

Date: November 23, 2017

Report To: Planning and Development Executive Committee

From: Tyson Dennis, Chief Building Official/Municipal Planner

Re: Citizen letters with concern to Section 3.31 in the Zoning By-Law 03-14

At the October 10, 2017 Council meeting, a report was approved to begin the process of a By-Law Amendment to the Zoning By-Law 03-14 Section 3.31. The report described the conflict of set-back requirements for structures within areas of navigable and non-navigable watercourse and municipal hazards lands.

Letters from concerned residents brought the issues forward to Council. Council gave direction to the Planning and Development Department to undergo research for changes and begin the process of an amendment to the current Zoning By-Law. Citizens of the Town had an opportunity to speak to the matter and voice their concerns about the section of the Zoning By-Law, 3.31.

At the Committee of Adjustment meeting, October 25, 2017, the Committee reviewed the information regarding watercourse set-back of Fort Frances and neighboring municipalities. As this was a public meeting and advertised in the local paper, citizens had the opportunity to voice support, questions and concerns for any changes to the Zoning By-Law. Support for amending the Section of the By-Law was strongly supported by the public, as well as the Committee of Adjustment. The Committee unanimously voted to support the Zoning By-Law amendment. There was an appeal period which no appeals were submitted.

The Planning and Development Executive Committee, as well as the Planning and Development department are recommending the amendment to be accepted by Council. The Zoning By-Law 03-14, Section 3.31 would be amended to be a site specific for setback requirements from navigable and non-navigable watercourses, hazard lands and municipal surface drains. The recommended wording is as follows:

3.31 SETBACKS FROM NAVIGABLE AND NON-NAVIGABLE WATERCOURSES, HAZARD LAND AND MUNICIPAL SURFACE DRAINS

Notwithstanding any other provisions of this By-law, a **structure** in any zoning designation, may be required to have the *normal ordinary water edge* determined by an Ontario Land Surveyor and a set-back determined from the *normal ordinary water edge*, back 15m, measured horizontally, to allow for development near navigable and non-navigable watercourses. This is to be determined on a site-specific basis.

In the case of **hazard lands and municipal surface drains**, no part of any **structure** shall be constructed closer than 15 meters, horizontally measured, to the nearest point of the area to which the hazardous condition is deemed to exist by an Ontario Land Surveyor.

Original Signed By

Tyson Dennis

Chief Building Official/Municipal Planner

Council approval of this report will: will confirm support from Council for a Zoning By-Law amendment to Zoning By-Law 03-14, Section 3.31 to be site-specific requirements for set-backs from navigable and non-navigable watercourses, hazard lands and municipal surface drains. By accepting this report, Planning and Development will prepare a By-Law Amendment for passing at the December 11, 2017 Council meeting, which will finalize the application for Zoning By-Law Amendment.