

THE CORPORATION OF THE TOWN OF MIDLAND

BY-LAW 2011-x

A By-law to amend Zoning By-law 2004-90,
for certain lands abutting Georgian Bay and Little Lake

WHEREAS the Council of the Corporation of the Town of Midland passed Zoning By-law 2004-90, known as the Zoning By-law, on the 22nd day of November, 2004, to regulate the development and use of lands within the Town of Midland; and,

WHEREAS the Council of The Corporation of the Town of Midland now deems it expedient to amend Zoning By-law 2004-90, pursuant to the authority given to it under Section 34 of the *Planning Act*, R.S.O. 1990;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREBY ENACTS AS FOLLOWS:

1. That **SECTION 2.0 DEFINITIONS** is hereby amended by deleting and replacing the definitions for “Boathouse, Dock, Boat Launch, Boat Slip” and is further amended by inserting the following new definitions for “Boat, Boat Lift, Navigable Waterway, Shoreline” as follows in Section 2.0 in alphabetical order:

“Boat

Shall mean any vessel or watercraft suitable for navigation on or through water.

Boathouse

Shall mean a building or structure or part thereof used for the storage of private boats and equipment accessory to their use but shall not include any areas intended for human habitation.

Dock

Shall mean a structure floating or fixed to the mainland for the mooring of boats or other marine vessels and used in conjunction with a permitted use on the mainland. Dock construction may be through the use of: cribs, steel or wood posts, cantilevered or floating or a combination of the above.

Boat Launch

Shall mean a ramp on the shore by which boats or other marine vessels can be moved to and from the water.

Boat Lift

Shall mean a structure without a roof or walls, which may be attached to a dock, which facilitates the removal of a boat from the water and which can allow for a boat to be stored above the natural lake water level but not to be used as a commercial boat removal service.

Boat Slip

Shall mean a single mooring space for a boat or other marine vessels formed by a dock, boathouse or other mooring facility.

Navigable Waterway

Shall mean any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation or commerce and includes any river, stream, or lake considered navigable by law.

Shoreline

Shall mean the boundary between the water and the land or any lot line or portion thereof which abuts a navigable waterway.”

2. That **SECTION 3 GENERAL PROVISIONS** is hereby amended by deleting and replacing articles 3.15.1 and 3.15.6 in Sub-Section **3.15 DECKS** with the following:

“3.15.1 Decks shall be permitted to encroach 3.05 m into the required Minimum Rear Yard setback in all Residential Zones, provided that they are no closer that 1.22 m from the rear property line and the side lot line. Decks located in a Residential Zone which abuts the Shoreline may be located 0.0 m from the rear property line.

3.15.6 Decks and porches are included when calculating maximum lot coverage in all Residential Zones. An additional 4% lot coverage shall be permitted in all Residential Zones for the construction of decks and porches. In the case of decks constructed within 4.0 metres of the Shoreline a maximum footprint of 13.5 sq. m. is permitted.”

- 3 That **SECTION 3 GENERAL PROVISIONS** is hereby amended by adding the following article 3.15.9 to Sub-Section **3.15 DECKS**:

“3.15.9 Decks located between any easement used for the purposes of a pedestrian walkway and the Shoreline shall be located no closer than 0.61 m from the easement. “

4. That **SECTION 3 GENERAL PROVISIONS** is hereby amended by inserting a new Sub-Section **3.40 BOATHOUSE** immediately following Sub-Section 3.39 with the following:

“3.40 BOATHOUSE

A Boathouse is permitted in any Residential Zone which abuts the Shoreline and shall comply with the following regulations.

- 3.40.1 Only one (1) Boathouse per lot.
- 3.40.2 Boathouse shall not be used for human habitation and shall not include kitchen facilities.
- 3.40.3 A Boathouse is not permitted in the Front Yard.
- 3.40.4 Minimum Yard Setbacks
- | | |
|------------------------|--------|
| (a) Rear Yard | 0.0 m |
| (b) Interior Side Yard | 1.22 m |
| (c) Exterior Side Yard | 4.5 m |
- 3.40.5 A Boathouse is permitted to project a Maximum of 8.0 metres from the Shoreline into the Navigable Waterway.
- 3.40.6 A Height of one storey to a maximum of 4.5 m from the finished grade at the Shoreline or from the finished grade measured from the building wall facing the Shoreline.
- 3.40.7 The maximum footprint of a Boathouse shall be 50.0 sq. m. and the total combined Lot Coverage for all Accessory Buildings and a Boathouse shall not exceed 10%.
- 3.40.8 Decks are permitted on a flat roof structure however and shall not be permanently covered or screened.”
5. That **SECTION 3 GENERAL PROVISIONS** is hereby amended by inserting a new Sub-Section **3.41 DOCKS** immediately following Sub-Section 3.40 with the following:
- “3.41 DOCKS AND BOAT LIFTS**
- 3.41.1 Minimum Yard Setbacks
- | | |
|------------------------|--|
| (a) Front Yard | Not Permitted in the Front Yard. |
| (b) Interior Side Yard | 3.0 m based on a straight line projection of interior lot line into the water. |
| (c) Exterior Side Yard | 3.0 m based on a straight line projection of exterior lot line into the water. |
- 3.41.2 Docks shall be permitted a Maximum projection of 15.0 m from Shoreline into the Navigable Waterway.
- 3.41.3 Dock Cribs shall not exceed a total combined footprint of 15.0 sq. m.

- 3.41.4 The surface area of a Dock shall not exceed a Maximum of 50.0 sq. m.
- 3.41.5 The Maximum combined width of a Dock cannot exceed 25% of the shoreline width of the lot.
- 3.41.6 One dock per lot.
- 3.41.7 The first 3.0 m span of a dock adjacent to the shoreline must be open span. A minimum of 50% of the total dock length must be one or more open span.
- 3.41.8 Boat Lifts must be located within or adjacent to the dock.
- 3.41.9 Boat Lifts cannot be used in conjunction with a commercial operation.”
6. That the lands shown on Schedule “A”, attached hereto and forming part of this By-law, shall be zoned to **OPEN SPACE EXCEPTION ZONE – OS-4 AND OPEN SPACE EXCEPTION ZONE OS-6** as shown on Schedule “A” attached hereto and forming part of this By-law.
7. That Section 8.2.4 Zone Exceptions of the **OPEN SPACE ZONE – OS**, is hereby amended by deleting and replacing **OPEN SPACE EXCEPTION ZONE – OS-4** and inserting the following:
- “8.2.4.4 OS-4**
- Notwithstanding Section 8.2.2 and 8.2.3, the following Permitted Uses and Zone regulations shall apply to lands zoned OS-4 (Georgian Bay):
- (a) Boathouse
 - (b) Boat Launch
 - (c) Boat Lift
 - (d) Dock”
8. That Section 8.2.4 Zone Exceptions of the **OPEN SPACE ZONE – OS** is hereby amended by adding **OPEN SPACE EXCEPTION ZONE – OS-6** as Zone Exceptions 6 as sub-clause 8.2.4.6, immediately following the sub-clause 8.2.4.5, as follows:
- “8.2.4.6 OS-6**
- Notwithstanding Section 8.2.2 and 8.2.3, the following Permitted Uses and Zone regulations shall apply to lands zoned OS-6 (Little Lake):

- (a) Boat Launch
- (b) Boat Lift
- (c) Dock”

9. That Section 5.5.2 Permitted Uses of the **RESIDENTIAL ZONE – R5** is hereby amended by deleting from Sub-Section 5.5.2 PERMITTED USES the following:

“Boat Dock
Boathouse
Boat Slip”.

10. That Section 5.5.3.8 Zone Requirements of the **RESIDENTIAL ZONE – R5** is hereby deleted and that Section 5.5.3.9 is renumbered to 5.5.3.8.

11. That **SECTION 1 TITLE AND ADMINISTRATION** is hereby amended by inserting a new Sub-Section **1.10 TRANSITION PERIOD** immediately following Sub-Section 1.9 with the following:

“That this By-law provides for “TRANSITION PROVISIONS” for Boathouses, Docks, or Decks in the following manner:

- (a) That this By-law does not prevent the issuance of a Building Permit for a structure that existed prior to passage of this By-law for which no zone regulations applied.
- (b) That Section 9 of this By-law is repealed one (1) year from the date of passage of this By-law in those cases where a Minor Variance or Site Plan has been referred to the Ontario Municipal Board in which case this Section is repealed one (1) year after such appeal(s) has been decided. “

12. That the By-law shall come into force and effect in accordance with the provisions of Section 34 of the *Planning Act*, R.S.O. 1990 and the regulations thereto.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ___th DAY OF MONTH, 2011.

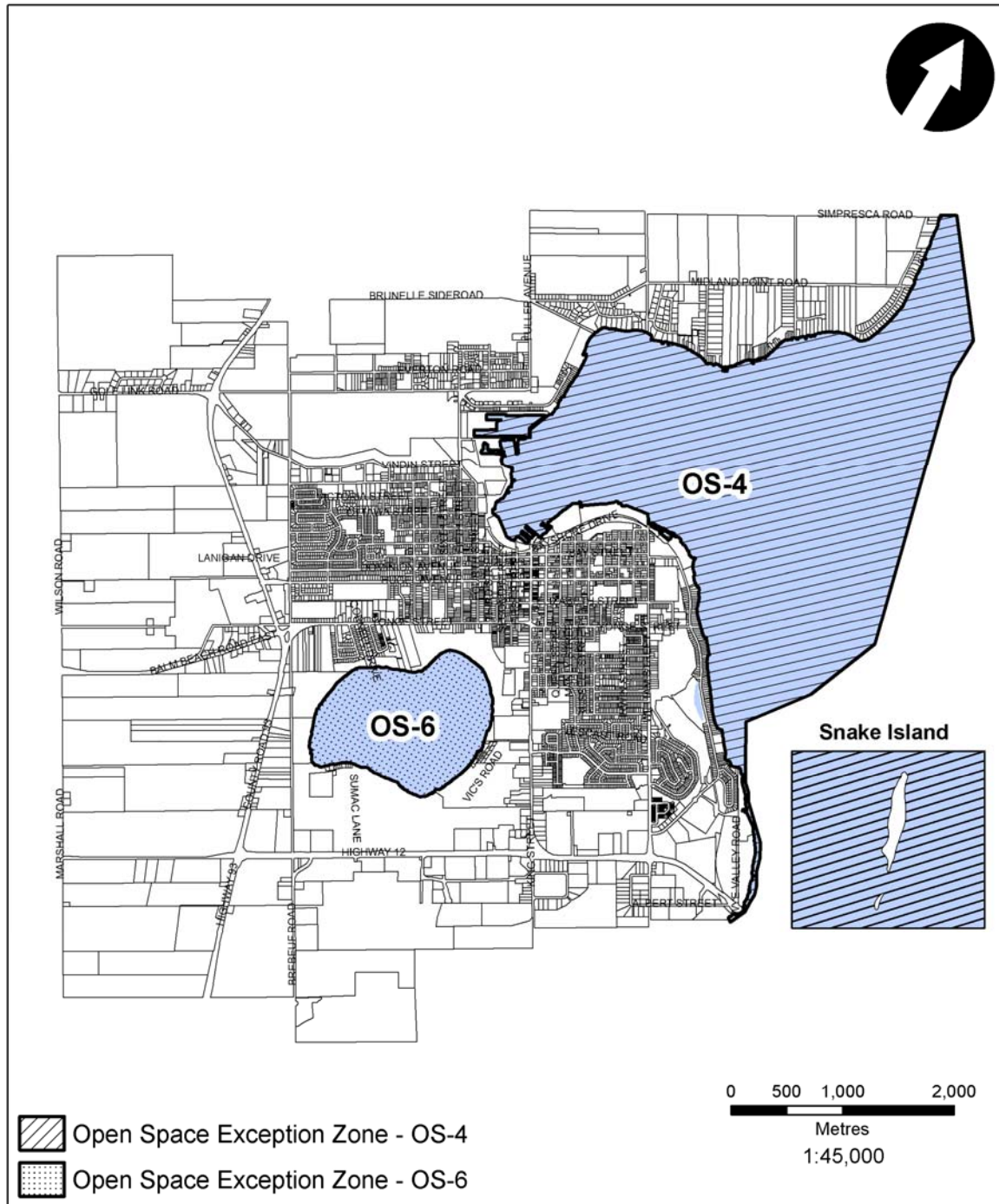
THE CORPORATION OF THE TOWN OF MIDLAND



MAYOR

CLERK



Schedule "A" to By-law 2011-x



-  Open Space Exception Zone - OS-4
-  Open Space Exception Zone - OS-6

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