

***OFFICIAL PLAN FOR THE
TOWN OF MARATHON***

SEPTEMBER 2006

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SECTION 1 - INTRODUCTION

1.1 PREAMBLE

The Town of Marathon is located in the District of Thunder Bay along the north shore of Lake Superior. The setting and locale of the Town is very picturesque, having a rugged terrain with surrounding forested areas and along the shoreline of Lake Superior there are several bays, coves, and islands that contribute to the scenic qualities of the Town. Marathon is recognized by the Province for being located within the Ontario Living Legacy Great Lakes Heritage Coast Signature Site. The Province is preparing a short, medium and long term action plan that is aimed at providing direction regarding ecosystem protection, development of tourism partnerships and implementation strategies with respect to the Great Lakes Heritage Coast Signature Site.

Highway 17, part of the TransCanada Highway system, traverses through the Town in an east/west direction connecting Marathon to the City of Thunder Bay approximately 300 km to the southwest, and the City of Sault Ste. Marie approximately 400 km to the southeast. The Canadian Pacific Railway also traverses through the Town generally following the shoreline of Lake Superior.

The Town of Marathon is 265 square kilometres in area with the Settlement Area of Marathon, as illustrated by Schedules "B", "C" and "D" being the administrative and urban development centre of the Town where the majority of the residential, commercial, industrial and community services, facilities and uses are located. The Settlement Area of Marathon is serviced with municipal water and sanitary sewer services and is where the majority of new growth will be directed.

The rural area of the Town is primarily undeveloped with limited areas of access. Development in the rural area is generally located along the Highway 17 corridor and consists primarily of highway commercial development catering to the travelling public, the airport north of the Highway and a number of recreational uses. Certain types of development such as tourism development, waterfront development, seasonal residential and limited rural residential development may be considered appropriate forms of development in the rural area provided such matters as servicing, access, and environmental impacts are appropriately addressed.

The Town is located in an area of the Province that has its development and economy based historically on natural resources, specifically the forestry and mining industries. The establishment of a strong and diversified economic base which offers a range of growth and development opportunities aimed at providing economic stability, particularly to protect against the boom/bust economic impacts associated with the mining industry and the restructuring that has occurred in the forestry industry, is of importance to the Council and the residents of the Marathon.

Critical to providing growth and development opportunities is the need to establish a balance between the various competing interests. For example, some of the areas that the Town wants to promote for growth are waterfront development, tourism and recreational residential opportunities in the rural area of the Town. Yet the majority of the undeveloped rural area of the Town may be considered as having potential for mineral resources and should be protected for future mining activities. The Town feels that other opportunities for

development are warranted and should be considered in the rural undeveloped area of the Town at a scale that would not obstruct or deter possible future mining activities. The ability to protect mineral resources is possible with low intensity development.

Marathon has experienced first hand the economic and social impacts mining activities can have on a community and the local economy, and the cyclic nature of those impacts. From both an economic and social perspective, there is a need to overcome the cyclic or boom/bust impact that mining has had on the community. However, there is also a strong desire to maintain and support the mining industry and continue to encourage mineral exploration activities.

Other economic opportunities that the Town is interested in developing in addition to waterfront and tourism opportunities, mining activities and the existing forestry industry, involve the expansion of value added forestry businesses, government and health services, education services, technology and communications industries.

The existing Official Plan and Zoning By-law for the Town was prepared in the late 1980's. These planning documents reflect the needs of the community at that time and were primarily based on the growth and development of the natural resource based sector of the economy, specifically addressing the needs of the forestry industry and the gold mining activities associated with the Hemlo fields. Greater flexibility in the land use planning documents is required in order to be proactive and respond to changes that are occurring in the Town.

Today, the Town is experiencing a changing economy which will affect future growth and development in Marathon. In particular, the Town finds itself in need of addressing the impacts associated with declining mining activities and the ultimate closure of the Hemlo gold mining operation which translates into significant loss in local employment opportunities. Forestry continues to be important to the local economy, however due to changing demands and restructuring that has occurred in the pulp and paper industry, there have been significant downsizing of employment in the forestry sector as well. As a result, the pulp mill in Marathon has experienced reductions to its work force in recent years and no longer employs the same number of people it once did. These changes to the local economy of Marathon impact on future growth and development opportunities and ultimately, long term planning for the community.

In addition, like many northern communities, Marathon has experienced a loss in population in the 15-35 year old age groups. Many of these younger people are leaving Marathon in search of education and employment opportunities in other communities such as the Cities of Thunder Bay and Sault Ste. Marie and other urban centres in southern Ontario.

Also, the planning framework in Ontario has undergone significant reform during the early 1990's resulting in changes to the Planning Act, delegation of approval authority, changes to provincial policy, notably the 2005 Provincial Policy Statement, and the transfer of the municipal review function to local governments. In response to the changes that have occurred locally and at the provincial level, the Town is in need of a new Official Plan that

is responsive to the needs of the community and reflects the new planning environment in

Ontario.

The current population in the Town of Marathon is estimated at 4,416 persons. Recently, Marathon has experienced a decline in population from a peak of 5,064 persons in 1991 to the current population of 4,416 (1.27% loss per year between 1991-2001), attributed primarily to declining economic opportunities during this period. However, it is anticipated that the decline in population has leveled off and with the promotion of the Town as an area for economic opportunities, modest growth is projected for the Town consistent with the overall growth projections for the District of Thunder Bay. It is projected that the population of the Town in 2011 will be 4,836 persons and 5,329 by 2021. However, it is noted that the establishment of one or two successful business enterprises in the Town has the potential to significantly affect these population projections. A successful business enterprise could result in an increase in population over and above what is projected. Therefore, regular monitoring of the population is required to determine if the population projections remain relevant to the Town. The opposite would also impact on population, the closure or decline of one or two businesses in the Town has the potential to adversely impact on the population projections and may result in a declining population or negative population growth.

The Settlement Area of Marathon as identified on Schedule "A" will continue to be the residential, commercial, recreational and administrative centre for the Town and will be the focus and centre for new development, particularly serviced development. In the rural area opportunities are available for waterfront development, tourism development and seasonal and rural residential development compatible with the rural character of the Town. Areas with scenic vistas in proximity to lakes and rivers are examples of locations in the rural area of the Town that are appropriate for seasonal residential and tourism opportunities subject to servicing, design, environmental and site specific considerations.

This Plan is a 20 year Plan and will be reviewed every 5 years to determine if the population and growth projections remain relevant and the policy guidelines and framework for development continues to reflect the needs of the Town.

Decisions regarding land use planning matters will be guided by the policies contained in this Plan. Local autonomy and empowerment in the decision making process regarding future development and land use matters is desired by the Town.

1.2 GOALS OF THE PLAN

1.2.1 The goals and objectives of this Plan form the foundation of planning principles and provide direction to manage change, guide future development and develop detailed policies and programs that stimulate economic growth, protect the environment and public health, promote the use of natural resources for the economic use and environmental benefits and reduce costs by restricting development in areas where there is risk of health, safety or property damage. The goals reflect the present and future needs and values of the Town and the residents of the Town.

1.2.2 The goals of this Official Plan are to:

- (a) protect and maintain the quality of life in the Town while at the same time provide opportunities for growth and appropriate forms of development;

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- (b) establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Town, over the next 20 years in support of Smart Growth initiatives;
 - (c) secure the health, safety, convenience and welfare of the residents of the Town of Marathon, including accessibility for persons with disabilities by prohibiting development that causes environmental, health and safety concerns;
 - (d) ensure the Town's resources are rationally used and that both natural and cultural heritage features are protected, while at the same time ensuring development opportunities are not impeded or discouraged;
 - (e) qualify the Town for various programs funded by senior levels of government;
 - (f) provide policies that encourage the expansion and diversification of the local economic base in order to be less reliant on the mineral resource and forestry industries;
 - (g) provide policies that guide development that is environmentally compatible, supports sustainable development and minimizes land consumption;
 - (h) inform the residents of the Town of Marathon of the policies that affect the development of land;
 - (i) provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities; and
 - (j) provide polices that are consistent with the Provincial Policy Statement and which support local conditions and circumstances.

1.3 OBJECTIVES

- 1.3.1 The Town is committed to actively seeking and encouraging new development that maintains the quality of life, maintains or improves the health of existing businesses and diversifies the economy. This Official Plan represents a step in this process.
- 1.3.2 The Town shall encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances and provide for the efficient use of land, infrastructure and public service facilities. In particular, Council shall identify opportunities for and encourage infilling in the Settlement Area prior to or at the same time as the development of new growth areas.
- 1.3.3 The Town shall preserve and enhance, where possible, the environmental quality of the area, including the diversity of natural features and the natural corridors between them, minimize impacts of land uses on the natural environment, protect the integrity of ecosystems and provide for the protection groundwater resources.
- 1.3.4 The Town shall encourage commercial and industrial opportunities that are compatible with the natural environment and are economically feasible.
- 1.3.5 The Town shall have regard for the importance of natural resources including mineral resources, forest resources, water resources, and fisheries and wildlife resources within the Town with respect to their contribution to the economic, social and well being of its residents.
- 1.3.6 The Town shall support energy efficiency and improved air quality through, among other

things:

- (a) land use and development patterns which promote compact form and design and orientation which maximize the use of alternate or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation;
- (b) providing opportunities for energy generation and facilities to accommodate current and projected needs and the use of renewable energy systems and alternative energy systems, where feasible;
- (c) permitting alternate energy systems and renewable energy systems in all areas within the Town in accordance with Provincial and Federal requirements, provided they are compatible with surrounding uses and are subject to site specific zoning, if necessary.

1.3.7 The Town shall encourage the creation of housing which is affordable, accessible, adequate and appropriate to a full range of households in the Town and shall encourage that an adequate supply of land is available to meet the housing needs of its residents including opportunities for redevelopment within the serviced area of the Town.

1.3.8 With this Plan, the Town has achieved the goal of establishing a land use policy framework for the future that addresses the needs of the Town of Marathon.

1.4 **AMENDMENT AND REVIEW**

1.4.1 This Official Plan is not a static document. Although it provides some degree of flexibility, the Plan's provisions will be reviewed at 5 year intervals, pursuant to Section 26 of the Planning Act, to ensure that the policies are relevant and appropriate, in light of changing conditions, and reflect a local application of and consistency with the Provincial Policy Statement.

1.4.2 All official plan amendments are subject to the approval of the Minister of Municipal Affairs and Housing until such time as official plan amendments are exempt from Provincial approval.

1.5 **OFFICIAL PLAN**

1.5.1 This document constitutes the Official Plan of the Town of Marathon and has been prepared in accordance with the provisions of the Planning Act.

1.6 **TITLE AND SCOPE**

1.6.1 This Plan shall be known as the "Official Plan for the Town of Marathon" and applies to all lands within the municipal boundary of the Town of Marathon.

1.7 PUBLIC WORKS

- 1.7.1 Any public works undertaken in the Town of Marathon shall conform to the policies of this Plan, in accordance with Section 24 of the Planning Act and where required, shall be planned and implemented in accordance to the applicable Class Environmental Assessment under the Environmental Assessment Act.

1.8 ZONING BY-LAWS

- 1.8.1 All zoning by-laws passed after this Plan is in effect shall conform to the policies of this Plan.

1.9 PRIVATE INTERESTS

- 1.9.1 Private interests must adhere to the policies of this Plan. The use of private lands will also be regulated in accordance with the Zoning By-laws pursuant to Section 34 of the Planning Act, and other By-laws passed under other relevant Provincial statutes.

SECTION 2 - GENERAL PROVISIONS

2.1 GENERAL

- 2.1.1 The following land use policies apply to all lands in the Town of Marathon unless specifically mentioned for exclusion.
- 2.1.2 The designation of land for a particular use in this Plan only indicates that the land so designated may be considered for the designated use, subject to the more detailed criteria of this Plan and other legislation. There is no guarantee that any individual parcel may be used for any permitted use in a particular designation.

2.2 ZONING

- 2.2.1 The policies of this Plan and all land use designations shall be implemented through a comprehensive Zoning By-law. Any land use designation may have more than one zone category that regulates and controls the permitted uses.

2.3 SUBDIVISION OF LAND

- 2.3.1 Subdivision of land by plan of subdivision shall be permitted provided that:
- (k) the plan is considered to serve the public interest and is in conformity with the policies of this Plan;
 - (l) the plan is not deemed premature, subject to, among other things, consideration of the number of existing, vacant lots in the Settlement Area;
 - (m) the lands can be provided with adequate services and utilities subject to the following:
 - i) in the urban serviced area of the Settlement Area of Marathon sufficient reserve capacity in the water and sewage systems shall be available to service the subdivision;
 - ii) in the area outside of the Urban Service Area boundary, the applicant shall provide a report prepared by a qualified consultant indicating that there is adequate water quality to meet the Ontario Drinking Water Objectives and quantity available to service the subdivision. Private wells within Groundwater Protection Zones I, II and III shall be restricted; and
 - iii) in the area outside of the Urban Service Area boundary, with plans of subdivisions consisting of more than 5 lots where the proposed lots are 1 hectare or less, and are privately serviced by individual on-site sewage disposal systems, the applicant shall demonstrate by a report prepared by a qualified consultant that there will be no cross contamination of water supplies between lots or adjacent lots, and that will assess the ability to treat sewage effluent and assess the risk to groundwater resources from the sewage disposal systems and verify that there is adequate capacity to accommodate the disposal of hauled sewage;
 - (d) the development of land on partial services is discouraged except where it is necessary to address failed services, or because of physical or environmental constraints;
 - (e) the development is not likely to adversely affect the economy or financial position of the Town if such subdivision is approved;

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- (f) the development is directed away from hazard lands and development and site alteration is not permitted within floodways of rivers and streams;
 - (g) the development will not result in land use conflicts with surrounding land uses; and
 - (h) 3 or more lots are being created.

2.3.2 Consents shall only be granted that conform with the policies of this Plan and provided that:

- (a) consideration has been given to the number of existing, vacant lots in the Settlement Area and the retained and severed lot(s) can be adequately and safely serviced. In areas not serviced by municipal sewage systems there must be adequate capacity to accommodate the disposal of hauled sewage and the Health Unit or designated authority shall be consulted prior to consent approval being given to obtain support for the consent proposal. In areas not serviced by the municipal water supply, proof that the retained and severed lots can be adequately and safely serviced by a private potable water supply shall be provided by the applicant. Private wells within Groundwater Protection Zones I, II and III shall be restricted;
- (b) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and if required, the installation of private septic disposal systems;
- (c) the lands front onto a public road that is maintained year round by the Town or the Province and is of an acceptable standard of construction. However if the proposed use of the lands is for seasonal uses the lands may front on a road that is maintained seasonally by the Town or have water access only;
- (d) where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access, entrance permit and lot frontage requirements;
- (e) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- (f) the consent does not result in land use conflicts with existing nearby uses;
- (g) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
- (h) adequate protection and preventative services for persons and property are available including health, welfare, fire and police;
- (i) the consent does not result in land locked parcel(s) being created;
- (j) the proposed use can be safely located away from hazard lands and outside of floodways of rivers and streams;
- (k) a maximum of 2 new residential lots can be created by consent from a lot of record that existed as of July 11, 1988, exclusive of the retained part, provided all of the above matters and other policies of this Plan can be suitably addressed.

2.3.3 The following may be considered as conditions of consent by the Town:

- (a) that the Zoning By-law be amended, if required;
- (b) that it is demonstrated that the severed and retained lots can be safely and

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- adequately serviced by private potable water supply and private sanitary sewage disposal system in areas that are not serviced by the municipal water supply or sanitary sewage system;
- (c) that any necessary land for road widening, allowances or easements be dedicated to the Town or the Province;
 - (d) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Town and/or the Province;
 - (e) that warning clauses be registered on title on those lots created in the area known to have Mineral Resource Potential, indicating the rights of mining operations to access and extract the mineral resource over the rights of other land uses to prevent such activities from occurring; and
 - (f) any other condition reasonable to the granting of the consent.
- 2.3.4 Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the Zoning By-law:
- (a) boundary corrections or adjustments;
 - (b) lot enlargements;
 - (c) discharge of mortgage;
 - (d) road widening and road allowances; and
 - (e) easements.

2.4 PROVINCIAL HIGHWAYS

- 2.4.1 In addition to the requirements of the Town of Marathon, all development adjacent to provincial highways is subject to the requirements and permits of the Ministry of Transportation.

2.5 ACCESSORY USES, BUILDINGS AND STRUCTURES

- 2.5.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.
- 2.5.2 Accessory dwellings above boat houses are not a permitted accessory use in any land use designation.

2.6 HOME PROFESSIONS AND HOME OCCUPATIONS

- 2.6.1 Home occupations and home professions shall be permitted in residential areas provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means and shall not detract from the principal residential use. Only those home occupations and home professions that do not directly compete with existing commercial businesses found in the commercial areas shall be permitted in residential areas.
- 2.6.2 To provide for a period of time for a business to establish, home occupations and home professions may be allowed to establish in residential areas as a temporary use in accordance with Section 39 of the Planning Act. Once the home occupation or home profession has established as a viable business, it shall relocate permanently to an appropriately zoned site.

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- 2.6.3 The Zoning By-law shall contain regulations with respect to home professions and home occupations. These regulations shall indicate, among other matters, the zones in which home professions and home occupations are permitted, and the types of activities which shall be considered as home professions and home occupations.
- 2.6.4 Generally, home occupations and home professions shall include occupations or professions which are conducted entirely within a dwelling unit.
- 2.6.5 The home profession or home occupation shall be secondary to the main use of the property and not generate adverse or incompatible effects with the surrounding area. The home profession or home occupation shall relocate to an appropriately zoned site at such time when the home profession or home occupation can no longer be considered secondary to the main residential use of the property.
- 2.6.6 Access approval from the Ministry of Transportation is required for those home professions or home occupations that have access from a provincial highway.

2.7 **GROUP HOMES**

- 2.7.1 Group homes are permitted in all areas residential uses are permitted.
- 2.7.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which a maximum of 5 residents, excluding staff, live as a family under responsible supervision.
- 2.7.3 Only those group homes that can be supported by the existing level and range of community, social and medical services available in the Town shall be permitted.
- 2.7.4 All group homes shall be licensed or approved under provincial statute and be in compliance with the Zoning By-law.

2.8 **BED AND BREAKFAST**

- 2.8.1 Bed and Breakfast establishments may be permitted in all areas where residential uses are permitted subject to an amendment to the Zoning By-law, and based upon the following criteria:
- (a) a Bed and Breakfast establishment shall be located on an open road, maintained year round by the Town or Province;
 - (b) a Bed and Breakfast establishment shall have sufficient site area to accommodate on-site recreation amenities, adequate on-site parking and provide adequate buffering for any adjacent use;
 - (c) a Bed and Breakfast establishment shall be located in a residential dwelling; and
 - (d) should external expansion be required to the dwelling to accommodate the proposed tourist facility, the character of the surrounding residential area shall be maintained.

2.9 **MOBILE HOME PARKS**

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- 2.9.1 Mobile home parks shall be permitted in the Residential land use designation subject to an amendment to this Plan and the Zoning By-law and provided the development can be adequately serviced with municipal water and sanitary sewage services.
- 2.9.2 The development of mobile home parks and any future expansion of a mobile home park shall be subject to site plan control pursuant to the requirements of Section 41 of the Planning Act, and will include, but not be limited to, the following considerations:
- (a) entrances and exits and road widenings;
 - (b) on-site parking for residents and visitors;
 - (c) on-site open space and recreational activity areas;
 - (d) landscaping, fencing and buffering;
 - (e) size, orientation and spacial separation of the mobile home sites;
 - (f) emergency access;
 - (g) on-site servicing including water and sewage works, grading and storm water management; and
 - (h) outside storage.

2.10 CROWN LANDS

- 2.10.1 The Ministry of Natural Resources is responsible for the administration of Crown lands and waters. The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with the Town with respect to the use and disposition of Crown lands within the municipality.
- 2.10.2 Authorization for occupation or use of Crown lands is required from the Ministry of Natural Resources.
- 2.10.3 The Town recognizes that resource management activities on Crown lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.
- 2.10.4 The release of Crown land for economic development opportunities, including seasonal residential and tourism development is supported by the Town.

2.11 DRAINAGE

- 2.11.1 The management and removal of storm water is the responsibility of the property owner and must be managed to the satisfaction of the Province and the Town in accordance with the Ontario Water Resources Act, if applicable. In addition, the management and removal of storm water on properties adjacent to provincial highways requires the approval of the Ministry of Transportation.
- 2.11.2 No development shall be permitted which would interfere with or reduce the drainage capacity or flood water storage of any natural watercourse or where the watercourse represents a hazard to the proposed development.

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- 2.11.3 Storm water management shall be considered a part of the development approval process, particularly for subdivisions, multiple residential development, commercial, industrial and institutional development, and shall be used to ensure that the quality of runoff is at least maintained at pre-development levels. Such storm water management practices shall be used to minimize storm water volumes and contaminant loads, to encourage the use of “natural” storm water management practices and to maintain or increase the extent of vegetative and pervious surfaces so as not to impact on groundwater resources used for domestic water supplies. A storm water drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of groundwater resources is not adversely impacted may be required prior to approving development which impacts on these resources. Where adverse impacts are anticipated, mitigative measures during and after construction to control sedimentation, erosion and flooding will be required. The direct discharge of storm water to water bodies should be avoided where possible.
- 2.11.4 The management and removal of storm water on properties in proximity to the municipal wells shall provide adequate protection of the municipal water supply from the adverse impacts of storm water and be directed away from the municipal wells.
- 2.11.5 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the Ontario Water Resources Act. Where required under the Fisheries Act, prior authorization from of Fisheries and Oceans Canada must also be obtained.

2.12 SENSITIVE AREAS

- 2.12.1 Sensitive areas are natural areas that may be impacted by development and have been identified for natural and ecological functions and include such areas as wetlands, wildlife and fish habitat areas, significant portions of the habitat of endangered and threatened plant, animal or fish species, and areas of natural and scientific interest and value for protection for study and education. Sensitive areas, when identified, will be placed in the Environmental Protection designation by an amendment to this Plan.
- 2.12.2 Significant portions of the habitat of endangered and threatened species will be identified through consultation with the Province. Development and site alteration will not be permitted in these areas.
- 2.12.3 No development will be allowed within significant portions of the habitat of endangered and threatened species. Development may be permitted in other sensitive areas or adjacent to other sensitive areas provided it is demonstrated that there will be no negative impact on the natural features or ecological function of the areas identified in accordance with the criteria set out in Policy 3.8.8. Possible mitigative measures that may be required to protect against negative impact are subject to the approval of the Town.

Areas adjacent to sensitive areas shall include:

- lands within 120 metres of wetlands
- lands within 50 metres of significant wildlife habitat area

- lands within 30 metres of watercourses and water bodies.

For the habitat of endangered and threatened species, adjacent lands shall be defined in consultation with the Province, and shall generally include lands within 50 metres of significant portions of the habitat of endangered and threatened species.

2.12.4 Where development will result in the harmful alteration, disruption or destruction of fish habitat, prior authorization of Fisheries and Oceans Canada is required under the federal Fisheries Act.

2.12.5 New utilities/facilities should be located outside of or beyond the limits of sensitive areas.

2.13 ARCHAEOLOGICAL AND CULTURAL HERITAGE RESOURCES

2.13.1 All new development permitted by the land-use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and districts or cultural landscapes or historic interest.

2.13.2 The Ontario Heritage Act and its provisions will be utilized to conserve, protect and enhance the heritage of the Township through the designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites. A Municipal Heritage Committee may also be established pursuant to Act to advise and assist Council on conservation matters related to heritage resources.

2.13.3 Council shall maintain a cultural heritage resource database for land use planning purposes, resulting in inventories of any significant provincial registered archaeological sites, mapped archaeological potential areas, heritage buildings, heritage districts and/or cultural heritage landscapes located within the Town. The Town, through a municipal/provincial data sharing agreement, will identify all known archaeological sites located within the municipal boundaries that are presently registered with the Province for land planning purposes.

2.13.4 Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Town. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement.

2.13.5 Council will regularly update municipal archaeological resource mapping under the provisions of a municipal-provincial data sharing agreement, as new archaeological sites are identified from land development and on the Provincial archaeological sites database.

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- 2.13.6 Council with the advice of the Ministry of Culture, may undertake the preparation of an Archaeological Master Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.
- 2.13.7 The Town shall require archaeological assessment by archaeologists licensed under the Ontario Heritage Act, in areas where there are known archaeological heritage resources and /or areas exhibiting archaeological potential within the municipal boundaries of the Town of Marathon. Alterations to known archaeological sites must only be performed by licensed archaeologists, in accordance with the provisions of the Ontario Heritage Act. Any significant archaeological resource or site identified may be preserved on site, to ensure that the integrity of the resource is maintained, and/or it may be systematically removed through excavation by a licensed archaeologist. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under section 34 of the Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 2.13.8 The Town shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Government Services, Cemeteries Regulation Unit, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.
- 2.13.9 The Town shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and /or heritage impact will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this plan. Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.
- 2.13.10 Council shall encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and which do not have a negative impact on the architectural integrity of those resources. Council shall seek the acquisition of easements on properties with heritage significance in order to assure the preservation of these properties in perpetuity.
- 2.13.11 Council shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which will guarantee its preservation, maintenance, and use in a manner which respects its heritage restoration agreement, which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard. Council shall ensure that secondary planning studies identify cultural heritage resources, which may exist in the area under study and propose means to protect and enhance any significant heritage resources.

2.14 LAND USE COMPATIBILITY

- 2.14.1 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. Buffering and separation distances in accordance with the Ministry of the Environment's "D" Series or other applicable guidelines shall be incorporated between sensitive and industrial uses, including sensitive land uses adjacent to the railway corridor, to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants.

In all land use designations where noise (and vibration, where applicable) may be a concern with respect to railways, provincial highways and any wind-based electric power generation, the following considerations will apply, in conjunction with or complementary to other separation-related policies in this Official Plan:

- (a) New development along a railway right-of-way:
 - (i) The Town acknowledges the importance of rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods. Council shall encourage the use of rail for the transport of goods and ensure the continued viability and ultimate capacity of the rail facilities is protected and shall identify and support strategic infrastructure improvements such as targeted grade separations.
 - (ii) All proposed new development within 300 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Town in consultation with the railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.
 - (iii) All proposed new development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Town in consultation with the railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that are identified.
 - (iv) All proposed new development adjacent to the rail line shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Town in consultation with the railway.
 - (v) Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Town and the railway.
 - (vi) Where applicable, the Town will ensure that sightline requirements of transport Canada are addressed.
- (b) New development abutting a rail yard:
 - (i) New residential development will not be permitted within 300 metres of a rail yard.
 - (ii) All residential development located between 300 metres and 1000 metres of a rail yard will be required to undertake noise studies, to

the satisfaction of the Town and the railway, to support its feasibility of development and, if feasible, shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

- (c) New development abutting a Provincial Highway:
 - (i) All proposed new development within 150 metres of a Provincial Highway right-of-way may be required to undertake noise studies, to the satisfaction of the Town, consistent with the requirements of the Ministry of Transportation (MTO) and the Ministry of the Environment (MOE), and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.
- (d) Wind-based electric power generation:
 - (i) Noise studies, as applicable in accordance with all Provincial requirements and guidelines, and any resultant recommended remedial measures, will be required in association with any proposal for wind-based electrical power generation.

2.14.2 Information regarding Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) contours is not available for the Marathon Airport. New residential development and other noise sensitive uses such as hospitals, nursing homes, schools, day care centres, etc. may be permitted within 1 kilometre of the airport subject to the findings of a noise impact study and recommendations for noise abatement/mitigation measures. Transport Canada shall be consulted on development proposals adjacent to Marathon Airport.

2.15 ENVIRONMENTAL PROTECTION

2.15.1 No development shall be permitted that results in the harmful alteration, disruption or destruction of fish habitat except where it has been authorized under the federal Fisheries Act, or adverse degradation of the quality and integrity of an ecosystem including air, water, land and plant and animal life. Where the quality and integrity of an ecosystem has been diminished, the Town shall encourage its restoration or remediation to healthy conditions. Where development is proposed that will result in adverse environmental impacts an Environmental Impact Study shall be undertaken to determine acceptable impacts and recommend appropriate mitigation measures.

2.16 GROUNDWATER RESOURCES

2.16.1 Groundwater resources are used as a source of potable water supply in the Settlement Area of Marathon. No development shall be permitted that results in the contamination of groundwater resources. The Town has prepared a Groundwater Management Strategy which identifies a number of strategies and initiatives that provide for the protection to the groundwater resources and the municipal water supply.

2.16.2 The wellhead capture zones shown on Schedule "E", derived from Marathon's Groundwater Management Strategy, identify the groundwater aquifer source area of the municipal water supply that is sensitive to potential contamination. Groundwater Protection Zone I represents the 0-2 year capture zone and is the most sensitive to

contamination. Groundwater Protection Zone II represents the primary groundwater source area and is the 2-25 year capture zone, while Groundwater Protection Zone III represents possible source areas for future wells. Within each of the wellhead capture zones certain types of land uses whose activities have the potential to adversely impact on groundwater resources shall be prohibited.

- 2.16.3 On lands within Groundwater Protection Zone I, the following land use restrictions shall apply:
- (a) those land uses which involve the handling of hazardous materials and identified as Category “A”, “B” or “C” Industrial Land Uses listed in Appendix “B” shall be prohibited;
 - (b) the use of underground fuel storage tanks shall be prohibited; and
 - (c) limitations on the use of fertilizer and pesticide applications on lawns and playgrounds/parks in accordance with the recommendations of Marathon’s Groundwater Management Strategy is encouraged.
- 2.16.4 On lands within Groundwater Protection Zone II, the following land use restrictions shall apply:
- (a) those land uses identified as Category “A” or “B” Industrial Land Uses listed in Appendix “B” shall be prohibited;
 - (b) the use of underground storage tanks shall be prohibited;
 - (c) Category “C” Industrial Land Uses listed in Appendix “B” may be permitted within Groundwater Protection Zone II, provided the lands are designated and zoned for such uses, and the applicant has prepared an Environmental Management System which details the best management practices to protect against accidental spills and inappropriate disposal of hazardous waste in accordance with the recommendations of Marathon’s Groundwater Management Strategy. The Environmental Management System shall be approved by the Town; and
 - (d) limitations on the use of fertilizer and pesticide applications on lawns and playgrounds/parks in accordance with the recommendations of Marathon’s Groundwater Management Strategy is encouraged.
- 2.16.5 On lands within Groundwater Protection Zone III, the following land use restrictions shall apply:
- (a) those land uses identified as Category “A” Industrial Land Uses listed in Appendix “B” shall be prohibited;
 - (b) the use of underground storage tanks shall be prohibited; and
 - (c) Category “B” and “C” Industrial Land Uses listed in Appendix “B” may be permitted within Groundwater Protection Zone III, provided the lands are designated and zoned for such uses and the applicant has prepared an Environmental Management System which details the best management practices to protect against accidental spills and inappropriate disposal of hazardous waste in accordance with the recommendations of Marathon’s Groundwater Management Strategy. The Environmental Management System shall be approved by the Town.

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- 2.16.6 Existing uses that are considered to be Category “A” and “B” Industrial Land Uses as listed in Appendix “B” which are located within Groundwater Protection Zones I and II have the potential to adversely impact on groundwater resources. Accordingly, these existing uses shall develop an Environmental Management Strategy approved by the Town, which establishes best management practices to protect against accidental spills and inappropriate disposal of hazardous waste. Over the long term these existing industrial uses are encouraged to locate to appropriately designated and zoned land outside of Groundwater Protection Zones I and II.
- 2.16.7 Underground fuel storage tanks used for home heating purposes represent a significant threat to the municipal water supply since they are susceptible to leakage and are primarily located within the most sensitive groundwater protection zones. Users of existing underground fuel storage tanks shall upgrade their tanks with leak and spill prevention equipment or remove the underground tanks and convert to above ground fuel storage tanks with appropriate leak and spill prevention equipment.
- 2.16.8 The Town, together with other government agencies, shall develop contingency plans to address such matters as accidental motor vehicle and rail spills, develop and conduct regular groundwater monitoring, establish a hazardous waste collection programme and encourage the use of water conservation measures.
- 2.16.9 For all development on private wells in areas not serviced by the municipal water supply, the proponent shall provide evidence that the development can be adequately and safely serviced by a private potable water supply and there is no adverse impact on groundwater resources. Private wells within Groundwater Protection Zones I, II and III shall be restricted.
- 2.17 WAYSIDE PITS AND QUARRIES
- 2.17.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purposes of a particular road project or contract of road construction or maintenance. Accessory aggregate processing operations such as crushing, screening, washing and stockpiling of aggregate product are also considered to be permitted uses in a wayside pit or quarry.
- 2.17.2 Wayside pits and quarries shall be permitted throughout the Town except for the following:
- (a) in areas designated Residential;
 - (b) within 300m of an existing residential or other sensitive use;
 - (c) within Groundwater Protection Zones I, II and III; and
 - (d) where environmental effects will occur that cannot be mitigated in accordance with Ministry of the Environment guidelines for Class III Industrial Facilities.
- 2.17.3 The opening of wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law. The Province and/or the applicant will provide notice when required or practical to the Town prior to the establishment of a wayside pit or quarry.

2.17.4 The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated to the satisfaction of the Town of Marathon. Progressive rehabilitation of wayside pits and quarries is required.

2.18 PORTABLE ASPHALT AND CONCRETE PLANTS

2.18.1 A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

A portable concrete plant means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process. A portable concrete plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.18.2 Portable asphalt and concrete plants used by a public road authority or their agents, shall be permitted throughout the Town, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) in the developed area of the Settlement Area of Marathon;
- (b) within 400m of an existing residential use; and
- (c) where environmental effects will occur that can not be mitigated.

2.18.3 Portable asphalt and concrete plants shall be permitted without an amendment to this Plan or the Zoning By-law. The Province and/or the applicant will provide notice when required or practical to the Town prior to the establishment of a portable asphalt or concrete plant.

2.18.4 Portable asphalt and concrete plants shall be removed from the site and the site rehabilitated to its previous condition upon completion of the road project.

2.19 AREAS OF SIGNIFICANT AGGREGATE POTENTIAL

2.19.1 Located in the Town are local aggregate extractive sites on Crown land licensed by the Ministry of Natural Resources which provide a local source of aggregate. Existing aggregate operations shall be protected from incompatible land uses.

2.19.2 Development adjacent to existing aggregate operations or within areas of significant aggregate potential, as shown on schedule "A1", will be permitted provided that the development does not restrict access to the resource. Applicants are required to consult with the Ministry of Natural Resources regarding areas of significant aggregate potential. If access to the resource is restricted as a result of development, the development may be permitted provided that:

- (a) the use of the resource is not feasible; or

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- (b) the development or use serves a greater long term public interest; and
 - (c) issues of public health, safety and environmental impact are addressed.
- 2.19.3 Progressive rehabilitation of pits and quarries is required and should be implemented through a site rehabilitation plan. Site rehabilitation plans shall be prepared to the satisfaction of the Town.
- 2.19.4 The use of aggregate processing equipment such as crushers and screening plants requires a Certificate of Approval and location approval from the Ministry of the Environment.
- 2.19.5 The provisions of the Aggregate Resources Act apply to all property of the Crown, to private lands designated under this Act, and to all lands under water.
- 2.20 FORESTRY
- 2.20.1 Forest resources provide a significant economic, social and environmental benefit in the form of:
- (a) income from forest products;
 - (b) recreation;
 - (c) education;
 - (d) soil and water conservation;
 - (e) wildlife habitat;
 - (f) buffers between land uses; and
 - (g) natural amenities.
- 2.20.2 Property owners are encouraged to ensure that forest resources on their property are properly managed and may obtain information and assistance on the management of forest resources from the Ministry of Natural Resources.
- 2.20.3 Due to the potential for adverse impact on groundwater resources, forestry activities shall be prohibited on land within Groundwater Protection Zones I, II and III.
- 2.20.4 The maintenance of forest cover and riparian vegetation along river and stream banks is required and reforestation in areas where forest resources have been depleted is encouraged.
- 2.20.5 Certain areas of the Town are highly susceptible to damage caused by forest, brush and/or grass fires. Forest fire prevention and hazard reduction activities are desirable for environmental, economic and social reasons.
- 2.20.6 Development of land adjacent to or within high fire risk areas should incorporate design measures and construction techniques which will minimize damage resulting from a forest, brush or grass fire. Such measures may include identifying access and escape routes, layout of fire breaks, use of fire resistant construction materials and building and property maintenance.

2.21 AREAS OF SIGNIFICANT MINERAL POTENTIAL

- 2.21.1 The majority of the Town has been identified as an area of significant mineral potential as shown on Schedule "A1".

The development of land that restricts access to, or the establishment of a mining operation in areas of mineral resource potential as shown on Schedule X, will only be permitted provided it can be demonstrated to the satisfaction of the Province and the Town that:

- (a) the use of the resource is not feasible;
- (b) the proposed use serves the greater long-term public interest than the resource; and
- (c) issues of public health, safety and environmental impact are addressed.

The development of land that does not restrict access to the resource or the establishment of a new mining operation is permitted in areas of significant mineral potential. Applicants for any consent, subdivision or development application within the Rural area are required to consult with the Regional Land Geologist of the Ministry of Northern Development and Mines regarding areas of mineral resource potential and shall prepare a suitable mineral potential analysis by a qualified geologist or engineer.

- 2.21.2 Mineral mining operations will be protected from activities that would preclude or hinder their expansion, continued use or which would be incompatible for reasons of public health, safety and environmental impact.
- 2.21.3 Due to the potential for adverse impact on groundwater resources, mining activities shall be prohibited on land within Groundwater Protection Zones I, II and III.
- 2.21.4 Mine closure plans detailing site rehabilitation will be submitted to the Town for input prior to filing with the Province. After extraction and other related activities have ceased, rehabilitation in accordance with the file closure plan will be required.

2.22 ABANDONED MINE HAZARDS

- 2.22.1 Progressive rehabilitation is required for any mine hazard in accordance with the requirements of the Mining Act. Input from the Town will be via the public review opportunities of a Closure Plan, if the Director appointed by the Minister of Northern Development and Mines requires a plan to be submitted should the progressive rehabilitation not meet provincial standards.
- 2.22.2 Development on lands adjacent to abandoned mine hazards as shown on Schedule X will be permitted only if rehabilitation measures to address and mitigate the hazard have been completed in accordance with the requirements of the Ministry of Northern Development and Mines. Abandoned mine hazards identified at the time of the approval of this official plan are illustrated on Schedule A1 and current information regarding the location of abandoned mine hazards is available from the Ministry of Northern Development and

Mines.

2.23 CONTAMINATED SITES

2.23.1 Prior to approving any development on lands that may have been contaminated by previous uses, a Record of Site Condition shall be required which identifies the extent of possible contamination, and summarizes information about the site including the site condition achieved through restoration. The Record of Site Condition shall be prepared by a qualified consultant in accordance with the Ministry of Environment Ontario Regulation 153/04 and received by the Ministry of Environment. If site restoration is required, it shall be completed prior to development approval being given and in accordance with a site remediation plan prepared and consistent with Ministry of Environment guidelines.

2.24 WASTE DISPOSAL SITES

2.24.1 Development shall be prohibited on all waste disposal sites located in the Town, including closed sites. Waste disposal sites are considered an industrial use.

2.24.2 Development proposed within 500 metres of an existing or closed waste disposal cell shall not be approved under a plan of subdivision, consent or building permit unless it can be demonstrated that there is no evidence of any adverse effects or risks to health and safety including leachate, methane gas migration or other contaminants present in the soils or ground water supply to the satisfaction of the Ministry of Environment and the Town of Marathon. In certain circumstances, such as areas of fractured bedrock or sand, areas beyond 500 metres may be impacted by things including leachate, methane gas migration or other contaminants in which case development will be restricted.

2.24.3 Due to the potential for adverse impact on groundwater resources, waste disposal sites shall be prohibited from locating on land within Groundwater Protection Zones I, II and III.



SECTION 3 - LAND USE POLICIES**3.1 GENERAL**

- 3.1.1 Land use designations have been established for Town of Marathon. The Land Use Plan as detailed on Schedules "A" through "D" illustrate the land use designations. Schedules "A" through "D" should be read together in conjunction with the policies of Section 3.
- 3.1.2 The intent of this section of the Plan is to promote the optimum land use function by minimizing land use conflicts and providing an attractive development pattern consistent with existing land uses and economic development of the Town. The majority of new development in the Town will be directed to occur in the Settlement Area of the townsite.

3.2 RURAL

- 3.2.1 It is the intent of this Plan to maintain the rural character and environment of the Rural area of the Town of Marathon with limited rural residential and seasonal residential development while at the same time promoting the Rural area for recreation and tourism related activities and uses. The Town is capable of supporting development that is resource and non-resource based. It is not realistic to attempt to precisely define where these uses may best occur. Rather, a general Rural land use designation in which these uses can be accommodated in accordance with the specific policies of this Plan and through the implementation of the zoning by-law and zoning amendments, would allow flexibility in determining the appropriate uses of land.
- 3.2.2 The Rural area is characterized as a low density, multi-purpose area in which land uses can be accommodated in a compatible manner consistent with the rural character of the Town. Land designated as Rural are shown on the Land Use Plan, Schedule "A" through "D".
- 3.2.3 Permitted uses in the Rural area include rural residential dwellings, seasonal residential uses, hobby farms, marinas, tourist and highway commercial uses, wind power generation, aquaculture operations and industrial uses related to natural resources. It is the intent of the Rural designation to permit and encourage such rural uses as forestry, aggregate extraction, mining and mineral exploration, trapping, resource management and conservation uses.
- 3.2.4 A portion of the Rural area includes Crown land that has been identified by the Province as an Enhanced Management Area under Ontario Living Legacy Land Use Strategy. Forestry is not permitted within this area, aggregate extraction and mineral exploration activities are permitted on a controlled basis and new roads are discouraged.
- 3.2.5 It is the intent of the Rural land use designation to:
- (a) maintain the low density rural character of the Town;
 - (b) provide flexibility by permitting a variety of land uses; and
 - (c) to allow development of natural resources and economic activities in a manner compatible with the rural character which balances protection of natural

resources with the need for economic diversification.

- 3.2.6 While land in the Rural designation may be developed for a variety of uses, regard shall be given to ensure that development is compatible with surrounding land uses and appropriate for the site before development approval is given.
- 3.2.7 Rural residential uses shall be permitted in the Rural designation on existing lots of record and on lots created through the consent and subdivision process in accordance with the policies of this Plan (Section 2.3) and provided that:
- (a) new rural residential uses should be a reasonable distance and are oriented away from industrial uses to minimize the adverse effects of odour, dust, noise, vibration and other contaminants. The Ministry of the Environment may be consulted to obtain input with respect to separation distances and buffering requirements for residential development adjacent to industrial uses; and
 - (b) new lots for rural residential uses must be a minimum area necessary for the use permitted and the installation of a private water supply and sanitary sewage disposal system approved by the Health Unit or designated authority. However, no new rural residential lot shall be smaller than 1.2 hectares.
 - (c) warning clauses will be registered on title of all cottage or summer resort lots created in Crown Reserve and private patented land areas known to have mineral resource potential. These warning clauses shall indicate that rights of mining operations to access and extract the mineral resource over the rights of other land uses to prevent such activities from occurring.
 - (d) there is compliance with the Minimum Distance Separation I criteria, if applicable.
- 3.2.8 Plans of subdivisions for rural residential purposes greater than 5 lots shall require a planning justification study that addresses the need and scale of the proposed development based on the following considerations:
- (a) demand for the type of development proposed;
 - (b) the amount of developable land available with existing residential areas;
 - (c) an evaluation of other sites available to accommodate the development within other areas of the Town;
 - (d) long term servicing impacts, environmental factors and impact on surrounding land uses;
 - (e) the scale and design of the development is compatible with the surrounding development and rural character in general;
 - (f) any necessary infrastructure and public facilities can be provided or are available to service the development in an efficient manner;
 - (g) a water quality/quantity assessment which demonstrates that there is adequate water quantity and quality available to meet the domestic requirements of the development; and
 - (h) comply with the Minimum Distance Separation I criteria, if applicable.
- 3.2.9 Development within the Rural area shall not conflict with existing livestock operations and must comply with the Minimum Distance Separation I criteria, as amended from time to time. New and/or expansions to existing livestock operations shall comply with the Minimum Distance Separation II criteria, as amended from time to time.

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- 3.2.10 The release of Crown land in the Rural area for low density seasonal residential uses, tourist development uses and recreational infrastructure, such as docks and boat launch/parking areas, is supported by the Town. Specific locations of the Rural area which are candidate sites for seasonal or cottage residential will be subject to the results of an archaeological assessment and fishery/wildlife assessments.
- 3.2.11 Seasonal or year round waterfront residential development in the Rural area will not be permitted on lakes identified by the Ministry of the Environment as having reached their assimilative capacity. The identification of such lakes will be by an amendment this Plan. Currently no lakes have been identified by the Ministry of Environment as having reached their assimilative capacity.
- 3.2.12 Until such time as mining operations are economically viable and it is feasible to extract the mineral resource, alternative land uses will be considered in the area considered to have a high potential for mineral resources within the Rural area. Low density cottage or seasonal residential uses, tourism uses and waterfront development are considered appropriate alternative land uses that would not restrict access to possible mineral resources or hinder mining operations and activities at some point in the future.
- 3.2.13 The development of seasonal or cottage residential uses in the Rural area in areas considered to have high potential for mineral resources, will only be permitted provided that the residential uses are not occupied on a permanent year round basis as principle residences and that no permanent year round residential community is established. These restrictions on seasonal or cottage residential development are provided as added safeguards to ensure that possible future access to potential mineral resources is not hindered by the development in the Rural area.
- 3.2.14 In order to further mitigate against possible conflicts between future mining activities and cottage residential uses within the mineral resource potential area in the Rural area, it is the intent of Council that warning clauses be registered on title with the individual cottage lots indicating the rights of the mineral sector to access, assess and extract the mineral resource over the rights of other land uses to prevent such activities from occurring. It is Council's intent that access to the mineral resource is to be protected for possible future mining activities and that cottage lot development, tourism uses and waterfront development shall not restrict access to the mineral resource or preclude extraction of the resource.
- 3.2.15 At such time as mining operations are economically viable in the mineral resource potential area within the Rural area, mining activities will then be given precedence over other land uses in the Rural area. It is not the intent of this Plan that seasonal or cottage residential uses conflict with, or restrict future mining activities in these areas.
- 3.2.16 Seasonal residential uses, tourist development and waterfront development uses in the Rural area will be privately serviced and will require the approval of the Health Unit or designated authority for private sanitary sewage disposal systems. The minimum lot area for a seasonal residential use shall be 0.4 hectare for waterfront lots and 1.2 hectares for all other lots.

3.2.17 In order to address land use compatibility concerns between possible future mining operations and seasonal or cottage residential development, tourism uses or waterfront development within the mineral resource potential areas in the Rural area, appropriate buffering and setback measures may need to be applied against possible negative impacts mining operations may have on these types of uses. The potential impacts and appropriate mitigative measures will be assessed and determined on a case by case basis.

3.2.18 Mining operations shall be permitted in the Rural area subject to an amendment to the Zoning By-law and provided that:

- (a) the operation is compatible with the surrounding land uses;
- (b) adequate buffering is provided;
- (c) a site plan agreement pursuant to Section 41 of the Planning Act and such agreement shall address the following matters, but not be limited to:
 - (i) hours of operation;
 - (ii) location of proposed buildings, machinery and equipment;
 - (iii) setbacks, landscaping and buffering;
 - (iv) storm water management;
 - (v) existing and anticipated final grades of excavation;
 - (vi) access/egress;
 - (vii) haulage routes;
 - (viii) improvements/maintenance to Town roads as a result of increased truck traffic on existing roads; and
 - (ix) progressive site rehabilitation.

3.2.19 Small scale commercial uses providing personal or retail services, recreational commercial uses and small scale dry industrial uses relating to a natural resource and bulk storage or warehousing may be permitted in the Rural area subject to an amendment to the Zoning By-law provided that

- (a) the use is located on provincial highway or on an open road maintained year round by the Town;
- (b) buffering and separation distances in accordance with the Ministry of the Environment's guidelines and to the satisfaction of the Town shall be provided where an industrial use is located adjacent to a residential or recreational use;
- (c) there is no adverse impact on the amenity and character of the rural environment as established by the comprehensive Zoning By-law;
- (d) adequate parking is provided;
- (e) a site plan agreement pursuant to Section 41 of the Planning Act may be required; and
- (f) small scale processing of forest products, such as portable sawmill operations, are considered an industrial use and may be permitted provided that no equipment or machinery is located:
 - i) within 120 metres of a residential lot or a lot used for recreational, institutional or commercial uses;
 - ii) within 30 meters of any road or road allowance;
 - iii) an agreement is entered into with the Town governing the hours of operation for operations that are adjacent to residential and sensitive land uses; and

- iv) buffering and separation distances in accordance with the Ministry of the Environment guidelines and to the satisfaction of the Town shall be provided.

3.2.20 Institutional uses that provide local public services may be permitted in the Rural area subject to an amendment to the Zoning By-law in accordance with the following:

- (a) adequate parking is provided;
- (b) adequate buffering is provided where necessary; and
- (c) an agreement pursuant to Section 41 of the Planning Act is required;

3.2.21 Lands used for forestry purposes as defined by the Crown Forestry Sustainability Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. Forestry uses shall be allowed without an amendment to the Zoning By-law. The processing of forest products is considered an industrial use and subject to the policies of 3.2.19.

3.2.22 Lands used for public or private recreational purposes may be permitted in the Rural area subject to amendment to the Zoning By-law in accordance with the following provisions:

- (a) development shall only take place in areas suitable for the use taking into consideration the location, surrounding uses, water quality, drainage, soil conditions and traffic generation; and
- (b) a site plan agreement pursuant to Section 41 of the Planning Act may be required.

3.3 RESIDENTIAL

3.3.1 The primary focus for residential development and growth shall be the Residential area serviced by municipal water and sewage treatment systems within the townsite of Marathon. The Residential area is shown on Schedule "B", "C" and "D". The Settlement Area is identified on Schedule "A".

3.3.2 It is the objective of this Plan to:

- (a) ensure that an adequate supply of land and range of housing types and densities is available to accommodate residential growth and the demands for residential development for at least ten (10) years;
- (b) ensure that new residential development or redevelopment is physically compatible with the surrounding area and land use conflicts are minimized;
- (c) ensure the provision of adequate services including water, sanitary sewers, storm drainage;
- (d) ensure, wherever possible, in the design of residential developments, the protection and enhancement of the natural environment and amenities;
- (e) promote a cost and energy efficient residential development pattern; and
- (f) encourage residential development to locate in designated Residential areas.

3.3.3 The permitted uses in the Residential area include residential uses, rooming, boarding

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- and lodging houses including bed and breakfast establishments, group homes and minor private and public open space facilities. Home occupations and home professions in accordance with Section 2.6 may also be permitted and will be evaluated based on their compatibility in terms of scale, design and fit with the physical character of the residential community.
- 3.3.4 Small scale institutional and public service facilities uses may be permitted in the Residential area subject to an amendment to the Zoning By-law provided there is no adverse or negative impact on the surrounding residential neighbourhood with respect to noise, traffic, parking, etc.
- 3.3.5 Local convenience commercial uses may be permitted within the Residential area subject to an amendment to the Zoning By-law. The local convenience commercial uses shall be limited to, and cater to the day-to-day convenience and shopping needs of the immediate neighbourhood. The local convenience commercial uses shall be of a size and scale that is compatible with the surrounding residential uses and shall be subject to site plan control pursuant to Section 41 of the Planning Act.
- 3.3.6 Residential development or redevelopment shall generally be by plan of subdivision. Consents to sever individual parcels will be permitted when development by plan of subdivision is not necessary to implement the policies of this Plan and the provisions of Section 51(24) of the Planning Act.
- 3.3.7 In existing built-up residential areas which are relatively stable and where the potential for new development or redevelopment is limited, the building designs and densities shall be compatible with the physical character and identity of the surrounding residential lands.
- 3.3.8 The following standards of residential amenity shall be provided for with any residential development or redevelopment:
- (a) the provision and maintenance of adequate off-street parking for the development;
 - (b) the provision and improvement and/or maintenance of on-site landscaping, parks and recreational areas;
 - (c) the provision and maintenance of adequate separation distances and the placement of buffer features between residential uses of differing densities and between different types of land uses; and
 - (d) the development is to be adequately served by community facilities such as parks, commercial uses, churches and school sites.
- 3.3.9 Low density residential uses shall generally include single detached, semi-detached and duplex dwellings. The maximum net residential density shall be 14 units per hectare (6 units per acre) in the serviced area of the townsite of Marathon.
- 3.3.10 Medium density residential uses shall generally include townhouses, apartments, nursing/seniors homes and mobile home parks and subdivisions on full municipal services. The maximum net residential density shall be 30 units per hectare (12 units per acre).

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- 3.3.11 The design and locational criteria for medium density residential development shall include the following considerations:
- (a) the site should have safe and convenient access to a street so that traffic movements associated with the development shall be directed away from low density areas;
 - (b) densities should not be increased to the point where increased traffic would lead to congestion and would necessitate road widening prematurely;
 - (c) the height, bulk and arrangement of buildings and structures should achieve a harmonious design and integrates with the surrounding area and not impact negatively on lower density residential uses;
 - (d) schools, parks and other community facilities should be adequate to serve the increased residential population resulting from the development;
 - (e) water and sanitary services and storm drainage facilities shall be adequate to accommodate the increased residential densities;
 - (f) appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density residential uses;
 - (g) on-site parking shall be required to satisfy the need of the particular development. All parking areas shall be well designed and properly related to the buildings and landscaped areas; and
 - (h) service areas shall be required on the site of each development, i.e. garbage storage, etc.

3.4 INSTITUTIONAL

- 3.4.1 It is the intent of this Plan to provide for appropriately located public and private institutions that are accessible to the people they serve, while not having an adverse affect on the surrounding area.
- 3.4.2 Community recreational facilities, public and private schools, religious institutions, medical centres, day care centres and nursery schools, fire halls, government offices, cemeteries and public service facilities are permitted uses in the Institutional area.
- 3.4.3 New institutional uses shall be conveniently located and access onto an open year round publically maintained road and shall be oriented in such a manner so that there is no adverse impacts on nearby residential uses with regards to parking, traffic and noise.
- 3.4.4 The Institutional areas of the Town are a site plan control area and institutional uses will be subject to site plan control pursuant to Section 41 of the Planning Act.

3.5 COMMERCIAL

- 3.5.1 It is the intent of this Plan to promote business and commerce primarily within those areas designated Commercial on Schedules "A" through "D".
- 3.5.2 It is the objective of the Commercial land use designation to:
- (a) encourage the provision of a sufficient level and variety of retail activity within the

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- (b) Town to satisfy the consumer demands of the residents;
 - (b) promote planned development of business and commercial uses consistent with the needs of the Town's residents;
 - (c) recognize the business district in the townsite of Marathon and to enhance business and commercial activities within the Town;
 - (d) ensure that commercial development does not have negative impacts on adjacent land use, particularly residential uses; and
 - (e) recognize and provide for emerging tourist commercial opportunities.
- 3.5.3 Commercial uses shall be regulated by separate zone categories in the Zoning By-law. The Zoning By-law shall require increased side yard and rear yard setbacks and/or appropriate landscaping and buffering provisions between commercial uses and residential or institutional uses.
- 3.5.4 When considering an application to establish a commercial use or uses, the Town shall have regard for the following:
- (a) the compatibility of the proposed use with the surrounding area;
 - (b) the physical suitability of the site for the proposed use;
 - (c) the adequacy of the existing street system to accommodate access and on-street parking;
 - (d) the convenience and accessibility of the site for both pedestrian and vehicular traffic; and
 - (e) the adequacy of utilities and water and sewer services.
- 3.5.5 The commercial areas of the Town are a site plan control area and commercial uses will be subject to site plan control pursuant to Section 41 of the Planning Act.
- 3.5.6 The design of all proposed commercial uses shall be in keeping with the character of the surrounding area. The following design criteria shall apply to the development and redevelopment of all commercial lands:
- (a) the provision of landscaped areas and all landscaping shall form an integral part of all commercial developments. Landscaping and tree planting shall be provided to improve the streetscape, to function as screening and buffering between adjacent uses and for aesthetic and resting purposes;
 - (b) open storage of goods and materials shall only be permitted in accordance with the provisions of the Zoning By-law;
 - (c) loading and unloading areas shall be provided off-street and in the rear or side yard whenever possible; and
 - (d) adequate off-street parking facilities shall be provided in accordance with the provisions of the Zoning By-law.
- 3.5.7 Tourist commercial uses such as hotels, lodges, commercial recreational facilities, marinas and similar type of uses are permitted as a means to encourage the expansion of the tourism industry in the Town. These uses shall be permitted subject to the criteria established in Policy 3.5.6 and provided there is no adverse impact on the surrounding properties relating to traffic, noise and intensity of use.

3.5.8 Existing residential uses in the Commercial areas shall be permitted.

General Commercial Area

3.5.9 Permitted uses in the General Commercial designation are those uses that serve the residents of Marathon and include local convenience commercial uses, retail uses, offices, personal services, restaurants, hotels, commercial recreational facilities, institutions, and public and government uses. These uses are generally found in the business district of the townsite of Marathon.

3.5.10 Within the General Commercial designation at the entrance of the townsite along Peninsula Road to Penn Lake Road, light and prestige industrial uses that support the overall commercial character of the area may be permitted including warehousing, public utilities, research and development and technology industries.

3.5.11 It is the policy of this Plan to maintain and promote the General Commercial area. New commercial development shall not jeopardize the commercial viability of the commercial uses in the commercial core area of the townsite of Marathon.

3.5.12 New development or redevelopment in the General Commercial area and Council will consider the use of Community Improvement Plans (CIP's) that will encourage the reuse of vacant or underutilized commercial lots/buildings shall be sensitive to the character and scale of existing commercial uses, shall provide adequate off-street parking and shall not generate traffic that will result in negative impacts on adjacent residential neighbourhoods.

3.5.13 The Town may consider accepting cash-in-lieu for parking spaces from new commercial developments or commercial redevelopments if adequate parking exists in the vicinity of the proposed development.

3.5.14 Apartment units may be permitted in conjunction with commercial uses in the General Commercial area subject to the following criteria:

- (a) the residential use shall not detract from the prime function of the commercial designation;
- (b) amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
- (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use as determined in the Zoning By-law.

Highway Commercial Area

3.5.15 Business and commercial uses permitted within the Highway Commercial area are those uses located beyond the General Commercial area, are generally located along the Highway 17 corridor and which require a substantial land area and included uses related to the traveling public and service commercial uses. Permitted uses include retail

uses, service commercial uses, tourist commercial uses, tourist information centre, automotive related retail uses, automotive, recreation vehicle and equipment sales and service uses, commercial recreational uses, and public and government uses.

- 3.5.16 New development or redevelopment in the Highway Commercial area shall not detract from the viability of the commercial core area of the townsite of Marathon.
- 3.5.17 Automobile traffic and adequate parking shall be a major design consideration for Highway Commercial uses. Effort shall be made to minimize the number of entrances and exits to and from roads and to segregate service and customer traffic. Where appropriate, joint entrances between commercial uses shall be encouraged to minimize traffic conflicts. Highway 17 is under the jurisdiction of the Ministry of Transportation and is considered to be a controlled access highway. New access or entrances from Highway 17 are restricted. Any new roads onto Highway 17 must meet the minimum spacing requirements of the Ministry of Transportation.
- 3.5.18 Commercial uses along Highway 17 shall be developed in an attractive manner to provide a positive statement to the Town and open storage shall be prohibited unless it can be demonstrated through appropriate landscaping and screening that the storage areas will not detract from the character of the area.
- 3.5.19 Accessory dwellings may be permitted in the Highway Commercial area for a caretaker, employee or proprietor of the commercial use, subject to the following criteria:
- (a) the residential use shall not detract from the prime function of the commercial designation;
 - (b) amenity areas shall be provided for the residential use and shall be separate from any public amenity area provided in conjunction with the commercial use; and
 - (c) parking shall be provided for the residential use in conjunction with the requirements for the commercial use as determined in the Zoning By-law.

3.6 INDUSTRIAL

- 3.6.1 The Industrial designation and the policies are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial and employment growth opportunities. Appropriate areas that accommodate the needs of existing industries through expansion or relocation and the establishment of new industries are shown on Schedules "A" through "D". Any Official Plan amendment to convert industrial uses to any other uses must first be subject to a comprehensive review.
- 3.6.2 Permitted uses in the industrial designation shall include manufacturing, processing, assembling, fabricating, servicing, storage of goods and raw materials, warehousing, wholesaling and service sector industries including transportation, communication, business services, government services, medical and other health laboratories. In addition, mineral exploration, mining, mineral aggregate resource extraction operations and waste disposal sites are permitted. In Industrial areas not serviced by municipal water and sewer services, only dry industrial uses will be permitted.

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- 3.6.3 Uses that are incidental or ancillary to industrial operations, such as retailing or wholesaling, may be permitted in the Industrial area.
- 3.6.4 An accessory apartment use may be permitted for the residence of only the owner, manager or caretaker of an industrial use provided it is limited in size and does not conflict with the main industrial use.
- 3.6.5 Within the Industrial designation along Penn Lake Road commercial uses that provide services, employment and support for the industrial area such as offices, banks, restaurants, service stations and service retail uses are permitted.
- 3.6.6 Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and the degree to which the industrial use affects the physical and aesthetic characteristics of the natural environment.
- 3.6.7 It is the intent of the Industrial designation to:
- (a) expand the Town's existing industrial base by providing lands for continued industrial growth;
 - (b) minimize the impact of industrial areas on surrounding areas, particularly on residential uses and on the natural environment; and
 - (c) guide the location of new industrial uses and industrial redevelopment within the Town.
- 3.6.8 The Industrial area is a site plan control area in the Town and industrial uses will be subject to site plan control pursuant to Section 41 of the Planning Act.
- 3.6.9 The Zoning By-law shall regulate industrial uses through the establishment of appropriate industrial zone categories and shall address among other matters the need for a compatible environment for industries free from interference and restriction by other uses and the protection of adjacent uses from the effects of industry.
- 3.6.10 Wherever industries, including the railway corridor, abut residential, institutional, recreational or other sensitive uses, adequate buffering will be required by measures such as landscaping, plantings, fencing and separation distances in order to minimize the impact of the industrial activity including visual appearance.
- 3.6.11 Industrial uses which are exposed to Highway 17 shall be developed in an attractive manner to provide a positive statement to the Town. To achieve this, building and site design shall have consideration of the following design standards:
- (a) open storage shall be prohibited unless it can be demonstrated that appropriate landscaping and screening to shield the open storage areas will not detract from the intended character of the area;
 - (b) parking and loading areas will generally be restricted to side and rear yards;
 - (c) all industrial activities will be encouraged to locate within wholly enclosed buildings unless it is essential for an activity to locate outdoors, in which case the industrial use will be suitably screened and buffered from the Highway; and

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- (d) development or redevelopment of industrial uses shall comply with the applicable standards of the Ministry of the Environment regarding emissions and noise.

3.6.12 Aggregate extraction operations shall be allowed in the Industrial designation area provided that:

- (a) the operation is compatible with surrounding land uses;
- (b) shall be restricted from locating within Groundwater Protection Zones I, II and III;
- (c) adequate buffering is provided;
- (d) an amendment to the Zoning By-law is required;
- (e) a site plan agreement pursuant to Section 41 of the Planning Act is required. The agreement may address the following matters, but not be limited to:
 - i) hours of operation;
 - ii) location of proposed buildings, machinery and equipment;
 - iii) setbacks, landscaping and buffering;
 - iv) storm water management;
 - v) existing and anticipated final grades of excavation;
 - vi) access/egress;
 - vii) haulage routes;
 - viii) improvements/maintenance to Town roads as a result of increased truck traffic on existing roads; and
 - ix) site rehabilitation
- (f) there is a need for additional aggregate extraction operations;
- (g) the Ministry of the Environment is satisfied with respect to the disposal of liquid wastes, pumping operations and the control of air and noise pollution, among other matters; and
- (h) no excavation, building, equipment, machinery or stockpiling of material is allowed:
 - i) within 1000 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes, unless it has been demonstrated through an appropriate study and the application of suitable mitigation measures a distance of less than 1000 metres can be considered;
 - ii) within 1000 metres of any area designated Residential, unless it has been demonstrated through an appropriate study and the application of suitable mitigation measures a distance of less than 1000 metres can be considered;
 - iii) within 30 metres of any road or road allowance; and
 - iv) a quarry with blasting operations is to be setback a minimum of 800 metres from a residential building.

3.6.13 Aggregate processing operations, such as crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Town of Marathon and with the Ministry of the Environment through the issuance of a Certificate of Approval. Aggregate processing operations shall not be allowed within 1000 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes, unless it has been demonstrated through an appropriate study

and the application of suitable mitigation measures a distance of less than 1000 metres can be considered.

- 3.6.14 Related aggregate industrial uses such as asphalt plants (except portable asphalt plants), concrete batching plants and aggregate recycling operations may also be permitted provided they are compatible with adjacent land uses and subject to an amendment to the Zoning By-law.
- 3.6.15 The reuse of Industrial land for alternative land uses shall be considered in accordance with the provisions of Policy 2.23.1

3.7 OPEN SPACE - RECREATION

- 3.7.1 The primary land uses for areas designated Open Space - Recreation as shown on Schedule "A" through "D" shall be for active and passive recreational uses, public and private parks, marina, trailer parks and campgrounds, golf courses, playing fields, recreational facilities, swimming facilities, playgrounds, nature trails, marinas, wildlife management areas and wind power generation. Located within the Open Space - Recreation area are 2 Nature Reserve Class Provincial Parks (Red Sucker Point and Craig's Pit) which are protected for their significant features and values and permitted uses within these areas shall be restricted to educational, research and passive recreational activities.
- 3.7.2 Small scale commercial uses which are ancillary to and support the permitted recreational and open space uses may also be permitted by amendment to the Zoning By-law.
- 3.7.3 The objectives of the Open Space - Recreation designation is to also preserve and conserve those lands which are ecologically sensitive and those areas of scenic qualities and to provide community and cultural facilities to serve the Town's residents.
- 3.7.4 Open space linkages which access recreational and open space uses in the Town will be encouraged.
- 3.7.5 This Plan recognizes the following hierarchy of parks:
- (a) Local Neighbourhood Park - a neighbourhood park approximately 0.4 to 2.0 hectares (1 - 5 acres) in size and serves the surrounding residential neighbourhood area. Facilities may include a softball diamond, soccer field, playground and passive recreational areas; and
 - (b) Community Park - is a park approximately 2.5 to 10 hectares (6 - 25 acres) in size and is often located in conjunction with a school facility and serves a larger population base than compared with a neighbourhood park. A community park may include sports fields, tennis courts, community playgrounds, washrooms, community centre, meeting room/areas and passive recreational areas.
 - (c) Where possible, the Town will seek to have parkland dedications required for development on waterfront properties to be developed for public use. Where "cash-in-lieu" is taken, the Town will consider the use of such funds to pick up property for shoreline access.

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- 3.7.6 The dedication of lands or acceptance of cash-in-lieu of the land dedication as a result of new development or redevelopment of land shall be in accordance with the following requirements:
- (a) the development or redevelopment of land for residential purposes shall be at a standard of 5% of that land being developed or redeveloped; and
 - (b) development or redevelopment of land for commercial or industrial purposes shall be at a standard of 2% of the land being developed or redeveloped.
- 3.7.7 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Town and satisfy the following criteria:
- (a) be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
 - (b) be located within a neighbourhood or community context to provide convenient pedestrian and vehicular access;
 - (c) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.;
 - (d) have adequate access within the development; and
 - (e) be provided with basic service requirements.
- 3.7.8 Development within areas designated Open Space - Recreation will complement the natural environment.
- 3.7.9 Penn Lake is an important recreational resource for the Town and is located within the Groundwater Protection Zone I, which is considered to be within the groundwater source area for the municipal water supply. Accordingly, recreational land use activities shall be restricted to ensure the protection of the surface and groundwater resources. The use of motorized boats and personal watercraft on Penn Lake shall not be permitted. Rather, boating and watersport activities shall be limited to non-motorized transport such as canoes, kayaks, windsail boards, paddle boats, etc.
- 3.7.10 In areas intended for Open Space - Recreation in the vicinity of the Lake Superior shoreline, the Town shall cooperate with the Ministry of Natural Resources or other relevant agencies, in their efforts to establish recreational facilities and a functional water oriented open space network.
- 3.7.11 The Town, in the design and development of parks, open space areas and recreational facilities shall encourage accessibility for the physically challenged.
- 3.7.12 Red Sucker Point and Craig's Pit are two Nature Reserve Class Provincial Parks that are designated as Open Space on Schedule "A" and are subject to the policies and regulations of the Ministry of Natural Resources. The Municipality shall co-operate with the Ministry of Natural Resources or other relevant agencies in establishing recreational facilities and functional nature and water oriented open space networks.

3.8 ENVIRONMENTAL PROTECTION

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- 3.8.1 Land designated Environmental Protection shall include lands designated “Environmental Protection” on Schedules “A” through “D”, together with all lands within 15 metres of the top-of-bank of any watercourse or water body and to the high water mark along the Lake Superior shoreline, whichever is greater. Permitted uses within the Environmental Protection designation shall generally include shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl production, mineral exploration and public and private parks.
- 3.8.2 The provision of protection works or the dumping of material along the shoreline of the lakes and rivers in the Town is prohibited without the prior written approval and authorization from the Province in accordance with the provisions of the Lakes and Rivers Improvement Act and/or the Public Lands Act and the federal Fisheries Act.
- 3.8.3 With the exception of docks, boathouses and pump houses, construction shall not normally occur on lands designated as Environmental Protection.
- 3.8.4 Proposals for development within the Environmental Protection designation, including construction of buildings or structures, or additions thereto, will be considered on an individual basis, provided that such proposals are supported by engineered designs demonstrating that the site is safe for development in spite of naturally occurring hazards, such as flooding and erosion.
- 3.8.5 Within the Environmental Protection designation development, including the erection and/or construction of buildings or structures or additions thereto, or the placement or removal of fill, shall not be permitted in any hazardous site or land that could be unsafe as a result of naturally occurring processes unless it can be demonstrated, to the satisfaction of the Town that:
- (a) the hazard can be safely addressed in accordance with policy 3.8.4, and the hazard will not result in public health, safety or potential property damage;
 - (b) no new hazards are created or existing hazards aggravated;
 - (c) no adverse environmental impacts will result from the development;
 - (d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
 - (e) the development does not include institutional uses, essential emergency services or the disposal, manufacture, treatment, or storage of hazardous substances.
- 3.8.6 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province. Where required under the federal Fisheries Act prior written authorization from Fisheries and Oceans Canada must also be obtained.
- 3.8.7 Existing uses shall be recognized despite the natural hazardous characteristics of the land. Expansions to such uses will be discouraged; however, reconstruction an/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the Town of Marathon. Where required under

the federal Fisheries Act, Lakes and Rivers Improvement Act, or the Public Lands Act, prior written authorization must be obtained.

- 3.8.8 Any applications to redesignate Environmental Protection lands will be carefully reviewed and shall not adversely impact on the natural environment. The Town shall require the proponent of an application to submit a study prepared by a qualified environmental specialist to address the following considerations:
- (a) a description of the natural environment and existing physical characteristics, including a statement of environmental quality;
 - (b) a description of the proposed development and potential effect on the natural environment;
 - (c) a description of the costs and benefits in terms of economic, social and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects; and
 - (d) an evaluation of alternatives including other locations for the proposal.

There is no public obligation to either change the designation of or to purchase any lands within the Environmental Protection designation, particularly if the environmental hazard would be difficult or costly to mitigate or overcome.

- 3.8.9 Environmental Protection lands may not be considered acceptable as part of a parkland dedication pursuant to the Planning Act.
- 3.8.10 Environmental Protection lands shall be placed in appropriate zone categories in the implementing Zoning By-law.
- 3.8.11 Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Province.

SECTION 4 - COMMUNITY SERVICES AND FACILITIES**4.1 GENERAL**

- 4.1.1 The intent of this Plan is to maintain a level of public service that is appropriate for the urban and rural character and environment of the Town of Marathon. Capacity is available within the water and sewer treatment service facilities to allow for reasonable expansion of these services within the townsite of Marathon. It is recognized that municipal servicing in a rural area is generally difficult and expensive to provide due to dispersed development patterns consistent with the rural character.
- 4.1.2 The objectives of this section of the Plan is to provide policies that will ensure adequate services are provided that recognize the Town's financial capabilities and not place undue strain on the Town's financial resources.
- 4.1.3 The use of alternative development standards is encouraged for new development and redevelopment provided that the standard of development allows for flexibility and adaptability in urban design and housing, enhances the livability of the proposal, provides cost efficiency in the delivery of services and supports the principles of environmental sustainability.

4.2 ROADS

- 4.2.1 Safe and efficient movement of people and goods within the Town and to and from adjacent municipalities is encouraged by this Plan. The road system should safely serve the Town but should not be developed to a standard or extended beyond which would result in a burden to the residents and taxpayers of the Town.
- 4.2.2 The classification of roads in the Town are as follows:
- (a) Provincial Highways - this system of roads applies to the numbered provincial highways under the jurisdiction of the Ministry of Transportation. Development along provincial highways is subject to the permit control of the Ministry of Transportation which is obtained prior to construction or grading taking place on the site. Access to provincial highways is permitted provided the entrance meets the minimum safety and geometric requirements of the Ministry of Transportation; and
 - (b) Town Roads - this system of roads applies to all public roads under the jurisdiction of the Town of Marathon. The Town is responsible for the maintenance of public roads within their jurisdiction. The primary purpose of the Town roads is to facilitate local travel and areas for development. Direct access to Town roads is normally permitted from any abutting lot provided there are adequate sight lines, suitable grades and the access will not cause traffic hazards.
- 4.2.3 Should the construction of a new road or extension of an existing road be warranted, the road shall be designed and constructed to meet approved standards and the road shall be suitable for assumption into the Town road system.

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- 4.2.4 The Town of Marathon is not responsible for the costs associated with the design and construction of new roads or the extension of existing roads. These costs are the direct responsibility of the proponent for the new road and/or road extension.
 - 4.2.5 Unless it is clearly in the public interest, private roads will not be assumed by the Town into the Town road system.
 - 4.2.6 Maintenance will be provided on all roads under the jurisdiction of the Town of Marathon and the Ministry of Transportation.
 - 4.2.7 The right-of-way width of Town roads shall generally be a minimum of 20 metres (66 feet). As a condition of development the Town may required the dedication of road widenings to achieve the 20 metres (66 feet) road right-of-way widths where they presently do not exist.
 - 4.2.8 All new roads developed by the Town shall be planned in accordance with the appropriate Class Environmental Assessment under the Environmental Assessment Act.

4.3 WATER SUPPLY

- 4.3.1 All new residential, commercial, institutional and industrial development within the Urban Service Area boundary of the townsite of Marathon shall be connected to the municipal water supply system. Any water line extensions outside of the Urban Service Area boundary shall require an amendment to this Plan unless the service is required to remedy a health concern or resolve a problem with an existing private water supply system.

It is recognized that the Industrial area along Old Heron Bay Road is partially serviced with municipal water services. No extension of the water system is permitted and no new service connections will be permitted without an amendment to this Plan unless the service is required to remedy a health concern with the existing private water supply.

- 4.3.2 The need for public water supply to the area outside the Urban Service Area boundary of Marathon is not considered feasible over the life of this Plan.
- 4.3.3 The source of water supply in areas beyond the Urban Service Area boundary of the townsite of Marathon is primarily from private individual wells. Any surface waters used for domestic purposes should be filtered and treated prior to consumption.
- 4.3.4 The responsibility for water supply in those areas outside of the Urban Service Area boundary of Marathon will be with each property owner.
- 4.3.5 Individual private wells serve as an adequate supply of water for the rural development of the Town. It is intended that lot sizes remain large enough to ensure that private wells remain the primary source of water in the Rural area of the Town.
- 4.3.6 The Town will not support developments proposed to be serviced by communal water systems.

4.4 SEWAGE DISPOSAL

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- 4.4.1 All new residential, commercial, institutional and industrial development within the Urban Service Area boundary of the townsite of Marathon shall be connected to the municipal sanitary sewage treatment system. Any sewage line extensions outside of the Urban Service Area boundary shall require an amendment to this Plan unless the service is required to remedy a health concern or resolve a problem with an existing private septic system.
- 4.4.2 The Town operates and maintains the sanitary sewage treatment and distribution system in the townsite of Marathon. Any development of lands adjacent to the sewage treatment plant will be subject to the minimum separation distance requirements of the Ministry of the Environment.
- 4.4.3 Private individual septic tanks and tile field systems are the primary means of sewage disposal in the area outside of the Urban Service Area boundary of the townsite of Marathon.
- 4.4.4 The need for public sanitary sewage disposal in the area outside of the Urban Service Area boundary of the townsite of Marathon is not considered feasible over the life of this Plan. Therefore, each individual property owner is responsible for the provision of private sanitary sewage disposal in areas outside of the Urban Service Area subject to the approval of the appropriate approval authority.
- 4.4.5 It is intended that lot sizes remain large enough and soil conditions are suitable to allow the safe and efficient operation of individual private sewage disposal systems. Private individual sewage disposal systems will remain the primary source of sewage disposal in the Rural area of the Town.
- 4.4.6 All new individual private sewage disposal systems require the approval of the appropriate approval authority.
- 4.4.7 The Town encourages the regular inspection and maintenance of private sanitary sewage disposal systems to ensure their safe operation. Any private sanitary sewage system that is not functioning properly or is failing shall be repaired or replaced in accordance with the requirements of the appropriate approval authority.
- 4.4.8 The Town will not support developments proposed to be serviced by communal sewage disposal systems.
- 4.5 NON-HAZARDOUS SOLID AND LIQUID WASTE DISPOSAL
- 4.5.1 The Town is involved with undertaking an environmental assessment process in accordance with the requirements of the Environmental Assessment Act and Environmental Protection Act with respect to the establishment of a new solid waste disposal facility outside of the townsite.
- 4.5.2 The proposed new solid waste disposal site shall be planned in accordance with the requirements of the Environmental Assessment Act and Environmental Protection Act and should:

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- (a) avoid areas of high ground water;
 - (b) be restricted from locating within Groundwater Protection Zones I, II and III;
 - (c) maintain an adequate separation and buffer from all existing development;
 - (d) avoid pollution of the ground water and watercourses;
 - (e) require an amendment to the Zoning By-law; and
 - (f) be approved by the Ministry of the Environment.

4.5.3 Liquid waste disposal sites may be permitted subject to an amendment to this Plan and provided the applicant has demonstrated to the satisfaction of the Ministry of the Environment that the facility may be established without adverse impacts on surrounding land uses and the natural environment. A Certificate of Approval from the Ministry of Environment is required for all liquid waste disposal sites.

4.6 RECREATION AND OPEN SPACE

4.6.1 The existing recreation and open space facilities that are available to the residents of the Town are considered suitable. However, with increased population growth additional recreational and open space facilities may be required.

4.6.2 It is the intent to this Plan to encourage the provision of additional public and private recreational and open space facilities at appropriate locales for use by the Town residents and tourists.

4.6.3 It is the intent of this Plan, that new public and private recreational opportunities shall not place an undue financial burden on the Town.

4.7 COMMUNITY FACILITIES AND SERVICES

4.7.1 The existing services provided by the Fire Department, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Town.

4.7.2 The existing elementary and secondary school facilities within the Town meet the needs of the community regarding educational facilities.

4.7.3 It is the policy of this Plan to encourage the joint use of recreational facilities between the community at large and the school board where appropriate.

4.7.4 The existing vacant public elementary school site located on Stevens Avenue is a candidate site for redevelopment.

SECTION 5 - IMPLEMENTATION AND ADMINISTRATION

5.1 THE TOWN'S ROLE IN IMPLEMENTATION

5.1.1 This Official Plan shall be implemented by means of the powers conferred to the Town

of Marathon by the Planning Act and other statutes which may be applicable. In particular, the Plan shall be implemented through:

- (a) the preparation, adoption and enforcement of the zoning by-laws;
- (b) the preparation, adoption and enforcement of other zoning provisions such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws and holding by-laws;
- (c) the consent and subdivision approval process;
- (d) the site plan control process; and
- (e) participation in programs funded by senior levels of government for housing, community improvement, etc.

5.2 PUBLIC PARTICIPATION

5.2.1 The Town intends that the public be involved in the formulation and implementation of planning policies. To this end, the Town shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications pursuant to the provisions of the Planning Act.

5.2.2 The Town may forego public notification and public meetings in connection with a technical zoning by-law amendment if such amendment will not affect the provisions and intent of the Official Plan, the Zoning By-law or amendments thereto.

5.3 STREAMLINING REVIEWS OF PLANNING APPLICATIONS

5.3.1 The Province has implemented a “one window” planning service for provincial review and approval of certain municipal planning applications at the Ministry of Municipal Affairs and Housing. The “one window” approach will allow for a coordinated provincial input at the pre-adoption stage. The Ministry of Municipal Affairs and Housing will rely on the expertise of other ministries as needed.

5.3.2 The Town is also responsible for the implementation of the municipal plan review function as it relates to matters of provincial interest and will ensure consistency with the Provincial Policy Statement when making decisions on such planning items as consent applications, zoning by-law and official plan amendments and minor variance applications. Where appropriate, the Town will rely on the expertise of other ministries and may through the Ministry of Municipal Affairs and Housing seek technical support from provincial ministries on matters of provincial interest.

5.4 OFFICIAL PLAN - AMENDMENTS AND REVIEW

5.4.1 No developments or activities shall occur which contravene the intent and policies of this Plan.

5.4.2 Developments or activities deemed beneficial to the Town, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.

5.4.3 The Official Plan shall be amended to reflect other municipal policies that may impact on

land use planning matters in the Town.

5.4.4 The Plan shall be subject to a continual review by the Town. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.

5.4.5 The Official Plan shall be subject to a formal review at least once every 5 years pursuant to Section 26 of the Planning Act.

5.4.6 Prior to considering an amendment to this Plan, the Town shall preconsult with the Ministry of Municipal Affairs and Housing and any other person or public body that Council considers to have an interest in the amendment, pursuant to Section 17(21) of the Planning Act, to ensure that provincial and local interests are considered.

5.5 ZONING BY-LAW

5.5.1 The Zoning By-law divides the lands within the Town into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land. The Town may also pass a Zoning By-law for the protection of a site of a significant archaeological resource.

5.5.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies.

5.5.3 The Zoning By-law shall ensure that all lands within the Town are zoned for purposes compatible with the Official Plan.

5.5.4 All amendments to the Zoning By-law shall be in conformity with the Official Plan.

5.6 NON-CONFORMING USES

5.6.1 Where a legally existing use of land does not comply with the land use designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:

- (a) the zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
- (b) the use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
- (c) there is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;
- (d) the use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and
- (e) where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan.

5.6.2 Non-conforming uses shall cease to exist in the long term.

5.6.3 Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:

- (a) the proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
- (b) the extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.

5.6.4 The repair or replacement of a legal non-conforming use may be permitted provided that:

- (a) the repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
- (b) the repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

5.7 FEES

5.7.1 Pursuant to Section 69 of the Planning Act, the Town of Marathon may prescribe tariff of fees through a Tariff of Fee By-law for the processing of applications made in respect to planning matters such as Official Plan amendments, Zoning By-law amendments, Consents, Site Plan Approval or any other planning matter.

5.7.2 The Tariff of Fee By-law shall prescribe the fees to be charged for processing applications in respect of planning matters and shall indicate the authority to which the fee is payable.

5.8 MINOR VARIANCE

5.8.1 The Town may approve minor variances for relief from regulations to the Zoning By-law, in accordance with Section 45 of the Planning Act, the rules of procedure and regulations issued by the Minister under the Planning Act and the policies of this Plan.

5.8.2 The Town may also approve minor variances to other by-laws, such as Interim Control by-laws and the Property Maintenance and Occupancy Standards By-law.

5.9 SITE PLAN CONTROL

5.9.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41, of the Planning Act. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single and two unit residential dwellings.

5.9.2 The goals of implementing site plan control are to:

- (a) ensure safe and efficient vehicular and pedestrian patterns;

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- (b) ensure that development will not have a detrimental visual impact on adjacent uses;
 - (c) ensure industrial and commercial developments do not reduce the enjoyment of adjacent lands;
 - (d) ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts; and
 - (e) ensure on-site drainage and grading is adequately provided; and
 - (f) ensure development is situated away from hazard lands.
- 5.9.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Town. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 5.9.4.
- 5.9.4 Prior to the issuance of a building permit, the applicant may be required to enter into a site plan agreement with the Town which may address one or more of the following matters:
- (a) widenings to any roads or highways that abut the lands subject to the application. Any proposed widenings requested must be shown on the site plan drawing;
 - (b) provision of sufficient parking, access driveways and similar matters;
 - (c) the construction of walkways, ramps and pedestrian access;
 - (d) proper lighting of buildings and lands;
 - (e) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls, and berms;
 - (f) storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (g) the conveyance of any easements for the construction, maintenance and improvements of any drainage works, water works and other public utilities;
 - (h) adequate drainage and management of surface storm water and waste water from the lands, buildings or structures; and
 - (i) the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures.
- 5.10 HOLDING PROVISIONS
- 5.10.1 In accordance with Section 36 of the Planning Act, the Town may approve a by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.
- 5.10.2 During the interim period, when the holding provision is in place, uses permitted on the affected lands are limited to existing uses only.
- 5.10.3 Prior to removal of the holding symbol, the Town must be satisfied that the following conditions, where applicable, have been met:

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- (a) the servicing requirements for the subject lands are in place;
 - (b) that any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements;
 - (c) that a site plan agreement or subdivision agreement has been executed in accordance with the policies of this Plan and the Planning Act; and
 - (d) that existing mine hazards have been rehabilitated to the satisfaction of the Province;
 - (e) that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the Ontario Heritage Act, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province; or
 - (f) that site contamination or other environmental constraints have been appropriately addressed.

5.10.4 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol have been satisfied.

5.11 INTERIM CONTROL

5.11.1 In areas where the Town wishes to review the existing land uses or establish new planning policies and where a study of land use planning policies for the area has been directed, the Town may approve an Interim Control By-law.

5.11.2 The Interim Control By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan and/or Zoning By-law may require an amendment to reflect the findings of the study and desired use.

5.11.3 Pursuant to Section 38 of the Planning Act the length of time the Interim Control By-law is in effect shall be specified in the by-law and shall not exceed one (1) year from the date of approval of the by-law. The Interim Control By-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

5.12 TEMPORARY USE BY-LAWS

5.12.1 Pursuant to Section 39 of the Planning Act, the Town of Marathon may approve the use of land, buildings or structures for a temporary use not considered to be of a permanent nature which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.

5.12.2 The Town shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with the Official Plan and Zoning By-law, prior to approval of a Temporary Use By-law.

5.12.3 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.

5.12.4 Notwithstanding the policies of this Plan, temporary uses that are not otherwise permitted by the Official Plan and the Zoning By-law as permanent uses, may be permitted by Temporary Use By-laws, subject to the above.

5.13 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES

5.13.1 The Town of Marathon shall attempt to use all possible means to implement Community Improvement Policies and these shall include:

- (a) participation in and support for Federal and Provincial community improvement programs;
- (b) use of authority granted under Section 28 of the Planning Act, to designate a Community Improvement Project Area, develop Community Improvement Plans and acquire and redevelop land;
- (c) enforcement of the Property Maintenance and Occupancy Standards By-law; and
- (d) encouragement of activities aimed at developing the economic viability, brownfields redevelopment and attractiveness of the Town.

5.13.2 The townsite of Marathon is identified as a Community Improvement Area.

5.14 PARKLAND DEDICATION

5.14.1 The dedication of lands or acceptance of cash-in-lieu of the land dedication for recreational purposes as a result of new development or redevelopment of land shall be in accordance with the following requirements:

- (a) the development or redevelopment of land for residential purposes may require a land dedication to the Town at a standard of 5% of that land being developed or redeveloped or cash-in-lieu based on 5% of the value of the land; and
- (b) development or redevelopment of land for commercial or industrial purposes may require a land dedication to the Town at a standard of 2% of the land being developed or redeveloped or cash-in-lieu based on a value of 2% of the land.

5.14.2 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Town and satisfy the following criteria:

- (a) be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
- (b) be located within the community context to provide convenient pedestrian and vehicular access;
- (c) provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.;
- (d) have adequate access;
- (e) be provided with basic service requirements; and
- (f) be developed in accordance with the Town's parkland standards.

5.15 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW

5.15.1 The Town is committed to the maintenance and development of a safe, healthy and attractive environment. The Town may adopt a By-law pursuant to the Building Code Act, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and leveled condition. The By-law shall specify the manner in which the By-law will be administered and enforced.

5.15.2 The above By-law may address the following items:

- (a) the physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
- (b) the adequacy of sanitation, including drainage, waste disposal and garbage;
- (c) the physical condition of accessory buildings; and;
- (d) the physical condition of all buildings and dwellings.

5.15.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established.

5.16 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION

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

5.16.2 From time to time Provincial and Federal statutes are amended and section numbers are changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.

5.17 LAND USE BOUNDARIES

5.17.1 It is intended that the boundaries of the land use designations, shown on the attached Schedule, be considered as approximate and absolute only where bounded by public roads, rivers, streams or other similar geographical barriers. Therefore, amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries, provided that the general intent of the policies is preserved. Such minor deviations will not be reflected on the Schedules.

SCHEDULE "A" - LAND USE PLAN TOWN OF MARATHON

SCHEDULE "B" - LAND USE PLAN MARATHON TOWNSITE

SCHEDULE "C" - LAND USE PLAN MARATHON TOWNSITE

SCHEDULE "D" - LAND USE PLAN MARATHON TOWNSITE

APPENDICES

APPENDIX A

Definitions

Areas of archaeological potential: means areas with medium or high potential for the discovery of archaeological resources. This potential is based on the presence of a wide range of geographic and historical features which influence past settlement. Archaeological potential is confirmed through an archaeological assessment.

Areas of mineral potential: means areas favourable to the discovery of mineral resources due to geology, the presence of known mineral deposits or other technical evidence. Areas of mineral potential are identified using acceptable scientific methodology.

Built heritage resource: means one or more buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.

Contaminated site: means land that is contaminated from past land use activities relating to, but not limiting to, industrial uses, transportation or utility purposes including municipal and Ministry of Transportation refuelling yards, waste disposal sites, and commercial uses such as gas stations, auto repair shops and lands where filling has occurred.

Cultural heritage resource: means a defined geographic area of heritage significance which has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

Floodway: means that portion of the river or stream system floodplain where development and site alteration would cause a danger to public health and safety or property damage. Uses which by their nature must be located within the floodway, flood or erosion control works or non-structural works that do not affect flood flows are permitted in the floodway.

Hazard lands: means property or lands which could be unsafe for development due to naturally occurring processes or hazards. Along the shoreline of lakes, rivers and stream systems this means lands covered by water to the farthest landward limit of the flooding and erosion hazard limits and would also include unstable soils such as sensitive marine clays (leda clay) and unstable bedrock (karst topography).

Home Occupation: means the use of part of a dwelling unit for an occupation, trade, craft or business which is clearly secondary to the main residential use of the dwelling unit, carried on entirely within part of a dwelling unit by at least 1 of the permanent residents of such dwelling unit for gain, profit or reward, and does not compete with existing businesses in the commercial areas of the Town. A home occupation shall be licenced in accordance with the Business Licence By-law and shall include such home occupations as dressmaking, molding, painting, sculpting, weaving, engraving, and instruction in arts, crafts and music.

Home Profession: means the use of part of a dwelling unit for service or profession by at least 1 of the permanent residents of such dwelling unit, is clearly secondary to the main residential use of the dwelling unit for gain, profit or reward, and does not compete with existing businesses in the commercial areas of the Town. A home profession shall be licenced in accordance with the Business Licence By-law and shall include such home professions as

surveying, engineering, architecture, accounting, shoe and leather working and repairs, real estate, bookkeeping, and computer services.

Infrastructure: means physical structures that form the foundation for development.

Infrastructure includes sewage and water works, waste management systems, electrical power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Mine hazards: means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

Mineral deposits: means an unusually large or rich concentration of valuable minerals identified within a small part of the earth's crust.

Mineral mining operation: means mining operations and associated facilities, or past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minerals: means metallic and non-metallic minerals, but does not include mineral aggregates or petroleum resources.

Natural heritage features: means features and areas such as significant wetlands, fish habitat, significant portions of a habitat or endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest which are important for their environmental and social values as a legacy of the natural landscape of an area.

Public service facilities: means land, buildings and structures for the provision of public services, but does not include infrastructure.

Public works: means any improvement, structural work or undertaking that is within the jurisdiction of Council, a local board, a ministry, department, board, commission, agency or official of the provincial or federal government or a First Nation.

Residential intensification: means the creation of new residential unit or accommodation in existing buildings or on previously developed, serviced land and includes infill, accessory apartments and rooming houses.

Rural residential use: means a residential use located in the rural area that is a principal residence, intended to be occupied on a year round basis, and is privately serviced by individual sewage and water systems.

Seasonal residential, waterfront residential or cottage residential use: means a recreational residential use located in the rural area that is not a principal residence, intended to be occupied on a seasonal or part time basis for recreational purposes and is privately serviced by individual sewage and water systems.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Woodlands: means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.

APPENDIX B**Category “A”, “B” and “C” Industrial Land Uses That May Pose a Risk of Contamination of the Groundwater Aquifer of the Municipal Water Supply****CATEGORY “A” INDUSTRIAL LAND USES:**

- i) lagoons, landfills, disposal of abattoir and rendering wastes; and
- ii) auto wrecking and automobile salvage yards.

CATEGORY “B” INDUSTRIAL LAND USES:

- i) foundries;
- ii) non-ferrous and precious metal smelting and refining;
- iii) metal rolling, casting and extruding operations including steel pipes and tubes;
- iv) manufacturing of unfinished fabricated metal products and parts;
- v) metal finishing operations, i.e. electroplating, electrocoating, galvanizing, painting, application of baked enamel;
- vi) manufacturing of cable, wire and wire products;
- vii) jewelry and silverware manufacturing;
- viii) assembly of aircraft parts, motor vehicles, truck, bus bodies, trailers, rail cars, mobile homes, ships and boats;
- ix) manufacturing of engines, engine parts, steering and suspension parts, wheels and brakes;
- x) manufacturing of agricultural, commercial and industrial machinery;
- xi) manufacturing, packaging, crating or bottling of chemicals, resins, paints, varnish, printing inks, adhesives and dyes;
- xii) manufacturing of pharmaceuticals and medicines;
- xiii) petroleum products refining and asphalt batching;
- xiv) manufacturing of electronic components such as semiconductors, printed circuit boards and cathode ray tubes;
- xv) manufacturing of wet electrical and industrial equipment and wet batteries;
- xvi) commercial or industrial dry cleaning of textiles and textile products;
- xvii) leather tanning and finishing;
- xviii) wood and wood product preservation and treatment;
- xix) transportation terminals for chemicals or hazardous substances;
- xx) warehousing and bulk storage of oil, gasoline, or petroleum products, and gasoline stations;
- xxi) warehousing of cleaning products, pesticides, herbicides, fungicides and chemicals; and
- xxii) snow storage and disposal facilities.

CATEGORY “C” INDUSTRIAL LAND USES

- i) rubber products manufacturing;
- ii) manufacturing of electrical appliances, equipment, motors, lighting fixtures and lamps (excluding manufacturing of electrical components and metal fabrication and finishing which are Category “B” activities);
- iii) manufacturing of electrical light bulbs and tubes;
- iv) manufacturing of dry batteries;
- v) manufacturing of soaps and toiletry products;
- vi) finishing and dyeing of textiles;
- vii) manufacturing of plastic and foam parts and products;

- viii) furniture, casket, cabinet and other wood products manufacturing and assembly;
- ix) manufacturing of coated glass;
- x) manufacturing of paper, newsprint and boxes;
- xi) photographic development facilities (other than accessory to other retail uses);
- xii) printing of newspaper, packaging and books;
- xiii) repair of industrial machinery;
- xiv) repair of motor vehicles, aircraft, water craft, rail vehicles, trucks, buses and machinery;
- xv) golf courses;
- xvi) airports, train and public transit terminals;
- xvii) medical, health and other laboratories (other than clinics associated with commercial plazas); and
- xviii) contractors establishments and yards.

APPENDIX C

Background and Policy Issues/Options Report