

INTERPRETATION



11.0 INTERPRETATION

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11.1 INTERPRETING THIS PLAN

It is the policy of Council:

- 11.1.1 **That** this Plan is to be read in its entirety and all policies must be considered when implementing this Plan.
- 11.1.2 **That** the goals, strategic objectives, policies, definitions, tables and maps contained herein constitute Markham’s Official Plan. The preamble sections at the beginning of each Chapter or policy section shall assist in understanding the policies of this Plan. The Chapter 1 Introduction and appendices, photos, illustrations, and graphics are for information purposes only.
- 11.1.3 **To recognize** that legally existing development and land uses shall be deemed to conform to this Plan as they exist at the time this Plan is approved.
- 11.1.4 **That** for the purpose of this document “Markham” shall mean the Corporation of the City of Markham or its successor.
- 11.1.5 **That** an amendment to this Plan is not required and changes may be made during office consolidations for:
- a) altering the numbering and arrangement of provisions in this Plan;
 - b) updating the base mapping used in this Plan or adding base information to maps to show existing and approved infrastructure;
 - c) correcting clerical, grammatical, spelling and technical mapping errors; and
 - d) changing format or presentation; or altering punctuation to obtain a uniform mode of expression.
- 11.1.6 **That** in order to provide some flexibility in the interpretation of this Plan, all numbers and quantities, except those pertaining to height, floor space index, road widening requirements, and flood elevations, shall be considered as approximate, and that minor changes may be permitted without an amendment to this Plan as long as the intent of this Plan is maintained.
- 11.1.7 **That** Maps 1 to 15 inclusive form part of this Plan, as well as Maps contained within Part II of this Plan.
- 11.1.8 **That** an amendment shall be required to add, delete or alter any Maps of this Plan except as outlined in Sections 11.1.5, 11.1.13 and 11.1.14.
- 11.1.9 **That** the Appendices reflect Council policies and assist with the interpretation of this Plan but do not form part of this Plan and may be updated accordingly without further amendment to this Plan.
- 11.1.10 **That** the text of this Plan shall be used to interpret and clarify the Maps.
- 11.1.11 **That** as updated base mapping for newly developing areas becomes



available, Maps to this Plan may be updated accordingly without further amendment to this Plan as long as the intent of this Plan is maintained.

11.1.12 **That** the land use designations on Map 3 – Land Use are generalized land use designations and may be further elaborated and refined in secondary plans that shall be adopted as amendments to this Plan.

11.1.13 **That** the boundaries of the land use designations shown on Map 3 – Land Use are intended to be considered as approximate, except where they coincide with roads, railways or other definite physical features, or where delimited by a defined secondary plan or area specific policy.

Where the general intent of this Plan is maintained, minor adjustments may be made to these boundaries for the purpose of any zoning by-law without necessitating an amendment to this Plan.

In those situations where Council determines that greater certainty is desirable, area specific mapping will be adopted through an amendment to this Plan.

11.1.14 **That** the alignment and hierarchy of roads shown on Map 10 – Road Network and Map 11 – Minor Collector Road Network are illustrative of their existing and future routes. Amendments to this Plan shall not be required for the realignment of roads provided the general purpose and intent of this Plan are maintained. The precise routes for these roads will be determined by future engineering studies and may be refined in a secondary plan or *development approval*.

11.1.15 **That** any proposed roads, parks, municipal services or infrastructure identified in text or on Maps or Appendices, including secondary plan or site-specific amendments, will not be interpreted as a commitment by Markham to provide, finance or implement within a specific timeframe. Minor adjustments to the location of these features do not require an amendment to the Plan provided they meet the intent of the Plan.

11.1.16 **That** in the case of a discrepancy between the policies and the related Map, the policies will take precedence.

11.1.17 **That** where any Act or portion of an Act is referred to in the Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.

11.2 DEFINITIONS

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.

Adjacent lands means those lands contiguous to a *natural heritage or hydrologic feature* where it is likely that development or *site alteration* can reasonably be expected to have a negative impact on the feature. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches that achieve the same objective.

Generally, *adjacent lands* are considered to be within 120m from any part of the feature or as defined in the Official Plan. With respect to *cultural heritage resources*, *adjacent lands* means those lands within 60 metres of a *cultural heritage resource*.

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 or 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 person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable housing means,

In the case of ownership housing, the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs not exceeding 30 percent of gross annual household income for low and moderate income households; or
- b) housing for which the purchase price is at least 10 percent below the average purchase price or a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

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

For the purposes of this definition, “low and moderate income households” means in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for Markham with particular attention to households in the lowest 30 percent of the income distribution or, in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for rental households in Markham with particular attention to the households in the lowest 30 percent of the income distribution.

Agricultural uses means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agriculture-related uses means small-scale farm-related commercial and farm-related industrial uses directly related to local farming, in close proximity to the farm operation, and that do not require the transport of produce from outside of the region.

Agritourism means the act of visiting a working farm or any agricultural,

horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.

Alternative energy systems means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Ancillary uses means small-scale retail and commercial uses that primarily serve the business functions on lands designated 'Employment Lands' in this Plan.

Archaeological resources includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches that achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

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.

Biodiversity means the variability among living organisms from all sources, including among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species and of ecosystems.

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 heritage resources means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Built-up area includes all land within the built boundary as defined in the Growth Plan for the Greater Golden Horseshoe 2006.

Cemeteries means enterprises that include the in-ground and above ground interment of human remains.

Cemeteries subject to City-wide Appeal No. 32 (Issue 334)

Coach house means a second residential unit located above a private garage in either the main building or an accessory building on the same lot.

Complete communities means communities that 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 residents as well as convenient access to public transportation and options for safe, non-motorized travel .

Complete communities subject to City-wide Appeal No. 32 (Issue 372)

Comprehensive block plan(s) shall provide detailed guidance regarding the pattern, nature and phasing of development in support of a *development approval* for development sites that meet the applicable criteria identified in Section 10.1.4.1 and 10.1.4.3. Matters to be addressed include street and block layout, traffic and transportation issues, urban design, deployment of height and density, contextual issues, land use patterns, open space and local services.

Comprehensive block plan subject to Area/Site Specific Appeal Nos. 22 (Issue 281) and 24 (Issue 214)

Conservation/Conserved as it applies to *cultural heritage resources* means the identification, protection, use and/or management of *cultural heritage* and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained.

Contaminant management plan is a report that demonstrates how development proposals, involving the manufacturing, handling and storage of bulk fuels or chemicals (activities prescribed under the Clean Water Act) will implement safety measures in order to help prevent contamination of groundwater or surface water supplies. The *contaminant management plan* must include a list of all chemicals used on the subject lands and within any structures and demonstrate how the risk of release to the environment will be mitigated and managed.

Convenience retail and personal service are commercial businesses of no more than 100 sq. m located on the ground floor of residential buildings that provide for the daily shopping and/or service needs of local residents.

Cultural heritage conservation means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained.

Cultural heritage landscape means a defined geographical area of heritage significance that has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets, neighbourhoods, and *cemeteries*.

Cultural heritage resources means *built heritage resources, archaeological resources or cultural heritage landscapes* that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Day care centre means a premise where more than five children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Day Nurseries Act.

Development approval means approval of development in the form of a draft plan of subdivision or condominium, zoning by-law amendment, minor variance, site plan control or severance.

Discretionary uses means uses that are not intended to be permitted as-of-right in the implementing zoning by-law, and are not intended to be permitted on every property within a designation but may be permitted subject to review of a specific development application for zoning approval, subject to the criteria set out in this Official Plan.

Ecological features means land, water and biotic features that contribute to *ecological integrity*.

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

Ecological integrity, including 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.

Endangered species means a species that is listed or categorized as an “Endangered Species” on the Ministry of Natural Resources and Forestry Official Species At Risk in Ontario List, as updated and amended from time to time.

Erosion hazard means the loss of land due to human or natural processes that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100-year erosion rate

(the average annual rate of recession extended over a 100-year span), an allowance for slope stability, and an erosion/erosion access allowance.

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.

Fish habitat means 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.

Flooding hazard means the inundation of areas adjacent to a river or stream and small inland lake systems, where the floods resulting from the rainfall actually experienced during the Hurricane Hazel storm (1954) occurred or could have occurred over watersheds in the general area. The *flooding hazard* also includes high points of land in the area of inundation not subject to flooding.

Floodplain (river stream, and small inland lake systems) means the area, usually low lands adjoining a watercourse, that has been or may be subject to flooding hazards.

Flood vulnerable areas means a flood vulnerable community or site that, as hazardous lands, requires special development and flood risk management policies to support the continued viability of existing uses while preventing increased risks to public health and safety as a result of development and *site alteration*.

Floor space index (FSI) means the ratio of gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are being developed. Where additional public roads are proposed within a lot, the area of any additional roads shall be included in the calculation of the *floor space index*. Where a lot includes lands to be used for a *public school, place of worship, public parkland* or lands designated 'Greenway', these lands shall not be included in the calculation of the *floor space index*.

Greenfield area means an area within a settlement area that is not a *built-up area*.

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.

Habitat of endangered and threatened species means:

- a) with respect to a species listed on the Species at Risk in Ontario List as endangered or threatened species for which a regulation made under Clause 55(1)(a) of the Endangered Species Act,

**Floor space index
subject to Area/Site
Specific Appeal No.
24 (Issue 217)**

2007, is in force, the area prescribed by the regulation as the habitat of the species; or

- b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ministry of Natural Resources and Forestry; and

places in the areas described in a) or b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

Hazardous lands means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or *erosion hazard* limits.

Hazardous sites means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Heritage attributes means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a *protected heritage property*.

Heritage conservation district means an area protected under Part V of the Ontario Heritage Act that possesses a concentration of built heritage, structures, streets, designed and natural landscapes and other physical and spatial elements, including important vistas and views between and towards buildings and spaces, with a special character or historical association that distinguishes it from its surroundings. District designation enables a municipality to manage and guide future change through the adoption of a district plan with policies and guidelines for conservation, protection and enhancement of the area's special character (see *cultural heritage landscape*).

Heritage conservation plan means a document that details how a cultural heritage resource can be conserved. The recommendations of the plan should include descriptions of repairs, stabilization and preservation activities as well as long-term conservation, monitoring and maintenance measures.

Heritage impact assessment means a study to determine if any cultural heritage resources (including those previously identified and those found as part of the site assessment or in any areas of archaeological potential) are impacted by a specific proposed development or *site alteration*. It can demonstrate how the resource will be conserved in the context of *redevelopment* or *site alteration*. Mitigative or avoidance measures or alternative development or *site alteration* approaches may be

recommended.

Highly vulnerable aquifer under the Clean Water Act, is an aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) its intrinsic susceptibility, as a function of the thickness and permeability of overlaying layers, or (b) by preferential pathways to the aquifer.

Home business means an occupation that involves providing personal or professional services or producing custom or artisanal products, is carried on as a small-scale accessory use within a single dwelling by one or more of its residents, and does not include uses such as an auto repair or paint shop or furniture stripping.

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.

Home occupation means an occupation or profession conducted for gain in a residential dwelling unit or a detached accessory building where the business or profession is conducted wholly within the dwelling unit or detached accessory building in a manner that is accessory to the principal residential use in accordance with the criteria of this Plan.

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

- a) *redevelopment*, including the use of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Intensification areas means lands identified on Map 1 – Markham’s Structure, Map 2 – Centres and Corridors and Transit Network and Map 3 – Land Use that are prioritized for accommodating *intensification* within the urban area shown on Map 12 – Urban Area and Built-Up Area. *Intensification areas* may include all or a portion of a Regional Centre, Regional Corridor/*Key Development Area*, Local Centre and Local Corridor.

Intermittent stream means a stream-related watercourse that contains water or is dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year.

Key development areas means *intensification areas* along the Yonge Street and Highway 7 Regional Corridors that are identified and planned as a priority for intensification.

Key hydrologic feature is described in Section 3.1.2 of this Plan and includes evaluated *wetlands*, lakes and their littoral zones, *permanent streams* and *intermittent streams*, and *seepage areas and springs*.

Key natural heritage feature is described in Section 3.1.2 of this Plan and includes the *habitat of endangered and threatened species*, and habitat of *special concern species*, *fish habitat*, *wetlands*, Life Science Areas of Natural and Scientific Interest, *significant valleylands*, *significant woodlands*, *significant wildlife habitat*, *provincially rare species*, and sand barrens, savannahs and tallgrass prairies.

Landform features means distinctive physical attributes of land such as slope, shape, elevation and relief.

Major retail means any of the following:

- a) an individual retail premises exceeding 1,000 square metres gross floor area except as provided for in b); or,
- b) where permitted, an office supply or computer supply store having a gross floor area exceeding 3,000 square metres; or,
- c) more than one retail premises on a property having a combined retail gross floor area exceeding 3,000 square metres.

It is the intent of this Plan that the definition of *major retail* shall only apply to the policies of Section 5.1.2 of this Plan and shall not apply to a premise devoted to motor vehicle retail sales.

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: golf courses; serviced playing fields; serviced campgrounds; and ski hills.

Minimum distance separation formulae means a formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Mobility hub means major transit station areas, as defined in the Provincial Growth Plan for the Greater Golden Horseshoe, that are particularly significant given the level of transit service that is planned for them and the development potential around them. Anchor mobility hubs have strategic importance due to their relationship with *urban growth centres*.

Municipal comprehensive review means an official plan review or an official plan amendment, undertaken by Markham or the Region and approved by the approval authority, that comprehensively applies the policies of this Plan, the York Region Official Plan, the Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe, and may include a land budget analysis as determined by the City and the Region.

Natural heritage and hydrologic features means *key natural heritage features*, *key hydrologic features*, *valleylands* and *woodlands* and their functions.

Major Retail subject to Area/Site Specific Appeal Nos. 1 (Issue 112) and 15 (Issue

Natural self-sustaining vegetation means vegetation dominated by native plant species that can grow and persist without direct human management, protection, or tending.

Noise exposure forecast a prediction of noise annoyance levels caused by aircraft near airports.

Normal farm practices means a practice, as defined in the Farming and Food Production Protection Act that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act and regulations made under that Act.

Permanent Stream means a stream which continually flows in an average year.

Place of worship means a premise used by a charitable religious group(s) for the practice of religious rites and may include *accessory uses* that are subordinate and incidental to the practice of religious rites. Examples of *accessory uses* include, but shall not be limited to, classrooms, assembly areas with a potential occupancy less than the *place of worship* area, a kitchen, a residence for the faith group leader, and offices subordinate and incidental to the principal *place of worship*. A *place of worship* does not include a *cemetery, day care centre, or private school*.

Prime agricultural area/land means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Private Club means a premise used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes.

Private School means a premises used as an academic school which secures the major part of its funding from sources other than government agencies.

Protected heritage property means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Part II or IV of the Act; and property that is the subject of a covenant or agreement, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Provincially rare species means a species that is assigned S1, S2, S3 by the Provincial Natural Heritage Information Centre, including those additional species as defined in the Oak Ridges Moraine Technical Papers.

Provincially significant wetlands means an area identified as provincially significant by the Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

Public community infrastructure as it applies to the Community Infrastructure Strategy policies referenced in Section 4.2.2 of this Plan means community services and facilities provided by the City and the Region for its residents including libraries, community centres, parks, arts and culture, and fire and emergency services as well as *public schools, affordable and shared housing, social services, health services, police and other emergency services*. For the purposes of this definition, it does not include community services and facilities provided by the private sector including *day care centres, places of worship and affordable and shared housing*.

Public school means a premise used as an academic school under the jurisdiction of the York Region District School Board, a school under the jurisdiction of the York Catholic District School Board, a school under the jurisdiction of the Conseil Scolaire de district du Centre Sud-Ouest, a school under the jurisdiction of the Conseil Scolaire de district Catholique Centre-Sud, or other similar provincially approved educational institution or parochial school operated on a non-profit basis which may include a *day care centre*.

Redevelopment means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Register of Property of Cultural Heritage Value or Interest means the Markham Register of Property of Culture Interest, maintained, pursuant to the Ontario Heritage Act as an inventory of both designated and listed properties to include *built heritage resources, cultural heritage landscapes, heritage conservation districts, areas with cultural heritage character and heritage cemeteries*.

Regulatory flood standard means the flooding hazard limit resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the one hundred year flood; and a flood greater than either of the above, that was actually experienced in a particular watershed or portion thereof as a result of ice jams and that 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 the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the history of flooding supports the lowering of the standard).

Renewable energy systems means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Secondary suite means a second residential unit in a detached house, semi-detached house or rowhouse that consists of one or more rooms designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.

Seepage areas and springs are sites of emergence of groundwater where the water table is present at the ground surface. Seepage areas are areas where groundwater emerges from the ground over a diffuse area. Springs are points of natural, concentrated discharge of groundwater. For the purpose of this definition, seepage areas and springs include altered features but not features created and maintained by artificial means.

Sensitive land uses means buildings, amenity areas, and outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of a natural or built environment. Examples may include, but are not limited to: residences, *day care centres*, *places of worship* and educational and health facilities.

Sensitive Land Use Compatibility Study means a study that evaluates the implications of permitting potentially *sensitive land uses* on the ability of nearby existing and planned industrial and warehouse uses to carry out normal business activities within 1000 metres of the sensitive land use. The study will also evaluate whether the potential sensitive land uses will potentially be subject to adverse effects from odour, noise and other contaminants that are discharged from nearby industrial and warehouse uses or from future industrial and warehouse uses on vacant designated lands within 1000 metres of the proposed sensitive land uses.

Shared housing is a form of housing where individuals share accommodation either for economic, support, long-term care, security or lifestyle reasons.

- a) *Shared housing small scale* is a form of housing where 3 to 10 persons share accommodation with or without support services.
- b) *Shared housing large scale* is a form of housing where more than 10 persons share accommodation with or without support services.
- c) *Shared housing long term care* is a form of housing where people who need 24-hour nursing care in a secure setting share accommodation.
- d) *Shared housing supervised* is a form of housing where people who need 24-hour supervision in a secure setting share accommodation.

Significant archaeological resources means First Nations or Métis archaeological resources that, in consultation with the Aboriginal

community, may require protection and may include undisturbed sites of any nature, all *cemeteries* and ossuaries, all burials where possible, large tool stone acquisition sites with formal tools, large base camps used in multiple periods with formal tools, Late Woodland villages, historic Aboriginal villages, sacred sites (i.e. vision quest sites, rock art), fish weirs and village to ossuary connections.

Significant cultural heritage resources means *cultural heritage resources* that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. Criteria for assessing significance are provided by the Province in the form of regulations for determining cultural heritage value and interest and by Markham's Heritage Resources Evaluation System.

Significant groundwater recharge area means an area where an aquifer is replenished from:

- a) natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and *wetlands*; and
- b) human interventions, such as the use of storm water management systems; and
- c) whose recharge rate exceeds a threshold specified in the Clean Water Act.

Significant local groundwater recharge area means an area that sustains aquifer water levels, groundwater flow patterns, aquatic habitat and *key hydrologic features*.

Significant valleylands includes *valleylands* which are ecologically important in terms of features, functions, representation or amount, and contribute to the quality and diversity of an identifiable geographic area or natural heritage system as determined using guidelines/procedures developed by the Province.

Significant 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. *Significant wildlife habitat* includes those areas that are ecologically important in terms of features, functions, representation or amount, and contribute to the quality and diversity of an identifiable geographic area or natural heritage system.

Significant woodlands are defined in the York Region Official Plan and mean woodlands that meet any one of the following criteria:

- a) is 0.5 hectares or larger and:
 - i. Directly supports globally or provincially rare plants, animals or communities as assigned by the Natural Heritage Information Centre; or
 - ii. Directly support threatened or endangered species;
 - iii. Is within 30 metres of a *provincially significant wetland* or *wetland*,

**Significant woodlands
subject to Area/Site
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- waterbody, permanent stream or intermittent stream;*
- b) is 2 hectares or larger and:
 - i. is located outside the urban area and is within 100 metres of a Life Science Area of Natural and Scientific Interest, a *wetland, significant valleyland, or fish habitat*; or
 - ii. is located within the Regional Greenlands System;
 - c) is 4 hectares or larger;
 - d) on the Oak Ridges Moraine the woodland will be evaluated for significance based on the requirements of the Oak Ridges Moraine Conservation Plan and associated technical papers;
 - e) on land in the Greenbelt Natural Heritage System, the woodland will be evaluated for significance based on the requirements of the Greenbelt Plan and associated technical papers.

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. *Site alteration* in the Oak Ridges Moraine Conservation Plan Area does not include the construction of facilities for transportation, infrastructure and utilities uses by a public body, the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001. *Site alteration* in the Greenbelt does not include the construction of facilities for transportation, infrastructure and utilities uses by a public body; activities or works under the Drainage Act; or the carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Special concern species means a species that is listed or categorized as a “special concern species” on the Ontario Ministry of Natural Resources official Species At Risk in Ontario List, as updated and amended from time to time.

Special policy area means an area within a community that has historically existed in the floodplain and where site-specific policies, approved by the Province, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and to address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province. A Special Policy Area is not intended to allow for new or intensified development and *site alteration* if a community has feasible opportunities for development outside the floodplain.

Subwatershed means an area of land that is drained by a tributary or some defined portion of a stream.

Subwatershed plan means a water management plan prepared by a municipality within the geographical boundary of a *subwatershed* to identify management responses to improve watershed conditions and to mitigate impacts of land use changes and stressors that impact or could likely impact the current condition as the result of urbanization.

Subwatershed plans address water quality, water quantity, aquatic habitat, fluvial geomorphology and terrestrial natural heritage.

Traditional territories means the geographic area traditionally occupied or used by a First Nation and/or their ancestors.

Threatened species means a species that is listed or categorized as a “Threatened Species” on the Ministry of Natural Resources and Forestry Official Species At Risk in Ontario List, as updated and amended from time to time.

Trade school means a premise where adults are taught a trade in a classroom setting.

Tree means any species of woody perennial plant, including its root system, that has reached or can reach a height of at least 4.5 metres at physiological maturity, provided that where multiple stems grow from the same root system, the number of trees shall be the number of stems that can be counted at a point of measurement 1.37 metres from the ground.

Tree canopy means the layer of leaves, branches and stems of trees that cover the ground when viewed from above.

Urban agriculture means the growing and raising of food products through agricultural activity within the urban area, but excludes animal agriculture.

Urban forest means all wooded areas and individual *trees*, as well as the soil that sustains them, that grow on private and public property within Markham.

Urban growth centres are identified in the Provincial Growth Plan for the Greater Golden Horseshoe as focal areas for directing significant high-density employment and population growth, major transit infrastructure, and a mix of land uses such as commercial, recreational, cultural, entertainment institutional and public services.

Valleylands means a natural area occurring in a valley or other landform depression that has water flowing through or standing for some period of the year. For the purposes of this Plan they include well or ill defined depressional features associated with a river or stream, whether or not they contain a watercourse in which a flow of water regularly or continuously occurs.

Vegetation protection zone means a buffer surrounding a *natural heritage or hydrologic feature*. These areas protect the feature and its functions from the impacts of land use changes and associated activities that will occur before, during and after construction, and where possible, restore or enhance the features and its functions.

Watershed means an area that is drained by a river and its tributaries.

Watershed plan means a plan providing a broad assessment of the natural environment and the interconnections between features

**Subject to Area/Site
Specific Appeal No. 24
(63C ii)**

**Valleylands subject to
Area/Site Specific
Appeal No. 22 (Issue
281A)**

**Vegetation
Protection Zone
subject to Area/Site
Specific Appeal Nos.
1, 2, 5 (Issue 52A) and
22 (Issue 281A)**

extending beyond lot boundaries and municipal boundaries and shall be utilized as a guide for more *site-specific* studies such as *subwatershed plans*, drainage plans and environmental impact studies.

Wetlands means lands that are seasonally or permanently covered by shallow water or have the water table 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 plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes, which no longer exhibit wetland characteristics, are not considered to be *wetlands* for the purposes of this definition.

Woodland means an area of land of at least 0.2 hectares and includes at least:

- a) 1,000 *trees* of any size, per hectare;
- b) 750 *trees* measuring over 5 centimetres diameter at breast height, per hectare;
- c) 500 *trees* measuring over 12 centimetres diameter at breast height, per hectare; or,
- d) 250 *trees* measuring over 20 centimetres diameter at breast height, per hectare,

but does not include a cultivated fruit or nut orchard, a plantation established and used for the purpose of producing Christmas trees or nursery stock. For the purposes of defining a *woodland*, treed areas separated by more than 20 metres will be considered a separate *woodland*. When determining a *woodland*, continuous agricultural hedgerows and *woodland* fingers or narrow *woodland* patches will be considered part of the *woodland* if they have a minimum average width of at least 40 metres and narrower sections have a length to width ratio of 3:1 or less. Undeveloped clearings with *woodland* patches are generally included within a *woodland* if the total area of each clearing is no greater than 0.2 hectares. In areas covered by Provincial Plan policies, *woodland* includes treed areas as further described by the Ministry of Natural Resources. For the purposes of determining densities for *woodlands* outside of the Provincial Plan areas, the following species are excluded: staghorn sumac, European buckthorn, common lilac.