

26. PART E INTERPRETATION AND DEFINITIONS

26.1. INTERPRETATION

- 26.1.1.** The goals, objectives and policies of this Plan must be considered together to determine conformity with this Plan. It is intended that the boundaries of the land use designations shown on Schedules A and Sub-Schedules “A”, “B” and “SP”, be considered as approximate and absolute only where bounded by roads, railways, rivers, lakes or other similar geographical barriers. Boundaries of natural feature areas and Aggregate Areas shown on Schedules “A” and “B” are to be interpreted by the City as approximate subject to precise study and measurement.
- 26.1.2.** It is also intended that the location of roads as indicated on all Schedules be considered as approximate and not absolute. Amendments to this Plan will not be required in order to make minor adjustment to the approximate land use boundaries or the location of roads, if the over-all intent of this Plan is preserved. For the purpose of this policy, the "location of roads" shall include related connections and facilities necessary for the safety and continuity of the road system including bridges and interpolicy improvements.
- 26.1.3.** Any reference to quantities such as lot areas or density of development should be regarded as approximate. All measurements in this Plan are in metric form with the approximate non-metric equivalent provided in the Appendix I, for reference purposes only.
- 26.1.4.** Wherever a use is permitted in a designated area, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted.
- 26.1.5.** Such terms as reasonable, limited and appropriate will be interpreted by Council to ensure that the overall intent of this Plan is preserved.
- 26.1.6.** Where any Act or portion thereof is referenced in this Plan, it is intended that such references should be interpreted to include any amendments to such Act or subsequent legislation that may replace the specific Act. The legislation referred to herein is the 1990 version of the Revised Statutes of Ontario.
- 26.1.7.** The word “shall”, “will” are to be construed as imperative, and the word “may” as permissive.
- 26.1.8.** In this Plan, all words in the singular shall include the plural and all words in the plural shall be interpreted to include the singular.

27. DEFINITIONS

27.1. Whenever a term is used in this Plan and is a term defined in an approved provincial plan, the definition of the term shall be as identified in the approved Provincial Plan.

Accessory Wind Turbines:

means two or more wind turbine generators, which are connected to the provincial transmission or distribution system.

Adjacent Lands:

means those lands, contiguous to a specific *Natural Heritage* Feature or Area, where it is likely that development or site alteration would have a negative impact on the Feature or Area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches, which achieve the same objectives.

Adverse Effects:

means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant and animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any persons;
- f) rendering any property, plant, or animal life unfit for use by humans;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable means:

- a) in the case of ownership housing, the least expensive of:
 - housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual house hold income for low and moderate income household;
 - or housing for which the purchase price is at least 10 % below the average purchase price of a resale unit in the regional market area.

b) in the case of rental housing, the least expensive of:

- a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural-related Uses:

means uses that are small in scale and directly related to the farm operation and required to be located in the close proximity to the farm operation such as a grain drying handling and storage facility.

Agricultural Use:

means the growing of crops, including nursery and horticultural crops; bee keeping, raising of livestock and other animals for food, or fur, including poultry and fish; aquaculture; agro-forestry; maple syrup production; and associated on-farm buildings and structures and would include uses that produce value added agricultural products from the farm operation on the property such as pick your own and maple syrup operations.

Agri-business Uses:

means agriculture related uses that require proximity to agricultural operations such as abattoirs, livestock marketing or sales yard, a seed cleaning plant, an agricultural produce warehouse or similar agri-business uses providing inputs, service storage or processing outputs from the farm operation.

Agro-forestry:

means the growing of trees for nursery stock, Christmas trees and managed woodlots for forestry products.

Agri-tourism:

Means the act of visiting a working farm or any agricultural horticultural or agri-business operation for the purpose of education or active involvement in the activities of the farm where the principle activity on the property remains as farming and where products used in the activity are produced on the property or relating to farming.

Areas of Natural and Scientific Interest (ANSI):

mean areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

Bed and Breakfast:

means a home occupation within a private residence in which no more than five bedrooms to accommodate a maximum of two patrons per bedroom are made available to the travelling public for temporary sleeping accommodations and provides only the breakfast meal.

Brownfield Sites:

means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built-up Area:

means all land within the built boundary and land identified in accordance with the “Built Boundary for the Greater Golden Horseshoe” as defined by the Minister of Public *Infrastructure* Renewal in April 2008.

Built Boundary:

means the limits of the developed urban area as defined by the Province for the Greater Golden Horseshoe.

Cabin:

means a cabin for sleeping which is not a vacation dwelling, which does not contain facilities for the cooking or sanitary services and is accessory to a permitted dwelling unit.

Community Improvement:

means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and *rehabilitation* or any of them, of a *community improvement* project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses buildings, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary.

Community Improvement Plan:

means a plan for the *community improvement* of a *community improvement* project area.

Community Improvement Project Area:

means an area within a municipality, the *community improvement* of which, in the opinion of the council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

Compact Urban Form:

means a land-use pattern that encourages efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional all within one neighbourhood), proximity to transit and reduced need for *infrastructure*. *Compact urban form* can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail providing a live/work relationship.

Complete Communities:

means meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community *infrastructure* including *affordable* housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Conservation Authority:

means Kawartha Conservation, Otonabee Region *Conservation Authority*, Lake Simcoe Region *Conservation Authority* or Ganaraska Region *Conservation Authority*.

Day Care Facility:

means all or part of a building where more than five children who are not of common parentage are provided temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours.

Development:

means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain *infrastructure* authorized under an Environmental Assessment process; or works subject to the Drainage Act.

Density Targets:

means new development areas or greenfield areas as defined in the Growth Plan for the Greater Golden Horseshoe.

Designated Greenfield Area:

means the area within a *settlement area* that is not built-up area or is identified as New Development Area. Where a *settlement area* does not have a *built boundary*, the entire *settlement area* is considered *designated Greenfield area*.

Ecological Function:

means the natural processes products or services that living and nonliving environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment Area:

means areas designated in an official plan for *clusters* of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Provincial Policy Statement, 2005)

Endangered Species:

means a species that is listed or categorized as an “*Endangered Species*” on the Ontario Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

Environment:

refers to any combination of: air, soil and water; plant and animal life; social and cultural conditions; buildings or structures; or any impacts on the foregoing resulting directly or indirectly from the activities of man.

Environmental Evaluation and Environmental Impact Study

are terms used within this Plan and are interchangeable and mean the same thing.

Environmental Protection:

refers to lands having physical characteristics such as poor drainage, organic soils, flood and erosion susceptibility, steep slopes, instability or any other physical condition that could cause property damage, loss of life or damage to the environment if developed upon.

Environmentally Sensitive Areas:

refer to those lands and/or waters of inherent biological sensitivity, such as those areas containing unique plants or wildlife, breeding or over-wintering habitats, rare or *endangered species*, or other features that could be essential for scientific research, conservation or educational purposes.

Fish Habitat:

means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood Fringe:

means the outer portion of the flood plain between the floodway and the flooding hazard limit where flood depths and velocities are less severe than the floodway and generally do not pose a potential threat to life or damage to property. The flood fringe is the area where development and site alteration may be permitted subject to flood proofing to the flooding hazard elevation.

Flood Plain:

means the area, usually low lands, adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding Hazards:

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area:
2. the *one hundred year flood*; or
3. a flood which is greater than 1) or 2) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources,

except where the use of the *one hundred year flood* or actually experienced event as the standard for a specific watershed has been approved by the Minister of Natural Resources (where the history of flooding supports the lowering of the standard).

Floodway:

means the inner portion of the flood plain representing that area required for the passage of flood flow and/or that area of the flood plain where flood depths and/or velocities are such that they pose a potential threat to life and/or property damage.

Health Unit:

means the Haliburton, Kawartha, and Pine Ridge District Health Unit.

Home Industry:

means a use that is wholly enclosed within a building that is not partly used as a dwelling. The use is compatible with the other permitted uses on the lot. It is to be for a small-scale dry, light industrial use that is secondary to and compatible with a domestic household and is carried out primarily by members of the household residing in the dwelling. Examples of such uses would be a carpentry shop, machine shop, welding shop, repair shop for appliances and vehicles, electrical, plumbing and building contractor shops.

Home Occupation:

means a business for gain or profit which is clearly secondary to the primary residential use of the property, conducted within a residence, which shall not change the character of the land or building and which shall not generate noise, vibration, odour, dust, smoke, traffic or visual impacts that may have an adverse effect on surrounding properties or dwellings. Examples of home occupations may include an office for such professionals as a lawyer, engineer or accountant; teaching or musical instruction provided no more than two pupils are on the premises at a time; the assembly or manufacturing of crafts or hobby items; the manufacturing or repairing of clothing; the repairing of household electronics; a *Bed and Breakfast* or a day care facility.

Hydrogeology:

the study of ground water.

Hydrology:

the study of surface water.

Industry:

Light Use:

means a place of business, the principal use of which is for a small scale, self-contained plant, facility or building that produces and or stores a product within a wholly enclosed building. Such uses will, generally, unless mitigative measures

are provided, be limited to daytime operation, will have infrequent movement of products and/or heavy trucks and will have no outside storage.

Medium Use:

means a place of business, the principal use of which is for processing and manufacturing with outdoor, unenclosed storage of products, wastes or materials. Such uses may have shift operations with frequent movement of products and/or heavy trucks during daytime operations."

Heavy Use:

means a place of business for large scale manufacturing or processing characterized by large physical size, outside storage of raw materials or products, large production volumes and continuous movement of products, materials, equipment and employees throughout daily shift operations.

Infilling:

means the development along the frontage upon one side of a public highway or existing right-of-way for a distance of not greater than 100 metres. This distance is measured between two buildings used for commercial, industrial and/or non-farm related residential uses but does not include farm related buildings or structures.

Infrastructure:

means physical structures that form the foundation for development. *Infrastructure* includes sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Institutional Uses:

mean those uses, associated with hospitals, nursing homes, preschool, school nurseries, day care and schools.

Intensification:

means the development of the property, site or area at a higher density than currently exists through:

- redevelopment, including the reuse of *brownfield sites*;
- the development of vacant and/or underutilized lots within previously developed areas
- infill development; or
- the expansion or conversion of existing buildings.

(Provincial Policy Statement, 2005)

Intensification Areas:

means the lands identified by municipalities or the Minister of Public *Infrastructure* Renewal within a *settlement area* that are to be the focus for accommodating *intensification*. *Intensification* areas include urban growth centres, *intensification* corridors, major transit stations area, and other major opportunities that may include infill, redevelopment, *brownfield sites*, the expansion or conversion of existing buildings and greyfields.

Intensification Waterfront Designation:

means the creation of additional lots that do not have shoreline frontage or which do not qualify as *infilling*. *Intensification* of development refers to the redesignation of land by amendment to this Plan to permit residential or commercial development where the land is adjacent to a lake or river and is designated Rural, Agricultural or Environmental Protection.

Large Format Retail Use:

means a single or multiple businesses or enterprises in excess of 3,000 square metres of gross leasable floor space, engaged in the retailing and/or wholesaling of goods or products which by the nature of their size (and associated parking), market area or sales format, require a relatively large site.

Mineral Aggregate:

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act. *Mineral Aggregate* includes Pit land use and the Quarry land use. The principle difference between the two is determined on whether blasting is required.

Minimum Distance Separation Formulae (MDS):

means formulae developed by the Province to separate uses to reduce incompatibility concerns about odour from livestock facilities.

Municipal Comprehensive Review:

is an official plan review, or an official plan amendment, initiated by a municipality that comprehensively applies the policies and schedules of the Growth Plan for the Greater Golden Horseshoe.

Natural Heritage Areas and Features:

means areas and features, such as significant wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valley lands south and east of the Canadian Shield, significant portions of the habitat of endangered and threatened species, significant wildlife habitat and significant *Areas of Natural and Scientific Interest (ANSI)*, which are important for their *environmental* and social values as a legacy of the natural landscapes of an area.

Natural Heritage System:

means a system made up of *natural heritage* features & areas, linked by natural corridors which are necessary to maintain biological and geological diversity , natural functions, viable populations of indigenous species and ecosystem. This system can include lands that have been restored and areas with the potential to be restored to natural state.

Negative Impacts:

means:

- in regard to water, degradation to the quality and quantity of water , sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorised under the Fisheries Act, using the guiding principle of no net loss of productive capacity and
- in regard to other *natural heritage* features and areas, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive development or site alteration activities.

New multi lots and units for residential development:

means the creation of more than three units or lots through either plan of subdivision, consent or plan of condominium.

One Hundred Year Flood:

means that flood, based on an analysis of precipitation, snowmelt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Open Water:

means water in a lake or river that is of a sufficient depth to permit boating without the necessity of dredging and is suitable for water contact recreational purposes such as swimming without alteration to the depth of the water or removal of aquatic vegetation. *Open water* does not include areas where the aquatic vegetation is at or above the water surface during the months of July and August.

Portable Asphalt Plant:

means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt-paving material, and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime Agricultural Area:

means an area where prime agricultural land predominates.

Prime Agricultural Land:

means land that includes specialty croplands and/or Canada Land Inventory Classes 1, 2 and 3 agricultural soils, in this order of priority for protection.

Recreational Vehicle Park:

means a park under single ownership and management consisting of camping lots used for recreational or vacation use to be occupied on a seasonal basis only. The camping lots are for the parking and camping of motor homes, truck campers, tourist trailers and tents. It does not include units that are designed or occupied for year round use other than one dwelling for the owner or caretaker.

Rehabilitation:

includes any efforts that result in the productive reuse of lands and/or buildings within the Community Improvement Project Area.

Retiring Farmer:

means a bona-fide full-time farmer and is of normal retirement age who has operated the farm for a substantial number of years.

Secondary uses:

Means uses that provide value added agricultural products from the farm operation such as farm markets, farm produce stands, farm vacation establishments,

farmhouse dining rooms, farm wineries or cideries and bed and breakfast establishments.

Sensitive Land Use or Sensitive Use:

means any use of land, building or structure that may be adversely affected through impacts generated by the operation of an industrial or commercial use that is nearby but not on the same lot. Sensitive uses may include residential dwellings, senior citizen's homes, schools, day-care facilities, churches and other similar *institutional uses*, recreational uses and both indoor and/or outdoor space.

Settlement Area:

means urban areas and rural *settlement areas* (such as cities, towns, villages and hamlets) that are:

- built up areas where development is concentrated and which have a mix of land uses; and
- lands which have been designated in the official plan for development.

Sewage and Water Systems:

Full municipal sewage and water services:

means a piped water that is connected to a centralized water supply system and a sewage collection system that is connected to a centralized wastewater treatment facility.

Public communal services:

mean sewage works and sewage systems, and water works that provide for the distribution, collection or treatment of sewage or water but which are:

- not connected to full municipal sewage and water services;
- for the common use of more than five residential units/lots; and
- owned, operated and managed by either:
 - the municipality; or
 - another public body; or
 - a condominium corporation or single owner which has entered into a Responsibility Agreement with the municipality or public body, pursuant to of the Planning Act, providing for municipal/public body assumption of the communal services in the event of default by the owner.

Shopping Centre:

means one or more buildings in excess of 3,000 square metres of gross leasable floor space containing at least four individual business establishments, planned, developed, owned and managed as a unit with contiguous common parking and pedestrian uses and common off street parking. Single commercial/retail uses in stand-alone buildings on the same lot shall be permitted as ancillary to the predominant use as a Shopping Centre.

Shoreline:

means on a lake or river where the *open water* meets the land. For the purposes of setback from the water, it is the high water mark of the lake or river or the controlled upper navigation level as established by the Trent-Severn Waterway for waterbodies within their jurisdiction.

In a natural state:

the land is composed of two zones. The first is referred to as 'riparian' zone that is the land closest to the shore that generally has a thick layer of low foliage that assists in controlling erosion, filters impurities out of surface runoff, and may be subject to flooding. The higher, drier ground is called the 'upland' zone that is typically forested with the kinds of trees that take advantage of soils with good drainage.

Significant:

means features or areas that are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage* system. Significant can be of a Provincial Significance or one that is recognized by the Municipality as being Locally Significant.

Site Alteration:

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Threatened Species:

means any species that is listed or categorized as a "Threatened species" on the Ontario Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

Tourist Resort:

means accommodation in the form of rental cottages and *cabins*, motel and/or hotel that is owned and managed as one establishment that also provides recreational

facilities on site for guests. If it is abutting water, it can also provide facilities for boating and swimming.

Vacation Dwelling:

Means a building containing only one dwelling unit, which is constructed and used as a secondary place of residence, for vacation and recreational purposes and not as the principal residence of the owner or occupant thereof and is not used for continuous habitation.

Waste Disposal Facility:

means a sanitary land fill site or a sewage treatment facility.

Waste Management System:

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

Wetland:

means lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purpose of this definition.

Wildlife Habitat:

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle and areas that are important to migratory or non-migratory species.

Woodlands:

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