

MEMORANDUM



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To: By-Law and Planning Committee
City of Elliot Lake

Date: November 3, 2022

JLR No.: 27355-002 (11)

CC: Ms. Natalie Bray, Director of Clerks and
Planning Services, City of Elliot Lake

From: Sarah Vereault, MCIP, RPP

Re: City of Elliot Lake Zoning By-law 18-36
Housekeeping Amendment

Background

On July 9, 2018 the Council of the City of Elliot Lake (City) adopted the new comprehensive Zoning By-law 18-36 affecting all properties within the municipality. The new Zoning By-law was adopted concurrently with the City's Official Plan update and replaced the City's former Zoning By-law 87-40.

The new Zoning By-law comprised mainly of the City's former Zoning By-law 87-40, amendments recommended during an internal review of the by-law in 2004 that were never implemented, and amendments required to conform to the City's updated Official Plan.

Since the enactment of the by-law, City Staff and J.L. Richards & Associates Limited (JLR) have been monitoring the Zoning By-law and identifying areas that require "housekeeping" amendments respecting typographical, punctuation, mapping errors, along with changes which assist in the interpretation and application of the By-law. These housekeeping issues can be corrected through an amendment to the Zoning By-law. This is a regular municipal practice to review and update by-laws to correct omissions and errors, and address issues of clarity in order to reflect the intent of the City.

Recommended Amendments

The following table indicates the Zoning By-law section where a revision is recommended, the proposed amendment, and reason for the amendment.

| Section/Item | Proposed Amendment | Rationale for the Amendment |
|------------------------------------|---|--|
| Throughout | Editorial changes to capitalization, punctuation, and format | Clarity |
| 2 Authorization and Administration | Clauses on interpretation, compliance with the By-law for permits, by-law contraventions, inspections, amending by-laws, and technical revisions. | These are standard clauses that should be included in any Zoning By-law. |
| 3 Definitions | Majority of changes minor for clarity | |
| | 'Aesthetics' definition added | To clarify the use in relation to a 'Home based business' |
| | 'Carport' definition revised | To add reference to City's parking by-law |
| | 'Clinic' definition revised | To remove limitation on number of practitioners |
| | 'Rowhouse' definition removed | Eliminates confusion with 'Townhouse' definition |
| | 'Sleep cabin' definition revised | To provide clarity that a loft above garage is considered to be a sleep cabin |
| | 'Tiny Home' definition added | To provide clarity that a 'Tiny Home' is considered to be a single detached dwelling |

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| | 'Private garage' definition revised | To remove limitation on size from the definition. Regulations should be provided in the provisions, not a definition. |
| | 'Industrial Use' definition added | 'Industrial Use' is listed as a permitted use, and as such should be defined for clarity. |
| | 'Lot Line, Front', 'Exterior Side', 'Interior Site' definitions added | No definitions of these lot lines were previously provided, and are needed for interpretation of setbacks, etc. |
| | 'Recreational Vehicle' definition added, 'Seasonal Trailer' removed | 'Recreational vehicles' are regulated to elsewhere in the by-law and should be defined. |
| | 'Short Term Rental' definition added | The use has previously been permitted as a 'seasonal dwelling', but 'short term rental' is the commonly accepted term and should be defined. |
| | 'Tourist Camp' definition added | This is a permitted use and should be defined. |
| 5.1.3 Garages and Sheds | Regulations moved to provisions from definition | Regulations should be provided in the provisions, not a definition. |
| 5.1.5 Portable Garages | Additional regulations for Portable Garages | To further regulate the temporary structures to ensure that they do not become in disrepair (i.e. by being kept up over winter if not rated for such use). |
| 5.1.6 Recreational Vehicles | Added regulation for RVs | Regulates the location of the RV within a residential zone and provides a placeholder for additional regulation, if desired. |
| 5.1.7 Shipping Containers | Additional regulations / permissions for Shipping Containers | To permit in the Tourist Highway Commercial Zone and further regulate the maintenance, OBC compliance, location, and number of containers. |
| 5.3 Permitted Encroachments | Reorganized in table format | For ease of use |
| 5.5 Fences | Height permission now in permitted encroachments | To recognize typical fence location on property lines |
| 5.8 Landscaping | Moved landscaping requirements for parking areas, and added supplemental requirements for abutting Residential zones or streets | To consolidate landscaping requirements in one location and ensure appropriate buffering between different land uses. |
| 5.12 Non-complying provisions | Added non-complying provisions | These are standard clauses that should be included in any Zoning By-law. |
| Former 5.13 Park Model Homes | Deleted | This provision was not necessary as permitted uses are listed for each zone. |
| 5.13 Non-conforming Uses | Added additional non-conforming provisions | These are standard clauses that should be included in any Zoning By-law. |
| 5.16 Short Term Rentals | Added short term rental provision to require compliance with licensing if applicable. | Provides a placeholder for additional regulation, if desired. |
| 5.17 Sight Triangles | Added provisions for sight triangles | Previous by-law had defined the term but did not regulate the area. Regulated to allow vehicular movements and line of sight for safety. |
| 5.20 Water and Sewage | Reworded for clarity. | Specified which zones require development on full municipal services. |
| 6.1.1 Parking Standards | Simplified calculations, i.e. 1 space per ... | For ease of use |
| 6.4.1 Accessible Parking | Type B parking spaces added | To comply with the Ontario Integrated Accessibility Standards Regulation |

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| 6.5 Location of parking | Reworded regulations and moved recreational vehicle regulation to its own section in the General Provisions. | For clarity |
| 6.7 Parking Requirements | Landscaping requirement moved to GPs | To consolidate landscaping requirements in one location |
| 6.8 Commercial Vehicles | Noted to be in compliance with City's Parking By-law | Reduces duplication of regulations in multiple By-laws |
| 6.9 Off Street Loading Requirements | Consolidated loading space requirements | Previously four separate sets of provisions were provided for loading spaces in various zones. These were consolidated to simplify the requirements. |
| 7.1, 8.1 R1, R1M Permitted uses | Added short term rentals | Per direction from City staff, given the lack of short term (hotel) accommodations in the City, additional options are necessary. |
| 7.3, 8.3 R1, R2 additional provisions | Deleted additional provisions for corner lots and side yard setbacks for garages | This provision was not deemed to be necessary, if a garage is desired, it shall comply with zone provisions. |
| 9.2.2, 10.2.2 R2, R2M Townhouse provisions | Combined with former 9.2.3, 10.2.3 Rowhouse provisions | Consolidated former 'rowhouse' / 'townhouse' provisions to provide one set of provisions for the typology. |
| 11.2, 11.3 MHP Zone requirements | Added requirements for a Mobile Home Park and Mobile Home Sites, and additional zone requirements | Zone provisions were omitted from the by-law initially, but need to be provided to indicate how development in the MHP Zone is to occur. |
| 12.3.3 C1-3 Zone | Removed special exception zone | This use is not in operation and is not required |
| 16.1 M permitted uses | Refer to accessory dwelling unit | To update with current terminology |
| 17.1 CM permitted uses | Added commercial vehicle parking lot | Per direction from City staff, to permit additional use in the CM Zone. |
| 21.1 RA permitted uses | Removed requirement for seasonal trailer parks to be owned by the City and summer camps to be owned by a not-for-profit | Ownership of seasonal trailer or summer camp uses is not relevant to the permitted location and regulation |
| 22.1 RB permitted uses | Added "short term rentals"; Removed requirement for summer camps to be owned by a not-for-profit | To permit short term rentals in a zone geared towards tourist commercial uses. Ownership of camp use is not relevant to the permitted location and regulation |
| 23.1 RS permitted uses | Added short term rentals | For clarity as 'short term rental' is now a common term and defined use in the by-law. The use was already permitted in the zone as a 'seasonal dwelling'. |
| 23.3 RS Zone Requirements | Provisions added / revised from By-law and Planning Committee recommendation, March 2019 | To implement recommendations previously approved by Committee that were never fully incorporated into the By-law regarding shoreline development best practices and vegetation preservation. |
| 24.1 RL Zone permitted uses | Revised single dwellings to be in compliance with RS Zone provisions (Section 23.2); Added short term rentals | RL zoned lots are on the waterfront, RS provisions provide better protection for the waterfront and should be implemented. Short term rentals included as a specific permitted use for clarity, as the City always interpreted 'seasonal dwelling' to permit the use |
| 26 Validity | Added wording | These are standard clauses that should be included in any Zoning By-law. |
| 28, 29 Repeal of Previous By-laws, Effective Date | Revised numbering and changed reference to Ontario Land Tribunal | To update with current terminology |

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|-------------------------|--|--|
| Throughout | Editorial changes to capitalization, punctuation, and format | Clarity |
| Schedule "B" Rural Area | Rezone 700 Highway 108 North to "M" | To recognize existing use, zoned "C1" in error |

Amendment Process

A housekeeping amendment is similar to any other Zoning By-law Amendment considered by the City, whereby notice must be given and a public meeting held prior to a decision made by Council which is then followed by an appeal period.

Should the Committee concur with the recommended amendments contained herein, it is recommended that a public meeting be scheduled for Council to consider the proposed amendments to the By-law.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Sarah Vereault, MCIP, RPP
Associate, Senior Planner