

ST. JOSEPH ISLAND PLANNING BOARD MEETING

Monday, December 19th, 2022

7:00 P.M.

Township of Jocelyn Municipal Office

3670 5th Side Rd. (Hwy. 548), St. Joseph Island, Ontario

AGENDA

Declarations of Pecuniary Interest:

Introduction of New Members:

Annual Election of Officers:

Minutes of Previous Meeting:

Agenda Review/Additions:

Consent Applications:

None

Delegations:

None

Correspondence:

Township of St. Joseph

Re: Proposed Shore Road Allowance Sales

Discussion/Reports/New Business:

Draft New Official Plan Highlights

Planning Board Duties and Voting

Bill 23

Succession Planning

Payment of Accounts:

Adjournment:

**THE CORPORATION OF THE TOWNSHIP OF ST. JOSEPH
NOTICE OF INTENT**

TAKE NOTICE THAT The Corporation of the Township of St. Joseph proposes to enact By-laws to stop up, close and sell the portion of the original shore allowance for the road set out and described as follows:

Those parts of the original shore road allowance lying in front of:

- 1. ST JOSEPH CON D PT LOTS 19 AND 20 RP 1R13906 PARTS 2 3 AND 6; also referred to as 2304 Shore Road in the Township of St. Joseph**
- 2. CON NEEBISH LOT 24PT PCL 313 ALG R/W PCL 3326 ACS; also referred to as 283 Fairview Lane in the Township of St. Joseph**
- 3. CON NEEBISH LOT 24PT PCL 3328 ACS; also referred to as 229 Fairview Lane in the Township of St. Joseph.**

The proposed By-law will be considered by Council at their meeting on Wednesday, January 18th, 2023, beginning at 6:30 p.m. in the Council Chambers located at the Township Office - 1669 Arthur Street, Richards Landing.

At that time, Council will hear, in person or by solicitor or agent, any person who claims that their land will be prejudicially affected and who applies to be heard. Any such person may apply to the undersigned no later than Thursday, January 12th, 2023. Please note that the decision of Council will be final.

Maps of the individual properties can be found on the reverse of this notice.

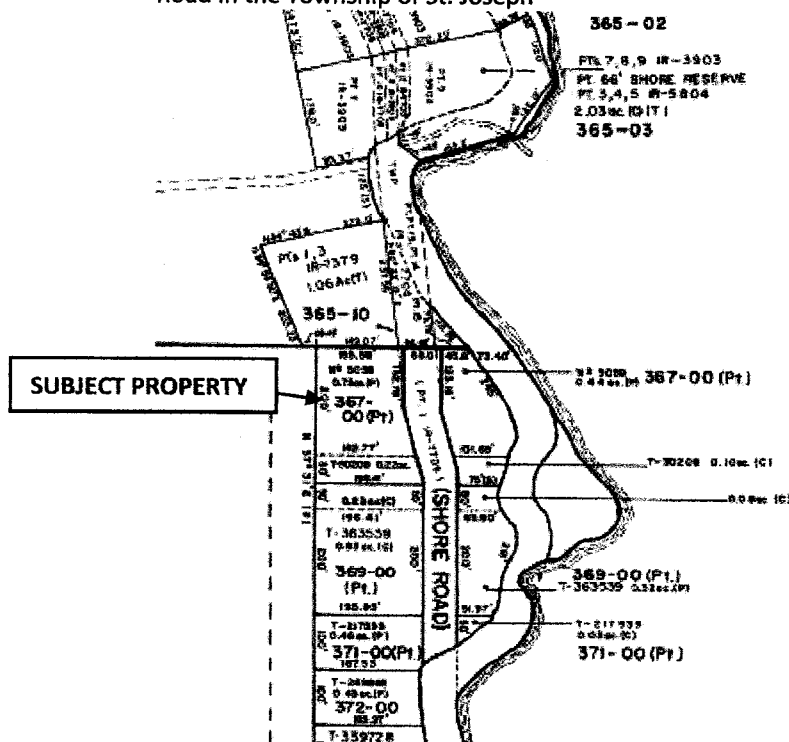
Signed at Richards Landing, December 14, 2022



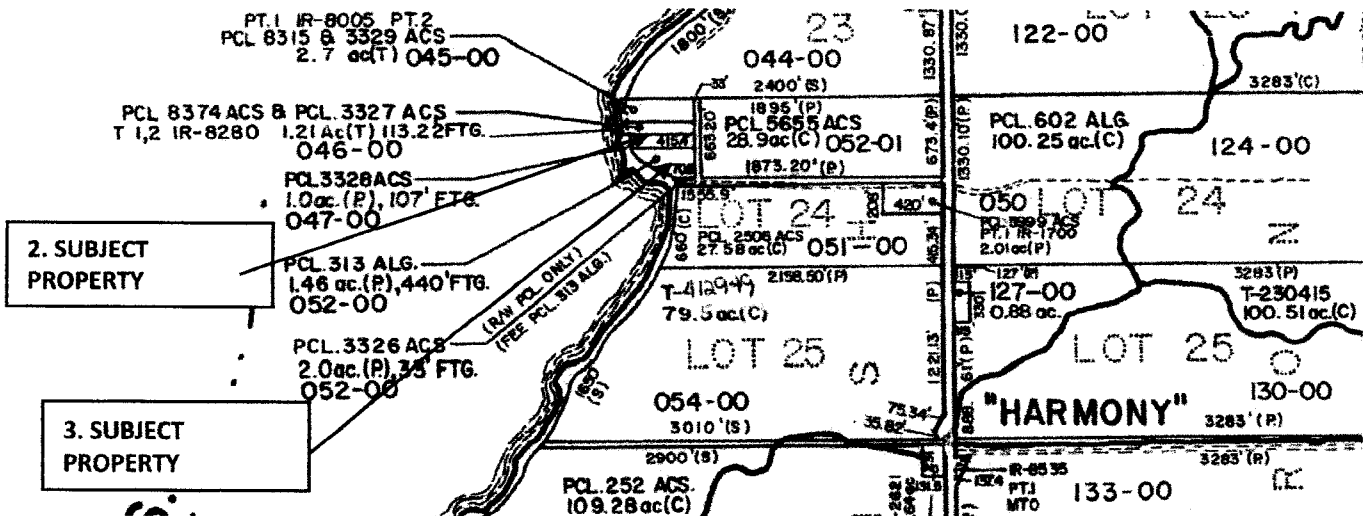
Amanda Richardson, Clerk Administrator
The Township of St. Joseph

Key Maps:

1. ST JOSEPH CON D PT LOTS 19 AND 20 RP 1R13906 PARTS 2 3 AND 6; also referred to as 2304 Shore Road in the Township of St. Joseph



2. CON NEEBISH LOT 24PT PCL 313 ALG R/W PCL 3326 ACS; also referred to as 283 Fairview Lane in the Township of St. Joseph
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Proposed New Official Plan Highlights

The proposed new Official Plan for St. Joseph Island is based on and reconfirms most of the policies outlined in the existing Official Plan. Many sections of the Plan have however been subject to minor revisions of a housekeeping nature such as updated policy language, reconfiguration and consolidation of policies, clarification of intent, correction of typographical errors, mapping updates, etc.

This summary focuses on the more significant policy changes and proposed new policies that are included in the draft new Plan, which is currently under review by the Province.

Highlights:

1. **Sec. B1.4 - Residential Density (Townsite)** - Maximum density provision for Multi-unit residential development in the Townsite (i.e. residential) land use designation in the settlement areas of Hilton Beach and Richards Landing is changed from 30 units per net hectare to 20 units per net hectare.
2. **Sec. B4.4 - 1 (c) - Residential Density (Mixed Use Area)** - Housing density maximum in the Townsite Mixed Use land use designation is changed from 30 units per net residential hectare to 20 units per net residential hectare.
3. **Sec. B6.4.1 - 2. Waterfront Lot Size** - Minimum lot area for new lots in the Shoreline land use designation is changed from 1 hectare (2.5 ac.) to 0.6 hectares (1.5 ac.).
4. **Sec. C5.3 - Wildland Fire Hazard** - New policies to prevent/protect development from wildland fire hazard areas. (Provincial Requirement)
5. **Sec. C10 - Minimum Distance Separation** - New policies to clarify compliance requirements with Minimum Distance Separation (MDS) Formulae for development in all policy designations. Protection of agricultural uses from non-compatible uses.
6. **Sec. D1 – Additional Units** - New policies to provide for Additional Units (i.e. second units) on a residential property (Provincial Requirement)
7. **Sec. D2 – Group Homes** – New policies to allow municipalities to regulate type, size and location of group homes.
8. **Sec. D4.1 – Short-Term Rentals** – New policies to recognize and allow regulation of short-term rental accommodations through zoning (i.e. AirBnBs) – Also see #19.
9. **Sec. D5 – Residential Care Facilities** – New policies in support of appropriately funded and located residential care facilities.
10. **Sec. D8 – Age Friendly Planning** - New policies in support of age friendly planning practices.
11. **Sec. D8 – Water Lots** - New policies to recognize existence of and encourage public acquisition and/or private consolidation of water lots (i.e. lands covered by water).
12. **Sec. D9 - Weather Events (climate change)** - New policies encouraging the utilization of planning tools to mitigate the impacts of climate change. (Provincial Requirement)

13. **Sec. D10.7 – Green Infrastructure** – New policies to encourage incorporation of green infrastructure elements in new development proposals
14. **Sec. E1.4 – Interim Control By-laws** - New policies to address the potential use of Interim Control By-laws to freeze or prohibit new development while a review or study of planning policies is being undertaken.
15. **Sec. E1.7 - Community Benefits By-law** – New policies to introduce the concept of Community Benefits By-laws to allow municipalities to impose charges to help off-set capital costs of facilities, services, etc. resulting from new development.
16. **Sec. E1.8 – Property Standards By-law** - New policies in support of the use of property standards by-laws to regulate the maintenance and occupancy of private property.
17. **Sec. E1.9 – Site Alteration By-law** - New policies in support of Site Alteration By-laws to regulate activities impacting drainage and vegetation patterns.
18. **Sec. E1.10 – Tree Protection By-law** - New policies respecting the use of Tree Protection By-laws to prevent the cutting on trees in sensitive areas.
19. **Sec. E1.11 – Short-Term Rental By-law** - New policies to permit the implementation of Short-Term Rental By-laws to prescribe standards and regulations related to the use of residential dwellings for short term rental accommodations.
20. **Sec. E2.1 – Pre-Application Consultation** - New Policies to permit municipal by-laws to require pre-application consultation prior to submission of a development application.
21. **Sec. E2.2 – Complete Applications** - New policies to outline the requirements of a complete application. (Provincial Requirement)
22. **Sec. E2.3 – Public Participation** - New policies outlining how Planning Board and Municipalities will ensure adequate engagement with the public on land use planning and development matters.
23. **Sec. E8 – Coordination** - New policies encouraging cooperation and coordination by the Island municipalities in local decision making on land use planning matters, and encouraging the Planning Board and Councils to work together with all levels of government.

Bill 23
Summary
SCHEDULE 9
PLANNING ACT

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

- 1. The concept of parcels of urban residential land is added as well as rules respecting development on such parcels.**
- 2. New subsections 16 (20) and (21) are added to require zoning by-laws to be amended to conform with certain official plan policies within one year of the policies coming into effect.**
- 3. Currently, under subsection 45 (12), a person has the right to appeal a decision of the committee of adjustment if the person has an interest in the matter. Amendments are made to the subsection to add the requirement that the person also be a specified person listed in a new definition in subsection 1 (1). New subsections 45 (12.1) to (12.4) are added to provide transitional rules associated with this change, including its retroactive application. A similar amendment is made to appeal rights under subsections 53 (19) and (27).**
- 4. Currently, subsections 22 (2.1) to (2.1.2) prohibit requests for official plan amendments to be made within two years of a new official plan or secondary plan coming into effect. The subsections are repealed. The prohibitions on applications to amend zoning by-laws in subsections 34 (10.0.0.1) and (10.0.0.2) and in relation to applications for a minor variance in subsections 45 (1.2) to (1.4) are similarly repealed.**
- 5. Currently, section 23 of the Act enables the Minister to amend official plans by order where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to, in particular, eliminate certain procedural steps to which the Minister's power to make orders is subject, as well as to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.**
- 6. A new subsection 34 (19.9) is added to create an exception to subsection 34 (19.5), which prevents certain appeals of zoning by-laws related to protected major transit station areas if more than a year has passed since related official plan policies or amendments thereto came into effect.**

7. Currently, subsection 37 (6) permits a municipality that has passed a community benefits charge by-law to allow an owner of land to provide the municipality facilities, services or matters required because of development or redevelopment in the area. A new subsection 37 (7.1) provides that a municipality may require such an owner to enter into an agreement with the municipality that addresses the provision of the facilities, services or matters and new subsection (7.2) requires the agreement to be registered against the land.

8. Currently, subsection 37 (32) of the Act provides that the amount of a community benefits charge payable in any particular case shall not exceed the prescribed percentage of the value of the land as of the valuation date. The subsection is amended to require the amount to be multiplied by a ratio based on floor area.

9. Various amendments are made to section 41 of the Act with respect to site plan control areas. New subsections (1.2) and (1.3) are added to qualify the definition of “development” in section 41. Amendments to subsections (4) and (4.1) provide that exterior design is no longer a matter that is subject to site plan control. Similar changes are made to section 47.

10. Various amendments are made to section 42 of the Act with respect to parkland requirements, including the following:

i. Currently subsection 42 (1) provides that a council may require the dedication of land for park or other public recreational purposes as a condition of development or redevelopment and sets out maximum amounts based on the type of development or redevelopment. A new subsection 42 (1.1) is added to establish a maximum amount for development or redevelopment that will include affordable residential units, attainable residential units or residential units required to be affordable pursuant to an inclusionary zoning by-law. Similar changes are made to section 51.1.

ii. New subsections 42 (2.1) to (2.4) are added, which set out rules with respect to the timing of the determination of the amount of land for park or other public recreational purposes or payment in lieu that is required to be provided under a by-law under the section. Similar changes are made to section 51.1.

iii. Amendments are made in relation to the alternative requirement for parkland conveyances and payments in lieu, including to change the maximum rates and provide a maximum amount of land or value thereof that may be required to be provided. Similar changes are made to section 51.1.

iv. New subsections 42 (4.30) to (4.39) are added, which set out a framework for owners of land to identify land to be conveyed to satisfy requirements of a by-law passed under the section. The framework permits owners to appeal to the Tribunal if the municipality refuses to accept the conveyance of the identified land.

v. A new subsection 42 (16.1) is added, which requires a municipality to spend or allocate 60 per cent of the monies in the special account required by subsection 42 (15) annually.

11. Amendments to the exceptions to subdivision control and part-lot control under subsections 50 (3) and (5) of the Act are made in connection with land lease community homes. The exception doesn't apply in respect of land if any part of the land is in the Greenbelt Area. A complementary amendment is made to the definition of "parcel of land" in subsection 46 (1).

12. Section 51 is amended by repealing certain provisions respecting public meetings.

13. Section 70.12 is added to give the Minister the power to make regulations governing transitional matters.

14. The Act is amended to provide for two different classes of upper-tier municipalities, those which have planning responsibilities and those which do not. Various amendments are made to provide lower-tier municipalities with planning functions where, for municipal purposes, they form part of an upper-tier municipality without planning responsibilities. A new section 70.13 addresses various transitional matters which may arise where there is a change in the municipality that has planning responsibilities.

Ontario Planning Act

Planning area defined by Minister

9 (1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning board for planning area

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of office

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed. R.S.O. 1990, c. P.13, s. 9.

Duties of planning board

14 (1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

(b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

Preparation of official plan

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council. R.S.O. 1990, c. P.13, s. 14.

Ontario Municipal Act

Voting

Tie votes

245 Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act. 2001, c. 25, s. 245.

Recorded vote

246 (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2001, c. 25, s. 246 (1).

Failure to vote

(2) A failure to vote under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. 2001, c. 25, s. 246 (2).