

## **4. LAND USE STRATEGY**

### **4.1 PURPOSE**

The land use designations on Schedule “B” establish the general pattern for the existing and future use of the Planning Area during the planning period. The policies for these designations are set out in this section. Schedule “A” to the Official Plan outlines lands which form part of the Town’s Greenlands System. Schedule “A” provides an additional level of policy direction and should be referred to when considering any proposals for development, in addition to the land use policies of this section.

### **4.2 LAND USES PERMITTED IN ALL DESIGNATIONS**

The following land uses shall be permitted in all designations, subject to any identified conditions, except for the Significant Environmental Area and Flood Plain Area designations which are subject to the policies of Sections 3.4.2 and 3.5.5 respectively of this Plan and those designations in the Oak Ridges Moraine Plan Area which are subject to the policies of Sections 3.2, 4.7, 4.12, 4.15 and 4.19:

i) Accessory uses

Any use which is normally incidental and subordinate to a permitted use shall be permitted on the same lot as the permitted use, subject to the regulations of the Zoning By-law.

ii) Forestry Uses

iii) Legally existing uses, buildings and structures

Legally existing uses, buildings and structures and the replacement and expansion of legally existing uses, buildings and structures, as well as additions and other modifications to existing uses, buildings and structures, including the addition of

accessory uses, buildings and structures subject to the regulations of the Zoning By-law. In addition, the expansion of legally existing uses, buildings and structures owned and/or operated by the Region of York and the Town onto adjacent lands owned by the Town or Region, shall be permitted in the Rural Area designations subject to the regulations of the Zoning By-law.

iv) Lots of Record

One single detached dwelling on an existing lot of record subject to the regulations of the Zoning By-law. Such a use may also be permitted in the Significant Environmental Area designation on Schedules “A” and “B” provided that the Town, in consultation with the appropriate Conservation Authority, through the submission of a scoped Environmental Impact Statement, determines that there will be no negative impacts on the natural environment and where there is no concern for loss of life or property.

v) Home Occupations

Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law.

vi) Bed and Breakfast Establishments

Bed and Breakfast Establishments in any legally established single detached residential unit, subject to the regulation of the Zoning By-law.

vii) Fish, Wildlife and Conservation Management

viii) Group Homes

Group homes, for three to ten residents (exclusive of staff or the receiving family), in all designations where residential uses are permitted provided the home:

- a) is licensed or approved under provincial statute; and,
- b) complies with municipal by-laws, including zoning standards which shall include a minimum distance separation between group homes.

ix) Accessory Apartments

One accessory apartment in a single detached, semi-detached or duplex dwelling in accordance with the regulations of the Zoning By-law.

x) Garden Suites

Garden suites may be permitted on the same lot as an existing single detached dwelling, subject to an amendment to the Zoning By-law, provided that:

- a) the lot meets the requirements of the Zoning By-law with respect to an appropriate size for the accommodation of such a unit;
- b) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and the Region of York Health Services Department;
- c) the use is permitted on a temporary basis through a site specific temporary use by-law;
- d) such a use may be subject to site plan approval;
- e) adequate parking can be provided; and,
- f) there is a signed agreement between the applicant and the Town which addresses issues related to installation/removal and maintenance.

xi) Electric power facilities

Electric power facilities, including such works as transmission lines, transformer stations and distributing stations, provided that:

- a) such uses shall generally be discouraged in the Estate Residential Area and ORM Hamlet Area designations;
- b) such development satisfies the provisions of the Environmental Assessment Act, including the regulations made under the Act, and any other relevant statutes; and,
- c) the planning of such facilities has regard to the policies of this Plan, and the Town is consulted with respect to such projects prior to the commitment to the project.

xii) Public or Quasi-public uses

The following public or quasi-public uses, subject to any regulatory requirements such as the provisions of the Environmental Assessment Act and the provisions of Section 3 of this Plan:

- a) local water supply, sewage, and drainage facilities;
  - b) gas, telephone and cable television transmission utility services, excluding transmission towers which shall be subject to the policies of Section 4.2 xvii); and,
  - c) public roads and railway lines.
- xiii) Archaeological Activities including any required assessment, excavation or restoration of archaeological resources.
- xiv) Non-intensive recreation uses such as nature viewing and pedestrian trail activities.
- xv) Watershed management and flood and erosion control projects carried out or supervised by a public authority.
- xvi) Wayside pits or quarries or portable asphalt plants for public road construction purposes.

These uses shall be permitted subject to the Aggregate Resources Act and the Ministry of Transportation Wayside Pits and Quarries Criteria. However, such uses shall not be permitted in areas of existing development without a Zoning By-law amendment. Further, the Town seeks active involvement with the Ministry of Natural Resources in the issuance of a wayside pit and quarry permit under the Aggregate Resources Act to ensure that the following criteria are satisfied:

- a) environmental disruption is minimized;
- b) wherever possible a wayside pit or quarry is to be located in an abandoned site in which there is sand or gravel remaining to be extracted; and,

- c) appropriate attention is given to the pit's location and rehabilitation.

In particular, where such uses are proposed on agricultural lands rehabilitation shall occur as described in Section 4.8.5.3 of this Plan.

xvii) Federal and Provincial Uses

Where new uses are proposed in the Town by Federal or Provincial agencies, or companies subject to Federal or Provincial controls, including communications transmission towers, the Town will work with the agency or company involved and seek to have the uses meet the following requirements:

- a) Submission of a site plan and related studies by qualified professionals which provide detailed background information sufficient to allow evaluation of the impacts of the proposal, including noise, hydrogeological and traffic studies where applicable;
- b) Conformity with the following criteria:
  - i) incompatibilities with surrounding uses, including audio and visual nuisances, particularly with agricultural or residential uses, can be mitigated in an appropriate manner through the provision of buffering, engineering solutions or other similar approaches;
  - ii) where a location is proposed in the Agricultural or Rural Area designations, the location of the site and the land area must be justified to ensure the use of good agricultural land is minimized;
  - iii) the scale, building materials and signage are compatible with the adjacent uses;
  - iv) direct access to a collector or arterial road;
  - v) conformity with the policies of Section 3, Environment Conservation Strategy;
  - vi) complies with the minimum distance separation formulae; and,
  - vii) lots can be serviced by water supply and waste disposal systems to the satisfaction of the Town, and any other approval agencies.

xviii) Stormwater facilities

Stormwater facilities with the exception of the Major Woodland Area and Tableland Woodlot Area designations on Schedule “A” in addition to the Significant Environmental Area and Floodplain Area designations on Schedules “A” and “B” respectively.

## 4.3 AGRICULTURAL AREA

### 4.3.1 Purpose

The purpose of the Agricultural Area designation on Schedule “B” is to protect the Town’s prime agricultural lands and to provide the maximum level of support to the agricultural industry in its use of this resource.

### 4.3.2 Permitted Uses, Buildings and Structures

#### 4.3.2.1 **Agriculture and Accessory Uses**

Only agriculture and associated uses, buildings and structures, home industries and uses that produce value added agricultural products from the farm operation on the property such as road side stands are permitted in the Agricultural Area designation on Schedule “B”, including a dwelling accessory to a farm use, and additional residential structures for farm help required for the operation of the farm, if grouped with existing farm structures.

#### 4.3.2.2 **Residential Uses**

Notwithstanding the policies of Section 4.3.2.1, in the Agricultural Area designation:

- i) Surplus farm dwellings may be considered for consent in conformity with the policies of Section 8.5 of this Plan; and,
- ii) One consent may be considered for a retiring farmer for a farm which existed as of January 1, 1994 which is 10 ha (25 ac.) or greater in size, in accordance with the policies of Section 8.5 of this Plan.

#### 4.3.2.3 **Prohibited Uses**

Waste disposal sites and estate residential development shall not be permitted in the Agricultural Area designation.

#### **4.3.2.4 Farm Related Commercial and Industrial Uses**

Notwithstanding the policies of Section 4.3.2.1, farm related commercial and industrial uses may be permitted in the Agricultural Area designation, subject to a Zoning By-law amendment, and where necessary a consent in conformity with the policies of Section 8.5 of this Plan, provided that such uses cannot be located in the Secondary Plan Areas in the Town or in the Rural Area; and provided that such uses are:

- i) small scale;
- ii) directly related to the farm operation;
- iii) required in close proximity to the farm operation; and,
- iv) essential to the agricultural economy.

#### **4.3.2.5 Cannabis Cultivation Uses**

Indoor cannabis cultivation and outdoor cannabis cultivation shall be permitted in the Agricultural Area designation, subject to a Zoning By-law amendment and in conformity with Section 4.3.3.1 and 4.3.3.5 of this Plan.

#### **4.3.2.6 Cannabis Processing Uses**

Cannabis processing shall only be permitted as accessory to a cannabis cultivation use in the Agricultural Area designation, subject to a Zoning By-law amendment. Where a cannabis processing use is permitted as an accessory use by this Plan, it shall be in conformity with Section 4.3.3.1 and 4.3.3.5 of this Plan.

### **4.3.3 Land Use Policies**

#### **4.3.3.1 Agricultural Industry**

The Town will work with the farming community to support and develop plans and programs that promote agriculture, and, in particular, the Town shall:

- i) direct non-farm uses to other areas of the Municipality; and,
- ii) establish an advisory committee to provide input to Council regarding issues affecting the farming community.



#### **4.3.3.2 Minimum Distance Formulae**

All new development shall, at a minimum, comply with the minimum distance formulae. However, in evaluating an application for a non-farm use, the Town shall take into consideration not only the impacts on existing farming operations, but also impacts on the potential for the expansion of such operations, to ensure that maximum flexibility is provided to such operations for future expansion.

#### **4.3.3.3 Official Plan Amendments**

Applications for amendments to the Official Plan to remove lands from the Agricultural Area designation shall generally not be approved and must satisfy the following criteria:

- i) a specific detailed development proposal has been submitted to the Town;
- ii) there is a demonstrated need and demand for the proposed land use;
- iii) there are no suitable alternative locations on lower capability agricultural land in the Town;
- iv) the use will not reduce or impede surrounding farm operations or their potential for expansion;
- v) the site is suitable for the proposed use and does not include unnecessary land;
- vi) the proposed use is compatible with surrounding uses; and,
- vii) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and the Region of York Health Services Department.

Notwithstanding the foregoing, an application for approval of a pit or quarry operation which requires the removal of lands from the Agricultural Area designation, shall be permitted subject to the policies of Section 4.8.5.3 of this Plan.

#### 4.3.3.4 Relationship to Regional Plan

Where the Agricultural Area designation does not conform with the Agriculture Area designation in the Regional Official Plan, the provisions of the Agricultural Area designation of this Plan prevail in the event of any conflict.

#### 4.3.3.5 Cannabis Cultivation and Processing

Indoor cannabis cultivation, outdoor cannabis cultivation and cannabis processing shall be subject to the following policies:

- i) Outdoor cannabis cultivation and indoor cannabis cultivation processing uses licensed by Health Canada under the *Cannabis Act* shall be permitted as a principal use;
- ii) Cannabis processing uses licensed by Health Canada under the *Cannabis Act* shall only be permitted as an accessory use;
- iii) The minimum separation distance between an indoor cannabis cultivation use, outdoor cannabis cultivation use, or cannabis processing use, and lands designated Estate Residential Area, and Estate Residential Area Special Significant Environmental Area, Rural Commercial/ Industrial/ Institutional Area, or Public Open Space shall be 1000.0 m, or as otherwise required by the implementing Zoning By-law;
- iv) The minimum separation distance between a cannabis cultivation use or cannabis processing use and any Secondary Plan Area Boundary or ORM Hamlet Area boundary shall be 1000.0 m;
- v) The minimum separation distance between two or more cannabis cultivation uses and/ or cannabis processing uses use shall be 1000.0 m;
- vi) Facilities shall be located and designed in accordance with Cannabis Regulations (SOR/2018-144) to mitigate potential nuisance impacts such as light emissions, air emissions, and odour;
- vii) Outdoor storage shall be prohibited as accessory to cannabis cultivation and cannabis processing uses;
- viii) The Town may establish a municipal licensing framework to regulate cannabis cultivation and cannabis processing uses which can further regulate land use, separation distance, and site plan control;

- ix) Cannabis cultivation and cannabis processing shall be subject to site plan control, as required under Town's Site Plan Control By-law including providing the required studies outlined in section 8.6.5;
- x) Cannabis cultivation and cannabis processing shall only be permitted through an amendment to the Town's Zoning Bylaw;
- xi) Accessory cannabis processing shall only be permitted through an amendment to the Town's Zoning by-law provided the following can be demonstrated to the satisfaction of the Town:
  - a) It is not feasible to locate the use in a settlement area; and
  - b) The buildings or structures will be planned, designed, and constructed so as not to adversely affect the rural character of the Countryside Area nor adversely impact the ecological integrity of the Oak Ridges Moraine; and surrounding agricultural operations and lands or that such impacts will be minimized and mitigated to the extent possible; and
- xii) The Town's Zoning By-law shall establish more detailed zoning regulations and standards regarding cannabis cultivation and cannabis processing.

#### **4.3.4 Exceptions**

##### **4.3.4.1 Part Lot 33 and 34, Concession 7**

Notwithstanding any other provisions of this Section, an office may be located in a building existing as of September 30, 1999 at 12045 McCowan Rd. in Part Lots 33 and 34, Concession 7(M), subject to the regulations of the Zoning By-law.

##### **4.3.4.2 Part Lot 32, Concession 7**

Notwithstanding any other provisions of this Section, a rural residential lot, with a maximum lot area of 0.8 ha (2 ac.), may be created at 11737 McCowan Road in part of Lot 32, Concession 7 subject to:

- i) the 3 ha (7.4 ac.) parcel of land described as Part 3, Plan 65R-6519 and which has a right-of-way to McCowan Road being acquired and taken into the same title as Parts 1, 2, 4, 5, 6 and 7, Plan 64R-6519;
- ii) compliance with the Minimum Distance Separation I (MDS I) formulae; and,

iii) compliance with the Zoning By-law.

#### **4.3.4.3 Part Lot 25, Concession 5, 3191 St. John's Sideroad**

Notwithstanding any other provisions of this Plan to the contrary, a consent to create a non-farm rural residential lot with an area of 4.23 ha, retaining a 0.80 ha lot on lands in Part of Lot 25, Concession 5, municipally known as 3191 St. John's Sideroad is permitted subject to the inclusion of appropriate implementing provisions in the Zoning By-law.

## 4.4 RURAL AREA

### 4.4.1 Permitted Uses, Buildings and Structures

#### 4.4.1.1 Agriculture and Accessory Uses

Agriculture and associated uses, buildings and structures, home industries and uses that produce value added agricultural products from the farm operation on the property such as road side stands are the predominant form of development permitted in the Rural Area designation on Schedule “B”, including a dwelling accessory to a farm use, and additional residential structures for farm help required for the operation of the farm, if grouped with existing farm structures.

#### 4.4.1.2 Other Permitted Uses

##### 4.4.1.2.1 General

Non-farm uses shall generally be discouraged in the Rural Area designation and shall be encouraged by the Town to locate in the Communities of Stouffville, Ballantrae-Musselman Lake or Vandorf-Preston Lake or the Gormley Industrial Area. However, consideration may be given to proposals for the location of limited rural commercial, rural industrial, rural institutional, resort/recreation, commercial recreation, cemetery and public open space and recreation uses in the Rural Area subject to an Official Plan amendment and the relevant policies of this Plan including the policies of Sections 4.4.2 and 4.3.3.

##### 4.4.1.2.2 Kennels

Notwithstanding the foregoing, kennels may be permitted in the Rural area designation subject to a Zoning By-law amendment and provided that:

- i) the site has a minimum lot area of 2 ha (5 ac.);
- ii) the proposed location of the kennel is on a secluded site which is not adjacent to or in close proximity to any significant residential development including estate residential subdivisions, rural residential clusters and hamlet areas;

- iii) the proposed kennel has a minimum building setback of 30 m (100 ft) from any property line;
- iv) any outside run is set back 60 m (200 ft) from any property line; and,
- v) any additional buffering and screening which is required by the Town to reduce noise is provided.

#### **4.4.1.2.3 Farm Related Commercial and Industrial Uses**

Notwithstanding the policies of Section 4.4.1.1, farm related commercial and industrial uses may be permitted in the Rural Area designation, subject to a Zoning by-law amendment, and where necessary a consent in conformity with the policies of Section 8.5 of this Plan, provided that such uses cannot be located in the Secondary Plan Areas in the Town; and provided that such uses are:

- i) small scale;
- ii) directly related to the farm operation;
- iii) required in close proximity to the farm operation; and,
- iv) essential to the agricultural economy.

#### **4.4.1.2.4 Cannabis Cultivation Uses**

Indoor cannabis cultivation and outdoor cannabis cultivation shall be permitted in the Rural Area designation, subject to a Zoning By-law amendment and in conformity with Section 4.3.3.5 of this Plan.

#### **4.4.1.2.5 Cannabis Processing Uses**

Cannabis processing shall only be permitted as accessory to indoor cannabis cultivation and outdoor cannabis cultivation in the Rural Area designation, subject to a Zoning By-law amendment. Where cannabis processing is permitted as an accessory use by this Plan, it shall be in conformity with Section 4.3.3.5 of this Plan.

#### **4.4.1.3 Prohibited Uses**

- i) Additional estate residential development, other than in registered and draft approved subdivisions and site specific official plan approvals existing at the date of adoption of this Plan, shall be prohibited in the Rural Area designation.
- ii) The prohibition of estate residential development shall be reviewed in 2005 by the Town based on an update of the Town's Growth Management Strategy and an assessment of the impacts of such development on the environment and municipal services.

#### **4.4.2 Land Use Policies**

Lands in the Rural Area designation shall be subject to the policies of the Agricultural Area designation in Section 4.3.3 of this Plan.

#### **4.4.3 Exceptions**

##### **4.4.3.1 Part Lot 26, Concession VIII, North-east Corner Highway 48 and St. John's Road**

Notwithstanding any other policies of this section, a business office may be permitted in an accessory building at a site in Part Lot 26, Concession VIII at the north-east corner of Highway 48 and St. John's Road, subject to the regulations of the Zoning By-law.

## 4.5 SIGNIFICANT ENVIRONMENTAL AREA

The lands in the Significant Environmental Area designation on Schedule “B” shall be subject to the policies of Section 3.4.2 of this Plan.

## 4.6 AGGREGATE RESOURCE AREA

### 4.6.1 Purpose

The aggregate deposits which have been identified in the Town are a valuable physical resource worthy of special consideration because of their Provincial significance. At the same time, it is recognized that their potential for designation as Extractive Rural Area or rezoning to permit extraction could cause conflicts with other important land uses and natural features in the Town. The Aggregate Resource Area designations on Schedule “B-1” are overlay designations which recognize areas with identified aggregate reserves based on information provided by the Ministry of Natural Resources. These overlay designations are intended to protect the resources for future extraction, and ensure that when extraction is proposed that conflicts with other land uses and natural features are minimized.

### 4.6.2 Permitted Uses, Buildings and Structures in the Primary Aggregate Resource Area Designation

The permitted uses, buildings and structures in the Primary Aggregate Resource Area designation shall be those in the underlying land use designations on Schedule “B” with the exception that the following uses shall be prohibited in the ORM Countryside Area designation:

- i) small-scale commercial, industrial and institutional uses; and,
- ii) major recreational uses.



### **4.6.3 Permitted Uses, Buildings and Structures in the Secondary Aggregate Resource Area Designation**

The permitted uses, building and structures in the Secondary Aggregate Resource Area designation shall be those in the underlying land use designations on Schedule “B”.

### **4.6.4 Land Use Policies**

#### **4.6.4.1 Applicable Policies**

The policies of the underlying land use designation on Schedule “B” shall be applicable to the lands in the Primary and Secondary Aggregate Resource Area designated on Schedule “B-1”.

#### **4.6.4.2 Extractive Rural Operations**

The development of an aggregate extraction operation in the Aggregate Resource Area designations on Schedule “B-1” outside the Oak Ridges Moraine Plan Area shall require an application for an Official Plan amendment to designate the lands “Extractive Rural Area”. Such an application shall be evaluated in conformity with the policies of the Extractive Rural Area designation in Section 4.8 of this Plan. In the Oak Ridges Moraine Plan Area, development of an aggregate extraction operation shall be permitted in accordance with the policies of the underlying land use designations on Schedule “B” and Section 4.6.4.4 of this Plan. If any of those policies are more restrictive than the policies provided in the Moraine Plan, then the policies of the Moraine Plan will prevail.

#### **4.6.4.3 Deletion of Lands from Aggregate Resource Area Designation**

The deletion of lands from the Aggregate Resource Area designations on Schedule “B-1”, where aggregate extraction is not being proposed, shall require an application for an Official Plan amendment. Such an amendment shall only be approved where it can be demonstrated that:

- i) the mineral aggregate potential of the site is low or extraction of the material is commercially unfeasible;
- ii) the mineral aggregate has been removed;

- iii) the land is required for other development which takes higher priority than aggregate extraction and it is not possible to extract the aggregate resource before the subject lands are required for the other development;
- iv) issues of public health, safety and environmental impact are addressed; and/or,
- v) the proposed new land use will not preclude or hinder the establishment of new aggregate operations or the expansion or continued use of existing aggregate extraction operations.

In addition, if the proposed re-designation is for any other designation than Agricultural Area outside the Oak Ridges Moraine Plan Area, applications for amendments to the Official Plan must also satisfy the criteria of Section 4.3.3.3 of this Plan.

#### **4.6.4.4 Oak Ridges Moraine Mineral Aggregate Extraction**

Existing mineral aggregate operations in the Moraine Plan Area are designated as “Moraine Aggregate Resource Area” on Schedules “B” and “B-1” and may be zoned to permit the existing use in accordance with the provisions of Section 6 of the Moraine Plan. Expansions of existing operations and new operations shall require a Zoning By-law amendment which shall be subject to Section 4.8.5 of this Plan and the following provisions:

- i) An application for minor aggregate operation or wayside pit shall not be approved unless the applicant demonstrates:
  - a) that the quantity and quality of groundwater and surface water in the Oak Ridges Moraine Plan area will be maintained and, where possible, improved or restored;
  - b) that as much of the site as possible will be rehabilitated,
    - i) in the case of land in a prime agricultural area, by restoring the land so that it can be used for agriculture; and,
    - ii) in all other cases, by establishing or restoring natural self- sustaining vegetation;

- c) if there are key natural heritage features on the site or on adjacent land, that their health, diversity, size and connectivity will be maintained and, where possible, improved or restored; and,
  - d) if there are areas of natural and scientific interest (earth science) on the site or on adjacent land, that the geological or geomorphological attributes for which they were identified will be protected.
- ii) An application for a mineral aggregate operation or wayside pit with respect to land in an ORM Natural Linkage Area shall not be approved unless the applicant demonstrates,
- a) that there will be compliance with subsection i);
  - b) that there will be no extraction within 1.5 m of the water table;
  - c) that the extraction of mineral aggregates from the site will be completed as quickly as possible;
  - d) that the site will be rehabilitated in stages as quickly as possible; and,
  - e) that the entire site will be rehabilitated,
    - i) in the case of land in a prime agricultural area, by restoring the land so that the average soil quality of each area is substantially returned to its previous level; and,
    - ii) in all other cases, by establishing or restoring natural self-sustaining vegetation.
- iii) In order to maintain connectivity, when a mineral aggregate operation or a wayside pit is located in an ORM Natural Linkage Area, there shall at all times be an excluded area (which, for greater certainty, may contain both undisturbed land and land whose rehabilitation is complete) that,
- a) is at least 1.25 km wide;
  - b) lies outside the active or unrehabilitated portions of the area being used; and,

- c) connects parts of the ORM Natural Linkage Area outside the mineral aggregate operation or wayside pit.
- iv) An application for a mineral aggregate operation or wayside pit with respect to land in a key natural heritage feature may be approved if,
  - a) the key natural heritage feature is occupied by young plantations or early successional habitat; and,
  - b) the applicant demonstrates that,
    - i) the long-term ecological integrity of the Moraine Plan Area will be maintained or, where possible, improved or restored,
    - ii) the extraction of mineral aggregates from the area within the key natural heritage feature will be completed and the area will be rehabilitated, as early as possible in the life of the operation, and,
    - iii) the area from which mineral aggregates are extracted will be rehabilitated by establishing or restoring natural self-sustaining vegetation of equal or greater ecological value.
- v) An application for a mineral aggregate operation or wayside pit with respect to land in a landform conservation area (Category 1 or 2) shall not be approved unless the applicant demonstrates,
  - a) that the area from which mineral aggregates are extracted will be rehabilitated to establish a landform character that blends in with the landform patterns of the adjacent land; and
  - b) that the long-term ecological integrity of the Moraine Plan Area will be maintained or, where possible, improved or restored.
- vi) The Town and the mineral aggregate industry shall work together to develop and implement comprehensive rehabilitation plans for parts of the Moraine Plan Area that are affected by mineral aggregate operations.

## 4.7 ORM NATURAL CORE AREA

### 4.7.1 Purpose

The ORM Natural Core Area designation on Schedules “A” and “B” recognize areas identified in the *Oak Ridges Moraine Conservation Plan* as areas with a high concentration of key natural heritage features, hydrologically sensitive features or landform conservation areas.

The purpose of the designation of these areas is to maintain, and where possible improve or restore, the ecological integrity of the Moraine Area.

### 4.7.2 Permitted Uses

The following uses are permitted in the ORM Natural Core Area designation subject to the provisions of Section 3.2, 5.8.3 (Water Services), 5.10 (Wellhead Protection) and 8.16 (Watershed Plans) of this Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule “H”;
- iv) Transportation, infrastructure and utilities in accordance with the provisions of Section 3.2.5;
- v) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vi) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;

- vii) Bed and breakfast establishments in any legally established residential unit, subject to the regulations of the Zoning By-law;
- viii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- ix) Low intensity recreational uses in accordance with the provisions of Section 3.2.6;
- x) Unserved parks;
- xi) Recreational trails in accordance with the provisions of Section 3.2.7;
- Deferred**→ xii) **Legally existing uses in accordance with the provisions of Section 3.2.4;**
- xiii) Accessory uses; and,
- xiv) Outdoor cannabis cultivation shall be permitted as a principal use in the ORM Natural Core Area designation, subject to a Zoning By-law amendment, provided that new cultivation uses shall not be located in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule "H". Where outdoor cannabis cultivation is permitted in the ORM Natural Core Area designation of this Plan as a principal use, it shall be in conformity with Section 4.7.3.3 of this Plan.

### **4.7.3 Land Use Policies**

#### **4.7.3.1 Uses Accessory to Agriculture**

Uses accessory to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of this Plan and Section 34 of the Moraine Plan (See Appendix ORM IV). In the event of a conflict between this plan and the provisions of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

#### **4.7.3.2 Waste Disposal Area Special Policy Area**

In addition to the policies of this Section, the policies of Section 4.17 shall apply to areas identified on Schedule “B” as “Waste Disposal Special Policy Area” and “Waste Disposal Area of Influence”.

#### **4.7.3.3 Outdoor Cannabis Cultivation**

The following policies shall apply to an outdoor cannabis cultivation use in the ORM Natural Core Area

- i) Only outdoor cannabis cultivation uses licensed by Health Canada under the *Cannabis Act* shall be permitted;
- ii) Indoor cannabis cultivation and cannabis processing shall be prohibited;
- iii) A maximum of one accessory building that is required to support outdoor cultivation uses for the packaging, labelling, storage, sampling, disposing, and testing for pesticides shall be permitted;
- iv) The minimum separation distance between an outdoor cannabis cultivation use and lands designated Estate Residential Area, and Estate Residential Area Special Significant Environmental Area, Rural Commercial/ Industrial/ Institutional Area, or Public Open Space shall be 1000.0 m, or as otherwise required by the implementing Zoning By-law;
- v) The minimum separation distance between an outdoor cannabis cultivation use or cannabis processing use and any Secondary Plan Area boundary or ORM Hamlet boundary shall be 1000.0 m;
- vi) The minimum separation distance between two or more cannabis cultivation uses and/ or cannabis processing uses shall be 1000.0 m. Facilities shall be located and designed in accordance with Cannabis Regulations (SOR/2018-144) to mitigate potential nuisance impacts such as including light emissions, air emissions, and odour;
- vii) Outdoor storage shall be prohibited as accessory to an outdoor cannabis cultivation use;
- viii) The Town may establish a municipal licensing framework to regulate outdoor cannabis cultivation uses which can further regulate land use, separation distance, and site plan control;

- ix) Outdoor cannabis cultivation shall only be permitted through an amendment to the Town's Zoning By-law; and
- x) The Town's Zoning By-law shall establish more detailed zoning regulations and standards regarding outdoor cannabis cultivation; and,
- xi) Outdoor cannabis cultivation shall be subject to site plan control, as required under Town's Site Plan Control By-law including providing the required studies outlined in section 8.6.5.



## 4.8 EXTRACTIVE RURAL AREA

### 4.8.1 Purpose

The purpose of the Extractive Rural Area designation on Schedule “B” is to:

- i) recognize legally existing pits and quarries, including wayside pits and lands used for the removal of topsoil and other components of the soil;
- ii) ensure that adequate controls are implemented so that no extractive operation in the Town will have a significant adverse impact on adjacent lands uses, residents or the natural environment;
- iii) provide policies and criteria for the evaluation of new license applications for pits and quarries;
- iv) ensure the progressive rehabilitation of pits and quarries to an appropriate after use; and,
- v) to prohibit incompatible land uses and activities both on site and adjacent to extractive operations.

### 4.8.2 Permitted Uses, Buildings and Structures

- i) Permitted uses for lands designated Extractive Rural Area on Schedule “B” include:
  - a) the extraction of mineral aggregate only in accordance with a license or permit issued pursuant to the Aggregate Resources Act; and,
  - b) crushing, screening, washing, mixing and outside storage of mineral aggregate excavated from the site and mineral aggregate imported for mixing with mineral aggregate excavated from the site, provided that imported mineral aggregate does not constitute more than 30% of the native mineral aggregate stockpiled on the site and shall not be visible from an adjacent road.

- ii) The only building and structures permitted that are associated with the extraction uses shall be accessory buildings and structures required to achieve the permitted uses.
- iii) Uses, buildings and structures permitted in the Agricultural Area designation, subject to the policies of that designation, shall also be permitted in the Extractive Rural Area designation once extraction of the mineral aggregate resource is complete.

### **4.8.3 Regulation of Pits and Quarries**

The Town recognizes that the Ministry of Natural Resources licenses and regulates pits and quarries under the Aggregate Resources Act. In accordance with the Aggregate Resources Act, the Town requires the applicant to ensure that there is full consultation between the Ministry of Natural Resources, the appropriate Conservation Authority, the Region, the Town and the applicant for a license, before the license is issued or modified in order to ensure that new pits and quarries or expansion of existing operations are carried out in a manner that is consistent with the community development principles and objectives of this Plan. Further, all pit and quarry operations shall satisfy the requirements of the Ministry of Environment as to water supply and disposal of wastes.

### **4.8.4 Rehabilitation of Pits and Quarries**

Extraction of mineral aggregate is an interim use of land. The Town shall work with the Ministry of Natural Resources, the Region, and the operators of pits and quarries to ensure the rehabilitation plan that forms part of the license provides for orderly phased extraction of licensed areas based on practices which promote minimal active mining areas and progressive rehabilitation. After use of such rehabilitated sites shall conform with the policies of the Agricultural Area designation, unless an alternative use has been established through an Official Plan amendment.

### **4.8.5 New or Expanded Pits or Quarries**

#### **4.8.5.1 Information Submission Requirements**

The establishment of a new pit or quarry or any extension or expansion of an existing pit or quarry beyond the limits of a license or permit under the Aggregate Resources Act and the existing Extractive Rural Area designation on Schedule “B”

shall require an amendment to this Plan. Applications shall be evaluated based on the following information:

- i) the information required for a license or permit application by the Ministry of Natural Resources under the Aggregate Resources Act which shall be submitted to the Town as part of the Official Plan Amendment application; and,
- ii) any additional studies and information the Town deems necessary.

#### **4.8.5.2 Application Evaluation**

In addition to the information requirements in Section 4.8.5.1, the Town shall evaluate applications based on the following requirements that:

- i) the amenities of the adjacent rural areas shall be preserved by ensuring that the extractive operation is adequately screened and not exposed to public view;
- ii) the provision of adequate buffer planting and protection of the public by the erection of adequate signs and fences shall be provided. Such screening will be an effective visual barrier between the proposed excavation site and any adjacent land use areas. It is further intended that no excavation or processing will take place in any buffer area;
- iii) in accordance with the provisions of the Aggregate Resources Act and the regulations thereunder, a site designated for Extractive Rural uses shall comply with the requirements for the operation of a pit under the Aggregate Resources Act including the provisions for fencing, screening, clear access to the abutting road, stockpiling and setbacks to adjacent uses; and,
- iv) Conformity with the provisions of the Moraine Plan where applicable.

#### **4.8.5.3 Agricultural Areas**

Where an application is submitted for development of a pit or quarry in the Agricultural Area designation, extraction may only be permitted as an interim use. Further, the rehabilitation of the site shall be carried out whereby substantially the same areas and same average soil quality for agriculture are restored. Complete agricultural restoration is not required only if it is demonstrated that:

- i) there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
- ii) the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and,
- iii) other alternatives have been considered by the applicant and found unsuitable; and,
- iv) agricultural rehabilitation in remaining areas is maximized.

#### **4.8.5.4 Licensing Conditions**

In reviewing applications for an Extractive Rural Area designation, and the license or permit under the Aggregate Resources Act, the Town will determine any conditions it deems necessary to protect the environment and adjacent residents and notify the Minister of Natural Resources, the Ministry of Transportation with respect to wayside pits, and the applicant of these conditions.

## 4.9 FLOODPLAIN AREA

The lands in the Floodplain Area designation on Schedule “A-2” shall be subject to the policies of Section 3.5.5 of this Plan.

## 4.10 PUBLIC OPEN SPACE AREA

### 4.10.1 Purpose

The Public Open Space Area designation on Schedule “B” recognizes existing public park and open space areas which provide a full range of active and passive recreation facilities, and permits the extension and expansion of such uses in the designated area.

### 4.10.2 Permitted Uses, Buildings and Structures

The permitted uses are recreation and open space including related buildings and structures such as playing fields, swimming pools, arenas, concession stands, picnic areas, interpretation centres and trail systems.

### 4.10.3 Land Use Policies

#### 4.10.3.1 Relationship to Greenlands System

The uses in the Public Open Space Area designation form part of the Greenlands System designated on Schedule “A”. New uses or modifications to existing uses in the Public Open Space Area designation shall be designed to restore and enhance the Greenlands System in accordance with the policies of Section 3 of this Plan. In particular, the Town in planning the development of new parks shall consider their role in the restoration and enhancement of the Greenlands System.

#### 4.10.3.2 New Uses

Applications for new public open space uses shall require a site specific amendment to the Official Plan and shall only be permitted provided that the use:

- i) is designed and located to protect and enhance the Greenlands System identified on Schedule “A” and in the policies of Section 3, and will not have any negative impact on environmental functions, attributes and linkages;
- ii) is located on lands designated “Rural Area” on Schedule “B” to this Plan;
- iii) complies with the minimum distance separation formulae;
- iv) the use satisfies the following criteria:
  - a) specific detailed development proposal has been submitted to the Town;
  - b) there is a demonstrated public need and demand for the proposed land use;
  - c) there are no suitable alternative locations in the Town;
  - d) the use will not reduce or impede surrounding farm operations or their potential for expansion;
  - e) the site is suitable for the proposed use and does not include unnecessary land;
  - f) the proposed use is compatible with surrounding uses; and,
  - g) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and the Region of York Health Services Department.

## 4.11 COMMERCIAL RECREATION AREA

### 4.11.1 Purpose

The Commercial Recreation Area designation on Schedule “B” recognizes existing and approved commercial recreation areas and permits the extension and expansion of such uses in the designated area.

### 4.11.2 Permitted Uses, Buildings and Structures

The permitted uses in the Commercial Recreation Area designation are commercial recreation uses, including related buildings and structures, such as golf courses, campgrounds, fishing operations and fairgrounds.

### 4.11.3 Prohibited Uses

Residential uses are prohibited other than accessory residential dwellings to accommodate the owner, manager or other employees of the facility.

### 4.11.4 Land Use Policies

#### 4.11.4.1 Relationship to Greenlands System

The uses in the Commercial Recreation Area designation are not part of the Greenlands System designated on Schedule “A”. However, new uses or modifications to existing uses in the Commercial Recreation Area designation shall be designed to restore and enhance the Greenlands System in accordance with the policies of Section 3 of this Plan.

#### 4.11.4.2 New Uses

Applications for new commercial recreation uses shall require a site specific amendment to the Official Plan and shall only be permitted provided that the use:

- i) is designed and located to protect and enhance the Greenlands System identified on Schedule “A” and in the policies of Section 3 and will not have any negative impact on environmental functions, attributes and linkages;

- ii) is designed to minimize audio and visual nuisances and hazards, and shall provide to the satisfaction of the Town, a combination of mitigation measures in order to minimize any potential negative impacts that the development may have on adjacent agricultural or residential uses;
- iii) is located on lands designated “Rural Area” on Schedule “B” to this Plan;
- iv) complies with the minimum distance separation formulae;
- v) has direct access from a Regional, major or minor arterial or collector road;
- vi) the use satisfies the following criteria:
  - a) specific detailed development proposal has been submitted to the Town;
  - b) there is a demonstrated need and demand for the proposed land use;
  - c) there are no suitable alternative locations in the Town;
  - d) the use will not reduce or impede surrounding farm operations or their potential for expansion;
  - e) the site is suitable for the proposed use and does not include unnecessary land;
  - f) the proposed use is compatible with surrounding uses; and,
  - g) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and the Region of York Health Services Department.



## 4.12 ORM NATURAL LINKAGE AREA

### 4.12.1 Purpose

The ORM Natural Linkage Area designation on Schedules "A" and "B" recognize areas identified in the *Oak Ridges Moraine Conservation Plan* as areas forming part of a central corridor system that support or have the potential to support the movement of plants and animals among the lands designated ORM Natural Core and Linkage Area, as well as river valleys and stream corridors.

The purpose of the designation of these areas is to maintain, and where possible to improve or restore, the ecological integrity of the Moraine Area and to maintain, and where possible improve or restore, regional-scale open space linkages between lands in the ORM Natural Core Area designations and along river valleys and stream corridors.

### 4.12.2 Permitted Uses

The following uses are permitted in the ORM Natural Linkage Area designation subject to the provisions of Section 3.2, 5.8.3 (Water Services), 5.10 (Wellhead Protection) and 8.16 (Watershed Plans) of this Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule "H";
- iv) Transportation, infrastructure and utilities in accordance with the provisions of Section 3.2.5;
- v) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vi) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;

- vii) Bed and breakfast establishments in any legally established residential unit, subject to the regulations of the Zoning By-law;
- viii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- ix) Low intensity recreational uses in accordance with the provisions of Section 3.2.6;
- x) Unserved parks;
- xi) Recreational trails in accordance with the provisions of Section 3.2.7;
- Deferred→ xii) Legally existing uses in accordance with the provisions of Section 3.2.4;**
- xiii) Mineral aggregate operations in accordance with the provisions of Section 4.6.4.4 of this Plan;
- xiv) Wayside pits in accordance with the provisions of Section 4.6.4.4;
- xv) Accessory uses; and,,
- xvi) Outdoor cannabis cultivation shall be permitted, subject to a Zoning By-law amendment, and provided that new cannabis cultivation uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule "H".

### **4.12.3 Land Use Policies**

#### **4.12.3.1 Uses Accessory to Agriculture**

Uses accessory to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of this Plan and Section 34 of the Moraine Plan (See Appendix ORM IV). In the event of a conflict between this plan and the provisions of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

#### 4.12.3.2 Waste Disposal Area Special Policy Area

In addition to the policies of this Section, the policies of Section 4.17 shall apply to areas identified on Schedule “B” as “Waste Disposal Special Policy Area” and “Waste Disposal Area of Influence”.

#### 4.12.3.3 Outdoor Cannabis Cultivation

The following policies shall apply to an outdoor cannabis cultivation use in the ORM Natural Linkage Area

- i) Only outdoor cannabis cultivation uses licensed by Health Canada under the *Cannabis Act* shall be permitted;
- ii) Indoor cannabis cultivation and cannabis processing shall be prohibited;
- iii) A maximum of one accessory building that is required to support outdoor cultivation uses for purposes of packaging, labelling, storage, sampling, disposing, and testing for pesticides shall be permitted; The minimum separation distance between an outdoor cannabis cultivation uses and lands designated Estate Residential Area, and Estate Residential Area Special Significant Environmental Area, Rural Commercial/Industrial/Institutional Area, or Public Open Space shall be 1000.0 m, shall be 1000.0 m;
- iv) The minimum separation distance between an outdoor cannabis cultivation uses and any Secondary Plan Area boundary or ORM Hamlet boundary shall be 1000.0 m
- v) The minimum separation distance between two or more cannabis cultivation uses and/ or cannabis processing uses use shall be 1000.0 m;
- vi) Facilities shall be located and designed in accordance with Cannabis Regulations (SOR/2018-144) to mitigate potential nuisance impacts such as including light emissions, air emissions, and odour;
- vii) Outdoor storage shall be prohibited as accessory to a outdoor cannabis cultivation use;
- viii) The Town may establish a municipal licensing framework to regulate cannabis cultivation and cannabis processing uses which can further regulate land use, separation distance, and site plan control;

- ix) Outdoor cannabis cultivation shall only be permitted through an amendment to the Town's Zoning By-law;
- x) The Town's Zoning By-law shall establish more detailed zoning regulations and standards regarding outdoor cannabis cultivation; and,
- xi) Outdoor cannabis cultivation shall be subject to site plan control, as required under Town's Site Plan Control By-law including providing the required studies outlined in section 8.6.5.

## 4.13 ESTATE RESIDENTIAL AREA

### 4.13.1 Purpose

The Estate Residential Area designation on Schedule “B” recognizes existing estate residential development and proposed development which was registered or draft approved or the subject of an approved site specific official plan amendment at the date of adoption of this Plan.

### 4.13.2 Permitted Uses, Buildings and Structures

The permitted uses in the Estate Residential Area designation shall be single detached dwellings on large lots.

### 4.13.3 Prohibited Uses

- i) Additional estate residential development, other than in registered and draft approved subdivisions and approved site specific official plan amendments existing at the date of adoption of this Plan, shall be prohibited in the Town. The only exception shall be limited infilling in the Sleepy Hollow area on lands in the Estate Residential Area designation subject to approval of a plan of subdivision or consents, as appropriate, and a Zoning By-law amendment by the Town.
- ii) The prohibition of estate residential development shall be reviewed in 2005 by the Town based on an update of the Town’s Growth Management Strategy and an assessment of the impacts of such development on the environment and municipal services carried out by the Town.

### 4.13.4 Land Use Policies

#### 4.13.4.1 Zoning By-law

The Zoning By-law will recognize only existing registered and draft approved estate residential subdivisions at the date of adoption of this Plan. Amendments to the Zoning By-law to permit the development of lands in approved site specific

official plan amendments shall only be permitted as a condition of draft plan of subdivision.

#### **4.13.4.2 Greenlands System**

The Town shall work with landowners in the Estate Residential Area designation to ensure that any new development or changes to existing development is designed to restore and enhance the Greenlands System in accordance with the policies of Section 3 of this Plan and will not have any negative impact on environmental functions, attributes and linkages.

#### **4.13.5 Exceptions**

##### **4.13.5.1 Part Lots 24 and 25, Concession 5**

Notwithstanding any other policies of Section 4.13, the lands designated as “Estate Residential Area” on Schedule “B” in Part Lots 24 and 25, Concession 5 may be used for estate residential lots with a minimum lot area of 0.8 ha (2 ac.) and a maximum of 29 lots. The following policies shall also apply to the development:

- i) in accordance with the policies of C.N. Rail, portions of these lands may be sensitive areas for noise vibration and safety. Accordingly, prior to the approval of applications for a Plan amendment, Zoning By-law amendments and subdivisions, said applications should be circulated to the appropriate rail company for comments with regards to recommended noise, vibration and impact mitigation measures; and,
- ii) recognition is given to the value of the fisheries resources of the Bogart Creek. For this reason, development is to take place in such a manner as to minimize negative impacts that can result from development including the use of proper stormwater management and erosion and sedimentation control measures both during and after the development of the site. Also, protection is required for the treed areas located in the southern portion of the property. Development (i.e., building envelopes, septic systems and primary tile fields, or amenity facilities such as tennis courts or swimming pools) shall be prohibited from these areas. A planting plan is required to enhance the naturally vegetated areas on site.

## 4.14 RURAL COMMERCIAL/INDUSTRIAL/INSTITUTIONAL AREA

### 4.14.1 Purpose

The Rural Commercial/Industrial/Institutional Area designation on Schedule “B” recognizes existing and approved commercial, industrial and institutional uses in the Rural Area, and permits the extension and expansion of such uses.

### 4.14.2 Permitted Uses, Buildings and Structures

#### 4.14.2.1 Permitted Uses

The permitted uses in the Rural Commercial/Industrial/Institutional Area designation are rural commercial, industrial and institutional uses:

- i) which comply with or are similar to those permitted by the zoning for the site existing at the date of adoption of this Plan; or,
- ii) which are generally small scale uses primarily related to, and designed to serve, the rural/agricultural/environmental areas or utilize the products of those areas.

Institutional uses shall be deemed to include cemeteries.

#### 4.14.2.2 Prohibited Uses

The following uses are prohibited in the Rural Commercial/Industrial/Institutional Area designation:

- i) Residential uses, other than accessory residential dwellings to accommodate the owner, manager or other employees of the facility;
- ii) Shopping centres or other major retail commercial uses; and,
- iii) Industrial subdivisions.

### **4.14.3 Land Use Policies**

#### **4.14.3.1 New Uses**

Applications for new rural commercial, industrial or institutional uses shall require a site specific amendment to the Official Plan and shall only be permitted provided that the use:

- i) is designed and located to protect and enhance the Greenlands System identified on Schedule “A” and in the policies of Section 3 and will not have any negative impact on environmental functions, attributes and linkages;
- ii) is designed to minimize audio and visual nuisances and hazards, and shall provide to the satisfaction of the Town, a combination of mitigation measures in order to minimize any potential negative impacts that the development may have on adjacent agricultural or residential uses;
- iii) is located on lands designated “Rural Area” on Schedule “B” to this Plan;
- iv) complies with the minimum distance separation formulae;
- v) has direct access from a Regional major or minor arterial, or collector road;
- vi) the use satisfies the following criteria:
  - a) a specific detailed development proposal has been submitted to the Town;
  - b) there is a demonstrated public need and demand for the proposed land use;
  - c) there are no suitable alternative locations in the Town;
  - d) the use will not reduce or impede surrounding farm operations or their potential for expansion;
  - e) the site is suitable for the proposed use and does not include unnecessary land;
  - f) the proposed use is compatible with surrounding uses;



- g) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and York Region;
- h) for industrial uses, the uses are limited to dry industrial uses which do not use water for washing, cooling or processing and do not generate more than 4500 L per day of employee sanitary waste.

## **4.15 ORM HAMLET AREA**

### **4.15.1 Purpose**

The ORM Hamlet Area designation on Schedule “B” recognizes the existing Hamlet of Bloomington, including limited opportunities for infilling and other approved development at the date of adoption of this Plan.

### **4.15.2 Permitted Uses, Buildings and Structures**

The permitted uses in the ORM Hamlet Area designation are:

- i) single detached dwellings;
- ii) small scale convenience commercial uses; and,
- iii) small scale institutional uses.

### **4.15.3 Land Use Policies**

#### **4.15.3.1 ORM Hamlet Boundaries**

The boundaries of the ORM Hamlet Area designation on Schedule “B” are fixed.

#### **4.15.3.2 New Uses**

- i) Only minor infilling and development of registered or draft approved or pending subdivisions 19T-86075, 19T-89095, 19T(W)-97004, 19T-86101, and 19T-83015 within the boundaries of the ORM Hamlet Area at the date of adoption of this Plan shall be permitted. Any development applications, other than registered or draft approved or pending subdivisions in the ORM Hamlet Area designation shall satisfy the requirements of Section 7, and, if applicable, Section 8.5 of this Plan. In addition, all new development shall have a minimum lot size of 0.4 ha (1 ac.). Further, larger lots sizes maybe required as a result of hydrogeological studies undertaken to the satisfaction of the Town.

- ii) Any development applications shall conform with the provisions of Section 3.2 of this Plan and Section 15 and Section 32 of the Oak Ridges Moraine Conservation Plan. Any application for small scale convenience commercial or institutional uses including, but not limited to, schools, places of worship, community halls, farm implement stores, feed stores and country markets shall not be approved until the applicant demonstrates that:
  - a) the use does not require large scale modification of terrain, vegetation or both or large-scale buildings and structures; and,
  - b) the buildings and structures will be planned, designed and constructed so as to not adversely affect the rural character of the lands in the ORM Hamlet Area designation and the ecological integrity of the Moraine Plan Area.
- iii) Notwithstanding the policy provisions of Subsection 4.15.3.2 i) to the contrary, residential development in Subdivision File Nos. 19T-83015 and 19T-86101 may be considered on lots with a minimum area of 0.3 ha (0.75 ac.) where:
  - a) The Developers have demonstrated to the satisfaction of the Town and the Region of York through the completion of hydrogeologic, geotechnical and site servicing reports that development can occur on the basis of private services at this density without impacting upon area private wells & septic systems, including the cumulative impact of development planned for the Hamlet of Bloomington, and, the maintenance of baseflow contribution to area Key Natural Heritage Features; and,
  - b) A Monitoring Program, designed to the satisfaction of the Town and the Region of York, is enacted through Conditions to Draft Plan Approval and ultimately the subdivision agreements or other mechanisms to ensure that the development of the lands does not result in any material adverse impact in terms of quality or quantity of water to adjacent lands.
- iv) Notwithstanding any of policies of this Plan to the contrary, the lands described as Part of Lot 11, Concession 8, municipally known as 13876 Ninth Line in Draft Plan of Subdivision 19T(W)-14.001 shall be permitted to

develop with a minimum lot area of 0.3 ha (0.75 ac.) on the basis of individual private wells and sewage treatment facilities.

## 4.16 SECONDARY PLAN AREA

### 4.16.1 Purpose

The purpose of the Secondary Plan Area designation on Schedule “B” is to recognize the Communities of Stouffville, Ballantrae-Musselman Lake and Vandorf-Preston Lake and the Gormley Industrial Area. It is intended that each area will maintain its individual identity, while recognizing its function as a settlement area within the Town of Whitchurch-Stouffville.

### 4.16.2 Land Use Policies

#### 4.16.2.1 General

Development in each of the Secondary Plan Area designations shall be governed by the individual Secondary Plans. However, the Official Plan provides general direction regarding the role of each of these communities. Where there is a conflict between the policies of the Official Plan and the policies of a Secondary Plan, the policies of the Secondary Plan shall take precedence.

#### 4.16.2.2 Stouffville

The Community of Stouffville is the main urban community of the Town of Whitchurch-Stouffville. It is the focus for the community with respect to social, recreation, cultural, government, commercial and employment uses. Development shall be subject to the policies of the Community of Stouffville Secondary Plan in Section 12 of this Official Plan.

#### 4.16.2.3 Ballantrae-Musselman Lake

The Communities of Ballantrae-Musselman Lake are low density residential communities on large lots with partial services. They provide limited convenience commercial, recreation and institutional facilities to serve residents of the communities and the immediate area. Development shall be subject to the policies of the Community of Ballantrae-Musselman Lake Secondary Plan in Section 11 of this Official Plan.

#### **4.16.2.4 Gormley Industrial Area**

The Gormley Industrial Area is primarily an employment area where development will occur on private or communal services. Development shall be subject to the policies of the Gormley Industrial Area Secondary Plan in Section 10 of this Official Plan.

#### **4.16.2.5 Vandorf-Preston Lake**

The role of the Communities of Vandorf and Preston Lake will be established through the preparation of a Secondary Plan. Until a Secondary Plan is prepared development in these areas will be subject to the following policies:

- i) Development outside the existing developed areas or lands designated for development in Vandorf and Preston Lake shall be subject to the policies of the Agricultural Area of this Plan, except for those lands which form part of the Greenlands System on Schedule "A" which shall be subject to the policies of Section 3 of this Plan.
- ii) Development in the existing developed area of Vandorf shall be subject to the following policies:
  - a) New development shall be limited to minor infilling and development of registered or draft approved subdivisions approved at the date of adoption in the area up to the 19th Lot Line west of Woodbine Ave. Any development applications, other than in registered or draft approved subdivisions designation shall satisfy the requirements of Section 8.5 of this Plan; and,
  - b) A landscaped buffer zone of 120 m (400 ft) or a distance as determined by a site specific noise abatement study prepared to the satisfaction of the Town, will be created between the easterly limits of Highway 404 and the westerly limits of any development; and,
  - c) A landscaped buffer zone shall be created between all residential and industrial land uses and between rural and industrial land uses; and,
  - d) The maintenance of all buffer zones is the responsibility of the owner.

- iii) Additional development in the existing area of Preston Lake shall be prohibited, other than in existing registered or draft approved subdivisions approved at the date of adoption of this Plan.

## **4.17 WASTE DISPOSAL AREA OF INFLUENCE**

### **4.17.1 Purpose**

Waste disposal sites and their areas of influence identified to date are designated on Schedule “B”. The prior use of these lands for the disposal of wastes may have long term effects on the future uses of these lands. This potential impact must be taken into account in evaluating any proposal for development.

### **4.17.2 Permitted Uses, Buildings and Structures**

The permitted uses, buildings and structures shall be those existing at the date of adoption of this Plan and those uses permitted in the underlying land use designation subject to the policies of those designations and, subject to the policies of Section 4.17.3 of this Plan.

### **4.17.3 Land Use Policies**

#### **4.17.3.1 Assessment Requirement**

No development shall be permitted on lands in the Waste Disposal Area of Influence designation on Schedule “B” without the completion hydrogeology/ engineering studies that demonstrate to the satisfaction of the Town that development is compatible and can safely take place.

The Town shall require the construction and phasing of all development to coincide with the control of any problems identified by the studies and shall be satisfied through the required studies with respect to any matter regarding the structural stability, safety and integrity of any structure.

#### **4.17.3.2 Official Plan Amendment**

Where a proposal is made to amend this Plan or the Zoning By-law to allow for the development of the lands in the Waste Disposal Area of Influence designation on Schedule “B”, the following criteria must be satisfied:

- i) the requirements of Section 4.17.3.1 must be satisfied;



- ii) all the other relevant policies of this Plan, particularly the policies of the underlying land use designations must be satisfied; and,
- iii) any additional requirements of the Ministry of the Environment must be satisfied.

#### **4.17.3.3 West Half of Lots 14 and 15, Concession 8**

Notwithstanding the other policies of this Section, the Waste Disposal Area identified on Schedule “B”, generally located in the West Half of Lots 14 and 15, Concession 8, has been identified as an area of concern for future development. No development will be permitted within this area designated as “Waste Disposal Area” on Schedule “B”.

Any use sought for the lands identified as “Waste Disposal Area” shall require municipal endorsement. If filling has occurred within the past 25 years, approval will be required from the Ministry of the Environment under Section 46 of the Environmental Protection Act. This approval shall be obtained prior to the approval of any official plan or Zoning By-law amendment.

Any development proposals within the surrounding area designated as Waste Disposal Area of Influence will be subject to specific detailed additional studies similar to the in-depth studies which have already been conducted for the existing development. These studies shall also include conclusive investigations that any such future development will not adversely affect existing development and will satisfy the requirements of Sections 4.17.3.1 and 4.17.3.2 of the Plan as appropriate.

## 4.18 ESTATE RESIDENTIAL SPECIAL

### 4.18.1 Purpose

The Estate Residential Area Special designation relates to Blocks 100 and 101, Registered Plan 65M-2602 in Trail of the Woods. Certain portions of these lands are part of a former waste disposal site and as such, the lands were deferred for further consideration by the Ministry of Municipal Affairs when Official Plan Amendment No. 27 was approved in 1986. The proponent is required to decommission and rehabilitate these lands to the satisfaction of the Town, the Region of York and the Ministry of Environment prior to development occurring. Hydrogeological studies have been undertaken in support of the development of the lands subject to Deferral 1. Based on the results of these studies and the peer review process undertaken by the Town and the Region of York, the Estate Residential Special designation permits the development of the lands by way of a plan of subdivision subject to the special implementation policies referred to below.

### 4.18.2 Special Implementation Policies

- i) The development will proceed by a plan of subdivision and will be subject to conditions which require the phasing of development generally in accordance with Schedule "B-2" to this Plan. Minor alterations to the phasing plan may be made without an amendment to this Plan provided that the overall intent of the policies is met to the satisfaction of the Town and the Region of York.
- ii) The lands will be zoned with a Holding (H) symbol or the equivalent thereof pursuant to Section 36 of The Planning Act. This Zoning By-law shall specify the permitted uses at such time as the Holding symbol is removed. No development shall occur on any lands within the area zoned with a (H) Holding symbol or equivalent thereof until the (H) Holding symbol or equivalent thereof has been removed by an amendment to the Zoning By-law. Such an amendment to remove the (H) Holding symbol or equivalent thereof shall be conditional upon the following:
  - a) All of the waste materials have been processed and the unsuitable materials removed from the property in accordance with the recommendations of the Trow Environmental Management Plan and the Gartner Lee Limited letter dated September 16, 1999;

- b) The Terms of the conditions of the Provisional Certificate of Approval for a Waste Disposal Site (No. A230709) have been met to the satisfaction of the Ministry of Environment;
  - c) A groundwater monitoring network including time frames for monitoring has been established and implemented to the satisfaction of the Town and the Region;
  - d) Establishment of a domestic water supply contingency plan acceptable to the Town and the Region of York, the scope of which will be determined on the basis of site clean-up results;
  - e) The proponent satisfying the requirements of Section 46 of the Environmental Protection Act to the satisfaction of the Ministry of Environment; and,
  - f) The Town, the Region of York and any other applicable agency being satisfied that each phase of development is not being adversely affected by any residual effects of fill materials identified for cleanup on the property. This will be determined from monitoring of the groundwater quality.
- iii) Consents shall not be permitted in the Estate Residential Special designation.
  - iv) The subdivision shall be designed to preserve existing forested areas on the south side of Green Valley Circle.

## 4.19 ORM COUNTRYSIDE AREA

### 4.19.1 Purpose

The ORM Countryside Area designation on Schedule “B” recognizes areas identified in the *Oak Ridges Moraine Conservation Plan* as areas of rural land use such as agriculture, recreation, hamlets, mineral aggregate extraction operations, parks and open space. However, in cases of conflict the policies of Section 34 of the Moraine Plan will prevail. Hamlets are generally long-established and identified in official plans. They are also shown on the land use designation plan to the Moraine Plan as “Rural Settlement Areas”.

The purpose of the ORM Countryside Area designation is to encourage agriculture and other rural uses that support the Plan’s objectives by:

- i) protecting prime agricultural areas;
- ii) providing for the continuation of agricultural and other rural land uses and normal farm practices; and,
- iii) maintaining the rural character of Hamlets.

### 4.19.2 Permitted Uses

The following uses are permitted in the ORM Countryside Area designation subject to the provisions of Section 3.2, 5.8.3 (Water Services), 5.10 (Wellhead Protection) and 8.16 (Watershed Plans) of this Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, with the exception that new agricultural uses shall not be permitted in areas identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule “H”;
- iv) Transportation, infrastructure and utilities in accordance with the provisions of Section 3.2.5;

- v) Home occupations in any legally established residential unit, subject to the regulations of the Zoning By-law;
- vi) Home industries in association with any legally established use, subject to the regulations of the Zoning By-law;
- vii) Bed and breakfast establishments in any legally established residential unit, subject to the regulations of the Zoning By-law;
- viii) Farm vacation homes in association with any legally established agricultural use, subject to the regulations of the Zoning By-law;
- ix) Low intensity recreational uses in accordance with the provisions of Section 3.2.6;
- x) Unserviced parks;
- xi) Recreational trails in accordance with the provisions of Section 3.2.7;
- Deferred→ xii) Legally existing uses in accordance with the provisions of Section 3.2.4;**
- xiii) Mineral aggregate operations in accordance with the provisions of section 4.6.4.4 of this Plan;
- xiv) Wayside pits in accordance with the provisions of section 4.6.4.4 of this Plan;
- xv) Agriculture-related uses;
- xvii) Major Recreational uses as described in Section 38 of the Moraine Plan (See Appendix ORM IV) provided that such uses shall not be permitted in prime agricultural areas;
- xviii) Accessory uses; and,
- xix) Outdoor cannabis cultivation, indoor cannabis cultivation and cannabis processing shall be permitted, subject to a Zoning By-law amendment, with the exception that new cannabis cultivation uses shall not be permitted in areas

identified as Key Natural Heritage or Hydrologically Sensitive Features or their associated Minimum Vegetation Protection Zones identified on Schedule "H".

### **4.19.3 Land Use Policies**

#### **4.19.3.1 Uses Accessory to Agriculture**

Uses accessory to and related to agricultural uses shall be permitted in accordance with the policies of Section 4.3.2 of this Plan and Section 34 of the Moraine Plan (See Appendix ORM IV). In the event of a conflict between this plan and the provisions of Section 34 of the Oak Ridges Moraine Conservation Plan, the provisions of the Oak Ridges Moraine Conservation Plan shall prevail.

#### **4.19.3.2 Waste Disposal Area Special Policy Area**

In addition to the policies of this Section, the policies of Section 4.17 shall apply to areas identified on Schedule "B" as "Waste Disposal Special Policy Area" and "Waste Disposal Area of Influence".

#### **4.19.3.3 Major Recreation Uses**

Major Recreation Uses shall also be subject to the provisions of Section 4.11, Commercial Recreation Area of this Official Plan and the provisions of the Moraine Plan, particularly Part IV, Section 38. However, in cases of conflict, the policies of Section 38 of the Moraine Plan will prevail.

#### **4.19.3.4 Cannabis Cultivation and Processing**

The following policies shall apply to an outdoor cannabis cultivation use in the ORM Countryside Area.

- i) Outdoor cannabis cultivation, indoor cannabis cultivation, and processing uses licensed by Health Canada under the *Cannabis Act* shall be permitted as a principal use;
- ii) Cannabis processing uses licensed by Health Canada under the *Cannabis Act* shall only be permitted as an accessory use;
- iii) A maximum of one accessory building that is required to support outdoor cultivation uses for purposes of packaging, labelling, storage, sampling, disposing, and testing for pesticides shall be permitted; The minimum separation distance between an indoor cannabis cultivation use, outdoor

cannabis cultivation use, or cannabis processing use and lands designated Estate Residential Area, Estate Residential Area Special, Significant Environmental Area, Rural Commercial/Industrial/Institutional Area, or Public Open Space shall be 1000.0 m;

- iv) The minimum separation distance between an indoor cannabis cultivation use, outdoor cannabis cultivation use, or cannabis processing use and any Secondary Plan Area boundary or ORM Hamlet Area boundary shall be 1000.0 m;
- v) Facilities shall be located and designed in accordance with Cannabis Regulations (SOR/2018-144) to mitigate potential nuisance impacts such as including light emissions, air emissions, and odour;
- vi) Outdoor storage shall be prohibited as accessory to an outdoor cannabis cultivation use;
- vii) The Town may establish a municipal licensing framework to regulate cannabis cultivation and cannabis processing uses which can further regulate land use, separation distance, and site plan control;
- viii) Cannabis cultivation and cannabis processing shall only be permitted through an amendment to the Town's Zoning Bylaw;
- ix) Accessory cannabis processing shall only be permitted through an amendment to the Town's Zoning by-law provided the following can be demonstrated to the satisfaction of the Town:
  - a. It is not feasible to locate the use in a settlement area;
  - b. The buildings or structures will be planned, designed, and constructed so as not to adversely affect the rural character of the Countryside Area nor adversely impact the ecological integrity of the Oak Ridges Moraine; and surrounding agricultural operations and lands or that such impacts will be minimized and mitigated to the extent possible.
- x) The Town's Zoning By-law shall establish more detailed zoning regulations and standards regarding outdoor cannabis cultivation; and
- xi) Cannabis cultivation and cannabis processing shall be subject to site plan control, as required under Town's Site Plan Control By-law including providing the required studies outlined in section 8.6.5.

#### **4.19.4 Special Policies**

##### **4.19.4.1 Special Policy - Part Lot 2, Concession 3**

In addition to any other policies of this Plan, the lands designated as “Special Policy Area” in Part Lot 2, Concession 3 as identified on Schedule “B” shall only be used for institutional uses including:

- i) cemeteries, and associated facilities including but not limited to mausoleum, crematorium and columbaria;
- ii) places of worship and chapels; and,
- iii) related uses including service buildings, administrative offices and buffering requirements.

All institutional uses shall be regulated by the provisions in the Zoning By-law and developed through site plan approval. Phasing of development shall be permitted. The development of the cemetery shall have regard for:

- iv) access to the road system such that traffic hazards are not created;
- v) provision of adequate on-site parking facilities; and,
- vi) screening and landscaping to complement the plot plan and permitted uses.

##### **4.19.4.2 Special Policy - Part Lot 4, Concession 3**

In addition to any other policies of this Plan, the lands designated as "Special Policy Area" in Part Lot 4, Concession 3 as identified on Schedule “B” is an existing industrial subdivision and may continue to be zoned for uses appropriate to such a development. However, the property shall be subject to site plan control to ensure that future development brings the use of the lands into closer conformity with the *Oak Ridges Moraine Conservation Plan*.