

**THE CORPORATION
OF THE
TOWNSHIP OF GEORGIAN BAY**

**ZONING BY-LAW AMENDMENT
TO
COMPREHENSIVE ZONING BY-LAW NO. 91-19**

COGNASHENE COMMUNITY

Prepared for

COGNASHENE COTTAGERS' ASSOCIATION



By



January 2008

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW NO. 2008-_____

Being a By-law to amend Zoning By-law 91-19, as amended, with respect to the Cognashene Area, Baxter Ward and Gibson Ward, Township of Georgian Bay, District of Muskoka

WHEREAS the Council of the Township of Georgian Bay enacted By-law 91-19, to regulate the use of land within the Township of Georgian Bay;

AND WHEREAS Official Plan Amendment No. 15 has been approved establishing specific policies for the Cognashene Area;

AND WHEREAS the Council of the Township of Georgian Bay deems it expedient in the public interest to amend By-law 91-19;

AND WHEREAS authority to pass such a by-law is provided by Section 34 of the *Planning Act*, R.S.O. 1990, Chapter p.13 and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bay enacts as follows:

SECTION 2 ESTABLISHMENT OF ZONES

1. That SECTION 2, ESTABLISHMENT OF ZONES of By-law 91-19, as amended, be further amended by adding to Subsection 2.1 ZONES, the following after "SR-6 Shoreline Residential Type Six":

"SR-7 Cognashene Residential"

2. That SECTION 2, ESTABLISHMENT OF ZONES of By-law 91-19, as amended, be further amended by adding the following Section 2.6 immediately following Section 2.5:

"2.6 The Cognashene Residential (SR-7) Zone has been established to reflect and implement the Cognashene Community Policies of the Official Plan. The intention of the Cognashene Residential (SR-7) Zone, the Shoreline Residential Type Five Exception Twelve (SR-5-12) Zone, and the Shoreline Residential Type Five Exception Thirteen (SR-5-13) Zone is to ensure that the vision and spirit of the Cognashene Community Policies are realized."

SECTION 3 GENERAL PROVISIONS

3. That SECTION 3, GENERAL PROVISIONS of By-law 91-19 be amended by adding the following clause i) to Subsection 3.14.3 immediately following h):

"i) Notwithstanding clause (d) above, on SR-7, SR-5-12 and SR-5-13 zoned lots on subdivided islands or the mainland:

- Were created subsequent to October 1, 1981 and prior to January 21, 2008; or
- Possess at least 1.0 hectares of lot area and 120 metres of lot frontage as measured above the 177 elevation CGD.

SECTION 4 ZONE PROVISIONS

4. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be amended by revising Subsection 4.4.3.5 Shoreline Residential Type Four Exception Five (SR-4-5) Zone” to read:

“4.4.3.5 Shoreline Residential Type Four Exception Five (SR-4-5) Zone

Notwithstanding the zone provisions in Section 4.4.2, on lands within the Shoreline Residential Type Four Exception Five (SR-4-5) Zone, the following shall apply:

i) Regulations for Density of Development

- | | |
|-------------------------|----------------------|
| a) Minimum Lot Area | 10,000 sq.m per unit |
| b) Minimum Lot Frontage | 120 metres per unit |

ii) Regulations for Permitted Uses

- a) As set out in Section 4.6A.3

5. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be amended by revising Subsection 4.4.3.6 Shoreline Residential Type Four Exception Six (SR-4-6) Zone” to read:

“4.4.3.6 Shoreline Residential Type Four Exception Six (SR-4-6) Zone

Notwithstanding the zone provisions in Section 4.4.2, on lands within the Shoreline Residential Type Four Exception Six (SR-4-6) Zone, the following shall apply:

i) Regulations for Density of Development

- | | |
|-------------------------------------|----------------------|
| a) Minimum Lot Area | 10,000 sq.m per unit |
| b) Minimum Lot Frontage | 120 metres per unit |
| c) Maximum Number of Dwelling Units | 16 |

ii) Regulations for Permitted Uses

- a) As set out in Section 4.6A.3

6. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be amended by adding a new Subsection “4.6A COGNASHENE RESIDENTIAL (SR-7) ZONE” immediately after Subsection “4.6 SHORELINE RESIDENTIAL TYPE SIX (SR-6) ZONE”, to read:

“4.6A COGNASHENE RESIDENTIAL (SR-7) ZONE

No person shall within a Cognashene Residential (SR-7) Zone, use any land or erect, alter or use any building or structure except in accordance with the following:

4.6A.1 Permitted Uses

- i) a detached dwelling unit
- ii) a sleeping cabin

4.6A.2 Regulations for Lot Sizes

- i) Minimum Lot Area 10,000 sq.m
- ii) Minimum Lot Frontage 180 metres

4.6A.3 Regulations for Permitted Uses

- i) Minimum Yard Requirements
 - a. Front Yard 20 m
 - b. Interior Side Yard 5 m
 - c. Exterior Side Yard 8 m
 - d. Rear Yard 10 m
- ii) Maximum Lot Coverage
 - a. For buildings and structures constructed within 90 m of the high water mark abutting the lot, lot coverage shall be based on that portion of the lot area within 90 metres of the high water mark abutting the lot. 5%
 - b. For all buildings and structures constructed on the lot beyond 90 metres from the high water mark abutting the lot, lot coverage shall be based on the total lot area. 5%
- iii) Minimum Landscaped Open Space 75%

- iv) Dwelling Unit Requirements
- a. Maximum Height of Dwelling Unit 7 m or one storey plus one half storey, whichever is the lesser
 - b. Maximum Gross Floor Area of Dwelling Unit
 - i) For lots less than 5,600 sq.m of lot area or 70 m of lot frontage 140 sq.m.
 - ii) For lots greater than 5,600 sq.m of lot area and 70 m frontage 25 sq.m per 1,000 sq. m of lot area or 2 sq.m per metre of lot frontage, whichever is the lesser.
 - iii) In no case shall a dwelling unit exceed a maximum of 325 square metres of gross floor area.
 - c. Maximum Width of Dwelling Unit 25% of the total lot frontage or 25 m, whichever is the lesser

v) Accessory Buildings and Structures Requirements

The provisions of Section 3.1 shall apply with the exception of the following:

- a. Maximum Number of Accessory Buildings excluding sleeping cabins, boat port, privies and pumphouses. 2
- b. Maximum Floor Area of Accessory Building excluding sleeping cabins, boat port, privies and pumphouses. 45 sq.m
- c. Maximum Floor Area of Privy or Pumphouse 5 square metres
- d. Maximum height of Pumphouse 1.5 metres
- e. Unenclosed Porches, Balconies, Decks and Patios shall maintain a setback of 5.0 metres from any lot line.

- vi) Shoreline Structure Requirements
- a. Identification: Shoreline structures refer to buildings and structures erected within 10 metres inland of the high water mark and also include buildings and structures appertaining to a lot abutting or adjacent to a navigable waterway or shore road allowance adjacent to a navigable waterway.
 - b. Permitted Uses: Shoreline structures include docks, a dryland boathouse, a boat port, free-standing decks, gazebo and pumphouse.
 - c. Maximum Cumulative Width: The maximum cumulative width of all shoreline structures as defined in (a) above, shall not exceed 15% of the total lot frontage, or 20 metres, whichever is the lesser.
 - d. Provisions for Docks: As per Section 3.1.7 with the addition of the following:
 - i) The maximum cumulative surface area of all docks shall not exceed 160 square metres.
 - e. Provisions for Dryland Boathouse: Notwithstanding Section 3.1.6, the following shall apply:
 - i) Boathouses extending beyond the High Water Mark Setback shall not be permitted.
 - ii) One dryland boathouse not exceeding a gross floor area of 30 square metres and a height of 5 metres, shall be permitted on a lot within the 20 metre front yard setback, provided the lot has a minimum of 31 metres of frontage.
 - f. Provisions for Boat Port: Notwithstanding Section 3.1.6, the following shall apply:
 - i) One boat port shall be permitted appertaining to a lot;
 - ii) Maximum Width of a Boat Port shall be 9 metres;
 - iii) Maximum Length of a Boat Port shall be 11 metres;
 - iv) Maximum Height of a Boat Port shall be 4 metres.
 - g. Provisions for Free Standing Decks: Notwithstanding Section 3.1.13, the following shall apply to free standing decks within the front yard setback:
 - i) Maximum cumulative area of 40 square metres;
 - ii) Maximum height of 1.0 metre above natural grade;
 - iii) Minimum setback of 5 metres from the high water mark and any side lot line; and,
 - iv) Where a deck exceeds 1.0 metre above the natural grade, the minimum front yard requirement of the zone will apply.

h. Provisions for Gazebo: As per Section 3.1.13.

vii) Shoreline Buffer

- a. Within the front yard, an area of land 15 metres wide abutting and measured parallel to the high water mark save and except for 15% of the lot frontage to a maximum of 20 metres, whichever is the more restrictive, shall contain a shoreline buffer. This provision shall apply to all lots on which development takes place within 20 metres of the high water mark after the date that this section comes into effect.
- b. The shoreline buffer shall consist of natural, indigenous vegetation. Where the natural shoreline of a property is a natural beach or is a rock outcropping with little or no vegetation or soil, such shall be deemed to comply with this provision.

viii) Septic Systems

- a. Notwithstanding the provisions of Section 3.2.2, the distribution piping of a sewage disposal system shall be set back a minimum of 30.0 metres from the 177.4 metre C.G.D. contour and a minimum elevation of 178.33 metre C.G.D.

ix) Live-Aboard Boat Docking

- a. The mooring and docking of live-aboard boats to a lot or dock shall be prohibited with the exception of one live-aboard boat provided:
 - the boat owner is the occupant of the lot to which the live-aboard boat is docked or moored; and
 - a dwelling unit is in existence on the same lot or a building permit has been issued for a dwelling unit on the lot.

4.6A.4 Definitions

For the purposes of Section 4.6A, the following definitions and the illustrations contained in Schedule "C", attached hereto shall apply:

- i) Boathouse, Dryland: means an accessory building or structure used for the sheltering and storage of boats or other forms of water transportation and boating equipment, located inland of the High Water Mark (177.4 C.G.D.).
- ii) Boat Port: means an accessory building or structure which is not enclosed by more than one wall, which is designed and used for the sheltering of a boat or other forms of water transportation.
- iii) Dwelling Unit Width: means the width of the dwelling unit measured at right angles to the shoreline along the exterior wall or walls of the building that face the waterbody.

- iv) Gross Floor Area: means the aggregate of all floor areas of a dwelling measured from the interior faces of all exterior walls and includes any screened porch, veranda, sunroom or any area under a roof overhang extending beyond four (4) feet from the exterior wall, but excludes any basement area not used for human habitation.
- v) Storey, One-half: means that portion of a building situated above the first storey that is wholly or in part within the roof and having a floor area not exceeding more than 60 percent of the floor area of the first storey.
- vi) Live-Aboard Boat: means a boat designed and equipped for overnight habitation, which includes on-board washroom and cooking facilities.
- vii) Landscaped Open Space: means that portion of a lot that, with the exception of a septic system tile field, is predominantly unaltered and maintained in its natural pre-development state, with indigenous vegetation and landscape reflective of the natural character of the area.

4.6A.5 Exceptions

4.6A.5.1 Cognashene Residential Exception One (SR-7-1) Zone (formerly SR-2-1)

Notwithstanding the zone provisions in Section 4.6A.3.i)a to the contrary, on land within the Cognashene Residential Exception One (SR-7-1) Zone, the minimum front yard shall be 30 metres. In all other respects, the provisions of the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.2 Cognashene Residential Exception Two (SR-7-2) Zone

Notwithstanding the zone provisions in Section 4.6A.3.iv)a to the contrary, on lands within the Cognashene Residential Exception Two (SR-7-2) Zone, the maximum height of dwelling unit shall be 6 metres and restricted to one storey. In all other respects, the provisions of the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.3 Cognashene Residential Exception Three (SR-7-3) Zone (formerly SR-2-2)

Notwithstanding the zone provisions in Section 4.6A.3.iv)a to the contrary, on lands within the Cognashene Residential Exception Three (SR-7-3) Zone, the maximum height of dwelling unit shall be one storey. In addition, all buildings shall have a minimum opening elevation of 178.8 metres CGD. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.4 Cognashene Residential Exception Four (SR-7-4) Zone
(formerly SR-2-5)

Notwithstanding the zone provisions in Section 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Four (SR-7-4) Zone, the minimum front yard shall be 5 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.5 Cognashene Residential Exception Five (SR-7-5) Zone
(formerly SR-2-6)

Notwithstanding the zone provisions in Sections 4.6A.2.i), 4.6A.2.ii) and 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Five (SR-7-5) Zone, the lot area and the lot frontage shall be deemed to comply and the minimum front yard shall be 18 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.6 Cognashene Residential Exception Six (SR-7-6) Zone
(formerly SR-2-7B)

Notwithstanding the zone provisions in Sections 4.6A.2.ii) and 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Six (SR-7-6) Zone, the minimum lot frontage shall be 110 metres and the minimum westerly front yard shall be 110 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.7 Cognashene Residential Exception Seven (SR-7-7) Zone
(formerly SR-2-13)

Notwithstanding the zone provisions in Section 4.6A.1 and 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Seven (SR-7-7) Zone, the following requirements shall apply:

Permitted Uses:

- i) detached dwelling unit
- ii) sleeping cabin
- iii) septic system

Special Provisions:

- a) Minimum Front Yard Setback 25 metres

Envelopes for the dwelling unit and accessory sleeping cabin and private sewage disposal system are identified on the Schedule attached to By-law 99-72. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.8 Cognashene Residential Exception Eight (SR-7-8) Zone
(formerly SR-2-14)

Notwithstanding the zone provisions in Section 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Eight (SR-7-8) Zone, the minimum front yard shall be 25 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.5.9 Cognashene Residential Exception Nine (SR-7-9) Zone
(formerly SR-2-23)

Notwithstanding the zone provisions in Section 4.6A.3.iv)a to the contrary, on lands within the Cognashene Residential Exception Nine (SR-7-9) Zone, the maximum height of dwelling unit shall be 6 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.10 Cognashene Residential Exception Ten (SR-7-10) Zone
(formerly SR-2-10)

Notwithstanding the zone provisions in Section 4.6A.2.ii) to the contrary, on lands within the Cognashene Residential Exception Ten (SR-7-10) Zone, the minimum lot frontage shall be 80 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.11 Cognashene Residential Exception Eleven (SR-7-11) Zone
(formerly SR-2-24)

Notwithstanding the zone provisions in Sections 4.6A.3.i)a and 4.6A.3.iv)b to the contrary, on lands within the Cognashene Residential Exception Eleven (SR-7-11) Zone, the minimum front yard shall be 10 metres and the maximum gross floor area of the dwelling unit shall be 158 square metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.12 Cognashene Residential Exception Twelve (SR-7-12) Zone
(formerly SR-2-27)

Notwithstanding the zone provisions in Sections 4.6A.2.i) and 4.6A.3.i)a to the contrary, on lands within the Cognashene Residential Exception Twelve (SR-7-12) Zone, the minimum lot area shall be 0.75 hectares and the minimum front yard from the southerly lot line for a dwelling unit shall be 80 metres. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone shall apply.

4.6A.13 Cognashene Residential Exception Thirteen (SR-7-13) Zone
(formerly SR-2-28)

Notwithstanding the general provision in Section 3.1.5.1 and the zone provision in Section 4.6A.2.i) to the contrary, on lands within the Cognashene Residential Exception Thirteen (SR-7-13) Zone, the

minimum dock setback shall be 5 metres and the minimum lot area shall be 0.75 hectares. For the purpose of setbacks for the North Shore, Easterly lot line, the projected lot line shall project North from where such lot line intersects the 177.4 CGD contour. In all other respects, the provisions for the Cognashene Residential (SR-7) Zone and all other requirements of By-law 91-19, as amended, shall apply.

7. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be further amended by adding a new Subsection "4.5.3.12 Shoreline Residential Type Five Exception Twelve (SR-5-12) Zone" immediately after Subsection 4.5.3.11, to read:

"4.5.3.12 Shoreline Residential Type Five Exception Twelve (SR-5-12) Zone

Notwithstanding the zone provisions in Section 4.5.2, on lands within the Shoreline Residential Type Five Exception Twelve (SR-5-12) Zone, the following shall apply:

- i) Regulations for Lot Sizes
 - a) Minimum Lot Area as existed on the date of passing of this by-law
 - b) Minimum Lot Frontage as existed on the date of passing of this by-law
- ii) Regulations for Permitted Uses
 - a) As set out in Section 4.6A.3

8. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be further amended by adding a new Subsection "4.5.3.13 Shoreline Residential Type Five Exception Thirteen (SR-5-13) Zone" immediately after Subsection 4.5.3.12, to read:

"4.5.3.13 Shoreline Residential Type Five Exception Thirteen (SR-5-13) Zone

Notwithstanding the Zone Provisions contained in Section 4.5.2, the following provisions shall apply in the Shoreline Residential Type Five Exception Thirteen (SR-5-13) Zone:

- i) Regulations for Lot Sizes
 - a) Minimum Lot Area as existed on the date of passing of this by-law
 - b) Minimum Lot Frontage as existed on the date of passing of this by-law

- ii) Regulations for Permitted Uses
 - a) As set out in Section 4.6A.3 with the exception that the maximum height of dwelling unit shall be 6 metres and one storey.

9. That SECTION 4, ZONE PROVISIONS of By-law 91-19 be further amended by adding a new Subsection “4.27.3.5 Institutional Exception Five (I-5) Zone” immediately after Subsection 4.27.3.4, to read:

“4.27.3.5 Institutional Exception Five (I-5) Zone

Notwithstanding the Zone Provisions contained in Section 4.27.1 and 4.27.2, the following provisions shall apply in the Institutional Exception Five (I-5) Zone:

Permitted Uses

- i) a place of worship
- ii) conservation of land and water
- iii) passive outdoor recreation
- iv) private park
- v) accessory structures

Regulations for Permitted Uses

- i) Minimum Lot Area as existed on the date of passing of this by-law
- ii) Minimum Lot Frontage as existed on the date of passing of this by-law
- iii) Minimum Yard Requirements
 - a) Front Yard 20 metres
 - b) Interior Side Yard 5 metres
 - c) Exterior Side Yard 8 metres
 - d) Rear Yard 10 metres
- iv) Maximum Lot Coverage 5%
- v) Minimum Landscaped Open Space 75%
- vi) Maximum Height of Buildings 7 metres

SCHEDULES

10. New Schedules “B-16, Map A1”, “B-16, Map A2”, “B-16, Map A3”, “B-16, Map B1”, “B-16, Map B2”, “B-16, Map B3”, “B-16, Map C1”, “B-16, Map C2”, “B-16, Map C3” and “C” are hereby added to By-law 91-19, as amended, as attached hereto.

This by-law shall come into force in accordance with the provision of Section 34(18) of the Planning Act.

READ A FIRST and SECOND TIME THIS _____ day of _____, 2008.

READ A THIRD and FINAL TIME and PASSED THIS ____ day of _____, 2008.

Mayor

Clerk