

## **8. IMPLEMENTATION**

### **8.1 GENERAL**

The policies of this Plan shall be implemented by the powers conferred on the Town by the Planning Act, the Municipal Act, the Oak Ridges Moraine Conservation Act and Plan and other applicable statutes. This Plan shall be implemented by the Zoning By-law, subdivision control, consents, site plan control and the provision of municipal services and public works in accordance with the policies of this section. In addition, the Town will give consideration to the use of a Development Permit System to implement the Oak Ridges Moraine Conservation Plan.

### **8.2 ZONING BY-LAW AND DEVELOPMENT PERMIT BY-LAW**

#### **8.2.1 Existing Non-Conforming Uses**

Notwithstanding any other provisions of this Plan to the contrary, this Plan is not intended to necessarily prevent the continuation, expansion or enlargement of existing uses which do not conform with the designations or provisions of this Plan. It shall be the policy of this Plan that where an existing land use is not designated on Schedule “B” to this Plan, that the use of such land, building or structure for the purpose for which it was legally used at the date of adoption of this Plan may be recognized in the Zoning By-law. Provision may also be made, subject to a Zoning By-law amendment, for the expansion or enlargement of such existing use in accordance with the following policies:

- i) that the proposed extension or enlargement of the established use will not adversely affect the implementation of the policies of this Plan and that the general intent and purpose of the Plan is maintained;
- ii) that the proposed extension or enlargement is in proportion to the size of the use as it existed at the date of enactment of the implementing by-law;

- iii) that the proposed extension or enlargement is compatible with surrounding uses in terms of noise, vibration, fumes, heat radiation, smoke, dust, odours, or other similar offensive characteristics;
- iv) that site planning and design are such as to minimize the effect of the proposed extension or enlargement on adjacent conforming uses, and, where necessary, adequate spatial separation, buffer planting, screening and fencing are provided so as to afford adjacent conforming uses a degree of protection from any offensive characteristics; and,
- v) that the use will not result in increased traffic volumes through residential areas and that adequate off-street parking and loading facilities are available, provided further that ingress and egress points to and from the site are designed in such manner as to minimize the danger to both vehicular traffic and pedestrian movements.

Notwithstanding the foregoing, the policies of Section 3.2 and the applicable land use designation shall apply to existing non-conforming uses in the Oak Ridges Moraine Plan Area.

## **8.2.2 Holding Provisions**

### **8.2.2.1 Applicability**

A By-law may be passed pursuant to the provisions of the Planning Act, to zone lands for their intended purpose and further impose a holding provision by use of the Holding Symbol “H” in any area of the Town.

### **8.2.2.2 Conditions**

No development of those lands affected by a holding provision shall be permitted and the Holding symbol shall not be removed until such time as the applicant has satisfied all the requirements of the Plan and all public agencies and entered into any necessary agreements related to the conditions imposed on the development. In the interim period until the Holding provision is removed, in accordance with the provisions of this Plan and the Planning Act, the uses permitted shall be restricted to those existing as of the date of adoption of this Plan, environment conservation, public uses and utilities or other similar uses.

### **8.2.3 Temporary Use By-laws**

Pursuant to the provisions of the Planning Act, by-laws may be passed to permit the temporary use of lands, buildings or structures, which may not conform to this Plan in areas other than the Oak Ridges Moraine Area, provided that the following requirements are complied with:

- i) that the use is compatible with surrounding land uses and activities;
- ii) adequate water supply and waste disposal activities are available to the satisfaction of the Town and the Region of York Health Services Department;
- iii) that such temporary uses or activities do not result in a hazardous condition for either vehicular or pedestrian traffic and that the relevant parking area requirements are complied with;
- iv) there is a signed agreement between the applicant and the Town which addresses issues related to installation/removal and maintenance; and,
- v) the Town is satisfied that the nature of the use is temporary and that any buildings and structures are kept to the minimum and can be easily dismantled.

Such a by-law shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, having regard for the appropriateness of the use and the temporary nature of the use or activity.

Council may pass subsequent by-laws granting extensions of up to three years to a temporary use by-law; however, once the subsequent by-law has lapsed, the use permitted by the by-law must cease and if the use continues it will be viewed as an illegal use in regard to the implementing Zoning By-law.

### **8.2.4 Height and Density Bonus Provisions**

Pursuant to provisions the Planning Act, a Zoning By-law, may authorize increases in the height and density of residential development, otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services or other matters, which cannot be legally secured by other means, that are set out in the Zoning By-law. The Town's objectives in authorizing such increases in height or density are:

- i) to encourage the provision of underground or in-building parking for attached housing or mixed use development;
- ii) to encourage the preservation and conservation of buildings or structures of historical, contextual or architectural merit;
- iii) to encourage the protection of natural features and environmental buffers, particularly features and buffers which form part of the Greenlands System;
- iv) to encourage the provision of parkland above and beyond that required through the provisions of this plan;
- v) to encourage the provision of unique urban design features above and beyond the requirements of this plan; and,
- vi) to encourage the provision of the trails system, day care, housing for seniors and the disabled and other public or quasi-public facilities.

A site-specific Zoning By-law will establish detailed development standards that would apply when a bonus is awarded and the relationship between these standards and the conditions which must be met, if the bonus standards are to apply.

In the granting of a height and density bonus, the Town may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or other matters to be provided.

The maximum residential density and height permitted through the bonus provisions may exceed that which is permitted in the general Official Plan policies. However, no residential development may be granted bonus density in excess of 20% beyond the maximum density provided in the parent Zoning By-law nor may a bonus in height be granted in excess of 3 storeys.

### **8.2.5 Interim Control By-laws**

Interim Control By-laws may be passed in accordance with the provisions of the Planning Act to control the use of lands and buildings within designated areas of the Planning Area until such time as studies required by the Town to assess planning and engineering issues are prepared and approved. The By-law may specify a time period (which shall not exceed

one year) prohibiting the use of land, buildings and structures, except for those purposes as set out in the By-law.

In the event that the review or study related to an Interim Control By-law has not been finalized within one year, Council may amend the Interim Control By-law in order to extend the period of time for which it is in effect, provided that total period of time it is in effect does not exceed two years from the date of passing of the Interim Control By-law.

If Council has not passed a by-law under the Planning Act subsequent to the completion or review of the study within the period of time specified in the Interim Control By-law, the provisions of any Zoning By-law passed under the Act that applied to the subject lands immediately prior to the coming into force of the Interim Control By-law again come into force.

#### **8.2.6 Conditional Zoning**

A By-law may be passed pursuant to the provisions of the Planning Act, to zone lands for their intended purpose, subject to conditions, where the lands are designated in any designation which permits development. The conditions imposed may relate to any matter which implements the policies of this Plan including the provision of sewer and water services, roads, transit, parks, recreation and other community facilities, the implementation of urban design objectives and sustainable development approaches.

## 8.3 FURTHER AMENDMENTS TO PLAN

### 8.3.1 General Plan Amendment Evaluation Criteria

In considering an amendment to the Plan, regard shall be had to the following criteria which are in addition to those specified in the remainder of this Plan:

- i) the need and demand for the proposed use;
- ii) the extent to which the existing areas in the proposed designations are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the land for such proposed use;
- iv) the location of the areas under consideration with respect to:
  - a) the adequacy of the existing and proposed road system in relation to the development of such proposed areas;
  - b) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety in relation thereto; and,
  - c) the adequacy of the water and sewage facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations submitted by the applicant or agencies.
- v) the compatibility of such proposed use with uses in the surrounding area;
- vi) the potential effect of the proposed use on the financial position of the Town; and,
- vii) the effect of the proposed use on the population level and/or the character of the Town.

Notwithstanding the foregoing, amendments to the Plan in the Oak Ridges Moraine Plan Area shall only be considered in accordance with the policies of Section 3.2, 5.8.3, 5.10,

8.16, 9.2 and the applicable land use designation of this Plan and the Region of York Official Plan.

### **8.3.2 Employment Land Conversion**

- i) Maintaining and protecting a sufficient variety of employment lands is essential to the Town's economic competitiveness. As such, the Town shall, as a priority, protect, maintain and enhance the long term viability of all designated employment lands including the following:
  - a) "Rural Commercial/Industrial/Institutional Area" on Schedule "B", Land Use and Transportation Plan;
  - b) "Business Park Area" and "Industrial Area" on Community of Stouffville Secondary Plan, Land Use and Transportation Plan, Schedule "F" and Land Use Plan Western Approach Area, Schedule "F2";
  - c) "Prestige Industrial" and "Industrial", Gormley Industrial Secondary Plan, Land Use and Roads Plan, Schedule "A"; and
  - d) "ORM Employment Area", "Employment Area", and "Potential Employment Area". Land Use and Transportation Plan, Schedule "G".

For the purposes of this Plan, lands in these designations, comprise "area of employment" as defined by the Planning Act, and "employment area" as defined by Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Provincial Policy Statement (PPS) and the York Region Official Plan.

- ii) The Town shall, as a priority, work to ensure that these areas remain viable employment areas including conducting five year reviews of employment lands to accommodate employment intensification.
- iii) The conversion of employment lands to non-employment uses, including residential, major retail, and other retail and commercial uses which are non-ancillary to employment uses is not permitted. Notwithstanding this prohibition, the conversion of employment lands to non-employment land uses may only be considered at the time of a municipal comprehensive review in accordance with the applicable policies and population/employment forecasts of the Province,

Region and the Town. In particular, such a municipal comprehensive review shall be carried out as an official plan review or amendment initiated by the Town in consultation with the Region that comprehensively applies the policies and schedules of the York Region Official Plan, the Growth Plan and the PPS and includes a land budget and analysis for the Town. In addition, such a review must demonstrate that:

- a) There is a need for the conversion;
  - b) The Town will meet the employment forecasts allocated to the Town by the Region;
  - c) The conversion will not adversely affect the overall viability of the employment designations, and the achievement of the intensification targets, density targets and other policies of the Official Plan, the York Region Official Plan, the Growth Plan and the PPS;
  - d) There is existing or planned infrastructure to accommodate the proposed conversion;
  - e) The lands are not required over the long term for employment purposes for which they are designated;
  - f) Cross-jurisdictional issues have been considered; and
  - g) That a sufficient supply of employment lands based on the applicable municipal comprehensive review will be maintained to accommodate the employment growth forecasts in this Plan.
- iv) The Town in carrying out a municipal comprehensive review shall evaluate any sites identified for potential conversion based on the following criteria:
- a) Site is located outside or on the fringe of a designated employment area;
  - b) Site is isolated from the surrounding designated employment areas;
  - c) Site is surrounded by non-employment land uses designations on at least three sides;



- d) Conversion would not create non-compatible land uses;
- e) Conversion of site would not negatively affect employment lands in the area;
- f) Conversion would be consistent/supportive of the Town's policy planning objectives;
- g) Conversion does not contravene any of the Town's planning objectives;
- h) Site offers limited market choice for employment lands development due to factors including size, configuration and physical conditions; and
- i) Site does not offer the potential for future expansion on existing or neighbouring employment lands.

#### **8.4 PLANS OF SUBDIVISION**

Only those plans of subdivision or condominium shall be approved for development which:

- i) comply with the designations and policies of this Plan; and,
- ii) can be supplied with adequate services and community facilities.

## 8.5 CONSENTS

### 8.5.1 General

#### 8.5.1.1 Limitations

Consents shall generally be discouraged, particularly outside the Secondary Plan Areas, and will only be permitted:

- i) where the consent does not prejudice the future or existing development of the land or abutting lands;
- ii) in accordance with the policies of this Official Plan; and,
- iii) where a plan of subdivision is deemed to be unnecessary, generally for less than three lots.

#### 8.5.1.2 Evaluation Criteria

The following criteria will be used for the evaluation of consent applications in all designations on Schedule “B” to this Official Plan, together with any policies of Sections 8.5.2 to 8.5.4 inclusive which may be applicable to a particular designation:

- i) Road Access
  - a) The lot to be retained and the lot to be severed must have the frontage as required in the Zoning By-law, and have direct access from, an existing public road which is maintained on a year-round basis or an amendment to the Zoning By-law shall be required where the Town is satisfied such action is appropriate;
  - b) Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines on curves or grades;

- c) Strip or ribbon type development shall be prohibited. Limited infilling may be permitted in residential clusters in accordance with the policies of Section 8.5.3 iv); and,
- d) Lots with direct access to Regional roads shall only be permitted where the appropriate authority advises that an entrance permit will be issued.

ii) Lot Size

The lot area and frontage of both the lot to be severed and the lot to be retained shall be the minimum required for the proposed uses. At the same time, the lot shall be an adequate size for the proposed uses having regard for the topography of the land, the siting of the proposed buildings and points of access, and in compliance with the regulations of the Zoning By-law. The minimum lot size for lots serviced by individual private sewage and water systems shall be 6,000 m<sup>2</sup> (1.5 ac.) or as determined by the Town. Further, the Town must be satisfied that the lot is of sufficient size, dimensions and capability to provide for:

- a) adequate long-term sub-surface private waste disposal such that adjacent potable water supplies will not be contaminated by the operation of the sewage disposal system; and,
- b) an adequate quantity and quality of potable water supplies without adversely affecting either the quantity or quality of adjacent potable water supplies.

Where it is not possible to meet the requirements of the Zoning By-law, the Town may amend the standards of the by-law as a condition of approval, where the Town is satisfied that such action is appropriate.

iii) Protection of Agricultural Operations

In order to preserve and protect agricultural operations, a severed lot shall conform with the minimum distance formulae and be:

- a) located where it will have the minimum impact on surrounding agricultural operations and any potential expansion or other changes in such operations;

- b) the minimum size required to provide for adequate sewage and water facilities in accordance with the requirements of the Region of York Health Services Department; and,
  - c) located, where feasible, in areas which are of poorer quality soil for agriculture.
- iv) Greenlands System

In order to preserve and protect the Greenlands System designated on Schedule “A”, consents shall generally be discouraged within the Greenlands System designated on Schedule “A” unless they are intended to enhance the Greenlands System, and regardless, shall conform with the policies of Section 3 of this Plan. In particular consent applications in the Greenlands System shall require submission of a scoped Environmental Impact Statement prepared by a qualified consultant, which establishes, to the satisfaction of the Town, that there will be no negative impacts on the natural environment as a result of the consent and any related development.

#### **8.5.1.3 Consents Permitted in all Designations**

##### **i) General**

Consents for the following purposes may be permitted in all designations on Schedule “B”, subject to the policies in Sections 8.5.1.1 and 8.5.1.2 and other applicable policies of this Plan:

- a) to create rights-of-way or easements, or for other technical or legal purposes such as minor boundary adjustments, where a separate lot is not being created;
- b) to consolidate farm holdings;
- c) to enlarge existing farm lots;
- d) to create farm holdings that are not less than 40 ha (100 ac.) each or not less than 4 ha (10 ac.) each on organic soils used for specialty crops;

- e) for surplus farm dwellings where one of two or more existing farm residences built prior to 1978 are surplus to the farm, or an existing farm residence that existed as of October 17, 1994 that is rendered surplus as a result of farm consolidation (farm consolidation means the acquisition of additional farm parcels to be operated by one farm operation); and,
- f) for non-farm uses such as extractive rural operations or commercial recreation uses which conform with the policies of the Official Plan.

ii) Exceptions

Notwithstanding the policies of Section 8.5.1.3 i):

- a) a consent may be granted for the severance of the lands occupied by the Richmond Hill Live Streamers Club from the balance of the lands described as 4403 St. Johns Side Road, Part Lot 25, Concession 6;
- b) a consent may be granted for a maximum of two additional lots for the lands zoned RR8 at 2623 Bethesda Sideroad (Lot 5, Concession 4) subject to a Zoning By-law amendment and all other applicable policies of this Plan.

#### **8.5.1.4 Prohibited Consents**

Notwithstanding any other policies of this Plan, the following consents shall be prohibited:

- i) to separate residential structures for farm help which are grouped with existing farm structures;
- ii) to create a non-farm lot in the Agricultural Area other than those permitted in accordance with the provisions of Section 8.5.2;
- iii) to create additional residential lots in the Estate Residential or Resort/Recreational Area designations, with the exception of consents in the Sleepy Hollow area, in accordance with the policies of Section 4.13.3;
- iv) to create a non-farm residential infill lot outside the Rural Residential Clusters designated on Schedule "C", or the Hamlet or Secondary Plan Area designations;

- v) to create a lot in an area susceptible to flooding, erosion or other physical constraint, unless it can be established that the proposed use would not be detrimentally affected or would not adversely affect other land uses; and,
- vi) to create a lot in the Aggregate Resource Area or Extractive Rural Area designations which will restrict the future extraction of aggregate resources, with exception of a consent for a surplus farm dwelling in accordance with the provisions of Section 8.5.1.3 v).

### **8.5.2 Agricultural Area**

In addition to the consents permitted in Section 8.5.1.3, the following consents may be permitted in the Agricultural Area designation on Schedule “B”, subject to the policies in Sections 8.5.1.1 and 8.5.1.2 and other applicable policies of this Plan:

- i) One consent for a retiring farmer for a farm which existed as of January 1, 1994 which is 10 ha (25 ac.) or greater in size. It is the intent of the Town that the retiring farmer will reside on the retained lot and will remove himself/herself from the day to day operation of the farm business. The Town shall be satisfied that the applicant is a retiring farmer as defined in Section 9.5.2 of this Plan based on the submission of documentation demonstrating:
  - a) when the property was purchased by the applicant;
  - b) that the property has been farmed full time by the applicant for a minimum of 20 years;
  - c) the nature and size of the applicant’s agricultural operation;
  - d) the type of equipment used in the operation; and,
  - e) participation in at least one statutory program that would be associated with the practice of farming such as the Fuel Tax Act, Farm Product Payment Act; and Licenses under the Farm Product Marketing Act; and,
- ii) One consent for farm related commercial and industrial uses in conformity with the policies of Section 4.3.2.4 of this Plan.

### **8.5.3 Rural Area**

In addition to the consents permitted in Section 8.5.1.3, the following consents may be permitted in the Rural Area designation on Schedule “B”, subject to the policies in Sections 8.5.1.1 and 8.5.1.2 and other applicable policies of this Plan:

- i) One consent for a retiring farmer for a farm which existed as of January 1, 1994 which is 10 ha (25 ac.) or greater in size subject to the Town being satisfied that the applicant is a retiring farmer as defined in Section 9.5.2 of this Plan based on the submission of documentation demonstrating:
  - a) when the property was purchased by the applicant;
  - b) that the property has been farmed full time by the applicant for a minimum of 20 years;
  - c) the nature and size of the applicant’s agricultural operation;
  - d) the type of equipment used in the operation; and,
  - e) participation in at least one statutory program that would be associated with the practice of farming such as the Fuel Tax Act, Farm Product Payment Act; and Licenses under the Farm Product Marketing Act; and,
- ii) One consent for farm related commercial and industrial uses in conformity with the policies of Section 4.3.2.4 of this Plan;
- iii) To divide a large agricultural lot where both the conveyed and retained lots are intended for agricultural purposes and are of an appropriate size to support farming operations; and,
- iv) To permit limited infilling in the Rural Residential Clusters identified on Schedule “C” to this Plan provided that such lots generally reflect the size and frontage of lots in the Residential Cluster. Further, the boundaries and number of the Rural Residential Clusters shall be fixed and shall not be expanded without an Official Plan Amendment which may be considered at the time of the five year review of the Official Plan. Such an amendment shall only be approved after the impacts have been subject to a municipal wide analysis. Further, such an amendment shall generally not expand the boundaries of Clusters beyond the limits of existing



development, as the intention of the Cluster designation is to provide for one or two consents for lots within existing Clusters, not extension of such Clusters.

#### **8.5.4 Hamlet Area and Vandorf-Preston Lake Secondary Plan Area**

In addition to the consents permitted in Section 8.5.1.3, the only consents which may be permitted in the Hamlet Area and Vandorf-Preston Lake Secondary Plan designations on Schedule “B”, shall be for infilling subject to:

- i) the policies in Sections 8.5.1.1 and 8.5.1.2;
- ii) other applicable policies of this Plan; and,
- iii) provided that such lots generally reflect the size and frontage of surrounding lots.

#### **8.5.5 Oak Ridges Moraine Plan Area**

Notwithstanding any other policies of this Plan, a lot may only be created in the following designations in conformity with Part IV, Section 32 and subject to Section 15, and Part III of the Oak Ridges Moraine Conservation Plan:

- i) ORM Natural Core Area;
- ii) ORM Natural Linkage Area; and,
- iii) ORM Countryside Area.

## **8.6 SITE PLAN CONTROL**

### **8.6.1 Site Plan Control Area**

All lands in the Planning Area shall be designated as a Site Plan Control Area and may be subject to Site Plan Control By-laws. The provisions of the Planning Act with respect to Site Plan Control may be used with respect to all uses, or designations within the Official Plan. However, the following uses shall not be subject to Site Plan Control:

- a) agricultural and farm related buildings or structures which are utilized in farming operations except for buildings and structures used for indoor cannabis cultivation, outdoor cannabis cultivation, and cannabis processing;
- b) electric power facilities; and,
- c) Regional or municipal facilities.

### **8.6.2 Site Plan Agreements**

In accordance with the Planning Act, the owner of the land may be required to enter into a Site Plan Agreement and provide to the satisfaction, and at no expense, to the Town, any or all requirements set out in the Planning Act.

### **8.6.3 Road Dedications**

Where a proposed development is subject to site plan control, the dedication of the widening needed to achieve the road allowance to meet Town and Regional rights-of-way established in Table 1 to this Plan, shall be required along the frontage and flankage of the development as a condition of site plan approval. Such dedication shall be granted to the appropriate authority free of all charges. However, the Town or the Region, at their discretion, may choose not to take all the required road widening where the nature of the existing development means that it is unlikely that the maximum widening will be required.

#### **8.6.4 External Design and Sustainable Development Controls**

In addition to the other provisions of this section, the Town may use the site plan approval powers specifically set out in Section 41(4) (2) (d), (e) and (f) of the Planning Act, 1990, c.P.13, to implement any of the policies enunciated in this Official Plan, through the control of:

- i) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is exterior design; and,
- ii) the sustainable design elements on any adjoining municipal road including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

#### **8.6.5 Required Studies for Cannabis Use**

The studies listed in this Section may be required at the sole discretion of the Town to support an application to permit a cannabis cultivation or cannabis processing use. The Town may require additional studies in addition to those listed below as may otherwise be required by this plan.

- i) Agriculture Impact Assessment
  - a) At no cost to the Town, a proponent may be required to submit an agricultural impact assessment (AIA) prepared by a qualified professional where a cannabis processing use is proposed on agricultural lands. An AIA identifies and evaluates potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.
- ii) Erosion Summary and Dispersion Modelling Report
  - a) At no cost to the Town, the proponent will submit an Emission Summary and Dispersion Modelling (ESDM) Report that is prepared by a Licensed Engineering Practitioner (which means that they must be licensed by Professional Engineers Ontario) in accordance with Ministry of Environment, Conservation & Parks guidance. This report will deal with

contaminants including odour, chemicals and particulate matter constituents.

- b) The ESDM Report shall include a detailed odour inventory and mitigation plan fully describing the proposed air filtration systems and other mitigation measures as well as off-property odour impact predictions that include a review of the impacts of other cannabis within the area to determine the extent of the potential cumulative adverse effects. In this regard, it would be the role of the Licensed Engineering Practitioner to demonstrate that the impact of the proposed use and other cannabis within the area will not, or is not likely to, cause adverse effects
- c) In addition to sub-section ii) above, the ESDM Report must demonstrate that the proposed facility can achieve a standard of compliance following approval and that two odour units will only be exceeded at any given sensitive use up to 0.5% of the time on an annual basis as per the MECP Technical Bulletin 'Methodology for Modeling Assessment of Contaminants with 10-Minute Standards and Guidelines, September 2016'
- d) The ESDM Report must consider co-existence adverse effects associated with drift of cannabis emissions on existing farming operations in the area and provide recommendations on an appropriate greenspace separation distance to ensure that spray drift is minimized
- e) In addition to the above, the proponent of the proposed facility will submit a Contingency Odour Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional air filtration systems or other mitigation measures for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

### iii) Light Mitigation Plan

- a) At no cost to the Town, the proponent will submit a Light Mitigation Plan, prepared by a Licensed Engineering Practitioner that fully describes the proposed light mitigation measures and demonstrates that the proposed facility will not cause light pollution, including sky glow or light trespass, onto neighbouring properties.

- b) In addition to sub-section i), the proponent will also submit a Contingency Light Pollution Mitigation Plan, prepared by a Licensed Engineering Practitioner that considers additional mitigation measures and implementation timelines for use in the event of substantiated future complaints after the use has been established. Agreement on the appropriate triggers for additional mitigation will be made in advance.

iv) Traffic Impact Study

- a) At no cost to the Town, the proponent will submit a Traffic Impact Study, to the satisfaction of the Town and/or the Region that demonstrates that the proposed facility will not cause any traffic hazards or an unacceptable level of congestion on roads in the area and that existing or planned transportation infrastructure is deemed sufficient for the scale of the development being proposed.

v) Hydrogeological study

- a) At no cost to the Town, the proponent will submit a Hydrogeological Study prepared by a licensed professional geoscientist. This report will assess groundwater infiltration and recharge, groundwater discharge and baseflow, groundwater elevations and flow paths, water quality and temperature, cumulative watershed impacts, and impacts to the Town's drinking water sources as well as wastewater system.
- b) Adequate water supply for firefighting shall be provided for every building and for fire suppression as required by the Ontario Building Code.
- c) If the proposed development is on a private septic system or other on-site disposal system, the owner is required to confirm that the discharge from the facility can be safely treated in a private septic system alternative.
- d) At minimum, the report shall include an assessment of the existing conditions, impact assessment, and mitigation measures.

vi) Landscaping Plan

- a) At no cost to the Town, the proponent will submit a Landscaping Plan that fully describes the proposed landscaping measures and demonstrates that the landscaping will contribute to the mitigation of visual nuisance.
- b) The Landscaping Plan will include a Landscape Planting Strip with a minimum width of 15 metres shall be provided and maintained adjacent to all lot lines provided that such Landscape Planting Strip may be interrupted by driveways or other needed access points.

vii) Planning Justification Report

- a) At no cost to the Town, the proponent will submit a Planning Justification Report prepared by a Registered Professional Planner. This report will provide a background context, an overview of the purpose and effect of an application, and establish a professional planning rationale for the application by demonstrating how a proposal conforms to applicable planning policy documents and good planning principles.

## **8.7 DEVELOPMENT CHARGES AND FINANCIAL REQUIREMENTS**

### **8.7.1 Development Charges**

The Town shall review and update its Development Charges By-law in conformity with this Plan.

### **8.7.2 Other Financial Requirements**

Prior to the approval of any development in the municipality, the Town, in consultation with the Region of York, may require the owner to enter into servicing and other agreements, including pre-payment requirements or accelerated payments that will ensure that the development can be adequately serviced and that an appropriate contribution has been secured toward the provision of community services.

In particular:

- i) Prior to the approval of development, the Town and the Region of York shall be satisfied as to the availability of water supply and sewer capacity to accommodate said development. This may require pre-payment or accelerated payment agreements and limitations to be placed on development.
- ii) Prior to the registration of any development, where applicable, the owner shall have entered into a servicing agreement, including any pre-payment requirements or accelerated payments with the Town and/or the Region of York that will identify the capital expenditures associated with the servicing of the lands.
- iii) Prior to any development approvals, an assessment of infrastructure cost requirements to accommodate the development, including development phasing, the timing of infrastructure emplacement, and the methods of financing including developer pre-payment or accelerated payment agreements shall be addressed in conjunction with other proponent's developments as required.

### **8.7.3     Developers Group Agreement(s)**

Prior to the final approval of any large-scale development involving a number of landowners, the Town may require that landowners with applications for development enter into an agreement or agreements to address the sharing of the common costs of development.



## **8.8 LAND DEDICATION AND ACQUISITION**

### **8.8.1 Other Lands**

The Town shall generally acquire other lands required to implement the policies of this Plan in accordance with the provisions of the Planning Act, the Municipal Act, the Development Charges Act or any other statute. However, consideration will be given to the use of other mechanisms where appropriate.

## **8.9 PUBLIC SECTOR**

It is the objective of this Plan to achieve the agreement of all public agencies involved in any aspect of development in the Town of Whitchurch-Stouffville, to comply with the policies of this Plan, the regulations of the Zoning By-law and other related policies, regulations and guidelines, in order to achieve the implementation of the policies of the Plan.

## **8.10 SECONDARY PLANS**

- i) Secondary Plans shall be prepared as required in accordance with the policies of this Plan. Such plans shall be adopted as an amendment to this Plan.
- ii) Secondary Plans shall generally provide more detailed policy direction than the Official Plan with respect to specific issues related to the Secondary Plan area.
- iii) Secondary Plans shall generally conform to, and be designed to implement the policies of this Plan. However, where there is a conflict between the policies of the Official Plan and the Secondary Plan, the Secondary Plan policies will supersede those of the Official Plan for the area which is subject to the Secondary Plan.

## **8.11 PROPERTY STANDARDS**

### **8.11.1 Minimum Standard**

The Town shall maintain, and update as required, its Property Standards By-law in accordance with the Ontario Building Code.

### **8.11.2 Property Standards Enforcement**

- i) The Town shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-law.
- ii) The Town shall also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

## **8.12 LEGISLATION UNDER THE MUNICIPAL ACT**

The Town shall review existing legislation pursuant to the Municipal Act and amend it to implement and conform with the Plan as required.

## **8.13 CAPITAL WORKS**

It is intended that the Town shall prepare a capital works program in conformity with the proposals and policies of this Plan. The Plan will allow the Town to assess immediate and long-term requirements and plan major expenditures taking into account all the financial resources available to the Town. The program will be reviewed annually.

#### **8.14 PUBLIC MEETINGS**

The Town may eliminate notice to the public for minor Official Plan amendments or Zoning By-law amendments which do the following:

- i) changes to the numbers of sections or order of sections, but does not add or delete sections;
- ii) consolidates previously approved amendments into a new document without altering any approved policies or maps;
- iii) corrects grammatical or typographical errors; and,
- iv) changes references to legislation where the legislation has changed.

In all other instances, notification to the residents of the Town of public meetings in accordance with the Planning Act shall follow the procedures required by the Act.

#### **8.15 TREE AND SITE ALTERATION BY-LAWS**

In accordance with the Oak Ridges Moraine Conservation Act, 2001, the Town will adopt tree and site alteration by-laws in accordance with Sections 135 through 141 and 142 through 146 of the Municipal Act.

## **8.16 WATERSHED PLANS**

The Town will:

- i) work with the Region of York and the Conservation Authority to complete and implement watershed plans, including water budgets and water conservation plans to meet the requirements of Sections 24 and 25 of the Moraine Plan;
- ii) incorporate by official plan amendment, the applicable objectives and requirements of a completed watershed plan applicable to the Moraine Area into the Official Plan;
- iii) prohibit all development and site alteration in a subwatershed on the Oak Ridges Moraine, except in the Communities of Stouffville and Ballantrae, if it would cause the total percentage of subwatershed area on the Moraine having impervious surfaces to exceed 10%, or any lower percentage specified in an approved watershed or subwatershed plan;
- iv) prohibit approval of major development on the Oak Ridges Moraine after April 23, 2007, unless the relevant requirements of Section 24 of the Moraine Plan have been satisfied.

## **8.17 MONITORING**

### **8.17.1 Oak Ridges Moraine Monitoring**

The Town will undertake, where appropriate and in partnership with the Province, the Region and other stakeholders:

- i) the development and administration of effective and accessible data management systems for natural heritage and hydrological information; and,
- ii) the development of programs to monitor the long-term health of the Oak Ridges Moraine and assist in public education.

### **8.17.2 General Monitoring**

In addition to the monitoring related to the Oak Ridges Moraine, the Town shall monitor the implementation of the policies of the Official Plan on a regular basis to measure their success in managing growth. This process will utilize the Town's existing systems and data as set out in Section 12.10.4 of the Community of Stouffville Secondary Plan, to examine measures such as population and employment growth and housing mix.