

OFFICIAL PLAN

of the

TOWNSHIP OF ATHENS

July 2012 Office Consolidation

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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 five years. This Official Plan has been prepared in response to Section 17 and 26 of the *Planning Act*, and replaces the Official Plans of the former Village of Athens and the former Township of Rear of Yonge and Escott, which amalgamated in 2001 to form the Township of Athens.
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 comprehensive (5-year) 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 2005 *Provincial Policy Statement* issued under the authority of the *Planning Act*.
5. 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, road status and some of the features that have relevance to the policies in the Plan.

Schedule B is a constraints and opportunities map that identifies various natural features that should be considered in the planning process.

1.2.2 Application

This Official Plan applies to the entirety of the Township of Athens. This Plan replaces the Village of Athens Official Plan and the Township of Rear of Yonge and Escott Official Plan, which received Ministry of Municipal Affairs and Housing approval in 1986 and 1987, respectively.

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. 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;
 2. Foster environmentally-sustainable opportunities to live, work and visit in the Township;
 3. 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 2030. 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 five years to determine the need to update the Plan.

1.3 BASIS AND OBJECTIVES

1.3.1 General

This Plan replaces the 1986 and 1987 Official Plans which were prepared prior to a number of major Provincial policy and legislative changes that occurred from the mid-1990s through to the present. Accordingly, while Council regards the philosophy and locally-oriented policy directions of many of the policies contained within the earlier Official Plans as still being relevant, this new Plan ensures that current Provincial interests are addressed and that growth-dependent planning policies are appropriate. This Plan contains policies to address both provincial and local planning interests.

During the course of the preparation of this Official Plan, an Official Plan Steering Committee, composed of Council and volunteers from the community, met regularly as a working committee to provide advice and guidance. This Plan reflects their input, as well as that of stakeholders from the wider community of local interest groups and associations, governmental and other agencies, and the general public.

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 Plan. Collectively, the foregoing influences have shaped the directions of the basis and objectives of this Official Plan.

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 on County Road 42. 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 handpainted 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.

Neither the village of Athens nor the village of Charleston can accommodate any significant additional development within their historical settlement area boundaries. Both communities have evolved at high densities, given their reliance on individual private sewage and water services. Today, development and intensification 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.

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, have 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 Management 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.

Although the Township has a long history of agriculture, today agriculture is not a significant source of employment.

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.

Historically, the Township of Athens has attempted to preserve its rural and recreational flavour while accommodating a modest amount of growth and development, consistent with the abilities of the Municipality to provide an appropriate range and level of services to its ratepayers. This implies that this Plan will, in relation to matters of local interest and control, build upon the directions established in the 1985 Official Plans.

This Plan encourages the growth and development of the Township, while recognizing constraints and limitations to development imposed by the environment. The policies of this Plan are designed to support this philosophy, although it is recognized that increased concerns with the sustainability of development on private services for reasons related to 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 have an impact on the form and extent of appropriate development, particularly within the village of Athens. Despite the impact of these considerations on more intense forms of development within the villages, this Plan must provide sufficient development lands to meet current and future demands. Given that any significant intensification of development within the villages would jeopardize public health and safety and that the rural area is intended for only a limited quantity of residential development, it will be important to provide opportunities to accommodate new residential development at appropriate locations.

The majority of future growth is likely to be focused on vacant lands located within modestly enlarged settlement area boundaries on the west side of the existing village of Athens, rather than through intensification and infill development within its historical limits. The net extent of settlement area expansion contemplated by this Official Plan is in the order of 31 hectares. As enlarged, the village will provide a potential residential land supply of about 100 lots, which constitutes a 12-year supply of land designated for residential use. It is anticipated, therefore, that it may be necessary to amend this Plan during the twenty-year 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.

This Plan intends that 60% or more of residential lot creation occur within designated settlement areas and that less than 40% occur within the rural area.

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 villages, 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 2030, the Township's population will be approximately 3,532 permanent residents. Based on the 2006 census population of 3,086, this translates to an average annual increase of approximately nineteen persons. Over the course of the planning period, the average household size is expected to decline in a manner consistent with broad demographic trends from 2.78 persons per household (2006) to approximately 2.7 by 2030. 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-year review" requirement 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 over eight dwellings per year, while lot creation will continue to average approximately four 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.

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. The Township will seek to create opportunities within the municipality for its residents, and more particularly its youth.
5. 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, 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.
6. 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 Plan, a visioning exercise was undertaken by the Official Plan Steering Committee. The following vision statement was developed:

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.

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 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.
3. 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.
4. To conduct planning with an open process, producing policies which are fair in their distribution of benefits and influences.

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, 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 and agricultural producers 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 farm land as well as the farmer's right to develop the land.

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.

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 housing types and supporting amenities to satisfy the needs of existing and future residents.
2. To support the maintenance and enhancement of services related to the elderly 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 could 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.

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.

Natural and Human-made Hazards

1. To minimize risks to persons and property arising from natural hazards such as flooding, organic soils and steep or unstable slopes.
2. 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, where feasible.

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

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.

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 and bed and breakfast establishments.

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 – 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.

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*.

2.3 ENERGY POLICY

1. This Plan supports and encourages alternative and renewable energy systems, provided that they are designed and constructed to ensure compatibility with surrounding land uses and in accordance with provincial and federal requirements. 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.
2. 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.

2.4 HOUSING POLICY

1. Policies have been included in this Plan to ensure that:
 1. There is at least a ten-year supply of land designated and available for future residential development throughout the twenty-year planning horizon of the Plan;
 2. A variety of housing options are accommodated to meet the needs of present and future residents, subject to the limitations imposed by servicing and environmental considerations;
 3. 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, an attempt will be made to encourage new non-recreational residential development to occur on vacant or underdeveloped lands designated as Settlement Area rather than to those designated Rural.
2. 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.
3. Despite limitations on the types and forms of housing that can be accommodated, the Township will endeavour to ensure that at least 25% of housing is affordable to low and moderate income households through reviewing minimum dwelling unit area requirements in

the comprehensive Zoning By-Law, as well as through giving consideration to alternative design standards in the development of new subdivisions.

4. The comprehensive Zoning By-law that implements this Plan shall implement the housing policies referred to above.
5. The Township intends to monitor the residential land supply on an annual basis and the location, 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 area.

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.

Where development applications could significantly affect present or future educational facilities, the school boards will be consulted.

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, 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; and
 5. Fostering modifications to business premises and public spaces to remove barriers which may restrict their accessibility to persons with disabilities.
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 affordable housing, subject to servicing constraints;
 3. 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;
 4. Promoting the village as a place 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;
 5. Devoting sufficient financial and other resources for the maintenance (and upgrading, where required) of existing services and facilities;
 6. 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;
 7. 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 elderly and single persons;
 5. Attempting to improve the quality of services in residential areas, with specific attention to be placed on the sidewalk system;
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;
 3. Minimizing the negative impacts of commercial activities upon abutting residential properties.
 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.

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 Natural Resources 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 **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

Home-based businesses are small-scale economic activities conducted on the site of a residential dwelling by the occupants. It is recognized that home-based businesses 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.

It is the policy of this Plan to permit home-based businesses 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. 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.

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 Municipality.

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.

2.8 SPECIAL RESIDENTIAL USES

2.8.1 Garden Suites

Garden suites are detached single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling. Garden suites are intended as housing for those who are generally capable of living independently but who, by virtue of their age or a disability, require the support of others to live on their own.

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.

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.

2.8.2 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten or more 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 single-detached dwellings in any designation in which a single-detached dwelling is permitted.

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's Group Home Registration By-law, if any.
3. In order to prevent an undue concentration of group homes within existing built-up areas of the Township, standards requiring a minimum distance separation between group homes may be incorporated in the implementing Zoning By-law. The separation distance shall generally be limited to a minimum of 300 metres between any two group homes.
4. 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;
 3. 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. In the case of the Natural Hazard designation, the construction of buildings and structures associated with public and institutional uses which by their nature must be located on hazardous lands shall only be permitted in consultation with the relevant Conservation Authority;
 4. The development of new communication towers should be undertaken in accordance with Industry Canada's *Radio Communication and Broadcasting Antenna Systems* protocol, or an alternative Township-initiated protocol.

5. Development that includes institutional uses 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 general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;
 7. The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied.
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 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.
 5. Where development is proposed adjacent to major public facilities and utilities such as pipelines 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.

2.10 PARKS, TRAILS AND RECREATIONAL FACILITIES

1. Parks, trails, bikeways and recreational facilities shall generally be permitted in all land use designations. 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 public parks, trails, bikeways or other recreational facilities, as well as to provide for the conservation of significant cultural heritage resources.
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 such as ramps and walkways to enable persons with disabilities to reach amenities and facilities shall be provided where possible.
6. The Township views the development of park and recreational trail systems as an important resource providing opportunities for outdoor leisure and recreation, tourism and interpretation of the natural environment.
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.

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 Natural Resources, the Cataraqui Region

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 Natural Resources 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.

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. 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.
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. 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.
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.

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.

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 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 undersized waterfront 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.
3. Lot additions or enlargements to existing undersized lots of record shall be encouraged even though the enlarged lot may not comply with the minimum size requirements of 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.

2.17 LAND USE COMPATIBILITY

2.17.1 Development Adjacent to Mineral Resources

1. It is a policy of this Plan that existing or potential mining or mineral aggregate operations 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 bedrock sources of mineral aggregate, as identified on Schedule B.

The development of sensitive land uses such as residences, day care centres and educational and health facilities under the influence of the foregoing development contexts 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 mineral resource.

2. The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of mineral resources and to protect existing pits and quarries from the encroachment of incompatible land uses. Although an influence area is that area where impacts may occur or be experienced, it is not a strict buffer or setback area where development adjacent to the Mineral Resource designation or operations is automatically prohibited. The proponent of a mining or mineral aggregate operation, or the proponent of a proposed encroaching incompatible land use, as applicable, shall 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.
 1. The influence area in relation to pits is 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.
 2. The influence areas for resource lands designated Mineral Resource or identified as a potential bedrock source of mineral aggregate shall be dependent upon the nature of the resource. The influence area shall be 300 metres or 500 metres for lands designated or identified on the basis of surficial or bedrock resources, respectively.
3. 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 due to qualitative, quantitative or other constraints; 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.
4. Land use compatibility studies shall be required in accordance with Provincial standards in relation to the development contexts identified in Subsection 1. The types of studies that may be required include, among others, hydrogeological assessments, noise impact assessments,

blast impact assessments (including pre-blast surveys), and mineral or mineral aggregate quality and quantity assessments to determine the extent of the resource.

2.17.2 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, severances of surplus dwellings as a result of farming consolidation, 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.

2.17.3 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 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 guidelines.
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 guidelines. 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.

2.17.4 Other Land Use Compatibility Policies

1. It is a policy of this Plan to minimize 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, as appropriate.
2. In addition, certain 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 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 D-series land use compatibility guideline. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, a feasibility study which includes mitigation measures shall be undertaken in accordance with the relevant D-series guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

2.18 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

2.18.1 Cultural Heritage Resources

1. Built or cultural heritage resources consist of historic buildings, structures and other human-made features of 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 (i.e. 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 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 Culture will be consulted, as appropriate. New development will be planned so as to preserve, 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, if such a committee is formed, to assist and advise Council on cultural heritage resource conservation issues. Council, in consultation with the Committee, may by by-law adopted pursuant to the provisions of the *Ontario Heritage Act*, undertake the following:
 1. Designate properties for the conservation of buildings of cultural heritage value or interest, including historic, architectural or contextual value or interest;
 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.
5. 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.
6. Where economically feasible, Council intends to set an example to the community by restoring and maintaining Township-owned buildings and properties of historic or architectural value 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.
7. 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.
8. The Township shall establish a register of all properties designated under the *Ontario Heritage Act*.
9. Council may establish a Municipal Cultural Heritage Trust Fund to facilitate financial assistance from public and private donations towards heritage conservation efforts.

10. The approval authority shall require the preparation of a Heritage Impact Assessment, by a qualified professional, when development proposals affect significant cultural heritage resources.

2.18.2 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 First Nations peoples and the early settlement of the Township. 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 Culture must perform all archaeological work according to the terms and conditions or their licence to the satisfaction of the Ministry of Culture. 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 Culture.

Archaeological assessments shall normally be required for new development and site alteration involving planning applications for an Official Plan or zoning by-law amendment, plan of subdivision, condominium 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) when the subject lands contain or are located within at least one of the following:

1. 250 metres of a known archaeological site;
2. 300 metres of a primary water source such as a lakeshore, river, large creek, etc.;
3. 300 metres of an ancient water source indicated by a beach ridge, river bed, etc.;
4. 200 metres of a secondary water source such as a wetland, marsh, small creek, spring, etc.;
5. 10 metres of a cemetery which was established prior to 1945;
6. Elevated topography (knolls, drumlins, eskers, plateaus, etc.);
7. Pockets of sandy soil in a clay or rocky area;
8. Unusual land formations (mounds, caverns, waterfalls, etc.);
9. An extractive area (for food or scarce resources);

10. Non-aboriginal settlement features (monuments, cemeteries, etc.);
11. Historic transportation features (road, rail, portage, etc.);
12. Designated property (refer to Municipal Heritage Committee or Township Clerk's office);
13. Local knowledge associating property with historic events, activities or occupations.

For consent applications, Official Plan amendments, and zoning by-law amendment applications relating to existing developed properties where no new development or site alteration is proposed, archaeological assessments shall not be required unless the property contains a designated heritage resource, a cemetery or burial place or known archaeological site.

Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal.

2. 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.
3. Pursuant to the relevant provisions of the *Planning Act*, sites containing significant archaeological resources may be zoned to restrict or prohibit uses, buildings or structures which might conflict with the preservation of such resources.
4. When an identified marked or unmarked cemetery is affected by development, the Township shall ensure that adequate archaeological site assessment is undertaken, in consultation with the Ministry of Culture and the Ministry of Small Business and Consumer Services.. The provisions of the *Cemeteries Act* and *Heritage Act* shall apply, as appropriate.
5. 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.

2.19 NATURAL HAZARD FEATURES

2.19.1 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. 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.

2. 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.

The foregoing flood plain elevations do not include a 0.3 metre freeboard protection requirement normally applied in relation to matters such as proposed building openings (i.e. doors and windows). Basement floors and/or the first finished floor and exterior building openings, such as doors and windows, shall be set a minimum of 0.3m above the flood plain elevation for freeboard protection.

3. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor. Where such setbacks are required, they shall typically range from 5 metres to 15 metres.

2.19.2 Organic Soils

1. Lands with the potential for organic soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability, and are shown on Schedule A 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. Development that includes hospitals, nursing homes, preschools, nursery schools, day cares and schools where there is a threat to the safe evacuation of the sick, the elderly, the young or persons with disabilities due to hazards, essential emergency services and uses associated

with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.

3. 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. Such 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.

2.19.3 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** section of the Plan.
2. Development that includes hospitals, nursing homes, preschools, nursery schools, day cares and schools where there is a threat to the safe evacuation of the sick, the elderly, the young or persons with disabilities due to hazards, essential emergency services and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
3. Appropriate setbacks from steep slopes are important to minimizing risks to persons and property. In the absence of detailed mapping, a general standard of a 3:1 (horizontal:vertical) stable slope allowance shall apply, plus a 6-metre erosion allowance or 10-metre from the top of the existing slope, whichever is greater. In certain cases, such as along watercourses with active erosion or a meander belt, additional setbacks may be necessary. In considering development and/or planning applications, the approval authority and relevant Conservation Authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified expert.
4. 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. Such 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.
5. 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 HUMAN-MADE HAZARD FEATURES

2.20.1 Contaminated Sites

1. 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 the *Record of Site Condition Regulation (O. Reg. 153/04)* and the Ministry of the Environment 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.

2. 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.

2.20.2 Abandoned Mines and Mineral Resource Operations

1. Abandoned mine sites and mineral resource operations can vary widely in nature, from little more than minor ground disturbances to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist. At the time of adoption of this Plan, there are no known abandoned mine or abandoned mineral resource operation hazards in the Township. If such hazards are identified in the future, they shall be identified on Schedule B.
2. In reviewing development applications, the Township shall attempt to ensure that development on within 1 kilometre of lands affected by potentially hazardous abandoned mines or mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or completed. The Ministry of Northern Development and Mines shall be consulted for abandoned mines and the Aggregate Producers Association of Ontario shall be consulted for abandoned pits and quarries.

2.21 NATURAL HERITAGE FEATURES

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 them.

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, are only permitted subject to addressing the requirements of the **Environmental Impact Assessments** section of this Plan.

2.21.1 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.

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

1. At the time of adoption of this Plan, only the Blue Mountain ANSI has been identified as having provincial significance. If other ANSIs are approved by the Ministry of Natural Resources, 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.
2. Development and site alteration such as filling, grading and excavating on lands within or adjacent to the Natural Heritage B designation 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 ANSI'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.
3. For the purposes of this Plan, adjacent lands are those lands lying within 50 metres of any Provincially-significant ANSI.

2.21.3 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 Natural Resources. 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 30 metres of the habitat, unless it can be demonstrated that there will be no negative impacts. Negative impacts include the harmful alteration, disruption or destruction of fish habitat, except where authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan when the approval authority, in consultation with other agencies such as the relevant Conservation Authority and the Department of Fisheries and Oceans, determines that it is necessary.
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.

2.21.4 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. 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 Ministry of Natural Resource's Natural Heritage Information Centre compiles and maintains data on rare species for Ontario. The data includes non-specific locational information for species of flora and fauna at risk due to factors such as declining population or habitat. Species at risk include a number of plants and animals that are nationally or provincially listed as threatened, endangered or of special concern. The mapping associated with this data provides a useful indicator of significant wildlife habitat and has been used as the basis for the identification of significant wildlife habitat on Schedule B. The Township shall use this information to screen planning applications for the presence of significant wildlife habitat.
4. It is recognized that, while Provincial rare species data and other information on winter deer habitat and known bird nest sites provides a useful resource in mapping significant wildlife habitat, there are other public and private information sources that may also be valuable. These sources, which include naturalist clubs, sporting associations, conservation authorities, etc. collect information that could be used to both expand upon and refine the significant wildlife habitat mapping shown on Schedule B through amendment to this Plan.
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 or natural corridor area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that there will be no negative impacts. 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 50 metres of any significant wildlife habitat or natural corridor identified on Schedule B.

2.21.5 Endangered and Threatened Species Habitat and Adjacent Lands

1. The Township encourages property owners 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. 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.
2. At the time of adoption of this Plan, the Bald Eagle, American Ginseng and Butternut tree have been identified as endangered species found in the Township. In addition, threatened species found in the Township include Blanding's Turtle, Least Bittern, Peregrine Falcon, Eastern Ratsnake, Whip-poor-will, and Stinkpot (Musk) Turtle. The Township's policy with respect to these and other endangered or threatened species is as follows:

1. Endangered and threatened species habitat shall not be identified on the Schedules to this Plan in order to protect the species, however, in some cases endangered and threatened species habitat may exist in the significant wildlife habitat areas shown on Schedule B. In such cases, the environmental impact study process associated with significant wildlife habitat may identify the presence of endangered or threatened species habitat.

A screening map, prepared by the Ministry of Natural Resources showing areas of potential habitat of endangered and threatened species has been provided to the Township for reference. Where the screening map identifies the potential for significant habitat of endangered and/or threatened species, an ecological site assessment shall be required in support of a planning application. The ecological site assessment shall assess the potential for significant habitat and delineate the extent of significant habitat of endangered and/or threatened species within or adjacent to an area proposed for development of site alteration, should habitat be found on the subject lands. In cases where an environmental impact study is triggered by this Plan, the above requirements may be addressed by the environmental impact study, provided it is undertaken by a qualified individual.

The Ministry of Natural Resources is the appropriate approval authority to approve the extent of significant habitat of endangered and/or threatened species identified by ecological site assessment or environmental impact study.

In addition, a site inventory for butternut, an endangered tree species, will be required prior to the disturbance or removal of trees as a result of development or site alteration associated with a planning application. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of health of the species by a qualified Butternut Health Assessor is required. If 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. Sometimes environmental impact studies undertaken to assess various natural features identified on Schedule B may identify endangered or threatened species habitat. In other cases, Ministry of Natural Resources mapping that is reviewed in relation to a proposal for development or site alterations such as filling, grading or excavating may identify the existence of endangered or threatened species habitat. Where this is the case, no development or site alterations shall be permitted within the significant habitat. The amount of habitat required for the survival of endangered and threatened species is determined on a species-specific, case-by-case basis. Development or site alterations shall not be permitted on adjacent lands, unless the ecological function of such adjacent lands has been evaluated through the completion of an environmental impact assessment and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

3. For the purposes of this Plan, adjacent lands are those lands lying within 50 metres of the significant habitat of endangered or threatened species.
4. When any endangered or threatened species habitat is identified in the Township, the Ministry of Natural Resources shall be contacted to develop a mutually acceptable process to be implemented for the protection of the species.
5. The Township encourages all property owners to consult the *Endangered Species Act, S.O., 2007*, and related *O. Reg 230/08*. This 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.

2.21.6 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. Finally, it is noted that many of the significant 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 economically due to their quality, species composition and past management history. Significant woodlands have been identified on Schedule B to this Plan.
3. Prior to permitting development or site alteration such as filling, grading and excavating within a significant woodland area identified on Schedule B or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that there will be no negative impacts on the natural features or their ecological functions. The assessment required pursuant to this policy will be completed 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 50 metres of any significant woodlands identified on Schedule B.

2.21.7 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. Prior to permitting development or site alteration such as filling, grading and excavating within a significant valleyland area or adjacent lands, the approval authority shall require an environmental impact assessment demonstrating that there will be no negative impacts on the natural features or their ecological functions. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

2.21.8 Environmental Impact Assessments

1. The various interrelated features that comprise the natural heritage system vary considerably in terms of their sensitivity to development. Many features and areas can 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. The Township shall require the undertaking of an environmental impact assessment for any development or site alterations that require the approval of a planning application. The scope and scale of an environmental impact assessment shall be as 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 feature(s). In all cases, an environmental impact assessment shall provide sufficient information on a proposed development to ensure that there are no negative impacts on the natural features or ecological functions for which the area is identified.
4. Through consultation with the approval authority, 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. In certain situations, such as proposals involving accessory buildings and structures, minor additions to existing buildings or, in some cases, new single dwellings or development that is

- adjacent to rather than within the natural feature, the requirements for an environmental impact assessment may be satisfied through the completion of an environmental screening checklist. An environmental screening checklist, such as the one contained in the Ministry of Natural Resources' *Natural Heritage Reference Manual*, shall be 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. Subsequent to the review of the checklist by the approval authority, an environmental impact study, prepared by a qualified individual, may be required in order to 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.
 6. An environmental impact study shall:
 1. Define the nature 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 effects 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.

2.22 GROUND WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES

2.22.1 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. 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.
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. 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 approval authority, including the relevant approval authority for water supply and sewage disposal systems.
 5. 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.

In reviewing development applications, the cumulative impacts of private services shall be monitored to ensure sustainability of development.

6. 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.
7. 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*.
8. The Township supports initiatives of both public and private interests to encourage the efficient and sustainable use of water resources, including water conservation practices.
9. 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.
10. It is expected that the Ministry of the Environment (MOE) will release guidelines in the future with regard to sufficient treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Once these guidelines are released, it shall be the intent of the Township to consider amendments to the Official Plan to be consistent with the Sewage and Water policies of the *Provincial Policy Statement*.

2.22.2 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.

2.23 SURFACE WATER QUALITY AND QUANTITY

2.23.1 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.
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 to the satisfaction of the relevant approval authority, in consultation with the Ministry of the Environment and the Ministry of Natural Resources, 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 exist:
 1. The severance is to separate existing habitable dwellings, each of which has a separate septic system, provided the land uses would not change;

2. All new septic system tile fields are located such that they would drain into a drainage basin which is not at capacity;
 3. All new tile fields are set back at least 300 metres from the shoreline of the lake or permanently flowing tributary to the lake;
 4. An investigation by a qualified professional demonstrates that effluent pathway from a tile field would flow in a manner such that the minimum distance of the pathway from the lake is 300 metres. This must be supported by a report prepared by a qualified professional.
3. All other lakes in the Township are warm water lakes. Based on current water quality data, all other lakes can accommodate some additional development. 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 approval of such proposal shall not be granted where a negative impact on water quality would result.

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 or limited vegetative cover. Where possible, it is the intention of this Plan to encourage increased water setbacks for replacement septic systems.

3. 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 instances, appropriate measures shall be taken to locate septic systems as far away as possible from the waterbody. Additionally, there may be isolated cases where site-specific conditions, such as the presence of an existing dwelling or other principal-use building, that would make it appropriate to reduce the setback in relation to a proposed lot. 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.
4. 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 Natural Resources and the relevant Conservation Authority, in addition to, or instead of, approvals from the Township.
5. 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.
6. 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.
7. Through the mechanism of Site Plan Control, 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 strip 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 strip 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 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.

2.23.2 Storm Water Management

1. Storm water management is an important part of the Township's broader interest in protecting water quality. 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. As resources permit, the Cataraqui Region Conservation Authority intends to produce a plan for the Cataraqui watershed which will document its condition and pinpoint water quality and quantity issues requiring further attention. The Township supports this initiative. In the interim, it will rely on input from the Conservation Authority in response to the circulation of planning applications, as well as on relevant guidelines of the Ministry of the Environment, 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 minimize storm water volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
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.

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 Roads Plans, attached as Schedule A to this Plan. The Schedule establishes the pattern of development in general terms by dividing the Township into six land use designations:

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

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 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. 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 Natural Resources and the Ministry of Northern Development and Mines.

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 - Aggregate are found in the northwest portion of the Township.

Mapped bedrock information has been provided to the Township through the Ministry of Natural Resources. 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 exploited, 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 and Mines and the Township determined that such development would not compromise objectives with respect to the protection of minerals for extraction.

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 and Mines 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 and Mines or Ministry of Natural Resources, as applicable, and the Township and provided further that:
 1. A mineral resource use would not be feasible due to qualitative, quantitative or other constraints; 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, can be addressed.
4. All pit and quarry operations shall be licensed by the Ministry of Natural Resources under the *Aggregate Resources Act*.
5. 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.
6. 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 due to qualitative, quantitative or other constraints; 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, can be addressed; and
 4. The proposed redesignation shall not preclude the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate extraction.
7. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses.
 8. Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses.
 9. 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;
 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;
 8. The presence of archaeological remains or cultural heritage resources; and,
 9. Mitigation measures.

- Information that may be required shall not include any demonstration of need for mineral aggregates (i.e. any type of supply and demand analysis).
10. 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. Influence areas in relation to pits are 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.
 11. 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 and Mines. 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 due to qualitative, quantitative or other constraints; 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, can be addressed.
 12. 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, 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 groundwater, 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 been identified as a candidate ANSI.

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 fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features**. 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** 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 may be permitted on lands adjacent to the Natural Heritage A designation, subject to the provisions of the **Natural Heritage Features** section of this Plan and if supported by an Environmental Impact Assessment. 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. 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.
5. 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 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, 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 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.

ANSIs that have been approved by the Province are included in the Natural Heritage B designation.

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

Subject to the undertaking of an Environmental Impact Study in accordance with the provisions of the **Environmental Impact Assessments** section of this Plan, development and site alteration may be permitted to occur within the Natural Heritage B designation.

Other natural heritage features such as fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features**. 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** 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.

3.4.2 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. Development or site alteration may be

- permitted, subject to 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 may be permitted on lands adjacent to the Natural Heritage B designation, subject to the provisions of the **Natural Heritage Features** and **Environmental Impact Assessments** sections of this Plan. Adjacent lands means those lands within 50 m of the Natural Heritage B 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 Cataraqui Region Conservation Authority, 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**.

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 Natural Resources 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. 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.

3.5.4 Special Exception Areas

(Reserved)

3.6 RURAL

3.6.1 Intent of the Designation

The lands designated Rural represent the bulk 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, and commercial, industrial and limited residential uses. 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 including agriculture, forestry, conservation, various outdoor recreational uses and commercial, industrial and limited residential uses, subject to the following use-specific policies. In all instances, development shall be appropriate for and sustained by the level of available and existing infrastructure and public service facilities, and remain compatible with the rural landscape.

3.6.3 Agriculture Policies

1. Agricultural uses 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.
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. Agri-tourism uses are also permitted.
3. A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted.
4. The Township encourages all nutrient generators and users to undertake the preparation of nutrient management plans and engage in best management practices.
5. Agricultural uses shall comply with the **Land Use Compatibility** section of this Plan.

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.
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.
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. 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.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. The outdoor storage of goods and materials shall be strictly controlled.
7. 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, 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 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 and the Ministry of Natural Resources.
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. Adequate off-street loading facilities and employee parking and other facilities shall be provided.
4. Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
5. 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.
6. 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. Notwithstanding the policies contained in the **Groundwater Supply, Sewage Disposal and Other Services** section of this Plan, the Township will not approve the development of any mobile home park on the basis of communal sewage and/or water services.
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.
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.
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 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 Areas

(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 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 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. The boundaries of the Settlement Area designation are intended to include a modest allowance for new development to occur.

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, ranging from single-detached dwellings to multiple unit dwellings and including dwellings units within non-residential buildings 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 Boundary

1. The Township may identify a new settlement area or allow for 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 for growth 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 and protect public health and safety;
 3. In prime agricultural areas:
 1. the lands do not comprise specialty crop areas;
 2. there are no reasonable alternatives which avoid prime agricultural areas; and
 3. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and
 4. 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.

In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a new settlement area the Township shall consider and apply all the policies related to natural heritage features, natural resource protection, cultural heritage protection and protection of public health and safety.

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

1. Agricultural uses shall be permitted in the Agriculture designation. Agricultural uses include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of operation requires additional employment.
2. In addition, secondary uses, agriculture-related commercial and agriculture related industrial uses that are small in scale and directly related to a farm operation and required to be located in close proximity to the farm operation 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. These uses must be deemed compatible with and shall not hinder surrounding agricultural operations. Also, these uses shall be limited in scale, and criteria for these uses shall be included in the Zoning By-law which achieves the objectives of protecting agricultural resources.
3. All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
4. New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

3.8.3 Lot Creation

1. Lot creation is discouraged and shall only be permitted in one of the following instances:
 1. 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. 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. a residence surplus to a farm operation as a result of farm consolidation, provided that the Township ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance, and

4. infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
2. Lot adjustments in the Agriculture designation may be permitted for legal or technical reasons.
3. The creation of new residential lots in the Agriculture designation shall not be permitted, except in accordance with Policy 3.8.3.1(3).

3.8.4 Removal of Land from Prime Agricultural Areas

1. In evaluating proposed amendment to the Official Plan to change the designation from Agricultural to another land use designation, the Township shall only consider the following instances:
 1. The amendment is required for an expansion of or identification of a settlement area, as recommended by a successful comprehensive review.
 2. The amendment is required for extraction of minerals, petroleum resources and mineral aggregate resources (subject to policy 3.8.5- Extraction in Prime Agricultural Areas).
 3. The amendment is to allow for limited non-residential uses, provided that:
 1. the land does not comprise a specialty crop area;
 2. There is a demonstrated need within the planning horizon of the Official Plan for additional land to be designated to accommodate the proposed use;
 3. There are no reasonable alternative locations which avoid prime agricultural areas; and
 4. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
2. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

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 rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.

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 identifies 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; specially 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 (PIN 443060086)

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 (PIN 443080075)

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 (PIN 443080065)

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 (PIN 443090089)

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 (PIN 443090078)

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.

4.2 COUNTY ROADS

County Road Nos. 5, 30, 39, 40, and 42 presently serve the Township and are under the jurisdiction of the United Counties of Leeds and Grenville.

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.

The minimum County road right-of-way shall be 26 metres.

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.

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 municipality 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.

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, 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 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, 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 *2005 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 effect on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), woodlands fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features** section will be adhered to in this regard.
11. 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.
12. 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.
13. 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.

14. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.
15. The preservation of existing vegetation and in particular, mature trees, may be a condition of approval of any land division application.
16. Upon the release of the Ministry of the Environment's *Septage Handling Guideline*, the approval authority shall permit lot creation only if there is confirmation of sufficient reserve sewage system capacity.

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. Consents in the Rural designation that have the effect of creating or extending areas of strip development will be discouraged.
3. Consents requiring direct access onto County roads shall be restricted. Wherever possible, new lots shall obtain access from Township roads.
4. 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.
5. No consent shall be granted that would require the creation 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.
6. 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.
7. 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.
8. 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 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*.

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 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.
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 Proposed 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 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 all Site Plan Control applications for waterfront properties.
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 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.

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 ten 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.

5.7 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 and Housing.

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 Capacity Study
 - Contaminated Site Assessment / Environmental Site Assessment
 - Environmental Impact Assessment
 - Environmental Site Assessment
 - Erosion and/or Sedimentation Plan
 - Geotechnical Report
 - Grading and Drainage Plan
 - Groundwater Impact Assessment
 - Hydrogeological Assessment
 - Lake Capacity Assessment
 - Landscaping Plan
 - Land Use Compatibility Assessment
 - Minimum Distance Separation (MDS) Calculations
 - Noise/Vibration/Blast Study
 - Parking Study
 - Planning Rationale
 - Record of Site Condition
 - Servicing Options Report
 - Stormwater Management Plan

- Surface Water Impact Assessment
 - Terrain Analysis
 - Traffic Impact Assessment
 - Tree Conservation and Protection Plan
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) of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, to require such consultation.

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.
3. 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, 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; and
 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.

5.12 THE MUNICIPAL ACT

The *Municipal Act* provides some 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 shown on Schedule A 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 Schedule, 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 Schedule A 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 *2005 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.

