

OFFICIAL PLAN

of the

TOWNSHIP OF ATHENS

Adopted by Council on October 3, 2022

Approved by the United Counties of Leeds & Grenville Council on _____, 2022

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TOWNSHIP OF ATHENS**

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SECTION 1 INTRODUCTION

1.1 PLANNING ACT CONTEXT

1. Pursuant to Section 17 of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, Council is charged with responsibility for preparing and adopting an Official Plan for the Township of Athens. Pursuant to Section 26 of the *Planning Act*, Council is also required to review and update its Official Plan not less than once every ten years when a new Official Plan has been prepared. This Official Plan has been prepared to constitute a new Official Plan, although many of the development policies of the Township's previous Official Plan are carried forward in this new Plan. It is noted that Council may review this Plan prior to the ten-year review at its discretion.
2. Pursuant to Section 26 of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, Council shall adopt an implementing Zoning By-law no later than three years after the approval of the Official Plan. Such Zoning By-law shall be adopted no later than three years after any new Plan or comprehensive update to this Plan that comes into effect.
3. The *Planning Act* also provides that, where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan, with certain exceptions as provided by Section 24 of the *Planning Act*. This Plan will guide Council in its future decision making pursuant to this requirement.
4. In exercising its planning authority, Council shall address matters of Provincial Interest set out in Section 2 of the *Planning Act*. From a policy perspective, this Plan contains policies which are intended to be consistent with Provincial planning interest as expressed in the 2020 Provincial Policy Statement issued under the authority of the *Planning Act*. Where any term used in this Plan is meant to address matters of provincial interest, the definition in the 2020 Provincial Policy Statement shall be consulted.
5. The *Planning Act* also provides that an Official Plan of a lower-tier municipality shall conform to the Official Plan for any upper-tier Municipality. This Plan contains policies which are intended to conform to the policies of the Official Plan for the United Counties of Leeds & Grenville, which received Ministry of Municipal Affairs approval in 2016. The reader is also encouraged to have regard to the United Counties' Official Plan.
6. Section 17 of the *Planning Act* sets out required processes and procedures for amendments to Official Plans. Council shall be guided by these requirements in dealing with applications for Official Plan amendments from the public, as well as those amendments initiated by Council.

1.2 INTRODUCTORY STATEMENTS

1.2.1 Title and Components

1. This Plan shall be known as the:

Official Plan of the Township of Athens.

2. The Plan consists of six Sections and two Schedules:

Section 1	Introduction
Section 2	General Development Policies
Section 3	Land Use Policies
Section 4	Transportation
Section 5	Implementation and Administration
Section 6	Interpretation
Schedule	A
Schedule	B

3. Section 1 is intended to be informative in nature and primarily describes the context, general purpose and objectives of the Plan.

Section 2 sets out various general policies which apply to all new development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies in Section 2 relate to considerations that must be addressed when undertaking development or site alteration due to the existence of various features, constraints, existing uses or land use designations, both on-site and on adjacent lands.

Section 3 contains policies for various land uses that are specific to the land use designations shown on Schedule A.

Section 4 deals with transportation-related policies.

Section 5 sets out policies for the implementation and administration of the Plan. Among other matters, the section sets out the policies applicable to the division of land.

Section 6 provides guidance with respect to the interpretation of the Plan.

Schedule A sets out the land use designations and road status.

Schedule B is a map that identifies various development opportunities and constraints throughout the Township that should be considered in the planning process.

It is noted that lands in abutting municipalities near the municipal boundary may also contain various features and development constraints that should be considered in the planning process. Accordingly, the reader is advised that when reviewing lands for the

presence of development constraints, it may be necessary to screen for relevant features and development constraints on nearby lands in neighbouring municipalities.

Appendices which are used by the Township for screening purposes in relation to planning applications are attached to this Plan. These Appendices are provided solely for ease of reference and do not form part of the Plan.

1.2.2 Application

This Official Plan applies to the entirety of the Township of Athens. This Official Plan replaces the Township of Athens 2010 Official Plan and constitutes a new plan.

1.2.3 Intent

1. This Plan is intended to support several broad land use planning goals aimed at supporting and enhancing the quality of life for those who live and work in, or visit, the Township of Athens. These goals include:
 1. To continue to wisely manage change and accommodate a modest quantity of growth and development in an efficient manner in response to anticipated needs, having regard to economic, social, cultural, environmental and other considerations;
 2. To preserve and enhance the natural and cultural heritage resources of the Township, and minimize development-related impacts in recognition of the long-term environmental, economic and other values of these resources;
 3. To take a proactive approach to potential health, safety and property damage concerns through either directing development away from areas associated with risks and/or requiring appropriate measures to reduce or eliminate risks;
 4. While pursuing the foregoing goals, the Township seeks to:
 1. Focus growth and development to the Township's two Settlement Areas;
 2. Maintain and preserve the Township's character as a scenic rural community, complemented by two historic villages, several popular and long-standing water-oriented recreational residential development areas, and a historic agricultural community;
 3. Foster environmentally-sustainable opportunities to live, work and visit in the Township;
 4. Ensure the continued financial health of the Township through responsible land use and other public policy decisions.

2. The Official Plan is intended to be of use to both private and public interests. Through the Plan, private interests will have a clearer understanding of Council's policies for future development and, hence, be able to plan accordingly. Public interests will benefit by possessing a documented policy framework by which to prepare comprehensive Zoning By-laws and other tools of implementation, make planning and land use decisions, as well as identify and program the delivery of needed services and facilities in a cost-effective way.

1.2.4 Scope

The Official Plan is a legal document but does not, by itself, control or regulate the development of land by private interests. Rather, detailed control and regulation is accomplished primarily through various implementation tools such as comprehensive Zoning By-laws and Site Plan Control By-laws.

The Official Plan contains policies which are intended to guide public and private interests in such a way as to ensure the best form of development under the most desirable conditions. In addition, the Official Plan sets out guidelines for the preparation of municipal regulations which implement the Plan, establishes policies to govern both the division and development of land, and finally, identifies public actions which need to be taken to support community development.

1.2.5 Planning Period

This Official Plan is intended to guide the future development of the Township to the year 2031. The reader is cautioned, however, that the Plan has been prepared on the basis of existing conditions and information available at the time of the Plan's preparation. An Official Plan should be viewed as a work in progress, and it is intended that as conditions change, as new information becomes available, and as the understanding of issues and priorities changes, there will be a need to review various policies from time to time. Pursuant to Section 26 of the *Planning Act*, Council intends to review this Plan not less than once every ten years to determine the need to update the Plan but acknowledges that a review of the Plan can also occur earlier at its discretion.

1.3 BASIS AND OBJECTIVES

1.3.1 General

The Township of Athens is a lower-tier Municipality within the United Counties of Leeds and Grenville. The United Counties' first Official Plan was adopted in July 2015 and approved by the Ministry of Municipal Affairs with modifications in February 2016. While the intent of this Official Plan is to conform to the policies of the upper-tier United Counties' Official Plan, the reader is cautioned that there may be a need to also refer to the Counties' Official Plan.

This Official Plan builds upon the Township's first Official Plan that was adopted by Council in 2010. The 2010 Official Plan was prepared with input and guidance by an Official Plan Steering Committee that was comprised of Council and community representatives.

The policies set out in this Official Plan have been determined by historical development patterns, existing circumstances, and present trends, as well as certain fundamental principles that have been identified in the preparation of the 2010 Official Plan. Although the philosophy and locally-oriented policy directions of the Township's Plan continue to be regarded as relevant by Council, this Plan has been prepared to ensure that current Provincial and Counties interests are addressed and that growth-dependent planning policies remain appropriate.

1.3.2 Basis of the Plan

The Township of Athens is a rural municipality located in the geographic centre of Leeds County. The Township is bounded by the Townships of Elizabethtown-Kitley to the north and east, by the Township of Leeds and the Thousand Islands to the west and south, by the Township of Front of Yonge to the south, and by the Township of Rideau Lakes to the west. The closest serviced urban area is the City of Brockville, which is located approximately 25 kilometres to the southeast along County Road 29. Smiths Falls is located approximately 35 kilometres to the north, and much like Brockville, also provides urban amenities to the Township of Athens. Relatively small in terms of both population and land area in comparison to many other municipalities in the United Counties of Leeds and Grenville, the Township has a land area of approximately 127 square kilometres.

The Township's rural character is marked by two notable villages with a long history. The village of Athens was incorporated in 1890 and was then known as Farmersville. Today, its rich history is documented through the various historic homes and churches located in both the village of Athens and the rural landscapes surrounding the village. Well known for its hand painted murals that adorn the sides of buildings throughout the village and which provide background into the village's history, people and events, the Township hosts a number of annual events to commemorate and celebrate its rich history. As a focal point of the community, and located in the geographic heart of the Township, the village of Athens is home to approximately one-third of the Township's total population and is where the municipal office, as well as various urban-style amenities, are located.

Charleston Lake has historically been a recreational area dating back to the 1800s, providing a popular recreation destination for a variety of outdoor enthusiasts. The village of Charleston is situated on the north shore of Charleston Lake and is an important destination for visitors to the area, as well as the only hamlet in the Township that is situated on Charleston Lake. Although small in size, the village provides an important and vital role for cottagers, visitors to Charleston Lake Provincial Park, and to the travelling public.

On a basis consistent with the United Counties of Leeds and Grenville's Official Plan, this Plan intends to focus growth within the Township to the traditional rural settlement areas

of Athens and Charleston. The policies of this Plan are designed to support this initiative, although it is recognized that increased concerns with the sustainability of development on private services for reasons related to ground and surface water quality, findings from the 1983 Ministry of the Environment-sponsored Report on *Private Sewage and Water Services - Village of Athens*, the 2001 United Counties of Leeds and Grenville *Groundwater Management Study* and Provincial policy direction on servicing issues could have a profound effect on the form and extent of development within these rural settlement areas. Growth opportunities within the village of Athens are limited as a result of the Township's firm commitment to ensuring that ground water quality problems are not exacerbated by new development. Similarly, the village of Charleston is limited in terms of growth opportunities by surface water issues, as the village abuts the shoreline of Charleston Lake, which is a highly sensitive cold water (lake trout) lake.

Despite the influences of these considerations on more intense forms of development within historical settlements which may impact public health and safety, this Plan must provide sufficient development lands to meet current and future demands for continued growth. Within the settlement area boundaries of Athens, a vacant land supply of approximately 31 hectares has the potential residential land supply of 100 lots, which represents a 15-year supply of lands designated for residential use. This Plan intends that 60% or more of residential lot creation will occur within designated settlement areas and that less than 40% occur within the rural area. The majority of future growth is likely to be focused on vacant lands located within the settlement area boundaries of the village of Athens, rather than through intensification and infill development within its historical limits. It is anticipated, however, that it may be necessary to amend this Plan during the planning horizon for the purpose of further expanding settlement areas. This will depend upon the nature and extent of development activity in the coming years.

It is also recognized that the traditional rural areas of the Township contribute to the unique character and landscape of the Township and enhance the quality of life of its residents and provide opportunities to accommodate limited residential development and lot creation that is locally appropriate. By leveraging rural assets and amenities and protecting the environment, the rural area provides a foundation for a sustainable local economy. Although the Township has a long history of agriculture, today agriculture is not a significant source of employment.

Charleston Lake Provincial Park was established in 1975 as part of the provincial park system of Ontario. Although almost all of the Provincial Park is within the Township of Leeds and the Thousand Islands, Charleston Lake Provincial Park is an important resource to both Municipalities.

In recognition of the importance of Charleston Lake, the Charleston Lake Association, in association with the Charleston Lake Environmental Association, prepared the first ever Charleston Lake Plan, which documents a commitment to preserving Charleston Lake for generations to come. This Official Plan recognizes that the Charleston Lake Plan is a critical component towards maintaining this valuable natural resource. This Plan also acknowledges that there is a shared interest between the Township of Athens and the

Township of Leeds and the Thousand Island in protecting Charleston Lake as an important natural and cultural resource. While Charleston Lake is notably the most significant lake in the Township, Graham Lake, Temperance Lake and Centre Lake also provide important recreational opportunities to residents and visitors to the Township.

The Thousand Islands – Frontenac Arch Biosphere Reserve was designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2002. While not entirely located within the Biosphere Reserve, the Township supports the philosophy that this internationally-recognized area, as well as the Township as a whole, is an ecosystem in which promoting and demonstrating a balanced relationship between people and nature is an important goal.

Athens is essentially composed of three distinct population groupings. The largest group exists as a predominantly rural and widely-dispersed small-scale agricultural community, with longstanding, historical connections to the Township. The second group is a residential commuter population which makes its home on rural lots or at crossroads that once served as settlement areas, or on quasi-urban lots within the village of Athens. A number of this population work in Smiths Falls and Brockville or at other places of employment near the St. Lawrence Seaway. The third readily-identifiable group of ratepayers are recreational property owners, the bulk of whom own either seasonally-occupied cottages or year-round dwellings on one of the several lakes in the southern portion of the Township.

The basis of this Plan is to continue to maintain the rural character, scenic qualities and rich natural and cultural heritage amenities of the Township while providing a modest amount of additional housing and employment generation opportunities. By building on the Township's existing tourism and recreation base, the Township aims to foster and strengthen the economic vitality of the two settlement areas, as well as foster opportunities throughout the rural areas of the Township. This includes creating and promoting opportunities for home-based businesses, bed and breakfast establishments, as well as small-scale rurally-oriented commercial uses to serve residents and visitors to the Township.

Some observations and considerations in the development of policies to support the foregoing directions follow:

1. Little population growth is anticipated during the coming years. By the end of this Official Plan's planning period in 2031, the Township's population is predicted to be approximately 3,240 permanent residents in accordance with growth allocation set out in the Counties' Official Plan. The 2021 census indicates the Township has a population of 3,042 residents. Population, demographic and household size in recent census information has experienced some decline. It is however, recognized that numerous variables outside the Municipality's control can influence population and household growth. Some of these are dependent on policies and trends in other jurisdictions that could have a significant impact on land use needs and requirements as set out in the Plan. These factors shall be considered when evaluating the need to

- revise the Plan, pursuant to the five and up to ten-year review requirements of the of the *Planning Act*.
2. Residential development activity has remained both stable and modest in amount over the past decade. The net increase in new dwellings is anticipated to continue to average slightly around five dwellings per year, while lot creation will continue to average approximately three lots per year.
 3. The Township of Athens has historically exhibited no indication of significant development pressures emanating from urban areas such as Smiths Falls or Brockville that might require the imposition of growth management policies. Despite its relative proximity to these urban areas, there has been little apparent development interest or activity in the Municipality. The bulk of the limited development that has occurred has been concentrated in the villages of Athens and Charleston or has been recreational in nature and focussed on water bodies. The extent of new development within the rural area has been exceedingly modest, however it is anticipated that through the planning period of this Official Plan, the Township will continue to experience increased pressure for redevelopment of existing properties along water bodies as populations and workforce trends change.
 4. The historical role of the village of Athens as a residential community that provides local services to the largely rural municipality will be supported and encouraged, while recognizing that Brockville, and to a lesser extent, Smiths Falls will continue in their present role as the major providers of goods, services, and employment opportunities. Due to its central location and historical role, it is anticipated that the village of Athens will continue to serve as an important local social, cultural, and economic focal point for the community.
 5. The Township will seek to create opportunities within the municipality for its residents, and more particularly its youth.
 6. The Township has limited commercial or industrial enterprises within its borders, however, recognizes the importance of economic activities in terms of contributions to the tax base and providing local employment opportunities. Although cognizant of the need to maintain the aesthetic and environmental quality of the municipality for the enjoyment of residents and visitors alike, the Township seeks to balance this with a need to assure its continued economic viability.
 7. Land and resource-based economic activities such as agriculture and mineral or mineral aggregate extraction remain important to the Township, despite the combination of limited natural resources, historical development patterns and other factors. Major resource-based industries such as existing mineral aggregate operations in the north end of the Township are likely to continue to be important economic and employment generators for many years to come.

1.3.3 Vision Statement

During the preparation of the 2010 Official Plan, a visioning exercise was undertaken by the Official Plan Steering Committee. The following vision statement was developed, and Council acknowledges its relevance and validity over the course of this Plan:

The Township is a delightful blend of rural, farm, lake, and village environments. Growing through the unified efforts of its residents, businesses, community organizations and governing bodies, the Township of Athens will place emphasis on sustainable growth, development, and preservation of its natural and heritage resources. It will continue to be a community which fosters the development of initiatives to promote itself as an environmentally, fiscally, and socially responsible municipality.

1.3.4 Objectives of the Plan

The objectives set forth in this Plan have been developed to support and foster the achievement of the Township's Vision Statement. The objectives have evolved from the historical development and character of the Township's natural, economic, social, and cultural environments, as well as reflect Council's and the community's vision for the Township's development in the coming years. The following objectives shall be used to guide Council in decision-making.

1.3.4.1 General

1. To preserve and enhance the rural character and natural beauty of the Township through regulating the nature and form of new development and encouraging it to locate in designated Settlement Areas, wherever feasible and appropriate.
2. To provide the residents of the Township with a healthy community for an improved quality of life.
3. To protect existing land uses from the impacts of incompatible development and to ensure that new or expanding uses are well integrated into existing developed areas.
4. To establish detailed land use policies to be used as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with some objectives but in conflict with others.
5. To promote development patterns in settlement areas that efficiently use land, resources, infrastructure, and public service facilities, through compact urban forms, a mix of land uses, and appropriate densities.
6. To conduct planning with an open process, producing policies which are fair in their distribution of benefits and influences.

1.3.4.2 Economic

1. To strengthen the role of the village of Athens as a local commercial, residential, social, and cultural centre for the Township, and, further, to enhance its function in providing services and facilities that cater to local residents, travellers and tourists.
2. To support home-based businesses and home industries, general industry, tourism, and desirability of the Township as a place to live, work and visit, including promoting the development of good quality wired and wireless voice and data communications throughout the Township.
3. To encourage steady, diversified, and balanced economic growth that strengthens the non-residential component of the assessment base and provides a range of employment opportunities in order that young people will choose to stay in the Township or return to it after pursuing educational opportunities in larger urban centres.
4. To ensure that land use designations and related policies foster economic growth and diversification, including opportunities for home- and tourism-based businesses.
5. To support both existing local businesses, including agri-tourism and agricultural-related uses, in recognition of their role in providing employment opportunities and locally available goods and services.
6. To encourage both traditional and non-traditional agricultural businesses through protecting farmland as well as the farmer's right to develop the land.

1.3.4.3 Energy

1. To promote energy efficient development and foster the implementation of alternative and renewable energy sources in a manner that will be compatible with adjacent and surrounding land uses.
2. To promote environmentally-sound development and energy conservation practices through the planning and development approval processes that has regard for improving air quality and reducing greenhouse gas emissions. To this regard, the Township supports preparing for the impacts of a changing climate.

1.3.4.4 Housing

1. To encourage, within the constraints imposed by reliance on private individual sewage and water services, the provision of an adequate supply and range of affordable and market-based housing options and supporting amenities to satisfy the needs of existing and future residents.

2. To support the maintenance and enhancement of services related to older persons and those with special needs.
3. To provide an appropriate range of opportunities for living in designated settlement areas as well as, to a lesser extent, the rural area. In this regard, residential opportunities will be provided in an environmentally-sustainable manner and on a basis consistent with the philosophy that this Plan should designate sufficient lands within settlement areas such that a minimum of 60% of the lots created for residential development anticipated over the next twenty years should occur within settlement areas as opposed to rural areas.
4. To preserve the historical sense of community in the settlement areas, the rural area and the Township as a whole.
5. To encourage, within the constraints imposed by reliance on private individual sewage and water services, and opportunities presented by newer technologies, the provision of an adequate supply and range of housing options and supporting amenities to satisfy the needs of existing and future residents and provide support for affordable housing, including those with special needs.

1.3.4.5 Natural and Cultural Heritage

1. To provide for the protection of Charleston Lake, one of the Municipality's most precious resources and one of only a few cold water (lake trout) lakes in eastern Ontario.
2. To provide for the wise use and protection of natural resources, such as agricultural lands, wooded areas, ground, and surface water and mineral resources.
3. To identify and protect environmentally-sensitive areas and to ensure that development is compatible with such areas.
4. To protect significant natural heritage features such as wetlands, habitat of endangered and threatened species, significant woodlands, significant valleylands, significant wildlife habitat, natural corridors and Areas of Natural and Scientific Interest from development-related impacts.
5. To conserve and protect cultural heritage resources, including historic areas, buildings, sites, landmarks, landscapes and archaeological sites.
6. To ensure that significant cultural heritage resources are managed in a manner which protects their functional use while maintaining their heritage value, integrity, and benefit to the community.

1.3.4.6 Natural and Human-made Hazards

1. To minimize risks to persons and property arising from natural hazards such as flooding, organic soils, steep or unstable slopes and wildland fires.
2. To ensure that, in reviewing development proposals, potential impacts of climate change that may increase the risk associated with development near natural hazards are considered.
3. To ensure that, in reviewing development proposals, adequate attention is paid to human-made hazards such as contaminated sites or abandoned mine sites, and that remediation of such sites is undertaken, in accordance with Provincial regulations.

1.3.4.7 Municipal Services

1. To work towards the long-term development of viable water and/or sewage servicing options for the village of Athens.
2. To promote a safe, efficient, and well-maintained road and sidewalk network, including the provision of facilities to accommodate cyclists, where appropriate.
3. To work cooperatively with other public and private bodies, in developing and maintaining sufficient parkland, open space, recreational trails and community facilities to meet the needs of various age and socio-economic groups.
4. To provide municipal services at a level consistent with the expectations of Township residents and the capacity of the Township to provide such services.
5. To ensure the continued sound financial and administrative management of the Township.

SECTION 2 GENERAL DEVELOPMENT POLICIES

2.1 INTRODUCTION

The policies of this section deal with development considerations that are generally applicable to various land uses within the Township and should be read in conjunction with the specific land use policies contained in the **Land Use Policies** section of this Plan.

2.2 ECONOMIC POLICY

2.2.1 Economic Development

Residential assessment makes up approximately 86% of the Municipality's tax base. Commercial/industrial assessment represents approximately 4% of the assessment, while the balance is composed of governmental grants in lieu of taxes and farm taxation. Due to the limited extent of commercial or industrial activity within Athens, the importance of economic enterprises in terms of contributions to the tax base, providing local employment and enhancing the tourism and recreational sectors of the economy is readily understood. This Plan contains policies that support economic development based on the encouragement of increased support to its existing commercial, industrial, tourism and recreation base. This Plan also encourages opportunities to support local food production and promote the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts, and supporting on-farm diversified uses.

While cognizant of the need to maintain the pastoral and historic local landscapes for the enjoyment of residents and visitors alike, the Township seeks to assure its continued economic viability and augment opportunities for its residents – and particularly its youth – to continue to make the Township their home. This Plan also includes the provision of a supportive policy environment for businesses that have their genesis in dwellings. These economic enterprises include home-based businesses, home industries as well as bed and breakfast establishments. The Plan supports arts and cultural groups to identify and encourage the use of public space for events and festivals, where appropriate to support economic development through tourism. Furthermore, this Plan also encourages opportunities to facilitate economic investment readiness through the creation of strategies to support business development, identifying potential employment sites and addressing potential barriers of businesses investing within the Township.

2.2.2 Municipal Fiscal Responsibility

Council regards itself as historically having exhibited a balanced posture towards development – balancing growth with the environment and the financial ability of the Township to provide services to support that growth. This philosophical direction is continued under this Plan. When considering proposed development including municipal works – and particularly when considering development applications for new residential

development - the Township will bear in mind the financial position of the Municipality. If required, Council may deem applications for further residential development as premature until such time as it is satisfied that it has the financial resources to continue to supply needed municipal services and community facilities. Where Council has concerns in this regard, it may request the proponents of proposed developments to undertake studies which examine these issues to Council's satisfaction. The Township may consult the 2016 Asset Management Plan and any Township Capital Plans.

From time to time, in consultation with the appropriate agencies, Council shall review any increase in municipal costs which is associated with the provision of services and which is attributed to development activity. The results of these reviews shall serve, in part, as the basis for Council's decisions and recommendations regarding the approval of development proposals. Where appropriate, Council may impose such conditions as it regards necessary to minimize or eliminate such costs, including the adoption of a Development Charges By-law, pursuant to the provisions of the *Development Charges Act* and a Community Benefits Charges By-law, pursuant to the provisions of the *Planning Act*. Council may also support and establish a community improvement program to support economic development within the Township.

2.3 ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE POLICY

1. This Plan supports and encourages alternative and renewable energy systems through both public or private initiatives to accommodate current and projected needs. The use of alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements and are compatible with surrounding land uses.
2. In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as building design or orientation, lot orientation and the use of vegetation. The Township shall also promote and encourage designs that accommodate active transportation as an alternative to automobile use.
3. The Township supports energy conservation and efficiency, improved air quality, reduced greenhouse gases, and preparing for the impacts of a changing climate when reviewing planning applications and preparing for municipal infrastructure projects.
4. Council will promote compact urban forms and a mix of land uses, where appropriate, and the use of active transportation.
5. The Township will consider LEED (Leadership in Energy and Environmental Design) certification for all new municipal buildings and for major renovations/expansions to existing municipal buildings. The Township also encourages private individuals to consider LEED certification for new buildings and renovation projects.

6. The Township will promote approaches to low impact development for stormwater management systems when considering development and redevelopment proposals.
7. In reviewing planning applications, the Township will consider the potential impacts of a changing climate that may increase the risk associated with development near natural hazards.
8. The Township will promote the protection and enhancement of tree canopies and natural areas in recognition of the benefits that trees promote in relation to energy consumption, air quality improvements, and efforts towards managing climate change.

2.4 HOUSING POLICY

1. Policies have been included in this Plan to ensure that:
 1. There is at least a fifteen-year supply of land designated and available for future residential development in accordance with Provincial policy.
 2. A variety of housing options, including additional residential units, market-based and affordable housing, are accommodated to meet the social, health, economic and well-being needs of present and future residents. Housing options includes housing for those that require special needs, housing for persons with physical, sensory or mental health disabilities, housing for older persons, and housing to meet the needs arising from demographic changes and employment opportunities subject to the limitations imposed by servicing and environmental considerations.
 3. Priority is given to the provisions of new housing that provides a range and choice of housing, as well as housing intensification and redevelopment, where feasible, in the more built-up areas of the Township including designated Settlement Areas. While there are significant existing servicing-related constraints to intensification and infilling within the existing built-up portions of the villages of Athens and Charleston, the Township will encourage new non-recreational residential development to occur on vacant or underdeveloped lands designated as Settlement Area rather than to those lands designated Rural. In this regard, the Township shall strive towards achieving a minimum target of 20% of the dwelling unit growth in Settlement Areas to be in the form of intensification, redevelopment and infilling.
 4. The Township intends to review the comprehensive Zoning By-law to implement the housing policies referred to above. The Township shall ensure that the Zoning By-law does not require standards which preclude the development of affordable housing, especially as it relates to dwelling and lot sizes.
 5. The Township intends to monitor the residential land supply and the type and density of housing approved and constructed pursuant to this Plan. Particular

regard shall be had to the distribution of development between designated Settlement Areas and the Rural areas.

6. The Township recognizes it is unable to accommodate all forms of residential development and that some multiple-unit and higher density forms of housing may be better suited to urban, municipally-serviced municipalities situated within the regional market area.
7. The Township will endeavour to achieve an overall minimum affordable housing target of 25% for all new residential development. It is recognized that the target may not be achievable on a yearly basis; therefore, a five-year average shall be used to evaluate the Township's success in meeting its affordable housing objective. The Township encourages the development of a full range and mix of housing options to meet affordability targets.
8. The Township will implement the Counties' Housing and Homelessness Plan.
9. The Township may consider alternative design standards in the development of new subdivisions.
10. The Township may use incentives such as grants or loans through community improvement plans or other tools permitted by the *Planning Act* or *Municipal Act* such as inclusionary zoning in order to achieve the affordable housing policies in this Plan.
11. The Township may consider undertaking a detailed housing strategy, in consultation with the Counties and community groups, to outline opportunities to increase the supply of affordable housing within the Township.

2.5 EDUCATIONAL FACILITIES

It is the intention of the Township to work closely with the relevant school boards to protect and retain existing educational facilities, determine the need and location for future educational facilities, and integrate educational facilities with the Township's other community facilities and services. Where development applications could significantly affect present or future educational facilities, the school boards will be consulted. Council supports and encourages partnership opportunities with local community groups and the school boards to provide additional programs and activities to Township residents within educational facilities.

2.6 COMMUNITY IMPROVEMENT

1. It is Council's goal to maintain, rehabilitate and upgrade the physical environment in order to enhance the Township as an attractive place in which to live and work, as well as visit as a tourist or business traveler.

2. In order to achieve this goal, it is Council's intention to implement a program of community improvements through the preparation and adoption of a Community Improvement Plan, as defined in the *Planning Act*, which will fulfill the following objectives.
 1. Throughout the Township, to foster improvements by:
 1. Establishing and maintaining the physical infrastructure which is necessary and appropriate for the various areas and land uses, including storm drainage, roads, lighting, community facilities, etc. In relation to roadway and parking lot lighting, this may include 'dark skies' lighting initiatives on both public and private property in order to avoid light pollution and maintain the natural beauty of the Township's night sky;
 2. Encouraging property owners to take pride in the appearance of their own property and Township lands in general;
 3. Promoting the remediation of former industrial, commercial and institutional lands that are contaminated, and where feasible, the adaptive reuse of buildings located on these lands;
 4. Encouraging tree-planting initiatives for aesthetic, environmental, solar protection and other benefits;
 5. Fostering modifications to business premises and public spaces to remove barriers which may restrict their accessibility to persons with disabilities; and
 6. Ensuring that when undertaking community improvement projects that it does not unduly burden the financial capability of the Township.
 2. In the settlement areas, and in particular the village of Athens, to foster improvements by:
 1. Ensuring that new development occurs in an orderly manner and on a basis consistent with local needs and servicing capacity.
 2. Encouraging residential infilling and intensification as a means of providing a variety of housing options including affordable housing, subject to servicing constraints;
 3. Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation and repair of older dwellings;
 4. Maintaining and improving the social, cultural, religious, and recreational support base of the village and to ensure that it meets the

diverse needs of the community. Particular attention will be placed on the enhancement of services provided to the elderly and those with special needs, as well as the upgrading of facilities and programs for children;

5. Supporting and encouraging the preservation, rehabilitation and enhancement of the Township's cultural heritage resources including built heritage features;
6. Promoting the villages as places to live, work, shop and visit. In terms of economic development, the promotion of tourism opportunities, and to a lesser extent, light-industrial development will play significant roles. With respect to the latter, only low-volume water users shall be sought;
7. Devoting sufficient financial and other resources for the maintenance (and upgrading, where required) of existing services and facilities;
8. Seeking an adequate quantity and quality of physical infrastructure for the needs of the village. In this regard, particular emphasis shall be placed on the investigation of alternative water and sewage servicing options for the village of Athens; and
9. Supporting initiatives which provide new employment opportunities within the villages.

3. In residential areas of the village of Athens, to foster improvements by:

1. Supporting efforts to provide tourist accommodations within residential areas, provided that such accommodation is not disruptive to the residential ambience;
2. Encouraging the maintenance and upgrading of both the existing housing stock and associated residential properties;
3. Ensuring that nuisance factors within residential areas are kept to a minimum;
4. Attempting to increase the range and types and affordability of housing to meet the diverse needs of Athens' residents. Emphasis shall be placed on encouraging the provision of housing to meet the needs of the elderly, those with special needs and single persons; and
5. Attempting to improve the quality of services in residential areas, with specific attention to be placed on the sidewalk system to support active transportation.

4. In commercial areas of the village of Athens, to foster improvements by:

1. Endeavouring to improve the attractiveness of the business environment within the commercial core through undertaking various aesthetic and functional improvements to public property. Aesthetic improvements may include streetscaping efforts while functional improvements may relate to parking issues;
 2. Supporting and encouraging efforts by property owners and merchants within the commercial core to make aesthetic or functional improvements to their properties. These may include building façade renovations, on-site parking and loading modifications, and accessibility by the public; and
 3. Minimizing the negative impacts of commercial or industrial activities by ensuring compatibility with nearby and adjacent land uses.
3. This Plan designates the entire Township of Athens as a Community Improvement Policy Area.

Council will undertake various improvement programs throughout the Township, as financial resources permit and as local support of residents and the business community dictate.

4. Council may establish community improvement project areas, as local municipal resources allow and as government funding becomes available. Council recognizes that improvements will be undertaken gradually and that it will be necessary to select project areas on a priority basis. The following considerations shall be taken into account in determining high priority areas for community improvement:
1. The level of deterioration of municipal infrastructure;
 2. The function of the Settlement Areas in terms of serving local shopping, employment and social and cultural needs;
 3. The existing or potential significance of the Settlement Areas in relation to serving tourism-based economic development objectives.
5. In order to achieve the objectives for community improvement, Council intends to use a variety of implementation techniques and to choose the appropriate technique(s) for each improvement initiative. Such techniques may include, but are not limited to, the following:
1. Preparation and adoption of community improvement plans;
 2. Designation of community improvement project areas by by-law;
 3. Application to the appropriate government agencies for funds to support the Township's programs;

4. Municipal acquisition of land within the community improvement project area(s) and the clearing, grading or preparing of the land for community improvement;
5. Enforcement of by-laws dealing with property maintenance and enforcing the Township's policies for property maintenance and occupancy;
6. Preparation and adoption of an appropriate comprehensive Zoning By-law;
7. Encouraging private sector rehabilitation by providing residents and the business community with information on available government subsidies and programs;
8. Utilization of financial tools to encourage the remediation of contaminated former industrial, commercial and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act, S.O., 2001*;
9. Providing the framework for more flexible planning decisions by establishing zoning regulations which encourage both residential and commercial infill and a broad range of land uses within settlement areas; and
10. Designation of buildings or sites under the *Ontario Heritage Act*.

2.7 ACCESSORY USES

2.7.1 General

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory, or essential to that use shall also be permitted. The comprehensive Zoning By-law that implements this Plan shall provide zone standards applicable to the location and use of accessory structures.

Certain structures, such as docks, boathouses and other marine structures are only permitted subject to permit requirements of approval authorities such as the Department of Fisheries and Oceans Canada, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the relevant Conservation Authority. Such accessory structures shall be designed and located in a manner which addresses the provisions of the **Natural Heritage Features and System** and **Natural Hazards Features** sections of this Plan, as well as matters such as non-interference with navigation, fish and wildlife habitat, the natural flow of the water, potential damage from water levels and ice, narrow water body constraints, access from land and water and privacy impacts. Where structures extend beyond the high-water mark so that they are located partly or entirely in the beds of water bodies, they shall be constructed and maintained in accordance with the regulations and conditions of the Federal or Provincial authority having jurisdiction.

No boathouse or other marine structure shall contain a dwelling unit or any facilities for human habitation.

Where a non-residential use is permitted as a principal use by the implementing Zoning By-law, permitted accessory uses may include a dwelling which is accessory to such non-residential use, except where incompatible for reasons of public health, public safety or environmental impact.

In addition to the generality of the foregoing, the following specific policies shall apply to uses which are accessory to a principal residential use.

2.7.2 Home-Based Businesses and Home Industries

Home-based businesses and home industries are small-scale economic activities conducted on the site of a residential dwelling by the occupants. It is recognized that home-based businesses and home-based industries including on farm diversified uses are significant economic generators that play an important function in the provision of local employment opportunities to Township residents. It is a policy of this Plan to encourage and support home-based business ventures. This shall include the promotion of voice and data communications throughout the Township to improve service and to foster economic development activity.

It is the policy of this Plan to permit home-based businesses and home industries wherever residential uses are permitted. The type and scale of home-based businesses shall be appropriately regulated in the implementing Zoning By-law to ensure that such uses are clearly ancillary to the main residential use, do not detract from the residential character of the property on which they are located and are compatible with surrounding uses. To this end, the implementing Zoning By-law may restrict various types of home-based businesses such that in certain areas they shall be conducted entirely within the dwelling and only those uses with which there is no associated noise, odour, smoke, significant outdoor display or other potential nuisances shall be permitted. The implementing Zoning By-law may also permit a portion of an accessory structure to a residential use to be used for a home-based business or home industry use provided the residential use is located outside of a Settlement Area. Traffic, parking, heavy vehicle storage and operation and road access may also be regulated, having particular regard to potential impacts on adjacent residential uses.

Private home daycare facilities shall be permitted as a home-based business and will be appropriately regulated in the Zoning By-law.

2.7.3 Bed and Breakfast Establishments

Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's dwelling. Bed and breakfasts are an important component of the Township's tourism strategy and are consistent with a low-key, "small-is-beautiful" approach to tourism. This approach emphasizes development that is compatible with, and complementary to, the picturesque landscapes and other natural and cultural heritage resources found throughout the Township.

A bed and breakfast establishment shall generally be permitted in land use designations that permit single-detached dwellings, provided that the physical character of such dwellings is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use as distinct from a rooming or boarding house and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single-detached dwelling.

2.7.4 Short Term Rental Accommodations

Council recognizes that short term rental accommodations within residential dwellings provide an alternative form of commercial accommodations in addition to traditional motels, hotels and bed and breakfast establishments. Short term rentals contribute to tourism opportunities within the Township, as such, these uses are permitted where residential uses are permitted. The implementing Zoning By-law may include provisions which address public health and safety, noise, parking and buffering provisions to control short term rental uses within the Township. Similarly, the Township may consider other tools under the *Municipal Act* in addition to zoning such as a Licensing By-law, to implement and regulate short term rental accommodations throughout the Township.

2.8 SPECIAL RESIDENTIAL USES

2.8.1 Additional Residential Units

Additional residential units are self-contained dwelling units that are subordinate to an existing dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. Additional residential units are an efficient and cost-effective means of increasing the supply of housing both through housing choice and providing affordable housing.

One additional residential unit shall be permitted within a single dwelling, semi-detached dwelling, or townhouse (rowhouse) dwelling. In addition, one additional residential unit shall also be permitted in a detached accessory building to a single dwelling, semi-detached dwelling, or townhouse (rowhouse) dwelling. Additional residential units are not permitted on private roads or within 300m of Charleston Lake.

Standards may be established in the Zoning By-law to govern compatibility with both the principal dwelling and with surrounding land uses, the provision of servicing requirements as well as provisions to ensure a secondary relationship to the main dwelling. Additional residential units shall share the same water and sanitary sewage services with the principal dwelling. Where an additional residential unit is legally established, such residential unit shall not be permitted to be severed through a consent application from the property containing the principal dwelling.

The Township may require that the additional residential units be registered with the Building Department.

2.8.2 Garden Suites

Garden suites are detached single dwellings that are designed to be portable, temporary in nature and ancillary to a principal residential dwelling. This Plan shall allow the establishment of a garden suite on any lot upon which a single-detached dwelling is a permitted use, subject to the adoption of a site-specific temporary use Zoning By-law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By-law amendment, the Township shall consider whether or not the increased intensity of use that would result from the garden suite can be adequately addressed in the proposal. In this regard, the applicant shall be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

Garden suites are not permitted in relation to a residential use where access to the property is provided by a private road.

It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for whom it was originally erected. Pursuant to the provisions of the *Municipal Act*, an agreement between the owner of the lands and the Township may be used to address this and other matters.

2.8.3 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The group home shall typically be licensed or approved under Provincial Statute and shall be in compliance with Municipal by-laws, if any. The following policies shall apply to the establishment of group homes.

1. Group homes shall be permitted in all land use designations which permit residential uses. Group homes shall be permitted in single-detached, semi-detached dwellings or duplex dwellings and the total number of residents does not exceed ten (10).
2. No person shall operate, or permit to operate, a group home without registering the group home with the Township Clerk in accordance with the Township of Athens' Group Home Registration By-law, if any.
3. Group homes existing on the date that the Zoning By-law comes into effect but which do not comply with the requirements of the By-law will be allowed to continue their operations but will not be permitted to expand unless such expansion complies with the provisions of the Zoning By-law.

2.9 PUBLIC AND INSTITUTIONAL USES

1. Except as provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons or property, electricity, roads, airports, railways, wired and wireless telephone, gas, cable, but excluding waste disposal, to the general public shall be permitted in all land use designations on Schedule A provided that:
 1. Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure that proposed sensitive land uses such as residences, day care centres and educational and health facilities satisfy the policies of the **Land Use Compatibility** section of this Plan;
 2. Such use shall not be permitted within the significant portions of the habitat of endangered or threatened species, except in accordance with provincial and federal requirements;
 3. Such use shall not be permitted within the Agricultural designation except where there is no reasonable alternative location either outside the designation or within the designation but on lands having a lower Canada Land Inventory soil capability rating;
 4. The construction of permanent buildings and structures shall be prohibited in any areas which are designated Natural Heritage A. The construction of permanent buildings and structures may be permitted within the Natural Heritage B designation subject to the provisions of the **Environmental Impact Assessments** section of this Plan;
 5. Development that includes institutional uses (including hospitals, long-term care homes, pre-schools, school nurseries, day cares and schools) or essential emergency services or the disposal or manufacture, treatment or storage of hazardous substances shall not be permitted in the Natural Hazard designation;
 6. The development of new communication towers should be undertaken in accordance with Innovation, Science and Economic Development Canada's *Radio Communication and Broadcasting Antenna Systems* protocol, or an alternative Township-initiated protocol;
 7. The general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;
 8. The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied;

9. Institutional uses shall be appropriately zoned in accordance with the Township's Zoning By-law;
10. Electricity generation facilities and transmission and distribution systems are permitted in all designations except the Natural Hazards designation, subject to any regulatory requirements for the utility involved. Electricity generation facilities and transmission and distribution systems will be permitted in all areas of the Township, including natural heritage areas, where it is clearly demonstrated through an environmental assessment process under the *Environmental Assessment Act*, including an environmental impact study, that it is the preferred location for the infrastructure.
2. Notwithstanding the power of Federal, Provincial and County agencies or local Boards as defined in the *Planning Act* to undertake public works by authority granted under other statutes, Council shall endeavour to ensure that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of the development in the area in which it is proposed.
3. Public and institutional uses shall be encouraged to locate within or near lands designated Settlement Area, except where the characteristics of such uses would clearly be incompatible with surrounding land uses.
4. Public and institutional uses are also encouraged to be co-located in community hubs to promote cost-effectiveness and facilitate the integration of services.
5. Public utilities shall be encouraged to place equipment in locations that do not detract from the visual character of cultural heritage resources or have a negative impact on the architectural integrity of those resources.
6. Corridors and rights-of-ways for infrastructure, including transportation and energy generation and distribution systems, shall be protected. Where development is proposed adjacent to major public facilities and utilities such as pipelines, railway and hydro or communications infrastructure, proponents shall be encouraged to undertake early consultation with the relevant operating authority to ensure compliance with applicable regulatory requirements.
7. Public lands, buildings or structures which are no longer required for their original purpose including schools, churches and community or public buildings may be converted or repurposed to a compatible alternative use subject to a Zoning By-law amendment, as necessary. Conversions are subject to policies of the underlying land use designation and policies of this Plan including **Land Use Compatibility** and may be subject to Site Plan Control.

2.10 PARKS, TRAILS AND RECREATIONAL FACILITIES

1. Parks, trails, bikeways, and recreational facilities shall generally be permitted in all land use designations as they provide many benefits to all residents of the Township. Notwithstanding the foregoing, only passive recreational uses shall be permitted in the Natural Heritage A, Natural Heritage B or Natural Hazard designation and, further, they shall be subject to all applicable policies and regulations.
2. Charleston Lake Provincial Park provides a vast array of recreational opportunities for outdoor enthusiasts on a year-round basis, including activities such as hiking, camping, boating, snowshoeing, cross-country skiing and fishing. Although most of the Park is located in the Township of Leeds and the Thousand Islands, the Township of Athens recognizes that the Park is an important economic generator, as well as a valuable physical, ecological and cultural resource to the area.
3. It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Municipality and to cooperate with other public, quasi-public and private agencies in the provision of parks, trails, bikeways and recreational facilities. The County Park, known as Sand Bay, is an example of a popular destination for day-visits to Charleston Lake.
4. The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the *Planning Act*. Where the opportunity exists, such parkland dedications shall be designed to optimize linkages to existing and planned public parks, trails, bikeways or other recreational facilities, as well as to provide for the conservation of significant cultural heritage resources. Where lands are dedicated to the Township for parkland purposes, the lands must be suitable for the intended use and be acceptable to the Township.
5. In the development of parks, trails and recreational facilities by the Township or other public agencies, adequate parking areas shall be provided and facilities shall be designed in accordance with Provincial Accessibility Standards to ensure facilities are accessible to persons of all ages and abilities.
6. The Township views the development of park and recreational trail systems as an important resource providing opportunities for active transportation, outdoor leisure and recreation, tourism and interpretation of the natural environment. The Township recognizes that these uses also contribute to a healthy community.
7. The Township may investigate the public acquisition of abandoned railway rights-of-way, or sections thereof, for alternate uses by the public. Acquisition of such lands will be based upon the availability of public monies.

8. The Township supports the provision of public access to water bodies, where appropriate by reason of need, location, accessibility, proposed amenities, and adjacent land uses.
9. In reviewing development applications for lands abutting or adjacent to parks, trails, bikeways and recreational facilities, the approval authority shall have regard to proposed land uses and their physical relationship. The Township shall encourage uses that are complementary and shall attempt to ensure that site layout and design is appropriate to the preservation and enhancement of the park, trail or recreational facility. The relevant Conservation Authority shall be consulted, as appropriate.
10. When developing, maintaining, and improving parks, trails and recreational facilities, consideration shall be given to the protection and enhancement of cultural heritage resources, and cultural heritage landscapes, including potential impacts on archaeological sites and areas of archaeological potential.
11. When providing new park, recreational facilities, programs, and upgrades thereto, Council shall consider the financial position of the Township.
12. Council may during the period of this Plan pursue a Parks Plan which assesses the Township's current parkland supply and lists long-term objectives, priorities, and strategies as well as a program for investment and improvements to the Township's parks, trails and recreational facilities.

2.11 CROWN AND CONSERVATION LANDS

1. Crown and conservation lands include lands under Federal, Provincial, or County jurisdiction and managed by agencies such as the Ministry of Northern Development, Mines, Natural Resources and Forestry, the Cataraqui Region or Rideau Valley Conservation Authority and the United Counties of Leeds and Grenville. The Limerick Forest is an example of consolidated tracts of reforested lands owned and managed by the United Counties of Leeds and Grenville. In addition, some conservation lands are owned and managed by private not-for-profit organizations. Crown and conservation lands are of major importance to the Township for their value as natural and cultural heritage resources. Recreational and tourist resources, such as the two boat launches in Charleston Village, the Sand Bay day use park and nearby Charleston Lake Provincial Park, generate significant economic spin-off benefits to the local and tourism economy.
2. Where a change to either the type or intensity of land use on crown or conservation lands is contemplated, consultation with the Township is encouraged. Similarly, where any consideration is given to the possibility of disposing of significant holdings of crown or conservation lands, consultation with the Township at the outset is seen as an important initiative that will enable the Municipality to respond proactively, rather than reactively, to changes.

3. Where development or site alteration is proposed adjacent to crown or conservation lands, the Township shall consult with the Ministry of Northern Development, Mines, Natural Resources and Forestry or the relevant Conservation Authority, as applicable.

2.12 WAYSIDE PITS, WAYSIDE QUARRIES, PORTABLE CONCRETE PLANTS AND PORTABLE ASPHALT PLANTS

1. A wayside pit or wayside quarry is a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction or maintenance.

A portable asphalt plant is an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed. These facilities include equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and also include the stockpiling and storage of bulk materials used in the process.

A portable concrete plant is a concrete plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed. These facilities include equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and also include the stockpiling and storage of bulk materials used in the process.

2. Wayside pits, wayside quarries, portable concrete plants and portable asphalt plants used on public authority contracts are permitted throughout the Township without amendments to the Plan or the Zoning By-law or development permits under the *Planning Act*, except in those areas designated as Natural Heritage A, Natural Heritage B, Natural Hazard or Settlement Area, or other areas characterized by concentrated existing development or environmental sensitivity that is incompatible with extraction and associated activities.
3. Lands used for the purposes of wayside pits, wayside quarries, portable concrete plants and portable asphalt plants shall be rehabilitated upon the completion of the project for which they were required. In the case of lands designated as Agriculture, this shall include rehabilitation of the site to substantially the same area and same average soil capability for agriculture as existed prior to the establishment of the wayside pit, wayside quarry, portable asphalt plant or portable concrete plant use.

2.13 USES NOT CONTEMPLATED BY PLAN

1. It shall be a policy of this Plan that any proposed new development which would introduce a land use, different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use and environmental impact studies, and any other studies

- deemed necessary by Council or as advised by the appropriate agency. Such studies will be conducted at the proponent's expense. The intent of this policy is to place the onus on the proponent to demonstrate that the introduction of a new use into the community would not be to the detriment of the Township's economic, social, cultural, environmental and financial base, would not have an adverse impact on municipal services, and would not require additional municipal or community services. New land uses shall be required to address policies of the **Land Use Compatibility** section of this Plan and shall demonstrate that the use does not result in any land use conflicts.
2. In addition, Council will encourage the proponent of such a use to consult informally with the public to provide information concerning the proposed development, as well as to obtain public input, prior to the submission of a formal application.
 3. Any new use not contemplated by this Plan shall only be permitted through an Official Plan amendment.

2.14 EXISTING LAND USES

There are a number of existing land uses which are either non-conforming or non-complying throughout the Township. A non-conforming land use is a use which is not included as a permitted use for the zone in which the use is located, pursuant to the Zoning By-law that implements this Plan.

A non-complying use is a use which is included in the permitted uses for the zone in which the use is located, pursuant to the Zoning By-law that implements this Plan, but which does not meet one or more performance standards of the zone such as those relating to required yards (building setbacks) or water setbacks.

2.14.1 Changes to Non-Conforming Uses and Extensions or Enlargements

Any land use which is non-conforming should cease to exist in the long term, except as otherwise provided pursuant to Section 34(9) of the *Planning Act*, as amended. In special instances, however, it may be desirable to permit changes to non-conforming uses or extensions or enlargements of non-conforming uses in order to avoid unnecessary hardship.

Applications for changes to non-conforming uses or enlargements or extensions to such uses shall only be considered where the use was: legally-established prior to the adoption of the Zoning By-law which rendered it non-conforming; continuous in nature since the use's establishment; and, located on lands owned and used in connection with the use on the day the Zoning By-law was passed. In considering applications, the following criteria shall be applied:

1. Any proposed change of use or extension or enlargement of the existing non-conforming use shall not aggravate the situation created by the existence of the use,

especially in regard to the policies of this Plan and the requirements of the Zoning By-law applying to the area.

2. Any proposed extension or enlargement shall be in an appropriate proportion to the existing size of the non-conforming use and to the land which it is located on.
3. The characteristics of the proposed non-conforming use or any proposed extension or enlargement of the existing non-conforming use shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation. Applications which would create or aggravate land use incompatibilities shall not be approved.
4. Neighbouring conforming uses shall be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.
5. Traffic and parking conditions in the vicinity shall not be adversely affected by the proposal and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight lines especially in proximity to intersections.
6. Adequate provisions have been or will be made for off-street parking and loading facilities.
7. Services such as storm drainage, roads and private sewer and water services are adequate or can be made adequate.
8. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use, in accordance with the *Planning Act*, before the final decision on the application is made.
9. Applications for changes to non-conforming uses or enlargements or extensions to such use within hazardous lands will only be considered where the change results in development in an area of no or low risk, and in consultation with the relevant Conservation Authority.

2.14.2 Minor Variances

Where existing or proposed uses that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable

for the appropriate development of the lands. The Township may, by by-law, establish additional criteria to be considered in the review of minor variance applications.

2.15 EXISTING UNDERSIZED LOTS

1. The Zoning By-law which implements this Plan shall include provisions to permit the development of existing lots of record that do not meet the minimum lot size requirements of this Plan, provided that zoning provisions such as yards, water setbacks and lot coverage can generally be met.
2. In the case of existing undeveloped waterfront or island lots that have a lot area of less than 0.8 ha, no development shall be permitted by the Zoning By-law that implements this Plan. However, development may be permitted pursuant to a site-specific amendment to the Zoning By-law subject to the following:
 1. The terrain and vegetation is such that buildings and structures can be located in an unobtrusive manner, with minimum visual and environmental impact;
 2. Buildings and structures shall be located outside areas subject to natural hazards;
 3. A floor space index provision shall be included in the zoning by-law amendment for the purpose of regulating the scale of development relative to the size of the waterfront or island lot;
 4. A sewage system shall be provided to the satisfaction of the relevant approval authority;
 5. A suitable location for water access and docking facilities shall be provided; and
 6. Measures for the control of storm water shall be provided in accordance with the principles of the **Storm Water Management** section of this Plan.
3. In the case of existing undersized waterfront or island lots of record, the Zoning By-law which implements this Plan may include a floor space index provision that limits the maximum floor area of buildings in relation to the size of the lot.
4. Lot additions or enlargements to existing undersized lots of record shall be encouraged even though the enlarged lot may not comply with the minimum lot size requirements of this Plan.
5. Lots of record which are subject to development constraints may be developed provided the constraint can be mitigated in accordance with other relevant policies in this Plan.

2.16 ROAD ACCESS

A year-round, publicly-maintained road represents the optimal means of providing access to properties from the perspective of convenience, safety and general welfare of users. Historically, some waterfront development has occurred with private road access. Additionally, some island and remote waterfront properties have been developed on the basis of water access only. Finally, some isolated non-waterfront uses related to agriculture, forestry, conservation and mineral resource exploitation have obtained access by private roads.

The Township views public road access as the preferred form of access to properties and it will normally be required in order for development to proceed except in relation to agriculture, forestry, mineral resource and conservation uses not having an accessory dwelling or any building or structure to which the public has access. A building used on an occasional basis as a hunt camp may be permitted as a conservation use. Additional policies regarding road access are provided in the **Transportation** section of this Plan.

2.17 CASH-IN-LIEU

1. Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential consents or residential subdivisions at the rate of up to 5% or for commercial or industrial consents at the rate of up to 2% of the value of land as set out in Section 42 or 51 of the *Planning Act*, as appropriate.
2. Council may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the Zoning By-law. Such agreement shall provide for the making of one or more payments of money to the Township as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

2.18 LAND USE COMPATIBILITY

2.18.1 Development Adjacent to Mineral Resource Designation, Operations or Potential Aggregate Reserves

1. It is a policy of this Plan that existing or potential mining or mineral aggregate operations such as pits and quarries will be protected from activities that would preclude or hinder their establishment, expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. This policy shall apply in the following development contexts:
 1. Development adjacent to Mineral Resource designations, as identified on Schedule A;
 2. Development adjacent to existing mining or mineral aggregate operations;

3. Development within or adjacent to potential aggregate reserves, as identified on Schedule B.
2. It is a policy of this Plan that existing aggregate operations and potential aggregate reserves will be protected from activities that would preclude or hinder their establishment, expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, the development of sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of existing pits and quarries, and lands that are designated Mineral Resource on Schedule A or identified as a Potential Aggregate Reserves constraint on Schedule B, shall be permitted only if it can be demonstrated to the satisfaction of the approval authority that all issues relating to public health, public safety and environmental impacts can be addressed through setbacks or other mitigation measures without precluding or hindering the use of, or access to, the resource.
3. An influence area is not a strict buffer or setback area where development adjacent to Mineral Resource designation or Potential Aggregate Reserves constraint is automatically prohibited. The influence area is that area where impacts may occur or be experienced. The proponent of the development would be required to identify the potential impacts and to assess whether they can be mitigated to an appropriate level when measured against Provincial standards. The influence area applies between a sensitive land use and extractive operations and vice versa. Proponents will be required to assess a development proposal against policies of Section 2.18.1.5.

For policy purposes, the influence area in relation to pits is 300 metres. The influence area in relation to quarries is 500 metres.

4. The influence areas for resource lands designated Mineral Resource on Schedule A, but which are not licensed for pits or quarries and for resources identified on Schedule B shall be dependent upon the nature of the resource. The influence area shall be 300 metres for lands designated on the basis of sand and gravel resources or 500 metres for lands shown as a bedrock resources.
5. Development which would preclude or hinder the establishment of new operations or access to mineral or mineral aggregate resources will only be permitted if:
 1. Resource use would not be feasible; or
 2. The proposed land uses or development serves a greater long-term public interest; and,
 3. Issues of public health, public safety and environmental impact can be addressed.

6. Land use compatibility studies, prepared by a qualified professional, shall be required in accordance with Provincial standards, in relation to any proposal to develop lands within the influence area of an existing pit or quarry and on lands that are designated Mineral Resource or shown as Potential Aggregate Reserves. Land use compatibility studies may be required to address such matters as hydrogeology, noise, and blast impacts, as well as conducting mineral or mineral aggregate quality and quantity assessments to determine the extent of the resource.

2.18.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent

1. It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII) formulae, as may be amended from time to time, to new non-agricultural uses and agricultural uses, respectively.
2. The implementing Zoning By-law may include provisions exempting properties from the application of MDS I and MDS II, as applicable, under certain situations such as when rebuilding after non-voluntary building destruction, development within settlement areas, development in proximity to cemeteries, and development on existing lots of record. The Municipality may require that restrictive covenants and/or notices be registered on title as a condition of an approval of a planning application, where deemed appropriate.

2.18.3 Development Adjacent to Open or Closed Waste Disposal Sites and Sewage Treatment Facilities

1. There are two closed waste disposal sites in the Municipality. The approximate locations of these waste disposal sites are identified on Schedule A to this Plan.
2. Waste disposal sites have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. For policy purposes, the influence area of a waste disposal site is 500 metres. Noise, hydrogeological, land use compatibility and other environmental studies shall be required in relation to any proposal to develop new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water within the influence area. Required studies shall be prepared in accordance with the relevant Ministry of the Environment, Conservation and Parks guidelines, in order to address aesthetics, noise, traffic and contamination by leachate, surface runoff, ground settlement, visual impact, soils contamination, hazardous waste and landfill-generated gases.

3. Sewage treatment facilities such as waste stabilization ponds and sewage treatment plants have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. Consequently, separation distances between sewage treatment facilities and new sensitive land uses such as residences, day care centres, educational and health facilities and other uses relying on private individual wells for potable water are normally required. The minimum separation distance for a sewage treatment plant shall be 100 metres, however, this distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant Ministry of the Environment, Conservation and Parks guidelines, as may be updated by the Province. For waste stabilization ponds, the recommended separation distance varies from 100 to 400 metres or more, depending upon the type and size of pond and characteristics of the waste.
4. The implementing Zoning By-law shall include provisions to prohibit the establishment of new incompatible uses within the influence area of waste disposal sites or within the recommended separation distance for sewage treatment facilities.

2.18.4 Other Land Use Compatibility Policies

1. It is a policy of this Plan to avoid, minimize and mitigate conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented through various provisions in the implementing Zoning By-law, as well as the mechanism of Site Plan Control or other *Planning Act* approvals, as appropriate.
2. In addition, certain sensitive land uses such as residences, day care centres and educational and health facilities may be particularly sensitive to the effects of odour, noise, vibration and other emissions associated with major facilities such as rail and road transportation corridors, and various classes of industries, as applicable. Recommended separation distances for these classes of industries are included in the relevant Ministry of the Environment, Conservation and Parks guidelines as may be updated by the Province. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, the development of the proposed use is only permitted if the following can be demonstrated in accordance with provincial guidelines, standards or procedures:
 1. There is an identified need for the proposed use;
 2. Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

3. Adverse effects to the proposed sensitive land use are minimized and mitigated; and
 4. Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.
3. The Township may request a feasibility and/or compatibility study which includes mitigation measures to be undertaken in accordance with the relevant Provincial guidelines to satisfy the above-mentioned criteria. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

2.19 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

2.19.1 Cultural Heritage Resources

1. Built or cultural heritage resources consist of historic buildings, structures, other human-made features and cultural heritage landscapes, all of which have importance to the Township. The Township possesses many examples of important sites and features, and recognizes the importance of these built heritage resources, together with cultural heritage landscapes (e.g. scenic vistas), and the role that they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area. The Township will encourage the identification, protection, maintenance, restoration, conservation and enhancement of these features.
2. In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest. The Ministry of Tourism, Culture and Sport be consulted, as appropriate. New development will be planned so as to conserve, complement and enhance cultural heritage resources, particularly within the villages of Charleston and Athens.
3. In the context of site planning, the Township shall consider the massing of buildings and structures so as not to conflict with existing built heritage resources, particularly in areas such as the village of Athens. New development and redevelopment should complement the character of existing buildings, structures and the surrounding landscape.
4. The Township shall seek the advice of a Municipal Heritage Committee pursuant to the *Ontario Heritage Act*, if such a committee is formed, to assist and advise Council on matters related to Parts IV and V of the *Ontario Heritage Act* and on other cultural heritage resource matters.
5. Council, may by by-law adopted pursuant to the provisions of the *Ontario Heritage Act*, undertake the following:

1. Designate properties for the conservation of heritage attributes that are of value or interest including design or physical value, contextual value, historic or associative value;
2. Define parts of the Township as areas to be studied for designation as heritage conservation districts;
3. Designate areas of the Township as heritage conservation districts in order to control any development that may adversely affect the heritage features of the area;
4. Develop a register of all properties of cultural heritage value or interest designated under the *Ontario Heritage Act*. Council may also include in the register properties that Council believe to be of cultural heritage value or interest but are not designated under the *Ontario Heritage Act*. The Clerk shall maintain the register of designated properties as required by the *Ontario Heritage Act*.
6. It is recognized that elements such as architectural style and building cladding and colour are important components in the design of development that is sensitive to and reinforces the contextual environment. To the extent that the legislation provides for controls such as those pursuant to the *Ontario Heritage Act*, as well as through the Township's support for the development and distribution of appropriate design guidelines by relevant agencies and organizations, the Township will endeavour to encourage development that is contextually supportive. Where appropriate, the Township will ensure cultural landscape conservation and sympathetic design through the policies of the **Site Planning and Design Guidelines** section of this Plan.
7. Where economically feasible, Council intends to set an example to the community by restoring and maintaining Township-owned buildings and properties of cultural heritage value or interest in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated. The extensive renovations undertaken to the Township Hall on Main Street in the village of Athens is one example of the Township's commitment in this regard.
8. Council, in co-operation with the Municipal Heritage Committee, may also implement a program to recognize outstanding achievements in the preservation of buildings and properties of historic or architectural value.
9. Council may establish a Municipal Cultural Heritage Trust Fund to facilitate financial assistance from public and private donations towards heritage conservation efforts.
10. Development and site alteration shall not be permitted on lands adjacent to protected or significant heritage properties, except where it has been demonstrated through the preparation of a Heritage Impact Assessment, prepared by a qualified professional, that heritages attributes will be conserved, protected and it further demonstrates the

proposed development is compatible. Mitigative measures and/or alternative development approaches may be required.

11. The Township of Athens shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage resources.

2.19.2 Archaeological Resources

1. It is recognized that certain areas of the Township have the potential to contain significant archaeological resources. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place. Some of these resources are of particular interest as they may provide an enhanced understanding of the history of Indigenous communities and the early settlement of the Township.

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. It is a policy of the Plan that Council will require the preparation and undertaking of an archaeological assessment for properties with known archaeological sites and/or potential for archaeological resources which may be affected by a development proposal. An archaeologist licensed by the Ministry of Tourism, Culture and Sport must perform all archaeological work according to the terms and conditions or their licence to the satisfaction of the Ministry of Tourism, Culture and Sport. Significant archaeological resources identified through such work must be preserved or conserved through removal and documentation to the satisfaction of the Township and the Ministry of Tourism, Culture and Sport. Applications for an Official Plan amendment, Zoning By-law amendment, plan of subdivision, condominium, minor variance or consent, as well as for the undertaking of new infrastructure works (ie. new road, road widening, municipal or communal water or sewage systems, waste disposal sites) will be screened for their archaeological potential using the criteria established by the Ministry of Tourism, Culture and Sport.

The Township will evaluate for the presence of archaeological potential on the basis of the current provincial screening criteria established by the Province and may consult the with Ministry and/or a licensed archaeologist from time to time in making such determination. Development proponents are encouraged to consult the Ministry checklist to screen for archaeological potential.

At the time of adoption of the Plan, criteria set in the document entitled “Criteria for Evaluating Archaeological Potential: A Checklist for Non-Specialist” which identifies sites for archaeological potential as those sites containing one or more of the following:

1. A known archaeological site on or within 300 metres of the property or project area;

2. Indigenous knowledge or historically documented evidence of past Indigenous use on or within 300 metres of the property or project area;
 3. A known burial site or cemetery on the property or adjacent to the property or project area;
 4. The property or project area has been recognized for its cultural heritage value;
 5. A past or present water source within 300 metres of the property or project area;
 6. Evidence of two or more of the following on the property or project area:
 - Elevated topography
 - Pockets of well-drained sandy soils
 - Distinctive land formations
 - Resource extraction areas
 - Early historic settlement
 - Early historic transportation routes
2. The Township may undertake to have an archaeological management plan prepared by a licensed archaeologist in its efforts towards conserving cultural heritage and archaeological resources. Such a plan will include engagement with indigenous communities. Where an archaeological management plan is adopted by Council, such plan shall be relied upon by the Township to screen for archaeological potential instead of the criteria set out in the preceding paragraph.
3. Council may exempt a *Planning Act* application from the requirements to conduct an archaeological assessment where the entire property has been subject to recent, extensive and intensive disturbance.
4. Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal. Where significant archaeological resources are found, Council may consider archaeological preservation in situ, to ensure the integrity of the resource. The heritage integrity of archaeological resources can be preserved by adopting a Zoning By-law under Section 34 of the *Planning Act*, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.
5. Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Public and Business Service Delivery, when an identified human cemetery, marked or unmarked human burial is

affected by land use development. The provisions under the *Ontario Heritage Act* and the *Funeral, Burials and Cremation Services Act* shall apply.

6. In considering applications for shoreline or waterfront development, Council shall ensure that cultural heritage resources, both onshore and in the water, where within their jurisdiction, are not adversely affected. Council may require a marine archaeological assessment if partially or fully submerged marine features or cultural heritage value are identified and may be impacted by shoreline and waterfront developments.
7. Pursuant to the provisions of a municipal-provincial data sharing agreement, the Township shall update municipal mapping for new archaeological sites as they are identified through land development and on the Provincial archaeological sites database.
8. The Township will engage with Indigenous communities and will consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

2.20 NATURAL HAZARD FEATURES

The Township recognizes that not all lands are suitable for development due to the presence of Natural Hazard features. It is the intent of this Plan to direct development away from areas of natural hazards to protect the public health and safety and mitigate risks of property damage. The Official Plan recognizes natural hazards are interrelated and that mitigating potential risks requires working together with other approval authorities. Natural Hazard Features of this Official Plan include flood plains, unstable soils and unstable bedrock, steep slopes and erosion hazards as well as wildland fire hazards.

Schedule A of the Official Plan identifies flood plain Natural Hazards. Schedule B of the Official Plan identifies organic soils and high to extreme Wildland Fire Hazards. This Plan recognizes that not all Natural Hazards may be mapped, and as such site-specific assessments or studies may be required to identify, address and mitigate a specific natural hazard relative to a development proposal, subject to the relevant approval authority. Lands within and adjacent to lands subject to natural hazards as are subject to the Section 28 Regulation, pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.

2.20.1 Flood Plains

Flooding is a natural occurrence along all water bodies and watercourses in the Township. It becomes a hazard when buildings and structures are placed where there is a risk of

inundation. Minor flooding occurs on a seasonal basis. The 1:100 year event is used for planning purposes in this area of the Province. Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to the use of land and the management of water.

1. 1:100 water levels (expressed in Geodetic Survey of Canada (G.S.C.) elevations) have been established for major water bodies within the Township. The areas within existing mapped 1:100 year flood lines are designated as Natural Hazard on Schedule A and are subject to the policies of the associated **Natural Hazard** section of this Plan. Due to scale limitations associated with identifying hazard lands delineations on Schedule A, 1:100 water levels have been defined as follows:

Charleston Lake - 86.5 metres G.S.C.

Graham Lake – 107.5 metres G.S.C.

Temperance Lake – 114.6 metres G.S.C.

Centre Lake – 108.0 metres G.S.C.

It should be noted that not all floodplain hazards may be identified as **Natural Hazard** on Schedule A, and often may only be identified on a site-specific basis by a flood risk assessment, in consultation with the relevant Conservation Authority.

2. Development and site alteration will not be permitted within areas that would be rendered inaccessible to people and vehicles during time of flooding hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard, in consultation with the appropriate Conservation Authority.
3. Lands within and adjacent to lands subject to natural hazards are subject to the Section 28 Regulation, pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.
4. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor in consultation with the relevant Conservation Authority. Where such setbacks are required, they shall typically range from 5 metres to 15 metres.
5. Development that includes institutional uses such as hospitals, long-term care homes, retirement homes, preschools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations,

communication towers and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted to locate within the regulatory floodplain.

6. For existing lots of record and where no reasonable alternatives exist, development and site alteration shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
 1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
 2. New hazards are not created and existing hazards are not aggravated;
 3. No adverse environmental impacts will result; and
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.
7. In consultation with the relevant Conservation Authority, development may be permitted in certain areas associated with flood plain hazards where the development is limited to uses which by the nature must be located within the floodway, including flood and/or erosion control works or minor additions or passive non-structure uses which do not affect flood flows.
8. The Township, in consultation with the relevant Conservation Authority, will consider the potential impacts of a changing climate that may increase the risks associated with natural hazards.

2.20.2 Unstable Soils and Unstable Bedrock

1. Lands with the potential for organic soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability. Organic soils are shown on Schedule B to the Plan. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, development will be encouraged to locate outside of areas identified with organic soils, where feasible. Where development is proposed in areas containing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
2. Lands with the potential for unstable bedrock (i.e. karst topography) are not shown on Schedule B as there are no known areas of karst topography in the Township. Where lands that are the subject of development proposals have been identified as possessing unstable bedrock, the approval authority may request sufficient

geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.

3. Development that includes hospitals, nursing homes, preschools, nursery schools, day cares and schools essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
4. Development and site alteration in areas containing organic soils shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
 1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
 2. New hazards are not created and existing hazards are not aggravated;
 3. No adverse environmental impacts will result;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

2.20.3 Steep Slopes and Erosion Hazards

1. Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and ANSIs, and other resources discussed in the **Natural Heritage Features and System** section of the Plan.
2. Development that includes hospitals, nursing homes, preschools, nursery schools, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
3. Lands within and adjacent to lands subject to steep slopes and erosion hazards may be subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. Where such lands are subject to the Section 28 Regulation, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.

4. Appropriate setbacks from steep slopes and erosion-prone lands are important to minimizing risks to persons and property. Setbacks will be imposed from steep slopes and erosion hazards relative to the extent or severity of the hazard and in consultation with the relevant Conservation Authority. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical report by a qualified professional.
5. Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation or development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the relevant Conservation Authority. Development and site alteration shall only be permitted on lands affected by steep slopes or erosion hazards where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
 1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
 2. New hazards are not created and existing hazards are not aggravated;
 3. No adverse environmental impacts will result;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.
6. It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and avoid more complex storm water management techniques than would otherwise be required. In general, the greater the slope, the more emphasis shall be placed on these elements of site development.

2.20.4 Wildland Fire Hazards

1. Certain lands within the Township have been identified as areas that may be unsafe for development due to the presence of hazardous forest types for wildland fire. Wildland fire hazard lands on mapping prepared by the Province are shown on Appendix A of this Plan. Wildland fire hazard lands are categorized according to the degree of risk, and are provided as a screening tool for identifying areas potentially at risk for wildland fire in the Township. In the absence of detailed mapping, not all lands identified on Appendix A will represent wildland fire hazards. Where updated mapping

- becomes available, Appendix A may be revised without requiring an amendment to this Plan.
2. Development shall generally be directed to areas outside of lands that are unsafe for development due the presence of hazardous forest types for wildland fire. Accordingly, areas that are classified on Appendix A as having a high to extreme wildland fire hazard potential are also shown on Schedule B, and development will generally be directed to areas that are outside of those identified as a high to extreme risk for wildland fire. Development may be permitted on lands identified as wildland fire hazard areas where risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Province.
 3. Proponents of development applications within lands shown as wildland fire hazard lands shall undertake an assessment of the presence of high to extreme risk for wildland fire on the subject lands and on adjacent properties. In some cases, a site assessment for wildland fire risk may be completed in conjunction with the requirements for an environmental impact assessment. Where a site has been assessed as possessing potential for wildland fire risk, the assessment shall identify the measures to be implemented to mitigate the risk of wildland fire. Prior to approving development, the Township may consult with the Ministry of Northern Development, Mines, Natural Resources and Forestry regarding the proposed mitigation and management approaches to mitigate risk.
 4. Wildland fire mitigation shall not be permitted in lands designated as **Natural Heritage A** and **Natural Heritage B** unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions.

2.21 HUMAN-MADE HAZARD FEATURES

2.21.1 Contaminated Sites

1. Contaminated sites are those sites where the environmental condition of the property (i.e. the quality of the soil or ground water), may have the potential for adverse effects to human health or the natural environment. Contaminated sites are not indicated on Schedule B of this Plan although it is recognized that contaminated sites may exist throughout the Township.
2. Where a development application for a change of use from industrial or commercial to residential or parkland is made in relation to a known, suspected or potentially contaminated site or property adjacent to such site, the approval authority shall not grant any planning approvals until:
 1. A Record of Site Condition signed by a certified engineer has been filed in the Provincial Registry; and

2. A Phase 1 Environmental Site Assessment (ESA) shall be carried out at any site which may be contaminated and a Phase 2 ESA shall be completed, if required.
3. Clean-up of contaminated sites shall be done in accordance with the *Record of Site Condition Regulation (O. Reg. 153/04)* and the Ministry of Environment, Conservation and Parks guideline *Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition* dated October, 2004, and associated guidelines.
3. The Township may develop an inventory of sites where current or past uses may have, or are known to have, contributed to the presence of contaminants. The Township will encourage owners of potentially contaminated sites to remediate their sites so that they may be reintegrated into the community.
4. Development may only be permitted on, abutting or adjacent to contaminated site if rehabilitation or other measures to address and to mitigate known or suspected hazards are underway or have been completed such that there will be no adverse effects.
5. The Township supports, where feasible, the on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.
6. It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to approval of an Official Plan amendment, Zoning By-law amendment, subdivision, condominium, consent or other planning application approval by the appropriate approval authority in relation to a site that is potentially contaminated or is contaminated, the proponent shall engage qualified professionals to document the present and past use(s) of the site and surrounding lands, engage professional assistance in the analysis of soils, ground water and surface waters as required in consultation with the Ministry of Environment, Conservation and Parks and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition". Where the contaminants are in concentrations above Ministry established acceptable concentrations, a Ministry of Environment, Conservation and Parks "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up by a qualified professional.

2.21.2 Abandoned Mines and Mineral Resource Operations

1. Abandoned mine hazards include any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated. Abandoned sites may vary widely in nature, from little more than minor ground

disturbance to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist.

2. The Ministry of Northern Development, Mines, Natural Resources and Forestry maintains the Abandoned Mines Inventory System (AMIS), which contains information relating to potential mine sites and known abandoned mines sites in the Township. The approximate locations of such sites are identified on Schedule B, and some of the sites may pose a constraint to proposed development in the vicinity of identified sites. There are no petroleum wells in the Township.
3. Development on, abutting or adjacent to lands affected by former mines may proceed in accordance with the policies of the underlying land use designation only if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed to the satisfaction of the Township and the Province. In reviewing development applications, the Township shall require that the Ministry of Northern Development, Mines, Natural Resources and Forestry be consulted in relation to any new development within a one kilometre radius of an abandoned mine site identified on Schedule B.

2.22 NATURAL HERITAGE FEATURES AND SYSTEM

Natural heritage features include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat, woodlands, valleylands and the habitat of endangered and threatened species. This Plan recognizes that these features should not be viewed in isolation. Rather, they form part of a natural heritage system that is linked by natural corridors that are an essential part of the maintenance of biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These features are important to the unique rural character and diversity of the natural environment found in the Township. While all natural heritage features are important to the Township, some have also been identified as having Provincial significance. Since all natural heritage features possess and perform important ecological functions, the Township will promote the enhancement, restoration, or, where possible, the improvement of these features and the linkages between terrestrial and surface and ground water features.

Some of these natural heritage features and areas are identified through natural heritage land use designations indicated on Schedule A, while other features and areas are indicated using a constraints overlay approach on Schedule B. In some cases, such as endangered species and significant wildlife habitat, locational information is not indicated in order to protect the species. In addition to the natural heritage features and areas identified on Schedule A and B of this Plan, the Township's natural heritage system also includes natural heritage corridors, linkages, and surface and ground water features found throughout the Township. Collectively, and through policy protection afforded to these natural heritage components, these natural features and areas comprise the key components of the Township's natural heritage system.

Accordingly, this Plan recognizes that natural corridors such as hedgerows and watercourses are integral components in maintaining connectivity and ecosystem diversity over the broader landscape scale. While many of these natural corridor features are not specifically identified on Schedule B as natural heritage features, these features are afforded policy protection through policies contained in this section of the Plan and the **Development Adjacent to Water Bodies** section of the Plan. It is the intent of this Plan to recognize the importance and significance of natural corridors and linkages between natural heritage features and areas.

Where development is proposed within or adjacent to lands within the natural heritage system, the Township will require an environmental impact assessment prepared in accordance with the **Environmental Impact Assessments** section of this Plan. Depending on the nature of the development and site alteration, and in circumstances where there is a low likelihood of negative impact on the natural heritage system, the Township, in consultation with the Conservation Authority, may allow for a scoped environmental impact assessment or may waive the requirement.

The Counties-wide Natural Heritage System Strategy is intended to reinforce the conservation, restoration, and enhancement of identified natural heritage features and areas and to promote the overall diversity and interconnectivity of natural heritage features and areas. Until such time that the UCLG prepares a refined Natural Heritage System Strategy, the natural heritage features and areas identified in this Plan shall comprise the key components of the natural heritage system for the Township. The Township will endeavor to contribute to the development of the Counties-wide Natural Heritage System Strategy.

The policies of this Plan are intended to address the requirements which must be met in order to ensure that natural heritage features are adequately protected. These policies may be amended from time to time as additional information is gathered with respect to the significance or sensitivity of various natural heritage features.

As a general policy, established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing, draining or filling of additional lands, any of which that require the approval of a planning application, may only be permitted subject to the requirements of this section and the **Environmental Impact Assessments** section of this Plan.

2.22.1 Wetlands and Adjacent Lands

1. Provincially-significant wetlands have been designated as Natural Heritage A on Schedule A and are subject to the policies of the associated **Natural Heritage A** section of this Plan, which effectively prohibits development and site alteration within the designation.

2. Locally-significant wetlands have been designated as Natural Heritage B on Schedule A and are subject to the policies of the associated **Natural Heritage B** section of this Plan.
3. Development and site alteration such as filling, grading and excavating on lands adjacent to the Natural Heritage A and Natural Heritage B designations shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wetland's natural features or ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
4. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority.
5. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any Provincially-significant wetland and within 50 metres of any locally-significant wetland.

2.22.2 Areas of Natural and Scientific Interest (ANSIs) and Adjacent Lands

1. ANSIs represent areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education, and are categorized as being either Life Science ANSIs or Earth Science ANSIs. In addition, ANSIs are further categorized by the Province as being provincially significant or as being a candidate for future consideration as a provincially significant ANSI.
2. At the time of adoption of this Plan, only the Blue Mountain Life Science ANSI has been identified as having provincial significance. If other ANSIs are approved by the Ministry of Northern Development, Mines, Natural Resources and Forestry, this Plan shall be amended to redesignate the identified lands to Natural Heritage B on Schedule A and shall be subject to the policies of the associated **Natural Heritage B** section of this Plan. For the purpose of this Plan, the policies for significant ANSIs also apply to candidate ANSIs and all have been designated as Natural Heritage B on Schedule A. If further ANSIs are subsequently identified, they shall be designated as Natural Heritage B on the Schedule and be subject to the policies of the associated **Natural Heritage B** section of this Plan.
3. Development and site alteration such as filling, grading and excavating on lands within an ANSI shall not be permitted unless it has been demonstrated that there will be no negative impacts on the ANSI's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

4. Development and site alteration such as filling, grading and excavating on lands adjacent to an ANSI shall not be permitted unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the ANSI's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
5. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any ANSI – Life Science and 50 metres of any ANSI – Earth Science, if identified in the future.

2.22.3 Fish Habitat and Adjacent Lands

1. The 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 constitute fish habitat. Fish resources have large value to the Township for their vital role in the food chain, their contribution to the diversity of species, their function as a natural water quality indicator, as well as for commercial and sport fishing activities. The Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction.
2. Most of the Township lakes, rivers, streams, ponds, watercourses and wetlands that provide fish habitat have been identified by the Ministry of Northern Development, Mines, Natural Resources and Forestry. Fish habitat has not been identified on Schedule A. Consequently, all applications for development or site alteration such as filling, grading and excavating adjacent to any water body will be screened by the approval authority for the presence of fish habitat. Where such fish habitat is identified, no development or site alteration shall be permitted within 120 metres of the habitat, except in accordance with provincial or federal requirements. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impacts Assessments** section of this Plan, to identify the appropriate measures to be undertaken and to ensure that there will be no negative impacts on the natural features or the ecological functions of the habitat they support.
3. Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans or the relevant Conservation Authority, as applicable, shall be consulted and the required approvals obtained.
4. It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect it. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.
5. Storm water management approaches that maximize natural infiltration and minimize runoff, both during and after construction will be utilized. The relevant Conservation Authority shall be consulted in this regard.

2.22.4 Significant Wildlife Habitat and Adjacent Lands

1. The Township recognizes the importance of conserving wildlife habitat, as well as related natural corridors for the purposes of maintaining connectivity and ecosystem diversity. Additionally, many social and economic benefits accrue from maintaining habitat, related to tourism, nature observation and education, and hunting and trapping.
2. Wildlife habitat includes areas where flora and fauna live and the latter find food, shelter and physical space sufficient to sustain their population, particularly at times during their annual life cycle when they may be more vulnerable. Human activities such as clearing of wooded areas, grading and drainage works, filling, forestry operations, introduction of non-native species, the fencing of properties and road construction are examples of activities that can have a detrimental effect on wildlife habitat and associated natural corridors.
3. The Significant Wildlife Habitat Technical Guide prepared by the Ministry of Northern Development, Mines, Natural Resources and Forestry provides detailed technical information on the identification, description, and prioritization of significant wildlife habitat. Significant wildlife habitat may include areas where there are seasonal concentrations of animals, rare vegetation communities and specialized habitats for wildlife, habitats of species of special concern, and animal movement corridors.
4. Significant wildlife habitat areas have not been mapped on Schedule B of this Plan, however, it is recognized that significant wildlife habitat may exist within any of the natural heritage features and areas described in this Plan, as well as outside of the identified natural heritage features. In view of the limitations with respect to information availability concerning significant wildlife habitat, as well as the acknowledged strong ecological linkages between natural feature areas and wildlife habitat, this Plan assumes that all natural heritage features may contain potentially significant wildlife habitat. In determining the significance of wildlife habitat within these features and areas, the process for identifying and confirming significant wildlife habitat shall follow the process as set out in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. In the interim, the Township will endeavour to contribute to the Counties-wide Natural Heritage System Strategy review which will establish the criteria for determining significance.
5. The Township seeks to preserve the function of significant wildlife habitat without unduly restricting development. Accordingly, prior to permitting any development or site alteration such as filling, grading and excavating within a significant wildlife habitat area or on adjacent lands within 120 metres where there is a reasonable potential for negative impacts upon the natural features or ecological functions of the habitat area, the approval authority shall require an environmental impact assessment demonstrating that there will be no negative impacts on the habitat’s natural features or their ecological functions. Without limiting the generality of the foregoing, the preparation of an environmental impact assessment shall be a prerequisite to the

consideration of any planning application. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

6. Natural corridors have been identified on Schedule B on the basis of information obtained through the Eastern Ontario Model Forest.
7. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any significant wildlife habitat or natural corridor identified on Schedule B.

2.22.5 Endangered and Threatened Species Habitat

1. Endangered species are those species listed as such in the Species at Risk in Ontario list under the *Endangered Species Act*. The purpose of the Act is to identify species at risk, to protect such species and their habitats, to promote species recovery and to foster stewardship activities to assist in the protection and recovery of species at risk. Endangered species and the significant habitat of these species is protected through the *Endangered Species Act* and through this land use policy.
2. The Township encourages property owners to consult and comply with the *Endangered Species Act* and related O.Reg 230/08 as well as the Natural Heritage Information Centre database prior to undertaking development or site alterations. The Centre makes data available to the public on the Province's rare species, vegetation communities and natural areas. The database includes information on the occurrence of endangered and threatened species and is an important screening tool for assessing the likelihood of the presence of endangered and threatened species habitat.
3. This Plan recognizes that endangered and threatened species may exist throughout the Township, and the Township's policy with respect to endangered and threatened species is as follows:
 1. Where endangered or threatened species habitat is identified, development and site alteration shall not be permitted except in accordance with Provincial and Federal requirements.
 2. It is the policy of Council not to identify the location of such habitats on Schedule B in order to afford the greatest possible protection to the species in question. Accordingly, the Township encourages property owners to be responsible for consulting with and complying with the *Endangered Species Act* and related O. Reg 230/08 as well as to consult the Natural Heritage Information Centre database prior to undertaking development or site alterations. The Centre makes data available to the public on the Province's rare species, vegetation communities, and natural areas and includes information on the occurrence of endangered and threatened species. The

database is an important screening tool for assessing the likelihood of the presence of endangered and threatened species habitat.

3. Where endangered or threatened species habitat has been identified through an environmental impact assessment or screening process, the proponent shall retain a qualified professional to conduct a preliminary ecological site assessment to delineate the significant habitat within or adjacent to the area of proposed development. The Township may consult with the Ministry of Northern Development, Mines, Natural Resources and Forestry on the findings of the report as to the extent of significant habitat present. If significant habitat of endangered or threatened species is identified, no development or site alteration shall be permitted within the significant habitat, except in accordance with Provincial and Federal requirements.
4. A site inventory for butternut will be required prior to disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be “not retainable” a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is “retainable” a permit will be required for its removal pursuant to the *Endangered Species Act*, 2007.

2.22.6 Significant Woodlands and Adjacent Lands

1. Athens possesses many large, contiguous woodland areas, scattered throughout the Township. These areas provide many environmental and economic benefits. Ecological functions include contributions to water quality and quantity by decreasing storm water runoff, soil erosion, flooding, and also removing nutrients, sediments and toxins. Woodlands provide important habitat that is essential to the survival of many species of flora and fauna, including certain endangered or threatened species, as well as contributing to improved fish habitat. Woodland areas also contribute to the forest-covered character of portions of the Township and enhance the scenic and recreational qualities of the area to the benefit of residents, local businesspersons and visitors alike. Woodlands also provide important functions for adapting to a changing climate through carbon sequestration and forest cover. Finally, it is noted that many of the woodlands in Athens are geographically coincident with both Provincially-significant and locally-significant wetlands.
2. Significant woodland areas are important ecologically, in terms of species composition, age and stand history, functionally, in terms of their broader landscape function due to location, size, and linkage to other woodlands, and ecologically, due to their quality, species composition, and past management history. Potentially significant woodlands have been identified on Schedule B to this Plan, using the criteria and methodology found in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. The criteria include woodland size, woodland interior (core habitat that is 100 metres from a woodland edge),

- proximity to other significant woodlands, linkages, uncommon woodland characteristics and woodland age.
3. The boundaries of potentially significant woodlands as shown on Schedule B were not field checked for accuracy. In this regard, site assessments will be an integral part of environmental impact assessments to verify the presence of significant woodlands.
 4. Development and site alteration such as filling, grading and excavating on lands within significant woodlands shall not be permitted unless it has been demonstrated that there will be no negative impacts on the woodland's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
 5. Development and site alteration such as filling, grading and excavating on lands adjacent to significant woodlands shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the woodland's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
 6. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any significant woodlands identified on Schedule B.

2.22.7 Significant Valleylands and Adjacent Lands

1. Athens is fortunate to possess a large valleyland that extends from Glen Elbe in the east to approximately Sheatown Road in the west. In addition to comprising a number of interconnected creeks and streams that ultimately flow to Charleston Lake, this valley connects both locally- and Provincially-significant wetlands, includes some significant woodland areas, as well as natural corridors that are important to both fish and wildlife. Portions of this valleyland are significant for their ecological functions, natural heritage and cultural heritage values and have been identified as such on Schedule B.
2. Development and site alteration such as filling, grading and excavating on lands within significant valleylands shall not be permitted unless it has been demonstrated that there will be no negative impacts on the valleylands natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
3. Development and site alteration such as filling, grading and excavating on lands adjacent to significant valleylands shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the valleylands natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

4. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any significant valleylands identified on Schedule B.

2.22.8 Environmental Impact Assessments

1. The various interrelated features that comprise the natural heritage system vary considerably in terms of their sensitivity to development. Some features and areas may accommodate some development, while others are highly sensitive. The process of undertaking environmental impact assessments is intended to assist in making that determination.
2. The nature and scale of proposed development, its physical location relative to the natural feature(s) and the contextual environment (ie. built versus natural) in which it is to occur are important considerations in the context of establishing the appropriate level of study to be associated with an environmental impact assessment. Additionally, the number, nature and sensitivity of natural heritage features within an area will have a significant bearing on the extent of assessment required.
3. Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development. The scope and scale of an environmental impact assessment shall be determined by the approval authority, in consultation with the relevant Conservation Authority, but shall be appropriate to both the type and size of the proposed development, the nature of the natural feature(s) to be assessed and whether the proposed development is to occur within or adjacent to the identified natural features(s) and area(s). In all cases, an environmental impact assessment must demonstrate that there will be no negative impacts on the natural features or ecological functions for which the area or feature and associated lands is identified.
4. Depending on the nature of the development and site alteration, and in circumstances where there is a known likelihood of negative impact on the natural heritage system, the Township, in consultation with the relevant Conservation Authority, may either waive the requirement for an environmental impact assessment, require a scoped environmental assessment, or require the completion of an environmental screening checklist submitted to the approval authority as part of a planning application. The purpose of the checklist will be to provide a screening of the likelihood of negative impacts.
5. In situations where a comprehensive assessment is warranted from the outset, or, in situations where a more detailed review is deemed necessary from the outcome of a scoped environmental impact assessment or screening checklist, a full environmental impact assessment will be required. A full environmental impact assessment (i.e. environmental impact study) must be prepared by a qualified professional and must assess the potential negative impacts on the natural features and ecological functions of the area in question. Such environmental impact study shall be required prior to the

consideration of the planning application by the approval authority. The Township retains the right to undertake an independent peer review of an environmental impact study by a qualified third-party environmental professional. In cases, where an independent peer review is undertaken any costs associated with a review shall be paid by the applicant.

6. An environmental impact study shall:
 1. Define the nature, attributes, functions and the boundaries of any significant features, ecological functions and values on, or adjacent to, the site;
 2. Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, sewage and water servicing in relation to the various environmental considerations;
 3. Predict the effects of the proposed development on the various components of the environment on and adjacent to the site, such as wildlife, fish, vegetation, soil, surface water, ground water, air and any other relevant factors, taking into consideration effects during and after site alteration;
 4. Evaluate the significance of all predicted and negative and positive effects on the various environmental considerations;
 5. Evaluate the cumulative effect that the project (and any other known projects or activities) may have on the natural features and ecological functions identified for protection;
 6. Conclude with a professional opinion on whether negative impacts on the natural features and ecological functions will occur.
7. Where an environmental impact study demonstrates that there are no negative impacts on the natural features or their ecological functions and that development may proceed, the approval authority may use various planning controls such as site-specific zoning provisions or site plan control to ensure that development and site alterations, as well as any required monitoring activities, occur in accordance with the environmental impact study recommendations.
8. In reviewing environmental impact assessment submissions, the approval authority will consult with independent professionals and other bodies such as the relevant Conservation Authority, as required.

2.23 GROUND WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES

2.23.1 Ground Water Supply and Sewage Disposal

1. The Township of Athens does not presently contain any municipal water or sewage services and it is somewhat unlikely that such services will be available in the near future, unless required on an isolated remedial basis for health and safety reasons. Notwithstanding this, the Township intends to work toward the long-term development of viable water and/or sewage servicing options for the village of Athens where feasible and economically viable.
2. Communal water and sewage servicing options are of some interest to the Township, as they would accommodate certain more intense forms of development that place heavier demands on sewage and water services, such as residential projects consisting of more than five units or lots served by common sewage and/or water systems. It is recognized that current technologies and implications for municipal responsibility for communal systems resulting from Provincial policy requirements render this servicing option problematic for both land owners and the Municipality. As a consequence, it is anticipated that most new development will continue to occur on the basis of private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction. In addition, a small quantity of residential development utilizing shared or common services involving five or less residential units or lots may be permitted. The Township will only consider the approval of residential development proposals of more than five residential units served by communal services if ownership of the development is by a corporate entity such as a condominium corporation and the proponent fully satisfies all financial, technical and other requirements of the Township and other relevant approval authorities. These requirements shall include a responsibility agreement with the Township or other public body, as well as financial security to ensure that all capital and operational costs associated with the communal services will not create a financial burden for the Township in the event of default by the owner-operator of the services. Under no circumstances shall the Township or other approval authority grant approval to a residential development involving more than five units or lots where communal services are to be owned by individuals rather than a corporate entity.
3. The protection of ground water quality and quantity is of major interest to the Township, given the importance of ground water source potable water to permanent residential development, as well as all commercial and industrial uses and institutions. In 2001, the United Counties of Leeds and Grenville completed the *Groundwater Management Study* to assess existing ground water conditions and recommend management and protection practices to maintain the quantity and quality of the ground water resource in order to protect it as a safe supply of potable water for current and future generations. The study noted that while there are small isolated pockets of thick sequences of glacial till or clay in areas south of the Village of Athens, the bedrock aquifer throughout the County of Leeds and Grenville, is very shallow and protective

- layers of clay are generally not present. Overall, these findings underscore the importance of implementing policies relating to the protection of water quality.
4. Highly vulnerable aquifers and significant ground water recharge areas shall be protected so that there is sufficient quantity and quality of water to meet existing and future uses on a sustainable basis.
 5. The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long term protection of ground water) are important considerations in development. Servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the Township, in consultation with the relevant Conservation Authority, and the County, as applicable, including the relevant approval authority for water supply and sewage disposal systems.
 6. Throughout the Municipality, high water users which would be best served by municipal water and sanitary sewers will not be permitted. In addition, uses with significant potential to contaminate ground water sources will be discouraged, particularly where they would be adjacent to residential areas.
 7. In reviewing development applications, the cumulative impacts of private services shall be monitored to ensure sustainability of development.
 8. The minimum lot size for development shall be in accordance with the requirements of this Plan and the implementing Zoning By-law, although the approval authority may require larger lots or impose special conditions or restrictions on development where deemed necessary to address health, safety or other issues related to the proper functioning of water and sewage services.
 9. The Township will encourage the regular maintenance of sewage disposal systems and the upgrading or replacement of substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the *Building Code Act*.
 10. The Township may consider the establishment of an on-site sewage disposal system inspection program and/or septic system education and awareness program throughout the Township.
 11. The Township supports initiatives of both public and private interests to encourage the efficient and sustainable use of water resources, including water conservation practices.
 12. The Township will monitor the development of alternative sewage system technologies. Individual treatment systems designed to improve effluent quality, as

well as small shared systems, may have significant implications for retrofit situations on existing single lots and more intense cluster development forms, respectively. The Township will review its servicing and development policies as required to accommodate new technologies and development forms.

2.23.2 Other Services

1. Development shall be encouraged to take place in settlement areas where other services are either already available or can be readily provided. Among others, such services may include but are not limited to public roads, waste collection, disposal and recycling, fire protection, police protection, ambulance service, education, school bussing and parks and other recreational facilities.

2.24 SOURCE WATER PROTECTION

Uncontaminated and plentiful surface and ground water resources are essential to the safe and adequate provision of drinking water. In order to meet the present and future needs of residents, businesses and the natural environment, it is the policy of this Plan to ensure sustainable surface and ground water resources through the protection, conservation and careful management of the quality and quantity of drinking water sources.

As water contamination is extremely difficult, costly and sometimes impossible to rectify, prevention of contamination is the most appropriate strategy. Surface and ground water sources shall be protected from a full range of drinking water threats.

Source water protection policies in this Official Plan are consistent with the intent of policies included in the Cataraqui Source Protection Plan (2014) and the Mississippi-Rideau Source Protection Plan (2014) made under the *Clean Water Act*. For clarification and policy detail, the Cataraqui Source Protection Plan and the Mississippi-Rideau Source Protection Plan must be referenced. The terms used in this section carry the same meaning as those in the Cataraqui Source Protection Plan, the Mississippi-Rideau Source Protection Plan and the *Clean Water Act*.

In the event of conflict between long-term protection of drinking water sources and other considerations, drinking water shall take priority. The Cataraqui Source Protection Plan applies to the Cataraqui Source Protection Area and the Mississippi-Rideau Source Protection Plan applies to the Mississippi-Rideau Source Protection Region. It is intended to protect vulnerable areas including wellhead protection areas and intake protection zones around municipal drinking water supplies, as well as significant ground water recharge areas and highly vulnerable aquifers from activities identified as drinking water threats, per the *Clean Water Act*.

As an implementation body identified in the Cataraqui Source Protection Plan and the Mississippi-Rideau Source Protection Plan, the Township will comply with significant drinking water threat land use planning policies, have regard for all other land use planning

policies and provide due consideration for other non-binding recommendations in these two Source Protection Plans to realize source water protection.

Monitoring and reporting consistent with requirements and/or recommendations in the Source Protection Plans and in a format specified by the relevant Source Protection Authority and the Province of Ontario will be completed by the Township.

2.24.1 Vulnerable Areas

The Provincial Policy Statement accounts for municipal drinking water supplies and designated vulnerable areas. Accordingly, the Township will adapt municipal operations, consider program development, and work in partnership with the Cataraqui and Mississippi Rideau Source Protection Authority and others to comply with or support source water protection within vulnerable areas, as per the details and timeframes included in the Cataraqui Source Protection Plan and the Mississippi-Rideau Source Protection Plan.

The *Clean Water Act* defines a vulnerable area as a wellhead protection area, an intake protection zone, a significant ground water recharge area, or a highly vulnerable aquifer. There are no intake protection zones or wellhead protection areas identified within the Township. Virtually the entire Township is considered to be a highly vulnerable aquifer and significant ground water recharge area. The Township will screen the relevant Source Protection Plan to determine whether a property is located within a highly vulnerable aquifer or significant ground water recharge area. Particular activities that have the potential to contaminate sources of drinking water are called “drinking water threats”. The policies of this Plan take into account drinking water threats that must or should be considered if they were to become established. Depending on their scale, the type of activity and their proximity to the source of drinking water, drinking water threats are ranked as significant, moderate and low.

As with many areas throughout eastern Ontario, thin soils and fractured bedrock dominate the majority of the landscape within the Township of Athens. These conditions result in widespread recharge and high ground water vulnerability. For the purpose of this Plan, the entire Township is considered to be a highly vulnerable aquifer and significant ground water recharge area. Throughout the Township, the following policies shall apply:

1. New development and/or expansions to existing developments within significant ground water recharge areas and/or highly vulnerable aquifers that involve the handling, storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where they would constitute a drinking water threat may be subject to risk management measures to protect the ground water.
2. The Zoning By-law should restrict land uses, as applicable, in highly vulnerable aquifers and significant ground water recharge areas.

3. New development and/or expansions to existing development associated with non-residential planning applications located within vulnerable areas may be subject to Site Plan Control. Requirements may include a risk management plan to identify measures to be incorporated into the development for land uses that involve the handling, storage of manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where it would constitute a drinking water threat. The risk management plan must be completed to the satisfaction of the Township.
4. The risk management plan may be waived if a hydrogeological sensitivity study, prepared by a qualified professional, demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant ground water recharge area.

2.25 SURFACE WATER QUALITY AND QUANTITY

2.25.1 Development Adjacent to Water Bodies

1. In addition to the policies of the **Fish Habitat and Adjacent Lands** section of this Plan, which are aimed at protecting fish habitat, the Township has a direct concern with the issue of surface water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes, creeks or rivers, or adjacent to these water bodies. Further, it is recognized that there is a relationship between surface water and ground water quality.
2. Over the years, various research has been undertaken with respect to the issue of surface water quality and lake capacity. Policies to address lake capacity, water setback and water frontage follow:

1. Lake Capacity

1. Charleston Lake is a cold water lake. Based on dissolved oxygen profiles and lake capacity modelling, Charleston Lake is considered an "at capacity" lake trout lake. Having reached its carrying capacity, no new waterfront building lots or non-waterfront building lots shall be created where sewage disposal systems would be situated within 300 metres of the Lake, as shown on Schedule B.
2. Notwithstanding the forgoing subsection, the creation of new building lots within 300 metres of Charleston Lake may be permitted in certain circumstances, where it can be proven through detailed environmental studies, which may include a lake impact study, to the satisfaction of the relevant approval authority, in consultation with the Ministry of the Environment, Conservation and Parks and the Ministry of Northern Development, Mines, Natural Resources and Forestry, that the physical features and the siting and design of the development shall result in no

negative impact on the lake. New lot creation shall only be considered where one or more of the following circumstances can be met:

1. To separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake; or
 2. Where all new septic tile fields would be located such that they would drain into a drainage basin which is not at capacity; or
 3. Where all new septic tile fields are set back at least 300 metres from the shoreline of lakes; or
 4. Where drainage from the septic tile fields would flow at least 300 metres to the lake. This must be supported by a report prepared by a qualified professional; or
 5. Where a site-specific soils investigation prepared by a qualified professional demonstrates that phosphorus can be retained in deep, native, acidic soils on-site, to the satisfaction of the Province.
3. All other lakes in the Township are warm water lakes and there may be the ability to accommodate additional development. For any development proposal that would result in the creation of three or more lots within 300 metres of the lake and any site plan proposal for non-residential use within 300 metres of the lake, a lake impact study prepared by a qualified professional, to assess the effect of shoreline development and additional nutrient loadings on lake water quality will be required. The Township may require a lake capacity assessment instead of a lake impact study if it determined by the Township that the scale and/or impact of the development will be significant. The approval of development shall not be granted where a negative impact on water quality would result; and where such impact(s) could not be adequately mitigated. In addition to demonstrating no negative impact, development proposals must also demonstrate that there will be a net environmental benefit. A setback of at least 30 metres from the normal high water mark shall also be met for new buildings, structures and septic systems where proposed adjacent to a warm water lake.
4. Where the Township requires the preparation of a lake capacity assessment by a qualified professional for a proposed development on a lake, the study shall be prepared in accordance with the requirements established in the MECP's Lakeshore Capacity Assessment Handbook and the Ministry of Northern Development, Mines, Natural Resources and Forestry's Natural Heritage Reference Manual, as amended from time to

time. If a change in the water quality of any lake is indicated by new scientific evidence accepted by the Township, in consultation with qualified experts, the Township may require lake capacity study for that lake.

2. Water Setback

1. An adequate water setback serves an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of a water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including new and replacement sewage systems, or the removal of the soil mantle and natural vegetation. In addition to preserving the natural aesthetic qualities of the shoreline as viewed from the water, an appropriate water setback can reduce phosphorus and other nutrient loads to the lake and, in combination with vegetation, prevent erosion and sedimentation. Development or site alteration such as filling, grading and excavating shall generally occur a minimum distance of 30 metres from the normal high water mark of any water body. The quantitative element of this setback shall be implemented through the comprehensive Zoning By-law, while the qualitative elements shall be addressed through the Site Plan Control process.
2. Where lake-specific or site-specific conditions suggest that it would be appropriate, the minimum water setback may be increased. Examples of the latter would include sites with steep slopes, limited soil depth, sub-optimal (i.e. very high or very low) soil percolation rates, large inland presence of the 1:100 year flood plain, or limited vegetative cover. Development or site alteration may be permitted less than 30 metres from a water body in situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. In such cases, proponents will be required to achieve the greatest possible/feasible setback for all development and site alteration, including septic systems, given existing site constraints such as lot size, lot shape and terrain. Extensions and enlargements to existing structures within the 30 metre water setback will be regulated through the Zoning By-law and shall not have the effect of further reducing a deficient waterbody setback. Any proposal for development or site alteration proposed to occur less than 30 metres from a water body shall be subject to the policies of the **Fish Habitat and Adjacent Lands** and **Environmental Impact Assessments** sections of this Plan. Further, any proposal to reduce the 30 metre water setback must demonstrate no adverse environmental impacts and must also

demonstrate that a net environmental benefit can be achieved as a result of the development.

3. Applications to further reduce an existing water setback of less than 30 metres will not be permitted. In order to achieve the greatest setback possible, proponents will be encouraged to seek variances to reduce minimum yards not adjacent to water rather than reducing existing water setbacks. Consideration shall also be given to maximizing the setback through building design and orientation, and the siting of the septic system.
4. New lots shall be capable of accommodating the 30 metre water setback for all new development, including septic systems, except for those proposed lots where the presence of an existing building means that the 30 metre setback cannot be achieved. In these instances, the policies of this Plan shall apply to ensure that any subsequent development does not further reduce the deficient setback and that the greatest possible setback is achieved. The creation of a new lot with an existing dwelling should be large enough, where possible, to accommodate redevelopment of the lot at a location that achieves the 30 metre setback.
5. Water setback requirements shall not apply to docks, boathouses, pump houses and other marine facilities accessory to permitted uses. Depending upon their location in relation to the water, such structures may require permits from approval authorities such as Fisheries and Oceans Canada, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the relevant Conservation Authority, in addition to, or instead of, approvals from the Township.
6. It is the policy of this Plan to encourage the protection of existing natural vegetation from disturbance and the revegetation or naturalization of altered or disturbed shoreline areas through the development approval process. Among other tools, tree cutting or forest conservation by-laws, site alteration by-laws and Site Plan Control may be utilized by the Township for this purpose.
7. It is a policy of this Plan to encourage the protection of cultural heritage resources when considering waterfront development. Where deemed appropriate, the water setback may be increased to preserve and/or enhance the aesthetic and cultural heritage resources associated with the relevant water body.
8. Through the mechanism of Site Plan Control or other land use planning tools, the Township shall attempt to ensure the provision

of a strip of substantially undisturbed and naturally-vegetated area abutting the length of the shoreline on waterfront properties, interrupted only by required water-related structures such as docks, pump houses and boathouses. This buffer will contribute to protecting the riparian and littoral zones and their associated habitat, prevent erosion, siltation and nutrient migration, and assist in maintaining the natural appearance of the shoreline area. This buffer will form part of the 30 metre minimum water setback required pursuant to this section and is intended to ensure the protection of the most environmentally-sensitive portion of the setback area. The Ministry of Northern Development, Mines, Natural Resources and Forestry and the relevant Conservation Authority shall be circulated development applications, as applicable.

3. Water Frontage

As a general rule, the minimum water frontage for any new waterfront lot shall be 60 metres. This requirement may be increased where water body-specific or site-specific conditions suggest that it would be appropriate.

2.25.2 Storm Water Management

1. Storm water management is an important part of the Township's broader interest in protecting water quality. Storm water management is also important for flood control, maintaining baseflow in watercourses, water temperature regulation, erosion and sediment control, limiting nutrient and bacteria loading, maintaining fish habitat, providing ground water recharge and preventing ground water contamination. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.
2. The impacts from storm water runoff should be considered at the highest level possible. Therefore, the Township encourages and supports the preparation of watershed plans and master drainage plans. A watershed plan provides overall management objectives and targets for a watershed, whereas a master drainage plan identifies the necessary storm water management approach to meet targets and specifies methods of stormwater control, and outlines the general location and size of stormwater facilities at the sub-watershed level. In the absence of a watershed plan or master drainage plan, the Township will rely on input from the relevant Conservation Authority in response to the circulation of planning applications, as well as on relevant guidelines of the Ministry of the Environment, Conservation and Parks, in establishing and revising storm water design criteria and standards.
3. Prior to recommending plans of subdivision for draft approval, the Township shall request that storm water concept plans be prepared for review by the relevant

- Conservation Authority and approval authorities. The concept plan will include a statement of the design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies. Applicants are encouraged to consult with the approval authority and the relevant Conservation Authority prior to submitting a draft plan of subdivision.
4. Prior to final approval of plans of subdivision, detailed storm water design plans will be required. Such plans will be prepared in accordance with the requirements of the relevant Conservation Authority and approval authorities. Design criteria will be based upon methods and procedures contained in the relevant Provincial planning and design manuals used by these agencies.
 5. The Township shall encourage storm water management practices that:
 1. Are integrated with the planning for sewage and water services and ensures that systems are optimized, feasible and financially viable over the long term;
 2. Minimize or, where possible, prevent increases in contaminate loads;
 3. Minimize erosion and changes in water balance and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
 4. Mitigate risks to human health, safety and property and the environment;
 5. Maximize the extent and function of vegetative and pervious surfaces; and
 6. Promote storm water management best practices, including storm water attenuation, and re-use, water conservation and efficiency, naturalized facilities and low impact development.
 6. The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request the following:
 1. A design for the provision of storm water management facilities, prepared in accordance with Provincial planning and design manuals;
 2. A determination of the impact of the development and associated storm water management facilities on the receiving water body, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation; and
 3. Measures for mitigating any adverse impacts on a receiving water body, if such are likely to result from the proposed development.
 7. Development applications having potential impacts on the storm drainage system along County roads shall be circulated to the County Engineer for review and approval.

2.26 WASTE MANAGEMENT

1. Development applications shall be reviewed to ensure that appropriate solid waste disposal sites can be provided in a manner which is consistent with environmental considerations.
2. Council will contribute to and show leadership by considering reductions in material consumption and waste production and increases in diversion and re-use within its municipal culture, decision-making, and operations.
3. Council will continually promote the household and commercial recycling program and improve efforts for waste diversion and waste reduction including recycling and consideration of composting services.
4. Council will pursue efforts to co-operate with all levels of government other agencies in promoting public awareness of waste issues and in promoting waste diversion strategies as well as other alternative waste management techniques.

SECTION 3 LAND USE POLICIES

3.1 INTRODUCTION

The Township of Athens shall develop in accordance with the land use pattern shown on the Land Use and Transportation Plan attached as Schedule A to this Plan. The Schedule establishes the pattern of development in general terms by dividing the Township into seven land use designations:

Mineral Resource
Natural Heritage A
Natural Heritage B
Natural Hazard
Rural
Settlement Area
Agriculture

The policies governing the use of the lands within these designations, as shown on Schedule A, are contained in this section of the Plan, but should be read in conjunction with all other sections of the Plan. Particular regard should be had to the **General Development Policies** section of this Plan which sets out various policies which apply to all development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies contained in the **General Development Policies** section relate to considerations that must be addressed in undertaking development or site alteration due to the existence of various on-site or adjacent area features, constraints, existing uses or land use designations. Some of these features and constraints are identified on Schedule B.

In addition, certain Public and Institutional uses may be permitted in all land use designations, in accordance with the policies of this Plan dealing with **Public and Institutional Uses**.

3.2 MINERAL RESOURCE

3.2.1 Intent of the Designation

The importance of mineral aggregates and minerals and their protection for long term use is recognized through the Mineral Resource designation. It is also important to ensure these resources are located as close to local markets as possible. This designation is intended to be assigned to lands occupied by licensed pits or quarries, as well as lands containing deposits of mineral aggregates or minerals. Lands have been designated on the basis of information on the extent of resources and existing operations supplied by the Ministry of Northern Development, Mines, Natural Resources and Forestry.

Lands designated on the basis of existing licensed pits, existing licensed quarries or mineral aggregate deposits are designated as Mineral Resource - Aggregate on Schedule A. In general, the Township is virtually devoid of natural granular material. At the eastern end of Charleston Lake, deposits are small and of poor quality rendering them most suitable for fill material only. As a consequence, the only surficial mineral aggregate deposits designated as Mineral Resource are found in the northwest portion of the Township.

Mapped bedrock information has been provided to the Township through the Ministry of Northern Development, Mines, Natural Resources and Forestry. The March Formation that is found in the north and east portions of the Township is considered to be the only probable bedrock source of aggregate that has potential to be quarried to serve local aggregate needs. From the mapping supplied, the Township has identified the areas of the municipality where there are potential sources of mineral aggregate that could be accessed, after having given regard to environmental constraints imposed by the presence of locally- and Provincially-significant wetlands as well as the presence of land use constraints imposed by existing development. These potential bedrock sources of mineral aggregate are shown on Schedule B. As surficial aggregate resources within and adjacent to the Township are exhausted, these bedrock sources may become of interest. Accordingly, Official Plan Amendment applications to develop these bedrock aggregate resources may be expected and will generally be supported by the Township, subject to meeting the amendment criteria set out in this Plan. Where development is proposed within or adjacent to an area of potential bedrock source as identified on Schedule B, the policies of the **Land Use Compatibility** section of the Plan shall apply.

At the time of adoption of this Plan, no lands have been designated Mineral Resource on the basis of minerals. Should minerals be identified in the future that should be protected by a Mineral Resource designation, they shall be identified through an amendment to this Plan which designates them as Mineral Resource - Mineral, in order that they are protected for long term use. Any non-mineral development proposed in areas designated on the basis of minerals would only be permitted to occur if the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Township determined that such development would not compromise objectives with respect to the protection of minerals for extraction.

It is anticipated that upon completion of the UCLG Aggregate Resources Master Plan, an Official Plan amendment may be required. On a basis consistent with the Aggregate Resources Master Plan, amendments may be necessary to designate additional lands on Schedule A as Mineral Resource and to refine the extent of potential aggregate reserves identified on Schedule B.

3.2.2 Permitted Uses

The aggregate-related uses permitted include pits and quarries, as well as all associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate, or the production of secondary related products. These uses include extractive operations, crushing facilities, stockpiles, washing and screening operations, asphalt plants, concrete plants and aggregate transfer stations, as well as accessory uses to extractive operations including asphalt plants, concrete batch plants, recycle stockpile areas for glass, asphalt and concrete and aggregate transfer stations.

The mineral-related uses permitted include open pit and underground mining operations and associated facilities such as milling operations.

Land uses such as agriculture, forestry, conservation and outdoor recreation uses shall be permitted, provided that such uses shall not generally include buildings or activities that would preclude or hinder the establishment of new mineral mining or mineral aggregate operations or access to mineral resources, or hinder the expansion or continued use of an existing mineral mining or mineral aggregate operation.

If in the future, lands are designated Mineral Resource – Mineral, on the basis of potential minerals, development proposals for other land uses may be permitted in accordance with the **Rural** section of this Plan, subject to the agreement of the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Township.

3.2.3 Policies

1. On lands designated Mineral Resource, the area to be zoned and licensed under the *Aggregate Resources Act* for a pit or quarry must be generally located within the limits of the designated area. Any new designation or significant expansion proposal involving lands beyond the limits of the designated area shall require an amendment to this Plan.
2. Existing licensed pits and quarries and other existing mineral resource operations will be zoned in the Zoning By-law to permit such uses. New operations, as well as expansions to existing operations will be established through an amendment to the Zoning By-law. In evaluating the application, the Township shall review studies submitted by the applicant in support of the related license application pursuant to the *Aggregate Resources Act*.

3. Lands within the Mineral Resource designation that are not zoned for mineral aggregate or mineral mining operations shall be placed in an appropriate zoning category in the Zoning By-law which will allow rurally-oriented uses, but which will not allow sensitive land uses such as residences, day care centres and educational and health facilities. Notwithstanding the foregoing, sensitive uses may be permitted, subject to the agreement of the Ministry of Northern Development, Mines, Natural Resources and Forestry, and the Township's **Land Use Compatibility** Section of this Plan.
4. On lands designated Mineral Resource and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resource shall only be permitted if:
 1. A mineral resource use would not be feasible; or
 2. The proposed land use or development serves a greater long term public interest; and
 3. All issues of public health, public safety, and environmental impact are addressed.
5. All pit and quarry operations shall be licensed by the Ministry of Northern Development, Mines, Natural Resources and Forestry under the *Aggregate Resources Act*. Where the *Aggregate Resources Act* applies, only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing mineral aggregate operations.
6. New extractive uses will be undertaken in a manner which minimizes social, economic and environmental impacts.
7. Access to mineral aggregate or mineral mining operations shall be encouraged to locate on County roads, wherever possible. Where access is to be obtained from a Township road, it must be of an adequate standard of construction to support the anticipated truck traffic.
8. An application for an amendment to the Official Plan to change the designation from Mineral Resource to another designation shall be supported by reports which demonstrate that:
 1. A mineral resource use would not be feasible; or
 2. The proposed land use serves a greater long term public interest; and
 3. All issues related to public health and safety, as well as environmental impact, are addressed;

4. The proposed redesignation shall not preclude the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate extraction;
 5. The existing aggregate operation has ceased, and the aggregate license has been surrendered;
 6. Where an aggregate impact assessment demonstrates to the satisfaction of the Township that there is no viable material present within the areas designated Mineral Resource – Aggregate or on adjacent lands, development may occur in accordance with the policies of the Rural designation without an Official Plan amendment.
9. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses. Comprehensive and coordinated rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.
10. Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction and to minimize impacts, to the extent possible. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration. Where such operations are located on lands which have been redesignated from the Agriculture designation or are located on lands with soil classes 1 to 3 in the Canada Land Inventory for Agricultural Capability, site rehabilitation shall be carried out whereby substantially the same areas and average soil capability for agriculture is restored. Complete agricultural rehabilitation will be required except where there is a substantial quantity of mineral aggregates below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible. In either case, other options must have been considered by the applicant and found unsuitable and agricultural rehabilitation in remaining areas shall be maximized.
11. In evaluating an amendment to the Official Plan to change the designation of lands to Mineral Resource from another designation, the Township shall require the provision of sufficient information to evaluate the application, including the following:
1. The quality and quantity of mineral resource;
 2. The type and location of neighbouring land uses, having regard to land use compatibility with the rural character and landscape, including visual impacts;
 3. The location and adequacy of proposed access routes, any proposed improvements and the traffic flow and volume;

4. Proposed operational plans and site plans for extraction activities;
5. Potential sources and sensitive receptors of noise, dust and vibration;
6. Hydrogeology and surface water quality and quantity, predicted changes and sensitivity to such changes, investigated on a basis consistent with whether extraction is to occur above or below the water table;
7. The location of natural heritage features and ecological functions, their type, value and sensitivity to change on both the proposed designated lands and surrounding features;
8. The presence of archaeological remains or cultural heritage resources;
9. The appropriateness of the progressive and final rehabilitation plan;
10. The adequacy of proposed screening, buffering and other mitigation measures; and
11. Requirements under the *Aggregate Resources Act*.

Information that may be required shall not include any demonstration of need for mineral aggregates (i.e. any type of supply and demand analysis).

12. It is a policy of this Plan that existing sensitive land uses such as residences, day care centres and educational and health facilities shall be protected from the establishment of new mineral aggregate and mining operations or expansions where such establishment or expansion would be incompatible for reasons of public health, public safety or environmental impact. Similarly, established pits and quarries and resource areas are the beneficiaries of reciprocal policies contained in the **Land Use Compatibility** section of this Plan intended to protect them from encroachment by sensitive land uses. The influence area in relation to a pit is 300 metres and 500 metres in relation to a quarry.
13. On lands designated Mineral Resource on the basis of minerals rather than mineral aggregates, all planning applications shall be circulated to the Ministry of Northern Development, Mines, Natural Resources and Forestry. Subject to the agreement of the Ministry and the Township, development for purposes not related to mineral resources may be permitted in accordance with the provisions of the Rural designation, provided that such lands are not licensed for a pit or quarry under the *Aggregate Resources Act* and provided further that:
 1. A mineral resource use would not be feasible; or
 2. The proposed land use or development serves a greater long term public interest; and

3. All issues related to public health and safety, as well as environmental impact, can be addressed.
14. The Township shall have regard for cultural heritage resources in considering the establishment of new areas for mineral extraction. Where necessary, the Township will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

3.2.4 Special Exception Areas

(Reserved)

3.3 NATURAL HERITAGE A

3.3.1 Intent of the Designation

The Township's natural heritage consists of a variety of features and areas which are important for their environmental and social value. These features and areas include wetlands, valleylands, woodlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat and the habitat of endangered and threatened species. Some of these features and areas are considered particularly significant by the Province of Ontario and/or the Township. The Natural Heritage A designation is assigned to Provincially-significant wetlands in order to protect them from any development or site alteration.

Wetlands are those lands which are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. Periodically soaked lands used for agricultural purposes and which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water-tolerant plants.

The four major types of wetlands are swamps, marshes, bogs and fens. Wetlands are important for their role in the recharge and discharge of ground water, water quality improvement, flood and erosion damage reduction, wildlife habitat and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating.

Certain portions of Provincially-significant wetlands designated as Natural Heritage A could include lands which are also areas of natural and scientific interest (ANSIs). ANSIs are areas of land and water with natural landscapes or features that have been identified as having scientific value worthy of protection or study or related to education. ANSIs are important since they represent the full spectrum of biological communities and natural landforms and environments across the Province. In general, ANSIs are designated Natural Heritage B by this Plan, except where they are geographically coincident with Provincially-significant wetlands, in which case they are designated Natural Heritage A in recognition of the more restrictive policies of the latter designation. At the time of adoption of this Plan, an area near Wiltse Lake that is already designated as Natural Heritage A due to the presence of a Provincially-significant wetland, has also been identified as a candidate ANSI- Life Science.

Similarly, other portions of Provincially-significant wetlands designated as Natural Heritage A in this Plan include lands within 1:100 year flood lines, as mapped by the relevant Conservation Authority. While, in general, flood plain lands are designated Natural Hazard by this Plan, where they are geographically coincident with Provincially-significant wetlands, they are designated Natural Heritage A to reflect the more restrictive policy environment of the latter designation.

Locally-significant wetlands and ANSIs are not included in the Natural Heritage A designation, but rather are designated Natural Heritage B.

Other natural heritage features such as valleylands, fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features and System**. While not included in the Natural Heritage A designation for policy or practical reasons, such features are nevertheless considered significant. Policies relating to fish habitat, wildlife habitat and endangered and threatened species habitat are included in the **Natural Heritage Features and System** section, as are policies relating to development on lands adjacent to wetlands and ANSIs which are designated either Natural Heritage A or Natural Heritage B.

3.3.2 Permitted Uses

The permitted uses include only those related to conservation, wildlife management and passive outdoor recreation activities that do not require alteration to the natural features. Minor accessory structures relating to these uses, such as nesting platforms, which are designed to minimize impacts on the natural features and functions of the area may be permitted subject to the provisions of the **Environmental Impact Assessments** section of this Plan.

3.3.3 Policies

1. Development or site alteration such as filling, grading and excavating shall be prohibited within the Natural Heritage A designation.
2. Development or site alteration such as filling, grading and excavating shall not be permitted on lands adjacent to the Natural Heritage A designation, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through the completion of an Environmental Impact Assessment that there will be no negative impacts on the natural features or on their functions. Adjacent lands means those lands within 120 metres of the Natural Heritage A designation.
3. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority.
4. New lots created on lands adjacent to the Natural Heritage A designation should not include any portion of the Provincially-significant wetland within the lot being created so as to have the effect of fragmenting the wetland among multiple ownerships.
5. Where land designated as Natural Heritage A is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
6. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage A designation, but the expansion of agricultural buildings or structures or the clearing, draining or filling of additional lands,

any of which that require the approval of a planning application, are only permitted subject to the **Environmental Impact Assessments** section of this Plan. In no case shall new agricultural buildings or structures be permitted within the Natural Heritage A designation.

3.3.4 Special Exception Areas

(Reserved)

3.4 NATURAL HERITAGE B

3.4.1 Intent of the Designation

The Natural Heritage B designation is assigned to areas of natural and scientific interest (ANSIs) and locally-significant wetlands in order to protect them from development or site alteration, unless it can be demonstrated that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

ANSIs are areas of land and water with natural landscapes or features that have been identified as having scientific value worthy of protection or study or related to education. ANSIs are important since they represent the full spectrum of biological communities and natural landforms and environments across the Province.

All ANSIs in the Township are included in the Natural Heritage B designation regardless of whether they have been deemed provincially significant by the Ministry of Northern Development, Mines, Natural Resources and Forestry or are identified as being a candidate ANSI.

In addition to approved ANSIs, locally-significant wetlands are included in the Natural Heritage B designation. As additional locally-significant wetlands and ANSIs are identified in the future, this Plan will be amended to designate them as Natural Heritage B.

Other natural heritage features such as valleylands, fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features and System**. While not included in either Natural Heritage designation for policy or practical reasons, such features are nevertheless considered significant. Policies relating to fish habitat, wildlife habitat and endangered and threatened species habitat are included in the **Natural Heritage Features and System** section, as are policies relating to development on lands adjacent to wetlands and ANSIs which are designated either Natural Heritage A or Natural Heritage B. In cases where the Natural Hazard lands are geographically coincident with ANSIs and locally significant wetlands, and thereby designated Natural Heritage B, development is subject to both designations. Where the two conflict, the more restrictive policies shall apply.

3.4.2 Permitted Uses

The permitted uses shall generally include only those related to conservation, wildlife management and passive outdoor recreation activities that do not require alteration to the natural features. Development and site alteration relating to these uses may be permitted subject to the provisions of the **Environmental Impact Assessments** section of this Plan.

Uses permitted in the Rural designation may also be permitted subject to the provisions of the **Environmental Impact Assessments** section of this Plan.

3.4.3 Policies

1. Development or site alteration such as filling, grading and excavating shall not generally be permitted within the Natural Heritage B designation unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions in accordance with the **Environmental Impact Assessments** section of this Plan and an amendment to the Zoning By-law.
2. Development or site alteration such as filling, grading and excavating shall not be permitted on lands adjacent to the Natural Heritage designation unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, as set out in the **Natural Heritage Features and System** and **Environmental Impact Assessments** sections of this Plan. Adjacent lands means those lands within 120 m of the Natural Heritage designation, except where the designation is in relation to an ANSI – Earth Science, in which case the adjacent lands shall be those lands within 50 metres of the Natural Heritage designation.
3. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority.
4. Where land designated as Natural Heritage B is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
5. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage B designation, but new or expanded agricultural buildings or structures or the clearing, draining or filling of additional lands, and of which that require the approval of a planning application, are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

3.4.4 Special Exception Areas

(Reserved)

3.5 NATURAL HAZARD

3.5.1 Intent of the Designation

Natural Hazard lands are lands which could be unsafe for development because of their physical characteristics and which pose a potential risk for loss of life, property damage, and social disruption if developed. Lands within 1:100 year flood lines, as mapped by the Conservation Authorities, are designated as Natural Hazard on Schedule A. Generally, it is intended that no development or site alteration occur in the designation.

Steep slopes and organic soils as identified in the Canada Land Inventory also have the potential to constitute a natural hazard and are discussed in the section of this Plan dealing with **Natural Hazard Features**.

In situations where Natural Hazard lands are geographically coincident with Provincially-significant wetlands, they are designated Natural Heritage A and subject to the policies of the Natural Heritage A designation, thereby reflecting the more restrictive policy environment of the latter designation. In cases where the Natural Hazard lands are geographically coincident with ANSIs and locally significant wetlands, and thereby designated Natural Heritage B, development is subject to both designations. Where the two conflict, the more restrictive policies shall apply.

3.5.2 Permitted Uses

The permitted uses of the Natural Hazard designation include those related to agriculture, forestry, conservation, wildlife management and passive outdoor recreation activities. Buildings or structures associated with these uses shall not be permitted within the Natural Hazard designation. It is recognized that Natural Hazard lands are to be managed so as to complement adjacent land uses and protect them from any physical hazards or their effects.

No development is permitted other than flood or erosion control structures, shoreline stabilization, water intake facilities and minor recreational facilities such as docks, all as approved by the appropriate approval authorities, such as Fisheries and Oceans Canada, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the relevant Conservation Authority.

3.5.3 Policies

1. The boundaries of the Natural Hazard designation as identified on Schedule A will be used as a guide for the preparation of Zoning By-law provisions which will implement the policies of this section. Building setbacks will be imposed from the boundary of land designated as Natural Hazard related to the extent or severity of the hazard, as set out in the **Natural Hazard Features** section of this Plan. No new lots shall be created that lie solely in areas susceptible to flood hazards or that cause adverse impacts on upstream or downstream lands. In accordance with Provincial policies, all

- relevant policies of this Plan, the *Conservation Authorities Act* and any associated regulations which may be adopted, no buildings or structures except those related to flood and erosion control shall be constructed or enlarged, and no other development or site alteration shall be permitted on lands within or adjacent to the Natural Hazard designation, except as approved by the relevant Conservation Authority.
2. Lands within and adjacent to lands affected by natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.
 3. Although lands adjacent to the Natural Hazard designation are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur on lands within or adjacent to the Natural Hazard designation without the written permission of the relevant Conservation Authority, as set out in the **Natural Hazard Features** section of this Plan.
 4. Where land designated Natural Hazard is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
 5. Where development is proposed on a site, part of which has physical or environmental hazards, then such land shall not necessarily be acceptable as part of the required parkland dedication under the *Planning Act*. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township and shall satisfy policies of the **Parks, Trails and Recreational Facilities** section of this Plan. Where an open watercourse is involved, adequate space shall be provided for maintenance and operation.
 6. The Township shall encourage the owners of existing development to address potential hazards in accordance with the policies of this Plan. Specifically, buildings that are located within a 1:100 year flood plain should provide floodproofing protection for such buildings and any proposed additions in consultation with and approval from the relevant Conservation Authority.
 7. The 1:100 year flood lines for Charleston Lake, Temperance Lake, Graham Lake and Centre Lake have been mapped. Where new or additional 1:100 year flood plain mapping is undertaken, it shall be incorporated into this Plan by amendment.
 8. An application for the redesignation of Natural Hazard lands to permit development shall only be considered if it can be demonstrated to the satisfaction of the Township and relevant Conservation Authority that the lands are not subject to a natural hazard.

9. The Official Plan recognizes that not all natural hazards may be identified on Schedule A and/or B, and often may only be identified on a site-specific basis by a geotechnical study or flood risk assessment, in consultation with the relevant Conservation Authority.

3.5.4 Special Exception Areas

(Reserved)

3.6 RURAL

3.6.1 Intent of the Designation

The lands designated Rural represent the majority of lands within the Township and include a wide variety of land types and activities at a relatively low density. These lands are characterized by their historical role in accommodating the farm and rural communities, as well as recreational uses. The intent of this Plan is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. Land uses in the Rural area will generally relate to the management and use of resources, resource-based recreational activities, locally appropriate limited residential uses and commercial and industrial uses that are rural in nature. The overall amount of development permitted will be consistent with the retention of the natural and cultural heritage and landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas.

3.6.2 Permitted Uses

Within the Rural area, a variety of land uses shall be permitted. The primary use of land will be for the management or use of resources such as forestry and conservation, resource-based recreational uses (including recreational dwellings), home based-businesses, home industries, and cemeteries. Agriculture uses (including agriculture-related uses, on-farm diversified uses, and normal farm practices), as well as limited residential uses and rural based commercial and industrial uses are also permitted, subject to the following use-specific policies.

3.6.3 Agriculture Policies

1. Agricultural uses and normal farm practices, in accordance with provincial standards, such as the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, including poultry and fish, fur or fibre, aquaculture, apiaries, agro-forestry, maple syrup production, and associated on-farm buildings and structures are permitted. Secondary uses that produce value-added agricultural products from the farm operation on the property are also permitted. On-farm diversified uses such as home occupations, home industries, agri-tourism uses and uses that produce value added agricultural products from the farm operation on the property are also permitted.
2. Agriculture-related commercial and agriculture-related industrial uses are permitted uses. Examples of permitted uses include grain drying, handling and storage facilities, and value-added agricultural products enterprises such as custom meat shops, pick-your-own operations, produce markets and packing operations. Abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses and similar agri-businesses are permitted. A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted.

3. The Township encourages all nutrient generators and users to undertake the preparation of nutrient management plans and engage in best management practices.
4. All agricultural uses and non-agricultural uses shall comply with the **Land Use Compatibility** section of this Plan including the requirements of Minimum Distance Separation I and II.

3.6.4 Residential Policies

1. Permitted residential uses shall generally be restricted to single dwellings developed on the basis of one dwelling per lot with the exception of additional residential units and garden suites as permitted by this Plan and the implementing Zoning By-law.
2. Rural lands are intended for a limited amount of low density residential development that complements the character of the rural environment.
3. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the **Land Division** section of this Plan.
4. Where residential development takes place by subdivision, a maximum of 25 lots shall be permitted within a registered plan of subdivision. Any proposal for draft approval of a plan for more than 25 dwelling lots shall first require an Official Plan amendment to establish a Special Exception Area. In considering such amendment, the Township shall require that it be demonstrated that, on the basis of the supply and type of existing residential lots in the Township, there is a need for the proposed development and that it would be appropriate in the context of the location proposed.
5. Given that residential uses are sensitive land uses, special regard shall be given to the policies of the **Land Use Compatibility** section of this Plan.
6. Residential uses shall be placed in an appropriate zoning category in the Zoning By-law.

3.6.5 Commercial Policies

1. General Commercial Policies

1. A variety of commercial uses including locally-oriented, rurally-oriented and highway commercial uses shall be permitted. These commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses. In addition, small-scale businesses engaged in the custom production of articles such as artists' or

artisans' studios shall be permitted. An accessory dwelling for the owner or operator shall be permitted.

2. Commercial uses must be appropriate for the proposed location.
3. Access to commercial uses shall be encouraged to locate on County roads, wherever possible. Where access is to be obtained from a Township road, it must be of an adequate standard of construction to support the anticipated commercial traffic.
4. Vehicular access to commercial uses shall be carefully controlled in terms of the design and number of access points in order to ensure public safety.
5. Adequate off-street parking including accessible parking, loading and other facilities shall be provided.
6. Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
7. The outdoor storage of goods and materials shall be strictly controlled.
8. Commercial uses are subject to the policies contained in the **Ground Water Supply, Sewage Disposal and Other Services** section of this Plan.
9. Commercial uses shall generally be permitted by amendment to the Zoning By-law.

2. Tourist Commercial Policies

1. Tourist commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities such as hotels, motels, resorts, rental cottages and campgrounds, seasonal tent and trailer parks, summer camps, clubs, places of entertainment, and recreational facilities such as golf courses, hunt camps, sports and recreation areas and facilities, parks and marinas. Buildings, structures or sites of historic interest, uses such as museums and related facilities are also permitted. An accessory dwelling for the owner or operator of a tourist commercial use shall also be permitted.
2. Tourist commercial uses must be appropriate for the proposed location. In this regard, uses shall be located so that they are readily accessible to tourist traffic with a minimum of disruption to adjacent residential uses.
3. Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.

4. Adequate off-street parking, including accessible parking, loading and other facilities shall be provided.
5. Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. In reviewing applications for tourist commercial development, regard shall be given to the protection of cultural and natural heritage features. In particular, efforts shall be made to integrate waterfront tourist commercial uses with the shoreline environment so as to minimize visual and other environmental impacts.
7. Where applications for tourist commercial development involve significant boat docking facilities such as those associated with marinas and large resorts, the preparation of a boat impact assessment shall be required to evaluate the suitability of the site and its land/water environs for docking or mooring facilities and associated boat traffic. Approval will be required from Fisheries and Oceans Canada, the Ministry of Northern Development, Mines, Natural Resources and Forestry and the relevant Conservation Authority.
8. Where tourist commercial uses comprise facilities for accommodation, they constitute a sensitive land use and, as such, special regard shall be given the policies of the **Land Use Compatibility** section of this Plan.
9. Tourist commercial uses shall generally be permitted by amendment to the Zoning By-law.

3.6.6 Industrial Policies

1. Permitted industrial uses shall be those which are oriented to the rural economy, such as those which use local resources or serve local businesses and residents such as sawmills, feedmills, agricultural processing facilities, open storage, warehousing, farm service businesses, builders' supply yards, bulk storage yards, contractors' yards, transportation terminals and similar uses. An accessory dwelling for the owner or operator of an industrial use may also be permitted, where compatible.
2. In order to address potential land use conflicts between industrial and other uses, industrial development shall comply with the **Land Use Compatibility** section of this Plan.
3. Access to industrial uses shall be encouraged to locate on County roads, wherever possible. Where access is to be obtained from a Township road, it must be of an adequate standard of construction to support the anticipated truck traffic.
4. Adequate off-street loading facilities and employee parking and other facilities shall be provided.

5. Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
6. Vehicular access to industrial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety. Particular regard shall be had to the needs of truck traffic.
7. Industrial uses are subject to the policies contained in the **Ground Water Supply, Sewage Disposal and Other Services** section of this Plan.
8. Industrial uses shall generally be permitted by amendment to the Zoning By-law.

3.6.7 Mobile Home Parks Policies

1. A mobile home park is a property developed for the placement of mobile homes on permanent foundations. Mobile home parks, including uses which are incidental to a mobile home park such as a park management office, accessory commercial uses such as a convenience store, recreational facilities, a laundromat, storage facilities and other similar uses may be permitted.
2. Mobile home parks may be developed for ownership either as a single entity or on a freehold basis.
3. Where a mobile home park is owned as a single entity, ownership and maintenance of the roads, operation and maintenance of servicing systems, snow ploughing, waste collection, landscaping and other amenities and services shall rest with the owner of the park.
4. Sewer and water services shall be provided to the satisfaction of the Township and the relevant approval authorities for such services. The Township will not approve the development of any mobile home park on the basis of communal sewage and/or water services, except in accordance with the **Ground Water Supply, Sewage Disposal and Other Services** section of this Plan.
5. Internal roads will be constructed to Township standards.
6. All mobile home sites will have frontage on an internal road.
7. Where the park is to be owned as a single entity, development will take place in accordance with a site plan approved by the Township. Where the park is to be owned on a freehold basis, development will take place by plan of subdivision.
8. Lot area, density, site size, yard and parking requirements and other matters shall be regulated through the implementing Zoning By-law.
9. A minimum of 5% of the total area of the park should be provided in a consolidated form for recreational purposes.

10. The establishment of any new mobile home park shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. In considering such amendments, the Township shall have regard to the following criteria:
 1. The compatibility of the proposed park with existing land uses and designations of the surrounding area, including compliance with the **Land Use Compatibility** section of this Plan;
 2. The park shall have frontage on a public road which is of a suitable standard of construction, and any access to the public road shall be located so as not to create a safety hazard;
 3. The suitability of the proposed site with respect to servicing considerations, and the implications for the Township in terms of potential responsibility for services; and
 4. The adequacy of the layout of the park in relation to aesthetic, functional and other matters, as reflected in the proposed site plan or plan of subdivision.

3.6.8 Waste Disposal Sites Policies

1. Waste disposal sites shall be restricted to existing closed or open waste or sanitary landfill sites as identified on Schedule A. Ancillary uses such as recycling depots and transfer stations shall also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.
2. Waste disposal sites shall be operated and maintained in accordance with the standards set by the Ministry of the Environment, Conservation and Parks.
3. No use shall be made of land used as a waste disposal site for a period of 25 years from the year in which the waste disposal use ceased without the approval of the Ministry of the Environment, Conservation and Parks. Use of any closed disposal site will be in accordance with the Certificate of Approval.
4. Development of lands adjacent to a closed or open waste disposal site shall be subject to the **Land Use Compatibility** section of this Plan.
5. The establishment of any new waste disposal site shall be undertaken in accordance with provincial requirements, and shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law.

3.6.9 Wrecking Yards Policies

1. Wrecking yards are industrial facilities where derelict, discarded, abandoned or inoperative motor vehicles and/or other goods, wares, merchandise or articles are

- stored wholly or partly in the open. Wrecking yards shall be restricted to existing facilities, and may include an accessory dwelling for the owner or operator.
2. Wrecking yards shall be adequately screened on all sides so that no portion of the operation, including the storage areas, are visible from a public road.
 3. Wrecking yards shall not cause or contribute to the contamination of any ground or surface water.
 4. The establishment of any new wrecking yard shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. Among other matters, the Township shall consider:
 1. The compatibility of the proposed wrecking yard with existing land uses and designations of the surrounding area. In this regard, the policies of the **Land Use Compatibility** section of this Plan shall apply.
 2. The suitability of the proposed site with respect to environmental considerations.
 3. The layout of the wrecking yard in relation to screening, buffering, functional and other matters as reflected in the proposed site plan.

3.6.10 Special Exception Policies

(Reserved)

3.7 SETTLEMENT AREA

3.7.1 Intent of the Designation

The communities designated Settlement Area include the villages of Athens and Charleston. These two villages historically served as focal points and provided a mix of local retail, service and social-cultural and residential opportunities for the surrounding rural areas. Charleston has historically served as a hub for tourist activity associated with Charleston Lake. Athens, on the other hand, has been and continues to be a historical centre of commerce, employment and housing. Today, it still plays a vital role as a social, cultural, and educational and community hub for the area. Settlement Areas have played a long-standing and important role in accommodating the day-to-day needs of the farm and rural communities as well as that of cottagers and tourists alike. The Township intends that this role continue.

The Township supports and encourages the village of Athens' continued role in this regard, as well as encourages more concentrated development than would typically be found or permitted within the Rural designation, subject to servicing constraints. The amount and type of development permitted through infilling, intensification and redevelopment will, however, be consistent with the maintenance of the character of Settlement Area lands.

Concentrated development in the village of Charleston is constrained by the limited ability of Charleston Lake to accommodate new development. Accordingly, new development in the village of Charleston may only occur in accordance with the **Development Adjacent to Water Bodies** section of the Plan.

3.7.2 Permitted Uses

Permitted uses within the Settlement Area designation shall include residential, general commercial, tourist commercial and limited industrial uses, subject to the following use-specific policies.

3.7.3 Residential Policies

1. A variety of residential uses and housing options, ranging from single-detached dwellings to multiple unit dwellings and including dwellings units within non-residential buildings and additional residential units shall be permitted, subject to the completion of hydrogeological, terrain analysis and impact assessment reports in relation to more intense development forms. Such studies will be to the satisfaction of the relevant approval authority for sewage and water services.
2. Residential development may take place either along a main road serving the Settlement Area or by a plan of subdivision for lands behind existing development fronting on such road.

3. New development shall be encouraged to take place as a logical extension of existing development.
4. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the **Land Division** section of this Plan.
5. Residential uses shall be zoned with an appropriate zoning category in the Zoning By-law.

3.7.4 Commercial Policies

1. General Commercial and Tourist Commercial uses permitted in the Rural designation shall be permitted.
2. Commercial uses, particularly those of a retail commercial nature, shall be encouraged to locate along the main streets and at major intersections. Tourist Commercial uses shall be encouraged to concentrate in groupings along the main roads and at intersections.
3. Through the means of the Zoning By-law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where commercial development would abut residential uses.
4. Open storage shall not generally be permitted.

3.7.5 Industrial Policies

1. In general, industrial uses shall not be permitted in the Settlement Area designation. Small-scale light industrial uses such as a tradesperson's workshop may be permitted. In addition, light manufacturing, transportation, warehousing and storage uses on the periphery of the villages may also be permitted, provided that such uses are not heavy water uses and that they do not generate emissions that would be incompatible with surrounding land uses.
2. No industrial use shall be permitted that would create a nuisance by way of noise, illumination, odour, dust, vibration, fumes or smoke. In this regard, the policies of the **Land Use Compatibility** section of this Plan shall apply.
3. Industrial uses shall be encouraged to locate along a main road on the periphery of the settlement area.
4. An amendment to the Zoning By-law shall be required to establish any new industrial zone.

5. Through the mechanisms of the Zoning By-law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where industrial development would abut residential uses.
6. Open storage shall not generally be permitted.

3.7.6 Expansions to Settlement Area Boundaries

1. The existing boundaries of the Settlement Area designation are intended to accommodate new development and it is anticipated that limited growth through infilling and development of vacant lands will occur.
2. The Township may identify a new Settlement Area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:
 1. Sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
 2. The infrastructure and public service facilities which are planned or available are suitable for the development over the long-term, are financially viable over their life-cycle, and protect public health and safety and the natural environment;
 3. In prime agricultural areas:
 1. The lands do not comprise specialty crop areas;
 2. Alternative locations have been evaluated;
 3. There are no reasonable alternatives which avoid prime agricultural areas; and
 4. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
4. The new or expanding settlement area is in compliance with the minimum distance separation formulae;
5. Impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible;
6. All other criteria set out in the Counties' Official Plan have been addressed.

In undertaking a comprehensive review, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

3. While Settlement Policy Area expansions are not anticipated over the horizon of this Plan, where adjustments to boundaries are considered which would not increase the aggregate amount of developable land within the designation, the Township may undertake a review of the local municipal growth allocation in accordance with the requirements set out in the Counties' Official Plan. Such adjustments to the Settlement Policy Area designation will not require a comprehensive review but will require an amendment to both the Counties' and Township Official Plans. Where the Township does permit an expansion to a Settlement Boundary outside a comprehensive review the following criteria must be satisfied, in addition to the requirements of the Counties' Official Plan:
 1. There would be no net increase in the land within the settlement areas;
 2. The adjustment would support the Township's ability to meet intensification and redevelopment targets established by the Township;
 3. Prime agricultural areas are addressed in accordance with Policies 3.7.6.2.3;
 4. The settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

3.7.7 Special Exception Areas

(Reserved)

3.8 AGRICULTURE

3.8.1 Intent of Designation

The Agriculture designation is used to identify prime agricultural areas. Prime agricultural areas are areas predominately characterized by lands containing soil classes 1-3 in the Canada Land Inventory (CLI) for agricultural capability. This designation may also include some lands containing CLI soil classes 4-7 and other areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. The Township intends that these lands will be protected and preserved for agricultural purposes.

3.8.2 Permitted Uses

Agricultural uses are permitted. Agricultural uses include the growing of crops, including nursery, biomass and horticultural crops; the raising of livestock and other animals for food, fibre or fur, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm buildings and structures.

Agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards, will also be permitted provided they are compatible with, and will not hinder surrounding agricultural operations.

Agriculture-related uses include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Examples of permitted agriculture-related uses include grain drying, handling and storage facilities, abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses and similar agri-businesses. Agricultural-related uses will be limited in scale through the implementing Zoning By-law.

On-farm diversified uses are secondary to the principal agricultural use of the property and are intended to be limited in area to reduce the loss of prime agricultural lands for agricultural purposes. Examples of permitted on-farm diversified uses include home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm's products on the farm property. Ground mounted solar facilities are permitted in the agricultural area provided the use is an on-farm diversified use. In addition, agri-tourism uses such as pick-your-own, produce markets, farm tours, farm gate sales and small-scale farm theme rural events are also permitted. On-farm diversified uses will be limited in area in accordance with the Provincial Guidelines and through the implementing Zoning By-law.

One single dwelling is permitted on an Agriculture designated property. A single dwelling is also permitted as an accessory use to any of the foregoing agricultural

uses, provided the dwelling is located on the same lot. A secondary farm dwelling may also be permitted for residential accommodation for farm employees on the same lot provided the size and nature of operation requires additional employment, the dwelling is accessory to the main agricultural use, is used for full-time farm help and servicing can be appropriately accommodated. A secondary farm dwelling will be subject to the provisions of the Zoning By-law. Further, a secondary farm dwelling cannot be severed.

3.8.3 Policies

1. All new farm and non-farm development shall comply with the Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII) formulae, as set out in the **Land Use Compatibility** section of this Plan.
2. The Township encourages the preparation and practice of nutrient management planning and best management practices by all nutrient generators and users.
3. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.
4. New agriculture-related or on-farm diversified uses will be compatible with, and will not hinder, surrounding agricultural operations or other land uses.
5. The creation of new residential buildings lots in the Agricultural designation shall not be permitted. In addition to complying with the policies of this Plan related to Land Division, lot creation in the Agriculture designation is permitted for the following uses only, and subject to the following provisions:
 1. New lots for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Generally, the Township shall maintain a minimum lot size of 40 hectares for new lots created for agricultural uses;
 2. New lots for agricultural-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
 3. New lots to accommodate a residence surplus to farming operation, as a result of farm consolidation, subject to the following conditions:
 1. The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;

2. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 3. The lot containing the surplus dwelling will be zoned to recognize the non-farm residential use, as required.
 4. For the purposes of this policy, a secondary farm dwelling constructed for full-time farm employees is not considered a residence surplus to a farming operation.
6. New lots are permitted for infrastructure related to public sewage and water systems, septage treatment facilities, waste management facilities, electrical power generation and transmission, pipelines and associated facilities, transportation corridors and facilities, communications and telecommunications, provided that such facilities or corridors cannot be accommodated through the establishment of easements or rights-of-way, rather than lot creation.
7. Lot adjustments in the Agriculture designation may be permitted for legal or technical reasons. Lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels. Applications to sever a previously legal lot of record that unintentionally merged under the *Planning Act* may be permitted subject to satisfying the Agriculture and Land Division policies of this Plan and policies of the United Counties of Leeds and Grenville's Official Plan.

3.8.4 Removal of Land from Prime Agricultural Areas

1. In evaluating an amendment to the Official Plan for lands located within the Agriculture designation to accommodate a non-agricultural use, the Township shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought and that it cannot reasonably be located on lands outside the Agriculture designation or on lands within the Agriculture designation with a lower agricultural capability. Where an amendment is required, a site-specific policy will be added to the Agriculture designation to accommodate the use as a means to reduce the loss of lands designated Agriculture. In the case of proposed expansions of settlement areas onto lands designated Agriculture, it must also be demonstrated that the Township does not have sufficient lands already designated Settlement Area to accommodate projected growth, Minimum Distance Separation requirements are met and any impacts on agricultural operations which are adjacent to or close to the proposed expansion are mitigated to the extent possible.
2. Within the Agriculture designation, there may be small pockets of land which are only marginally productive or of a lower potential for agriculture due to their size, shape, topography, soil, class, drainage or other characteristics. These limitations shall not, however, constitute justification for an Official Plan amendment to a non-agricultural designation. The use of such pockets for uses permitted in the Agriculture designation

that do not require sites with high potential for agriculture, such as commercial and industrial uses providing agriculture-related services and supplies, shall be encouraged.

3.8.5 Extraction in Prime Agricultural Areas

1. In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.
2. On the prime agricultural lands, complete agricultural rehabilitation is not required if:
 1. There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 2. Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority; specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and
 3. Agricultural rehabilitation in remaining areas is maximized.

3.8.6 Special Exception Areas

1. Part of Lot 9, Concession 9 (746 County Rd 42)

Notwithstanding the provisions of the Agriculture designation of this plan, the permitted uses on PIN 443060086 as depicted on Schedule A – Land Use which extends northerly approximately 683 metres from the right-of-way of County Road 42, shall also include a long term care facility and other institutional, municipal and public uses and structures for the delivery of public services.

2. Part of Lot 4, Concession 8, Yonge (63 Addison Road)

Notwithstanding the provisions of Section 3.8.1 and 3.8.2, on the approximately 1.18 ha lot of record, the existing slaughterhouse and retail meat sales, as well as industrial uses in accordance with Section 3.6.6, shall be additional permitted uses.

3. Part of Lot 4, Concession 9, Yonge (80 Feenstra Road)

Notwithstanding the provisions of Section 3.8.1 and 3.8.2, on the approximately 0.53 ha lot of record, the existing farm equipment sales and service business, as well as industrial uses in accordance with Section 3.6.6, shall be additional permitted uses.

4. Part of Lot 8, Concession 8, Yonge (11 Addison Road)

Notwithstanding the provisions of Section 3.8.1 and 3.8.2, on the approximately 0.61 ha lot of record, the existing building contractor's business, as well as industrial uses in accordance with Section 3.6.6, shall be additional permitted uses.

5. Part of Lot 9, Concession 8, Yonge (108 Wiltsetown Road)

Notwithstanding the provisions of Section 3.8.1 and 3.8.2, on the approximately 0.7 ha lot of record, the existing vehicle repair garage, as well as industrial uses in accordance with Section 3.6.6, shall be additional permitted uses.

SECTION 4 TRANSPORTATION

4.1 GENERAL

A safe, convenient and functional road network is the key element in facilitating the movement of both people and goods to and from the various areas within the Township and between the Township and neighbouring municipalities. This Section establishes the general transportation policies for the Township.

The existing road pattern within the Township, as shown on Schedule A, largely reflects the historical interrelationship between land use and transportation routes. The road system is classified on the basis of the jurisdiction of responsibility. There are no Provincial Highways within the Township. Public roads within the Township are classified as either County Roads or Township Roads. Where additional land is required for widening and extension, such land shall be obtained, where possible, in the course of approving development applications under the *Planning Act*.

The Township will work with the authorities having jurisdiction to secure road improvements in the form of jog eliminations, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes, channelization and new road construction that will establish a functional road network.

Where a development proposal may have an impact on the proper functioning or safety of the road network, the approval authority may require the undertaking of traffic impact or other studies to identify potential issues and mitigation measures.

When road improvements are undertaken by the various responsible authorities, the Township shall encourage efforts to preserve and enhance the scenic qualities of roads such as County Rd. Nos. 5, 30, 39, 40, and 42, while ensuring that functional and safety concerns are addressed.

The Township shall seek funding or set aside funds in the municipal budget for the maintenance and upgrading of roads, in accordance with community improvement plans and/or transportation and traffic studies.

The Township will support the development of an active transportation network and implementation of a local municipal trails strategy, including connectivity with other local, regional and provincial trail systems.

4.2 COUNTY ROADS

County Road Nos. 5, 30, 39, 40, and 42 presently serve the Township and are under jurisdiction of the United Counties of Leeds and Grenville. The minimum road right-of-way for County Road 42 should be 30.5 metres. In all other cases, the minimum County road right-of-way should be 26.2 metres, except where, in consultation with the Counties,

circumstances may necessitate a wider road allowance or where there is insufficient land to obtain the widening without having to demolish existing buildings.

Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds and Grenville in accordance with the County requirements and policies of this Plan. These requirements and policies shall also be used in determining building setbacks from County roads.

4.3 TOWNSHIP ROADS

The Township roads identified on Schedule A are those roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner. Where sight deficiencies exist due to curves, grades or other factors, no new access will be permitted unless the deficiency is corrected at the owner's expense and to the satisfaction of the Township. All new Township roads shall be constructed to Township standards.

The minimum right-of-way for Township roads shall be 20 metres.

For policy purposes, the Township considers unmaintained Township roads to be private roads.

4.4 PRIVATE ROADS

Private roads are those rights-of-way which provide legal access to two or more properties, but which have not been assumed by the Township for maintenance purposes. Some private roads have been established as registered rights-of-way and are precisely defined on legal survey plans while others are not clearly identified with respect to their location. The Township shall not assume any liability for any private road regardless of status.

There are very few private roads in the Township and the bulk of these roads provide access to properties associated with the Charleston Lake waterfront. Where access to properties is provided by private roads, municipal services such as snow ploughing or road maintenance and improvement are neither available nor the responsibility of the Township. Additionally, in some cases other public services such as school bussing and protection to persons/property from services including police, fire and ambulance may be unavailable or limited in nature. The Township shall attempt to recognize such limitations through the mechanisms of the Zoning By-law and/or municipal agreements.

The creation or extension of a private road is not permitted. For purposes of interpreting this policy, the establishment of a right-of-way to provide shared driveway access to two abutting properties, each of which has frontage on a public road, shall not constitute the creation of a private road. In addition, a consent application, the sole purpose of which is

to legally identify the location of an existing private road, as defined in this Plan, shall not constitute the creation of a new private road.

Notwithstanding the foregoing policy prohibiting the creation or extension of a private road, the creation of a new private condominium road shall be permitted where such road is within a registered plan of condominium pursuant to the *Condominium Act, 1998*, as amended, and where it connects directly to an existing public road and where the subject land has legal frontage on the same existing public road.

If an existing private road is reconstructed to a standard acceptable to the Township and at no expense to the Township, the Township may consider the assumption of the private road by by-law, if it abuts an existing maintained Township or County road. Prior to undertaking any such reconstruction for the purposes of allowing Township assumption, landowners of property on a private road must obtain the approval of the Township. The work shall be undertaken to the standards of, and supervised by, the Township.

Known private roads are shown on Schedule A for information purposes only.

4.5 PROPOSED ROAD WIDENINGS

The County or Township may require land to be conveyed at no cost for the purpose of widening the existing public road right-of-way as a condition of consent, condominium, subdivision or site plan approval.

Land for the widening of the existing public road right-of-way shall generally be sought equally from both sides of the right-of-way, however, in certain situations site-specific conditions may necessitate taking widening on an unequal basis.

4.6 ROAD ALLOWANCES ABUTTING WATER BODIES

The Township supports the provision of public access to water bodies, however, where road allowances abutting the shores of lakes and rivers are not required in the long term and public access would not be appropriate for reasons such as physical unsuitability or land use incompatibility, such road allowances may be closed by the Township and disposed of in accordance with the procedures and requirements as set out in the *Municipal Act*.

SECTION 5 IMPLEMENTATION AND ADMINISTRATION

5.1 INTRODUCTION

This Official Plan shall be implemented by means of the powers conferred upon the Council by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-laws, Site Plan Control, legislation pursuant to the *Municipal Act*, the construction of Public Works and a Capital Works Program.

5.2 LAND DIVISION

5.2.1 Introduction

The United Counties of Leeds and Grenville is the approval authority for plan of subdivision, plan of condominium and consent applications.

The division of land can occur by the consent (severance) process, plans of condominium or by plan of subdivision. The division of land by the consent process is intended for the creation of not more than three new lots, excluding the retained lot, as well as for situations such as lot line adjustments and the creation of easements. Except in circumstances specifically contemplated in this Plan, where the division of land results in the creation of more than three new lots, it will likely be necessary to proceed by plan of subdivision.

There are certain general policies that apply to all lot creation, whether the lots are created by consent or by plan of subdivision. All decisions of the approval authority shall be consistent with the *2020 Provincial Policy Statement*.

5.2.2 General Policies

1. The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law. As a rule, the minimum lot area shall be 0.4 hectares. In exceptional situations, consideration may be given to a smaller lot size, such as in the case of land uses which do not require water or sewage services or where a tertiary treatment system is proposed to improve effluent quality. A larger lot size may be required depending upon the nature of the use, topography, soil conditions, servicing considerations and/or other development constraints and considerations.
2. Except in the case of lands designated Settlement Area, lots created to accommodate new residential development shall be subject to a provision such that a maximum of 32 lots or 40% of the total number of residential lots created in the Township after the date of adoption of this Plan, whichever is greater, shall be permitted.

3. No land division shall result in the landlocking of any parcel of land or a situation where a lot would have unusually limited road frontage relative to its width or area, such that the existing or potential ability to use the lot in an appropriate fashion is undermined by such limited road frontage.
4. No land division shall be permitted where safe vehicular access from the proposed lot to the adjacent road cannot be provided due to conditions such as limited sight lines, traffic volumes, grades or proximity to intersections or rail crossings, in accordance with the policies of the **Transportation** section of this Plan.
5. No land division shall create a financial burden on the Township with respect to the provision of Municipal services or facilities, as set out in the **Economic Policy** section of this Plan.
6. All land division shall meet the requirements of this Plan for the dedication of parkland or cash-in-lieu thereof, as set out in the **Parks, Trails and Recreational Facilities** section of this Plan.
7. All land division shall address land use separation and compatibility concerns, as set out in the **Land Use Compatibility** section of this Plan.
8. No land division shall result in the creation of a lot subject to natural hazards such as flooding, organic soils or steep slopes with potential for instability or erosion, unless development would be permitted by the **Natural Hazard Features** section of this Plan.
9. No land division shall result in the creation of a lot affected by soil contamination or hazards related to former mining or mineral resource operations, unless development would be permitted by the **Human-made Hazard Features** section of this Plan.
10. No land division shall result in a negative impact on the natural features or the ecological functions or on adjacent lands for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), woodlands, valleylands, fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features and System** section will be adhered to in this regard.
11. The creation of new lots that extend into, or fragment ownership of natural heritage features and areas, and where appropriate, lands subject to natural hazards, should be discouraged in consideration of the long-term management concerns related to risks to life and property and natural heritage protection.
12. In considering land division applications, regard shall be had to the **Cultural Heritage and Archaeological Resources** section of the Plan, including requirements with respect to the identification and preservation of significant archaeological resources.

13. All land division shall comply with the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan concerning the provision of appropriate water and sewage services and the availability of other services.
14. No land division shall create a lot which cannot comply with the minimum water setback and water frontage requirements contained in the **Development Adjacent to Water Bodies** section of this Plan.
15. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.
16. The preservation of existing vegetation and in particular, mature trees, may be a condition of approval of any land division application.

5.2.3 Consent Policies

1. A maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 2001, when the Township of Athens came into being. Where a land holding is situated partly or wholly in the Settlement Area designation, this maximum shall not apply, provided that such new lot is situated wholly within the Settlement Area designation.
2. Within lands designated as Agriculture, consents shall only be permitted in accordance with the policies of the Agriculture section of this Plan and the creation of new residential building lots shall not be permitted.
3. Consents in the Rural designation that have the effect of creating or extending areas of strip development will be discouraged.
4. Consents requiring direct access onto County roads shall be restricted. Wherever possible, new lots shall obtain access from Township roads.
5. Lots created by consent shall front onto existing maintained public roads, however, consents may be permitted for waterfront residential lots on existing private roads, subject to the **Development Adjacent to Water Bodies** and **Private Roads and Road Access** sections of this Plan.
6. No consent shall be granted that would require the creation or extension of a new private road. Notwithstanding the foregoing, consents may be permitted to accommodate conservation uses, as set out in the **Crown and Conservation Lands** section of the Plan, provided that such lots have frontage on an existing private road or an existing or proposed private right-of-way registered on title.
7. A consent for the purpose of legally identifying the precise location of existing bona-fide private road as defined in this Plan shall be permitted, provided that such private

- road existed on the date of adoption of this Plan and that the effect of any such consent is not to extend the length of the said road.
8. No consent shall be granted on an existing private road that would result in the creation of a lot not fronting directly on a water body.
 9. A consent for the purpose of creating a lot on an island may be considered where deeded parking and water access is provided on a lot on the mainland that is suitable by virtue of its location, access and other relevant considerations. This shall include a requirement that the mainland lot front onto an existing maintained public road.

5.2.4 Subdivision Policies

1. Development by plan of subdivision shall be permitted in the Settlement Area and Rural designations.
2. The maximum number of lots that may be registered within a plan of subdivision is 25 lots, except in the Settlement Area designation where the maximum shall be as determined by the Township and the approval authority.
3. Access to a proposed plan of subdivision shall be from a maintained public road, built to an adequate standard to accommodate the additional traffic requirements. Where, in the opinion of the Township or approval authority, such public road access is not adequate, upgrading of the road shall be a condition for final approval of the plan of subdivision.
4. Access to individual lots in a plan of subdivision shall be by internal public roads, built to Township standards. Where design considerations necessitate it, limited direct lot access to an existing public road abutting the subdivision may be granted.
5. The road layout in a plan of subdivision shall avoid cul-de-sacs, where possible, and provide opportunities for future road connections to abutting lands, where requested by the Township.
6. In reviewing parkland dedication requirements for plans of subdivision, preference shall be given for parklands which support active transportation and provide connections to existing public parks, trails, bikeways and other recreational facilities, as well as to water bodies, where applicable.
7. All plans of subdivision shall comply with the policies of the **Storm Water Management** section of this Plan.
8. Development by plan of subdivision shall meet the requirements set out in the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan.
9. The approval authority may include provisions for the phasing of development within a plan of subdivision to ensure that it proceeds in an orderly, cost-efficient pattern.

10. The approval authority may apply lapsing provisions to any draft plan of subdivision, pursuant to the provisions of the *Planning Act*.
11. The policies of this subsection shall also apply to plans of condominium, as appropriate.

5.3 DEEMING PLANS OF SUBDIVISION

Under the authority of the *Planning Act*, the Township may pass a deeming by-law which has the effect of declaring part or all of a plan of subdivision not to be registered for conveyance purposes, provided that the subdivision is a registered plan within the meaning of the *Planning Act* and that it has been registered for a period of eight or more years.

5.4 SITE PLAN CONTROL

1. Site Plan Control is a site design and approval process intended to be used in cases where the type of development proposed or the characteristics of the particular site require a more detailed level of attention to, and control over, the siting of buildings, structures, facilities and other features than would be possible or practical through the mechanism of a Zoning By-law.
2. It is the intention of the Township to use Site Plan Control as a planning tool complementary to the Zoning By-law to ensure that:
 1. Proposed buildings and structures are well sited vis-à-vis adjacent land uses, including elements to enhance land use compatibility;
 2. Design details, such as accessory buildings and structures, lighting, walkways, vehicular accesses, parking, loading, waste facilities, grading, drainage, landscaping materials, fencing, etc., are adequate for the uses proposed, in terms of functional, safety, accessibility and aesthetic considerations;
 3. Development occurs with minimal impact on, and is compatible with, natural and cultural heritage resources, particularly where development is proposed in immediate proximity to water bodies, or on or adjacent to properties with heritage significance;
 4. Detailed policies of this Plan can be properly implemented;
 5. Development is undertaken and maintained as approved by the Township;
 6. Development approvals incorporate risk management measures to protect surface water and ground water resources.

3. The Township may control the design and details of development proposals through the use of a Site Plan Control By-law. The entire Township of Athens shall be considered a Site Plan Control Area except that certain types of development such as the following may be exempt from Site Plan Control:
 1. Agricultural uses;
 2. Single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto, in cases where no development or site alteration is proposed adjacent to a water body or within or adjacent to lands designated as Natural Heritage A, Natural Heritage B or Natural Hazard;
 3. Minor additions or alterations to existing buildings and structures.

The above exceptions to site plan control do not apply to uses which have been subject to an Environmental Impact Assessment triggered by this Plan where the recommendations of the assessment directs the specific location of structures and/or implementation of mitigation measures on a lot. In these instances, site plan control shall apply.

4. In imposing Site Plan Control, the Township will seek to regulate the general site layout of the property and, where appropriate, the massing and conceptual design of all buildings and structures on the property. Site plan drawings shall be required in all cases. Floor plan, elevation and cross-section drawings may be required for any development, as determined by the Township.
5. In processing Site Plan Control applications, the Township will consult with various public bodies, including the relevant Conservation Authority, as appropriate. Without limiting the generality of the foregoing, the relevant Conservation Authority shall be circulated on all Site Plan Control applications for waterfront properties. The United Counties of Leeds and Grenville's road department will be circulated on all Site Plan Control applications on properties having frontage on County Roads.
6. As a condition of the approval of a site plan, the County or Township may require the dedication of land for public road widening purposes.
7. The Township may enter into Site Plan Control agreements with the owners of lands for which site plans have been approved and register such agreements on the title of the lands to which they apply.

5.5 SITE PLANNING AND DESIGN GUIDELINES

A comprehensive Zoning By-law is a major tool in the implementation of an Official Plan and sets many quantitative-type performance standards that are important in achieving the Township's development objectives. It is also recognized that site planning and architectural design are important and complementary components in a successful Official

Plan implementation strategy. It is primarily through meticulous attention to site planning and architectural elements that qualitative matters related to development are addressed.

In recognition of the importance of good site planning and in order to ensure that Site Plan Control and development applications adequately address the technical requirements and design objectives of the Township, site plan application guidelines may be developed. These guidelines would be used as a tool by both applicants and approval authorities for the preparation and processing of applications, respectively. The guidelines would address various functional, safety, aesthetic and other issues relevant to the appropriate development of various land uses.

The Township encourages proponents of development applications to meet Provincial Accessibility Standards to ensure developments are accessible to all persons. Where applicable, the Zoning By-law will include provisions to address Provincial Accessibility Standards.

In addition to developing site plan guidelines, the Township may prepare architectural design guidelines for specific areas of the Township such as core areas within the villages of Athens and Charleston. The Township would encourage the use of the guidelines as a tool in developing lands and buildings in a contextually-sensitive manner.

5.6 ZONING BY-LAWS AND HOLDING PROVISIONS

5.6.1 General

It is intended that a comprehensive Zoning By-law to implement this Plan shall be prepared and adopted in accordance with the provisions of the *Planning Act*. Such by-law shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. In accordance with the *Planning Act*, Council shall amend the zoning by-law no later than three years after any comprehensive update to this Plan that comes into effect.

5.6.2 Holding Zones

It is not intended that all land use areas designated in this Plan will be zoned for such uses immediately in the Zoning By-law. Areas may be zoned for their existing uses or in a Holding category pursuant to Section 36 of the *Planning Act*, and in accordance with the criteria which follow:

1. It is the intention of Council to place certain lands within a Holding category in the Zoning By-law when the principle of development has been established, in order to:
 1. Delay the development of lands until any necessary municipal infrastructure become available;

2. Affect the phasing and/or proper design of large-scale residential, commercial, or industrial development;
 3. Ensure that proper financial and other agreements are in place; and/or
 4. Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
2. Lands which are subject to Holding provisions shall be identified in the Zoning By-law by an “h” symbol, in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:
1. Lands which are shown to be in a Holding category shall generally be restricted to existing uses;
 2. New development proposed on land zoned in a Holding category shall not be permitted unless Council deems it appropriate to remove the Holding symbol through an amending by-law.
3. An application for removal of the Holding symbol shall be reviewed by Council in consideration of the following:
1. That the proposed use is in conformity with the requirements of the Zoning By-law;
 2. That the required municipal infrastructure is available or will soon be available;
 3. That the financial and other requirements of the municipality have been fulfilled;
 4. That the phasing and design of the proposed development is to Council's satisfaction; and/or;
 5. That any development constraints which have been identified can be overcome to the satisfaction of Council.

5.6.3 Interim Control By-laws

Council may pass Interim Control By-laws to control the use of land, buildings or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council. Any Interim Control By-law approved by Council shall initially be in effect for a period of up to one year from the date of passing of the by-law but may be extended for a maximum of one additional year.

5.6.4 Temporary Use By-laws

Pursuant to Section 39 of the *Planning Act*, Council may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to twenty years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law.

Where deemed appropriate by Council, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

5.6.5 Conditional Zoning

Conditional Zoning is a tool that may be utilized to impose conditions on the use of lands or the erection of buildings or structures. Conditional Zoning is intended to allow a more flexible zoning process and provides the Township with the authority to secure conditions in agreements that may be registered on title and enforced against both current and future owners of the lands.

When regulations have been enacted by the Province to authorize the use of Conditional Zoning By-laws in accordance with the *Planning Act*, the Township may, in a Zoning By-law, permit the use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions on the use, erection or location.

Prior to the enactment of a Zoning By-law under the Conditional Zoning policies of this Plan, the Township may require the owner to enter into one or more legal agreements to be registered on title against the lands to which it applies, dealing with the said conditions and matters related to implementation.

5.7 COMMITTEE OF ADJUSTMENT

A Committee of Adjustment has been appointed to consider applications for relief from any Zoning By-law implementing this Plan. The Committee will be guided by Section 44 of the *Planning Act*, and by the rules of procedure and regulations issued from time to time by the Minister of Municipal Affairs.

The **Existing Land Uses** section of this Plan sets out policies for dealing with applications to change or enlarge non-conforming uses, as well as for minor variance applications where existing or proposed uses conform to the Zoning By-law, but are non-complying with respect to zoning provisions such as building setbacks. The Committee will have regard to the relevant non-conforming use and minor variance policies.

5.8 PLANNING APPLICATIONS – REQUIRED INFORMATION AND MATERIALS

1. In addition to the information and materials required pursuant to the *Planning Act* and associated O. Regs, and any other legislation, as amended, the Township may require development proponents to provide additional information to accompany applications as part of a complete application. Notwithstanding the generality, additional studies and materials may be required for Official Plan amendment, Zoning By-law amendment, Minor Variance, Site Plan Control, consent, subdivision and condominium applications.
2. The number and scope of studies and assessments to be required for the submission of a complete application shall be appropriate and in keeping with the scope and complexity of the application.
3. The additional information that may be required in support of an application includes, but is not limited to the following:
 - Aggregate Studies
 - Agricultural Soils Assessment
 - Archaeological Assessment
 - Boat Impact Assessment
 - Contaminated Site Assessment / Environmental Site Assessment
 - Environmental Impact Assessment
 - Environmental Site Assessment
 - Erosion and/or Sedimentation Plan
 - Geotechnical Report
 - Grading and Drainage Plan
 - Ground Water Impact Assessment
 - Heritage Impact Assessment
 - Hydrogeological Assessment
 - Lake Capacity Assessment
 - Lake Impact Study
 - Landscaping Plan
 - Land Use Compatibility Assessment
 - Minimum Distance Separation (MDS) Calculations
 - Noise/Vibration/Blast Study
 - Parking Study
 - Planning Rationale
 - Photometric Plan or Lighting Plan
 - Record of Site Condition
 - Risk Reduction Plan
 - Servicing Options Report
 - Slope Stability Analysis
 - Species at Risk Assessment
 - Stormwater Management Plan
 - Surface Water Impact Assessment

- Terrain Analysis
 - Traffic Impact Assessment
 - Tree Conservation and Protection Plan
 - Visual Impact Assessment
 - Other information or studies relevant to the development of lands impacted by the proposed development approval application
4. The Township may require any of the required studies to be peer reviewed on behalf of the Township, at the sole expense of the proponent.
 5. The Township encourages consultation with the Township prior to submitting development applications and may adopt a by-law pursuant to Section 22(3.1)(b), Section 34(10.0.1)(b) and Section 41(3.1) of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, to require such consultation. Failure to do so may result in the application being deemed incomplete in accordance with the *Planning Act*.

5.9 PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES

1. Council shall make planning documents specified in the *Planning Act* such as the Official Plan and Zoning By-law available to the public to foster a greater awareness and knowledge of planning matters. Where amendments to these documents are made, Council shall endeavour to ensure that up-to-date consolidations of the amended documents are made available.
2. Council shall, as a minimum, follow the requirements of the *Planning Act* as they apply to public notification and participation in relation to such matters as Official Plans, Community Improvement Plans, Zoning By-laws, amendments to the said Plans and By-laws, and Plans of Subdivision and Plans of Condominium. Council further encourages proponents of *Planning Act* applications to go beyond minimum requirements to engage the public and agencies on a development proposal.
3. Council shall engage with Indigenous communities and coordinate on land use planning matters.
4. In order to facilitate public participation, Council will employ appropriate methods at varying stages of the decision-making process such as, but not limited to, delegations to Committees of Council, formal and informal public meetings, open houses, workshops, displays, municipal-wide advertising through paper and/or electronic means, working committees, task forces, consultation with community, ratepayer or business associations, Indigenous communities and posting affected properties with information signs.

5.10 PUBLIC WORKS AND CAPITAL WORKS PROGRAM

1. The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Township directly in the financing of such

- projects, as resources permit. Project areas may include activities such as the development of park and recreational facilities, the upgrading of roads, the improvement of intersections and the enhancement of drainage facilities.
2. In undertaking public works and infrastructure projects that are subject to the Municipal Class Environmental Assessment process, Council shall have regard for known cultural heritage resources and areas of archaeological potential. When necessary, Council will require heritage impact assessments, including mitigation measures, to mitigate any negative impacts on identified significant heritage resources.
 3. The Township shall encourage public utilities to place equipment in locations that do not detract from the visual character of cultural heritage resources or have a negative impact on the architectural integrity of those resources.
 4. It is intended that Council, on the basis of the policies of this Plan dealing with municipal facilities, will establish a priority list for the implementation of these projects with estimates of cost (land acquisition, construction and maintenance costs wherever possible). A five-year capital works program will then be developed which the Council should carry out systematically. It is intended that the program will be reviewed annually as part of the capital budget procedure.

5.11 MAINTENANCE AND OCCUPANCY BY-LAW

1. It is the policy of Council to encourage the maintenance of the Township as a pleasant environment in which to live, work or visit. Continued maintenance of property is essential to the welfare of the Township.
2. It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under Section 15.1 of the *Building Code Act* and/or under the *Municipal Act*.
3. Council will endeavour to support further property maintenance and safe occupancy by:
 1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
 2. Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance;
 3. Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.

4. Upon adopting a maintenance and occupancy by-law, Council will appoint a Property Standards or Property Officer who will be responsible for administering and enforcing the by-law.
5. Council will also appoint a Property Standards or Property Committee for the purpose of hearing appeals against an order of the Property Standards or Property Officer.
6. The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.
7. The maintenance and occupancy by-law may prescribe standards for the following matters and any others that may be considered necessary:
 1. The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, abandoned or derelict vehicles, trailers, boats, barges, mechanical equipment or similar material;
 2. The adequacy of sanitation control, including garbage disposal, sewage and drainage;
 3. The maintenance of parking and storage areas;
 4. The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep;
 5. The maintenance of fences, swimming pools, accessory buildings and signs;
 6. The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights; and
 7. The maintenance of heritage attributes for properties designated under the *Ontario Heritage Act*.

5.12 THE MUNICIPAL ACT

The *Municipal Act* provides significant opportunities for the Township in relation to regulatory control over a range of matters and interests. These include various land uses, signage, trees, site alteration, economic development and a wide range of other matters of relevance to planning. Where necessary and desirable, the Township shall amend existing By-laws or pass new By-laws as may be required to ensure such matters are properly regulated and controlled.

SECTION 6 INTERPRETATION

1. It is intended that the boundaries of the land use classifications and development constraints shown on Schedule A and Schedule B respectively, be considered as approximate. Where bounded by roads, railways, rivers or streams or other similar geographical barriers, boundaries shall be considered absolute. It is recognized that the Schedule is subject to the typical and inherent inaccuracies associated with rural base mapping sources and digitized assessment parcel information. Accordingly, amendments to the Official Plan will not be required in order to make minor adjustments to the parcel fabric, physical features or approximate land use boundaries shown on the Schedules, provided that such adjustments do not, in the Township's opinion, compromise the intent of the Plan.
2. Typographical, grammatical and formatting modifications to this Plan may be undertaken without an Official Plan amendment, provided that such modifications do not, in the opinion of the Township, affect the intent of the Plan.
3. Private roads and unopened road allowances have been identified on the Schedules for information purposes. In the event that a private road or unopened road allowance has incorrectly been identified as a public or open public road, this shall not signal an intention by the Township to change the status of the road, nor shall any amendment to the Plan be required to make a correction.
4. It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
5. Where any doubt exists with respect to the intended meaning of any word or phrase used in this Plan, the *2020 Provincial Policy Statement* shall be used as a guide to interpretation.
6. Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.
7. Where any Provincial Ministries or agencies are referred to in this Plan, such references shall be considered current at the date of adoption of this Official Plan. Amendments to the Official Plan will not be required to amend Ministry references as it is acknowledged changes may occur as a result of ongoing changes in the planning and application review process in the Province of Ontario.
8. Any appendices attached to this Plan may be revised without an Official Plan amendment.