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The strategic approach to municipal success

Report to Council

Subject: Zoning By-law Update

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Purpose of Report

The purpose of this Report is to:

- a) Present the revised draft Zoning By-law for Council's review;
- b) Outline the substantive changes made since the version previously reviewed by Council;
- c) Identify a number of significant matters that remain outstanding and require Council direction; and
- d) Confirm the proposed next steps prior to proceeding to the open house and statutory public meeting.

Background

A comprehensive review of the draft Zoning By-law has now taken place. The review was structured around three guiding inputs:

- a) Council comments captured during the document's iterative development;
- b) Conformity with the East Nipissing Official Plan, which the Zoning By-law is required to conform to under Section 24 of the *Planning Act*; and
- c) Operational input from the Chief Building Official and the Clerk-Treasurer, who provided practical perspectives on how the draft By-law would be implemented at the counter and within the Township's broader administrative processes.

The intent of this stage is to ensure the document is internally consistent, conforms with the Official Plan, reflects the Municipality's rural context, and is implementable by staff before it is brought to the public.

What We've Done So Far

Work has been deliberately concentrated on the text of the By-law. Specifically:

- a) A full review of definitions, general provisions, zone permitted uses, and zone regulations was completed;
- b) A line-by-line conformity review against the Official Plan was undertaken to identify gaps, contradictions, and outdated cross-references;
- c) Provisions that overlapped with or duplicated other legislation (Ontario Building Code, Conservation Authorities Act, Nutrient Management Act, Minimum Distance Separation Document, Aggregate Resources Act) were either streamlined or removed;
- d) Internal contradictions, including duplicate listings, copy-paste errors in zone tables, and provisions referencing zones that do not exist in the By-law, were corrected;
- e) Modernization of provisions related to emerging rural land use trends, including agricultural diversification, on-farm diversified uses, additional residential dwelling units, and innovative housing types, was undertaken; and
- f) Input from the Chief Building Official and Clerk-Treasurer was integrated where it improved clarity, enforceability, or operational workability.

No changes have been made to the zoning Schedules (mapping) at this stage. The intent is to bring the textual framework forward first, allow public input through the open house and statutory public meeting to inform mapping decisions, and then update the Schedules. This sequencing reduces the risk of multiple costly mapping revisions and ensures the public has an opportunity to comment on a stable text before mapping is finalized.

Major Changes

This section summarizes the substantive changes by category. A red-line comparison of the full document is available upon request.

3.1 Definitions and Internal Consistency

- a) Corrected several internal contradictions where definitions and permitted use lists were inconsistent (e.g., where a definition prohibited a use Township-wide while the same use was listed as permitted in one or more zones);
- b) Updated outdated terminology — for example, references to “Medical Marijuana Facility” have been consolidated under the current federal terminology of “Cannabis Production Facility”;
- c) Added new and updated definitions to reflect emerging housing types and recent Ontario legislation, including:
 - A defined “Park Model Trailer” tied to the CSA Z241 standard, clarifying that these are seasonal dwellings under the Building Code and not permanent dwelling units;
 - Refined definitions for “Additional Residential Dwelling Unit” consistent with Section 16 of the Planning Act; and
 - Other technical clarifications that improve enforceability without changing policy direction.
 - Wind Farm prohibition was removed from the definition (it’s now neutral) and replaced with the existing zone-based controls.

3.2 General Provisions

- a) **Cannabis (new):** A general provision has been added that recognizes federal jurisdiction over cannabis cultivation under the Cannabis Act (Canada) while preserving the Municipality’s zoning authority over cannabis retail establishments.
- b) **Minimum Distance Separation (clarifying additions):** Existing MDS provisions have been retained, with three clarifying additions: (a) explicit confirmation of the 10 m² building threshold that triggers MDS, (b) confirmation that outdoor grazing without a building does not trigger MDS and (c) the backyard hen exemption (up to 10, no rooster). These additions clarify, but do not modify, the Provincial framework.
- c) **Renewable Energy:** Provisions related to small-scale wind turbines, ground-mount solar, and rooftop solar have been updated to reflect more recent legislation.

3.3 Permitted Uses by Zone

Each zone's permitted use list was reviewed for consistency with the Official Plan, conflicts between definitions and permitted uses, land use compatibility issues, and internal duplications. Examples of specific changes include:

- a) **Rural (R):** Removed or qualified uses that were inconsistent with the rural servicing context. Added dedicated standards for long-term care/crisis care rather than slipping under the standard dwelling provisions.
- b) **Commercial/Recreational (CR):** Removed industrial uses that were inconsistent with the zone's character (auto body shops, welding shops, contractor's yards, lumber yards). Removed agricultural uses better suited to the Rural Zone. Consolidated duplicate uses.
- c) **General Industrial (M1) and Heavy Industrial (M3):** Removed retail and residential-style uses that did not belong in industrial zones.
- d) Removed additional dwelling units as permitted uses in the CR, MX, M1 and M3 zones.
- e) **Environmental Protection (EP):** restricted to permit only selective forestry and passive forest management instead of "Forestry", and a statement that indicates an Environmental Impact Study may be required for certain development or tree removal in the EP zone.

3.4 Mineral Aggregate Resource (MX) Designation

A specific change of intent worth flagging for Council is the proposed narrowing of the MX zone to lands with active, licensed pits or quarries.

Under the previous draft, the MX designation was applied broadly to lands identified as having mineral aggregate potential. The revised approach is to designate only active operations (i.e., licensed pits and quarries under the Aggregate Resources Act) as MX, and to leave lands with mineral aggregate potential within their underlying zone (typically Rural).

The rationale is:

- a) The MX zone carries with it land use compatibility implications (1,000 m influence area for sensitive uses), which are appropriate to apply where extraction is actually occurring;
- b) Applying MX to lands without an active license risks creating an unintended development chill on properties that may never be used for extraction;

- c) Mineral aggregate potential is already protected at the Provincial level under the Provincial Planning Statement, 2024 and through the Official Plan; and
- d) This approach reduces administrative friction while preserving the Province's interest in the long-term aggregate supply.

This change will be reflected in the future Schedules, before the public meeting, if supported by Council.

3.5 Conformity with the Official Plan

The gaps in conformity with the East Nipissing Official Plan have been addressed in the revised draft; most of which were minor in nature. For example, a 300 m setback was added from Papineau Lake due to its status of being "at capacity". There are a small number of conformity matters remain unresolved. These are addressed in Section 4.

3.6 Operational Improvements (CBO and Clerk-Treasurer Input)

Input from the Chief Building Official and the Clerk-Treasurer was integrated to improve practical implementation, including:

- a) Aligning zoning with practical reality and higher-level rules
- b) Clean up mapping and zones to better reflect actual conditions
- c) Make development feasible while still protecting public interest
- d) Manage "problem" uses in smarter ways.

4. Major Issues That Remain Unresolved

There are a few matters that staff would recommend be dealt with prior to proceeding to Open House, which is the first statutory obligation for updating the By-law.

4.1 Recreational Vehicle Regulations

The current draft permits up to five recreational vehicles to be used on a vacant lot of record, subject to a 90-day accumulated occupancy limit per calendar year.

While this provision attempts to address the rural reality of seasonal RV use, the cumulative effect of permitting five RVs per lot raises a number of concerns:

- a) **Loss of rural character:** Five RVs concentrated on a single lot, particularly on smaller rural or shoreline lots, can create the visual impression of an informal campground and is inconsistent with the low-density rural character that the Official Plan seeks to preserve.
- b) **Servicing capacity:** Five RVs could introduce significant peak demand that the system was not designed to handle. In practice, staff may face difficulty determining when servicing capacity has been exceeded.
- c) **De facto campground operation:** A property accommodating five RVs for up to 90 days each begins to function as a campground, but without proper setbacks, design standards, or oversight that would otherwise apply to a campground use. This creates an enforcement and equity issue relative to campground operators who have established legally, in accordance with a suitable planning process.
- d) **Wildland fire risk:** Northern Ontario's wildland-urban interface context elevates the risk associated with multiple combustible structures clustered on a single rural property. Provincial wildland fire guidance referenced in the Official Plan does not contemplate this density of seasonal accommodation outside of designated campgrounds.
- e) **Wildlife and waste management:** Multiple RVs increase the volume of food storage, grey water generation, and waste — all of which are known wildlife attractants in this area.
- f) **Enforcement complexity:** Tracking 90-day cumulative occupancy across five separate RVs per lot is administratively burdensome. The provision may prove difficult to enforce in practice and may create equity concerns where some property owners are scrutinized and others are not.
- g) **Comparator practice:** Most rural Ontario municipalities permit one to two recreational vehicles per lot for short-term occupancy, with three on the higher end. A five-RV allowance is an outlier and may attract use that would otherwise locate within organized campgrounds.

Recommendation for Council direction: Consider reducing the maximum to two (2) recreational vehicles per lot occupied by a dwelling, and one (1) on a vacant lot of record. If Council is adamant in keeping it at five (5) per lot, it would be suggested that a licensing by-law be considered to properly regulate the recreational vehicles and establish proper setbacks and regulations to mitigate the risks identified above. Council may also wish to direct staff to

consult with the Conservation Authority and the Health Unit on appropriate servicing and safety standards before final adoption.

4.2 Storage Containers and Trailers — Non-Conformity with Official Plan

The current draft contains the following provision in the General Provisions section:

“There shall be no limit to the number of storage containers.”

This provision is non-conforming with Official Plan Section 2.3.7, which specifies that storage containers (including sea containers) “*will be strictly controlled to ensure compatibility with neighbouring properties*” and that “*Standards will be set out in Municipal zoning by-laws and site plan control may apply.*”

A “no limit” approach is the opposite of the Official Plan’s direction. To bring the By-law into conformity, the provision should be replaced with substantive controls. Options for Council direction include:

- a) A maximum number of containers per lot, scaled to lot area (e.g., one container per 0.4 hectares to a maximum of three on residential lots, with a higher allowance on agricultural or industrial lots);
- b) Prohibition of storage containers in front yards, exterior side yards, and within the shoreline buffer zone;
- c) Visual screening requirements where adjacent to residential or sensitive land uses; and
- d) Site plan control as a trigger for non-residential properties or sites exceeding a specified threshold.

This is a legal conformity issue. It must be addressed before the By-law is adopted.

5. Next Steps

The proposed sequence is:

- a) **Open House:** Host an Open House to present the revised draft Zoning By-law text to the public. Although the Schedules will not be presented at this stage, staff will be available to discuss how proposed text changes interact with the existing zoning of any property. Notice will be issued in accordance with the *Planning Act* and Ontario Regulation

545/06. Open houses are generally drop-in style, and open for residents to come and converse with staff/councillors regarding the Zoning By-law.

- b) **Refinement and Mapping:** Following the open house, refine the text based on feedback received, and prepare new draft for Council's review. Once Council has accepted the draft, the updated Schedules (mapping) will be prepared.
- c) **Statutory Public Meeting:** Hold the statutory public meeting under Section 34 of the *Planning Act*. The public meeting is more formal in nature than the open house and is held by Council, similar to a Zoning By-law Amendment application.
- d) **Refinement:** Following the public meeting, more refinement will take place to the text and Schedules, to prepare for final draft and adoption.
- e) **Council Consideration and Adoption:** Bring the final document forward to Council for consideration and adoption.

The By-law does not require Ministry approval and will come into force subject to the appeal provisions of the *Planning Act*.