



**BY-LAW & PLANNING COMMITTEE
AGENDA**

Thursday, May 9, 2019, 2:00 pm
COUNCIL CHAMBERS

Pages

1. ROLL CALL
2. DECLARATION OF CONFLICT OF INTEREST
3. MINUTES OF PREVIOUS MEETINGS
 - 3.1 March 4, 2019 3
 - 3.2 April 23, 2019 5
4. PUBLIC PRESENTATIONS

Sarah Vereault, Planner will be giving a presentation on Planning Act Approval Process
5. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS
 - 5.1 May 1, 2019. Report from the Director of Protective Services 7

re: Draft 2019 Fire Permit By-Law
 - 5.2 May 7, 2019. Report from the City Clerk 17

re: Zoning By-Law Amendment 206 Ottawa Ave.
 - 5.3 April 30, 2019. Report from City Clerk 35

re: Offer to purchase two parcel of vacant residential land on Gauthier Place

As this matter deals with the potential disposition of land by the municipality it may be discussed in closed session under Section 239(2)(c) of the Municipal Act.
6. PRESENTATION OF COMMITTEE REPORTS
7. UNFINISHED BUSINESS
8. PETITIONS
9. CORRESPONDENCE
10. PUBLIC QUESTION PERIOD

11. ADDENDUM

12. CLOSED SESSION (if applicable)

13. SCHEDULE OF NEXT MEETING

The next schedule meeting of the By-Law and Planning Committee will be on June 3, 2019 at 4:00 p.m.

14. ADJOURNMENT



BY-LAW & PLANNING COMMITTEE

MEETING MINUTES

Monday, March 4, 2019, 4:00 pm
COUNCIL CHAMBERS

Present: E. Pearce, Chair, D. Marchisella, Ex officio, S. Finamore,
Member, N. Mann, Member
Resources: L. Chaloux, Secretary, D. Gagnon, Chief Administrative Officer
Others Present: T. Turner, Councillor, C. Patrie, Councillor

1. ROLL CALL

The meeting was called to order by the Chair at 4:03 pm.

2. DECLARATION OF CONFLICT OF INTEREST

3. MINUTES OF PREVIOUS MEETINGS

Res#: 19-01

Moved By: D. Marchisella

Seconded By: S. Finamore

That the minutes of the previous By-law and Planning Committee Meeting held November 5, 2018 be received.

Carried

4. PUBLIC PRESENTATIONS

5. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

5.1 CBO Report 2019-01 Draft Smoking By-Law

Res#: 19-02

Moved By: D. Marchisella

Seconded By: S. Finamore

That Report CBO 2019-01 of the Chief Building Official dated the 28nd January 2019 be received;

And That the By-Law and Planning Committee forward to Council for approval.

Carried

5.2 Proposed appointment of Real Estate Broker of Record

For discussion as requested by Councillor Tom Turner

Motion to refer this item to the Economic Development Committee

Res#: 19-03

Moved By: D. Marchisella

Seconded By: S. Finamore

Carried

6. PRESENTATION OF COMMITTEE REPORTS**7. UNFINISHED BUSINESS****8. PETITIONS****9. CORRESPONDENCE****10. PUBLIC QUESTION PERIOD**

Mike Thomas had questions on if cannabis smoking would be allowed in any location.

CBO replied that cannabis smoking would only be allowed in designated smoking areas.

12. CLOSED SESSION (if applicable)**13. SCHEDULING OF NEXT MEETING**

The next scheduled meeting of the By-Law and Planning Committee is Monday, April 1, 2019 at 4:00 pm.

14. ADJOURNMENT

Meeting adjourned at 4:49 pm.

Res#: 19-04

Moved By: S. Finamore

Seconded By: N. Mann

That the meeting be adjourned at the hour of 4:49 pm.

Carried



**BY-LAW & PLANNING COMMITTEE
MEETING MINUTES**

Tuesday, April 23, 2019, 3:00 pm
COUNCIL CHAMBERS

Present: E. Pearce, Chair, D. Marchisella, Ex officio, C. Patrie, Councillor ,
S. Finamore, Member
Regrets: N. Mann, Member
Resources: Leo Chaloux, CBO
Others Present: T. Turner, Councillor , D. Gagnon, CAO, D. Halloch, Director of
Public Works

1. ROLL CALL

The meeting was called to order by the Chair at the hour of 3:00 pm.

2. DECLARATION OF CONFLICT OF INTEREST

None

3. MINUTES OF PREVIOUS MEETINGS

N/A

4. PUBLIC PRESENTATIONS

4.1 April 23, 2019. Planning 101: Overview of new Official Plan and Zoning By-law

Presenter: Sarah Vereault, J.L. Richards & Associates Limited

Sarah Vereault, gave a presentation on the new Official Plan and Zoning By-Law

5. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

6. PRESENTATION OF COMMITTEE REPORTS

7. UNFINISHED BUSINESS

8. PETITIONS

- 9. **CORRESPONDENCE**
- 10. **PUBLIC QUESTION PERIOD**
- 11. **ADDENDUM**
- 12. **CLOSED SESSION (if applicable)**
- 13. **SCHEDULING OF NEXT MEETING**

The next regular schedule meeting of the By-Law and Planning Committee will be on May 6, 2019 at 2:00 pm.

14. **ADJOURNMENT**

Res#: 19-05

Moved By: S. Finamore

Seconded By: E. Pearce

That the meeting be adjourned at the hour of 4:00 pm.

Carried



STAFF REPORT

REPORT OF THE DIRECTOR OF PROTECTIVE SERVICES FOR THE CONSIDERATION OF COUNCIL

OBJECTIVE

That Council repeal By-law No. 07-23 and replace it with xxx.

RECOMMENDATION

THAT the report of the Director of Protective Services dated May 7, 2019 be received;

AND THAT the By-law and Planning Committee recommend to Council to repeal By-law No. 07-23 and replace it with xxx.

Respectfully Submitted



John Thomas
Director of Protective Services

Approved



Daniel Gagnon
Chief Administrative Officer

BACKGROUND

By-law No. 07-23 controls open air burning within the nine townships of Elliot Lake. The by-law provides for regulating the prevention and the setting of open air fires. Issues arising during municipal fire bans, restricted fire zones and the use of flying lanterns have driven some of the recommended changes to the by-law.

ANALYSIS

The existing by-law allows the issuance of permits by the Elliot Lake Fire Service so that citizens can have controlled safe campfires. The by-law also regulates open air burning of grass, bush, and brush. The existing and proposed by-law regulations are drafted to co-ordinate with the Forest Fire Protection Act of Ontario. The by-law cannot be less restrictive than the act but can be more restrictive.

The existing by-law had changes to reflect today's needs, such as:

- Allowing enforcement for burning during municipal fire bans or provincial restricted fire zones.
- Ban the use of flying lanterns within municipal boundaries.

FINANCIAL IMPACT

N/A

LINKS TO STRATEGIC PLAN

"Strong Municipal Corporate Administration and Governance" to review and update by-laws, policies, and procedures.

SUMMARY

The changes recommended in the by-law will clearly help with enforcement, prevention and spreading of fire in the City of Elliot Lake.



THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 07-23

Being a by-law to regulate the setting of open air fires and to provide for the prevention of the spreading of fires within the Corporation of the City of Elliot Lake and to repeal By-law No. 86-26.

WHEREAS Section 7.1 (1)(b) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4 as amended, states that a municipality may pass by-laws, regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Section 7.1 (4) of the *Fire Protection and Prevention Act*, 1977, S.O. 1997, c.4 as amended, states that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with. 201, c.25, c.475 (3);

AND WHEREAS Section 7.1 (4) of the *Fire Protection and Prevention Act*, 1977 the exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of the Municipal Act, 2001, other than clause 431 (a) of that Act;

AND WHEREAS Section 425 (1) of the Municipal Act, S.O. 2001, c.25, as amended, provides a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429 (1) of the Municipal Act, S.O. 2001, c.25, as amended, provides a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS Section 446 (1) of the Municipal Act, S.O. 2001, c.25, as amended, provides that if a municipality has the authority under any Act or under a by-law under any Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Council deems it necessary to adopt a new by-law to regulate and control open air burning with the City of Elliot Lake and to repeal By-law No. 7-23;

NOW THEREFORE The council of the Corporation of the City of Elliot Lake enacts as follows:

PART 1 GENERAL PROVISIONS

SECTION

1.1 Short Title

This By-law shall be cited as the “*Burning By-law*”.

1.2 Scope

The provisions of this By-law, which includes the Schedules and Appendices annexed hereto and the Schedules and Appendices are hereby declared to form part of this by-law shall apply to all property within the geographic limits of the City, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by a *By-law Enforcement Officer*, or a *Chief Fire Official*, or a *Police Officer*.

1.4 Conflicts with other by-law

Where a provision of this By-law conflicts with a provision of another by-law in force in the City of Elliot Lake, the provisions of this By-law shall prevail in order to protect the health, safety and welfare of the general public.

PART 2 DEFINITIONS

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law.

SECTION

2.1 “Applicant” means the person (18) or older that makes application to the Chief Fire Official for a permit to hold open air burning.

2.2 “By-law Enforcement Officer” means the *person* or *persons* duly appointed by the *Council* as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the *City*.

2.3 “Barbeque” means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires.

- 2.4** “**City**” means the Corporation of the City of Elliot Lake.
- 2.5** “**City Property**” means any land situated within the *City* which is owned by the *City* or controlled by the *City* by lease or otherwise, but does not include a *highway*.
- 2.6** “**Combustible Material**” means materials capable of burning including wood, paper, plastic and vegetation.
- 2.7** “**Council**” means the Municipal *Council* of the City of Elliot Lake.
- 2.8** “**Designate**” means the person or persons appointed by the *Chief Fire Official* authorized to issue open air burning permits in accordance with this by-law.
- 2.9** “**Fire Ban**” means a period of time during which the Fire Chief or his/her designates, prohibits all outdoor burning activities within the *City*.
- 2.10** “**Fire Restricted Zone**” means the area in which the Ministry of Natural Resources has suspended all open air burning.
- 2.11** “**Open Air Burning**” means any fire that is conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, construction site, building lot, parking lot, street, or other open place. For the purpose of this definition *open air burning* does not include the following:
- (a) the operation of welding or similar equipment;
 - (b) a manufactured outdoor wood furnace installed and operated in accordance with the manufacturer’s instructions;
 - (c) an appliance which is fuelled by natural gas or propane, including but not limited to a *barbeque*.
- 2.12** “**Open Air Burning Device**” means a manufactured or non-manufactured, non-combustible, enclosed container that is not fueled by natural gas or propane is designed to hold a small fire for decorative, recreational, cooking or warmth purposes and the size of which is not larger than 1 metre (3.2 feet) in any direction and may include, but is not limited to a chiminea, unless approved by the Chief Fire Official or his/her designate.
- 2.13** “**Outdoor fire Pit**” means a non-combustible, contained pit that is not fueled by natural gas or propane and is designed to hold a small fire for decorative, recreational, cooking or warmth purposes and the size of which is not larger than 0.6 metres (24 inches) in any direction.
- 2.14** “**Owner**” means the registered owner of the land.
- 2.15** “**Person**” means an individual firm or corporation.

- 2.16** “**Police Officer**” means a member of the Ontario Provincial Police Service.
- 2.17** “**Provincial Offences Act**” means the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 2.18** “**Flying Lantern**” means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, or other similar device which are devices containing a fuel pack, which fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to rise.

PART 3 REGULATIONS

SECTION

- 3.1** No *person* shall set out fires in open air at any time without first obtaining an open air burning permit.
- 3.2** The *Applicant* shall acquire a burning permit from the *Chief Fire Official* or his/her designate.
- 3.3** *Outdoor fire pits* and *open air burning devices* may be inspected at any time by the *Chief Fire Official* or by his/her designate to determine compliance with set out guidelines and regulations.
- 3.4** No person shall conduct an open air burn at any time in a Ministry of Natural Resources declared *fire restricted zone(s)* or during a City of Elliot Lake declared *fire* ban.
- 3.5** No *person* shall conduct an *open air burn* within the Municipality between the hours of ten o'clock in the morning and six o'clock in the evening during the period from the 1st day of April to the 31st day of October in each year unless written approval by the *Chief Fire Official* or his/her designate is issued.
- 3.6** Application to burn during *fire restrictive time(s)*, as outlined in Section 3.5 may be granted by the Chief Fire Official or his/her designate.
- 3.7** No person shall set any fire outdoors to burn, or shall burn outdoors, any grass or leaves except in rural or agriculture areas as designed by the City, as approved by the Chief Fire Official or his/her designate. No household garbage, construction materials or materials mad of/or containing rubber, plastic, tar, pressure treated or creosote treated wood, or any material which may emit noxious or poisonous substances or pollutants, including PCB's and other chemicals shall be burned at anytime.

- 3.8** All persons conducting an *open air burn* shall ensure that it is controlled and supervised at all times and completely extinguished before the burn site is vacated.
- 3.9** Without limiting in any way the prohibition set forth in Section 3.7, all persons shall ensure that only dry, woody type of materials that do not emit noxious or poisonous substances or pollutants other than those produced by the burning of wood, tree limbs or branches shall be permitted to be burned in an *open air burning device or outdoor fire pit*.
- 3.10** No *person* shall conduct an *open air burn* that causes an inconvenience or irritation to others.
- 3.11** Every *person* who is *open air burning* shall ensure that he/she has adequate safety equipment such as water, portable water pumps, portable multi-purpose fire extinguisher, rakes or any other tools necessary to contain the fire.
- 3.12** No *person* shall set *open air burning* in an area near grass or other vegetation where it may spread due to strong winds.
- 3.13** The *Chief Fire Official* or his/her designate can suspend or rescind an open air burning permit at any time.
- 3.14** *Open air burning permits* can be obtained from the City of Elliot Lake Fire Department located at 55 Hillside Drive North.
- 3.15** No persons within the Municipality of the City of Elliot Lake shall ignite or release an ignited *Flying Lantern*.
- 3.16** Any person who ignites or releases a *Flying Lantern* and causes an open fire in the Municipality of the City of Elliot Lake assumes full responsibility for fire control and shall:
- i. Be responsible for any damage to property or injury to persons or animals occasioned by said fire;
 - ii. Assumes full responsibility for fire control and may be liable for costs incurred by the Elliot Lake Fire Department, including costs of the personnel and equipment as authorized and set out in the City of Elliot Lake Fees By-law in effect at the time of the incident and authorized by the Fire Chief or his/her designate.

PART 4 EXEMPTIONS

SECTION

- 4.1** The City of Elliot Lake Fire Department shall be exempt from the provisions of this by-law with respect to open air fires for the purposes of training, educating individuals in fire safety or for research purposes;
- 4.2** The City shall be exempt from the provisions of this by-law with respect to open air fires related to municipal works and Council approved or sanctioned events upon approval of the Chief Fire Official or his/her designate.

PART 5 PERMIT FEES

SECTION

- 5.1** The fees for the issuance of *Open Air Burning Permits* shall be as follows:
 - (a) Annual permit: \$5.00

PART 6 PENALTIES

SECTION

- 6.1** Every person who contravenes any of the provisions of By-law ???? is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990. Chapter P.33, as amended.
- 6.2** Any *person* who contravenes any provision of the Ontario Fire Code and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for an individual or \$100,000 for a corporation or to imprisonment for a term of not more than one year or both.
- 6.3** Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- 6.4** Every person who sets a fire in contravention of this by-law or fails to extinguish a fire once ordered to do so by the *Chief Fire Official* or his/her designate shall, in addition to any penalty provided for herein, be liable to the *City* for all expenses incurred for the purposes of investigating, controlling and extinguishing any fire or left to burn, and such expenses may be recoverable by court action or in a like manner such as municipal taxes.

PART 7 VALIDITY

SECTION

7.1 Validity of By-law

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

THE CORPORATION OF THE CITY OF ELLIOT LAKE

SCHEDULE “A”

OPEN AIR BURNING BY-LAW NO. 2019-????

PART 1 PROVINCIAL OFFENCES ACT

SET FINES

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE
1	Conduct open air burning without a permit.	Part 3, Section 3.1	\$100.00
2	Conducting open air burning in a restricted fire zone or during a fire ban.	Part 3, Section 3.4	\$300.00
3	Conducting open air burning during restricted times.	Part 3, Section 3.5	\$100.00
4	Fail to supervise open air burning.	Part 3, Section 3.8	\$100.00
5	Open air burning other than dry woody type materials.	Part 3, Section 3.9	\$100.00
6	Open air burning impacting others.	Part 3, Section 3.10	\$100.00
7	Fail to provide extinguishing agent.	Part 3, Section 3.11	\$100.00
8	Conducting open air burning too close to grass and vegetation.	Part 3, Section 3.12	\$100.00
9	Use of Flying Lanterns within Municipality of the City of Elliot Lake boundries.	Part 3, Section 3.16	\$????



MEMO

To: **Bylaw and Planning Committee**
From: **Natalie Bray, Clerk**
Date: **May 6, 2019**
Subject: **Zoning By-Law Amendment - 206 Ottawa Avenue**

We are in receipt of an application for zoning amendment in order to convert an existing detached garage for the purpose of establishing an automotive shop.

The application fee of \$750.00 has been submitted.

Attached you will find the report from J.L. Richards & Associates Limited with their recommendation for Council to refuse the Zoning By-Law Amendment application as the proposed amendment is inconsistent with the intent and policies of the Provincial Policy Statement (PPS), does not conform to the Growth Plan for Northern Ontario, and does not conform to the City's Official Plan (OP). Also attached are comments from the Chief Building Official.

The Committee now has a few options. They can decide not to schedule a public meeting, thus removing council from the initial decision making process and the applicant can appeal a non-decision on the application OR the committee can recommend scheduling the public meeting and Council would make the decision on the application that could then be appealed by the applicant for refusal on the decision. If the applicant was is appealing a refusal they will need to demonstrate how the application is consistent with the PPS and Growth Plan and conforms to the OP.

Natalie Bray
Clerk

Application for Zoning Amendment

Page 1 of 3

1. Personal Information

Name of Owner of Subject Land	Dave & Tammy Harnell	Name of Applicant of Subject Land	Dave & Tammy Harnell
Address of Owner of Subject Land	206 Ottawa Ave	Address of Applicant of Subject Land	206 Ottawa Ave
Tel. No.	()	Tel. No.	()
Fax No.	()	Fax No.	()

2. Mortgage Information

Name of Mortgage(s) of Subject Land	
Address(es) of Mortgage(s) of Subject Land	206 Ottawa Avenue, Elliot Lake, PSA 2N5
Charges or other Encumbrances	N/A

3. Zoning Information

Designation of Subject Land in Official Plan	1	Current Zoning of Subject Land	R1
Nature and Extent of Rezoning Requested	Wish to ammend zoning of garage to M.	Reason for Rezoning (attach letter if insufficient space)	Wish to perform mechanical services to cars. Tire changes, repairs etc. DAAW

Description of Subject Land

Description of Subject Land	Name of Municipality	The Corporation of the City of Elliot Lake	
	Number & Name of Street	206 Ottawa Avenue	
	Registered Plan No.	M337	Other Information:
	Reference Plan and Part No.	Lot 89 PCL 6513 AES	
Measurements	Frontage of Subject Land	48.91'	
	Depth of Subject Land	125.82'	
	Area of Subject Land	6,153 ft ²	

Access to Property

The Subject Land is Accessible by:
(Please Check)

- ☐ Provincial Highway
☐ Municipal Road that is maintained all year or seasonally
☒ Public Road
☐ Right of Way
☐ Water IF BY WATER SEE BELOW
☐ Other (Please specify) _____

If accessible by WATER ONLY,
please fill in the following information:

Parking & Docking Facility to be used: _____
Distance of above Facility from: _____
Your Land: _____
Nearest Public Road: _____

Existing Uses of Subject Land

Existing Uses of Subject Land:	Residential
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Application for Zoning Amendment



Are there any buildings/structures on Subject Land?

- ☒ Yes, PLEASE ANSWER QUESTIONS BELOW
- ☐ No, Go to Number #7

Date of Construction of Existing Building/Structure		1	1979					
		2	1989					
		3						
		4						
Type of Building/Structure		1	House					
		2	Garage					
		3						
		4						
Setback from Front Lot Line	1	21'	Setback from Rear Lot Line	1	20'	Setback from Side Lot Line	1	5'
	2	70'		2	20'		2	6'
	3			3			3	
	4			4			4	
Height (in meters) of Building/Structure	1	4 m	Dimensions/Floor Area of Building/Structure	1	24' x 40' = 960 ft ²			
	2	6 m		2	24' x 24' = 576 ft ²			
	3			3				
	4			4				
Length of Time that Existing Building/Structure has been used		1	40 years					
		2	30 years					
		3						
		4						

(If insufficient space, add on separate page)

7. Proposed Uses

Proposed Uses of Subject Land	Auto Repair Garage
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Are there any Buildings/Structures proposed to be built? ☐ Yes, PLEASE ANSWER QUESTIONS BELOW ☒ No, Go to Number #8

Type of Building/Structure		1						
		2						
		3						
		4						
Setback from Front Lot Line	1		Setback from Rear Lot Line	1		Setback from Side Lot Line	1	
	2			2			2	
	3			3			3	
	4			4			4	
Height (in meters) of Building/Structure	1		Dimensions/Floor Area of Building/Structure	1				
	2			2				
	3			3				
	4			4				

(If insufficient space, add on separate page)

8. Servicing



Is Water to Subject Land provided by: (Please Check)

- ☒ Publicly Owned & Operated Piped Water System
- ☐ Privately Owned & Operated Individual
- ☐ Communal Well
- ☐ Lake or Other Water Body
- ☐ Other (Please Indicate):



Application for Zoning Amendment



Page 3 of 3

Sewage Disposal

Is Sewage Disposal provided by:
(Please Check)

- ☒ Publicly Owned & Operated Individual
☐ Communal Septic System
☐ Privy
☐ Other (Please Indicate) _____

Storm Drainage

Is Storm Drainage provided by:
(Please Check)

- ☒ Sewers
☐ Ditches
☐ Swales
☐ Other (Please Indicate) _____

9. Planning Act Information

1. Is the Subject Land currently a Subject of an application for an *Approval of a Plan of Subdivision or a Consent* under the Planning Act?

- ☐ YES: Indicate (1) File Number of Application: _____
☒ NO (2) Status of Application: _____
☐ UNKNOWN

2. Has the Subject Land ever been the subject of an application for *Rezoning* under Section 34 of the Planning Act?

- ☐ YES ☒ NO ☐ UNKNOWN

10. Sketch

Please attach a Sketch showing the following:

Engineer Survey Attached

- | | |
|---|--|
| <input type="checkbox"/> Boundaries & Dimensions of Subject Land | <input type="checkbox"/> Current Use of land ADJACENT TO Subject Land |
| <input type="checkbox"/> Location & Type of Existing and/or Proposed Buildings/Structures | <input type="checkbox"/> Location, Width & Name of any Roads on or abutting the Subject Land. Indicate whether it is an unopened road allowance, public travelled road, private road or right of way |
| <input type="checkbox"/> Size of Existing and/or Proposed Buildings/Structures | <input type="checkbox"/> If ACCESS IS BY WATER ONLY, indicate Location of Parking & Docking Facilities to be used. |
| <input type="checkbox"/> Distance of Buildings/Structures from Front, Rear and Side Yard Lot Line | <input type="checkbox"/> Location & Nature on any Easement affecting Subject Land |
| <input type="checkbox"/> Location of all Natural & Artificial Features on Subject Land AND ADJACENT TO Subject Land that in the opinion of the applicant may affect this application i.e. buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks | |

STATUTORY DECLARATION

I, David Harnell of the City of Elliot Lake, in the District of Algoma, solemnly declare that all of the

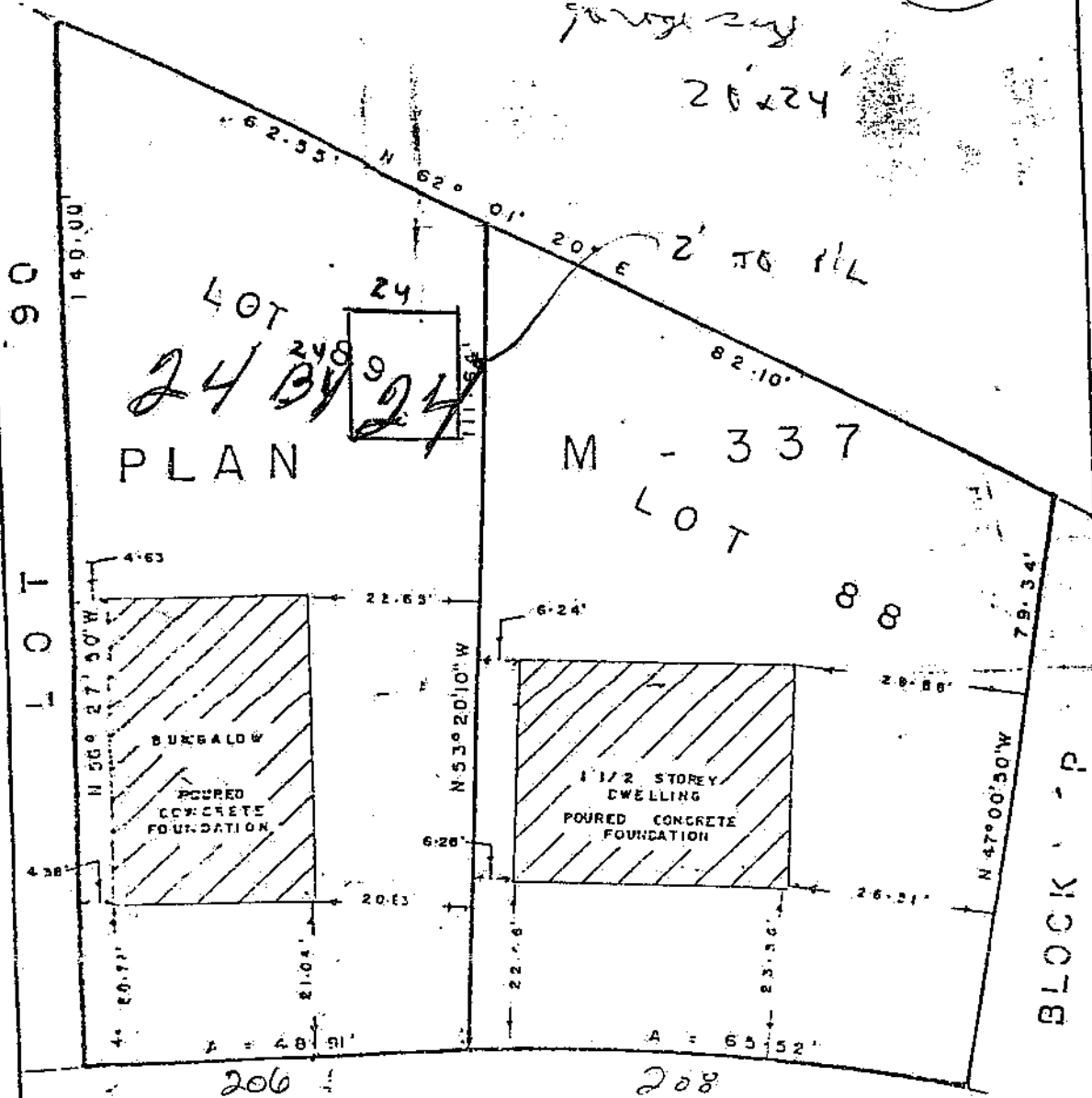
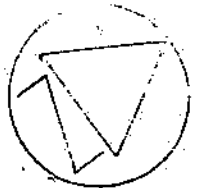
statements contained in this application are true and correct and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the City of Elliot Lake in the District of Algoma, this 19 of February, 2019.

[Signature]
Respondent

[Signature]
A Commissioner, etc.

PLAN & SURVEY
OF LOT 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
TOWN OF ELLIOT LAKE
DISTRICT OF ALGOMA



LOT 24
24 BY 24
PLAN

M - 337
LOT

BLOCK P

OTTAWA AVENUE

"ALL TIES ARE TO CONCRETE FOUNDATION"

This plan and survey not necessarily reflect current conditions and should not be relied upon and accordingly, the City of Elliot Lake disclaims any liability as to the accuracy of the information disclosed therein.

JAN 12 1978 DATE		ROLAND HOLLEANT SURVEYOR		JAN 12 1978 DATE	
Marshall Mackin Monaghan Limited				15-77-530-88, 83	

8	Historic Transportation (road, rail, portage, etc.)		X		If Yes, and Yes for any of 3 -7, 9, Potential Determined
9	Designated Property (Refer to LACAC or Clerk's office)		X		If Yes, and Yes for any of 3 -8, Potential Determined
APPLICATION SPECIFIC INFORMATION					
10	Local Knowledge		X		If Yes, Potential Determined
11	Recent Disturbance (confirmed extensive and intensive)		X		If Yes, No Potential

MCzCR Key Contact: Northern Ontario -

(416) 314-7147; Fax: (416) 314-7175.

MINISTRY OF TRANSPORTATION

It is particularly important, prior to the submission of an official plan application, that it be determined if any required entrance permit for property adjacent to the provincial highway system will be available. Pre-consultation is required where:

- a proposal is located adjacent to or within 120m of a provincial highway;
- a proposal is a major traffic generator (stadium, racetrack, shopping centre or any proposal "that causes people to congregate in large numbers" etc.) located within 800m of a provincial highway;
- a proposal is located within a study area of a specific highway planning study as carried out from time to time through the Environmental Assessment Planning process.

MTO Key Contact: Richard David, Engineer (705) 564-7707

OTHER POTENTIAL PRE-CONSULTATION KEY CONTACTS:

Ministry of Municipal Affairs and Housing Key Contact: *Bridget Schulte-Hustedde*
705-564-6817

Ministry of Environment and Energy Key Contact: (705) 949-4640; Fax (705)

Health Unit Key Contact: Marshall Chow (705) 848-2314; Fax (705) 848-1911

City of Elliot Lake Key Contact: Lesley Sprague (705) 848-2287 Fax (705) 461-7244
lesley.sprague@city.elliottlake.on.ca



**J.L. Richards
& Associates Limited**
314 Countryside Drive
Sudbury, ON Canada
P3E 6G2
Tel: 705 522 8174
Fax: 705 522 1512

MEMORANDUM

Page 1 of 5

To: Ms. Natalie Bray, Clerk
City of Elliot Lake

Date: April 23, 2019

JLR No.: 27355-007

CC:

From: Anne Dorion, Planner

Re: Zoning By-law Amendment – 206 Ottawa Avenue to
permit an automotive shop (Harnell)

PROPERTY DESCRIPTION The property is described as Lot 89 of Registered Plan M-337, with municipal address 206 Ottawa Avenue. The subject property is approximately 572 square metres in area and has approximately 14.9 metres of frontage on Ottawa Avenue, a municipal road.

APPLICATION A local resident has initiated a Zoning By-law Amendment in order to convert an existing detached garage for the purposes of establishing an automotive shop. The current zone does not permit the proposed use of the lot, and as such, the applicant has applied to permit an automotive shop as an additional permitted use on the property (R1-special Zone).

RECOMMENDATION The application for Zoning By-law amendment as submitted to permit an automotive shop within the existing detached garage is ***not proper land-use planning*** and ***cannot be recommended for approval***. An automotive shop is not compatible with the surrounding residential area as it is anticipated that the use could create nuisances for the surrounding residential neighbourhood.

We recommend that Council refuse the Zoning By-law Amendment application as the proposed amendment is inconsistent with the intent and policies of the Provincial Policy Statement (PPS), does not conform to the Growth Plan for Northern Ontario, and does not conform to the City's Official Plan (OP).

BACKGROUND

The City of Elliot Lake has requested our professional opinion regarding an application for a Zoning By-law Amendment for a special exception to the property located in Lot 89 of Registered Plan M-337, with municipal address 206 Ottawa Avenue, City of Elliot Lake. The applicant/owner has applied for a Zoning By-law Amendment to allow the establishment of an automotive shop within the existing detached garage as such a use is not recognized as permitted use under the current zoning.

A Zoning By-law Amendment can only be approved if the change meets three tests:

- Is consistent with the Provincial Policy Statement;
- Conforms to the Growth Plan for Northern Ontario; and
- Conforms to the City's Official Plan.

The property is currently designated 'Residential' by the Official Plan and zoned 'Residential One and Two-Unit Dwelling (R1) Zone'.

April 23, 2019
 JLR No.: 27355-007

Page 2 of 5

The subject lands are approximately 572 square metres (0.14 acres) in area with approximately 14.9 metres (48.9 feet) of frontage on Ottawa Avenue. The property is located within a residential neighbourhood which primarily consists of single detached dwellings. There are single detached dwellings immediately neighbouring the subject lands, and located across the street. Undeveloped and forested lands are located immediately behind and to the north of the subject property. With respect to forested areas, part of those undeveloped lands are zoned for residential uses (i.e. 'R1 Zone'). See Figures 1, 2 and 3.



Figure 1. Street view of subject property.



Figure 2: Aerial of surrounding lands

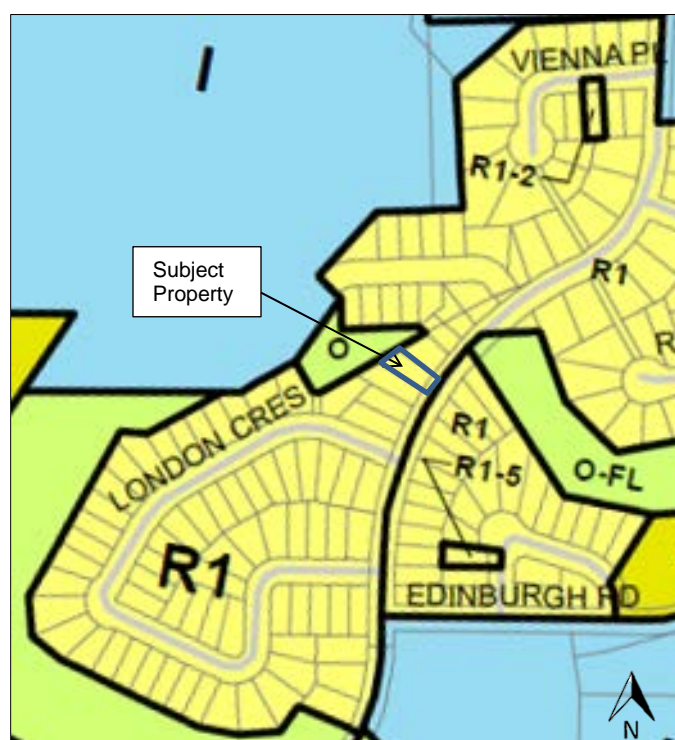


Figure 3: Excerpt from Zoning By-law 18-36, Schedule A

As proposed, the applicant intends to convert the existing 71.3 square metre (768 square foot) detached garage for the purposes of operating an automotive shop. The garage is located to the rear and north of the existing dwelling and can be seen from the roadside. Natural screening onsite is provided by hedges along the southern side lot line. Although there is no onsite screening along the north property line, there is a hedgerow present on the neighbouring property to the north.

See Figures 4 and 5.

April 23, 2019
 JLR No.: 27355-007

Page 3 of 5

According to information provided by the applicant the services offered by the shop will be light car repairs and detailing. Equipment used would consist of a hoist, tire changer and balancer, vacuum, and hand tools. All activities from the shop are proposed to be indoors only, with the overhead door shut. From an operational perspective the shop would be opened five (5) days a week from Wednesday to Sunday, with proposed hours of operation from 10 a.m. to 7 p.m. As indicated by the owner, it is anticipated that four (4) customers would frequent the shop during the nine (9) hour work day, for an average of one (1) customer every 2 ¼ hours. As indicated, onsite customer parking will be provided by one designated spot in front of the garage. According to the applicant the driveway area can accommodate six (6) vehicles. No additional employees are proposed.



Figure 4: View of garage (photo provided by owner)



Figure 5: Street view of subject property and driveway

ANALYSIS

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) Section 1.1.3.1 identifies settlement areas to be the focus of growth where their vitality and regeneration are to be promoted, as these areas are critical to the long-term economic prosperity of a community. Section 1.1.3 indicates that it is the interest of all communities to, among other items, promote efficient land use patterns. With regards to economic opportunities and competitiveness Section 1.3.1 b) of the PPS directs that planning authorities shall achieve this by: *"maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses"*.

In this case a commercial or employment opportunity is proposed within a residential area. As directed by the PPS the City's planning documents provide further direction on where those employment opportunities are to be located in order to achieve a suitable land use pattern. An automotive shop, as described herein, is not permitted in the current designation or zoning; rather, such a use is directed to lands zoned Commercial or Industrial. Incidentally, lands zoned 'C2' and 'M' are separated from lands zoned for residential purposes and are generally located along Highway 108.

April 23, 2019
 JLR No.: 27355-007

Page 4 of 5

Based on our review, the subject application is inconsistent with the relevant policies of the PPS as it is contrary to the planned developed pattern of commercial and industrial uses within the City and is incompatible with the surrounding residential neighbourhood.

Growth Plan for Northern Ontario (GPNO) 2011

The GPNO indicates that communities function as the economic and service hub of the North. In order to ensure the prosperity of northern communities the GPNO directs that municipalities should prepare long-term community strategies. These strategies, among other items, should achieve economic sustainability, accommodate the diverse needs of all residents, now and in the future, and provide a high quality of place.

Permitting an automotive shop which can raise issues related to noise, odours related to fumes, storage, and traffic is incompatible with the residential area, and may limit opportunities for planned residential growth in the area. The intended use of the subject lands is therefore not supported by this Plan.

City of Elliot Lake Official Plan (2019)

The subject lands are designated 'Residential' in the City's Official Plan (OP). Section 5.1.2 of the OP sets out the City's permitted uses for lands designated 'Residential', which primarily focus on residential uses. The Official Plan further recognizes other uses which are compatible and necessary to serve residential neighborhoods, such as neighbourhood commercial uses and home-based businesses.

When considering a neighbourhood commercial use in the 'Residential' designation the OP directs that such a use shall have regard for the following matters:

- “ 1. The compatibility of the use with adjacent developments, and the compatibility of the visual appearance of the use with adjacent development;*
- 2. The appropriateness of the location to serve the neighbourhood and to minimize potential traffic impacts;*
- and*
- 3. A preferred location on or in close proximity to an urban collector road.”*

Policy direction for a home based business is provided in Section 4.7 of the OP which defines such a business as a use which is compatible with the residential neighbourhood and clearly secondary to the principle residential use. According to the OP the use is permitted subject to the provisions of the City's Zoning By-law and provided the use does not create a nuisance for the surrounding neighbourhood.

According to the information provided by the applicant the shop would be open 45 hours a week and could serve one new customer every 2 ¼ hours. The potential traffic and visual impacts of customers both arriving and leaving the site brings into question whether the use would be considered secondary to, or in keeping with, the residential use. In addition, possible land use conflicts related to noise, odours related to fumes, and storage are anticipated. Given the nature of an automotive shop, it is our opinion that such a use is not compatible with adjacent residential development, and is more appropriately located in the areas designated for commercial or industrial development in the City.

Based on our review the proposed use is not appropriate in a residential area as it does not meet the policy criteria for either a neighbourhood commercial use or a home based business. The automotive shop is therefore not permitted in the 'Residential' designation, and does not conform to the City's Official Plan.

City of Elliot Lake Comprehensive Zoning By-Law No. 18-36

The subject property is zoned 'Residential One and Two-Unit Dwelling (R1) Zone', which permits a single detached dwelling, semi-detached and duplex dwellings, boarding houses, group homes, bed and breakfast, and a home based business. The owner has applied for a Zoning By-law amendment as an automotive shop is not recognized as a permitted use under the current zoning.

April 23, 2019
JLR No.: 27355-007

Page 5 of 5

With regards to compliance, the existing garage exceeds the maximum lot coverage for an accessory structure (maximum is 10%, whereas 12.5% is provided). Based on available information the automotive shop and existing residential use would collectively require two (2) parking spaces. Although the submitted sketch does not indicate the location nor the size of proposed parking spaces, the subject site provides for ample area to accommodate the required number of spaces.

Based on operational details provided by the applicant the proposed automotive shop would be identified as an 'automotive light' establishment. An automotive light establishment is not permitted in the current 'R1' Zone nor the 'Neighbourhood Commercial (C3) Zone'. Such a use is directed to lands zoned 'Tourist Highway Commercial (C2)' or 'Industrial (M)', which are generally located along Highway 108. In light of the potential land use conflicts associated with an automotive shop in a residential area it is our opinion that the application is inconsistent with the City's Comprehensive Zoning By-law.

CONCLUSION

The application to rezone the subject lands from 'Residential One and Two-Unit Dwelling (R1) Zone' to permit an automotive shop on the property is inconsistent with the PPS and Growth Plan, and does not conform to the Official Plan. As such, we recommend refusal of the application for Zoning By-Law Amendment.

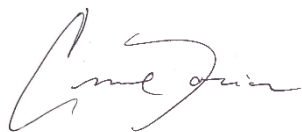
NEXT STEPS

Should the City refuse the application the applicant will be notified of the refusal. The applicant has the right to file an appeal to the Local Planning Appeal Tribunal (Tribunal, which replaced the OMB in 2017). The City will be responsible for defending its decision should there be an appeal. It is the responsibility of the applicant to make a case in their appeal, and potentially before the Tribunal, as to why this report is incorrect.

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:



Anne Dorion, M.A.
Planner

Reviewed by:



Sarah Vereault, MCIP, RPP
Planner

AD:sv



Chief Building Official

May 6, 2019

By-Law & Planning Committee
City of Elliot Lake
45 Hillside Dr. N.
Elliot Lake, ON P5A 1X5

RE: Request for Zoning Amendment- 206 Ottawa Avenue

Dear By-Law & Planning Committee Members:

We recommend that the By-Law and Planning Committee refuse the Zoning By-Law Amendment application as the proposed amendment for this property (R1) Zoning is not a permitted use under the current zoning By-Law.

Parking is insufficient for the proposed use, and street parking is not permitted on Ottawa Avenue.

The existing Garage (24 x 24) is currently over the allowed maximum lot coverage for this property.

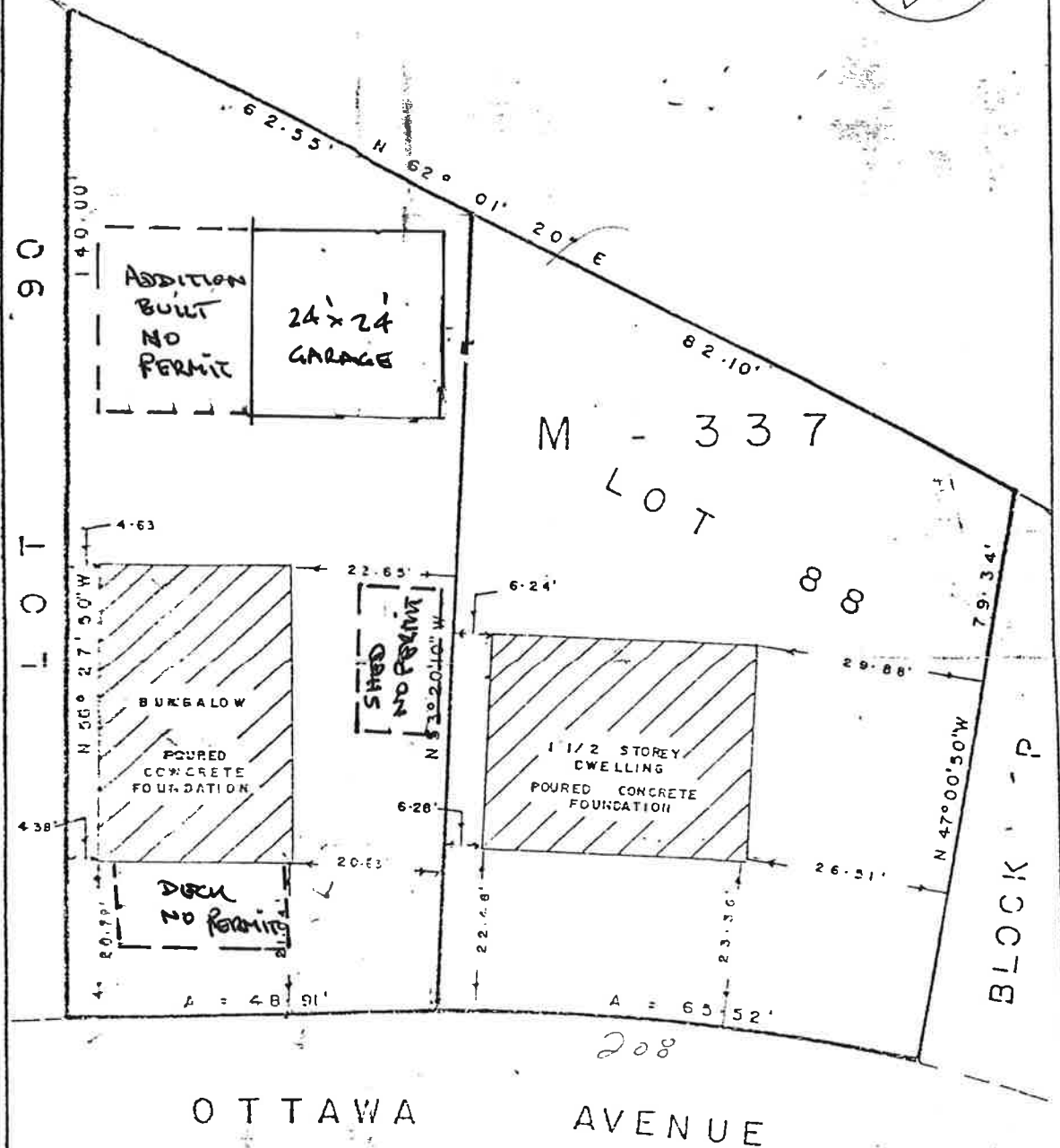
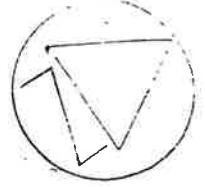
A site inspection discovered that an addition was constructed on the south side of the garage without a building permit; a storage shed was built on the north side of the property without a building permit and a front deck was also built without a building permit.

Yours truly,

Leo Chaloux, CBCO
Chief Building Official

Attachments

PLAN OF SURVEY
OF LOT 88, REGISTERED PLAN M-337
TOWN OF ELLIOT LAKE
DISTRICT OF ALGOMA



"ALL TIES ARE TO CONCRETE FOUNDATION"

JAN 13 1978
DATE

ROLAND HOLLEMAN

SHOW L - 44

Marshall Mackin Monaghan Limited

Engineers

15-77-530-88, 83













MEMO

To: **Bylaw and Planning Committee**
From: **Natalie Bray, Clerk**
Date: **April 30, 2019**
Subject: **Offer to Purchase**

We have received an offer to purchase two parcels of vacant residential land on Gauthier Place.

As this matter deals with the potential disposition of land by the municipality it may be discussed in closed session under Section 239(2)(c) of the Municipal Act.

Natalie Bray
Clerk