

THE CORPORATION OF THE CITY OF ELLIOT LAKE

Consolidated Excerpt from Zoning By-law

BY-LAW NO. 03-8

Being a by-law to amend the
Zoning By-law of the Municipality
No. 87-40.
(05-5; 05-63; 08-33)(09-81)(15-47, 15-59)

The Council of the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS :**

1. **THAT** By-law No. 87-40, as amended, is hereby further amended by adding to Section 4. **ZONES**, 4.1 Classification of Zones after Limited Services Residential “L” Zone, the following:

“Shoreline Residential Rural Estate	“RS” Zone “RE” Zone.”
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2. **THAT** By-law No. 87-40, as amended, is hereby further amended by adding to Section 5. **GENERAL REGULATIONS FOR ALL ZONES**, the following after 5.13:

“5.14 Water and Sewage Disposal Services-Municipal or on-site (private) services
No building permit shall be issued for any building or structure which requires municipal or on-site (private) sanitary sewage services unless the building permit application is accompanied by a Certificate of Approval issued under the Building Code Act or the lands are serviced with municipal water and sewer services, whichever is applicable for the proposed method of sewage disposal. The servicing of lands with municipal sewer and water services is intended to include lands for which the services have not been installed but which are subject to a valid subdivision or development agreement providing for such services. Wells (on-site water services) shall be constructed in accordance with the requirements of Ontario Regulation 903.

3. **THAT** By-law No. 87-40, as amended, is hereby further amended by adding to Section 20. **RURAL “A” ZONE**, Permitted Uses, after Horse stables and horse riding facilities the following:

“Public Boat Launch”

4. **THAT** By-law No. 87-40, as amended, is hereby further amended by adding thereto the following new section after section 21. **Rural “B” Zone:**

“Section 21.A **SHORELINE RESIDENTIAL “RS” ZONE**

Limited municipal service standards apply to this zone.

21A.1 Permitted Uses

No person shall use any land or erect or use any building or structure for any purpose except one (1) or more of the following uses:

- Single Family Dwelling
- Seasonal/Recreational Dwelling
- Structures accessory to the above uses

Shoreline residential uses are permitted on the following lakes:

McCarthy Lake, Pecors Lake, Depot Lake, Marshland Lake, Popeye Lake, Trout Lake, Rossmere Lake, Grandeur Lake, Dunlop Lake and Quirke Lake.

21A.2 Requirements

Each lot may contain not more than one single family dwelling or seasonal/recreational dwelling, but not both.

Lot area, minimum	0.4047 ha
Lot width, minimum	45 metres
Building line from the lot line adjoining a lake or river, minimum	20 metres from High Water Mark
Building line from street lot lines (non-waterfront properties)	12.0 metres
Building line from rear lot line	12.0 metres
Building line from another lot line, minimum	6 metres
Building height (main building), maximum	10.5 metres
Ground floor area of single family dwelling and Seasonal /Recreational dwelling on lots of .81 hectares or less, minimum	65 sq. metres,
Ground Floor Area of single family dwelling and Seasonal/Recreational dwelling on lots greater than .81 hectares, minimum	111.48 sq. metres

Despite the above, the minimum ground floor area dwelling size of 65 square metres applies to the following residential shoreline lots: Site 9, lot 7; Site 12, lot 13; Site 13, lots 1 and 12; Site 20, lot 13; Site 21, lot 34; Site 23, lots 2 and 10; Site 26, lots 17, 18, 19, 21, 23, and 30 and **Lot 17, Plan 1M-581 on Popeye Lake.**

(By-law No. 05-5; 06-63, 15-47)

Lot coverage, maximum	main building	10%
	accessory buildings	10%
	all buildings	15%

Balconies, canopies and unenclosed porches/decks may project beyond any building line adjoining a lake or river, a distance of not more than 5 metres including eaves, stairs or any part of the structure. For the purpose of allowable encroachments for accessory structures, lot coverage for the above structures shall not be included in the calculation.

The parking of not more than (1) one Commercial vehicle as defined under section 5.11.3 will be permitted.

Recreational vehicles used as seasonal dwellings on vacant lots are prohibited unless authorized by a Temporary Use By-law under section 39 of the Planning Act.

1) Requirements for Buffer Areas:

Each Lot shall have a buffer area in which:

- a) no trees shall be removed;
- b) no roots or root systems, herbs, grasses, or the duff layer shall be removed;
- c) no lawn shall be established or maintained.

A Buffer Area shall be maintained around the perimeter of each lot, and having the following minimum depth:

Buffer Area:	NB All lands lying on the opposing side of the High Water Mark (ie. seasonally inundated shorelands and beds of water bodies) shall not be altered without the authority of the Crown.	
Shoreline Buffer: From the lot line adjoining a lake or river, minimum	15 metres	measured horizontally inland from the High Water Mark
Perimeter Buffer: From the rear lot line, minimum	10 metres	
Perimeter Buffer: From any other lot line, minimum	5 metres	(15-59)

2) EXCEPTIONS:

Prior to submission of a Lot Development Plan, exceptions (1) i) and ii) may be undertaken. The following exceptions are permitted within the required Buffer Area upon approval of a Lot Development Plan:

(1) Buffer Area Exception along the side or rear lot line	i) Up to a maximum of 9 metres width for driveway(s) may be permitted to cross or occupy the Buffer Area to provide vehicular and pedestrian access from the road onto the lot.
Water Access Only properties	ii) Up to a maximum of 4.5 metres width for access from the water may be permitted.
	iii) Encroachments may occur for an accessory building where the structure has a lesser setback than the required buffer.

(2) Shoreline Buffer Area Exception	The lands located in a shoreline buffer area shall be maintained in a natural state except for the following:
	i) Dead or decaying vegetation shall not be removed unless it poses a safety hazard. Dead or decaying standing trees that pose a risk to safety may be felled and left to decay on the forest floor on the subject property. Other dead or decaying vegetation may be relocated within the buffer area so that it no longer poses a safety risk.
	ii) maximum 2 metre wide pedestrian pathway from the dwelling to the shoreline
	iii) a maximum 4 metre wide utility access route including minimal removal of the duff layer for underground utility installations (may include hydro, cable, internet, natural gas, water). This area shall be restored immediately to original grade and native vegetation must be planted.
(3) In addition to the above exceptions:	Trees within the shoreline buffer area may be removed, as shown in a <i>Lot Development Plan</i> to alter the Buffer area or to allow construction of an accessory structure or building that is otherwise permitted within the required front yard as follows: i) a maximum of 20% of the trees within the Buffer Area may be removed; ii) the maximum width of disturbance within the Shoreline Buffer shall be a maximum of 10 metres width in total for road-access lots and 12.5 metres in total

	for water-access lots. iii)outside of the areas described in 2(2)ii, 2(2)iii and 2(3)(ii) above, shrubs will not be removed from the shoreline buffer but may be selectively pruned.
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(08-33)(15-59)

Accessory Buildings

Detached Private Garage

Notwithstanding any other provision in this By-Law, one(1) detached private garage only may be erected per lot as follows:

- Building line from street lot line: same as main bldg.
- Building line from side lot line and rear lot line: 3 metres
- Building height, maximum: 6 metres and may contain intermediate floors
- Ground floor area, maximum: 111.5 sq. metres and not to exceed ground floor area of main building.

Sleep Cabin – Not more than (1) one cabin will be permitted per lot

- Floor area , maximum 25 sq metres
- Location, minimum behind main bldg.
- Building line from other lot line 3 metres
- Height, maximum 5 metres

Land-based Boat House (storage only)

- Distance from high water mark, minimum 3 metres
- Floor Area, maximum 25 sq. metres
- Height, Maximum 1storey
- Building line from other lot line, minimum 3 metres

Water-based Boat House (storage only)

- Subject to approval by the Ministry of Natural Resources
- Projection from private lot benefitting from the structure 3 metres
- Height, Maximum 1.5 storeys
- Building line from other lot line, minimum 6 metres

Gazebos, Saunas, Decks on Waterfront properties only

- Location unrestricted
- Distance from high water mark 3 metres
- Building line from other lot line 6 metres
- Building height 1 storey

Other accessory buildings

- Building line from street lot line same as main bldg

- Building line from other lot line	3 metres
- Building height	1 storey

21. A.3 Definitions

For the purposes of Section 21A, the following definitions shall apply:

Boat House: means a building or structure or part thereof, used for the storage, shelter of private boats, personal watercraft or other forms of water transportation and equipment accessory to their use, but shall not be used for human habitation nor be equipped with pressurized potable water or sanitary facilities.

Buffer Area: means a portion of a lot around the perimeter of the lot where existing vegetation is maintained or re-established in its natural predevelopment state, or native vegetation is planted for the purpose of protecting natural vegetation and minimizing the visual impact of any buildings or structures on the lot.

Buffer Area, Shoreline: means the portion of the Buffer Area adjacent to the High Water Mark.

Disturbance: means removal, damage or destruction in any way of trees and/or the placement of accessory buildings within the Buffer Area.

Duff Layer: means forest floor cover including organic matter on the forest floor such as leaves, needles, and mosses.

Grasses: means many species of grass such as quack grass, timothy and sedge.

Herbs: includes many species of weeds and flowers such as trillium, lily, cattail, buttercup.

Dwelling- Seasonal/Recreational: means a single detached dwelling containing one (1) dwelling unit constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof.

High Water Mark: means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark and as established by an Ontario Land Surveyor.

Lawn: means an area of cultivated grass or any area of mowed grass.

Lot Development Plan: means a Plan submitted in accordance with the Municipality's Site Plan Control By-law.

Lot Line, Street: means any lot line or high water mark that divides a lot from

the street.

Public Boat Launch: means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body.

Shrubs: immature trees and/or low vegetation or bushes including but not limited to Dogwood, Cranberry, Alder, Elder, Willow, Blueberry, Labrador-Tea.

Sleep Cabin: means an accessory building or structure located on the same lot as the principal building or structure, the accessory use being for sleeping accommodations in which neither cooking or sanitary facilities or pressurized water shall be provided.

Street: means a public highway, or a private thoroughfare of not less than 15.24 metres in width, which affords a principal means of vehicular access to the abutting lots, or in the case of a water frontage lot, only the lake or river frontage is to be considered the street.

Tree: means a self supporting woody plant with a diameter of 10.2 cm (4") measured by caliper or more measured from outside the bark 1.4 m (4'7") above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three largest stems measured approximately 1.4 m above existing grade.

5. **THAT** By-law No. 87-40, as amended, is hereby further amended by adding thereto the following new section after section 21.A **SHORELINE RESIDENTIAL "RS" ZONE**:

“Section 21.B **RURAL ESTATE "RE" ZONE**

Permitted uses

Any use permitted in the 21.A Shoreline Residential Zone subject to the requirements of such zone except that the **minimum lot size shall be 1 hectare.**”

6. **THAT** Schedule “A” to By-law No. 87-40, as amended, is hereby further amended by deleting the Rural Zoning Map inset and replacing with the inset map showing the additional Residential Shoreline “RS” and “RE” Zone areas, attached hereto and forming part of this by-law.
7. **THAT** this by-law shall come into effect on the date it is passed by the Council of The Corporation of the City of Elliot Lake, subject to the applicable provisions of The Planning Act, 1994.

PASSED this 24th day of March, 2003.

Note: This document is a consolidation of the Shoreline Residential Zone requirements, an excerpt of the Municipality's Zoning By-law. The full document and Official Plan consolidation are available at the Office of the City Clerk, City of Elliot Lake, 45 Hillside Drive North, Elliot Lake, Ontario P5A 1X5.