

ZONING BY-LAW NO. 12-2023

A BY-LAW TO AMEND

ZONING BY-LAW NO. 27-95 as amended

(Flood Plain FP Zone and Residential Docks)

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

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Planning Consultant:

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Professional Land Use Planner

EXPLANATORY NOTE

To Zoning By-law No. 12-2023

Passed by the Council of The Municipal Corporation of the Township of Armour

- Lands Affected:** This By-law applies to all residential docks, all Crown lakebeds and beds of navigable waterways, and to all lands seasonally inundated by water.
- By-Law Purpose:** The purpose of this By-law is to update the zoning provisions for residential docks as a principal use in the Flood Plain (FP) Zone; to update the definition of a Flood Plain; to add a definition of Narrow Waterbody; and to recognize the Ontario Superior Court Decision that the extent of the Flood Plain (FP) Zone may include the beds of all navigable lakes, rivers and streams in the Township.
- Official Plan:** The proposed Zoning By-law amendment conforms with the regulations of the Armour Township Official Plan and applicable provisions and definitions in the Provincial Policy Statement 2020 (PPS).

ZONING BY-LAW NO. 12-2023

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Being a By-law under the provisions of Section 34 of the **Planning Act, R.S.O. 1990**, to amend Zoning By-law No. 27-95, as amended, of the Municipal Corporation of the Township of Armour with respect to adding provisions for residential docks in the Flood Plain (FP) Zone; updating the definition of Flood Plain; to add a definition of Narrow Waterbody; and deeming the extent of the Flood Plain (FP) Zone to include the beds of all navigable lakes, rivers and streams in the Township in accordance with the Provincial Policy Statement 2020 and the 2015 Decision of the Ontario Superior Court.

WHEREAS THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR has reviewed Zoning By-law No. 27-95, as amended, and deems it advisable to amend same:

NOW THEREFORE THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR ENACTS as follows:

1. **THAT SECTION 2: DEFINITIONS** is hereby amended by adding the following new Subsection 2.55.1:

“**255.1 “Dock, residential”** means a structure without a roof or walls, attached to a shoreline and/or the bed of a lake or waterbody on a permanent or seasonal basis, which projects into a waterbody with a finished surface above the level of the water, and which is primarily used for the mooring/dockage of watercraft and to provide access from water to land and vice-versa. The maximum area of a dock as defined herein shall not include any ramp or walkway of 2 metres or less in width designed to secure a dock to land and provide a means of access between the land and the dock.” and,

2. **THAT SECTION 2: DEFINITIONS** is hereby further amended by deleting the text of Subsection 2.72 and replacing it with the following:

“**2.72 “Flood Plain”** means an area which includes the beds of all navigable waterways, all Crown lakebeds and lands seasonally inundated by water to the furthest landward limit of the high water mark or the regulatory flood elevation (whichever is the greater) as measured by an Ontario Land Surveyor.” and,

3. **THAT SECTION 2: DEFINITIONS** is hereby further by adding the following new Subsection 2.198.1:

“**2.198.1 “Waterbody, narrow”** means an area which includes the beds of all navigable waterways and in the instance of a lake, it is where the distance from shore to shore is 150 metres or less, and in the instance of a river or stream, it is where the general distance from bank to bank is less than 30 metres.” and,

4. **THAT SECTION 11: FLOOD PLAIN FP ZONE** is hereby amended by deleting the entire introductory clause and replacing it with the following:

“Lands zoned Flood Plain FP are zoned to include the beds of all navigable waterways, all Crown lakebeds and lands seasonally inundated by water to the furthest landward limit of the high water mark or the regulatory flood elevation (whichever is the greater) as measured by an Ontario Land Surveyor. This by-law, however, shall not be effective to reduce, override or mitigate any restrictions lawfully imposed by the Ministry of Northern Development, Mines, Natural Resources & Forestry under the authority of the **Public Lands Act**.” and,

5. **THAT SECTION 11: FLOOD PLAIN FP ZONE** is hereby further amended by adding the following new Subsection 11.6:
- “11.6 “Residential docks”**
- (a) All residential docks must have a minimum 3 metre side yard including the straight line extension of the side yard into the water up to a distance of 30 metres.
 - (b) No residential dock shall extend more than 25% of the total distance across an adjacent waterway and in the case of narrow rivers or streams docks are not permitted unless they are constructed parallel to the shoreline.
 - (c) One residential dock is permitted for every 60 metres of shoreline frontage on one lot but not more than 2 residential docks are permitted on any parcel of land.
 - (d) No residential dock, including access ramps and walkways, may exceed 30 metres in length perpendicular to the shoreline except where the 30 metre projection of a dock ends at a water depth of less than 0.75 metres to the lakebed. In that instance the dock may be extended until a water depth of 0.75 metres is achieved.
 - (e) A residential dock is permitted on Crown land where it has been authorized.
 - (f) No buildings or structures are permitted on residential docks except open sided canvas or plastic shade protection, water slides not exceeding 3 metres in height and 5 metres in length, and diving boards not exceeding 3 metres in height.
 - (g) The maximum area of a residential dock excluding access ramps or walkways less than 2 metres in width shall not exceed 46.45 square metres.
 - (h) A hot tub is not a permitted use on a residential dock.” and,
6. **THAT** this By-law shall come into force on the date it is passed by the Council of the Municipal Corporation of the Township of Armour subject to the provisions of the **Planning Act, R.S.O. 1990**.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council
this 14th day of March, 2023.

Original signed by Rod Ward	_____
Rod Ward, Mayor	
 Original signed by John Theriault	 _____
John Theriault, Clerk	