

9. INTERPRETATION

9.1 GENERAL

This Plan is a statement of policy. It is intended as a guide to Council; however, some flexibility in interpretation may be permitted, provided that the general intent is maintained.

9.2 BOUNDARIES

Locations, boundaries or limits described in the text or indicated on the Schedules to this Plan are intended to be approximate only, except where they are:

- i) clearly bounded by roads, railway lines, or other clearly defined physical features; and/or,
- ii) the external boundaries of the Hamlet Area and Secondary Plan Area designations.

Where the general intent of the Plan is maintained, minor boundary adjustments will not necessitate an amendment to this Plan.

Notwithstanding the foregoing, the boundary of the Oak Ridges Moraine and the designations within the Oak Ridges Moraine Plan Area on the Schedules to this Plan shall not be further defined. However, the boundaries of the land use designations within the Moraine boundary, with the exception of the Core and Linkage designations, may be further defined in a manner consistent with the policies for the land use designations based on the results of the ten year review of the Moraine Plan.

Notwithstanding the foregoing, the boundary of the Oak Ridges Moraine Plan Area is established by Ontario Regulation 01/02. Lands along the southern boundary of the Oak

Ridges Moraine Plan Area located in the Town of Whitchurch-Stouffville are considered to be in the Plan area if:

- iii) it is above the contour of elevation 245 Canadian Geodetic Vertical Datum 1928 (GDVD28); and,
- iv) it is within the Oak Ridges Moraine Area as designated by Ontario Regulation 01/02.

If questions arise which dispute the accuracy of the southern boundary, the Town will require verification through a topographic survey completed by an Ontario Land Surveyor confirming that the lands are below the 245 contour.

9.3 STATED MEASUREMENTS AND QUANTITIES

All numbers and quantities in the text shall be interpreted as approximate only. Minor variations from any numbers or quantities will be permitted provided the intent of the Plan is preserved.

9.4 LEGISLATION

Where this Plan makes reference to a Provincial Act or an Ontario Regulation, to the minimum distance separation formulae or the Provincial Policy Statement, such reference shall include any subsequent amendments or replacements.

9.5 DEFINITIONS

9.5.1 Best Management Practices

“Best Management Practices” is a general term used in the Ministry of Environment guidelines designating procedures for stormwater quality and quantity control. The techniques considered to be Best Management Practices reduce pollutants available for transport by run-off before it is discharged. Best Management Practices requires that stormwater management for new subdivisions be implemented in an environmentally sensitive manner with one of the prime objectives being to maintain water quality.

9.5.2 Retiring Farmer

A retiring farmer is a full time farmer of retirement age who is retiring from active working life on the farm, was farming on January 1, 1994 and has owned and operated the farm operation for a substantial number of years.

9.5.3 Density, Gross

This term shall mean the area of land including the lot area, local and collector streets, parks, including trails, schools, institutional uses and all open space lands with the exception of lands designated “Significant Environmental Area” on Schedule “B”.

9.5.4 Density, Net

This term shall mean the area of land including the lot and local and collector roads.

9.5.5 Development

This term shall include site alteration and redevelopment.

9.5.6 Environmental Buffer

A natural area intended to minimize potential conflict between human activities and sensitive environmental features. This is done by providing a natural separator and by

rounding out irregularities and minimizing the length of the interface between humans and undisturbed, regenerating or protected landscapes.

9.5.7 Garden Suites

Garden Suite shall mean a detached residential structure accessory to the main residence on a lot for the use of aging or handicapped relative of the owner of the main residence. Such a structure shall contain bathroom and kitchen facilities and shall be designed to be portable.

9.5.8 Group Homes

Group Home shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with the requirements of its residents.

9.5.9 Institutional Uses

Public or private non-profit uses, as well as certain private uses for profit such as day care facilities, which provide a service to the community.

9.5.10 Municipal Comprehensive Review

Municipal Comprehensive Review means an official plan review or an official plan amendment, undertaken by the Town of Whitchurch-Stouffville, in consultation with, and approved by York Region, that comprehensively applies the policies of this Plan, the York Region Official Plan, and the provincial Growth Plan for the Greater Golden Horseshoe, and includes a land budget analysis as determined by the Town and the Region.

9.5.11 Mineral Aggregate

Mineral Aggregate shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline,

syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

9.5.12 Portable Asphalt Plant

Portable Asphalt Plant shall mean a facility which provides asphalt exclusively in accordance with a contract for any Provincial road work in any location or for a local or Regional road work within the municipalities of the Town of Whitchurch-Stouffville or the Region of York and for no other use:

- i) with equipment designed to heat and dry aggregate and mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process; and,
- ii) which is portable and is designed and intended to be dismantled and moved to another location when required for another contract.

9.5.13 Rural Commercial, Rural Industrial and Rural Institutional Uses

Rural commercial, Rural Industrial and Rural Institutional uses shall generally mean small scale uses which are primarily related to and designed to serve the rural/agricultural/environmental area or utilize its products.

9.5.14 Significant Trees

Trees of 0.3 m caliper in size at breast height.

9.5.15 Traffic Calming

This term shall mean a form of transportation planning which seeks to harmonize the use of streets by automobiles, pedestrians, bicyclists, playing children and other street uses. This is accomplished through the use of streetscape design devices and techniques including sidewalks, that diversify street uses and control traffic volumes and speed in neighbourhoods while maintaining maximum mobility and access. Traffic calming also attempts to make drivers aware of the fact that they are sharing the space of a street with other uses.

9.5.16 Valley and Stream Corridors

Valley and stream corridors shall be defined as including all lands in the Flood Plain Area designation as defined in Section 3.5. of this Plan and:

- i) A minimum of 10 m (33 ft) beyond lands below the top of stable slope or beyond the projected stable top of bank for an unstable slope or, in the absence of a discernable top of slope, a minimum of 10 m (33 ft) beyond the Regulatory Flood line or a predicted meander belt of the watercourse in cases where there is no regulatory flood line.
- ii) The boundary of a Significant Environmental Area where it extends beyond the line referred to above, plus a minimum of 10 m (33 ft) beyond the area's boundary.

9.5.17 Definitions in the Oak Ridges Moraine Plan Area

The Oak Ridges Moraine Conservation Plan includes extensive definitions of terms which are found throughout the documents. For reference purposes, the main definitions which are found in Part I, Section 3 of the Moraine Plan, are found in Appendix ORM I to this Plan. However, where questions of interpretation arise, regard should be had to the Oak Ridges Moraine Conservation Plan itself.

Notwithstanding the foregoing, the boundary of the Oak Ridges Moraine Plan Area is established by Ontario Regulation 01/02. Lands along the southern boundary of the Oak Ridges Moraine Plan Area located in the Town of Whitchurch-Stouffville are considered to be in the Plan area if:

- i) it is above the contour of elevation 245 Canadian Geodetic Vertical Datum 1928 (GDVD28); and,
- ii) it is within the Oak Ridges Moraine Area as designated by Ontario Regulation 01/02.

If questions arise which dispute the accuracy of the southern boundary, the Town will require verification through a topographic survey completed by an Ontario Land Surveyor confirming that the lands are below the 245 contour.

9.5.18 Ancillary Uses

Small scale retail uses that primarily serve the business functions on employment lands.

9.5.19 Major Retail

Major retail includes retail big box stores, retail warehouses and shopping centres. For the purposes of this definition a shopping centre is not a collection of ancillary uses that primarily serve the business functions on employment lands.

9.5.20 Outdoor Cannabis Cultivation

Shall mean premises used for the legal cultivation and harvesting of recreational cannabis in an open-air setting or in structures for recreational purposes as authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

9.5.21 Indoor Cannabis Cultivation

Shall mean premises used for the legal cultivation and harvesting of recreational cannabis in a wholly enclosed permanent building or structure for recreational purposes as authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

9.5.22 Cannabis Processing

Shall mean premises used for the processing of cannabis and the processing of cannabis products in a wholly enclosed building or structure constructed including the distilling, packaging, testing, research, disposing, destroying and shipping of cannabis for recreational purposes as authorized by an issued license or registration by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.