

MEMORANDUM



**J.L. Richards
& Associates Limited**
314 Countryside Drive
Sudbury, ON Canada
P3E 6G2
Tel: 705 522 8174
Fax: 705 522 1512

To: Theresa Carlisle
Secretary-Treasurer
Manitoulin Planning Board

Date: September 16, 2022

Job No.: 31653-000

CC:

From: Erin Reed, Planner
Sarah Vereault, MCIP, RPP, Senior Planner

Re: Unincorporated Townships of Dawson and Robinson
Zoning By-law
Final By-law for the Board's Consideration

Update Overview and Key Changes

Section 26(9) of the *Planning Act* requires that a municipality update its Zoning By-law following approval of a new Official Plan. The District of Manitoulin Official Plan was approved in 2018, and the Unincorporated Township's current Zoning By-law is from 1996.

The Board has updated the Zoning By-law, which resulted in changes to the zone boundaries, permitted uses and provisions to ensure consistency with the Provincial Policy Statement 2020, conformity with the Northern Ontario Growth Plan 2012, and conformity with the District's 2018 Official Plan. The result is a new Zoning By-law.

J.L. Richards & Associates Limited (JLR) was retained by the Planning Board to undertake the process. JLR has worked with Planning Board staff to identify areas where revisions were needed, consolidate previous amendments to the By-law, review proposed schedules, update definitions and general provisions, and undertake the Zoning By-law review process.

In summary, key changes to the By-law include:

- Updating definitions to include new/current uses and terminology
- Reducing the number of zones by:
 - o Combining the Settlement Area Zone with the Hamlet Zone
 - o Combining the Hamlet Industrial Zone with the General Industrial Zone
 - o Combining the General Commercial Zone with the Core Commercial Zone
- Clear articulation of all special exception zones (including location, original amending by-law number as an historical reference, and special provisions) under the main zone and shown on mapping
- Updating definitions to reflect new uses (i.e. additional residential units, cannabis processing facilities) and terms (i.e. marine shore road allowance)
- Adding general provisions for additional residential units
- Adding general provisions for cannabis processing facilities
- Adding general provisions for short term rentals
- Adding general provisions for garden suites, portable shelters and portable storage containers
- Adding general provisions for recreational vehicles, truck, bus and coach bodies, and recreational trailers
- Adding general provisions for marine shore road allowance
- Providing parking requirements for additional residential units, short term rentals, and home day cares
- Updating the accessible parking provisions to align with the Ontario Integrated Accessibility Standards Regulation 191/11
- Adding provisions to permit residential units above or behind a commercial use
- Updating uses where zones have been consolidated and to ensure conformity with the Official Plan
- On the schedules:
 - o Changes to reflect the consolidation of zones; and
 - o Identification of special exception zones

Open House and Public Comments Received to Date

The statutory public Open House was held on Tuesday June 14th, 2022. Members of the public and the Board attended the session. Oral and written comments were received at the Open House, no written comments have been received since the Open House.

The statutory Public Meeting will be held on Wednesday September 28th, 2022. A notice of Public Meeting was published in early September. No written submissions have been received since notice was given.

A summary of all of the public comments is attached to this memo along with the recommended response/revision to the document. The Board has original copies of all of the comments received.

Prior to adopting the By-law, the Board must be satisfied that they have considered all Public Input that is received. The main themes brought up in public submissions are as follows:

1) Guest Cabin

Comments were received regarding the difference between a guest cabin and garden suite, and also whether a loft on top of a garage is considered a guest cabin.

The proposed zoning by-law defines a guest cabin as a: *"building accessory to a seasonal dwelling, without cooking facilities, that is used only for purposes of sleeping accommodation"*. While a garden suite is defined as a *"temporary, self-contained, and portable detached residential dwelling unit that is clearly ancillary to and on the same lot as a single or semi-detached dwelling, and excludes a trailer as defined herein."* Essentially a guest cabin is intended to be used only for sleeping purposes and is only permitted accessory to a seasonal dwelling, while a garden suite is intended to be a temporary dwelling unit that is accessory to a single detached dwelling or semi-detached dwelling.

Section 4.1.2 regarding guest cabins does not permit a loft above a garage.

2) Examples of Home Occupation Uses

Clarification regarding what constitutes a home occupation was requested. The definition of home occupation provides the following shall mean any occupation, trade, business, profession, or craft carried on as an accessory use for gain or support conducted entirely within a dwelling unit by the residents. As an example, the following would be considered to be home occupations: a service or repair shop, a personal service shop, the office of a doctor, dentist lawyer, a real estate agent, insurance agent, planner, architect or engineer, or similar occupation.

3) Bed and Breakfast Establishments

Several questions were received regarding whether a bed and breakfast is considered a short term rental. For clarity, the definition of 'Short Term Rental Accommodation' has been updated to clearly state that a bed and breakfast is not considered a short term rental.

Discussions were also held regarding whether bed and breakfast should be permitted in the Shoreline Residential Zone. Bed and Breakfast establishments have not been identified as a permitted use in the Shoreline Residential Zone. An amendment to the zoning by-law would be required to permit one. Existing uses are grandfathered in, however, any expansions or modification to the use would be subject to the non-conforming use provisions and/or a *Planning Act* application.

4) Temporary Accommodation of Recreational Vehicles

Many commented that recreational vehicles are commonly used for guests to stay in while visiting. Under Section 4.1.4 of the proposed by-law *"no recreational vehicle shall be used for habitable space (i.e. sleeping and/eating,*

except temporarily in a campground for such use." Therefore, such use is expressly prohibited. Typically when municipalities permit temporary habitation in recreational vehicles outside of regulated campgrounds, they are able to further regulate the use through a Municipal Act licensing by-law. Such a by-law would cover important environmental matters such as solid waste disposal, potable water, and black and grey water disposal. However, as the Board does not have the same powers as a municipality, it is unable to enact such a by-law to appropriately regulate the use. As such, it is not recommended that temporary habitation be permitted in the unincorporated areas.

5) Portable Storage containers (shipping containers or sea cans)

Comments were received regarding how and where portable storage containers can be used. Portable storage containers are only permitted in the General Industrial zone for storage purposes. Portable storage containers that modified to be used for other purposes (i.e. used a building materials for a dwelling, office, etc.) are subject to the Ontario Building Code.

6) Permitting Accessory Use for storage prior to main dwelling

Some asked whether an accessory use may be permitted on a lot prior to the main use. Section 4.1 of the proposed by-law states that "*an accessory building shall not be erected on a lot prior to the principal building to which it is to be accessory thereto.*"

Section 4.20 of the by-law provides an exception to the above by permitting a tool shed, scaffold or other building or structure related to the construction on the premises where it is situated provided that the identified accessory use is necessary for the work in progress and until the work is completed or abandoned.

7) More permissive housing

Lack of housing, specifically affordable and attainable housing, is an issue being experienced by communities across Ontario. There was an expressed desire to be more permissive in terms of housing forms by permitting mobile homes and modular dwellings where single detached dwellings are currently permitted. However, the District Official Plan only permits mobile homes in a mobile home park. In order to permit mobile homes more broadly, an amendment to the Official Plan would be required. With regards to a modular home it is defined in the proposed by-law as the following: *shall mean a single detached dwelling which has been manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a prepared foundation and for the purpose of this By-Law shall be considered as a single detached dwelling.* A modular home built to Ontario Building Code standards would be considered a dwelling.

District of Manitoulin Official Plan

The Planning Act states that decisions of Council in respect of a planning matter shall be consistent with policy statements issued under the Act, including the Provincial Policy Statement.

The District of Manitoulin Official Plan was approved in 2018 by the Ministry of Municipal Affairs and Housing (MMAH) and came into effect on October 29th 2018. As per Section 26(9) of the Planning Act the Board is required to amend its zoning by-law to ensure conformity with the recently approved OP. The following items were identified as key topics to ensure conformity:

- Permitting residential uses as an accessory use to a commercial use
- Establishing a minimum lot area of 40 hectares for Agricultural lots
- Review setbacks from Lake Huron
- Review parking provisions for second dwelling units;

It is our opinion that the revised By-law as proposed is consistent with the PPS and conforms to the District's Official Plan.

Next Steps

A Public Meeting will be held on Wednesday September 28th, 2022 with regards to the new Zoning By-law. Following the public meeting, the Board can choose to:

- Adopt the by-law as presented during the Public Meeting;
- Adopt the by-law with additional revisions;
- Defer a decision on the by-law until a set date (no additional notice required); or
- Defer a decision on the by-law until a date to be determined (additional notice required).

If the Board decides to defer consideration of the By-law they can give any direction that is deemed appropriate including providing specific direction on changes that they wish to see, requiring additional consultation, providing other direction to Staff, such as to come back with a further review of the comments and recommendations.

The Planning Act requires that the Board consider all input received at the Public Meeting and that they provide guidance on each submission prior to making a decision. If this input can be addressed adequately at the Public Meeting then we would have no concerns with adoption at that time. If new comments or input is received, we normally recommend consideration of the By-law at the next meeting to allow for review and response. We will work with the Board to determine the appropriate course of action at the conclusion of the public input portion of the public meeting.

Following adoption, the By-law will be subject to a formal 20-day appeal period.

Should you have comments or require further information, please do not hesitate to contact the undersigned.

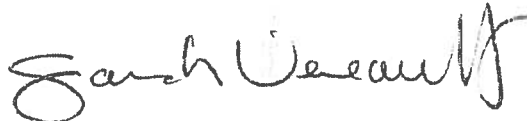
J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Erin Reed,
Intern Planner

Reviewed by:



Sarah Vereault, MCIP, RPP
Associate, Senior Planner