

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 07-745

Being a by-law to amend By-law No. 06-650, the Comprehensive Zoning By-law of the Municipality of Temagami.

WHEREAS the Council of the Corporation of the Municipality of Temagami is empowered to pass by-laws to regulate the use of lands pursuant to Section 34 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS the Council of the Corporation of the Municipality of Temagami deems it advisable to amend By-law No. 06-650 (the Comprehensive Zoning By-law of the Municipality of Temagami);

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. That Section 5 - Definitions be amended by deleting the definition of Accessory building and replacing it with the following:

‘ACCESSORY BUILDING shall mean a detached building located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and which is not used for human habitation and includes a detached garage, a boathouse and a sleep cabin on a residential lot’

2. That Section 5 - Definitions be amended by deleting the definition of Boat House - Land tased and replacing it with the following:

‘BOATHOUSE - LANL BASEL shall mean an accessory building or structure, located on land and used for the storage of private boats and equipment accessory to their use and accessory to a residential use. A covered boat storage area without walls is defined as a boathouse.’

3. That Section 5 - Defin itions be amen ded by deletin g the defin ition of Boat Hou se - Water E ased and rep lacing it with the following:

‘BOATHOUSE - WATER EASED shall mean an accessory building or structure, located on a body of water adjacent to a residential lot and used for the storage of private boats and equipment accessory to their use and accessory to a residential use. A covered boat slip without walls is defined as a boathouse.’

4. That Section 5 - Definitions be amended by deleting the definition of Sleep Cabin and replacing it with the following:

‘SLEEP CABIN shall mean an accessory building used for non-commercial sleeping accommodation accessory to a dwelling in the Special Management Area, Integrated Management Area, Remote Residential, or Rural Residential Zones.’

5. That Section 6.04 d) - Accessory Buildings and Uses be amended by adding the following to the end of the section:

‘and the provisions of this By-law’

6. That Section 6.04 f) - Accessory Buildings and Uses be amended by deleting the section and replacing it with the following:

‘f) Within the RI, R2 and R3 Zones:

- on lots less than eight tenths (0.8) hectares, the maximum number of accessory buildings shall be 3, in addition to permitted detached garages, sleep cabins and boathouses;
- on lots from eight tenths (0.8) hectares to one and one half (1.5) hectares, the maximum number of accessory buildings shall be 4, in addition to permitted garages, sleep cabins and boathouses; and
- on lots greater than one and one half (1.5) hectares, the maximum number of accessory buildings shall be 6, in addition to permitted garages, sleep cabins and boathouses.’

7. That Section 6.06 - Boathouses is amended by deleting the second paragraph and replacing it with the following:

In Special Management Area (SMA), Integrated Management Area (IMA), Remote Residential (R2) and Rural Residential (R3) Zones, a portion of a land based or a water based boathouse may contain sleeping accommodations and bathroom facilities only in the upper half storey but shall not contain kitchen facilities.

In the Remote Residential (RI) Zone, neither sleeping accommodations nor bathroom facilities are permitted in a land based or water based boathouse.

A boathouse containing sleeping accommodations is deemed to be a sleep cabin for the purpose of calculating the number of sleep cabins on a residential lot.

8. That Section 6.06 - Boathouses is amended by deleting the fourth paragraph and the following two bullet points and replacing it with the following:

‘A water-based boathouse shall have a gable, hip or flat roof. A land-based boathouse shall have a gable, hip, flat, peaked, or mansard roof, except in

the Remote Residential (RI) Zone where the boathouse shall have either a gable or a hip roof.

The maximum height of a water-based boathouse shall be the greater of:

- 1.5 storeys, except in the Remote Residential (RI) Zone where the maximum height shall be one (1) storey with a maximum pitch roof of 4/12, as defined in the by-law; or
- 6.0 metres, except in the Remote Residential (RI) Zone where the maximum shall be five (5) metres, measured from the top of an attached deck or dock, which is not greater than one (1.0) meter above the high water level, to the highest point of the roof, or a total of seven (7.0) metres above water level, except in the Remote Residential (RI) Zone where the maximum shall be six (6) metres.'

9. That Section 6.06 - Boathouses is amended by adding the words 'Remote Residential' before 'RI' in the third last paragraph and by placing brackets around 'RI' in the same paragraph.

10. That Section 6.39 - Sleep Cabins is amended by deleting the section and replacing it with the following:

'Notwithstanding Section 6.29, sleep cabins are permitted as an accessory building on lots in the Remote Residential (RI) and (R2) Zones and the Rural Residential (R3) Zone and on existing residential lots in the SMA and IMA Zones in accordance with the following standards.

- a) Sleep cabins shall not be more than one (1) storey in height.
- b) On any residential lot existing on the date of passing of this By-law, less than four tenths (0.4) hectares in size in the SMA, IMA, RI, R2 and R3 Zones, one (1) main dwelling unit and a maximum of one (1) sleep cabin without bathroom and kitchen facilities is permitted.
- c) On any residential lot existing on the date of passing of this By-law greater than or equal to four tenths (0.4) hectares in size in the SMA, IMA, RI, R2 and R3 Zones and any residential lots created after the approval of this By-law in the RI, R2 and R3 Zones, one (1) main dwelling unit and a maximum of two (2) sleep cabins are permitted, in accordance with the provisions of this Section.
- d) The maximum gross floor area of the first sleep cabin on any lot in the SMA, IMA, RI, R2 or R3 Zone shall not exceed seventy-two (72.0) square metres and where permitted, the second sleep cabin shall not exceed thirty-six (36.0) square metres.
- e) On a lot greater than or equal to four tenths (0.4) hectares in the RI Zone and R2 Zone, one (1) sleep cabin may have bathroom or kitchen facilities, where the sleep cabin is connected to the water supply and/or sewage disposal system of the main dwelling on the lot and subject to the other provisions of this By-law while the second sleep cabin, where permitted shall have neither bathroom nor kitchen facilities.
- f) On an existing lot greater than or equal to one and six tenths (1.6) hectares in the RI, R2, and R3 Zones, only one (1) sleep cabin with

bathroom and kitchen facilities may be permitted provided that the sleep cabin is connected to approved independent, on-site water supply and sewage disposal systems. The sleep cabin with kitchen and bathroom facilities and the associated water supply and sewage disposal systems shall be located on the lot such that a lot containing the sleep cabin and water supply and sewage disposal systems can be severed from a lot containing the main cabin and associated water supply and sewage disposal systems with the severed and retained lots and all buildings on both lots conforming to the lot size, lot frontage, building setback standards and all other relevant standards of this By-law.

For the purposes of calculating the number of sleep cabins on a lot, a boathouse with sleeping accommodations, is deemed to be a sleep cabin.'

11. That Section 6.42 b) - Temporary Uses Permitted is amended by adding the words 'and in accordance with Section 6.04 b) of this By-law' at the end of the section.
12. That Section 7.4.1 - Permitted Uses is amended by adding the word 'other' at the beginning of the fifth bullet point.
13. That Section 7.4.2 - Zone Requirements is amended by deleting the section and replacing it with the following:

7.4.2 ZONE REQUIREMENTS

No person shall within any Remote Residential (RI) Zone use any lot, or erect, alter or use any building or structure except in accordance with the provisions of this section, the applicable provisions of Section 6, General Provisions - All Zones, and Section 8, Special Provisions and the following:

The lot:

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| a) | Minimum lot frontage | 90.0 m |
| b) | Minimum lot area | 0.8 ha/ 1.0 ha with drilled well |
| c) | Minimum distance from a Waste Disposal Site | 500.0 m straight line distance
for new Crown lots only |
| d) | Minimum distance from a lake access point | 500.0 m straight line distance
for new Crown lots only |
| e) | Minimum distance from a residential lot | 200.0 m straight line distance
for new Crown lots only |
| f) | Minimum distance from a tourist commercial site | 500.0 m straight line distance
for new Crown lots only |
| g) | Total lot coverage (%) | 8.0 |

Any dwelling unit:

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|----|---------------------------------|---------------------|
| a) | Minimum distance from the shore | 15.0 m |
| b) | Minimum rear yard | 5.0 m |
| c) | Minimum side yard | 5.0 m |
| d) | Maximum building height | 9.0 m |
| e) | Maximum floor area | 464.0 square metres |

A land based boathouse:

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|----|-----------------------------------|---|
| a) | Minimum distance from the shore | 0.0 m |
| b) | Minimum side yard | 5.0 m |
| c) | Maximum building height | in accordance with Section 6.06 |
| d) | Maximum building width and length | in accordance with Sections 6.06 and 6.38 |

A water based boathouse:

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|----|-----------------------------------|--|
| a) | Minimum side yard | 5.0 m from the straight line extension of the side lot lines |
| b) | Maximum building height | in accordance with Section 6.06 |
| c) | Maximum building width and length | in accordance with Section 6.06 |
| d) | Maximum distance from the shore | 3.0 m |

Any sleep cabin without both bathroom and kitchen facilities:

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| a) | Minimum distance from the shore | the distance from the shoreline to the main dwelling unit on the lot or 15 metres whichever is greater |
| b) | Minimum side yard | greater than the side yard of the main dwelling unit on the lot or 5 metres, whichever is greater |
| c) | Maximum building height | 5.0 m |
| d) | Maximum gross floor area | 72.0 sq. m for the first sleep cabin
36.0 sq. m for a second sleep cabin |
| e) | Minimum distance from the main dwelling or another sleep cabin | 3.0 m subject to Sections 6.39, 7.4.3 |

Any sleep cabin with both kitchen and bathroom facilities:

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, the sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.39 of this By-law.

All other accessory buildings:

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|----|---------------------------------|--------|
| a) | Minimum distance from the shore | 3.0 m |
| b) | Minimum side yard | 5.0 m |
| c) | Maximum building height | 5.0 m |
| d) | Minimum rear yard | 5.0 m' |

14. That Section 7.5.1 - Permitted Uses is amended by adding the word 'other' at the beginning of the fifth bullet point.

15. That Section 7.5.2 - Zone Requirement is amended by deleting the portion titled 'Any Sleep Cabin' and the following sub-sections a) through e) and replace with the following:

'Any sleep cabin without both bathroom and kitchen facilities:

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|----|--|--|
| a) | Minimum distance from the shore | the distance from the shoreline to the main dwelling unit on the lot or 15 metres whichever is greater |
| b) | Minimum side yard | greater than the side yard of the main dwelling unit on the lot or 5 metres, whichever is greater |
| c) | Maximum building height | 5.0 m |
| d) | Maximum floor area | 72.0 sq. m for the first sleep cabin
36.0 sq. m for a second sleep cabin |
| e) | Minimum distance from the main dwelling or another sleep cabin | 3.0 m, subject to Sections 6.39, 7.5.3 |

Any sleep cabin with both kitchen and bathroom facilities:

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, the sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.39 of this By-law.'

16. That Section 7.5.2 - Zone Requirements be amended by adding the word 'other' after the word 'All' in the sub-section titled 'All accessory buildings'.

17. That Section 7.6.1 - Permitted Uses is amended by adding the word 'other' at the beginning of the fifth bullet point.

18. That Section 7.6.2 - Zone Requirement is amended by deleting the portion titled 'Any Sleep Cabin' and the following sub-sections a) through e) and replace with the following:

'Any sleep cabin without both bathroom and kitchen facilities:

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|----|---------------------------------|--|
| a) | Minimum distance from the shore | the distance from the shoreline to the main dwelling unit on the lot or 15 metres whichever is greater |
| b) | Minimum side yard | greater than the side yard of the main dwelling unit on the lot or 5 metres, whichever is greater |

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| c) | Maximum building height | 5.0 m |
| d) | Maximum floor area | 72.0 sq. m for the first sleep cabin
36.0 sq. m for a second sleep cabin |
| e) | Minimum distance from the main dwelling or another sleep cabin | 3.0 m, subject to Sections 6.39, 7.5.3 |

Any sleep cabin with both kitchen and bathroom facilities:

In addition to the above requirements for sleep cabins without both kitchen and bathroom facilities, the sleep cabin with both kitchen and bathroom facilities shall conform to the provisions of Section 6.39 of this By-law.'

19. That Section 7.7.2 - Zone Requirements be amended by adding the word 'other' after the word 'All' in the sub-section titled 'All accessory buildings'.
20. That Section 7.8.3 - Zone Restrictions be amended by adding a new paragraph after the first paragraph with the follows:

'Within the Medium Density Residential (RM) Zone, sleep cabins and boathouses are not permitted as accessory buildings.'



Mayor



CAO/Clerk