

# THE ST. JOSEPH ISLAND OFFICIAL PLAN



**Hilton Township • Hilton Beach • Jocelyn Township • St. Joseph Township**

Prepared by:



Approved by MMAH  
with Modifications  
January 6, 2010

**OFFICE CONSOLIDATION**

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## **INTRODUCTION**

The preparation of this Official Plan began in the summer of 2003 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 20 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 of the Island. This vision was prepared by Planning Board and is based on an understanding of past and future trends and 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 the policies dealing with rivers and streams, floodplains and hazardous slopes throughout the Island. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

**PART D (General Development Policies)** contains policies that deal with 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.

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## **PART A – THE VISION AND LAND USE CONCEPT**

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### **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 heritage features. This Official Plan is a land use management tool that is intended to provide leadership and positively impact the shape and form of future 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 town sites 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 an identity that is highly valued by the residents.*

*The Island is generally characterized by two urban town sites, a vast rural area and the shoreline. This Official Plan will direct new residential growth to the urban town sites, however this Plan will also ensure that limited housing opportunities 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 by between 400 and 850 people in the next twenty years. It is the goals 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. While the majority of the new residential development will be directed to the town sites, balanced development is also anticipated in the rural area, as well as the shoreline area. 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 new Official Plan assumes that the high quality of life now enjoyed by the Island's residents can be maintained and enhanced if the Island's distinct small town and rural character is maintained and enhanced. 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 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 significant 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 significant 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 changes to the water quality and hydrological and hydrogeological characteristics of watercourses, lakes, aquifers and wetlands.
5. To prohibit the loss or fragmentation of Provincially Significant Wetlands and the 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.

### **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 Town Sites of Richards Landing and Hilton Beach where full sewer and water services are available.**

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

1. To maintain and enhance the character and stability of the town sites by ensuring that development and redevelopment is compatible with the scale and density of existing development.

2. To ensure that new development areas are integrated into the fabric of the existing community.
3. To ensure that there is an optimum balance between residential and non-residential assessment in the Municipality.
4. To permit a limited amount of rural residential development in appropriate locations, in the form of individual lots and through the process of infilling.
5. To permit a broad range of housing types and densities to meet projected demographic and market requirements of current and future residents of the Island.
6. 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 in the town sites.
7. To encourage a strong connection between the downtowns and the waterfront areas through mixed-use developments and improvements to public space.
8. To encourage further intensification and use of the lands within the downtown core and to make every effort to improve the economic health of the core 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 passive low-intensity recreational and eco-tourism uses in the rural areas, provided the use has a minimal impact on the character of the rural area and is properly sited.
3. To avoid the intrusion of land uses that are incompatible with the rural character and/or resource activities of the area.
4. To permit 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 encourage economic growth and to provide opportunities for economic development 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 opportunities for employment opportunities and 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 tourist commercial uses and 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.
5. To encourage the development of home-based businesses and home industries provided such uses are compatible with adjacent uses.
6. To support the resource related sector by restricting the intrusion of sensitive land uses in the rural area.
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**

The following land use designations are designed to reflect major land uses presently occurring or that are anticipated to occur on the Island.

### **A3.1 TOWNSITE**

Lands designated *Townsite* are the site of primarily existing and planned residential development on full municipal services in the Townsites of Richards Landing and Hilton Beach.

### **A3.2 BUSINESS PARK**

The *Business Park* designation applies to lands on the Island which are proposed to be used primarily for industrial use.

### **A3.3 DOWNTOWN**

Lands designated *Downtown* are the site of primarily commercial uses within the core area of the Town Sites.

### **A3.4 TOWNSITE MIXED USE AREA**

Lands designated *Townsite Mixed Use Area* apply to the shoreline areas of the Town Sites where a range of compatible mixed uses are permitted.

### **A3.5 RURAL**

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

### **A3.6 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.

### **A3.7 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.

**A3.8 ENVIRONMENTAL PROTECTION**

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

**A3.9 MAJOR OPEN SPACE**

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

**A3.10 RURAL HIGHWAY COMMERCIAL**

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

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## **PART B – LAND USE DESIGNATIONS**

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### **B1 TOWNSITE**

#### **B1.1 PURPOSE**

The purpose of the Townsite designation is to:

- a) maintain compatibility and where necessary, enhance the character and identity of existing residential areas;
- b) encourage the provision of a full range of housing opportunities that are affordable and meet the Island's projected housing needs;
- c) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential redevelopment and intensification, where appropriate; and,
- d) ensure that the settlement areas permit a variety of complementary and compatible land uses.

#### **B1.2 LOCATION**

The Townsite designation applies to existing developed lands within the traditional settlement areas of Richards Landing and Hilton Beach. The Townsite designation also applies to undeveloped lands proposed to be serviced by full municipal sewer and water on St. Joseph Island.

#### **B1.3 PERMITTED USES**

Permitted uses in the Townsite designation include:

- a) single detached dwellings;
- b) accessory apartments in single-detached dwellings subject to Section B1.4;
- c) semi-detached dwellings;
- d) duplex dwellings;

- e) townhouse multiple and apartment dwellings subject to Section B1.5;
- f) home occupations subject to Section B1.6;
- g) bed and breakfast establishments in single detached dwellings, subject to Section B1.7;
- h) complementary uses such as residential care facilities, daycare centres and small-scale institutional and open space uses, subject to Sections B1.8 and B 1.11;
- i) existing uses and minor expansions thereto; and,
- j) local commercial uses, including but not limited to small scale grocery and retail outlets, movie stores, fast food restaurants.

#### **B1.4 ACCESSORY APARTMENTS**

Accessory apartments are considered to be an affordable housing choice and may be permitted in single detached dwellings in the Townsite designation, subject to a Zoning By-law Amendment. In considering such an application, Council shall be satisfied that:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Municipality's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the second dwelling unit is designed and located in such a manner to not have an impact on the character of the surrounding neighbourhood.

#### **B1.5 TOWNHOUSE, MULTIPLE AND APARTMENT DWELLINGS**

Townhouse dwellings may be permitted in the *Townsite* designation, subject to re-zoning. In considering a zoning by-law amendment and site plan to permit a new townhouse development, Council shall have regard to the criteria provided in this Section.

Multiple unit developments and apartment buildings may be permitted in the *Townsite* designation provided the maximum density of such developments does not exceed 30 units per net residential hectare and the maximum building height does not exceed three storeys. The maximum density and/or height may be increased, subject to an amendment to the implementing zoning by-law, provided the lot is suitable for the proposed building and provided the increase in density and/or height will not have a negative impact on the enjoyment of adjacent properties.

In considering a zoning by-law amendment and site plan to permit a townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) can be easily integrated 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 close 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, recreational facilities, 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.

#### **B1.6 HOME OCCUPATIONS**

Home occupations are typically professional or service oriented work activities that are carried on within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling, thereby ensuring compatibility within a residential community. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

#### **B1.7 BED AND BREAKFAST ESTABLISHMENTS**

Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) is located within the principal residence of the owner/operator;
- b) preserves the character of the dwelling as a private residence; and,
- c) is licensed annually in accordance with Municipal Lodging and Bed and Breakfast Licensing by-law as amended, where applicable.

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.

## **B1.8 DAYCARE CENTRES AND SMALL-SCALE INSTITUTIONAL USES**

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 by a Zoning By-law Amendment provided 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 incorporate required parking, pick-up and drop-off area, recreational facilities (if required), landscaping and buffering on-site.

## **B1.9 LANDS DESIGNATED RURAL**

To ensure that future growth proceeds in an orderly direction in the Settlement Areas, lands designated as Rural in the identified Settlement Area may be re-designated as *Townsite* through an Official Plan Amendment that is supported by a comprehensive planning justification report that considers but is not limited to the following;

- a) existing vacant land supply in the *Townsite* designation and opportunities for intensification and redevelopment;
- b) population and growth projections; land supply and housing needs and alternative directions for growth; and,
- c) servicing and infrastructure plans including reserve capacities.

The designation of land within the Settlement Area boundary shall not preclude consideration of other lands being considered for settlement area expansion provided the consideration of such lands is by way of an Official Plan Amendment that is justified by a municipal Comprehensive Review.

In order to maintain compatibility between rural and urban land uses, the implementing Zoning By-law shall restrict the range of uses permitted on Rural lands within the *Townsite* designation.

### **B1.9.1 Inter-Municipal Agreements Servicing**

There are lands located in the *Townsite* designation which extends 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 does not suggest 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 unless justified through a Municipal Class EA process.

## **B1.10 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.

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. The Zoning By-laws shall provide specific definitions for these residential care facilities as well as performance standards. New programs may emerge over time depending upon Provincial funding and licensing, and further amendments to the Zoning By-laws may be required as warranted

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.

## **B1.11 IMPLEMENTING ZONING BY-LAW**

All lands in the *Townsite* designation shall be placed primarily in Residential zones in the implementing Zoning By-law. However, other uses will be placed in appropriate institutional, open space or other zones.

## **B2 BUSINESS PARK**

### **B2.1 PURPOSE**

The purpose of the Business Park designation is to:

- a) provide lands for the creation of diverse employment opportunities;
- b) improve the economic climate on the Island by making lands available for employment generating uses;
- c) ensure that new industrial development occurs in an orderly manner in conjunction with appropriate sewage and water services; and,
- d) 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**

Permitted uses on lands designated Business Park include manufacturing, assembly, processing, fabrication, 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.

### **B2.4 FORM OF DEVELOPMENT**

It is the intent of this Plan that development within the Business Park designation will be coordinated by the Municipality to ensure development within the park is orderly and properly serviced.

### **B2.5 DEVELOPMENT POLICIES**

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 low water industrial uses 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:

- i. for industrial uses that have an average daily flow greater than 4,500 litres per day, the Ministry of Environment (MOE) B-7 Guideline "Incorporation of the Reasonable Use Concept into Groundwater Management Activities" will apply.
- ii. for industrial uses that have subsurface sewage disposal systems of greater than 10,000 litres per day, a Certificate of Approval from MOE 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.

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 Environment.

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 Environment 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 MOE 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 surrounding area;
- d) Outdoor storage areas are substantially screened from view from passing traffic;
- 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 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.

## **B2.6 IMPLEMENTING ZONING BY-LAW**

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 will 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:

- a) maintain and promote the Downtown areas of Hilton Beach and Richards Landing as destinations for commerce, hospitality and accommodation on the Island;
- b) encourage tourism and development in the Downtown areas;
- c) encourage the intensification and development of a mix of uses to enhance the character of the Downtown areas;
- d) encourage streetscape and façade improvements that revitalize the cultural and historic character of the Downtowns;
- e) establish a definitive boundary for the Downtown, within which a mixed use, pedestrian-oriented environment can be fostered; and,
- f) improve connections between the Downtown and adjacent shoreline areas to create unified and attractive central areas.

### **B3.2 LOCATION**

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

### **B3.3 PERMITTED USES**

Permitted uses in the Downtown Core Commercial designation include:

- a) Retail uses;
- b) Service uses;
- c) Business offices;
- d) Banks and financial institutions;
- e) Hotels, inns and bed and breakfast establishments;
- f) Theatres;
- g) Day care centres;

- h) Private and commercial schools;
- i) Places of worship, schools, libraries and other institutional uses;
- j) Health care facilities;
- k) Restaurants and take-out restaurants, but not including any restaurant with a drive-through component;
- l) Second Storey Residential uses;
- m) Funeral Homes;
- n) Nightclubs;
- o) Festivals and open air markets;
- p) Public uses and service utilities and structures;
- q) Museums and art galleries; and,
- r) Existing residential uses and minor expansions thereto.

#### **B3.4 THE VISION FOR THE DOWNTOWN**

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 and cultural uses and opportunities.

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. 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) the maximum use of existing buildings in the Downtown to accommodate a wide range of uses, with an emphasis on using upper level space for residential uses;
- c) the establishment and maintenance of a streetscape that is geared to the pedestrian;
- d) the preservation and enhancement of any cultural and historic features that exist in the Downtown; and,

- e) partnerships and collaboration between the Island and service delivery groups such as the Chamber of Commerce, Economic Development Corporation and/or Heritage Committee.

### **B3.5 DEVELOPMENT POLICIES**

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

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. The creation of new lots in the Downtown shall also comply with Section D4 (General Consent Policies).

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

The following policies are intended to guide proposals for new development or redevelopment in the Downtown designation:

- a) Land assembly is encouraged to create larger, more viable development parcels;
- b) All future development shall occur on the basis of being connected to full sewer and water services;
- c) Hospitality and tourist oriented uses that will enhance the pedestrian linkage between the downtown, the marinas and open space areas are encouraged;
- d) All development proposals requiring a Planning Act approval may be required to restore or enhance their building façade in order to maintain the architectural character and identity of the Downtown in accordance with the following guidelines:
  - i) Original architectural details and features should be restored;
  - ii) 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;
  - iii) Building materials which are not in keeping with the architectural character of the Downtown will be discouraged;
  - iv) Traditional signage and lighting is preferred over fluorescent sign boxes and corporate signage; and,

- v) 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**

There are a number of existing residential uses existing in the Downtown designation. This Plan will permit these residential uses to continue, however these uses are encouraged to convert or redevelop into commercial uses in accordance with Section B3.5.2.

### **B3.5.4 Parking**

Where a new use cannot comply with the Zoning By-law's parking requirement, the Municipality may pass a by-law to accept cash-in-lieu where the parking can be reasonably accommodated on the street or off-site in another appropriate location. In determining the cash-in-lieu payment, Council shall have regard to the cost to provide and maintain a parking space in the Downtown.

## **B3.6 PUBLIC SPACE IN THE DOWNTOWN**

Public land in the Downtown includes streets, sidewalks, parking lots, parks and administrative or public buildings. It is a policy of this Plan that a municipality should partner with stakeholders to maintain public space 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.

## **B3.7 IMPLEMENTING ZONING BY-LAW**

All lands that are used for commercial purposes shall be placed in a Downtown Commercial Zone in the implementing Zoning By-law.

## **B4 TOWNSITE MIXED USE AREA**

### **B4.1 OBJECTIVES**

The purpose of the Townsite Mixed Use designation is to:

- a) identify strategic lands in the Townsites that have potential to be redeveloped to accommodate residential as well as hospitality and tourist related uses;
- b) permit land uses that can foster a pedestrian environment and linkage with the Downtown and waterfront areas.

### **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 include:

- a) Residential uses including condominiums and interval ownership facilities;
- b) Hotels, inns and bed and breakfasts;
- c) Conference facilities;
- d) Banquet halls;
- e) Restaurants;
- f) Museums and art galleries;
- g) Public uses and open space;
- h) Spas and wellness centres;
- i) Festivals and special events;
- j) Funeral homes;
- k) Seasonal food and produce vendors;

- l) Existing tourist camps and campgrounds;
- m) Existing retail, service and business uses;
- n) Marinas; and,
- o) Institutional uses such as churches and schools.

#### **B4.4 DEVELOPMENT POLICIES**

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

- a) The proposed development can be connected to the Municipality's sewer and water system;
- b) The proposed development creates or provide opportunities for pedestrian connections to the Downtown, the waterfront and/or public space;
- c) The proposed development achieves a housing density of between 20 and 30 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 in keeping with the character of the shoreline and downtown area and incorporates appropriate landscaping treatments.

#### **B4.5 IMPLEMENTING ZONING BY-LAW**

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

## **B5 RURAL**

### **B5.1 PURPOSE**

The purpose of the Rural designation is to:

- a) protect land suitable for agricultural production from development and land uses unrelated to agriculture;
- b) permit uses which support the agricultural industry and rural community;
- c) protect the agricultural and rural character of the Island and maintain those elements which contribute to the open space character of the countryside;
- d) prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities of the area;
- e) promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the Island; and,
- f) ensure that the scale of development is compatible with the role and function 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**

- a) agricultural and nursery uses;
- b) single detached dwellings on existing lots;
- c) bed and breakfast establishments;
- d) home occupations, home industries subject to the provisions of Section B6.5.1 of this Plan and local Zoning By-laws;
- e) veterinary clinics;
- f) commercial dog kennels subject to Section B6.5.6 of this Plan;
- g) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;

- h) hobby farms subject to Section B6.5.8;
- i) small-scale accommodation facilities and corporate meeting facilities subject to Section B6.5.5 of this Plan;
- j) forestry and resource management uses;
- k) small-scale public uses;
- l) cemeteries subject to Section B6.5.7 of this Plan;
- m) commercial uses on farm properties subject to Section B6.5.2 of this Plan;
- n) space extensive industrial uses which serve the rural community;
- o) alternative energy systems;
- p) the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section B6.6; and,
- q) 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**

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 Townsites 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 criteria set out in Section D4 (General Consent Policies) of 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**

Notwithstanding Section B6.4.1 (The Creation of New Lots for Residential Purposes) on lots generally within a 3 kilometre distance of the Townsites, 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 policies in Section D4.2.1.

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

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**

New agricultural livestock buildings 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 Home Occupations and Home Industries**

This Plan will permit additional activities, such as home occupations and home industries in the Rural designation.

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

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. These uses should not detract from the primary use of the property for agricultural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is not considered to be a home industry. Home industries will be permitted as-of-right in the implementing Zoning By-law, provided:

- a) the building housing 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 separated from the lot line of any residential at least 300 metres or a lesser distance as determined through a technical assessment in accordance with the MOE D-Series Guidelines;
- c) the home industry is not a Class 3 industry as defined by the MOE 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; and,
- f) the retail component is clearly accessory to the use and does not detract from the primary use of the property.

The development of a new home industry may be subject to Site Plan Control.

### **B5.5.2 Retail Commercial Uses on Farm Properties**

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.

The development of a new commercial use on a farm property may be subject to Site Plan Control.

### **B5.5.3 Agricultural Research and Training Establishments**

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.

### **B5.5.4 Farm Related Exhibitions and Tourism Establishments**

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. Such uses shall be encouraged to locate within existing clusters of farm buildings, where possible.

### **B5.5.5 Small-scale Accommodation Uses**

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 in accordance with Section E1.4 of this Plan

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 blend in with 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.

#### **B5.5.6 Commercial Dog Kennels**

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 the 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* or *Shoreline* designations;
- d) the noise 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.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

#### **B5.5.7 Cemeteries**

In accordance with the Cemeteries Act, cemeteries may be 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.

#### **B5.5.8 Hobby Farms**

Council 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 building related to the hobby farm are clearly subordinate and incidental to the residential use. 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. 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.

#### **B5.5.9 Alternative Energy Systems**

Alternative energy systems and infrastructure not considered renewable energy undertakings, as per section 62.0.2 of the Planning Act and/or schedule K of the Green Energy and Green Economy Act, 2009 shall be subject to a Zoning By-law Amendment.

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's 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 publicly 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 aggregate extraction purposes. 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 Natural Resources**

It is recognized that the Ministry of Natural Resources 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/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**

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 MOE D-Series Guideline.

Where the application for development affects lands with known high quality aggregate resources according to Schedule A, the proponent will also be required to address the criteria in Section B6.6.5 of this Plan.

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

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:
  - i) the natural heritage features and functions on the site and in the area;
  - ii) nearby communities;
  - iii) agricultural resources and activities;
  - iv) the character of the area;
  - v) the quality and quantity of groundwater and surface water in the subwatershed;
  - vi) the built or cultural heritage resources in the area;
  - vii) significant geologic formations on the site and in the area;
  - viii) 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;
  - ix) surface water features in the area; and,
  - x) nearby wells used for drinking water purposes.
- b) the location and suitability of the proposed haul routes;

- c) the effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MOE's D-Series Guidelines;
- d) 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;
- e) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- f) 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**

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.

On the basis it is the intent of this Plan that the lands located in or adjacent to the Aggregate Resource Overlay in Schedule A be protected from development or land uses that may hinder the effective and/or economical extraction of aggregate in the future. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, new lots or other development or land use permitted by this Plan on lands so designated may be permitted, if it can be shown to the satisfaction of Planning Board and/or Council that:

- a) the land use pattern in the area has reduced the feasibility of extraction; or,
- b) there is not enough aggregate in the area to justify its economical extraction; or,
- c) the proposed land use or development serves a greater long term public interest; and,
- d) issues of public health, public safety and environmental impact are addressed.

**B5.6.6 Rehabilitation**

The progressive rehabilitation of all pits and quarries on the Island is a goal of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources to ensure that all licenses have progressive rehabilitation plans.

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. 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**

All lands in the Rural designation shall be placed in a Rural Zone in the implementing zoning by-law.

The implementing Zoning By-law 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.

The implementing zoning by-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal right-of-ways and property boundaries.

## **B6 SHORELINE**

### **B6.1 PURPOSE**

The purpose of the Shoreline designation to:

- a) ensure that new development is consistent with the scale and character of the shoreline residential area;
- b) ensure that the impacts of new development on the natural heritage features and groundwater resources in the area are minimized;
- c) encourage improvements to the infrastructure in the shoreline area; and,
- d) minimize the impact of any new development on the natural shoreline while maintaining or enhancing the extent of natural vegetation in the shoreline area.

### **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 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**

The creation of new lots for a residential use by consent to sever is permitted. To ensure that new lots maintain the character of the shoreline community and can accommodate proper means of sewage disposal, it is a policy that new lots created by consent should have a minimum lot area of 1.0 hectare unless a hydrogeological evaluation or other acceptable technical study supports a smaller lot area and any new lot created is subject to approval by Algoma Public Health.

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.

The creation of new lots for residential purposes shall also comply with Section D4 (General Consent Policies) of this Plan.

#### **B6.4.2 Plan of Subdivision/Plan of Condominium Policies**

New development by Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with Section D4.3.

#### **B6.4.3 Residential Development on Private Roads**

Many of the dwellings in the shoreline area were originally designed for seasonal occupancy, given that they are only accessed by private roads or seasonal right-of-ways. On the basis that many of these dwellings are capable of being occupied on a year-round or semi-permanent basis, it is the intent of this Plan that the new implementing Zoning By-law permit both seasonal and permanent occupancy in these areas.

All lots that do not have frontage on and direct access to a public road that is maintained year round shall be placed in a Limited Service Residential Zone in the implementing zoning by-law. It is not the intent of this Plan to provide municipal services such as snowplowing to lots fronting on these types of roads. All development in the Limited Service Residential Zone shall be subject to Section D2.5.2 of this Plan.

In situations where landowners would like the local Municipality to assume a private road, the affected lots will have to be re-zoned, 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) The dwelling on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal;
- e) 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,
- f) The lot(s) to be re-zoned complies with all applicable zone provisions in the implementing zoning by-law.

#### **B6.4.4 Shoreline Setbacks**

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. In this regard, the Zoning By-law will establish an appropriate setback to restrict the placement of buildings and structures within the shoreline area. All properties adjacent to shorelines must maintain a minimum 30 metres, setback for development from the high water mark and/or beyond 178.3 CGD elevation of the shoreline (whichever is the greater distance). Reconstruction, replacement and minor additions to legally existing buildings will be permitted provided such changes do not result in further encroachments into the shoreline setback. In addition, subdivision agreements, site plan control agreements and/or tree cutting by-laws will be utilized to further minimize impacts on natural shoreline features.

New development must provide adequate setback consideration to areas of wave uprush and dynamic beaches, where these features have been identified by the Ministry of Natural Resources.

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. Subject to the approval of the local Council, the Planning Board, the Ministry of Natural Resources 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.

#### **B6.4.5 Marinas**

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. In addition, any new marina shall be subject to an Environmental Impact Study (EIS) in accordance with Section B9.11 (Requirements for an Environmental Impact Study). The scope of the required EIS shall be determined when the development is proposed.

## **B6.5 SHORE ROAD ALLOWANCE**

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; and,
- d) 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**

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.

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 Section D2.5.2 (Residential Development on Private Roads).

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:

- a) encourage the development of recreational uses which are compatible with the character of the Island and promote recreation based economic development;
- b) ensure that new uses are properly planned and located and serviced with appropriate supply of water and sewage services; and,
- c) ensure that new recreational uses will not have a negative impact on the environmental and hydrogeological features and 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 Council.

### **B7.3 PERMITTED USES**

Permitted land uses in the Major Recreation designation shall relate to the management or use of resources and resource based recreational activities including those uses which existed or had received an 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, integrated and do not dominate the natural setting.

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. 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. 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 policy of Section B8.3. New limited residential uses may be permitted subject to a servicing options report and the completion of a municipal Comprehensive Review.

## **B7.4 DEVELOPMENT POLICIES**

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

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. 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. 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.

Before considering an amendment to the Official Plan (if required) and Zoning By-law, 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**

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:

- a) maintain and enhance the ecological integrity of the natural heritage system;
- b) eliminate the potential for the loss or fragmentation of Provincially significant coastal wetlands and the habitats and ecological functions they provide; and,
- c) 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:

- a) All significant coastal wetlands evaluated and identified by the Ministry of Natural Resources;
- b) All other wetlands that were designated as such in the previous Official Plan or which have been identified but not evaluated by the Ministry of Natural Resources and endorsed by Planning Board and the local Council;
- c) Significant habitat of endangered or threatened species; and,
- d) Any other area that has been determined to be environmentally significant as a result of a planning process.

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.

### **B8.3 PERMITTED USES**

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 B9.2 a) and c) above, 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. Proposals for the development of buildings and structures accessory to permitted uses are

required to be accompanied by a supporting Environmental Impact Study which demonstrates, for the purposes of B9.2 a) and c), that no negative impact on the natural features or their ecological functions will occur due to the proposed development. 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 Natural Resources and the Ontario Forestry Association.

## **B8.4 GENERAL POLICIES APPLYING TO THE ENVIRONMENTAL PROTECTION DESIGNATION**

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

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**

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 a Provincially significant coastal wetlands that has been evaluated by the Ministry of Natural Resources;
- b) 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest;
- c) 50 metres of a significant habitat of any endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required; and,
- d) 30 metres from the boundary of a fish habitat area.

No development or site alteration shall be permitted on these adjacent lands 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. The requirements for an Environmental Impact Study are contained in Section 9.11 (Requirements for an Environmental Impact Study) of this Plan.

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. Below is a description of those components of the natural heritage system that are within the Environmental Protection designation.

## **B8.6 WETLANDS**

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, as shown on Schedule B. 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:

- provide habitat for plants and animals;
- store water for groundwater recharge purposes;
- trap sediments, nutrients and contaminants thereby improving downstream water quality;
- provide corridors for plant and animal movements; and,
- provide flood control and protect shorelines from erosion.

There are two categories of wetlands in this Plan which have been distinguished for planning purposes. They include Provincially Significant, Coastal Wetlands and locally significant wetlands.

Many wetlands on the Island have been evaluated by the Ministry of Natural Resources and have been classified as significant wetlands and significant coastal wetlands Provincially Significant Coastal Wetlands. Wetlands which have been classified as such are identified on Schedule B to this Plan. There are also other wetlands on the Island that have either not been evaluated by the MNR or do not meet the criteria to be considered Provincially significant. These wetlands are also identified on Schedule 'B'. It is a policy of this Plan that all wetlands, regardless of classification be designated as Environmental Protection. Any application for the alteration of a boundary of a Provincially Significant Coastal

Wetland, either for an increase or a decrease, must be approved by the Ministry of Natural Resources.

#### **B8.7 SIGNIFICANT HABITAT OF ENDANGERED, THREATENED SPECIES**

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 on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO) lists. The 'significant habitat' is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered, or threatened species.

The significant 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 would be amended if necessary to reflect the additional habitat(s) located through further study.

#### **B8.8 NEW DEVELOPMENT IN THE ENVIRONMENTAL PROTECTION DESIGNATION**

There may be circumstances where development may be appropriate in the Environmental Protection designation, if such development:

- a) is not located within a Provincially Significant Coastal Wetland or the habitat of endangered or threatened species;
- b) cannot be located on another portion of the lot that is not within the Environmental Protection Zone;
- c) is essential in the location proposed;
- d) 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;
- e) is set back as far as possible from a watercourse; and,
- f) is supported by an Environmental Impact Study that is prepared in accordance with this Section B9.11 (Requirements for an Environmental Impact Study) and approved by Council, subject to the comments of the appropriate agencies.

The requirement for an Environmental Impact Study may be waived by 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.

Where new development is proposed within the Environmental Protection designation and the proposal conforms with the above criteria, a zoning amendment will be required. For the purposes of this policy, development is not intended to include the creation of a new lot for conservation purposes, forestry or woodlot management practices.

## **B8.9 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY**

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

### **B8.9.1 PURPOSE OF AN EIS**

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.
- d) 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.

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.

Any EIS must be approved by Council, in addition to 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**

The EIS shall include a description of:

- a) the proposed undertaking;
- b) the natural features and ecological functions 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 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 how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. 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**

The EIS should demonstrate, where applicable, that the proposed use 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 significantly affect the scenic qualities of the area;
- h) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
- i) enhance and restore endangered terrestrial and aquatic and fish habitat where appropriate and feasible;
- j) not create noise that will have an adverse impact on the enjoyment of neighbouring properties;
- k) not interfere with the function of existing or potential natural corridors;
- l) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
- m) not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat.

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**

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 Natural Resources, and will not require an Amendment to this

Plan. Such lands will be placed in appropriate environmental zones in the implementing Zoning By-law.

Where any application is made to amend the boundary of an area identified as Provincially Significant Coastal Wetland, in the Zoning By-law, the application shall be circulated to the Ministry of Municipal Affairs and Housing and Notice of application is to be given to MMAH pursuant to Ontario Regulation 545/06 (5(10)).

The zoning by-law shall also incorporate general setbacks for lot lines, 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.

The implementing zoning by-law 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.

Council shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the corridor and in a safe manner.

## **B9 MAJOR OPEN SPACE**

### **B9.1 PURPOSE**

The purpose of the Major Open Space designation is to:

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

### **B9.2 LOCATION**

The Major Open Space designation as shown on Schedule A to this Plan applies to the open space lands that are in public ownership.

Lands designated Major Open Space are available for use by all Municipal residents and in addition, are used by many non-residents.

### **B9.3 PERMITTED USES**

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 the Townsites**

Community parks in the Townsites 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. However, it is also a policy of this Plan that, before any major changes in funding or the level of service in each of the existing community parks are made, a long-range plan is prepared. Such a long-range plan should 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**

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**

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 occurs, as confirmed by Schedule B, the policies of Section B9 shall take precedence over the Major Open Space policies. 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**

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:

- a) provide commercial lands in appropriate locations on the Island which serve the traveling public and or rural residents; and,
- b) ensure that new rural highway commercial development occurs in an orderly manner; and,
- c) ensure appropriate lands are available to accommodate commercial uses which are not appropriate or compatible within the Downtown.

### **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. New rural highway commercial uses will require an Official Plan Amendment.

### **B10.3 PERMITTED USES**

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

### **B10.4 FORM OF DEVELOPMENT**

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 THE TOWNSITES**

This Plan has designated land beyond the limits of the Townsites 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, however in such instances 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**

All new 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;
- b) Landscaping will be provided to enhance the site and surrounding area;
- c) Outdoor storage areas are substantially screened from the view of passing traffic;
- d) The proposed use can be serviced with an appropriate water supply and means of sewage disposal;
- 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 are utilized to ensure that there is adequate screening between the uses; and,
- f) Where a proposed use abuts a property occupied by an existing farm operation, the applicant shall undertake an 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**

All lands within the Rural Highway Commercial designation shall be placed in an appropriate Commercial Zone in the implementing zoning by-law.

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## **PART C GENERAL ENVIRONMENTAL POLICIES**

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### **C1 OBJECTIVES**

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; and,
- f) identify what information is required to support an application that may have an impact on the hydrogeological resources of the Island.

## **C2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE ENVIRONMENTAL PROTECTION DESIGNATION**

### **C2.1 RIVERS AND STREAMS**

All of the rivers and streams in 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.

It is the intent of this Plan to protect all rivers and streams 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 the provincial guidelines outlined in the Ministry of Natural Resources Guide to Understanding Natural Hazards (2001). The top of bank shall be determined by an Engineer and/or Surveyor.

### **C2.2 FISH HABITAT**

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 Department of Fisheries has authorized such development or works in accordance with the Fisheries Act. Fish Habitat is not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority (the Federal Department of Fisheries and Oceans) when proposing any development on lands adjacent to water. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 30 metres of a fish habitat area.

### **C2.3 WOODLANDS AND VALLEYLANDS**

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. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of development approval. Furthermore, Council may pass a tree cutting by-law to prevent the cutting of trees in sensitive areas. Such a by-law shall not be passed without a specific assessment of the impacts of a tree cutting by-law together with opportunity for public comment.

#### **C2.4 AREAS OF SIGNIFICANT WILDLIFE HABITAT**

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. 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.

Wildlife habitat areas shown on the 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

New development may be permitted within areas of significant wildlife habitat or the adjacent lands if it can be demonstrated through an EIS that such development will have no negative impact on the feature or the ecological function. For the purposes of this plan, it is anticipated that development applications will require an EIS if proposed within 50 metres of a significant wildlife habitat.

#### **C2.5 OTHER AREAS IDENTIFIED THROUGH A PLANNING PROCESS**

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. The identification of new such areas would only occur through the review of a major development application requiring an amendment to this Plan. New environmental features which are identified will be added to Schedule B in one of two ways: by an Official Plan Amendment for that purpose or at the time of the Official Plan review; whichever is most expeditious.

### **C3 WATER RESOURCE MANAGEMENT**

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.

On this basis, all development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, institutional and any use permitted in Section B8.3, shall be supported by a Water Resource Management (WRM) report.

The WRM Report shall be prepared by a hydrogeological professional to the satisfaction of the Island 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**

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.

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council or Planning Board and the appropriate agencies and be prepared in accordance with The Stormwater Management Practices Planning and Design Manual (1994) or its successor and 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.

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. 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**

The following policies shall apply to development proposed in association with steep slopes and ravines.

- a) Development will not be permitted on slopes that are subject to active erosion or historic slope failure.
- b) Development shall be sufficiently setback 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:
  - i) soil type and groundwater patterns;
  - ii) vegetation type and cover;
  - iii) severity of slope; and,
  - iv) nature of development.
- c) 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**

#### **C5.2.1**

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. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;

- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

#### **C5.2.2**

Development and site alteration within a floodway is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodway. A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards.

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 surrounding by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodway.

#### **C5.3**

##### **Hazardous Sites**

Hazardous sites are defined as lands that could be unsafe for development 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 or Planning Board may require the preparation of a technical study to confirm if such conditions exist on site.

In the event the study referred to above 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.

#### **C5.4**

##### **Hazardous Substances**

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

## **C6 WELLHEAD PROTECTION**

The Townsites 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.

Proponents of new development within the identified Wellhead Protection Area may 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 should be completed by a professional with expertise and qualifications in assessing the impact of development upon groundwater resources. In addition, the Zoning By-law may prohibit certain uses, such as the storage of animal manure or petroleum products within 500 metres of a wellhead.

## **C7 WASTE DISPOSAL AREAS**

There are three open waste disposal sites on the Island as shown on the Schedules to the Plan. The development of new uses or new or enlarged buildings or structures within an assessment area of approximately 500 metres from the boundary of a fill area of a closed site, may be permitted provided an assessment is completed to determine:

- 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.

The assessment is intended to address these matters and other items outlined in the Province's Guideline D-4, April 1994, or its successor as required to ensure that the proposed land uses are compatible in nature and do not adversely impact each other.

The studies required to support a development application within the assessment area shall be prepared by a qualified professional and may be scoped based on the type and/or scale of the development proposed.

All lands within the assessment area 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 Planning Board/Council is satisfied that all of the studies required have been satisfactorily completed.

In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Council's consideration.

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, however this shall not apply to a communal sewage or septage facility.

## **C8 LAND USE COMPATIBILITY**

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 in addition to uses adjacent to 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. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Planning Board or Council in accordance with the Ministry of Environment D-Series Guidelines, Where a proposed use cannot satisfy the minimum requirements of the applicable MOE guidelines or its successor, or the potential impacts of the proposed use cannot be 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**

If the site of a proposed use is known or suspected to be contaminated, Planning Board or Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored and a Record of Site Condition be obtained before development approvals are granted.

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## **PART D – GENERAL DEVELOPMENT POLICIES**

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### **D1 WATER AND SEWER SERVICING STRATEGY**

#### **D1.1 OBJECTIVES**

It is the intent of this Plan to:

- a) ensure that public health and the natural environment is protected;
- b) ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan;
- c) identify the preferred means of servicing in the Island;
- d) ensure that all servicing options are considered when major new development is proposed; and,
- e) ensure that appropriate agreements are in place before development on private communal services occurs.

#### **D1.2 PREFERRED MEANS OF SERVICING IN TOWNSITES**

Given the available sewer and water servicing capacity in the Townsites, the preferred means of servicing lands in the Townsite designation is by full municipal water and sewage services.

Notwithstanding this policy, partial services may be permitted in the Townsites 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 infilling and rounding out of existing development on partial services provided reserve capacity is available and site conditions are suitable for the long-term provision of such services.

**D1.3                    PREFERRED MEANS OF SERVICING IN THE SHORELINE AREA**

Given the dispersed and low density nature of existing shoreline development, the most practical means of servicing in the shoreline area is by private wells and septic systems on large lots. However, where feasible, development of new 'stand-alone' communal water and septic systems will be considered to be a preferred form of servicing over private wells and septic systems.

**D1.4                    THE SERVICING OF DEVELOPMENT OUTSIDE OF THE SETTLEMENT AREA AND THE SHORELINE AREA**

New development on lands outside of the Settlement Area and Shoreline designations shall be serviced by private wells and septic systems. 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.

**D1.5                    COMMUNAL SERVICES AND RESPONSIBILITY AGREEMENTS**

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.

**D1.6                    SEWAGE SYSTEM RE-INSPECTION**

A sewage system re-inspection program will be encouraged in the shoreline areas of the Island. The intent of such a program would be 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.

## **D2 TRANSPORTATION**

### **D2.1 OBJECTIVES**

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods to and from the various communities within the Island.
- b) ensure that new development does not create a traffic hazard.
- c) ensure appropriate right-of-way widths for all existing and proposed roads.
- d) restrict development on non-winter maintained roads, private roads and individual rights-of-way unless an agreement on services is registered on title.

### **D2.2 ACCESS TO THE ROADS ON THE ISLAND**

The responsibility for approving an entrance onto a public road in the Island depends on which of the two levels of government maintains the road. The types of roads described in this section of the Plan are shown on Schedule C.

#### **D2.2.1 Access to Highway 548**

Highway 548 is a primary transportation route around the Island. All development abutting Highway 548 is subject to the requirements of the Ministry of Transportation.

#### **D2.2.2 Local Roads**

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.

### **D2.3 RIGHT OF WAY WIDTHS**

The minimum right-of-way width for all municipal roads shall generally be 20 metres. Every effort will be made to secure this right-of-way width as a condition of Planning Act approvals.

## **D2.4 TRAFFIC IMPACT STUDIES**

Traffic impact studies may be required by the Province, Planning Board 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 ensure that the impacts of the development on the adjacent road network are addressed.

## **D2.5 OTHER TYPES OF ROADS**

### **D2.5.1 Private Roads**

Private roads are lanes or roads maintained by private individuals or Condominium Corporations which provide access to more than one property. It is the policy of Planning Board to restrict new development on private roads or individual rights-of way, unless the private road is in a Plan of Condominium. For the purposes of this policy, individual rights of way are existing rights of way servicing more than one property.

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 these types of roads may be permitted, subject to Section D2.5.2 (Conditions under which Development is Permitted).

The creation of a new lot on such a road is not permitted, unless the road is brought up to municipal standards and assumed by a municipality on a year-round basis. The cost of bringing such a road up to municipal standards shall be borne by the landowners that will benefit from the year round maintenance of the road.

### **D2.5.2 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. These lots shall also be subject to Site Plan Control. Council may restrict new development on a vacant lot until a Site Plan Agreement is entered into between the landowner and the local municipality.

It is not the intent of this policy to control the siting of building or structures on the lot, unless it is deemed by Council that issues relating to buffering, building placement and/or drainage should be dealt with in the context of a Site Plan Agreement.

Prior to considering a Site Plan Agreement, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;

- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,
- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by an appropriate water supply on the same lot.

The Site Plan Agreement shall contain wording that indicates that:

- i) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- ii) the owner acknowledges and agrees that the Island does not or is not required to maintain or snowplow the said road or street;
- iii) the owner acknowledges and agrees that the Island will not take over or assume a private road or street as a Island public road or street unless it has been built according to an appropriate road standard; and,
- iv) the owner acknowledges and agrees that the Island is not liable for any injuries, losses or damages as a consequence of the Island issuing a building permit.

## **D3 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES**

### **D3.1 OBJECTIVES**

It is the intent of this Plan to:

- a) recognize that the maintenance of the Island's heritage resources will contribute to the preservation of the Island's character.
- b) ensure that the nature and location of heritage and archaeological resources are known and considered before land use decisions are made.
- c) prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- d) 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.

### **D3.2 POLICIES**

#### **D3.2.1 Public Works**

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 and the CHMP.

#### **D3.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources**

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. A Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the Planning Act. A Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

### **D3.2.3 Built Heritage Inventory**

An inventory of heritage buildings and structures within the Island should be maintained by the municipalities. Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or conservation through the review of any proposed development, subject to all relevant legislation.

### **D3.2.4 Cultural Heritage Landscape Inventory**

In conjunction with Section D3.2.3, a Council may also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the 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.

### **D3.2.5 Designation under the Ontario Heritage Act**

Council 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.

### **D3.2.6 Retention/Relocation of Heritage Buildings**

The local municipalities shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

### **D3.2.7 Archaeological Assessments**

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

Council shall therefore require archaeological impact assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Culture, as well as licensing regulations referenced under the Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

Archeological assessments completed on conjunction with a development application will be referred to the Ministry of Culture for review and approval.

Planning Board and the local Councils shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. In these cases, the provision of the Heritage Act and Cemeteries Act shall apply.

## **D4 SUBDIVISION OF LAND**

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

### **D4.1 PREFERRED MEANS OF LAND DIVISION**

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary 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.

### **D4.2 NEW LOTS BY CONSENT**

#### **D4.2.1 General Criteria**

Prior to considering an application to create a new lot for any purpose, the the Planning Board shall be satisfied that the proposed lot:

- 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 man made hazards.

#### **D4.2.2 Boundary Adjustments**

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. 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.

#### **D4.2.3 Lots for Utilities**

The creation of new lots for public utilities, communication utilities and water 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.

#### **D4.3 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.

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;
- f) the subdivision/condominium conforms with the environmental protection

and management policies of this Plan;

- g) the proposal conforms to 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.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Municipality will be required.

#### **D4.3.1 Affordability**

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. In order to fulfill this policy, Planning Board 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.

In the case of new development approved during the life of this Official Plan, at least 20% of such development should be affordable to low and moderate income households.

#### **D4.3.2 Energy Efficiency and Air Quality**

Planning Board encourages subdivision design that promotes or derives energy efficiency and improved air quality through land use and development patterns which maximize the use of alternative or renewable energy, such as solar and wind energy as well as the mitigating effects of vegetation.

### **D4.4 PUBLIC PARKLAND**

#### **D4.4.1 Objectives**

It is the objective of this Plan to:

- a) establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) ensure that appropriate amounts and types of parkland are acquired by the Island through the development process;
- d) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,

- e) manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

## **D4.5 GENERAL POLICIES APPLYING TO ALL PUBLIC PARKLAND**

### **D4.5.1 Integration of Other Public Uses with the Public Parkland System**

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.

### **D4.5.2 Dedication of Land through the Development Process**

Council will require the dedication of five percent of the land within a residential Plan of Subdivision to be dedicated to the Island as parkland. Two percent of the land within a non-residential development shall be dedicated as parkland. 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, 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.

All lands dedicated shall be conveyed in a physical condition satisfactory to the Municipality.

Lands within the *Environmental Protection* designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

### **D4.5.3 Use of Monies Received Through the Cash-in-Lieu Process**

All monies received under the provisions of Section D4.5.2 should be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act. This policy 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.

#### **D4.5.4 Parkland Dedication By-law**

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

- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section D4.5.2 of this Plan;
- c) the development applications which are subject to parkland dedication requirements;
- d) land uses which are exempt from parkland dedication requirements; and,
- e) 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.

#### **D4.6 PARKLAND DEVELOPMENT POLICIES**

##### **D4.6.1 Parkland Siting and Design**

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;
- d) be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as 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 trail systems, cycling routes and natural heritage corridors.

## **D5 TECHNICAL STUDIES AND PEER REVIEWS**

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 or a local Council may authorize a qualified professional to peer review such studies and provide advice to Planning Board or Council at the applicant's expense.

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## **PART E - PLAN IMPLEMENTATION AND ADMINISTRATION**

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### **E1 PLAN IMPLEMENTATION**

#### **E1.1 ZONING BY-LAWS**

A review of the Island's comprehensive zoning by-law shall be undertaken to ensure that they properly implement the policies of this Plan.

#### **E1.2 TEMPORARY USE BY-LAWS**

The Island may pass temporary use by-laws permitting:

- temporary housing;
- temporary accommodation facilities;
- temporary tourist uses and facilities;
- garden suites;
- parking lots for a specific one-time event; and,
- industrial uses related to the resource and agricultural base of the area and other similar uses.

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. A garden suite may be permitted on a property for up to 10 years. Subsequent by-laws granting extensions of up to three years (or 10 years for a garden suite) may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing zoning by-law.

Prior to the approval of a temporary use Zoning 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 has entered into an agreement with the Island and/or posted 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**

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Island 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 the language of 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; and/or,
- c) agreements respecting the proposed land use or development are entered into.

### **E1.4 SITE PLAN CONTROL**

All areas of the Island are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas in accordance with Section 41(5) of the Planning Act. In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control.

## **E1.5 COMMUNITY IMPROVEMENT**

These policies are intended to provide a basis and mechanism for Council 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.

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.

### **E1.5.1 Community Improvement Areas**

The Townsite, Downtown, Townsite Mixed Use Area and Business Park designations as shown on the schedules to this Plan shall be defined as Community Improvement Areas.

### **E1.5.2 Community Improvement Projects**

Community Improvement projects shall include, but not be limited to:

- a) The development of seniors housing or forms of affordable housing.
- b) The development of a recreational trail and public uses at or near the waterfront;
- c) Improvements to sidewalks and road surfaces to enable safe 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;

### **E1.5.3 Community Improvement Incentives**

In order to encourage improvements to private and public lands, Council may offer the following incentives to private landowners:

- a) reduction or elimination of planning or building application fees;
- b) increased densities for residential development;

- c) reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland; and,
- d) providing specific grants to property owners to improve the appearance of private lands and buildings.

Specific incentives will be approved by a Community Improvement Plan adopted by Council.

## **E2 NON-CONFORMING USES**

### **E2.1 INTENT OF OFFICIAL PLAN**

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be 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 intent of the implementing zoning by-law. In some instances, where issues of compatibility are not created, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the implementing zoning by-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the municipality for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to a more appropriate location.

### **E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW**

Existing uses which do not conform with the policies of this Official Plan may be zoned in the implementing zoning by-law in accordance with their present use, provided that:

- a) the zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) the uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) the uses do not interfere with the appropriate development of the surrounding lands; and,
- d) when the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

## **E3 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS**

A non-complying building, structure or lot is such that it does not comply with the regulations of the implementing zoning by-law.

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;
- b) complies with all other applicable provisions of this Plan and the implementing zoning by-law;
- c) does not increase the amount of floor area in a required yard or setback area; and,
- d) will not pose a threat to public health or safety.

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 the use conforms with the applicable policies of this Plan and the implementing zoning by-law, and the buildings or structures comply with all of the other provisions of the implementing zoning by-law. In addition, such a lot shall have a minimum lot area of 929 square metres.

In addition, as noted in Section D4.2 (New Residential Lots by Consent, Lot Additions and Other Means), 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**

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment which does the following:

- Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;

- Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Island of public meetings held by Council shall be given in accordance with the procedures of The Planning Act.

## **E5 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES**

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, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundaries of the Environmental Protection may be imprecise and subject to change. 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.

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**

For the purposes of interpretation this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2005, 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**

The assumptions, objectives and policies of this Plan shall be reviewed at least once every five years at a meeting of Council, which shall be advertised in accordance with the Planning Act, as amended. The five-year 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 its commercial and industrial assessment in relation to residential assessment;
- 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.