



The Village Of
BURK'S FALLS

Official Plan



ECOVUE
LAND USE PLANNING & DEVELOPMENT

CERTIFICATE PAGE FOR OFFICIAL PLAN

OFFICIAL PLAN

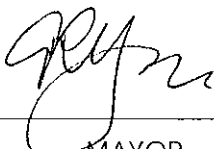
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VILLAGE OF BURK'S FALLS

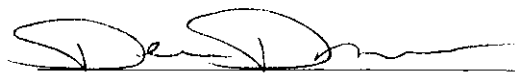
The Council of the Corporation of the Village of Burk's Falls, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, hereby **ENACTS AS FOLLOWS**:

1. **THAT** the Official Plan for the Village of Burk's Falls, being the attached text and Schedules "A", "B", and "C", is hereby adopted.
2. **THAT** the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the aforementioned Official Plan for the Village of Burk's Falls and to provide such information as required by subsection 17(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
3. **THAT** this By-law shall rescind the current Official Plan (2010) upon final approval of this Official Plan by the Minister.

Enacted and passed this 25th day of November 2025.

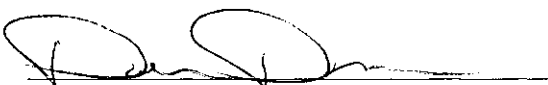


MAYOR



CLERK (SEAL)

Certified that the above is a true copy of By-law No. 40-2025 as enacted and passed by the Council of the Corporation of the Village of Burk's Falls on the 25th day of November 2025.



CLERK

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1.0 INTRODUCTION

The Village of Burk's Falls Official Plan reflects the overall vision of the community and provides the land use planning tools that will be employed to achieve this vision. The policies which make up the Plan describe where and how the community will over time. These policies provide a legal basis for decisions at the local level regarding land use and development within the Village. This includes proposals such as official plan and Zoning By-law or Community Development Permit System amendments, subdivision development, capital works projects, site plan agreements, development agreements and redevelopment.

This Official Plan implements the requirements of the *Planning Act*, as amended, and the provisions of the Provincial Planning Statement. The *Planning Act* of the Province of Ontario requires that the policies of Official Plans for municipalities be consistent with the *Provincial Planning Statement, 2024* (the PPS). The PPS provides overall policy direction on matters of provincial interest related to land use and development in Ontario. The PPS also describes how key Provincial interests related to land use planning are implemented at the local level.

The local Official Plan must also conform to the policies of the *Growth Plan for Northern Ontario, 2011*, approved by the Province of Ontario under the *Places to Grow Act, 2005*. Changes have been made to the Village of Burk's Falls Official Plan to reflect these policies.

Public involvement in the update to the Official Plan has identified a series of initiatives which are important to the future development of the Village. These initiatives were outlined in the Background Report prepared in support of this Plan and are reflected in the revised text of the Official Plan.

Finally, the results of recent studies and reports will have an impact on the development of the community, going forward. The Municipal Groundwater Study for the Village of Burk's Falls, the Community Improvement Plan and consultation with Provincial government agencies have informed the current update.

Revisions to the format and language of the Official Plan have been incorporated into this document to improve its readability and relevance to the community.

1.1 STRUCTURE OF THE OFFICIAL PLAN

The text of the Official Plan of the Village of Burk's Falls is divided into eight sections. These sections are described below. In addition, the Plan includes three Schedules (maps) which form part of the Plan.

Sections

- Section 1 - Introduction
- Section 2 - Basis and Objectives of the Plan
- Section 3 - General Principles for Development
- Section 4 - Land Use and Development
- Section 5 - Land Use Designations
- Section 6 - Transportation and Infrastructure
- Section 7 - Implementation
- Section 8 - Division of Land
- Section 9 - Interpretation of the Official Plan

Schedules

- Schedule A - Land Use Plan
- Schedule B - Roads Plan
- Schedule C - Land Use Groups by Risk to Groundwater

1.2 PLANNING CONTEXT

1.2.1 Planning Area

The Village of Burk's Falls is located along the shores of the Magnetawan River in the South East Parry Sound District in the region known as Almaguin Highlands. The Village is a single-tier municipality situated along Highway 11, approximately 30 minutes north of Huntsville, and 1 hour south of North Bay. Burk's Falls is a service centre for the surrounding Townships of Armour and Ryerson and provides sanitary and water servicing to lands within the Township of Armour.

This Plan applies to all lands within the Village of Burk's Falls.

1.2.2 Planning Period

The goals, objectives and policies of the Village of Burk's Falls Official Plan, as updated, are intended to inform development within the community until 2041, which is the Planning Horizon for this revised Plan.

1.2.3 Legislative Authority

The Ministry of Municipal Affairs and Housing (MMAH) is responsible for the approval of the Official Plan Village of Burk's Falls Official Plan. However, the Village has been delegated the authority, by the province, to make amendments to the Plan without approval by MMAH.

The Village is located within the District of Parry Sound – South East Parry Sound District and participates in the Southeast Parry Sound District Planning Board (SPSDPB). The SPSPDB is responsible for the approval of consents and plans of subdivision and condominium.

The Council of the Village of Burk's Falls is responsible for the preparation and implementation of the Official Plan. Amendments to the Official Plan may be initiated by the municipality or private interests at any time. It is the intention of Council to process any complete amendment applications received in a timely manner. These amendment applications shall be subject to an appropriate public review process.

1.2.3.1 OPA No. 1

Amendment No. 1 to the Official Plan, approved in 2013, introduced targets for intensification and requirements for medium density developments in infilling situations thereby permitting a Mixed-Use development in the Village of Burk's Falls.

1.2.4 Official Plan Review

The current Official Plan was adopted by Council July 20, 2010, and approved by the MMAH on August 15, 2011.

In March 2021, Council initiated an update to the Official Plan, as required under Section 26 of the Planning Act. Public consultation was a key component of the initial review and continued throughout the preparation of the Update.

A Background Report was prepared to document:

- changes required to ensure conformity with Provincial Policy; and

- to identify land use development issues and opportunities within the Village

The draft amending document was circulated to commenting agencies for review and requested changes were incorporated into the draft document presented to Council in a working session on April 6, 2022.

A Public Open House was held on June 14, 2022, and a Public Meeting was held on September 20, 2022. Comments from the public were considered by Council and were incorporated into a Recommended Official Plan considered by Council for the Village of Burk's Falls for adoption on October 18, 2022. The adopted Official Plan amendment was then forwarded to the MMAH for approval.

In accordance with Section 26(1) of the Planning Act, the Council of the Village of Burk's Falls has revised this plan to ensure that it,

- (a) conforms with provincial plans or does not conflict with them, as the case may be;
- (b) has regard to the matters of provincial interest; and
- (c) is consistent with the Provincial Planning Statement, 2024 and the Growth Plan for Northern Ontario, 2011.

1.2.5 Conformity With Planning Act

Section 24 of the *Planning Act* requires any public works undertaken in the Village of Burk's Falls and any by-law passed by the Council of the Municipality of the Village of Burk's Falls for any purpose, with certain exceptions, to conform to this Plan and to be consistent with provincial policy.

1.2.6 Conformity With Provincial Policy

All development applications shall be required to conform to the policies of the Provincial Planning Statement, 2024, the Growth Plan for Northern Ontario, 2011 and to the provisions of this Official Plan. Applications for amendment to the Official Plan are required to change the designated lands uses.

1.2.6.1 Monitoring The Official Plan

The Village of Burk's Falls, in coordination with the applicable Parry Sound District Social Services Administration Boards (DSSAB), shall establish and implement minimum targets for the provision of affordable housing as part of supporting complete communities and a range of housing options.

For the purposes of the next 5-year review, the municipality will collect data regarding the implementation of the targets in order to determine whether any policy changes are needed.

1.2.7 Approvals Under Other Legislation

Section 6.1.8 of the PPS requires that in addition to land use approvals under the *Planning Act*, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be required for new infrastructure and modifications to existing infrastructure under applicable legislation.

Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

1.2.8 Restricted Area (Zoning) By-law

This Official Plan shall be implemented by a Restricted Area Zoning By-law or Community Development Permit System passed pursuant to Section 34 of the Planning Act and by other by-laws passed pursuant to the *Planning Act*, *Municipal Act* or other Provincial statutes. Residents of the Village are encouraged to be aware of all approvals that are required for new development or changes in land use.

2.0 BASIS AND OBJECTIVES OF PLAN

2.1 BACKGROUND FACTORS

The following factors have been identified as having significant influence on the future development of the Village.

1. Identify and promote the downtown/main street as a distinct district;
2. Update density requirements to allow for higher densities in greenfield areas, where appropriate;
3. Eliminate the Rural designation and identify these lands for future development;
4. Identify and promote employment land districts and provide an adequate land inventory for possible future employment uses;
5. To the extent possible, provide for redevelopment in the Magnetawan River floodplain;
6. Include detailed and clearer mapping schedules;
7. Encourage infrastructure and public service facilities that use existing infrastructure, wherever feasible;
8. Plan for efficient use of land within areas that have existing municipal and private communal services while considering sustainability, climate change impacts, financial viability, and protection of human health and environment;
9. Emphasize promoting water conservation and integrate servicing and land use considerations at all stages of the planning process.

2.1.1 Population Projections

Population projections typically provide a basis for determining rates of growth and availability of lands for a municipality within the Planning Horizon. The Planning Horizon for this Plan is 2045.

The Village experienced instability in its population between 1996-2016. The population decreased from 986 in 1996 to 893 in 2006, a loss of 93 persons representing a 9.43% decrease. By 2011 the population had rebounded to 986 persons, just 19 persons lower than it had been in 1996. By 2016, the population had again increased to 981, just slightly less than the 1996 population of 986. The total population of Burk's Falls in 2016 according to Statistics Canada was 981 people, which represents a 1.4% increase over the 2011 population of 967 people.

Since 1996, the population has increased slowly. It is expected that continued migration will result in the growth of the population to approximately 1,037 people by 2035 and 1,069 by 2045, based on a growth rate of 1.5% every 5 years.

2.2 VISION AND GUIDING PRINCIPLES

The Village initiated the process to review its existing Official Plan in the fall of 2021. The policies contained in this Plan were formulated on the basis of a review of existing conditions, past development patterns, present development trends and projections of future conditions. The revised Plan maintains the best elements of the previous Official Plan, provides for new land uses in recognition of the changing face of the Village, implements the direction of the Provincial Planning Statement, 2024, provides guidance to Council and its delegates in consideration of their responsibilities, and provides direction and certainty to the Town's residents and businesses.

Future development in the Village of Burk's Falls must proceed in a manner which is consistent with the policies of this Official Plan. It is recognized that from time to time there will be land use or development proposals which may not appear to be in full conformity with one or more policies in this Official Plan. On such occasions it will be necessary to ensure that ultimately the decision taken can be reconciled with the long-term vision and guiding principles of the Plan as well as all of the other relevant policies.

2.2.1 Natural Environment

The various natural features in the Village of Burk's Falls, such as the Magnetawan River and its associated floodplain, varying topography, and fish habitat are important assets to the municipality, making it attractive for recreational and residential development. Source water protection is important for the continued quality of life in the Village.

2.2.2 Recreational Development

The Village should continue to provide important regional recreation facilities, primarily for day and short-term use. The demand for private and commercial recreation facilities is expected to increase during the planning period.

2.2.3 Economic Development

The Village should continue to be a strong service centre for the residents and surrounding communities providing health, education, commercial and tourism facilities.

2.2.4 Transportation

Highways 11 and 520 provide essential access to the Village. Continued cooperation with the Ministry of Transportation (MTO) is required to ensure any redevelopment of the highway system is beneficial to the Village.

2.2.5 Aggregate Resources

There are existing areas of aggregate resource extraction within the limits of the Village of Burk's Falls. Demands for the gravel resources of the Village are expected to increase during the planning period. The continued extraction of the aggregate resources will be monitored to ensure there is no negative impact on the municipal wells located in the area.

2.2.6 Influence of the Townships of Armour

The Village of Burk's Falls is surrounded by the Townships of Armour. There are many services that are provided jointly by both the municipalities to their residents. These include the provision of educational facilities, health services, recreational facilities, seniors housing, fire protection and emergency measures, garbage collection and disposal and transportation. Council is committed to continue to participate with its municipal partners in providing these services to the residents of the area.

The Village of Burk's Falls, through a joint servicing agreement, extended municipal water and sewer services beyond its southern boundary service the commercial, public, institutional and residential uses along Highway 520 in the Township of Armour. At the present time, there are capacity limitations in the municipal systems to consider the further extension of services into the Township of Armour. Council will continue to work co-operatively with the Township of Armour with respect to the provision of these services and to examine the options for increasing the capacities within the systems to accommodate additional growth in both municipalities.

2.3 GUIDING PRINCIPLES

The Council of the Village has identified Guiding Principles for Land Use for the Official Plan. The Guiding Principles are statements or commitments regarding what Council wishes to achieve over the long term with respect to specific municipal planning issues.

2.3.1 Environment

To encourage the preservation and conservation of the natural environment of the Village by establishing land use policies which promote the preservation or enhancement of the quality of the natural environment including land, air and water. Council shall have regard to this objective in the implementation and interpretation of all other objectives and policies of the Village.

2.3.2 Housing

To encourage the provision of a mix and range for housing types in the municipality.

To encourage a minimum 15-year supply of land through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;

To maintain land with servicing capacity to provide at least a 3-year minimum supply of registered or draft-approved lots and blocks for new residential development and to facilitate residential intensification and redevelopment, is available at all times;

To encourage housing forms and densities designed to be affordable to moderate and lower income households;

To reduce the time to process residential applications to the greatest extent practical;

To encourage residential intensification where practical; and

To monitor the residential development within the Village as part of Council's commitment to the provision of adequate diverse, and affordable housing options for the existing and future residents of

the Village and to determine appropriate minimum targets for affordable housing in coordination with DSSAB.

2.3.3 Natural Resources

To encourage and provide for the optimum use and management of the natural resources of the Village based on sound economic, social and environmental policies and guidelines.

To protect and manage lands and waters with significant natural heritage features and areas, and to protect such features and areas from incompatible land uses and development.

To restrict development in areas having natural or human-made constraints to development, and to permit only those land uses which do not pose a danger to public safety or health or result in property damage or environmental degradation.

2.3.4 Groundwater Protection

To protect groundwater quality from degradation for present and future human consumption and activities through stewardship and ongoing monitoring, and by:

- incorporating groundwater resource protection objectives into the land use planning process to ensure that the source of municipal drinking water is not compromised in the future as a result of land use decisions;
- encouraging the establishment of water conservation measures; and,
- educating the public on the value of protecting the groundwater resource and how they can contribute to its protection.

2.3.5 Economic Development

To create a planning and community development environment that promotes the continued expansion and diversification of the economic base of the Village in a manner consistent with the fiscal resources of the Village, and which encourages investment and a broad range of employment opportunities.

To identify and promote employment land districts as a focus for new and expanding industrial and commercial land uses. and provide an adequate land inventory for possible future employment uses.

2.3.6 Tourism

To support and encourage the growth of the tourism industry in the Village.

2.3.7 Culture, Recreation and Community Social Services

To promote the health and well-being of the residents of the Village through the planning and development of a strong and healthy community, and to promote opportunities for economic, educational, health care, recreational and social development.

To encourage the provision of a wide range of public and private parkland, and recreational and cultural facilities to accommodate the requirements of the residents of the Village.

To support the Parry Sound District Social Services Administration Board (DSSAB) in its delivery of Social Services within the community.

2.3.8 Community Improvement

To achieve and maintain a standard of municipal services for identified Community Improvement Project Areas to provide for the health, safety and convenience of residents and visitors, within the financial capacity of the Village.

2.3.9 Historical Preservation

To identify and conserve significant archaeological resources and significant built heritage resources in the Village.

2.3.10 Transportation, Public Utilities and Infrastructure

To provide a road network system in the Village which functions in a cost-effective, safe and environmentally sensitive manner for the movement of people and goods within and through the Village and with appropriate connections to the provincial highway system.

To provide an adequate level of public utilities and infrastructure in accordance with the needs of the residents of the Village in an efficient, safe and environmentally sensitive manner, and within the financial capacity of the Village.

To promote linear infrastructure, where appropriate while protecting and maintaining rights-of-way that accommodate all planned modes of transportation.

3.0 GENERAL PRINCIPLES FOR DEVELOPMENT

The Official Plan is based on three principles: sustainable natural environment, economic vitality and healthy community.

3.1 SUSTAINABLE NATURAL ENVIRONMENT

3.1.1 Relationship Between Natural Heritage and Cultural Features

There is an important interrelationship between the natural heritage features and the cultural heritage of the area. It is the historic link between the human community and the surrounding environment that provides a sense of place and identity. The natural environment provides the life support system for the community. There is a responsibility to preserve, protect, enhance, and provide the proper management and stewardship of the natural areas in a sustainable way, since changes to the natural areas can affect the ecological balance of the area.

3.1.2 Principles of Preservation and Protection

Council shall ensure that the relationship between the natural and built environments, and the principle of preserving resources and protecting the natural environment for future generations, will form a basis for the planning and development of the Village.

3.1.3 Value of Endangered and Threatened Species

Council recognizes the importance and value of the endangered and threatened species in the Village and supports their protection.

3.1.4 Areas of Physical or Environmental Constraint

Areas with physical or environmental constraints to development fall within three categories:

(a) Natural Heritage Features and Areas

Natural heritage features and areas include significant wetlands, significant wildlife habitat, fish habitat, and the habitat of endangered and threatened species which are important for their environmental and social values as a legacy of the natural landscapes of the Village.

(b) Areas with Natural Constraints

Areas with natural constraints include lands that are susceptible to flooding or erosion, or which have soils, topography, drainage or similar conditions that make them unsuitable or premature for development.

(c) Areas with Human-Made Constraints

Areas with human-made constraints include lands that contain mineral aggregate operations or contamination which, unless removed or remediated, make these lands unsuitable or premature for development. Development on, abutting or adjacent lands may be permitted only if

rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

3.1.5 Development Adjacent to Magnetawan River

All new development adjacent to the Magnetawan River shall have regard for the natural river environment, especially fish habitat and floodplain. The design of all new development adjacent to the Magnetawan River shall give regard to ways and means of controlling storm-water run-off both during and after construction, so as to minimize storm-water pollution into the River.

Schedule "A" designates certain lands along the Magnetawan River and the South Branch of the Magnetawan River as Environmental Protection. These lands have physical and/or environmental constraints to development. Any development proposals in these areas shall be subject to the policies of Section 5.1.1.4 to ensure that there is no negative impact on the natural features and functions of the natural river environment and that new development does not occur in the flood plain. New development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

3.1.6 Source Protection Plan

The Village obtains its drinking water from an unprotected sand and gravel aquifer. The natural layers of sand, gravel and some clay are inadequate to prevent contaminants from seeping through the ground and contaminating the drinking water. A groundwater source protection action plan shall be implemented in accordance with the provisions of this Plan. This shall include the prohibition of certain uses in close proximity of the municipal wells.

3.1.7 Stormwater Management

Council may adopt Stormwater Management Policies to further protect the Magnetawan River. Council may require Stormwater Management Plans for any development proposal.

3.2 ECONOMIC VITALITY

Any strategy for economic development, growth and enhancement must reflect the preservation of the existing urban community that provides services to the surrounding rural area and tourists. Key to any future development is the strengthening of public and private enterprises that enhance and contribute to this "sense of community". Any development and growth, whether it is in health, retail, education, tourism, commercial or industrial sectors will support and help sustain the very nature of the urban/rural quality of life.

The retention of existing employment opportunities and the creation of new opportunities will be encouraged.

3.2.1 Retail and Commercial Development

New retail and commercial developments shall be encouraged within the downtown. Retail and other commercial uses will be permitted to locate elsewhere in the Village, if an appropriate location is not available in the downtown subject to an amendment to the Zoning By-law or Community Development Permit System and/or a Site Plan Agreement and the provisions of this Plan.

3.2.2 Home-Based Businesses

Home-based businesses are encouraged throughout the Village. Such businesses shall have a limited number of employees, not create a traffic hazard, be compatible with adjacent uses and have not negative impacts on the residential character of the subject property or the neighbourhood.

3.2.3 Tourism-related Businesses

Enterprises that cater to the tourist industry shall be encouraged. Such enterprises should conserve, enhance and promote the significant culture heritage resources to foster cultural heritage tourism.

3.3 HEALTHY COMMUNITY

3.3.1 What is a Healthy Community?

A healthy community is one which is continually creating and improving the physical and social environments, and expanding the community resources that enable people to mutually support each other in performing all the functions of life and developing to their maximum potential. Healthy communities evolve in a way that preserves the natural environment and heritage, encourages community spirit and participation in decision-making, provides easy access to a range of services and leisure opportunities, provides efficient and safe traffic flow and encourages social diversity and respect for a variety of lifestyles.

3.3.2 Promoting a Healthy Community

There is a connection between the physical design of communities and health and the quality of life. Policies throughout the Official Plan promote healthy communities by providing for employment opportunities, protecting the natural environment, addressing the needs of the aging population and persons with disabilities, encouraging active transportation, improvement of access throughout the Village, improving community consultation and monitoring the success of these initiatives.

3.3.3 Accessibility

All new public buildings and facilities are to be located and designed to be accessible to all.

A diverse range of activities, such as recreational and cultural activities, shall be supported and promoted, based on the needs of the community and will be accessible to all the residents.

In attaining its goal for establishing a barrier-free environment to municipal property, the Village will endeavour to provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. Council recognises that standardised designs may not always suffice, and that each heritage property will require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes.

3.3.4 Built Heritage

In accordance with the Provincial Planning Statement, Council shall ensure the protection and management of all features of significant architectural, cultural, historical, archeological or scientific interest in order to preserve their functional use and heritage value to the Village of Burk's Falls.

Significant built heritage resources and significant cultural heritage landscapes shall be conserved. Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.

The preservation of archaeological sites in an intact condition as the preferred means for the mitigation of impacts to archaeological sites. Archaeological excavation as a means for the mitigation of impacts should only be considered when it is demonstrated that preservation is not possible.

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

3.3.4.1 Heritage Impact Assessment

Council shall integrate heritage conservation into the development and approval process by requiring the preparation of a heritage impact assessment when a development proposal has the potential to impact protected heritage properties.

3.3.5 Streetscape and Landscape

The design of development and/or redevelopment should consider and reflect the character and streetscape/landscape of the area.

3.3.6 Site Planning and Building Design

Excellence in design will be pursued so that new development will contribute to a sense of place, ensure physical safety, promote social interaction and enjoyment, provide human scale to the cultural environment and promote the integration of land uses.

- (a) New development shall be promoted based on the fundamentals of sustainable design including environment-first planning, land efficiency, compact development and resource and energy efficiency in site planning and building design.
- (b) The design of development and/or redevelopment shall consider and reflect the character and streetscape/landscape of the area.
- (c) The design of compact form and the provision of mixed uses is promoted to ensure efficient use of land and utilization of existing infrastructure.
- (d) All buildings should be constructed with durable systems and materials to prevent future energy inefficiencies such as heat loss, poor site drainage and premature deterioration.

3.3.7 Inclusivity and Affordability

Strong, healthy, inclusive communities have a broad mix of housing types, tenure opportunities and price ranges available to meet the needs of all residents. The provision of a full range of housing types, including affordable housing and densities shall be promoted.

3.3.7.1 Affordable Housing Strategies

Affordable housing generally refers to housing for low-to-moderate-income households priced at or below the average market rent or selling price for comparable housing in a specific geographic area.

As required by the PPS, Section 2.2.1, The Village of Burk's Falls supports the provision of affordable housing in response to local interests and demand by accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), through the following measures:

- (a) establishing and implementing minimum targets for the provision of housing, which is affordable to low and moderate income households, in coordination with DSSAB;
- (b) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- (c) promoting compact built form and residential densities which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- (d) encouraging development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

3.3.7.1.1 Targets for Affordable Housing

In the case of ownership housing, affordable housing means the least expensive of:

- (a) Housing for which the purchase price results in annual accommodation costs which do not exceed thirty percent (30%) of gross annual household income for low- and moderate-income households; or
- (b) Housing which the purchase price is at least ten percent (10%) below the average purchase price of a resale unit in the Village.

In the case of rental housing, affordable housing means the least expensive of:

- a) A unit for which the rent does not exceed thirty percent (30%) of gross annual household income for low- and moderate-income households; or
- b) A unit for which the rent is at or below the average market rent of a unit in the Village.

For the purposes of the above Section, “low- and moderate-income household” means, in the case of ownership housing, households with incomes in the lowest sixty percent (60%) of the income distribution for the Village. In the case of rental housing, households with incomes in the lowest eighty percent (80%) for income distribution for renter households for the Village are considered a “low- and moderate-income household”.

The Village will work collaboratively with DSSAB and endeavour to provide affordable housing units for current and potential residents as part of its commitment to building a complete community.

3.3.7.2 Additional Residential Units

The introduction of Additional Residential Units within the existing residential land supply provides an opportunity to introduce additional affordable housing. An Additional Residential Unit is a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas, that is ancillary and subordinate to the main dwelling on the same lot.

The Village shall consider the creation of a self-contained additional residential unit on lands designated to permit single detached dwellings, semi-detached dwellings, street townhouse dwellings, and in an accessory structure thereto, in accordance with the applicable zoning by-law regulations, subject to the following provisions:

- a) Additional residential units may be permitted within both newly built and existing dwellings, in a new or existing building accessory to the main residential use on the property, or both, provided that:
 - i. a maximum of two (2) additional residential units shall be permitted for each single detached dwelling, semi-detached dwelling and street townhouse dwelling;
 - ii. The additional residential units(s) is smaller than, and accessory to, the primary dwelling unit;
 - iii. the existing outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;
 - iv. adequate municipal services to accommodate any increased demands resulting from the additional residential units(s) are provided;
 - v. a minimum of one (1) parking space shall be provided for each additional residential unit;
 - vi. off-street parking is adequate and any new parking shall minimize the loss of outdoor amenity areas or landscaping;
 - vii. the character of single detached, semi-detached and row houses is preserved when establishing an additional residential unit.
 - viii. any building addition or construction of an accessory residential building is compatible with the massing, physical orientation, setbacks, and height of adjacent buildings; and,

- ix. any building addition or construction of an accessory residential building respects the privacy of adjacent dwelling units and seeks to minimize impacts through location, screening, landscaping, and other design measures.

3.3.8 Intensification, Infilling and Redevelopment

Intensification and redevelopment within the Village can meet the needs of the population at different stages of their lives. Over the next twenty years, intensification, infilling, and redevelopment within the area presently serviced with municipal services will be the preferred development approach.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- (a) redevelopment, including the reuse of brownfield sites;
- (b) the expansion or conversion of existing buildings, and

Infilling specifically refers to the development of vacant or underutilised sites with some supporting infrastructure already in place.

3.3.8.1 Residential Development

Development of new low and medium density residential uses through infilling and intensification of existing serviced areas with the built-up area shall be encouraged.

Such intensification and/or redevelopment shall meet the requirements of the Ontario Building and Fire Codes and any municipal requirements regarding servicing and parking.

Residential intensification can be achieved in the following ways:

1. the conversion of single-family dwelling for commercial purposes with residential apartments above the first floor;
2. the addition of residential apartments above the first floor of commercial buildings;
3. the addition of an Additional Residential Units within a residential building and or in a building accessory to the residential dwelling;
4. Infill development of vacant land, with an emphasis on higher density residential units.

3.3.8.2 Density Requirements for Intensification, Infilling and Redevelopment

Residential developments may have a density up to 150 units per hectare (60 units per acre) subject to meeting the requirements of this section and of the General Standards By-law.

In any built-up area where medium density residential uses are to be introduced through infilling and/redevelopment situations, consideration shall be given to matters related to land use compatibility and proximity effects.

3.3.8.3 Exception

Intensification and infilling shall not be permitted on lands within the Environmental Protection designation.

3.3.9 Development of Greenfields

As a general rule, the development of greenfield areas shall proceed by registered plan of subdivision. Any extensions of municipal water, sanitary sewer, storm, road and related infrastructure required to serve the new residential development shall be at the expense of the developer.

3.3.9.1 Density Targets for Greenfields Development

The following residential density classifications shall be permitted in residential development on greenfields:

1. Low density residential which includes single detached dwellings, semi-detached dwellings, duplex dwellings converted singled detached dwellings and accessory uses up to a maximum density of 15 units per hectare (six unit per acre); and
2. Medium density residential, which includes town or row houses, triplexes, and small low profile apartments up to 30 units per hectare (12 units per acre) with a maximum height of 3 stories.

3.3.10 Public Facilities, Services and Infrastructure

The Village of Burk's Falls will continue to provide of public services and facilities to meet current and projected needs, of the community. The municipality will cooperate wherever possible with other public and private sector service providers in the delivery of recreation programs and facilities, police and fire protection, health and educational programs, long-term care services, and cultural services to ensure that the necessary infrastructure and public service facilities are or will be available to its residents.

Council will endeavour to ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures for infrastructure and public service facilities.

It is important that such facilities, whether planned or available, are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment.

3.3.10.1 Social Services

Where possible the Village of Burk's Falls will continue to work with the DPSSAB in the shared delivery of social services, including early years services, affordable housing, and emergency shelter and assistance for families in crisis.

3.3.10.2 Education Facilities

The school boards having jurisdiction in the Village of Burk's Falls shall determine, in conjunction with the Ministry of Education and Council, the size and timing of new, or expansions to existing, educational facilities. Before any development that will generate

additional pupils is approved, Council shall be assured that the necessary pupil accommodation and any required school bussing will be provided.

3.3.11 Public Parkland and Open Space

Council may require, as a condition of development or redevelopment, the conveyance of land from the developer to the municipality, in accordance with the provisions of Section 42 of the *Planning Act*. The amount of land to be conveyed is not to exceed 2 percent of the lands proposed for commercial and industrial development or 5 percent of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas or have physical constraints to development will not be acceptable as parkland dedication.

Where the division of land is proposed, Council shall require as a condition on the granting of a provisional consent or the approval of a draft plan of subdivision or condominium that the owner convey land for park purposes to the Village. The amount of land to be conveyed is not to exceed 2 percent of the lands proposed for commercial and industrial development and 5 percent of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas will not be acceptable as parkland dedication.

All lands conveyed for parks purposes shall be approved by Council. Council may require an environmental site assessment to determine if groundwater or soil contamination is present prior to land acquisition.

Where a water body adjoins such lands, adequate space shall be provided for maintenance of the park and its operation.

3.3.11.1 Alternative Conveyances

In lieu of the conveyance of land for park purposes, Council may require the payment of money in lieu of such lands. The cash value of such lands will be determined as follows:

- a) For developments involving the division of land pursuant to either Section 50 or Section 53 of the *Planning Act*, the value of land shall be determined as of the day before the granting of draft plan approval for a plan of subdivision or condominium, or the day before the granting of a provisional consent, or as determined by the Council;
- b) For development or redevelopment pursuant to Section 42 of the *Planning Act*, the value shall be determined as of the day before the day of the issuance of the first building permit issued in respect to development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the first permit is issued.

4.0 LAND USE AND DEVELOPMENT

4.1 GENERAL DEVELOPMENT POLICIES

4.1.1 Land Use Designations

Development and/or redevelopment shall take place in accordance with the land use designation on Schedule “A” and the policies of Section 5 of this Official Plan. Certain policies of this Plan will be implemented through the construction of public works. No public works shall be undertaken which do not conform with the intent and purpose of this Plan.

4.1.2 Zoning By-law or Community Development Permit System

Community facilities and green space permitted in the Residential designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

4.1.3 Property Standards By-law

The Council shall prepare a by-law for the maintenance and occupancy of properties within the Village. This by-law shall prescribe standards for the maintenance and occupancy of property within the Village and shall prohibit the occupancy or use of such property that does not conform with the standards.

Properties that do not conform with the By-law for the maintenance and occupancy standards, may be required to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition.

4.1.4 Development Charges By-law

Development charges are fees collected from developers at the time a building permit to help pay for the cost of infrastructure required to provide municipal services to new development, such as roads, water and sewer infrastructure, community centres and fire and police facilities.

Council may pass a by-law under the *Development Charges Act* to assess and recover their anticipated expenses for new growth for both hard and eligible soft services. Development charges may be levied against plans of subdivision, consents, condominiums, Zoning By-law or Community Development Permit System amendments, minor variances, building permits and lands exempted from part lot control.

4.1.5 Development Applications - Cost Recovery

It is the policy of Council to adopt, by by-law, fee structures to attain full cost recovery of the Municipality's efforts and expenses in fulfilling its statutory mandate and in administering and enforcing its regime of by-laws. Licence fees may include an element of revenue generation above and beyond such full costs, in the form of a direct tax on licensees.

In carrying out of its legislative duties, under the *Planning Act* and the *Building Code Act* in particular, the Municipality may require that applicants bear the full costs of processing development applications

to the point of a decision of Council. In addition to the normal schedule of tariffs, a by-law may provide that the Municipality's costs of using professional advisors and agents will form part of the application fee payable in the circumstances.

4.1.6 Municipal Services

All new residential development in the Village shall be on full municipal services within the *Residential* designation.

In order to minimize the cost of services provided by all public agencies, development in the Village shall not be permitted where it would contribute to a demand for public services that are uneconomic to provide, improve or maintain. Instead, development will be permitted in locations where demands on public services will be minimized, where such development will most effectively help pay for existing services or where new services can be provided most economically.

All water and sewage works undertaken by the Village of Burk's Falls are subject to the Municipal Class Environmental Assessment (2007) process as approved under the *Environmental Assessment Act*. In order to protect the financial position of the Village, Council shall consider the timing, nature and location of new development, such that the demand for municipal services is not excessive relative to the taxable assessment generated by the development. New development that will adversely affect the overall ratio of municipal debt to taxable assessment shall be discouraged. Council, in the consideration of development applications, shall also endeavour to maintain a favourable residential to non-residential assessment ratio to protect its financial position.

It shall be the policy of Council to ensure that appropriate water supply and sanitary sewage disposal services are provided to all new development in the Village in accordance with the requirements of the MOECP or its designated agent. Municipal sewage services and municipal water services are the required form of servicing within all designations, except the *Limited Service* and *Rural Transition Areas* designations.

4.1.7 Partial Servicing

Partial servicing (municipal water and private individual sanitary sewage systems) shall only be permitted where necessary to address failed individual on-site sewage services within the existing developed area or to allow for infilling and minor rounding out of existing development on partial services.

Such development on private services will only be permitted provided that the development is within the reserve sewage system capacity and site conditions are suitable for the long-term provision of such services, with no negative impact.

Where only partial servicing is available, lands shall be placed within the *Limited Service* designation and shall be subject to the policies of Section 5.6 of this Plan.

4.1.8 Servicing of Employment Uses

Unless on full municipal services, employment uses will be restricted to low-water consumption industries and commercial uses only.

For the purposes of this Plan, low-water consumption industrial and commercial uses are those industries consuming up to, but not exceeding, 2000L/day.

4.1.9 Existing Uses

Nothing in this Official Plan shall affect the continuation of uses legally established prior to the date that this Official Plan was adopted by the Council of the Village of Burk's Falls.

4.1.10 Planning for Changing Climate

Council will promote forms of green development that are designed to mitigate greenhouse gas emissions and will encourage a variety of climate change adaptation techniques throughout the development process. As such, the following policies will be encouraged with all development and redevelopment:

- 1) A compact urban form is encouraged in order to maximize the efficiency of infrastructure. Mixed use development in appropriate locations, including the Commercial Core, and live-work relationships are also promoted to reduce automobile use.
- 2) Increasing residential densities, in conformity with Section 5.1.2, within appropriate areas that are in close proximity to goods, services, and employment.
- 3) The design of buildings and layout of new lots should maximize direct access to sunlight during the winter, increasing energy efficiency, and minimizing energy consumption associated with heating. Similarly, vegetation chosen for new developments that will reduce energy consumption of buildings for cooling should also be considered.
- 4) The use of energy efficient building design and fixtures should be considered.
- 5) Community design, facilities, and infrastructure that provide for cycling and walking from home to sources of goods, services and employment is preferred.
- 6) Green infrastructure, low-impact development, and sustainable construction methods will be used for new construction and the replacement of civic infrastructure wherever feasible.
- 7) Innovative design that optimizes potential for alternative energy technologies, energy production and conservation is encouraged.

4.1.11 Settlement Area Expansion

The expansion of settlement area boundary of the Village shall only be permitted where it is demonstrated that sufficient opportunities for growth are not available within the existing boundary to accommodate the projected demand for a range and mix of land uses, including housing. Given that the Village's municipal boundary is concomitant with its settlement area boundary, any future expansion would require agreements for annexation with neighbouring municipalities, and approval from the Ministry of Municipal Affairs and Housing (MMAH). Having said that, there is no plan for expansion or annexation within the 20-year outlook for this Plan.

Any proposed expansion must be supported by appropriate technical studies and shall:

- 1) Demonstrate the need for additional land to accommodate an appropriate range and mix of uses;

- 2) Confirm that infrastructure and public service facilities are planned or available in a financially sustainable manner;
- 3) Avoid prime agricultural areas. If avoidance is not possible, alternative locations on lower-priority agricultural lands must be considered and justified;
- 4) Demonstrate compliance with the Minimum Distance Separation (MDS) formulae;
- 5) Assess and mitigate impacts on the agricultural system through an agricultural impact assessment or equivalent analysis in accordance with provincial guidance;
- 6) Ensure that the expansion supports a phased and orderly pattern of development consistent with the planned function of the Village; and
- 7) Coordinate with DSSAB to address affordable housing needs and targets.

New settlement area expansions shall be implemented through an Official Plan Amendment and must be consistent with the PPS and the *Planning Act*. The Village must consult with the Ministry of Municipal Affairs and Housing (MMAH) and relevant agencies during the review of any expansion proposal.

4.2 GROUNDWATER PROTECTION

4.2.1 Water Quality - Aquifer Vulnerability

The protection of the aquifer from contamination is important to securing a long-term potable water supply for existing residents and businesses reliant on municipal and private water supplies. All development shall be subject to the following policies to ensure that water quality and quantity are not adversely affected. Specifically, it is the municipality's intent that development will not:

- impair groundwater quality;
- significantly reduce groundwater recharge; or
- negatively impact groundwater supply.

4.2.2 Water Quality - General Policies

4.2.2.1 Alternative Protection Measures

Council may consider the use of alternative protection measures within the Groundwater Protection Zones (identified on Schedule C), including but not limited to, land acquisition, the use of conservation easements, growth management and innovative landowner partnership programs involving compensation for changes in land use or land management practices.

4.2.2.2 Best Management Practices

Council may undertake the development and promotion of Best Management Practices for implementation by higher risk land use activities in vulnerable areas.

4.2.2.3 Public Education

Council may undertake a program of public education aimed at enhancing public understanding of voluntary initiatives to protect the quality of groundwater, and in particular, the appropriate siting and maintenance of wells and private septic systems, and voluntary reductions in the use of domestic cleaners, solvents, pesticides and fertilizers.

4.2.3 Water Quantity - General Policies

The policies of this Section are intended to ensure that development results in the sustainable use of water resources and does not significantly reduce groundwater recharge or overtax groundwater supply. New development will be required to adopt water conservation measures, while existing development is encouraged to adopt water conservation measures.

4.2.3.1 Water Budget and Conservation Plans

Council may prepare water budgets and water conservation plans in collaboration with adjacent municipalities and Provincial Ministries.

Building on the Groundwater Protection Study, the water budget and water conservation plan may include the following components:

1. Quantification of components of the water balance equation (precipitation, evapotranspiration, groundwater inflow and outflow, surface water outflow, change in storage, water withdrawals and water returns);
2. Modelling to characterize groundwater and surface water flow systems;
3. Identification of targets to meet water needs of ecosystems;
4. Identification of availability, quantity and quality of water sources;
5. Identification of water conservation goals;
6. Development of a water-use profile and forecast;
7. Evaluation of plans for water facilities;
8. Identification and evaluation of water conservation such as public education and full cost pricing;
9. Identification and promotion of opportunities for water reuse, recycling and associated practices and technologies;
10. Analysis of costs and benefits;
11. Selection of water conservation measures and incentives;
12. Implementation plan that integrates water supply and demand functions; and,
13. Monitoring measures to indicate the effectiveness of the conservation plan.

In the absence of a water budget and water conservation plan at the watershed level, Council shall be satisfied that sufficient water supplies which meet the health criteria of the Ontario Drinking Water Standards are or can be made available to serve proposed development.

4.2.4 Water Conservation Measures

Council may establish and maintain water restriction by-laws in order to reduce water use, particularly during periods of peak demand.

Council shall establish and maintain water rate structures for municipal water supplies that are based on a full cost recovery basis, are consistent with the principle of water conservation and provide for groundwater protection and conservation initiatives.

Council shall establish and maintain water metering of municipal water supplies as a measure to conserve water and as a basis for establishing water rate structures.

Council shall establish and maintain monitoring programs for municipal water supplies to ensure that important water supplies are not being depleted.

Council may establish and maintain a public education program to promote water conservation in both domestic and industrial activities.

4.2.5 New Municipal Water Supplies

Council may need to explore alternative well site(s) for adequate long-term supply. Should it be necessary, Council shall follow the Class Environmental Assessment process prior to establishing a new municipal supply well, including the following measures:

- (a) Where possible, select potential well sites that minimize the potential effects that surface activities, including land uses and surface water, may have on the well water quality;
- (b) Undertake modelling consistent with the methods used in the Groundwater Protection Study to indicate the potential time-of-travel zones for the proposed well;
- (c) Where necessary, update the modelling in the Groundwater Protection Study that characterizes groundwater and surface water flow systems;
- (d) Identify availability, quantity and quality of water sources for existing and proposed uses in the study area; and
- (e) Notify and consult the public in accordance with the Class Environmental Assessment process.

Council may enter into negotiations with landowners adjacent to the proposed well site regarding the use of alternative protection measures that may be required to protect the quality and quantity of the new municipal well and the land owner's private supply well, including such matters such as compensation for changes in land use or land management practices.

4.3 STORM WATER MANAGEMENT

It shall be the policy of this Plan that for any development or redevelopment proposal, stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized.

No development or redevelopment proposal, including a plan of subdivision or a block of land being developed for residential, commercial, institutional or industrial purposes, shall be permitted if such development will have a significant adverse impact on local and area-wide drainage patterns. A suitable method of accommodating surface water runoff shall be developed and implemented as a condition of approval according to the following policies:

- (a) Stormwater management facilities shall be designed and constructed to protect the receiving watercourse and adjacent lands from potential adverse impacts resulting from stormwater runoff including the degradation of water quality, increase in flood potential, interference or reduction of the drainage capacity of an existing watercourse, erosion and sedimentation, or damage or destruction of fish habitat or other environmentally sensitive feature or function.
- (b) The post-development rate of stormwater flow from a development site should not exceed the pre-development rate.
- (c) The preparation of a stormwater management plan for a development proposal shall be the responsibility of the developer and shall be prepared and stamped by a professional engineer. Such a study may be subject to a peer review by a professional engineer selected by the municipality, the costs of which will be the responsibility of the proponent.
- (d) As a condition of draft approval for plans of subdivision or condominium, a stormwater management plan shall be submitted for review and approval by the Village. In cases of new industrial, commercial and institutional development, the stormwater management plan will form part of the information submitted for site plan approval. A stormwater management plan may also be a condition of the MTO where a provincial highway may be affected by stormwater runoff.
- (e) An open drainage channel, a stormwater detention/retention facility and adjacent lands which form part of a stormwater management system for a subdivision or other development proposal shall not necessarily be acceptable as part of the parkland dedication requirements under the *Planning Act*. Such lands shall be landscaped to the satisfaction of the Village and shall be a suitable width and grade to permit maintenance operations.
- (f) The retention of existing tree cover or natural vegetation, particularly along watercourses and valleys, and the provision of significant grassed and open space areas, shall be encouraged to facilitate absorption of stormwater into the ground.

4.4 NOISE AND VIBRATION

It is the intent of this Plan to minimize any adverse noise and vibration impacts from railways, highways, arterial roads and industries on sensitive land uses.

In the event that residential uses are proposed adjacent to existing industrial development, the MOECP Guidelines regarding separation distances shall be considered. In general, residential uses should be located on municipal local or collector roads only. All residential development shall be designed in a

manner that minimizes impact on the traffic carrying capability of the adjacent roads. Any new roads shall be constructed to municipal standards.

4.4.1 Noise Impact Study

A Noise Impact Study in accordance with MOECP guidelines shall be undertaken for proposed development involving sensitive land uses that are adjacent to or in proximity to a railway, highway, arterial road or industrial use to the satisfaction of Council. The approval of development applications shall be based on the implementation of the required study, such as the restriction of new residential and other sensitive land uses and the provision of appropriate safety and mitigating measures and notices on title.

A Noise Impact Study shall be required where proposed development involving sensitive land uses is within 100 metres of a railway right-of-way or 1,000 metres of a railway yard. A Vibration Study shall be required where proposed development involving sensitive land uses is within 75 metres of a railway right-of-way. Noise and vibration studies shall be prepared to the satisfaction of Council in consultation with the appropriate railway agency. The approval of development applications shall be based on the implementation of the recommendations of the required studies, such as the restriction of new residential and other sensitive land uses and the provision of appropriate safety measures, such as setbacks, berms and security fencing, mitigating measures and notices on title.

4.5 COMMUNITY FACILITIES AND GREEN SPACE

Community Facilities and Green Space shall be permitted anywhere within the Village, with the exception of the *Environmental Protection* designation, provided that the use is necessary or appropriate in the area, is compatible with adjacent land uses and will pose no danger/hazard to the surrounding area.

Community facilities include schools, places of worship, municipal government facilities, community centres, libraries, public or private clubs or association halls, cemeteries, nursing homes, hospital, and similar community-oriented uses.

Green spaces are those areas owned and maintained by the municipality, including but not limited to local and neighbourhood parks and picnic areas, heritage riverwalk trails, recreation fields, waterfront and boat launch.

4.5.1 Parking

Adequate off-street parking shall be provided in accordance with the standards contained in the Zoning By-law or Community Development Permit System.

4.5.2 Municipal Services

Community facilities shall be serviced with municipal water supply and sanitary sewage disposal systems.

4.5.3 Buffering

Adequate buffering shall be provided between community facility and green space uses and adjacent land uses and roadways. Such buffers may include the use of landscaping such as grass strips, screening and the planting of trees and shrubs and a berm or fence.

4.6 CULTURAL HERITAGE RESOURCES

4.6.1 Cultural Heritage

Council will support the conservation of property with cultural heritage value or interest and/or architectural significance. Council will work with the community to identify significant cultural heritage resources that should be conserved. Cultural heritage includes: archaeological sites and resources; buildings and structural remains of historical architectural, natural and contextual value, traditional use areas, cultural landscapes of historic interest and significant views, vistas and ridge lines.

4.6.2 Protection of Cultural Heritage Resources

In recognition that the importance of a cultural heritage resource is tied most significantly to its original location, such resources shall be, wherever possible, incorporated into new development plans. It is recognized that the Village of Burks Falls is under the Robinson-Huron Treaty and is considered the traditional territory of the Anishinaabeg/Anishinaabek – Ojibway, Odawa and Potawatomi peoples, and the Wasauksing, Shawanaga, Magnetawan, Dokis and Henvey Inlet First Nations. As such, the Council shall engage with Indigenous Communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

4.6.2.1 Preparation of Archaeological Assessment

Council will integrate heritage conservation into the development and approval process by requiring the preparation of an archaeological assessment by a licenced archaeologist when a development proposal affects known archaeological resources or areas of archaeological potential. Council may consult with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTC) on matters pertaining to archaeological resources and the sharing of provincial data regarding these resources.

4.6.2.2 Preparation of Heritage Impact Assessment

To ensure that lands that have or may contain a cultural heritage resource are considered appropriately, a heritage impact assessment of the resources is to be conducted by the proponent of the development, in consultation with the municipality. This assessment shall identify the impacts on the cultural heritage resources and propose a strategy for conserving the cultural heritage resources either by removal and documentation, or by 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.

4.6.2.3 Adjacent Lands

Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be

conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

4.6.2.4 Designation of Properties

The *Ontario Heritage Act* provides for the designation and conservation of properties of architectural and/or historical value or interest. Under the Act, Council may recognize and protect heritage properties, structures, buildings or portions of buildings, through designation. Such designation will assist in ensuring that any future changes to a property are in keeping with its character. An inventory of all designated properties or identified as being of cultural heritage value or interest may be maintained by the municipality.

4.6.2.5 Heritage Conservation District

Under the *Ontario Heritage Act*, Council may designate, by by-law, all or part of the Village as a Heritage Conservation District. This provides for the protection and enhancement of groups or properties that collectively represent a certain aspect of the development of the municipality considered worthy of preservation. The overall character and value of a Heritage Conservation District is derived from both individual properties and from the combined historic and aesthetic value of the structural and natural components of the area.

4.6.2.5.1 Evaluation Criterion

The following factors will be considered by Council in the evaluation of an area for designation as a Heritage Conservation District:

- (a) the association of the area with a particular historical event or era that is unique to the community;
- (b) the presence of properties which are considered significant to the community as a result of their location or setting;
- (c) the presence of properties representing a design or method of construction which is considered architecturally and/or historically significant to the community, region, province or nation;
- (d) the presence of properties which collectively represent a certain aspect of development of the City which is worthy of maintaining; and,
- (e) the presence of physical, environmental, or aesthetic elements which, individually, may not constitute sufficient grounds for the designation of a Heritage Conservation District, but which collectively are significant to the community.

4.6.3 Cemeteries

Cemeteries are recognized as necessary and essential community facilities. Cemeteries may vary in scale, depending upon the location and needs of the population to be served. Existing cemeteries are recognized as permitted uses in this Plan.

4.6.3.1 Expansion of Cemeteries

Such cemeteries may be permitted to expand to the limits of the license issued under the *Funeral, Burial and Cremation Act*, providing that they comply with the Zoning By-law or Community Development Permit System and intent of this Plan.

4.6.3.2 Burial Site Discoveries

An appropriate archaeological assessment shall be undertaken when an identified and marked or unmarked cemetery is affected by development. The Registrar, Burials of the Ministry of Government and Consumer Services (MGCS) will use the results of the archaeological assessment to determine the most appropriate government agencies, and representatives of those buried at the site, and if the site is an aboriginal peoples burial ground, the nearest First Nation and will notify them accordingly.

4.7 WASTE DISPOSAL

Curbside collection of waste and recycling is offered to residents of the Village of Burk's Falls. Residents are encouraged to manage their waste and to utilize all waste diversion programs offers within the Village.

The Tri R Landfill site, shared between the Village, Townships of Armour and Ryerson, is available to Village residents, in accordance with the regulations outlined in the by-law set by the Township.

Arrangements for disposal or management of solid wastes will be reviewed from time to time with a view to improving site operations and establishing new sites.

4.7.1 Waste Diversion

The Village of Burk's Falls requires its residents to reduce unnecessary waste and promote recycling thereby diverting the amount and types of waste going to the waste disposal site and increasing community environmental sustainability.

4.7.2 Sewage Lagoons

Sewage lagoons for municipal purposes, or for the disposal of wastes from septic or holding tanks shall recognized in the Zoning By-law or Community Development Permit System. New or expanded sewage lagoons must meet the requirements of the MOECP. The area within 400 metres of the perimeter of a sewage lagoon is an area of potential adverse environmental impact.

5.0 LAND USE DESIGNATIONS

The land use concept and structure for the Village of Burk's Falls is shown in Schedule "A", "B" and "C" and the policies contained within this Plan. Each land use policy must be read in conjunction with the land use schedules and the other policies of this Plan.

The Village of Burk's Falls is an Urban Settlement Area. The land use designations recognise that lands within the settlement area are developed for a variety of compatible uses. These uses include residential, community facilities, commercial, employment uses and open space uses. These uses are separately designated on Schedule "A".

Land uses within each of the land use designations will be guided by the policies of this section and other relevant policies of this Official Plan. They may be further detailed in an implementing Zoning By-law or Community Development Permit System.

The lands designated indicate the areas of existing development, as well as areas for future development within the settlement area.

Schedule "A" establishes the pattern of development by dividing the Village into the following land use designations:

- Residential Areas
- Employment Areas
- Commercial Areas
- Limited Service
- Environmental Protection
- Groundwater Protection Zone
- Aggregate Resource Areas
- Rural Transition Areas

5.1 RESIDENTIAL AREAS

Lands designated as *Residential Areas* are intended primarily for low density and medium density residential uses including single detached and two-unit dwellings, and multiple-unit dwellings.

5.1.1 Permitted Uses

The predominant land uses in the *Residential Areas* designation shall be low and medium density residential uses, including single detached dwellings, duplex and semi-detached dwellings, triplexes, fourplexes, row or townhouses, converted dwellings, low rise apartment dwellings, and group homes. Additional Residential Units are permitted in accordance with Section 3.3.7.2 of this Plan.

The permitted uses shall be generally limited to low to medium densities such as single detached dwellings, semi-detached or duplex dwellings, townhouses and low-rise apartments.

5.1.1.1 Community Facilities, Parks and Open Space

The permitted uses within the Residential designation shall include community facilities such as schools and places of worship as well as public parkland and open space areas and uses within the fabric of residential areas.

5.1.2 New Residential Development

New detached, semi-detached, duplex dwellings and townhouses shall be located where their impact on existing commercial, industrial and residential use is minimized. Infilling and intensification of residential land uses is encouraged within those areas where full municipal servicing is available.

The following policies shall apply when considering applications for all new residential development:

1. the proposed design of the residential development is compatible in scale and appearance with the character of surrounding uses;
2. the proposed development shall be undertaken on municipal sanitary sewer and water systems within the Residential designation.
3. the availability of school and park facilities services are adequate to serve the proposed development;
4. the local street network is adequate to accommodate any increased traffic that might result from such development;
5. the off-street parking facilities and the proposed landscaping and buffering are adequate; those standards may be set out in an implementing Zoning By-law or Community Development Permit System;

5.1.2.1 Medium Density

Medium density residential development is generally considered to be between 30 and 60 units per hectare with a maximum height of 3 storeys. Notwithstanding, proposals that constitute infilling or redevelopment may have a density up to 150 units per hectare, subject to the policies

of this section and the provisions of the implementing Zoning By-law. In any built-up area where medium density residential uses are to be introduced, consideration shall be given to matters related to land use compatibility and proximity effects.

New multi-unit residential housing, including higher density (medium density) housing may be permitted, subject to rezoning and it being demonstrated that adequate services are available for the development. Medium density residential uses are encouraged to locate in the following areas:

- adjacent to collector or arterial roads;
- adjacent to public open space; and
- in the vicinity of local commercial uses.

5.1.2.2 High Density Development

In order to maintain the overall character and built form of the Village, densities above 60 units per hectare are generally discouraged, except in cases of infilling/redevelopment as described in Section 5.1.2.1. Development proposals above 60 units per hectare may only be permitted through an Amendment to this Plan, and must conform to the policies of Section 5.1.2, including the Medium Density policies.

5.1.2.3 Intensification, Infilling and Redevelopment

Development of new residential uses through infilling and intensification of existing serviced areas with the built-up area shall be encouraged shall take place in accordance with the policies of Section 3.3.8 of this Plan.

5.1.2.4 Plan of Subdivision/Condominium Applications

Development of new residential uses involving the division of land under Section 50 of *The Planning Act*, shall take place in accordance with the policies of Section 8 of this Plan.

5.1.2.5 Required Technical Support Documents

All proposals for residential development by registered plan of subdivision or condominium shall be accompanied by:

1. Servicing Options engineering report which demonstrates that there is capacity available in the municipal water and sewage systems to service the proposed residential development;
2. Preliminary stormwater management plan;
3. Preliminary lot grading and drainage plan;
4. A traffic report confirming that traffic generated by the proposal can be satisfactorily accommodated by the existing road network;
5. Archaeological assessment.

Until such engineering studies are received and approved, Council shall not recommend that draft plan approval be granted to the subdivision and/or condominium proposal.

5.1.3 Bed and Breakfast Establishments

Bed and breakfast establishments may be permitted where residential uses are permitted subject to the following:

1. Such use shall only be permitted in a single detached dwelling;
2. The property is the principal residence of the person operating the bed and breakfast establishment;
3. Such establishments shall not detract from the residential character of the surrounding area; and,

Appropriate regulations shall be included in the implementing Zoning By-law or Community Development Permit System to govern the establishment and operation of bed and breakfast establishments within the Municipality. Matters to be included in such regulations include:

1. The maximum number of guest rooms per establishment;
2. The provision of adequate off-street parking spaces;
3. Restrictions on the size and nature of advertising signs; and
4. Restrictions on the type of dwelling in which such use may be established

5.1.4 Home Occupations

Home occupations that are small in scale and do not significantly change the appearance of a dwelling as a place of residence shall be permitted. A home occupation shall be compatible with surrounding uses with adequate off-street parking being provided.

5.1.4.1 Provisions and Regulations

The implementing Zoning By-law or Community Development Permit System shall establish zone provisions to regulate home occupations including, but not limited to, the maximum floor area devoted to the use, the location of a home occupation in the residence, display of goods and storage, signs, limitations on employees, and the permitted types of home occupation uses.

5.1.5 Buffering

Adequate buffering shall be provided between proposed multi-unit residential uses and adjacent uses, especially adjacent detached residential uses. Such buffering may include the use of landscaping such as grass strips, screening and the planting of a berm or fence or separation distance.

5.2 COMMERCIAL AREAS

The *Commercial Areas* designation on Schedule "A" consists of two distinct commercial areas - Commercial Core and General Commercial. Uses permitted in the following sections will be regulated in the implementing Zoning By-law or Community Development Permit System.

5.2.1 Commercial Core

The *Commercial Core* area is intended to identify and promote the downtown/main street as a distinct district. Lands identified as *Commercial Core* are those normally associated with the downtown core or central business district of the Village.

The *Commercial Core* designation provides for the sale of goods and services to meet the needs of the local community as well as the surrounding market area. Permitted uses may include retail commercial establishments, financial institutions, personal service shops, business and professional offices, restaurants, hotels, gas bars, places of entertainment, and existing uses.

Commercial development shall be encouraged to locate within the existing commercial core through infilling and expansion. The built form of the existing commercial core is considered to be a significant asset to the Village and it is an objective of this Plan to protect the existing historical resources while promoting vibrant community development and redevelopment.

5.2.1.1 Residential Uses

Residential uses are permitted within the *Commercial Core*, subject to the Residential policies of Section 5.1.2 of this Plan. Residential uses within the Commercial Core shall generally be located within the upper floors of buildings above ground floor commercial uses, subject to the implementing Zoning By-law.

5.2.2 Architecture

Council shall encourage the visual improvement of the commercial core through the following:

1. the coordination of signs, lighting, landscaping and general maintenance;
2. the provisions of landscaping and maintenance of parking areas;
3. streetscape improvements including benches, plantings, lighting and other street fixtures; and,
4. the provision of adequate loading facilities.

5.2.3 General Commercial

The *General Commercial Areas* are generally located along major roadway approaches to the central part of the Village.

General Commercial Area uses provide goods and services to meet the needs of the local community and the surrounding market area, as well as those commercial uses that rely on vehicular traffic. General Commercial Area uses are primarily oriented to businesses that provide a service function and benefit

from direct access and exposure to traffic. Permitted uses include all *Commercial Core* uses plus uses such as motels, automobile sales and service businesses, recreational vehicle sales and service businesses, building supply outlets, gas bars and service stations, garden centres and commercial greenhouses.

5.2.3.1 Residential Uses

An accessory dwelling may be permitted, however, in the case of a service station, residential uses shall be prohibited. Apartments above commercial uses may be permitted where such dwellings are secondary to the main commercial use, are compatible with the main commercial use, and will not detract from the use of the property for commercial operations.

5.2.4 Scale

Commercial development should be of a scale catering to the residents of and visitors to the Village and surrounding area. Such development should front on an arterial or collector road wherever possible. Council will ensure that any proposed commercial use is compatible with neighbouring residential uses, particularly in regard to appearance, traffic generation potential, noise and other environmental factors. Such provisions as buffering, adequate off-street parking, control of ingress and egress to the commercial site and other restrictions may be imposed through the site plan approval process.

5.2.5 Services

The development of new commercial uses within *Commercial Core* or *General Commercial* areas shall be in accordance with the policies of Section 4.1.6 of this Plan.

5.2.6 Access Management and Parking

Off-street parking and loading spaces shall be provided in accordance with the provisions of the implementing Zoning By-law or Community Development Permit System. Parking, loading and access locations should be located and designed to facilitate the efficient movement of vehicles and to minimize danger to vehicular and pedestrian traffic.

5.2.7 Buffering

A landscaped buffer should be provided wherever practical, between commercial uses and adjacent residential uses. Buffering may include grass strips, fences, tree and shrub planting, landscaping or any combination which is sufficient for that purpose.

5.2.8 Site Plan Approval

The Village will promote design elements which maximize energy efficiency and conservation. This could include the protection of existing vegetation, building orientation, and opportunities for renewable energy systems.

5.2.9 Zoning By-law or Community Development Permit System

Uses permitted in the *Commercial Areas* designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

5.3 EMPLOYMENT AREAS

Lands designated as Employment Area are intended to promote employment land districts or clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

It is the intention of this Plan that an adequate land inventory will be available to accommodate the development of future employment uses within the Village.

5.3.1 Permitted Uses

A range of employment uses including light manufacturing, processing, warehousing wholesaling of bulk products, repairing and servicing of equipment, transportation, storage yards, building contractor's yards and similar uses including accessory uses shall be permitted. Accessory uses include such uses as a caretaker's residence, public utilities, and offices ancillary to the principal use on the same property shall be permitted. Accessory uses shall not interfere with the primary industrial use on the site. Automobile wrecking and salvage yards and other noxious uses will not be permitted within the Village.

Permitted commercial and other business uses shall include service stations, service centres, auto sale establishments, recreational vehicle sales and service establishments, farm equipment sales and service establishments, garden centres, commercial greenhouses, professional and business offices, data processing centres, call centres, commercial or technical schools, and research facilities., Restaurants including drive-through restaurants, retail sales outlets, and athletic clubs which support the permitted industrial uses are also permitted.

5.3.1.1 Prohibited Uses

Within employment areas planned for industrial or manufacturing uses, residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility are prohibited.

No employment use shall be permitted which, by the nature of the material used, waste produced, or product manufactured is considered to be hazardous by the Medical Officer of Health. All uses shall comply with all government health and environmental standards with respect to the emission of fumes, noise, odours, dust, vibration, or any other form of pollution.

5.3.2 Home Industries

Home industries may be established and operated only in those areas where they are compatible with the adjacent land uses. The establishment of small-scale commercial or industrial uses in an accessory building on the same lot as the proprietor shall be permitted provided that the use is compatible with surrounding uses. Adequate off-street parking shall be provided.

The implementing Zoning By-law or Community Development Permit System shall establish zone provisions to regulate home industries including, but not limited to, the maximum building floor area, the minimum lot area, display of goods and storage, signs, the maximum number of employees, and the permitted types home industry uses.

5.3.3 Land Use Compatibility

The encroachment of sensitive land uses and industrial uses on one another shall not be permitted. A separation distance in accordance with the MOECP's D-Series Guidelines will be incorporated between sensitive uses and industrial uses or other facilities that by their nature are incompatible with sensitive uses.

5.3.4 Development Requirements

The clustering together of new industrial uses and other compatible business uses is promoted. New employment use proposals shall be evaluated with the following criteria:

1. the physical suitability and soil capacity for the proposed use;
2. the impact of the proposed development on the natural environment, the character and the scenic qualities of the Village;
3. the compatibility of the proposed use with surrounding land uses;
4. appropriate servicing; and
5. provision of interior street design and possible exterior street improvement and realignment.

New development, the expansion of existing development, or redevelopment within the Employment Areas shall require the submission of a site development plan by the developer. Such development plan shall have regard for proper site planning considerations and performance, including the following:

1. Adequate off-street parking and loading facilities shall be required for all permitted uses in accordance with the requirements of the Zoning By-law or Community Development Permit System;
2. Landscaping shall ensure visual compatibility with adjacent properties and streets, and fencing may be required for safety or security purposes;
3. Access points shall be limited in number and designed in such a manner so as to minimize traffic congestion, and ensure safe ingress and egress at the site, and shall be approved by the appropriate authority having jurisdiction;
4. Standards for open storage areas, including maximum area, location and screening, shall be established in the Zoning By-law or Community Development Permit System and implemented on the site; and
5. Adequate buffering, to include noise attenuation and visual screening measures, shall be provided for the purpose of reducing or eliminating the impacts of a permitted use on any adjacent sensitive land use

5.3.5 Conversions

Council may permit the conversion of lands within the Urban Employment Areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required

for employment purposes over the long term and that there is a need for the conversion. In accordance with Section 22 (7.3) of the *Planning Act*, there is no right of appeal if Council refuses or fails to approve an amendment to remove lands from an area of employment, even if other land is proposed to be added. The employment areas and policies are to be reviewed every five years to confirm or amend the policies.

5.3.6 Buffering

Where an employment use abuts a residential use, adequate buffering shall be provided between the uses. Buffering may include grass strips, berms, fences, tree and shrub planting, landscaping or any combination which is sufficient for that purpose. Such a buffer is intended to enhance the required separation distances in accordance with the MOE Guidelines.

5.3.7 Access

Access to employment uses should be primarily through non-residential areas. Employment uses shall have frontage onto a municipal road that is maintained year-round. The use of local roads for access to employment uses by trucks shall be discouraged.

5.3.8 Municipal Services

Employment uses shall generally be serviced with municipal water supply and sanitary sewage disposal systems. Proposed extensions of the municipal water supply and sanitary sewage systems to service the proposed development will be the responsibility of the developer. Where an extension to the municipal system is proposed, the Village and the developer shall enter into an agreement to extend the services provided the overall service capacity of the system is not exceeded.

5.3.8.1 Partial Services

Where employment uses are proposed on partial services, development shall be limited to dry uses only (i.e. domestic waste up to a rate of 10,000 litres per day). Uses that produce industrial liquid waters, or that use significant water in the processing, cooling, cleaning, or making of a product shall be prohibited. In the event that a proposed use does not meet these criteria, a reasonable use assessment should be conducted in accordance with MOECP Guideline B-7.

5.3.8.1.1 Partial Services - Private Sanitary Sewage Systems

In locations where sanitary sewage services are presently not available, limited employment uses on private services may be permitted provided:

- (a) that partial services are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
- (b) to allow for infilling and rounding out of existing development on partial services provided that the development is within the reserve sewage system capacity and reserve water system capacity, and that the site is suitable for the long-term provision of such services.
- (c) if there is confirmation of sufficient reserve sewage system capacity for hauled sewage in accordance with the MOECP D-series Guidelines. The determination of sufficient reserve sewage capacity shall include treatment capacity for hauled sewage.

5.3.8.1.2 Partial Services - Private Water Systems

Where employment uses are proposed on municipal sewage and private water, a reasonable use assessment shall be conducted in accordance with MOECP Guideline B-7: Incorporation of the Reasonable Use Concept into MOECP Groundwater Management Activities. Such development shall be required to connect with the municipal services once they are available in the area.

5.3.9 Communal Services

In those areas where provision of municipal services is not possible, the Village may consider the use of private communal water services, in accordance with Section 1.6.6 of the PPS, subject to compliance with provincial regulations and the appropriate studies and agreements.

5.3.10 Zoning By-law or Community Development Permit System

Uses permitted in the *Employment Area* designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

5.4 LIMITED SERVICE

The *Limited Service* designation applies to those lands where only partial servicing is available. These lands are presently serviced with municipal water supply and private sewage disposal systems. Existing uses within this designation are permitted to continue.

5.4.1 Lot Creation

Lot creation may occur in the *Limited Service* designation on municipal water supply and private sewage disposal systems if deemed desirable by Council, subject to fulfilling the following conditions:

- (a) There is sufficient reserve capacity within the municipal sewage services;
- (b) The site conditions are suitable for the long-term provision of individual on-site sewage services as detailed in a servicing options report; and
- (c) Development may only be permitted if there is sufficient reserve sewage system capacity for hauled sewage in accordance with the MOECP D-series Guidelines. The determination of sufficient reserve sewage capacity shall include treatment capacity for hauled sewage.

5.4.2 Multi-Unit Residential Development

Where sanitary sewage services are not available or cannot be extended to development within the *Limited Service* designation, an investigation of servicing options shall be prepared in accordance with MOECP's D-series Guidelines, Procedure D-5-3 and shall accompany all development and redevelopment proposals involving multi-lot/unit residential development to determine the most appropriate form of servicing to promote environmental protection. The investigation of servicing options shall address the assimilative capacity of the ground water or surface water to absorb effluent without adversely impacting the natural environment.

5.4.3 Requirement for Agreement

Council shall require as a condition of approval on partial services, an agreement to connect with the municipal sewage services once the system has been extended into the area.

5.4.4 Zoning By-law or Community Development Permit System

Uses permitted in the *Limited Service* designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

5.5 ENVIRONMENTAL PROTECTION

Lands designated as *Environmental Protection* include lands with natural constraints such as flood susceptibility, erosion susceptibility, poor drainage, organic soils, erosion prone soils or steep slopes or other physical conditions which are potentially severe enough to cause property damage and/or potential loss of life. In addition, this land use designation includes environmentally sensitive areas and features such as cold and warm water streams, fish and wildlife habitat, significant wetlands, and other locally significant natural features. The intent is to ensure that new or expanding development does not occur on Environmental Protection designations.

5.5.1 Permitted Uses

Lands designated as *Environmental Protection* on Schedule A are primarily intended for preservation and conservation of the natural land and/or environment, and should be managed in such a fashion as to complement adjacent land uses and protect such uses from physical hazards.

Uses such as outdoor recreation, conservation and resource management uses and public and private parks shall be permitted. All new buildings and structures shall not be permitted in any *Environmental Protection* designation other than those necessary for flood or erosion control, conservation purposes or minor buildings and structures such as rain shelters, foot bridges and boat docks and launching ramps, which have been approved by Council in consultation with the applicable agency. However, buildings and structures other than those required for conservation and resource management purposes shall generally be prohibited.

5.5.2 Proposals for New Development

Proposals for new development shall be required to provide an over-view assessment to identify the presence of potential habitat of endangered and threatened species. Where potential habitat is identified, an Environmental Impact Assessment in accordance with Section 7.3 will be required to provide information on current habitat conditions and potential mitigation measures, if appropriate. New development shall not be permitted within significant habitat of endangered and threatened species.

5.5.3 Detailed Delineation of Environmental Protection Lands

Where boundaries of the "Environmental Protection" designation have been determined from the interpretation of air photography, adjustments to more accurately reflect the limits of the flood hazard which are agreed upon by Council in consultation with the MNRF, may be made without an Official Plan amendment. An amendment to the Zoning By-law or Community Development Permit System to refine the boundary shall be required. The zoning amendment shall be based either on the conservative estimates of the regulatory flood prepared by MNRF or a new engineered flood plain study.

5.5.3.1 Environmental Impact Study

An Environmental Impact Study, to be conducted by a qualified professional and in accordance with the requirements of Section 7.2.4, shall be required for any proposed development and/or site alteration adjacent, within 120 metres of the significant portion of the habitat, to endangered and threatened species habitat. This evaluation shall demonstrate that there will be no negative impacts on the natural features or their ecological functions to the satisfaction of Council.

5.5.3.2 Adjoining Land Use Designation

Where it is determined that lands within the *Environmental Protection* designation are not environmental constrained or sensitive lands, the development of such land shall be reviewed on the basis of the adjoining land use designation and the general intent and purpose of this Plan.

5.5.4 Lands Under Private Ownership

Where any lands designated *Environmental Protection* are under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. In addition, it shall not be construed as implying that such areas are free and open to the general public or that the Village or other government agency will purchase the lands. There is no public obligation, however, either to redesignate or to purchase any lands designated as *Environmental Protection*.

5.5.5 Application to Redesignate:

An application to redesignate *Environmental Protection* lands for other purposes may be given due consideration by Council in consultation with the MNRF or other public agency. Council shall consider the following matters:

- a) the existing environmental and/or sensitive features;
- b) the potential impacts of these environmentally sensitive lands;
- c) the required setbacks;
- d) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- e) the compatibility of the proposed use with adjacent/surrounding land use.

5.5.6 Zoning By-law

An implementing Zoning By-law or Community Development Permit System shall provide for adequate setbacks for buildings and structures within or adjacent to *Environmental Protection* designations. The setbacks shall be established from the boundaries of the *Environmental Protection* designation, based on the severity of existing and potential environmental hazards.

Council has identified areas within which certain land uses may pose a risk to the quality of municipal water supplies. The areas are designated as *Groundwater Protection Zones* on Schedule "C" to the Official Plan.

The policies of this Section are intended to prohibit certain land uses from establishing within *Groundwater Protection Zones* or, alternatively, to ensure that certain uses can be established in these areas within an acceptable level of risk to groundwater quality.

In determining the location of lands within the *Groundwater Protection Zones* (GPZ), the following rules shall apply:

- Properties located wholly within either GPZ I or GPZ II shall be subject to the restrictions applicable to the GPZ in which they are located; and
- Properties having parts lying within both GPZ I and GPZ II shall be subject to the higher vulnerability restrictions.

5.5.7 Magnetawan River

The Village of Burk's Falls is located within a curve in the channel of the Magnetawan River. Historically mail, merchants' supplies, and tourists came by boat to Burk's Falls in the summer. Later rail service and a system of roads replaced the river as the means of access to the area. Since that time the of the river's value for tourism and recreation (fishing, swimming, boating, kayaking, and canoeing) has grown within the community.

Land use and development in proximity to the river reflects the importance of this key natural heritage feature, while respecting the constraints that come from its broad floodplain within the village.

5.5.7.1 Protection of Fish Habitat

Council recognizes the importance and value of fisheries in the Village and supports the protection of their habitat. New development and site alteration shall only be permitted where it can be carried out without negative impact on fish habitat. An Environmental Impact Assessment will be required to investigate the potential negative impacts of new development and or site alteration when it is proposed to be within or adjacent (120 metres) of fish habitat.

New development along watercourses shall be setback a minimum of 30 metres from the stream/river in order to protect fish habitat.

5.5.7.2 Magnetawan River Flood Plain

Council recognizes that the potential impacts of climate change may increase the risk associated with natural hazards. For example, future flood events on the Magnetawan River may exceed historical regulatory flood elevations.

Notwithstanding the foregoing, the regulatory flood for the Village of Burk's Falls is defined as the greater of:

- (a) the "100 year flood", which is the area that would be flooded on average, once in 100 years; or
- (b) the "Regional Flood" which is the area flooded by a storm modeled on a particularly intense storm which occurred in Timmins in 1961 and could occur in this area.

Although there are no engineered flood elevations that have been determined for the portion of the Magnetawan River in Burk's Falls, a conservative estimate of the regulatory flood elevation for 3 portions of the river is shown below.

Table 1 - Magnetawan River - Estimates of Regulatory Flood Elevations

Waterbody	Conservative Estimate of Regulatory Flood Elevation
Magnetawan River at High Street	295.0 masl
Magnetawan River above Dam	294.5 masl
Magnetawan River below Dam	286.5 masl

5.5.7.3 One-Zone Flood Plain

The “One Zone” approach to flood plain management shall be applied to lands within Burk’s Falls. Under this approach, new development and site alteration (including filling) shall not be permitted anywhere in the floodplain as defined by the MNRF with the exception of structures necessary for flood and /or erosion control works or structures, such as docks, which by their nature must be located below the regulatory flood elevation.

5.5.7.4 Requirement for Hydrological Study

Council shall require any proponents for development in or adjacent to the conservative estimates of the Regulatory Flood Line prepared by MNR to undertake more detailed studies to identify more accurately the limits of the regulatory flood. A hydrological engineer should be retained to determine specific elevation and location of the flood plain boundaries under regulatory flood conditions. Only lands outside of the flood plain may be considered for development.

5.5.7.5 Requirement for OLS Determination of Elevations

Council shall require proponents of development within or adjacent to the flood plain to obtain the services of an Ontario Land Surveyor to survey spot elevations on the ground. Any lands below the identified flood elevations would be incorporated into the Environmental Protection designation.

5.5.7.6 Lot Creation

The creation of a new lot shall not be permitted where there is inadequate building area outside of the flood plain or where access/egress is not safely available during times of flooding.

5.5.7.7 Non-conforming Uses

The expansion of existing non-conforming uses within the Environmental Protection designation shall generally be prohibited. Minor additions, such as a deck, may be permitted without an engineered flood plain study.

Through planning approvals and other mechanisms such as landowner education, the Village will provide for best management practices for development adjacent to the Magnetawan River, including measures such as the following:

- Reducing lot grading;
- Using grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
- Directing roof leaders to rear yard ponding areas, soakaway pits or to cisterns or rain barrels; and
- Sump pumping foundation drains to rear yard ponding areas and infiltration trenches.

5.5.7.8 Existing Non-Conforming Uses

The existing non-conforming uses within the floodplain of the Magnetawan River are permitted. The expansion of any non-conforming use within the Environmental Protection designation shall be prohibited.

5.5.7.9 Existing Development

Site alteration and development within the floodplain of the Magnetawan River is not permitted, in accordance with the policies of Section 3.1.2.d) of the PPS.

- Site alteration means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.
- Development means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*.

Minor modifications to existing development within the floodplain of the Magnetawan River, which do not constitute site alteration or development as defined herein, may be permitted in those portions of the floodplain where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- (a) minor alterations are carried out in accordance with floodproofing standards, protection works standards, and access standards;
- (b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- (c) minor alterations shall not place additional life at risk;
- (d) new hazards are not created and existing hazards are not aggravated;
- (e) no adverse environmental impacts will result;
- (f) the minor alterations shall not cause adverse off-site flood plain impacts. The proponent may be required to have a professional engineering report prepared to the satisfaction of the Municipality and the MNRF will provide technical advice and criteria for the preparation of such studies;
- (g) minor alterations shall not include an increase in square footage to the existing structure;

(h) minor alterations shall not include additional fill within the floodplain; and,

Replacement of existing structures may be permitted, provided that the replacement is of the same square footage as the original structure and that the replacement is floodproofed to the regulatory flood line.

5.5.8 Groundwater Protection Zones

Groundwater Protection Zones for each of the two municipal wells are designated on Schedule C. A buffer of 30 metres has been incorporated within these areas. *Groundwater Protection Zones (GPZ)* are a special protection category in which the lands may be utilized in accordance with the underlying land use designation, subject to the policies of this Section.

Properties having parts lying both within and outside the GPZ shall be subject to the restrictions of the applicable GPZ, unless the developed or developable portion of the property is entirely outside of the GPZ, in which case the GPZ policies will not apply.

5.5.9 Land Uses Representing Risks to Groundwater Supplies

For the purposes of implementing Section 4.5.2 of this Plan, land uses which may pose a risk to municipal water supplies via the aquifers are categorized from highest (Category A) to lowest risk (Category C). Uses or activities proposed within the GPZ that are not listed in Categories A, B and C, but are demonstrated to pose a comparable risk to water resources, may be subject to the policies of Section 4.2 at the discretion of Council. The land uses within each category are listed on Schedule D - Land Use Groups by Risks to Groundwater Existing Land Uses within the Groundwater Protection Zones

At the time of the coming into force of a Zoning By-law or Community Development Permit System adopted in accordance with the policies of this Section, existing land uses that are categorized as A, B or C land uses within the GPZ will be recognized as legal non-conforming uses within the Zoning By-law or Community Development Permit System. It is the intent of this policy that once these uses cease to exist, such legal non-conforming status will be lost and conformity with the policies of this Plan and the provisions of the Zoning By-law or Community Development Permit System will be required.

5.5.10 Enlargements, Extensions or Changes in Use Within Groundwater Protection Zones

Notwithstanding any other policies in this Plan, it shall be required that Council, in considering applications pertaining to enlargements, or extensions of buildings or structures, or pertaining to changes in uses legally existing at the time of the approval of this Official Plan, shall have regard to the manner in which uses have been classified into Category A, B and C uses when determining if a proposed use is more compatible than the existing use. When considering enlargements or extensions, the Council shall impose conditions requiring construction standards and techniques that will minimize the degradation of ground or surface water quality, as appropriate.

5.5.10.1 Use Restrictions and Performance Requirements

In 2003, Harden Environmental conducted a Municipal Groundwater Study on behalf of the Council of the Village of Burk's Falls which determined the extent of the Groundwater Protection Zones. Any new development proposal within the Groundwater Protection Zones as designated on Schedule "A" will be considered in the context of the recommendations of that report and the policies of this Official Plan.

5.5.10.2 Development or Redevelopment

The following policies and requirements shall be satisfied prior to recommending the approval of development or redevelopment within any of the Groundwater Protection Zones (GPZ):

- (a) Proposed aggregate extraction operations affecting the GPZ, or parts thereof, shall be subject to the use restrictions and performance requirements of Section 4.2 of this Plan.
- (b) Within the GPZ, the use of dry wells or artificial/enhanced recharge of stormwater runoff is not permitted and direct infiltration of runoff without pretreatment or detention is not permitted for non-residential uses.
- (c) New development proposed on private septic systems will not be permitted within the Groundwater Protection Zones.
- (d) Prior to new development or redevelopment, proponents will be required to carry out an investigation of abandoned water wells on the lands proposed for development which are designated as GPZ and provide for the proper plugging of same, in accordance with relevant Provincial legislation and regulations.
- (e) Prior to new development, proponents will be required to carry out an investigation for underground storage tanks within the GPZ and provide for the removal of same.
- (f) The Municipality will use whatever legal authorities are available to ensure the implementation, maintenance and monitoring of structural best management practices that are identified during the development review process for new and expanding nonresidential uses within the GPZ.

5.5.10.3 Existing Aggregate Operations

The existing aggregate extraction operation will be permitted to continue as a legal conforming use within the Zoning By-law or Community Development Permit System. Any proposal for expansion shall be considered in accordance with the *Aggregate Resources Act* and with consultation with the Council.

Council may require studies that demonstrate no negative impact to sensitive groundwater features within the Groundwater Protection Zone. Once the operation has ceased and the aggregate license surrendered, the site shall only be used for those uses permitted on the immediate surrounding land use designations and the Zoning By-law or Community Development Permit System shall be appropriately amended forthwith.

5.5.11 Consultation

Council may consult with Provincial Ministries, the Council of Armour Township, or any other agency or body or qualified individual deemed appropriate for the purpose of evaluating development or redevelopment applications and supporting information required by the policies of this Plan within the *Groundwater Protection Zones* designation.

5.6 AGGREGATE RESOURCE AREAS

The *Aggregate Resource Area* designation recognises all lands currently licensed under the *Aggregate Resources Act* for extractive use.

5.6.1 Permitted Uses

The uses permitted shall include sand and gravel pits and quarries licensed under the *Aggregate Resources Act*. Associated operations such as drilling, blasting, crushing, screening, washing and blending aggregate, aggregate recycling, aggregate storage, portable asphalt plants and portable concrete plants, weigh scales, associated buildings, wayside pits and wayside quarries may also be permitted. These associated operations will only be permitted where they are compatible with other uses permitted in the *Aggregate Resource Area* designation and will in no way hamper the rehabilitation of these areas for other land uses.

Only those areas either adjacent to or presently under excavation or being used for a permitted use shall be designated as *Aggregate Resource Area*. It shall also be zoned for that purpose in any future implementing Zoning By-law or Community Development Permit System By-law. The establishment of any new pit or quarry operation shall require an amendment to the Official Plan.

5.6.1.1 Wayside Pits and Wayside Quarries

Wayside pits are exempt from this restriction. A wayside pit and wayside quarry shall mean a temporary pit opened and used by a public road authority solely for the construction of a particular road project. It shall not be located on the road right-of-way.

The Village recognizes extraction as an interim land use and requires rehabilitation plans to be prepared indicating interim and end uses.

5.6.2 Establishment of New or Expanded Aggregate Extraction Operation

The following matters shall be considered by Council before a decision is made to permit the establishment of a new or expanded aggregate extraction operation in the *Aggregate Resource Area* designation.

- (a) An extractive operation should be screened in a manner which allows it to be screened from public view, in order to protect the scenic and amenity of the area.
- (b) The existing adjacent land uses that might be affected by a pit or quarry operation will be buffered through in appropriate setbacks and/or other mitigative techniques such as screening, berms, the location of machinery and timing of operations, which may be established as conditions on the licence and/or included on a site plan under the *Aggregate Resources Act* at the time of licensing.
- (c) Sensitive land uses and activities (i.e residential development) shall not be permitted on site or adjacent to existing pits and quarries, except in accordance with MOECP Land Use Compatibility Guidelines D-1-2 and D-6. For new operations, the influence area is to be determined by appropriate studies carried out in support of land use approvals. For the encroachment of sensitive land uses on existing operations and undeveloped resource area, in the absence of

any technical studies substantiating the potential influence area, a potential influence area of 1,000 metres shall apply.

- (d) Proposals for aggregate extraction operations within the distances specified in paragraph (c) above should be evaluated based on matters such as, but not limited to, land use compatibility, impacts on groundwater, noise, dust, vibrations, and traffic.
- (e) All operations must satisfy the requirements of the authority having jurisdiction and the requirements of the Municipality as to water supply, waste disposal, pumping, and dewatering.
- (f) All operations must satisfy the requirements of the MOECP and By-laws of the Municipality as to control of air pollution, which includes dust, noise and vibration.
- (g) Haulage routes and the traffic generated by the aggregate extraction operation shall be identified.
- (h) An application for an amendment to this Plan to permit the establishment of an aggregate extraction operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.

5.6.2.1 Protection of Mineral Aggregate Resources and Operations

It is the intent of this Official Plan to protect mineral aggregate resources for long-term use. Mineral aggregate resource areas that are designated as *Aggregate Resource Area* on Schedule "A" shall be reserved for aggregate extraction uses. Development or new land uses on or adjacent to lands adjacent to areas designated as *Aggregate Resource Area* that would preclude or hinder the establishment of new aggregate operations or access to the resources will only be permitted if:

- (a) the resource use would not be feasible; or
- (b) proposed land use or development serves a greater long term public interest; and,
- (c) issues or public health, public safety and environmental impact are addressed
- (d) Established mineral aggregate operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

5.6.3 Zoning By-law or Community Development Permit System

Uses permitted in the *Aggregate Resource Area* designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

5.7 RURAL TRANSITION AREAS

Lands within the *Rural Transition Areas* designation are those greenfield areas located at the periphery of the Village of Burk's Falls, which are currently undeveloped but are intended to accommodate future growth.

Although it is the intent of this Plan to achieve a modest increase in the density and intensity of land use through the redevelopment or re-use of existing vacant or underutilized buildings and properties, the municipality is aware that increased density or intensity of use can result in a negative impact on an area's heritage value or on a neighbourhood's existing residential character. Hence, a modest supply of lands has been identified within the Village and set aside for future development.

The *Rural Transition Areas* designation applies to lands within the Village of Burk's Falls that are not designated or used for urban or open space uses and are not part of the *Environmental Protection* designation. The *Rural Transition Areas* designation is not necessarily a permanent designation. Its main purpose is to prevent uncontrolled and scattered development, and to maintain the rural character of these lands until such time as appropriate development proposals for the lands may be brought forward for Council's consideration. Future development of these lands shall occur through logical planned extensions of existing developed areas and will require an amendment to this Plan.

5.7.1 Permitted Uses

Uses permitted in the *Rural Transition Areas* designation shall include those uses existing at the date of approval of this Plan, agricultural uses, accessory residential uses, low intensity recreational and open space uses, public uses which do not detract from the rural character, limited non-agricultural residential uses occurring as residential infilling and minor rounding out of existing development, and home occupations.

Intensive animal farming operations or any other land use or form of development that could hinder or preclude the future extension of services and development in the Village shall not be permitted.

5.7.2 Future Growth and Lot Creation

New development or lot creation within the *Rural Transition Areas* shall only proceed where it aligns with the intent of this designation, represents a logical extension of adjacent developed areas, and is supported by necessary technical studies, including site conditions that are suitable for the provision of appropriate sewage and water services.

Scattered or fragmented development that may impede future urban form or the extension of municipal infrastructure will not be supported.

5.7.3 Minimum Distance Separation

All development proposals and applications for changes in land use shall comply with the Minimum Distance Separation (MDS) I or II formulae, as the case may be, to ensure a sufficient distance between an agricultural livestock facility and another land use. New land uses, including the creation of lots and new or expanded livestock facilities, will comply with the MDS formulae.

5.7.4 Zoning

Lands within the *Rural Transition Areas* designation may be included in separate zone classifications in the implementing Zoning By-law or Community Development Permit System.

Council may adopt Holding zones under Section 36 of the Planning Act to ensure that development will not preclude future growth opportunities within the Village.

6.0 TRANSPORTATION AND INFRASTRUCTURE

6.1 GENERAL

The transportation policies of this Plan are concerned primarily with the road network, since travel by means of private vehicle is the predominant means of moving goods and people within the Village of Burk's Falls. The provision of transportation systems which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs, continue to be supported by Council.

Council supports the effective and efficient delivery of emergency management services through strategic location of infrastructure, including roads within the Village and those roads which provide connections to other areas.

Bicycling is recognized as an alternative mode of transportation, which can play a positive role in improving mobility and quality of life as part of a balanced transportation system.

6.1.1 Roads Plan

The road network in the Village of Burk's Falls shall be developed in accordance with the Roads Plan shown on Schedule "B" and the policies contained in this Plan. It is intended that the location of proposed roads shown on Schedule "A" shall be considered as approximate.

Schedule "B" establishes the general road pattern by dividing the roads into the following functional classifications:

- (a) Provincial Highways;
- (b) Collector Roads; and
- (c) Local or Village Roads.

6.1.1.1 Provincial Highways

Provincial highways are roadways under the jurisdiction of the MTO. These roads are designed to facilitate the movement of medium to high volumes of traffic through the Municipality, typically on two to four traffic lanes. Highways #11 and #520 are Provincial Highways located in the Village.

If direct access onto a Provincial Highway is necessary, entrance permits shall be obtained from the MTO. The issuance of permits for entrances to a Provincial Highway is solely at the discretion of the MTO and each case shall be evaluated on its merits.

Under the authority of the *Public Transportation and Highway Improvement Act*, the MTO, through the issuance of permits, controls all land use within 180 metres of a provincial highway 520 right-of-way from the centre point of the intersection of the highway and any intersecting road in accordance with the provisions of the *Public Transportation and Highway Improvement Act*. All development within the control area is subject to the approval of the MTO, and it is the

responsibility of a landowner to acquire all necessary permits prior to the commencement of any construction.

6.1.1.2 Collector Roads

Collector Roads are designed to facilitate the movement of medium volumes of traffic, carry local traffic to provincial highways and provide access to abutting properties. This movement may be through traffic for trips that originate or terminate in the Municipality.

6.1.1.3 Village Roads

Village Roads (local roads) are under the jurisdiction of the Municipality. Village Roads are typically designed to carry low volumes of local traffic and to provide access to individual properties. Village Roads should not serve major traffic-generating areas. The minimum right-of-way width shall be 20 metres, where practical.

6.1.2 Intersection and Crossing Improvements

It is intended that, wherever possible, as traffic conditions warrant, improvements in the form of jog elimination, sight triangles, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization will be undertaken. Wherever possible, such improvements will be undertaken, or the costs borne by, the proponent of the development that initiates the change.

6.1.2.1 Proximity to Intersection

No development or redevelopment of lands shall be approved in close proximity to an intersection or railway crossing which is scheduled for improvement until this improvement has been sufficiently designed to determine the land required for such improvement.

6.1.2.2 MTO Review

Any work at an intersection with a provincial highway shall require review and approval by the MTO.

6.1.3 Access To Development

Development or redevelopment shall normally be permitted if access to a public road, of adequate construction and width, is available or established as a condition of approval.

6.1.3.1 Driveway Access

The location of access driveways should not create a traffic hazard because of concealment by a curve, grade or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity. Entrance standards of the Province and the Municipality shall be observed.

6.1.4 Land Acquisition for Roads Purposes

Where land is required for road widening, road extensions, road rights-of-way, intersections or railway crossing improvements, such land shall be obtained by the appropriate agency in the course of approving land severances, plans of subdivision/condominium and development or redevelopment applications. Any proposals to widen, extend or improve roads in the Municipality should take into account the scenic factors and natural attributes of the adjacent lands, particularly trees that may be on or near the road allowance.

6.1.5 Minor Adjustments

Amendments to this Plan will not be required to make minor adjustments to the approximate location of proposed roads, provided that the general intent of the Roads Plan is preserved. The existing and proposed roads in the Municipality are classified on Schedule "B" according to their ultimate function.

6.1.6 Trails, Biking and Walkability

The Municipality will endeavour to establish and/or extend trails and dedicated walking/biking paths/lanes throughout the Village. In particular, all new development shall have consideration for non-vehicular transportation and maintaining or establishing connectivity between existing or proposed parks, community facilities, and other public amenities.

6.2 UTILITIES AND PUBLIC SAFETY

6.2.1 Requirements for Development

Before giving its approval to any development proposals, Council shall be assured by the appropriate agency that the utilities and emergency services, including fire protection and police protection, necessary to serve the proposed development will be provided without placing undue financial obligations on Village taxpayers.

When small-scale development is involved, such as that resulting from land severance activity, the proposed development must be located in an area where such services already exist and are economically feasible to maintain.

6.2.2 Lands for Easements and Emergency Access:

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and condominium, and development or redevelopment applications.

6.2.3 Lands for Public Buildings:

When land is required for public buildings such as electric power substations, fire halls or police stations, the applicant may be requested to set aside appropriate sites for purchase by the relevant agency. Arrangements for the acquisition of such sites should be made conditions of approval for land severances, plans of subdivision and condominium, and development or redevelopment applications.

7.0 IMPLEMENTATION

The implementation section contains policies pertaining to the administration and implementation of the Official Plan. The *Planning Act* contains a number of tools that are intended to be used by municipalities to administer an Official Plan. This section contains the policies that describe how these tools are to be used by Council to achieve the intents and purposes of this Plan.

7.1 OFFICIAL PLAN REVIEW PROCESS

It is intended that, in accordance with the provisions of Section 26 of the *Planning Act*, this Plan shall be reviewed every five years or earlier should changing technical, physical, social or economic conditions warrant.

7.1.1 Basis of Review

- (a) In undertaking such a review of this Plan, Council shall be consistent with the following: The objectives and policies of this Plan;
- (b) The provisions of the *Provincial Planning Statement* issued under Section 3 of the *Planning Act*; and
- (c) Changes that may occur in other legislation, regulations or guidelines established by the Province of Ontario.

7.2 AMENDMENTS TO THE PLAN

An amendment to Schedule "A" or "B" is required to permit the establishment of areas for uses other than those permitted in the area as shown on Schedule "A" or "B".

Each application for an Official Plan Amendment shall be a complete application and include background studies and a justification for the proposed change, prepared by the applicant.

7.2.1 Criteria to be Considered

In considering an amendment to Schedule "A" or "B", or to the text of this Plan, Council shall have regard to the following criteria in addition to those specified elsewhere in this Plan:

- (a) Whether the proposed Amendment will be consistent with the overall purpose and intent of this Plan, and the objectives and policies set out in this Plan;
- (b) The need for the proposed change, use or development, having regard to lands elsewhere in the Municipality already designated for the proposed use;
- (c) The suitability of the site for the proposed use, having regard to the relevant objectives and policies of this Plan;
- (d) The compatibility of the proposed use with existing or planned uses on adjacent lands and surrounding land uses;

(e) The location of the subject lands with respect to:

- i. The adequacy of the existing and proposed road system in relation to the development of the proposed use;
- ii. The integration of the proposed land use with existing or planned land uses on adjoining lands;
- iii. The convenience and accessibility of the site for vehicular and pedestrian traffic, and traffic safety; and
- iv. The physical suitability of the site, considering existing or potential environmental or physical hazards, the impacts of these hazards, and the feasibility of overcoming these hazards;

7.2.2 Minor Technical Amendments

The Municipality may forego public notification and public meeting(s) in connection with a technical Official Plan or Zoning By-law or Community Development Permit System Amendment if such Amendment does not affect the provisions and intent of the Official Plan or Zoning By-law as previously enacted. A Technical Amendment may involve the following:

- (a) Altering the number or arrangement of any provision;
- (b) Correcting punctuation or altering language to obtain a uniform mode of expression;
- (c) Correcting clerical, grammatical or typographical errors; or
- (d) Changing the format.

7.2.3 Complete Application

In accordance with the provisions of the *Planning Act*, any application submitted to the Village in support of a development proposal must be deemed to be a complete application and be accompanied by the appropriate fee and any required background reports, studies, documents and materials before any processing will begin. The review process may result in additional information being required.

To be considered complete, an Official Plan Amendment, Zoning By-law or Community Development Permit System Amendment, Plan of Subdivision and Condominium, Site Plan Approval and Consent applications shall be accompanied by the following:

- (a) a completed application form(s)
- (b) the prescribed application fee(s)
- (c) Any information or material prescribed by the *Planning Act* and relevant Ontario Regulations;
- (d) a completed pre-consultation form setting out the applicable information requirements.

7.3 STUDIES REQUIRED IN SUPPORT OF DEVELOPMENT APPLICATIONS

All studies submitted in support of an application under the *Planning Act* shall be prepared by a qualified professional consultant retained by and at the expense of the proponent. The Village may require a peer review of one or more of the studies by an appropriate public agency or by a professional consultant retained by the Village at the proponent's expense. Costs for peer review of Official Plan amendments shall also be the responsibility of the proponent. General descriptions for studies and reports that may be required of an applicant are outlined below. The scope of the following studies and reports shall be determined by the Village in consultation with any other government body, public authority and/or external agency and is dependant on the nature of the proposal.

(a) Land Use Planning Justification Report:

The purpose of the Land Use Planning Justification Report is to provide an overall planning framework, a clear understanding of the proposal, and an opportunity to establish why a proposal should be considered.

The Land Use Planning Justification Report should address the following matters:

- i. a description and clear understanding of the proposed amendment;
- ii. provide major statistics, site and contextual considerations;
- iii. explain conformity with the Official Plan including steps and approval required;
- iv. explain consistency with Provincial Planning Statements and conformity with applicable provincial plans;
- v. explain the compatibility of the proposed amendment with adjacent land uses;
- vi. demonstrate the availability of adequate infrastructure to service the development resulting from the proposed amendment;
- vii. provide the site's planning history, including previous approvals; provide an analysis and opinion as to why the proposal is good planning, including an evaluation of potential impacts.

(b) Market/Retail Impact Study:

The purpose of a Market/Retail Study is to justify the proposed floor space and to ensure that there will be no negative impacts on existing and planned retail commercial developments.

(c) Agricultural Impact Assessment:

The purpose of an Agricultural Impact Assessment is to provide a statement of conformity with the Minimum Distance Separation formulae prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) to address land use conflicts between proposed land uses and existing livestock facilities.

(d) Environmental Impact Study:

Where an applicant is required to undertake the preparation of an environmental impact study (EIS), the Village may consult with the MNRF regarding the content and detail of a required study. As an EIS can differ in scope, the Village, in consultation with the MOECP, will determine whether a detailed or scoped EIS will be required.

Where a detailed site EIS is required, such assessment should address the following matters:

- i. A description of the natural feature, including its boundaries, adjacent lands, and ecological functions on or adjacent to the site;
- ii. A description of the proposed development or site alteration;
- iii. The potential impacts of the proposed development or site alteration on the natural feature and the ecological functions for which the feature is identified;
- iv. Demonstrate how and where development or site alteration can occur such that there will be no negative impacts on the natural feature or on the ecological functions for which the area is identified;
- v. Demonstrate that the development or site alteration will not create a subsequent demand for future development/site alteration that will negatively impact on the natural features or its ecological functions;
- vi. Demonstrate that the development or site alteration proposal will not conflict with existing site-specific resource management practices; and,
- vii. Provide a description of mitigation or compensation proposals designed to alleviate or eliminate negative impacts on the natural feature in a manner consistent with accepted engineering techniques and resource management practices.

(e) Hydrogeological Assessment

The purpose of a Hydrogeological Assessment is to evaluate the impacts of a proposed development on ground water and surface water quality or quantity and the associated connections and impacts to natural heritage and water resource features and functions.

(f) Grading, Drainage and Stormwater Management Report

The purpose of a Grading, Drainage and Stormwater Management Report is to evaluate the effects of a proposed development on the stormwater and drainage pattern, and to recommend how to manage rainwater/snowmelt for the proposed development.

(g) Functional Servicing Study

The purpose of the Functional Servicing Study is to evaluate the impacts of a proposed development on the Village's servicing infrastructure and utilities and to demonstrate that there is sufficient municipal sewer and water service capacity for the development.

(h) Traffic Impact Assessment

The purpose of a Traffic Impact Assessment is to provide an assessment of the impact of the proposed development on the transportation system and determine infrastructure improvements, service upgrades and mitigation measures required to reduce any adverse impacts of a proposed development.

(i) Archaeological Assessment

The purpose of an Archaeological Assessment is to ascertain the presence or absence of archaeological resources in accordance with criteria developed by the MHSTC.

(j) Environment Site Assessment (Phase I and II)

Any proposal for development or site alteration on lands or adjacent to lands where there is a probability that one or more contaminants have affected the property must submit a Phase 1 and/or Phase 2 Environmental Site Assessment in accordance with provincial guidelines and legislation.

(k) Financial Impact Study

The purpose of a Financial Impact Study is to determine the proposed development's financial impact on the Village.

(l) Noise Impact and Vibration Study

The purpose of a Noise Study is to provide an analysis of anticipated future noise levels within and surrounding a proposed development, and to describe the types and locations of noise abatement measures which will be required to attenuate noise.

A Noise Study is required for development or site alteration within 100 metres of a railway corridor and the provincial highway system. A Noise and Vibration Study is required for any residential or other noise sensitive development proposed in proximity to stationary noise sources (i.e. warehousing, manufacturing, and processing activities).

(m) Heritage Impact Statement

The Heritage Impact Statement is intended to provide relevant information on the nature and significance of a heritage property and develops the policy framework in which the heritage property can be conserved, in accordance with the policies of Section 3.3.4 of this Plan.

(n) Geotechnical Report

The purpose of a Geotechnical Report is to explore subsurface soil and groundwater conditions on a site.

(o) Slope Stability Report

The purpose of a Slope Stability Report is to protect valley slopes from impacts to long term stability by development.

(p) Floodplain Study

A Floodplain Study analyzes the extent of a flood plain on a site and determines how development may occur without creating risks to human health and safety, and property, in accordance with the requirements of the Section 5.2 of the Provincial Planning Statement (PPS) and other policies provided herein.

7.4 PRE-CONSULTATION

Prior to the submission of any development application to the Village, it is highly recommended that proponents pre-consult with the Village in accordance with the provisions of this Plan. The SPSPDPB, MMAH, MNRF, MOECP and MTO, are encouraged to participate in the pre-consultation process as appropriate. The intent of the pre-consultation process is to address the requirements for a complete application.

7.5 ZONING BY-LAW OR COMMUNITY DEVELOPMENT PERMIT SYSTEM

The Village of Burk's Falls may adopt a Comprehensive Zoning By-law that shall conform to the policies and contained in this Official Plan. The By-law shall regulate the use of land, erection or use of buildings, the construction of buildings and provisions for parking and loading space among other things.

7.6 TEMPORARY USE BY-LAWS

Council may pass By-laws where appropriate, under Section 34 of the Planning Act, R.S.O., 1990, in accordance with Section 39 of the Planning Act, R.S.O., 1990, to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the Village's Zoning By-law or Community Development Permit System. Such By-laws apply to specific areas defined by the subject By-laws and shall apply for a period of time prescribed by the subject By-laws not to exceed twenty years for a garden suite and three years in all other cases from the date of the passing of the By-law as specified by the *Planning Act, Section 39, R.S.O., 1990*. Council may by By-law extend the temporary use periods by as much as three years at any one time.

When a Temporary use By-law expires such a use will not be considered to be an existing non-conforming use. Notwithstanding the foregoing, Council may pass said By-law to permit temporary uses which may not conform to the Official Plan if deemed appropriate.

7.7 INTERIM CONTROL BY-LAWS

Council may pass By-laws where appropriate under Section 38 of the *Planning Act, R.S.O., 1990*, placing a temporary restriction on land uses for a specified period of time as set out in the subject By-laws, in order to permit a review of land use planning policies. Such By-law shall apply to a specific area or areas defined in the subject Bylaw. The period of time that an Interim Control By-law may be in effect shall not exceed one year from the date of passing thereof, with an extension of up to one year, for a total time of two years.

7.8 ZONING AND NON-CONFORMING USES

Council may deem as a non-conforming use any existing use which does not comply with the relevant policies contained in the Official Plan. An implementing Zoning By-law or Community Development Permit System may zone such uses for their present use provided:

- (a) The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- (b) The use does not constitute any danger to surrounding uses or persons by virtue of their hazardous nature or traffic flow they generate;
- (c) The zoning will not permit expansion of non-conforming uses in Environmental Protection designations;
- (d) The use does not pollute the air, water or soil to the detriment of health and comfort of surrounding residents; and,
- (e) The use does not interfere with the development or enjoyment of adjacent uses in accordance with this Plan.

Where the existing use is unable to satisfy the above conditions, it may not be zoned in accordance with its present use.

7.8.1 Extending or Enlarging a Non-Conforming Use

Where an existing use is zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use either on lands held under the same ownership or on adjacent properties, Council may amend the Zoning By-law or Community Development Permit System pursuant to the Planning Act, to permit such extension or enlargement without amending the Official Plan provided the policies and/or intent and purpose of the Plan are maintained.

Council shall consider the following criteria when assessing any application for an extension or enlargement of a use which is zoned as a non-conforming use in an implementing Zoning By-law or Community Development Permit System:

- (a) The extension or enlargement shall not aggravate the non-conforming situation for neighbouring uses;
- (b) The size of the extension or enlargement in relation to the use and to the land on which it is to be located;
- (c) Any extension or enlargement involving land shall be minor in relation to the total property. A major change shall require an amendment to the Plan;
- (d) The compatibility of the extension or enlargement to surrounding uses with regard to noise, fumes, vibrations, smoke, dust, odours, lighting and traffic generation;
- (e) Adequate buffering, setbacks and other measures are provided to mitigate the nuisance;

- (f) Proper access to the site will be provided to ensure that no traffic hazards are created;
- (g) Adequate parking and loading space shall be provided;
- (h) Services, such as water supply, sanitary sewage disposal shall meet the requirements of the Ministry of the Environment, Conservation and Parks (MOECP) or its designated agent;
- (i) Roads meet municipal standards or can be brought up to the required municipal standard;
- (j) Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made; and,
- (k) Any extension or enlargement shall not have a negative impact on any significant natural heritage feature and/or area.

An existing use building or structure zoned as a non-conforming use which has been destroyed may be reconstructed to its former standards provided work is commenced and completed within a reasonable time from the date of destruction.

7.9 OTHER BY-LAWS

There are a number of by-laws identified in other provincial legislation, in addition to a Zoning By-law or Community Development Permit System that a Council can enact to assist in the implementation of the Official Plan. These include:

- Property Standards By-law – Property Standards By-law to set and enforce standards for maintaining the physical condition of buildings and lands and for their occupancy
- Sign Control By-law – Sign control by-law in accordance with the provisions of the *Municipal Act* that shall regulate the display of signs and advertisements;
- By-laws regulating the domestic use of chemicals that are exempted from the certification and licensing requirements of Ontario Regulation 914 under the Pesticides Act; By-laws requiring proper maintenance and regular evacuation of septic tanks to assist in the proper operation of septic systems; and
- Site Alteration By-law for controlling the alteration and placement of fill.

7.10 HOLDING PROVISIONS

Holding provisions may be applied when the zoning of a property or area has been approved but when conditions (such as the completion of further technical studies and approvals from a commenting agency) for its ultimate use have yet to be satisfied. The use of holding provisions shall be in accordance with one or more of the following criteria:

- (a) To ensure the provision of approvals or documentation from other agencies; To ensure the completion of technical or professional studies;
- (b) To allow for the implementation of special design features in specific locations or developments;

- (c) To prevent or limit the use of land in order to achieve orderly phased development;
- (d) To ensure the provision, extension or upgrading of municipal services;
- (e) To provide for the removal, isolation or mitigation of a physical constraint to development; To ensure the completion of measures to mitigate impacts on surrounding properties or areas; or
- (f) To ensure that all conditions of development including financial requirements and agreements in accordance with this Plan and/or the *Planning Act* have been complied with.

The by-law that applies the holding provision will specify the nature and purpose of that provision.

The by-law that applies the holding provision will specify the uses that may be made of the property or area while that provision is in force. These may include existing uses and interim uses that Council has determined will not jeopardize the future use denoted by the zone symbol.

When the specified conditions of a holding provision have been satisfied, Council will pass a by-law under Section 36 of the *Planning Act* to remove that provision. Council may act at its own instance or upon the application of the property owner.

7.11 SITE PLAN CONTROL

Pursuant to the *Planning Act*, all of the lands within the Village of Burk's Falls and designated on Schedule A are designated as a Site Plan Control Area.

7.11.1 Site Plan Agreement

In accordance with the *Planning Act*, the owner of land may be required to enter into a Site Plan Agreement and provide to the satisfaction and at no expense to the municipality, any or all of the requirements set out in the *Planning Act*.

7.11.2 Approval of Plans by Municipality

No person shall undertake any development within the Village, unless the Municipality has approved plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction with the development including facilities designed to have regard for accessibility for persons with disabilities.

7.11.3 Plans to be Provided

To ensure that the urban design, sustainability and accessibility provisions of this Plan are addressed, building plans, elevations and cross sections shall be provided to the Municipality in support of the application. These are the details that are intended to address matters of compatibility with adjacent buildings or sensitivity to the context and setting, to address the relationship between buildings and between buildings and the street, to incorporate sustainable design features, and to illustrate scale, transitions in form, massing, character and materials.

7.11.4 Dedication of Lands

Where a proposed development is within the designated Site Plan Control Area, the dedication of lands, free of all charges and encumbrances to the appropriate authority, of the widening needed to achieve the road allowance to meet the prescribed rights-of-way and sight triangle standards, may be required along the frontage of the development as a condition of sight plan approval.

7.11.5 Exclusions

Specifically excluded from this Site Plan Control Area are the following:

- (a) agricultural and farm related buildings or structures that are utilized in farming operations
- (b) development containing ten (10) units or less, and accessory uses thereto.

7.12 COMMUNITY IMPROVEMENT

This plan recognizes that parts of the Village are ageing and that a need exists to upgrade the municipality's physical infrastructure, buildings, recreational facilities and the arrangement of existing land uses. Furthermore, the Village Council recognizes the need to maintain and rehabilitate the Village's physical environment and therefore is committed to ongoing improvement where deficiencies or opportunities exist.

7.12.1 Planning Principles

It is a general objective of this Plan to achieve and maintain a standard of municipal services for identified Community Improvement Projects to provide for the health, safety and convenience of residents and visitors, within the financial capacity of the Village. All lands within the Village of Burk's Falls are deemed to be a Community Improvement Area. The following specific community improvement objectives are:

- (a) To improve and upgrade the Village's environment and, in particular, to address deficiencies with respect to the residential, commercial, industrial, recreational and community facility uses by:
 - i. upgrading municipal services;
 - ii. increasing the efficiency of the movement of vehicular and pedestrian traffic;
 - iii. ameliorating land use conflicts;
 - iv. addressing construction techniques to address sustainability and energy efficiency;
 - v. improving accessibility;
 - vi. facilitate the revitalization of any Brownfield site; and,
 - vii. enhancing the aesthetic quality of the area.
- (b) To encourage and support efforts by the private sector to maintain and improve existing buildings and structures;

- (c) To undertake community improvement projects in a manner that is fiscally responsible, recognizing the anticipated growth and various functions of the community including its social and economic roles;
- (d) To improve and upgrade municipal facilities and services including those serving institutional, recreational, cultural, social and community related functions;
- (e) To encourage the preservation, rehabilitation, renewal and reuse of the Village's heritage buildings and historical resources;
- (f) To enhance the Village's ability to accommodate new development and economic growth, and to foster a favourable climate for private investment;
- (g) To ensure that buildings and property are maintained to acceptable standards;
- (h) To undertake a monitoring program to review budgeting and program direction in respect to attainment of specific policies;
- (i) To increase in the supply of affordable housing.

7.12.2 Community Improvement Area Selection Criteria

In selecting and designating Community Improvement Areas pursuant to Section 28 of the Planning Act, Council shall have regard for deficiencies related to roads, sidewalks, lighting or other municipal services and residential, commercial, industrial, cultural, community facility and recreational buildings, structures or areas. In more specific terms, the selection and designation of community improvement areas should be undertaken where a number of the following deficiencies or opportunities have been identified:

- (a) Roads in need of improvement such as resurfacing and/or reconstruction;
- (b) A need for new or the replacement of existing sidewalks;
- (c) A need for new or the replacement of existing storm water drainage systems and/or a need for improved drainage on particular properties;
- (d) A need for new or the replacement of existing street lighting;
- (e) A need for new or the replacement of outdated traffic signals or traffic directional information signs;
- (f) A need for new or the upgrading of existing recreational facilities or lands;
- (g) A need for new or the upgrading of existing institutional and community facilities or lands;
- (h) A need for new or the upgrading of existing cultural and social facilities or lands;
- (i) A deficiency in the amount, variety and/or quality of housing to meet the needs of the Village's residents;
- (j) A deficiency in off-street and/or on-street parking resulting in traffic hazards and inconvenience;

- (k) A deficiency in the aesthetic or structural quality of streetscapes, particularly in existing commercial areas; and
- (l) A deficiency in traffic circulation or access.

7.12.3 Selection of Community Improvement Areas

In addition to the criteria noted above, consideration for the selection and designation of community improvement areas may also be given in circumstances where the following situations have been identified:

- (a) Conflicts between existing land uses;
- (b) Environmental problems such as flood susceptibility, noise or odour;
- (c) Man-made hazards such as level crossings, abandoned buildings etc; and
- (d) Vacant or under-utilized lots or blocks with good potential for development or redevelopment.

7.12.4 Costs

It is the intent of this Plan that community improvement projects be undertaken in these areas as needed. However, prior to approving any improvement plans, Council must be satisfied that it can reasonably finance and afford the Village's share of any costs.

7.12.5 Implementation

In implementing this Plan's Community Improvement Objectives Council shall:

- (a) Apply municipal authority granted under the provisions of the Planning Act to designate by By-law, any part of the Village of Burk's Falls as a community improvement project area(s), on the basis of the criteria outlined in Sections 6.3 and 6.4;
- (b) Undertake the preparation of community improvement plans and the development of community improvement programs pursuant to Section 28 of the Planning Act;
- (c) Participate in senior government programs that provide financial assistance for community improvement;
- (d) Incorporate any other relevant municipal programs into the community improvement plan;
- (e) Encourage the participation of the private sector in the implementation of the community improvement plan;
- (f) Support and encourage the participation of local community groups, service clubs, school boards, ratepayer associations and other public organizations in the implementation of the community improvement plan;
- (g) Improve, acquire or dispose of land and/or buildings in a designated area in accordance with the community improvement plan;

- (h) Develop Property Standards By-laws in accordance with the provisions of this Plan;
- (i) Support the historic preservation of significant buildings and sites through application of the Ontario Heritage Act; and
- (j) Consult with the MNRF in circumstances involving flood susceptible lands.

7.13 AREAS WITH HUMAN-MADE CONSTRAINTS

As a general policy, contaminated sites will be restored as necessary prior to any activity on the site associated with a proposed land use such that there will be no adverse effect. Prior to any development being considered by Council, an Environmental Site Assessment shall be conducted.

7.13.1 Remediation

Any impacts identified by studies must be removed, isolated or otherwise mitigated to the satisfaction of the authority having jurisdiction before development will be permitted. Examples of satisfactory remedies to constraints include:

- (a) Full remediation of a human-made constraint, together with an executed Record of Site Condition in compliance with the Guideline for Use at Contaminated Sites in Ontario, and acknowledged as accepted by the MOECP; or
- (b) Risk-managed partial remediation of a human-made constraint that is acceptable to the Municipality and in accordance with a remediation plan approved by the MOECP in conformance with the Guideline for Use at Contaminated Sites in Ontario.

Partial remediation of contaminated sites will only be acceptable to the Municipality where:

- (a) The potable groundwater resource is protected; and
- (b) Residual contamination will not pose a substantial health risk to future users of the subject lands or Village inhabitants generally, nor impair natural environmental features or functions.

7.13.2 Use of Holding Symbol

Lands where human-made constraints have not been verified to exist or where the constraints may be remedied so that the lands become suitable for development may be zoned for their existing use or possible future use, with a holding (H) symbol.

7.14 DELEGATION OF AUTHORITY

In an effort to streamline planning decisions and in accordance with Section 39.2 of the *Planning Act*, Council may, by by-law, delegate decisions dealing with minor amendments to Zoning By-Laws to a committee of Council or to an individual who is an officer, employee or agent of the municipality.

For clarity, By-Laws that are minor in nature may include, but are not necessarily limited to:

- (a) the removal of a holding symbol.
- (b) the authorization of a Temporary Use By-Law applicable to land, buildings or structures.
- (c) other minor Zoning By-Law Amendments as may be deemed appropriate by the Village.

A delegation of authority made by Council may be subject to conditions and may be withdrawn in respect of one or more of the By-Laws described above, as outlined in the Delegation of Authority By-Law.

8.0 DIVISION OF LAND

Subdivision of land may occur through registered plans of subdivision/condominium or consent. Part-Lot Control shall be used in the Village to maintain control over land transactions.

8.1 REQUIREMENTS FOR PLANS OF SUBDIVISION/CONDOMINIUM

Generally, all land division in the Village of Burk's Falls shall take place by registered plan of subdivision. Development by registered plan of subdivision or condominium shall conform to the policies of this plan and be in accordance with the requirements of Section 50 of the *Planning Act*. A plan of subdivision shall normally be required in the following instances:

- (a) where more than three lots (three severed and one retained) are to be created (including previous severances that have occurred within 20 years as of the date of adoption of this Plan);
- (b) where a new public road or an extension to an existing public road is required; and
- (c) where the provision or extension of municipal servicing (water and/or sewers servicing) is required.

8.1.1 General Subdivision/Condominium Policies

It shall be the policy of the Municipality to only recommend to the Approval Authority for draft approval a proposed plan of subdivision or condominium that conforms to the policies of this Plan. In considering a proposed plan of subdivision or condominium, the Municipality and the Approval Authority shall require supporting documentation to be submitted in accordance with section 7.3 and the decision of Council shall be guided by the relevant objectives and policies of this Plan, in addition to the following.

(a) Development Patterns

The development pattern of the proposed subdivision or condominium should mesh with existing development and roads on adjacent lands. To ensure that undeveloped lands adjacent to the proposed subdivision/condominium do not become landlocked or difficult to access, the development pattern should make provision for access to such lands if required. Wherever possible, the layout of proposed lots and roads should conform to the topography. The development pattern should also recognize and maintain natural linkages.

(b) Compatibility of Land Uses

Consideration shall be given to the land use designations and policies of this Plan to ensure compatibility between the type of development proposed for the subdivision or condominium and the land uses, both existing and future, in the surrounding area.

(c) Provision of Public Services

The Municipality shall ensure that the proposed subdivision or condominium shall be provided with all necessary public services and amenities in accordance with the relevant policies of Section 4 of this Plan.

(d) Water Supply and Sewage Disposal:

Development shall take place on municipal water and sanitary sewage systems in accordance with the relevant policies of Section 4 of this Plan.

(e) Physical or Environmental Constraints to Development

The Municipality shall review a proposed plan of subdivision or condominium in accordance with the policies of Section 3.1 of this Plan.

(f) Stormwater Management:

A stormwater management plan in accordance with the relevant policies in Section 4.9 shall be required.

(g) Minimum Distance Separation Formulae Requirements:

The Municipality shall ensure that subdivision proposals comply with the Minimum Distance Separation Formulae requirements, as amended from time to time.

(h) Additional Evaluation Criteria:

In addition to the matters outlined above, an application for a plan of subdivision or condominium shall be evaluated in accordance with the provisions of Section 51(24) of the *Planning Act*.

(i) Subdivision Agreements:

It shall be the policy of this Plan that Council will enter into an agreement with a developer as a condition of approval of a plan of subdivision or a plan of condominium. Such agreement shall set out among other matters, the provision of services and the dedication of lands for park and highway purposes, and the specifications of these services and facilities. A subdivision agreement shall specify the financial requirements of the Municipality and the means by which the developer will satisfy these requirements.

8.1.2 Condominium Developments

New condominium projects shall be encouraged as providing additional opportunities for residential and commercial/industrial development, ownership and private equity participation. In this regard, the Village will consider new forms of condominium developments under the *Condominium Act, 1998*, such as vacant land condominiums, having regard to the following matters:

- (a) the ownership of common facilities such as access roads, open space and recreation areas, stormwater management systems, water and sewage systems, and common-use buildings and other facilities, including standards for the design, operation and maintenance of these facilities;
- (b) the provision of services such as garbage collection and snow removal;

- (c) where applicable, the provision of adequate financial securities to ensure that common facilities and services do not become a financial burden on the Municipality; and
- (d) all applicable policies of this Plan.

8.2 REQUIREMENTS FOR CONSENT

Where a plan of subdivision is not necessary for the proper and orderly development of the subject and surrounding lands, land division through the consent process may be considered. In reviewing any application for a consent to a land severance, the Consent Granting Authority shall consider the following principles and criteria:

- (a) The maximum number of new lots created by consent per land holding in all designations shall be limited to three plus the retained parcel.
- (b) Consents which create new lots may only be considered when both the newly created lot and the retained lot front on an assumed public road which is currently maintained on a year-round basis. Direct access onto Provincial Highways shall be restricted in accordance with MTO requirements.
- (c) Consents shall not be granted for land where road access will create a traffic hazard due to limited sight lines on curves or grades.
- (d) Consents shall be developed on municipal services within the Residential, Commercial Area and Employment Area designations.
- (e) Consents shall be encouraged in infilling situations within the existing built-up area.
- (f) Where any building or structure is to be erected, consents shall be granted only when it has been established that soil conditions and drainage conditions are suitable to permit the proper siting of buildings and the proposed lot can be provided with adequate water supply and sanitary sewage disposal systems.
- (g) The size of any parcel of land created by consent shall be appropriate for the use proposed given the planned method of servicing and soil conditions.
- (h) An application for a severance shall have the effect of creating only one (1) new lot in addition to the retained lot. If more than one (1) new lot is created, an additional application shall be required for each new lot.
- (i) An application for consent to sever involving merged properties which formerly existed as separate and distinct parcels may be permitted, providing such application is considered to be in conformity with the relevant policies of this Plan and the Village's Zoning By-law or Community Development Permit System, and new or additional lots are not being created.
- (j) An application for Consent to Sever shall comply with the relevant provisions of Section 4.0, General Development Policies, of this Plan.

- (k) In determining whether consent for creation of a lot is to be given, regard should be had for such matters as the dedication of land or cash levies for park purposes, the dedication of land for future road widening and agreements pursuant to the *Planning Act*.

8.2.1.1 Consents for other Purposes

Consents which have the effect of changing boundary lines and which do not create additional new buildable lots (for example, lot additions, rights-of-way, easements) may be evaluated on their own merits.

8.2.2 Proximity to Principal Rail Line

In considering an application for a consent to sever within 100 metres of a principal railway main line, the consent granting authority may require the proponent to submit noise and vibration studies in accordance with Section 4.4 of this Plan. These studies should be prepared in accordance with Provincial guidelines and the satisfaction of the Village and the appropriate railway. Measures to mitigate any adverse effects from noise and vibration that are identified shall be required as a condition of consent.

8.2.3 Proximity to Natural Heritage Features and Areas

Development and site alteration shall not be permitted in the significant habitat of the Blanding's Turtle. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

8.2.4 Consent in Aggregate Resource Areas designation

An application for a severance in the *Aggregate Resource Area* designation, or within 300 metres of an area designated *Aggregate Resource Area*, shall not be granted if the proposed land use or development would preclude or hinder the establishment of new aggregate extraction operations or access to the aggregate resource.

An application for a consent to sever shall only be permitted if a study or site investigation undertaken to the satisfaction of the Village of Burk's Falls confirms:

- i. resource use would not be feasible; or
- ii. the proposed land uses or development serves a greater long term public interest; and
- iii. issues of public health, public safety and environmental impact are addressed.

8.2.5 Conditions of Consent

- a) Conditions of consent may be established and, without limiting the foregoing, the following conditions may be established:
 - i. registration of notices on title in accordance with the policies of this Plan;
 - ii. undertakings for the joining together of lands under the same owner's name;

- iii. responsibility for surveying and fencing;
- iv. adequate provision for storm water management; and
- v. payment of all applicable development charges, dedications and property taxes.

Consents for easements shall generally be preferred to consent for severance where linear rights-of-way are being created.

8.3 CONSENT GRANTING AUTHORITY

The SPSDPB, as the Consent Granting Authority, shall be guided by the policies of this Plan, the general intent and purpose of this Plan, and Implementing Zoning By-law or Community Development Permit System in making decisions pursuant to Section 53 of the *Planning Act*.

8.4 PUBLIC MEETINGS

Public participation and consultation are an integral component of any land use planning process. On this basis, prior to making any planning decision, Council shall be satisfied that:

- (a) adequate public notice in accordance with the Planning Act has been given;
- (b) sufficient information is available prior to any public meeting to provide a person an understanding of the nature of the proposal being considered by Council;
- (c) all public and agency comments have been assessed and analyzed by staff;
- (d) Council's decision will appropriately balance the overall public interest against the private interest expressed in the application.

8.4.1 Pre-Consultation

Proponents shall be encouraged to pre-consult with neighbouring lands to obtain their views before a formal application is submitted.

8.4.2 Public Open Houses

Public Open Houses shall be required for major municipally-initiated planning programs and studies such as an Official Plan or Zoning By-law or Community Development Permit System review.

8.4.3 Alternative Notice Requirements

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

- (a) Changes the number of sections or the order of sections in the Plan but does not add or delete sections;

- (b) Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or Schedules;
- (c) Corrects grammatical or typographical errors in the Plan that do not affect the intent of the policies or schedules; or
- (d) Rewords policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or schedules.

9.0 INTERPRETATION OF THE OFFICIAL PLAN

9.1 LAND USE DESIGNATION BOUNDARIES

It is intended that the boundaries of the land use designations on Schedule "A" be considered as approximate, except where bounded by major roads, railways, waterbodies or other obvious geographical features. Amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of any proposed roads, or areas shown on Schedule "A", provided the general intent of the Plan is preserved. Such minor deviations will not necessarily be reflected on Schedule "A".

9.2 METRIC UNITS

All measurements used in this Plan are expressed in metric terms.

9.3 AGENCY NAMES AND RESPONSIBILITIES

From time to time, the names of various government agencies may change. In addition, responsibilities may be transferred from one agency to another. The names of the agencies that are responsible for the many programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a name change or function transfer occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as the conditions dictate.

9.4 LEGISLATION

From time to time, provincial legislation may be replaced by new legislation bearing a new name. The names and sections of the various Acts used in this Plan are according to the *Revised Statutes of Ontario, 1990 (R.S.O. 1990)*, as of the date of adoption of this Plan. It is not intended to amend this Plan each time an Act is renamed or when new consolidations of provincial legislation are issued. Rather, this Plan shall be interpreted so as to refer to those Acts of the Legislature named, or to their successors, as conditions dictate.

Updates to the names of provincial ministries and references to specific provincial legislation, regulations and related documents, may be made by the Clerk of the municipality without an Official Plan Amendment pursuant to Section 21 of the Planning Act.

9.5 TERMINOLOGY

A word or phrase used in this Plan shall be interpreted according to and in the following priority:

- (a) A definition contained in the Provincial Planning Statement issued under the authority of Section 3 of the *Planning Act*; or
- (b) A definition referenced in another document as specifically cited in this Plan; or

- (c) Plain and ordinary meaning in the context that is used in this Plan.