



OFFICIAL PLAN

TOWNSHIP OF JOLY

APPROVED JUNE 2015

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Section 1 – Introduction

1.1 Overview

The Township of Joly is located in Northern Ontario, within the District of Parry Sound, south of North Bay and within immediate proximity to Provincial Highway 11 corridor. The Township has an area of approximately 195 square kilometres and a permanent residential population (2012) of approximately 280 persons.

The Township has a rural landscape comprised of several small inland lakes, streams and associated watercourses in addition with abundant forested areas and aggregate extraction operations.

1.2 Intent of the Plan

The intent of the Official Plan is to be consistent with all applicable Provincial policies and guidelines and is to establish a policy framework for long range land use planning for the municipality. The Plan in conjunction with a Comprehensive Zoning By-law will provide the basis for fostering balanced future growth and development throughout the Township. Development of resources, such as forestry and aggregate extraction should take place in a manner that avoids environmental and land use incompatibility.

The policies of the Official Plan and Zoning By-law provisions are not binding on Crown land activities; use of Crown land will be determined by the Province with regard for the established planning policies of the municipality.

1.3 Time Frame

The time of the Plan is to be from 2014 to 2034, with mandatory reviews to be undertaken every ten years during the aforesaid timeframe of the Plan (pursuant to Section 26 of the *Planning Act*). Such reviews may or may not result in amendments to the Plan. The foregoing will not restrict the Township for processing an Amendment to the Plan in response to a planning and/or land use approval application.

1.4 The Provincial Role

The Ministry of Municipal Affairs is the provincial authority in terms of approving the Plan and any subsequent amendments to the Plan.

Such legislation, policies, regulations and programs include, but are not limited to:

- The Provincial Policy Statement; (2014)

- The Growth Plan (Northern Ontario); and
- The *Planning Act*.

1.5 The Municipal Role

The Township will be responsible for the implementation of the Official Plan. Decisions must conform with policy directives of the Plan relating to land use approval applications, building permits, municipal infrastructure, projects and municipal initiatives serving to advance the betterment of the community.

The Central Almaguin Planning Board, with direct input provided by the Township, will have authority for decisions relating to land division, consent and subdivision applications. The municipality will be responsible for processing Zoning By-laws and By-law amendments, Site Plan Control (where applicable) and Minor Variances.

The Township will also be responsible for processing Official Plan Amendments. Amendments to the Plan will be subject to Ministry of Municipal Affairs approval.

This Plan is consistent with the Provincial Policy Statement, and as such, all planning and land use approval applications will be reviewed to ensure their completeness and consistency with the Provincial Policy Statement. Additionally, the Plan will be reviewed, and if required, updated every 5 years to ensure consistency with the Provincial Policy Statement and regard for other applicable Provincial Planning Policy documents.

1.6 Amendments to the Plan

1. Applications for amendments to this Plan by the public, a public body or amendments initiated by the Township Council will be pursuant to the requirements of the *Planning Act*. Applications submitted by the public or a public body must be deemed complete, and where required by the Plan shall include technical studies, reports or other information to enable conformity with the policies of the Plan.
2. In the course of preparing or reviewing an amendment, the Township will pre-consult with the Ministry of Municipal Affairs and will convene at least one public meeting and an open house as pursuant to Sections 17 and 26 of the *Planning Act*. Notice of such meetings shall be given to the persons and public bodies as

required by the *Planning Act*. Council will provide or make available adequate information prior to the public meeting, such as a copy of the proposed amendment, a planning report or technical study(s)/report(s).

3. Council may decline to have a public meeting if they refuse to adopt an amendment requested by a person or public body if the application is deemed to be incomplete.
4. Council shall establish procedures for the advertising and for the location of public meetings relating to amendments to the Plan, including:
 - a) Public meeting to be held by Council;
 - b) Public meetings for site specific or general amendment will be advertised pursuant to the *Planning Act*, and
 - c) Information related to any amendment to the Plan will be made available in advance of a public meeting.

Where there are changes to the proposed Official Plan amendment, as a result of a public meeting or as a result of input from the circulation of the draft amendment, Council may hold another public meeting to obtain further public or stakeholder input.

1.7 Agencies/Stakeholders

The name of all concerned government agencies/stakeholders shall be that as of the date of adoption of this Plan. The Plan will not require amendment in the event said agencies/stakeholders undergo a name/title change.

1.8 Interpretation of the Plan

1. Boundaries

It is intended that the boundaries of the land use designations shown on **Land Use Plan Schedules** of the Plan are to be considered as approximate. Boundaries are to be considered absolute when bound by roads, railways, rivers or streams or other such distinctive geological barriers. An Official Plan Amendment may not be required for such minor changes to the Plan, which may include:

- a) Updated section references to applicable legislation;
- b) Consolidated amendments which have previously been approved;
- c) Corrected typographic, grammatical or mapping errors which do not affect the intent or application of the policies or provisions of this Plan;
or
- d) Translated measurements from one unit to another, provided that there are no changes to distances.

2. Figures and Quantities

It is intended that all figures and numerical quantities, where they may appear in this Plan, shall be considered as approximate unless otherwise stated.

3. Legal Non-Conforming

It is intended that buildings, structures, uses, etc. that are normally incidental, accessory or essential to a permitted use prior to the passage of the Official Plan will also be permitted as a Legal Non-Conforming use even though they may not be specifically stated or identified in the land use policies of the Plan.

4. Accessory Uses, Buildings and Structures

Where the policies of this Plan specifically affect or control the development of accessory uses, buildings or structures, development shall only occur within the parameters of such policies.

5. Permitted Uses

Where permitted uses are provided for in the policies of this Plan, it is intended to generally indicate the range of uses considered appropriate. However, any proposed use(s) not listed shall only be permitted when determined by Council to be in conformity with the general intent and policies of the Plan.

6. Legislation

Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent and/or successive legislation that may supersede the Act so named.

7. Municipality

Where the term “Township” is used in this Plan, it is intended to mean Corporation of the Township of Joly.

8. Provincial Policy Statement

The “Definitions” set out in the Provincial Policy Statement (April 30, 2014) shall apply to those same words and terms used in this Plan. It is the intent of this Plan that planning applications shall be consistent with the Provincial Policy Statement in effect at the time the decision is made.

9. Growth Plan for Northern Ontario (Growth Plan)

The “Definitions” set out in the Growth Plan shall apply to those same words and terms used in this Plan. It is the intent of this Plan that planning applications shall conform to or not conflict with the Growth Plan.

10. Reference to Original Documents

Where reference is made in this Plan to an original document which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document where necessary in implementing the policies of this Plan. This may include provincial mapping sources (Ministry of Northern Development and Mines) as well as Minimum Distance Separation Regulations.

1.9 Defined Area

This plan applies to all land included within the boundaries of the Township as shown on Schedules 'A' – Land Use, 'B' – Transportation and 'C' – Environmental and Natural Features, and 'D' Aggregate Resources.

1.10 Basis of the Plan

1. The general land use pattern in the municipality is rural in nature, including many wooded/forested areas. Certain parts of these areas are managed and/or actively cultivated/forested. Limited residential, seasonal residential, and lakeshore/waterfront residential is distributed throughout the Township generally along Township roads (permanent and/or seasonal). Additionally, there are several aggregate-extraction uses located within the community.
2. There are no village or equivalent settlement areas within the boundaries of the Township.
3. The Villages of Sundridge and South River provide commercial/retail and related services/uses for Township residents.
4. New development in the municipality shall be serviced by private water supply and sewage disposal systems or any equivalent system(s) satisfactory to the Health Unit, the North Bay-Mattawa Conservation Authority and other applicable authoritative agencies and where it has been demonstrated that site conditions are suitable for the long-term provision of such services with no negative impacts.
5. The foregoing policy would not prohibit the Township from establishing municipal systems provided such facilities are in keeping with the policies of this Plan.
6. Population growth over the Census period of 2006 to 2011 in the Township has been limited. The 2012 population (permanent residents) was approximately 280. Similar population growth is anticipated for the duration of the term of the Plan.
7. The Plan is comprised of various sections, including:
 - Rural
 - Shoreline Residential
 - Aerodrome Special Policy Area
 - Aggregate Sites Authorized Active
 - Wetlands, water courses, natural heritage

The Plan also identifies Crown Lands for information only.

1.11 Definitions

1.11.1 Provincial

a) Provincial Policy Statement (PPS)

The Plan shall be consistent with the policy directives and requirements of the PPS. Moreover, the Plan shall be updated or amended, as required, to ensure on-going consistency with the PPS.

b) Growth Plan for Northern Ontario (Growth Plan)

The Plan shall conform to or not conflict with the Growth Plan (March 2011).

c) *Planning Act*

The Plan, its administration, implementation and utilization shall conform to the requirement and provisions of the *Planning Act*.

d) Ministry of Municipal Affairs (MMA)

The MMA is recognized as the Provincial Ministry responsible for the approval of official plans and official plan amendments within the Township.

e) Ministry of Natural Resources and Forestry (MNRF)

The MNRF is responsible for the management of Crown land, pursuant to the Public Lands Act. This includes management of Crown forests and the administration of Managed Forests on private land. The MNRF is also responsible for the issuance of aggregate extraction licenses on privately owned lands, under the authority of the *Aggregate Resources Act*. MNRF also administers various other pieces of legislation, including the *Endangered Species Act*, and provides the municipality with information and general technical advice on matters relating to the protection of endangered and threatened species and their habitats, significant wildlife habitats, provincially significant wetlands, fish habitats and natural hazards.

f) Ministry of Tourism, Culture and Sport

The Ministry of Tourism, Culture and Sport oversees various programs/services of which Archaeological Resources and Heritage are of relevance in terms of the implementation and utilization of the Plan.

g) Ministry of the Environment and Climate Change (MOECC)

The MOECC oversees various programs relating to environmental matters.

- h) The North Bay-Mattawa Conservation Authority is the approval body for septic systems (under 10,000 litres per day).

1.11.2 Township

- a) For the purposes of the Plan, the Township means the Corporation of the Township of Joly.
- b) For the purposes of the Plan, the Council means the Council of the Corporation of the Township of Joly.
- c) For the purposes of the Plan, the Planning Board means the Central Almaguin Planning Board.
- d) For the purposes of the Plan, the Health Unit shall mean the North Bay – Parry Sound District Health Unit.

1.12 Objectives of the Plan

The Plan is based upon the following objectives:

1. To promote an economically sustainable and attractive land use pattern throughout the municipality;
2. To ensure that new development in the municipality is conducted in an environmentally sustainable manner;
3. To ensure the adequate provision of physical services, roads and community facilities to satisfy the needs of the residents of the municipality;
4. To encourage and facilitate community improvement opportunity;
5. To encourage the establishment of new industry and commercial opportunities suitable for the municipality;
6. To provide policies and guidelines for the evaluation of development proposals;

7. To provide policy framework for the Zoning By-law;
8. To facilitate and encourage meaningful public participation in the planning of the municipality;
9. To ensure sustainable and appropriate use of natural resources and features of the municipality;
10. To ensure the preservation and protection of environmentally sensitive and significant natural areas of the municipality;
11. To ensure land use compatibility, and protection, improvement or restoration of water quality and quantity;
12. To encourage heritage conservation through the protection and enhancement of the Township's cultural heritage resources; and
13. To ensure that new development and site alteration do not occur where they would be subject to flood or erosion hazards.

Section 2 – Land Use Policies

The Plan is comprised of a series of general land use designations. The general pattern of land use is offered on Schedules 'A' – Land Use and 'C' -Environmental and Natural Features of the Plan.

Council shall ensure that the growth, development and planning of the municipality will proceed in accordance with the policies and Schedules of the Plan.

Additionally, the policies and Schedules of the Plan serve to ensure the protection and preservation of environmentally sensitive and significant natural features located in the municipality. While most natural heritage features are small-scale and therefore not comprehensively documented, known natural heritage features and areas are generally illustrated on Schedule 'C' – Environmental and Natural Features.

[2.1 Land Use Designations](#)

The Plan is comprised of the following land use designations:

- Rural
- Shoreline Residential
- Aerodrome Special Policy Area
- Aggregate Sites Authorized Active
- Wetlands, water courses, natural heritage

The Plan also identifies Crown Lands for information only.

Section 3 – General Development Policies

Permitted Uses – All Designations

The following land uses are permitted to be established in all land use designations of the Plan except where there are natural heritage features or areas, resource extraction activities, hazards or incompatible uses, as shown on the land use schedules, provided such uses are deemed by Council to be in general conformity with the Plan and necessary for the betterment and advancement of the municipality.

- i. Municipal facilities including, municipal buildings/facilities (such as administration, public works);
- ii. Utility installations, excluding the office or agency carrying out responsibility for such utility;
- iii. Institutional uses, including places of worship, education facilities, and federal and/or provincial government facilities (subject to the approval of a site specific zoning by-law amendments); and
- iv. Passive parks and open spaces may be permitted in any land use designation except where there would be environmental or public health and safety concerns.

3.1 Accessory Uses, Structures, Buildings

Where a use of land is permitted by the Plan (land use designation), the use(s), structures and buildings normally incidental, accessory subordinate and essential to said use shall be permitted. The foregoing use would be subject to applicable regulatory provisions as set forth in the Zoning By-law.

3.2 Home Based Business

Home based businesses shall be permitted in the rural and shoreline residential designations, subject to the following general criteria:

- i. The use be subordinate and accessory to the residential use;
- ii. The business operation be compatible with adjacent land uses, particularly residential uses (existing or planned);
- iii. That adequate private services be available to accommodate the use;
- iv. That adequate site access, site parking and loading facilities are provided;
- v. That the use conforms to any Provincial regulations, where applicable; and
- vi. That as-of-right home based business uses shall be specified in the Township Zoning By-law.

3.3 Group Homes

Group Homes shall generally be permitted in all residential designations, as referenced by the Plan, subject to the following:

- i. The use conforms to applicable Provincial regulations;
- ii. The use be located on a lot having frontage on a permanent year-round public road;
- iii. That adequate site access, site parking and amenity areas be provided; and
- iv. That adequate water and wastewater services are provided to accommodate the use.

Section 4 – Division of Land - General

It is anticipated that the majority of land division will occur by way of consent to sever applications, however subdivisions or condominium could occur by application to the Central Almaguin Planning Board.

Consent applications may be considered by the Township and the Planning Board subject to the following policies:

- i. That both the retained and severed lot(s) will conform with policies and land use designation(s) of the Plan;
- ii. That both the retained and severed lot(s) be consistent with the policy requirements of the PPS;

- iii. That both the retained and severed lot(s) have access onto a permanent year-round municipal road, or a seasonally-maintained municipal road if the intended use does not require year-round access;
- iv. That both the retained and severed lots can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal and the treatment capacity of disposal capacity for hauled sewage from private individual on-site sewage services. Individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts as defined in the PPS; and
- v. For the purposes of this Plan, the North Bay-Mattawa Conservation Authority is the septic approval authority for systems which handle less than 10,000 litres per day. For uses that generate sewage effluent of more than 10,000 litres per day, an Environmental Compliance Approval from the Ministry of the Environment and Climate Change will be required.

4.01 Evaluation of Consents

Consents may be allowed for the severance of up to three (3) new lots at one time which satisfy the following:

- i. Consistency with the Provincial Policy Statement (2014) and Policies of this Official Plan;
- ii. Compliance with the provisions of the Joly Township Zoning By-law;
- iii. A Plan of Subdivision is not required;
- iv. Size and shape of the proposed lots;
- v. Road accessibility of the proposed lots;
- vi. Impact of the consent on the ability of adjacent lots to be developed;
- vii. Impact of the consent on the natural environment;
- viii. Adequacy of existing municipal services and utilities; and
- ix. Adequate separation distances from existing pits and quarries.

When evaluating applications for consent, Council and Planning Board shall consider:

- (a) Whether the proposed consent represents limited residential development or

resource-based recreational activities;

- (b) The cumulative cost of providing additional municipal services to the subject lands;
- (c) The justification of the need for the lot creation, including opportunities for it to locate within a settlement area, and the number of existing vacant lots of record of a similar type and location;
- (d) The potential for the proposed lot creation to lead to urban sprawl; and
- (e) The potential for the proposed lot creation to contribute to cumulative environmental impacts.

Council, in collaboration with the Central Almaguin Planning Board, will monitor the type, extent, and location of lot creation and the conversion from seasonal dwellings to permanent dwellings in the Township until the time of the ten year review of the Official Plan, at which point its policies on land use and land division will be re-evaluated.

4.02 Conditions of Consent Approval

As conditions of consent approval, proponents may be asked to satisfy certain requirements authorized by the Planning Act, including:

- i. The dedication of parkland or cash-in-lieu of such dedication;
- ii. The dedication of road widenings or reserves required by the Township and/or Planning Board;
- iii. Fulfillment of financial requirements of the Township;
- iv. Municipal agreements required by the Township to accommodate the new lots;
- v. Submission of a registered reference plan; and
- vi. Confirmation of existing capacity for the treatment of sewage/septage hauled from individual on-site sewage systems.

4.1 Lot Additions – Easements/Right-of-Ways

Consent applications to permit a lot addition or an easement/right-of-way may be considered by the Township and the Planning Board and subject to the following policies:

- i. That both the retained and severed lot(s) and the easement/right-of-way will

conform with policies and land use designation(s) of the Plan;

- ii. That both the retained and severed lot(s) and the easement/right-of way be consistent with the policy requirements of the PPS; and
- iii. That both the retained and severed lot(s) and the easement/right-of-way have access onto a permanent year-round municipal road, or a seasonally-maintained municipal road if the intended use does not require year-round access;

4.2 Rural Areas – Division of Land

The following policies shall specifically apply to applications for Divisions of Land designated as Rural, as illustrated on Schedule A –Land Use of the Plan.

In addition to the policy requirements of Subsections 4.01 and 4.02 of this Plan, applications may be allowed for the creation of up to three (3) new lots where the minimum lot area of the retained or severed lots shall each be one (1) hectare for lands designated Rural subject to the following policies:

- i. That both the retained and severed lot(s) will conform with policies and land use designation(s) of the Plan and the Zoning By-law;
- ii. That both the retained and severed lot(s) be consistent with the policies of the PPS; and
- iii. That both the retained and severed lot(s) have access onto a permanent year-round municipal road, or a seasonally-maintained municipal road if the intended land use does not require year-round access;

4.3 Shoreline Residential Areas – Division of Land

In addition to the policy requirements of Subsections 4.01 and 4.02 of this Plan, the following policies shall specifically apply to lands designated as "Shoreline Residential" as illustrated on Schedule 'A' – Land Use of the Plan:

- i. That the minimum lot area of either the retained or severed lot(s) shall be 1 (one) hectare in size for lands designated as Shoreline Residential;
- ii. That land use pattern resulting from the Land Division does not create an inappropriate fragmentation of land;
- iii. That the retained and severed lot(s) conform with applicable zoning By-law regulations; and

- iv. That a lot, as existing on the date of the effect of this Plan be eligible for severance where the severed and retained lots both conform to the policies of the Plan.

Development shall be prohibited on a water-body that has reached or is near its development capacity, in accordance with the Lakeshore Capacity Assessment Handbook Lakeshore capacity assessment should be considered whenever development is being considered within 300 metres of a lake or permanently flowing stream within its watershed.

Specifically, the following applies to lakes that have been modeled or measured to be at-capacity for phosphorous (i.e. phosphorous concentrations exceed 'background' or 'undeveloped' concentrations +50% or have measured dissolved oxygen concentrations that are less than MNR's criterion for lake trout lakes (i.e., less than 7 mg/L dissolved oxygen, measured as mean volume-weighted hypolimnetic dissolved oxygen concentration at end-of-summer). Where these circumstances exist, new lot creation should only be permitted:

- a) To separate existing habitable dwellings provided there would be no net increase in phosphorous loading to the lake;
- b) Where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or
- c) Where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake; or
- d) Where a site-specific soils investigation demonstrates that 15 metres downgradient of the site consists of deep (more than three metres), native and undisturbed B Horizon soils.

Section 5 – Archaeological Resources

1. There may be significant archaeological remains of prehistoric and historic habitation within the municipality. Where new development is proposed in proximity to a suspected cemetery or burial sites or within an area which has been identified as containing known archaeological resources or having high archaeological resource potential, a development proponent shall undertake an archaeological assessment on the property in accordance with the archaeological assessment technical guidelines of the Ministry of Tourism, Culture and Sport. Such assessments shall be undertaken by a qualified archaeologist licensed pursuant to the provisions of Section 38 of the *Ontario Heritage Act*. Adequate measures shall be undertaken to mitigate potential impacts upon identified significant archaeological resources. Impact mitigation may include item/asset removal and documentation of the archaeological resource or avoidance and preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

2. Council may also undertake the preparation of an Archaeological Master Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as lands within the Township that have potential for the discovery of archaeological resources. The Plan will also outline policies, programs and strategies to protect significant archaeological sites.
3. It is also the intent of this Plan to encourage Council:
 - a) To enter into a Municipal-Provincial Heritage Data Sharing Agreement with the Ministry of Tourism, Culture and Sports that will provide updated archaeological site mapping and a database to the Township; and
 - b) To update any archaeological mapping and database as new archaeological sites are identified from land development and/or from the Provincial Archaeological Sites Database.

Section 6 – Built and Cultural Resources

1. The Township shall consider the establishment of a Municipal Heritage Committee, pursuant to Section 28 of the *Ontario Heritage Act*.
2. Council will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect cultural heritage resources.
3. The Township shall establish a Municipal Register as per Section 27 of the *Ontario Heritage Act*.

Section 7 – Contaminated Site Decommissioning and Clean-up

1. The proper decommissioning and clean-up of any contaminated site prior to redevelopment or re-use will be required, including the following measures:
 - i. The compilation of inventories of sites where existing and past uses may have contributed to the presence of contaminants, as they become known to the Township;
 - ii. Where a change in land use or application for development approval (i.e. building permit, rezoning, consent, subdivision, amendment to this Plan) is received for a known, suspected or potential contaminated site or property adjacent to such a site, the Township shall not grant any planning

approvals until:

- a. A Phase I Environmental Site Assessment (and a Phase II Environmental Site Assessment, if recommended by Phase I Environmental Site Assessment) is submitted and reviewed;
 - b. Mandatory filing of a record of site condition in the Environmental Site Registry is required for the change of use of a property from industrial or commercial to residential or parkland. Phase 1 Environmental Site Assessments (ESA) should be carried out at sites which may be contaminated and Phase II ESAs should be completed if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) and with Ministry of the Environment and Climate Change guideline "Record of Site Condition – A Guide to Site Assessment, the Clean-up of Brownfield Sites and Filing of Records of Site Condition" dated October 2004 or associated guidelines.
 - c. Section 168.3 (i) of the *Environmental Protection Act* may require the filing of a Record of Site Condition for specific changes in land use.
2. Council may also request the filing of a record of site condition when reviewing planning applications for redevelopment that may be contaminated but does not require mandatory filing.

Section 8 – Natural Heritage

1. The plan recognizes the importance of protecting habitats of endangered and threatened species, areas of natural and scientific interest (ANSIs), wildlife habitats, fish habitats and provincially significant wetlands. Information (where it exists) about these natural heritage features have been included on Schedule 'C'- Environmental and Natural Areas. Since there have been no comprehensive assessments of small-scale significant natural heritage features on privately owned lands, before *Panning Act* decisions are made, Council or the Panning Board will require that an appropriate level of ecological site assessment be carried out where there is potential for habitat of endangered and threatened species, significant wildlife habitat and/or fish habitat. Nothing in Section 8 is intended to limit the ability of agricultural uses to continue.
2. It is Council's intention to protect natural heritage features and to encourage private land owners to protect and enhance natural heritage features through sound management practices. Council recognizes that hunting, fishing and trapping have historically been carried out within natural heritage features and that these practices will continue. However, most such habitats remain undocumented, and may be identified through other methods such as an

ecological site assessment that is carried out at the proponent's expense before new *Planning Act* decisions are made.

- v. Habitat of Endangered and Threatened Species-There are known habitats of endangered and threatened species in the Municipality. Development and site alteration will not be permitted within habitat of an endangered or threatened species except in accordance with Provincial and Federal requirements.
- vi. Significant Wildlife Habitat-Some significant wildlife habitats have been identified on the land use schedules of this Plan, including Stratum 1 and 2 deer wintering habitats, moose aquatic feeding habitat and known wildlife habitat nesting sites. It is Council's intent to review and update the policies related to significant wildlife habitat as part of the five-year review of the Official Plan.
 - a) Development and site alteration will not be permitted in significant wildlife habitat, or within 120 metres of significant wildlife habitat, unless it has been demonstrated by an Environmental Impact Study completed by a qualified professional that there will be no negative impacts on the habitat features or their ecological functions.
 - b) New lot creation in deer wintering habitat areas shall be restricted to single family residential uses whereby each new lot would have a general minimum lot size of 90 metres width by 90 metres depth; for shoreline lots this should include a minimum 90 metre shoreline width. Where deer wintering habitat is restricted to a narrow fringe along the lakeshore, a minimum of 120 metres of shoreline width is required for new shoreline lots. In both cases sufficient conifer thermal cover shall be maintained on lots in deer wintering habitat. Alternate lot sizes may be appropriate if the habitat assessment performed by a qualified professional has indicated that deer wintering habitat does not exist.
- vii. Fish Habitat-all lakes, rivers, streams, drains and water courses have the potential to be fish habitat. The Plan recognizes the importance and value of the fisheries in the municipality and supports protection of their habitat and areas that contribute to fish habitat.
 - a) Where applicable, *Planning Act* Applications shall consider MNRF's Fish Habitat Classification mapping.
 - b) Development and site alteration shall not be permitted in or adjacent to fish habitat unless it has been demonstrated by an Environmental Impact Study completed by a qualified professional that there will be no negative impacts on the habitat features or their ecological functions. Adjacent lands to fish habitat are those within 120 metres of Type 1 or "unknown" fish habitat based on MNRF's Fish Habitat Classification mapping.

- c) New shoreline lots will only be created where there is adequate frontage that is suitable for shoreline use without significant alteration such as dredging or removal of vegetation/stumps, etc. New lots will not be permitted where they would be fronted entirely by areas mapped as Type 1 or “unknown” fish habitat based on MNRF’s fish habitat classification mapping, unless a fish habitat assessment carried out on behalf of the proponent has determined that there are adequate areas that are not Type 1 habitat where docking and other shoreline facilities can be located.
- viii. The Township of Joly recognizes the importance of wetlands including unevaluated wetlands. The following policies apply to wetlands in the Township.
- a) Development and site alteration shall not be permitted within an identified provincially significant wetland;
 - b) Development and site alteration shall not be permitted within 120 metres of the provincially significant wetland boundary unless it has been demonstrated by an Environmental Impact Study completed by a qualified professional that there will be no negative impacts on the wetland features or their ecological functions.

Section 9 – Natural Hazards

1. Development and site alternation shall not be permitted within a flood plain.
2. The location of flood plains will be incorporated into the comprehensive zoning by-law as non-development areas. As site-specific studies identify new flood plains these shall be incorporated into the Zoning By-law as an amendment.
3. The following policies shall also apply:
 - i. The location of any essential emergency services and the disposal, manufacture, treatment or storage of hazardous substances is prohibited in the flood plain.
 - ii. The location of any institutional use including long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools is prohibited in the flood plain.^{11d}
 - iii. The expansion of existing buildings and structures in the flood plain shall not be permitted.
 - iv. For purposes of the Plan, regulatory flood pertains to the higher of a 1:100 year flood event or the regional flood line.

- v. Water Setback and Protection of Shoreline Integrity
- a) Generally all buildings and structures will be set back a minimum horizontal distance of 30 metres from the normal high water mark of a water body. This requirement may be increased or in very limited situations decreased, depending on such factors as site conditions; the particular use proposed; and, whether the situation involves the infilling between two existing residential dwellings. In the case of existing lots, where the setback cannot be met, the setback shall be as remote from the high water mark as the lot will permit and, if applicable, from lands owned or legally utilized by Hydro One and/or Ontario Power Generation or other producers of hydro-electric power.
 - b) Where a development is proposed to decrease the minimum 30 metre horizontal setback from the high water mark of a water body, Council may require the submission of an Environmental Impact Study (EIS) in accordance with the requirements of Section 11 of this Plan.
 - c) A greater set back would apply in those areas where the flood plain is more than 30 metres from the normal high water mark.
 - d) The property between the shoreline of the water body and the dwelling will be retained where possible in its natural state to serve as a buffer which will assist in minimizing the land-surface transport of nutrients to the lake or water body. The retention of the natural soil mantle and mature tree cover within 30 metres of the shoreline of the water body is encouraged. Boat docks, boat launching facilities and flood and erosion control devices may be also permitted.
 - e) Written approval is required from the Ministry of Natural Resources and Forestry^{22a} prior to straightening, changing, diverting or interfering in any way with the channel of a watercourse. Dredging and/or filling activities involving the littoral zone shall be discouraged in order to avoid the re-suspension of nutrients from the lake sediments and the destruction of fish habitat. Any such dredging or filling shall require the prior approval of the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans.
- vi. No new lots shall be created where the minimum lot area requirements

cannot be met above the flood plain^{11e} outside of the floodplain or where access would not be safe during flooding.

4. Development and site alteration will not be permitted in areas with potential erosion hazards unless it has been demonstrated that the site and its access would be safe using the 100 year erosion rate. This should consider erosion potential under average water levels, under regulatory flood conditions and whether future site alterations on or adjacent to a site would increase the hazard.^{11f}
5. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.

Proponents may be required to undertake a site assessment to determine the presence of hazardous forest types for wildland fire, as may be indicated by generalized wildland fire hazard information. If development is proposed where hazardous forest types are present, mitigation measures should be identified by proponents to outline how the risk will be lessened.

Section 10 – Energy Conservation

1. The Plan recognizes the importance of energy conservation in the following ways:
 - i. Encouraging the re-use and redevelopment of existing buildings;
 - ii. Encouraging the repair and maintenance of all public buildings in an energy efficient manner utilizing green building and construction practices;
 - iii. Encouraging new buildings to be oriented to maximize the potential from solar energy for space heating and water heating; and
 - iv. Encouraging other acceptable sustainable measures satisfactory to the Chief Building Official and related approval authorities.

Section 11 – Technical Studies, Complete Application

General Policies

1. In accordance with Regulations made under The *Planning Act* for the purpose of deeming a "complete application", the Planning Board and/or the Township may request additional information that it considers it may need when

considering development proposals or *Planning Act* applications. Such information may include, but is not limited to, any of the following:

- Servicing Options Report
 - Hydrogeological studies (in accordance with the MOECC^{22d} Guidelines)
 - Engineered Drainage Plan/Storm Water Management
 - Traffic Study
 - Environmental Impact Study
 - Archaeological Study
 - Planning Study/Analysis
 - Natural Resource Study (aggregates, mineral non-aggregates, forests, etc.)
 - Noise & Vibration Impact Study
 - Agricultural Land Usage Justification
 - Studies related to dust, odour and vibration
 - Lake Capacity Assessment
 - Ecological Site Assessments
 - Engineered Flood Plain Study
 - Heritage Impact Assessments
 - Financial Impact Study
2. The Township will review these studies and may do so internally or through the use of peer reviewers with the cost of such review at the proponent's expense. Where appropriate, the Township may also consult with the Ministry of Municipal Affairs, the Ministry of Natural Resources and Forestry or any other authority having jurisdiction or expertise relative to the nature of the development application.
 3. Where development is proposed in or adjacent to the natural heritage features and areas protected by the policies of Section 8 of the Official Plan as illustrated on Schedules 'A' – Land Use or 'C' — Environment and Natural Features of the Plan, or as otherwise identified, the proponent shall prepare and submit to the Township a Report which demonstrates that there will be no negative impacts on the natural features or their ecological functions.

Development will be prohibited unless it can be demonstrated through applicable studies, that no negative impacts on natural features will be realized, as required by the MNRF Natural Heritage Reference Manual.

The Assessment shall be comprised of an ecological site assessment and, if initial site assessment identifies potential significant natural heritage features or areas, an Environmental Impact Study (EIS) is to be carried out by a qualified professional. The EIS shall have regard for the following:

- i. The nature and extent of the proposed development;

- ii. Consistency with applicable Provincial Planning documents, including but not limited to the PPS and Growth Plan for Northern Ontario;
- iii. The particulars of the natural feature/environment including both species and significant habitat of endangered and threatened species, significant wildlife habitat, fish habitat and wetlands;
- iv. The impact, if any, of the proposed development upon the natural feature/environment, including a comprehensive outline of mitigative measures to be undertaken to address same; and
- v. The determination of the applicable flood line and associated flood plan, if the development is adjacent or in proximity to a water-body or tributary of same.

Section 12 – Development Setbacks

The applicable minimum development setbacks shall be as follows:

- i. Habitat of endangered and threatened species, provincially significant wetland, significant wildlife habitat and fish habitat – 120 metres, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in which case a lesser setback may be appropriate;
- ii. Lake, river, stream, creek or other such water tributary – 30 metres.

The foregoing shall apply to new development building and structures (including septic systems), except as otherwise provided for by the Plan. Development that exists as of the date of effect of this Plan that does not conform to the above setback requirements may be deemed as legal non-conforming.¹³ However, alterations/modifications of such buildings and structures resulting in an expansion of building area (measured either vertically or horizontally), including permitted accessory structures or buildings, shall be subject to the prescribed minimum setback provisions of Section 12 of the Plan.

Section 13– Rural Area

13.1 Goal

The goal of the Rural designation shall be to preserve and enhance the rural character of the municipality as a natural resource.

13.2 Objectives

- i. To permit development in the rural area consistent with maintaining its rural and natural landscape including the management or use of resources; resource based recreational activities including hunting and fishing camps; cemeteries and other land uses compatible with a rural setting;
- ii. To provide for limited residential development and to ensure that such development does not threaten the quality or quantity of ground and surface water; and
- iii. To permit home based businesses in many areas, as allowed through the implementing Zoning By-law and Section 3.2 of the Plan.

13.3 General Policies within the Rural Designation

- i. Private land owners may enter into forestry/woodlot management agreements with the MNRF;
- ii. Development shall be appropriate to the infrastructure which is planned or available;
- iii. New land uses, including the creating of lots, and new or expanding livestock facilities, shall comply with the Minimum Distance Separation formulae;
- iv. For any lot having both Rural and Shoreline Residential designation a dwelling shall be permitted to be established on the portion of the lot designated Rural, subject to the applicable Zoning By-law regulations;
- v. Development within the Rural designation shall conform to the required development setbacks and related policies of the Plan, as it would pertain to mineral aggregate sources, natural features, habitat and hazard areas; and
- vi. Lots shall have frontage on a year-round maintained public road or a seasonally-maintained public road if the intended land use does not require year-round access.

13.4 Agriculture

At the date of effect of the Plan, there were no known or designated prime agricultural lands. However, there is interest in creating farm related uses within the municipality. Accordingly, agriculture and farm related uses shall be permitted within the Rural designation subject to the following policies:

- i. Any future identified agricultural areas shall be protected for long-term use for agriculture;

- ii. Agricultural uses, secondary uses, and agriculture-related uses as defined in the Provincial Policy Statement are permitted in agricultural areas; all other uses and activities are prohibited in agricultural areas;
- iii. In agricultural areas, agricultural uses and normal farm practices will be promoted and protected;
- iv. In considering development in or near agricultural areas and other agricultural areas as designated the Township shall consider:
 - a) Maintaining the identified agricultural area(s) and encouraging the area(s) for future agricultural expansion;
 - b) Maintaining the viability of farm units; and
 - c) The existing character of the agricultural community.
- v. All development near livestock barns and manure storage must comply with the Minimum Distance Separation Formula as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

13.5 Dog Kennels

1. Existing dog kennels shall be permitted within the Rural designation subject to the following policies:
 - i. A dog kennel use shall be compatible with existing or planned adjacent land uses;
 - ii. A dog kennel use shall be located on a lot having frontage onto a permanent public maintained year-round road; and
2. Dog kennels existing on the date of effect of the Plan shall be permitted to continue. However, any expansion of such use must conform to the policies of the Plan and any attendant municipal Zoning By-law regulations and licensing.
3. A dog kennel use is to comply with the regulatory provisions of the Dog Kennel By-law 2014-15 (January 1, 2014) and the regulatory provisions of the Township's Zoning By-law.

Section 14 – Residential Areas

14.1 Shoreline Residential

For purposes of this Plan, "Shoreline Residential" shall mean any land used or

planned for residential purposes having a lot line abutting a waterbody. A lot having a river, creek, stream or other such water tributary traversing the lot shall not be deemed to be a Shoreline Residential lot.

For purposes of this Plan, dwellings shall be permitted within the "Shoreline Residential" designation.

14.1.1 Shoreline Residential properties shall be subject to the following policies:

- i. The use of land shall be cognizant of its development relationship with the applicable waterbody shoreline;
- ii. To ensure that the built form along the shoreline is not overly concentrated or dominating to the detriment of the natural form;
- iii. To encourage to the fullest extent possible developed and undeveloped lands in their natural state through appropriate property stewardship and Zoning By-law regulations;
- iv. Development or site alteration adjacent (120 metres) to habitat of endangered and threatened species, provincially significant wetlands, wildlife habitat and fish habitat shall be prohibited, unless it is demonstrated through studies, as required by this Plan, and pursuant to applicable Provincial policies, that such development or site alternation does not result in any negative impact under the feature. In this instance, development may be permitted within the 30 metre to 120 metre setback from the feature;
- v. Buildings and structures, exclusive of any boat dock or ramp shall have a minimum setback of 30 metres from the established high water mark.
- vi. Shoreline alterations shall require approval from the MNRF and other such designated approval authority;
- vii. Tree and vegetation coverage within 30 metres of the shoreline is encouraged to be retained to the fullest extent possible through the appropriate placement, location and design of buildings, structures and related lot development;
- viii. Lots shall have a minimum lot area of 1 hectare. Those legal lots of record existing as of the date of effect of this Plan with less than required frontage and/or area shall be deemed legal non-conforming;
- ix. Consent to sever land designated as "Shoreline Residential" shall comply with the policies of Section 4 and 4.3 of the Plan;
- x. Lots shall have frontage onto a year-round public road or a seasonal road

where permitted by the Township; and

- xi. Development shall not be permitted that would result in a lake (or water-body) being over capacity in accordance with the Lakeshore Capacity Assessment Handbook.

14.2 (Intentionally deleted)

14.3 Secondary Units

For purposes of this Plan "secondary units" are permitted for rural residential lots subject to compliance with the applicable provisions of the Zoning By-law (Second Units).

Secondary Units are permitted within the following structures, if such a structure is permitted, within the Rural designation of this plan:

- a) Within a detached house, semi-detached house or row-house if no building or structure ancillary to the detached house, semi-detached house or row-house contains a residential unit; and
- b) Within a building or structure ancillary to a detached house, semi-detached house or row house if the detached house, semi-detached house or row house contains a single residential unit.

14.4 Garden Suites

Garden suites are one-unit detached residential structures containing bathroom and kitchen facilities that are ancillary to an existing residential structure and which are designed to be portable. Garden suites support small scale intensification and meet affordable housing needs.

A garden suite is permitted in the Rural designation subject to a rezoning under the provisions of a Temporary Use By-law in accordance with Section 39.1 of the *Planning Act* and Section 18.4 of the Official Plan. A By-law authorizing a temporary use of a garden suite shall define lands to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 20 years subject to the following conditions

- i) A single garden suite is permitted as an accessory unit on a lot with one existing dwelling unit;
- ii) The lot is suitable for servicing a garden suite and the principal dwelling unit on the basis of individual on-site sewage disposal and individual on site water services;

- iii) The garden suite can be integrated with the prevailing character of the surrounding area and will be removed at no expense to the Township at the termination of its use; and
- iv) An agreement shall be required between the applicant and the Township dealing with such matters as the installation, location, maintenance, occupancy and removal of the structure.

Despite the above, Council may by by-law grant further periods of not more than three years during which the temporary use is authorized upon the expiration of the 20 year period for which a garden suite is permitted.

Section 15 - Transportation

The Municipality's road network is comprised of a series of permanent and seasonal roads. The intent of the Plan is to encourage and direct development to have direct access onto permanent (year round) public roads.

Schedule 'B' – Transportation of the Plan illustrates the existing road network. The Township shall consider where conditions warrant the extension of permanent roads particularly if facilitating natural roadway connections.

[15.1 Permanent Roads](#)

For the purposes of this Plan, Schedule “B” – Transportation illustrates existing permanent roads. These roads are maintained by the Township on a year-round basis.

15.1.1 – Existing and future permanent roads shall have a road allowance width of 20 metres, unless required to have a greater width by the Township or the MTO.

15.1.2– Such roads will provide for the safe and convenient movement of automobiles and where appropriate, pedestrian traffic.

[15.2 Seasonal Roads](#)

For purposes of this Plan, Schedule 'B' – Transportation illustrates the existing seasonal roads.

The Township is responsible for the maintenance of seasonal roads, pursuant to the requirements set forth in the *Municipal Act*

The intent of this Plan is to not encourage the creation of additional seasonal

roads, except where deemed necessary by the Township or the Province to accommodate such purposes as:

- i. Emergency vehicle access; and
- ii. Temporary access (to accommodate resource-based uses).

16.2.1 – Seasonal roads shall be developed at an acceptable standard satisfactory to the Township as outlined by the MTO and other Provincial guidelines.

15.3 Recreational Trails

Within the municipality there are a series of trails utilized for various recreational purposes. Trails accommodate the following activities:

- i. Snowmobiling;
- ii. All-terrain and off-road vehicles; and
- iii. Hiking and bicycling.

15.3.1 – The Township shall encourage the maintenance and operation of recreational trails through partnership and collaboration with stakeholder agencies and community organizations.

15.3.2 – The Township may work collaboratively with adjacent municipalities in terms of contiguous trail routing, management, operation and related matters.

15.3.3 – Regard for public safety shall be promoted as well as regard for land uses adjacent to the trail routes.

15.4 Aerodrome Special Policy Area

As of the date of approval of this Plan, an aerodrome facility is located within the northwest quadrant of the municipality.

15.4.1 Aerodrome Special Policy Area – Airport Viability and Expansion

Development is not permitted where it will hinder the potential future expansion of the Almaguin Highlands Air Park. Within the 1 kilometre influence area extending from the airport on Schedule 'A' and 'B' of this Official Plan, no development requiring approval under the *Planning Act* will be permitted if it produces negative impacts on the viability of the airport operation or on future airport expansion plans. Noise assessment studies are not required for development approvals within this Special Policy Area because there is no Transport Canada noise exposure forecast (NEF/NEP) mapping for this aerodrome as confirmed by addendum to the

Provincial Policy Statement effective February 1, 1997.

15.4.2 Aerodrome Special Policy Area – Unencumbered Easements

The Almaguin Highlands Air Park is a registered aerodrome within the Township of Joly. Certain lands within the designated special policy area of the Almaguin Highlands Air Park are subject to four Infrastructure Ontario "unencumbered-land" easements which prohibit trees or structures of any kind. All land uses in this area shall therefore comply with the provisions of these easements and with all other applicable Infrastructure Ontario regulations.

Section 16 – Aggregate and Resources

16.1 Mineral Aggregate

1. Council will require an amendment to the Official Plan to include a Mineral Aggregate designation to permit extraction in areas not designated Mineral Aggregate but which are determined to be suitable for aggregate extraction by the Ministry of Natural Resources and Forestry.
2. The expansion or opening of a new commercial pit will require preparation of an environmental impact assessment, site plan, operational plan and rehabilitation plan to the satisfaction of the Township, and an amendment to the Plan and Zoning By-law.

In consideration of any such amendments, Council shall examine certain matters, including, but not limited to the following:

- a. Landscaping and visual and physical buffering from other land uses;
- b. The haulage routes and the resultant traffic density;
- c. The progressive rehabilitation and final rehabilitation plans, and the suitability of these plans having regard to the character of the surrounding lands;
- d. Evaluation of the water table, existing and proposed drainage facilities, and setbacks from watercourses;
- e. Effects on adjacent land uses, and particularly, any environmentally sensitive areas;
- f. Hydrology, wildlife or such studies as may be required due to special concerns related to a specific site; and
- g. Any other matters which Council deems advisable.

resources and within the influence area of deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) The resource use would not be feasible; or
- b) The proposed land use or development serves a greater long-term public interest; and
- c) Issues of public health, public safety and environmental impact are addressed.

In demonstrating the above, Council will normally require the proponent of development in or adjacent to a deposit of mineral aggregate resources to prepare a study completed by a qualified professional to address each of the above criteria prior to permitting the development.

Schedule 'D' depicts deposits of mineral aggregate resources including selected sand and gravel resource areas of primary significance; selected sand and gravel resource areas of secondary significance, and; sand and gravel deposits of tertiary significance.

Deposits of primary significance represent areas in which a major resource is known to exist and may be reserved wholly or partially for extractive development and/or resource protection. Deposits of secondary significance are believed to contain significant amounts of sand and gravel. Although deposits of secondary significance are not considered to be the "best" resources, they may contain large quantities of sand and gravel and should be considered part of the aggregate supply. The policies above therefore apply only to deposits of primary and secondary significance.

Aggregate deposits of tertiary significance are not considered to be important resource areas because of their low available resources, or because of possible difficulties in extraction. However, such areas still may be useful for local needs and Council may apply the above policies to development and site alteration in deposits of tertiary significance.

Schedule 'D' is a portion of Map 1- Sand and Gravel Resources for the central and eastern parts of the District of Parry Sound, Ontario Geological Survey, Aggregate Resources Inventory Paper, Rowell, D.J. 2015.

16.2 Forestry – Logging

1. Council may consider amending the plan to a "Forestry-Logging" designation to permit forestry or logging operations in the Rural Designation areas of the Plan.

2. The foregoing Plan Amendment, and the associated requirement of a site-specific Zoning By-law Amendment, will incorporate public notice and opportunities for appeal.
3. In consideration of any such Plan Amendment, Council shall examine certain matters, including but not limited to the following:
 - a. Landscaping and visual and physical buffering from other land uses;
 - b. The haulage routes and the resultant traffic density;
 - c. Evaluation of the water table, existing and proposed drainage facilities, and setbacks from watercourses;
 - d. Effects on adjacent land uses, and particularly, any environmentally sensitive areas;
 - e. Hydrology, wildlife or such studies as may be required due to special concerns related to a specific site; and
 - f. Any other matters which Council deems advisable.

Section 17 – Services and Utilities

1. Waste Disposal

The landfill site is located in the Township of Strong, approximately 2 kilometres west of the Joly boundary. The site also incorporates public facilities for recycling and hazardous waste disposal.

The Township will work collaboratively with the Township of Strong and municipal area residents towards appropriate utilization of the landfill site, including where feasible waste reduction strategies and programs.

The foregoing will not prohibit the Township from establishing its own landfill and/or waste transfer site/facility.

Development shall only be permitted where it has been demonstrated that there is sufficient capacity in the landfill site to accommodate the proposed development.

2. Hydro

- a) Hydro is generally provided by Hydro One and Ontario Power Generation.
- b) Solar farms and/or industrial wind turbine operations that do not fall under the definitions of a Renewable Energy Project per the *Planning Act*, may be located within the Rural designation area of the municipality, provided the following criteria are satisfied:
 - i. The operation be supported by access arrangements satisfactory to the Township;
 - ii. The use shall require the approval of site-specific zoning; and
 - iii. The use be located a minimum setback distance of 500 metres from any property designated or zoned for Residential purposes.
- c) Council shall encourage 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 mitigating effects of vegetation

3. Telecommunication Towers

The Township shall work in collaboration with utility providers regarding the appropriate placement and location of telecommunication towers.

Section 18 – Implementation and Interpretation

18.1 Introduction

The Township shall be responsible for the processing and adoption of Official Plan Amendment Applications. The Ministry of Municipal Affairs is responsible for the approval of such Applications.

18.1.1 Official Plan Review and Amendments

Change is inevitable and this Plan may be amended to reflect new community directions and needs.

1. Council shall review the Official Plan at regular intervals of not less than ten years and when necessary amend the Plan in accordance with the *Planning Act*.
2. As part of the required 10 year review, amendments to the policies of this

Plan shall be made to reflect changing Provincial legislation or regulations so that the policies of this Plan will remain consistent with the Provincial policies.

3. Council may consider other amendments to this Plan at the request of other levels of government, private individuals, corporations or organizations.
4. Amendments to this Plan shall be consistent with the general intent of this Plan and may provide justification on the basis of need and accepted land use planning principles.
5. The Municipality will ensure amendments to this Plan are only considered after appropriate public notice and consultation takes place and that adequate information is made available to allow the public to understand proposed changes.
6. The Municipality will also consult with appropriate public agencies when necessary to address matters of Provincial interest, or on other matters under the jurisdiction of relevant public agencies.
7. Changes to the Official Plan to correct grammatical errors or metric conversions shall be conducted without the need for an Official Plan Amendment.
8. Where there are changes to the proposed Official Plan amendment as a result of a public meeting, Council may wish to hold another meeting to obtain further public input.

18.2 Zoning By-law

The Zoning By-law will be the primary means of implementing the policies of this Plan. Council, in its consideration of an amendment of the Plan, may impose conditions to the passing of a Zoning By-law under Section 34 of the *Planning Act*.

The Zoning By-law shall be amended within 2 years of the adoption of this Plan pursuant to Section 26 of the *Planning Act* to bring the Zoning By-law into conformity with the Official Plan.

18.2.1 Holding Provisions

1. Where the use of land for a particular purpose has been established but details related to design, servicing, phasing, environmental considerations and other matters have not been completely resolved, Council may apply holding

provisions within the Zoning By-law as provided under Section 36 of the *Planning Act*. At the time of rezoning to the holding category, Council shall identify the criteria for development that are to be met at a later date. The criteria may include the phasing of development or the completion of any necessary agreements.

Council may consider additional criteria beyond those specified in this Plan as deemed necessary for a particular development, provided they are specified at the time of rezoning by way of a Council Resolution, an explanatory note to the By-law amendment or other appropriate means.

2. The holding provision shall be applied by the use of a holding symbol "H" in conjunction with the appropriate zone symbol denoting the eventual use of the lands.
3. Prior to removing a holding symbol, Council shall be satisfied that all the necessary criteria have been met. Development agreements may be used as a means of satisfying Council that removal of the holding provisions is appropriate.
4. Under the holding provisions, interim or passive uses such as open space, conservation and existing uses will be permitted.
5. An amending By-law removing the holding symbol shall not require the full public participation process with mechanism for appeal as outlined in Sections 34(11) and 34(25.1) of the *Planning Act*. Council shall give notice of its intention to pass an amending By-law to persons and agencies prescribed by regulation made under the *Planning Act*. When the holding symbol "H" has been removed, the land use provisions of the appropriate zone shall apply.

Pursuant to Section 36(3) of the *Planning Act*, applicants may appeal the removal of the holding symbol to the Local Planning Appeals Tribunal (LPAT) if the Application is refused or a decision is not made within 150 days of the Application.

18.3 Interim Control By-laws

1. Interim Control By-laws may be passed by Council, in accordance with the provisions of Section 38 of the *Planning Act*, for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one (1) year in length with provision for extending the time period for a total time period of not more than two (2) years).

2. Prior to passing an interim Control By-law, it is necessary for Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any interim Control By-law be passed in order to adequately control development in a designated area or areas while the review or study is being completed.
3. Where any interim Control By-law ceases to be in effect, Council may not, for a period of three (3) years, pass a further interim Control By-law that applies to any lands to which the original By-law applied.

18.4 Temporary Uses

A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the municipal Zoning By-law. The By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, in accordance with the *Planning Act*.

The following criteria shall apply for a Temporary Use By-law:

- a) Temporary Use By-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan;
- b) The proposed use shall be compatible with the surrounding land uses;
- c) Required services shall be adequate for the proposed use; and
- d) Access and parking shall be appropriate for the proposed use.

18.5 Minor Variances

1. The Committee of Adjustment shall be guided by the intent of this Plan, the Zoning By-law, and the *Planning Act* when considering requests for a minor variance from one or more of the provisions or standards of the Zoning By-law.
2. The Committee of Adjustment, when considering minor variance applications and when applying the tests prescribed in this Section and the *Planning Act*, shall have before it sufficient and adequate information upon which to make an informed decision.
3. In considering an application for a minor variance, the Committee of Adjustment shall be satisfied that the application meets each of the four criteria described in Section 45(1) of the *Planning Act*.

- a) It is consistent with the intent of the Official Plan;
- b) It is desirable for the appropriate development or use of land, building or structures;
- c) It is consistent with the intent of the local Zoning By-law; and
- d) It is minor in nature.

18.6 Legal Non-Conforming

1. In considering proposed extensions or enlargements of land, buildings or structures containing non-conforming uses, the Committee of Adjustment shall have due regard for the following considerations:
 - a) The proposed extension or enlargement is not in a flood plain;
 - b) Such land, building or structure will continue to be used in the same manner and for the same purpose as it was used on the day that the By-law was passed;
 - c) The proposed extension or enlargement shall not unduly aggravate the situation created by the extension of the use;
 - d) The characteristics of the existing non-conforming use and proposed extension and enlargement is in an appropriate proportion to the size of the existing non-conforming use;
 - e) The characteristics of the existing non-conforming use and proposed extension and enlargement are considered to be generally compatible with adjacent uses and the general district and the use is not obnoxious or injurious;
 - f) No adverse impact would result on municipal services, community facilities, the transportation system or natural environment; and
 - g) Adequate parking, loading and on-site amenities and facilities are provided.
2. Expansion of a non-conforming use shall be permitted only within the limits of the land owned on the day of the adoption of this Plan.

18.7 Maintenance and Occupancy By-laws

1. The municipality may pass a By-law establishing minimum standards of maintenance and occupancy to conserve, sustain and protect the existing and future development in the municipality and may consider the preparation and adoption of a Community Improvement Plan (pursuant to Section 28(2) of the *Planning Act*) where appropriate; and take advantage of federal and provincial programs designated to upgrade and improve buildings and particularly the housing stock.
2. The maintenance and occupancy By-laws, applicable to all properties in the municipality may contain requirements with respect to:
 - a) Garbage disposal;
 - b) Pest control;
 - c) Structural maintenance, safety and cleanliness of buildings;
 - d) Services to buildings;
 - e) Keeping properties free from rubbish, debris, weeds, abandoned or inoperative vehicles, trailers, boats, barges, mechanical equipment or material;
 - f) Maintaining yards, land, parking and storage areas;
 - g) Maintaining fences, swimming pools, accessory buildings and signs; and
 - h) Occupancy standards.

18.8 Interpretation of the Plan

1. The boundaries between the land use designations on the Land Use Schedule(s) of the Plan are approximate except where they coincide with roads, railway lines, watercourses, transmission lines, lot lines or other clearly defined physical features. In these cases they are not open to flexible interpretation. However, where the general intent of the Official Plan is maintained, minor adjustments to boundaries will not require amendment to this Official Plan.
2. Office consolidations of this Plan and amendments thereto shall not require an amendment under the *Planning Act* in order to be used by Council for administrative purposes.
3. References to legislation imply the most recent statutes, as amended. Thus, this Plan need not be amended to maintain the applicability of such references.

4. This Plan shall be read with such changes of gender and grammar as the context may require.

18.9 Additional Information

In accordance with the *Planning Act*, Council may require additional information or material for applications under the Planning Act (Official Plan amendments, Zoning By-law amendments, Plan of Subdivision/Condominium, and Consents) and may refuse to accept or further consider an application if the information or material is not provided.

18.10 Peer Review

If inspections, assessments, reports or studies are required in support of development applications, the municipality may perform peer reviews of these documents at the Applicant's expense.

18.11 Site Plan Control

18.11.1 Site Plan Control Area

Council shall adopt a By-law to designate the entire area of the Township, with the exception of Crown Land, as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control **with the exception of** the following; operation of licensed pits and quarries, non-livestock farm buildings, single-detached dwellings or mobile homes, licensed trailers, home occupations, home industries and additions or renovations thereto.

18.11.2 Development or Redevelopment

For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

18.11.3 Site Plan Requirements

Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the Site Plan Approval process. In accordance with the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing less than twenty-five dwelling units.

18.11.4 Evaluation of Site Plan Applications

The following will be considered in the evaluation of applications:

- i. Location, massing, and conceptual design of buildings and structures;
- ii. Location and design of vehicular and pedestrian access points;
- iii. Location and design of off-street parking and loading facilities;
- iv. Facilities for on-site pedestrian and vehicular circulation;
- v. Road widening;
- vi. Location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities;
- vii. Measures to minimize any loss of sunlight and privacy to adjacent properties;
- viii. Location and design of outdoor recreational areas;
- ix. Location of external facilities and works;
- x. Easements over, and grading of, lands;
- xi. Provisions for storm water management and drainage;
- xii. Facilities designed to have regard for accessibility for persons with disabilities;
- xiii. Matters relating to exterior design including elements pertaining to character, scale, appearance and design features of buildings and their sustainable design;
- xiv. The sustainable design elements on any adjoining roadway under the Township's facilities; and
- xv. Provision for the Township to enter into one or more Agreements with applicants, to ensure that development proceeds in accordance with the proposal and Joly Township requirements.

18.11.5 Site Plan Agreement

- i. As a condition of Site Plan Approval, Joly Township may require proponents to satisfy certain conditions. The applicant may be required to meet the conditions within a specified time period, which, if not met, may cause the approval to lapse. To ensure that conditions are bound to the owner and the land, the Township shall require the proponent to enter into a Site Plan Control Agreement which will be registered on title.
- ii. In accordance with Section 41(4) of the *Planning Act*, Council shall amend the Joly Township Site Plan Control By-law for areas zoned Commercial, Recreational Commercial, Public and Institutional, to require the owner of land proposed for development in the areas so zoned to submit plans, drawings, and any necessary elevations, cross-sections, shadow studies, conservation studies and other technical aspects as reasonably required for approval, and to enter into one or more agreements to address among other matters:
 - (i) External building design details, including but not limited to,

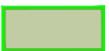
sustainable design, character, scale, finish, colours and appearance;

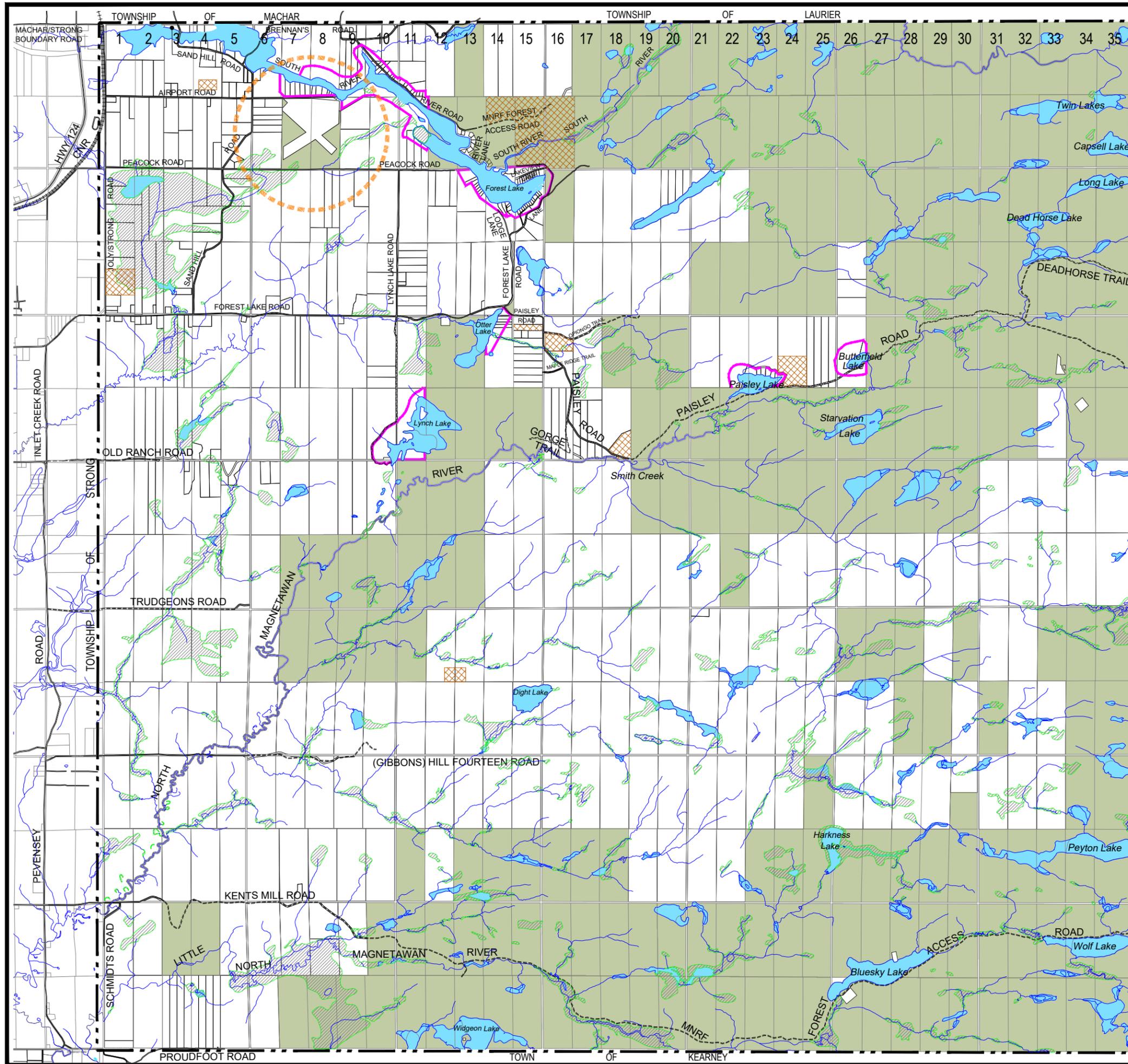
- (ii) Sustainable and accessible design elements within an adjoining municipal right-of-way, including without limitations, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- (iii) Facilities designed to have regard for accessibility for persons with disabilities.

iii. No Building Permit shall be issued in respect of any development in the Site Plan Control Area until the plans required have been approved by Joly Township and any agreements required to be entered into have been executed by the Township and the owners, mortgagees or other encumbrances of the land.

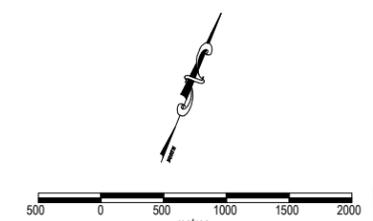
TOWNSHIP OF JOLY OFFICIAL PLAN SCHEDULE 'A' LAND USE PLAN

LEGEND

-  RURAL
-  SHORELINE RESIDENTIAL
-  AERODROME SPECIAL POLICY AREA
-  WETLANDS
-  AGGREGATE SITES AUTHORIZED ACTIVE
-  CROWN LAND
-  MUNICIPAL BOUNDARY



TOWNSHIP OF PAXTON (DISTRICT OF NIPISSING)



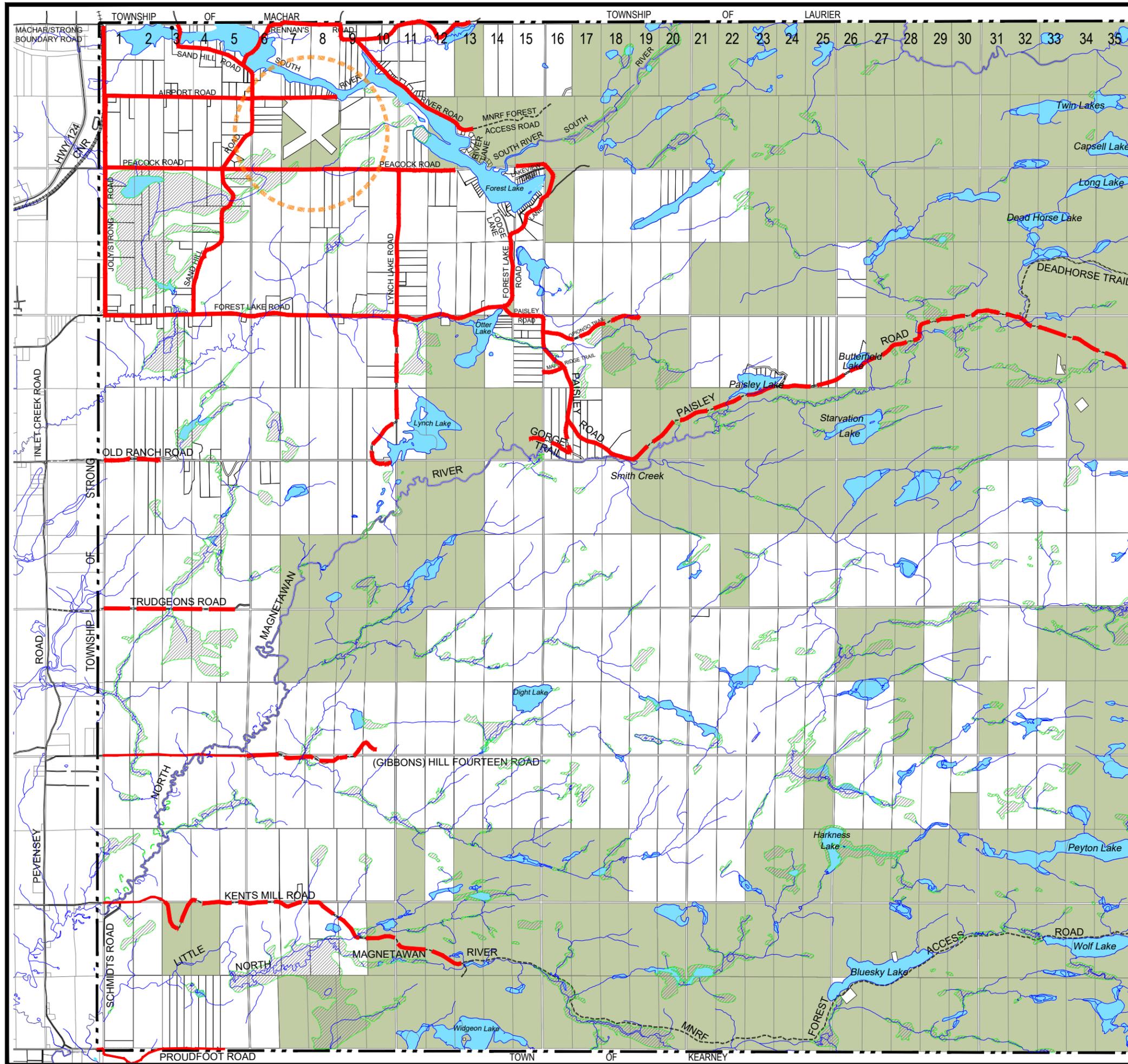
ROBERT J. MILLER
PROFESSIONAL LAND USE PLANNER

CURRENT
TO
JANUARY 20, 2020

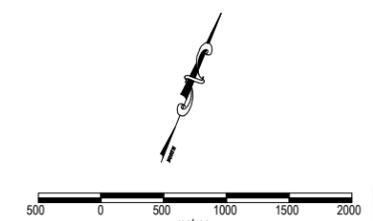
TOWNSHIP OF JOLY OFFICIAL PLAN SCHEDULE 'B' TRANSPORTATION

LEGEND

-  ROADS MAINTAINED YEAR-ROUND BY JOLY TOWNSHIP
-  ROADS MAINTAINED SEASONALLY BY JOLY TOWNSHIP
-  AERODROME SPECIAL POLICY AREA
-  CROWN LAND
-  MUNICIPAL BOUNDARY



(DISTRICT OF NIPISSING)
PAXTON
OF
TOWNSHIP



ROBERT J. MILLER
PROFESSIONAL LAND USE PLANNER

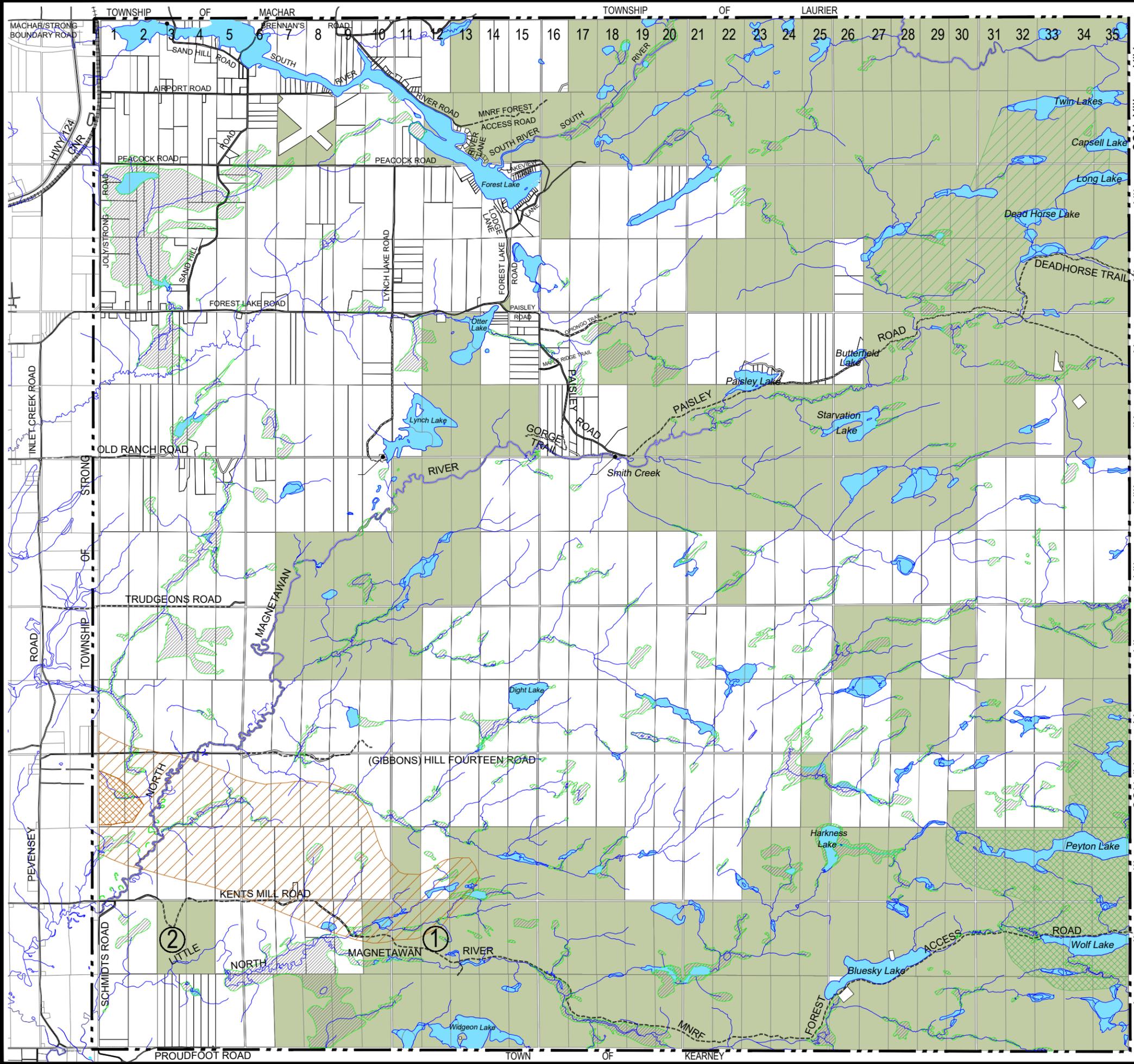
CURRENT
TO
JANUARY 20, 2020

TOWNSHIP OF JOLY OFFICIAL PLAN

SCHEDULE 'C' ENVIRONMENTAL AND NATURAL FEATURES

LEGEND

-  STRATUM 1 WINTER DEER HABITAT
-  STRATUM 2 WINTER DEER HABITAT
-  ENHANCED MANAGEMENT AREA - E66W
-  CONSERVATION RESERVE
-  HISTORIC MILL SITE
-  SCENIC LOOKOUT
-  WETLANDS
-  CROWN LAND
-  MUNICIPAL BOUNDARY

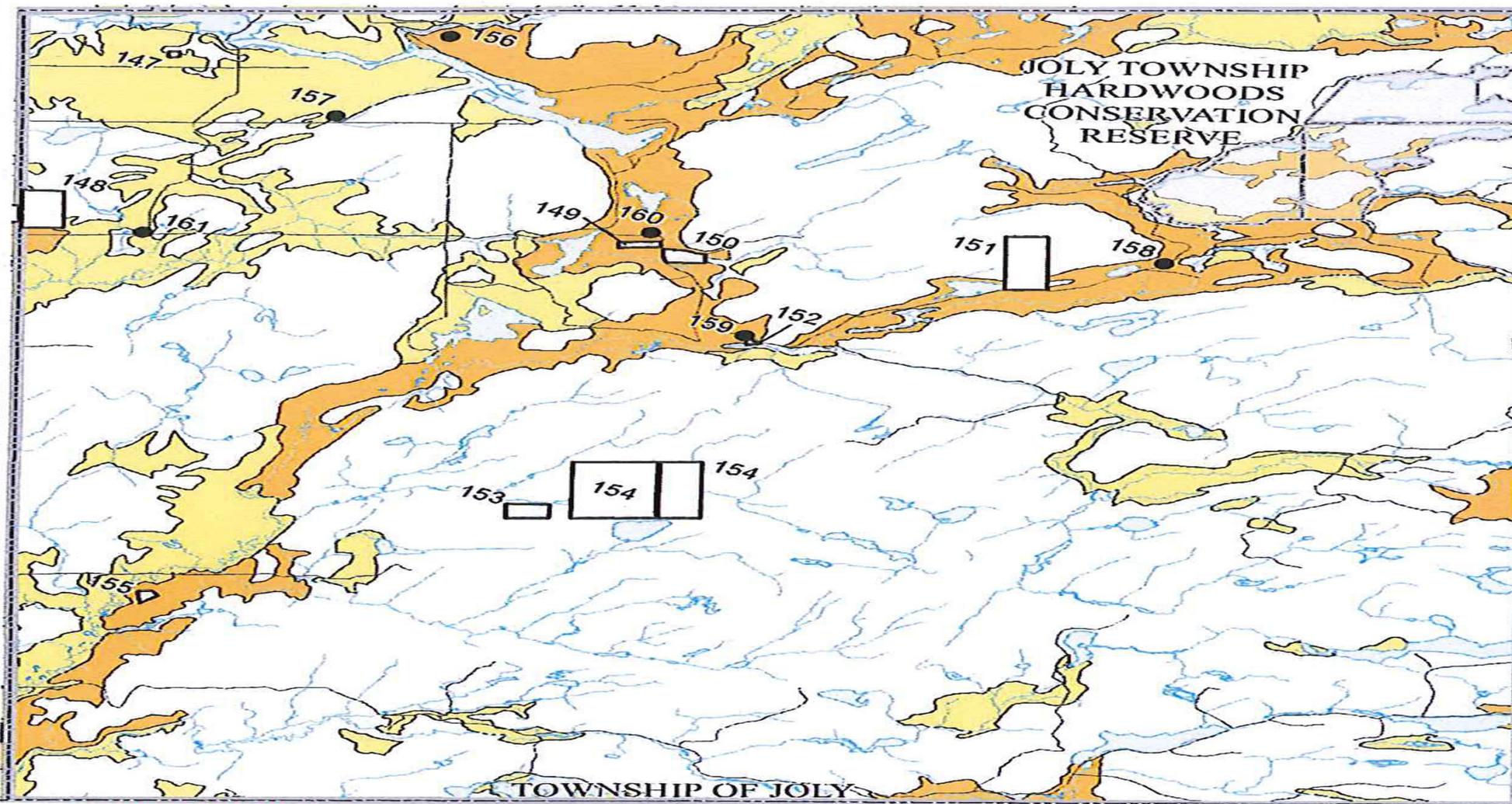


ROBERT J. MILLER
PROFESSIONAL LAND USE PLANNER

CURRENT
TO
JANUARY 20, 2020

Schedule 'D' to Joly Township Official Plan

Attachment "A" to the proposed Decision with respect to the Township of Joly Official Plan", Modification No. 23

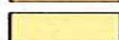
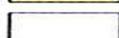


SCHEDULE "D"
TO THE
OFFICIAL PLAN FOR THE
TOWNSHIP OF JOLY

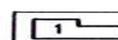
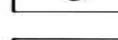
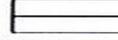


LEGEND

SAND AND GRAVEL RESOURCES

-  Selected Sand and Gravel Resource Area, primary significance; deposit number (see Table 3)
-  Selected sand and gravel resource area, secondary significance
-  Sand and gravel deposit, tertiary significance
-  Other surficial deposits or exposed bedrock

SYMBOLS

-  Licenced property boundary; property number (see Table 2)
-  Unlicenced sand or gravel pit (i.e., abandoned pit or wayside pit operating on demand under authority of a permit). Property number (see Table 2).
-  Geological and aggregate thickness boundary of sand and gravel deposits
-  Administrative boundary

