

**Planning Issues and Options  
Report**

**Go Home Bay Area  
Township of Georgian Bay**

August 2006



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## **1.0 INTRODUCTION AND BACKGROUND**

In response to growing concerns about the future of the Go Home Bay Area, the Madawaska Club at Go Home Bay has begun a process to review, enhance and expand the existing Community Plan. It is expected that this process will result in amendments to the Township of Georgian Bay Official Plan and Zoning By-law which will establish policies and regulations to guide development and change in the area for the next 20 years.

The Madawaska Club at Go Home Bay now represents about 145 cottage sites in the Go Home Bay Area. Many of these cottage sites are located outside of the lands governed by the Madawaska Area Community Plan and outside the planning framework for the area. The Club and its members are concerned that the planning framework of the larger Go Home Bay Area needs to provide a consistent vision for the future of the area in order to protect its overall “sense of place” as a unique landscape.

### **1.1 History of the Madawaska Area Community Plan**

In 1990, at the request of the shareholders of the Madawaska Club Limited, the Official Plan and Zoning By-law of the Township of Georgian Bay were amended to establish the Madawaska Area Community Plan. The Madawaska Area Community Plan governs lands owned by the Madawaska Club Limited and privately owned lands previously owned by the Madawaska Club Limited.

The Community Plan has worked well in its 15 year history, particularly with respect to controlling the density and location of development as lands were conveyed from the Club ownership to the private ownership of its members. The Community Plan did not, however, address the full range of land use policy and built form issues as they relate to the history and character of the area and provided no policy for the larger Go Home Bay Area.

### **1.2 What is an Official Plan and a Zoning By-law?**

An Official Plan is a statement of the municipality’s policy towards present and future physical, social, and economic development in the municipality or an area of the municipality. The Official Plan serves as the policy basis for considering new development within a municipality, provides direction with respect to preparing the implementing Zoning By-law, and provides justification for any planning decision made under the *Planning Act, R.S.O. 1990, c.P.13*. Periodic review (once every 5 years) of the Official Plan is a required process under the *Planning Act*.

A Zoning By-law restricts and regulates the use of land in a defined area. Zoning By-laws separate lands within a municipality into different districts (“zones”), each permitting certain uses with restrictions on where buildings or structures can be located on a lot. In order to implement the goals and objectives of the community as contained in the Official Plan, a Zoning By-law must be passed to turn the goals and objectives into land use regulations. As required by the Planning Act, the implementing Zoning By-law must conform to the Official Plan.

### 1.3 Consultation

In January 2006, a questionnaire was mailed to all property owners, as indicated on assessment rolls at the Township of Georgian Bay, and current members listed on the Club mailing list. The questionnaire asked a series of questions regarding what residents value about the area, what makes the Go Home Bay Area unique, and specific requests for information about individual properties and cottages. Answers were compiled and have been analysed to identify trends and themes defining a vision for the community. The results of the resident questionnaire are included in the companion report *Rock Wind Water: Defining a Sense of Place, Go Home Bay Area*.

Online consultation on these two reports - *Rock Wind Water* and *Planning Issues and Options* - occurred in Spring 2006. The resulting dialogue and input gathered has guided further work on the updating of the Community Plan and Zoning By-law.

### 1.4 Purpose of this Report

The purpose of this report is to provide the planning basis for the update to the planning controls for the Go Home Bay Area and provide the recommendations on how, in amendments to both the Township of Georgian Bay Official Plan and Zoning By-law 91-19, the vision for the protection of the area's unique sense of place will be implemented.

## 2.0 EXISTING PLANNING CONTROLS

At present, several different layers of planning policy and regulation apply to lands in the Go Home Bay Area.

### 2.1 Provincial Policy Statement (2005)

The new Provincial Policy Statement (PPS) came into effect March 1, 2005 and is issued under Section 3 of the *Planning Act*. It states the Province's position on matters of land use planning and requires that all local planning documents, including the Official Plan and Zoning By-law, are consistent with its provisions.

According to Section 1.1.4 of the PPS, permitted uses in rural areas include resource management, resource-based recreational activities, limited residential development and other rural land uses. Development shall be appropriate to planned or available infrastructure. Recreational or tourism economic opportunities should be developed. The Province, through the PPS, intends that "rural areas" such as the Go Home Bay Area will remain "rural" and that only limited residential development will occur.

The PPS also promotes in Section 1.5 that opportunities for shoreline access for the general public be achieved in planning for shoreline areas. The Province maintains that healthy communities can be achieved when opportunities for recreation are available to all. New development needs to consider alternatives for public access wherever possible, particularly on Crown lands. In light of the significant public lands in the area, including both within national parks and provincial conservation reserves, no new public access points should be required in the area.

Section 2.1 of the PPS prohibits any development and site alteration in significant coastal wetlands and significant habitat of threatened or endangered species. Coastal wetlands are defined as those that are on one of the Great Lakes (including Georgian Bay) or are located within 2 kilometres of the 1 in 100 year flood level of the lake. The Ontario species at risk list includes 182 species, with many occurrences in this area. Development may be permitted in significant wetlands, wildlife habitat, areas of natural and scientific interest, and in fish habitat where it has been demonstrated that there will be no negative impact on the environmental feature or its ecological function in accordance with provincial and federal guidelines. Lands with an important natural heritage component need to be protected in municipal policy and decision-making. Development on adjacent lands to these features is permitted, but also requires proving no negative impact on the feature or its function.

MNR was requested to provide detailed information respecting the natural heritage features and functions within the study area as required by the PPS. Attached as Appendix 'A' to this report are maps showing *Crown Land Use Designations* for the area, *Known Natural Heritage Values*, and MNR Fish Habitat classifications. In addition to the resource information for the area, MNR confirmed the locations of the Moreau Bay and Cognashene Lake Conservation Reserves abutting north and south respectively of the Go Home Bay Area. Any decision on the land use planning policies and regulations must be consistent with the identified natural heritage features and must be consistent with the management objectives for the two Conservation Reserves.

Section 2.2 of the PPS requires municipalities to protect water quality through a number of best practices including by planning for watersheds, utilizing best stormwater management practices where required, and maintaining or improving the extent of vegetation and pervious surfaces within the watershed.

Section 2.6 of the PPS provides for the protection of significant cultural heritage landscapes. A significant cultural heritage landscape is defined as a:

*“geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.”*

As a combination of unique natural landscape features and spaces, a historic approach to living with the elements of Georgian Bay, a distinctive built form approach, and a significant cultural history to the area, the Go Home Bay Area would meet the definition of a significant cultural heritage landscape. Consequently, as a cultural heritage landscape, the planning for the future development and changes in the Go Home Bay Area must be given special treatment and consideration.

## **2.2 Bill 51 and Amendments to the Planning Act**

On December 12, 2005, the Minister of Municipal Affairs and Housing introduced legislation to amend several provincial laws regulating land use planning. Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2005*, is intended to continue and complement earlier reforms (the new Provincial Policy Statement (PPS), *Places to Grow Act*, *Greenbelt Act*), introduce reform of the Ontario Municipal Board (OMB), and to allow for expanded use of conservation easements to promote environmental preservation and watershed management.

The Bill would create new planning tools and stricter expectations of up-to-date local planning documents. In short, Bill 51 will provide municipalities with the ability to regulate and plan for more aspects of building design and there will be more enforcement and accountability for decisions made at the local level.

Bill 51 proposes to enable municipalities to regulate the following measures:

- Minimum and maximum heights and densities in the Zoning By-law. With this, zoning can be drafted to ensure new buildings and structures fit within a tightly defined building envelope;
- Conditional zoning. To address challenges associated with development or to achieve locally important goals, municipalities would be able to impose one or more prescribed conditions on the use, erection or location of buildings and structures through zoning. The Official Plan must first contain policies relating to zoning with conditions. Conditional zoning has never before been permitted in Ontario. As an example, the Township could make development on steep slopes subject to the submission of engineering studies showing how the slope will be maintained and safety ensured;
- Architectural details through Site Plan Control. Provided Design Guidelines or a policy in the Official Plan exists, any new development that requires Site Plan Approval by the Township could be reviewed for its architectural features and details;
- Creation of a Development Permit System (DPS). The DPS, currently in use in the Township of Lake of Bays, replaces Zoning By-law Amendment, Minor Variance, and Site Plan Approval processes with one Development Permit process that covers all aspects of a development proposal. Certain approvals that fit within defined ranges in the Development Permit By-law would only require approval by municipal staff in order to proceed. Other approvals exceeding the ranges defined by Council would require Council approval to

proceed. Bill 51 makes it possible for this system to be implemented across Ontario subject to the approval of the appropriate regulation;

- Up-to-date planning documents. Municipalities will be required to update their Official Plans every five years to address changes in societal trends, address changes in provincial planning policy, and to reflect ability of the municipality to meet the goals and objectives of the Plan. This means that the Township may need to evaluate the Community Plan as it applies to the Go Home Bay Area on a frequent basis. Bill 51 would also require Zoning By-laws to be updated within three years of an Official Plan update.

Bill 51 has passed First Reading in the Ontario Legislature. Currently, the provincial government is consulting with stakeholders in preparation of a draft for Second Reading in Spring 2006.

### **2.3 District of Muskoka Official Plan**

Adopted in November 1988, the Official Plan of the Muskoka Planning Area applies to the entire District of Muskoka, including the Go Home Bay Area. The goal of the Official Plan is to protect the quality of the cultural and natural environment of Muskoka and accommodate growth through traditional and contemporary development characteristic to Muskoka. The Official Plan also establishes the framework for planning in the lower-tier municipalities, including the Township of Georgian Bay.

Waterfront policies apply to lands within 150.0 metres of any water body at least 8.0 hectares in size, or are related to waterfront functions such as a floodplain. Permitted uses include single unit residential dwellings (either on the waterfront, on back lots, or in condominium developments), tourist commercial operations, industrial uses servicing the waterfront community, open space uses, and landings such as docks. Section D.18 further states, "The Waterfront is a major recreation resource area that should be made accessible to both public and private users." The Plan also encourages that shoreline vegetation be preserved in lands designated Waterfront.

Additional policies apply to Waterfront lands on Georgian Bay. As these areas are water accessed, boating is a major issue requiring attention. Water pollution, particularly in Severn Sound, is subject to different factors and inputs along Georgian Bay than inland water bodies.

Lands designated Rural in the Muskoka Official Plan reflect resource-based functions and open landscapes. Any development is to be small scale and preserve the natural state of the District. Resource and wildlife management, low density uses of all types, and recreational and tourist developments are the only permitted uses.

Sections F.3 and F.4 of the Muskoka Official Plan establish District objectives in enhancing the environment. Pollutant sources are to be controlled and significant areas identified. Views and access are to be preserved, and Section F.4(e) encourages the protection of heritage resources, including culturally significant landscapes.

The Official Plan provides water quality targets for each significant water body in the District. However, no specific target has been established for both Georgian Bay and Go Home Bay. The general target for water quality suitable for recreational use is 6.0 µg/L of chlorophyll 'A'. Until specific figures are determined for Georgian Bay and Go Home Bay, the District and the Ministry of the Environment shall review development applications on a case-by-case basis.

Waterfront developments should incorporate a vegetative buffer, tree cover, and other design elements, such as soakaway pits, to help reduce phosphorus loads in waterways. Yard requirements are increased adjacent to smaller waterways. Development is prohibited in floodplains and wetlands.

Significant Heritage Areas are lands identified in the Muskoka Official Plan as any locally, regionally, provincially or federally significant lands. Development is prohibited in these areas. These designated lands include lands that are an exceptional example of historical, geological, scenic, archaeological, and biological features. Section F.95 requires lower-tier municipalities to provide further details on such areas in their planning documents:

*“Where environmental or heritage areas have been inventoried or approved for protection in local or other policy documentation, special provisions should be established in implementing documents to adequately guarantee the protection of such heritage resources including, among other matters, the utilization of special zoning categories in by-laws.”*

## **2.4 Township Official Plan**

The Township of Georgian Bay Official Plan was last consolidated in January 1999. It provides policy regarding development direction on lands within the municipality including land designations, evaluation criteria, permitted and prohibited uses, and environmental criteria for decision makers, Staff, developers, and citizens.

The Waterfront designation applies to the same lands as the Waterfront designation in the District of Muskoka Official Plan being all lands within 150.0 metres of a body of water 8.0 hectares or greater in size, plus other lands providing an important ecological function to waterfronts. Uses are restricted to residential dwellings (either on the waterfront, on back lots, or in condominium developments), tourist commercial operations, open space uses, and public uses, including landings. Wetlands or lands with a steep slope, on a floodplain, or adjacent to significant fish habitat are limited in their use potential.

A minimum 20.0 metre setback for buildings, most structures, and sewage disposal systems is required for all uses in the Waterfront designation. Shoreline works and dredging are prohibited unless provincial and federal approvals have been obtained, and vegetative cover is to be preserved. Boathouses are permitted, but an accessory unit is not permitted on the second storey of the structure. Development is to be low profile in keeping with the rural landscape of the area. All development is to be serviced through individual systems for water and sewage disposal.



Along Georgian Bay, only non-habitable buildings or structures (such as docks and boathouses) may be located below the elevation of 178.3 metres above sea level Canadian Geodetic Datum (CGD), the figure established as the regulatory flood line plus wave run-up for Georgian Bay by the Ministry of Natural Resources (MNR). Other structures may only be located below this level where the required flood works are designed by a qualified engineer or architect and approved by the Township and MNR.

Shore road allowances may be closed and sold to adjacent owners where no public use is foreseen, no significant fish habitat is found, no cultural heritage feature is located, and the allowance is above the high water mark. The sale of shoreline road allowances is encouraged where existing buildings and structures already encroach onto the road allowance.

Residential development in the waterfront area is limited to traditional linear residential form, cluster developments, and backlot properties. Linear developments (essentially, ribbon shoreline development) shall have access by public road, existing private road having a width of 20.0 metres, or shall be water access. Private roads may only be extended by short lengths and must not be subject to significant increases in traffic or infrastructure demand. Lots having water access may be developed provided sufficient access from the mainland is available through parking and marina or launch access. The minimum required lot area within the waterfront area is 0.4 hectares, and the minimum required shoreline frontage is 60.0 metres.

Narrow water bodies are defined as being waterways where the shoreline-to-shoreline distance is less than 150.0 metres. Rivers are considered a narrow water body if the same distance is less than 30.0 metres. For lands on narrow waterways, which can be found along the inner reaches of the Go Home Bay Area, the Official Plan increases the minimum lot frontage to 120.0 metres and 90.0 metres for river situations.

Cluster development is permitted in the waterfront area where shoreline frontage and topographical conditions are better suited to such developments. One dwelling unit is permitted in a cluster development for every 60.0 metres of water frontage on the subject lot. New lots shall have 45.0 metres of frontage onto an internal road, with habitable buildings set back 30.0 metres from the high water mark. Backlot developments are found behind waterfront lots close to the shoreline. No such development exists in the Go Home Bay Area.

On islands, at least 0.4 hectares of land must be located above an elevation of 178.0 metres CGD for the purposes of erecting a building or structure. There must be at least 0.8 hectares above 177.46 metres CGD, and 1.0 hectare above 177.0 metres CGD. A 20.0 metre setback is required for all principal buildings and sewage disposal systems. New lots on islands must be a minimum 1.0 hectare in size and preserve 1,400 square metres of soil coverage at least 0.3 metres deep, which also has a minimum of 20 mature trees measuring 10.0 centimetres in diameter 1.0 metre from the base of the ground and 3.5 metres in height, and a minimum 25% of understory vegetative cover. Such developments are subject to Site Plan Approval and potentially a Landscaping Plan detailing a planting program to meet these vegetation requirements.

Large tracts of undeveloped Crown land and the beds of water bodies at least 8.0 hectares in area are designated Open Space in the Georgian Bay Official Plan. Outdoor recreational uses are the primary use of such lands, although small buildings or structures, public docking, and public launches may be erected to support such uses.

Section B.35 of the Township Official Plan establishes water quality standards for most water bodies in the Township, including both Georgian Bay and Go Home Bay. There are four levels of nutrient enrichment, defined by levels of ice-free chlorophyll 'A' concentration in the water (micrograms per litre). Should a water body already be at the highest nutrient level, any new development must ensure that no nutrients from sources beyond anticipated levels reach the water. Should a proposal cause the level of chlorophyll 'A' to increase enough to move the water body to a higher level, that proposal cannot be approved. These figures assume each vacant lot has one residential dwelling on it.

On both Georgian Bay and Go Home Bay, any development proposal must be reviewed to evaluate its impacts on water quality. On Georgian Bay, lots are to have a minimum area of 1.0 hectare and waterfront frontage of 120.0 metres to comply with the water quality objectives of this Plan.

## **2.5 Madawaska Community Plan**

Section B.21.3 of the Georgian Bay Official Plan introduces policies for cottage communities along Georgian Bay. The Plan recognizes these areas as distinct and reflective of historical development patterns. These communities, such as the Go Home Bay Area, are invited in the Official Plan to help provide policy guiding the development and protection of these communities.

The Madawaska Club lands are one such community for which special policies have been approved. Three designations are found in the 890.0 hectare-area community as follows, and as shown on Schedule 'D-1' to the Official Plan (attached as Appendix 'B' to this report):

- *Community Space*, limited to recreational, community, and limited retail uses including a post office, library, meeting hall, gas bar, and recreational uses;
- *Open Space*, limited to natural space preserved for the private use of the landowner or Club members, passive recreation, and research uses; and,
- *Residential*, limited to single family residential and accessory uses.

New lots are only permitted on lands designated Residential and shall be larger in size to reflect other lots in the community. No specific density or lot standards are provided in the Madawaska Community Plan for lands designated Residential.

Other policies of the overall Official Plan, where they do not conflict with the specific policies of the Community Plan, would continue to apply to the Go Home Bay Area.

## 2.6 Zoning

Zoning By-law 91-19, as amended, was first adopted September 23, 1991. The provisions of the Zoning By-law implement the policy direction of the Official Plan. Four different zones apply to lands in the Go Home Bay Area.

### 2.6.1 Zones and Zone Provisions

The Shoreline Residential Type Three (SR-3) Zone is the standard zone applied to shoreline properties in the study area. The minimum lot size is 1.4 hectares to correspond with the Official Plan requirements for larger lots, with a minimum of 210.0 metres of lot frontage required. This is the largest lot standard in the Township of Georgian Bay. Minimum required yards are large to ensure a dispersed built form typical of the immediate area. Buildings or structures may cover only 5% of the lot, and landscaping or forest must cover at least 50% of the lot. The maximum height of buildings and structures is 8.0 metres. Permitted uses are typical cottage area uses including a detached dwelling unit and sleep cabins.

These standards, when put into practice, mean that properties zoned SR-3 are larger than typical lots in the Township and the By-law requires that significant areas be set aside for vegetative cover, with buildings spaced further apart to protect the historic development patterns of the area. It should be noted that any lot legally created before these standards were established is deemed to conform to the By-law. That is, the lot is deemed to meet the requirements of the law.

The Shoreline Residential Type Five (SR-5) Zone applies to other waterfront lands in the Community Plan Area of a larger size and that currently remain undeveloped. With the same permitted uses as other Shoreline Residential zones and the size of lots limited to their existing area, any subdivision of the lands would require an amendment to the Zoning By-law. Indeed, Section 2.5 of the Zoning By-law states *“The Shoreline Residential Type Five (SR-5) Zone is not proposed to be the subject lands ultimate and only zoning. Where lands have been zoned Shoreline Residential Type Five (SR-5), same lands can be re-zoned to other zones subject to conformity with the District Official Plan and the Georgian Bay Official Plan.”* Minimum yard requirements are increased in the (SR-5) zone as well to further reinforce the open space feel of the area.

The Open Space Exception One (OS-1) Zone applies to all islands less than 1.0 hectare in Madawaska Club Community Plan area and to undeveloped concession blocks further inland. The permitted uses are limited to conservation, outdoor education facilities, passive recreation, and private parks without buildings or structures. Because of the size and nature of the islands involved (some, in fact, are nothing more than rocky islets), no intensive use is to occur on these lands in the Community Plan Area. Both the islands and larger inland concession blocks are intended to remain undeveloped.

Inland concession blocks east of the Community Plan Area are zoned Open Space (OS) to recognize their public ownership and preserve their wilderness functions.

Lastly, the Environmental Protection (EP) Zone applies to lands that are environmentally sensitive, as well as the bed of any water body in the Township. No buildings or structures are permitted here in order to protect the ecological function of the subject lands. Agriculture, conservation, timber activities, and parks are the only permitted land uses.

A summary table of the performance standards for each of these zones is provided in Table 1 below:

**TABLE 1: ZONE PERFORMANCE STANDARDS**

Zone	Lot			Landscaped Open Space (min)	Height (max)	Length of Dock (max)
	Area (min)	Frontage (min)	Coverage (max)			
SR-3	1.4 ha	210.0 m	5%	50%	8.0 m	15.0 m
SR-5	Existing	Existing	5%	40%	8.0 m	15.0 m
OS OS-1	1.0 ha	60.0 m	5%	50%	10.0 m	N/A
EP	As required by the abutting Zone					N/A

Zone	Yards (min)			
	Front	Interior Side	Exterior Side	Rear
SR-3	20.0 m	8.0 m	8.0 m	10.0 m
SR-5	20.0 m	5.0 m	8.0 m	10.0 m
OS OS-1	20.0 m	5.0 m	20.0 m	10.0 m
EP	20.0 m	5.0 m	8.0 m	10.0 m

### **2.6.2 Accessory Buildings and Structures**

Accessory buildings and structures are regulated under Section 3.1 of By-law 91-19. Such buildings or structures are permitted only after the principal use of a lot is established, and may not be used for a home industry, home occupation, or accessory dwelling unit unless otherwise permitted. Accessory buildings are limited to a height of 5.0 metres and total lot coverage (for all accessory buildings or structures combined) to 5% of the total lot area.

The same yard requirements apply to accessory buildings or structures as apply to the main building on a lot according to Section 3.1.2. No accessory building or structure can be any closer to a lot line, including the front lot line, than where a main building could be located. Notwithstanding this, drop awnings, clothes poles, flagpoles, garden trellises, retaining walls, fences, signs or similar uses which comply with Township By-

laws are permitted in the required yards under Section 3.1.4. Fire escapes are permitted to encroach 1.0 metre into any required yard under Section 3.1.8. Portions of the building such as chimneys, eaves, and gutters may encroach 0.6 metres into any required yard under Section 3.1.11.

On a waterfront lot, accessory buildings and structures may be erected on the bed of the water body adjacent to the lot provided the intent of Sections 3.1.5 and 3.1.6 is met. Section 3.1.5 provides a 5.0 metre setback for ramps and docks from the side lot line and the side lot line projection into the water. Section 3.1.6 establishes detailed regulations on the width, height, and location of boathouses in the Township. A boathouse is required to have the same side yard as the main building on the same lot. The length of the dock or boathouse is measured perpendicular to the shoreline. The maximum widths, lengths, and heights of waterfront structures are detailed in Appendix 'C' to this report.

Section 3.1.7 regulates sleeping cabins (sometimes called bunkies) which are defined as *“an accessory building used for human habitation that does not contain an area or facilities for the preparation or serving of food”*. Sleeping cabins are only permitted in the rear and side yards, subject to the same minimum required yards as is the main building on the lot. On lots between 0.3 hectares and 1.0 hectare in area, one sleeping cabin is permitted. On lots over 1.0 hectare in area, two sleeping cabins are permitted, and the total floor area of both cabins may not exceed 75% of the total floor area of the main dwelling. The size of an individual sleep cabin is limited to a maximum area of the lesser of 56.0 square metres or 50% of the total floor area of the main building.

Unenclosed porches, balconies, decks, steps, and patios are permitted to project into any required yard, under Section 3.1.12 of the Zoning By-law. If the structure is uncovered, the maximum projection is 4.0 metres. If the structure is covered, the maximum projection is 2.0 metres. However, none of these structures may be located closer than 1.2 metres to any lot line. If the floor of any porch, balcony, or deck is 1.0 metre above the finished grade, the side and rear yard setbacks for the zone shall apply.

Further, in a Shoreline Residential (SR) Zone one free standing enclosed deck or gazebo may be permitted in the front yard between the building and the water. Such a structure is limited to 15.0 square metres in floor area, be located no closer than 5.0 metres from the high water mark (177.4 m CGD on Georgian Bay), and meet the side yard setback requirements of the Zone.

Notwithstanding the above, freestanding decks may be permitted in any yard of lands within the Shoreline Residential (SR) Zone provided that the structure does not exceed 1.0 metre above the finished grade, complies with the minimum landscaped open space requirement of the zone and same are located no closer than 1.0 metre from the side and rear lot line.

Section 3.29 prohibits the use of any part of a boathouse, barge, or other floating structure as a dwelling unit.

### **2.6.3 Other General Provisions**

Section 3.2 governs additions of greater than 10% of the existing floor area on Georgian Bay. For dwellings and commercial buildings, no addition is allowed to have an opening below 178.33 metres CGD. It further regulates septic systems, prohibiting any part of such systems to be located no lower than 179.33 metres CGD, or 1.0 metre above the high water mark. On the Pine and Watchers Islands the high water mark is increased to 178.8 metres CGD, requiring a minimum elevation for septic systems of 179.8 metres CGD.

Section 3.7 exempts certain structures from the maximum height requirements of the Zoning By-law. Radio and telecommunications towers (not including satellite dishes larger than 0.5 metres in diameter), spires, flagpoles, windmills, and chimneys are among some of the structures that may extend beyond the height limit.

Normally, a home occupation or industry might include a bed and breakfast, a small medical or personal services establishment, or a workshop, each with strict size and parking requirements. However, neither are permitted uses in the Shoreline Residential Three (SR-3) Zone and, by extension, in the Go Home Bay Area.

Undersized lots and islands are permitted for development in a Shoreline Residential (SR) Zone. On an island, the lot must have at least 1.0 hectare of land above the 177.0 metre CGD contour. Of that, a minimum of 0.8 hectares must be above 177.4 metre CGD contour and a minimum of 0.4 hectares must be above the 178.3 metre CGD contour. Such islands shall have a minimum depth of 0.3 metres of native soils over a minimum area of 1400 square metres. On the mainland, such lots must have 27.0 metres of lot frontage, have a minimum lot area of 0.2 hectares, be located entirely above the 177.0 metre CGD contour, and must already be zoned Shoreline Residential.

### **2.6.4 Recent Amendments to the Zoning By-law**

The Township passed a number of amendments to By-law No. 91-19 in November of 2005 that are now applicable to the area.

By-law No. 2005-128 introduced additional performance standards for docks in a new Subsection 3.17 immediately following Section 3.16 Boathouses. The new standards are as follows:

- Two docks permitted on a lot with a shoreline up to 122.0 metres;
- For lots greater than 122.0 metres, one additional dock for each additional 61 metres of frontage up to a maximum of 4;
- Maximum permitted width of a dock is 4.0 metres on Georgian Bay, regardless of its shape; and,
- Maximum permitted dock length on Georgian Bay is 20.0 metres.

By-law No. 2005-129 introduced additional performance standards and a new definition of floor area. The maximum floor area for a dwelling unit on Georgian Bay is 325 square metres or 3498.38 square feet. Floor area, as defined by By-law No. 2005-129, would include screened or enclosed porches or sunrooms but would exclude below grade utility areas. Walk out basements would be included in the calculation of floor area where more than 50% of the front wall is exposed and the basement has a height of 7.5 metres and the area is used as living area.

Neither of these by-laws were appealed to the OMB and are therefore in force and effect.

## 2.7 New Zoning (Appealed)

In addition to By-laws 2005-128 and 2005-129, Council also passed By-laws 2005-126 and 2005-130 on November 14<sup>th</sup>, 2005, which also impact the study area. As both By-laws were appealed to the OMB they have not come into force and effect.

By-law No. 2005-126 establishes a new regulatory framework for the enlargement, repair and renovation to existing structures that do not comply with the minimum standards of the By-law. By-law No. 2005-130 establishes a new maximum height for principle dwellings of 7.0 metres.

The new regulatory framework in By-law No. 2005-126 would permit renovations and repairs to existing cottages which do not meet the current performance standards as long as the renovation did not further reduce the deficient standards for all yards and lot coverage and all other provisions of the By-law are complied with. Structures that are used for permitted uses in the shoreline residential zone are deemed to comply with the performance standards of the by-law.

By-law No. 2005-126 also establishes a graduated regulatory framework to address expansions to existing cottages and other structures based on the setback from the shoreline. The following table describes this new innovative regulatory approach.

**TABLE 2: PROPOSED COTTAGE ADDITION REGULATIONS IN BY-LAW 2005-126**

Distance from Shoreline	GFA Increase (max)	Width Increase (max)	Height Increase (max)	Notes
Less than 10.0 metres	25%	20%	1.0 metres	No further encroachment in front yard
≥10.0m and <15.0m	40%	30%	1.5 metres	No further encroachment in front yard
≥15.0m and < 20.0m	70%	60%	2.0 metres	No further encroachment in front yard

In addition, the By-law creates a minimum gross floor area for existing cottages of 1,000 square feet, and provides a width expansion of a minimum 20.0 feet regardless of the location in relation to the shoreline. Gross floor area is also defined in the new By-law as total floor area (all floors) and including screened-in porches, sunrooms, verandas, living areas and deck areas that are above one metre in height above grade.

### **3.0 BEST PLANNING PRACTICES REVIEW**

In preparing recommendations, it is worthwhile to study the practices of comparable municipalities. That way, any proposal made will take into consideration how similar situations have been treated by others and provide both guidance for decision-making and support when such policies are tested by applications and development.

#### **3.1 Selected Municipalities**

In addition to current practices in the Township of Georgian Bay, three municipalities were chosen for comparison in this study:

- Township of the Archipelago, for its geography similar to that of The Township of Georgian Bay;
- Township of Muskoka Lakes, for its status as a leading municipality in controlling waterfront development; and,
- Township of Lake of Bays, for its use of the Development Permit System which may soon be implemented across the Province.

#### **3.2 Regulation Approaches**

Several zone performance standards have been chosen in order to gauge current practices in nearby municipalities. The result of this analysis is to determine what level of protection is best suited to fit the community's vision.

It should be noted that recent amendments to the Township of Georgian Bay Zoning By-law reducing both the maximum height and ground floor areas for main buildings have been appealed to the Ontario Municipal Board as noted above. Additionally, the Township of Muskoka Lakes Zoning By-law 2005-05 has been appealed to the Ontario Municipal Board, and that the Township of The Archipelago figures are proposals as part of their Zoning By-law Review.

A summary table of the performance standards from each municipality's Zoning By-law can be found attached as Appendix 'C' to this report.



### **3.2.1 Shoreline Buffer**

Currently, the Georgian Bay Zoning By-law does not require a buffer area containing natural, self-sustaining vegetation along the shoreline in all Shoreline Residential Zones. Only in the Shoreline Residential Six (SR-6) Zone is a buffer required. Both Muskoka Lakes and Lake of Bays have such a provision, with Lake of Bays being the higher standard at 15.0 metres. The Archipelago does not require a shoreline buffer.

This may be a provision worth considering for addition into the Zoning By-law for Go Home Bay Area properties, although the rocky nature of the coast may render this difficult or redundant.

### **3.2.2 Shoreline Structures**

For the total width of shoreline structures (docks, boathouses, and boatports), Georgian Bay sets the maximum widths to an absolute figure according to the width of the lot. For lots having a frontage of 31.0 metres to less than 46.0 metres, the maximum width of a shoreline structure is 4.6 metres. For lots having a frontage of 46.0 metres to less than 61.0 metres, the width is increased to 7.5 metres. For lots having a frontage of 61.0 m or greater, the maximum width of a shoreline structure is the lesser of 11.0 m or 15% of the total lot frontage. Even on the largest lots, Georgian Bay has the strictest standards for shoreline frontage occupied by these structures.

Georgian Bay also has the strictest standards on the height of shoreline structures. On the largest lots the maximum permitted height of a boathouse is 4.0 metres, a one storey building. This is less than in each of the three other municipalities. The length of docks in the Township of Georgian Bay has the shortest permitted dock length at 15.0 metres. This is 5.0 metres less than in Muskoka Lakes, and up to 15.0 metres less than The Archipelago.

It appears that, when it comes to shoreline structures, the Township of Georgian Bay has the smallest possible envelope for them to locate. Any problems with the structures may be a design or accessory use issue.

### **3.2.3 Lot Size**

The largest required lot sizes are in the Township of Georgian Bay. At 1.4 hectares in the Shoreline Residential Three (SR-3) Zone, new lots are expected to be 1.0 hectare larger than in the other three municipalities.

The minimum required lot frontage in the Township of Georgian Bay is 210.0 metres. This is far larger than in the Township of Muskoka Lakes and the Township of Lake of Bays. In the Township of The Archipelago, Staff are proposing that only existing lots be recognized as legal. As such, any new lot be subject to a Zoning By-law Amendment in order to evaluate the impacts of the development. This is a stricter standard than that used in Georgian Bay.

### **3.2.4 Lot Coverage**

Each municipality has a low lot coverage standard. Georgian Bay and Muskoka Lakes have the lowest standard at 5%, although that figure can be increased in the Township of Muskoka Lakes depending on the location of the property. In Lake of Bays, the maximum lot coverage is 8%. In The Archipelago, the smallest lots are limited to a maximum 7.5% lot coverage. These standards are fairly even, with Georgian Bay having the strictest requirement. Georgian Bay is the only municipality in this sample to have a minimum landscaped open space requirement, set at 50% of the total lot area. Continuing with this standard may be worth considering.

### **3.2.5 Minimum Required Yards**

Lastly, the minimum required yards of the four municipalities were compared. This standard ensures that buildings are located a certain distance from their neighbours to respect privacy and, in the case of the Go Home Bay Area, ensure the continuity of dispersed cottage development.

Three of the municipalities, including Georgian Bay, require front yards of 20.0 metres. In Lake of Bays, the minimum is 20.0 metres although most lots are required to have a 30.0 metre yard. Only The Archipelago allows buildings closer to the shoreline, with the required yard being 7.5 metres.

Georgian Bay has the largest interior side yard requirement, at 8.0 metres. Both Lake of Bays and Muskoka Lakes have relatively smaller yard requirements (4.5 metres and 4.6 metres, respectively), while The Archipelago is in between at 6.0 metres.

Georgian Bay also sets the standard for required rear yards, at 10.0 metres. Lake of Bays has the same standard while both Muskoka Lakes and The Archipelago require smaller yards, at 4.6 metres and 6.0 metres respectively. For water access only lots with no development to the rear, a smaller rear yard would assist in moving structures away from the water.

It is only with exterior side yards that the Township of Georgian Bay has a standard less than that of other municipalities. At 8.0 metres (the same as the interior side yard requirement), the Georgian Bay requirement is less than both Muskoka Lakes (9.1 metres) and Lake of Bays (10.0 metres). The Township of The Archipelago requires 6.0 metres, the same as their interior side yard requirement. If additional space between buildings and a navigable waterway is desired, the exterior side yard requirement may need to be increased, although 8.0 metres is already quite generous.

## **4.0 CONCLUSIONS AND RECOMMENDATIONS**

Residents of the Go Home Bay Area have contributed significant time and energy towards the goal of protecting the lands and character of the area. The residents who responded to the Questionnaire clearly stated their desire to see the area remain as a wilderness, low density and low intensity cottage neighbourhood preserved for future generations. How should this be achieved?

The Go Home Bay Area Community Plan must be updated and expanded to preserve the heritage of the broader area. There are several approaches that the community can, and should, use to create policy that permits development in keeping with the established character of the area.

A new land use vision should be prepared for the Go Home Bay Area to capture its unique cultural heritage landscape, define the goals and objectives for the long term development of the area, and describe a land use structure that is based on preserving and protecting the fundamental elements of the “sense of place” of the area.

This vision for the area must be supported by a series of detailed goals and objectives that capture the sense of place and that reflect the values of area residents and their concerns regarding water quality, built form, landscape protection, and environmental quality. The detailed goals and objective would provide the “tests” in considering any development applications submitted to the Township and help Council and the community determine if the application was in keeping with the overall vision for the area.

The Community Plan for the Go Home Bay Area should be amended to include the following policy framework based on the recommendations of this report and the recommendations of the “*Rock Wind Water*” Sense of Place report. The following framework will provide the overall policy guidance for protecting the Go Home Bay Area’s unique sense of place:

**TABLE 3: PROPOSED FRAMEWORK FOR THE NEW COMMUNITY PLAN**

<p>1. Vision, Goals and Objectives, Land Use Structure</p>	<p>1.1 The Vision  1.2 Goals and Objectives  1.2.1 Natural Environment  1.2.1.1 Goal  1.2.1.2 Objectives  1.2.2 Sense Of Place  1.2.2.1 Goal  1.2.2.2 Objectives  1.2.3 Built Form Guidelines  1.2.3.1 Goal  1.2.3.2 Objectives  1.2.4 Water Quality  1.2.4.1 Goal  1.2.4.2 Objectives  1.2.5 Water Access Community  1.2.5.1 Goal  1.2.5.2 Objectives</p>
<p>2. Land Use Concept</p>	<p>2.1 Go Home Bay Residential  2.2 Go Home Bay Community Use  2.3 Go Home Bay Open Space  2.4 Environmental Protection</p>

3. Development Policies and Implementation	3.1	Lot Creation
	3.2	Island Development
	3.3	Built Form Guidelines and Shoreline Structures
	3.4	Zoning By-law
	3.5	Development Permit By-law
	3.6	Site Alteration By-law
	3.7	Design Guidelines
	3.8	Site Plan Control
	3.9	Alternate Notice Policies

While Bill 51 is not yet law, the province does intend to give municipalities the ability to control the external appearances of buildings through the Site Plan Approval process. Within the updated Community Plan, policies to support the development of design guidelines should be adopted. The provisions of these guidelines would guide new buildings to styles, colours, and forms that would be in keeping with the historic built form of the area. The Design Guidelines would additionally provide criteria to be met if a proposed development does not or cannot conform to these guidelines.

Details of these guidelines may include building materials, building height, windows, accessory building and structure types and design, vegetative buffers, and façade colours. Should Bill 51 or its successor not become law, these guidelines would still serve as a benchmark for community support and the consideration of planning applications.

Section 135(1) of the *Municipal Act, 2001* enables municipalities to regulate the cutting of trees on private lands. Section 142(2) of the *Municipal Act, 2001* enables municipalities to regulate the alteration of the grade of land, including topsoil removal and fill placement. The Township of Georgian Bay also has a Blasting By-law, which regulates the use of explosives in removing bedrock.

If the community wishes to regulate these activities, policy should be adopted to encourage the Township to adopt new By-laws or review existing By-laws respecting the Go Home Bay Area. Any policy developing as a result of this option could be used as a template for other cottager communities in the Township.

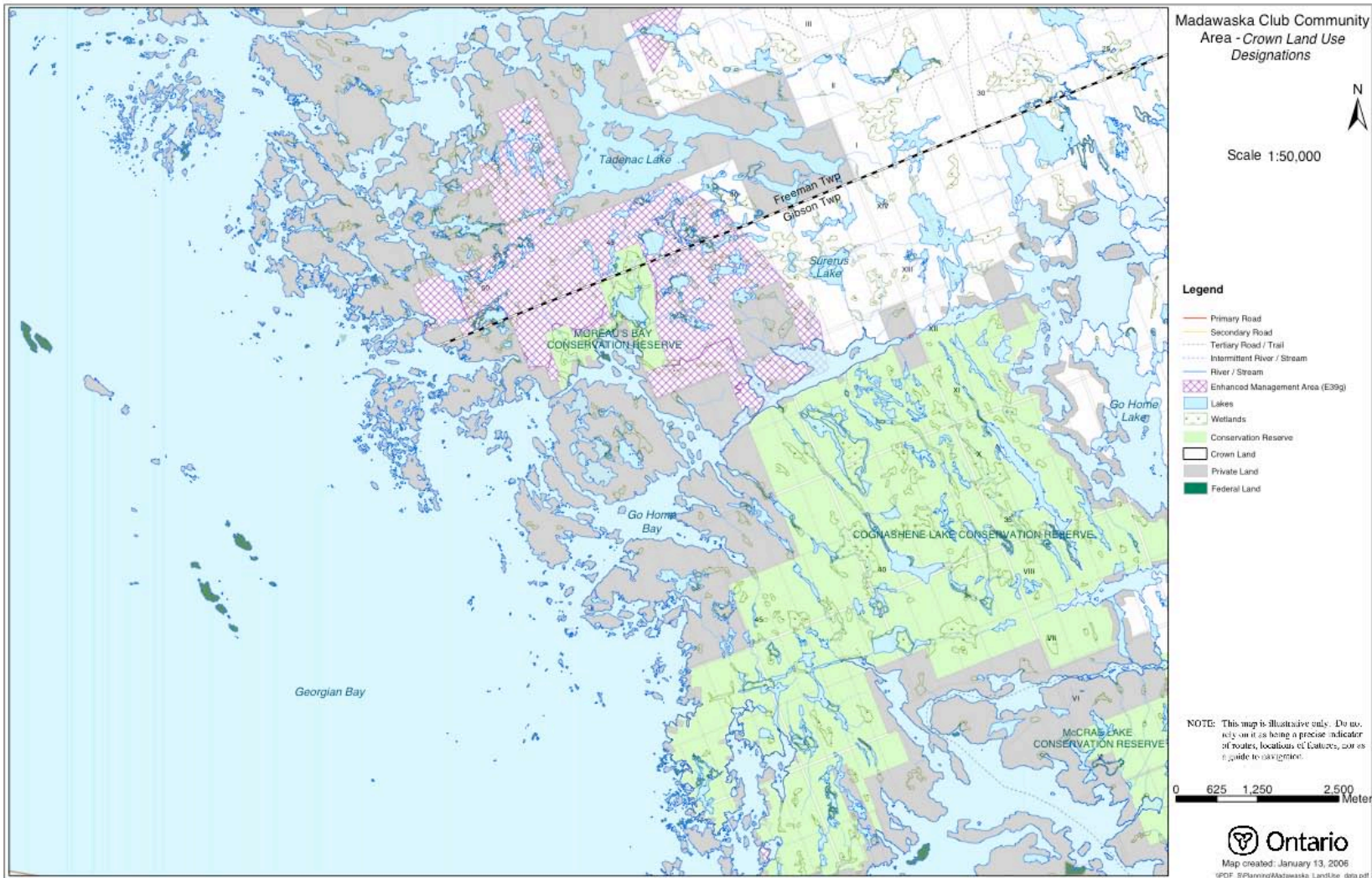
Residents are concerned that the outer islands, which have traditionally served as a natural gateway into the Go Home Bay Area, are threatened by the development of new cottages and accessory structures of all forms. These lands could be rezoned from the more permissive Shoreline Residential Three (SR-3) Zone to a new exception zone (SR-3-‘X’) that places stricter limits on cottage development. For example, the minimum lot size could be increased and maximum lot coverage decreased. Another possible requirement could be that these properties have a large waterfront vegetative buffer to screen any buildings, or that boathouses be limited to the easterly face of islands only. A rezoning of all islands less than 1.0 hectares in size to the Open Space Exception One (OS-1) Zone could also be considered for all vacant islands. Note that any rezoning of this manner may be considered a “downzoning” and removal of development privileges.

To satisfy the vision as described in the “Sense of Place” report and as outlined in this report, it is recommended that the following changes be considered for the updates to the Community Plan and the Zoning By-law for the Go Home Bay Area:

- Expand the Community Plan to the entire Go Home Bay Area;
- Create a more detailed policy framework for the Go Home Bay Community Plan;
- Include policies in the Community Plan that encourage and support the development of a range of implementation tools including site plan approval, Design Guidelines, Development Permit system, Site Alteration By-Law, Tree Cutting By-Law, that place tougher controls on the alteration of the landscape and the fundamental natural elements of the sense of place;
- Consider rezoning strategic properties to less permissive zones, including the smaller islands located outside the existing Community Plan area;
- Tweak the Zoning By-law’s performance standards to eliminate development “loopholes” that permit less desirable development patterns, and better control and protect the sense of place. This could include requiring a natural buffer along the shoreline, restricting the amount of “activity area”, limiting cottage heights to 1.5 storeys, limiting cottage size to a maximum of 2,500 square feet, and including restrictions on the expansion of non-complying structures.

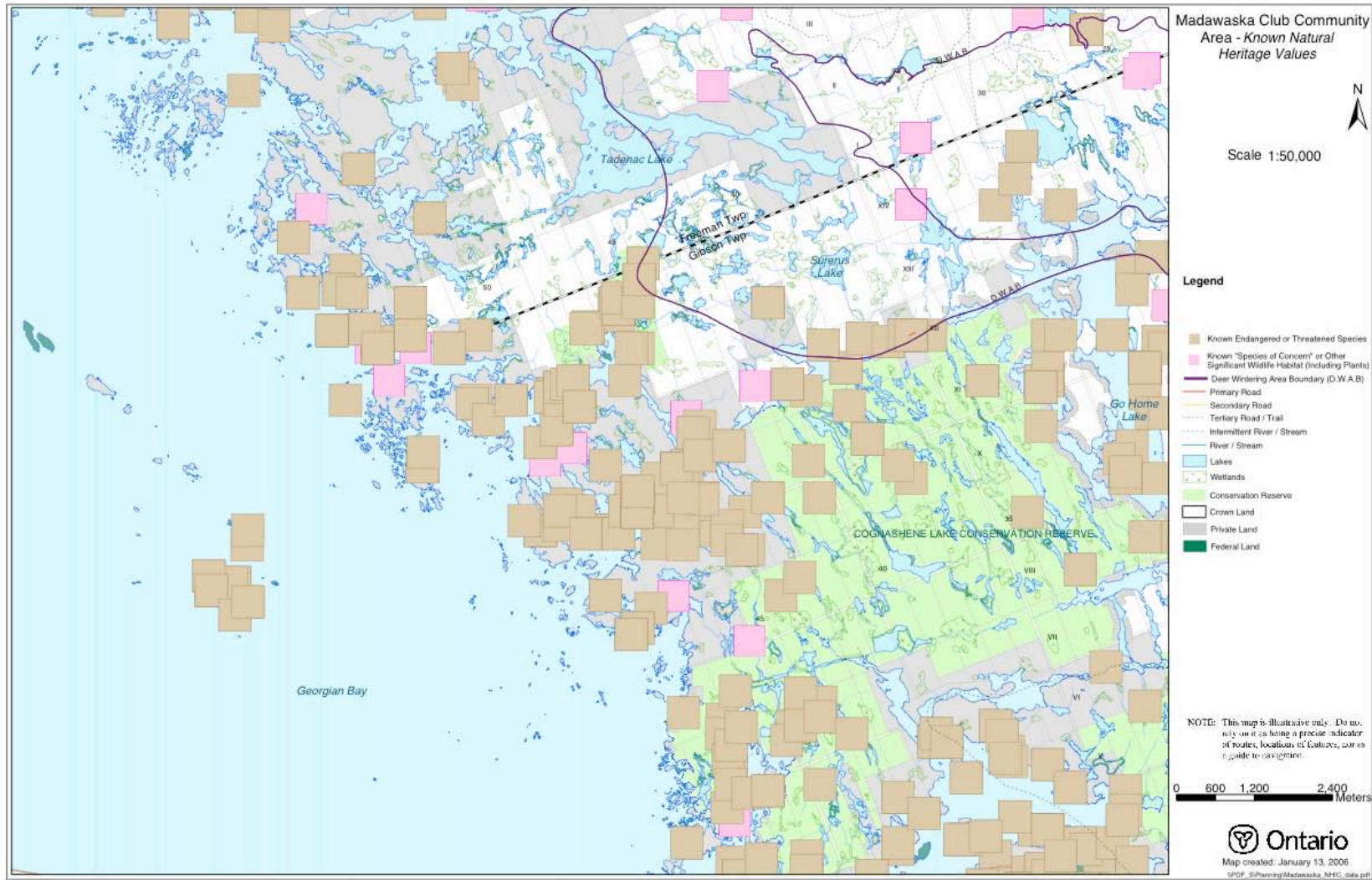
In the long-term, policies in the Community Plan should be reviewed no less frequently than every five years to ensure that recent trends in development and land use change are still meeting the overall goals and objectives for the Go Home Bay Area.

# APPENDIX 'A' - CROWN LAND USE DESIGNATIONS, KNOWN NATURAL HERITAGE VALUES AND MNR FISH HABITAT CLASSIFICATIONS

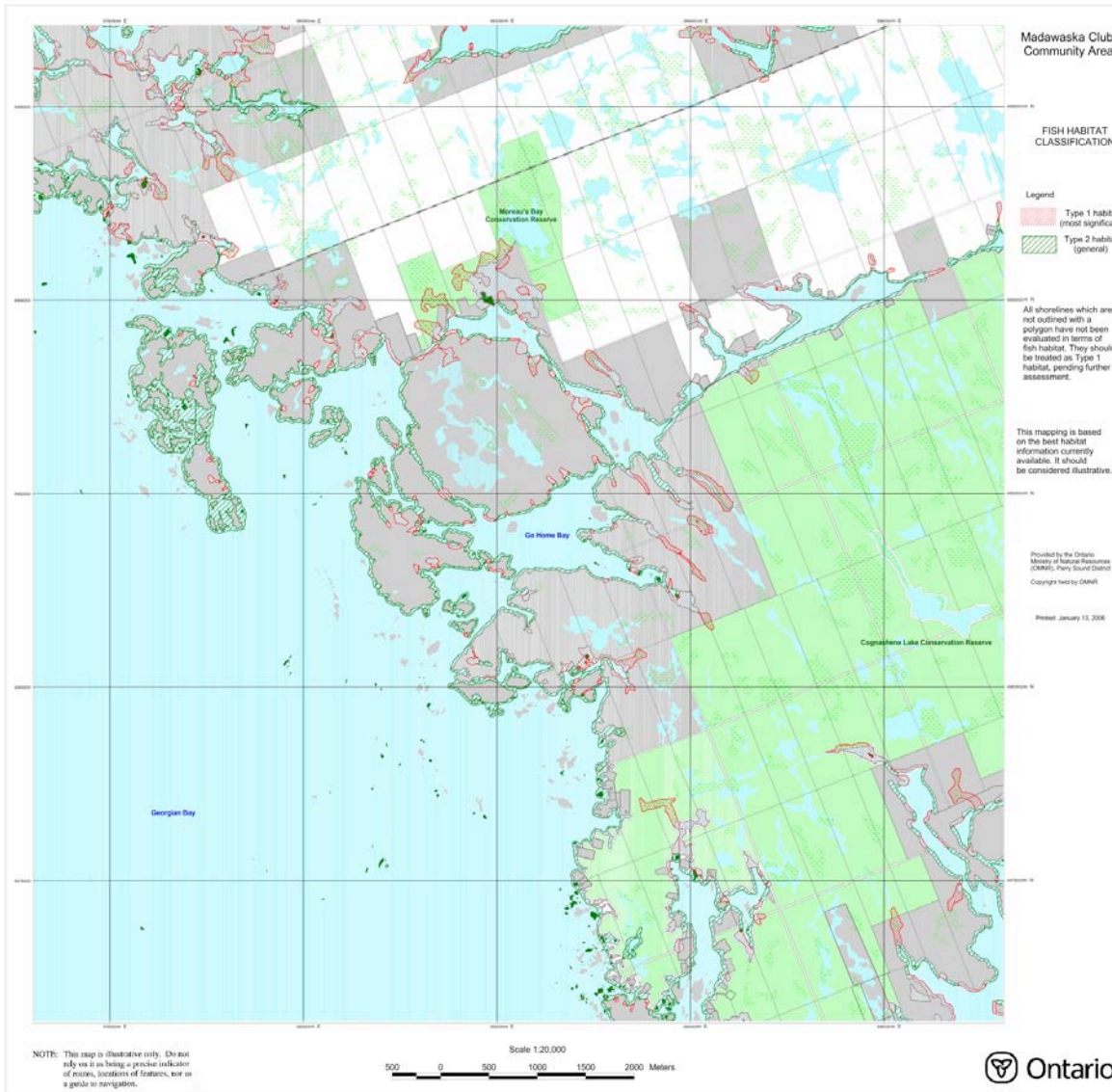




# APPENDIX 'A' - CROWN LAND USE DESIGNATIONS, KNOWN NATURAL HERITAGE VALUES AND MNR FISH HABITAT CLASSIFICATIONS

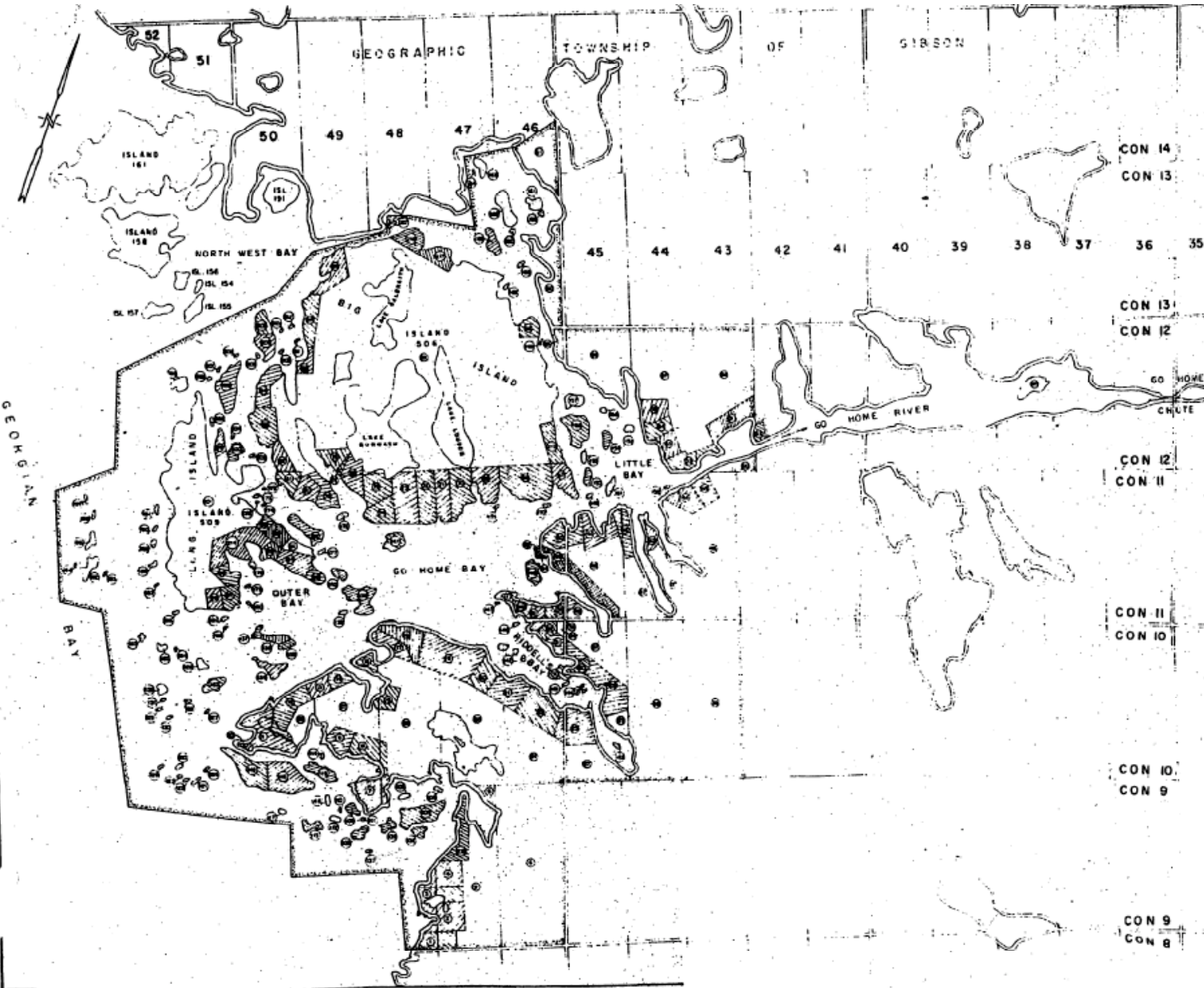


# APPENDIX 'A' - CROWN LAND USE DESIGNATIONS, KNOWN NATURAL HERITAGE VALUES AND MNR FISH HABITAT CLASSIFICATIONS









APPENDIX 'B' - SCHEDULE D1 OF THE TOWNSHIP OF GEORGIAN BAY OFFICIAL PLAN



Schedule "D1"  
to the Official Plan of the  
Township of Georgian Bay

Madawaska Area

LEGEND

-  BOUNDARY OF MADAWASKA AREA.
-  OPEN SPACE.
-  COMMUNITY SPACE.
-  RESIDENTIAL AREA.
-  CIRCLED NUMBER DESIGNATES INDIVIDUAL PARCELS WHICH COMPRISE THE MADAWASKA CLUB.

I HEREBY CERTIFY THIS  
TO BE A TRUE COPY  
*Brian J. Mee*  
DEPUTY CLERK  
TOWNSHIP OF GEORGIAN BAY

PREPARED BY THE OFFICE OF  
D.H. GALBRAITH  
ONTARIO LAND SURVEYOR

**APPENDIX 'C' - COMPARABLE ZONING REGULATIONS IN AREA MUNICIPALITIES**

	<b>Township of Georgian Bay (SR-3)</b>	<b>Township of Muskoka Lakes (WR1)</b>	<b>Township of Lake of Bays (WR)</b>	<b>Township of the Archipelago (Zoning By-law Review - Proposed)</b>
<b>Shoreline Buffer</b>	Not required in this Zone	7.6 m (25.0 ft) along lesser of 22.9 m (75.0 ft) or up to 75% of the width of the lot	15.0 m (49 ft)	
<b>Width along Shoreline/Frontage of Shoreline Structures (docks and boathouses), Maximum</b>	Lot frontage 31.0 m to 45.99 m - 4.6 m Lot frontage 46.0 m to 60.99 m - 7.5 m Lot frontage 61.0 m or greater - lesser of 11.0 m or 15% total lot frontage	5%- 25% on most lots, can increase to as much as 22.9 m (75.0 ft) depending on lot frontage, classification of lake Tight restrictions on footprint, setbacks, use.	25% of lot frontage, maximum of 23.0 m (75.4 ft) and 2 shoreline activity areas per lot or abutting a residential lot.	Boathouses - 10% of lot frontage, minimum lot area must be 8000 m <sup>2</sup> , minimum shoreline frontage of 100.0 m Docks - Lesser of 25% of lot frontage or 30.0 m, maximum 3 per lot (2 if boathouse also there)
<b>Area of Shoreline Structures (docks and boathouses), Maximum</b>				Boathouses - Lesser of 40.0 m <sup>2</sup> plus 0.5% of lot or island area, to a maximum of 120.0 m <sup>2</sup> Docks - Coastal - 450.0 m <sup>2</sup> , inland - 300.0 m <sup>2</sup>
<b>Height of Shoreline Structures (docks and boathouses), Maximum</b>	Lot frontage 31.0 m to 45.99 m - 3.5 m Lot frontage 46.0 m to 60.99 m - 3.7 m Lot frontage 61.0 m or greater - 4.0 m	4.9 m (16.0 ft) on most lots, can increase to 7.6 m (25.0 ft) depending on lot frontage, classification of lake	4.2 m (13.8 ft) and one storey	4.5 m and one storey

	Township of Georgian Bay (SR-3)	Township of Muskoka Lakes (WR1)	Township of Lake of Bays (WR)	Township of the Archipelago (Zoning By-law Review - Proposed)
<b>Length of Docks, Maximum</b>	Docks - 15.0 m Boathouses on all lots having over 31.0 m of lot frontage - 9.0 m. Boathouses on all lots having over 46.0 m of lot frontage on Georgian Bay - 11.0 m.	Docks - 20.1 m (66.0 ft) Boathouses - 15.2 m (50.0 ft)		Coastal - 30.0 m Inlands - 20.0 m Limited to 25% of width of waterway
<b>Building Height</b>	8.0 m	Main - 10.7 m (35.0 ft) Accessory - 6.1 m (20.0 ft)	8.5 m Detached garage with second storey - 7.0 m Non-shoreline accessory buildings - 4.5 m	Coastal - 6.0 m Inland - 9.0 m Accessory buildings - 5.0 m
<b>Lot Area, Minimum</b>	1.4 ha (14,000 m <sup>2</sup> )	0.4 ha (1.0 acre)	0.4 ha 0.8 ha on islands under 4.0 ha in size 4.0 ha for backlots on a public road	Existing (any new lots requires a Zoning By-law Amendment)
<b>Lot Frontage, Minimum</b>	210.0 m	61.0 m (200.0 ft)	Varies depending on category of the lake	Existing (any new lots requires a Zoning By-law Amendment)
<b>Lot Coverage, Maximum</b>	5%	5%-10%, depending on the water body	8% Maximum footprint within 20.0 m to 60.0 m of the shoreline - 510.0 m <sup>2</sup>	Less than 1800 m <sup>2</sup> in area - 7.5% 1800 m <sup>2</sup> to 8000 m <sup>2</sup> - 140.0 m <sup>2</sup> plus 3% of lot area Greater than 8000 m <sup>2</sup> - 380.0 m <sup>2</sup> plus 1% of lot

	Township of Georgian Bay (SR-3)	Township of Muskoka Lakes (WR1)	Township of Lake of Bays (WR)	Township of the Archipelago (Zoning By-law Review - Proposed)
				area greater than 8000 m <sup>2</sup> . Maximum GFA on lots greater than 1800 m <sup>2</sup> in area - 80% of allowable lot coverage.
Landscaped Open Space, Minimum	50%			
Yard Requirements, Minimum	Front - 20.0 m Int. Side - 8.0 m Ext. Side - 8.0 m Rear - 10.0 m	Front - 20.1 m (66.0 ft) Int. Side - 4.6 m (15.0 ft) Ext. Side - 9.1 m (30.0 ft) Rear - 4.6 m (15.0 ft)	Front/Shoreline - 20.0 m, typically 30.0 m Int. Side - 4.5 m Ext. Side - 10.0 m Rear - 10.0 m	Front - 7.5 m Side - 6.0 m Rear - 6.0 m