

# St. Joseph Island Official Plan

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**Jocelyn**  
TOWNSHIP



**Prepared For:**

St. Joseph Island Planning Board

**Prepared By:**

**FOTENN**  
Planning + Design

396 Cooper Street, Suite 300  
Ottawa, ON K2P 2H7

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# Introduction

The preparation of this Official Plan began in 2021 and has involved many dedicated and committed people with an interest in the future of St. Joseph Island.

The consultation process has resulted in a Vision for the future of the Island that is expressed in this Plan. This Vision is based on a series of planning principles that are intended to:

- ❧ protect the natural environment;
- ❧ encourage economic development;
- ❧ conserve the Island's natural resources;
- ❧ direct growth and settlement to appropriate locations; and,
- ❧ protect the character of developed and undeveloped areas.

The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests for the next 25 years.

# The Structure of the Plan

This Official Plan is divided into five parts, each of which is described below.

- ❧ **PART A (Vision, Goals and Strategic Objectives and Land Use Concept)** contains the Vision for the Island. This Vision was prepared by the St. Joseph Island Planning Board and is based on an understanding of past and future trends, as well as the wishes of the Island's residents. The goals and strategic objectives that form the basis of the Plan flow from the Vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the Vision is implemented through a series of land use designations.
- ❧ **PART B (Land Use Designations)** contains the land use policies that apply to lands on the Island.
- ❧ **PART C (General Environmental Policies)** contains policies addressing development along rivers and streams, in floodplains, and on hazardous slopes throughout the Island. In addition, this section contains policies specifying submission requirements for development applications, including water resource and stormwater management reports and environmental impact studies.
- ❧ **PART D (General Development Policies)** contains policies that address land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Island.
- ❧ **PART E (Plan Implementation and Administration)** describes how the policies of the Official Plan will be implemented.

# Part A – The Vision and Land Use Concept

## A1 The Community Vision

The primary purpose of the Official Plan is to provide a basis for managing growth that will protect St. Joseph Island's character, diversity, civic identity and significant heritage features. This Official Plan is a land use management policy document that is intended to assist local decision makers in long-term growth and development on the Island.

The residents of St. Joseph Island enjoy an excellent quality of life. This quality of life is created, in large part, by the clean air, the people, the rural area, the settlement areas of Richards Landing and Hilton Beach, the open scenic countryside, the extensive woodland areas and the shoreline. St. Joseph Island is also distinguished by its "mountain" and rolling hills, unique landforms, and rich history which in part is founded upon agriculture and resource industries. These are the qualities that, taken together, create a highly-valued identity for residents.

The Island is generally characterized by two urban settlement areas, a vast rural area and the shoreline. This Official Plan will generally direct new residential growth to the urban settlement areas, while ensuring that appropriate housing options are available in the rural and shoreline areas.

This Official Plan also establishes a long-term role and function for the rural area. It is the intent of the Plan to permit limited development on rural lands that is compatible with the character, role and function of the area. It is also the intent of this Plan to permit the continued functioning of natural systems, maintain the rural pattern of large land holdings and a landscape dominated by open fields, forests and rolling hills.

It is estimated that the population of the Island will increase modestly in the next 25 years. It is the goal of the Island to strengthen the local economy to ensure that the schools and hospital in the community remain viable and to continue to develop the Island as a tourist destination. This Plan anticipates that the existing pattern of development will not change substantially in the future, however, the Plan does anticipate the development of additional recreational residential development to accommodate the needs of seasonal residents and contribute to the Island's economy.

The Official Plan assumes that the high quality of life now enjoyed by the Island's residents and visitors can be maintained and enhanced if the Island's distinct small town and rural character is protected. However, change is inevitable and it must be managed in an efficient and orderly manner to maximize the benefits of new development. It is therefore the intent of this Plan to provide the Planning Board and local Councils with the tools to consider and mitigate the impacts of change on the qualities that make St. Joseph Island a desirable place to live.

## **A2           Goals and Strategic Objectives**

### **A2.1        The Natural Environment**

#### **A2.1.1     Goal**

It is the goal of this Plan to protect natural heritage features and functions on the Island, while recognizing that resource industries are vital to local and provincial economies.

#### **A2.1.2     Strategic Objectives**

1. To protect environmental features and their associated ecological functions.
2. To ensure that a thorough understanding of the natural environment, including the values, opportunities, limits and constraints that it provides, guides land use decision-making on the Island.
3. To ensure that land use planning contributes to the protection, maintenance, conservation and enhancement of groundwater resources.
4. To minimize negative impacts on the water quality, hydrological and hydrogeological characteristics of watercourses, lakes, aquifers and significant wetlands.
5. To prohibit the loss or fragmentation of Provincially Significant Wetlands and Wildlife Habitats, and ecological functions they provide.
6. To encourage the protection of an open space system that links environmental and recreational resources on the Island.
7. Plan, prepare and respond to the impacts of climate change to mitigate greenhouse gas emissions and to adapt to a changing climate to ensure climate resilience.

## **A2.2 Growth and Settlement**

### **A2.2.1 Goal**

It is the goal of this Plan to direct the majority of new permanent residential development to the Settlement Areas of Richards Landing and Hilton Beach, where full sewer and water services are available.

### **A2.2.2 Strategic Objectives**

1. To promote good built form and community design in all land use designations.
2. To ensure high quality, safe, and accessible services and facilities are provided for people of all ages and abilities.
3. To positively influence the creation of built environments on the Island for people of all ages and abilities, which serve to establish complete healthy communities, enhance the quality of life for residents and promote socially and physically accessible communities.
4. To maintain and enhance the character and stability of the Richards Landing and Hilton Beach by ensuring that development and redevelopment is compatible with the scale and density of existing development, while accommodating appropriate intensification.
5. To ensure that new development areas are well-integrated into the fabric of the existing community.
6. To ensure that there is an optimum balance between residential and non-residential uses on the Island.
7. To permit a limited amount of rural residential development in appropriate locations, through limited lot creation and through infill development.
8. To permit a broad range and mix of affordable and market-based residential types and densities to meet projected demographic and requirements of current and future residents of the Island and for people of all ages and abilities.

9. To reinforce the function of downtown areas as the primary cultural, service and retail focal points of Richards Landing and Hilton Beach by encouraging mixed-use development.
10. To encourage a strong connection between the downtowns and the waterfront areas through mixed-use developments and improvements to public spaces to ensure they are high-quality, safe, accessible, attractive and vibrant.
11. To encourage further intensification and use of the lands within Richards Landing and Hilton Beach and to make every effort to improve the economic health of the core areas by encouraging redevelopment and the broadest mix of uses.

## **A2.3 Rural and Agricultural Character**

### **A2.3.1 Goal**

It is the goal of this Plan to maintain and enhance the open space character of the rural area, which is the site of country homes, recreational uses, and a landscape dominated by agricultural fields and forests.

### **A 2.3.2 Strategic Objectives**

1. To protect the agricultural land base by regulating lot creation and preventing the intrusion of non-compatible uses.
2. To encourage the development of recreational and eco-tourism uses in appropriate locations in the rural areas.
3. To avoid the introduction of land uses that are incompatible with the rural character and/or resource-based activities of the area.
4. To permit on-farm diversified uses (agri-business and secondary uses) that support local producers and contribute to the local economy.

## **A2.4 Economic Development**

### **A2.4.1 Goal**

It is the goal of this Plan to promote economic development and competitiveness by providing opportunities for economic growth in a manner which will sustain and improve the quality and character of life on the Island.

### **A2.4.2 Strategic Objectives**

1. To encourage employment and competitiveness by permitting a broad range of commercial and service facilities geared specifically to meet the needs of residents of the Island and the wider area.
2. To encourage the development of tourism-based commercial uses in shoreline and rural areas, where proximate to a settlement area or a natural recreational resource.
3. To establish employment lands capable of accommodating a diverse range of industrial uses.
4. To encourage appropriate redevelopment of the urban waterfront and to maintain public access to waterfront facilities.
5. To encourage the development of home-based businesses and home industries to support economic development.
6. To support the resource sector by restricting the intrusion of sensitive land uses, such as new residential uses, in areas of influence or buffer zones.
7. To encourage the protection of the Island's natural attributes, such as its rural character and its environmental features to ensure that the recreational and tourism uses that rely upon these attributes continue to thrive.

## **A3        The Land Use Concept**

### **A3.1      Settlement Areas**

Settlement areas are shown on Schedules A1 and A2. These areas will be the focus of new growth and development and shall accommodate a range and mix of housing options through intensification and redevelopment.

1. Development patterns shall be provided in a manner which accommodates a broad range and mix of land uses which:
  - a. produce good built form and community design;
  - b. efficiently use land and resources;
  - c. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - d. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - e. prepare for the impacts of a changing climate;
  - f. support active transportation to mitigate greenhouse gas emissions and negative impacts related to climate change
  - g. are freight-supportive; and
  - h. promote healthy, complete, and accessible communities that are in proximity to nearby amenities and support services.
2. In identifying a new settlement area or allowing an expansion to a settlement area, the Planning Board shall consider:
  - a. The need to designate and plan for additional land to accommodate an appropriate range and mix of uses;
  - b. If there is sufficient capacity in existing or planned infrastructure and public service facilities which are planned or available are suitable for

the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;

c. Where expansion is proposed into agricultural area:

i. Alternative locations have been evaluated, and

ii. There are no reasonable alternatives which avoid agricultural area; and

iii. There are no reasonable alternatives on lower-priority agricultural lands in agricultural area;

d. Whether the new or expanding settlement area is in compliance with the minimum distance separation formulae; and

e. Whether impacts from new or expanding settlement areas on the system are avoided, or where avoidance is not possible are minimized and mitigated to the extent feasible, as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and

f. The new or expanding settlement area supports the phased and orderly progression of urban development.

3. To ensure that future growth proceeds in an orderly fashion in Settlement Areas, lands designated as Rural in an identified Settlement Area may be re-designated to another Settlement Area designation through an Official Plan Amendment that is supported by a comprehensive planning justification report that considers elements including, but not limited to:

a. Existing vacant land supply in the Settlement Area and opportunities for intensification and redevelopment;

b. Population and growth projections;

c. Land supply, housing needs, and alternative directions for growth; and

d. Servicing and infrastructure plans, including reserve capacities.

4. Where a Rural designation is located in a Settlement Area, the implementing Zoning By-law shall restrict the range of uses permitted on the Rural lands to rural uses compatible with nearby residential uses (i.e. no livestock barns, no manure storage facilities).
5. The road allowances in Settlement Areas illustrated on Schedules A-1 and A-2 are intended to illustrate a rational road network configuration. While the illustration is conceptual, the road network is expected to be completed as shown on the Schedules. Planning decisions by the Planning Board or Municipal Councils shall ensure new development implements, or does not impede, the completion of these road networks.
6. When considering land division applications on lands designated Rural within Settlement Areas, the Planning Board shall ensure that the proposed lot fabric will not impede efficient expansion of development through a future redesignation.
7. Built form in Settlement Areas shall be well-designed, encourage a sense of place, and create high-quality, safe, accessible, attractive and vibrant spaces.
8. As focus areas for growth and development, a variety of complementary and compatible land uses shall be permitted in Settlement Areas.
9. New development in Settlement Areas shall be designed to support active transportation, such as walking and cycling.
10. In Settlement Areas, backyard hens may be permitted accessory to a permitted residential use, with specific regulations established in municipal Zoning By-laws. Backyard hens shall only be permitted if the Municipal Council is satisfied that the following considerations are adequately addressed:
  - a. Animal health
  - b. Public health;
  - c. Animal care;
  - d. Predators;
  - e. Food safety

11. There are lands designated Townsite which extend beyond the Village of Hilton Beach municipal boundary into the Township of Hilton. The designation of these lands is intended to reflect existing development that may accommodate limited infilling. However, the designation of these lands shall not imply that such lands should be formally incorporated by the Village, nor is it intended to compel the Village to extend municipal services into the Township of Hilton. In limited cases, extension of municipal services from the Village of Hilton Beach to the settlement area lands in the Township of Hilton may be permitted where justified through a Municipal Class EA process. In such cases, the Township of Hilton and the Village of Hilton Beach shall enter into an Inter-Municipal Servicing Agreement to govern the installation, maintenance, and financing of the servicing infrastructure.

### **A3.1.1 Settlement Area Designations**

The following land use designations apply in Settlement Areas and are intended to establish a planned function for land use and development.

#### **A3.1.1.1 Townsite**

Lands designated Townsite are the site of primarily existing and planned residential development on full municipal services, including such areas in the Settlement Areas of Richards Landing and Hilton Beach.

#### **A3.1.1.2 Downtown**

Lands designated Downtown are the site of primarily commercial uses within the core area of the Richards Landing and Hilton Beach.

#### **A3.1.1.3 Townsite Mixed Use Area**

Lands designated Townsite Mixed Use Area apply to the shoreline areas of the Richards Landing and Hilton Beach where a range of compatible mixed uses are permitted.

## **A3.2 Rural Areas**

The rural areas of St. Joseph Island are shown on Schedule A of this Official Plan.

1. Development in the rural area will be guided by the policies of the rural designations established in this Plan. In the rural area, land use planning decisions will:
  - a. build upon existing rural character, and leverage rural amenities and assets;
  - b. promote regeneration, including the redevelopment of brownfield sites;
  - c. encourage the conservation and redevelopment of existing rural housing stock on rural lands;
  - d. use rural infrastructure and public service facilities efficiently;
  - e. promote diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
  - f. provide opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
  - g. conserve biodiversity and consider the ecological benefits provided by nature;
  - h. provide opportunities for economic activities in agricultural area, where applicable;
  - i. retain opportunities to locate new or expanding land uses that require separation from other uses;

- j. support a diversified rural economy by protecting agricultural and other resource-related uses;
  - k. direct non-resource development to areas where it will minimize constraints on agricultural and resource uses;
- 2. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
  - 3. Growth and development may be directed to rural lands, including where a municipality does not have a settlement area.

### **A3.2.1 Rural Designations**

The following land use designations apply in Rural Areas and are intended to establish a planned function for rural land use and development.

#### **A3.2.1.1 Rural**

The Rural designation generally includes all of the rural and agricultural areas as well as aggregate extraction areas on the Island.

#### **A3.2.1.2 Shoreline**

The Shoreline designation generally applies to those lands that have already been developed, or are planned to be developed, for permanent and seasonal residential uses in proximity to the waterfront.

#### **A3.2.1.3 Environmental Protection**

The Environmental Protection designation identifies natural features which is intended to be protected from incompatible land use.

#### **A3.2.1.4 Major Open Space**

The Major Open Space designation identifies lands which are owned by a public agency or authority.

#### **A3.2.1.5 Rural Highway Commercial**

The Rural Highway Commercial designation identifies lands which are intended to provide a suitable area for land-intensive and/or service oriented commercial uses.

#### **A3.2.1.6 Business Park**

The Business Park designation applies to lands on the Island which are proposed to be used primarily for employment and industrial uses.

#### **A3.2.1.7 Major Recreation**

Lands designated Major Recreation are the site of the larger private recreational uses in the Municipality. These uses include private campgrounds and trailer parks, golf courses and other major outdoor recreational facilities.

## Part B – Land Use Designations

### B1 Townsite

#### B1.1 Purpose

The purpose of the Townsite designation is to:

1. ensure compatibility between residential and sensitive land uses to minimize and mitigate any potential adverse effects,
2. maintain and enhance the character and identity of existing residential areas;
3. encourage the provision of an appropriate range of affordable and market-based housing types, including secondary dwelling units and housing for seniors, that meet the Island's projected housing needs;
4. ensure efficient and cost-effective use of existing and planned infrastructure and public facilities by creating opportunities for various forms of residential redevelopment and intensification, where appropriate; and
5. promote land use patterns based on densities and a mix of land uses which prepares for the impacts of a changing climate.

#### B1.2 Location

The Townsite designation applies to existing developed lands within the established settlement areas of Richards Landing and Hilton Beach. The Townsite designation also applies to undeveloped lands which are proposed to be connected to municipal sewer and water services.

#### B1.3 Permitted Uses

Permitted uses in the Townsite designation may include: Single-detached dwellings; Additional dwelling units; Semi-detached dwellings; Duplex Dwellings; Townhouse dwellings; Multi-unit dwellings, including apartment dwelling; Home occupations; Bed and breakfast establishments in single detached dwellings; Complementary uses such as residential care facilities, daycare centres small-scale institutional uses, and parks and open space uses; Existing uses and minor expansions thereto; and, Small-scale commercial uses (i.e. convenience store)

## **B1.4 Townhouse, Multi-Unit and Apartment Dwellings**

1. Townhouse dwellings may be permitted in the Townsite designation, subject to a zoning by-law amendment.
2. Multiple-unit developments and apartment buildings may be permitted in the Townsite designation, provided the maximum density of such developments does not exceed 20 units per net hectare and the maximum building height does not exceed three storeys. Applications to increase the maximum density and/or height shall be subject to an amendment to the implementing Zoning By-law, and evaluated against the criteria provided in Policy 3 below.
3. In considering a Zoning By-law amendment and Site Plan Control application to permit a townhouse, multiple or apartment development, Council shall be satisfied that the proposal:
  - a. is consistent with the character of surrounding residential neighbourhoods, in terms of height, bulk and massing;
  - b. is compatible with surrounding land uses;
  - c. will not cause or create traffic hazards or an unmanageable level of congestion on surrounding roads;
  - d. is located in proximity to community facilities, such as parks, schools, open spaces or the downtown;
  - e. is located on a site that has adequate land area to incorporate required parking, amenity space, landscaping and buffering on-site; and,
  - f. efficiently uses full public services which are planned and available to avoid the need for unjustified and/or uneconomical expansion of such services.

## **B1.5 Daycare Centres and Small-Scale Institutional Uses**

1. Daycare centres and small-scale institutional uses which serve the community, such as public and private elementary schools, Montessori schools, housing for seniors, and places of worship, may be permitted in the Townsite designation through a Zoning By-law Amendment, provided the Municipal Council is satisfied that:

- a. the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b. the scale, massing and siting of the development is compatible and consistent with development on adjoining lands; and,
- c. the use is located on a site that has adequate land area to accommodate required parking, pick-up and drop-off area, amenity space (if required), landscaping and buffering on-site.

## **B1.6      Implementing Zoning By-law**

1. Municipal Zoning By-laws shall establish a suite of zones for the Townsite designation, each of which contain provisions suitable for these land use contexts. Zones shall include residential, institutional, and open space zones, which shall be applied to appropriate lands.

## **B2 Business Park**

### **B2.1 Purpose**

The purpose of the Business Park designation is to:

1. promote economic development and competitiveness by providing suitable lands for a mix and range of employment opportunities to meet the long-term needs of the Island;
2. encourage economic investment and provide opportunities for a diversified economic presence on the Island by providing and maintaining suitable sites for a wide range of employment activities and ancillary uses;
3. ensure that new employment uses are developed in an orderly manner in conjunction with appropriate sewage, stormwater, and water services;
4. encourage compatible employment uses which support the Island's communities and,
5. provide an area where existing and new businesses can grow and develop on the Island.

### **B2.2 Location**

The Business Park designation as shown on Schedule A to this Plan applies to lands located in Part of Lot 14, Concessions D in the Township of St. Joseph.

### **B2.3 Permitted Uses**

1. Permitted uses on lands designated Business Park may include manufacturing, assembly, light industrial uses (e.g. maple syrup bottling and distribution), processing, fabrication, distribution, construction, storage and/or warehousing uses and research establishments, wholesaling, service commercial establishments and similar uses. Accessory retail and office uses are also permitted, provided they occupy only a limited amount of the gross floor area and are clearly accessory and incidental to the industrial use.
2. Residential land uses and other sensitive land uses are prohibited on lands designated Business Park in order to maintain land use compatibility. New uses should include an appropriate transition to adjacent non-employment

areas. Development in the Business Park designation shall comply with the Land Use Compatibility policies of this Plan.

## **B2.4 Form of Development**

1. Where feasible, development within the Business Park designation will be coordinated by the Municipality to ensure development within the park is orderly and properly serviced by municipal water and sewer systems.

## **B2.5 Development Policies**

1. Where an industrial use is proposed in the Business Park, and until such time as it may be feasible to extend municipal services to the Business Park, only industrial uses with low water usage shall be permitted. For the purposes of this Section, low water usage shall be defined as 50,000 litres per day or less, but the following also applies for various assessment and approvals:
  - a. for industrial uses that have an average daily flow greater than 4,500 litres per day, the Ministry of the Environment, Conservation and Parks (MOECP) B-7 Guideline "Incorporation of the Reasonable Use Concept into Groundwater Management Activities" will apply.
  - b. for industrial uses that have subsurface sewage disposal systems of greater than 10,000 litres per day, a Certificate of Approval from MOECP will be required. For subsurface sewage disposal systems of 10,000 litres per day or less, a Building Code Act permit is required from the appropriate approval body.
2. New industrial uses that will require more than 50,000 litres per day shall require an Amendment to the Zoning By-law as well as a Permit to Take Water under the Ontario Water Resources Act. An application to amend the Zoning By-law to permit an industrial use requiring more than 50,000 litres of water per day shall be accompanied by a hydrogeological evaluation confirming that the required water quantity is available for the use and will not impact adjacent wells. Such an application shall also be accompanied by a Servicing Options Report and shall adhere to all applicable requirements of the Ministry of the Environment, Conservation and Parks.
3. The development of uses in the Business Park designation may be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a. The proposed use is compliant with the Ministry of the Environment, Conservation and Parks D-Series Guidelines to ensure the industrial use is compatible with adjacent residential or other sensitive uses which are existing or are planned in accordance with this Official Plan. To address this issue Council may require the business owner to retain a qualified professional to complete an assessment which demonstrates that the proposed use is compliant with the MOECP D-Series Guidelines.
  - b. Adequate parking and loading facilities are provided on the site;
  - c. The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and provide transition to the surrounding area;
  - d. Outdoor storage areas are substantially screened from view from passing traffic;
4. Where a proposed use abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses. It is anticipated that where a D-Series assessment is completed, recommendations for buffering will be required.
5. The Business Park designation may be converted to another designation only at time of a comprehensive Official Plan review. In such cases, the re-designation may occur only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
6. Outside of a comprehensive review process, the Business Park designation may be converted to a designation that permits non-employment uses, provided that:
  - a. there is an identified need for the conversion and the land is not required for employment purposes over the long term;
  - b. the proposed uses would not adversely affect the overall viability of the employment area; and
  - c. existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

## **B2.6      Implementing Zoning By-law**

1. All lands within the Business Park designation shall be placed in appropriate Employment Zones in the implementing zoning by-law. Lands in the Business Park designation may be subject to a Holding provision to ensure technical issues relating to development have been addressed.

## **B3**      **Downtown**

### **B3.1**      **Purpose**

The purpose of the Downtown designation is to:

1. maintain and promote the Downtown areas of Hilton Beach and Richards Landing as destinations for economic investment, tourism, hospitality and accommodation on the Island;
2. encourage development related to tourism, hospitality and recreation in the Downtown areas;
3. encourage the intensification and development of a mix of uses to enhance the character of the Downtown areas;
4. encourage streetscape and façade improvements that maintain and revitalize the cultural and historic character of the Downtowns;
5. establish a definitive boundary for the Downtown, within which a mixed-use, pedestrian-oriented environment can be fostered; and,
6. improve connections between the Downtown and adjacent shoreline areas to create safe, accessible, unified, and attractive central areas.

### **B3.2**      **Location**

The Downtown designation as shown on Schedules A-1 and A-2 applies to the Downtown commercial districts of Richards Landing and Hilton Beach.

### **B3.3**      **Permitted Uses**

Permitted uses in the Downtown Commercial designation may include: Commercial uses, including retail, service, and office uses; Hotels, inns, and bed and breakfast establishments; Small-scale institutional uses including places of worship, funeral homes, schools, day cares, libraries, museums, art galleries, theatres, and other institutional uses; Health care facilities; Restaurants, bars, and nightclubs, excluding any restaurant with a drive-through component; Residential uses on upper storeys within a mixed-use building, as well as specialty residential development such as long-term care homes; Festivals and

open air markets; Public uses and service utilities and structures; and, Existing residential uses and minor expansions thereto.

## **B3.4 The Vision for the Downtown**

1. It is the intent of this Plan that the Downtown areas will function as the focal points for commerce and hospitality on the Island, accommodating a diverse mix of commercial, residential, institutional, tourism, and cultural uses and opportunities.
2. It is the intent of this Plan that the scale and location of new development in the Downtown maintain and/or enhance the existing character of the Downtown. Policies within this section are intended to encourage establishing a sense of place by promoting good built form and conserving features which define the character of St. Joseph Island. This can be achieved by having regard to the following guidelines:
  - a. the development of diverse, compatible land uses in close proximity to each other;
  - b. maximize the function of existing buildings in the Downtown to accommodate a wide range and mix of uses, encouraging ground floor commercial and retail and upper storeys for residential uses;
  - c. the establishment and maintenance of a streetscape that is geared to the pedestrian;
  - d. the conservation of any significant cultural heritage and historic features that exist in the Downtown; and,
  - e. encourage and establish partnerships and collaboration between the Island and service delivery groups related to business and economic development, recreation, and cultural heritage.

## **B3.5 Development Policies**

### **B3.5.1 New Lots Created by Consent**

1. The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives of this Plan and does not unduly

fragment the land base of the Downtown to make it more difficult to accommodate usable building space.

### **B3.5.2 New Development and Redevelopment Policies**

1. Land assembly is encouraged to create larger, more viable development parcels.
2. All future development shall occur on the basis of being connected to full sewer and water services.
3. Hospitality and tourism-oriented uses, including small-scale services and retail, are encouraged to enhance the pedestrian linkage between the downtown, the marinas and open space areas;
4. All development proposals requiring a Planning Act approval are encouraged to restore, enhance, and conserve their building façade in order to maintain the architectural character and identity of the Downtown in accordance with the following guidelines:
  - a. Original architectural details and features should be restored;
  - b. Where an existing building lacks significant architectural detail or a new building is to be built on a vacant lot, the façade should be representative of, or consistent with, historic architectural styles;
  - c. Building materials which are not complementary to and compatible with the existing architectural character of the Downtown will be discouraged;
  - d. Traditional signage and lighting is preferred over fluorescent sign boxes and corporate signage; and,
  - e. Façades should incorporate broad window treatments at street level to maintain an open, pedestrian-friendly environment.

### **B3.5.3 Existing Residential Uses in the Downtown**

1. There are a number of existing residential uses in the Downtown designation. This Plan will permit these residential uses to continue, however these uses are encouraged to redevelop into commercial or mixed-use.

#### **B3.5.4      Parking**

1. Where a new use cannot comply with the Zoning By-law's parking requirement, a Municipality may enter into an agreement with the development proponent to accept cash-in-lieu where the parking can be reasonably accommodated on the street or off-site in another appropriate location.
2. In determining the cash-in-lieu payment, Council shall have regard to the cost to provide and maintain a parking space in the Downtown.
3. The Municipality will follow all applicable provisions and regulations in the Planning Act, including the requirement to establish a separate account for the purpose of holding cash in-lieu of parking payments.

#### **B3.6          Public Space in the Downtown**

1. Public land in the Downtown includes streets, sidewalks, parking lots, parks, open space, and administrative or public buildings. Public spaces are to be provided in a manner which ensures their quality, safety, vibrancy, and accessibility to persons with disabilities and with consideration for the needs of all ages. It is a policy of this Plan that a municipality should partner with stakeholders to maintain public spaces in a manner that is complementary to the Downtown and is consistent with the objectives of this Plan. Specific projects aimed to revitalize public lands and buildings may include the:
  - a. Provision of streetscape landscaping such as trees, shrubs and flowers;
  - b. Provision of street furniture, lighting, flower planters, art and monuments in strategic, pedestrian-oriented locations; or,
  - c. Renovations and/or façade improvements to existing public buildings; and,
  - d. Continued public ownership and appropriate development of existing municipal waterfront spaces.

### **B3.7      Implementing Zoning By-law**

1. All lands that are used for commercial purposes shall be placed in a Downtown Commercial Zone in the implementing Zoning By-law. The Downtown Commercial Zone shall contain provisions to permit residential, office, or other compatible uses on upper floors of multi-storey buildings.

## **B4 Townsite Mixed Use Area**

### **B4.1 Objectives**

The purpose of the Townsite Mixed Use designation is to:

1. identify strategic lands in the Townsites that have potential to be redeveloped to accommodate residential uses, as well as commercial uses related to hospitality and tourism industries;
2. permit land uses that can foster a pedestrian environment and linkage with the Downtown and waterfront areas; and
3. permit development which supports active transportation opportunities, including cycling and walking, and encourages community connectivity.

### **B4.2 Location**

The Townsite Mixed Use Area designation as shown on Schedules A-1 and A-2 to this Plan applies to lands in the Townsites that are contiguous to the Downtown and/or the waterfront and represent viable locations for mixed-use development on full municipal sewer and water services.

### **B4.3 Permitted Uses**

Permitted uses on lands designated Townsite Mixed Use Area may include: All uses described in the Townsite designation. Hotels, inns, and bed and breakfasts (subject to bed and breakfast policies in B.17); Conference facilities; Banquet halls; Restaurants; Museums and art galleries; Public uses, parks, and open space; Spas and wellness centres; Festivals and special events; Funeral homes; Seasonal food and produce vendors; Tourist camps and campgrounds; Retail, service and business uses; Marinas; and, Institutional uses such as churches and schools.

### **B4.4 Development Policies**

1. Future development occurring in the Townsite Mixed Use designation may be subject to a Zoning By-law Amendment and Site Plan Control. In reviewing a development application, Council shall consider the following:

- a. The proposed development can be connected to and adequately serviced by the Municipality's sewer and water system;
- b. The proposed development supports active transportation opportunities and connections (e.g. pedestrian and cycling) through the Downtown, the waterfront and/or parks and public spaces;
- c. The proposed development achieves a housing density of a maximum of 20 units per net residential hectare;
- d. That development-related issues such as stormwater management, parking and traffic circulation have been adequately addressed; and,
- e. That the development is complementary to the character of the shoreline and downtown area and incorporates appropriate built form and site design treatments.

## **B4.5 Implementing Zoning By-law**

1. All lands designated Townsite Mixed Use Area shall be required to be placed in zone categories which reflect approved uses in the implementing Zoning By-law.

## **B5 Rural**

### **B5.1 Purpose**

The purpose of the Rural designation is to promote healthy, integrated, and viable rural areas which:

1. protect land suitable for agricultural production from development and land uses unrelated to agriculture;
2. permit uses which provide opportunities for the agricultural industry, sustainable and diversified tourism industry, and rural community;
3. conserve the agricultural and rural character of the Island and maintain those elements which contribute to the open space character of the countryside;
4. conserve biodiversity and consider the ecological benefits provided in the rural area.
5. discourage land uses which are incompatible with the rural character, uses, and/or resource activities of the area;
6. promote the agricultural industry and associated activities and enhance their capacity to contribute to the economic development of the Island; and
7. ensure that the scale of development and provision of service levels is compatible with the role, function, and characteristics of the rural area.

### **B5.2 Location**

The Rural land use designation applies to the majority of land within the planning area that is not otherwise placed in one of the other land use designations for this Official Plan, as shown on land use schedules.

### **B5.3 Permitted Uses**

Permitted uses on lands designated Rural Area may include: agricultural, agricultural-related and on-farm diversified uses; and nursery uses; single-detached dwellings; bed and breakfast establishments; home occupations and home industries, subject to the provisions of Section B6.5.1 of this Plan and local Zoning By-laws; veterinary clinics; commercial dog kennels; resource-based

recreational and tourism-based uses; passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority; hobby farms; small-scale accommodation facilities and corporate meeting facilities; forestry and resource management uses; small-scale public uses; cemeteries; commercial uses on farm properties; land-intensive industrial uses which serve the rural community; renewable and alternative energy systems; the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage; and, wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

## **B5.4 Development Policies**

### **B5.4.1 The Creation of New Lots for Residential Purposes**

1. In accordance with the intent of this Plan to maintain the rural character of the Island, the majority of the new residential development is directed to the Settlement Areas of Richards Landing and Hilton Beach and vacant building lots. However, a maximum of two new lots may be created from a lot in the Rural designation for residential purposes provided Planning Board is satisfied of the following:
  - a. the severed lot will not remove good agricultural land from production and is located where it would have the least impact on existing and future agricultural operations;
  - b. the severed and retained lots are no smaller than 2.0 hectares and have a minimum frontage of 150 metres on an improved public road maintained on a year-round basis;
  - c. the boundary of the severed lot maintains a minimum distance of 300 metres from an existing barn or feedlot, or the minimum distance required by the Minimum Distance Separation I Formulae, whichever is the greater;
  - d. the proposed lot complies with the Consent criteria set out in this Plan;
  - e. For all lands outside the Settlement Areas, does not create more than two new lots from the original retained parcel as it existed on the date this Plan was approved; and,

- f. A maximum of 50 new lots may be created within the Rural designation in each incremental five year planning period, beginning on the date this plan was approved.

#### **B5.4.2 New Infilling Lots**

1. Notwithstanding the policies of this Plan, on lots generally within a 3-kilometre distance of the Settlement Areas, infilling lots can be created from a parcel that existed on the date this Plan was approved, provided:
  - a. the original lot has a minimum frontage of 120 metres and a minimum lot area of 2.0 hectares;
  - b. the lot is to be located between two residences which existed on the date this Plan was approved on lots that are situated on the same side of the road and are not more than 300 metres apart;
  - c. the lot to be created has a minimum area of 1 hectare and a minimum frontage of 60 metres on an improved public road maintained on a year-round basis; and,
  - d. the proposed lot complies with the Consent policies of this Plan.

#### **B5.4.3 Farm Consolidations and Boundary Adjustments**

1. Boundary adjustments or farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of the farm operation, provided:
  - a. no new lot is created; and,
  - b. the viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

#### **B5.4.4 Minimum Distance Separation Formulae**

1. New land uses, including the creation of lots, and new or expanding livestock facilities as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II.

## **B5.5      Agricultural Related and Secondary Uses**

### **B5.5.1      Retail Commercial Uses on Farm Properties**

1. The development of accessory retail commercial uses on farm properties is permitted, provided:
  - a. the use is located on the farm property and is associated with and secondary to the farm operation;
  - b. the retail component has a floor area of no more than 300 square metres; and,
  - c. the majority of the products offered for sale, in terms of monetary value, are produced or manufactured on the farm property.
2. The development of a new commercial use on a farm property may be subject to Site Plan Control.

### **B5.5.2      Agricultural Research and Training Establishments**

1. The development of agricultural research and training establishments is encouraged on the Island. Such uses may be permitted subject to re-zoning, provided Council is satisfied that:
  - a. the use is related to, and will benefit, the agricultural industry;
  - b. the use will assist in the furthering of knowledge in the agricultural sector of the economy; and,
  - c. the use will assist the farm community through training and the identification of new methods and procedures.

### **B5.5.3      On-Farm Diversified Uses**

1. This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, uses such as artist studios, pancake houses, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions and small-scale educational or interpretive

establishments that focus on farming instruction or agri-tourism are permitted in the Rural designation.

2. Where on-farm diversified uses are proposed, the uses shall be encouraged to locate within existing clusters of farm buildings, where possible.

#### **B5.5.4 Small-scale Accommodation Uses**

1. New small-scale accommodation uses may be permitted, subject to an amendment to the implementing Zoning By-law. For the purposes of this Plan, a small-scale accommodation facility has a maximum of 15 rooms for guests. These uses shall be subject to Site Plan Control.
2. Before considering an amendment to the Zoning By-law to permit any of these uses in the Rural designation, Council shall be satisfied that the proposed use:
  - a. is compatible with the rural character of the area;
  - b. can be designed and sited to respond to the topography and setting on the lot;
  - c. is located on a lot having an area of no less than 5.0 hectares;
  - d. is located where it would have little or no impact on agricultural operations;
  - e. can be serviced with an appropriate water supply and means of sewage disposal;
  - f. is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use;
  - g. will not cause a traffic hazard as a result of its location on a curve or a hill; and,
  - h. can be appropriately buffered from adjacent residential or agricultural uses.

### **B5.5.5 Commercial Dog Kennels**

1. Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:
  - a. the size of the proposed dog kennel is appropriate for the area;
  - b. the building housing the dog kennel and any associated dog runs is set back at least 100 metres from lot lines;
  - c. the use is located at least 500 metres from lands within the Townsite, Townsite Mixed Use, Downtown, or Shoreline designations;
  - d. any noise and odour emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
  - e. an appropriate animal waste management plan is put in place; and,
  - f. an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.
2. A new dog kennel shall also be subject to a Site Plan Agreement.

### **B5.5.6 Cemeteries**

1. In accordance with the Provincial Policy Statement (2020) and the Cemeteries Act, cemeteries are permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. A cemetery may include, as an accessory use, a mausoleum and/or a crematorium. Before considering such an amendment, Council shall be satisfied that:
  - a. the size of the cemetery and the accessory uses are appropriate for the area; and,
  - b. the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time.

### **B5.5.7 Hobby Farms**

The Planning Board and local councils recognizes that hobby farming is increasing in popularity and that hobby farming is in keeping with the character of the Rural area. A hobby farm is defined as a farm with a residence where a limited number of domestic animals are kept primarily for recreational purposes and where buildings related to the hobby farm are clearly subordinate and incidental to the residential use.

1. Hobby farms are permitted in the Rural designation, provided the minimum lot size is 2.0 hectares and an acceptable Nutrient Management Plan or Strategy has been prepared.
2. Where a new lot is to be created for the purpose of establishing a hobby farm, regard shall be had for the Minimum Distance Separation II Formulae.

### **B5.5.8 Alternative Energy Systems**

1. Rural areas provide opportunities for the development of energy infrastructure, including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems.
2. Alternative energy systems and infrastructure not subject to an Environmental Assessment may only be permitted subject to a Zoning By-law Amendment and Site Plan Control, where applicable.
3. In preparing an amendment to the Zoning By-law for an alternative energy system on the subject lands, the following issues will need to be addressed:
  - a. Confirmation that the proposal has complied with the Ministry of the Environment, Conservation and Parks Environmental Screening Process for electricity projects;
  - b. An assessment of the impacts such a facility would have on existing lands uses and the future development of adjacent lands primarily with respect to issues of noise and character;
  - c. An assessment of the operational feasibility of the utility, if the facility is to be privately-owned and -operated;

- d. An assessment of the access and servicing requirements required for the facility; and,
- e. Other planning issues that may be considered at the time a proposal comes forward.

## **B5.6 Aggregate Resource Overlay**

### **B5.6.1 Intent**

St. Joseph Island has historically contributed to the regional need for aggregate resources used in road construction and manufacturing of aggregate related products. As such, the Aggregate Resource Overlay is intended to identify lands within the Rural designation which have potential to be used for mineral aggregate extraction purposes, and are to be protected for their long-term use. The following policies apply to the entire Rural designation, however the purpose of the overlay is to identify known aggregate deposits and try to minimize conflicts between existing, new or expanding operations and other uses.

### **B5.6.2 Relationship between this Plan and the Ministry of Northern Development, Mines, Natural Resources and Forestry**

1. It is recognized that the Ministry of Northern Development, Mines, Natural Resources and Forestry licenses and regulates mineral aggregate operations under the Aggregate Resources Act in all of the St. Joseph Island municipalities. It is the intent of this Plan to ensure that there is open and transparent consultation between the appropriate Provincial Ministries and agencies, the proponent of the mineral aggregate operation and Planning Board and/or Council before licenses are issued or modified, in order to ensure that new mineral aggregate operations or expansions of existing operations are carried out in a manner that is consistent with the goals and objectives of this Plan.

### **B5.6.3 Development Adjacent to Existing Extractive Operations**

1. When new development (through a Planning Act application) is proposed within 300 metres of a pit or 500 metres of a quarry within the Rural designation, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry. In order to address this issue, the proponent will be required to retain a qualified professional to complete an impact assessment in accordance with the MOECP D-Series Guidelines.

2. Where the application for development affects lands with known high-quality aggregate resources, as shown on Schedule A, the proponent will also be required to address the criteria in this Section.

#### **B5.6.4 New Mineral Aggregate Operations or Expansions to Existing Operations**

1. Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact. Mineral aggregate operations shall be permitted to continue without the need for Official Plan Amendment or Zoning By-law Amendment.
2. All new mineral aggregate operations and/or expansions to existing mineral aggregate operations shall require an Amendment to the Zoning By-law. All such applications shall be supported by studies that address:
  - a. the effect of the operation of the mineral aggregate resource use on the natural heritage features and functions on the site and in the area;
  - b. nearby communities;
  - c. agricultural resources and activities;
  - d. the character of the area;
  - e. the quality and quantity of groundwater and surface water in the subwatershed;
  - f. the built or cultural heritage resources in the area;
  - g. significant geologic formations on the site and in the area;
  - h. where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
  - i. surface water features in the area;
  - j. nearby wells used for drinking water purposes;

- k. the location and suitability of the proposed haul routes;
- l. the effect of the noise, odour, dust and vibration generated by the proposed use, assessed in accordance with the MOECP's D-Series Guidelines;
- m. how the natural features and functions on the site and in the area can be protected and/or enhanced as part of the design of the pit and/or after the pit has been progressively rehabilitated;
- n. how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- o. how the site will be progressively rehabilitated to accommodate subsequent land uses after the extraction is completed.

#### **B5.6.5 Development of Other Uses in the Aggregate Resource Overlay**

1. The protection of known high-quality mineral aggregate resources shall take precedence, wherever possible, over any development or land use that would preclude its future extraction.
2. Lands located in or adjacent to the Aggregate Resources Overlay on Schedule A shall be protected from development or land uses that may hinder the effective and/or economical extraction of aggregate in the future.
  - a. Adjacent lands are 300 metres from sand and gravel deposits and 500 metres from bedrock deposits.
3. New lots or other development or land use may be permitted on lands so designated, provided it can be shown to the satisfaction of the Planning Board and/or Municipal Council that:
  - a. The resource use would not be feasible; or
  - b. The proposed land use or development serves a greater long-term public interest; and
  - c. Issues of public health, public safety and environmental impact are addressed.

#### **B5.6.6**

#### **Rehabilitation**

1. The progressive rehabilitation of all pits and quarries on the Island is a goal of this Plan. Wherever possible, the Planning Board and/or Council will work with pit and quarry operators and the Ministry of Northern Development, Mines, Natural Resources and Forestry to ensure that all licenses have progressive rehabilitation plans. Comprehensive rehabilitation planning is encouraged.
2. If a site is to be rehabilitated to a natural state, it is the intent of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored.
3. If the site was formerly used for agricultural purposes, it is the intent of this Plan that substantially the same land area and soil capability for agriculture is restored.

#### **B5.7**

#### **Implementing Zoning By-law**

1. All lands in the Rural designation shall be placed in a Rural Zone in implementing zoning by-laws.
2. The implementing Zoning By-laws shall place all existing licensed aggregate operations in a Mineral Aggregate Resource One (MAR1) Zone that permits quarries and sand and gravel extraction operations. The Zoning By-law may also place lands located within the Aggregate Overlay in a more restrictive zone which limits the range of land uses that could occur in such areas.
3. The implementing zoning by-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal rights-of-way and property boundaries.

## **B6 Shoreline**

### **B6.1 Purpose**

The purpose of the Shoreline designation is to:

1. ensure that new development is consistent with the scale and character of the shoreline residential area;
2. ensure that the potential negative impacts of new development on the natural heritage features and groundwater resources in the area are minimized;
3. encourage improvements to the infrastructure in the shoreline area;
4. minimize the potential negative impacts of any new development on the natural shoreline, while maintaining or enhancing the extent of natural vegetation in the shoreline area; and
5. encourage maintain and enhance opportunities for public access to shorelines.

### **B6.2 Location**

The Shoreline designation as shown on Schedule A to this Plan applies to developed areas adjacent to Lake Huron and the St. Mary's Channel. It also applies to the shoreline areas of inland lakes on St. Joseph Island.

### **B6.3 Permitted Uses**

Permitted uses in the Shoreline designation may include single-detached dwellings, bed and breakfast establishments, home occupations, institutional uses as well as public parks and beaches.

### **B6.4 Residential Development Policies**

#### **B6.4.1 New Residential Lots by Consent and Boundary Adjustments**

1. The creation of new lots for a residential use by consent to sever is permitted in the Shoreline designation.

2. To ensure that new lots maintain the character of the shoreline community and can accommodate proper means of sewage disposal, new lots created by consent shall have a minimum lot area of 1.0 hectare, unless a hydrogeological evaluation or other acceptable technical study supports a smaller lot area. Any new lot created is subject to approval by Algoma Public Health.
3. Legal non-complying lots which are made larger as a result of a boundary adjustment shall be deemed to comply with the frontage and area requirements of the implementing Zoning By-law and shall not be subject to a zoning amendment or minor variance, provided the area of the lot is to be increased to at least 929 square metres (10,000 square feet). This policy also applies to new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision.
4. The creation of new lots for residential purposes shall also comply with the Consent policies of this Plan.
5. Despite Section D13.2.1 (New Lots by Consent) Policy (2)(a), new residential lots on islands which can only be accessed by water may be considered subject to the criteria of this Plan.

#### **B6.4.2 Shoreline Setbacks**

1. It shall be a policy of Planning Board and the local municipalities to protect lake and riparian ecosystems by encouraging, to the greatest degree possible, the retention of shoreline areas in a natural vegetated state.
2. The municipal Zoning By-laws will establish appropriate setbacks to restrict the placement of buildings and structures within the shoreline area.
3. All development on properties adjacent to shorelines must maintain a minimum 30-metre setback from the high water mark and/or beyond 178.3 CGD elevation of the shoreline (whichever is the greater distance).
4. Subdivision agreements, site plan control agreements, site alteration by-laws, and/or tree cutting by-laws will be utilized to further minimize impacts on natural shoreline features.
5. New development must provide adequate setback consideration to areas of wave uprush and dynamic beaches.

### **B6.4.3 Marinas**

1. Only existing marinas are permitted in the Shoreline designation. Any new marina shall require an Amendment to the Official Plan and shall only be considered if the proposed marina is compatible with the character of the shoreline area.
2. Any new marina shall be subject to an Environmental Impact Study (EIS) in accordance with the policies of this Plan. The scope of the required EIS shall be determined when the development is proposed.
3. Given their long-term operational and economic significance across St. Joseph Island, the Island's marinas shall be protected from new sensitive land uses. New development within the vicinity of existing marinas shall be sensitive to this land use and appropriately designed, buffered and/or separated to mitigate any potential impacts on the marina.

### **B6.5 Shore Road Allowance**

1. In accordance with Provincial guidelines and statutes, local municipalities may transfer portions of the shore road allowance to private ownership where the intent is to merge a portion of the shore road allowance with an abutting shoreline property. In its assessment of applications for the closure and sale of public road allowances along shorelines, Council shall have regard for the following:
  - a. The portion of the shore road allowance proposed to be closed has no present or future use for public travel, public waterfront areas, public access or other municipal purpose;
  - b. Only the portion of the road allowance above the natural or regulated high water mark may be sold;
  - c. Lands that are subject to flooding or that are located in the Environmental Protection designation may not be sold;
  - d. Only the portion of the road allowance between the existing lot and the shoreline will be considered for sale to the property owner;
  - e. Local biodiversity and environmental issues; and,

- f. All costs incurred in the closing and transfer of a shore road allowance shall be paid for by the transferee.

## **B6.6 Implementing Zoning By-law**

1. All lands that are used for residential purposes and which have frontage on a public road that is maintained year-round shall be placed in a Shoreline Residential Zone in the implementing zoning by-law.
2. Lands that are used for residential purposes, but which front on a private road shall be placed in a Limited Service Residential Zone in accordance with the Private Roads policies of this Plan.
3. Lands that are used for commercial or institutional use shall be placed in appropriate zones that recognize the use. All undeveloped land in the shoreline area that is designated Shoreline shall be placed in a Rural Zone. Permitted uses in this zone shall be restricted to uses that legally existed on the date the implementing zoning by-law comes into effect.

## **B7 Major Recreation**

### **B7.1 Purpose**

The purpose of the Major Recreation designation is to:

1. encourage recreational uses which are compatible with the character of the Island and promote recreation and tourism-based economic development;
2. ensure that new uses are properly planned and located and serviced with appropriate supply of water, sewage, and stormwater management services; and
3. ensure that new recreational uses will not have a negative impact on the environmental and hydrogeological features, conservation areas, and other protected areas and natural resources.

### **B7.2 Location**

The Major Recreation designation as shown on Schedule A to this Plan applies to the major private recreational uses that were in existence or approved on the date this Plan was adopted by Planning Board and Council.

### **B7.3 Permitted Uses**

1. Permitted land uses in the Major Recreation designation shall generally relate to resource-based recreational activities including those uses which existed or had received Official Plan Amendment approval prior to the date this Plan was approved. Major Recreational uses should be characterized by uses, buildings and structures which are compatible with, integrated into, and do not dominate, the natural setting.
2. Accessory uses to a Major Recreational use may include retail and service commercial uses and accommodation facilities. Any accessory use must be subordinate and ancillary to the main use permitted in this land use designation.
3. An accessory single-detached dwelling or accessory dwelling unit may be permitted to allow an on-site residence for the owner, an essential worker or caretaker where it is deemed necessary to live on site.

4. Previous residential uses approved or legally existing on or before the approval date of this Plan for land within the Major Recreation designation will not be negatively impacted by the policies of this section.

## **B7.4 Development Policies**

### **B7.4.1 New Uses and Expansions to Existing Uses**

1. The development of a new major recreation use shall require an Amendment to the Official Plan and Zoning By-law and shall be subject to Site Plan Control.
2. Expansions to existing uses on lands that are already within the Major Recreation designation shall require an amendment to the implementing Zoning By-law and will be subject to Site Plan Control.
3. Expansions to existing uses onto lands which are not designated Major Recreation shall require both an Amendment to the Official Plan and Zoning By-law and shall also be subject to Site Plan Control.
4. Before considering an amendment to the Official Plan (if required) and Zoning By-law, Planning Board and/or Council shall be satisfied that:
  - a. the proposed use or expansion is compatible with the rural character of the area and adheres to the MDS I Formulae;
  - b. the development can be designed and sited to blend in with surrounding land uses;
  - c. the proposed use or expansion is located where it will not impact existing agricultural operations on adjacent lands;
  - d. the proposed use can be serviced with an appropriate water supply and means of sewage disposal;
  - e. if an expansion is proposed, the entire use is serviced by an appropriate water supply and means of sewage disposal;
  - f. appropriate guarantees are in place to ensure that the impacts of the effluent from a private communal sewage treatment system on the

lands (if required) on down-gradient water supplies is monitored frequently;

- g. sufficient financial securities are available to ensure that downstream water supplies can be replaced in the event of a problem that is directly attributable to the operation of the private communal sewage treatment system (if there is one) on the lands;
- h. off-site impacts resulting from the use of fertilizers, herbicides and fungicides have been reviewed and it has been demonstrated that impacts will be minimal to non-existent;
- i. the proposed use is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use;
- j. the proposed use can be appropriately buffered from adjacent residential uses; and,
- k. an appropriate monitoring program, which serves to monitor the impact of the use on the quality and quantity of the groundwater, surface waters and the environment in general is developed.

## **B7.5 Zoning By-Law Implementation**

1. All lands in the Major Recreation designation shall be placed in appropriate Recreation Zones in the implementing Zoning By-law.

## **B8 Environmental Protection**

### **B8.1 Purpose**

The purpose of the Environmental Protection designation is to:

1. protect, maintain, and enhance the ecological integrity of the natural heritage system and natural heritage features for the long-term;
2. eliminate the potential for the loss or fragmentation of Provincially Significant Wetlands, significant and non-significant Coastal wetlands, wildlife habitat including habitats of endangered and threatened species, wildlife features, and areas of natural and scientific interest, and adjacent lands, and the habitats and ecological functions they provide; and,
3. provide the tools to properly assess development applications located in close proximity to environmentally sensitive features and areas.

### **B8.2 Location**

The Environmental Protection designation is intended to include the following components of the Island's Natural Heritage System:

1. All significant and non-significant coastal wetlands;
2. All other wetlands that were designated or which have been identified but not evaluated according to the Ontario Wetland Evaluation System;
3. Significant wildlife habitats, and the habitats of endangered and threatened species;
4. Areas of Natural and Scientific Interest; and,
5. Any other area that has been determined to be environmentally significant as a result of a planning process.
6. Lands designated Environmental Protection are shown on Schedule A to this Plan. The individual components of the Environmental Protection designation are shown on Schedule B to this Plan, except the habitat of endangered or threatened species, due to the sensitive nature of the information.

## **B8.3 Permitted Uses**

1. Permitted uses on lands designated Environmental Protection are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of this policy, works and infrastructure that by their nature must be located within the floodway, such as flood and erosion control works are permitted. For the purposes of this section, a golf course or similar land use is not a passive recreational use.
2. Development and site alteration shall not be permitted in the Environmental Protection designation, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
  - a. Development and site alteration is prohibited in significant wetlands and significant coastal wetlands.
3. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
4. Proposals for development and site alteration shall be accompanied by a supporting Environmental Impact Study which demonstrates that the proposed development will not cause negative impacts on the natural features or their ecological functions.
5. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Environmental Protection. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited, but are encouraged to comply with good forest management practices as recommended or endorsed by the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Ontario Forestry Association.

## **B8.4 General Policies Applying to The Environmental Protection Designation**

### **B8.4.1 Use of Lands in Private Ownership**

1. Where any land within the Environmental Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

#### **B8.4.2**

#### **Adjacent Lands**

1. Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:
  - a. 120 metres of the boundary of coastal wetlands or a Provincially significant wetland;
  - b. 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest (ANSI) – earth science and 120 metres from the boundary of an ANSI – life-science; and,;
2. 120 metres of a significant wildlife habitatNo development or site alteration shall be permitted on these adjacent lands 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 on their ecological functions.
3. Development or site alteration is not permitted without Council approval of a zoning by-law amendment, site plan, development permit or other appropriate planning approval. Council may require an Environmental Impact Study and/or a subwatershed study and/or a geotechnical study is completed and approved by Council, subject to the comments of the appropriate agencies.
4. The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

#### **B8.5**

#### **Description of Components of the Environmental Protection Designation**

The Natural Heritage System represents a network of natural areas that continues to exist after the area was settled and the lands and waters that support the ecological functions critical to the survival of these areas. The components of the natural heritage system that are within the Environmental Protection designation are as follows: coastal wetlands, significant wetlands, significant wildlife habitat, significant areas of natural and scientific interest, habitat of endangered species and threatened species, and adjacent lands to the natural features and areas as described in this Official Plan..

## B8.6

## Wetlands

1. Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play a very important role in the natural heritage system, since they:
  - a. provide habitat for plants and animals;
  - b. store water for groundwater recharge purposes;
  - c. trap sediments, nutrients and contaminants thereby improving downstream water quality;
  - d. provide corridors for plant and animal movements; and,
  - e. provide flood control and protect shorelines from erosion.
2. Wetlands which have been distinguished for planning purposes in this plan are Provincially Significant Coastal Wetlands, Significant Wetlands, and Locally Significant Wetlands, Non-significant Coastal Wetlands, Unevaluated Wetlands.
3. Many wetlands on the Island have been evaluated by the Ministry of Northern Development, Mines, Natural Resources and Forestry and have been classified as Provincially Significant Wetlands and Provincially Significant Coastal Wetlands. Wetlands which have been classified as such are identified on Schedule B to this Plan.
4. There are also other wetlands on the Island that have either not been evaluated by the MNDMNRF or do not meet the criteria to be considered Provincially significant. These wetlands are also identified on Schedule B.
5. All wetlands, regardless of classification, will be designated as Environmental Protection. Any application for the alteration of a boundary of a Provincially Significant Coastal Wetland, either as an increase or a decrease, must be approved by the Ministry of Northern Development, Mines, Natural Resources and Forestry.

## **B8.7 Significant Wildlife Habitat and Habitat of Endangered, Threatened Species**

1. A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or nonmigratory species. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.
2. Wildlife habitat areas shown on Schedule B to this Plan include significant wildlife habitat areas such as deer wintering areas, staging areas, aquatic feeding areas and nesting sites. As new information becomes available, other wildlife habitat areas may become known and added to Schedule B. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.
3. An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. Threatened or endangered species are listed in Ontario Regulation 23/08, Species at Risk in Ontario List. The 'habitat' of endangered, or threatened species is an area on which the species depends, directly or indirectly, to carry on its life processes, such as reproduction, rearing, hibernation, migration or feeding, and includes places in the area that are used by members of the species as dens, nests, hibernacula or other residences.
4. The habitat of all species that are considered to be endangered or threatened is intended to be contained within the Environmental Protection designation. Additional studies and/or consultation may locate such habitats and, in such instances, it is the intent of this Plan that these areas be subject to the policies of this section. Schedules A and/or B will be amended if necessary to reflect the additional habitat(s) located through further study.
5. Any person undertaking an activity within a habitat of an endangered or threatened species is responsible to determine if an Endangered Species Act (ESA), is modified so that it reads: authorization is required before the activities are undertaken.

6. If it has been determined that there is a potential for Species At Risk and/or their habitat to be impacted by the development, landowners/developers shall contact the Ministry of Environment Conservation and Parks to obtain required permits under the ESA.

## **B8.8 New Development in the Environmental Protection Designation**

1. There may be circumstances where development may be permitted in the Environmental Protection designation, if such development:
  - a. is not located within a Significant Coastal Wetland or Significant Wetland;
  - b. is not located within Significant Wildlife or 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.
  - c. is not located within habitat of endangered species and threatened species except in accordance with provincial and federal requirements.
  - d. is not located on adjacent lands to the natural heritage features and areas identified above 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.
  - e. cannot be located on another portion of the lot that is not within the Environmental Protection Zone;
  - f. is essential in the location proposed and all other alternatives have been reviewed and are determined to not be viable;
  - g. as it relates to Provincially Significant Coastal Wetlands and significant habitat of endangered or threatened species, does not result in an expansion or intensification of an existing use;
  - h. is set back a minimum of 30 metres from the normal high water mark, or 15 metres from the top of bank, whichever is greater;

- i. is supported by an Environmental Impact Study that is prepared in accordance with the policies of this Plan and approved by the Planning Board and/or Council, subject to the comments of the appropriate agencies; and
  - j. any other studies, reports and/or plans as required by the Planning Board and/or Council.
- 2. The requirement for an Environmental Impact Study may be waived by the Planning Board or Council if the intent is to replace an existing building, as long as development, and any new site alteration, is in the same existing disturbed area/site alteration envelope as that which it is replacing and will not result in a negative impact on the adjacent natural features or their ecological functions.
- 3. Where new development is proposed within the Environmental Protection designation and the proposal conforms with the above criteria, a zoning amendment will be required. The creation of a new lot for conservation purposes, forestry or woodlot management practices is not permitted.

## **B8.9 Requirements for an Environmental Impact Study**

Where the policies of this Plan require that an EIS be prepared, such an EIS shall be prepared in accordance with the requirements of this section.

### **B8.9.1 Purpose of an EIS**

- 1. The purpose of an EIS is to:
  - a. collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
  - b. make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Island; and,
  - c. evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
- 2. Where the focus of study is adjacent lands, as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate

that there will be no negative impacts on natural features or ecological functions.

3. Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.
4. Any EIS must be approved by Council, in addition to the Planning Board and any other appropriate agencies, before a planning application that facilitates the development that is subject to the EIS is accepted by Council.

## **B8.9.2      Contents of an EIS**

1. The EIS shall include a description of:
  - a. the proposed undertaking and study area boundaries;
  - b. the natural features, ecological functions, linkages, and other natural processes of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
  - c. any lands that support environmental attributes and/or functions that may qualify the lands for designation within the Environmental Protection designation;
  - d. the direct and indirect effects to the ecosystem that might be caused by the undertaking;
  - e. any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
  - f. any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;

- g. how the proposed use(s) affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
  - h. a Management Plan (MP) identifying:
    - i. how the potential adverse effects will be avoided or minimized over the construction period and the life of the undertaking;
    - ii. how environmental features and functions will be enhanced, where appropriate, and
    - iii. describing the net effect of the undertaking after implementation of the MP.
2. The MP shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

### **B8.9.3 What an EIS Should Demonstrate**

1. The EIS should demonstrate, where applicable, that the proposed use(s) will:
- a. not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
  - b. be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
  - c. not cause erosion or siltation of watercourses or changes to watercourse morphology;
  - d. not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
  - e. not cause an increase in flood potential on or off the site;

- f. maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
  - g. not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
  - h. enhance and restore endangered terrestrial and aquatic and fish habitat, where appropriate and feasible;
  - i. not interfere with the function of existing or potential natural corridors;
  - j. not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
  - k. not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat.
2. In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan or the ecological functions for which the area is identified.

## **B8.10 Zoning By-law Implementation**

1. The boundaries of the Environmental Protection designation are delineated in a conceptual manner on Schedule A. The extent and exact location of the boundaries are intended to be delineated in the implementing Zoning By-law in accordance with detailed mapping provided by the Provincial agencies such as the Ministry of Northern Development, Mines, Natural Resources and Forestry, and will not require an Amendment to this Plan. Such lands will be placed in appropriate environmental zones in the implementing Zoning By-law.
2. Where any application is made to amend the boundary of an area identified as Provincially Significant Coastal Wetland or Significant Wetland, in the Zoning By-law, the application shall be circulated to the Ministry of Natural Resources (MNR). The official boundaries of an evaluated wetland cannot be changed without Ministry of Natural Resources' written concurrence.
3. The implementing zoning by-laws shall also incorporate general setbacks from lot lines for buildings, structures, parking areas and other similar facilities from lands within the Environmental Protection in relation to the

extent and severity of the natural environmental features and ecological functions of the area. However, local municipalities may evaluate this general setback for specific development applications to provide appropriate setbacks.

4. The implementing zoning by-laws shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone. A reduction in the setbacks will require either an Amendment to the implementing zoning by-law or a minor variance, subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:
  - a. the nature and stability of the soils;
  - b. the nature and stability of the vegetation and cover;
  - c. the slope of the land;
  - d. the nature of existing and proposed drainage patterns;
  - e. the nature of the fish and wildlife that may be present; and,
  - f. the scale of the proposed development.
5. Council shall be satisfied that the proposed development can be accommodated in a safe manner without causing any negative impact on the features and functions of the corridor.

## **B9 Major Open Space**

### **B9.1 Purpose**

The purpose of the Major Open Space designation is to:

1. identify large land holdings on the Island in public ownership;
2. ensure that the use and development of open space lands is consistent with the environmental objectives of this Official Plan;
3. ensure that the impacts of the use of the open space lands on adjacent land uses are minimized; and,
4. ensure that the residents and tourists have access to a properly planned and accessible parkland system.

### **B9.2 Location**

1. The Major Open Space designation as shown on Schedule A to this Plan applies to the open space lands that are in public ownership.
2. Lands designated Major Open Space are available for public use by all Municipal residents and in addition, are used by many non-residents.

### **B9.3 Permitted Uses**

1. Permitted uses in the Major Open Space designation are limited to passive and active recreational uses, conservation uses, forestry uses in accordance with good management practices and accessory uses.

## **B9.4 Components of the Major Open Space Designation**

### **B9.4.1 Community Parks in Richards Landing and Hilton Beach**

1. Community parks in the Richards Landing and Hilton Beach are also considered to be part of the Island's major open space system. These parks include W.I. Park, Tranter Memorial Park, Cenotaph Park, Centennial Grounds Park and Forbes Community Park. It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the Island's residents and visitors.
2. Before any major changes to funding or the level of service in each of the existing community parks are made, a long-range plan shall be prepared. Such a long-range plan will review and obtain public input on the current and proposed functions of the park and the type and scale of the improvements required to ensure that the park meets the community's needs and is cost-effective to operate.

### **B9.4.2 Small Community Parks and Road Allowances in the Shoreline Area**

1. In addition to the community parks, there are a number of other publicly-owned lands that are used for recreational purposes. These include the smaller park areas and road allowances accessing existing passive beach areas. Although these areas are considered to be part of the Island's open space system, they are not considered to be major open space areas, since they are either intended to be used on a low-intensity basis by all Island residents or are designed for use by residents in the immediate neighbourhood.

### **B9.4.3 Relationship between the Environmental Protection designation and the Major Open Space designation**

1. It is recognized that there are lands in the Major Open Space designation which should be designated Environmental Protection, given they form part of, or are in proximity to, a significant natural heritage feature. Where this overlap occurs, as shown on Schedule B, the policies of Section B8 or C2 shall take precedence over the Major Open Space policies. The Planning Board has chosen to identify these lands as Major Open Space in the Plan, as it is a source of community pride that such lands are protected in public ownership.

## **B9.5        Zoning By-law Implementation**

1. All lands in the Open Space designation shall be placed in an Open Space Zone in the implementing Zoning By-law.

## **B10 Rural Highway Commercial**

### **B10.1 Purpose**

The purpose of the Rural Highway Commercial Designation is to:

1. provide commercial opportunities in appropriate locations on the Island which serve the rural residents or visitors; and,
2. ensure that new rural highway commercial development occurs in an orderly manner; and,
3. ensure appropriate lands are available to accommodate commercial uses which may not be appropriate or compatible within the Downtown or other designations which permit commercial uses.

### **B10.2 Location**

The Rural Highway Commercial designation, as shown on the Schedules to this Plan, applies to existing highway commercial uses on major roadways and intersections on the Island. Designating additional lands as Rural Highway Commercial would require an Official Plan Amendment.

### **B10.3 Permitted Uses**

1. Permitted uses on lands designated Rural Highway Commercial may include auto service and sales, convenience stores, restaurants, hotels and motels, wholesale establishments, storage and/or warehousing establishments, agricultural-related retail uses, auction yards, garden centres, institutional uses and other similar and/or accessory uses.

### **B10.4 Form of Development**

1. It is the intent of this Plan that development within the Rural Highway Commercial designation serve the needs of the rural and agricultural community or the traveling public and be planned to ensure that servicing and access can be adequately addressed.

## **B10.5 Commercial Uses in Proximity to Richards Landing and Hilton Beach**

1. This Plan has designated land beyond the limits of the settlement areas of Richards Landing and Hilton Beach that is considered to be appropriate for highway and service commercial uses, subject to a Zoning By-law Amendment. This policy shall not preclude other lands from being used for highway or service commercial uses.
2. Where other lands are proposed to be used for highway or service commercial uses, an Official Plan Amendment and Zoning by-law Amendment shall be required. Highway and service commercial uses shall also be subject to Site Plan Control.

## **B10.6 Development Policies**

1. Development proposals for new Rural Highway Commercial uses may be subject to an amendment to the Official Plan and/or implementing zoning by-law and will be subject to Site Plan Control. Prior to considering an application, Council shall be satisfied that:
  - a. Adequate parking and loading facilities are provided on the site in accordance with the applicable Zoning By-law;
  - b. Existing or proposed landscaping will be provided to enhance the site and surrounding area;
  - c. Outdoor storage areas are substantially screened from the view from the abutting public highway;
  - d. The proposed use can be serviced, either by the municipality or privately, with an appropriate water supply and means of sewage disposal. Where private services are proposed, it must be demonstrated that they support protection of the environment and minimize potential risks to human health and safety;
  - e. Where a proposed use abuts, or is in close proximity to, an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses; and,

- f. Where a proposed use is located in proximity to a property occupied by an existing farm operation, the applicant shall undertake a Minimum Distance Separation One (MDS1) calculation to assist in ensuring the proposed use will be compatible with surrounding uses.

## **B10.7      Implementing Zoning By-law**

1. All lands within the Rural Highway Commercial designation shall be placed in an appropriate Commercial Zone in the implementing Zoning By-law.

## **Part C – General Environmental Policies**

### **C1 Objectives**

1. It is the intent of this Plan to:
  - a. recognize and protect all significant rivers and streams and other bodies of water in the Island from development that may have an impact on their function as an important component of the natural heritage system;
  - b. ensure that development does not occur on lands that are unstable or susceptible to flooding;
  - c. ensure that development does not occur on hazardous slopes;
  - d. protect the quality of water available for drinking water purposes;
  - e. identify what is required to support an application for development in an area that is considered to be environmentally sensitive;
  - f. identify what information is required to support an application that may have an impact on the hydrogeological resources of the Island; and
  - g. prepare for and mitigate the impacts of a changing climate.

### **C2 Environmental Features Not Included in the Environmental Protection Designation**

#### **C2.1 Rivers and Streams**

1. All of the rivers and streams on the Island, as shown on the schedules to this Plan, are considered to be environmentally significant since they:
  - a. contain fish habitat areas;

- b. function as corridors for migrating wildlife habitat movement and vegetation dispersal;
  - c. serve to maintain the quality and quantity of surface and ground water resources; and,
  - d. assist in the improvement of air quality.
- 2. All rivers and streams shall be protected from incompatible development to minimize the impacts of such development on their function. No development/site alteration is permitted within the flooding hazard limit, as defined by the 100-year flood, or within the Erosion Hazard limit, as defined by a qualified person and sealed/stamped by a professional engineer in accordance with provincial guidelines. The top of bank shall be determined by an Engineer and/or Surveyor.

## **C2.2 Fish Habitat**

- 1. Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. New development may be permitted within fish habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature and the Fisheries and Oceans Canada has authorized such development or works in accordance with the Fisheries Act.
- 2. Fish Habitat is not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority when proposing any development on lands adjacent to water.
- 3. For the purpose of this section, lands adjacent to fish habitat are defined as being within 120 metres of a fish habitat area. Filling, dredging and/or other shoreline alterations within 30 metres of fish habitat areas is prohibited and may be subject to enforcement by the Federal Department of Fisheries and Oceans.
- 4. Subject to the approval of the local Council, the Planning Board, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Federal Department of Fisheries and Oceans, new development may be approved in shoreline areas, adjacent to and within the required setback, subject to a satisfactory Environmental Impact Study being completed, which shows that development will not have a negative impact on Fish Habitat.

## **C2.3 Woodlands and Valleylands**

1. There are wooded areas on the Island that are not within the Environmental Protection designation primarily because of their small size or their location within urban or rural areas. Similarly, valleylands have not been specifically placed in the Environmental Protection designation. However, these areas greatly contribute to the character of the Island as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands.
2. Woodlands and valleylands shall be retained in their natural state, whenever possible and appropriate, as a condition of development approval.

## **C2.5 Other Areas Identified Through a Planning Process**

1. It is anticipated that there will be areas of land where a detailed planning approval process or Provincially-initiated study has identified an environmental or topographical feature that should be protected from development. These areas may have been identified at the time of the review of a development application or may have been identified as being sensitive as part of a Secondary Plan process. Examples of such areas in the Island include low and wet areas that have not been identified on Schedule B.
2. The identification of such new areas would only occur through the review of a development application requiring an amendment to this Plan. New environmental features which are identified will be added to Schedule B in the more expeditious of:
  - a. by an Official Plan Amendment for that purpose, or
  - b. at the time of an Official Plan review.

## **C3 Water Resource Management**

1. At the present time, all of the Island's rural and shoreline residents obtain drinking water from private wells. It is a policy of this Plan to protect existing sources of drinking water for future use.
2. All development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, institutional and any use permitted in the Major Recreation designation shall be supported by a Water Resource Management (WRM) Report.

3. A WRM Report prepared under Policy 2 shall be prepared by a hydrogeological professional to the satisfaction of the Planning Board and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:
  - a. how to maintain or enhance the natural hydrological characteristics of the water resource;
  - b. how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
  - c. how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
  - d. how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
  - e. whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,
  - f. how to ensure that the quality of the watercourses affected by the development are maintained.

## **C4 Stormwater Management**

1. Stormwater management is the planning, design and implementation of systems that mitigate and control the impacts of human-made changes to the run-off and other components of the hydrologic cycle. Stormwater management shall be planned in a manner which:
  - a. is integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
  - b. minimizes, or, where possible, prevents increases in contaminant loads;
  - c. minimizes erosion and changes in water balance, and prepares for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;

- d. mitigates risks to human health, safety, property and the environment;
  - e. maximizes the extent and function of vegetative and pervious surfaces; and
  - f. promotes stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.
2. All commercial, industrial, institutional and residential development (five lots or more) proposals shall be supported by a Stormwater Management (SWM) report. The content and depth of the SWM report shall be determined when the development is proposed.
3. A SWM Report shall be prepared by a qualified professional to the satisfaction of Council and/or Planning Board and the appropriate agencies and shall be prepared in accordance with provincial guidelines.
4. In addition to Policy 3, a SWM Report shall:
- a. provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year Timmins storm event;
  - b. document the possible impacts of development on watershed flow regimes, including their interconnection with groundwater resources;
  - c. provide recommendations on how to maintain pre-development water quality and improve run-off, where appropriate;
  - d. document the means by which stormwater volume control will be provided; and,
  - e. determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.
5. All stormwater management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Zone in the implementing zoning by-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.

6. Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the local Council may be required as a condition of approval, to provide for their continued maintenance.

## **C5 Hazard Land Policies**

### **C5.1 Steep Slopes and Ravines**

1. Development will not be permitted on slopes that are subject to active erosion or historic slope failure.
2. Development shall be sufficiently set back from the top of bank of slopes greater than 1 in 3. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
  - a. soil type and groundwater patterns;
  - b. vegetation type and cover;
  - c. severity of slope; and,
  - d. nature of development.
3. In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of the Planning Board or Local Council.

### **C5.2 Natural Hazards**

1. Development will generally be directed to areas outside of hazardous land adjacent to the shoreline of Lake Huron, the St. Mary's Channel, inland lakes, and river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Development and site alteration shall not be permitted within the dynamic beach hazard, areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock.

2. Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for development and site alteration which must, by its very nature, be located within a floodway.

### **C5.3 Wildland Fire Hazards**

1. Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire.
2. In certain circumstances, development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.
3. In the absence of a detailed assessment prepared for the Planning Board and/or local Municipality, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the lands proposed for development and, to the extent possible, adjacent lands. If development is proceeding where a high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
4. Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in areas where natural heritage features occur, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

### **C5.4 Hazardous Sites**

1. Hazardous sites are defined as lands that could be unsafe for development and site alteration due to naturally occurring hazards, such as unstable soils or bedrock. There are no known hazardous sites on St. Joseph Island, however, at the time a Planning Act application is submitted, Council and/or Planning Board may require the preparation of a technical study to confirm if such conditions exist on site.
2. In the event the technical study confirms that some or all of the lands proposed for development are hazardous, the study shall determine whether

the risks created by the hazard can be managed or mitigated in accordance with Provincial standards. In doing so, the criteria in Section C5.1 shall apply.

### **C5.5 Hazardous Substances**

1. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on hazardous lands or hazardous site.

### **C5.6 Human-Made Hazards**

1. Human-made hazards may occur on lands which include, but are not limited to, former mineral mining operations, mine hazards, and former mineral aggregate operations. Development and site alteration on, abutting, or adjacent to these lands may only be permitted if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
2. Sites with contaminants in land or water shall be assessed and remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse impacts.

## **C6 Wellhead Protection**

1. The Settlement Areas of Hilton Beach and Richards Landing both obtain their water supplies from drilled wells. The location of the wells serving the settlements are identified on the Schedules to this Plan, as are Wellhead Protection Areas and Capture Zones.
2. Proponents of new development within the identified Wellhead Protection Area shall be required to undertake a technical assessment to confirm that the proposed development will not adversely impact the quality or quantity of municipal water supplies. Such assessment shall be completed by a professional with expertise and qualifications in assessing the impact of development upon groundwater resources.
3. Implementing Zoning By-laws may prohibit certain uses, including but not limited to the storage of animal manure or petroleum products, within 500 metres of a wellhead.

## C7

## Waste Disposal Sites

1. There are three open waste disposal sites on the Island, as shown on the Schedules of this Plan. These sites shall be protected to ensure there is adequate capacity to accommodate present and future needs. The development of new uses or the enlargement of buildings or structures within an influence area of approximately 500 metres from the boundary of a fill area of and open or a closed site is prohibited. Notwithstanding this policy, development may be permitted with submission of an assessment prepared by a qualified professional that determines:
  - a. the impact of any potential methane gas migration;
  - b. whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
  - c. potential traffic impacts;
  - d. whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
  - e. the impact of the proposed use on leachate migration from the landfill site.
2. In addition to the matters listed in Policy 1, the assessment shall address other items outlined in the Province's Guideline D-4, Land Use On or Near Landfills and Dumps, to ensure that the proposed land uses are compatible in nature and do not create adverse impacts.
3. The studies required to support a development application within the influence area of a Waste Disposal Site may be scoped based on the type and/or scale of the development proposed, as determined by the Municipal Council and/or the Planning Board.
4. All lands within the influence area of a Waste Disposal Site shall be subject to a Holding provision in the implementing zoning by-law. The lifting of a Holding provision permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until all required studies have been completed to the satisfaction of the Municipality and/or Planning Board.

5. In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies addressing the matters set out in the policies of this section shall be submitted for Planning Board and/or Council's consideration.
6. It is a policy of this Plan to ensure the residents of St. Joseph Island are provided with safe and cost-efficient waste management systems during the lifespan of this Official Plan and beyond. Although it is not anticipated that a new waste disposal site will be necessary during the life of this Official Plan, in the event a new site is deemed necessary, an amendment to this Plan will be required.
7. Despite the policies of this section, the policies shall not apply to a communal sewage or septage facility.

## **C8 Land Use Compatibility**

1. It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries, including major facilities and other sensitive land uses, such as waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other to avoid, minimize, and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.
2. Where avoidance is not possible, it must be demonstrated that there is an identified need for the use and an evaluation of alternative locations must be undertaken. Where the need for the proposed use is identified and no reasonable alternative locations are feasible, the Planning Board and/or Council shall assess the compatibility of the proposal in accordance with the Ministry of the Environment, Conservation and Parks D-Series Guidelines.
3. Where a proposed use cannot satisfy the minimum requirements of the applicable MOECP guidelines or its successor, or the potential impacts of the proposed use cannot be minimized and mitigated, the use will not be permitted. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through Zoning or Site Plan Agreements.

## **C9 Contaminated Sites**

1. If the site of a proposed use is known or suspected to be contaminated, the Planning Board and/or Council shall require the proponent to prepare a Phase 1 Environmental Site Assessment and if recommended by the Phase 1 Study – a Phase 2 Environmental Site Assessment in accordance with the Ministry of the Environment, Conservation and Parks guidelines, manuals and O. Reg 153/04 Brownfields Regulation, which determines the nature and extent of the contamination and the identification of a remedial plan if required.
2. Where the need for remediation is identified, the site shall be remediated and a Record of Site Condition be obtained before development approvals are granted.

## **C10 Minimum Distance Separation (MDS)**

1. Development in all policy designations shown on the Schedules to this Plan shall comply with the Minimum Distance Separation (MDS) Formulae I and II, as established and amended by the Province. The formulae shall be implemented through its inclusion in the implementing Municipal Zoning By-laws. The administration / interpretation of the formulae shall be guided by implementation guidelines, as established by the Province.

While the administration and interpretation of MDS formulae shall be guided by the implementation guidelines as established by the Province, it may be desirable in certain circumstances to reduce a required MDS. A reduction may be accomplished through either a Zoning By-law Amendment or Minor Variance. Reductions to MDS will generally be restricted to situations where a reduction in the setback will result in an overall improvement over the existing separation distance, or when the reduction will result in an overall environmental improvement over the existing separation distance.

## Part D – General Development Policies

### D1 Additional Units

Additional units, which may take the form of apartments within a dwelling or in an ancillary building on a residential property, are considered to be an affordable and market-based housing type.

1. Additional units shall be permitted in a detached, semi-detached, or townhouse dwelling, to a maximum of one additional unit per dwelling.
2. Additional units shall be permitted in a building ancillary to a detached, semi-detached, or townhouse dwelling, to a maximum of one additional unit per dwelling.
3. Where an additional unit is located in a building ancillary to a dwelling:
  - a. The ancillary building shall share water and wastewater services with the main dwelling; and
  - b. The ancillary building may not be severed from the lot accommodating the primary dwelling.
4. Notwithstanding the policies of this section, an additional unit will not be permitted on a lot that contains a garden suite.
5. Additional dwelling units on individual on-site services must demonstrate that the individual on-site water and wastewater services can accommodate the additional unit with no negative impacts.

### D2 Group Homes

1. Where a dwelling is permitted in a Municipal Zoning By-law, the by-law shall also permit a group home.

## **D3 Home Occupations and Home Industries**

### **D3.1 Home Occupations**

Home occupations, such as artisan or craft workshops, are typically professional work and service activities that are carried out within a residential dwelling or accessory building that typically do not involve the retail sale of goods.

1. Home occupations shall generally occupy no more than 30% of the gross floor area of the dwelling and shall not change the primarily residential character of the dwelling.
2. Home occupations shall be permitted as-of-right in the implementing Zoning By-laws, subject to certain criteria that ensure the extent and character of the home occupation is appropriate.

### **D3.2 Home Industries**

Home industries are small-scale industrial uses that are accessory to agricultural uses and/or a single-detached dwelling. Such uses may also support the agricultural industry in the area. Home industries may include welding, carpentry or machine shops, or agriculture-related uses that involve the processing or transportation of regionally-produced agricultural crops or other products.

1. Home industries shall be located outside of Settlement Areas.
2. A home industry shall not detract from the primary use of the property for agricultural or residential purposes.
3. The accessory retail sales of products produced in the home industry is also permitted.
4. The repair, storage or sale of motor vehicles shall not be classified as a home industry.
5. Home industries will be permitted as-of-right in the implementing Zoning By-law, provided:
  - a. the building accommodating the home industry is located within the existing farm-building cluster, if located on an active farm property;

- b. the home industry is located on a lot that has a minimum area of 2.0 hectares and is set back from any lot line developed with a residential use at least 300 metres, or a lesser distance as determined through a technical assessment in accordance with the MOECP D-Series Guidelines;
  - c. the home industry is not a Class 3 industry as defined by the MOECP D-Series Guideline;
  - d. any open storage associated with the home industry is limited and screened from view;
  - e. the home industry has a limited number of employees, as specified in the zoning by-law; and,
  - f. the retail component is clearly accessory to the use and does not detract from the primary use of the property.
6. The development of a new home industry may be subject to Site Plan Control.

## **D4 Bed and Breakfast Establishments**

1. Bed and breakfast establishments shall be permitted in single-detached dwellings, provided the bed and breakfast establishment:
  - a. is located within the principal residence of the owner/operator;
  - b. conserves the character of the dwelling as a residential dwelling; and,
  - c. is licensed annually in accordance with Municipal Lodging and Bed and Breakfast Licensing by-law as amended, where applicable.
2. The implementing Zoning By-law shall define a bed and breakfast establishment and may further detail the conditions under which a bed and breakfast establishment may be permitted.

### **D4.1 Short-Term Rentals**

The communities of St. Joseph Island recognize the evolving character of short-term accommodations, facilitated primarily by new online technologies. Short-

Term Rentals refers to private dwellings, or parts thereof, that are leased as accommodations to the traveling public for a short period of time. Meals or other complementary services may or may not be provided in these accommodations.

1. Owner-occupied Short-Term Rental operations shall be considered as conventional bed and breakfast establishments for the purposes of this Official Plan. Municipal zoning by-laws shall contain provisions and definitions that similarly establish owner-occupied short-term rental operations as bed and breakfast establishments.
2. A Short-Term Rental operation that is not owner-occupied shall be considered as a commercial use. Such Short-Term Rental operations may be permitted subject to a zoning by-law amendment and may be added as an additional permitted use in the underlying zone at the discretion of the Municipal Council and subject to Policy 3 below.
3. When assessing the appropriateness of a new short-term rental that is not owner occupied, Council shall consider the following criteria when evaluating a zoning by-law amendment application: location and site access/egress, availability of services, capacity of water and sanitary services, parking, and proximity of adjacent dwellings among other considerations.

## **D5 Residential Care Facilities**

Residential care facilities are defined as residential facilities which accommodate residents who have a range of emotional, psychiatric, physical, developmental, or social problems who live in a 24-hour supervised setting and receive both room and board and assistance with daily living.

1. There are a variety of residential care facilities which are generally categorized as group homes, second level boarding/lodging homes, or treatment centres, depending upon their program, funding, size, operator, or Provincial licensing as it may apply.
2. This Plan supports the provision of an adequate regional supply of residential care facilities subject to appropriate funding from senior government agencies, the provision of adequate community services for clients and proper siting of such facilities in accordance with the policies of this Plan.

## **D6 Age-Friendly Planning**

The policies of this Section relate to age-friendly planning practices and their relationship to land use.

1. Municipal Councils and the Planning Board shall encourage the provision of age-friendly social and physical environments, including services and programs, to enhance the independence and quality of life for all people.
2. Land use decisions shall promote the creation of accessible, inclusive, and age-friendly communities.
3. Municipal Councils and the Planning Board shall identify gaps and opportunities to better support people of all ages and abilities on the Island.
4. Planning decisions shall consider the health, wellness and security for all residents so that they can remain in their communities as long as possible.
5. Development proponents are encouraged to employ universal design principles and best practices to create healthier and safer communities.
6. As long-term care homes and seniors-appropriate housing are important elements of the housing spectrum, Municipal Councils and the Planning Board shall encourage the development of these housing typologies as a contribution to a range of dwelling types on the Island.
7. Municipal Councils and the Planning Board may consider initiatives such as food markets, urban agriculture, and other partnerships which increase the distribution of, and access to, fresh, healthy, and affordable food for people of all ages and all incomes.

## **D7 Public Uses**

Public uses may include land, buildings or structures intended for the provision of programs or services, provided or subsidized by a government or other body, including public service facilities or infrastructure.

1. Public uses shall be permitted in all land use designations.
2. Notwithstanding Policy 1, public uses shall be encouraged to avoid development in the Environmental Protection designation.

## **D8 Water Lots**

Water lots are defined as lands which are located beyond the original high water mark and is or was originally part of the bed of the lake or waterway, and may be covered or partially covered by water. Many of these lots were created in the

early 20<sup>th</sup> century, and several have come into public ownership over time. The policies of this section are intended to address water lots under private ownership, some of which may hinder access and use of shorelines.

1. The public acquisition of water lots by Municipalities or other public bodies is encouraged.
2. To encourage the public acquisition of water lots, the Planning Board and Council shall consider reducing or waiving severance application fees.
3. Where public acquisition is not feasible or desirable, the Planning Board and/or Council shall encourage severance and lot consolidation with, or conveyance to, adjacent land owners to create contiguous ownership to the water.

## **D9 Protection from Weather Events**

With climate change causing a range of weather disruptions, the conservation of trees can contribute to the protection of public safety and property from the impacts of extreme wind and storm events. There is an opportunity to use planning tools to mitigate these impacts.

1. A Municipal Council may, through a Tree Protection By-law or Site Alteration By-law, require that all properties maintain a minimum vegetated buffer along the interior lot lines, excluding lot lines with road or water frontage.
2. Where a Municipal Council enacts provisions in a Tree Protection By-law or Site Alteration By-law that reflects the intent of Policy 1, the Municipality may implement the provisions of those By-laws through the review of planning applications.

## **D10 Water and Sewer Servicing Strategy**

### **D10.1 Objectives**

It is the intent of this Plan to:

1. ensure that public health and safety and the natural environment is protected;
2. ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan;

3. identify the preferred means of servicing on the Island;
4. ensure that all servicing options are considered when new development is proposed; and,
5. ensure that appropriate agreements are in place before development on private communal services occurs; and
6. promote green infrastructure to complement infrastructure.

## **D10.2 Preferred Means of Servicing in Settlement Areas**

1. Given the available sewer and water servicing capacity in Settlement Areas, the preferred means of servicing lands in the Townsite, Townsite Mixed-Use, Downtown, and other designations in the Settlement Area is by full municipal water and sewage services.
2. Notwithstanding this policy, partial services may be permitted in the Settlement Areas of Richards Landing and Hilton Beach only in the following circumstances:
  - a. where they are necessary to address a failed private water or septic system in existing development; or,
  - b. to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

## **D10.3 Preferred Means of Servicing in the Shoreline Area**

1. Shorelines areas within a Settlement Area shall connect to full municipal water and sewer services, where feasible.
2. Given the dispersed and low density nature of existing shoreline development, the most practical means of servicing in the shoreline area may be via private wells and septic systems on large lots, including in Settlement Areas, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

3. Where feasible, development of new 'stand-alone' communal water and septic systems may be considered to be a preferred form of servicing over private wells and septic systems, in accordance with the policies of this Plan.

#### **D10.4 Servicing of Development Outside of Settlement Areas**

1. New development on lands outside of Settlement Areas shall be serviced by private wells and septic systems.
2. In the Major Recreation designation, private communal services are the preferred form of servicing, unless it is feasible to extend full municipal water and sewer services to such uses.

#### **D10.5 Communal Services and Responsibility Agreements**

1. Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit / lot development to support protection of the environment and minimize potential risks to human health and safety.
2. The proponent of a private communal servicing system may be required to enter into a Responsibility Agreement with Council before development occurs. Such an agreement is a legal agreement between the proponent and a Municipality that stipulates the conditions under which the communal services will be constructed, operated and maintained, as well as the actions to be undertaken by Council in the event of default. The agreement shall also specify the amount of up-front funds required for any remedial measures that may be necessary in the event of default. This policy is not intended to bind a municipality to enter into a Responsibility Agreement.

#### **D10.6 Sewage System Re-Inspection**

1. A sewage system re-inspection program will be encouraged in the shoreline areas of the Island. The intent of such a program is to identify areas of concern, conduct an inspection of systems in these areas and implement a program to repair faulty septic systems that may have an impact on public health. Such repairs would be carried out at the owner's expense. It would not be the intent of such a re-inspection program to require landowners to upgrade their system to current standards if there is no physical evidence at the time of the re-inspection that the system has a negative impact on public health.

## **D10.7      Green Infrastructure**

Green infrastructure refers to natural and human-made elements that provide ecological and hydrological functions and processes. Examples of green infrastructure include natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

1. In reviewing Planning Act applications, including Plans of Subdivision and Site Plan Control applications, Municipal Councils and the Planning Board shall encourage development proponents to incorporate green infrastructure elements, where possible and appropriate.

## **D11        Transportation**

### **D11.1      Objectives**

It is the intent of this Plan to:

1. facilitate the safe movement of both people and goods to and from the various communities within the Island;
2. ensure that major goods movement facilities and corridors are protected for the long-term;
3. ensure that new development is compatible with, and supportive of, the long-term purposes of transportation corridors and designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities;
4. ensure that new development does not create any traffic hazards;
5. ensure that appropriate right-of-way widths for all existing and proposed roads are protected for infrastructure, including transportation, transit and electricity generation facilities and transmission systems;
6. limit development on non-winter maintained roads, private roads and individual rights-of-way unless an agreement on services is registered on title;
7. promote alternative modes of transportation, including active transportation infrastructure such as cycling lanes and walking paths which are safe, foster

social interaction and community connectivity, reduce greenhouse gas emissions, and mitigate impacts related to climate change; and

8. ensure that sidewalks, trails and active transportation infrastructure are designed to be safe and accessible to people of all ages and abilities.

## **D11.2 Access to the Roads on the Island**

1. The responsibility for approving an entrance onto a public road on the Island depends on which level of government maintains the road. Road classifications described in this section of the Plan are shown on Schedule C.

### **D11.2.1 Access to Highway 548**

1. Highway 548 is the primary transportation route around the Island. All development abutting Highway 548 shall be compatible with and supportive of the long-term use of the Highway and shall be subject to the requirements of the Ministry of Transportation.

### **D11.2.2 Local Roads**

1. Local roads are those roads which carry traffic from Highway 548 to individual properties. Access to these roads is under the jurisdiction of the local municipality.

## **D11.3 Right-of-Way Widths**

1. The protected right-of-way width for all municipal roads shall generally be a minimum of 20 metres. Every effort will be made to secure this right-of-way width as a condition of Planning Act approvals, including through a condition of Site Plan Control, Plan of Subdivision, or Consent.

## **D11.4 Traffic Impact Studies**

1. Traffic impact studies may be required by the Province, Planning Board and/or a local Council to support a development application. The intent of such a study is to ensure that the proposed development can be designed and sited to address any impacts of the development on the adjacent road network.

## **D11.5 Private Roads**

### **D11.5.1 Private Roads**

1. For the purposes of this Plan, private roads are rights-of-way servicing more than one property, which are not maintained year-round by a public authority. Examples of private roads include:
  - a. Lanes or roads owned and maintained by private individuals or Condominium Corporations;
  - b. Roads owned by a public authority, but maintained only on a seasonal basis; and
  - c. Roads owned by private individuals or Condominium Corporations, but which are maintained by a public authority on a contracted basis.
2. It is the policy of the Planning Board and/or municipal Council to restrict new development on private roads or individual rights-of way, unless the private road is in a Plan of Condominium.
3. The construction or expansion of a dwelling unit or any building containing a permitted non-residential use on a lot that is accessed only by private roads may be permitted, subject to the conditions established in this section.
4. The creation of a new lot on such a road is not permitted, unless the road is improved to municipal standards and assumed by a municipality on a year-round basis. The cost of improving such a road to municipal standards shall be borne by the landowners that will benefit from the year-round maintenance of the road.

### **D11.5.2 Conditions Under Which Development is Permitted on Private Roads**

**All lots that front on a private road shall be placed in a Residential Limited Service Zone in the implementing zoning by-law. D11.5.3 Assumption of Private Roads**

1. Where landowners make a formal request for a Municipality to assume a private road, the affected lots shall be rezoned to appropriate residential zones, provided Council is satisfied that the following criteria have been met:

- a. The lot(s) being re-zoned shall have frontage on, as well as direct access to, a public road maintained year-round by a Municipality after the road is assumed;
- b. The private road that abuts the lot(s) to be re-zoned is brought up to an appropriate standard at no cost to the respective Municipality;
- c. The dwelling on the lot(s) to be re-zoned shall be serviced by a private well on the same lot or an appropriate water supply;
- d. It is demonstrated that private services support protection of the environment and minimize potential risks to human health and safety;
- e. The dwelling on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal;
- f. The Fire Department confirms, in writing, that the dwelling on the lot(s) to be re-zoned can be serviced year-round by emergency vehicles; and,
- g. The lot(s) to be re-zoned complies with all applicable zone provisions in the implementing zoning by-law.

## **D11.6      Alternative Modes of Transportation**

A strong and efficient transportation system is a key long-term priority of St. Joseph Island. In the context of the Island, the term 'transportation system' means a system consisting of facilities, corridors, and rights-of-way for the movement of people and goods including sidewalks, pathways, and bicycle infrastructure.

- 1. It is the intent of the Plan to encourage and promote active transportation infrastructure and sustainable modes of transportation, such as dedicated cycling lanes and pedestrian walking paths.
- 2. New development shall consider providing infrastructure which supports greener modes of transportation, such as electric vehicle charging stations.
- 3. Active transportation shall be supported to reduce greenhouse gas emissions and mitigate negative impacts related to climate change.

## **D12 Cultural Heritage and Archaeological Resources**

### **D12.1 Objectives**

It is the intent of this Plan to:

1. conserve the Island's significant built heritage resources, significant cultural heritage landscapes, and archaeological resources;
2. recognize that the maintenance of the Island's cultural heritage and archeological resources will contribute to the conservation of the Island's character;
3. ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use planning decisions are made;
4. mitigate development impacts by preventing the demolition, destruction, and inappropriate site alteration or use of significant cultural heritage resources;
5. encourage development adjacent to significant cultural heritage resources to be of an appropriate scale and character;
6. consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Island;
7. support the development an archaeological management plan and a cultural plan in an effort to conserve cultural heritage and archaeological resources; and,
8. engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

## **D12.2 Policies**

### **D12.2.1 Public Works**

1. Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

### **D12.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources**

1. It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, and establishing partnerships with agencies or associations.
2. A Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally-owned cultural heritage resources, through appropriate heritage stewardship practices.

### **D12.2.3 Built Heritage Inventory**

1. As required by Section 27 of the Ontario Heritage Act, the clerk of each municipality shall maintain a Register of Heritage Properties which include properties that have been designated by the municipality under Part IV or Part V of the Ontario Heritage Act. Through the review of any proposed development, other properties may be considered for designation under the Ontario Heritage Act, subject to all relevant legislation.

### **D12.2.4 Cultural Heritage Landscape Inventory**

A Cultural Heritage Landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

1. A Council may prepare an inventory of Cultural Heritage Landscapes. Cultural Heritage Landscapes may include existing rural and agricultural areas, heritage conservation districts, historic hamlets, and heritage roads, and may be identified in the inventory.

### **D12.2.5 Designation of a Heritage Resource Under the Ontario Heritage Act**

1. Municipal Councils may, by By-Law, designate buildings of cultural heritage significance pursuant to the Ontario Heritage Act and the policies of this Section. Prior to the passage of such a By-Law, Council shall be satisfied that:
  - a. the building or property is strongly associated with the life of a person who played an integral role in the development of the Island and/or is well-known locally, nationally or internationally;
  - b. the building or property is the location of, or is associated in a significant way, with a significant local, national or international event;
  - c. the building has an architectural style that is distinctive and representative of a period of history and/or is the work of a recognized architect; and,
  - d. the building or property is considered to be an easily recognizable landmark in the Island and contributes to the character of the community.
2. Development and site alteration shall not be permitted on adjacent lands to a protected heritage property unless the heritage attributes of the protected heritage property will be conserved. Conservation will be achieved through the implementation of a heritage impact assessment or conservation plan undertaken by a qualified professional.

### **D12.2.6 Designation of a Heritage Conservation District Under the Ontario Heritage Act**

Section V of the Ontario Heritage Act permits municipalities to establish Heritage Conservation Districts in unique cultural heritage landscapes. This tool provides a mechanism for communities to preserve the heritage attributes of broader areas, where warranted.

1. Council may, by by-law, designate landscapes and districts of cultural heritage significance pursuant to the Ontario Heritage Act and the policies of this section.
2. Prior to the passage of a by-law designating a Heritage Conservation District, a Municipal Council shall be satisfied that the district is strongly associated with a unique cultural heritage landscape.

3. Subsequent to designating the Heritage Conservation District by by-law, the Municipal Council shall, in accordance with the Ontario Heritage Act, prepare and adopt a Heritage Conservation District Plan. The Plan shall comply with the content requirements prescribed in the Ontario Heritage Act and shall include:
  - a. Objectives to be achieved through the designation;
  - b. An explanation of the cultural heritage value or interest;
  - c. A description of the heritage attributes;
  - d. Policy statements, guidelines, and procedures for achieving the objectives; and
  - e. A description of the types of alterations that may be performed without a permit under the Act.

#### **D12.2.7      Retention/Relocation of Heritage Buildings**

1. The local municipalities shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible.
2. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include:
  - a. integration within new development areas;
  - b. adaptive re-use of the building in its original location; and
  - c. relocation of the building on the development site.

#### **D12.2.8      Archaeological Assessments**

1. The Planning Board and the local Councils recognize that there are archaeological or marine archaeological remnants of prehistoric and early historic habitation as well as areas with archaeological potential throughout the Island. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

2. Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless an Archaeological Assessment has been undertaken and the significant archaeological resources have been conserved in accordance with Provincial regulations under the Ontario Heritage Act. The need for archaeological assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping of the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to or in water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.
3. Archeological Assessments completed in conjunction with a development application will be referred to the Ministry of Citizenship and Multiculturalism for review and approval.
4. The Planning Board and the local Councils shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Citizenship and Multiculturalism and the Ministry of Public Business Service Delivery and Procurement when an identified historic human cemetery, or marked or unmarked human burial is affected by land use development. In these cases, the provisions of the Heritage Act and Funeral, Burial and Cremation Services shall apply.

## **D13 Subdivision of Land**

This section is intended to contain policies that are to be considered with every application to subdivide land on the Island. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

### **D13.1 Preferred Means of Land Division**

1. Under the Ontario Planning Act, land division by Plan of Subdivision is the preferred means of land division. A Plan of Subdivision application may be required if:
  - a. the extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
  - b. the area that is proposed to be developed is not considered to be infilling; or,
  - c. a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,

- d. more than three new lots are being created.

## **D13.2 New Lots By Consent**

### **D13.2.1 General Criteria**

In some instances, a Plan of Subdivision application is not necessary and the Planning Board may consider the creation of new lots through a Consent application.

1. In considering applications for Consent, the Planning Board shall be satisfied that a Plan of Subdivision is not necessary.
2. Prior to considering a Consent application to create a new lot for any purpose, the Planning Board shall be satisfied that the proposed lot(s):
  - a. fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
  - b. will not cause a traffic hazard as a result of its location on a curve or a hill;
  - c. can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;
  - d. will not have a negative impact on the drainage patterns in the area;
  - e. will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
  - f. will not have a negative impact on the features, or their ecological functions, of any environmentally-sensitive feature in the area, or as identified in Schedule B; and,
  - g. considers proximity to natural and human-made hazards.

### **D13.2.2 Boundary Adjustments**

1. A Consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created.
2. In reviewing an application for such a boundary adjustment, the Land Division Committee shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

### **D13.2.3 Lots for Utilities**

1. The creation of new lots for public utilities, communication utilities and water, stormwater, and sewer infrastructure may be permitted, provided:
  - a. the area of the proposed lot is minimized and reflects what is required for the use; and,
  - b. the implementing zoning by-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

## **D13.3 Subdivision/Condominium Development Policies**

This section is intended to contain general Plan of Subdivision/Plan of Condominium policies that are to be considered with every application for Plan of Subdivision/Plan of Condominium. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

1. Prior to the consideration of an application for Plan of Subdivision/Plan of Condominium, Council shall be satisfied that:
  - a. the approval of the development is not premature and is in the public interest;
  - b. the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;
  - c. there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services;

- d. the density of the development is appropriate for the area;
  - e. the subdivision/condominium, when developed, will be integrated with other development in the area, as appropriate;
  - f. the subdivision/condominium conforms with the environmental protection and management policies of this Plan;
  - g. the proposal conforms to the criteria described in Section 51(24) of the Planning Act, as amended; and,
  - h. where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline.
2. Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Municipality will be required.

### **D13.3.1      Affordability**

1. It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing options. In order to fulfill this policy, the Planning Board and/or local Council will work with developers, service delivery groups, and funding agencies in an effort to create affordable housing opportunities primarily through redevelopment and intensification in Hilton Beach and Richards Landing.
2. In the case of new development approved during the life of this Official Plan, the Planning Board and local Council will target a minimum of 20% of housing units to be affordable to low- and moderate-income households.

### **D13.3.2      Energy Efficiency and Air Quality**

1. The Planning Board encourages subdivision design that supports energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate change through a land use and development pattern which:
  - a. maximizes energy efficiency and conservation,

- b. considers the mitigating effects of vegetation and green infrastructure, and
- c. maximizes vegetation within settlement areas.

## **D13.4 Public Parkland**

### **D13.4.1 Objectives**

It is the objective of this Plan to:

1. establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
2. enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
3. ensure that appropriate amounts and types of parkland are acquired by public approval authorities through the development process;
4. encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
5. manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

## **D13.5 General Policies Applying to all Public Parkland**

### **D13.5.1 Integration of Other Public Uses with the Public Parkland System**

1. Where a public parkland area is to be integrated with an educational or major recreational facility, it is the intent of this Plan that the two uses complement each other by ensuring that there are no physical barriers between the uses.

### **D13.5.2 Dedication of Land through the Development Process**

1. Municipal Councils shall require the dedication of five percent of the land within a residential Plan of Subdivision to be dedicated as parkland. Two percent of the land within a non-residential development shall be dedicated

as parkland. For development containing an affordable residential unit as defined in subsection 4.1 (1) of the Development Charges Act, the dedication will be calculated in accordance with subsection 51.1 (1.1) of the Planning Act. No dedication or payment in lieu thereof will be required for a non-profit housing development as defined in subsection 4.2 (1) of the Development Charges Act.

2. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, a Municipal Council may determine value on the basis of either the value of raw land on the day prior to draft approval (Provisional Consent) or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.
3. All lands dedicated shall be conveyed in a physical condition satisfactory to the Municipality.
4. Lands within the Environmental Protection designation and/or lands identified as hazard lands may not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

#### **D13.5.3      Use of Monies Received Through the Cash-in-Lieu Process**

1. All monies received under the parkland provisions shall be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act.
2. Policy 1 shall not prevent Council from acquiring a residential lot in a subdivision which will not be used as parkland but will be held as an asset of the Corporation.

#### **D13.5.4      Parkland Dedication By-law**

A Council may enact a Parkland Dedication By-law that establishes:

1. the lands to which the by-law is applicable;
2. the rate of parkland dedication;
3. the development applications which are subject to parkland dedication requirements;

4. land uses which are exempt from parkland dedication requirements; and,
5. in the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issues of a building permit.
6. prior to passing the by-law, a public parks plan shall be prepared that examines the need for parkland in the municipality.

## **D13.6 Parkland Development Policies**

### **D13.6.1 Parkland Siting and Design**

1. All public parkland shall:
  - a. have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
  - b. be appropriately lit for safety purposes;
  - c. have direct and safe pedestrian access from adjacent residential areas, where applicable;
  - d. be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as landscaping, planting, fencing and the provision of appropriate access and parking;
  - e. incorporate natural heritage features wherever possible into the design of the parkland;
  - f. be integrated into the fabric of the adjacent neighbourhood; and,
  - g. be connected, wherever possible, to existing trail systems, cycling routes and natural heritage corridors.

## **D14 Technical Studies and Peer Reviews**

1. Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified

professional. When technical studies are submitted with a development application, Planning Board and/or a local Council may authorize a qualified professional to peer review such studies and provide advice to Planning Board and/or Council at the applicant's expense.

# Part E – Plan Implementation and Administration

## E1 Plan Implementation

### E1.1 Zoning By-laws

1. Each municipality shall undertake a review of their comprehensive Zoning By-Law to ensure that it properly implements the policies of this Plan.

### E1.2 Temporary Use By-laws

1. Council may pass Temporary Use By-Laws permitting:
  - a. temporary housing;
  - b. temporary accommodation facilities;
  - c. temporary recreational and tourism uses and/or facilities;
  - d. garden suites;
  - e. parking lots for a specific one-time event; and,
  - f. industrial uses related to the resource and agricultural base of the area and other similar uses.
2. These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical.
3. Under a Temporary Use By-Law, a garden suite may be permitted on a property for up to 20 years. Council may specify a period of occupancy (up to 20 years) and the person(s) may be named in an agreement with the municipality.
4. Subsequent By-Laws granting extensions of up to three years (or 20 years for a garden suite) may be passed. However, once the By-Law has lapsed, the

use must cease or otherwise will be considered in contravention of the implementing Zoning By-Law.

5. Prior to the approval of a Temporary Use By-law, Council shall be satisfied that the following principles and criteria are met:
  - a. The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
  - b. The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
  - c. The proposed use shall not require the extension or expansion of existing municipal services;
  - d. The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
  - e. Parking facilities required by the proposed use shall be provided entirely on site;
  - f. The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and,
  - g. The owner shall enter into an agreement with the Municipality and/or post securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the By-Law.

## **E1.3 Holding Provisions**

1. In accordance with the Planning Act, a Municipal Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or may be specified within a zoning by-law amendment. The objective of utilizing a Holding Provision is to ensure that:
  - a. the appropriate phasing of development or redevelopment occurs;

- b. development does not proceed until services and utilities are available to service the development;
- c. agreements respecting the proposed land use or development are entered into; and/or;
- d. any conditions described by the Council-approved Holding provisions are met prior to any development or site alteration occurring.

## **E1.4 Interim Control By-law**

1. Where a Municipal Council undertakes a review or study of land use planning policies in a defined area of the Municipality, the Council may pass an Interim Control By-law to prohibit the use of land, buildings or structures within the Municipality or within a defined area or areas, except for the purposes established in the Interim Control By-law.
2. Where a Municipal Council passes an Interim Control By-law, the by-law shall be in effect for a period of time specified in the by-law, which shall not exceed one year from the date of passing.
3. Where a Municipal Council passes an Interim Control By-law, the by-law may be amended to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the original passing.

## **E1.5 Site Plan Control**

1. All areas of the Island are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses except the construction, erection or placing of a building or structure for residential purposes on a parcel of land which will contain no more than 10 residential uses may fall under Site Plan Control. All lands within designations that permit single-detached dwellings within 120 metres of a wetland, shoreline of the Great Lakes St. Lawrence, inland lake, or valley with depressional features associated with a river or stream are also designated as proposed Site Plan Control areas in accordance with Section 41 of the Planning Act.
2. In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control, unless subject to an Environmental Assessment process.

## **E1.6 Community Improvement**

These policies are intended to provide a basis and mechanism for Council and/or Planning Board to utilize the provisions of Section 28 of the Planning Act to encourage the development, redevelopment, revitalization and renewal of specific areas on St. Joseph Island.

1. Council may undertake Community Improvement Plans in order to implement the policies of this Plan, as municipal finances and other sources of funding permit. Wherever possible, Council will seek funding from senior government sources and other partnerships to assist in community improvement programs.
2. Where a Municipal Council elects to undertake a Community Improvement Plan, the Council shall enact a by-law designating the area as a Community Improvement Project Area.
3. Where a Community Improvement Project Area has been designation, the Municipal Council may prepare a Community Improvement Plan in accordance with Section 28 of the Planning Act.

### **E1.6.1 Community Improvement Areas**

1. The Townsite, Downtown, Townsite Mixed Use Area and Business Park designations as shown on the schedules to this Plan may by by-law be defined as Community Improvement Areas.
2. The Settlement Areas of Richards Landing and Hilton Beach as well as Gawas Bay and Sailors Encampment are designated Community Improvement Areas.

### **E1.6.2 Community Improvement Projects**

1. A Community Improvement Plan may apply to forms of development including, but not limited to:
  - a. The development of seniors housing or other forms of affordable housing;
  - b. The development of a recreational trail and accessible public uses at or near the waterfront;

- c. Improvements to sidewalks and road surfaces to enable safe, equitable and comfortable travel by pedestrians, bicycles and vehicles;
- d. Physical planning designed to facilitate development in the Business Park; and
- e. Tree planting and street beautification programs and improvements to private buildings and properties.

### **E1.6.3 Community Improvement Incentives**

1. In order to encourage improvements to private and public lands, Council may offer incentives to private landowners through a Community Improvement Plan, including but not limited to:
  - a. reduction or elimination of planning or building application fees;
  - b. reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland; and
  - c. providing specific grants to property owners to improve the appearance of private lands and buildings.

### **E1.7 Community Benefits By-law**

1. In accordance with Section 37 of the Planning Act, a Municipal Council may enact a Community Benefits By-law that imposes charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area.
2. Prior to passing a Community Benefits By-law, a community benefits charge strategy shall be prepared which identifies the facilities, services and matters that will be funded with community benefits charges.

### **E1.8 Property Standards By-law**

1. In recognition of the importance of property conditions, a Municipal Council may pass a Property Standards By-law to regulate residential properties,

non-residential properties, vacant buildings, vacant lands, open space lands and heritage properties.

2. A Property Standards By-law may:
  - a. prescribe standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
  - b. require property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition; and
  - c. prohibit the removal from any premises of any sign notice or placard placed thereon pursuant to this Section or a By-law passed under the authority of this Section.
3. Any development shall conform to the provisions of the Ontario Fire Code, the Ontario Building Code, and minimum standards for maintenance and occupancy.

## **E1.9 Site Alteration By-law**

1. In accordance with the Municipal Act, a Municipal Council may enact a Site Alteration By-law to regulate certain activities that may impact drainage and vegetation patterns. A Site Alteration By-law may:
  - a. Prohibit or regulate the placing or dumping of fill;
  - b. Prohibit or regulate the removal of topsoil;
  - c. Prohibit or regulate the alteration of the grade of the land;
  - d. Require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
  - e. Impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

## **E1.10      Tree Protection By-law**

1. A Municipal Council may pass a Tree Protection By-Law to prevent the cutting of trees in sensitive areas.
2. Where a Tree Protection By-law is passed under Policy 1, the By-Law shall not be passed without a specific assessment of the impacts of a By-Law together with opportunity for public comment.

## **E1.11      Short-Term Rental By-law**

1. Municipal Councils may pass a By-law which prescribes standards and regulations related to the use of residential dwellings for the purpose of Short-Term Rentals. Such a by-law would be complementary to any provisions enacted in a Municipal Zoning By-law, which may contain provisions for land use controls for Short-Term Rentals.
2. Where a Municipal Council enacts a separate Short-Term Rentals by-law, the by-law may address:
  - a. The requirement for hosts to obtain a permit from the Municipality prior to commencing a Short-Term Rental operation;
  - b. The requirement to identify to the Municipality a Property Manager for the Short-Term Rental operation;
  - c. Permissions for condominium corporations, housing cooperatives, or building owner to register with the Municipality a request for a prohibition on Short-Term Rental operations within their dwellings;
  - d. General administrative processes for the Municipality to grant, refuse, suspend, revoke, or review permits; and
  - e. Offenses and penalties for contravention of the by-law provisions.

## **E2 Development Applications**

### **E2.1 Pre-Application Consultation**

1. By applicant's request the Municipality may hold a pre-application consultation meeting prior to submitting a development application in order to identify and confirm the information that will be required at the time of application submission.

### **E2.2 Complete Applications**

1. Development applications shall comply with the complete application submission requirements of the Planning Act. A Municipal Council shall maintain a Development Application Study policy, which will be reviewed with applicants in the pre-consultation process.
2. To process the application, a Council may require additional information and/or reports, as listed in the Policy. The additional information and/or reports will be identified in writing after a pre-application consultation or after further review of the development proposal. All required reports must be completed to the satisfaction of the Council or relevant approval authority.
3. Depending on the nature of the proposed development and planning application(s), a Council or the Planning Board may require plans and/or studies including, but not limited to:
  - a. Planning Rationale;
  - b. Heritage Impact Assessment;
  - c. Environmental Impact Statement;
  - d. Transportation Impact Study;
  - e. Minimum Distance Separation analysis;
  - f. Servicing Options Study;
  - g. Drainage / Stormwater Management Report / Plan;

- h. Geotechnical Study;
  - i. Hydrogeological Study;
  - j. Erosion and Sediment Control Plan;
  - k. Noise / Vibration Study;
  - l. Sun-Shadow Study;
  - m. Fisheries Assessment;
  - n. Shoreline Riparian Control Study;
  - o. Archaeological Assessment;
  - p. Record of Site Condition (RSC);
  - q. Air / Dust Study; and
  - r. Groundwater Protection Study.
4. A Council also has the authority to request additional information, that will be required as part of a complete application, after further review of the application proposal.

### **E.2.3 Public Participation**

Consultation and public participation and input is a fundamental requirement of the planning process. The following policies outline how the Planning Board and local Municipalities intend to ensure adequate engagement with members of the public prior to making land use planning and development decisions.

1. The Planning Board and Municipal Councils shall comply with the minimum requirements of the Planning Act in informing and obtaining the views of the public in matters requiring approval under the Act.
2. In circumstances in which, in the opinion of the Planning Board and/or a Municipal Council, alternative or supplementary methods of public engagement will enhance or exceed the requirements of the Planning Act,

the approval authority may use online resources or media to inform members of the public of a planning matter.

3. The Planning Board and local Councils recognizes the unique status of Indigenous Peoples within Canada and the importance of engagement and dialogue with First Nation and Métis communities in the region. When considering land use planning and development decisions of mutual interest, particularly heritage and archaeology matters, the Planning Board will circulate information on the proposal to the affected Indigenous group. Such engagement may complement formal processes by the Province under the principles of the Duty to Consult.

## **E3 Non-Conforming / Non-Complying Uses and Lots**

### **E3.1 Non-Conforming / Non-Complying Uses**

1. As a general rule, existing uses that do not conform with the policies of this Plan are intended to be gradually phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the implementing zoning by-law.
2. Despite this intent, a non-conforming use may be reconstructed where removed, provided it does not exceed the previous building envelope.
3. Where a use proposed to be reconstructed exceeds the previous building envelope, the Committee of Adjustment having jurisdiction will evaluate the expansion component of the proposal under Section 45(2) of the Planning Act using the following tests:
  - a. Is the application desirable for appropriate development of the subject property?
  - b. Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?

### **E3.2 Non-Complying Lots**

1. A non-complying lot in existence prior to the effective date of the implementing zoning by-law that does not meet the lot area and/or lot frontage requirements contained within the implementing zoning by-law may be used and buildings thereon may be erected, enlarged, repaired or renovated, provided:

- a. the use conforms with the applicable policies of this Plan and the implementing zoning by-law;
  - b. the buildings or structures comply with all of the other provisions of the implementing zoning by-law; and
  - c. the lot has a minimum lot area of 929 square metres.
- 2. In addition, new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a lot addition shall be deemed to comply with the frontage and area requirements of the implementing zoning by-law, provided the area of the lot is to be increased to at least 929 square metres.

## **E4 Amendments to the Plan – Public Notice**

- 1. The Planning Board may undertake minor amendments to this Plan without providing notice to the public, nor holding a public meeting, in cases including:
  - a. Changing the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
  - b. Consolidating previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
  - c. Correcting grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
  - d. Translating measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.
- 2. In all other instances, notification to the residents of the Island of public meetings held by the Planning Board shall be given in accordance with the procedures of the Planning Act.

## **E5 Interpretation of Land Use Designation Boundaries**

- 1. The boundaries between land uses designated on the Schedules to this Plan are approximate, except where they meet with roads, railway lines, rivers,

pipeline routes, transmission lines, or other clearly defined physical features. In such cases, the location of the boundaries are not open to flexible interpretation.

2. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.
3. It is recognized that the boundaries of the Environmental Protection designation may be imprecise and subject to change. The Planning Board and/or Council shall determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the Environmental Protection designation shall not require an Amendment to this Plan.
4. Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

## **E6 Definitions**

1. For the purposes of interpretation this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2020, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the Canadian Oxford Dictionary, 2nd Edition.

## **E7 Official Plan Review Process**

1. Upon the date of adoption of this Plan, the objectives and policies of this Plan shall be reviewed within 10 years after it comes into effect as a new official plan and at least once every five years thereafter, in accordance with the Planning Act, as amended. The review shall consist of an assessment of:
  - a. the continuing relevance of the vision that forms the basis of all policies found in this Plan;
  - b. the degree to which the objectives of this Plan have been achieved;
  - c. the amount and location of lands available for urban development;
  - d. whether the Island has increased the extent of commercial and industrial uses in relation to residential uses;

- e. the Island's role within the Algoma District and its relationship with other municipalities;
- f. development trends in Algoma District and their effect on development in St. Joseph Island; and,
- g. the nature of any Provincial planning initiatives and their implications on St. Joseph Island.

## **E8      Coordination**

1. This Official Plan encourages the four municipalities on St. Joseph Island to cooperate and coordinate decision-making on land use matters at a local level, including the St. Joseph Island Planning Board.
2. The Planning Board and four local municipalities will continue to work with all levels of government, including Algoma District and other federal government agencies and/or bodies.