

**THE CORPORATION OF THE
TOWNSHIP OF CAVAN-MILLBROOK-NORTH MONAGHAN
BY-LAW NO. 2006-18**

Being a By-law to Amend By-law No. 2004-62, as amended with respect to certain lands located within the Oak Ridges Moraine, as defined by Ontario Regulation 01/02.

AND WHEREAS on December 14, 2001, Bill 122, the Oak Ridges Moraine Conservation Act, 2001 was given Royal Assent which provided for the preparation of a detailed plan to protect the ecological integrity of the Oak Ridges Moraine;

AND WHEREAS in April 2002 the Province of Ontario released the Oak Ridges Moraine Conservation Plan (ORMCP) also known as Ontario Regulation 140/02;

AND WHEREAS Section 9. (5) of the Oak Ridges Moraine Conservation Act, 2001 requires every single-tier and lower-tier municipality to prepare and pass a zoning by-law amendment to bring its zoning by-law into conformity with the Oak Ridges Moraine Conservation Plan;

AND WHEREAS the By-law hereinafter set out will conform with the general intent of the Official Plan, as amended by Official Plan Amendment No. 2 being an Official Plan Amendment to conform to the Oak Ridges Moraine Conservation Plan;

AND WHEREAS the Council of the Corporation of the Township of Cavan-Millbrook-North Monaghan conducted a public meeting on March 20, 2006, in regard to this By-law, as required by Section 34 (12) of the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS the Council of the Corporation of the Township of Cavan-Millbrook-North Monaghan deems it advisable to amend Zoning By-law No. 2004-62, as amended.

NOW THEREFORE the Council of the Corporation of the Township of Cavan-Millbrook-North Monaghan hereby enacts as follows:

1. THAT Zoning By-law No. 2004-62, as amended, is hereby further amended:
 1. By adding sections 1.2.5 and 1.2.6 to Section 1 – Title and Components that shall read as follows:

“1.2.5 Schedule “D” attached hereto illustrates the Landform Conservation Areas and is hereby declared to be a part of this By-law.

1.2.6 Schedule “E” attached hereto illustrates the Areas of Aquifer Vulnerability and is hereby declared to be a part of this By-law.”
 2. By adding section 3.33 to Section 3 – General Provisions that shall read as follows:

“3.33 OAK RIDGES MORaine

3.33.1 Single Detached Dwelling Permitted

Notwithstanding any provision of this By-law, a single detached dwelling is a permitted use, as a principal use on lands where the use was a permitted use in (Zoning) By-law Nos. 2252, as amended and 91-16, as amended and existing as of November 15, 2001, where the use was a permitted accessory use in the (Zoning) By-law Nos. 2252, as amended and 91-16, as amended and existing as of November 15, 2001, within the Oak Ridge Moraine Conservation Plan area, provided the single detached dwelling complies with all other provisions of the applicable zone and further, the applicant submits information at the time of building permit application that the use, erection and location will not, to the extent possible, adversely affect the ecological integrity of the Oak Ridges Moraine. This information may include a natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved by the Municipality in consultation with the local Conservation Authority. Approval of

the development is subject to site plan approval by the Municipality.

3.33.2 Expansion of Existing Buildings and Structures

- a) The expansion of legally existing buildings and structures constructed prior to November 15, 2001 is permitted on the same lot, provided that the applicant demonstrates that:
 - i) there will be no change in use; and
 - ii) the expansion will not adversely affect the ecological integrity of the Plan Area.
- b) Where the expansion of an existing building or structure or the establishment of an accessory use, building or structure intrudes on areas within the Oak Ridges Environmental Zone or the Oak Ridges Moraine Environmental Plan Review areas as shown on Schedule "A", the applicant shall submit a natural heritage evaluation and/or a hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved in conjunction with the local Conservation Authority. Approval of the development is subject to site plan approval by the Township.

3.33.3 Mineral Aggregate Operation

- a) Notwithstanding the provisions of this by-law, existing mineral aggregate operations or existing wayside pits within the Oak Ridges Moraine Core Zone may not be expanded beyond the boundary of the area under licence or permit.

3.33.4 Areas of High Aquifer Vulnerability

- a) Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule "E" attached hereto and forming part of this By-law:
 - i) generation or storage of hazardous or liquid industrial waste;
 - ii) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
 - iii) underground or above-ground storage tanks that are not equipped with an approved secondary containment device; and
 - iv) the use, creation, handling or storage of aflatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

3.33.5 Landform Conservation Area

- a) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 1) as indicated on Schedule "D" attached hereto and forming part of this By-law.
 - i) the net developable area of the site that is disturbed shall not exceed 25 percent of the total site area; and

- ii) the net developable area of the site that has impervious surfaces shall not exceed 15 percent of the total site area.
- b) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 2) as indicated on Schedule “D” attached hereto and forming part of this By-law.
 - i) the net developable area of the site that is disturbed shall not exceed 50 percent of the total site area; and
 - ii) the net developable area of the site that has impervious surfaces shall not exceed 20 percent of the total site area.

3.33.6 Infiltration Basins and Columns

New rapid infiltration basins and new rapid infiltration columns as defined in Section 3A of this By-law, are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule “A” to this By-law.

3.33.7 Transportation Infrastructure and Utilities

- a) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within an Oak Ridges Environmental Zone as shown on Schedule “A” to this By-law:
 - i) public highways;
 - ii) transit lines, railways and related facilities;
 - iii) gas and oil pipelines;
 - iv) sewage and water service systems and lines and stormwater management facilities;
 - v) power transmission lines;
 - vi) telecommunications lines and facilities, including broadcasting towers;
 - vii) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in Clauses i) to vi) above; and
 - viii) rights-of-way required for the facilities listed in Clauses i) to vii) above.
- b) Notwithstanding Section 3.33.7 a) of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross an Oak Ridge Environmental Zone, as shown on Schedule “A” of this By-law in accordance with all applicable policies of the Official Plan.

3.33.8 Notwithstanding any other provisions of this By-law to the contrary, lands zoned Oak Ridge Moraine Environmental may be included in the calculation of any zone provisions for adjoining lands, provided that such lands used in the calculation are part of the same lot.

3.33.9 Notwithstanding any provision of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area.

3.33.10 Where there is a conflict between this By-law and the Oak Ridges Moraine Conservation Act, or the Oak Ridges

Moraine Conservation Plan, the more restrictive provisions shall prevail.

3.33.11 Existing Uses (Legal Non-Conforming Uses)

Notwithstanding any other provisions of this By-law to the contrary, uses that existed legally as of November 15, 2001, may continue until the uses(s) ceases to exist.”

3. By adding the following new Section 12A, OAK RIDGES MORaine PROVISIONS that shall read as follows:

“12A OAK RIDGES MORaine ZONES

12A.1 Oak Ridges Moraine Environmental (ORME) Zone

12A.1.1 Permitted Uses

No person shall within an Oak Ridges Moraine Environmental (ORME) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i) fish, wildlife and forest management;
- ii) conservation projects including flood and erosion control projects;
- iii) transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- iv) low intensity recreation;
- v) accessory uses to the above permitted uses.

12A.1.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Environmental (ORME) Zone shall apply and be complied with.

12A.2 OAK RIDGES MORaine CORE (ORMC) ZONE

12A.2.1 Permitted Uses

No person shall within an Oak Ridges Moraine Core (ORMC) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i) fish, wildlife and forest management;
- ii) conservation projects including flood and erosion control projects;
- iii) transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- iv) low intensity recreational uses;
- v) agricultural uses;
- vi) home businesses;
- vii) home industries;
- viii) bed and breakfast establishments;
- ix) farm vacation homes;
- x) unserviced parks;
- xi) accessory uses to the above permitted uses.

12A.2.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Core (ORMC) Zone shall apply and be complied with.

12A.3 OAK RIDGES MORAIN LINKAGE (ORML) ZONE

12A.3.1 Permitted Uses

No person shall within an Oak Ridges Moraine Linkage (ORML) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i) fish, wildlife and forest management;
- ii) conservation projects including flood and erosion control projects;
- iii) transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- iv) low intensity recreation uses;
- v) agricultural uses;
- vi) home businesses;
- vii) home industries;
- viii) bed and breakfast establishments;
- ix) farm vacation homes;
- x) unserviced parks;
- xi) wayside pits;
- xii) accessory uses to the above permitted uses.

12A.3.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Linkage (ORML) Zone shall apply and be complied with.

12A.4 OAK RIDGES MORAIN COUNTRYSIDE (ORMCO) ZONE

12A.4.1 Permitted Uses

No person shall within an Oak Ridges Moraine Countryside (ORMCO) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i) fish, wildlife and forest management;
- ii) conservation projects including flood and erosion control projects;
- iii) transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- iv) low intensity recreational uses;
- v) agricultural uses;
- vi) agriculture related uses;
- vii) home businesses;
- viii) home industries;
- ix) bed and breakfast establishments;
- x) farm vacation homes;
- xi) unserviced parks;
- xii) wayside pits;
- xiii) accessory uses to the above permitted uses.

12A.4.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Countryside (ORMCO) Zone shall apply and be complied with.

12A.4.3 Oak Ridges Moraine Countryside Exception One (ORMCO-1) Zone

All of the provisions and regulations of the Oak Ridges Moraine Countryside (ORMCO) Zone will apply to the Oak Ridges Moraine Countryside Exception One (ORMCO-1) Zone except that a meteorological tower, a maximum of 80 metres (263 feet) in height, shall also be a permitted use. All equipment and sensors on the tower shall be solar and/or wind powered.

For the purposes of this Zone, a meteorological tower shall contain equipment to measure wind speed and wind direction only.

This Zone will be deemed to be in full force and effect on February 6, 2006 and for a period not to three (3) years thereafter. Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Oak Ridges Moraine Countryside (ORMCO) Zone and the meteorological tower will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.

12A.5 OAK RIDGES MORAIN RURAL SETTLEMENT (ORMRS) ZONE

12A.5.1 Permitted Uses

No person shall within an Oak Ridges Moraine Rural Settlement (ORMRS) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i) fish, wildlife and forest management;
- ii) conservation projects including flood and erosion control projects;
- iii) transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- iv) low intensity recreational uses;
- v) agricultural uses;
- vi) agriculture related uses;
- vii) home businesses;
- viii) home industries;
- ix) bed and breakfast establishments;
- x) farm vacation homes;
- xi) unserviced parks;
- xii) wayside pits;
- xiii) accessory uses to the above permitted uses.

12A.5.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Rural Settlement (ORMRS) Zone shall apply and be complied with.

12A.6 OAK RIDGES MORAIN EXTRACTIVE INDUSTRIAL (ORMEI) ZONE

12A.6.1 Permitted Uses

No person shall within an Oak Ridges Moraine Extractive Industrial (ORMEI) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- i. mineral aggregate operations;
- ii. accessory uses to the above permitted uses.

12A.6.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Extractive Industrial (ORMEI) Zone shall apply and be complied with.

12A.7 OAK RIDGES MORaine ENVIRONMENTAL PLAN REVIEW (ORMEPR) ZONE

The Oak Ridges Moraine Environmental Plan Review (ORMEPR) is an overlay zone which identifies the area of influence from a key natural heritage feature or a hydrologically sensitive area and its associated vegetative protection zone. All development in this area will be guided by the underlying zone provisions. A natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan shall be prepared for all development and shall be approved by the Township in consultation with the local Conservation Authority. Approval of the development is also subject to site plan approval by the Township.

For the purposes of this By-law, the minimum area of influence and minimum vegetation zone is defined in Section 21 of the Oak Ridges Moraine Conservation Plan.”

4. By inserting the following paragraph and title immediately following the title of SECTION 13 – DEFINITIONS:

“Section 13 contains terms and definitions which shall apply throughout the defined area of this By-law. Section 13A contains additional terms and definitions which shall also apply within the area designated ‘Oak Ridges Moraine Conservation Plan Area’ on the Maps comprising Schedules “C-1”, “C-2”, “D-1”, “E-1”, “E-2”, “E-2A”, “F-1”, “F-2”, “F-2A”, “F-3”, “F-3A”, “G-1”, “G-2” and “G-3”. Where there is any conflict between the definitions in Section 13 and those in Section 13A, as they apply to the area designated “Oak Ridges Moraine Conservation Plan Area” on the Maps comprising a part of this By-law, the definitions in Section 13A shall prevail.”

5. By adding the following new PART 13A – OAK RIDGES MORaine CONSERVATION PLAN AREA definitions to Section 13 – DEFINITIONS after Number 13.250 that shall read as follows:

“PART 13A – OAK RIDGES MORaine CONSERVATION PLAN AREA DEFINITIONS

13A.1 “**Accessory Use**” means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot.

13A.2 “**Adverse Effect**” means any impairment, disruption, destruction or harmful alteration.

13A.3 “**Adversely Affect**” means to have an adverse effect on.

13A.4 “**Agricultural Uses**” means:

- (a) growing crops, including nursery and horticultural crops;
- (b) raising livestock and other animals, including poultry and fish, for food and fur;
- (c) aquaculture; and
- (d) agro-forestry and maple syrup production.

- 13A.5** “**Agriculture-related Uses**” means commercial and industrial uses that are:
- (a) small-scale;
 - (b) directly related to a farm operation; and
 - (c) required to be in close proximity to the farm operation.
- 13A.6** “**Animal Agriculture**” means growing, producing and raising farm animals including, without limitation:
- (a) livestock, including equines, poultry and ratites;
 - (b) fur-bearing animals;
 - (c) fees;
 - (d) cultured fish;
 - (e) deer and elk; and
 - (f) game animals and birds.
- 13A.7** “**Aquifer Vulnerability**” means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.
- 13A.8** “**Area of Natural and Scientific Interest (Earth Science)**” means an area that has been:
- (a) identified as having earth science values related to protection, scientific study or education; and
 - (b) further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time.
- 13A.9** “**Area of Natural and Scientific Interest (Life Science)**” means an area that has been:
- (a) identified as having life science values related to protection, scientific study or education; and
 - (b) further identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time.
- 13A.10** “**Bed and Breakfast Establishment**” means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is the principal residence of the proprietor of the establishment.
- 13A.11** “**Connectivity**” means the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.
- 13A.12** “**Development**” means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:
- (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan by a public body; or
 - (b) for greater certainty:
 - i. the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
 - ii. the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.
- 13A.13** “**Dwelling Unit**” means one or more habitable rooms, occupied or capable of being occupied as an independent and separate

housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

- 13A.14 “Earth Science Values”** mean values that relate to the geological, soil and landform features of the environment.
- 13A.15 “Ecological Features”** means naturally occurring land, water and biotic features that contribute to ecological integrity.
- 13A.16 “Ecological Functions”** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions.
- 13A.17 “Ecological Integrity”**, which includes hydrological integrity, means the condition of ecosystems in which:
- (a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
 - (b) natural ecological processes are intact and self-sustaining; and
 - (c) the ecosystems evolve naturally.
- 13A.18 “Endangered Species”** means any native species, as listed in the regulations under the Endangered Species Act, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed.
- 13A.19 “Farm Vacation Home”** means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.
- 13A.20 “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 the life processes, as further identified by the Department of Fisheries and Oceans (Canada).
- 13A.21 “Forest Access Road”** means a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes.
- 13A.22 “Forest Management”** means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities:
- (a) for the production of wood and wood products, including maple syrup;
 - (b) to provide outdoor recreation opportunities;
 - (c) to maintain, and where possible, improve or restore conditions for wildlife; and
 - (d) to protect water supplies.
- 13A.23 “Groundwater Recharge”** means the replenishment of subsurface water:
- (a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands; and
 - (b) resulting from human intervention, such as the use of stormwater management systems.
- 13A.24 “Habitat of Endangered, Rare and Threatened Species”** means land that:
- (a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space

- needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
- 13A.24 “Hazardous Waste”** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
- 13A.24 “Home Business”** means an occupation that:
- (a) involves providing personal or professional services or producing custom or artisanal products;
- (b) is carried on as a small-scale accessory use within a single dwelling by one or more of its residents; and
- (c) does not include uses such as an auto repair or paint shop or furniture stripping.
- 13A.25 “Home Industry”** means a business that:
- (a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation;
- (b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community;
- (c) may be carried on in whole or in part in an accessory building; and
- (d) does not include uses such as an auto repair or paint shop or furniture stripping.
- 13A.26 “Hydrological Cycle”** means the circulation of water from the atmosphere to the earth and back through precipitation, runoff, infiltration, groundwater flow and evapotranspiration, including the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.
- 13A.27 “Hydrological Features”** means:
- (a) permanent and intermittent streams;
- (b) wetlands;
- (c) kettle lakes and their surface catchment areas;
- (d) seepage areas and springs; and
- (e) aquifers and recharge areas.
- 13A.28 “Hydrological Functions”** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.
- 13A.29 “Hydrological Integrity”** means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity.
- 13A.30 “Hydrologically Sensitive Feature”** means a hydrologically sensitive feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan.
- 13A.31 “Impervious Surface”** means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.
- 13A.32 “Kame”** means a mound, hummock or conical hill of glacial origin.
- 13A.33 “Kettle Lake”** means a depression formed by glacial action and permanently filled with water.

- 13A.34** “**Key Natural Heritage Feature**” means a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan.
- 13A.35** “**Landform Features**” means distinctive physical attributes of land such as slope, shape, elevation and relief.
- 13A.36** “**Landform Conservation Area**” means a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.
- 13A.37** “**Life Science Values**” means values that relate to the living component of the environment.
- 13A.38** “**Liquid Industrial Waste**” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
- 13A.39** “**Lot**” means a parcel of land that is:
- (a) described in a deed or other document legally capable of conveying an interest in the land; or
 - (b) shown as a lot or block on a registered plan of subdivision.
- 13A.40** “**Low Intensity Recreational Uses**” means recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:
- (a) non-motorized trail uses;
 - (b) natural heritage appreciation;
 - (c) unserviced camping on public and institutional land; and
 - (d) accessory uses.
- 13A.41** “**Major Development**” means development consisting of:
- (a) the creation of four or more lots;
 - (b) the construction of a building or buildings with a ground floor area of 500 m² or more; or
 - (c) the establishment of a major recreational use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.
- 13A.42** “**Major Recreational Uses**” are recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:
- (a) golf courses;
 - (b) serviced playing fields;
 - (c) serviced campgrounds;
 - (d) ski hills.
- 13A.43** “**Meander Belt**” means the land across which a stream shifts its channel from time to time.
- 13A.44** “**Mineral Aggregate**” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act.
- 13A.45** “**Mineral Aggregate Operation**” means:
- (a) an operation, other than a wayside pit, conducted under a licence or permit under the Aggregate Resources Act; and
 - (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.
- 13A.46** “**Natural Self-Sustaining Vegetation**” means self-sustaining vegetation dominated by native plant species.

- 13A.47** “**Net Developable Area**” means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature.
- 13A.48** “**Oak Ridges Moraine Conservation Plan Area**” and “**Plan Area**” means the areas described in Section 5.3.10 h).
- 13A.49** “**Partial Service**” means connections linking a building to:
- (a) a communal sewage or water service or a full municipal sewage or water service; and
 - (b) an individual on-site sewage or water system.
- 13A.50** “**Portable Asphalt Plant**” means a temporary facility, to be dismantled at the completion of a construction project, where:
- (a) equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and
 - (b) bulk materials used in the process described in Clause (a) are kept.
- 13A.51** “**Prime Agricultural Area**” means an area that is:
- (a) designated as prime agricultural land in the relevant official plan; or
 - (b) identified through an alternative agricultural land evaluation system approved by the Government of Ontario.
- 13A.52** “**Prime Agricultural Land**” means:
- (a) land where fruit and vegetable crops and greenhouse crops are grown;
 - (b) agriculturally developed organic soil land; or
 - (c) land with Class 1, 2 or 3 soils according to the Canada Land Inventory.
- 13A.53** “**Rapid Infiltration Basin**” means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.
- 13A.54** “**Rapid Infiltration Column**” means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.
- 13A.55** “**Rare Species**” means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity.
- 13A.56** “**Retirement Home**” means a building in which:
- (a) accommodation is provided, mainly for retired persons;
 - (b) common kitchen and dining facilities are provided for the residents; and
 - (c) common lounges, recreation rooms and health care facilities may also be provided for the residents.
- 13A.57** “**Sand Barrens**” means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:
- (a) has sparse or patchy vegetation that is dominated by plants that are:

- (i) adapted to severe drought and low nutrient levels; and
 - (ii) maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire.
- (b) has less than 25 percent tree cover;
 - (c) has sandy soils (other than shorelines) exposed by natural erosion; depositional process or both; and
 - (d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
- 13A.58 “Saturated Zone”** means the zone below the water table where the spaces between soil grains are filled with water.
- 13A.59 “Savannah”** means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:
- (a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
 - (b) has from 25 percent to 60 percent tree cover;
 - (c) has mineral soils; and
 - (d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
- 13A.60 “Self-Sustaining Vegetation”** means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending.
- 13A.61 “Significant”** means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.
- 13A.62 “Single Dwelling”** means a building containing only one dwelling unit;
- 13A.63 “Site”** means the land subject to an application.
- 13A.64 “Site Alteration”** means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:
- (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan, by a public body, or
 - (b) for greater certainty:
 - (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
 - (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.
- 13A.65 “Small-Scale Commercial, Industrial and Institutional Uses”:**
- (a) are supportive of, complimentary to or essential to uses that are permitted in Countryside area of the Oak Ridges Moraine Conservation Plan;
 - (b) do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures; and
 - (c) include, but are not limited to:
 - (i) farm implement stores, feed stores and country markets;
 - (ii) portable mineral aggregate crushing plants, portable asphalt plants and composting plants; and
 - (iii) schools, places of worship, community halls, retirement homes and cemeteries, intended mainly to serve nearby Rural Settlements within the Plan Area.

- 13A.66** “**Subwatershed**” means an area that is drained by a tributary or some defined portion of a stream.
- 13A.67** “**Surface Catchment Area**” means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.
- 13A.68** “**Sustainable**”, when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected.
- 13A.69** “**Tallgrass Prairie**” means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:
- (a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
 - (b) has less than 25 percent tree cover;
 - (c) has mineral soils; and
 - (d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
- 13A.70** “**Threatened Species**” means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed.
- 13A.71** “**Time of Travel**” means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.
- 13A.72** “**Unserviced Park**” means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities;
- 13A.73** “**Valleyland**” means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.
- 13A.74** “**Watershed**” means an area that is drained by a river and its tributaries.
- 13A.75** “**Wayside Pit**” means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right-of-way.
- 13A.76** “**Wellhead Protection Area**” means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.
- 13A.77** “**Wetland**” means land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that:
- (a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
 - (b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants; and
 - (c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.
- 13A.78** “**Wildlife Habitat**” means land that:
- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water,

shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and

- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

13A.79 “**Woodland**” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

13A.80 “**Zone of Contribution**”, when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.”

4. By amending the zoning schedules of By-law No. 2004-62, as amended in accordance with Schedule “A” attached hereto and forming part of this By-law.
 5. By adding Schedules “D” and “E” to By-law No. 2004-62, as amended.
 6. All other provisions of By-law Number No. 2004-62, as amended, shall continue to apply to the lands subject to this By-law.
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2. By-law Nos. 2252, as amended and 91-16, as amended are hereby repealed.
 3. No part of this By-law will come into force until the provisions of the Planning Act have been complied with, but subject to such provisions, the By-law will take effect from the day of passing thereof.

READ A FIRST, SECOND and THIRD time this 20th day of March, 2006.

Neal Cathcart, Reeve

Gail Empey, Clerk