

WRITTEN SUBMISSIONS TO DATE
February 13, 2020

Submission By	BY-LAW PROVISION	SUBMISSION	COMMENT
<p>Catherine Fairlie</p>	<p>5.31 Saunas</p> <p>Less than 10 m² in size, no setback requirement Greater than 10 m² in size, 7.5 metre front yard setback</p>	<p>Saunas should require same setback as dwelling, 7.5 metres, in order to preserve the visual and environmental attributes of the shoreline.</p>	<ul style="list-style-type: none"> • Sauna is one of the 3 buildings permitted within the front yard setback, the others being a boathouse or boatport, a marine storage facility and a pumphouse. • Consideration should be given to also including a side yard setback. • Comparisons: TGB: require minor variance to permit, and if permitted, limited to 15 m² and 15 m setback. Carling: limited to 9.9 m² and 1 metre setback from shoreline
<p>Brad Honsberger</p>	<p>5.1.2 d) Accessory Shoreline Structures</p> <p>A boathouse or boatport, one sauna, one pump house, three marine railways, and one marine storage facility may be located in the required front yard of any lot zoned for residential use.</p>	<p>Far too much clutter is permitted along the shoreline, such as saunas, dry boathouses, recreational buildings, boat storage racks</p>	<ul style="list-style-type: none"> • Boathouses and boatports are permitted to extend inland only 3 metres • Sauna is limited to 10 m², a pumphouse is limited to 3 m², and a marine storage facility is limited to 9 m² • Comparisons: TGB: permits a pumphouse at 2.5 m², a free-standing deck at 40 m², dryland boathouse up to 121 m², gazebo at 15 m², in certain areas, a gazebo, sauna or hot tub are only permitted by minor variance. Carling: permits a pumphouse at 6 m², a sauna at 9.9 m², a gazebo 9.9 m², a storage shed at 54 m², detached deck at 20 m², tent-like structure permitted on dock up to 60 m².

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Brad Honsberger	Front Yard Setback	Should be increased to 60 feet (18.2 m)	<ul style="list-style-type: none"> • Existing setback requirement is 24.6 feet (7.5 m) • Section 7.23 of the Official Plan directs new development be setback 15 metres from Georgian Bay and warm water lakes and 30 metres from coldwater lakes, which are identified as Blackstone Lake, Crane Lake, Forget Lake, Spider Lake and Three Legged Lake. • To implement this policy direction, consideration should be given to increasing front yard setbacks as set out in the Official Plan. • Section 7.23 of the Official Plan has been in place since 2007. • Increasing the front yard setback requirement will result in significant development being considered legal non-complying.
Crane Lake Association	Front Yard Setback	Increase to 50 feet (15.2 m) for Ward 5 Craft By-law to protect ribbon of life.	<ul style="list-style-type: none"> • See above. • Blackstone Lake, Crane Lake, and Forget Lake are within Ward 5 and thus in accordance with Section 7.23 of the OP consideration should be given to a 30 metre setback.
Nick Popovich Planning Consultant	Front Yard Setback	<p>Lot 2, Plan 42M-543 Vacant Lot Would like site specific exception to maintain 7.5 metre setback if setback on Blackstone Lake is increased. Majority of lots are already developed, so increase would not be fair.</p>	<ul style="list-style-type: none"> • Approximately 79% of the 173 lots on Blackstone Lake are developed, with 36 vacant lots. • Generally, site specific exceptions are not provided for in Zoning By-law Reviews unless carrying forward an existing exception or to rectify an error. • Site specific exceptions should be

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			<p>undertaken on a site-specific application basis.</p> <ul style="list-style-type: none"> • Other than “not be fair”, no information has been provided to justify a reduction, should the setback be increased.
Anne Stewart	Definitions and Terms	<p>The definitions or divisions are confusing and unclear (“waterfront” versus “inland lake” does “inland lake” mean non-island? “island” versus “waterfront”. Why are there distinctions?</p>	<ul style="list-style-type: none"> • The term “Waterfront” is not used in the Zoning By-law. There is a “Coastal/Island Residential” which applies to residential properties fronting onto Georgian Bay and an “Inland Lakes Residential” which applies to residential properties, including islands, fronting on the inland lakes, such as Blackstone Lake, Kapikog Lake, etc. • The distinction has been made to recognize that historically and characteristically there are differences between Georgian Bay and the inland lakes, although the zoning provisions are the same, with the exception of permitted height.
Anne Stewart	Permitted Uses, Definitions	<p>Allow Agriculture using a broader definition to include small-scale farming, homesteads, hobby-farms, kitchen gardens, forest gardening, specialty crops, etc. A mixed land use policy within zoning could embrace small-scale agriculture as well as other land uses on residential and commercial land.</p>	<ul style="list-style-type: none"> • Section 12.57 of the Official Plan only permits agricultural operations by Official Plan Amendment and Zoning By-law Amendment. As such, Agricultural Use is defined in the By-law but not permitted within any zone. • Section 12.59 does provide for accessory agriculture to a main use at a limited scale. The inclusion of a definition of accessory small-scale agriculture and the establishment of

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			<p>general provisions pertaining to such use would be appropriate, similar to the way “home occupation” is addressed.</p>
Anne Stewart	New Zone	Designate any farms (according to farm tax rated parcels) as “farms” or “mixed use”.	<ul style="list-style-type: none"> Lands that do not front onto the water and are outside Pointe au Baril Station, are currently zoned “General Residential” unless is used for commercial or industrial purposes.
Anne Stewart	General Provision	Allow chickens under some conditions.	<ul style="list-style-type: none"> Some municipalities have included the provision of “backyard chickens” as an accessory use. Such uses are generally subject to limits on the number of hens, requirement for a building/coop, setbacks and minimum lot area. Some municipalities require licensing.
Anne Stewart	<p>5.1.2 i) b) Accessory Uses – Residential</p> <p>The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any zone unless specifically authorized by the provisions of that zone.</p>	<p>Allow the keeping of animals. The current by-law would exclude a bee hive, a stable for a work horse (more ecologically sound than a ATV or tractor), a chicken coop, a shelter for a few llamas or goats or sheep (far more ecologically sensible than cutting grass with a tractor), or a kennel for hunting dogs. In rural areas, the keeping of a small number of animals on properties large enough or far enough away from neighbours, would not detract from the natural beauty of the surroundings or disturb neighbours.</p>	<ul style="list-style-type: none"> Similar to the previous comment on small-scale accessory agriculture, the inclusion of a general policy that would capture chickens and bees may be appropriate. More intensive operations containing horse, llamas, sheep or goats would not be in keeping with Section 12.57 and would be more appropriate on a site-specific basis wherein compliance with the province’s Minimum Distance Separation Formulae can be assured.
Anne Stewart	Zones and Provisions	Capture neighbourhood specific criteria within the Zoning By-law	<ul style="list-style-type: none"> This could be done in the By-law by either separate zones or the identification of neighbourhoods, similar to the Official Plan. To date, no “neighbourhood specific”

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			<p>provisions have been put forward, with the exception of front yard setback for Crane Lake.</p> <ul style="list-style-type: none"> • This has been done in other municipalities such as Township of Georgian Bay. • It does increase the complexity and administration of the By-law.
Anne Stewart	<p>5.7 Decks Where a deck is attached to the main dwelling, the attached deck may extend from the main dwelling into a required front yard setback for a lot zoned for residential use provided the deck is not closer than 3 metres to the highwater mark and is not more than 2 metres above final grade and further, an attached deck may encroach 1.5 metres into a side or rear yard provided that, in the case of unenclosed and uncovered decks and patios, such uses are not more than 1.2 metres above final grade.</p>	Cap the size of a deck attached to a main dwelling.	<ul style="list-style-type: none"> • As decks are not included in the calculation of lot coverage, unless under a roof, there is currently no limit to the size of a deck attached to a dwelling. • A dwelling constructed at the 7.5 metre setback would be permitted a front deck of 4.5 metres, but not limit on width. • Decks attached to accessory buildings are not permitted to encroach into the front yard. • Decks attached to sleeping cabins cannot exceed the ground floor area of the sleeping cabin. • A 40 m² detached deck is permitted subject to setbacks.
Anne Stewart	Definition of Floor Area, Residential (Total)	Include basements in building area calculations.	<ul style="list-style-type: none"> • Basements, which are defined as having its ceiling 1.8 metres or lower than final grade, as averaged between all sides of the structure. • Many walk-out basements would not be included in the calculation of floor area. • Although not included in floor area, a walk-out basement would be

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Anne Stewart	5.8 Docks	Cap the size of a dock	<p>restricted by height.</p> <ul style="list-style-type: none"> • Generally, there is a restriction on dock size. • Dock width and length are restricted on inland lakes (15 m by 20 m). In addition, near shore portion restricted to 70 m² • On Georgian Bay dock width is restricted but no restriction on length other than cannot extend more than 25% into waterway. In addition, near shore portion restricted to 70 m² • A restriction on length in Georgian Bay may be appropriate.
Anne Stewart	Minimum Dwelling Size = 40 m ² ground floor area in Wards 5 & 6; 50 m ² ground floor area in Wards 1-4	Decrease or remove minimum size requirement	<ul style="list-style-type: none"> • Historically, minimum size has reflected maximum size of a sleeping cabin. • Given land costs, few “tiny” houses are expected. • Majority of respondent at Deerhorn Conference felt there was no need for a minimum dwelling size. • Removal of minimum size may be appropriate.
Anne Stewart	5.36 Sleeping Cabins Wards 1 – 4: 50.16 m ² Wards 5 & 6: 40 m ²	Reduce the allowable size of sleeping cabins and cap at 30 m ²	<ul style="list-style-type: none"> • Official Plan Amendment No. 50 in 2008 reviewed Sleeping Cabins in detail, resulting in the current provisions. • Majority of respondents at Deerhorn Conference felt existing provisions were appropriate.
Anne Stewart	Zones	Specific zones to protect cultural, heritage, historical, geological, archaeological sites	<ul style="list-style-type: none"> • Natural heritage and geological sites of provincial importance are contained within the ES zones.

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Anne Stewart	<p>5.32 Setback Requirements</p> <p>vi) Septic Setback on Crane Lake and Blackstone Lake is 30 metres unless a tertiary Class 4 system is installed.</p> <p>vii) Septic Setback on Forget Lake, Three Legged Lake and Spider Lake is 30 metres.</p> <p>viii) Septic Setback on portions of Sturgeon Bay is 30 metres unless a tertiary Class 4 system is installed.</p>	<p>Restrict locations where septic systems are installed, i.e. increase the setback from water course for Class 2 leach pits and Class 4 septic beds installed on the windward/exposed sides of out-islands.</p>	<ul style="list-style-type: none"> • • Many municipalities have increased the setback requirement for septic systems from the high water mark beyond the 15 metres required in the Ontario Building Code, typically to 30 metres. • Consideration of a minimum elevation for a leaching bed may also be appropriate.
Anne Stewart	<p>5.1.2 Accessory Structures</p> <p>b) The maximum number of accessory buildings permitted on any lot zoned for residential use is three. This number does not include: sleeping cabins, a privy, a marine storage facility, and a pump house, provided that such building are not used in combination with any other accessory building or use.</p>	<p>Reduce the number of accessory buildings.</p>	<ul style="list-style-type: none"> • Generally, a lot would be permitted a dwelling, 2 or 3 sleeping cabins, a privy, marine storage building, pumphouse and three other accessory buildings for a total of 9 to 10 buildings. • Building is defined in the Zoning By-law as being defined in the Ontario Building Code, which provides for a minimum floor area of 10 square metres; thus, buildings below 10 square metres are not included in the 3 building maximum and there is no limit to the number of buildings under 10 square metres other than lot coverage. • Majority of respondents at the Deerhorn Conference were of the opinion this was too much development on Georgian Bay, but not the same concern with development

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			<p>on inland lakes. This may be due to the fact that more development is visible on island properties than mainland properties when viewed from the water.</p>
Anne Stewart	<p>5.1.2 b) Accessory Uses</p> <p>The use of any accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any zone unless specifically authorized by the provisions of that zone.</p>	<p>It might be useful to differentiate rural residential properties from those that are not within General Residential or a new category.</p>	<ul style="list-style-type: none"> • Similar to previous comment with respect to farming and the keeping of animals. • Consideration could be given to permitted small-scale as an accessory subject to certain provisions.
Anne Stewart	<p>5.1.2 ii) g)</p> <p>Accessory buildings or structures shall not include cooking facilities.</p>	<p>The statement is limiting, especially with regards to historic uses of accessory buildings as cook houses in the summer.</p>	<ul style="list-style-type: none"> • The intention of the provision is to prevent accessory buildings, such as sleeping cabins, from being used as independent dwelling units. • The definition of cooking facility is extensive, i.e. would not permit a coffee maker or microwave, and consideration could be given to reducing the restrictiveness of the definition. • Just over half of the Deerhorn Conference respondents felt the definition was too restrictive.
Anne Stewart	<p>5.6 Dark Sky Provisions (lights)</p>	<p>Strengthen dark sky provisions to prevent exterior lighting (or only allow very low wattage lighting, downwardly faced to light necessary steps/paths) – i.e. prevent lighting up the outside of buildings, landscaped areas, patios and docks.</p>	<ul style="list-style-type: none"> • Outdoor lighting is required for a variety of reasons, however the provisions of Section 5.6 could be improved to better address dark sky lighting, such as shielded lighting or alternatively, a separate by-law on lighting under the Municipal Act.
Anne Stewart	<p>5.17.d) Restrictions on Changes</p>	<p>“The purpose for which any land or building or structure is used shall not be changed”, is</p>	<ul style="list-style-type: none"> • The purpose of the provision is to ensure compliance with the Zoning By-

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	<p>The purpose for which any land or building or structure is used shall not be changed, no new building or structure or accessory structure or addition to any existing building or structure or accessory structure shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-law applicable to each individual remaining building, structure, accessory structure or lot.</p>	<p>very restrictive and does not allow for commercial flexibility.</p>	<p>law.</p> <ul style="list-style-type: none"> • Changes are permitted, provided the changes do not result in contraventions to the Zoning By-law. • As an example, a commercial use could be changed to another commercial use provided it is a commercial use permitted in the applicable zone and other zoning provisions, such as parking requirements, are satisfied.
M.J. Brodie		<p>Structures should be allowed if the owner can show that efforts have been made to minimize visual impacts and or, permitted only in conjunction with other permitted constructions.</p>	<ul style="list-style-type: none"> • The zoning by-law sets out the “rights” for development on a property and cannot be subjective or conditional in nature.

SUBMISSION FROM PABIA
August 20, 2020

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PABIA	Section 3.100 Definition of Lot Coverage	To be included as part of the lot coverage: all roofed structures, structures under 100sqft, saunas, pumphouses and decks.	<ul style="list-style-type: none"> • This would add to the definition of lot coverage decks. • Consideration should be given to applying this to the entire municipality. • In most municipalities, decks are not included unless they are above a certain height.
PABIA	New Section	Maximum of <u>6 building permit required buildings</u> (Main, 3 Sleeping Cabins, 1 Accessory, Boathouse).	<ul style="list-style-type: none"> • Section 5.24 does permit a second dwelling on lots greater than 2 ha, provided eligible for severance. • Clarification should be obtained whether the intention is to have restricted by type or just total (i.e., can you have two accessory buildings without a boathouse)? • This is a reduction of one building from what is currently permitted.
PABIA	Section 5.1.2 ii) Accessory Structures – Residential	Maximum of <u>5 other structures with a roof</u> not requiring permits (Marine Storage, Pump House, Sauna, Woodshed, Deck with roof, etc.).	<ul style="list-style-type: none"> • No current restriction on the number of accessory structures.

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PABIA	Section 5.36 Sleeping Cabins	Sleeping Cabins add to the 540 sqft a covered porch up to 150 sqft making for 690 sqft total. If there is not to be a covered porch then the cabin remains 540 sqft.	<ul style="list-style-type: none"> • Add covered porch of up to 150 sqft as being permitted. • Consider applying throughout municipality
PABIA	Section 5.1.2 Accessory Structures – Residential	Reduce the Accessory Building to one from three and max out at 1200 sqft (maximum size depends on total sqft allowable) without sewers/toilet	<ul style="list-style-type: none"> • Need to clarify does not include sleeping cabins or boathouse as per previous comment limiting to 6 building permit buildings. • Accessory buildings currently cannot be larger than ground floor of main building.
PABIA	Section 6 Lot Coverage	<p>Calculation of total lot coverage, in reality should have two factors to determine what that coverage number is and the lesser of the two shall be the coverage square footage;</p> <p>a) one is the area of the lot as defined in the CZBL currently</p> <p>b) the other is the frontage</p>	<ul style="list-style-type: none"> • The 15 X the frontage would appear to result in significant lot coverage compared to area. • Example, smallest existing lot of 30m and 1,800 sqm would be permitted 450 sqm based on frontage and 135 sqm based on area. • The current maximum lot coverage of 800 sqm would be reached at 53.3 metres of

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		<p>(shoreline length)</p> <ul style="list-style-type: none"> • the lot coverage calculation found in section 6.0 determines the percentage used to find the total allowable coverage • new is our recommendation of also taking 15 times the frontage length to obtain a coverage number, • take the two coverage numbers calculated and use the one which has the <u>least</u> coverage as the official density maximum sqft allowable. 	<p>frontage.</p> <ul style="list-style-type: none"> • A smaller frontage factor may be more appropriate, in the range of 8X frontage, therein the maximum permitted lot coverage would be reached at 100 metres of frontage.
PABIA	Section 6 Front Yard Setback	Extend the front setbacks from 7.5 m to 10 m, extend the side setbacks from 6 m to 9 m	<ul style="list-style-type: none"> • OP directs front yard setback should be 15 metres • Any increase to existing will increase the number of legal non-complying buildings • Currently 50% increase permitted. •

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PABIA	N/A	Maintain a zero tolerance of rentals that are within 7 days to help prevent the occasional rental of properties within PauB such as AirB&B.	<ul style="list-style-type: none"> By-law does not currently address STR
PABIA	Section 2.3 Violations, Penalties, and Remedies Section 5.6 Dark Sky Provisions	Enforcement of the dark sky and quiet enjoyment of our area.	<ul style="list-style-type: none"> Further information on this is requested.
PABIA	N/A	Landscape Plan and Lighting Plan shall form part of the building permit to help maintain dark skies as well as the habitat, especially the waterfront riparian zone.	<ul style="list-style-type: none"> Landscaping Plans are generally implemented through Site Plan Approval. Confirm with Building Department whether such plans can be required with Building Permit Application.
PABIA	N/A	Educational bulletin attached to every building permit regarding the importance of complying with the OP and CZBL's.	<ul style="list-style-type: none"> Agree, this would be a good practice to implement.
PABIA	N/A	Permit requirement for Blasting and Filling.	<ul style="list-style-type: none"> Such matters are not contained in Zoning By-laws under the Planning Act but rather as a separate By-law authorized by the Municipal

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			Act. <ul style="list-style-type: none"> • Township currently in process of developing a Site Alteration By-law.
PABIA	N/A	Mandatory building inspection to enforce the bylaw on each property within the TOA.	<ul style="list-style-type: none"> • Discuss with Building Department. • The Municipal Act would appear to permit. • Cost involved.