



AGENDA
SPECIAL MEETING OF COUNCIL
held in the Council Chambers
Wednesday, June 22, 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 16-04FR
(Lukasz Piotrowski)
4. Others
5. Adjournment

ORDRE DU JOUR
ASSEMBLÉE SPÉCIALE DU CONSEIL
qui aura lieu dans la salle du conseil
Le mercredi 22 juin 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 16-04FR
(Lukasz Piotrowski)
4. Autres
5. Ajournement

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

Respecting an application by Lukasz Piotrowski
to rezone lands on Part of Lot 6, Concession 1
in the Township of Delamere
now in the Municipality of French River
Territorial District of Sudbury
being Part of Lot 14, Plan M-1092
Parcel M1092-14 Sudbury East Section
(Roll No. 5201-010-000-437-00)
(SEPB File No. ZBA 16-04FR)

TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **June 22, 2016 at 5:30 p.m. at the French River Municipal Office, 44 St. Christophe Street, Noelville, Ontario.**

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office, 5 Dyke Street, P.O. Box 250, Warren, Ontario, 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 27th day of May, 2016.

Melissa Riou
Director of Planning

Purpose and Effect of the Proposed Zoning By-law Amendment

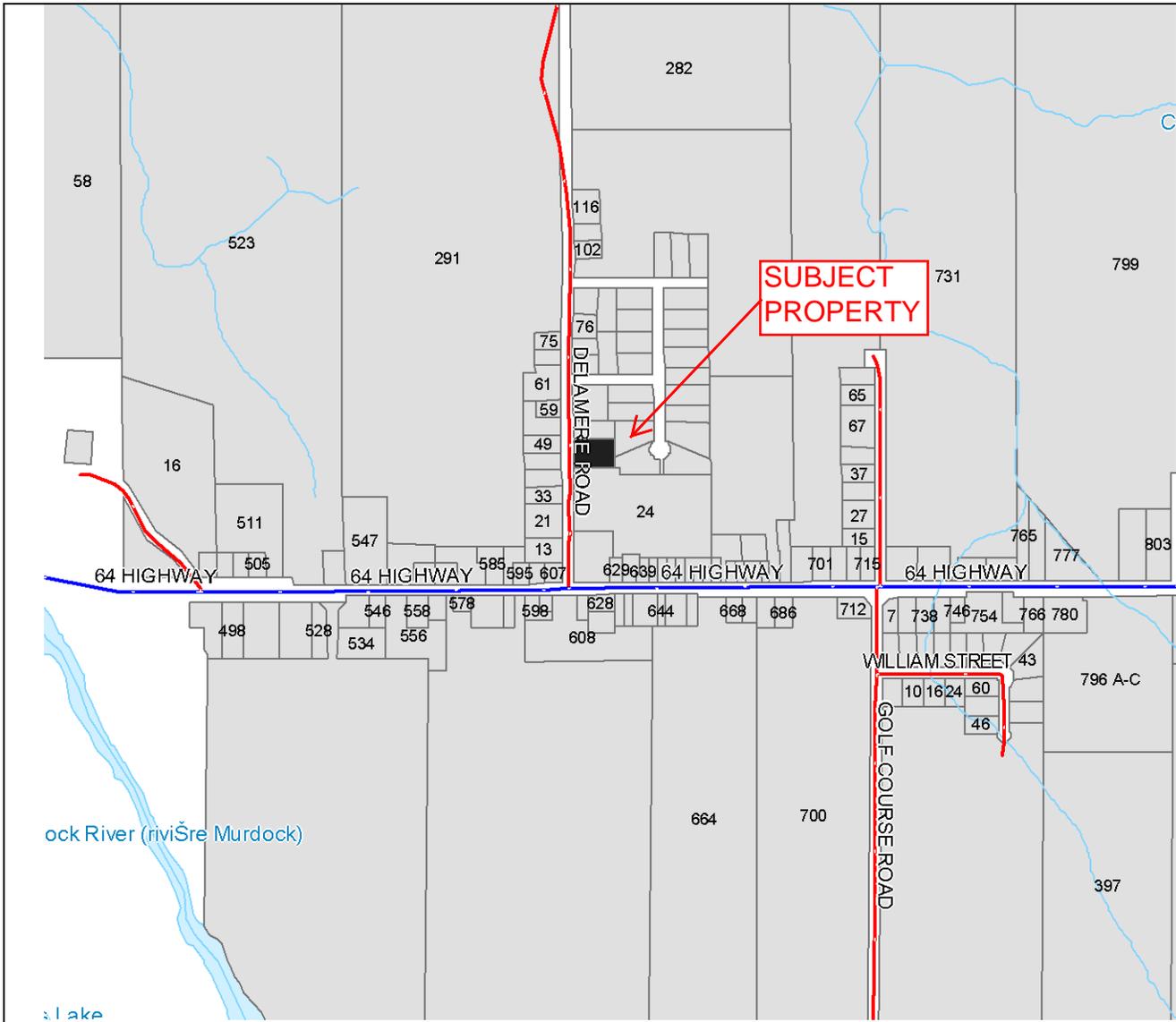
Re: Application No. ZBA 16-04FR
(Lukasz Piotrowski)
Roll No. 5201-010-000-437-00

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 Lukasz Piotrowski, to rezone lands described as Part of Lot 6, Concession 1, in the Township of Delamere, now in the Municipality of French River, Territorial District of Sudbury, being Lot 14, Plan M-1092 (Parcel M1092-14 Sudbury East Section).

The subject lands are presently zoned Residential One (R1) under Zoning By-law 2014-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will amend the current residential zoning of the property to establish special provisions to permit a home industry consisting of a motor vehicle repair business.

The subject property is located within the Village Residential 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
 (Lukasz Piotrowski)
 Part of Lot 6, Concession 1
 in the Township of Delamere
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lot 14, Plan M-1092
 Parcel M1092-14 S.E.S.
 (Roll No. 5201-010-000-437-00)
 (SEPB File No. ZBA 16-04FR)



Planning Report: APPLICATION FOR ZONING BY-LAW AMENDMENT
Report to: MUNICIPALITY OF FRENCH RIVER
Meeting Date: June 22, 2016
Report Date: May 26, 2016

Applicant(s)/Owner(s): Lukasz Piotrowski
Agent/Solicitor: none
File Number: ZBA 16-04FR
Property Description: Part of Lot 6, Concession 1
 in the Township of Delamere
 now in the Municipality of French River
 Territorial District of Sudbury
 being Lot 14, Plan M-1092
 Parcel M1092-14 Sudbury East Section
 (Roll No. 5201-010-000-437-00)
 44 Delamere Road

APPLICATION:

The Proposed Amending By-law will amend the current Residential One (R1) Zoning to add the additional permitted use of a home industry consisting of a motor vehicle repair shop under By-law 2014-23 of the Municipality of French River, as amended.

The proposal will permit the use of the more easterly bay of an existing garage to be used as a motor vehicle repair shop, which has an area of 71.2 m². The garage has a total area of 142.4 m². The applicant has indicated that the garage was built in the mid 1990s and was previously used as a welding shop and has 200 amp service. The air compressor will be the loudest piece of equipment and the walls have R-26 insulation and the roof R-40 insulation which will limit noise produced. He does not anticipate any outside storage, other than the parking of a single vehicle.

SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
	Lot 0.4 hectares	50.6 metres
Access:	Publicly maintained (Municipality of French River) year-round road (44 Delamere 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.	
Surrounding Uses:	The subject lands are located in an area dominated by residential use (to the north, east and west). Directly to the south in an institutionally zoned property, currently used for a range of health related services.	

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 applicant’s proposal seeks to permit a home industry on a residential property. Planning staff are of the opinion that the applicant’s proposal does not offend any provincial policies.

OFFICIAL PLAN

Official Plan Designation: **Village Residential**, 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)

Village Residential Areas are intended to serve the surrounding Rural Policy Areas as well as to provide an alternative to the higher density urban character found in the Community Policy Area. They provide a more limited range of permitted uses due to the level of servicing. New development is to be connected to any existing municipal services. Low density residential uses are permitted, including single detached dwellings.

Home occupations in a dwelling unit will be permitted, as per Section 2.2.3.1(11), provided that the use does not change the residential character of the building and lot, and residential remains the principal use. The use will be compatible with the surrounding residential uses and sufficient parking will be made available on site.

Further, Section 3.1.2(5) states that home industries, including small scale fabricating and manufacturing uses and service industries such as appliance repairs, are permitted as an accessory use to a residential use in the Rural Policy Area, subject to the provisions of the implementing Zoning By-law, provided that the following criteria can be met:

- a) It is clearly incidental and secondary to the principal residential use;
- b) Outside storage is restricted and confined to the rear yard, not at all visible from the road or any adjacent sensitive land use and display and exterior signage is restricted by the municipal sign by-law or Zoning By-law, whichever is more restrictive;
- c) The home industry is compatible with abutting and/or adjacent uses with respect to traffic generation and parking, as well as potential nuisances such as noise and odour; and
- d) The home industry occupies no more than one accessory building on the residential lot with a square footage that cannot exceed the above-grade gross floor area of the principal dwelling.

Home industries are not anticipated in Village Residential areas and are directed to lands designated Commercial, Mixed-Use or Employment as a priority or to appropriate locations in the Rural Policy Area.

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

Current Zoning: **Residential One (R1)**

Proposed Zoning: Residential One (R1) with special Provisions

The Residential One Zone permits a bed and breakfast establishment, a duplex dwelling, a semi-detached dwelling, a single detached dwelling, a group home, a home occupation and a private home daycare. A home industry is not a permitted use. The proposed amending Zoning By-law proposes to establish provisions to permit a home industry consisting of a motor vehicle repair shop.

The Zoning By-law defines a home industry as a craft, trade guild or service, excluding a motor vehicle repair shop and motor vehicle body shop, conducted in whole or in part in an accessory building to a single detached dwelling unit.

Further, Section 6.22 sets out general provisions for home industries, as follows:

- a) There is no external advertising other than a sign erected in accordance with any municipal by-laws;
- b) There is no outdoor storage or goods, materials or equipment;
- c) Such industry is not an obnoxious trade, business or manufacturer, and does not create a public nuisance with respect to traffic, parking, noise or odour;
- d) Such home industry does not have a gross floor area greater than 40% of the ground floor area of the dwelling unit;
- e) Not more than 2 persons, other than the owner of the dwelling unit, are employed therein on a full-time basis;
- f) For every person other than the owner of the dwelling unit employed therein on a full-time basis, one on-site parking space shall be provided, and such parking space(s) shall not be located in the front yard;
- g) One on-site parking space shall be provided for patrons of the home industry and such parking space shall be provided, and such parking space shall not be located in the front yard;
- h) An accessory building used for a home industry shall not be located in the front yard or exterior side yard; and
- i) Notwithstanding any of the provisions of this By-law, an accessory building used for a home industry shall have a minimum setback from the interior and exterior side lot lines of 5.0 metres.

Home industries are not permitted on residentially zoned properties because of potential compatibility issues related to noise, traffic generation, parking. Permitting a home industry, specifically one consisting of a motor vehicle repair shop, would not be considered a compatible land use in an area designated and zoned for residential use. Additionally, the proposed home industry exceeds the permitted maximum gross floor area, having an area of 71.2 m² which represents 55% of the ground floor area of the existing dwelling, which has a ground floor area of 128 m².

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

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

PUBLIC CONSULTATION

Notice of the rezoning application was sent to surrounding property owners on May 27, 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

The applicant proposes to amend the current Residential One (R1) zoning to permit the additional use of a home industry consisting of a motor vehicle repair shop.

Both the Official Plan and the Zoning By-law direct home industries to lands outside settlement areas and direct motor vehicle repair shops to appropriately zoned commercial properties, where they are less likely to have a negative impact on abutting residential uses. Though the existing structure was previously used as a welding shop, it does not meet the definition of a legal non-conforming use and staff is concerned about permitted a home industry of this type and scale on a residentially zoned lot.

In light of the foregoing, it is the opinion of this Office that the proposed application is not in keeping with the general intent and purpose of the Official Plan and is not in keeping with the general intent and purpose of the Zoning By-law. As such, Planning Staff are recommending that the application be denied.

Despite the staff recommendation, should Council choose to approve the application, it is recommended that it be placed under Site Plan Control to minimize potential impacts on abutting property owners.

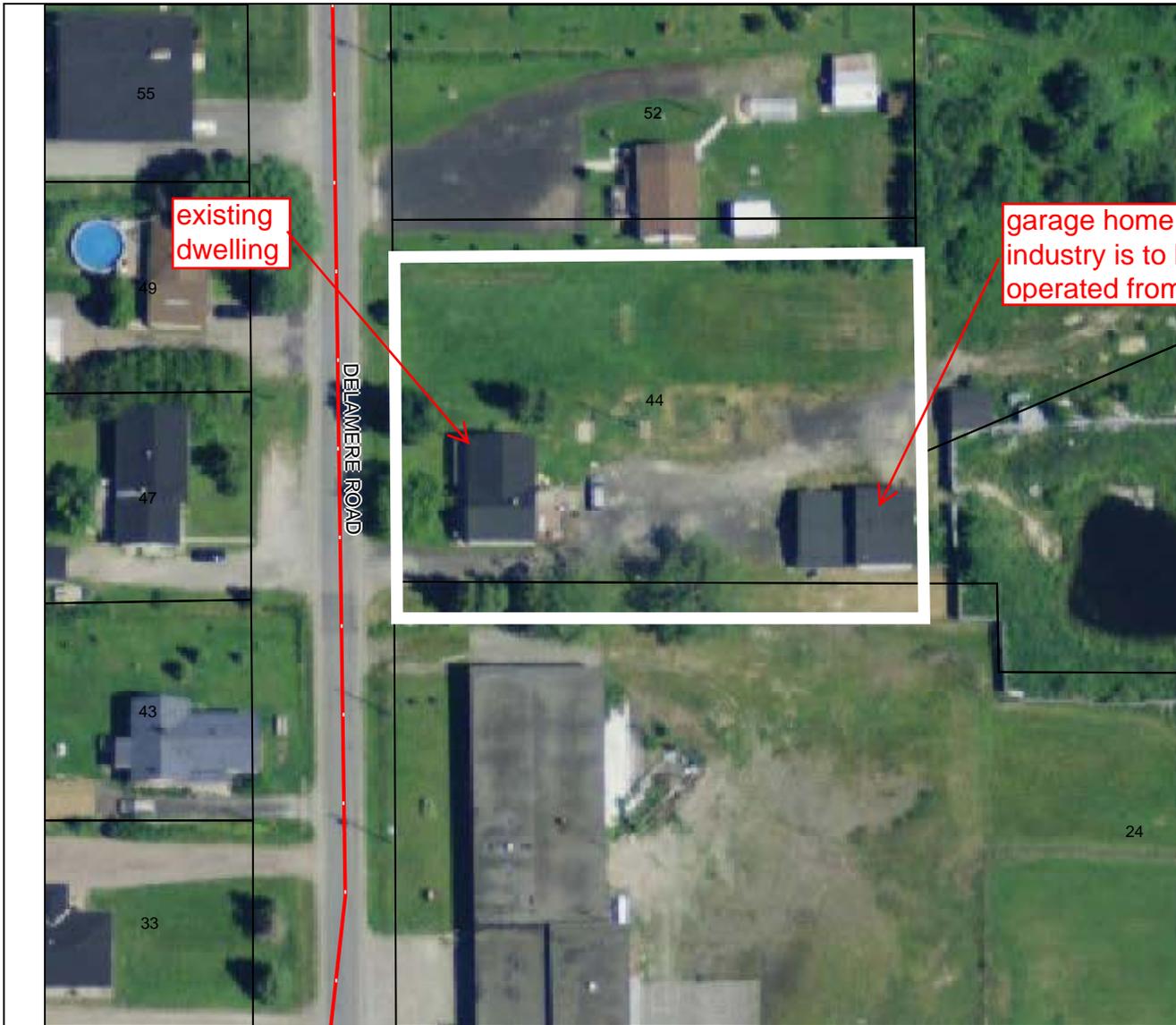
RECOMMENDATION:

That the Municipality of French River deny application for Zone Change, File Number ZBA 16-04FR, for lands owned by Lukasz Piotrowski, which proposes to amend the current 'Residential One (R1)' the zoning of lands described as Part Lot 6, Concession 1, in the Township of Delamere, in the Municipality of French River, and known municipally as 44 Delamere Road, to permit the additional use of a home industry consisting of a motor vehicle repair shop on the subject site.

Respectfully submitted,

'Melissa Riou'

Melissa Riou, MCIP, RPP
Director of Planning



FRI IMAGERY

Zoning By-law Amendment Application
(Lukasz Piotrowski)
Part of Lot 6, Concession 1
in the Township of Delamere
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