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Background Report

Zoning By-law Review for the Township of The Archipelago



Background Report Township of The Archipelago

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Township of The Archipelago

1.0 Introduction

The Township of The Archipelago (the “Township”) is situated in the middle of the Georgian Bay Biosphere Reserve, designated as a world biosphere reserve by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It comprises of many islands in Georgian Bay and a number of inland, freshwater lakes, all of which are used for recreational purposes. The impetus for creating The Township was a strong desire by its inhabitants and the Province to preserve the natural environmental and recreational land use in the area. The Township’s geography is unique, in that its jurisdiction is comprised of two geographically separate entities along the eastern coast of Georgian Bay. As shown below (see Figure 1), the Township’s northern jurisdiction borders unorganized territory in the Parry Sound District and Shawanaga First Nation to the north, the Township of Carling to the south, and the Municipality of Whitestone to the east. The Township’s southern jurisdiction is located further south of the Town of Parry Sound and shares a border with the Township of Seguin to the east, the Township of Georgian Bay to the south, and Wasauksing First Nation and the Township of Carling to the north.

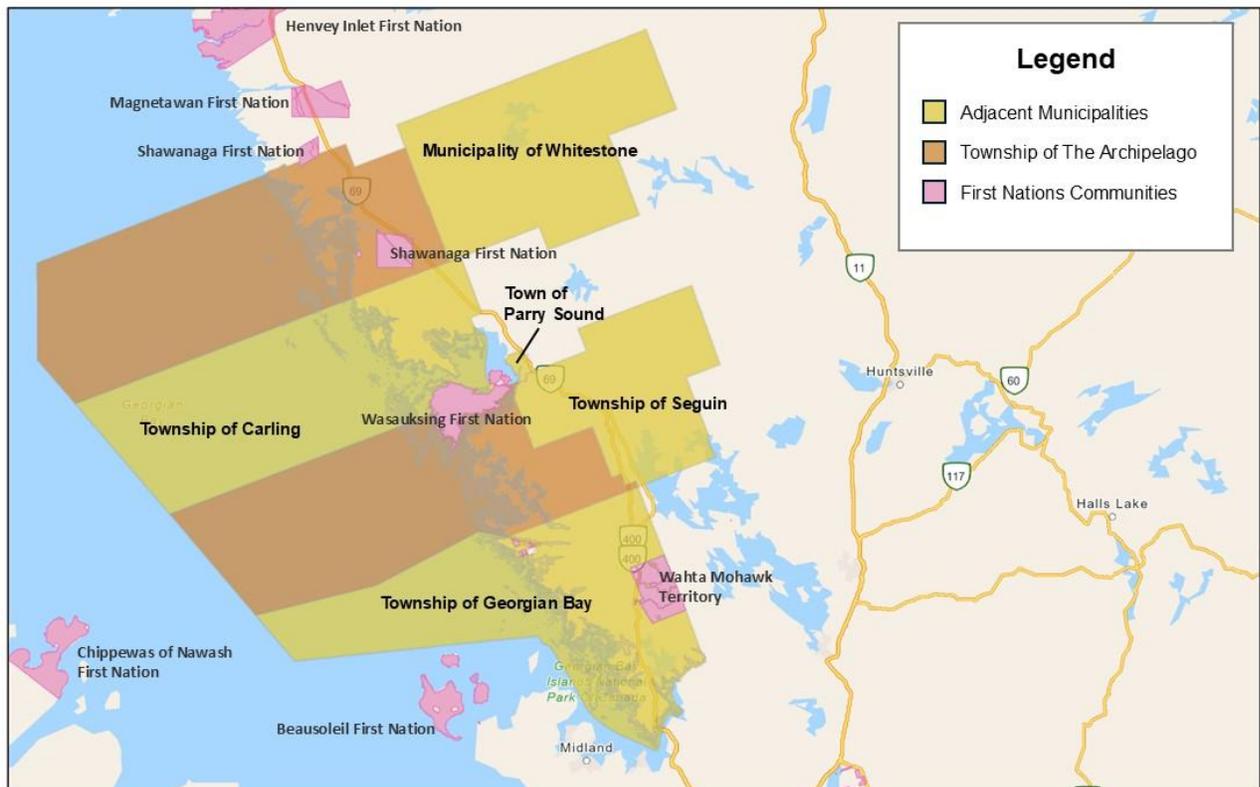


Figure 1 Township of The Archipelago, adjacent municipalities, and First Nations

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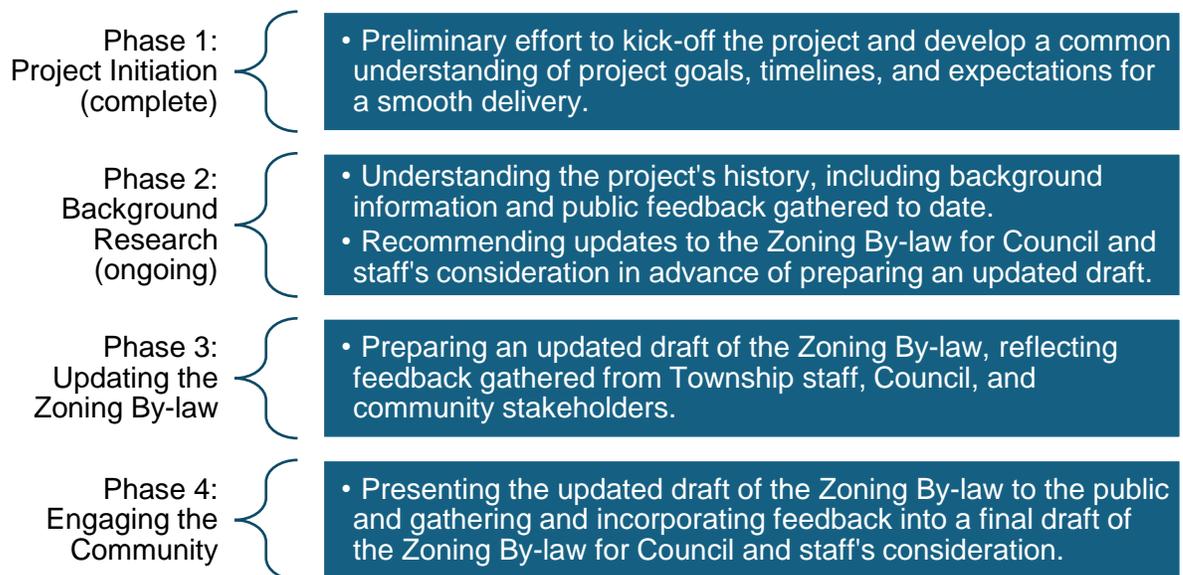
Given the Township's vast geography, the Township's land base is predominantly Crown land, with pockets of year-round residential uses, seasonal residential uses, and tourist commercial uses on privately-owned island and mainland properties.

1.1 Project History

The Township initiated a statutory review of Comprehensive Zoning By-law A2000-07 (the Zoning By-law) in 2019, following approval of Official Plan Amendment (OPA) 61 by the Ministry of Municipal Affairs and Housing. This amendment to the Township's Official Plan concluded the Township's statutory Official Plan review for consistency with new and updated provisions of the *Planning Act*, the Provincial Policy Statement (2014), and emerging trends and issues related to long-term growth and development in the Township over the next 20-30 years.

The Township's current Zoning By-law was adopted by Council on June 22, 2007 and has since undergone numerous site-specific and housekeeping amendments. The purpose of the project is to update the Township's Zoning By-law to ensure conformity with the Township's Official Plan and consistency with legislative and policy changes at the provincial level since 2018 (i.e., when the Township's Official Plan was last comprehensively reviewed and updated).

To date, the Township has undertaken initial background research, public and stakeholder engagement, and preliminary effort to draft an updated Zoning By-law with the assistance of a professional land use planning consultant. The Township has since retained J.L. Richards & Associates Limited (JLR) to assist the Township in completing the statutory review through the following scope of work:



1.2 Purpose of a Zoning By-law

Land use planning and development decisions in the Township are guided both by provincial policy and legislation (i.e., the *Planning Act* and the Provincial Planning Statement [PPS]) and by local planning instruments, including the Township's Official Plan and Zoning By-law.

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An Official Plan describes the Township's policies on how land in your community should be used and is prepared with input from your community to ensure that future land use planning and development will meet your community's specific needs. The Township's Official Plan deals mainly with issues such as where new housing, industry, offices, and shops will be located, what services (e.g., roads, parks, schools, and community facilities) will be needed, as well as when, and in what order, parts of your community will grow.

The Zoning By-law implements the objectives and policies of the Township's Official Plan, provides a legal and precise way of managing land use and future development, and protects your community from conflicting and potentially dangerous land uses. More specifically, a Zoning By-law controls the use of land in your community, stating exactly:

- How land may be used (i.e., the "permitted uses" of land in a particular zone);
- Where buildings and other structures can be located;
- The types of buildings that are permitted and how they may be used;
- Minimum lot sizes and dimensions, parking standards, building heights and densities, and setbacks from the street required for development or redevelopment.

Whereas the Township's Official Plan sets out general policies for future land use and development, the Zoning By-law puts this plan into effect and provides for its day-to-day administration. The specific requirements that are contained within the Township's Zoning By-law are legally enforceable, meaning that any construction or new development that does not comply with the Zoning By-law is not permitted and will not be issued a building permit.

Throughout the project, there will be numerous opportunities for the public and community stakeholders to provide their feedback on recommendations put forward for the updated Zoning By-law. At each project milestone, JLR and Township staff will provide Township Council with an up-to-date comment-response matrix which highlights how community feedback has been incorporated into the project and the deliverables presented for Council's review.

1.3 Background Report

This Background Report summarizes the key themes emerging from initial background research and public engagement activities completed in 2019, and to supplement these findings, reflects new and emerging issues affecting land use planning and development in Ontario as of 2025. The remainder of this report is structured in the following sections:

- **Section 2 (Legislative and Policy Framework):** Provides background information and context to the provincial legislation and policy affecting land use planning and development in Ontario, as well as the local implementation of this framework through the Township's Official Plan.
- **Section 3 (Public and Stakeholder Engagement):** Details the public and stakeholder engagement activities completed to date and the key themes emerging from feedback gathered from members of the public and local stakeholders through these activities.

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- **Section 4 (Technical Review of Current Zoning By-law):** Outlines key considerations and recommendations to reflect in the updated Zoning By-law, based on review of feedback gathered to date from community stakeholders, recent changes to the provincial planning framework, and changes to the Township's Official Plan following the statutory review and update completed in 2018.
- **Section 5 (Conclusion and Next Steps):** Summarizes the key recommendations for Township Council and staff to reflect on in advance of any effort to draft new and updated provisions in the Township's Zoning By-law.

This report will be made available to Township Council, staff, agency stakeholders, community groups, and the public for review and comment. The report will remain in draft form until such time as the project team can incorporate the feedback gathered from these stakeholders, and finalized upon Township Council's direction to proceed with Phase 3 (i.e., drafting the updated Zoning By-law).

2.0 Legislative and Policy Framework

The Township of The Archipelago is a single-tier municipality. As such, it does not receive policy direction from any upper tier municipality and takes guidance from provincial planning legislation and policy, including the *Planning Act* and the Provincial Planning Statement (PPS). The Township is also not within the jurisdiction of any Conservation Authority.

This section of the Background Report provides a high-level overview of the provincial legislation and policies that are relevant to consider when updating the Township's Zoning By-law (By-law A2000-07, as amended).

2.1 Planning Act

The *Planning Act*, R.S.O. 1990, c. P.13, is the Province's legislation for land use planning in Ontario and sets out how land uses may be controlled and who may control them. The Act provides the basis for considering provincial interests, preparing official plans and policies that will guide future development, using a variety of tools to help plan for the future, regulating and controlling land uses through Zoning-By-laws and dividing land into separate lots for sale or development either by plan of subdivision or by land severance. Importantly, it ensures the rights of local citizens to be notified about planning proposals, to give their reviews to their municipal council, and to appeal decisions to the Ontario Land Tribunal, where permitted.

Section 34 of the *Planning Act* provides the legislative basis for a Municipal Council to enact a Zoning By-law which:

- Restricts the use of land (except for specified purposes as set out in the Zoning By-law);
- Restricts the use, erection, or location of buildings or structures (except for specified purposes as set out in the Zoning By-law);
- Prohibits the erection of any buildings or structures on land that is unsafe for development (i.e., contaminated lands, lands that are subject to flooding, land with

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steep slopes, lands that are rocky, low-lying, marshy, unstable, hazardous, or subject to erosion or to natural or artificial hazards);

- Restricts the use of land, or erection of any buildings or structures on lands where important natural features are present (e.g., sensitive groundwater or surface water features, significant wildlife habitat, wetlands, woodlands, ravines, valleys, areas of natural and scientific interest, shorelines of lakes, rivers or streams, or significant natural corridors);
- Restricts the use of land, or erection of any buildings or structures on lands where significant archaeological resources are located; and,
- Regulates the type of construction permitted, including the height, bulk, location, size, floor area, spacing, character, and use of any buildings or structures to be erected or located within the Township;
- Regulates the minimum frontage, depth, and area of any parcel of land to be developed, including the proportion of the area that any building or structure may occupy;
- Provides minimum standards for parking or loading facilities on privately owned land intended for development or redevelopment; and,
- Permits legal non-conforming uses of land, buildings, or structures which legally existed as of the date of the by-law's adoption (i.e., where the use of land, buildings, or structures no longer complies with the requirements of the Zoning By-law, but met all legal requirements at the time it was developed).

The *Planning Act* further prescribes standards for engaging members of the public when undertaking a comprehensive review and update to a Zoning By-law, including the requirements for a public open house and a public meeting before an amendment may be adopted by Council.

This project will be guided by all legislative requirements under the *Planning Act* for a comprehensive review and update to a Zoning By-law, including the prescribed requirements for community and stakeholder engagement as noted above.

2.2 Accessibility for Ontarians with Disabilities Act (AODA)

The Accessibility for Ontarians with Disabilities Act (AODA) is the provincial legislation that sets out a process for developing, implementing, and enforcing accessibility standards that government, businesses, non-profits, and public sector organizations must follow to become more accessible and reduce and remove barriers to full participation in society for Ontarians with disabilities. The AODA was last updated in 2016, which included changes to the Customer Service Standard applicable to all organizations providing goods, services or facilities in the province, including municipalities as designated public sector organizations. The updated

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Customer Service Standards forms part of the Integrated Accessibility Standards Regulation (O. Reg 191/11).¹

As part of this project, all efforts will be made to ensure that all versions of the draft Zoning By-law, including the draft versions presented for public review and the final version presented for Council's consideration, meet the above information and communication standards as per O. Reg 191/11 under the AODA. Furthermore, all efforts will be made to ensure that all documents, including this Background Report, content developed for the Township's website and social media channels, presentation materials, and notices associated with public engagement events, also meet these standards.

The following measures will be taken to ensure that draft and final versions of the updated Zoning By-law are accessible, as adapted from the City of Peterborough's *Guide to Accessible Documents*:²

- **Ensuring text formatting is accessible and easy to read:** For example, using sans-serif font of sufficient size (11-12 pt font or greater), using bold text for emphasis, avoiding the use of italics, using underline only for hyperlinks within the document, applying left alignment to all text formatting, applying consistent spacing before and after paragraphs, and consistently applying a 'Style' structure to the document (i.e., with navigable hyperlinks between sections of the document to allow for readers to quickly identify the information provided in each section through the use of bolded section headings and allowing readers to jump to a section from the table of contents).
- **Using descriptive words for links and providing the full URL** with a brief description of the link destination and applying standard formatting to hyperlinks.
- **Using a combination of upper- and lower-case letters** to make text easier to read (i.e., avoiding the use of "CAPS LOCK" in formatting, for example, within key terms that are defined in the Zoning-By-law).
- **Aligning images to be in line with text and providing alternative text description for images, tables, charts, shapes included** to give the reader more information on the object's content (e.g., using descriptive image captions and alternative text embedded into the image for use by screen readers).
- **Consciously using colour as a means of communicating information**, with consideration of how the material may appear when printed in grayscale or on a screen for people with low vision or limited colour vision.
- **Using high contrast between background colour and font colour** to ensure that the text can be easily read and checking font contrast ratios against industry standards.

¹ Ontario Regulation 191/11 (Integrated Accessibility Standards) under *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11. Retrieved from <https://www.ontario.ca/laws/regulation/110191>

² City of Peterborough. (n.d.). *Guide to Accessible Documents*. Retrieved from <https://www.peterborough.ca/en/city-hall/resources/Documents/Guide-to-Accessible-Documents.pdf>

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- **Keeping tables and charts simple** by using a minimum font size of 12 and creating clear header row to describe columns.
- **Using auto generated table of contents, page numbering and bullets** to make documents easier to navigate. Auto-generated table of contents create live links for users. Auto generated bullets or numbering can provide a screen reader a clear understanding of how many items are in a list and when it starts and ends.
- **Using simple language** to make information easy to read and understand (i.e., through the use of simple everyday words, short sentences and using full words instead of abbreviations).
- **Tagging all contents within a PDF document** to create the order which allows a screen reader to easily navigate the document, including the document's properties (e.g., title, subject, author, keywords, and language) to make it easier for online search engines and screen readers to locate the document.
- **Utilizing an accessibility checker to find and repair accessibility** issues prior to publishing a document online.

This project will be guided by the legislative requirements of the AODA, including the Integrated Accessibility Standards prescribed by O.Reg 191/11 under the AODA and best practices for creating accessible documents.

2.3 Provincial Planning Statement, 2024

The Provincial Planning Statement (the PPS) is issued under Section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use planning and development. PPS 2024 was issued on August 15, 2024, replacing the earlier *Provincial Policy Statement (2020)* when it came into effect on October 20, 2024. When exercising an authority affecting land use planning in Ontario, any decision made by a municipality must be consistency with the PPS.

It is important to note that the PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies applied to each situation. Where more than one policy is relevant, decision-makers are encouraged to consider all the relevant policies to understand how they work together. The language of each policy (i.e., the use of “shall”, “should”, or “encourage”) is intended to distinguish between which policy statements are included as directives to municipalities and which policy statements allow for greater flexibility in local interpretation and implementation. Within the framework of the provincial policy-led planning system, the PPS sets out minimum standards, which municipalities may go beyond to address matters of importance to a specific community.

Policies within the PPS include direction for:

- **Building homes and sustaining strong and competitive communities** (i.e., planning for people and homes, housing, settlement areas and settlement area boundary expansions, strategic growth areas, rural areas and rural lands in municipalities, employment, energy conservation, air quality, and climate change);

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- **Infrastructure and facilities** (i.e., general policies for infrastructure and public service facilities, transportation systems, transportation and infrastructure corridors, airports, rail, and marine facilities, land use compatibility, sewage, water, and stormwater systems, waste management, energy supply, public spaces, recreation, parks, trails, and open space);
- **Wise use and management of resources** (i.e., natural heritage features and areas, water resources, agriculture, minerals and petroleum, mineral aggregate resources, cultural heritage, and archaeology);
- **Protecting public health and safety** (i.e., general and specific policies for natural and human-made hazards); and,
- **Implementation, interpretation, and coordination** (i.e., direction for how the PPS is intended to be applied at the local level, as well as direction for planning authorities to coordinate efforts amongst a variety of stakeholders).

The 2024 PPS introduced a range of new and updated policies, as compared to the 2014 PPS which formed the basis of the Township's most recent Official Plan review. Where new or updated policies of PPS 2024 are relevant to the recommendations put forward for the Township's updated Zoning By-law, these policy statements will be highlighted for context and discussion in Section 4 of this Background Report.

2.4 Official Plan for the Township of The Archipelago

The Township's Official Plan establishes land use policies to guide development and provide for the long-term use of land and water for public and private recreation in the Township. Its general goal is to preserve the Township's unique and high-quality natural environment for a relaxing and aesthetically appealing recreational experience and maintain the ecological integrity within a UNESCO biosphere reserve.

The Official Plan was originally approved by the Minister of Municipal Affairs and Housing on June 1, 1983 and has undergone three comprehensive reviews, the first in 1996 as Official Plan Amendment No. 14, the second in 2007 as Official Plan Amendment No. 45, and the most recent in 2018 as Official Plan Amendment No. 61. This most recent amendment to the Township's Official Plan ensures that the plan continues to have regard for the matters of provincial interest as set out in Section 2 of the *Planning Act*, is consistent with policy statements issued under Section 3(1) of the *Planning Act* (i.e., the Provincial Policy Statement, 2014), complies with recent legislative and policy initiatives, and continues to reflect the needs and aspirations of residents of The Archipelago for its various neighbourhoods and the Township as a whole.

The Official Plan, as amended, is organized into nineteen sections which detail the plan's purpose, goals and objectives (Sections 2 through 4), as well as:

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Section	Content
Section 5 – Concept of the Plan	General policies which apply to all lands within the Township detailing the plan’s basis.
Section 6 – Land Use Policy	Land use policies which apply in general and are also specific to residential and commercial development.
Section 7 – Cultural and Natural Heritage Features	Direction as to the protection and preservation of cultural and natural heritage features and areas in general and specific to wetlands, fish habitat, habitat of threatened and endangered species, significant wildlife habitat, deer wintering areas, moose aquatic feeding areas, nesting sites, cultural heritage, and site evaluation and implementation.
Section 8 – Special Policy Area: Pointe au Baril Station	Direction as to the Township’s primary settlement area, Pointe au Baril Station, including detail as to the community’s character, the goals and objectives of growth and development, priorities for environmental management, land use policies in general and specific to sub-designations (e.g., community core, mixed-use, employment, and residential areas), priorities for community improvement, as well as direction as to the interpretation and implementation of these policy directions.
Section 9 – Special Policy Area: Skerryvore	Direction as to the Skerryvore special policy area which detail policies for backlot development and water access for this community.
Section 10 – Neighbourhood Growth Policies	Policies informing growth and development in established neighbourhoods across the Township, including Bayfield-Nares, Pointe au Baril Islands, Sturgeon Bay, Manitou, Sandy and Martyr Islands, Long Sault-Amanda, Five Mile Bay, Sans Souci-Copperhead, North Moon Channel, Woods Bay, Blackstone Lake, Crane Lake, Healey Lake, Kapikog Lake, Naiscoot Lake, Rock Island Lake, Three Legged Lake, and surrounding rural areas.
Section 11 – Services	Guidance as to public service facilities and infrastructure within the Township, including direction for development to occur on the basis of private water systems and sewage disposal systems, as well as policies to inform energy and communications utilities, solid waste disposal, emergency services, and recreational services.
Section 12 – Natural Resources	Direction as to the management of natural resources, including resource production activities (e.g., forestry, mineral extraction, sand and gravel extraction, and aquaculture), as well as guidance regarding the Township’s approach to recreation, managing the provincial park, and safeguarding public health and safety amid natural and human-made hazards.

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Section	Content
Section 13 – Roads and Transportation	Guidance as to the management of transportation infrastructure within the Township’s jurisdiction, including policies regarding development along provincial highways, Township roads, private roads, roads over Crown land, railways, as well as guidance regarding aircraft use and direction regarding the establishment of recreational trails.
Section 14 – Development Procedures and Standards and Section 15 – Property Standards	Procedures and standards to guide the development review process, including direction regarding typical development constraints, aesthetics, shoreline structures, municipal and original shore road allowances, consultation with Indigenous communities, land use compatibility, expectations for preparing a complete application when proposing development or redevelopment, and property standards.
Section 16 – Special Provisions	Special provisions which apply to privately owned lands (i.e., following amendment to the Official Plan through a <i>Planning Act</i> process).
Section 18 – Neighbourhood Waterbody Use Policy	Guidance as to the enjoyment and use of waterbodies within established neighbourhoods across the Township, as noted above.
Section 19 – Official Plan Review	Direction as to the regular review and update to the Official Plan in accordance with Section 26 of the <i>Planning Act</i> .

Where new or updated policies of the Township’s Official Plan necessitate new or revised provisions in the Zoning By-law, these policies will be highlighted for context and discussion in Section 4 of this Background Report.³

3.0 Public and Stakeholder Engagement

Public and stakeholder engagement is an integral component to any statutory Zoning By-law review. As previously discussed, preliminary engagement with community stakeholders was completed in 2019 to inform the recommendations put forward in this Background Report.

These activities include:

- Three Public Information Sessions intended to kick-off the project, inform the public on the proposed process, and in turn, provide the public with an opportunity to provide input on matters related to the Comprehensive Zoning By-law:

³ A copy of Official Plan Amendment No. 61, as modified by the Minister of Municipal Affairs and Housing and dated February 16, 2018, is included as Appendix A to this report for ease of reference.

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- August 15, 2019, held at the Township's office in Parry Sound,
- August 16, 2019, held at the Pointe au Baril Community Centre, and,
- August 17, 2019, held at the Sans Souci Cottage Association Community Facility on Frying Pan Island.
- Further public engagement undertaken through an interactive session at the Deerhorn Conference held in Parry Sound on October 5, 2019, and,
- Additional written input and correspondence received from members of the public and other interested parties (i.e., feedback gathered by Township staff via email, phone, and other means).

Key themes from public engagement activities completed to date will be highlighted for context and discussion in Section 4 of this Background Report, as they relate to the various provisions of the Township's current Zoning By-law and JLR's technical review. A comment-response matrix, prepared by the Township's previous land use planning consultant, has been included as Appendix B to this report for further information regarding the comments received from community stakeholders.

Throughout the project, there will be several additional opportunities for community stakeholders to share their ideas and input to shape the final Zoning By-law. These include:

- **Presentation to Council (Public Meeting):** JLR will present the key findings of this background research and recommendations for the Township's updated Zoning By-law for the Township Council to consider. Interested stakeholders will be invited to attend and provide their feedback on the recommendations put forward. Notices will be circulated on the Township's website and via social media in advance of the Council presentation to inform interested stakeholders of the meeting date, time, and location, as well as the opportunity to provide feedback.
- **Public Commenting Window:** The Township's website will be updated to include a commenting window to gather general feedback, questions, or input related to the Zoning By-law Review. Notice will be provided to interested stakeholders within the Township's regularly circulated e-newsletter and shared via social media at key milestones to encourage feedback on the draft Zoning By-law, once prepared and available on the Township's website for public review and comment.
- **Statutory Public Open House:** JLR and Township staff will facilitate an in-person open house to present the draft Zoning By-law and gather feedback. The open house will be an informal opportunity for interested stakeholders to learn about the changes proposed, ask questions of the project team, and share their feedback.
- **Statutory Public Meeting:** Once a final draft of the updated Zoning By-law has been prepared, JLR will present the final draft and amendment to Township Council for discussion. Members of Council may decide to adopt the Zoning By-law amendment at this meeting or defer any decision to a subsequent meeting pending requests for additional information.

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4.0 Technical Review of Current Zoning By-law

This section of the Background Report will provide general context and discussion to inform the recommendations put forward for the Township's updated Zoning By-law. Within each section, new or updated policies of the PPS and the Township's Official Plan will be highlighted for context and discussion ahead of specific recommendations for the updated Zoning By-law.

For ease of reference, this section is organized with recommendations related to the general provisions of the Zoning By-law, followed by recommendations specific to the residential zones, commercial zones, employment/industrial zones, natural heritage/hazard zones, and other zones (i.e., the Existing Use [EU] Zone, the Community Facility [CF] Zone, the Pit and Quarry [PQ] Zone, and the Waste Disposal [WD] Zone).

4.1 General Provisions

Section 5 of the Zoning By-law contains general provisions. These provisions cover a range of land uses, buildings, and structures and apply equally to all privately owned lands within the Township's jurisdiction, rather than to any particular zone or land use designation. The general provisions will be reviewed thoroughly throughout this project; however, only those subsections of the general provisions which are proposed for specific amendments or additions will be discussed here.

4.1.1 Accessory Uses, Buildings, and Structures

An "accessory" use describes any uses which are secondary to the principal use of a property. Accessory uses, buildings, and structures generally support or complement the property's primary use and must be located on the same lot. On residential lots, common examples of accessory uses, buildings, or structures include attached or detached garages, storage sheds, sleeping cabins, shoreline structures (e.g., saunas, decks, docks, boathouses, etc.), as pictured above.

Section 5.1 of the Zoning By-law outlines the provisions which apply to accessory uses, including regulations applicable to all zones, regulations applicable to residential uses, and regulations applicable to accessory commercial uses, buildings, or structures.

Minor changes are recommended to certain provisions regarding accessory structures on residentially zoned properties.



Figure 2 Accessory buildings and structures commonly seen on waterfront residential properties include decks, docks, and saunas, as illustrated above.

(Image source: Jade Gregory, JLR)

Recommendations:



Section 5.1.2 ii) a): Regarding the **maximum height** restriction of 5 metres for any accessory buildings on residentially zoned properties, clarifying that a storage loft may be permitted within this maximum height, provided that the floor-to-ceiling height does not exceed 1.8 metres.



Section 5.1.2 ii) b): Regarding a **maximum of three accessory buildings** permitted on residentially zoned properties, including additional exemptions for decks, docks, and accessory buildings with a ground floor area less than 10 square metres, which are not included within this maximum number of permitted accessory buildings.



Section 5.1.2 ii) c): Increasing the **minimum required setback** that applies to detached accessory buildings permitted on residentially zoned properties, as measured from the front lot line, from 7.5 metres to 20 metres where the property abuts a waterbody, except as may be permitted elsewhere in the

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Zoning By-law. On lands adjoining a waterbody identified as a “sensitive” cold water lake (as illustrated in schedules to the By-law, including Blackstone Lake and Crane Lake), requiring a 30-metre setback that applies to detached accessory buildings permitted on residentially zoned properties, as measured from the front lot line.



Section 5.1.2 ii) d): Revising the permissions for **marine railways** to encroach into the required front yard setback to specify that two (2), rather than three (3), marine railways may be located within the required 15-metre front yard setback for accessory buildings on residentially zoned properties.



Section 5.1.2 ii) f): Supplementing the **maximum floor area** requirements for accessory buildings and structures (exclusive of boathouses and boatports) to further prescribe a maximum total lot coverage that applies to all accessory buildings and structures on a lot (i.e., to require that the total lot coverage of all accessory buildings and structures, excluding any swimming pools, shall not exceed 15 percent of the lot area of any residentially zoned property). In addition, a maximum upset limit for cumulative ground floor area of accessory structures could also be applied to residentially zoned properties.

4.1.2 Additional Residential Units

Section 6.8 of the Township’s Official Plan speaks to as accessory apartments, recognizing that accessory apartments assist in the provision of affordable housing. The Official Plan permits accessory apartments within a single detached dwelling or in a structure accessory to a single-detached dwelling in the Pointe au Baril Station settlement area and in the Rural Area. Permissions are also established for accessory apartments within a semi-detached or a row house dwelling located in the Pointe au Baril Station settlement area. In both the Pointe au Baril Station settlement area and the Rural Area designation of the plan, accessory apartments are only permitted where the principal dwelling is located on a year-round maintained public road and subject to the provision of satisfactory water and sewage disposal services. The Official Plan also permits accessory apartments to existing commercial uses.

Under the *Planning Act*, accessory apartments are referred to as additional residential units (ARUs). Recent legislative changes to the *Planning Act* affect how municipalities may regulate ARUs, as per Ontario Regulation 299/19 (Additional Residential Units), subsequently amended by Ontario Regulation 462/24 on November 19, 2024. In brief, O. Reg 299/19, as amended, establishes standards for how planning authorities may regulate additional residential units permitted within a primary dwelling or within a detached accessory structure. While many of these requirements apply only to parcels of urban residential land (i.e., where full municipal water and sewage services are provided), O. Reg 299/19 set standards as to off-street parking requirements for additional residential units which must be reflected in the Township’s Zoning By-law.

The Zoning By-law currently contains no general provisions which permit accessory apartments or establish standards for how an ARU should be developed. New subsections of the general provisions are recommended which establish permissions and development standards for ARUs and apartments accessory to a commercial use.

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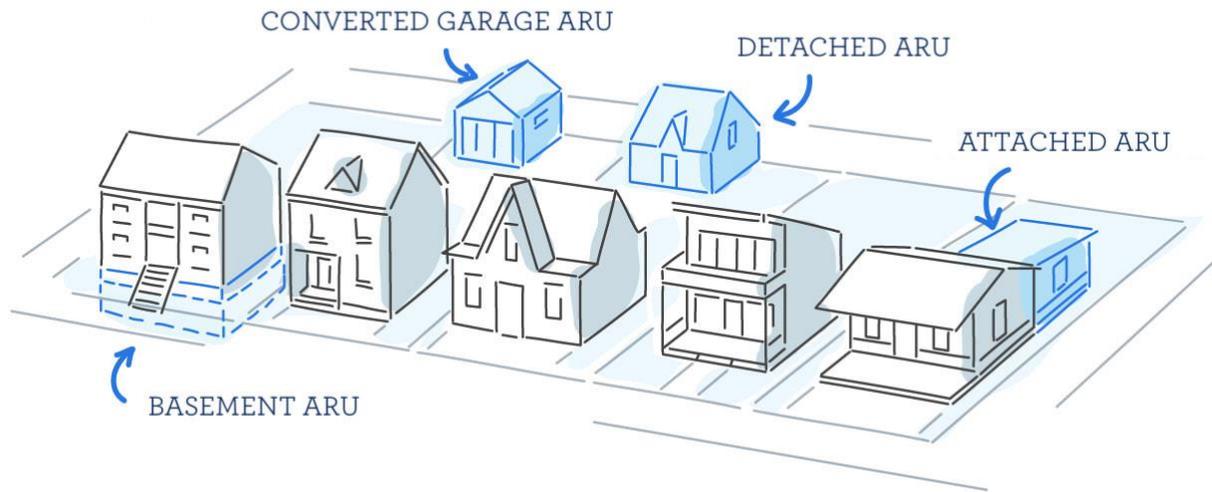


Figure 3 Additional residential units (ARUs) can be established in a variety of configurations, ranging from a basement apartment, a converted detached garage, or an ARU attached to a single-detached dwelling as an addition.

(Image source: Bruce County)

Recommendations:



Adding a new subsection of the general provisions which establishes permissions for one (1) ARU to be established within a principal dwelling (i.e., a single-detached dwelling, semi-detached dwelling, or rowhouse dwelling) or within a detached accessory building to one of the above principal dwelling types, on **any non-waterfront lots zoned for residential** use in Wards 1, 2, 4, 5 and 6. Establish requirements for one additional parking space for an ARU, consistent with O. Reg. 299/19.



Establishing prohibitions for ARUs in Zones or areas where it may otherwise not be appropriate, such as:



- the Coastal/Island Residential (CR) and Inland Lakes Residential (IR) Zones, and lots which front onto a navigable waterway, where residential intensification may adversely impact upon **lake system health**;
- the Natural State (NS, NSC) or Environmentally Sensitive (ES, ES1, ES2) Zones, or lots within any Zone which **do not permit new residential uses**;
- lots **smaller than 0.6 hectares** or where there is insufficient lot size to support the **proposed servicing**;
- lots without access to a **publicly maintained road**;

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- lots developed with a **bed and breakfast establishment**.



Establishing prohibitions for ARUS within a **dwelling accessory to a principal non-residential use** and establishing distinct provisions for accessory apartments to a commercial use, in conformity with the Official Plan.



Revising the general provisions contained in Section 5.24 of the Zoning By-law (**Number of Dwelling Units on One Lot**) for consistency with new permissions for ARUS.



Revising the general provisions contained in Section 5.36 of the Zoning By-law (Sleeping Cabins) to require that, where a lot is developed with an additional residential unit within a principal dwelling or a detached accessory building, the maximum number of **sleeping cabins** permitted on one lot is two (2). This applies only to lots where ARUs are permitted and would exclude lots fronting onto navigable waterways.

In addition to the above permissions and prohibitions for additional residential units, we recommend that the general provisions also include development standards for additional residential units, whether located within the primary dwelling or in a detached accessory building:



Minimum **lot area** requirements for an additional residential unit to be established



Confirmation of adequate private individual on-site **water and sewage** disposal services to be provided to the additional residential unit,



Off-street **parking requirements** for the additional residential unit (i.e., in addition to the parking requirements which apply to the primary unit),



Appropriate **vehicular access** and circulation for both the primary and additional residential unit,



Pedestrian access to/from the provided off-street parking and the main entrance of the additional residential unit,



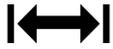
Maximum **height** and **lot coverage** requirements, corresponding to requirements for other permitted accessory buildings and structures,



Minimum and/or maximum **separation distances** between the primary unit and the additional residential unit, if located in a detached accessory building on the same lot, and,

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Minimum required **setbacks from lot lines**, adapted from requirements for other permitted accessory buildings and structures and the respective zone-specific requirements.

4.1.3 Shoreline Structures

The Township's Official Plan highlights the clean water of Georgian Bay and the numerous inland lakes within The Archipelago as the most vital element of the Township's character. Section 5.5 (Water Resources) of the Official Plan underscores the protection of water resources as a paramount concern for the Township, given that Georgian Bay and numerous inland lakes provide the main source of drinking water, the recreational base which provides for swimming, fishing, and boating, the primary transportation system, and a major contributing factor to the aesthetic qualities of the region.

Section 14 (Development Procedures and Standards) of the Township's Official Plan provides general policies regarding shoreline structures, with direction to establish regulations in the Zoning By-law in order to "maintain a balance of natural and built form." (Section 14.31). Further policies encourage the design and location of shoreline structures to have regard for critical fish and wildlife habitat, navigation, privacy, aesthetics, and other shoreline and environmental policies. To this end, the Official Plan highlights the use of structures to store and/or moor boats along or at the shoreline of properties as a key land use planning concern across all lands in the Township, directing the Zoning By-law to provide for size limitations and appropriate setback and height regulations to implement these policies. In particular, Section 14.33 of the Official Plan sets out criteria for the review and assessment of oversized docks, boathouses, and boatports, as follows:

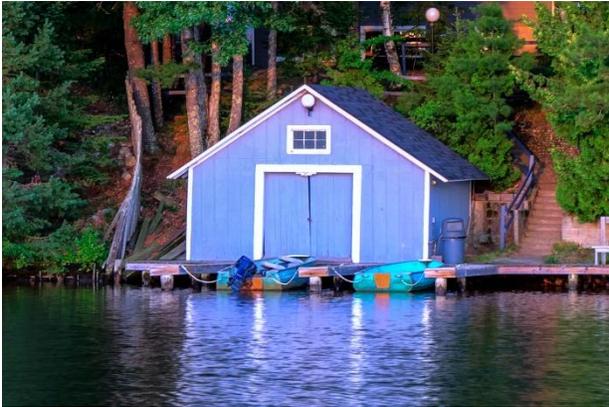
- a) *the size of the structure relative to the shoreline frontage and area of the property;*
- b) *the need for such a structure;*
- c) *the visibility of the structure from adjoining channels and properties;*
- d) *the public reaction to the oversized structure, as determined in the processing of a planning application to allow for the structure;*
- e) *the elevation of the boathouse and/or boatport and special design and locational features used to lessen its impact;*
- f) *the location and size of the structure relative to existing buildings and structures on the adjoining land;*
- g) *the proposed internal uses of the boathouse space; and,*
- h) *the neighbourhood policies that may affect limits of shoreline structures.*

Each of these considerations are reflected in the provisions of the Township's current Zoning By-law, as discussed in the subsections to follow, though new or updated provisions may assist the Township in appropriately regulating shoreline structures as a means of protecting and preserving the sensitive shoreline environment.

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4.1.3.1 Boathouses and Boatports



Example of a fully enclosed, floating **boathouse** used to store boats or other water-based vehicles.

(Image Source: Ted Engler)



Example of a **boatport** mounted on a floating dock used to store a boat or other water-based vehicles, with all four walls open to access the structure.

(Image Source: 3 Brothers Decking)

Boathouses and boatports are common shoreline structures seen on many residential properties within the Township’s jurisdiction. A boathouse refers to an enclosed detached accessory building or structure located over the lakebed which is designed or used to shelter a boat or other vehicle used for water-based transportation and can be permanent or floating in nature. A boatport is similarly used to shelter a boat or other vehicle used for water-based transportation, and may be permanent or floating in nature, but is not a fully enclosed structure (i.e., at least one wall must be open). Both boathouses and boatports are intended to be used solely for storage purposes, and are not intended for habitation (i.e., as a form of floating accommodation, as will be discussed in the subsection to follow). Section 5.3 of the Zoning By-law establishes general provisions regulating both boathouses and boatports as permitted shoreline structures. Existing requirements pertain to minimum lot requirements, as well as the size, orientation, and location of the boathouse or boatport relative to lot boundaries, the shoreline, and sensitive environmental features (i.e., lands within the ES – Environmentally Sensitive Zone and the ES1 – Environmentally Sensitive One Zone).

Minor changes are recommended to the provisions regulating boathouses and boatports to align with policy direction provided in the Official Plan, with cross-references to general provisions regulating floating accommodations, as discuss in the subsection to follow.

Recommendations



Section 5.3 f) to n): Applying provisions for boathouses and boatports on **all lands within the Township’s jurisdiction** (i.e., removing any references which specify that additional provisions apply only to a residentially zoned lots).

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Section 5.3 c): Updating the provisions which **prohibit human habitation** within a boathouse or boatport to include a cross-reference to new general provisions recommended for floating accommodations (as discussed in the section to follow).



Section 5.3 h): Revising the provisions which establish a maximum height for any boathouse or boatport to reflect **how height is to be measured** when a boathouse or boatport is established as a floating structure and when a boathouse or boatport is constructed on land as a permanent structure.



Including an additional provision which permits a boathouse or boatport to be established on a **commercially zoned property** or property within a **Private Club** zone as an accessory use (i.e., for the purposes of storing a boat or other water-based vehicle for the proprietor's use).



Supplementing the general provisions with a series of **diagrams to illustrate the requirements** that pertain to boathouses and boatports, including, for example, the minimum required setback from lot lines, the maximum allowable width of the structure (as measured from the lot frontage), the maximum allowable ground floor area, among other requirements.

4.1.3.2 Sleeping Cabins

Sleeping cabins can be found on many waterfront properties used for year-round or seasonal residential use. As compared to boathouses or boatports seen along the shoreline, sleeping cabins are designed and intended for human habitation as an accessory use to a main dwelling. Since sleeping cabins exclude cooking facilities and cannot be made available for remuneration (i.e., for rental to the vacationing public), these accessory buildings are mostly commonly used to accommodate overnight guests visiting the permanent or seasonal residents of the shoreline property.

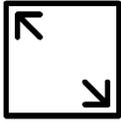
Section 5.36 of the Zoning By-law includes provisions which apply to the establishment and use of sleeping cabins on any lot zoned for residential use. These requirements establish standards for the maximum permitted number of sleeping cabins per lot, and maximum permitted cumulative total floor area for all sleeping cabins on a lot (each with varying standards for Wards 1, 2, 3, and 4, as compared to Wards 5 and 6), as well as general requirements as to the exclusion of any cooking facilities, the maximum permitted ground floor area, maximum permitted height, minimum required setbacks from lot lines, and provisions regarding existing sleeping cabins which predate the Zoning By-law.

Minor changes are recommended to the provisions which regulate sleeping cabins in order to ensure they are appropriately set back from the waterfront and to establish permissions for a storage loft within any permitted sleeping cabins.

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Recommendations:



Section 5.36 a) and b): Carrying forward the requirements for a maximum permitted total floor area for each sleeping cabin, the maximum permitted number of sleeping cabins per lot, and the maximum permitted cumulative total floor area for all sleeping cabins on a lot; however, revising these provisions for greater clarity that clauses c) through i) apply equally to residential lots in Wards 1 through 6.



Section 5.36 e): Establishing permissions for a storage loft in a sleeping cabin, provided the storage loft is no more than 1.8 metres in height, included within the permitted height of 5 metres for any sleeping cabin.



Section 5.36 h): Increasing the required setback for any sleeping cabin from 7.5 metres to 15 metres from the front lot line (i.e., in the case of a waterfront lot, the setback from the shoreline).

Prescribing an enhanced front lot line setback for any sleeping cabin on lots that front on Blackstone Lake, Crane Lake, Forget Lake, Three-Legged Lake, and southern portions of Spider Lake outside of the Massasauga Provincial Park (i.e., a setback of 30 metres as compared to the 15-metre setback proposed on all other residential lots).

4.1.3.3 Saunas

Saunas (i.e., any building used for steam or dry heat baths and not for human habitation) are permitted in the current Zoning By-law as an accessory use to any residentially zoned lot developed with a primary residential use. As an accessory building, saunas are permitted to be located within any required front yard, side yard, or rear yard, provided that their height does not exceed 4 metres and their floor area does not exceed 10 square metres. Larger saunas (i.e., greater than 10 square metres) are permitted as accessory buildings, though must be located further from the front lot line (i.e., a minimum required setback of 7.5 metres from the front lot line, being the shoreline in the case of any waterfront lot).

Minor changes are recommended to the provisions that regulate saunas to mirror the increased setbacks prescribed for sleeping cabins, in order to lessen the visual impact of larger saunas on the shoreline character.

Recommendations:



Section 5.31 b): Increasing the required setback for any larger sauna (i.e., greater than 10 square metres in ground floor area) from 7.5 metres to 15 metres from the front lot line (i.e., in the case of a waterfront lot, the setback from the shoreline).

Prescribing an enhanced front lot line setback for any larger saunas on lots that front on Blackstone Lake, Crane Lake, Forget Lake, Three-Legged Lake, and southern portions of Spider Lake outside of the Massasauga

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Provincial Park (i.e., a setback of 30 metres as compared to the 15-metre setback proposed on all other residential lots).

4.1.3.4 Floating Accommodations

Floating accommodations are becoming increasingly prevalent as an alternative to more traditional forms of seasonal residential development in the Township of The Archipelago and in adjacent municipalities. Floating accommodations, as defined in regulations under the *Public Lands Act*⁴, refer to any floating building, structure, or thing (or combination thereof) equipped or useable for overnight accommodation and not primarily designed to be used for navigation. In particular, floating accommodations include floating buildings, structures, or things that are:

- primarily designed for or capable of residential use;
- consist of a raft, barge, or floating platform that has on top of it a building, structure, vehicle, or thing that may be used for overnight accommodation, for camping purposes, or as an outdoor accommodation;
- placed on public lands by means of towing or any other type of assistance (or would reasonably require towing to be placed on public lands);
- equipped with jack-up technology or a similar mechanism used for anchoring or to rise above the water's surface (with or without spud cans); or,
- have a floating foundation or a floatation platform which may include floats constructed of polystyrene, plastic, concrete, or logs and stringers.

Floating accommodations differ from boathouses or boatports that are common accessory uses on many shoreline lots in the Township, in that they are primarily used for human habitation, whether on a temporary or permanent basis. Regulation of floating accommodation units is complex, given that transportation and navigation on waterways is primarily a matter of federal interest under the purview of Transport Canada, while the regulation of public lands, property and civil rights, and the protection of ecological systems are primarily matters of provincial interest under the purview of several provincial ministries and public agencies (including the Ontario Ministry of Natural Resources, the Ontario Ministry of the Environment, Conservation, and Parks, the Ontario Provincial Police, among others).

In Ontario, the use of floating accommodations on public land covered by water is restricted due to concerns about environmental impact and potential conflict with existing users. Key issues cited by those who wish to see floating accommodations prohibited within seasonal residential communities include the following:

- Increased risk of pollution from garbage, wastewater, and spills, with the potential for adverse impact on fish habitat or other sensitive environmental features where floating accommodations are moored on a temporary basis;

⁴ Ontario Regulation 161/17 under *Public Lands Act*, R.S.O. 1990, c. P.43:
<https://www.ontario.ca/laws/regulation/170161>

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- Navigational impediment posed by floating accommodations to other boats or watercraft, whether moored or when floating accommodations are operating as a moving vessel;
- Lack of building or construction standards which apply to floating accommodations to ensure their safety for residential use;
- Consumption of municipal services (e.g., waste management services, local emergency services, etc.) without contribution to municipal taxation;
- Potential for floating accommodations to be used as short-term rental accommodations for the vacationing public or as unregulated expansions to existing seasonal residential development (i.e., without oversight as to the impact of increased development pressure on lake system health or on recreational carrying capacity); and,
- Potential for conflict with landowners related to trespassing where floating accommodations are moored on privately owned lands.

The Township's Official Plan contemplates general policies and permitted uses which pertain to the navigable waters over Crown lake beds, flooded or reclaimed lands, and private or leased water lots within the Township's jurisdiction (Section 17 – Waterbody Use Policy). While docks, wharves, accessory boathouses, and dock facilities are outlined as permitted uses, Section 17.3 of the Official Plan prohibits the mooring of boats or structures to the lakebed or Crown islands for extended periods of time without approval of the appropriate authority.

Amid the complexities in shared jurisdiction between federal and provincial authorities, some municipalities have taken steps to clearly establish prohibitions for floating accommodations within their respective Zoning By-laws, including the Township of Severn and the Township of Georgian Bay.

A new subsection of the general provisions is recommended which reinforces the Township's prohibitions on floating accommodations.

Recommendations



Section 3: Introducing new definitions for “**floating accommodation**” and “**camping unit**” as adapted from regulations under the *Public Lands Act* (O.Reg 161/17 - Occupation of Public Lands Under Section 21.1 of the Act).



Section 5.1.2 i) (Accessory Uses – Residential): Including an additional provision which prohibits the use of floating accommodations as an **accessory building or structure in any zone**, unless specifically authorized by the provisions of that zone.

Section 5.28 (Prohibited Uses in All Zones): Including an additional provision which establishes that no person shall, in any zone, **use floating accommodation for the purpose of a residence**, and which establishes that no such structure will be considered a dwelling unit, or be used for human habitation, whether or not said structure is operating as a moving vessel or moored on public or private land.

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Section 5.28 d) (Truck, Bus, and Trailer Occupation): Updating existing provisions which prohibit the occupation of a travel trailer, tent, motor home, mobile home, park model trailer, truck camper, truck, bus coach, streetcar body, railway car body, railway shipping container or similar structure to be used for the purpose of a residence, to instead **prohibit the occupation of any “camping unit”** or similar structure be used **for the purpose of a residence**, be considered a dwelling unit, or be used for human habitation on a permanent basis.

4.1.3.5 Decks

The current Zoning By-law Section 5.7 permits decks as structures accessory to a main dwelling or accessory building. Attached decks are permitted various encroachments into required yards, subject to restrictions on height and, in the case of detached decks, floor area. In addition to similar encroachment and setback provisions, a detached deck is also limited to a maximum 40 m² in floor area.

There are currently no provisions specifying a maximum floor area nor lot coverage for attached decks. Two public comments received indicated interest in reducing the size of decks and the overall coverage of accessory structures.

Previous stages of the Zoning By-law Review project presented proposed modifications to clarify the definition of an “attached” deck and limit permitted size of attached decks to the floor area of the dwelling or accessory structures, up to a set maximum floor area established for each dwelling and accessory structure.

Recommendations:



Maintain the existing provisions limiting single detached decks to a specified **maximum floor area** and add similar provisions for decks **attached to dwellings or accessory structures** not to exceed the floor area of the structure.

Add a provision **to clarify** what may be considered an **attached deck**.

4.1.3.6 Docks

Docks are a necessary structure for recreational and functional access to waterfront properties and an integral part of life within the Township. Section 5.8 of the Zoning By-law outlines provisions for docks, with the following subsections:

- Residential,
- Residential – Inland Lakes,
- Residential – Georgian Bay,
- Residential – All Areas, and,
- Commercial and Private Club Zones.

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Within each, provisions outline permitted maximum numbers of docks, width and length of docks, height of docks, setbacks from lot lines and encroachment into the water, location and width of docking envelopes. As dock shapes can vary widely, measurement of dock dimensions can be complex. Within section 5.8 dimensions are specified distinctly for on- and near-shore portions of each dock. The current section 5.8 does not specify between fixed and floating docks.

Public comments received throughout the ZBL review project include those to limit the size of docks, specify both floating and fixed dock requirements, clarify the meaning and measurement of “near shore portion”, and generally clarify the language and interpretation of Section 5.8.

Recommendations:



Review all permitted dimensions of docks and consider **reductions where appropriate for shoreline preservation.**

Consolidate the “Residential” and “Residential – All Areas” dock provisions of section (i)(a) and (l)(h-n) into a **single general residential subsection.**

Include **definitions or additional clarity** to provisions specifying the intent of the “**on-shore**” and “**near shore**” portions of docking sites.



Include specificity for applicability of provisions to **fixed and floating docks.**

General updates to the language of Section 5.8 for clarity of interpretation.

4.1.4 Backyard Hens

Backyard chickens are domestic fowl, typically kept for egg production and consumption by the homeowner or resident. Chickens are typically kept within an enclosure called a coop and may also include an open area for the fowl to graze in called a run. Both of these spaces need to be built in such a manner to protect the fowl from wild predators. An important distinction is the scale of the use, that it is small-scale and accessory to the residential use of a property, as opposed to an agricultural use. Within the last decade, backyard gardens and chicken raising has grown in popularity for a variety of reasons including food security and sustainability. Consequently, the regulation of backyard chickens on residential properties has been increasingly contemplated by municipalities in recent years in response to the increased demand for the use.

While the PPS and Township’s Official Plan provide policy for agricultural uses, the keeping of backyard chickens is at a much smaller scale; therefore, these higher order documents do not provide specific direction for this use. S. 12.59 of the Official Plan does however provide that: “Recognizing that small scale agriculture within a rural area can contribute to a healthy community, the Zoning By-law that implements this Plan may provide for opportunities to permit agriculture as an accessory activity to a main permitted use, at a scale that does not conflict with the natural environment, surrounding uses and adequate setbacks and buffers are maintained in the vicinity of shorelines and watercourses to protect water quality.” These are important considerations for regulating backyard chickens as well.

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There are two primary approaches to municipal regulation: through zoning; or through a Municipal Act by-law. In addition, some municipalities may use a licensing approach through the Municipal Act. There are pros and cons to either approach. Whereas Zoning By-laws are meant to regulate the use of land, any proposed deviations from the provisions of a Zoning By-law, or changes the municipality may wish to make thereto, will require a Planning Act process, including public meeting. A Municipal Act By-law is relatively easier to amend, and involves a permission for deviations. The Municipal Act By-law can also require licensing/permitting, and is easier to collect fines in cases of non-compliance.

Of the neighbouring municipalities, only Severn and Parry Sound appear to explicitly regulate backyard chickens, through relatively recent by-laws (2023 and 2021, respectively). Their zoning by-laws do not mention the use, but both municipalities have enacted Municipal Act by-laws which only permit the keeping of backyard chickens in certain zones and with additional regulations, and Parry Sound also requires licensing.

Common provisions in the Severn and Parry Sound by-laws include: limitations on the number of chickens (12 and 6, respectively); prohibition of roosters; requirements for enclosures (coops and/or runs), and specification of size of enclosures; minimum lot size (0.25ha and 0.11ha, respectively); location on the lot and minimum setbacks; and proper disposal of deceased fowl. Additional considerations include: regulation of sale of products; age of birds; and licensing and required review of educational materials.

Recommendations:



The Zoning By-law should include **provisions to regulate the number of chickens permitted**; prohibiting roosters; size and locational requirements for coops and enclosures; a minimum lot size to permit the use; additional setback requirements; and proper disposal of deceased animals.

The Township **could consider if the sale of eggs would constitute a home-based business**, or if such sale is not permitted.



The Township may additionally decide to regulate through a **licensing system**.

4.1.5 Parking Requirements

The current Zoning By-law establishes regulations for parking in Section 5.25. Provisions cover a range of requirements for number of spaces, dimensions, access, illumination, location, use permissions, and application where there is a change in the associated use of the property.

Previous stages of the Zoning By-law review project proposed amending the minimum number of parking spaces required for “other dwelling types” from 2 spaces to one space. This would create a consistent requirement of one minimum parking space for each dwelling unit, regardless of the type of dwelling.

The current Zoning By-law does not include requirements for barrier-free parking spaces to accommodate users who hold accessible parking permits. O. Reg. 191/11, last amended in

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2023, implements the Integrated Accessibility Standards of *the Accessibility for Ontarians with Disabilities Act* (AODA). This includes specific requirements for barrier free off-street parking space numbers, types, and dimensions, parking access aisles, and paths of travel. Municipalities, public sector organizations, and any organization with at least one employee are subject to the accessible parking requirements of the Accessibility Standards.

Recommendations:



Maintain the previous proposed change for a **single consistent minimum requirement across all residential uses**.



Add a **new subsection for barrier-free parking requirements** for space types, number, size, and access. The Town of Bracebridge Zoning By-law 2016-088 is recommended as an up-to-date example, and similar examples from the Township of Georgian Bay, Township of Severn and Town of Tiny may also serve as templates with particulars appropriately updated consistent with the AODA.



Updates to language for **consistency and clarity**.

4.1.6 Protection of Environmentally Sensitive Features and Areas

Natural heritage features and areas are protected in both provincial and local policies guiding future growth and development in The Archipelago. These features and areas include significant coastal and inland wetlands, fish habitat, significant woodlands, habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest which are important for their environmental and social values as a legacy of the natural landscapes of an area. Natural heritage systems comprise these features and areas, as well as linkages between them which provide connectivity and support natural processes necessary to maintain biological and geological diversity, natural functions, viable populations of Indigenous species, and ecosystems. These systems can also include federal and provincial parks and conservation reserves, lands that have been restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.

The Province requires that natural features and areas must be protected for the long term, and further encourages the maintenance, restoration, or improvement of the long-term ecological function and biodiversity of natural heritage systems, recognizing linkages between and among natural heritage features and areas, surface water features, and groundwater features. To this end, the PPS prohibits development and site alteration in significant coastal and inland wetlands, significant woodlands, significant wildlife habitat, and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Furthermore, the PPS prohibits any development or site alteration on adjacent lands to these natural features and areas (i.e., on lands within 120 metres of significant coastal and inland

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wetlands, significant woodlands, significant wildlife habitat, and on lands within 50 metres of significant areas of natural and scientific interest), unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 7 of the Township's Official Plan (Cultural and Natural Heritage Features) mirrors this policy direction from the Province, with both general and specific policies regarding the protection of natural heritage features and areas from development or site alteration. These policies identify where these significant natural heritage features and areas are located within the Township, establish requirements for site-specific assessments prior to any development or site alteration, and prescribe required setbacks for development on adjacent lands. In addition to policies regarding wetlands, fish habitat, habitat of endangered and threatened species, and significant wildlife habitat, Section 7 of the Township's Official Plan prescribes protections for deer wintering areas, moose aquatic feeding areas, and nesting sites for certain bird species, where recent mapping updates have been prepared as part of the Township's most recent statutory Official Plan review.

The Township's Zoning By-law implements these protections for natural heritage features and areas through several zones which prohibit the erection of any buildings or structures and limit permitted uses to those related to existing uses, passive recreational uses, long-term conservation uses, and/or flood and erosion control uses, as the case may be (e.g., within the NS – Natural State Zone, the NSC – Natural State Conservation Zone, the ES – Environmentally Sensitive Zone, ES1 – Environmentally Sensitive One Zone, and the ES2 – Environmentally Sensitive Two Zone).

It is noted that moose aquatic feeding areas are often shallow waterbodies or wetlands and therefore would already be afforded protection from development through the ES Zones. However, deer wintering areas comprise a much larger geographic area throughout the Township, where development may be demonstrated to be appropriate provided appropriate mitigation measures are implemented.

Review of area by-laws indicates that for the majority of municipalities deer wintering areas are identified in the Official Plan, but not implemented with mapping, provisions or study requirements in the Zoning By-law. Rather, additional review and study would be required only at the time of a Planning Act application, triggering Official Plan policies. One exception is the lands within the Development Permit System areas in Lake of Bays which indicate that a development permit and site evaluation is required for vegetation removal or site alteration in a deer wintering area where vegetation removal is proposed over more than 0.5 acre. The Township could consider the model from the Lake of Bays, where an appropriate threshold for vegetation removal without negative impacts to habitat could be further identified and applied to moose aquatic feeding areas. Following that discussion, identifying deer wintering areas (as shown on Schedule F to the Official Plan) as an overlay with the requirement that within the overlay "vegetation removal over more than 0.5 acre" is not permitted. This would require the submission and review of a plot plan including vegetation at the time of building permit. Then any proposal of more vegetation removal would require a ZBA and additional study

As an alternative, the Township may consider an overlay approach to deer wintering habitat, such as that taken by some municipalities in southwestern Ontario. An overlay generally identifies the location of deer wintering habitat which must be protected from incompatible

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development. Where the overlay is indicated on a zoning map, the provisions and regulations of the underlying zone can continue to apply, but there may be additional provisions, regulations, or conditions that must be fulfilled prior to the granting of any planning approvals or the issuance of any building permit (i.e. completion of an environmental impact study (EIS) that shows that development may proceed without impact to the natural features or their ecological functions, including appropriate mitigation measures). Where detailed resource mapping and site inspection results in a reinterpretation of the overlay boundary, a zoning by-law amendment would not be required.

Recommendation



Addition of an **Overlay identifying the location of deer wintering habitat** which must be protected from development. A new general provision section would set provisions for the implementation and requirements of the Overlay and its underlying Zone (i.e. completion of an EIS to demonstrate the appropriateness of development), and allow for modification of the overlay boundaries subject to site specific study.

Updating mapping to ensure that **Moose Aquatic Feeding Areas are zoned within the appropriate ES Zone** to prohibit development and site alteration.



Section 5.32 (Setback Requirements): Including additional provisions which establish **setback requirements** for lands adjacent fish habitat (ES-1 Zones), and revising current provisions which establish setback requirements for provincially significant wetlands and sensitive or at-capacity cold-water lake trout lakes.

4.1.7 **Built Heritage Resources, Cultural Heritage Landscapes, and Archaeological Resources**

In addition to protections for the natural environment, the Province provides direction as to the protection of cultural heritage landscapes, built heritage resources, and significant archaeological resources.

Cultural heritage landscapes refer to any defined geographic areas that may have been modified by human activity and have since been identified as having cultural heritage value or interest by a community, including an Indigenous community. These areas may include features such as buildings, structures, spaces, views, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association.

Built heritage resources refer to any buildings, structures, monuments, installations, or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest, as identified by a community, including an Indigenous community.

Archaeological resources, however, include artifacts, archaeological sites, and marine archaeological sites (as defined under the *Ontario Heritage Act*), which are identified and evaluated through assessments completed by licensed archaeologists. Areas that are likely to contain archaeological resources, as evaluated using the processes and criteria established

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under the *Ontario Heritage Act*, are referred to as areas of archaeological potential, where further study is required before proceeding with development or site alteration.

The Province provides general direction which requires planning authorities to conserve protected heritage property, which may contain built heritage resources or cultural heritage landscapes and further requires that planning authorities prohibit development and site alteration on lands containing archaeological resources or areas of archaeological potential (unless the significant archaeological resources have been conserved). Planning authorities are further required to engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing archaeological resources, built heritage resources, and cultural heritage landscapes.

These policy directions are mirrored in Section 7 of the Township's Official Plan, which establish guidance as to the identification, conservation, and enhancement of significant cultural heritage resources on lands within the Township's jurisdiction, including archaeological resources, built heritage resources, and cultural heritage landscapes. In recognition of the areas of archaeological potential that may be present within the Township, the Official Plan establishes requirements for archaeological impact assessment to be completed where certain features are present (e.g., proximity to water, as exemplified by current or historic shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement). Sections 7.54 and 7.55 of the Official Plan further detail the requirements of any site-specific evaluation and implementation of recommendations concerning the appropriateness of the site to accommodate the development proposed.

That said, the Township's Zoning By-law currently provides no mechanism to ensure that an assessment be completed prior to development of any areas containing archaeological potential within the Township's boundaries, with the exception of several holding provisions applied on a site-specific basis (i.e., which require that a Stage II Archaeological Assessment be completed before development may occur). Except for the Province's established criteria⁵ for archaeological potential for guidance, and without mapping prepared to identify archaeological potential and trigger the requirement for further study, there is no specific identification at this time for the lands to which such provisions would apply.

A review of area municipalities' by-laws indicates that none have implemented review and protection of areas of archaeological potential in the Zoning By-law, even when such areas are mapped in Official Plans (for example, District of Muskoka Official Plan). Rather, these policies and additional review would be triggered at the time of a Planning Act application, as opposed to the building permit or site alteration stage.

Recommendations



The Township may choose to:

- Continue with the current approach to apply policies at Planning Act application stage;

⁵ Ministry of Tourism, Culture and Sport. (2022). *Criteria for Evaluating Archaeological Potential*. Retrieved from <https://forms.mgcs.gov.on.ca/en/dataset/021-0478>

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- Undertake further study to identify areas of archaeological potential and **apply a holding provision** (i.e., to require the completion of an Archaeological Assessment by a qualified professional to determine if there are significant archaeological resources, and if any are present, that they have been conserved, before the holding provision may be lifted). This requires additional study and could be recommended as a future amendment to the By-law.

4.1.8 Renewable and Alternative Energy Systems

The Province encourages planning authorities to provide opportunities for the development of energy supply, including electricity generation facilities, energy storage systems, renewable energy systems, and alternative energy systems, to accommodate current and projected needs. Although sometimes used interchangeably, renewable energy systems and alternative energy systems are distinct from one another:

- **Renewable energy system:** a system that generates electricity, heat and/or cooling from an energy source that is renewed by natural processes (i.e., wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, and tidal forces).
- **Alternative energy system:** a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth, and water) when compared to conventional energy systems.

Section 11 of the Official Plan provides policies which generally encourage alternative forms of energy generation, provided that facilities are designed and located to avoid potential adverse impact. Section 11.13 specifically outlines matters which are to be considered in the design and location of energy generation facilities, including:

- i) *the co-location of facilities, where possible, to reduce overall numbers;*
- ii) *locating facilities within or along existing utility or transportation corridors;*
- iii) *setback from waterbodies and the impact of the structure on the lake horizon;*
- iv) *construction of towers and antennas to heights below those requiring lighting devices in order to help preserve the night sky; and*
- v) *the impact on natural areas including fish and wildlife habitat and wetlands.*

The Township's current Zoning By-law contains limited provisions which permit or otherwise regulate the establishment of renewable or alternative energy systems. Currently, the Zoning By-law only contains provisions which address wind power generation (see Section 5.44).

These provisions permit up to one (1) wind turbine, including a supporting tower base and foundation, on any lot within a residential or commercial zone with sufficient area. Further provisions specify minimum setback distances to lot lines, roads, shorelines, and any dwelling

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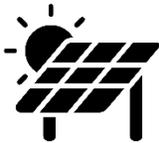
unit located in proximity, as well as maximum height requirements, and maximum electrical power ratings for any wind turbines proposed.

Recommendations

A new subsection of the general provisions is recommended which outlines permissions and development standards for other types of alternative or renewable energy systems (e.g., ground-mounted or building-mounted solar renewable energy generation systems).



Adding a new subsection of the general provisions which establishes permissions for **solar renewable energy generation systems** as accessory uses to any residential, commercial, or industrial use established as the primary use of the property, whether ground-mounted as a detached accessory structure or mounted to the principal building itself.



Prescribing **alternative development standards** which apply to **ground-mounted solar renewable energy systems** as accessory uses, including, for example, increased maximum height requirements as compared to those which apply to other accessory buildings or structures, or specifying a minimum lot area required to establish ground-mounted solar renewable energy systems as accessory uses.

4.1.9 Legal Non-Complying Lots, Buildings and Structures

Legal non-conforming rights, sometimes referred to as "grandfathering", means that new zoning rules cannot be applied retroactively. Legal non-conforming rights have evolved and been clarified through Ontario Land Tribunal decisions over the years and are one of the most powerful protections afforded to landowners under land use planning law. Municipalities are often called upon to review and approve changes or expansions to legal non-conforming uses and some zoning by-laws contain provisions to permit some changes or expansions as of right.

In the case of a municipality with many seasonal residences, the permissions afforded are particularly of interest as historically cottages were smaller and built closer to the water. As Zoning By-laws came into place, setbacks from water were typically added or increased, and with redevelopment of cottage properties over the years, often building footprints are proposed to be expanded as well. With the proposed increase in setbacks from 7.5m to 15m in various waterfront zones, the Township may be asked to use the provisions for legal non-conforming uses with increasing frequency in the future.

The PPS does not contain any reference to legal non-conforming/non-complying status. When considering Planning Act applications, all decisions made on or after October 20, 2024 need to be consistent with the 2024 PPS. The Township's Official Plan does not contain any general policies regarding legal non-conforming/non-complying uses. There are several site-specific policies in Section 16 that reference legal status and expansions/enlargements thereto to comply with Zoning By-law requirements.

The Township's ZBL contains provisions for use and expansion of legal non-conforming/non-complying uses in Sections 5.22 and 5.23. Sections 5.22 a) and b) allow for use of undersized lots for residential, private club, and commercial uses. 5.22 c) permits expansion of non-

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complying uses up to a certain extent, as of right. Any further expansion beyond what is permitted in 5.22 c) would require a permission from the Township.

Area municipalities, in acknowledgement of historic cottage development, generally provide for expansions to legal non-conforming uses as of right. The Townships of Severn, Seguin, and Georgian Bay all use sliding scales depending on how close the structure is to the shoreline to permit varying degrees of expansion for dwellings, and sometimes attached structures such as decks, as of right.

Recommendations:



Combine Sections 5.22 a) and b) as they contain the same provisions, but for different uses. The specified minimum lot area and lot frontage of 1,800 m² and 30 metres, respectively, can apply for residential, private club and commercial uses, if desired, or a reference can be made to the lot being able to be serviced appropriately.



Include an additional provision within Section 5.22 to clarify that an undersized lot for other uses is permitted, provided that other by-law requirements can be met.



Sections 5.22 c) i) ii-iv: Provide revised language for greater clarity as to the intent and purpose of these provisions.



Consider a sliding scale approach for expansions within the waterfront setback (i.e. certain gradations of permissions for expansions as of right for buildings located 5-10m from the shoreline and 10-15m from the shoreline, for example). This approach is similar to area municipalities adjacent to the Township.



Section 5.23 e): Revise to reflect that reconstruction of non-conforming buildings is to be permitted regardless of the cause of damage.

4.2 Residential Zones

The Province requires that planning authorities provide for an appropriate range and mix of housing options and densities to accommodate projected and current needs through several strategies. These strategies include, for example,

- Establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with service managers to address the full range of housing options, including affordable housing needs; and,
- Permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including those which may arise from demographic changes and employment opportunities (i.e., single-

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detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses, and multi-residential buildings, as well as additional needs housing, multi-generational housing, student housing, supportive, community, and transitional housing, and housing related to employment, educational, or institutional uses, as appropriate to the community context).

Within rural areas in municipalities, the Province encourages planning authorities to support healthy, integrated, and viable rural areas by building upon rural character, leveraging rural amenities and assets, accommodating an appropriate range and mix of housing in rural settlement areas, using rural infrastructure and public service facilities efficiently, and providing opportunities for sustainable and diversified tourism, among other strategic priorities.

Residential development within the Township is generally guided by general land use policies contained within Section 6 of the Official Plan, as well as community-specific policies for residential development in Pointe au Baril Station. Generally speaking, uses permitted within The Archipelago are those relating to water-oriented recreation, including single-detached dwellings used on a seasonal or year-round basis. The Township's Official Plan makes no distinction between permissions for seasonal residential development or year-round residential development for the purposes of regulating land use, as the provision of municipal services is unaffected by conversions of residential use from seasonal to year-round occupancy. That said, the Official Plan restricts residential development to single-detached dwellings, with the exception of lands within Pointe au Baril Station, where semi-detached dwellings and rowhouse dwellings are also permitted. Multi-unit buildings, structures associated with condominium and time-share facilities, and more intensive forms of residential recreational uses are expressly prohibited by the Official Plan, as per Section 6.6.

Within Pointe au Baril Station, however, both low and medium density residential development is permitted within the Community Core, Mixed Use, and Residential Infill land use designations of the Official Plan. Within each of these land use designations, the Official Plan provides direction for additional uses to be permitted, including, for example, retail uses, personal service uses, service commercial uses, restaurant, hotel, and motel uses, office uses, and community facilities in the Community Core and Mixed Use designations, as well as accessory apartments associated with a residential use, home occupations, and bed and breakfast establishments in the Residential Infill designation. Permissions are also established for legally existing residential development in the Stable Area land use designation (i.e., residential development which was legally established prior to adoption of the Official Plan), characterized by limited low density residential development along waterfront areas. Beyond these permissions, the residential land use policies of the Township's Official Plan provide little guidance as to how residential development should occur within the Township, allowing for flexibility in the establishment of seasonal or year-round residential development which conforms to the plan's direction for protecting and preserving natural and cultural heritage resources.

Within the Township's current Zoning By-law, residential development is permitted across three zones in the Township:

- CR – Coastal/Island Residential Zone,
- IR – Inland Lakes Residential Zone, and

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- GR – General Residential Zone.

Across each of these zones, permitted uses are limited to residential use as the main use, along with home occupation, bed and breakfast establishments, and accessory apartments permitted as accessory uses. In each of these zones, permitted buildings and structures are limited to single-detached dwellings and accessory structures and buildings typically incidental to residential development. All three zones do not currently have requirements for lot frontage nor lot area, instead stating “*As existing at the date of passing of this By-law or adjusted through a lot line adjustment as approved through the Planning Act*”. In addition, despite different policies within the Official Plan, the Residential Zones of the current Zoning By-law do not differentiate between areas within or outside of the Pointe au Baril Station settlement area.

Recommendations:



Establishing a **new residential zone specific to the Pointe au Baril Station settlement area** (i.e., the PBR – Pointe au Baril Residential Zone) with a broader range of permitted residential uses, including single-detached dwellings, semi-detached dwellings, and rowhouse dwellings as permitted main uses and additional residential units, home occupations, and bed and breakfast establishments as permitted accessory uses.



Establishing **zone standards** for the Pointe au Baril Station Residential (PBR) Zone which prescribe standards for minimum lot frontage, minimum lot area, maximum lot coverage, minimum yard requirements, and maximum height which apply when establishing single-detached dwellings, semi-detached dwellings, and rowhouse dwellings in the Pointe au Baril Station settlement area.



Within the provisions for accessory uses cited in the PBR and GR Zones, include cross-references to new general provisions which apply to the establishment of **ARUs**, whether within the main dwelling or in a detached accessory building.



Updating the **zone standards** which apply to single-detached dwellings in the CR, IR, and GR Zones to align with **best practices** from adjacent municipalities, such as:

- setting new minimum lot area and lot frontage requirements;
- updating **front yard setbacks for waterfront lots** to a minimum of 15 m, with additional separation of 30 metres from waterbodies which contain fish habitat or are at-capacity, in conformity with the Official Plan;
- updating all other front, rear, side, and **setback requirements**;
- **maximum height** for dwellings and accessory structures.

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4.3 Commercial and Industrial Zones

The Township places a high importance on ensuring development does not interfere with the preservation of the existing character and natural areas. The intent for development and redevelopment generally across the Township is primarily to enhance and support the residential and recreational community.

As such, across the Township commercial development is largely limited within the Official Plan to existing uses, expansion of existing uses, and some new commercial development, where it is subordinate and complementary to the surrounding natural or recreational uses.

This is implemented through the Zoning By-law, which permit limited and specific resource-based commercial uses through the following Zones:

- **MC – Marina Commercial Zone**, which permits only marinas, as well as permitting dormitories, restaurants, some commercial and light industrial secondary uses;
- **RC – Resort Commercial Zone**, which permits tourist accommodations including, hotel, motel, lodge, housekeeping cabins, and rental cottages, as well as a retail store and restaurant;
- **MRC – Marina/Resort Commercial Zone**, which permits marinas, tourist accommodations as above, and secondary uses, including commercial and light industrial, as with the MC Zone; and,
- **PC – Private Club Zone**, which permits retain, dining halls, lodges, private recreational facilities, and private club recreational facilities, and structures or buildings for boat docking, rental, and sales, or fuel sales.

Each of these commercial zones contains standards for all permitted and accessory uses. There is currently no differentiation of development standards for properties fronting waterbodies and those fronting roadways.

Each also contains provisions for residential uses accessory to commercial uses permitted within that zone, including servicing requirements, limitations on the number of units and their occupancy for owner, operator or employees of the commercial use, and development standards for height, setbacks, ground floor area, total floor area, and lot coverage. These provisions are generally consistent across all of the above-listed commercial Zones.

Pointe Au Baril Station area is recognized as unique for its role as a focal point for the Archipelago community, and its focus for intensification and economic activity. Within the Official Plan, a wider range of commercial activities are thus permitted within the land use designations of the Pointe Au Baril Station Area. These are implemented through the following zones:

- **PBC – Pointe Au Baril Commercial Zone**, which permits tourism, recreational, and retail uses, in addition to community amenities, such as a laundromat, retail stores, medical and veterinary clinic, office, commercial vehicle parking uses, and boat docking, buildings or structures for storage or sales. This Zone also permits light industrial uses, such as building supply establishment, contractor's yard, custom workshop, and warehouse and storage uses;

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- **CC – Contractor Commercial Zone**, which permits a contractor’s yard and boat docking, buildings or structures for storage or sales; and,
- **EC – General Employment Commercial Zone**, which permits a range of light industrial uses and commercial uses. Similar to the PBC Zone, the latter include recreational and tourist commercial, such as snowmobile sale and service, to local commercial such as offices, clinics, and financial institutions.

In all three zones, accessory residential units are permitted for owners or employees of a primary non-residential use. Similar provisions apply for such uses consistent with the commercial zones discussed previously.

It is important to note that the PPS 2024 updated provincial policies and municipal requirements for “Employment Areas”, including to their definition, as “areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities activities”. The Township’s Official Plan includes an Employment designation within the Pointe Au Baril Station settlement area; however, this designation permits a broader range of commercial and industrial uses and maintains the approach of the general land use policies to preserve the recreational and natural heritage of the area. Further, the lands within this designation, and existing industrial uses, can be considered too limited for designation and protection as an “Employment Area” as envisioned in the 2024 PPS. The Township may choose to consider designation of an “Employment Area” for protection of such uses consistent with the PPS definition, at the time of the next Official Plan Update. At present, the existing Employment land use designation of the Official Plan will continue to be implemented within the Zoning By-law to include a wider range of industrial, commercial, and accessory residential uses.

Recommendations:



Update the development standards of all commercial and industrial Zones to include **distinct front yard setbacks provisions where properties front onto waterbodies** and roadways, to ensure appropriate setbacks from the waterfront.



Introduction of a definition and **new General Provision section for residential uses accessory to a commercial operation**. All provisions and standards as currently duplicated within each commercial zone could then be located in a single section, rather than repeated for each zone. Any unique zone-specific standards would be located within the General Provision and subsection for the applicable zone with the appropriate subsection cross-referenced.



Update the name of the EC Zone from “Employment Commercial” to “Industrial Commercial” to better reflect the intended uses and avoid confusion with the updated definition of “Employment Areas” under the PPS.

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Review all permitted and accessory use definitions for **clarity** and **consistent use** throughout the document.

4.4 Natural State Conservation and Environmentally Sensitive Zones

As previously discussed, the Province requires the long-term protection of natural features and areas, with policy direction for planning authorities to prohibit development and site alteration in significant wetlands and significant coastal wetlands, and to further prohibit development and site alteration in significant wildlife habitat, significant areas of natural and scientific interest, and coastal wetlands unless it has been demonstrated that there will be no negative impact on the natural feature or its ecological function. Similar policy direction is applied to lands adjacent to these natural features and areas (i.e., lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area, ranging from 50 metres in width for a significant area of natural and scientific interest to 120 metres in width for most other natural heritage features).

In addition to the general provisions of the Township's Zoning By-law, which require setbacks from environmentally sensitive areas, the Zoning By-law also establishes zones whereby development is generally prohibited (i.e., where natural heritage features and areas are known to be present). These include the following zones:

- **NS – Natural State Zone**, where only existing uses and passive recreational uses are permitted, and no new buildings or structures are permitted (i.e., permitting only buildings and structures which exist as of the date of passing of the Zoning By-law).
- **NSC – Natural State Conservation Zone**, where only long-term conservation uses are permitted (i.e., long-term conservation of land in its natural state, excluding any main or accessory buildings and structures or additions thereto).
- **ES – Environmentally Sensitive**, where permitted uses are limited to conservation uses (i.e., uses connected with the conservation of water, soil, wildlife, and other natural resources), passive recreational uses, and flood and erosion or sediment control uses, and where permitted buildings and structures are limited to structures required for flood or erosion control, docks, a boathouse or boatport, and any buildings or structures which were existing as of the Zoning By-law's date of passing.
- **ES1 – Environmentally Sensitive One Zone**, where permitted uses, buildings, and structures closely mirror those of the ES Zone (i.e., conservation uses, passive recreational uses, flooding and erosion control, existing buildings, structures and uses, and docks and a boathouse or boatport).
- **ES2 – Environmentally Sensitive Two Zone**, where permitted uses, buildings, and structures closely mirror those of the ES and ES1 Zone, with the exclusion of permissions for any docks, boathouses, or boatports (i.e., limited to conservation uses, passive recreational uses, flood and erosion control, and existing buildings, structures, and uses).

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Minor changes are recommended to the NS, NSC, ES, ES1, and ES2 Zones in the updated Zoning By-law to consolidate and streamline these zones into appropriate categories, clarify their link to the Official Plan's policies regarding the protection of natural heritage features and protection of public health and safety (i.e., directing development away from hazardous lands), and to reference updated general provisions which establish a minimum required buffer around sensitive environmental features within each of these zones.

Recommendations:



Section 16.1 and 17.1 (General Use Provisions): Maintaining the permitted uses (i.e., main and accessory uses), permitted buildings and structures, and zone standards established for the **NS – Natural State Zone** and **NSC – Natural State Conservation Zone**.

Including a general preamble preceding the general use provisions which clarifies the **intent and purpose of the NS and NSC Zones**, as per direction from the Township's Official Plan.



Section 16.1.4 (Provisions for Residential Uses): Including an additional provision which clarifies that **additional residential units (ARUs) are prohibited** within any single-detached dwelling located in the NS Zone.

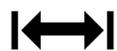


Consolidating the ES – Environmentally Sensitive Zone, ES1 – Environmentally Sensitive One Zone, and ES2 – Environmentally Sensitive Two Zone **into a singular zone** (i.e., the EP – Environmental Protection Zone).

Establishing a **new sub-zone** (i.e., the EP1 Subzone) to apply to all lands previously within the ES2 Zone which carries forward the **existing prohibitions for docks, boathouses, and boatports** on lands within the **ES2 Zone** (i.e., as per Section 20.1 of the Zoning By-law).



Including a general preamble preceding the general use provisions which clarifies the **intent and purpose of the EP Zone**, as per direction from the Township's Official Plan, and **distinguishes the EP Zone from the NS and NSC Zones**.



Including a cross-reference within the zone-specific general use provisions of the EP Zone which reiterates the required setbacks from lands within an EP Zone, as established in the general provisions Section 5.32 (Setback Requirements) which apply to all lands within the Township.



Including a cross-reference within the zone-specific general use provisions of the EP Zone which reiterates the holding provisions which apply to lands adjacent to identified natural heritage features, as established in the updated general provisions which apply to all lands within the Township (i.e., to require the completion of an Environmental Impact Study on vacant or undeveloped lands which are within 120m of an identified natural heritage feature, as previously discussed within Section 4.1.6 of this report).

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4.5 Other Zones

The Zoning By-law includes four additional zones which cover a range of uses. These include:

- EU – Existing Use
- CF – Community Facility
- PQ – Pit And Quarry
- WD – Waste Disposal

The EU Zone is intended exclusively to permit existing primary and accessory uses to continue and to limit expansions or new construction of these uses. Should a landowner choose to redevelop, expand, or change the use on a property zoned EU, a Zoning By-law Amendment is required to allow sufficient planning review of the proposed development and its potential impacts. Interior alterations, restoration, or reconstruction of a damaged building may be permitted, subject to the provisions of Section 5.23 of the Zoning By-law for non-conforming uses, buildings, and structures.

The CF Zone encompasses a range of institutional and recreational uses which provide amenities for the community. These include access points to water, passive and active recreation, cemeteries, tourist information booths, public toilets, nursery schools and meeting places. This zone establishes general zone standards, without further specification of applicable buildings, structures, or uses. Within these zone standards, the required setbacks are consistent with those of the commercial zones, with the exception of larger required lot area and lot frontages.

The PQ Zone permits sand and gravel pits or rock quarry extraction operations, and storage yards associated with either, as well as accessory buildings or structures. Asphalt plants are prohibited uses. Development standards include yard setbacks for cases where frontage is on either a roadway or waterbody. Within the current schedules, the PQ Zone is identified by the label “PIT”.

Finally, the WD Zone permits exclusively waste disposal sites, transfer stations, and accessory buildings.

Recommendations:



Update the development standards of the CF Zone to include **development provisions for front yard setbacks where properties front onto waterbodies** and roadways, to ensure appropriate yards for each case.



Broaden the list of permitted uses of the CF Zone, within the scope of the permitted uses of the Official Plan, **to allow greater flexibility of potential community amenities**, such as schools and places of worship.

No changes are recommended to the EU nor WD Zones.

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Update Schedules for consistent labelling of the PQ Zone.

Review all four Zones for consistency throughout the Zoning By-law and conformity with the Official Plan.

4.6 Zone Schedules and Appendices

Several schedules are included within the current Zoning By-law. These schedules provide an illustration of the zones which apply to the Township's geographic jurisdiction and additional information to guide interpretation of certain provisions of the Zoning By-law. These include Schedule A (Sheet Extracts), Schedule B (Zoned Exceptions), Schedule C (Portions of Sturgeon Bay Subject to Increased Setback Requirements), and Schedule D (Geographic Boundaries of Wards 1 through 6).

Minor changes are proposed to the zone schedules and appendices which form part of the Township's Zoning By-law for ease of use and to align with recommendations proposed throughout this Background Report.

Recommendations:



Updating Schedules A, B, C, and D to apply **consistent formatting** (i.e., to provide a title, scale bar, north arrow, and legend for each of the maps included within the schedules).



Updating Schedule A (Zoning Map) to coincide with the **new or updated zones** as recommended throughout this Background Report.



Including an additional appendix (Appendix A) which provides **visual diagrams and illustrations** to accompany certain definitions of terms or general provisions which are commonly misinterpreted or misunderstood by the general public, similar to Schedule D to the Zoning By-law for the Township of Georgian Bay⁶ (e.g., visual diagrams illustrating lot lines and lot types for mainland, inland lake, and island properties, measurement of lot frontage, required yards, building height, lot coverage, and permitted yard encroachments, etc.).

⁶ Township of Georgian Bay. (2014). Schedule D – Zoning Diagrams. Retrieved from <https://www.gbtownship.ca/en/business-and-development/resources/Documents/Schedule-D---Zoning-Diagrams.pdf>

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5.0 Conclusion and Next Steps

This Background Report has been prepared to address the key themes emerging from initial background research and public engagement activities completed in 2019, and to supplement these findings to reflect new and emerging issues affecting land use planning and development in Ontario as of 2025.

Throughout the report, background information and recommendations are provided to guide future efforts to prepare an updated Zoning By-law to reflect feedback gathered to date from community stakeholders, provide a mechanism to implement new and updated policies of the Township's Official Plan, as amended in 2018 following a statutory review, and to address new and emerging trends in land use planning, as informed by the changing landscape in provincial policy and legislation as of 2025.

This report will be made available to Township Council, staff, agency stakeholders, community groups, and the public for review and comment. The report will remain in draft form until such time as the project team can incorporate the feedback gathered from these stakeholders, and finalized upon Township Council's direction to proceed with Phase 3 (i.e., drafting the updated Zoning By-law). It is anticipated that future engagement with community stakeholders will occur over the summer months of 2025, culminating in a final version of the updated Zoning By-law to be presented to Township staff and Council in the fall of 2025.

It is important to note that the recommendations contained within this report are intended to be reviewed alongside feedback from Township staff, Council, members of the public, and other interested stakeholders, and will be therefore subject to change as progress is made towards the final draft of the Zoning By-law that will be ultimately presented to Council for adoption (i.e., upon incorporating feedback gathered throughout the process).

Should you have any questions regarding the information presented in this report, or would like any additional information, please contact the undersigned.

Background Report Township of The Archipelago

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Appendix A

Official Plan Amendment No. 61

**Modified by the Minister of Municipal
Affairs and Housing (February 16, 2018)**

Appendix B

Comment-Response Matrix

February 13, 2020

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