



**AGENDA**  
**SPECIAL MEETING OF COUNCIL**  
held in the Council Chambers  
Wednesday, December 14, 2016 at 5:30pm

**Re:** To hold a Public Hearing  
concerning a proposed amendment to  
Zoning By-law 2014-23

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Application File No. ZBA 16-09FR **p. 2**  
(Kenneth and Deborah Owen)
4. Application File No. ZBA 16-11FR **p. 15**  
(Blaine and Denise Leduc)
5. Adjournment

**ORDRE DU JOUR**  
**ASSEMBLÉE SPÉCIALE DU CONSEIL**  
qui aura lieu dans la salle du conseil  
Le mercredi 14 décembre 2016 à 17h30

**Sujet:** Pour tenir une audience publique  
concernant un amendement proposé au  
règlement du zonage 2014-23

1. Appel à l'ordre, présence et l'adoption de l'ordre du jour
2. Révélation d'intérêt pécuniaire
3. Application File No. ZBA 16-09FR  
(Kenneth and Deborah Owen)
4. Application File No. ZBA 16-11FR  
(Blaine and Denise Leduc)
5. 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 and zoning by-law amendment  
by Kenneth and Deborah Owen  
to the Sudbury East Planning Board  
Part of Lot 10, Concession 6  
in the Township of Mason  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 25265 Sudbury East Section  
(Roll No. 5201-030-000-163-00)  
(SEPB File No. B/26/16/FR)

**TAKE NOTICE THAT** the Sudbury East Planning Board will analyze and discuss Application B/26/16/FR at its meeting on **December 8<sup>th</sup>, 2016 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 **December 14<sup>th</sup>, 2016 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 16-09FR.

**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.**

**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 9<sup>th</sup> day of November, 2016.

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](http://www.sepb.org)

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

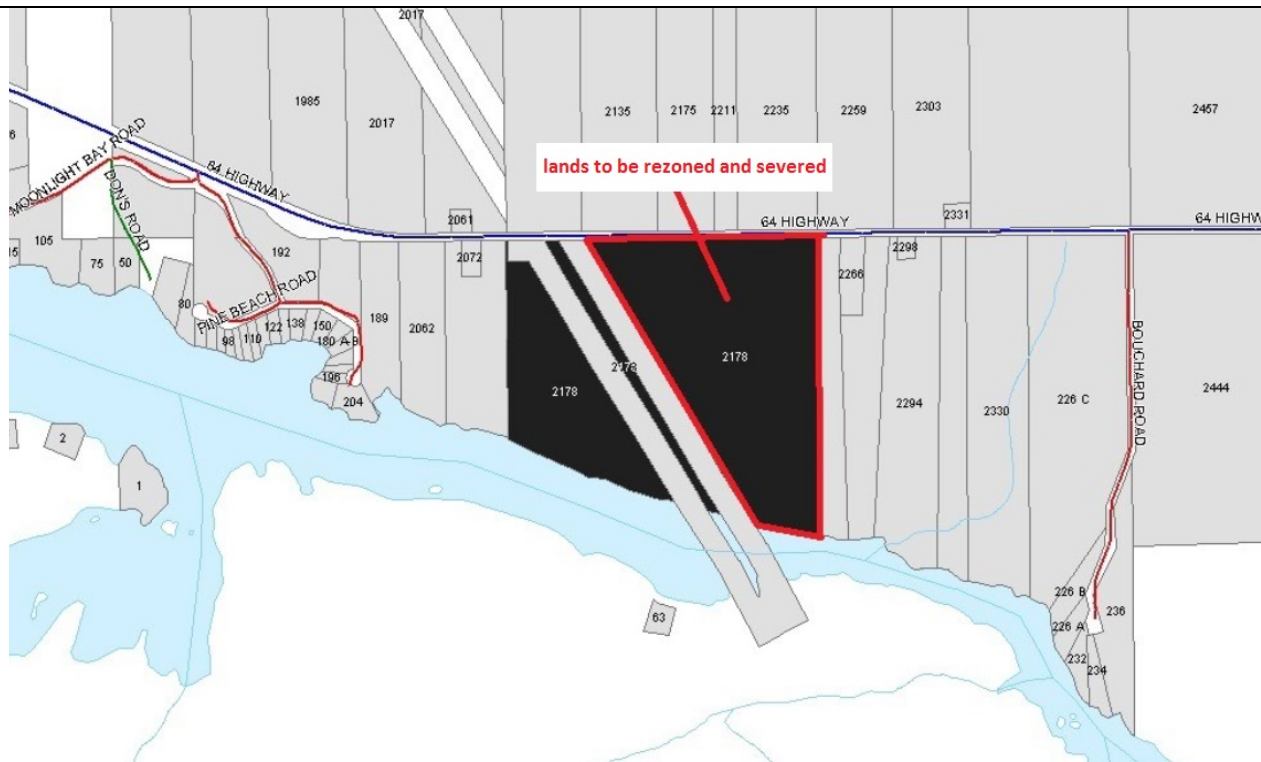
Re: Application Nos. B/26/16/FR and ZBA 16-09FR  
(Kenneth and Deborah Owen)  
Roll nos. 5201-030-000-163-00

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 Kenneth and Deborah Owen, to rezone lands described as Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury (Parcel 25265 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under zoning By-law 2014-23 of the Municipality of French River. The proposed Zoning By-law Amendment will rezone the lot to be retained and severed through consent application B/26/16/FR to Waterfront Residential (WR) to recognize the intended use of the lot which will have an approximate lot area of 14 hectares and a lot frontage of 91 metres. The proposed retained lands will have an approximate lot area of 14 hectares and a frontage of 92 metres, and will also be rezoned to Waterfront Residential (WR).

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



#### **KEY MAP**

Consent and Zoning By-law Amendment Application  
 (Kenneth and Deborah Owen)  
 Part of Lot 10, Concession 6  
 in the Township of Mason  
 now in the Municipality of French River  
 Territorial District of Sudbury  
 Parcel 25265 S.E.S.  
 (Roll No. 5201-030-000-163-00)  
 (SEPB File No. B/26/16/FR and ZBA 16-09FR)



**Planning Report:** APPLICATION FOR CONSENT AND ZONING BY-LAW AMENDMENT  
**Report To:** SUDBURY EAST PLANNING BOARD **Meeting Date:** December 8<sup>th</sup>, 2016  
**Report To:** COUNCIL FOR **Meeting Date:** December 14<sup>th</sup>, 2016  
**THE MUNICIPALITY OF FRENCH RIVER**  
**Report Date:** November 10<sup>th</sup>, 2016  
**Applicant(s)/Owners:** Kenneth and Deborah Owen  
**Agent/Solicitor:** Same as above  
**File Number:** B/26/16/FR and ZBA 16-09FR  
**Property Description:** Part of Lot 10, Concession 6  
in the Township of Mason  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 25265 Sudbury East Section  
(Roll No. 5201-030-000-163-00)  
2178 Highway 64

#### **APPLICATION:**

The purpose of the application for consent proposes to create one (1) waterfront residential lot with an approximate area of 14 hectares, having 91 meters of frontage on French River. The proposed retained lands are to have an approximate area of 14 hectares and a frontage of 92 meters on French River. Each of the proposed lands (severed and retained) have access on a provincial highway (Highway 64).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-23 of the Municipality of French River. The proposed Zoning By-law Amendment will rezone the property (both the retained and severed lands) to Waterfront Residential (WR), in order to recognize the intended use of such lands. The proposed use for the severed and retained lots is "Residential".

#### **SUBJECT LANDS:**

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	14 hectares	91 metres
	Retained Lot	14 hectares	92 metres
Access:	Publicly maintained (Ministry of Transportation) year-round road		
Servicing:	Retained lands have an existing single family swelling serviced by a private sewage system and a private owned and operated individual well / water supplied via lake.		
School Busing:	Available		
Garbage Collection:	Not available		
Fire Protection:	Available		

**Surrounding Uses:** The lands are located on the south side of Highway 64. It is bordered to the west by a high voltage hydro corridor and waterfront residential properties, and to the east by large privately owned lots that are in the rural area. The subject property fronts onto the French River, and the area predominantly consists of a mix of waterfront residential and rural lands.

## **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.

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

Section 1.1.4.1(a) of the PPS provides that limited residential development is permitted in rural area in municipalities. The creation of one (1) new lot in the rural area appears to be appropriate in the context of "limited residential".

Section 2.1 of the PPS contains policies which aim to protect natural features and areas for the long term. *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with provincial and federal requirements. *Development* is not permitted on *adjacent lands* unless it has been demonstrated that there will be no *negative impacts* of the natural features or their *ecological functions*. Identified features and screening report will be discussed in the Official Plan section.

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 27<sup>th</sup>, 2010, approved by the Ministry of Municipal Affairs and Housing September 28<sup>th</sup>, 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.

Section 2.2.11.1(12) of the Official Plan, the proposal does not require a change in designation from "Rural" to "Waterfront" due to the small scale and scope of the proposal, which is to create one new lot. All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of the Official Plan.

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 that cannot be mitigated. A screening list of species was required by the Ministry of Natural Resources and Forestry (MNRF), which included; Massasauga Rattlesnake, Eastern Hog-nosed, Blanding's Turtle, Eastern Whip-poor-will, Barn Swallow and Bobolink. In this case, Habitat for Blanding's Turtle was identified as the only habitat with potential. The applicants have submitted a Species at Risk Screening prepared by RiverStone

Environmental Solutions. RiverStone recommended the following measures to mitigate potential impacts to species at risk:

- Site alteration should not occur within the portions of the subject property identified as potential habitat for Species at Risk. If development is proposed within these areas at a future date, then additional targeted surveys should be completed.
- Vegetation removal should not occur on the property between May 1 and July 31 as this time corresponds with the peak nesting period for species at risk birds. If development and site alteration is going to occur in this period, a nest survey should be completed by a qualified professional.
- Vegetation removal and disturbance outside of the development envelopes should be minimized.

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

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

Current Zoning: **Rural (RU)**

Proposed Zoning: **Waterfront Residential (WR)**

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 lands. In addition, it is recommended that given the habitat protection recommendations of RiverStone Environmental Solutions that the development be placed under site specific zoning, to ensure that site alteration does not adversely affect significant habitat. Specifically, recommendations include that site alteration not occur within 30 metres from the shore allowance of the French river, that vegetation removal not occur between May 1 and July 31 unless a nest survey is completed and that vegetation removal and disturbance outside development areas on the lots be minimized.

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 and retained lot complies with these regulations.

The application, as proposed, complies 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:

Staff of the Municipality of French River had no objections or concerns.

The Ministry of Natural Resources and Forestry concurred with the final protective recommendations made by RiverStone Environmental Solutions with respect to the protection of significant habitat.

The Ministry of Transportation had no objections, but requested that the following notes be added:  
*"An MTO building/land use permit will be required for any proposed buildings, septic systems, wells etc. located within 45 m of the MTO right-of-way (ROW) limits or within a 180 metres radius of intersections. An MTO Entrance permit will be required prior to the construction of any new entrances or to reflect any changes in land ownership."*

Bell Canada had no concerns with the application.

The Sudbury District Health Unit: supportive of the consent application.

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

#### PUBLIC CONSULTATION

Notice of the consent application was sent to surrounding property owners on November 14<sup>th</sup>, 2016, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its 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 16-09FR, for lands owned by Kenneth and Deborah Owen, which proposes to changes the zoning of a portion of the subject lands described as Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, from 'Rural (RU)' 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





**FRI IMAGERY**

Consent and Zoning By-law Amendment Application  
 (Kenneth and Deborah Owen)  
 Part of Lot 10, Concession 6  
 in the Township of Mason  
 now in the Municipality of French River  
 Territorial District of Sudbury  
 Parcel 25265 S.E.S.  
 (Roll No. 5201-030-000-163-00)  
 (SEPB File No. B/26/16/FR and ZBA 16-09FR)

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

**Planning Board Date of Decision:** December 8<sup>th</sup>, 2016  
**Date of Notice of Decision:** \*\*\*\*\*  
**Last Date of Appeal:** \*\*\*\*\*

**Applicants(s):** Kenneth and Deborah Owen  
**Owner(s):** Same as above  
**Agent/Solicitor:** n/a  
**File Number:** B/26/16/FR & ZBA 16-09FR  
**Property Description:** Part of Lot 10, Concession 6  
in the Township of Mason  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 25265 Sudbury East Section  
(Roll No. 5201-030-000-163-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, ***SEPB File No. B/26/16/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 lot of approximately 14 hectares in area with approximately 91 metres of lot frontage, and the proposed retained lot to have 14 hectares in area with approximately 92 metres of lot frontage, as applied for on Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 25265 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. 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.

5. An amendment to Zoning By-law 2014-23 of the Municipality of French River for the severed lands and retained lands shall be approved, in order to recognize waterfront residential use and to address species at risk concerns, as per recommendations from the species at risk screening report. **(ZBA 16-09FR).**

**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, septic systems; wells etc. located within 45m of the MTO right-of-way (ROW) limits or within 180m radius of intersections, will be required.. Applications may be obtained from the Ministry's District Office at 447 McKeown Avenue, North Bay, Ontario.
6. The Ministry of Transportation advises that new entrance permits will be required for change of ownership. For permit information please contact Carla Riche, Corridor Management Planner at 705-497-5456.
7. 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](http://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.

## THE MUNICIPALITY OF FRENCH RIVER

### BY-LAW 2016-

---

Being a By-law to amend Zoning By-law 2014-23, as amended  
(Kenneth and Deborah Owen)

**WHEREAS** By-law 2014-23 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, 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 A-10 (Mason Township) of By-law 2014-23 of the Municipality of French River, as amended, is hereby further amended by changing the 'Rural (RU)' Zone to a 'Waterfront Residential (WR)' Zone and the addition of Special Provision 76 (S76), on Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, Parcel 25265 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2014-23 Municipality of French River is hereby amended by the addition of the following Special Provision:
  76. Notwithstanding any provisions to the contrary of Section 7.7 of By-law 2014-23, within the lands zoned Waterfront Residential (WR), described as Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury, Parcel 25265 Sudbury East Section, the following special provisions shall apply:
    - (i) Regulations:
      - Development and site alteration, including the removal of vegetation is restricted 30.0 metres from the shore allowance of the French River.
      - No removal of vegetation is permitted between May 1<sup>st</sup> and July 31<sup>st</sup>
      - Vegetation removal and disturbance outside of the development envelopes should be minimized.

All other provisions of By-law 2014-23 as applicable to the Waterfront Residential Zone (WR) 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 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

**READ A FIRST AND SECOND TIME this 14<sup>th</sup> day of December, 2016.**

\_\_\_\_\_  
**CHAIR / MAYOR**

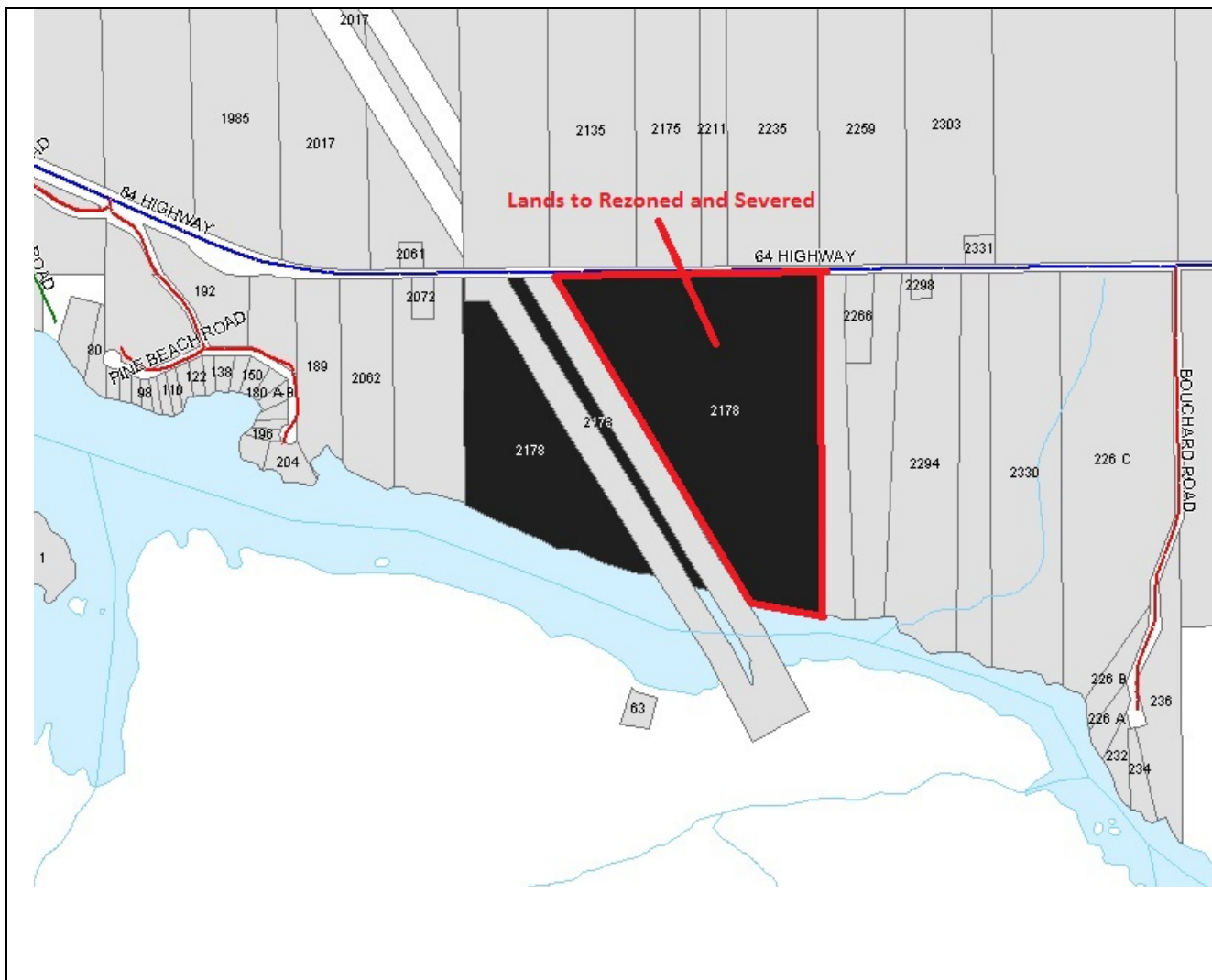
\_\_\_\_\_  
**SECRETARY-TREASURER / CLERK**

**READ A THIRD TIME AND FINALLY PASSED this 14<sup>th</sup> day of December, 2016.**

\_\_\_\_\_  
**CHAIR / MAYOR**

\_\_\_\_\_  
**SECRETARY-TREASURER / CLERK**

DRAFT



This is Schedule "A-1" to By-law 2016- of the Municipality of French River, passed this 14<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Lands zoned Waterfront Residential (WR), subject to Special Provision 76 (S76), on Part of Lot 10, Concession 6, in the Township of Mason, now in the Municipality of French River, Territorial District of Sudbury; Parcel 25265 Sudbury East Section.  
(Roll No. 5201-030-000-163-00)

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

---

Respecting an application by Blaine and Denise Leduc  
to rezone lands on Part of Lot 3, Concession 3  
in the Township of Bigwood  
now in the Municipality of French River  
Territorial District of Sudbury  
being Lot 4, Plan M-540  
Parcel 28819 Sudbury East Section  
(Roll No. 5201-040-00-253-00)  
(SEPB File No. ZBA 16-11FR)

---

**TAKE NOTICE THAT** the Council for the Municipality of French River will hold a Public Hearing on **December 14<sup>th</sup>, 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, 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 14<sup>th</sup> day of November, 2016.

Matthew Dumont  
Director of Planning

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

Re: Application No. ZBA 16-11FR  
(Blaine and Denise Leduc)  
Roll No. 5201-040-000-253-00

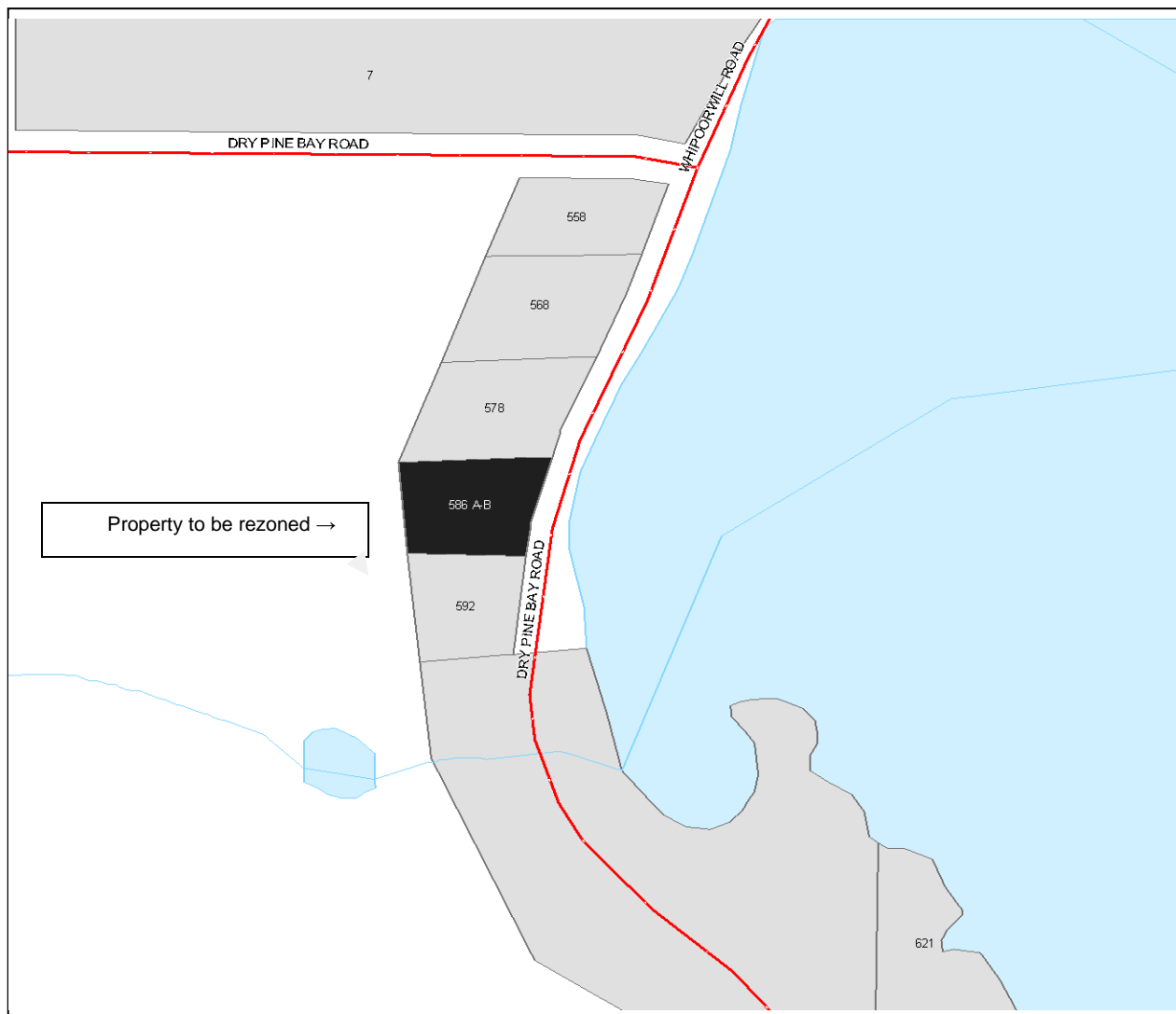
The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-23 of the Municipality of French River, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

An application has been received from Blaine and Denise Leduc, to rezone lands described as Part of Lot 3, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lot 4, Plan M-540 (Parcel 28819 Sudbury East Section).

The subject lands are presently zoned Waterfront Residential (WR) under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will rezone the property to Waterfront Residential (WR) with Temporary Use provision, in order to permit a garden suite on the subject property for a period of three (3) years.

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





#### **KEY MAP**

Zoning By-law Amendment Application  
 (Blaine & Denise Leduc)  
 Part of Lot 3, Concession 3  
 in the Township of Bigwood  
 now in the Municipality of French River  
 Territorial District of Sudbury  
 Being Lot 4, Plan M-540  
 Parcel 28819 S.E.S.  
 (Roll No. 5201-040-000-253-00)  
 (SEP File No. ZBA 16-11FR)



**Planning Report:** APPLICATION FOR ZONING BY-LAW AMENDMENT  
**Report to:** MUNICIPALITY OF FRENCH RIVER  
**Meeting Date:** December 14<sup>th</sup>, 2016  
**Report Date:** November 14<sup>th</sup>, 2016  
**Applicant/Owner(s):** Blaine & Denise Leduc  
**Agent/Solicitor:** Same as above  
**File Number:** ZBA 16-11FR  
**Property Description:** Part of Lot 3, Concession 3  
in the Township of Bigwood  
now in the Municipality of French River  
Territorial District of Sudbury  
being Lot 4, Plan M-540  
Parcel P288819 Sudbury East Section  
(Roll No. 5201-040-000-253-00)  
586 A-B Dry Pine Bay Road

#### **APPLICATION:**

An application has been received from Blaine and Denise Leduc to rezone lands described as Part of Lot 3, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lot 4, Plan M-540 (Parcel 28819 Sudbury East Section).

The subject property (586 A-B Dry Pine Bay Road) is presently zoned Waterfront Residential under Zoning By-law 2014-23 of the Municipality of French River. The proposed zoning by-law amendment will maintain the current zoning of the property, however, a temporary use provision will be added for the use of a garden suite that was constructed in 2005.

The previous zoning by-law amendment, approved in 2006, addressed the temporary use provision for a garden suite, which expired on October 18, 2016. As per the Planning Act regulations, section 39.1 (3), the proposed zoning by-law amendment, Waterfront Residential special, will permit the use of the garden suite for a period of three (3) years.

#### **SUBJECT LANDS:**

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 0.33 hectares	45 metres
Access:	Publicly maintained (Municipality of French River) year-round road (586 A-B Dry Pine 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	
Shore Road Allowance:	Not applicable	
Surrounding Uses:	The subject lands are surrounded by Waterfront Residential (WR) properties. Eighteen Mile Bay is located to the east of the subject property.	

## **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 interest, as expressed in the Provincial Policy Statement, is adversely affected by this application.

### **OFFICIAL PLAN**

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

A municipality may pass by-laws to permit the temporary use of land, buildings or structures for a specified period of time for any purpose that is otherwise prohibited by the Zoning By-law, in accordance with the provisions of the Planning Act (Section 4.2.6).

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

- a) the proposed use is in general 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 which 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.

### **ZONING BY-LAW 2014-23**

Current Zoning: Waterfront Residential (WR)

Proposed Zoning: Waterfront Residential (WR) with a Temporary Use Provision

The proposed amending Zoning By-law will establish provisions to permit the temporary use of a garden suite. It is proposed that the by-law will limit the time period to a maximum of three (3) years, thereby permitting the applicant's daughter to move into the said structure.

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).

#### 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 other comments or concerns were received as of the date this report was written

#### PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on November 14<sup>th</sup>, 2016, 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.

#### SUMMARY

Based on the aforementioned analysis and the proposal forwarded by the applicant, it is recommended that the subject application for the Zoning By-law Amendment be approved as a site-specific amendment to the Waterfront Residential Zone (WR), in order to permit a garden suite on subject lands for duration of three (3) years.

The proposal also maintains the intent and purpose of the Official Plan for the Sudbury East Planning Area.

In light of the foregoing, it is the opinion of this Office that the proposed application is consistent with the policies of the PPS and in keeping with the general intent and purpose of the Official Plan. As such, Planning Staff are satisfied.

#### RECOMMENDATION:

That the Municipality of French River approve application for Zone Change, File Number ZBA 16-11FR, for lands owned by Blaine and Denise Leduc, which proposes to change the zoning of lands described as Part 3, Concession 3, in the Township of Bigwood, in the Municipality of French River, and known municipally as 586 A-B Dry Pine Bay Road, from 'Waterfront Residential Zone (WR)' to the 'Waterfront Residential Zone with a Temporary Use Provision' to allow a garden suite on the subject property site for three (3) years.

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  
 (Blaine & Denise Leduc)  
 Part of Lot 3, Concession 3  
 in the Township of Bigwood  
 now in the Municipality of French River  
 Territorial District of Sudbury  
 Being Lot 4, Plan M-540  
 Parcel 28819 S.E.S.  
 (Roll No. 5201-040-000-253-00)  
 (SEP File No. ZBA 16-11FR)

## THE MUNICIPALITY OF FRENCH RIVER

### BY-LAW 2016-

---

Being a By-law to amend Zoning By-law 2014-23, as amended  
(Blaine and Denise Leduc)

**WHEREAS** By-law 2014-23 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. Schedule A-9 (Bigwood Township) of By-law 2014-23 Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 44 (S44) / changing the Waterfront Residential Zone (WR), on Part of Lot 3, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lot 4, Plan M-540, Parcel 28819 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2014-23 Municipality of French River is hereby amended by the addition of the following Special Provision:
  44. Notwithstanding any provisions to the contrary of Section 7.7.1 of By-law 2014-23, within the lands zoned Waterfront Residential (WR), described as Part of Lot 3, Concession 3, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Lot 4, Plan M-540, Parcel 28819 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 the date of the passing of this By-law.

All other provisions of By-law 2014-23 as applicable to the Waterfront Residential Zone (WR) 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 14th day of December, 2016.**

\_\_\_\_\_  
**CHAIR / MAYOR**

\_\_\_\_\_  
**SECRETARY-TREASURER / CLERK**

**READ A THIRD TIME AND FINALLY PASSED this 14th day of December, 2016.**

\_\_\_\_\_  
**CHAIR / MAYOR**

\_\_\_\_\_  
**SECRETARY-TREASURER / CLERK**

**DRAFT**



This is Schedule "A-1" to By-law 2016-\_\_\_ of the Sudbury East Planning Board Municipality of French River, passed this 14<sup>th</sup> day of December, 2016.

\_\_\_\_\_  
Chair / Mayor

\_\_\_\_\_  
Secretary-Treasurer / Clerk



Lands zoned Waterfront Residential (WR), subject to Special Provision 44 (S44), on Part of Lot 3, Concession 3, in the Township of Bigwood, now in the Municipality of French River, District of Sudbury; being Lot 4, Plan M-540, Parcel 28819 Sudbury East Section. (Roll No. 5201-040-000-253-00)