



**The Corporation of the Municipality of
St.-Charles**

AGENDA

Special Meeting of Council

February 17, 2021 at 5:30 PM
Electronic Meeting (via Zoom)
St.-Charles, Ontario

1.0 MEETING CALLED TO ORDER & ROLL CALL

1.1 Resolution to open the meeting

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby opens the Special Meeting of Council at 5:30 p.m. on February 17, 2021.

2.0 ADOPTION OF AGENDA

2.1 Resolution to adopt the agenda

BE IT RESOLVED THAT the agenda for the Special Meeting of Council held February 17, 2021 be adopted as presented.

3.0 DISCLOSURES OF PECUNIARY INTEREST

4.0 PUBLIC HEARING FOR ZONING BY-LAW AMENDMENT

4.1 SEPB File No.:ZBA 21-02SC

Request: Rezone lands as described from Rural (RU) to Residential One (R1) in order to prohibit split zoning and to facilitate consent-in-principle condition for Application B/06/21/SC

Location: Hwy 535, St.-Charles

5.0 ADJOURNMENT

5.1 Resolution to adjourn the meeting

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby adjourns the Special Meeting of Council at _____ p.m. on February 17, 2021.

**NOTICE OF APPLICATION FOR CONSENT
PURSUANT TO SECTION 53(5)(a) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13
AND
NOTICE OF PUBLIC HEARING FOR A PROPOSED AMENDMENT TO ZONING BY-LAW 2014-26 OF THE
MUNICIPALITY OF ST. CHARLES**

Respecting an application for consent by Frank and Margaret McKay
to the Sudbury East Planning Board
Lot 1, Concession 1
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
being Part 2, Plan 53R-4056
Parcel 2629A Sudbury East Section
(Roll No. 5204-000-000-003-096-00)
(SEPB File No. B/06/21/SC & ZBA 21-02SC)

TAKE NOTICE THAT the Sudbury East Planning Board will analyze and discuss Application **B/06/21/SC** at its meeting on **March 11th, 2021 at 5:30 p.m. at the Sudbury East Planning Board Office, 39 Lafontaine Street, Unit 4, Warren, Ontario.**

AND TAKE NOTICE THAT the Council for the Municipality of St.-Charles will hold a **Public Hearing Electronically** on **February 17, 2021 at 5:30 p.m. at the St.-Charles Municipal Office, 2 King Street East, St.-Charles, Ontario** for application **ZBA 21-02SC**.

IF YOU WISH TO BE NOTIFIED OF THE DECISION of the Sudbury East Planning Board in respect of the proposed consent, you must make a written request to the Sudbury East Planning Board, 39 Lafontaine Street, Unit 4, Warren, Ontario.

IF A PERSON OR PUBLIC BODY would otherwise have an ability to appeal the decision of the Council for the Municipality of St. Charles to the Local Planning Appeal Tribunal but the person or public body does not make written submissions to the Council for the Municipality of St. Charles before the by-law is passed, the person or public body is not entitled to appeal the decision.

IF A PERSON OR PUBLIC BODY does not make written submissions to the Council for the Municipality of St. Charles 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 Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, 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, 39 Lafontaine Street, Unit 4, Warren, Ontario. 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 26th day of January 2021.

Matthew Dumont, MCIP, RPP
Secretary-Treasurer

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org

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

Re: Application Nos. B/06/21/SC & ZBA 21-02SC
(Franklin and Margaret McKay)
Roll nos. 5204-000-003-096-00

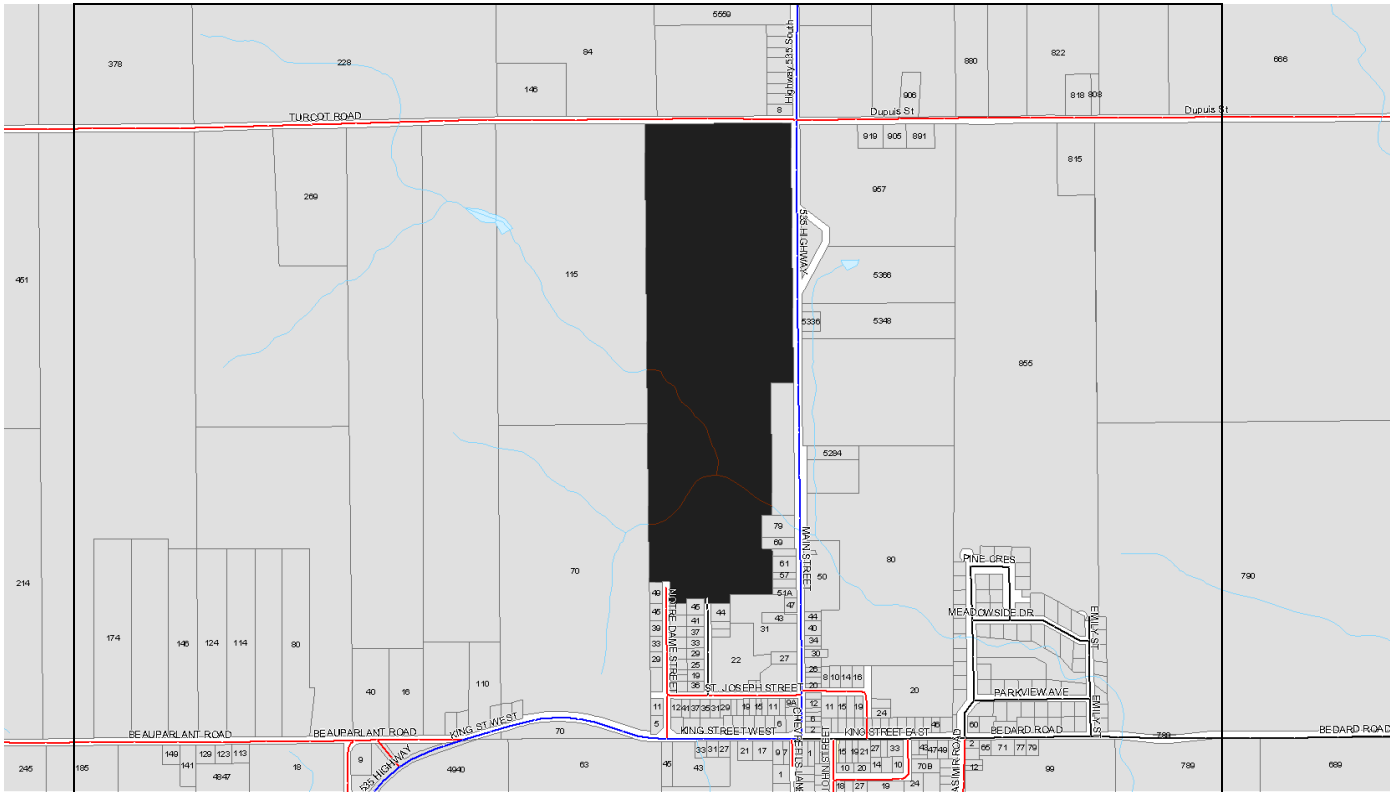
The purpose of the Public Hearing will be to consider a proposed amendment to Zoning By-law 2014-26 of the Municipality of St. Charles, pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13 and a consent under section 53(5) of the Planning Act, R.S.O. 1990.

An application has been received from Franklin and Margaret McKay to rezone lands described as Lot 1, Concession 1, in the Township of Appleby, now in the Municipality of St. Charles, Territorial District of Sudbury, (Parcel 26290A Sudbury East Section).

The subject lands are presently zoned Rural (RU) under Zoning By-law 2014-26 of the Municipality of St. Charles. The Proposed Zoning By-law Amendment will rezone the lot to be severed through consent application B/06/21/SC to Residential One (R1) to ensure that once the lot addition is approved, the enlarged lot is under one zone.

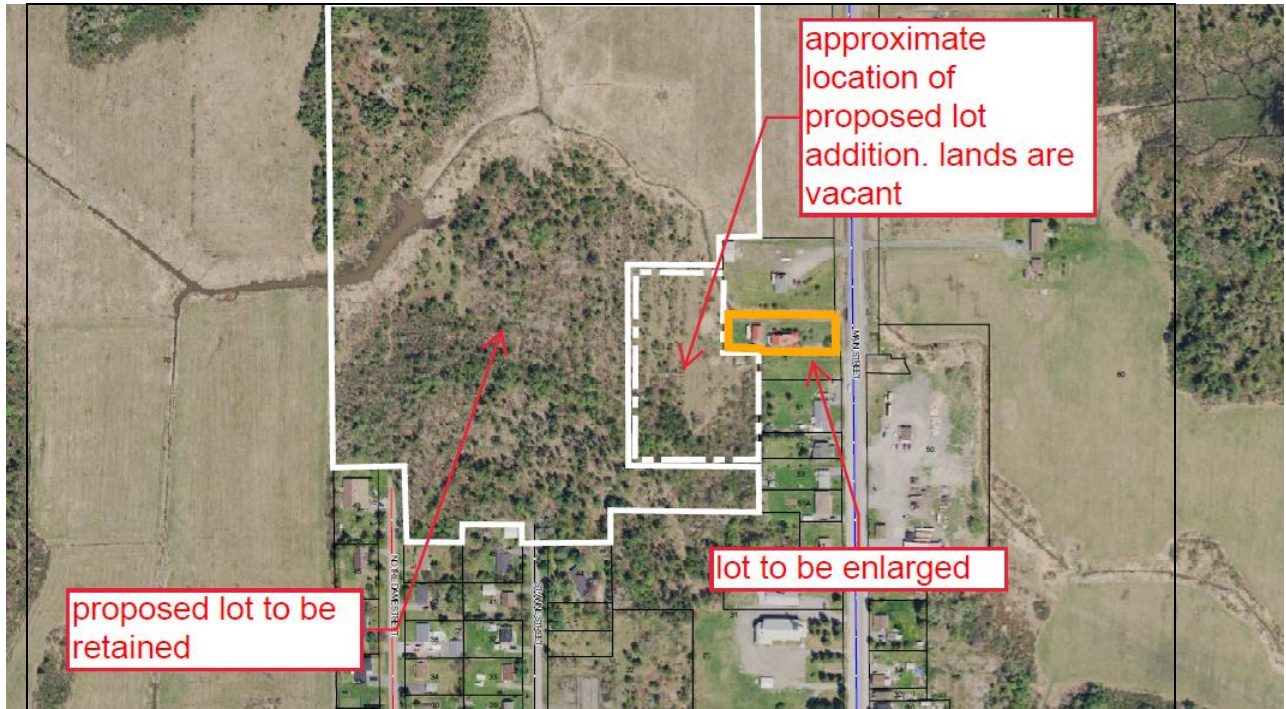
The subject property is located within the **Village Policy Area (Village of St. Charles)** designation of the Official Plan for the Sudbury East Planning Area (adopted April 27th, 2010, approved by the Ministry of Municipal Affairs and Housing September 28th, 2010).

39 Lafontaine Street, Unit 4, P.O. Box 250 Warren, Ontario P0H 2N0
Telephone: (705) 967-2174 Fax: (705) 967-2177 Watts: 1-877-540-7372
www.sepb.org



KEY MAP

Consent and Zoning By-law Amendment Applications
 (Franklin & Margaret McKay)
 Lot 1, Concession 1
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 being Part 2, Plan 53R-4056
 Parcel 26290A S.E.S.
 (Roll No. 5204-000-003-096-00)
 (SEPB File No. B/06/21/SC & ZBA 21-02SC)



AERIAL PHOTOGRAPHY
Consent and Zoning By-law Amendment Applications
(Franklin & Margaret McKay)
Lot 1, Concession 1
in the Township of Appleby
now in the Municipality of St.-Charles
Territorial District of Sudbury
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Parcel 26290A S.E.S.
(Roll No. 5204-000-003-096-00)
(SEPB File No. B/06/21/SC & ZBA 21-02SC)



Planning Report: APPLICATION FOR CONSENT AND ZONING BY-LAW AMENDMENT
Report To: SUDBURY EAST PLANNING BOARD Meeting Date: March 11th, 2021
Report To: COUNCIL FOR MUNICIPALITY OF ST. CHARLES Meeting Date: February 17th, 2021

Applicants/Owners: Franklin and Margaret McKay
Agent/Solicitor: Dennis Sobey
File Number: B/06/21/SC & ZBA 21-02SC
Property Description: Part of Lot 1, Concession 1
 in the Township of Appleby
 now in the Municipality of St.-Charles
 Territorial District of Sudbury
 Parcel 26290A Sudbury East Section
 (Roll No.5204-000-003-096-00)

APPLICATION:

The lands are located on the west side of Highway 535 in the **Village of St. Charles**, north of King Street West and south of Turcot Road. The subject lands are in an area of predominantly rural and residential uses.

The purpose of the Application for Consent is to effect a lot addition. The proposed lot addition is approximately 1.61 hectares in area from the above noted parcel which is to be added to the adjacent lands to the east (69 Main Street). The proposed retained lands will have approximately 45.0 hectares of lot area and have road frontage on Highway 535, Turcot Road, Notre Dame Street and St. Anne Street. The entire enlarged lot is to be approximately 1.87 hectares in lot area with a lot frontage of 30.0 metres on Main Street.

SUBJECT LANDS:

Lot Dimensions:		<u>Lot Area</u>	<u>Lot Frontage</u>
	Severed Lot	1.61 hectares	0.00 metres
	Retained Lot	45.0 hectares	400.0 or 710.0 metres
	Enlarged Lot	1.87 hectares	30.0 metres
Access:	Publicly maintained (Ministry of Transportation) year-round road (Highway 535).		
Servicing:	Privately owned and operated individual well. Municipal sanitary sewer systems.		
School Busing:	Available.		
Garbage Collection:	Available.		
Fire Protection:	Available.		

APPLICATION REVIEW AND ANALYSIS:

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (2020) directs that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managed change and promoting efficient land use and development patterns. Efficient land use and development patterns supporting strong, liveable and healthy communities, protect the environment and public health and safety and facilitate economic growth. Under Section 3 of the Planning Act, where a municipality exercising its authority affecting a planning matter, such decisions "shall be consistent with" all policy statements issued under the Act.

The applicant's proposal seeks to effect a lot addition. Planning staff are of the opinion that the applicant's proposal would appear to be consistent with the Provincial policies regarding **Section 1.1.5.2 residential development**, including lot creation, is permitted on rural lands located in municipalities, **that is locally appropriate**, provided that such development is compatible with the rural landscape and sustained by rural service levels.

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

OFFICIAL PLAN

Official Plan Designation: **Village Policy Area (Village of St. Charles)**, 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).

Rural Policy Area as per Schedule C: Land Use Plan for the St. Charles Planning District

Village Policy 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 Community Policy Areas which have full municipal services. New development in the Village Policy Area is intended to occur through infill, intensification and redevelopment in the built-up area.

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 that are appropriate in settlement areas, as well as **limited residential developments**, where appropriate.

4.5.1 Consent Policies

Consents to sever land for the purposes of creating a new building lot shall only be **granted where a plan of subdivision has been determined not to be appropriate, no extension of services is required, adequate access to the severed and retained parcels can be provided from a year-round publicly maintained road, adequate sewage and water servicing can or will be provided, etc.**

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 that are appropriate in settlement areas, as well as **limited residential developments**, where appropriate.

Section 4.5.1 of the Plan contains policies pertaining to Consents. Subsection 1, outlines criteria that shall be considered when creating new buildings lots:

- a) new lots that represent minor infilling;
- b) the mortgaging of land beyond 21 years;
- c) lot boundary adjustments;**
- d) facilitating the disposal of a second legal dwelling;
- e) separating existing legal uses;
- f) providing a retirement residence on non-prime agricultural lands for a farmer who worked on the subject farm much of their adult life;
- g) separating lots that have merged on title; and,
- h) easements or right-of-ways.

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

ZONING BY-LAW (2014-26)

Current Zoning:	Rural (RU)
Proposed Zoning:	Retained Lot - Rural Severed Lot – Residential One (R1) Enlarged Lot – Residential One (R1)

The proposed lot to be retained is zoned Rural (RU) which requires a minimum lot area of 5.0 hectares and a minimum lot frontage of 100 metres. The proposed lot to be retained has an approximate lot area of 45.0 hectares and an approximate road frontage of 710.0 metres (Highway 535) and 400.00 metres on Turcot Road which both requirements exceed the requirements of the RU Zone.

The proposed lot to be severed, currently zoned Rural (RU), is 1.61 hectares in area with no lot frontage which will be added to the parcel to the immediate east (69 Main Street). The enlarged parcel of land will have an approximate lot area of 1.87 hectares and a lot frontage 30.0 metres and have split zoning (Rural and Residential One Zones).

To prohibit split zoning, as a condition of approval for consent, 69 Main Street is required to receive approval for a zoning by-law amendment application to ensure that the consolidated parcels of land remain under one zone which is Residential One (R1). The enlarged lot will continue to meet the minimum requirements of the Residential One (R1).

AGENCY REVIEW

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

following comments were received:

Clerk with the Municipality of St. Charles: property subject to municipal drain and may require re-apportionment require reassessment.

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

PUBLIC CONSULTATION

Notice of the consent and zoning by-law amendment applications were sent to surrounding property owners on **January 27th, 2021**, in accordance with the requirements of the Planning Act, R.S.O. 1990, Chapter P.13 and its Regulations (O.REG. 72/18 and 73/18) thereto. As of the writing of this report, no comments or concerns had been received from neighboring property owners.

MATTERS UNDER SECTION 51(24) OF THE PLANNING ACT

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

RECOMMENDATION:

Consent:

Whereas the application for consent is consistent with the 2020 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 St. Charles approve application for Zone Change, File Number ZBA 21-02SC, for lands owned by **Franklin & Margaret McKay**, which proposes to change the zoning of the severed lands described as Lot 1, Concession 1, in the Township of Appleby, Parcel 26290A, now in the Municipality of ST. Charles, from 'Rural (RU)' to 'Residential One (RU)' Zone.

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

Respectfully submitted,



Matthew Dumont, MCIP, RPP
Director of Planning