



Municipality of French River / Municipalité de la Rivière des Français

**AGENDA / ORDRE DU JOUR**  
**SPECIAL COUNCIL MEETING / RÉUNION SPÉCIALE DU CONSEIL**

Wednesday, April 19, 2017 at 5:30pm / mercredi le 19 avril 2017 à 17:30  
Council Chambers / Salle du conseil

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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 / Audiences publiques**
  - 4.1 **File No.:** 17-05FR - Andrew & Megan Rowaan  
**Request:** Rezone lands from Waterfront Residential (WR) to a Waterfront Commercial Tourist (WCT) Zone to permit the existing uses, regulate the location and use of all existing and proposed buildings and structures  
**Location:** 395 North Channel Camp Rd, Noëlville
5. **Adjournment / Ajournement**

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

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Respecting an application by Andrew and Megan Rowaan  
to rezone lands on Part of Lot 23, Concession 4  
in the Township of Scollard  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 10990 Sudbury East Section  
(Roll No. 5201-050-000-203-00)  
(SEPB File No. ZBA 17-05FR)

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**TAKE NOTICE THAT** the Council for the Municipality of French River will hold a Public Hearing on **April 19th, 2017 at 5:30 p.m. at the French River Municipal Office, 44 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 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 28<sup>th</sup> day of March, 2017.

Matthew Dumont  
Director of Planning

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

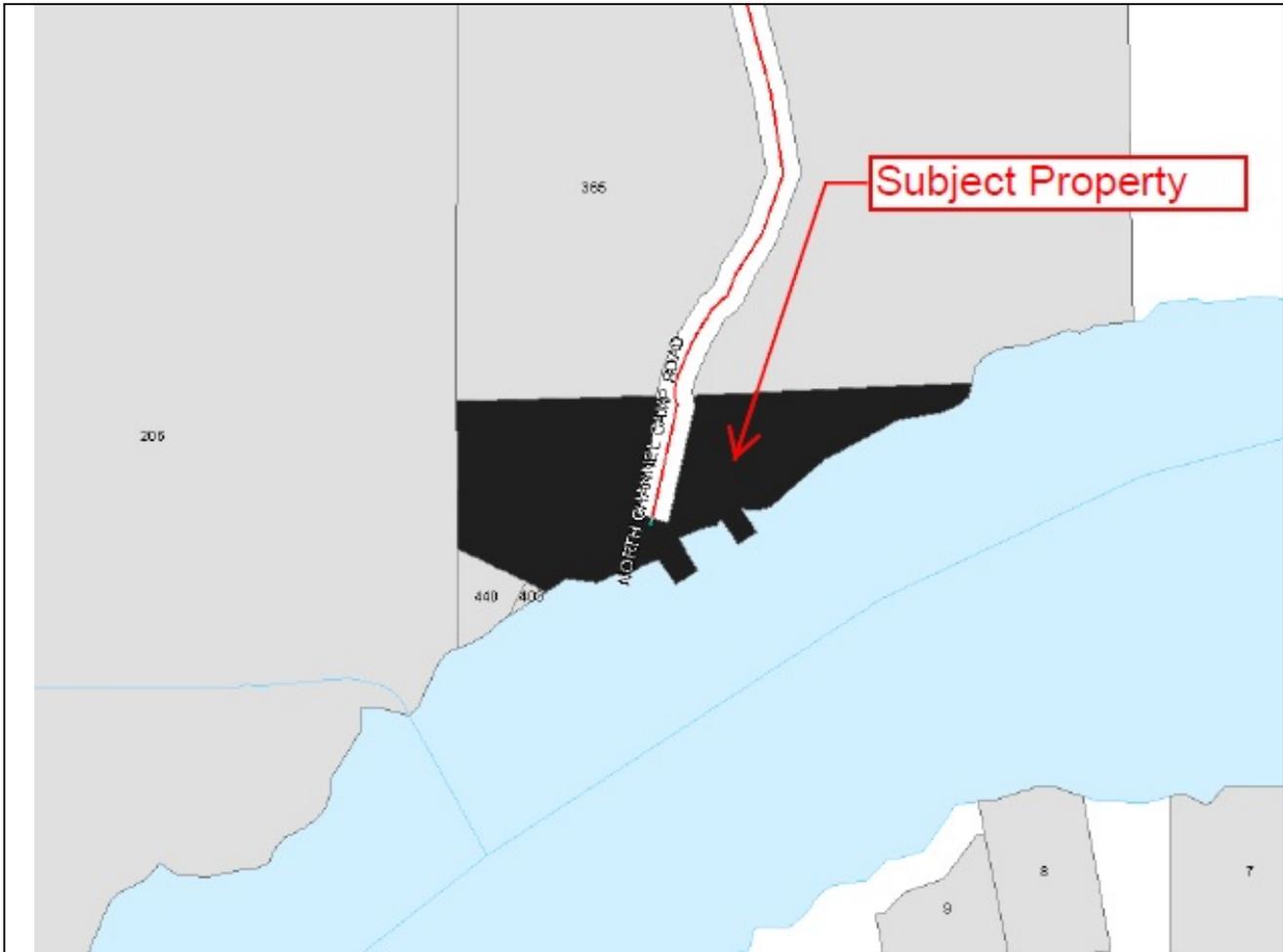
Re: Application No. ZBA 17-05FR  
(Andrew and Megan Rowaan)  
Roll No. 5201-050-000-203-00

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 Andrew and Megan Rowaan to rezone lands described as Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, (Parcel 10990 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 Commercial Tourist (WCT) with regulation(s) in order to permit the existing uses on Parcel 10990 S.E.S and to regulate the location and use of all existing and proposed buildings and structures shall be deemed to comply with the requirements of this 7.12.2, new cabins shall not be closer than 20.0 metres to the French River, and all existing buildings and structures may be upgraded, expanded, and renovated without an amendment to this By-law for the above note property.

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**

Zoning By-law Amendment Application  
(Andrew & Megan Rowaan)  
Part of Lot 23, Concession 4  
in the Township of Scollard  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 10990 S.E.S.  
(Roll No. 5201-050-000-203-00)  
(SEPB File No. ZBA 17-05FR)



**Planning Report:** APPLICATION FOR ZONING BY-LAW AMENDMENT  
**Report to:** MUNICIPALITY OF FRENCH RIVER  
**Meeting Date:** April 19<sup>th</sup>, 2017  
**Report Date:** March 28<sup>th</sup>, 2017

**Applicant(s):** Andrew and Megan Rowaan  
**Owner(s):** same as above  
**Agent/Solicitor:** n/a  
**File Number:** ZBA 17-05FR  
**Property Description:** Part of Lot 23, Concession 4  
in the Township of Scollard  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 10990 Sudbury East Section  
(Roll No. 5201-050-000-203-00)  
395 North Channel Camp Rd

**APPLICATION:**

The Proposed Amending By-law will zone the land from Waterfront Residential (WR) to Waterfront Commercial Tourist (WCT) under By-law 2014-23 Municipality of French River, as amended, with regulations(s) in order to permit the existing uses on Parcel 10990 S.E.S and to regulate the location and use of all existing and proposed buildings and structures shall be deemed to comply with the requirements of this 7.12.2, new cabins shall not be closer than 20.0 metres to the French River, and all existing buildings and structures may be upgraded, expanded, and renovated without an amendment to this By-law for the above noted property. The property is currently zoned Waterfront Residential (WR), which does not permit a tourist establishment nor a watercraft launching facility.

The subject property is proposed to be rezoned to 'Waterfront Commercial Tourist (WCT)' to recognize the owners' rights to continue to use a property for a use that was legally established as North Channel Cottages, a Tourist Establishment. The subject property is approximately 2.28 hectares (5.64 acres) in lot area with a lot frontage of approximately 281.0 metres, and contains eight (8) cottages built between the years of 1936 to 1960, as per MPAC comprehensive report.

Buildings and structures are considered to be legal non-complying if they were established legally prior to the passing of the zoning by-law but no longer comply with the new provisions of the Zoning By-law. With respect to North Channel Cottages, the regulations aforementioned will address the minimum distance from the optimal water level; 20 meters and to ensure that the development application meets the current Zoning By-law regulations.

Land uses are considered to be legal non-conforming uses if they were legally established prior to the passing of the Zoning By-law, but are no longer permitted by the current Zoning By-law. In this case, North Channel Cottages was established prior to the passing of the zoning by-law on May 26<sup>th</sup>, 2003, which was deemed to be a legal non-conforming use under the current Zoning By-law 2014-23 and zoned as Waterfront Residential (WR). The

applicants were aware of the legal non-conforming use; however, choose to rezone the lands to recognize such use and to have the lands legal conforming. The watercraft launching facility, an existing use at North Channel Cottages, will be added as a permitted use for the by-law because the waterfront commercial tourist zone does not include such a facility.

The existing lot coverage (percentage of the lot area covered by all buildings and structures) comprises of eight (8) cottages, as per MPAC comprehensive report, is significantly below the required maximum 25% prescribed in the Zoning By-law 2014-23. The lot coverage was approximately 2.12%.

### **SUBJECT LANDS:**

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Subject Property	2.28 hectares	281 metres (water frontage)
Access:	Private right-of-way from a publicly maintained (Municipality of French River) year-round road (North Channel Camp Road).		
Servicing:	Privately owned and operated individual septic system. Privately owned and operated Water supplied via lake.		
School Busing:	Not applicable.		
Garbage Collection:	Not available		
Fire Protection:	Available		
Shore Road Allowance:	Not applicable		
Surrounding Uses:	The subject lands are surrounded by residential uses. Rural lands abut to the north of the property. Waterfront Residential lands are located to the east of the property and to the south, the French River. Access to the property is from the north, leading from a private right-of-way to a publicly maintained year-round road.		

### **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.

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong competitive economy.

The proposed rezoning is consistent with the PPS for the following reasons:

- a) Under Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Section 1.1.1(a); Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over long term;
- b) Under Rural Lands in Municipalities, Section 1.1.5.3; recreational, tourism and other economic opportunities should be promoted

- c) Under Natural Heritage, Section 2.1.2, the diversity and connectivity of natural features in an area, and long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved.

#### 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:

Rural Policy Area is defined as undeveloped rural areas and existing development clusters on private services, possibly with a limited range of commercial, community facilities, and a wider range of employment uses permitted that are not appropriate in the other policy areas due to land availability and the potential land use compatibility conflicts. Municipal sewage and water services are not provided, nor are they planned, in these areas and therefore limited future growth will be commensurate with that level of service; (2.1.2(2c))

In addition to the uses permitted above, service and tourist commercial uses, publicly-owned open spaces, and limited residential development in the form of single detached dwellings may be permitted in areas designated "Rural" without requiring an amendment to this Plan, but may be subject to a rezoning, provided the proposed use meets the criteria established herein for Minimum Distance Separation formulae, separation distances from incompatible land uses, etc. (2.2.11.1 (4))

Notwithstanding the foregoing, within the lands designated "Rural," existing uses that may be zoned for waterfront residential or tourist commercial type uses are permitted to continue as such. (2.2.11.1(5))

Under 3.4 Physical Services, Section 3.4.2(6) Developments may only be permitted if there is confirmation of sufficient reserve sewage system capacity for hauled sewage in accordance with Ministry of Environment D-Series Guidelines. This would be addressed when an application is made for a certificate of Approval for a new system and/or expansion.

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

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

Current Zoning: Waterfront Residential (WR) Zone

Proposed Zoning: Waterfront Commercial Tourist (WCT) Zone

The minimum lot area and the minimum lot frontage for the Waterfront Commercial Tourist (WCT) Zone is 2.0 hectares and 150.0 metres respectively; the subject property complies with these regulations.

The proposed amending Zoning By-law will establish provisions to permit a watercraft launching facility and to regulate the location and use of all existing and proposed buildings and structures shall be deemed to comply with the requirements of this 7.12.2. The reason for the aforementioned request is to address the legal non-complying setbacks

below for the existing cottages.

Existing Cottages setback from the Optimal Water Level (OPL) (approximate distance as per sketch):

- A - 3.04m from OPL
- B - 5.4m from OPL
- C - 1.5m from OPL
- D – 10.6m from OPL
- E – 9.0m from OPL
- F – 2.73m from OPL
- G – 2.5m from OPL
- H – 3.10m from OPL

The existing uses exceed the current requirements for parking with a total of 35 parking spaces where 1.0 parking spaces per unit or guestroom (8 total), and 1.0 additional parking spaces for each 20.0 square metres of floor area devoted to public use (total floor area is 504sq.m/20m = 25 parking stalls, combine total 33 parking spaces).

#### AGENCY REVIEW

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

Bell Canada: no concerns relating to the zoning by-law amendment

#### PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on March 28<sup>th</sup>, 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.

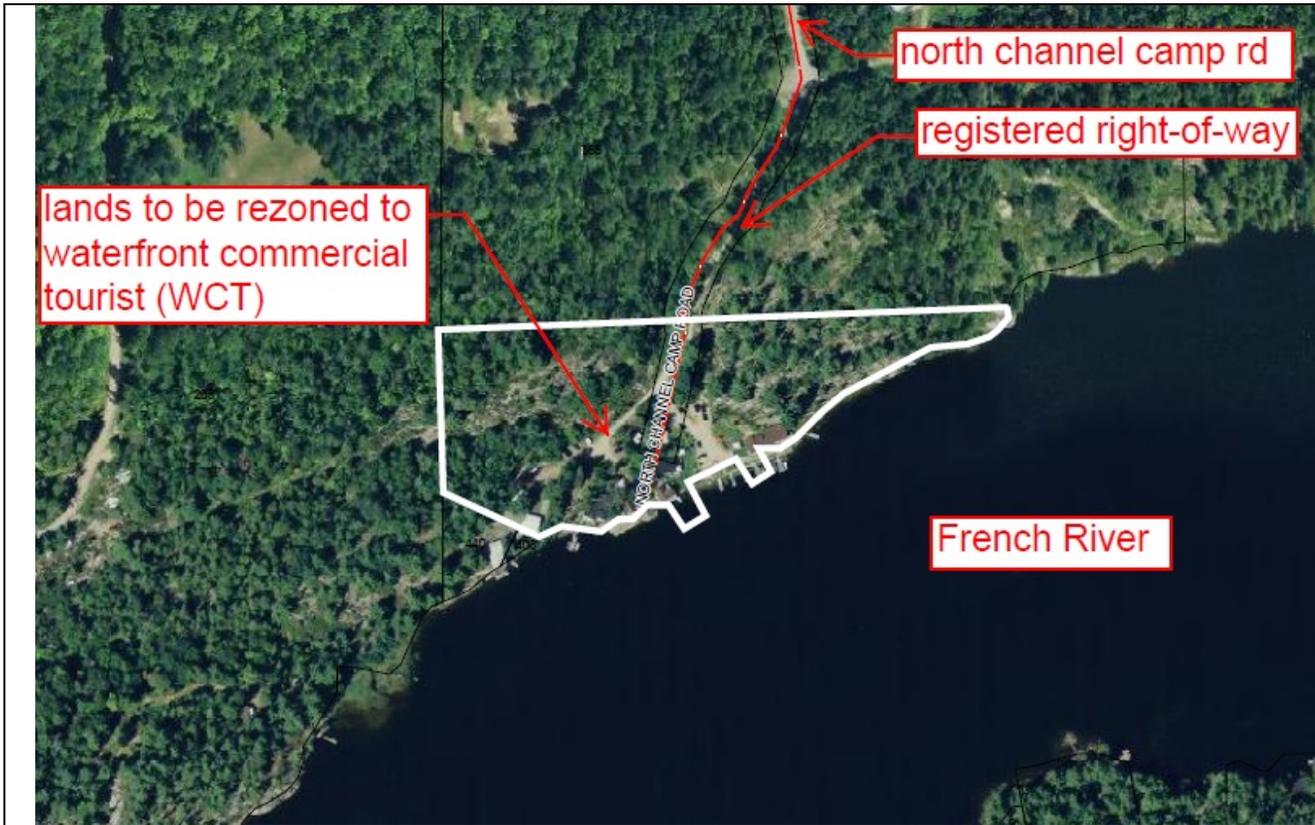
#### RECOMMENDATION:

That the Municipality of French River approve application for Zone Change, File Number ZBA 17-05FR, for lands owned by Andrew and Megan Rowaan, which proposes to change the zoning of lands described as Part of Lot 23, Concession 4, in the Township of Scollard, in the Municipality of French River, and known municipally as 395 North Channel Camp Road, from 'Waterfront Residential Zone (WR)' to the 'Waterfront Commercial Tourist Zone (WCT)' zone to permit the existing use on Parcel 10990 (North Channel Cottages, Noelville, Ontario) and to regulate the location and use of all existing and proposed buildings and structures shall be deemed to comply with the requirements of this 7.12.2, new cabins shall not be closer than 20.0 metres to the French River, and all existing buildings and structures may be upgraded, expanded, and renovated without an amendment to this By-law.

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



**FRI IMAGERY**

Zoning By-law Amendment Application  
(Andrew & Megan Rowaan)  
Part of Lot 23, Concession 4  
in the Township of Scollard  
now in the Municipality of French River  
Territorial District of Sudbury  
Parcel 10990 S.E.S.  
(Roll No. 5201-050-000-203-00)  
(SEPB File No. ZBA 17-05FR)

## THE MUNICIPALITY OF FRENCH RIVER

### BY-LAW 2017-\*\*

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Being a By-law to amend Zoning By-law 2014-23, as amended  
(Andrew and Megan Rowaan)

**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 Township of Scollard, 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) A11 (Scollard Township) of By-law 2014-23 of the Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 79 (S79) / changing the Waterfront Residential Zone (WR) to a Waterfront Commercial Tourist Zone (WCT), on Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, Parcel 10990 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section(s) 8 of By-law 2014-23 of the Municipality of French River is hereby amended by the addition of the following Special Provision:
  79. Notwithstanding any provisions to the contrary of Section(s) 7.12.1 and 7.12.2 of By-law 2014-23, within the lands zoned Waterfront Commercial Tourist (WCT), described as Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, Parcel 10990 Sudbury East Section, the following special provisions shall apply:
    - (i) Permitted Uses:
      - All uses permitted in the Waterfront Commercial Tourist (WCT) Zone
      - One (1) all season residences for the use of landowners, and/or management staff
      - Seven (7) 'dwelling, single-detached' and/or 'dwelling unit(s)' intended to be used in common by occupants
      - Watercraft launching facility

(ii) Regulations:

- The location and use of all existing and proposed buildings and structures on the subject lands, as per Schedule "A-1" attached hereto, shall be deemed to comply with the regulations of the Zoning By-law.
- All existing buildings and structures may be upgraded, expanded, and renovated without an amendment to this Zoning By-law
- New cabins shall not be closer than 20.0 meters to the French River
- The maximum cabin size of a new cabin shall not exceed 46.5 squared meters

All other provisions of By-law 2014-23 as applicable to the Waterfront Commercial Tourist Zone (WCT) 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 19<sup>th</sup> day of April, 2017.**

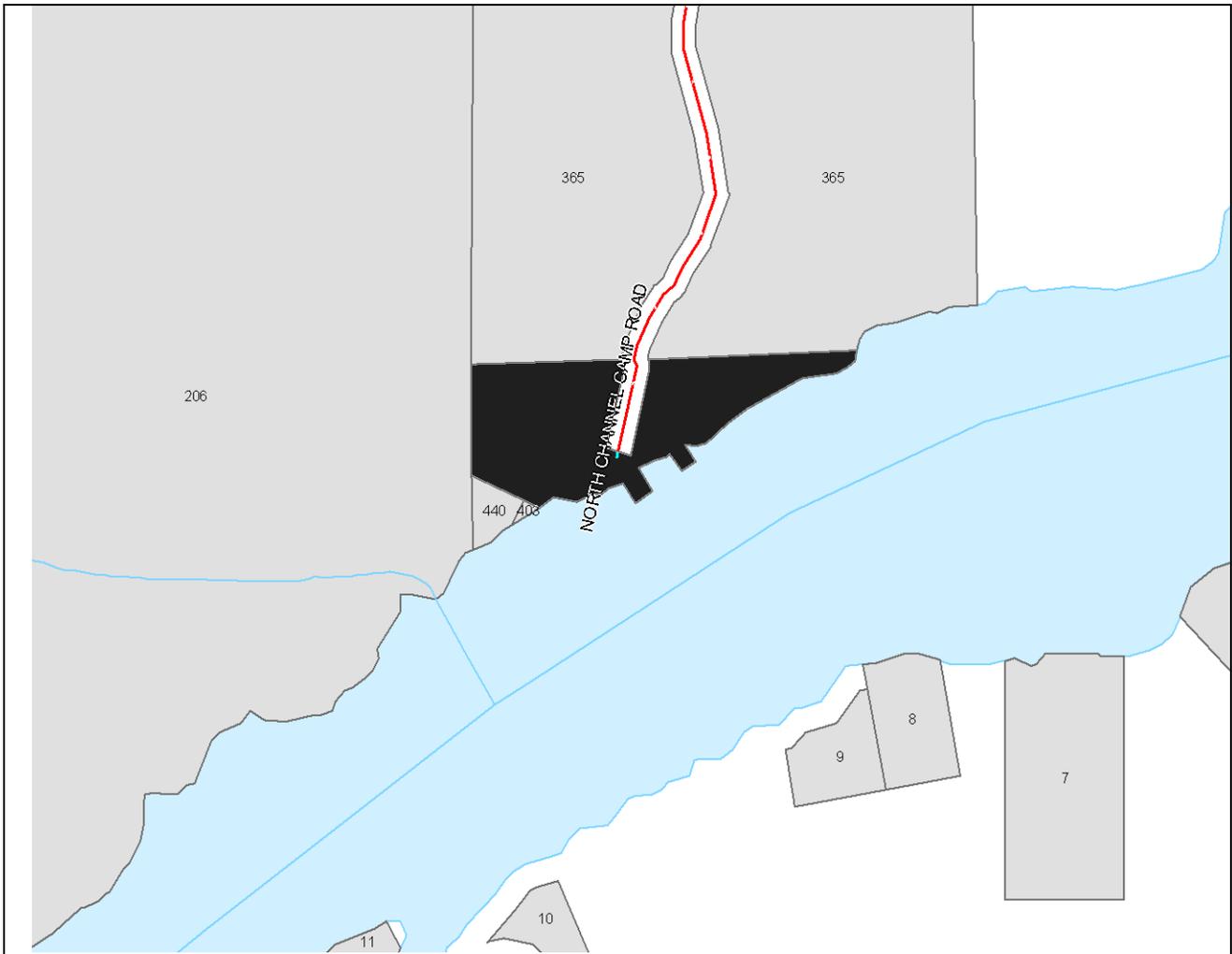
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CHAIR / MAYOR

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

**READ A THIRD TIME AND FINALLY PASSED this 19<sup>th</sup> day of April, 2017.**

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

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



This is Schedule "A-1" to By-law 2017-\*\* of the Municipality of French River, passed this 19<sup>th</sup> day of April, 2017.

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Chair / Mayor

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Secretary-Treasurer / Clerk



Lands zoned Waterfront Commercial Tourist (WCT), subject to Special Provision 79 (S79), on Part of Lot 23, Concession 4, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury; Parcel 10990 Sudbury East Section. (Roll No. 5201-050-000-203-00)