



AGENDA
SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
Wednesday, May 21, 2014 at 6:00pm

Re: To hold a Public Hearing
concerning a proposed amendment 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 14-02FR
(Robert and Rae-Anne Timony)
4. Others
5. Adjournment

ORDRE DU JOUR
ASSEMBLÉE SPÉCIALE DU CONSEIL

qui aura lieu dans la salle du conseil
Complexe municipal Rivière des Français
Le mercredi 21 mai 2014 à 18h00

Sujet: Pour tenir une audience publique
concernant un amendement 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 14-02FR
(Robert and Rae-Anne Timony)
4. Autres
5. Ajournement

**NOTICE OF APPLICATION FOR CONSENT
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13
AND**

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

Respecting an applications for consent and zoning by-law amendment
by Robert and Rae-Anne Timony
to the Sudbury East Planning Board
Part of Lot 8, Concession 4 in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcels 19902A & 3872 Sudbury East Section
(Roll Nos. 5201-060-000-174-00 & 5201-060-000-177-00)
(SEPB File Nos. B/09/14/FR and ZBA 14-02FR)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application B/09/14/FR at its meeting on **May 15, 2014 at 5:30 p.m. at the Sudbury East Planning Board Office, 5 Dyke Street, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of French River will hold a Public Hearing on **May 21, 2014 at 6:00 p.m. at the French River Municipal Office, 44 St. Christophe Street, Suite 1, Noelville, Ontario** for application ZBA 14-02FR.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the **Sudbury East Planning Board, 5 Dyke Street, P.O. Box 250, Warren, Ontario, POH 2N0.**

IF A PERSON OR PUBLIC BODY THAT FILES AN APPEAL of a decision of the Sudbury East Planning Board in respect of the proposed consent does not make written submissions to the Sudbury East Planning Board before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

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 and that 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.

ADDITIONAL INFORMATION is available for public review or a written copy of this Notice can be obtained Monday to Friday (8:30 a.m. to 4:00 p.m.) at the Sudbury East Planning Board Office, 5 Dyke Street, P.O. Box 250, Warren Ontario, POH 2N0. Any person or public body may attend the Public Hearing and/or make written or verbal representations either in support of or in opposition of the Proposed applications.

Dated at Warren, this 29th day of April, 2014.

Melissa Riou, MCIP, RPP
Secretary-Treasurer

5 Dyke Street P.O. Box 250 Warren, Ontario POH 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

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

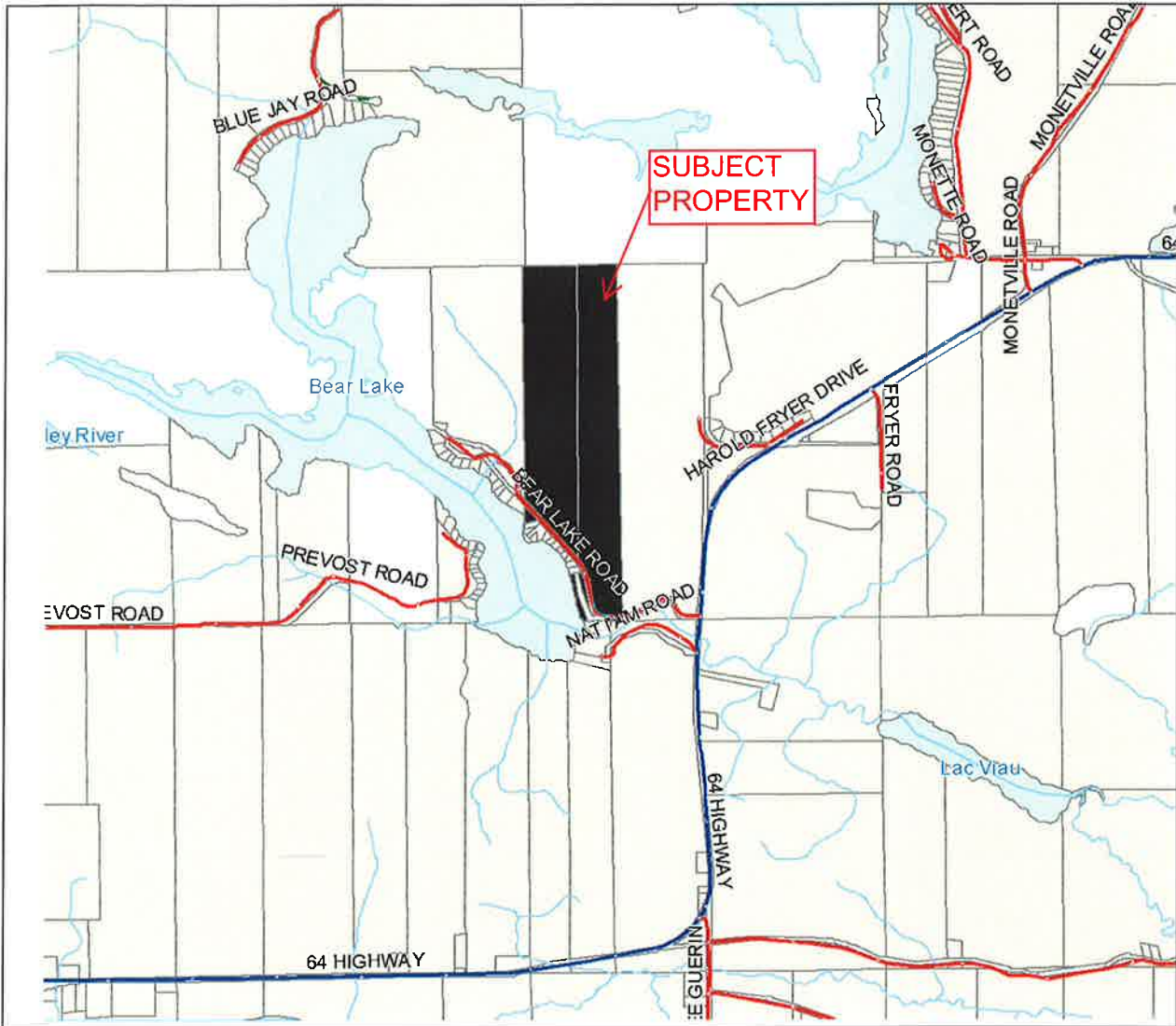
Re: Application Nos. B/09/14/FR and ZBA 14-02FR
(Robert and Rae-Anne Timony)
Roll Nos. 5201-060-000-174-00 & 5201-060-000-177-00

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 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Robert and Rae-Anne Timony, to rezone lands described as Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury (Parcels 19902A & 3872 Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2003-23 of the Municipality of French River. The Proposed Zoning By-law Amendment will rezone the lot to be severed through consent application B/09/14/FR to Residential Rural (RR) to recognize the intended use of the lot. The Proposed Zoning By-law Amendment will also add Special Provisions to the existing Rural (RU) zoning of the retained lands to restrict residential development from occurring on such lands.

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

Consent and Zoning By-law Amendment Applications
 (Robert and Rae-Anne Timony)
 Part of Lot 8, Concession 4
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcels 19902A & 3872 S.E.S.
 (Roll Nos. 5201-060-000-174-00 and 5201-060-000-177-00)
 (SEPB File Nos. B/09/14/FR and ZBA 14-02FR)

THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2014-**

Being a By-law to amend Zoning By-law 2003-23, as amended
(Robert and Rae-Anne Timony)

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 8 (Martland Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by changing the Rural Zone (RU) to a Residential Rural Zone (RR), on Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcels 19902A & 3872 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
2. Schedule 8 (Martland Township) of By-law 2003-23 of the Municipality of French River, as amended, is hereby further amended by the addition of Special Provision 71 (S71) to a Rural Zone (RU), on Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcels 19902A & 3872 Sudbury East Section, and as shown on Schedule "A-1" affixed hereto.
3. Section 8 of By-law 2003-23 of the Municipality of French River is hereby amended by the addition of the following Special Provision:
 - S71. Notwithstanding any provisions to the contrary of Section(s) ** of By-law 2003-23, within the lands zoned Rural (RU), described as Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, Parcel 3872 Sudbury East Section, the following special provisions shall apply:
 - (i) Restrictions:
 - no residential development or sensitive land uses as defined by the Ministry of Environment D-series Guidelines shall be permitted that may be incompatible with the adjacent aggregate operation.

All other provisions of By-law 2003-23 as applicable to the Rural Zone (RU) 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 21st day of May, 2014.

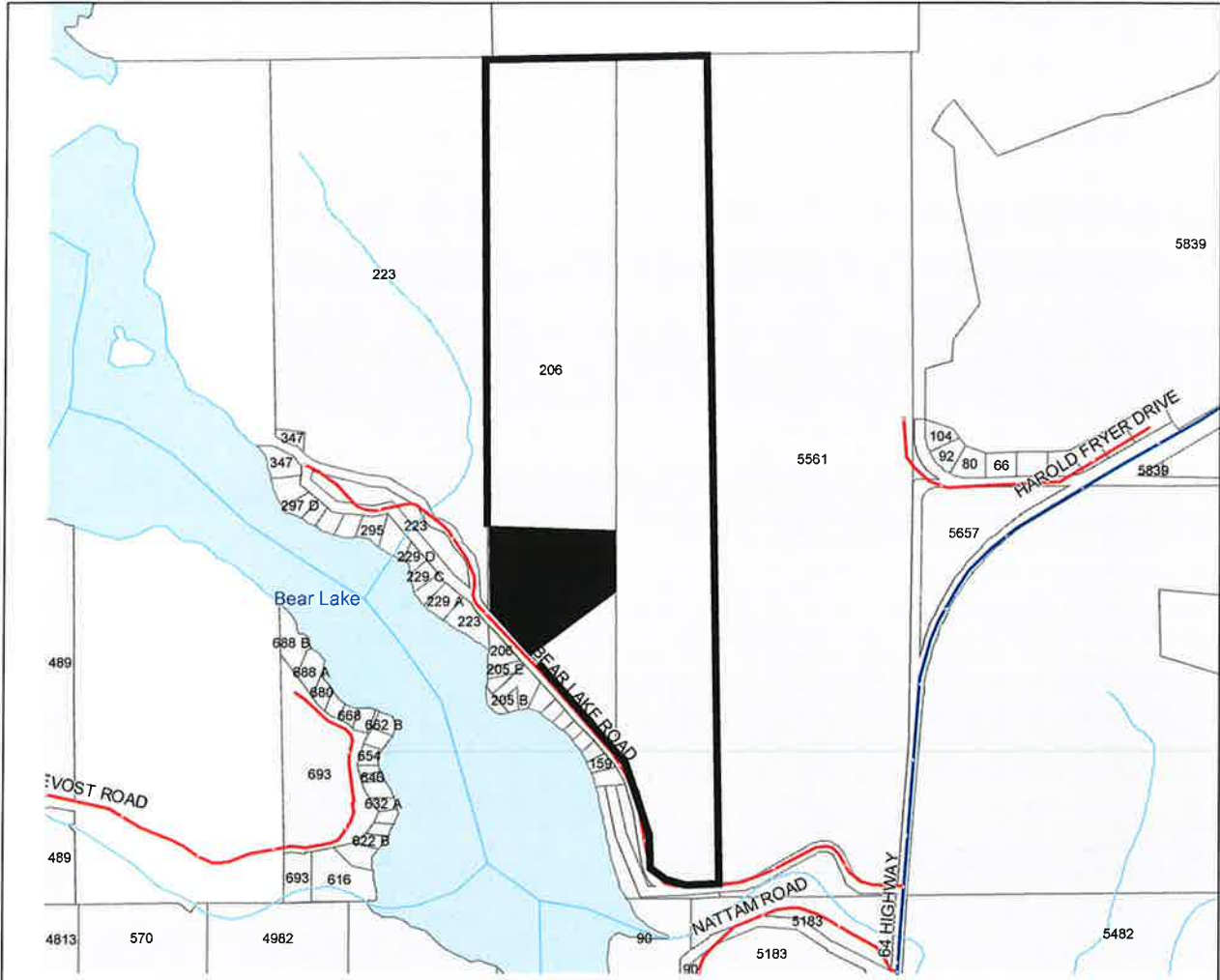
MAYOR

CLERK

READ A THIRD TIME AND FINALLY PASSED this 21st day of May, 2014.

MAYOR

CLERK



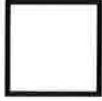
This is Schedule "A-1" to By-law 2014- of the Municipality of French River, passed this 21st day of May, 2014.

Mayor

Clerk



Lands zoned Residential Rural (RR), on Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury; Parcels 19902A & 3872 Sudbury East Section.
(Roll No. 5201-060-000-174-00 and 5201-060-000-177-00)



Lands zoned Rural (RU), subject to Special Provision 71 (S71), on Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury; Parcels 19902A & 3872 Sudbury East Section.
(Roll No. 5201-060-000-174-00 and 5201-060-000-177-00)



Planning Report: **APPLICATIONS FOR CONSENT AND ZONING BY-LAW AMENDMENT**
Report To: **SUDBURY EAST PLANNING BOARD** **Meeting Date:** May 15, 2014
Report To: **COUNCIL FOR THE MUNICIPALITY OF FRENCH RIVER** **Meeting Date:** May 21, 2014
Report Date: April 29, 2014

Applicant(s): Robert and Rae-Anne Timony
Owner(s): same as above
Agent/Solicitor: none
File Number: B/09/14/FR and ZBA 14-02FR
Related Files: Not applicable.
Property Description: Part of Lot 8, Concession 4
 in the Township of Martland
 now in the Municipality of French River
 Territorial District of Sudbury
 Parcels 19902A & 3872 Sudbury East Section
 (Roll Nos. 5201-060-000-174-00 & 5201-060-000-177-00)
 206 Bear Lake Road

1. PROPOSAL:

The purpose of the applications for Consent and Zoning By-law amendment are to sever the existing dwelling from the subject lands and recognize such use through appropriate zoning. The proposed severed lot is to be approximately 4.5 hectares in lot area with a lot frontage of approximately 200 metres and will contain an existing dwelling and two accessory structures (a detached garage and a greenhouse). The proposed retained lands are to be approximately 59 hectares in lot area with a lot frontage of approximately 500 metres and are vacant.

The lands are located on the north side of Bear Lake Road, west of Highway 64, and municipally known as 206 Bear Lake Road. South of the subject lands are waterfront residential and waterfront commercial tourist lots fronting on Bear Lake. Lands to the north of the subject lands are primarily wooded. An active aggregate pit is located east of the subject lands.

2. SUBJECT LANDS:

Lot Dimensions:	<u>Lot Area</u>	<u>Lot Frontage</u>
Severed Lot	4.5 hectares	200 metres
Retained Lot	59 hectares	500 metres

Access: Publicly maintained (Municipality of French River) year-round road (206 Bear Lake Road).
Servicing: Privately owned and operated individual septic system. Privately owned and operated individual well.
School Busing: Available.
Garbage Collection: Not available.
Fire Protection: Available.

3. PROVINCIAL POLICY STATEMENT:

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The policy framework came into effect on March 1, 2005. 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 PPS 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.

The applicant’s proposal seeks to sever the existing dwelling from the subject lands. Planning staff are of the opinion that the applicant’s proposal would appear to be consistent with the Provincial policies regarding development on rural lands within Municipalities. Site specific provisions to restrict development on the retained lands adequately address Section 2.5 Mineral and Aggregate Resources.

4. OFFICIAL PLAN POLICIES:

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

Lands designated rural are to be used primarily for agriculture, farm-related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and other industrial uses not appropriate in settlement areas, as well as limited residential developments. Section 4.5.1 provides for instances when consents may be granted, including the separation of existing uses and new lots that represent minor infilling.

Section 3.8.2 of the Official Plan echoes the aggregate resource policies of the PPS, indicating that aggregate resource site shall be separated or buffered from sensitive lands uses. In this case, the proposal is to sever an existing dwelling. No new sensitive land uses are proposed. A Special Provision will be added to the zoning of the retained parcel to restrict any residential development (sensitive land use) from being permitted on that property, as discussed in the Ministry of Natural Resources comments in Section 6 of this report.

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

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

Current Zoning: **Rural (RU)**

Proposed Zoning: Lot to be Severed **Residential Rural (RR)**
Lot to be Retained **Rural (RU) with special provisions**

The ‘Residential Rural (RR)’ Zone requires a minimum lot area of 0.8 hectares and a minimum lot frontage of 60 metres. The proposed RR lot contains an existing dwelling and accessory structures and will have a

lot area of 4.5 hectares and lot frontage of 100 metres which exceed the minimum requirements of the RR Zone.

The 'Rural (RU)' Zone requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be retained will have an area of 59.0 hectares and a lot frontage of approximately 500 metres which meets the requirements of the RU Zone. Because of the proximity of the lot to an adjacent aggregate operation, special provisions will be required to restrict any residential development (sensitive land use) on the retained lands.

The application, as proposed, complies with the regulations of the Zoning By-law.

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 expressed no objections or concerns.

Council of the Municipality of French River provided no objections or concerns.

The District Planner for the Ministry of Natural Resources provided the following comments:

"The Ministry has no concerns provided that SEPB implements the "special provisions applied to the retained lands to restrict any residential development that may be incompatible with the adjacent aggregate operation", as proposed in your letter of March 24, 2014."

No other comments were received through agency circulation.

7. PUBLIC CONSULTATION:

Notice of the consent application was sent to surrounding property owners on April 29, 2014, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 197/96) thereto. Additionally, notice of complete application concerning the zoning by-law amendment application was sent to surrounding property owners on March 24, 2014, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13, Section 34 (10.7).

The Planning Board did receive phone calls from neighbours requesting additional details pertaining to the applications, however, as of the date this report was written no written comments were received.

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

Those matters under Section 51(24) have been reviewed and considered; there is no adverse effect expected from the proposed consent with respect to the listed criteria.

9. RECOMMENDATION:

Consent:

Whereas the application for consent is consistent with the 2005 Provincial Policy Statement, complies with the Official Plan for the Sudbury East Planning Area, and the subject property is appropriately zoned, we are of the opinion that the application is acceptable from a planning perspective, and should be granted, subject to the appended conditions.

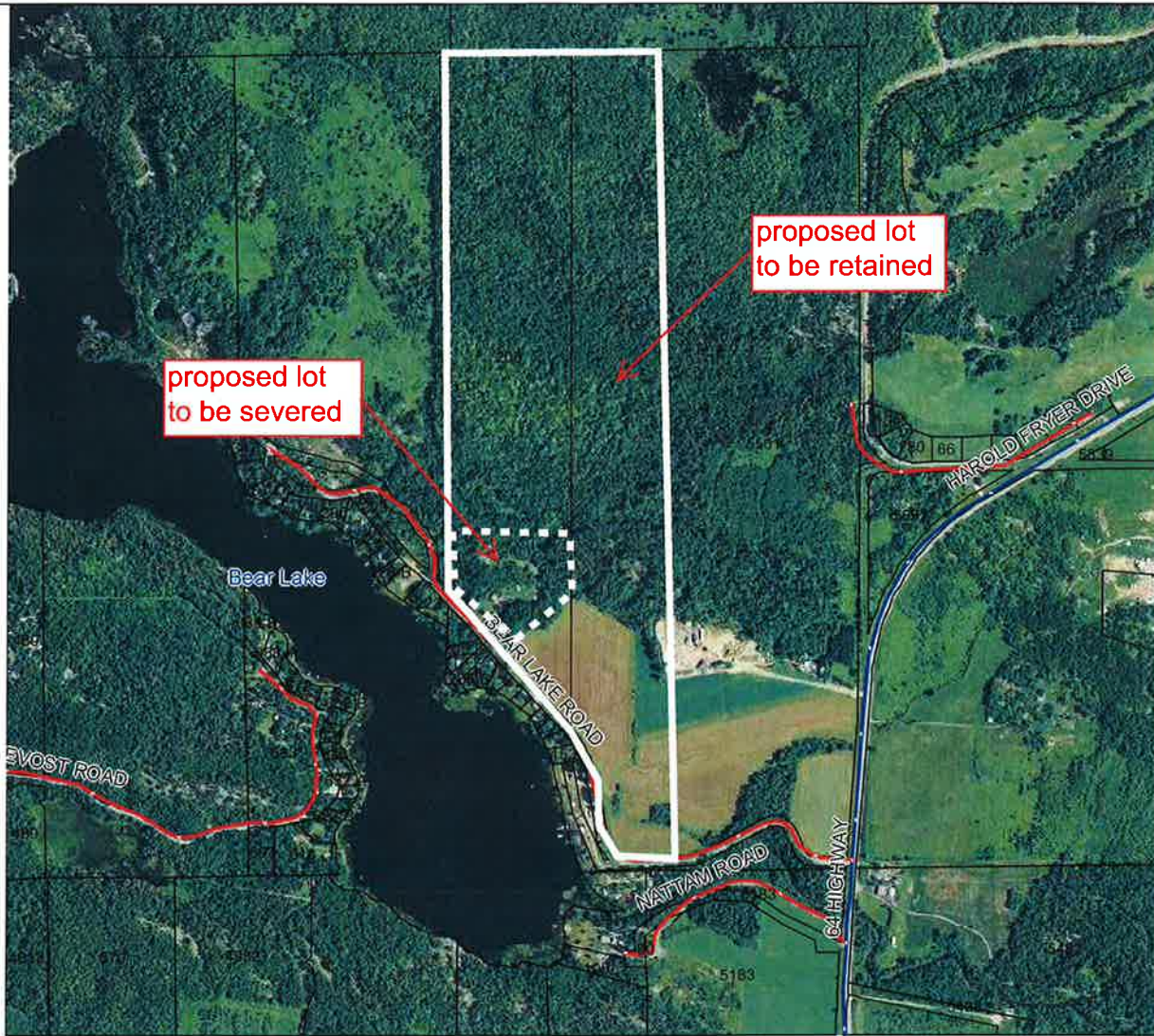
Zoning By-law Amendment:

That the Municipality of French River approve application for Zone Change, File Number ZBA 14-02FR, for lands owned by Robert and Rae-Anne Timony, which proposes to change the zoning of lands described as Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, part of Parcels 19902A and 3872, being the severed lands from 'Rural Zone (RU)' to the 'Residential Rural Zone (RR)' and the retained lands from 'Rural (RU)' to 'Rural (RU)' with special provisions restricting residential development to facilitate the severance of one (1) rural residential lot from the subject site.

That the amending by-law be referred to the By-law portion of the Municipal Council agenda for consideration.

Respectfully submitted,

Melissa Riou, MCIP, RPP
Director of Planning



AERIAL PHOTOGRAPHY

Consent and Zoning By-law Amendment Applications

(Robert and Rae-Anne Timony)

Part of Lot 8, Concession 4

in the Township of Martland

now in the Municipality of French River

Territorial District of Sudbury

Parcels 19902A & 3872 S.E.S.

(Roll Nos. 5201-060-000-174-00 and 5201-060-000-177-00)

(SEPB File Nos. B/09/14/FR and ZBA 14-02FR)

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

Planning Board Date of Decision: May 15, 2014
Date of Notice of Decision: **
Last Date of Appeal: **

Applicants(s): Robert and Rae-Anne Timony
Owner(s): same as above
Agent/Solicitor: none
File Number: B/09/14/FR
Property Description: Part of Lot 8, Concession 4
in the Township of Martland
now in the Municipality of French River
Territorial District of Sudbury
Parcels 19902A & 3872 Sudbury East Section
(Roll No. 5201-060-000-174-00 & 5201-060-000-177-00)

The Sudbury East Planning Board's conditions to the granting of consent for this transaction, **SEPB File No. B/09/14/FR**, which must be fulfilled within one year from the date of this letter, are set out below. These conditions must be fulfilled prior to the granting of consent.

CONDITIONS:

1. This approval applies to the creation of rural residential lot of approximately 4.5 hectares in area with approximately 100 metres of lot frontage, as applied for on Part of Lot 8, Concession 4, in the Township of Martland, now in the Municipality of French River, Territorial District of Sudbury, (Parcels 19902A & 3872 Sudbury East Section).
2. The following documents shall be provided for the transaction described in Condition 1:
 - a) the original executed Transfer/Deed of Land Form, a duplicate original, and one photocopy for our records;
 - b) a Schedule to the Transfer/Deed of Land Form on which is set out the entire legal description of the parcel(s) in question. This Schedule must also contain the names of the parties indicated on Page 1 of the Transfer/Deed of Land Form; and
 - c) a reference plan of survey (***a paper copy and an electronic copy***), which bears the Land Registry Office registration number and signature as evidence of its deposit therein, illustrating the parcel(s) to which the consent approval relates.
3. Where it is determined on drafting a reference plan of survey that an existing public road traverses the subject lands to which the consent approval applies (severed and/or retained lands), that portion of such road which traverses the subject lands shall be laid out on the final reference plan of survey and shall be transferred to the appropriate authority. The cost of any survey shall be borne by the applicant.

4. If required, Drainage Assessment reapportionment be completed to the satisfaction of the Drainage Superintendent for the Municipality of French River.
5. If required by the Municipality of French River, the Sudbury East Planning Board must be advised in writing by the Municipality of French River that the owner has conveyed up to 5% of the land to be severed to the Municipality of French River for park or other recreational purposes. Alternatively, the municipality may require cash-in-lieu of all or a portion of the conveyance.
6. An amendment to Zoning By-law 2003-23 of the Municipality of French River for the severed lands, in order to recognize the intended residential use of the lands and for the retained lands, in order to apply special provisions restricting residential development on such lands because of the adjacent aggregate operation.

NOTES:

The following notes are for the applicant's information:

1. The required Transfer/Deed of Land Form and Schedule shall contain a complete and accurate legal description. The Planning Board's certificate of consent will be affixed to the completed Schedule page. For this reason, the names of the parties also must be set out on the Schedule page, so that the consent may be properly related to the intended conveyance.

Inaccuracies or omissions with regard to the legal description in the Transfer/Deed of Land Form, the Schedule page, or the reference plan of survey, will result in the documents being returned without consent.

2. ***It is the applicant's and/or agent's responsibility to fulfill the conditions of consent approval pursuant to Section 53(41) of the Planning Act, R.S.O. 1990, Chapter P.13 within one year of the date that the Notice of Decision to grant Provisional Consent was given pursuant to Section 53(17) of the Planning Act. The Planning Board will issue no further notice or warning of the expiration of the one-year period.***

If the conditions to consent approval are not fulfilled within one year of the date of the Notice of Decision and the applicant is still interested in pursuing the proposal, a new application will be required. New applications must be accompanied by a fee.