



AGENDA

SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
Wednesday, February 20, 2013 at 6:00pm

Re: To consider proposed amendments to
Zoning By-law 2003-23

1. Call to order, roll call and adoption of the agenda
2. Disclosure of Pecuniary Interest
3. Application File No. ZBA 11-18FR p. 2
(1381429 Ontario Inc. - Bouffard)
4. Application File No. ZBA 12-17FR p. 16
(1814746 Ontario Inc. - Lacombe)
5. Application File No. ZBA 12-19FR p. 31
(Municipality of French River)
6. Others
7. Adjournment

ORDRE DU JOUR

ASSEMBLÉE SPÉCIALE DU CONSEIL

qui aura lieu dans la salle du conseil
Complexe municipal Rivière des Français
Le mercredi 20 février 2013 à 18h00

Sujet: Pour considérer des
amendements proposé au règlement du
zonage 2003-23

1. Appel à l'ordre, présence et l'adoption de l'ordre du jour
2. Révélation d'intérêt pécuniaire
3. Application File No. ZBA 11-18FR
(1381429 Ontario Inc. - Bouffard)
4. Application File No. ZBA 12-17FR
(1814746 Ontario Inc. - Lacombe)
5. Application File No. ZBA 12-19FR
(Municipalité de la Rivière des Français)
6. Autres
7. Ajournement

**NOTICE OF PUBLIC HEARING
CONCERNING A PROPOSED
AMENDMENT TO
ZONING BY-LAW 2003-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by 1381429 Ontario Inc.
to rezone lands on Part of Lots 23 & 24, Concession 5
in the Township of Scollard
now in the Municipality of French River
Territorial District of Sudbury
Part of Parcels 3329 & 4088 Sudbury East Section
(Roll No. 5201-050-000-369)
(SEPB File No. ZBA 11-18FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **January 16th, 2013 at 6:00 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, P0H 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 18th, day of December, 2012.

Melissa Riou
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

Re: Application No. ZBA 11-18FR
(1381429 Ontario Inc.)
Roll No. 5201-050-000-369

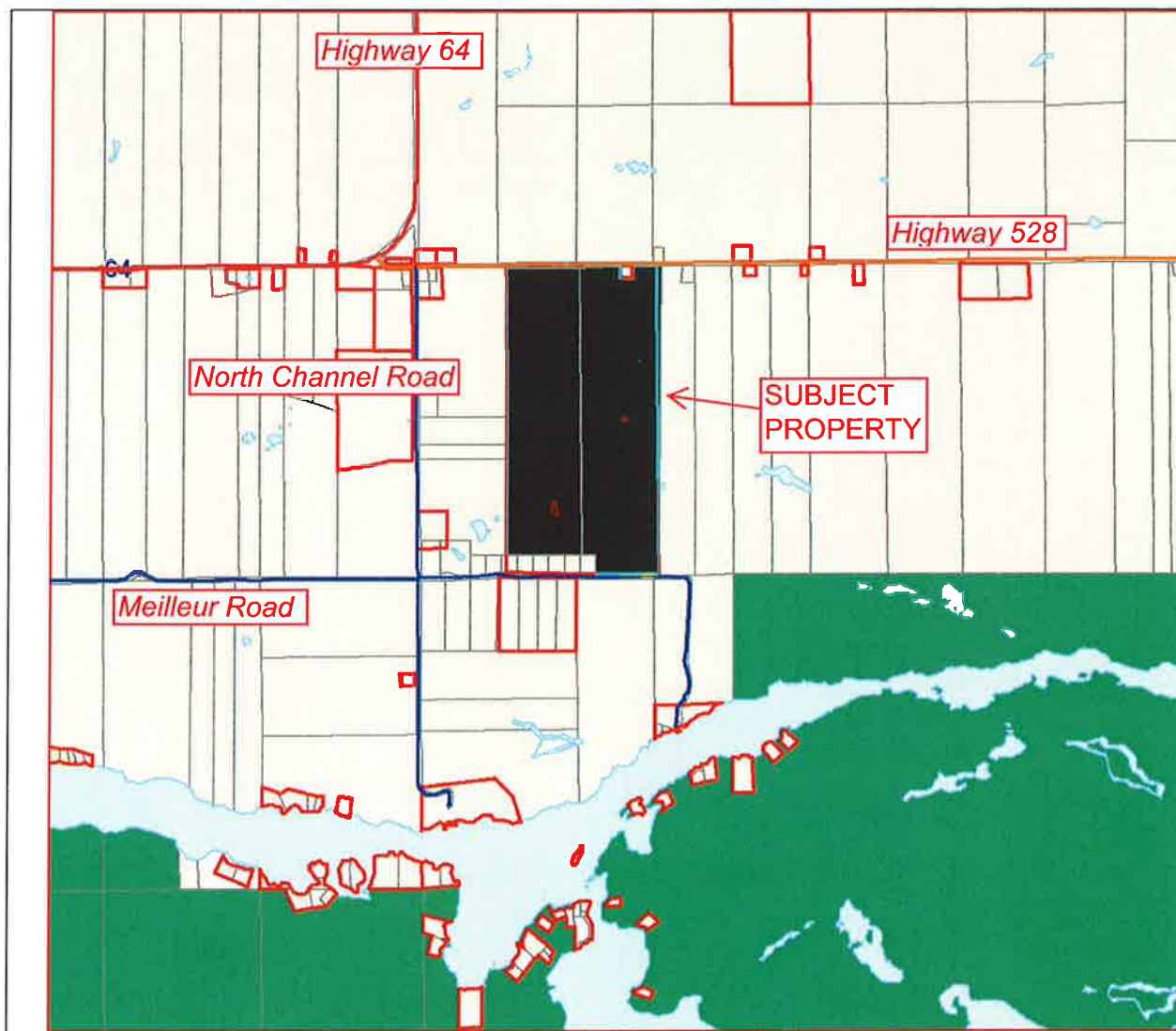
The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2003-23 of the Municipality of French River, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13.

An application has been received from 1381429 Ontario Inc., to rezone lands described as Part of Lots 23 & 24, Concession 5, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury, (Part of Parcels 3329 & 4088 Sudbury East Section). The applicant has received draft plan approval for a subdivision of five (5) single detached dwellings (rural residential lots) on approximately 4.0 hectares of land, however intends to reduce the subdivision to three (3) lots. The lots will be accessed via Provincial Highway 528. Three (3) dwellings are proposed on lots each with an area of 0.8 hectares and lot frontages of 70.0 metres (Lot 1), 84.2 metres (Lot 2), and 120 metres (Lot 3). The "other lands of the applicant" will remain as a golf course.

The subject lands are presently zoned Open Space (OS) under Zoning By-law 2003-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will: rezone the proposed rural residential lots (Lots 1-3) of the plan of subdivision from Open Space (OS) to Residential Rural (RR), in order to recognize the intended use of such lands. The "other lands of the applicant" (existing golf course) will remain as Open Space (OS).

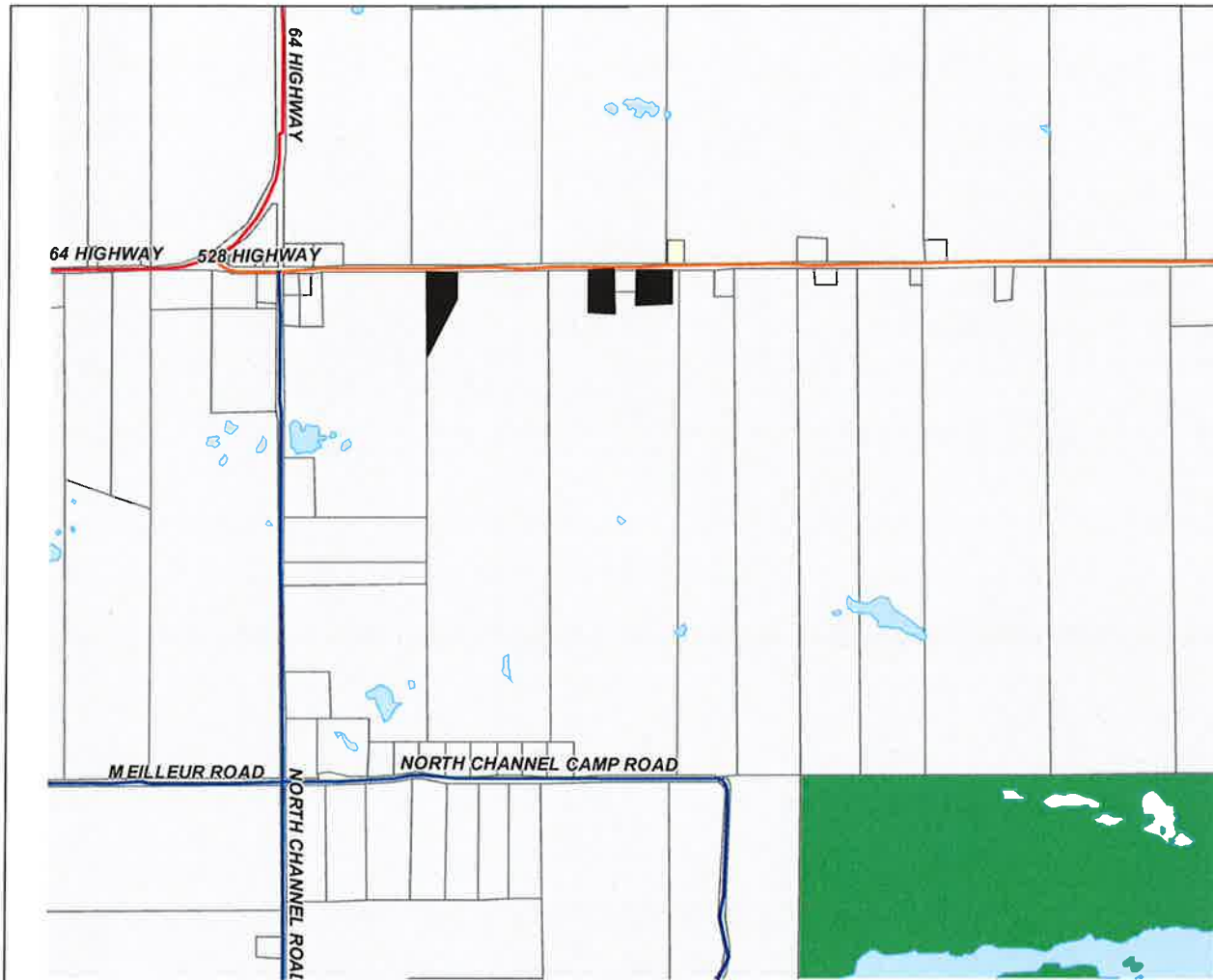
The subject property is located within the Rural designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).

The rezoning is being requested to fulfill a condition of draft plan approval for the draft plan of subdivision of the Sudbury East Planning Board (SEPB File No. 52T-09002) and is similar to an application for zoning by-law amendment ZBA 09-09FR which was appealed to the Ontario Municipal Board in 2009.



KEY MAP

Zoning By-law Amendment Application
 (1381429 Ontario Inc.)
 Part of Lots 23 & 24, Concession 5
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcels 3329 & 4088 S.E.S.
 (Roll No. 5201-050-000-369)
 (SEPB File No. ZBA 11-18FR)



This is Schedule "A-1" to By-law 2013- of the Municipality of French River,
passed this 23rd day of January, 2013.

Mayor

Clerk



Lands zoned Residential Rural (RR), on Part of Lots 23 & 24, Concession 5, in the Township of Scollard, now in the Municipality of French River, Territorial District of Sudbury; Part of Parcels 3329 & 4088 Sudbury East Section.
(Roll No. 5201-050-000-369)

**SUDBURY EAST PLANNING BOARD
ZONING BY-LAW AMENDMENT - PLANNING REPORT**

December 18, 2012

Applicant(s):	1381429 Ontario Inc.
Owner(s):	Same as above.
Agent/Solicitor:	none
File Number:	ZBA 11-18FR
Related Files:	ZBA 09-09FR; 52T-09002
Property Description:	Part of Lots 23 & 24, Concession 5 in the Township of Scollard now in the Municipality of French River Territorial District of Sudbury Part of Parcels 3329 & 4088 Sudbury East Section (Roll No. 5201-050-000-369)

1. PROPOSAL:

The subject site is consists of a golf course, known as the Maples on the south side of Highway 528, east of Highway 64, in the south-western area of the Municipality of French River. The applicant has applied to change the zoning of the subject lands from 'Open Space (OS)' to 'Residential Rural (RR)' to permit the lots to be developed for residential purposes. The owner has also proposed also minor modifications to an approved Draft Plan of Subdivision (52T-09002). The proposed red-line revisions to the approved Draft Plan of Subdivision would result in three (3) lots rather than the original five (5) lots. The owner has provided a drawing showing the "red lined" draft plan of subdivision and lots to be rezoned.

2. BACKGROUND:

The original draft plan of subdivision consisted of five (5) residential lots. It was approved by the Sudbury East Planning Board on July 9, 2009, subject to twelve (12) conditions.

An application for zoning by-law amendment was submitted concurrently with the Plan of Subdivision. Rezoning was also required as per condition No. 4 of the draft plan approval of the subdivision. On August 19th, 2009, Council for the Municipality of French River deferred the application for re-zoning and subsequently defeated at third reading of the By-law on April 21, 2010. On May 12, 2010 an Appeal of the decision of Council was received from Michael Bouffard. On October 7, 2010 an Ontario Municipal Board Hearing was held to consider the appeal. On November 9, 2010 the Ontario Municipal Board issued an order that the appeal be dismissed finding that, "...in this case the five lots represent a greater potential conflict with the existing farming operations and do not represent good planning due to the lack of sewage treatment capacity for septic tank pump outs and the lack of information on the theoretical impact of the five lots upon nearby existing agricultural operations."

The approval for the draft plan of subdivision remains in place and does not lapse until July 9th, 2012. Since the Board order, the applicant has re-submitted an application for zoning by-law amendment and red-line revisions of the draft plan approved plan of subdivision. The applicant has reduced the number of proposed lots from five (5) to three (3) in order to comply with Minimum Distance Separation (MDS) and the Municipality of French River has since completed studies which confirm sufficient reserve capacity for hauled sewage.

3. SUBJECT LANDS:

1)	Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
		Lot 1	0.8 hectares
		Lot 2	0.8 hectares
		Lot 3	0.8 hectares
2)	Access:	Publicly maintained (Ministry of Transportation – Hwy. 528).	
3)	Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
4)	School Busing:	Available.	
5)	Garbage Collection:	Not available.	
6)	Fire Protection:	Available.	

4. OFFICIAL PLAN POLICIES:

1) Official Plan Designation: Rural Policy Area, as identified in the Sudbury East Planning Area Official Plan for the Municipality of French River (adopted April 8th, 2002, approved by the Ministry of Municipal Affairs and Housing March 4th, 2003). The draft plan approval for the Subdivision was granted under the previous Official Plan as noted above and was assessed using the policies contained therein.

2) Comments: 2.1.2 (iii) – Rural Policy Areas are identified as undeveloped rural areas and settlement clusters on private services. Municipal sewage and water services are not provided in these areas and therefore future growth will be commensurate with that level of service.

2.1.6 – Rural Policy Areas are intended to protect the natural amenities of the Sudbury East Planning Area as well as to provide opportunities for agriculture and resource-based uses, such as forestry, mining and aggregate operations, as well as golf courses. Non-agricultural or non-resource-based uses will be closely scrutinized and directed to a Community Policy Area, Village Policy Area, or Waterfront Policy Area, unless the proponent can demonstrate the activity is appropriate in a Rural Policy Area.

2.2.10.1 – Single detached dwellings, golf courses, and service and tourist commercial uses 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.

3.1.2 – It is the intent of the Sudbury East Planning Board and its member municipalities to ensure that there is at least a 10-year supply of land designated and available to meet anticipated short term and long term housing demand. It is anticipated that the majority of future demand will be for single detached residential units of both a seasonal and permanent nature.

3.2 – The Sudbury East Planning Board and its member municipalities value a strong economy. The utilization of natural resources, agricultural lands, and mineral resources, as well as cottage development, tourism development, and the public traveling along Highways 17, 64, 69, 528, 535, 539, 607, and 637 when combined, represent the major components and opportunities for the local economy.

3.2.2 – The Sudbury East Planning Board and its member municipalities will foster a favourable climate for economic development by expediting planning approvals that conform with the policies of the Official Plan, continuing to support local economic development initiatives, and identifying areas for specific types of development that are key to the economic base of the Planning Area, which includes land for housing, tourist facilities, commercial and industrial development, as well as agriculture.

Minimum Distance Separation

The consent policies of the Official Plan require that both the severed and retained parcels comply with the Minimum Distance Separation Formulae, the requirement carries true to plans of subdivision.

In the case of this application, MDS is generally not applicable because the current zoning of the subject land (OS) already restricts adjacent farming operations because it is a Type B land use. Type B land uses are those typically characterized by uses that have a higher density of human occupancy, habitation or activity including areas zoned or designated residential and high intensity recreational uses such as golf courses. Type A land uses are typically lower in intensity such as industrial, agriculturally-related, recreational use or creation of up to three lots.

However, the Municipality of French River had requested that MDS calculations be completed to determine the potential impact of the proposed development. The Ontario Municipal Board concurred that this was a reasonable request.

MDS I Calculations are generally applied to all livestock facilities reasonably expected to be impacted by the proposed development, lot creation, rezoning or re-designation.

MDS II Calculations are generally applied to all development reasonably expected to be impacted by the proposed first or expanded livestock facility.

There are two adjacent livestock operations which could potentially be impacted by the proposed development: Farms located at 255 and 301 Highway 528 (beef cattle) and the farm located at 324 Highway 528 (horses).

The applicant has retained the services of Paul Goodridge of Paul Goodridge Planning Solutions to prepare MDS reports for each of the adjacent properties. Calculations and a key map provided to the Planning Board indicate that Lot 3, which is closest to the adjacent farm operations would meet the MDS setback. A letter in support of the MDS calculation has been appended to this report.

Servicing

3.4.2 – Where municipal sewage services are not available, the proponent shall demonstrate that the soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings and the installation of an appropriate disposal system. Where well water is proposed as the source for potable water, the proponent shall provide a report by a qualified professional indicating there is a reasonable expectation that suitable water will be available for the development based on an examination of the water quality and quantity in existing surrounding wells.

Terraprobe Limited was retained by the proponent to provide a preliminary evaluation of private servicing for the proposed subdivision. A hydrogeologic evaluation was undertaken to assess the feasibility of private water and sewage servicing (wells and tile fields) for the site. The evaluation consisted of the following:

- A review of available background information regarding local site geology and hydrogeology. This included reviewing published geologic mapping, and the results of previous studies which Terraprobe Limited had conducted in the area.
- A review of the Ministry of the Environment well records for wells in the adjacent area, to assess the depth and nature of the local aquifer (water supply) zones.
- Conducting a test pit excavation to assess the suitability of the soils for the design of a septic tank and tile field systems in the area.
- A detailed site reconnaissance was conducted to confirm local site topography, geology (such as presence of bedrock outcrop), drainage, and the like.

The following conclusions have been provided:

- The site will be developed with relatively large lots approximately 0.8 hectares in area.
- The soil conditions encountered at the site are not suitable for the construction of conventional in-ground tile field systems for on-site septic sewage disposal to service the proposed residential dwellings. Fully-raised sand beds will be required to service the lots or the use of other treatment systems.
- Ground water supply will be available from the underlying bedrock aquifer to service the proposed residential dwellings with individual wells.
- The sewage disposal system from the proposed development will not create unacceptable nitrate impact on local ground water quality because of the large average lot size of 0.8 hectares. The MOE

guideline indicates that the lots will be sufficiently large enough to infiltrate sufficient water to dilute nitrate concentrations to acceptable limits.

These provisions (fully-raised sand beds and individual drilled wells) have been incorporated as conditions to draft approval.

During consideration of the previous application for zoning by-law amendment (ZBA 09-09FR), there was concern that the Sewage Lagoons were at capacity and no additional waste could be accepted. On March 21, 2012 the Municipality of French River passed a resolution to approve the Draft Septage Plan and addendum dated August 2011 which confirms sufficient reserve capacity for the establishment of new lots within the municipality.

Plan of Subdivision

4.3.1 – A plan of subdivision is required generally when more than 3 lots are being created, or when a new municipal road will be created, or when municipal water and/or sewer services will be provided. In considering a draft plan of subdivision, regard shall be had, amongst other matters, to the health, safety, and welfare of the present and future inhabitants of the Planning Area and to:

- a) the Planning Act, other provincial legislation, policies, and guidelines;
- b) whether the proposed subdivision is premature or in the public interest, as determined by the Planning Board;
- c) the suitability of the land for the purposes for which it is to be used considering the land use and environmental policies of the Official Plan;
- d) the dimension and shapes of the proposed lots;
- e) the restrictions or proposed restrictions, if any, on the land to be subdivided or the buildings and structures proposed to be built on it and the restrictions, if any, on adjoining land;
- f) the proposal's feasibility with regard to the other provisions of the Official Plan, provincial legislation, policies, and appropriate guidelines and support studies for uses within or adjacent to any development constraint;
- g) the area of land that is to be conveyed or dedicated for public purposes; and
- h) the financial impact on the applicable municipality.

As Section 4.5.1 of the Official Plan permits the creation by consent of up to a maximum of five (5) lots, and the fact that five (5) lots were previously created on Parcel 3329 S.E.S. and four (4) were previously created on Parcel 4088 S.E.S., the applicant was advised to proceed with a plan of subdivision to create more lots on the said parcels. The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

5. ZONING BY-LAW (BY-LAW 2003-23):

- 1) Current Zoning: Open Space (OS)
- 2) Proposed Zoning: Residential Rural (RR) – subdivision lots only
- 3) Comments: The proposed implementing zoning by-law will recognize the intended use of a portion of the subject lands (rural residential plan of subdivision); the other lands owned by the applicant where the golf course is located will remain as Open Space (OS).

The Residential Rural (RR) Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60.0 metres. Each of the proposed lots (1-3) have a lot area of 0.8 hectares and frontages of 70.0 metres, 84.2 metres and 120.0 metres respectively.

The proposed lots in the plan of subdivision comply with the minimum lot area and the minimum lot frontage requirements of the Zoning By-law for the Municipality of French River.

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:

Staff of the Municipality of French River had no comments or concerns with the application.

The Ministry of Transportation advises they have no objection, but the applicant must be made aware of the following:

- *"The Ministry of Transportation of Ontario (MTO) advised that entrance permits will be required prior to the construction of entrances along Highway 528.*
- *MTO buildings/land use permits will be required for any proposed buildings, structures, wells, septic systems etc. located within 46m of the limits of the MTO right-of-way (ROW) or within 183 metres of intersections. New buildings, structures, septic systems etc. must be setback a minimum of 8 metres from the limits of the MTO ROW. New wells must be setback a minimum of 30 metres from the limits of the MTO ROW."*

No other comments or concerns were raised through agency circulation.

7. PROVINCIAL POLICY STATEMENT:

- 1) Comments: In respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act (Policy Statements) requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

1.1.1 – Healthy, liveable and safe communities are sustained by: promoting efficient

development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate range and mix of residential, employment, recreational, and open space uses to meet long-term needs; and avoiding development and land use patterns which may cause environmental or public health and safety concerns.

1.1.2 – Sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet projected needs for a time horizon of up to 20 years.

1.1.4 – In rural areas permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development, and other rural land uses. Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Recreational, tourism, and other economic opportunities should be promoted.

1.6.4.4 – Individual on-site sewage services and individual on-site water services may be used to service more than 5 lots or private residences in rural areas provided these services are solely for those uses permitted by Policy 1.1.4 and site conditions are suitable for the long-term provision of such services.

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

8. MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

- 1) **Comments:** Section 51(45) of the Act requires that, if the approval authority changes the conditions to the approval of a plan of subdivision under subsection (37), the approval authority shall provide written notice of the changes. An approval authority is not required to give written notice under subsection (45), if, in the opinion of the approval authority, the change to conditions is minor.

In this case, the conditions to be amended will result in a reduction in the number of lots requested as well as strengthening the wording of the warning clause re agriculture. Because agencies and neighbouring property owners will still have a public process through which to comment on the related zoning by-law amendment application (ZBA 11-18FR), it was determined that no public meeting was required for the changes to the conditions of draft plan approval.

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.

9. CIRCULATION

The Notice of Application was sent on December 18, 2012, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 197/96) thereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MR R', is positioned above the printed name.

Melissa Riou, MCIP, RPP
Director of Planning

:mr

Melissa Riou

Subject: FW: Mike Bouffard, MDS

From: pgpaulgoody@aol.com [<mailto:pgpaulgoody@aol.com>]

Sent: December-14-12 7:11 AM

To: planner@sepb.org

Cc: mikeb@iamwireless.net

Subject: Re: Mike Bouffard, MDS

Good morning Melissa,

This email will serve as confirmation that I have calculated the Minimum Distance Separation for Mr. Bouffard's proposed subdivision using the software provided by the Ministry of Agriculture and Food. Based upon the subdivision being revised to only three lots and based upon our estimated sizes and housing capacity of the neighbouring barns, the MDS formulae for a Type A land use yielded a calculated distance of 151 metres. We were denied access to conduct on-site measurements at the neighbouring farms but I have attempted to estimate on what I believe to be the high side to allow for possible discrepancy and also to allow future growth of the neighbouring farm properties without impact on the proposed subdivision.

In my professional opinion, the requirements of your local zoning by-law with respect to satisfying the MDS criteria have been met for this development proposal.

Best wishes of the season,

Paul Goodridge
Ontario Land Surveyor
Land Use Planner

----- Original Message -----

From: Melissa Riou <planner@sepb.org>

To: pgpaulgoody <pgpaulgoody@aol.com>

Cc: 'Mike Bouffard' <mikeb@iamwireless.net>

Sent: Wed, Dec 12, 2012 10:09 am

Subject: RE: Mike Bouffard, MDS

Thanks Paul.

Melissa Riou MCIP, RPP
Director of Planning
Sudbury East Planning Board
Tel. (705) 967-2174
Fax (705) 967-2177



AERIAL PHOTOGRAPHY

Zoning By-law Amendment Application
 (1381429 Ontario Inc.)
 Part of Lots 23 & 24, Concession 5
 in the Township of Scollard
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcels 3329 & 4088 S.E.S.
 (Roll No. 5201-050-000-369)
 (SEPB File No. ZBA 11-18FR)

**NOTICE OF RESCHEDULED PUBLIC HEARING
CONCERNING A PROPOSED
AMENDMENT TO
ZONING BY-LAW 2003-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by 1814746 Ontario Ltd
to rezone lands on Part of Lot 8, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan SR-90
Parcel 33750 Sudbury East Section
(Roll No. 5201-030-000-755-00)
(SEPB File No. ZBA 12-17FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **February 20, 2013 at 6:00 p.m. at the French River Municipal Office, 44 St. Christophe Street, Noelville, Ontario.**

The application was originally considered by Council at its meeting of January 16' 2013, but was deferred for further consideration.

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, P0H 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 1st day of February, 2013.

Melissa Riou
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

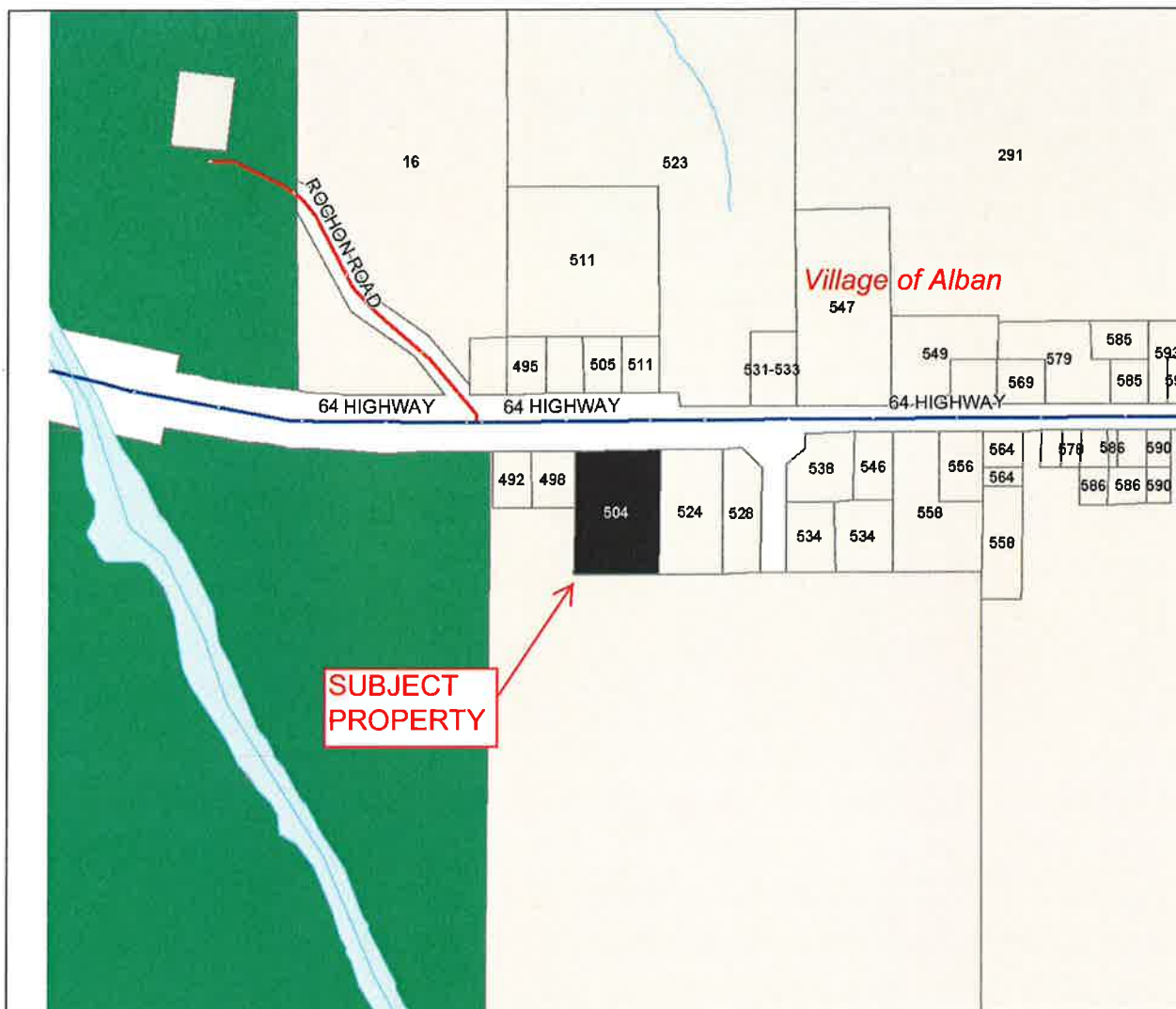
Re: Application No. ZBA 12-17FR
(1814746 Ontario Ltd)
Roll No. 5201-030-000-755-00

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2003-23 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 1814746 Ontario Ltd, to rezone lands described as Part of Lot 8, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 3, Plan SR-90 (Parcel 33750 Sudbury East Section).

The subject lands are presently zoned Industrial General (MG) under Zoning By-law 2003-23 of the Municipality of French River. The Proposed Zoning By-law Amendment proposes to amend the current zoning of the property to permit the additional uses of a motor vehicle sales area and in impound yard as well as recognize the existing two-unit dwelling.

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



KEY MAP

Zoning By-law Amendment Application
 (1814746 Ontario Ltd)
 Part of Lot 8, Concession 6
 in the Township of Bigwood
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 3, Plan SR-90
 Parcel 33750 S.E.S.
 (Roll No. 5201-030-000-755-00)
 (SEPB File No. ZBA 12-17FR)

**SUDBURY EAST PLANNING BOARD
ZONING BY-LAW AMENDMENT - PLANNING REPORT**

February 1, 2013

Applicant(s): 1814746 Ontario Ltd
Owner(s): same as above
Agent/Solicitor: none
File Number: ZBA 12-17FR
Related Files: Not applicable.
Property Description: Part of Lot 8, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 3, Plan SR-90
Parcel 33750 Sudbury East Section
(Roll No. 5201-030-000-755-00)

1. BACKGROUND/ORIGIN:

An application has been received from 1814746 Ontario Ltd, to rezone lands described as Part of Lot 8, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 3, Plan SR-90 (Parcel 33750 Sudbury East Section).

The Proposed Amending By-law will amend the current Industrial General (MG) zone to add Special Provisions (S68) which will allow the additional uses of a motor vehicle sales area and an impound yard as well as recognize the existing two-unit dwelling.

This application was first considered by the Council for the Municipality of French River at a Public Hearing on January 16, 2013. The notice of Public Hearing was sent on December 19, 2012, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.Reg 545/06) thereto. The application was deferred in order to allow Council to ask additional questions of the planner and the applicant.

2. SUBJECT LANDS:

1)	Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
		Lot 0.69 hectares	68.5 metres
2)	Access:	Publicly maintained (Ministry of Transportation) year-round road (504 Highway 64).	
3)	Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
4)	School Busing:	Not applicable.	
5)	Garbage Collection:	Not available.	
6)	Fire Protection:	Available.	

3. OFFICIAL PLAN POLICIES:

- 1) Official Plan Designation: Village Policy Area (Village of Alban), 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) and further

designated 'Mixed-Use' on Schedule C: Land Use for the French River Planning Area.

2) Comments:

Section 2.1.4, **Village Policy Area**, states that such areas are intended to serve the surrounding Rural Policy Areas as well as provide an alternative to the higher density urban character found in the Community Policy Area (which are fully serviced).

The subject property is designated **Mixed-Use** (Section 2.2.5), such lands are intended to be the primary focus for a wide variety of commercial, residential, institutional, and light employment uses in the Sudbury East Planning Area. Commercial and retail establishments which are destination oriented or are intended to serve the travelling public will be permitted, including automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, restaurants, animal hospitals, commercial recreational uses, private clubs, funeral homes, day care centres, food stores, drug stores, personal service shops, hardware, and automotive and highway commercial uses. For any of the uses noted above, the Planning Board can require a planning rationale report, a retail market impact study, a traffic impact study or a servicing and stormwater management plan. Light employment uses, exclusive of industrial-related uses such as manufacturing, warehousing, processing, assembly, trucking and storage uses or any uses that require outdoor storage and an unreasonable amount of deliveries are permitted.

Section 3.2 of the Official Plan contains policies supportive of **economic development**. The Sudbury East Planning Board will foster a favourable climate for economic development by: expediting planning approvals that conform with the policies of this Plan; continuing to support local economic development initiatives; pursuing opportunities to partner with private sector investors to create year-round jobs in the Planning Area; pursuing opportunities to partner with private sector investors to create year-round jobs in the Planning Area; pursuing and maintaining adequate municipal infrastructure and services; and identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area.

The proposed additional uses consisting of a motor vehicle sales area and an impound yard are consistent with the commercial uses as listed above and in Section 2.2.5 of the Official Plan as both can be considered automotive and highway commercial related.

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

4. ZONING BY-LAW (BY-LAW 2003-23):

- 1) Current Zoning: Industrial General (MG)
- 2) Proposed Zoning: Industrial General (MG) with Special Provisions
- 3) Comments: The proposed amending Zoning By-law will establish provisions to permit the additional uses of a motor vehicle sales area, an Impound Yard as well as recognize the existing two unit dwelling. Under the present 'Industrial General (MG)' zone, permitted uses are as follows: a building supplies outlet, a business or professional office, a bulk storage tank, a contractor's establishment, a craftsman shop, a dwelling unit, a dry industry, a garden centre and nursery, a parking lot, a transportation depot, a warehouse.

The Industrial General (MG) Zone requires a minimum lot area of 2.0 hectares and a minimum lot frontage of 60.0 metres. The subject property has a lot area of 0.69 hectares and a lot frontage of 68.5 metres; the lot area is below the requirements of the MG Zone. The lot area would be considered legal non-complying. Additionally, typically when establishing a new industrial use a minimum 45 metres setback from a residential lot will be required. In this case, the subject property is adjacent to a commercial property to the east and a residential property to the west, while the property to the rear is zoned rural. The rear yard where the impound yard is proposed is adjacent to lands zoned rural.

Section 7.12.3 also places a restriction that any dwelling unit shall form an integral part of the principal industrial building and shall be located above or to the rear of such industrial use. In this case, the dwelling was constructed in 1950 and later converted to a two unit dwelling in approximately. The Chief Building Official concurs that this can be considered a legal con-conforming use.

Historically, the subject property has been used as a motor vehicle sales area, though not specified as a permitted use under the MG Zone classification. The proposed use of a motor vehicle sales area is considered a commercial use and would be consistent with the designation of the property. Though not specifically permitted under the current zoning, the proposed impound yard can be considered in keeping with the permitted uses under the MG Zoning of a parking lot and a transportation depot.

5. AGENCY CIRCULATION:

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

The Chief Administrative Officer for the Municipality of French River commented on the potential use of site plan control and a letter of credit to ensure all necessary work such as catch basins, grease and oil separators for storm water control, landscaping, wooden fence and paved parking be completed.

The Ministry of Transportation advised that the applicant must be made aware of the following:

- “The Ministry of Transportation of Ontario (MTO) advises that an entrance permit will be required to reflect the proposed change of use of the entrance.
- MTO building/land use permits will be required for any proposed building, structure, fencing, parking lot, paving of existing parking lot, well septic system etc. located within 46m of the limits of the MTO right-of-way (ROW) or within 183 metres of intersections. New buildings, structures, septic systems etc. must be setback a minimum of 14 metres from the limits of the MTO ROW. New wells must be setback a minimum of 30 metres from the limits of the MTO ROW. Fencing must be setback a minimum of 0.3 metres from the MTO ROW. Parking lots must be setback a minimum of 3 metres from the MTO ROW. Display vehicles must be setback a minimum of 3 metres from the limits of the MTO ROW.
- MTO Sign permit will be required for any signage visible from the highway.”

No other comments of concerns were raised through agency circulation.

5. PROVINCIAL POLICY STATEMENT:

- 1) Comments: The Provincial Policy Statement (2005) 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.

The PPS directs that settlement areas be the focus of growth and their vitality and regeneration be promoted (Section 1.1.3.1). Further, Planning Authorities are directed to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites; planning for, protecting and preserving employment areas for current and future uses; and ensuring the necessary infrastructure is provided to support current and projected needs.

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

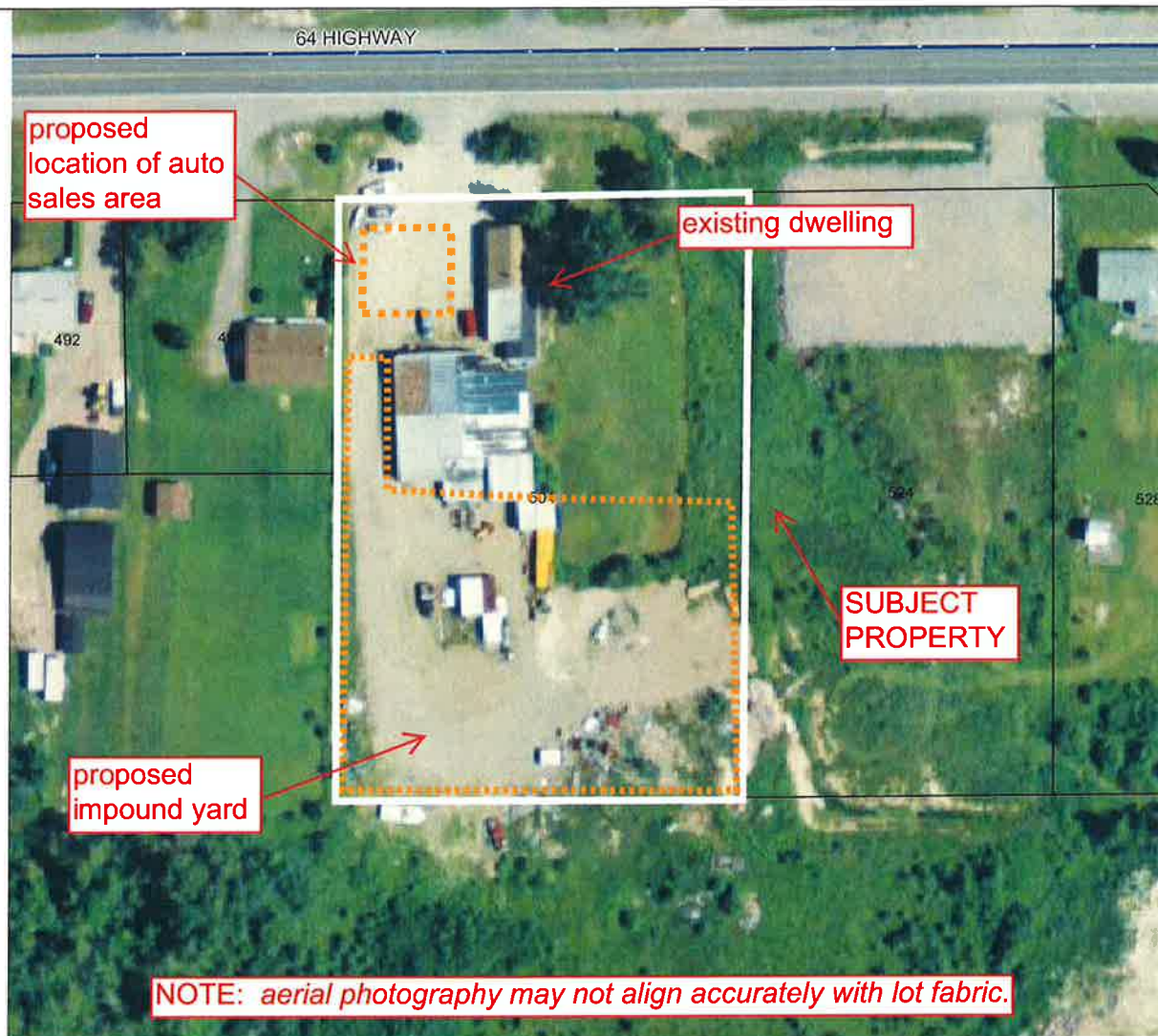
6. CIRCULATION/NOTICE OF PUBLIC HEARING

The Notice of Public Hearing was sent on February 1, 2013, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 545/06) thereto.

Respectfully submitted,



Melissa Riou, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY
 Zoning By-law Amendment Application
 (1814746 Ontario Ltd)
 Part of Lot 8, Concession 6
 in the Township of Bigwood
 now in the Municipality of French River
 Territorial District of Sudbury
 being Part 3, Plan SR-90
 Parcel 33750 S.E.S.
 (Roll No. 5201-030-000-755-00)
 (SEPB File No. ZBA 12-17FR)

**THE SUDBURY EAST PLANNING BOARD
THE MUNICIPALITY OF FRENCH RIVER**

BY-LAW 2013-

Being a By-law to amend Zoning By-law 2003-23, as amended
(1814746 Ontario Ltd)

WHEREAS By-law 2003-23 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 9 (Bigwood Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 68 (S68), on Part of Lot 8, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 3, Plan SR-90, Parcel 33750 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2003-23 of the Municipality of French River is hereby amended by the addition of the following Special Provision:
 68. Notwithstanding any provisions to the contrary of Section(s) 7.12 of By-law 2003-23, within the lands zoned Industrial General (MG), described as Part of Lot 8, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 3, Plan SR-90, Parcel 33750 Sudbury East Section, the following special provisions shall apply:
 - (i) Permitted Uses:
 - a motor vehicle sales area
 - a building supplies outlet
 - a business or professional office
 - a contractor's establishment
 - a craftsman shop
 - a dwelling unit
 - a garden centre and nursery
 - a parking lot
 - a warehouse

- the existing two-unit dwelling
- an impound yard (defined as, an area used exclusively for the storage of motor vehicles impounded pursuant to order of a public law enforcement agency or insurance organization licensed to conduct business in the Province, and stored solely for the purpose of law enforcement investigation, insurance investigation, title clearance and transfer and/or litigation. This definition does not include the dismantling or disassembly of vehicles except pursuant to litigation, the sale of vehicle parts nor the storage of non-impounded vehicles or their parts.

3. Zone Requirements:

- A visual barrier, acting as a screen between uses, shall be constructed along the side lot lines and the rear lot line, being not less than 1.5 metres high
- the visual barrier shall consist of a fence or a continuous unpierced planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth

Motor Vehicle Sales Area

- a maximum of 10 cars may be available for purchase from the lot at any given time

Impound Yard

- the portion of the lot used as an impound yard shall be fenced and buffered with a planting strip as per Section 6.34 of the Zoning By-law.
- no vehicle shall be impounded for more than 90 days
- no disassembly or salvaging of vehicles shall be permitted on site
- a maximum of 25 vehicles may be impounded at any given time

All other provisions of By-law 2003-23 as applicable to the Industrial General Zone (MG) shall apply.

4. Schedule "A-1" is hereby declared to form part of this By-law.

5. 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 20th day of February, 2013.

MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 20th day of February, 2013.

MAYOR

CLERK

ATTACHMENT "A"

To: Council for the Municipality of French River

From: Melissa Riou
Director of Planning

Date: January 31, 2013

RE: Site Plan Control

1. Background:

Site plan control is a form of development control provided to municipalities by Ontario's Planning Act. No one can undertake any development which is subject to site plan control unless the approval authority (Sudbury East Planning Board or Municipality) has reviewed and approved certain plans. Once the plans are approved, a site plan agreement is generally executed. This agreement contractually binds the owner to develop and maintain a site in accordance with the approved plans and the terms of the agreement. Building permits are generally not issued until site plan control requirements are addressed. Once the agreement has been reviewed, comments received and any necessary revisions made, the Agreement is sent to the applicant to be signed and returned with the applicable fee so that the property can be registered on title. Registration of the agreement is required before final approval of a Planning Act application and prior to the issuance of a building permit.

The Site Plan Control Agreement will contain conditions to be registered on title such as storm water management plan, grading, erosion and sedimentation control, landscape, water hydrant flow analysis and posting of a letter of credit.

2. Site Plan Control:

The principal goals of Site Plan Control are:

- To improve the image and aesthetic appearance of the whole Municipality through better individual developments by applying consistent standards and guidelines;
- To ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons;
- To ensure the safety and convenience of automobile and pedestrian traffic to, from, and on a new development or redevelopment;
- To develop an efficient transportation system by widening existing roads through land and easement dedications;
- To protect environmental areas (e.g. wetlands, hilltops, wildlife habitats) through the appropriate location of buildings, roads and parking spaces.

The Site Plan Control process allows staff to review and approve the following:

- Building and site design;
- Building massing;
- The relationship of the proposal to surrounding land uses;
- Driveways, curbing and traffic direction signals;
- Loading and parking facilities;
- Emergency vehicle routes;
- All pedestrian accesses, such as walkways and ramps, and their proposed surfacing;
- Landscaping for the site and for the protection of adjoining lands;
- Refuse and other waste material storage and collection areas;
- Grading and servicing and the need for road widening;
- Exterior design of buildings, including character, scale, and appearance;
- Sustainable design elements within the adjoining right-of-way such as trees, landscaping, paving, street furniture, ramps, access ability, waste and recycling containers and bicycle parking facilities.

Site Plan Control ensures that Planning Board, Municipal and other agency standards and requirements are met.

Applicability/Exemptions

Site Plan Control would apply to all lands within a Municipality, except those specifically exempted through the Site Plan Control By-law. Types of uses generally exempted are residential buildings with two or fewer units, including accessory buildings or structures; farm buildings and structures; a flood or erosion control structure; mineral aggregate extraction, including wayside pits and quarries; any temporary building or structure as defined in any zoning by-law; buildings or structures owned or leased by the Municipality, Province of Ontario, the Government of Canada, a Public Utility Corporation, Ontario Hydro, or on behalf of , the aforementioned levels of government or bodies. The City of Greater Sudbury also exempts lands located in any of the Industrial Zones located more than 152.4 metres (500 ft) from both the nearest Residential Zone and from the nearest Municipal Arterial Road or Provincial Highway.

Development as defined on Section 41 of the Planning Act means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (a) of paragraph 101 of section 210 of the Municipal Act or of sites for the location of three or more mobile homes as defined in subsection 46(1) of this Act.

Process

Upon receipt of plans deemed acceptable for review, the plans would be circulated for comment to agencies such as: Municipal Building Services Department, Drainage Superintendent, Fire Department,

Ontario Hydro, Ministry of Transportation (when applicable), Ministry of the Environment (when applicable), Canada Post (when applicable).

Once these agencies have responded, a draft agreement is prepared and the owner/agent is contacted regarding the agencies comments.

If changes to the drawing(s) are required, the above process is repeated. Once all the agencies are satisfied with the plan(s), they are forwarded along with the draft agreement to the Municipal Office for signing and registration.

Fees

The range of fees varies from one municipality to another, with larger municipalities charging a fee of approximately \$1,000 depending on square footage or the development or the number of units. The applicant will also have to pay for any registration fees, search fees, any deposits required by the municipality (typically a percentage of the cost for “on-site” work, and 100 percent of costs for work on right-of-way, any required plans or studies. At present, no fees, securities or deposits for the site plan process have been set out in either the Municipal User Fee By-law or the Sudbury East Planning Board’s Tariff of Fees By-law.

Timelines

Generally it takes approximately 5 to 8 weeks from the time an application is filed to the point where a decision of the Site Plan Control Committee (or Committee of Adjustment- depends how defined in by-law) is final and binding.

Appeal Period

If the Municipality (approval authority) fails to approve the plans or drawings within 30 days after they are submitted or if the owner of the land is not satisfied with any requirements made by the municipality, including the terms of the agreement required, the owner may require the unsatisfactory requirements to be referred to the Ontario Municipal Board by written notice to the Clerk of the Municipality. The Municipal Board shall hear and determine that matter in issue and determine the details and the decision of the Board is final.

3. Summary:

The advantage to designating certain area in the municipality as site plan control areas is that it provides a means to improve and control the aesthetic appearance of development in the municipality.

While the new Official Plan for the Sudbury East Planning Area enable the use of Site Plan Control, there are a number of items which need to be dealt with prior to approving an overarching site plan control by-law for the Municipality of French River, such as application and fee structure, determining who the approval authority will be, determining any securities or deposits required by the municipality, and determining which lands within the municipality should be placed under Site Plan Control.

**NOTICE OF PUBLIC HEARING
CONCERNING A PROPOSED
AMENDMENT TO
ZONING BY-LAW 2003-23
OF THE MUNICIPALITY OF FRENCH RIVER**

Respecting an application by the Corporation for the Municipality of French River
to rezone lands on Part of Lot 10, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 1, Plan 53R-18486
Part of Parcel 14127 Sudbury East Section
(Roll No. 5201-030-000-402-05)
(SEPB File No. ZBA 12-19FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **February 20, 2013 at 6:00 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, P0H 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 31st day of January, 2013.

Melissa Riou
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

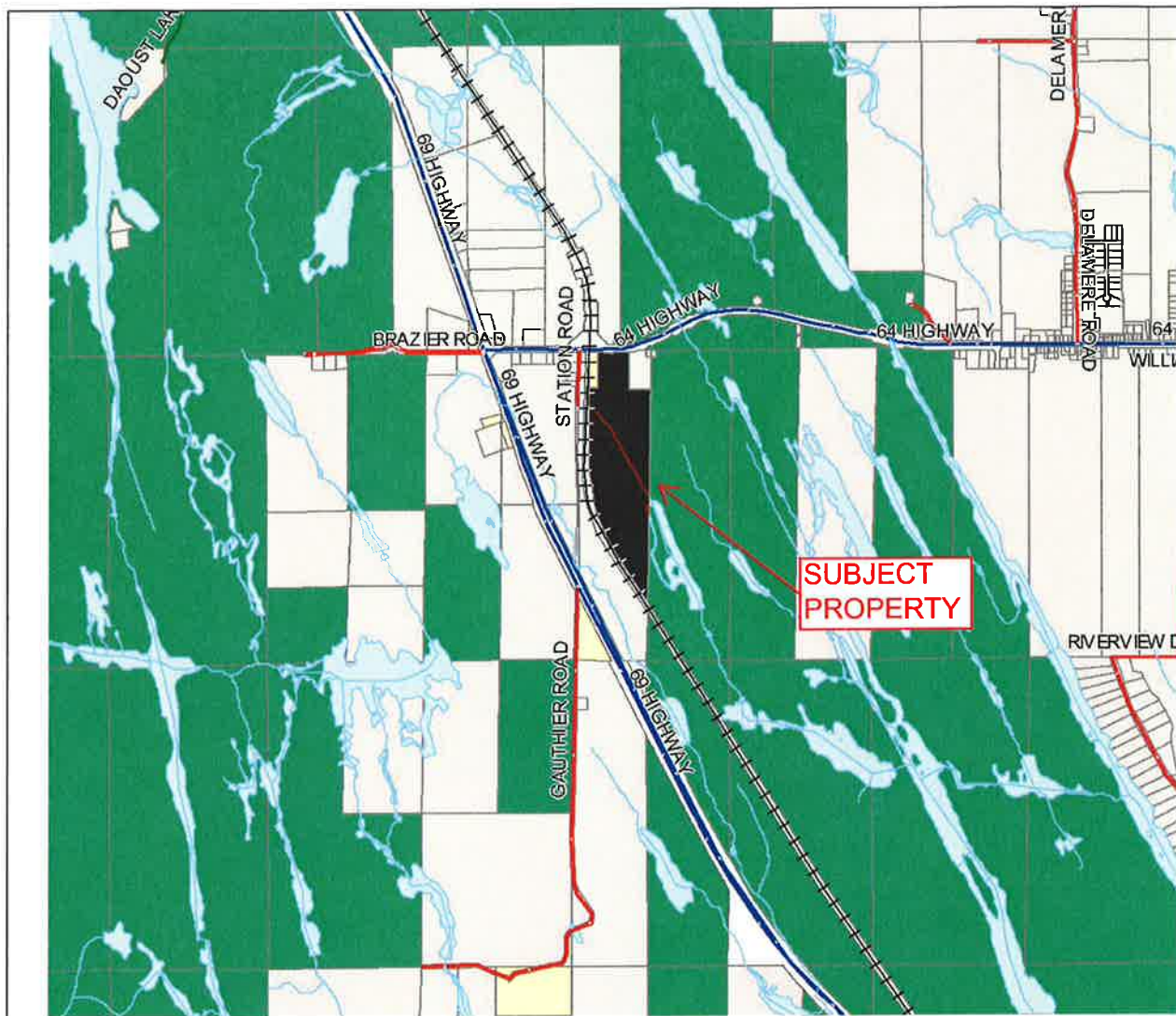
Re: Application No. ZBA 12-19FR
(Corporation of the Municipality of French River)
Roll No. 5201-030-000-402-05

The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2003-23 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 the Corporation of the Municipality of French River, to rezone lands described as Part of Lot 10, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-18486 (Parcel 14127 Sudbury East Section).

The subject lands are presently zoned Commercial Highway (CH) (S51) under Zoning By-law 2003-23 the Municipality of French River. The Proposed Zoning By-law Amendment will amend the current zoning of the property in order to remove certain permitted uses. Specifically, the uses proposed to be removed are as follows: a dry industry, a motor vehicle service station, a repair and service shop, and a transportation depot.

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
(Corporation for the Municipality of French River)

Part of Lot 10, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 1, Plan 53R-18486

Part of Parcel 14127 S.E.S.
(Roll No. 5201-030-000-402-05)
(SEPB File No. ZBA 12-19FR)

**SUDBURY EAST PLANNING BOARD
ZONING BY-LAW AMENDMENT - PLANNING REPORT**

January 31, 2013

Applicant(s): The Corporation for the Municipality of French River
Owner(s): same as above
Agent/Solicitor: none
File Number: ZBA 12-19FR
Related Files: **ZBA 07-21FR**
Property Description: Part of Lot 10, Concession 6
in the Township of Bigwood
now in the Municipality of French River
Territorial District of Sudbury
being Part 1, Plan 53R-18486
Part of Parcel 14127 Sudbury East Section
(Roll No. 5201-030-000-402-05)

1. BACKGROUND/ORIGIN:

An application has been received from the Corporation of the Municipality of French River, to rezone lands described as Part of Lot 10, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-18486 (Part of Parcel 14127 Sudbury East Section).

The Proposed Amending By-law will amend the current Commercial Highway (CH) zoning subject to Special Provision (S51) under By-law 2003-23 of the Municipality of French River, as amended, in order to remove certain permitted uses. Specifically, the uses proposed to be removed are as follows: a dry industry, a motor vehicle service station, a repair and service shop, and a transportation depot.

2. SUBJECT LANDS:

1)	Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
		Lot 35.0 hectares	173.7 metres
2)	Access:	Publicly maintained (Ministry of Transportation) year-round road (Hwy. 64).	
3)	Servicing:	Privately owned and operated individual septic system. Privately owned and operated individual well.	
4)	School Busing:	Not applicable.	
5)	Garbage Collection:	Not available.	
6)	Fire Protection:	Available.	

3. OFFICIAL PLAN POLICIES:

- | | | |
|----|----------------------------|---|
| 1) | Official Plan Designation: | Rural Policy Area, as identified in the Official Plan for the Sudbury East Planning Area (adopted April 27 th , 2010, approved by the Ministry of Municipal Affairs and Housing September 28 th , 2010) |
|----|----------------------------|---|

2) Comments:

Section 2.2.11.1 of the Official Plan states that lands designated “Rural” shall 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 that are not appropriate in the Community of Village Policy Area as well as limited residential developments, where appropriate.

In accordance with Section 3.2.1, it is a goal of the Sudbury East Planning Board to support economic development initiatives consistent with the principles of good land use planning.

As such, the Sudbury East Planning Board and its member municipalities will foster a favourable climate for economic development by:

- a) Expediting planning approvals that conform with the policies of this Plan;
- b) Continuing to support local economic development initiatives;
- c) Pursuing opportunities to partner with private sector investors to create year-round jobs in the Planning Area;
- d) pursuing opportunities afforded by the federal and provincial governments.
- e) Providing and maintaining adequate municipal infrastructure and services; and
- f) Identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area. These include lands for housing, tourist facilities, commercial and employment development, as well as agriculture.

Section 3.2.2.5 indicates that commercial uses are encouraged to develop and expand to provide for the needs of the residents and tourists in keeping with the policies of this Plan.

Section 3.2.2.6 indicates that industrial uses are encouraged to develop and expand to provide employment for residents within the Planning Area in keeping with the policies of this Planning.

Section 3.5 of the Official Plan contains policies pertaining to Natural Heritage and Significant Habitat of Endangered Species and Threatened Species. Where identified by the Ministry of Natural Resources (MNR), no development shall take place until the Planning Board and local municipality are satisfied that an Environmental Impact Assessment demonstrates there will be no negative impact on the habitat. In this case MNR has indicated that surveys be undertaken prior to development occurring on the site.

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

4. ZONING BY-LAW (BY-LAW 2003-23):

- 1) Current Zoning: Commercial Highway (CH) with Special Provision 51 (S51)
- 2) Proposed Zoning: Commercial Highway (CH) with amended Special Provisions (S67)
- 3) Comments: The proposed amending Zoning By-law will remove the following uses which are currently permitted: a dry industry, a motor vehicle service station, a repair and service shop, and a transportation depot. The Municipality of French River has requested that the listed uses be removed as they have greater potential for pollution. The effect of the proposed changes to zoning is that, should any use not listed under the amended zoning be proposed within the industrial park property, such use would require an amendment to the zoning by-law and would be subject to evaluation specific to that use.

5. AGENCY REVIEW:

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

The Ministry of Natural Resources provided the following comments:

"This application proposes to amend the zoning by-law and remove certain permitted uses. This will not impact [Species At Risk] SAR. However, if the re-zoning is a precursor to another activity, then it should be noted that there are a number of SAR that may inhabit the area, and the appropriate surveys should be conducted if not yet done."

Staff of the Municipality of French River provided no comments or concerns.

6. PROVINCIAL POLICY STATEMENT:

- 1) Comments: The Provincial Policy Statement (2005) 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.

Section 1.1 states that Healthy, Liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open-space uses to meet long term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; and
- d) promoting cost-effective development standards to minimize land consumption and servicing costs.

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

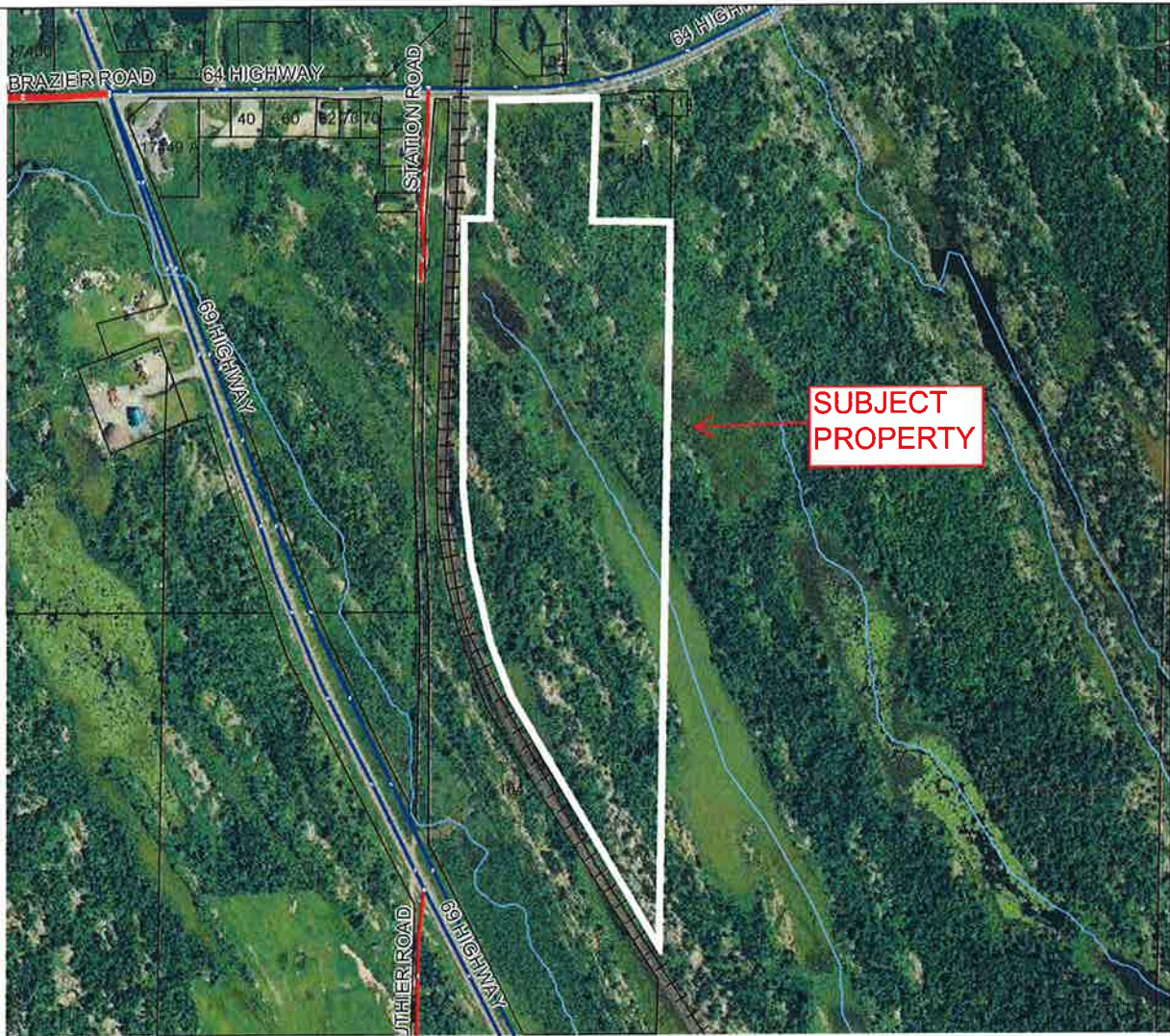
7. CIRCULATION/NOTICE OF PUBLIC HEARING

The Notice of Public Hearing was sent on January 31, 2013, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O. REG. 545/06) thereto.

Respectfully submitted,



Melissa Riou, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY

Zoning By-law Amendment Application
(Corporation for the Municipality of French River)

Part of Lot 10, Concession 6
in the Township of Bigwood
now in the Municipality of French River

Territorial District of Sudbury
being Part 1, Plan 53R-18486

Part of Parcel 14127 S.E.S.
(Roll No. 5201-030-000-402-05)
(SEPB File No. ZBA 12-19FR)

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2013-**

Being a By-law to amend Zoning By-law 2003-23, as amended
(Corporation of the Municipality of French River)

WHEREAS By-law 2003-23 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 9 (Bigwood Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by deleting the Commercial Highway Zone (CH) with Special Provision 51 (S51) and replacing it with Commercial Highway Zone (CH) with Special Provision, on Part of Lot 10, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-18486, (Part of Parcel 14127 S.E.S), and as shown on Schedule "A-1" affixed hereto.
2. Section 8 of By-law 2003-23 of the Municipality of French River is hereby amended by the addition of the following Special Provision:
 - S67. Notwithstanding any provisions to the contrary of Section 7.8.1 of By-law 2003-23, within the lands zoned Commercial Highway (CH), described as Part of Lot 10, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury, being Part 1, Plan 53R-18486, (Part of Parcel 14127 S.E.S), the following special provisions shall apply:
 - (i) Permitted Uses:
 - A business or professional office
 - A contractor's establishment
 - A convenience store
 - A craftsman shop
 - A garden centre and nursery
 - A market place
 - A model home
 - A motor vehicle sales area
 - A plaza complex

- A restaurant
- A retail store
- A veterinary establishment
- A warehouse

All other provisions of By-law 2003-23 as applicable to the Commercial Highway Zone (CH) 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 20th day of February, 2013.

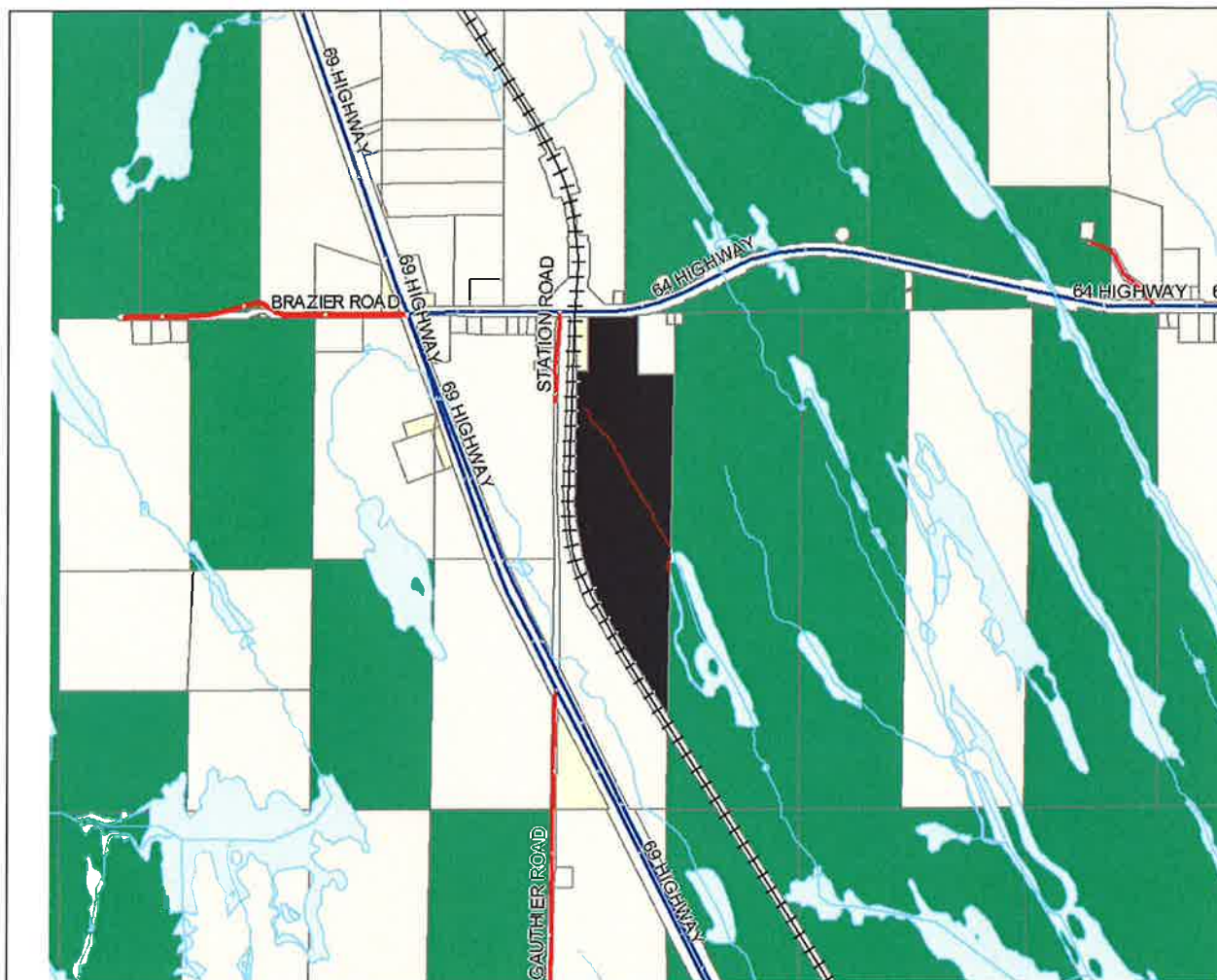
MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 20th day of February, 2013.

MAYOR

CLERK



This is Schedule "A-1" to By-law 2013- of the Municipality of French River, passed this 20th day of February, 2013.

Mayor

Clerk



Lands zoned Commercial Highway (CH), subject to Special Provision 67 (S67), on Part of Lot 10, Concession 6, in the Township of Bigwood, now in the Municipality of French River, Territorial District of Sudbury; being Part 1, Plan 53R-18486, Part of Parcel 14127 Sudbury East Section.
(Roll No. 5201-030-000-402-05)