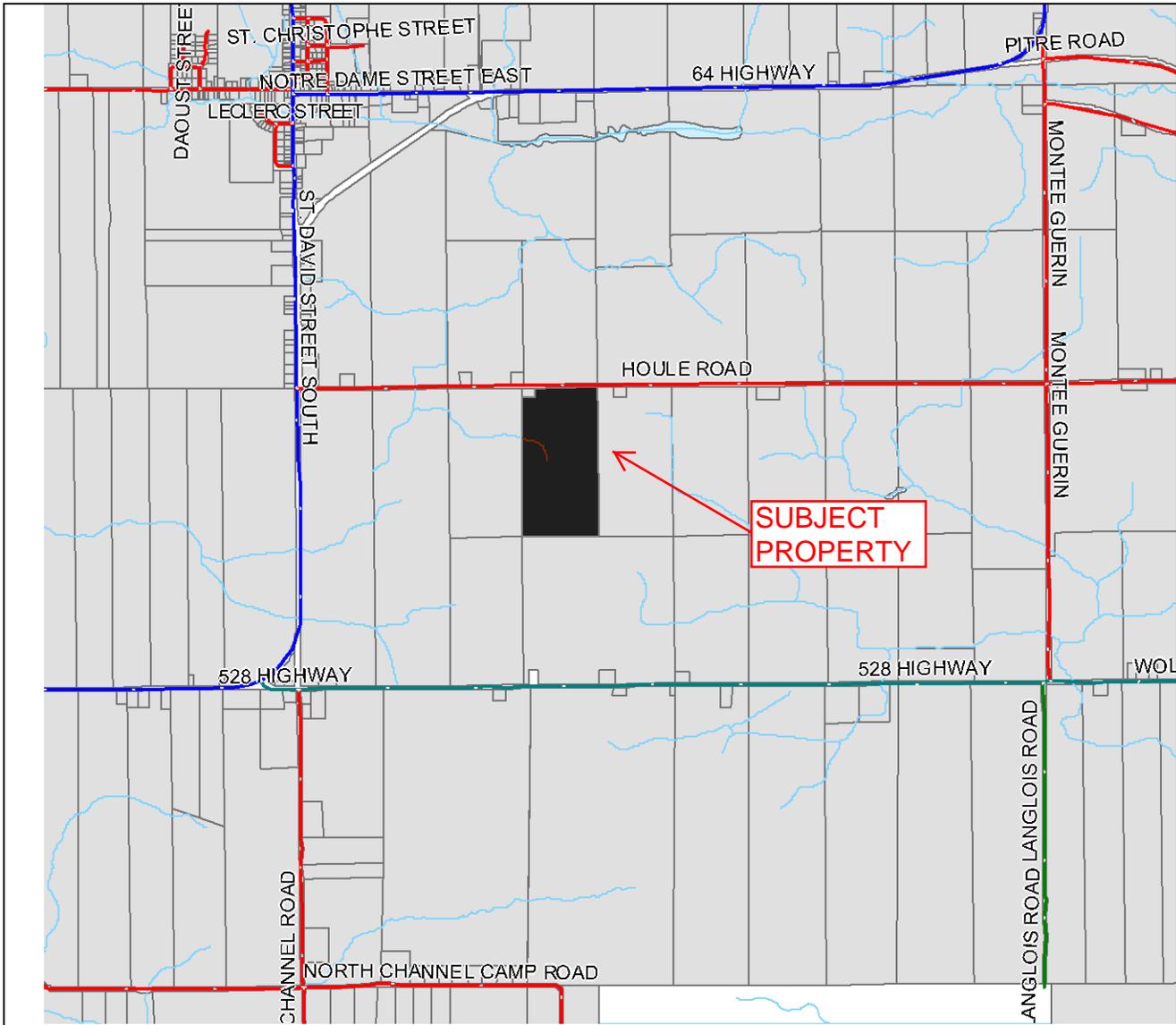
Re: Application No. ZBA 15-13FR
(Greg and Christine Lebert)
Roll No. 5201-050-000-041-00

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 Greg and Christine Lebert, to rezone lands described as Part of Lot 11, Concession 1, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 11683 Sudbury East Section).

The subject lands are presently zoned Rural (RU) with Special Provisions under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will amend the Special Provisions, in order to extend the temporary use of a garden suite for an additional three (3) 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
 (Greg and Christine Lebert)
 Part of Lot 11, Concession 1
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcel 11683 S.E.S.
 (Roll No. 5201-050-000-041-00)
 (SEPB File No. ZBA 15-13FR)



Planning Report: APPLICATION FOR ZONING BY-LAW AMENDMENT
Report to: COUNCIL OF THE MUNICIPALITY OF FRENCH RIVER
Meeting Date: January 27, 2016
Report Date: January 5, 2016

Applicant(s): Greg and Christine Lebert
Owner(s): same as above
Agent/Solicitor: none
File Number: ZBA 15-13FR
Related Files: ZBA 04-02FR
Property Description: Part of Lot 11, Concession 1
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 11683 Sudbury East Section
(Roll No. 5201-050-000-041-00)
286 Houle Road

1. **BACKGROUND/ORIGIN:**

An application has been received from Greg and Christine Lebert, to rezone lands described as Part of Lot 11, Concession 1, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 11683 Sudbury East Section).

The Proposed Amending By-law will amend the current Rural (RU) Zoning with Special Provisions under By-law 2014-23 of the Municipality of French River, as amended, in order to extend the Temporary Use provisions to permit a garden suite to continue to be used on the property for an additional time period of three (3) years.

The garden suite was established in 2004 by previous owners of the property, when an existing garage was converted to a garden suite. The by-law permitted the garden suite for a period of ten (10) years from March 17, 2004 to March 17, 2014. The current owners were notified of the lapsing of the temporary use provisions and wish to further extend the temporary provisions, in particular because they are currently living in the garden suite and wish to renovate the primary dwelling. The garden suite/dwelling have been used to accommodate family members.

The garden suite is connected to the existing private water and sewage systems that serve the primary dwelling.

The subject lands are located on the south side of Houle Road, south east of the Village of Noelville. The lands abut the Municipal waste disposal site to the east, and rural lands abut the property to the north, south and west.

2. SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>	
	Lot	31.9 hectares	328.5 metres
Access:	Publicly maintained (Municipality of French River) year-round road (Houle Road).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.		
School Busing:	Available.		
Garbage Collection:	Not available.		
Fire Protection:	Available.		

3. PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The policy framework came into effect on April 30, 2014. 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 (recently amended from a time period of 10 years) from the day of passing of the by-law.

Further, 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*). Council may require the owner of the suite to enter into an agreement related to the temporary use of the garden suite for matters such as the installation, maintenance and removal of the garden suite and the monetary or other form of security that council may require for actual or potential costs to the municipality related to the garden suite. The municipality has not previously required such agreements for garden suites.

4. OFFICIAL PLAN POLICIES:

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.

Proponents of development within 500 metres of the perimeter of the fill area of either an active or closed Waste Disposal Site will be accompanied by a study prepared by the proponent that satisfies the Planning Board, local municipality, and the requirements of the Ministry of the Environment and Climate Change guidelines related to land uses on or near landfills and dumps, as per Section 3.7.3.2(b) of the Official Plan. The existing garden suite is located 500 metres from the existing fill area, therefore no study was required at the time the garden suite was established. No lands use planning conflicts are envisioned resulting from the extension of this temporary use, as no compatibility issues were raised during the previous ten years and that the garden suite utilizes the same well and septic system as the primary dwelling that has been situated on the subject lands since approximately 1950.

5. ZONING BY-LAW (BY-LAW 2014-23):

Current Zoning: **Rural (RU) subject to Special Provision S27**

Proposed Zoning: Rural (RU) subject to amended Special Provision S27

The proposed amending Zoning By-law will establish provisions to extend the temporary use of a garden suite on the subject lands for an additional three (3) year time period. The sketch submitted by the applicant indicates conformity with the relevant Rural (RU) zoning provisions, including setbacks and lot coverage.

6. AGENCY REVIEW:

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

No comments or concerns were received as of the date this report was written.

7. PUBLIC CONSULTATION:

Notice of the rezoning application was sent to surrounding property owners on December 9, 2015 (Notice of Complete Application) and January 5, 2016 (Notice of Public Hearing), 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.

8. RECOMMENDATION:

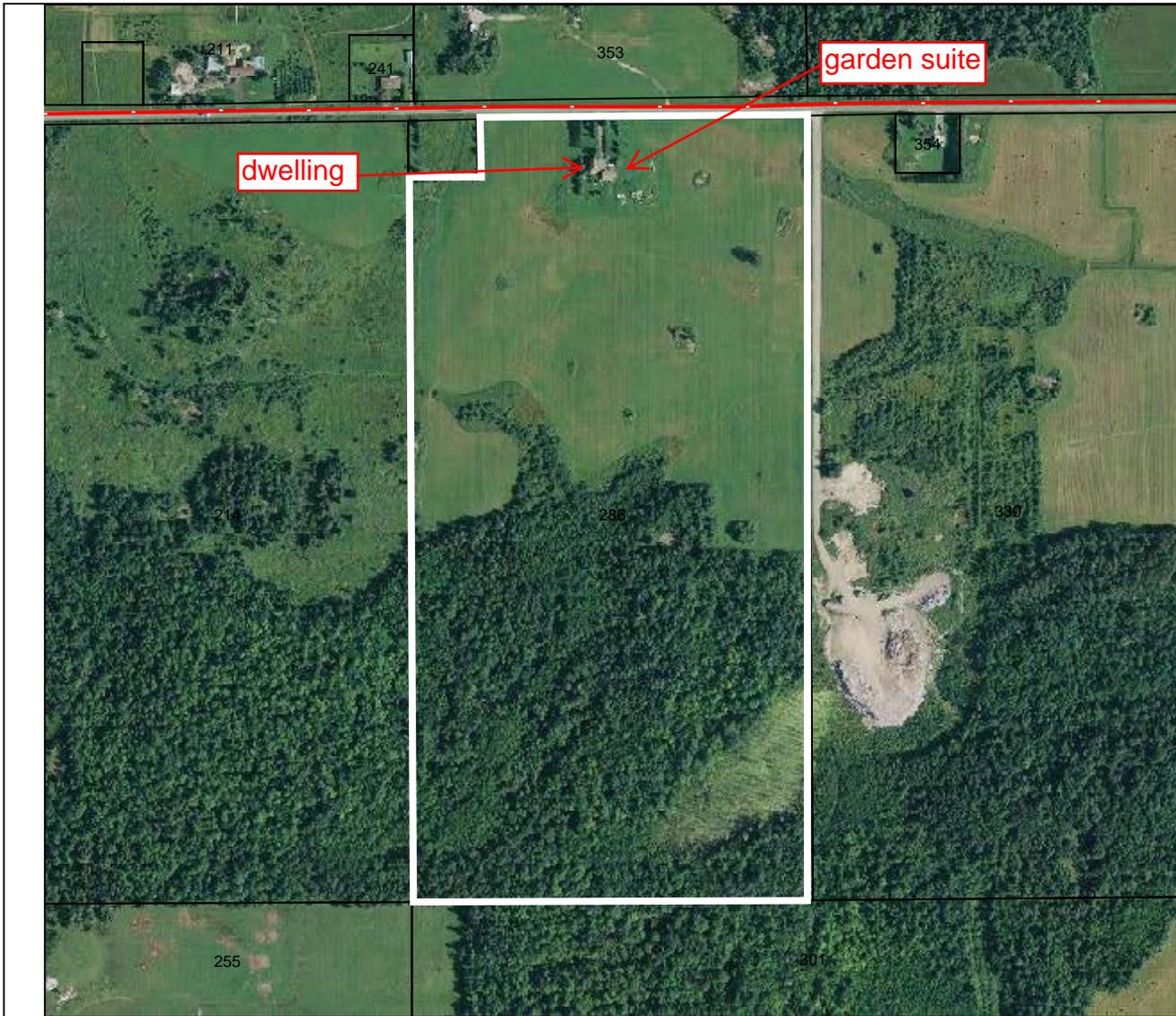
That the Municipality of French River approve application for Zone Change, File Number ZBA 15-13FR, for lands owned by Greg and Christine Lebert, which proposes to amend the special provisions to the current Rural (RU) zoning of lands described as Part 11, Concession 1, in the Township of Martland, in the Municipality of French River, and known municipally as 286 Houle Road, to extend the temporary use provisions to permit a garden suite for a duration of three (3) 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,

‘Melissa Riou’

Melissa Riou, MCIP, RPP
Director of Planning



FRI IMAGERY

Zoning By-law Amendment Application
(Greg and Christine Lebert)
Part of Lot 11, Concession 1
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcel 11683 S.E.S.
(Roll No. 5201-050-000-041-00)
(SEP File No. ZBA 15-13FR)

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2016-

Being a By-law to amend Zoning By-law 2014-23, as amended
(Greg and Christine Lebert)

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 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. Section 8 of By-law 2014-23 of the Municipality of French River is hereby amended by amending of the following Special Provision:

S27. 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 11, Concession 1, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcel 11683 Sudbury East Section, the following special provisions shall apply:

(i) Permitted Uses:

-a garden suite for a period not to exceed three (3) years from January 27, 2016.

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

2. 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 27th day of January, 2016.

MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 27th day of January, 2016.

MAYOR

CLERK

DRAFT