

2016

Planning Division

Corporation of the Town
of Kirkland Lake

OFFICIAL PLAN

A 20-year Plan for the Town of Kirkland Lake – Came into effect on May 5th, 2016

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1. BASIS OF THE OFFICIAL PLAN

1.1. **Intent**

- 1.1.1. The Official Plan is a guide for local decision-makers, including Council and government agencies, in the exercise of powers conferred on them by the *Planning Act, R.S.O. 1990, Chapter P. 13*, hereon referred to as the *Planning Act*, and other provincial statutes, which relate to the development of the Town. It provides a local context for the application of provincial planning policies, including the *Provincial Policy Statement 2014 (PPS)* and *Growth Plan for Northern Ontario*, and is intended to guide public works and other capital investments in the Town.
- 1.1.2. The Official Plan intends to guide the physical development of the Town toward a more orderly, convenient and attractive community in which to live, work and play.
- 1.1.3. It intends to organize land uses in a manner that builds on the Town's attractiveness while ensuring that it remains economically competitive and maintains a commitment to environmental sustainability.
- 1.1.4. It provides members of the public with a sense of assurance to the future of development of lands around them, by managing land use changes in a manner that has the greatest positive impact on the Town.
- 1.1.5. It is a framework within which Council will carry out successive and more detailed steps in the planning process for the Town over the next twenty (20) years. The Plan will be reviewed at least every five (5) years to determine whether the bases of the policies within the Plan have changed.

1.2. **Vision**

- 1.2.1. The Official Plan incorporates Council's vision and principles developed through a public participation process.
- 1.2.2. Council's vision is for Kirkland Lake to assume the role as a leading centre for the provision of educational, medical, employment and commercial services in the area.
- 1.2.3. By 2035, the Town of Kirkland Lake will have focused on:
 - 1.2.3.1. Achieving long-term positive economic growth, population stability and community vitality.

- 1.2.3.2. Retaining existing and attracting further service centre functions to strengthen the economy, health and employment base.
- 1.2.3.3. Building on existing strengths, such as our availability of minerals and forests, and our abundance of natural resources.
- 1.2.3.4. Building and improving the present level of municipal services.
- 1.2.3.5. Stimulate work and housing with the maximum of amenity, linked with an efficient traffic system.
- 1.2.3.6. Expanding and promoting the amount of organized and unorganized sports and other physical activities available to the community.
- 1.2.3.7. Encouraging the use of our vast natural resources for recreational purposes.
- 1.2.3.8. Accommodating and embracing an age-friendly population and enhancing their opportunities for healthy living.
- 1.2.3.9. Improving the physical attractiveness of the Town and boosting community spirit.
- 1.2.3.10. Working in collaboration with other agencies to promote a healthy community.

1.3. **Background Information**

- 1.3.1. The Plan provides the basis for a resident population of up to 12,000.
- 1.3.2. The policy presented within the Official Plan relies heavily on public consultation and extensive background studies prepared for the purpose of this Plan. These studies include:
 - 1.3.2.1. Population, Housing and Employment Forecast Study
 - 1.3.2.2. Housing Study (CRG Consultants)
 - 1.3.2.3. Mine Hazard Review
 - 1.3.2.4. Roads Needs Study
 - 1.3.2.5. Parks Plan
 - 1.3.2.6. Trails Master Plan Development Strategy
 - 1.3.2.7. Community Profile
 - 1.3.2.8. Key Priorities for Community Economic Development
 - 1.3.2.9. Strategic Plan of 2007
 - 1.3.2.10. 10-Year Housing and Homelessness Plan

1.4. **Legislative Authority**

- 1.4.1. The Town of Kirkland Lake's Official Plan is developed under the authority of Section 17 of the *Planning Act*.

- 1.4.2. The Province of Ontario, through Section 3 of the *Planning Act*, issues the *Provincial Policy Statement 2014*. All development applications must be consistent with the *Provincial Policy Statement 2014*, or any successor documents, as well as within the context of this Plan.
- 1.4.3. The Province of Ontario also requires the Town in carrying out its responsibilities under the *Planning Act*, to have regard to provincial interests. The Province has developed resource documents such as land use compatibility, natural heritage, cultural heritage and natural hazards guidelines that will be used as a resource in the review of *Planning Act* applications.
- 1.4.4. In March 2011, the Province of Ontario released the *Growth Plan for Northern Ontario*. The Growth Plan provides provincial policy specific to Northern Ontario that must be conformed with, while making land use decisions.
- 1.4.5. All other provincial statutes that should be consulted regarding land use decisions by Council will be applied, where appropriate.
- 1.4.6. The Town of Kirkland Lake was defined by the Minister of Municipal Affairs and Housing on May 14, 1947. The Official Plan applies to the whole of the Town of Kirkland Lake which comprises the geographic Township of Teck, incorporated in 1919, re-incorporated as the Town of Kirkland Lake on January 1, 1972, plus a portion of the Lebel Township, which was annexed on January 1, 1969, and the Morrisette and Bernhardt Townships, which were annexed on January 1, 1982.
- 1.4.7. The following text and schedules constitute the Official Plan. The attached appendices provide background information but do not constitute part of the Official Plan.

1.5. **Structure of the Official Plan**

- 1.5.1. How to Read and Use the Plan
 - 1.5.1.1. The Planning Division of the Town's Physical Services Department is available to assist with the interpretation of the policies in this Plan.
 - 1.5.1.2. Applicants who are contemplating development or filing a planning application are strongly encouraged to pre-consult with Town Planning staff. Council may pass a by-law to require applicants to consult with the municipality prior to submitting a formal application.
 - 1.5.1.3. Land use decisions resulting in new or redeveloped sites must conform to the policy framework of the Official Plan.
 - 1.5.1.4. Planning staff submit planning reports for Council to review prior to planning application decisions being made. The Official Plan is to be read in its entirety and relevant policies are to be reviewed and applied prior to a decision being made.

1.5.1.5. A decimal numbering system has been used to identify particular requirements as follows:

- | | |
|----------------|-------------|
| 1. | Part |
| 1.2 | Section |
| 1.2.3 | Sub Section |
| 1.2.3.4 | Article |
| 1.2.3.4.5 | Sentence |
| 1.2.3.4.5.b) | Clause |
| 1.2.3.4.5.b)i. | Subclause |

1.5.2. How the Plan is Organized

- 1.5.2.1. Introduction
- 1.5.2.2. Managing Growth and Change
- 1.5.2.3. Investing in Infrastructure
- 1.5.2.4. Protecting Public Health and Safety
- 1.5.2.5. Protecting the Natural Environment and Cultural Heritage
- 1.5.2.6. Implementation
- 1.5.2.7. Interpretation
- 1.5.2.8. Definitions
- 1.5.2.9. Schedules

2. MANAGING GROWTH AND CHANGE

The distribution of land uses is governed by the principle that the main functions of the community are to provide employment and housing opportunities with areas of dedicated parks and open space, linked with an efficient traffic and trail system and developed in an efficient, environmentally friendly and economic basis.

- Housing or residential areas are to be arranged to provide a safe, convenient, and healthy living environment. Development will be encouraged to take place in a compact manner in areas with municipal services, or within reasonable proximity thereto, without imposing an undue financial burden on the Town. Rural residential development shall be, for the most part, financially self-sustaining and located in areas that are reasonably accessible to municipal services provided for these areas.
- Commercial areas are to be established by proportionate size and type, and locations most strategic to, the areas served.
- Parks and open space areas are to be provided and specially arranged to provide adequate opportunities for all residents and to meet the leisure needs of citizens of Kirkland Lake.
- Work or industrial areas are to be located where good transportation and power facilities are most readily available, where they will not detract from existing or potential residential development and where they will attract development of secondary industries.
- Institutional land uses which perform the function of social nodes are especially arranged to facilitate contact among residents, to reduce needs for many intra-community vehicular trips and to foster a feeling of open space within the community.
- The urban fringe and service corridors between Kirkland Lake and Swastika are strategically established as evolving areas for future urban growth.
- Rural Areas are designated giving priority to resource based development such as mining, forestry and agriculture and to give secondary consideration to rural residential and recreational land uses. The Plan is to foster compatibility between competing rural land uses. However, those uses such as resource based developments will have prioritized consideration.

The Plan is based on the principle that participation by senior levels of government will be required to achieve its physical fulfillment. The extent of current debenturing and the inability to significantly increase tax levies because of the relative age of population and the uncertainty of the establishment of large tax generating industries, limits the Municipality to finance the requirements of this Plan with its own limited resources.

LAND USES – URBAN SETTLEMENT AREA

2.1. **Introduction**

- 2.1.1. The following is explanatory material to be read in conjunction with the maps which form part of this Official Plan. The Plan looks towards the future development of the Urban Settlement Area; it defines the spatial pattern and gives structural order for the development of the Town in broad terms. The Plan incorporates the realities of the existing built-up pattern, existing facilities and development potential.
- 2.1.2. The Town is divided into six (6) major urban land use categories, each of which has a group of complementary land uses. The amount of land for each category were established after analysis of the existing land use pattern, population and the need for more employment lands. The six (6) major divisions are residential, general commercial, downtown commercial, industrial, institutional and open space.

2.2. **Identification**

- 2.2.1. The Urban Settlement Area will be the focus of the majority of growth and development throughout the period of this Plan. The Urban Settlement Area provides for a full range of community services, facilities and development at a density that will make the most efficient use of municipal services and infrastructure, conserve energy and provide an affordable and healthy living environment.
- 2.2.2. The boundaries of the Urban Settlement Area are shown on Schedule “A” to this Plan.

2.3. **Goal**

- 2.3.1. The goal of Council is to direct the majority of development to the Urban Settlement Area, where full municipal services and facilities are available, while maintaining and enhancing the Town, and creating a livable, healthy, barrier-free community for residents to enjoy.
- 2.3.2. To have a financial strong and well-balanced commercial and industrial tax base.

2.4. **Objectives**

- 2.4.1. To permit development within established areas and to encourage infilling opportunities.
- 2.4.2. To ensure that all new lots and development proposed are serviced with full municipal services.
- 2.4.3. To encourage new development to be undertaken in a manner that will enhance the community’s reputation of having a healthy natural environment.

- 2.4.4. To create municipal initiatives, such as Community Improvement Plans, to encourage rehabilitation and redevelopment of prime development areas.
- 2.4.5. To enhance the natural character of the Urban Settlement Area through tree preservation, landscaping and attractive urban design.
- 2.4.6. To provide connectivity between various focal points in the Town through an open space and pedestrian trail system.
- 2.4.7. To permit the creation of community gardens in all land use designations within the Urban Settlement Area to promote healthy living strategies.
- 2.4.8. To support the natural resource-based sector and encourage the expansion of manufacturing opportunities, particularly as they relate to value-added forestry and mining activities.
- 2.4.9. To promote sustainability by encouraging opportunities for growing and distributing local food.
- 2.4.10. To encourage the start up of businesses that would result in the diversification of the Town's employment base.
- 2.4.11. To strengthen and diversify our economy by supporting the designation of suitable industrial and commercial lands for quality sustainable employment.
- 2.4.12. To encourage a skilled and innovative population by improving educational opportunities.
- 2.4.13. To support the expansion and development of medical and health facilities and programs.
- 2.4.14. To facilitate search for funding opportunities to support new businesses, when finances permit.
- 2.4.15. To ensure the compatibility between major facilities and residential/other sensitive land uses is appropriately addressed so as to minimize risks to public health and safety, prevent or mitigate adverse effects and ensure the long-term viability of major facilities.
- 2.4.16. To encourage the reclamation of brownfield sites and abandoned mine hazards in the Urban Settlement Area.

2.5. URBAN SETTLEMENT AREA – RESIDENTIAL

2.5.1. General Policies

- 2.5.1.1. The broad purpose of the neighbourhood is to provide for the day-to-day needs and lifestyle requirements of the residential environment and to protect the environment from conflicting land uses and through traffic.
- 2.5.1.2. Housing shall be arranged to provide a safe, convenient and healthy living environment by providing a suitable supply and range of housing types, complemented by active transportation, access to facilities and services for employment, education, health and social care, sports recreation, culture and parks.
- 2.5.1.3. Council will encourage partnerships with other housing stakeholders, such as District of Timiskaming Social Services Administrative Board (DTSSAB) and Community Living, to assist in the development of affordable housing and assisted living housing strategies.

- 2.5.1.4. Development will be encouraged to take place in a compact manner in areas with municipal services or within reasonable proximity thereto, without imposing an undue financial burden on the Municipality. Council shall be encouraged to direct new development first through intensification and infilling within the Urban Settlement Area and secondly to areas peripheral to existing subdivisions.
- 2.5.1.5. Balanced programs shall be carried out, as appropriate, providing for the conservation, rehabilitation and redevelopment of the existing building stock, so that dwellings within the community may not fall below an acceptable minimum standard of maintenance and occupancy. The Town of Kirkland Lake's Property Standards By-law shall be used to implement this policy.
- 2.5.1.6. Council shall promote the development of housing forms and designs that are barrier-free and take into account the needs of an aging population, and other populations with special needs. The Town shall consider alternative approaches to providing housing targeted specifically for these populations.
- 2.5.1.7. Council should encourage methods of providing pedestrian connectivity between various focal points in the Town through an active transportation and pedestrian trail system.
- 2.5.1.8. Tree preservation, landscaping and attractive urban design shall be strongly encouraged to enhance the natural character of the Urban Settlement Area and to provide shade to protect people from sun exposure and/or rain.
- 2.5.1.9. It shall be a policy of Council to accommodate a minimum ten (10) year supply of residential development, and to maintain a minimum three (3) year supply of approved or draft plan approved residential lots.
- 2.5.1.10. To ensure that the development of new residential lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety, the Ministry of the Environment (MOE)'s D-Series Guidelines for land use compatibility will be applied to new residential development.
- 2.5.1.11. Prior to development occurring adjacent to existing developed areas, the Town shall speak to the Ministry of Northern Development and Mines (MNDM), along with the mining industry, on the potential impacts, if any, of the proposed development on the establishment of new mining operations prior to rendering any development proposals. New development may be subject to separation distances.
- 2.5.1.12. A minimum of five percent (5.0%) of the land included in a Plan of Subdivision or Consent application shall be conveyed to the Municipality for park purposes or that in lieu of the conveyance for park purposes, the Municipality may accept money to the value of such land acquired to be conveyed. Council should encourage developers to install infrastructure (e.g. raised beds, water, rain barrels, top soil, and compost), to support garden start-up.

2.5.2. Permitted Uses

- 2.5.2.1. The predominant use of land shall be for residential dwelling units. Permitted residential uses shall include:
 - 2.5.2.1.1. Low density housing, such as single detached units, duplex and semi-detached units;
 - 2.5.2.1.2. Medium density housing, such as triplexes, quadraplexes and townhouses; and

- 2.5.2.1.3. High density housing, such as apartments.
- 2.5.2.1.4. Uses of land which are considered complementary to and compatible with residential uses shall also be permitted. Such uses include but are not limited to parks and open space, day nurseries, home occupations, community gardens, convenience commercial uses, small locally grown food stores, schools, places of worship and bed and breakfast establishments.

2.5.3. Low Density

- 2.5.3.1. The Town shall encourage and permit secondary residential units in single detached, semi-detached houses, townhouses and ancillary structures.
- 2.5.3.2. When considering the development of new residential neighbourhoods, high standards of residential amenity will be encouraged through the following design guidelines:
 - 2.5.3.2.1. Separate pedestrian walkways or trails are required, and shall be designed to facilitate access to elementary schools;
 - 2.5.3.2.2. Require that pedestrian walkways and trails are accessible and barrier-free to provide safe access to an age-friendly population;
 - 2.5.3.2.3. Varieties of residential types will not be mixed, but will be arranged to ensure that higher density developments will complement those of a lower density by providing sufficient spacing to maintain privacy and value;
 - 2.5.3.2.4. Land is to be assembled to eliminate isolated parcels that would be difficult to develop at a later date;
 - 2.5.3.2.5. Encourage grid pattern or modified grid pattern street network, wherever feasible, to provide for ease of movement within the community, encourage walkability, and reduce vehicle trips;
 - 2.5.3.2.6. Discourage the use of cul-de-sacs when designing new internal local road networks, except in instances where environmental features or previous development patterns prevent through-streets. If cul-de-sacs are used, include active transportation connections that will shorten the walking/cycling distances between the neighbourhood and key community destinations and would encourage the use of non-motorized transportation; and
 - 2.5.3.2.7. Review the adequacy of parks, schools and other nearby services prior to any zoning changes to permit residential development.

2.5.4. Medium & High Density

- 2.5.4.1. Medium and high density residential development shall be encouraged to:
 - 2.5.4.1.1. Locate surrounding commercial nodes and community facilities to support increased pedestrian activity and mixed use developments.

2.5.4.1.2. Retain the character of the nearby residential area by implementing one or any of the following:

- a) Maintaining a low or staggered building profile to conform visually to the adjacent residential areas.
- b) Providing buffering via increased setbacks and/or significant vegetative plantings.
- c) Establish rooftop gardens as a source of open space.
- d) Locate in close proximity to arterial or collector roads to minimize traffic congestion.
- e) Provide suitable landscaping and amenities onsite.
- f) Enhance the visual image of the Town.
- g) Encouraging the provision of pedestrian walkways or trails, where feasible, and designed to facilitate access to elementary schools and parks and open space.
- h) Require that all pedestrian walkways or trails are accessible and barrier-free to provide safe access to the aging population.
- i) Encourage grid pattern or modified grid pattern street network wherever feasible, to provide for ease of movement within the community, encourage walkability and reduce vehicle trips.

2.5.4.2. The developer for all new proposed development or redevelopment shall ensure that adequate municipal services are available.

2.5.4.3. Assess major traffic flows on local streets, servicing low density residential development prior to approval of high-density residential development. Certain mitigation measures may need to be put in place.

2.5.5. Social Housing and Special Needs Housing

2.5.5.1. The Town of Kirkland Lake will work with the DTSSAB and Community Living to achieve housing targets, as resources permit.

2.5.5.2. Council shall assist DTSSAB with their investigation on the need for shelter beds in Kirkland Lake for women, men, families and youth.

2.5.5.3. Garden suites, as per Section 39.1 of the *Planning Act*, may be considered.

2.5.6. Affordable Housing

2.5.6.1. Affordable Housing is defined as a household paying less than 30 percent of their gross monthly income, as specified by Statistics Canada, on rent/mortgage.

2.5.6.2. Council will encourage housing forms and densities which focus on moderate and lower income households, as encouraged within the *10 Year Housing and Homelessness Plan* created by the District of Timiskaming Social Services Administration Board.

- 2.5.6.3. Council may consider increased densities, smaller dwelling units, various forms of tenure, as well as permit an accessory dwelling unit within a single detached dwelling in all residential designations, in order to supply a range of affordable housing, so long as proper zoning requirements are met.
- 2.5.6.4. Conditions of draft Plan of Subdivision or Condominium Approval may include specific requirements for phasing of housing types to ensure the development of affordable forms of housing and a range of housing types. The Town of Kirkland Lake shall notify the DTSSAB when large residential development proposals are being considered, for their professional input on achieving housing targets, which may change from time to time.

2.5.7. Assisted Living

- 2.5.7.1. Assisted Living shall be encouraged by Council to ensure residents are not displaced as they age.
- 2.5.7.2. Programs such as the *Aging at Home Strategy* shall be encouraged by Council.
- 2.5.7.3. Assisted Living should be encouraged to locate in areas that are in close physical pedestrian distance to retail, health, social, institutional and recreational facilities.
- 2.5.7.4. Community gardens in Assisted Living projects should be considered to assist seniors in participating in healthy initiatives by eating homegrown foods, increasing social interaction and joining in outdoor activities.
- 2.5.7.5. Parking standards may be reduced for Assisted Living projects.
- 2.5.7.6. Garden suites, as per Section 39.1 of the *Planning Act*, may be considered.

2.5.8. Home-Based Occupations

- 2.5.8.1. A home-based occupation is a legal business operating as a secondary use within a dwelling and/or an accessory building.
- 2.5.8.2. Home-based occupations should be encouraged by Council as an important economic activity.
- 2.5.8.3. The Zoning By-law will contain appropriate regulations to ensure compatibility with residential areas so that it does not adversely impact neighbouring properties by virtue of their appearance or function, or by attracting large volumes of traffic. The Zoning By-law will also stipulate the permitted uses, along with general parameters such as minimum floor area, maximum lot coverage, etc.
- 2.5.8.4. When a home-based occupation has been determined to extend beyond the scope or scale of a home-based occupation, the Town's intent is that the business shall be relocated to a designated commercial or industrial area. Council shall assist such business owner in finding a suitable location for their business to relocate. Council should take into consideration the following stipulations to determine if the business has extended beyond the scope or scale of a home-based occupation:
 - 2.5.8.4.1. If the home-based occupation is considered the primary use of the property;

- 2.5.8.4.2. When the home-based occupation has a negative impact on the residential character;
- 2.5.8.4.3. When the traffic generated by the use compromises the safety of residents or results in a significant increase in traffic;
- 2.5.8.4.4. When certain provisions of the Zoning By-law are not being met; and/or
- 2.5.8.4.5. When there is not enough visual buffering or sound attenuation.

2.5.8.5. Provincial legislation may require permits, approvals, and/or registration for certain home-based businesses.

2.5.9. Local Commercial Uses

- 2.5.9.1. Existing local commercial uses shall be allowed, as they intended, to serve the immediate residential area.
- 2.5.9.2. It is Council's policy to ensure that conflict does not arise between these uses and residential uses and Council will encourage the establishment of new local commercial uses only with adequate provisions for proper compatibility, as stipulated in the Town's Zoning By-law.

2.5.10. Mobile Home Parks

- 2.5.10.1. Mobile home park development shall be considered a bona fide form of residential accommodation in the Town.
- 2.5.10.2. All proposed mobile home parks must be connected to full municipal sewer and water services.
- 2.5.10.3. Mobile home parks will be subject to the same requirements for the availability and adequacy of other services and community facilities including police and fire protection, parks and open space, social services, schools and commercial facilities, as for conventional residential uses.
- 2.5.10.4. Mobile home parks shall be planned so as to provide a minimum of ten (10) dwelling units or of a size to be economically self-sustaining. Consideration shall be given to the quality and aesthetics of building including skirting of units and the construction of attached and ancillary structures.
- 2.5.10.5. Coin-operated laundries, barber shops, etc. shall not occupy more than ten percent (10%) of the total area of any mobile home park, and shall be subordinate to the total residential use and character of the park. This area cannot present visible evidence of their existence to any part of the residential area outside the park.
- 2.5.10.6. No less than five percent (5%) of the total site area of the park shall be used for recreational purposes.

2.5.11. Group Homes

- 2.5.11.1. Group homes are defined as a single housekeeping unit in a residential dwelling in which three (3) to ten (10) residents, excluding staff or the receiving family, live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and in compliance with municipal by-laws.
- 2.5.11.2. Group homes may be permitted in areas primarily designated as residential, and may be considered in areas designated as institutional, commercial and rural, provided they are of a similar size and land use character, and are compatible with adjacent buildings and uses.
- 2.5.11.3. Notwithstanding the policies of this subsection, crisis care centres and halfway houses shall only be permitted in areas designated as institutional, commercial or rural.

2.5.12. Condominiums**2.5.12.1. Conversion Policy**

- 2.5.12.1.1. The conversion of existing rental units to condominium may be permitted, provided that the rental vacancy rate for the Town has been at or above three percent (3%) for two consecutive surveys, as reported by Canadian Mortgage and Housing Corporation in the bi-annual rental vacancy survey.
- 2.5.12.1.2. A conversion may be permitted, where the rental vacancy rate is below three percent (3%), where one or more of the following conditions is satisfied:
 - a) The developer has a signed agreement with fifty percent (50%) or more of the existing tenants to purchase their unit as provided for in the Condominium Act, 1998, as amended;
 - b) All of the resulting condominium units provide affordable ownership as defined by Section 2.5.6;
 - c) The existing market rents of the units proposed for conversion are above the average market rent levels for the Town, as reported yearly by the CMHC Rental Housing Survey for rental units of a similar dwelling/structure and bedroom type; or
 - d) It can be demonstrated that the resulting conversion will have no net reduction on the availability of affordable housing, as defined by Section 2.5.6.
- 2.5.12.1.3. Where no parkland dedication was made at the time the building was constructed, a park dedication or cash-in-lieu of parkland dedication should be made in accordance with Section 51.1 of the *Planning Act*, as amended.

2.6. URBAN SETTLEMENT AREA – EMPLOYMENT AREAS

2.6.1. General Policies

- 2.6.1.1. An adequate supply of land will be maintained within the Employment Area in order to provide sufficient opportunity for a mix of business and industrial activities for a period of twenty (20) years. To this end, the absorption of land within commercial and industrial areas will be monitored on a continual basis and additional land will be designated as necessary.
- 2.6.1.2. Conversion of these employment lands to other uses may only be undertaken through a comprehensive review and where it is demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 2.6.1.3. New commercial development should first examine the downtown as a viable location.
- 2.6.1.4. Uses which contribute to noxious effluent, emissions or vibrations to the natural environment shall not be permitted unless mitigative measures are provided to the satisfaction of the authorized approval authorities.
- 2.6.1.5. Opportunities for small, start-up and “incubator” businesses shall be promoted.
- 2.6.1.6. Council shall encourage temporary farmers’ markets, wherever appropriate.
- 2.6.1.7. Barrier-free access will be incorporated into building and site design, where required.
- 2.6.1.8. The Town of Kirkland Lake will not limit the development of commercial or service uses in order to protect the market of existing service or commercial uses. It is the intention of this Plan that public interest is best served by allowing residents and visitors to decide where to shop.

2.6.2. General Commercial

The Town of Kirkland Lake’s *General Commercial Area* is identified on Schedule “B-1”. It comprises of various types of commercial uses that are further defined in the Town’s Zoning By-law. *General Commercial* uses are to locate along highways, arterials and/or collectors, where viable economic development is dependent on automobile oriented trade. This area will predominantly be used for commercial uses that require more land area to accommodate large, buildings, mixed uses, parking, loading facilities, snow placement and landscaping.

2.6.2.1. General Policies

- 2.6.2.1.1. Development shall take place as to minimize the amount of direct accesses to Highway 66 by promoting development in a cluster concept, where feasible.

- 2.6.2.1.2. Storm Water Management Plans will be prepared for development proposals by the developer to ensure that the effects on both the quantity and quality of storm water are mitigated. Storm Water Plans shall maximize the extent and function of vegetative and pervious surfaces in keeping with Section 1.6.6.7 (d) of the *Provincial Policy Statement 2014*.
- 2.6.2.1.3. New development should provide due regard for pedestrian accessibility and promote healthy active living, which will be regulated through the Site Plan Control Agreement. The provision for end trip facilities for bicycles will be supported.
- 2.6.2.1.4. The developer will ensure that it has negligible impacts on adjacent land uses and the existing transportation infrastructure.
- 2.6.2.1.5. Group of commercial establishments generally anchored by two or more major retailers shall be designed to function as a unit with common parking, access and landscaping features. Free-standing structures may be developed on the site provided that they do not detract from the appearance and accessibility of the commercial centre or interfere with traffic circulation.
- 2.6.2.1.6. Mixed use development is encouraged within the Commercial designation. The purpose of mixed use development is to provide an opportunity for a live, work and play environment.
- 2.6.2.1.7. When mixed use type developments are proposed within the General Commercial designation, the following regulations shall apply:
- a) Residential development must occur above or behind the commercial use in order to encourage pedestrian accessibility at ground level.
 - b) Well-designed pedestrian and cyclist accessibility between uses on a mixed use property may be incorporated into the Plan of Subdivision/Condominium, or Site Plan Control Agreement (SPCA). The provision for end trip facilities for bicycles will be supported.
 - c) Mixed uses shall promote the integration of uses, encourage multi-purpose shopping trips, minimize interface between commercial and residential development, and reduce the disruption to traffic flow on adjacent streets.
- 2.6.2.2. Design Policies
- 2.6.2.2.1. Council shall encourage buildings to be oriented towards the street, with parking provided at the side or behind to improve pedestrian access.
- 2.6.2.2.2. Vehicular ingress and egress points to all properties shall be limited in number, be readily distinguishable and clearly defined. Where possible, landscaped boulevards should be provided.
- 2.6.2.2.3. Existing grades, topographical features, trees, heritage buildings and ecological areas should be protected and incorporated into new development.

2.6.2.2.4. New development should be at an appropriate scale and proportional to the immediate neighbourhood and existing structures.

2.6.2.2.5. Pedestrian walkways, medians with trees and other amenities should be provided.

2.6.2.3. Council will evaluate an expansion to the General Commercial designation according to the following criteria:

2.6.2.3.1. Support of the public for the proposed development;

2.6.2.3.2. The adequacy of physical services to accommodate the increased demands;

2.6.2.3.3. The adequacy of the transportation system to accommodate any increased traffic flows and the orientation of access and egress points supported by appropriate traffic studies;

2.6.2.3.4. The impact on the environmental quality and/or constraints;

2.6.2.3.5. The provision of adequate off-street parking;

2.6.2.3.6. Capability to provide adequate buffering and other measures to minimize any identified impacts;

2.6.2.3.7. The results of relevant support studies, including, market studies, Storm Water Management studies, and planning justification studies; and

2.6.2.3.8. Compatibility with the surrounding areas in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

2.6.3. Downtown Commercial

2.6.3.1. Permitted Uses

2.6.3.1.1. The downtown is considered to be a mixed use area with retail, service, residential, office, cultural, entertainment, institutional and administrative functions.

2.6.3.1.2. The downtown is to be encouraged as the centre for community and government uses. Municipal administrative functions should remain and retain their prominence in the downtown. Provincial and Federal offices are encouraged to remain and wherever possible, to relocate into the downtown.

2.6.3.1.3. Residential development is encouraged to occur on upper-storeys of downtown buildings.

2.6.3.1.4. Council shall encourage the development of an arts, culture and entertainment district within the downtown.

2.6.3.2. General Policies

2.6.3.2.1. The *Downtown Commercial Area* will be focused predominantly along Government Road between Main Street and Tweedsmuir Avenue, as identified on Schedule “B-1”. Council shall encourage, wherever possible, new offices to locate within, and existing office users to remain within, the downtown.

- 2.6.3.2.2. Council shall encourage, wherever possible, an increase in the amount of residential units within and around the downtown through new development or as a result of the rehabilitation of upper storeys of existing buildings.
- 2.6.3.2.3. Council shall consider establishing adequate, visible, appropriately placed, and well-designed parking in close proximity to downtown uses. Regulations in the Zoning By-law will require sufficient parking as is deemed appropriate to accommodate the specific use.
- 2.6.3.2.4. Council shall review the Parking By-law to determine if parking downtown is adequately meeting the needs of business owners and travelers.
- 2.6.3.2.5. In the case of new private development or redevelopment, such off-street parking facilities can be either provided on the site of the proposed development, on sites either owned by or under a long-term lease by the developer, or may be deemed to be provided by a cash-in-lieu payment. The rate of payment will be determined by the Council from time to time or by the use of a combination of the foregoing.
- 2.6.3.2.6. To consider all opportunities through municipal initiatives or public/private sector partnerships, to facilitate private sector reinvestment within the downtown.
- 2.6.3.2.7. When evaluating proposal for new residential development/redevelopment, the following policies will be considered:
 - a) Opportunities for the conversion of existing vacant or under-utilized buildings to residential units will be encouraged.
 - b) New residential development should maximize density potential. Where new residential development is proposed, ground floor uses such as retailing and services shall be encouraged.
 - c) Where new residential development proposes heights in excess of those buildings around them, architectural solutions will be implemented to de-emphasize the height and massing relative to adjacent buildings.
 - d) In order to encourage residential growth in the downtown, the Town may consider incentives such as exempting new residential units developed by way of internal conversion of space in rehabilitated buildings from off-street parking requirements.

2.6.3.3. Design Policies

- 2.6.3.3.1. Council shall encourage built form, massing, scale, height and setbacks of new buildings or expansions to be compatible with the traditional character of the downtown. Wherever possible, uniform setbacks shall be maintained.
- 2.6.3.3.2. Council shall encourage development to be greater than one storey.

- 2.6.3.3.3. Attractive private sector facades and signage that enhance the physical appearance and traditional/historic character of the downtown will be encouraged. Use of traditional features such as awnings, front lit sign boards and other similar treatments are to be encouraged.
- 2.6.3.3.4. Heritage buildings, features or facades are encouraged to be preserved and appropriately addressed in new development proposals.
- 2.6.3.3.5. The physical appearance of public streets and streetscaping will be maintained and enhanced where appropriate. The physical design and maintenance of civic and open spaces within and around the downtown will convey a positive visual image for the downtown. In streetscaping, street signs, lighting, planting and street furniture should be coordinated to improve the visual attractiveness of the downtown. In all streetscape and design considerations, issues of public safety and efficiency of year-round maintenance will be important.
- 2.6.3.3.6. All opportunities to enhance pedestrian and cyclist links and connectivity to the downtown will be encouraged. The provision for end trip facilities for bicycles will be supported.

2.6.4. Industrial

2.6.4.1. Permitted Uses

- 2.6.4.1.1. The predominant use of land in the Industrial Area shall be for light, medium and heavy industry and energy-related projects. Specific permitted uses are defined in the Zoning By-law.

2.6.4.2. General Policies

- 2.6.4.2.1. Council shall ensure an adequate supply of and a stable price for serviced industrial land.
- 2.6.4.2.2. The Town shall continue to take the necessary steps to service and offer for sale and where appropriate, lease industrial land. Revenues from such land sales shall be set aside in a specified Council approved reserve fund.
- 2.6.4.2.3. Industrial areas are to be located where good transportation and power facilities are most readily available, where they will not detract from existing or potential residential development and where they will attract development of secondary industry.
- 2.6.4.2.4. Industrial land shall be largely urban based, where municipal services can be adequately accessed.
- 2.6.4.2.5. Low water using and effluent producing uses may occur in areas where both municipally piped water and sewer services are not available.
- 2.6.4.2.6. It is the intent of the Town through private and/or public sector initiatives to revitalize existing industrial areas to improve their appearance, their function and enhance opportunities to attract new businesses or expansions to existing businesses.

- 2.6.4.2.7. Residential uses shall not be permitted in any industrial area except for a dwelling unit for an essential workperson or caretaker and his/her family.
- 2.6.4.2.8. A zone will be considered within the Zoning By-law to permit limited commercial activities within the Industrial Area for the purpose of serving the needs of the immediate Industrial Area.
- 2.6.4.2.9. As a means to promote and ensure land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impact, and conflicts between uses.
- 2.6.4.2.10. Landscaping, buffering, screening or other attenuation measures may also be used to improve aesthetics or to enhance the quality of the development.
- 2.6.4.2.11. Council should encourage industrial areas to be pedestrian and cycling friendly, and should promote the creation of walkways and pathways/trails to link the industrial areas to activity nodes and to the residential areas.
- 2.6.4.2.12. Alternative energy projects shall be encouraged to locate in industrial areas and shall be appropriately mitigated to ensure there are no compatibility issues with surrounding uses.
- 2.6.4.2.13. To ensure that the development of new employment lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety, the MOE's D-Series Guidelines for Land use Compatibility will be applied to new industrial development. The same review will be undertaken where residential uses are proposed in proximity to industrial uses.

2.6.5. Institutional

2.6.5.1. Permitted Uses

- 2.6.5.1.1. The Institutional Area includes buildings used for major educational or medical centres, government services, uses of religious or charitable nature, voluntary organizations, and other similar undertakings of a public or semi-public character.

2.6.5.2. General Policies

- 2.6.5.2.1. Where institutional land uses are located in close proximity to other uses, structures erected on the institutional lands shall be designed in such a way so as to enhance the character of the area and buffer adjoining properties.
- 2.6.5.2.2. Where areas are poorly served by community facilities or where there is a lack of resources, institutional and community uses will be encouraged to develop joint programs and shared use of resources, such as schools, churches and the facilities of shared organizations.
- 2.6.5.2.3. Institutional uses should be located:
 - a) Adjacent to or near major vehicular routes and pedestrian trails, in order to ease access to individual sites.

- b) Centrally within the service area;
 - c) Adjacent to or in combination with other institutional facilities where possible; and/or
 - d) On properties with enough area to satisfy the required policy regulations.
- 2.6.5.2.4. New institutional development should provide due regard for pedestrian accessibility and promote healthy active living, which will be regulated through the Site Plan Control Agreement. The provision for end trip facilities for bicycles will be supported.
- 2.6.5.2.5. Existing institutional uses located within residential neighbourhoods should be redeveloped for other institutional uses or for appropriately scaled residential uses. Such uses should not be redeveloped for other non-residential uses unless the impact of the new use on the surrounding neighbourhood is less than the impact from the existing institutional use.

2.7. OPEN SPACE

2.7.1. Identification

- 2.7.1.1. A significant land area in Kirkland Lake is used as open space to accommodate a variety of public uses and facilities.
- 2.7.1.2. Parks and Open Space include public and private lands that provide opportunities for outdoor recreation and enjoyment. These areas may include trails, parks, natural areas and connecting walkways and roadways to promote and encourage healthy living.
- 2.7.1.3. The *Parks Plan 2012* has been developed through consultation with Town staff and the community, and was adopted by Council on March 20, 2012. The Plan designates certain properties through Town as a Regional, Community, Neighbourhood or Parkette parks. It is the intent of this Plan to enhance these park spaces and provide new opportunities within these areas for active play and pedestrian connectivity.
- 2.7.1.4. The *Trails Master Plan Development Strategy* document was presented to Council on May 20, 2008. This document was developed to reflect existing and future proposed trails and walkways. It is the intent to consider this document in relation to new development proposals to ensure that trails and active transportation systems are maintained, enhanced and expanded, where possible.
- 2.7.1.5. There are several areas of open space which are not owned by the Town. This includes portions of the snowmobile trails, the cross-country ski trails and the snowshoeing trail, as examples. Culver Park is also a large recreational area that is owned by the Town of Kirkland Lake however run by a separate operating board. It offers substantial area for recreational activities to take place.

2.7.2. General Policies

- 2.7.2.1. The *Parks Plan 2012* and *Trails Master Plan Development Strategy* will provide the basis for future park/trail locations throughout the community.
- 2.7.2.2. Sidewalks and other active transportation infrastructure, as feasible, along the streets leading to these facilities, should be encouraged. The provision for end trip facilities for bicycles will be supported.
- 2.7.2.3. All development applications shall be reviewed with respect to the *Parks Plan 2012* and the *Trails Master Plan Development Strategy*. Linkages to existing trails will be encouraged or required through parkland dedication under the *Planning Act*.
- 2.7.2.4. Council shall encourage the development of community gardens, to ensure that healthy food is available in every neighbourhood.
- 2.7.2.5. Council shall encourage the location of farmers' markets in appropriate recreational and public spaces.
- 2.7.2.6. Council should encourage inclusive, safe, affordable and quality physical facilities and recreational programs for people of all ages and physical abilities.
- 2.7.2.7. Council should support the formation of partnerships with the public, non-profit organizations and/or the private sector for the provision and operation of recreational facilities and playgrounds where a benefit to the community can be achieved.
- 2.7.2.8. Development is generally prohibited, except for accessory buildings and other compatible structures.
- 2.7.2.9. Council shall encourage opportunities for the year round recreational use of parks and open space.
- 2.7.2.10. New parks should be designed with a reasonable street frontage and with barrier-free pedestrian/cycling connections to residential areas.
- 2.7.2.11. Council should encourage the use of Crime Prevention through Environmental Design (CPTED) when designing parks, public spaces and recreational areas, including but not limited to site safety and security, natural surveillance, enhanced lighting, visibility from street, well-located and clearly marked building entries, accessibility for emergency services and limited pedestrian and vehicle interference.
- 2.7.2.12. Should a school board property be offered for sale, the Town will review the *Parks Plan 2012* to determine if the property, or a portion of the property, is required for Parks and Open Space. A decision by Council will be dependent on municipal resources available for purchase and ongoing maintenance.
- 2.7.2.13. As a condition of the approval of a Plan of Subdivision, Plan of Condominium or Consent, the Town may require the dedication of land for park or other recreational purposes, in accordance with the *Planning Act*.
- 2.7.2.14. The Town may require payment-in-lieu of the parkland dedication. Such funds are to be used for the acquisition and improvement of new and existing local parks and recreational facilities.
- 2.7.2.15. Land identified as parks in the *Parks Plan 2012* shall generally not be offered for sale or disposal, unless the lands are located within an area that has an oversupply of existing parkland and the land is not needed for future parks or municipal infrastructure requirements.

2.8. FUTURE DEVELOPMENT AREA

2.8.1. Introduction

- 2.8.1.1. The Future Development Area designated applies to lands that are identified within the Urban Settlement Area, where potential for development may exist, however are not likely to be developed over the course of the next twenty (20) years.
- 2.8.1.2. Typically, there are site development constraints on these properties that remain unresolved.

2.8.2. Goal

- 2.8.2.1. To provide additional land within the Urban Area for development, if necessary within the twenty (20) year timeframe, which does not result in the expansion of the Urban Area.

2.8.3. Objectives

- 2.8.3.1. Expansion of development into these areas shall require an amendment to the Official Plan supported by a planning report that demonstrates the following to the satisfaction of the approval authority:
 - 2.8.3.1.1. The need for additional land, if it is to be used for residential purposes;
 - 2.8.3.1.2. The use for which the land is needed and compatibility with existing and future adjacent uses;
 - 2.8.3.1.3. The need for and availability of municipal water and sewer services;
 - 2.8.3.1.4. The adequacy of road access;
 - 2.8.3.1.5. The need and cost to extend other services;
 - 2.8.3.1.6. The potential impact of the development on natural resources; and
 - 2.8.3.1.7. The potential impact on the ability of the remaining Future Development land to develop in an efficient manner.
- 2.8.3.2. Any existing development within the Future Development land use designated may be recognized in the implementing Zoning By-law.
- 2.8.3.3. The Municipality may consider rezoning land within the Future Development land use designation to permit new development related to the management of resources, resource-based recreational activities, limited residential development and other rural land uses on a site specific basis without the need for an amendment to this Plan and without carrying out the study referred to in this section. However prior to approving a rezoning application, the Municipality shall be satisfied that there is adequacy of road access, there is adequate municipal water and sewer

- services available, and the development will not negatively impact the ability of the remaining Future Development land to develop in an efficient manner.
- 2.8.3.4. New lot creation in a Future Development Area should be discouraged by Council to avoid negative impacts on future development.

2.9. RURAL AREA

2.9.1. Introduction

- 2.9.1.1. The Rural Area designation applies to lands that are not identified as part of the Urban Settlement Area.
- 2.9.1.2. The Rural Area occupies the largest portion of the Town of Kirkland Lake and accounts for approximately 90.0 percent of the land within the Town boundaries.
- 2.9.1.3. It applies to lands in the Town which are categorized by rural landscapes, comprised of resource exploration, rural residential development, recreation, natural open space and generally large parcel sizes.
- 2.9.1.4. It is anticipated that these lands will not be serviced by municipal water or sanitary sewer services for the duration of this Plan.

2.9.2. Goal

- 2.9.2.1. To protect and enhance the character, the quality of life and the environment of rural lands located outside the Urban Settlement Area.

2.9.3. Objectives

- 2.9.3.1. To guide rural land uses in a manner that protects natural heritage features and systems, and encourage the wise use or management of natural resources and resource-based recreational activities.
- 2.9.3.2. To ensure that development is compatible with the Rural Area and does not require the introduction of municipal services.
- 2.9.3.3. New development and lot creation will only be considered where there is no undue pressure put on existing infrastructure or municipal services, including the extension of road networks.
- 2.9.3.4. To encourage the maintenance and development of low-intensity recreational uses, such as four season trails, provided the use has a minimum impact on the character of the Rural Area.

- 2.9.3.5. To ensure that compatibility between major facilities and residential/other sensitive land uses are appropriately addressed so as to minimize risks to public health and safety, prevent or mitigate adverse effects and ensure the long-term viability of major facilities.
- 2.9.3.6. To protect the functionality of the airport by limiting and/or eliminating development within the Airport Constraint Area, or above the 30 Noise Exposure Forecast (NEF) Contour.
- 2.9.3.7. To limit new development in areas that may impact mining operations, aggregate resource extraction operations, mineral extraction operations, forestry operations and recreational opportunities.
- 2.9.3.8. To encourage the creation of alternative and renewable energy systems.

2.9.4. Mineral Resource Extraction

Kirkland Lake is well known for its mineral potential. The MNDM has determined that all of land base within the Town of Kirkland Lake has Provincially Significant Mineral Potential. The Ministry has classified all land within the Town of Kirkland Lake as having a Metallic Mineral Potential Estimation Tool (MMPET) Index of 80 or higher.

The intent of this plan is to encourage geological surveys, development and mineral production within the areas of high mineral potential, as well as to recognize and provide for mining-exploration opportunities in areas of lesser mineral potential. The Town intends to effectively manage the removal of mineral resources and to strike a balance between mineral extraction and competing priorities, including the encouragement of urban development in the Town.

Properties that are designated as Mineral Resource Extraction are current mining operations. The Zoning By-law further differentiates between specific uses such as processing, extracting and the disposing of mineral resources. For abandoned mines, refer to Section 4.4.

2.9.4.1. Proposed New Mining Activity

- 2.9.4.1.1. A Zoning By-law Amendment is required for new mining activity.
- 2.9.4.1.2. Council will ensure that they are a stakeholder in the consultations for the comprehensive closure plan process for mineral projects.
- 2.9.4.1.3. Mineral Exploration
 - a) An Official Plan Amendment and Zoning By-law Amendment are not required for the purpose of conducting exploratory review of mineral resources.
 - b) When exploration is proposed on Town-owned land, the Director of Physical Services has the authority to permit such exploration to take place. The exploration company is required however, to rehabilitate the land to same or better condition.

- c) If a new access route is required, the exploration company will need to seek Council's approval prior to the establishment of such route.

2.9.4.1.4. Non-Mining Related Development on High Mineral Potential Land

- a) Non-mining related development within an area classified as having high mineral potential may not be supported by the Town, unless the resource use would not be feasible, or the proposed land use or development serves a greater long term public interest.

2.9.5. Aggregate Extraction

The Town of Kirkland Lake has potential for aggregate extraction. There is limited amount of aggregate resource companies currently operating within the Town limits.

2.9.5.1. General Policies

- 2.9.5.1.1. Aggregate extraction operations will require an amendment to the Zoning By-law prior to their establishment.
- 2.9.5.1.2. Mineral aggregate operations are subject to the MOE Guidelines D-1 and D-6 in applying separation distance and influence area requirements. In the absence of technical studies defining an actual influence area, the minimum separation distance for Class III industrial uses shall be applied between the extraction/excavation area and any sensitive land uses. Where technical studies demonstrate the actual influence area, the required separation distance may be equal to or larger than this actual influence area to a minimum of 300.0 metre separation.
- 2.9.5.1.3. Lands that are identified as having aggregate extraction potential shall be protected from uses and/or activities that may hinder the future extraction of aggregate.
- 2.9.5.1.4. Non-aggregate related development on lands identified as having aggregate extraction potential shall only be permitted where it has been demonstrated that:
 - a) The extraction of the aggregate resource is not feasible due to the quality or quantity of material;
 - b) That the proposed land use or development serves a greater long-term interest of the general public than the aggregate extraction;
 - c) The proposed land use would not preclude or hinder future resource extraction; or
 - d) Wayside pits and quarries are temporary sources, opened for or by a public road authority solely for the construction and maintenance of public roads and shall be permitted throughout the Town of Kirkland Lake without the need for an amendment to the Zoning By-law, except in areas of existing development

on particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. Such uses will cease upon termination of the contract for which they are opened.

2.9.5.2. Proposed New or Expanded Aggregate Extraction Operations

2.9.5.2.1. Applications to create new, or expand existing aggregate extraction operations will be required to meet the regulations imposed by the Ministry of Natural Resources (MNR) and the MNDM.

2.9.5.3. Proposed Closure of an Aggregate Extraction Operation

2.9.5.3.1. When there is no intention to reopen such operations:

- a) All buildings, structures and machinery shall be removed from the site.
- b) The site shall be rehabilitated, as set out in the *Aggregate Resources Act* and the regulations applicable thereto. In no circumstance shall the operation be left in a state that constitutes a public health and safety hazard.

2.9.6. Forestry

Timber management ensures not only continued timber production but also prevents soil erosion, supplies habitat for wildlife, and maintains the aesthetic quality of the area. It is in the intent of Council to recognize the importance of forestry to the future economic position of the Town.

Forestry has not been identified as a separate land use designation but is recognized as a permitted use in the Rural Area. Forestry-related wood activities such as processing and manufacturing will require a Zoning By-law Amendment.

Council shall refer to the *Kirkland Lake Area Private Land Forest Management Plan* as a guide towards timber management initiatives in the area.

2.9.6.1. General Policies

2.9.6.1.1. Forest management practices will be regulated by the MNR under the sustained yield principle and the *Kirkland Lake Area Private Land Forest Management Plan*.

- 2.9.6.1.2. Timber harvest practices will be controlled and large clear cut logging operations may be restricted in the vicinity of water courses in order that wildlife habitats may be protected and the forest and recreation amenity maintained.
- 2.9.6.1.3. 100.0 metre buffers shall be implemented on all lakes within the Town of Kirkland Lake. Within this buffer, forestry will be prohibited. This will assist in maintaining the natural rural landscape for better environmental sustainability and assist our economic development initiatives related to tourism; more specifically hunting and fishing.
- 2.9.6.1.4. Council will encourage productive timber management on patented mining claims.

2.9.7. Airport

It is an objective of Council to protect the Kirkland Lake Airport from conflicting land uses and other interferences and provide for future expansion. This requires effective land use controls in the vicinity of the Airport, including restrictions on the height of buildings and structures. The land affected by the Airport Constraint Area must be developed under controlled conditions to ensure the Airport operation will not be adversely affected.

2.9.7.1. General Policies

- 2.9.7.1.1. It shall be a policy of Council to prohibit development and land uses in the Airport Constraint Area that would interfere with the functioning safe operation, or expansion of the Kirkland Lake Airport.
- 2.9.7.1.2. The construction of buildings or structures that may interfere with the functions of the Airport may require permission from Transport Canada.
- 2.9.7.1.3. Lands within the Airport Constraint Area may be used for airport purposes, including accessory uses normally associated with airport operations.
- 2.9.7.1.4. Existing uses within the Airport Constraint Area are recognized as being permitted in the Zoning By-law. The redevelopment of existing residential and other sensitive land uses or infilling of residential and other sensitive land uses in areas above the 30 NEF may be considered only if it has been demonstrated that there will be no negative impacts on the long term function of the airport.
- 2.9.7.1.5. New subdivision approvals or new lot creation above the 30 NEF contour will be prohibited.
- 2.9.7.1.6. Service commercial uses that provide services to the airport and general aviation and transportation shall be encouraged to locate directly on or in close proximity to the airport lands.

2.9.8. Rural Residential

Residential development in the Rural Area shall include low density rural and cottage developments, including on waterfront properties, having a minimum level of municipal services. For the purpose of policies pertaining to this section, all rural residential developments shall be assessed as being of a permanent nature.

2.9.8.1. General Policies

2.9.8.1.1. Residential dwellings are permitted within the Rural Area on existing lots of record, so long as:

- a) The property fronts onto a publicly maintained road allowance or a legal and maintained private right-of-way that leads to a publicly maintained road allowance;
- b) The property has suitable soil and drainage conditions, approved by the Timiskaming Health Unit (THU), to provide adequate means of waste disposal and suitable supply of potable water;
- c) There is confirmation of sufficient reserve sewage system capacity to accept hauled sewage from the proposed development;
- d) The development proposed will be designed to retain natural and physical features of the site, and create minimal disturbances to the natural environment;
- e) Natural vegetation at the juncture of land and water is maintained to reduce phosphorus loadings;
- f) The property is not subject to flooding, erosion, poor drainage or a high water table;
- g) The property is not subject to steep slopes, and is not classified as a hazardous or sensitive area;
- h) There are no outstanding property standards issues. Should there be a property standards issue, Town staff may refuse the proposed development until such time as the property meets the Property Standards By-law; and
- i) There is clear title to the property.

2.9.8.1.2. When a consent or plan of subdivision is proposed in the Rural Area for the purpose of limited residential development, the following policies shall apply:

- a) A minimum of five percent (5.0 %) of the land included in a proposed Consent or Plan of Subdivision application shall be conveyed to the Municipality for park purposes or that in lieu of the conveyance for park purposes, the Municipality may accept money to the value of such land acquired to be conveyed.
- b) Proposed lots shall be no less than 0.8 hectares in size. Any lots proposed on private individual sewer and water under 1.0 hectare shall be supported by a hydro-geological study.
- c) Council should be satisfied that the present water quality and quantity of the lake can be maintained. The landowner may be responsible for conducting a lake capacity assessment and/or hydro-geological study as

a condition of consent/subdivision approval. The policies of Section 5.5 of the Official Plan regarding Lake Capacity shall apply to development proposals within 300.0 metres of a lake.

2.9.9. Commercial & Industrial Uses in the Rural Area

Although the policy of Council is to concentrate commercial and industrial activity in areas where it can be supplied with adequate services, certain commercial and industrial uses such as tourist commercial uses, motels, equipment servicing, resource related uses, asphalt and concrete plants, and auto wrecking yards may from time to time seek to establish in the Rural Area. Such locations are not predictable and approvals for these uses will require an amendment to the Zoning By-law. In considering applications for such amendments, due regard shall be paid to the possible impact on the rural environment and adjacent uses; and appropriate conditions regarding setbacks, visual buffering and limitations on access to roads and highways should be imposed. Such uses may be permitted provided that:

- 2.9.9.1. It is clearly demonstrated to the satisfaction of Council that a rural location is necessary for the proposed use;
- 2.9.9.2. The use fronts on a municipally maintained year-round road, except that:
 - 2.9.9.2.1. Tourist commercial uses may be permitted on lots accessed by a seasonally maintained public road of an acceptable standard of construction; and
 - 2.9.9.2.2. Forestry, aggregate resource extractive operations and other mining operations may have access to a public road via a private road.
- 2.9.9.3. They do not create a traffic hazard and have only a limited number of openings for vehicle egress and ingress;
- 2.9.9.4. The amenity of the surrounding Rural Area is adequately protected;
- 2.9.9.5. Adequate off-street parking and off-street loading facilities shall be provided;
- 2.9.9.6. Adequate open space is provided around the commercial or industrial use so that a buffer of trees, shrubs or fencing is provided; and
- 2.9.9.7. Industrial waste treatment facilities and an acceptable method of sewage disposal and potable water supply can be installed. Industrial and commercial uses proposed on the basis of private individual sewer and water services shall be restricted to “dry” industrial and commercial uses, unless a hydro-geological assessment by a qualified professional in accordance with application Ministry of the Environment guidelines, procedures and standards demonstrates to the satisfaction of Council that adequate on-site sewer and water services can be provided without unacceptable groundwater impacts. For the purpose of this policy, “dry” industrial or commercial uses shall be defined as those uses in which only the disposal of the domestic waste of the employees is permitted and treated. No industrial liquid wastes, wash or cooling water or process wastes are permitted. Where industrial or commercial uses resulting in process wastes

are proposed, documentation will be required to demonstrate that process waste water similar to, or will be pre-treated to contaminant levels found in domestic sanitary sewage, based on standard scientific and engineering practices.

2.9.10. Recreational

Recreational uses include, but are not limited to, golf courses, campgrounds, ski hills and hunt camps.

2.9.10.1. Campgrounds

New campgrounds shall be designed and developed with minimal alteration to the natural landscape other than what may be necessary for roads and services.

Accessory commercial uses such as a convenience store or laundry mat may be permitted provided that the main priority of such facilities is to service the users of the campground.

Standards for minimum site areas, setbacks from abutting lands and other site development features will be established by the Zoning By-law.

2.9.10.2. Hunt Camps

Hunt and fish camps are considered to be an acceptable use within the Rural Area. Lots for hunt camps, fishing camps or similar uses may be permitted on unmaintained municipal road allowance or on private right-of-ways to public maintained roads provided that the owner enters into an agreement with the Town to acknowledge that the Municipality assumes no liability with the respect to the use of these roads or to provide services to the development.

All development of roads as listed in the above paragraph shall be located and designed giving consideration to the ability of inspections, police and emergency services to safely access the subject site or property and connectivity between existing and proposed roadways and trails.

3. INVESTING IN INFRASTRUCTURE

3.1. Transportation

The intent of this Plan is to provide for a highly functional transportation network by maintaining and enhancing the existing roads, motorized and non-motorized trails, along with sidewalks within the Town of Kirkland Lake. Schedules “E” identifies the existing road classification within the Town. Schedules “F” identifies the existing trail network.

3.1.1. Goal

- 3.1.1.1. For residents and visitors to be able to move from one part of the community, to another or beyond, in safety and with reasonable speed, directness and pleasantness.

3.1.2. Objectives

- 3.1.2.1. Penetration of vehicular traffic through the Urban Settlement Area must be provided in a way that will not detract from the aesthetics and social environment of each neighbourhood.
- 3.1.2.2. To encourage the construction of new sidewalks, cycling lanes and trails, and the extension of existing trails, leading to various neighbourhoods, recreational areas, key destinations, attractions, natural sites, businesses and commercial areas.
- 3.1.2.3. To review opportunities for secondary access to and from the Federal Area, and Swastika, in case of a train derailment.
- 3.1.2.4. To encourage the development of a transit-like service and four-season trail development to nearby communities, such as Swastika, Kenogami, Matachewan, King Kirkland, Dobie, Larder Lake and Virginiatown.
- 3.1.2.5. To review opportunities that will enhance the connectivity between Kirkland Lake and cities throughout the province.

3.1.3. Road Classifications

3.1.3.1. Provincial Highways (Provincial Highway 66 & 112)

Highway No. 66 accommodates the east-west regional traffic and connects the two defined urbanized areas of Kirkland Lake and Swastika. It is joined by Highway No. 112, which provides access to the southern region.

Council shall encourage development that enhances the highway’s function as an efficient carrier of through traffic, providing the Urban Settlement Area with ready access to the Town Centre and other regional sub-centres, places of

employment, recreational and residential areas. Detractions from the main function of the road as an access way caused by fronting lots and grade intersections are to be discouraged.

Proposals for sensitive land uses within 250 metres of a provincial highway shall be assessed in accordance with MOE's Environmental Noise Guidelines NPC-300. Noise studies must be prepared by a qualified professional to the satisfaction of Council. Noise studies may also be required for sensitive development adjacent to other roads.

Permits are required for the placement of a building, structure, entrance or any road within 45.0 metres of the limit of any highway; 180.0 metres of the centre point of any intersection on King's Highways, 395.0 metres of the centre point of any interchange (on controlled-access highways). Permits are required for any major development within 800.0 metres of the limit of the highway.

3.1.3.2. Industrial Feeder Road (Archer Drive)

The primary function of the Industrial Feeder Road is to provide ready access for truck transport and employees to the existing industrial area on the south-west corner of Kirkland Lake. Archer Drive extends from Highway 66 to the south end of Main Street.

3.1.3.3. Arterial Roads

The Arterial Roads are high-capacity publicly maintained roads. The primary function is to carry large volumes of vehicle traffic and provide a continuous route across the urban area.

3.1.3.4. Collector Roads

The Collector Roads are those roads providing penetration into the Urban Settlement Area and an interlink between the residential areas within the Municipality. The main function of a Collector Road is to collect traffic from Local Roads and distribute it to Government Road.

Collector Roads also help to provide, as the Local Roads do, an easement for utilities and communications.

3.1.3.5. Local Roads

Local Roads provide access to property abutting public right-of-ways and do not encourage through traffic. Buses and trucks should be excluded except where local streets are in commercial or industrial districts, such as Station Road and Nipissing Lane.

Local Roads have the lowest speed limits and the lowest volumes of traffic. They serve as an easement for all types of utilities, including sewers, water lines, gas mains, electrical and telephone services.

3.1.3.6. Road Allowances

Road allowances are land reserves that are owned by the municipality for the purpose of road dedication in the future. These are not identified on the land use schedules of the Official Plan.

3.1.3.7. Private Roads

Private roads within the Town of Kirkland Lake may be owned by an individual or a group of individuals. All private roads provide access to one or more properties which do not have frontage on a public road. These are not identified on the land use schedules of the Official Plan.

3.1.3.8. Private Right-of-Ways

Private right-of-ways are legal rights for private access that can be used by permitted individuals to access their land, however do not form part of the surveyed and dedicated street fabric. These are not identified on the land use schedules of the Official Plan.

3.1.3.9. Public Right-of-Ways

Public right-of-ways are legal rights for the public to access land however do not form part of the surveyed and dedicated street fabric. Public right-of-ways may or may not be municipally maintained. These are not identified on the land use schedules of the Official Plan.

3.1.4. General Policies for Vehicular Accessibility

3.1.4.1. The Town shall implement traffic flow improvement measures to address mobility issues within the community, and encourage travel and land use patterns that optimize the use of the existing transportation network.

- 3.1.4.2. When new large scale development that will likely cause traffic congestion is proposed, proper engineering studies will be required by Council to ensure appropriate mitigation measures to address traffic congestion and collisions are undertaken. Should the studies identify any adverse impacts, the proponent will work with the Town of Kirkland Lake to minimize these effects at no cost to the Municipality.
 - 3.1.4.3. As a condition to development or redevelopment, the Town may require lands to be dedicated free of charge to the appropriate authority in order to achieve the planned right-of-way width, road improvement or other similar action to improve the function of abutting roadways.
 - 3.1.4.4. All developments shall be located and designed giving consideration to the ability of inspections and police and emergency services to access the subject site or property and connectivity between existing and proposed roadways and trails.
 - 3.1.4.5. Ensure that new roads will be designed to allow pedestrians, cyclists and motorists to interact and move safely by promoting area-wide traffic calming measures in selected, high-pedestrian areas.
 - 3.1.4.6. When funds are available for the reconstruction and rehabilitation of roads and services, Council shall review the recommendations listed within the most current Roads Needs Study.
 - 3.1.4.7. Council shall review parking regulations presented within the Traffic and Parking By-law, as amended, as issues become prevalent.
 - 3.1.4.8. It shall be a policy of Council to preserve the quiet residential character of the community by paying strict attention to the design of local street patterns. Cross streets and intersections with acute angles are to be discouraged as are unduly long local streets because of the possible build up of traffic volume.
- 3.1.5. General Policies for Pedestrian and Non-Motorized Accessibility
- 3.1.5.1. The Town will improve pedestrian safety and promote pedestrian activity within existing and newly developed areas within the Town of Kirkland Lake.
 - 3.1.5.2. The Town is made up of several different types of pedestrian/non-motorized trails including:
 - 3.1.5.2.1. Sidewalks;
 - 3.1.5.2.2. Paved multi-use paths;
 - 3.1.5.2.3. Designated snow shoe trails;
 - 3.1.5.2.4. Designated cross-country ski trails; and
 - 3.1.5.2.5. Footpaths.
 - 3.1.5.3. The Town shall encourage the maintenance and development of trails, as per the *Trails Master Plan Development Strategy*.

- 3.1.5.4. The Town will encourage physical activity and walking in winter environments and support the maintenance of active transportation routes year round, as feasible and where the demand warrants.
- 3.1.5.5. New roads proposed within the Urban Settlement Area shall include sidewalks or walkways to encourage pedestrian mobility at no cost to the Town. When opportunity permits, such as when the reconstruction of a road takes place, the Town shall consider the incentives of incorporating sidewalks or walkways along one side of the street to encourage pedestrian mobility.
- 3.1.5.6. Council shall review the *Ontario Bikeways Planning and Design Guidelines* document from the Ministry of Transportation (MTO) prior to establishing bicycle facilities.
- 3.1.5.7. New trail development should be located and designed to avoid, where possible, steep slopes, wetlands, erosion-prone soils, ecologically sensitive areas, significant plant and animal habitats and areas of natural and scientific interest.
- 3.1.5.8. The preservation and reuse of abandoned corridors or utility corridors should be considered for the purpose of recreational trails.
- 3.1.5.9. Trail design, construction and management should ensure the safety of trail users, while respecting the lands in private ownership.
- 3.1.5.10. A “Sidewalk Use Analysis” has been conducted to determine the most popular routes being used for the intent of plowing during winter months. Emphasis was placed on the connectivity of community services and educational establishments.

3.1.6. General Policies for Alternative Modes of Transportation

- 3.1.6.1. The municipality will support provincial initiatives to enhance modes of pedestrian transportation to Kirkland Lake.
- 3.1.6.2. To review opportunities for enhancements at the Kirkland Lake Airport.

3.2. Public Facilities & Servicing

The Town of Kirkland Lake operates two sanitary sewage systems, one water filtration plant and one landfill.

It is the intent of this plan to monitor, maintain and implement sustainable practices to ensure that public facilities are sustained for future generations.

3.2.1. General Policies

- 3.2.1.1. To ensure that development within the Urban Settlement Area is serviced by municipal sanitary sewer and water.
- 3.2.1.2. Some buildings within the Town’s Urban Settlement Area are currently serviced with partial services. The extension of full municipal services to existing partially serviced areas is encouraged.

- 3.2.1.3. It shall be a policy of Council to retain all land, laneways and road allowances that are encumbered by municipal services, gas pipes, or hydro and telephone lines. These services shall be protected from incompatible development. Leases should also be avoided on all lands that are encumbered.
- 3.2.1.4. Development shall be directed away from, or setback from high-pressure petroleum product trunk lines in accordance with recommended setback standards.
- 3.2.1.5. Where rezoning would permit uses that would require a significant allocation of sewer and water capacity, a holding by-law may be used in order to facilitate phasing of a development and to defer final allocation until construction is to proceed. Lot or unit creation may be permitted only where it has been confirmed that there is sufficient uncommitted reserve capacity within municipal sewage and water services, or private communal sewage and private communal water services. The holding provision will be removed upon confirmation of servicing capacity and after appropriate agreements have been entered into.
- 3.2.1.6. Communal services of any size require MOE approval. A “permit to take water” is required from the MOE for land uses that require 50,000 litres of water per day or more. Where industrial or commercial uses are proposed on the basis of private on-site sewage services these shall be restricted to “dry” industrial and commercial uses. Development proposed on the basis of private communal sewage or water services may be permitted, subject to a Municipal Responsibility Agreement, if full municipal sewage and water services are not available.
- 3.2.1.7. Where development of five or more lots/units would allow for development serviced by on-site wells and septic systems, and proposed lot/unit sizes are less than one hectare, a hydro-geological assessment, prepared in accordance with the requirements of MOE technical guidelines on private wells and individual on-site septic systems will be required.
- 3.2.2. Source Water Protection
 - 3.2.2.1. Gull Lake is the Municipality’s main source of drinking water. It is located at the east end of Town within the Township of Teck and the Township of Lebel. It is Council’s intent to continue to protect the water of Gull Lake.
 - 3.2.2.2. The *Township of Teck Act* provides the Municipality with the authority to pass a by-law, in accordance of the *Township of Teck Act*, to control and regulate the sanitation of the identified watershed. Council may decide to proceed with the passing of such By-law, if they so choose. All development and uses proposed within the watershed will be subject to control through this By-law. Until such time, all development located within the watershed shall be subject to a hydro-geological study to determine whether the development will have a detrimental effect on the water quality.
- 3.2.3. Accessibility
 - 3.2.3.1. Goal

3.2.3.1.1. Promote and improve access for persons with disabilities.

3.2.3.2. Objectives

3.2.3.2.1. Require minimum off-street accessible parking spaces.

3.2.3.2.2. When reviewing transportation facilities and services, take accessibility into account.

3.2.3.2.3. Create connected network of streets, parks and open spaces that are universally accessible, including sidewalks with unobstructed pathways and depressed curbs at corners of all streets.

3.2.3.2.4. Requiring that plans for all new buildings meet applicable accessibility guidelines regulated by the *Accessibility for Ontarians with Disabilities Act, 2005*.

3.2.3.2.5. Retrofitting, over time, all Town-owned buildings (that are open to the public), and open spaces, to make them universally accessible.

3.2.3.2.6. Encouraging the owners of private buildings and spaces to construct or retrofit buildings and facilities to provide or enhance accessibility through public education and retrofit programs.

3.2.4. Stormwater Management

3.2.4.1. Stormwater Management and the potential impacts of stormwater quality and quantity on the lands and waters downstream shall be considered when assessing development applications.

3.2.4.2. Stormwater Management Plans, consistent with the intent and objectives of the Ministry of the Environment's Stormwater Management Planning and Design Manual, may be required for all commercial, industrial, institutional development and for any large residential developments including plans of subdivision. Proposed developments may be required to incorporate stormwater management practices directed to minimizing stormwater volumes and contaminants, and increasing or maintaining the extent of vegetative and pervious surfaces. Additional site specific requirements may be applied on a case-by-case basis to ensure that the potential off-site impacts of stormwater are addressed.

3.2.4.3. Where required, under the Ontario Water Resources Act, permits, approvals and registrations may be required for proposed stormwater management facilities.

4. PROTECTING PUBLIC HEALTH AND SAFETY

4.1. Waste Disposal Sites

- 4.1.1. The Town's existing waste disposal site is located within Lebel Township, outside of the Town limits and has capacity to accept waste until approximately 2038-2053, based on the *Kirkland Lake Landfill Site Annual Monitoring Report 2013*.
- 4.1.2. Council shall encourage, if resources permit, all opportunities to reduce waste by supporting the policies presented within the *Waste Recycling Strategy 2011*, subject to amendments.
- 4.1.3. Council shall also support additional recycling initiatives, such as tire recycling, scrap metal, waste electronics, batteries, etc.
- 4.1.4. Council shall encourage the ongoing organization of regular hazardous waste events to eliminate potential hazardous products from entering the landfill, when resources permit.
- 4.1.5. The location of all known existing and previously closed waste disposal sites within the Town of Kirkland Lake are indicated on Schedule "D-3". Development proposed in the vicinity of an existing or former waste disposal site may be subject to hazards including landfill-generated gases, ground and surface water contamination of leachate, odour, litter, visual impacts, dust, noise, other air emissions, vermin, etc. Proposed development within 500.0 metre of an active or closed waste disposal site will not be permitted unless supported by technical studies, prepared by a qualified individual(s) to the satisfaction of the Municipality in accordance with MOE guidelines, to demonstrate that there will be no adverse effects, risks to health and safety, or negative impacts on the proposed development related to the adjacent waste disposal site. In addition, the required technical studies will address the proposed development's potential to impact future expansions of a waste disposal site.
- 4.1.6. Council may conclude that the proposed development may be subject to one or more of the above-noted hazards, in which case the application will not be approved unless it also concluded that effective remedial measures are available and will be undertaken.
- 4.1.7. During the comprehensive review, Council will analyze the status of the "available site life" in order to adequately prepare for any necessary expansions or relocation/closure of the existing landfill site. A new waste disposal site within our jurisdiction will require an official plan amendment and zoning by-law amendment. The re-development of a former waste

disposal site will require approvals in accordance with Section 46 of the *Environmental Protection Act* regarding former disposal sites.

4.2. Sewage Treatment Plants

- 4.2.1. Where development is proposed in the vicinity of an existing or former sewage treatment plant, the applicant may be required to provide studies in accordance with MOE's Guideline D-2, compatibility between Sewage Treatment and Sensitive Land Use.
- 4.2.2. Where planning approvals are required to allow for residential or other sensitive land uses in proximity to the existing or former sewage treatment plants, a minimum separation distance of 150 metres will be required between the sewage treatment plant and the nearest lot line of the sensitive use. A reduction in the required separation distance to no less than 100.0 metres may be permitted where supported by technical studies addressing potential impacts resulting from noise, odour, and other contaminants, and related mitigation measures. Separation distances of less than 100.0 metres shall not be permitted.

4.3. Contaminated Lands including Brownfield Sites

- 4.3.1. Potentially contaminated site includes sites which may have contaminants in land or water as result of past uses or activities. Sources of potential contamination can include activities such as the disposal of waste materials including mine tailings, raw material storage, maintenance activities and spills or uses such as gas stations and automotive repair garages.
- 4.3.2. Development applications for contaminated sites shall be accompanied by a MOE acknowledgement confirming the submission and filing of a Record of Site Condition on the Brownfields Environmental Site Registry.

4.4. Abandoned Mine Hazards

- 4.4.1. Abandoned Mine Hazards are identified on Schedules "D".
- 4.4.2. Where development is proposed on lands which include, or are abutting, land affected by known mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. The approval authority will require documentation from a development proponent to this effect. Alternatively, confirmation will be required from a qualified professional that the lands proposed for development are not affected by the mine hazard.

- 4.4.3. Where proposed development is confirmed to be affected by a mine hazard and rehabilitation has not occurred or is not underway, depending on the extent of the hazard and the feasibility to mitigate and rehabilitate the hazard, the development may not be able to proceed.
- 4.4.4. Mine tailings are considered mine hazards and are subject to the *Mining Act* and are to be rehabilitated as part of a mine closure plan. The *Mining Act* must be considered prior to using rehabilitated mine waste or tailings for aggregate.

4.5. Rail Lands/Industrial Lands

- 4.5.1. Planning for land uses in the vicinity of rail facilities (including rail corridors, rail sidings, rail yards and associated uses) and industrial uses shall be undertaken so that their long term operation and economic role is protected, and rail facilities, industrial uses and residential/other sensitive land uses are appropriately designed, buffered, and/or separated from each other so as to minimize risk to public health and safety, and prevent or mitigate adverse effects.
- 4.5.2. Development proposals for sensitive land uses in proximity to rail facilities, or within 500.0 metres of a principle main railway line, 250.0 metres from a secondary main railway line, or 100.0 metres of other railway lines, will be assessed to ensure applicable sound level limits, as set out in MOE's Environmental Noise Guidelines NPC-300. Detailed noise studies, prepared by qualified acoustical consultants in accordance with MOE guidelines may be required to address all potential noise sources which impact the site and potential mitigation strategies and will be subject to the review and approval of Council.
- 4.5.3. All development proposed within 75.0 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of Council and the authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures recommended in those studies to mitigate any adverse effects from vibration that were identified.

4.6. Minimum Distance Separation Formulae

- 4.6.1. All new development shall comply with the Minimum Distance Separation Formulae I or II of the Ministry of Agriculture, Food and Rural Affairs, as may be amended from time to time.

4.7. Compatibility

- 4.7.1. Land uses will be appropriately designed, buffered, and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term viability of major facilities.
- 4.7.2. Where new development is proposed that has the potential to result in land use incompatibility, an assessment of the impacts shall be undertaken. Studies shall be prepared to the satisfaction of Council.
- 4.7.3. Where residential land or other sensitive land uses are within the distances identified under the *Environmental Protection Act*, the MOE Environmental Noise Guidelines and NPC-300, as amended from time to time, an assessment of the potential impact of the industrial use and mitigation measures to prevent adverse effects that may be experienced will be required.
- 4.7.4. In the absence of technical studies prepared according to MOE Guidelines which identify an actual influence area, separation distances required between industrial uses and residential or other sensitive land uses shall reflect the following potential influence areas¹:
- | | | |
|----------|----------------------|----------------|
| 4.7.4.1. | Class I Industries | 70.0 metres |
| 4.7.4.2. | Class II Industries | 300.0 metres |
| 4.7.4.3. | Class III Industries | 1,000.0 metres |
- 4.7.5. The following minimum separation distances shall apply between industrial uses and residential or other sensitive land uses:
- | | | |
|----------|----------------------|--------------|
| 4.7.5.1. | Class I Industries | 20.0 metres |
| 4.7.5.2. | Class II Industries | 70.0 metres |
| 4.7.5.3. | Class III Industries | 300.0 metres |
- 4.7.6. Separation distances between potentially conflicting land uses shall be measured in accordance with MOE Guidelines. Studies may determine an actual influence area larger than the potential influence areas provided.
- 4.7.7. When technical studies prepared in accordance with MOE Guidelines recommends a larger setback, such larger setback shall be considered the minimum setback between industrial development and residential or other sensitive land uses. Setbacks can be reduced by using buffering techniques.

¹ Please see D-1-3 and D-6 for more information.

4.8. Wildland Fire

- 4.8.1. Schedule “C-5” Natural Hazards Wildland Fire Potential illustrates areas within the Town with Extreme and High wildland fire potential as well as areas of Pine, which require evaluation.
- 4.8.2. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- 4.8.3. Development proponents may be required to undertake an assessment of the risk of high-to-extreme wildland fire behavior on the subject lands and adjacent lands (to the extent possible). If high to extreme risk for wildland is present, proponents shall be required to implement measures to mitigate the risk.

5. PROTECTING THE NATURAL ENVIRONMENT & CULTURAL HERITAGE

5.1. Wetlands

- 5.1.1. It is the intent of Council to work with the MNR towards the gathering of information related to wetlands in the area, in order to better understand which areas may need to be protected.
- 5.1.2. Once wetlands have been identified within the *Town of Kirkland Lake*, the following policies shall apply:
 - 5.1.2.1. Development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological function. Council shall require a wetland evaluation using the Ontario Wetland Evaluation System – Northern Manual, when development is proposed.
 - 5.1.2.2. An Environmental Impact Statement shall be required where development is proposed within 30.0 metres from any wetland. Development shall only be permitted if it has been identified that it will not result in a negative impact on the wetland.
 - 5.1.2.3. If Provincially Significant Wetlands are identified over the duration of this Plan, development within 120.0 metres of a provincially significant wetland shall be subject to an Environmental Impact Statement.
 - 5.1.2.4. With the concurrence of MNR, wetland boundaries can change, and boundary verification or re-evaluation may be necessary from time to time.

5.2. Flood Plains

- 5.2.1. It is the intent of Council to encourage the Ministry of Natural Resources and Timiskaming Health Unit in establishing flood elevations for watercourses within the Town of Kirkland Lake, and developing an inventory of areas prone to flooding.
- 5.2.2. Once established, the following development criteria shall apply to development proposed within these identified areas:
 - 5.2.2.1. To prevent further habitable development within a flood plain.
 - 5.2.2.2. No new habitable building or structure shall be permitted in any area susceptible to flooding, except watershed management and flood and erosion control projects and non-habitable accessory buildings, structures and facilities designed to be flood-proof, and site modifications carried out or supervised by a public agency.
 - 5.2.2.3. Renovations of existing buildings located in these areas may be permitted provided the structure is flood-proofed to the highest practical extent.

- 5.2.3. The Town will support climate change adaptation through land use and development patterns, and will consider the potential impacts of climate change that may increase the risk associated with natural hazards.

5.3. Fish Habitat

Development and site alterations within a Fish Habitat Area shall not occur except in accordance with provincial and federal requirements. Development proposed within 120.0 metres of Fish Habitat or 300.0 metres of Lake Trout Habitat shall submit an assessment demonstrating no negative impacts on the natural feature or its ecological function. Fish habitat includes spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

5.4. Significant Habitat Areas

- 5.4.1. Habitats of threatened and endangered plant and animal species and significant wildlife habitat identified shall be protected and available information is included on Schedule “C”. At this time, Little Brown Myotis and Northern Myotis are confirmed endangered species within the Town of Kirkland Lake. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- 5.4.2. No development or site alteration is permitted where there is a significant wildlife habitat unless it is demonstrated that there will be no negative impacts on the natural features or their ecological functions. Where development or site alteration is proposed within 120.0 metres of the significant wildlife habitat or habitat of endangered and threatened species, an assessment shall be required to confirm the presence of the features and demonstrate no negative impacts, or appropriate mitigation measures. The MNR may be contacted prior to any development approval being granted to provide up-to-date information or comments.

5.5. Lake Capacity

- 5.5.1. In order to assist in protecting environmental, recreational and economic resources, Council shall utilize the *Lakeshore Capacity Assessment Handbook 2010* as a tool when development near or on inland lakes is proposed.
- 5.5.2. Council should encourage the establishment of a Lake Partner Program to collect total phosphorus and water clarity data for lakes where seasonal and year round development is present.
- 5.5.3. A Lake Capacity Study must be completed prior to any new lot creation on Goodfish Lake and Nettie Lake to determine whether the quality of the water would be affected as a result of the new development.

- 5.5.4. On inland lakes where lakeshore capacity has been identified as a potential concern, lot creation, redevelopment, conversion or the intensification of existing uses within 300.0 metres of the shoreline may only be considered where the results of a Lakeshore Capacity Assessment, prepared in accordance to the *Lakeshore Capacity Assessment Handbook 2010* (as may be amended from time to time) have confirmed that there is sufficient development capacity remaining to support the proposal.

5.6. Potential for Archaeological Resources

- 5.6.1. When three or more lots are proposed in an area identified as having potential archeological resources, an Archaeological Assessment shall accompany a Consent or Plan of Subdivision application.
- 5.6.2. Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or preservation on site, only development and site alterations that maintain the heritage integrity of the site will be permitted.

5.7. Heritage and Cultural Resources

- 5.7.1. It is the intent of Council to identify, conserve and enhance the Town's cultural heritage resources.
- 5.7.2. Heritage resources include the buildings identified on the Municipal Heritage Register. Council will be supportive and will encourage the receipt of new applications to register buildings or structures to the Heritage Register.
- 5.7.3. New development within visual distance of a heritage resource should be designed to reflect the surrounding landscape and built form. New construction should be designed in harmony with existing heritage features and buildings in terms of mass, height and setbacks and in the treatment of architectural details on the building facades.
- 5.7.4. Council may consider the creation of a Municipal Heritage Committee to guide them in heritage conservation decisions.
- 5.7.5. It is the intent of the Plan that the Town will consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

6. IMPLEMENTATION

The Official Plan will be implemented through the powers given to municipalities by the *Planning Act*, the *Municipal Act*, and other applicable statutes. The following are a list of tools that the Town can use to implement the policies of the Official Plan.

6.1. Zoning By-law

A new Zoning By-law for the Town of Kirkland Lake will be established as a tool to implement the policies within this Plan. It shall establish zones for the development, or temporary holding prior to development, or redevelopment, of the whole of the *Town of Kirkland Lake* in accordance with the proposals of this Plan. It will provide a legal way of managing land use and future development and protects landowners from conflicting and possibly dangerous land uses within the community.

A Zoning By-law controls the use of land within the community. It states how land may be used, where buildings and other structures can be located, the type of buildings that are permitted and how they may be used, and the lot size and dimensions, parking requirements, building heights and setbacks from the street.

The Zoning By-law, and any future amendments to the Zoning By-law, shall be consistent with the intent of this Plan. They shall not be approved by the Town unless it is shown that such amendment is not contrary to the objectives, policies and schedules set forth within the Official Plan, as amended from time to time.

By-laws that are in effect at the time of adoption of this Plan will be deemed to be in conformity with this Plan until rescinded.

Any development that contravenes the provisions of the Zoning By-law shall not be approved except by the preparation of an amendment to the Zoning By-law, or by the approval of applications for minor variances by the Committee of Adjustment, appointed by the Council and which operates in accordance with the provisions of the *Planning Act*.

6.2. Temporary Use By-law

At times, it is in the public's best interest to permit lands to be used for a particular use on a temporary basis, even though the use may not comply with the Official Plan or Zoning By-law. Temporary use could be used as a trial for new or unfamiliar type of use, or allow vacant lands to be used temporarily for facilities such as golf driving range or local farmers market. The *Planning Act* authorizes municipalities to pass temporary use by-law, which defines the area and the duration of the use.

Council's intent is to plan for an age-friendly population. As a result, a temporary use by-law can be passed to permit a garden suite. The period of time for a temporary use may be for a period of up to twenty years for a garden suite and up to three years in all other cases, both of which are renewable.

The temporary use must:

- a) Maintain the long term viability of the lands for the uses permitted in the Official Plan and Zoning By-law;
- b) Be compatible with adjacent uses, or be made compatible through site mitigation;
- c) Not have an adverse impact on traffic, transportation or parking facilities in the area; and
- d) Be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services.

6.3. Holding Provisions

There are instances where the intended use and zoning is known for lands, but development should not take place until specific facilities are in place or conditions are met. The lands may require, for example, the extension of municipal services, construction of a road, transportation study, abandoned mine hazard study, soil remediation or floodproofing before development can occur.

Council may pass a "holding" By-law that sets out the conditions that must be met before the holding status is removed and the lands can be developed.

Holding By-laws go through the same full public process as other Zoning By-law amendments, but once the conditions for "holding" removal are met, and the owner applies to lift the holding status, there is no requirement for public meetings or opportunity to appeal to the Ontario Municipal Board, except by the owner.

6.4. Legal Non-Conforming Uses

As a general rule, uses that do not conform with the policies of this Plan should, in the long run, cease to exist so that the land affected may revert to a use that conforms with the intent of this Plan and the provisions of the Zoning By-law.

It may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship provided that:

- a) The expansion or redevelopment will not seriously jeopardize the possibility of future developments in their vicinity that may comply more closely with the intent of the Plan;

- b) In any such expansion or redevelopment, special efforts are made to enhance the compatibility of the use and to improve amenity and design;
- c) The expansion or redevelopment is only permitted through an application to the Committee of Adjustment, as permitted by Section 42 of the *Planning Act*.

6.5. Community Improvement Plans

Community Improvement Plans may contain a variety of initiatives and activities, such as the maintenance, rehabilitation, development and redevelopment of targeted areas. This is an optional tool that allows municipalities to make grants or loans within or selected project areas to help pay for certain costs, and can establish Tax-Increment-Equivalent Financing programs.

The purpose of the Community Improvement Plan is to enable municipalities to:

- a) provide grants and loans to stimulate private sector investment in targeted areas of the community;
- b) promote revitalization and place-making to attract tourism, business investment and economic development opportunities;
- c) provide incentives for the provision of affordable and special needs housing;
- d) promote brownfield cleanup and redevelopment; and
- e) make more effective use of existing infrastructure.

When developing a Community Improvement Plan, the following shall be included in the Plan:

- i. basis for selection of the area of the Plan;
- ii. goal and objectives for the Plan;
- iii. boundaries of the area of the Plan;
- iv. existing land uses and level of services;
- v. natural and built heritage features;
- vi. the nature of improvements proposed;
- vii. estimated cost and financing of the Plan;
- viii. staging and administration of the Plan;
- ix. revision flexibility; and
- x. citizen involvement.

6.6. Secondary Plans

It shall be the policy of Council to recommend, from time to time, proposals for implementation of the land use requirements contained in this Official Plan as well as to recommend detailed secondary plans as successive steps in the planning process. Secondary plans will be implemented as amendments to the Official Plan.

Secondary plans contain policies and mapping for districts identified within an Official Plan as requiring more detailed direction on land use, community design, natural heritage and transportation. They provide a framework for the development of new communities and employment zones or defined shaller areas like a downtown or an existing built-up area of the Town.

6.7. Subdivisions

The Subdivision Control By-law will be enforced to guide future development in accordance with the Official Plan. It shall be the policy of Council to encourage the infilling of existing subdivisions and the development of new subdivisions in accordance with policies of the residential section of the Official Plan.

New development shall take place by Plan of Subdivision, rather than by individual land divisions by Consent to Sever by the Committee of Adjustment, except where the Town is satisfied that the Plan of Subdivision under the *Planning Act* is not necessary for the land described in the application for the proper and orderly development of the Municipality.

Development shall be regarded as satisfactory and shall be permitted to be undertaken, provided that it can be shown that:

- a) The development can provide roads and all necessary services and utilities;
- b) Nature of the development will not over-tax public services;
- c) The completed development will not prevent future use of other undeveloped areas;
- d) Development can provide an adequate active transportation network (e.g. sidewalks, cycling lanes, trails)
- e) Existing schools and parks are available or expanded to accommodate the needs of the population likely to live there, or new schools and parks are constructed to accommodate the needs of the population likely to live there.

6.8. Consent

In order to facilitate the orderly, economical and progressive installation of services, a Consent policy shall be followed in the granting of land severances. Where a Plan of Subdivision is not necessary for proper and orderly development, a Consent to Sever may be given in accordance with the following applicable policies where:

- a) It is clearly apparent that the resulting use of the land will be in accordance with the policies of this Plan; regard shall be had for the provisions of the implementing Zoning By-law.
- b) Approval of the application shall not prejudice the financial status of the Town by undue extension of any major services; It is clearly apparent that no development could result which would lead to significant expense by the Town for additional public works;
- c) Regard shall be had to the compatibility of the proposed use and its effect on the surrounding area, any environmental impact;
- d) All proposed uses shall have an adequate supply of municipal water and sewer facilities for the disposal of waste material, or services approved by the MOE where individual systems are permitted by this Plan. Development proposed on private sewer services shall require clearance from the Timiskaming Health Unit indicating the proposed severed and retained lots are suitable for private individual sewer facilities and confirmation of sufficient reserve capacity for hauled sewage;
- e) Properly designed and located access from the proposed use will be provided so that there will be a minimum hazard to traffic along any road or highway;
- f) The proposed parcel fronts on an open, publicly owned and maintained road which is of acceptable standard of construction.
- g) The effect of the severance will not prevent access to any other parcel of land;
- h) The size and shape of the parcel is appropriate for the use proposed;
- i) Where applicable, the soil and drainage of the existing and proposed lots are shown to be suitable for the installation of a private sewage disposal system as well as have an adequate supply of potable water, as determined by the THU; and
- j) The land is suitable to permit the proper siting of buildings.

6.9. Parkland Dedication or Cash-in-Lieu

When consents or plan of subdivision/condominiums are proposed, Council requires the conveyance of parkland or the cash-in-lieu equivalent for development as a means of implementing the policies for parks and open space areas found within this Plan.

The required land or cash to be conveyed shall not exceed two percent (2.0 %) of the value of the land to be developed for commercial or industrial use, or five percent (5.0 %) in all other cases. The value of land is determined by the market value assessment calculated by the Municipal Property Assessment Corporation, however the Municipality retains the right to acquire an independent appraisal, if they so choose.

6.10. Part-Lot Control

Part-lot control can be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, require specific servicing requirements as a condition of approval such as a road widening or to further control internal development on a lot.

6.11. Deeming By-law

A deeming by-law can be passed to allow two or more lots on a registered Plan of Subdivision to merge on title when in identical ownership. This is typically beneficial when the lots are being used as one property to allow for the construction of accessory structures.

Council shall consider the passing of a deeming by-law if the proposed consolidation does not negatively affect the character of the neighbourhood

6.12. Site Plan Control

The Corporation of the Town of Kirkland Lake shall make use of the provisions contained in the *Planning Act* dealing with Site Plan Control for all lands covered by the Official Plan of the Town of Kirkland Lake.

Site Plan Controls are used to ensure that:

- Developments are built and maintained in the way that Council approved;
- New developments meet certain standards of quality and appearance;
- There is safe and easy access to pedestrians and vehicles;
- The appearance and design features of buildings, and their sustainable design are satisfactory;
- There is adequate room for snow storage and provisions for snow maintenance;
- There is adequate landscaping, parking and drainage; and
- Nearby properties are protected from incompatible development.

One or more By-laws shall be passed setting out specific areas of Site Plan Control by reference to one or more land use designations contained in the Zoning By-law which implements this plan, as per Section 41(2) of the *Planning Act*.

The Town of Kirkland Lake can request a performance security deposit to ensure satisfactory provision and maintenance of the facilities.

Site Plan Control may be used in the site plan control areas, in relation to residential, waterfront development, commercial, industrial, resource extraction and institutional uses, except for:

- a) Detached, semi-detached, duplex and converted residential dwellings; and
- b) Agricultural and farm-related buildings or structures that are utilized in a farming operation (this does not include agriculture-related commercial or industrial operations).

As per Section 41(7)(a) of the *Planning Act*, when identified in a Traffic Impact Study that road widening, traffic signage and signals, and/or aligning upgrades are required, the upgrades will be the responsibility of the developer and/or owner of the land, at no expense to the Municipality.

Site Plan control may be used for the purpose of regulating architectural style and building materials.

6.13. Second Units in detached, semi-detached homes

In order to provide affordable home ownership options and the development of affordable rental units, the Town shall permit the conversion and renovation of single detached, semi-detached and row houses, as well as ancillary structures, into offering a secondary unit for the rental market. This will only be permitted in compliance with the provisions of the Zoning By-law and Ontario Building Code, and only when adequate servicing is available in the area.

6.14. The Ontario Fire Code

The Ontario Fire Code and its amendments are enforced to assure a measure of control over existing structures within the Town of Kirkland Lake for the safety and general wellbeing of the public.

6.15. The Ontario Building Code

The Ontario Building Code and its amendments are enforced to assure an adequate measure of control over new construction and structural or other alterations to existing structures within the Town of Kirkland Lake for the safety and general wellbeing of the public.

6.16. Property Standards

A Property Standards By-law will be implemented to ensure buildings, structures and land are kept in a structurally sound and safe condition, and in good repair. This is enacted and enforced under the *Building Code Act*.

6.17. Capital Programs

It is not the intention of the Plan to implicate the Municipality financially for the implementation of any particular policy. The financial ramifications of policies shall be carefully assessed prior to inclusion in the Municipal budget.

6.18. Senior Government Level Participation

Certain policies of the Plan require participation by senior levels of government through the implementation of various assistance or other programs, particularly housing programs, and it is the intention of Council to monitor participation and to avail themselves of opportunities presented by these programs in the implementation of Plan policies.

7. INTERPRETATION

This Official Plan is a 20-year policy guide for the Town of Kirkland Lake. It is used for the evaluation of development proposals. Its intent shall be considered flexible and no strict interpretation of any boundary line is intended. Minor adjustments may be made where such adjustments are deemed necessary for the desirable development of the area, provided that the general intent of the Plan is maintained.

Any change, deletion or deviation from a statement of intent, will require an amendment to the Official Plan.

Textual changes that do not affect the intent of the Official Plan may be adjusted without an amendment to the Official Plan. When minor changes to the Plan are made however, these changes shall be indicated when application is next made to the Minister to amend the Official Plan in order to show the updated situation.

8. DEFINITIONS

For the purpose of interpretation of this Plan, the definitions in the *Planning Act*, the PPS, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the Zoning By-law that implements this Plan.

Common Acronyms:

Acronym	Meaning
PPS	Provincial Policy Statement
NOGP	Northern Ontario Growth Plan
Plan	Official Plan
CIP	Community Improvement Plan
SPCA	Site Plan Control Agreement
DTSSAB	District of Timiskaming Social Services Administrative Board
THU	Timiskaming Health Unit
MOE	Ministry of the Environment
MNDM	Ministry of Northern Development and Mines
MAH	Ministry of Municipal Affairs and Housing
MTO	Ministry of Transportation
MNR	Ministry of Natural Resources

9. SCHEDULES

DISCLAIMER: The Town of Kirkland Lake shall not be held liable for any errors in the GIS data and schedules attached. This includes errors, omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Some information used for these data may have been collected at different scales, times or definitions, resulting in inconsistencies among features represented together on this map.