Executive Summary
Executive Summary

The Municipality of Brighton (Municipality) retained D.M. Wills Associates Limited and KMD Community Planning and Consulting Inc. (Consulting Team) to undertake this Mature Neighbourhood Study process in late 2018. The Consulting Team worked with senior staff of the Municipality in preparing this report.

The results of the previous Background Report, finalized in May 2019, helped guide the Project Team to generate the proposed recommendations contained in this draft report.

The following are the five (5) key components covered by this background report:

1. Summary of the Background Report;
2. An overview of the applicable existing policies and standards utilized by the Municipality of Brighton;
3. Identifying existing and additional planning tools to manage neighbourhood change;
4. An analysis of the existing growth trends in and around the Study Area; and
5. Proposed recommendations to maintain neighbourhood character while accommodating growth.
# Table of Contents

1.0 Introduction .................................................................................................................. 2  
  1.1 Study Purpose ............................................................................................................. 2  
  1.2 Study Process ........................................................................................................... 3  

2.0 Summary of Background Report ................................................................................. 5  
   2.1 Findings from Community Consultation ................................................................. 5  

3.0 Existing Policies & Standards in Brighton ................................................................. 10  
   3.1 Municipality of Brighton Official Plan ..................................................................... 10  
   3.2 Municipality of Brighton Zoning By-law #140-2002 ............................................. 19  
   3.3 Municipality of Brighton Site Plan Control Area By-law #006-2012 ................... 26  
   3.4 Municipality of Brighton Property Standards By-law #082-2002 ....................... 26  
   3.5 Municipality of Brighton Property Maintenance By-law #029-2012 .................. 26  

4.0 Tools for Managing Neighbourhood Change ......................................................... 28  
   4.1 Managing Change ..................................................................................................... 28  
      4.1.1 Current Municipal Planning Tools .................................................................... 28  
      4.1.2 Recommended Planning Tools for Municipal Consideration ....................... 30  
   4.2 Additional Public Comments .................................................................................... 31  
      4.2.1 Current Municipal Tools .................................................................................. 31  
      4.2.2 Recommended Additional Municipal Planning Tools .................................... 34  

5.0 Accommodating Growth ......................................................................................... 38  
   5.1 Development Trends ............................................................................................... 38  
   5.2 Existing .................................................................................................................... 39  
   5.3 Deferred Growth Area / Greenfield Area ............................................................... 42  

6.0 Proposed Recommendations ................................................................................... 46  

7.0 Conclusions & Next Steps ..................................................................................... 51
Figures

Figure 1 - Interim Control By-law 127-2017 Mature Neighbourhood Study Area ............ 2
Figure 2 - Mature Neighbourhood Study Process ...................................................... 3
Figure 3 - Existing Official Plan Designations .............................................................. 12
Figure 4 - Listed and Designated Cultural Heritage Properties ................................ 16
Figure 5 - Existing Zoning .......................................................................................... 20
Figure 6 - Subdivision Activity .................................................................................. 40
Figure 7 - Vacant and / or Underutilized Properties ................................................... 41
Figure 8 - Proposed Secondary Land Use Plan Areas .................................................. 43
Figure 9 - Proposed Core, Central, and Urban District Boundaries ............................... 49
Figure 10 - Mature Neighbourhood Study Process ..................................................... 52

Tables

Table 1 - Existing Permitted Uses in Residential Zones ............................................... 21
Table 2 - Existing Standards for the Urban Residential One (R1) Zone ....................... 22
Table 3 - Existing Standards for the Urban Residential Two (R2) Zone ................. 23
Table 4 - Existing Standards for the Urban Residential Three (R3) Zone ............... 24
Table 5 - Existing Standards for the Core Area (CA) Zone ......................................... 25
Table 6 - Existing Planning Tools for Preserving Neighbourhood Character ........... 29
Table 7 - Recommended Planning Tools for Preserving Neighbourhood Character .... 31
Table 8 - Existing Municipal Tools ........................................................................... 35
Table 9 - Recommended Additional Municipal Planning Tools ............................... 36
Table 10 - Residential Plan of Subdivision Summary ................................................ 39
Table 11 - Recommended Residential Intensification Areas ...................................... 48

Appendices

Appendix A - Site Plan Control Area By-law #006-2012
Appendix B - Municipality of Brighton Property Standards By-law #082-2002
Appendix C - Municipality of Brighton Property Maintenance By-law #029-2012
Appendix D - Municipal Register of Heritage Listed and Designated Properties
1.0 Introduction
1.0 Introduction

1.1 Study Purpose

The Municipality of Brighton (Municipality) is experiencing increases in development pressures which has raised public concern about the character and integrity of the Municipality’s mature neighbourhoods.

In December 2017, Municipal Council passed By-law 127-2017, to “facilitate a study to be undertaken in respect of land use planning policies that should apply to residential intensification in the area designated low density in the Mature Neighbourhood Study Area”. The boundary of the Mature Neighbourhood Study Area (Study Area) was predetermined by Municipal Staff. See Figure 1.

In December 2018, the Municipality initiated the Study to address the aforementioned concerns and to gain a better understanding, with community input, of the elements and qualities that contribute to neighbourhood character. This Study assessed whether the policies of the Official Plan and the regulatory framework of the Municipality’s Zoning By-law have been effective in managing development and maintaining the character of the Municipality’s mature neighbourhoods.

Figure 1 - Interim Control By-law 127-2017 Mature Neighbourhood Study Area
1.2 Study Process

The Study commenced in December 2018, and is expected to be completed by December 2019 in keeping with the current interim control by-law.

Engaging with a diversity of stakeholders within a community is crucial in identifying what is important to a neighbourhood and the community at large. At the core of the Study is community consultation. Throughout the Study process, there have been numerous opportunities for the public to participate as illustrated in the Study process below.

Figure 2 - Mature Neighbourhood Study Process

The following are the five (5) key components discussed in this Draft Report:

1. Summary of the public consultation process;
2. Examination of the existing Municipal policies and standards;
3. Addressing public concerns through the use of planning tools;
4. Discussion of how the Municipality can accommodate growth; and
2.0 Background Report

Summary
2.0 Summary of Background Report

Public and community engagement is crucial in identifying what is important to a neighbourhood and a community at large. Throughout the Study process a number of public consultation activities have been conducted to afford all sectors of the community opportunities to become engaged in providing their opinions and voicing their concerns. Approximately 85 Brighton and area organizations and identified stakeholders were contacted directly via mail and email to participate in the steering committee, take the on-line survey, participate in the neighbourhood walking tour and design charrette and to provide feedback with respect to the background report. This section reports the results of the consultation activities to date.

2.1 Findings from Community Consultation

On-line Survey

An on-line survey was created to garner feedback with respect to what residents’ value in their neighbourhoods and to identify areas of concern and factors contributing to the growth pressures that the urban area of Brighton is encountering. The survey was open from February 4\textsuperscript{th}, 2019 to May 8\textsuperscript{th}, 2019 and garnered 61 responses. It was not a random survey with a pre-selected number of respondents. The survey responses, therefore, are not statistically significant. They do, however, reflect opinions of those community members who have an interest in, or concern about preserving Neighbourhood Character within the Study Area.

With respect to what neighbourhood features best describe neighbourhood character, respondents felt that the following best defined neighbourhood character:

1. Street trees (67%)
2. Sidewalks (56%)
3. Street lighting (52%)

Respondents were then asked to choose the lot and housing features that they felt best define neighbourhood character. The results are as follows:

1. Trees and landscaping (81.97%)
2. Distance between buildings (67.21%)
3. Architectural style (57.38%)
4. Size of homes (floor area) (40.98%)
5. Façade details (39.34%)
6. Building height (37.70%)

Respondents also described in their own words which additional features are important in their neighbourhoods. A common theme that appeared was cleanliness or “pride of ownership.” Several participants feel that “neat and tidy” lots are important to the
definition of neighbourhood character. Additionally, several participants indicated that they valued a diversity of architectural styles, and façades in a neighbourhood.

Respondents were then asked to rank a list of 22 features in order of importance to gain a better understanding of what the residents of the Municipality truly value about their neighbourhoods and what they believe to be the features that have the strongest impact on neighbourhood character. Similar to the previous responses, street trees were ranked as the most important feature of a neighbourhood. The subsequent top ranked features identified included: lotting pattern / street pattern / streetscape, architectural style, street lighting, and sidewalks. The lowest ranked features included fencing, roofline pattern and the style, size and location of garages.

Respondents were asked to identify any neighbourhoods or buildings located in the Study Area that they felt have significant heritage features. Several respondents noted that Main Street is comprised of a concentration of historic buildings that they wished could be preserved. Additionally, buildings located in the Alice and Dundas Street area and along Chapel Street were also noted.

Lastly, respondents were asked to provide any additional comments or concerns regarding the Study Area. Common themes appeared among this feedback. The most common response was with respect to the necessity of sidewalk and street repairs. Respondents felt that these improvements would improve the accessibility and walkability of the area, have a positive impact on parking and traffic flow and improve the overall neighbourhood “feel”. Some respondents expressed concern regarding the number of subdivision developments occurring in the Municipality and additionally expressed that higher densities should be enforced in newer neighbourhoods, so that infill development “does not ruin” the character of Brighton’s mature areas. Additionally, other respondents expressed that they felt that property standards have been declining in some neighbourhoods within the Study Area. These respondents feel that enforcing a property standards by-law would substantially improve the affected neighbourhoods.

**Neighbourhood Walking Tour**

A neighbourhood walking tour followed by a design charrette was held on April 24th, 2019. This event garnered participation from 17 individuals including councillors, residents, representatives from the development community, and community groups and organizations. The neighbourhood walking tour provided an opportunity for the Project Team to collect further information about the identified Study Area. During the walking tour, residents had an opportunity to identify features that they felt best defined the area, and provide information on recent developments and the history of the area. By engaging with the public one-on-one through this exercise, the Project Team was able to garner a better understanding of the area and the residents’ perspectives.

With respect to Neighbourhood Character, participants stated that they prefer a variety of housing styles, noting that the diversity adds to the charm and character of the Study Area. Mature trees and a tidy streetscape were additionally identified as important facets of the Study Area’s character. Similar to the feedback received from the survey, participants felt that enforcing property maintenance standards would
improve the character of the Study Area. Participants additionally indicated that they felt that the newer developments within the Study Area were not “in keeping” with the area’s character.

With respect to development pressures on Brighton’s mature areas, participants noted that they felt the new infill developments, especially on Centre and Chapel Street were changing the character of the area. Several participants also theorized that the aging population in the area is contributing to the aforementioned development pressures and they posited that with this growing demographic, the lack of affordable housing options within urban Brighton is a concern.

Participants also noted the inconsistent development of sidewalks and their various states of disrepair. Similar to the findings of the survey, participants felt that sidewalk and street upgrades would significantly improve the walkability of the Study Area.

Several participants also expressed an interest in the revitalization of Brighton’s Main Street and additionally expressed that they felt there is a disconnect between the lakefront and the downtown and that a walkway or trail to connect the two should be developed.

Design Charrette

Participants in the design charrette were first asked to individually rank their top ten (10) choices for what they felt best represented neighbourhood character from the same list of 22 neighbourhood features that were listed in the on-line survey. The individual responses were tallied as a group and the top three prioritized features for the Study Area identified were sidewalks (score of 145), architectural style (score of 117), and distance between buildings (score of 98).

Participants were then asked to split into three smaller groups and asked to complete the exercise again while trying to build a consensus among their group members. Within the smaller groups, participants discussed balancing intensification targets while preserving neighbourhood character and the changing demographics of the municipality. Significant discussions regarding building massing and height occurred, with some participants arguing that these features can significantly alter the “look” of a neighbourhood. The issue of sidewalks and their role in increasing the walkability of the Study Area was also discussed at length.

Each group presented their results and there was an overarching theme that emerged where each group identified that each feature could not be considered in isolation and that several features represented similar elements of neighbourhood character. One group created their own top priority being mixed / multi-type residential (aging in place). The group justified this top priority stating that they prioritize “encouraging a greater mix of housing opportunities that allow families to grow in Brighton – from young families with children through to retirement. Allowing people to remain in the community for the full span of their life. The second group chose building massing as their top ranked feature/priority. They justified ranking this as their top feature as their group felt that lower buildings are more in keeping with the “small town” charm of Brighton and better represented the community character and compatibility. The third
group chose to arrange several features into their top four (4) priorities. The group justified their ranking by noting that all of the features relate to each other and that the streetscape is a top priority and that building height and lot coverage affect the streetscape.

2.2 Observations

The key findings from the background review include:

I. Neighbourhood character is typically defined by three (3) types of features: property, neighbourhood, and building related features. Brighton’s Mature Neighbourhood Study Area is characterized by a variety of these features including street trees, a mix of housing types, and a mix of architectural styles.

II. Public consultation through the steering committee, online survey, neighbourhood walking tour, and design charrette provided input on defining neighbourhood character and identifying features that are most important to the community including: street trees, sidewalks, architectural style, street lighting, distance between buildings, building height & massing, façade details, streetscapes, and property standards and maintenance.

III. Background research on trends and factors influencing change in the Municipality identified that approximately 70% of all of the Municipality’s households are one (1) and two (2) person households with 42% being senior-led household. Additionally, the Municipality has a higher proportion of single-detached houses than the County of Northumberland as a whole and a recent land supply inventory noted that the Municipality does not have a sufficient ten (10) year supply of land available for residential development in the Brighton Urban Area. The increasing growth pressures and the aging population of the Municipality combined, has led to the evolution of the housing stock in Brighton as renovations and new builds reflect the changing needs of the population.

IV. A review of the Municipality’s existing policies found that with respect to infill development and cultural heritage preservation, the Municipality’s Official Plan (OP) has specific policies for protecting neighbourhood character and additionally references maintaining or enhancing the character of residential neighbourhoods in infilling or intensification plans.

V. The best practice review demonstrated that numerous municipalities have implemented various changes to their planning regulations to control development in their mature neighbourhoods which span from regulations that are quite prescriptive (zoning by-law requirements and definitions) to those that are more flexible (official plan definitions and general policies).
3.0

Existing Policies & Standards in Brighton
3.0 Existing Policies & Standards in Brighton

As an extension to this Report, policies and standards that address infill development and the preservation of neighbourhood character are explored further in this section. Furthermore, to address the other themes that surfaced from public consultation, additional existing policies are also reviewed.

3.1 Municipality of Brighton Official Plan

The Municipality’s Official Plan (OP) guides and directs the use of land within the Municipality. The existing OP document was approved by the Ministry of Municipal Affairs and Housing in April of 2014 and is currently under review. The relevant OP policies to the Mature Neighbourhood Study have been generalized into three (3) categories and are discussed in detail below:

- Residential Development in Brighton’s Urban Area;
- Housing;
- Protection of Neighbourhood Character; and,
- Cultural Heritage Conservation.

Residential Development in Brighton’s Urban Area

The Municipality’s OP reflects the direction of the province in that it directs new residential development to existing settlement areas. Section 2.2.2 Residential Development notes that the existing OP designations for the Brighton Urban Area allow for a mix of low and medium density residential development to permit a diversity of housing types, densities, and affordability. Section 3.1.2 Residential Intensification states that in accordance with County and Provincial direction, 42% of residential growth is to occur through intensification within the built boundary of the Brighton Urban Area. Additionally, Section 3.1.3 Urban and Rural Settlement Areas, notes that the Brighton Urban Area will absorb as much of the projected population increase for the Municipality with 80% of growth directed to the Brighton Urban Area and the remaining 20% to all rural areas of the Municipality.

In order to do so, the OP notes that the Municipality will encourage the restoration of brownfields to make better use of existing developed land where possible. The policy also references the Community Improvement Plan (CIP) policies of Section 6 of the OP in order to promote redevelopment and intensification of existing developed areas as a means for improving the overall density of people and jobs within the built boundary. Section 6.4 Community Improvement Areas, notes that the whole of the Municipality of Brighton is identified as a Community Improvement Area, and that Municipal Council may designate by By-law any part of the Municipality as a Community Improvement Project Area(s) on the basis of set criteria outlined in the OP (available funding and need for upgrades/repairs). The policy does note that “Council will consider such factors as community character and heritage neighbourhoods when contemplating residential intensification and follow the built heritage resources policies outlined in the OP.”
The OP has two (2) urban residential land use designations that apply to the Study Area, Section 4.3 Residential - Low Density Urban and Section 4.4 Residential - Medium Density Urban, see Figure 3. The low density residential designation applies to residential areas within the Brighton Urban Area where the predominant use of land is single and semi-detached dwellings, and duplexes. Section 4.3.1 notes that “various forms of housing will not be intermixed indiscriminately. Housing types will be arranged in a gradation so that medium density developments will complement those of lower density, with sufficient spacing to ensure compatibility, while maintaining privacy and the amenity value of low density areas.” Development within this designation should include, wherever possible, opportunities for energy efficient, coordinated design with existing development on adjacent properties. This coordinated design should provide maximum opportunities for linkages through walking and cycling paths to facilitate access throughout the residential areas and to schools, parks and other focal points in the community through the safe separation of pedestrian and vehicular traffic. The maximum density for this designation is 30 units per net residential hectare, with net residential hectare being “a hectare of residential land which does not include road allowance or land for other uses accessory to the basic residential use.

With respect to redevelopment and infilling in the low density residential designation, Section 4.3.2 notes that “Council will ensure that the character of the residential area will be maintained or enhanced and that such redevelopment will not burden existing facilities and services.” Additionally, residential development or redevelopment that occurs in established residential areas of heritage value are “encouraged to employ designs which maintain and reinforce the character of the area. This includes having regard to the existing scale and pattern of development and the existing streetscape qualities so as not to adversely impact upon heritage resources.”

The medium density residential designation applies to residential areas within the Brighton Urban Area where the predominant use of land includes row or cluster housing, converted single detached dwellings creating not more than four (4) dwelling units, street front townhouses, and low rise apartment dwelling houses. The OP notes that development within this designation is to occur at a minimum of 20 units per net residential hectare up to a maximum density of 55 units per net residential hectare. This designation encourages a blend of housing types that includes medium density uses within a single development, provided that the development contributes to the Municipality achieving the aforementioned density targets. Akin to the low density residential designation, housing types within this designation will also be arranged in gradations to that medium density developments will complement those of lower density. Section 4.4.1 notes that where a medium density residential use is proposed adjacent to a low residential area, the development should be designed to ensure compatibility with the neighbouring low density residential areas. The OP states that “Council may require the developer to submit a plan showing the relationship of the building to the remainder of the site and adjoining lower density uses.”
With respect to infilling, intensification and redevelopment within the medium density residential designation, Section 4.4.2 notes that Council will ensure that “the character of the residential area will be maintained or enhanced and that such redevelopment will not burden existing facilities or services.” Additionally, in order to encourage the enhancement and preservation of the existing housing stock while addressing the increasing demand for rental accommodation, the OP notes that the conversion of existing single unit residential dwellings to 2-4 unit residential dwellings may be permitted if certain requirements are met.

At the centre of the Study Area is the Core Designation (Core). The Core is the focal point of activity and is the principle retail centre within the Municipality. Within this designation “limited residential development shall be permitted in conjunction with the permitted commercial forms of development or separately having regard for the location, scale and design of such residential development so that it will complement and reinforce the function of the Core.” Within this designation, new commercial development should be planned as infilling, redevelopment and intensification within the existing central business district and should not be allowed to infiltrate unnecessarily into adjoining areas intended for residential use. Conversions of residential buildings to non-residential uses will be permitted in accordance with additional policies set out in the OP. Lands within the Core designation may be zoned core, commercial, institutional, or residential in the implementing Zoning By-law.

The Municipality has also created special development areas within the Brighton Urban Area. The lands within the Special Development Area 2- Main Street Revitalization Area have additional applicable policies to allow the commercial conversion of existing residential buildings along Main Street in order to balance economic growth with small town appeal while still maintaining the charm and character of the area. The intention of the Special Development Area 2 designation is to “achieve a balance between commercial uses and residential uses in the same building or in separate buildings by permitting the ground floor conversion of existing single detached dwellings to permit commercial uses. Residential uses are permitted and encouraged to locate above existing and future commercial uses.” The conversions will only be permitted where the external design and residential character of the building does not change. The conversion of a single detached dwelling to a multiple-residential use is permitted within the Special Development Area 2. Section 4.17.1 notes that a site plan control area (SPCA) specific to the Special Development Area 2 may be designated by Council for the municipality, to provide for the retention of the existing residential structure, and the sensitive treatment of commercial buildings adjacent to residential uses.

With respect to development in the Municipality’s greenfield areas, the OP notes that development will be phased to reflect the requirements of the Growth Plan. Development within the greenfield areas is to support the achievement of the aforementioned density and intensification targets and is to promote a compact form and pattern of development. Development within the greenfield areas is to occur as a contiguous extension of existing built-up areas that avoids the ‘leap-frogging’ of undeveloped tracks of land. Greenfield development is to contribute to the most efficient and economical use or extension of existing municipal services and other public services.
The Municipality has an area approach to development within the designated Brighton Urban Area, comprised of three (3) Development Areas. Development Area 1 corresponds to the built boundary of the Brighton Urban Area where municipal water and sewage services are currently available or can be readily provided to properties within the built up areas of Brighton. Future development within Development Area One will typically include infilling on vacant lots of record and on new lots, and intensification and redevelopment of existing sites.

Development Area 2 encompasses those lands which are located directly adjacent to the built-up area of the Brighton Urban Area, where municipal water and sewage services have extended to the limits of this area. New development in this area should be in the form of direct extension of the adjacent built-up area, with a corresponding direct extension of municipal services and connectivity linkages for pedestrian and bicycle traffic between new residential areas and existing mixed use nodes. The preferred area for development will be those lands which can be readily accessed without crossing the CN / CP rail corridor. The OP notes that “lots in existing draft approved plans of subdivision and existing lots within registered plans of subdivision which are undeveloped at the time of adoption of this Plan which are not located in the Built Boundary are also included within Development Area 2.”

Development Area 3 is comprised of lands where municipal water and sewage services are not available, or lands that may have significant servicing and / or planning constraints. The OP notes that the extension of municipal services to these lands would be “considered premature until such time as new development can proceed in accordance with the goals, objectives and policies of this Plan.” The lands in Development Area 3 are designated as the Deferred Growth Areas in the existing OP.

**Housing**

Section 3.18 Housing Policies of the OP, notes that the Municipality will attempt to maintain a ten (10) year supply of land for housing purposes, including a three (3) year supply of draft approved lots capable of being readily serviced and / or registered lots and blocks on plans of subdivision. The Municipality also recognizes the increasing need for rental accommodation and encourages applications for rental accommodation where adequate servicing is available. In order to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents, the OP notes that Council shall maintain land with servicing capacity to provide a supply of residential units which are consistent with growth forecasts and the aforementioned intensification and density targets. The Municipality additionally recognizes the need to encourage the development of affordable housing and that Council will ensure that 25% of all new housing is affordable to low and moderate income households. The OP states that Council may revise this target upon completion of an Affordable Housing Strategy and amendment to this Plan. Additionally, given the aging population of the Municipality, the OP notes that the building of long-term care and assisted living facilities will be encouraged. With respect to meeting the aforementioned intensification and density targets, Section 3.18.1 notes that “up to one (1) accessory apartment shall be permitted in a single-detached, semi-detached or row house dwelling.”
Protection of Neighbourhood Character

Section 3.1.8 of the OP outlines specific policy direction with respect to the protection of neighbourhood character. The policy reads “While intensification, redevelopment and renewal are encouraged, all development within the Municipality shall have regard for the character and quality of established neighbourhoods.” The policy notes that the policies of Section 3.7.4 Built Heritage Resources, Section 3.7.5 Areas with Cultural Heritage Character and Section 3.7.6 Other Heritage Matters must be considered at all times in all neighbourhoods. The policy also states that the Municipality shall also consider establishing heritage districts within the Brighton Urban Area.

Cultural Heritage Conservation

The Municipality’s OP has extensive policies for the preservation of its cultural heritage resources. Section 2.4.11 Heritage Conservation, notes that “It is an objective of this Plan to conserve all cultural heritage and archaeological resources and to promote recognition of the unique nature of cultural heritage, and its contribution to the character, civic pride, tourism potential, and economy of the community.”

Council, under the Ontario Heritage Act, may designate cultural heritage resources, including individual properties, conservation districts and landscapes. The Municipality has created a registry of listed and designated properties of cultural heritage significance, see Appendix D. Within this registry, there are 53 listed properties and nine (9) designated, see Figure 4. The policies of the OP state that “development on lands adjacent to protected heritage properties shall only be permitted where it has been demonstrated that the significant heritage property will be conserved.”

The policies of Section 3.7 Cultural Heritage Conservation, recognize that the “heritage and character of the Municipality of Brighton derives from a variety of 19th and 20th century structures, materials, open spaces, streetscapes and land uses... and that heritage structures and cultural heritage landscapes within these landscapes need to be identified and conserved.”

The OP speaks to the opportunity for the Municipality to increase public awareness of cultural heritage features by initiating and supporting promotional and educational programs, and by naming roads, streets and other public places and facilities to recognize historical families, persons, groups, themes, activities, landscapes or landmarks of interest in the Municipality.

Section 3.7.2.2 Cultural Heritage Master Plan notes that the Municipality may prepare a comprehensive Cultural Heritage Master Plan to assist in developing policies, guidelines, and other initiatives for the care and conservation of the identified cultural heritage resources.
Figure 4: Listed and Designated Heritage Properties
Section 3.7.2.3 Cultural Heritage Planning Statements notes that where there is a concentration and/or significance of culturally derived features in an area, the Municipality may prepare Cultural Heritage Planning Statements to conserve and enhance the cultural heritage of that area. The Statements will be prepared in part to guide development and redevelopment proposals and, based on the magnitude of the proposed change, may be required prior to any development or redevelopment proceeding. Of importance to note, the OP states that Cultural Heritage Planning statements shall be incorporated through an amendment to the existing OP. The Cultural Heritage Planning Statement is meant to address the following: historical development context of the area; existence of cultural heritage resources and their significance; priorities as to the conservation of these cultural heritage resources; redevelopment concerns; improved public access to the area or individual site; the inclusion of areas of open space; the provision of interpretive devices such as plaques and displays; architectural design guidelines; and streetscape guidelines.

Section 3.7.2.4 Cultural Heritage Surveys states that the Municipality must consider whether a Cultural Heritage Survey will be required for all development or redevelopment proposals, including permits that they receive. The OP notes that in making that determination the Municipality will consider the application in reference to the archaeological master plan, built heritage resources inventory, and the cultural heritage landscape inventory. To note, these referenced documents, aside from the built heritage resources inventory, have not been established.

Section 3.7.2.5 Cultural Heritage Impact Statements (Statement) states that where a cultural heritage survey or cultural heritage planning statement has identified cultural heritage resources on or in close proximity to the subject lands, the Municipality may require the proponent to prepare a Statement. When it is determined that a Statement is required, the Municipality will determine the scope and content and it shall be prepared by a qualified professional in heritage studies.

Section 3.7.2.8 of the OP notes that the Municipality may require as a condition of any development approval that the retention and conservation of cultural heritage resources identified in a Cultural Heritage Survey, Cultural Heritage Planning Statement or Cultural Heritage Impact Statement, or the implementation of appropriate mitigation measures, including use of adaptive re-use as appropriate to the proposed development and land use. The OP notes that heritage easements as well as development agreements respecting the care and conservation of the affected heritage resource may be required.

With respect to built heritage resources, Section 3.7.4.1 of the OP states that the "Municipal Clerk shall maintain a register of all property designated under the Ontario Heritage Act. This register may also contain properties that are not designated, but which are considered by Council to be of Cultural value or interest. Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or for conservation in the Municipality’s consideration of any proposed development or undertaking, subject to all relevant legislation. The Heritage Register may stand-alone or form a component of a comprehensive Cultural Heritage Master Plan.” To determine the criteria to designate heritage resources, the Municipality
utilized the criteria set out in Ontario Regulation 9/06 of the *Ontario Heritage Act*. The Municipality currently has a register containing 62 listed and designated properties.

Section 3.7.4.3 Heritage Conservation Districts, notes that the Municipality may consider the establishment of a Heritage Conservation District in accordance with the *Ontario Heritage Act*, in an area merited by the concentration and significance of cultural heritage resources in order to conserve an area’s unique character. To do so the Municipality would initially, through a by-law, define an area to be examined for future designation; may request the completion of a heritage conservation district study; will prepare and adopt a Heritage Conservation District Plan; and will establish a district committee that will advise Council on matters pertaining to the designated district. Section 3.7.4.4.1 of the OP outlines the required contents of a Heritage Conservation District Plan and notes that the Plan may be incorporated into the OP by way of amendment if the existing OP policies are unsympathetic to the protection of a particular Heritage Conservation District.

Upon the establishment of a Heritage Conservation District, the applicable Heritage Conservation District Plan will guide proposals for the construction, demolition or removal of buildings and structures or the alteration of existing buildings in the district. Section 3.7.4.4.2 provides additional guidance with respect to the location of new additions and features. Within designated Heritage Conservation Districts, property owners, in consultation with the appropriate Heritage District Committee, will be encouraged to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work to preserve the heritage character of the area.

Section 3.7.5 of the OP notes that the Municipality may identify through the Zoning By-law areas of existing settlements that have cultural heritage character. It is the intent of this Plan that development, redevelopment or renovations of buildings in these areas are sympathetic to and compatible with the prevailing cultural heritage character of the area. The policies also note that infilling in these areas would be permitted so long as the heritage buildings and features of the area are retained. The policies of Section 3.7.5.2 and Section 3.7.5.3 of the OP provide additional design guidance with respect to the conversion, redevelopment, or construction of properties in an area containing cultural heritage character including the placement of garages, limiting the height of additions, avoiding alterations to heritage attributes, utilizing like materials and colours, similar setbacks and having similar proportions for windows, doors, and roof shape. To note, the existing implementing By-law has not identified any areas within the Municipality that contain cultural heritage character to date.

**Additional Themes**

As a result of the community feedback consultation exercises, additional themes appeared beyond preserving neighbourhood character and accommodating growth within the Study Area. The feedback received from the community indicated that residents highly value street trees and landscaping and consider these features a key component of defining neighbourhood character. Additionally, residents felt that property standards and maintenance were an additional component to defining or preserving neighbourhood character. The following Municipal OP policies apply to these issues.
Section 3.7.2.15 Vegetation, notes that the Municipality of Brighton will encourage the preservation of mature trees and other vegetation of heritage significance. The OP notes that the "Retention of existing landmark trees and tree or hedgerows shall be an important consideration in the design of any development. The preservation of trees along streets and roads shall be encouraged by the Municipality, except where removal is necessary because of disease, damage or to ensure public health and safety."

Section 1.2.1 Property Standards By-law, states that Council may enact a By-law setting the minimum standards for the maintenance and occupancy or use of such property that does not conform to the standards established thereunder. In addition, Municipal Council shall appoint a property standards committee responsible for the administration and enforcement of the said Property Standards By-law. To note, in 2002 the Municipality enacted the Property Standards By-Law # 082-2002 with the associated committee.

Section 1.2.2 Clean and Clear Yards By-law, states that Council may enact a By-law pursuant to the provisions of Sections 127 and 128(1) of the Municipal Act to provide for maintaining land in a clean and clear condition. To note, in 2012 the Municipality enacted the Property Maintenance By-Law # 029-2012.

3.2 Municipality of Brighton Zoning By-law #140-2002

While the Official Plan provides the land use designations and policies which permit low and medium residential uses and core uses in the Study Area, the Zoning By-law provides regulations that control the size of lots and the type of uses that may occur on a lot which effects neighbourhood character. Zoning provisions essentially create a building envelope within which development can occur. The zoning regulations include provisions that control the size of the actual lots (lot area and frontage), the location of a building on a lot (setbacks) and the size of a building on the lot (height / massing / coverage). The relevant Zoning By-law provisions that pertain to development and preserving neighbourhood character within the Study Area are the Core Area (CA) Zone, Urban Residential Zone 1 (R1), Urban Residential Zone 2 (R2), and the Urban Residential Zone 3 (R3), see Figure 5.

Existing residential properties within the Study Area are zone one (1) of the following: Core Area Zone (CA); Urban Residential Zone One (R1); Urban Residential Zone Two (R2); or Urban Residential Zone Three (R3). Table 1 below illustrates the permitted uses in the residential zones. Within the CA Zone, a variety of commercial uses are permitted as well as an accessory and apartment dwelling unit.
### Table 1 - Existing Permitted Uses in Residential Zones

<table>
<thead>
<tr>
<th>Use</th>
<th>Urban Residential One ‘R1’</th>
<th>Urban Residential Two ‘R2’</th>
<th>Urban Residential Three ‘R3’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory apartment dwelling unit</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Apartment Dwelling</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Single Detached Dwelling</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Semi-Detached Dwelling</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Duplex Dwelling</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Triplex Dwelling</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Fourplex Dwelling</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Townhouse Dwelling</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Bed and Breakfast Establishment</td>
<td>X (6)</td>
<td>X (6)</td>
<td></td>
</tr>
<tr>
<td>Boarding or Lodging House</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Convenience Retail Store</td>
<td></td>
<td></td>
<td>X (2)</td>
</tr>
<tr>
<td>Group Home</td>
<td>X (3)</td>
<td>X (3)</td>
<td>X (3)</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>X (1)</td>
<td>X (1)</td>
<td>X (1)</td>
</tr>
<tr>
<td>Home Industry</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Personal Service Shop</td>
<td></td>
<td></td>
<td>X (2)</td>
</tr>
<tr>
<td>Private Club</td>
<td></td>
<td></td>
<td>X (2)</td>
</tr>
<tr>
<td>Private Home Day Care</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retirement Home</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Explanation of Special Provisions (#)**

1. Subject to the General Provisions of Section 4.7.
2. Permitted only within the first storey of a multiple storey apartment building. The maximum permitted gross floor area is 300 square metres.
4. Subject to the General Provisions of Section 4.38.
With respect to the specific standards that apply to each of the residential zones, Tables 2, 3, and 4 illustrate the existing provisions for each zone.

Table 2 - Existing Standards for the Urban Residential One (R1) Zone

<table>
<thead>
<tr>
<th>Standards for the Urban Residential One (R1) Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage:</td>
</tr>
<tr>
<td>➢ for an interior lot</td>
</tr>
<tr>
<td>➢ for a corner lot</td>
</tr>
<tr>
<td>Minimum Lot Area:</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
</tr>
<tr>
<td>Minimum Landscaped Open Space</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
</tr>
<tr>
<td>Maximum Height:</td>
</tr>
<tr>
<td>➢ main building</td>
</tr>
<tr>
<td>➢ accessory building</td>
</tr>
<tr>
<td>Maximum Garage Width</td>
</tr>
<tr>
<td>Maximum Driveway Width</td>
</tr>
</tbody>
</table>

**Explanation of Special Provisions (#)**

(1) The minimum required interior side yard is 3.5 metres if the side yard contains a driveway accessing a private garage located in the rear yard of the lot that is accessed by a driveway crossing the front lot line.

(2) The wall of a private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line the driveway crosses to access the private garage.

(3) No part of a main building shall be constructed within 10.0 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law.

No part of an accessory building or structure shall be constructed within 7.5 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law.
Table 3 - Existing Standards for the Urban Residential Two (R2) Zone

<table>
<thead>
<tr>
<th>Zone Provisions</th>
<th>Single Detached Dwelling</th>
<th>Semi-detached Dwelling</th>
<th>Duplex Dwelling</th>
<th>Triplex Dwelling</th>
<th>Fourplex Dwelling</th>
<th>Nursing or Retirement Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>➢ Interior lot</td>
<td>15.0 m</td>
<td>10.0 m/ unit</td>
<td>20.0 m</td>
<td>23.0 m</td>
<td>30.0 m</td>
<td>30.0 m</td>
</tr>
<tr>
<td>➢ Corner lot</td>
<td>17.4 m</td>
<td>14.5 m/ unit</td>
<td>26.0 m</td>
<td>29.0 m</td>
<td>36.0 m</td>
<td>36.0 m</td>
</tr>
<tr>
<td>Minimum Lot Area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>400 sq m</td>
<td>300 sq m/unit</td>
<td>600 sq m</td>
<td>695 sq m</td>
<td>1000 sq m</td>
<td>1000 sq m</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>45%</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum Landscaped Area:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Residential Density:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>24.5 units/ net hectare</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.5 m (2) (3)</td>
<td>4.5 m (2) (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.4 m (2) (3)</td>
<td>4.5 m (2) (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.2 m (1) (3)</td>
<td>1.2 m on one (1) side, n/a on the attached side (3)</td>
<td>1.2 m (1) (3)</td>
<td>4.5 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7.5 m (3)</td>
<td>7.5 m (3)</td>
<td>7.5 m (3)</td>
<td>7.5 m (3)</td>
<td>9.0 m (3)</td>
<td>9.0 m (3)</td>
</tr>
<tr>
<td>Maximum Height:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>➢ Main building</td>
<td>11.0 m (4.5 m)</td>
<td>11.0 m (4.5 m)</td>
<td>11.0 m (4.5 m)</td>
<td>11.0 m (4.5 m)</td>
<td>11.0 m (4.5 m)</td>
<td>11.0 m (4.5 m)</td>
</tr>
<tr>
<td>➢ Accessory building</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Maximum Garage Width:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1 m</td>
<td>3.5 m</td>
<td>6.1 m</td>
<td>9.0 m</td>
<td>12.0 m</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Driveway Width:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6.1 m</td>
<td>3.5 m</td>
<td>6.1 m</td>
<td>6.1 m</td>
<td>6.1 m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Explanation of Special Provisions (#)

1. The minimum required interior side yard is 3.5 metres if the side yard contains a driveway accessing a private garage located in the rear yard of the lot that is accessed by a driveway crossing the front lot line.

2. The wall of a private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line the driveway crosses to access the private garage.

3. No part of a main building shall be constructed within 10.0 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law. No part of an accessory building or structure shall be constructed within 7.5 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law.
### Table 4 - Existing Standards for the Urban Residential Three (R3) Zone

<table>
<thead>
<tr>
<th>Zone Provisions</th>
<th>Townhouse Building</th>
<th>Nursing or Retirement Home</th>
<th>Boarding or Lodging House</th>
<th>Apartment Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage</td>
<td>6.0 per unit (1) (2)</td>
<td>30.0 m</td>
<td>30.0 m</td>
<td>30.0 m</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>190 sq. m per unit</td>
<td>1000 sq. m</td>
<td>1100 sq. m</td>
<td>2000 sq. m</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
<td>55%</td>
<td>40%</td>
<td>45%</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>N/A</td>
<td>60.0 units per net hectare</td>
<td>N/A</td>
<td>60.0 units per net hectare</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>4.5 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>9.0 m (3)</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard</td>
<td>4.5 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>9.0 m (3)</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>N/A for interior unit. 3.0 m for an end unit (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
<td>6.0 m (3)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>7.5 m (3)</td>
<td>9.0 m (3)</td>
<td>9.0 m (3)</td>
<td>9.0 m (3)</td>
</tr>
<tr>
<td>Maximum Height</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Main building</td>
<td>11.0 m</td>
<td>11.0 m</td>
<td>11.0 m</td>
</tr>
<tr>
<td></td>
<td>Accessory building</td>
<td>4.5 m</td>
<td>4.5 m</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum Landscaped Open Space</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Garage Width</td>
<td>3.5 M</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Driveway Width</td>
<td>3.5 m</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Explanation of Special Provisions (#)**

1. The minimum required lot frontage for an end unit on an interior lot is 9.0 metres. The minimum required lot frontage for an end unit on a corner lot is 10.5 metres.

2. The minimum required lot frontage for a townhouse building or buildings internally accessed by a private road is 30.0 metres.

3. No part of a main building shall be constructed within 10.0 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law. No part of an accessory building or structure shall be constructed within 7.5 metres of an Environmental Protection (EP) Zone boundary, or a top-of-bank as defined in Section 2 of this By-law.
With respect to the existing standards for the CA Zone, Table 5 below illustrates the standards that apply to developments occurring in the Core Area.

**Table 5 - Existing Standards for the Core Area (CA) Zone**

<table>
<thead>
<tr>
<th>Standards for the Core Area (CA) Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage:</td>
<td>12.0 m</td>
</tr>
<tr>
<td>Maximum Lot Area:</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Lot Area:</td>
<td></td>
</tr>
<tr>
<td>➢ for a lot serviced with municipal water supply and sanitary sewers</td>
<td>400 sq. m</td>
</tr>
<tr>
<td>➢ for a lot not serviced with municipal water supply and sanitary sewers</td>
<td>(3)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>0.6 m</td>
</tr>
<tr>
<td>Maximum Front Yard</td>
<td>3.0 m</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard</td>
<td>0.6 m</td>
</tr>
<tr>
<td>Maximum Exterior Side Yard</td>
<td>3.0 m</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>0.0 m (2)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>6.0 m</td>
</tr>
<tr>
<td>Maximum Height:</td>
<td></td>
</tr>
<tr>
<td>➢ main building of structure</td>
<td>12.0 m</td>
</tr>
<tr>
<td>➢ accessory building or structure</td>
<td>2.4 m</td>
</tr>
<tr>
<td>Minimum Landscapes Open Space</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Explanation of Special Provisions (#)**

(2) Where any lot line or lines adjoin a lot in any residential zone, a minimum 3.0 metre landscape buffer strip is required abutting the affected lot line.

(3) Not Permitted.

With respect to the additional themes the noted Zoning By-law is currently being updated to address the matter of outdoor storage and the parking of recreational vehicles in a residential area. The additional themes regarding property standards and maintenance are addressed in the implementing By-laws to be discussed.
3.3 Municipality of Brighton Site Plan Control Area By-law #006-2012

In February of 2012, the Municipal Council of the Corporation of the Municipality of Brighton enacted a By-law to designate the entire Municipality of Brighton as a site plan control area. The provisions of this By-law apply to the development of lands, except for minor renovations and extensions to existing buildings and sites within the Municipality of Brighton. With respect to the Study Area, site plan control would apply to development occurring in the Urban Residential Two (R2) Zone, the Urban Residential Three (R3) Zone and the Core Area (CA) Zone. However site plan control does not apply to the following relevant classes of development: any single detached dwelling, semi-detached dwelling, and duplex dwelling; any alteration or addition to any existing single detached dwelling, semi-detached dwelling, and duplex dwelling; any building accessory to any single detached dwelling, semi-detached dwelling and duplex dwelling; any in-ground or above-ground swimming pool constructed in connection with any single detached dwelling, semi-detached dwelling and duplex dwelling; any accessory building or structure with a gross floor area which is not greater than 10 m². For developments which require site plan control, no development in the areas designated under this By-law shall occur until a site plan agreement has been prepared and executed to the satisfaction of the Council of the Municipality of Brighton and registered on title of the lands. See Appendix A for the By-law.

3.4 Municipality of Brighton Property Standards By-law #082-2002

A common theme that emerged from public consultation was that residents felt that properties within the Brighton Urban Area were not being well maintained. In 2002, the Municipality of Brighton enacted By-law #082-2002 to prescribe standards for the maintenance and occupancy of all properties within the Municipality. The By-law requires that all properties are to be repaired and maintained so as to comply with the standards set out in the by-law and to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition. The By-law outlines specific standards with respect to the maintenance of yard and accessory buildings; residential standards; vacant lands and buildings; and non-residential property standards. See Appendix B for the By-law. To enforce the by-law Council is to appoint a property standards officer to issue notices of non-compliance and penalties. Additionally, Council is to appoint a property standards committee consisting of residents to enforce and administer the by-law.

3.5 Municipality of Brighton Property Maintenance By-law #029-2012

Also addressing the aforementioned issue of property standards and maintenance brought forth during public consultation is an additional by-law developed by the Municipality. In 2012, the Municipality enacted By-law #029-2012 to require an owner or occupant of land to clear refuse or debris from their land and to regulate when and how such matters will be done. The by-law additionally prohibits and regulates the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or otherwise. A by-law enforcement officer shall carry out the inspection of lands and enforce the standards of the by-law. See Appendix C for the By-law.
4.0

Tools for Managing Neighbourhood Change
4.0 Tools for Managing Neighbourhood Change

As a result of the public feedback received through the various community consultation opportunities to date (steering committee, on-line survey, neighbourhood walk, and design charrette), a number of planning tools have been identified to address the issue of infill development and preserving neighbourhood character in the Study Area. This section also identifies and discusses additional planning tools that can address the consultation themes that emerged from the public consultation process that did not necessarily relate directly to preserving neighbourhood character.

4.1 Managing Change

The information in this section is organized into tables to best illustrate how existing and recommended planning tools can address the important neighbourhood features identified by the community.

4.1.1 Current Municipal Planning Tools

As a result of the public consultation process, the following features listed in Table 6 were identified as being of importance in both defining neighbourhood character and what residents truly value about their mature neighbourhoods. The Municipality of Brighton currently has four (4) planning tools that it utilizes to address these features identified by the public. The Official Plan, The Zoning By-law, Site Plan Control, and its current municipal registry of heritage listed and designated properties. These relevant existing planning policies were previously discussed in Section 3.0 of this report.

Official Plan

With respect to the Official Plan, it contains robust cultural heritage policies that refer to cultural heritage preservation through the establishment of various additional planning tools that can address the highlighted neighbourhood features. The OP additionally speaks to the importance of mature trees to the Municipality.

Zoning By-law

As noted in Section 3.0 of this report, the Zoning By-law provisions regulate the site specific details with respect to development and use of a property, therefore the highlighted features can be addressed through the Zoning By-law.

Site Plan Control

Also noted in Section 3.0 of this report, through the enactment of By-law 006-2012, the entire Municipality of Brighton is considered a Site Plan Control Area. Site plan control is a tool that is used by the Municipality to make sure that land development is designed appropriately, safely, functionally and minimizes potential impacts on neighbouring properties. It also makes sure that the Municipality’s standards for developing land are respected.
Registry of Heritage Listed & Designated Properties

With respect to the heritage listed and designated properties, a listed property is included in an inventory for architectural, cultural or historical reasons. Listing is an administrative process whereas designation confers a legal status on the property through a by-law under the Ontario Heritage Act. Designation of heritage properties is a way of publically acknowledging a property’s value to a community. At the same time, designation helps to ensure the conservation of these important places for the benefit and enjoyment of present and future generations.

Table 6 - Existing Planning Tools for Preserving Neighbourhood Character

<table>
<thead>
<tr>
<th>Important Neighbourhood Features (Not in priority)</th>
<th>Existing Planning Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Official Plan 2014</td>
</tr>
<tr>
<td></td>
<td>Zoning By-law #140-2002</td>
</tr>
<tr>
<td></td>
<td>Site Plan Control By-law # 006-2012</td>
</tr>
<tr>
<td></td>
<td>Registry of Heritage Listed &amp; Designated Properties</td>
</tr>
<tr>
<td>Trees &amp; Landscaping</td>
<td>✔</td>
</tr>
<tr>
<td>Distance Between Buildings</td>
<td>✔</td>
</tr>
<tr>
<td>Architectural Style</td>
<td>✔</td>
</tr>
<tr>
<td>Building Height &amp; Massing</td>
<td>✔</td>
</tr>
<tr>
<td>Façade Details</td>
<td>✔</td>
</tr>
<tr>
<td>Streetscape</td>
<td>✔</td>
</tr>
<tr>
<td>Lot Pattern</td>
<td>✔</td>
</tr>
</tbody>
</table>
4.1.2 Recommended Planning Tools for Municipal Consideration

Table 7 lists four additional planning tools for municipal consideration to address the preservation of the important neighbourhood features identified by the public while the Municipality experiences development pressures.

Heritage Conservation Districts (HCD)

Part V of the Ontario Heritage Act gives municipalities the ability to designate Heritage Conservation Districts (HCD). HCD’s are areas whose cultural heritage value contributes to a sense of place extending beyond their individual buildings, structures, and landscapes. All HCD’s must have a plan to help manage change in the district while protecting and enhancing its cultural heritage value. HCD’s exist in rural and urban areas around the province, and municipalities are regularly designating new ones. The existing Municipal OP cultural heritage policies, discussed in Section 3.0 of this report speak to the opportunity for Council to designate an HCD in the Municipality. In addition to preserving the cultural heritage of an area, the establishment of an HCD can also foster economic activity as the area can become a tourist attraction for the Municipality.

An excellent example is the Port Hope Walton Street Heritage Conservation District. This HCD was established by the passing of By-laws 44/97 and 45/97 by the Council of the Town of Port Hope on October 6th, 1997. This HCD has bolstered significant economic activity for the Town by providing a backdrop that has become very attractive to the film industry.

Urban Design Guidelines

Urban design guidelines are a tool that can provide design direction for development or redevelopment, however the guidance is non-statutory. Urban design guidelines offer value in encouraging certain architectural styles and the inclusion of certain building types. Several cities and Municipalities have created urban design guidelines to advance the vision, goals and objectives of their Official Plan with an emphasis on people and the experience of place.

The City of Ottawa has created urban design guidelines for low-rise infill housing. The guidelines target those attributes that guide various stakeholders into achieving quality design for infill development with regard to: public streetscapes, landscape, building design, parking and garages, and heritage building alterations/additions. Alternatively, the City of Brampton has created a guide for infill housing in mature neighbourhoods. The guide speaks to particular features for preserving neighbourhood character including: building setbacks, building height and massing, garage and driveway location, front entrance treatments and landscaping.

Tree Conservation By-law

In order to protect mature trees, the Municipality could consider the development of a tree conservation by-law. A tree conservation by-law would permit that applications are required for the removal or pruning of trees of a determined size within a set geographic area. Additionally, it would require that in circumstances where removal is
unavoidable, a replanting plan would be required. Failure to comply with the by-law would result in the administration of fines by the Municipality.

Secondary Plan

Secondary Plans apply to areas where significant redevelopment is expected. Secondary Plans establish local development policies to guide growth and development in defined areas of a Municipality where major physical changes are expected and desired. Secondary Planning is a specific tool, which helps a Municipality to understand opportunities and address issues related to land use in certain defined geographic areas; it provides specific policies for those areas where more detailed direction is needed for matters beyond the general framework provided by the Official Plan; and provides an opportunity to promote consistency in new / developing areas and compatibility within existing areas that require revitalization.

Table 7 - Recommended Planning Tools for Preserving Neighbourhood Character

<table>
<thead>
<tr>
<th>Important Neighbourhood Features (Not in priority)</th>
<th>Recommended Other Planning Tools</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Heritage Conservation District (HCD)</td>
</tr>
<tr>
<td>Trees and Landscaping</td>
<td>✓</td>
</tr>
<tr>
<td>Distance Between Buildings</td>
<td></td>
</tr>
<tr>
<td>Architectural Style</td>
<td>✓</td>
</tr>
<tr>
<td>Building Height &amp; Massing</td>
<td></td>
</tr>
<tr>
<td>Façade Details</td>
<td>✓</td>
</tr>
<tr>
<td>Streetscape</td>
<td></td>
</tr>
<tr>
<td>Lot Pattern</td>
<td>✓</td>
</tr>
</tbody>
</table>

4.2 Additional Public Comments

Although outside of the scope of this Study, the Project Team felt it was appropriate to address the additional public comments received that did not directly relate to preserving neighbourhood character and directing growth within the Study Area.

4.2.1 Current Municipal Tools

With respect to addressing these identified items, Table 8 illustrates the existing Municipal policy, guidance documents and plans that address each of the issues raised by the community.
Strategic Plan

In 2019, the Municipality updated its Strategic Plan thereby establishing new goals to achieve their vision that “Brighton will be a draw for people and businesses and allow our residents to age in place.” To achieve this vision, the Municipality established eight (8) new strategies:

1) Complete statutory mandates and review / implement past plans;
2) Promote wellness in the community;
3) Be a responsible municipal team;
4) Develop a robust economic development and tourism framework;
5) Build a workable and livable community;
6) Support fire and rescue services;
7) Engage with members of the community effectively and more frequently; and,
8) Repair and maintain critical infrastructure in a timely and fiscally responsible manner.

Through the implementing action items of each strategy, the Municipality will address several of the issues raised by the community.

Property Standards By-law #082-2002

As discussed in Section 3.0 of this report, the Municipality enacted By-law #082-2002 to prescribe standards for the maintenance and occupancy of all properties within the Municipality. This By-law addresses the specific concerns raised regarding enforcing property standards within the Study Area.

Property Maintenance By-law #029-2012

Also addressing the aforementioned issue of property standards and maintenance brought forth during public consultation is the additional By-law #029-2012 developed by the Municipality in 2012, to require an owner or occupant of land to clear refuse or debris from their land and to regulate when and how such matters will be done.

Waterfront Master Plan

The Municipality’s’ Waterfront Master Plan was completed in September of 2009. The Plan proposes important design considerations for five areas within the waterfront area of the Municipality to increase public access to the waterfront and to support economic development. It additionally proposes trail linkages/connections to the Brighton Urban Area.

Vision for Recreation, Trails and Green Space

In September 2010, the Municipality completed the Vision for Recreation, Trails and Green Space which presents the strategies, recommendations and an implementation
program for the Municipality’s recreation, trails, and green space. The document provides five (5) recommendations with respect to Brighton Urban Area Trails which includes continued efforts to develop the Butler Creek Trail and recommends that new development areas should include provisions for sidewalks and / or multi-use trails to promote walkability. With respect to a connection between the waterfront and the Brighton Urban Area, the document recommends improvements to the existing trails and the development of making the connection between the waterfront and the urban area.

**Capital Works Budget**

The Municipality’s infrastructure includes roads, bridges, parks, recreation and community centres, libraries, museums, and water and waste water systems. The capital works budget is the Municipality’s plan to purchase, build, maintain, repair, and replace assets including infrastructure. To address the concerns raised with respect to sidewalk and street repairs, the Municipality would include these items in their annual capital works budget.

**Accessibility Plan**

The mission statement for the Municipality’s 2018 Accessibility Plan is that “Brighton will continue to progress responsibly, respecting our unique rural and urban heritage. We will maintain our small town charm and be a friendly host to all who choose to live, work, and visit our welcoming community.” The objectives of the Plan are to describe the measures that the Municipality will take in the coming year to identify, remove and prevent barriers for people with disabilities. Within this Plan, the municipality has identified specific sections of sidewalks within the Municipality that require repairs and curb cut upgrades. Additionally the plan identifies several trip hazards that exist within the Brighton Urban Area that also require repairing. The identified barriers were to be addressed in 2018. An updated 2019 accessibility plan has not been completed and a new 2020 accessibility plan is scheduled to be completed by the end of the year.

**Stormwater Master Plan**

In December 2018, the Municipality finalized their Stormwater Master Plan (SMP). The SMP includes recommendations for the Municipality to implement a maintenance program, retrofit projects, policies, education / outreach, and administration. The SMP recommends that road reconstruction projects (as identified in the 2013 Road Needs Study) will proactively incorporate stormwater management improvements.

**Engineering Design Guidelines**

The Municipality of Brighton’s engineering design guidelines were established in May 2018. The guidelines mainly pertain to the engineering requirements for development including lot grading, storm water management, water and sanitary servicing, and street design. The guidelines do however include requirements for landscaping plans, sidewalks, and street lighting. As was identified by the public during consultation, these items (street trees and sidewalks) were identified as a priority. With respect to new developments and street trees, Section I of the guidelines had not been approved and
it is noted that it should be used as a guideline only. The guide references tree-planting requirements and adhering to the Tree Preservation By-law. To note, the Municipality has not yet enacted a Tree Preservation By-law. With respect to landscaping requirements for commercial and multiple family dwelling developments, the guideline notes that a landscaping plan must be completed by a qualified Landscape Architect and outlines the requirements of the plan. With respect to sidewalks, the guidelines note that in general sidewalks are required on both sides of all arterial and collector roadways and on one side of local streets unless warranted on both sides. The design guidelines detail the street lighting requirements for the Municipality noting the location requirements and the illuminance level requirements by road type.

4.2.2 Recommended Additional Municipal Planning Tools

To best address the additional comments received from the community, Table 9 outlines three (3) additional municipal planning tools for the Municipality’s consideration.

**Community Improvement Plan**

Community Improvement Plans (CIPs) are a sustainable community planning tool used by municipalities to revitalize areas of a community through programs, grants, and incentives. CIPs also: address the reuse and restoration of lands, buildings and infrastructure; address growth management challenges; and plan for rehabilitation, development and land-use change. Once implemented, the plan allows municipalities to provide tax assistance, grants or loans to assist in the rehabilitation of lands and / or buildings within the defined CIP area.

**Active Transportation Plan**

An Active Transportation Plan (ATP) is a comprehensive set of strategies to ensure better options for biking, walking and transit. ATP’s include recommendations for prioritizing infrastructure improvements and outline recommendations for new policies, processes, and infrastructure based on public and stakeholder feedback.

**Age-friendly Plan**

An Age-friendly Plan provides the framework to assist a municipality in planning for an aging population. Age-friendly community planning, which considers how facilities and services can be used by older adults, provides benefits not only for seniors, but also for young families with children and for people with disabilities. Planning for an age-friendly community helps municipalities make informed future decisions regarding land development, parks and open space, transportation, and social services, and ensure that community investments are implemented as needed.
Table 8 - Existing Municipal Tools

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Standards &amp; Maintenance</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Street Trees</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Street Repairs</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Street Lighting</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Downtown Revitalization</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Downtown to Lakefront Connection</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Aging in Place</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Consultation Themes (Not in priority)</td>
<td>Community Improvement Plan</td>
<td>Active Transportation Plan</td>
<td>Age-friendly Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>---------------------------</td>
<td>----------------------------</td>
<td>------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Standards &amp; Maintenance</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Trees</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Repairs</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Lighting</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown Revitalization</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown to Lakefront Connection</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aging in Place</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5.0

Accommodating Growth
5.0 Accommodating Growth

Opportunities for growth shall generally be directed to the following areas of the Municipality:

- The Brighton Urban Area (within the Brighton Urban Boundary);
- The Mature Neighbourhood Study Area (located within the Brighton Urban Area);
- Proposed (pending) residential plans of subdivision; and,
- To a limited extent, designated rural settlement areas.

With the information provided by the Municipality, this Study examined growth and development patterns and trends for the Study Area and for the lands throughout the entire Municipality. It was noted that recent residential plans of subdivision (built, approved or pending) are predominantly comprised of low-density residential land uses located within the urban built boundary, with several located adjacent to the geographical limits of the Study Area. See Figure 6 for location and development yield details.

With respect to accommodating growth, regard for conformity with the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe must form part of the on-going growth and development within the lands forming part of the Study Area. This should include:

- Mixed residential densities; and,
- Range of housing types.

Having regard for the foregoing will serve to achieve a complete community as required by the 2019 Growth Plan.

5.1 Development Trends

Figure 6 identifies the location and development yield of residential plans of subdivision located either within or immediately adjacent to the limits of the Study Area. These subdivision developments have and would generate a total (potential) of 266 dwelling units as illustrated in Table 10.
Table 10 - Residential Plan of Subdivision Summary

<table>
<thead>
<tr>
<th>Plan of Subdivision</th>
<th>Status</th>
<th># of lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Hill/ Castle Ridge</td>
<td>Final approval in place, built</td>
<td>41</td>
</tr>
<tr>
<td>Tackaberry Ridge East I</td>
<td>Final approval in place, unbuilt</td>
<td>47</td>
</tr>
<tr>
<td>Tackaberry Ridge I &amp; II</td>
<td>Final approval in place, built</td>
<td>28</td>
</tr>
<tr>
<td>Dunnet</td>
<td>Final approval in place, built</td>
<td>25</td>
</tr>
<tr>
<td>Vanderlann</td>
<td>Final approval in place, built</td>
<td>12</td>
</tr>
<tr>
<td>Waterhouse</td>
<td>Final approval in place, built</td>
<td>26</td>
</tr>
<tr>
<td>Rosslyn Estates I</td>
<td>Final approval in place, built</td>
<td>21</td>
</tr>
<tr>
<td>Rosslyn Estates II</td>
<td>Final approval in place, built</td>
<td>10</td>
</tr>
<tr>
<td>Southern Comfort</td>
<td>Final approval in place, built</td>
<td>13</td>
</tr>
<tr>
<td>Henderson</td>
<td>Final approval in place, built</td>
<td>32</td>
</tr>
<tr>
<td>Eldon Weiss</td>
<td>Final approval in place, built</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total Units</strong></td>
<td></td>
<td><strong>266</strong></td>
</tr>
</tbody>
</table>

5.2 Existing Vacant and/or Underutilized Lands

The Study also identified vacant and/or underutilized properties within or in immediate proximity of the geographical limits of the Study Area. Figure 7 illustrates the location of these properties.

Within the Study Area, there are a limited number of these properties. At the periphery of the Study Area are various such properties, some having expansive land areas and three (3) properties being zoned future development (FD). The Study has not identified any specific land uses for those vacant properties within the Study Area. Any development of these properties shall have regard for the policy directives of Provincial, County, and Local land use policies, and additionally have regard for the policy directives of the Mature Neighbourhood Area.
Municipality of Brighton, Ontario
Subdivision Development Activity
Mature Neighbourhood Study Area

Features
- Study Area
- Urban Settlement Boundary
- Property Boundary
- Transportation Network
  - Roads
  - Rail

Subdivision Status
- Final approval in place, built
- Final approval in place, unbuilt

Forest Hill/ Castle Ridge
41 Lots

Tackaberry Ridge East I
47 Lots

Tackaberry Ridge I & II
26 Lots

Dunnet
25 Lots

Rosslyn Estates I
21 Lots

Rosslyn Estates II
10 Lots

Southern Comfort
13 Lots

Henderson
32 Lots

Eldon Weiss
11 Lots

Vanderlann
12 Lots

Waterhouse
26 Lots

Figure 6: Subdivision Development Activity

Created by D.M. Wills, Partners in Engineering
In Partnership with Kevin M. Duguay Community Planning and Consulting Inc.
Municipality of Brighton (2019)
Figure 7: Vacant and/or underutilized properties
5.3 Deferred Growth Area / Greenfield Area

There are no deferred growth and/or greenfield areas within the geographical limits of Study Area. Such areas are located within the larger geographical limits of the Urban Settlement Area. Prior to the advancement of formal land use / development applications for these lands, it is recommended that the Municipality addresses the following:

- Current / pending draft plans of subdivision (residential) within the Urban Settlement Area.
- Pending draft plans of subdivision (residential) applications within the Urban Settlement Area be re-evaluated to allow for mixed density and a range of housing options;
- Determine what, if any, lands are required for employment land purposes;
- Review municipal infrastructure / servicing options to serve the designated greenfield areas;
- Consider secondary land use plans (See Figure 8) for the greenfield areas as follows:
  I. Lands north of County Road 2 (Main Street); and,
  II. Lands south of Main Street and west of Ontario Street.

The community consultation process, which included establishing a steering committee comprised of local councillors and residents, developing an online survey, and facilitating a neighbourhood walk and design charrette addressed growth and development issues within the Study Area.

Given that there are no designated greenfield areas within the Study Area, growth and development will generally be realized by way of the following:

- Conversion of existing buildings;
- Infilling existing and/or future vacant lots; and,
- Intensification either through conversion of buildings or the redevelopment of land.

The community engagement process identified a number of priorities as it would pertain to the future growth and development of the Study Area (as discussed in Section 2.0 and Section 4.0 of this report). Various planning tools and resources are currently available or can be made available to govern future growth and development within the Study Area as discussed in Section 4.0 of this report. Upon reviewing the available information and the current development trends, this study has noted that updates to the Municipality’s Official Plan and Zoning By-law are required.
Municipality of Brighton, Ontario
Proposed Secondary Plans
Mature Neighbourhood
Study Area

Figure 8
Proposed Secondary Plans
Official Plan

The Municipality’s OP is to be updated to ensure an appropriate policy framework is in place to allow for appropriate growth and development responsive to community need and addressing the identified community priorities.

Zoning By-law

As noted, a detailed analysis of existing buildings and properties was not part of the scope of work for this Study. However, the community input received from the overall community engagement process did provide a depiction of community priorities. These priorities, in some instances, can be directly addressed through zoning/by-law regulations.

Such regulations would include provisions for the following:

- Building height, massing, location, setbacks;
- Lot coverage by building and parking;
- Density – development yield;
- Type – range of land use;
- Site parking ratios, location, configuration; and,
- Residential uses, including secondary suites.

The Study Area includes a “central area” of which the current zoning for this area can be generally described as the most permissive / flexible. This is a standard practice of Ontario communities. Any updates of the Zoning By-law should continue to embrace this approach, but be modified, where required, to ensure regard for the identified community priorities. In doing so, “balanced” growth and development will be achieved, allowing for a robust range of commercial/retail residential uses within this central area. Reduced site parking requirements should be considered to allow for greater building / development yield.

Conversely, regard for cultural heritage attributes (designated properties), environmental features, street-scape, and urban design principles must also form part of the growth and development future of the central area. This Study identifies current and potential planning tools and resources that can be employed to achieve this objective.
6.0

Proposed Recommendations
6.0 Proposed Recommendations

This Study was initiated in response to public concern regarding the preservation of neighbourhood character within the Municipality’s mature areas that were experiencing an increase in development pressures. It was determined by the Project Team that the previously delineated Study Area is in fact comprised of two (2) distinct areas:

I. The Core Area (the commercial downtown area); and,

II. The Central Area (the area surrounding the downtown area).

The Study Area is furthermore located within the designated urban settlement area (referred to as the Urban Area).

Maintaining Neighbourhood Character

There are several options available for the Municipality in order to maintain the character of the Study Area. The Project Team recommends the following:

1. Designate properties and building having heritage value;

2. Develop programs to assist (financially) owners of designated properties to preserve heritage attributes/features when subject to redevelopment and/or change of land use;

3. Develop urban design guidelines that address new development and/or redevelopment of properties. Many communities have effective urban design guidelines which could be considered as examples for the Brighton Community.

4. Create a main street heritage conservation area/district;

5. Update local planning tools and resources (Official Plan, Zoning By-law, Site Plan Approval procedures and policies), to incorporate policies and regulations serving to enable maintaining neighbourhood character;

6. Update Official Plan policy language to achieving and require compliance. For example, changing the word (reference) from “should” to “must” and “may” to “shall” can contribute effectively to maintaining character;

7. Complete the studies referenced in the current Official Plan, including a Cultural Heritage Master Plan. In completing a Heritage Master Plan, consideration should be given for the creation of a Main Street Heritage Conservation District.

8. Develop guidelines for the specific cultural heritage planning tools referenced in the existing Official Plan including: cultural heritage planning statements, cultural heritage surveys, and cultural heritage impact statements;

9. Use consistent planning terms and definitions in the updated Official Plan and Zoning By-law, including: Neighbourhood Character; and Compatibility;

The following are two (2) proposed definitions that the Project Team feels would be suitable for the Municipality of Brighton.
The proposed definition for “Neighbourhood Character” is as follows:

Neighbourhood Character means the collective physical qualities and characteristics which are prevalent in a neighbourhood, area, or mature neighbourhood area, and which inform its identity. These qualities and characteristics may include, but shall not be limited to, such features as street network and design, lot configuration and patterns, location and orientation on the lot in relation to adjacent lots and buildings, lot areas and widths, building height and design, facade articulation and materials, trees, vegetation and other natural features, heritage resources, and age of construction.

A proposed definition for “Compatible” is as follows:

Compatible means the development or redevelopment of land which incorporates regard for area land uses and neighbourhood character.

10. Establish a Heritage Trust Fund, this could be considered as part of the Heritage Master Plan Program; and,

11. Develop a Community Improvement Plan (CIP) for the Core Area of the Study Area which could incorporate financial policies and programs supportive of Main Street themes and maintaining neighbourhood character.

Residential Intensification

The Municipality can consider several options regarding residential intensification. The efficient and productive use of residential lands within the Study Area would be the logical avenue to achieve greater residential intensification.

The Study has identified and recommends two (2) designations:

I. Core Area; and,

II. Central Area.

The surrounding urban settlement area is referred to as the Urban Area. These three (3) areas each have varying residential intensification opportunities summarized in Table 11. Figure 9 illustrates the proposed boundaries for the proposed urban intensification areas.

Re-designation of Existing Residential Properties

Those properties within the Low Density Urban Residential Official Plan designation identified on Figure 3 must be re-designated to the Medium Density Urban Residential Official Plan designation to comply with the current zoning of said properties.
**Table 11 - Recommended Residential Intensification Areas**

<table>
<thead>
<tr>
<th>Area</th>
<th>Recommendations</th>
</tr>
</thead>
</table>
| Core Area  | • Residential density and intensification through infill or redevelopment of properties throughout the area.  
             | • Density range of 60-100 units per hectare.                                    
             | • Consider building height, massing, and setbacks to facilitate such density (within the zoning regulations). |
| Central Area| • Residential density and intensification through infill or redevelopment of properties throughout the area on lands located on main streets (arterial or collector streets).  
             | • Density range of 30-60 units per hectare.                                    
             | • Consider building height, massing, and setbacks to facilitate such density (within the zoning regulations).  
             | • Consider secondary suites in all parts of the Central Area.                |
| Urban Area | • Density range of 0 to 30 units per hectare throughout the balance of the area. |

**Urban Area Residential Zoning**

A further analysis of housing, property use and property development is required to determine if the Zoning By-law requires updating in terms of residential districts and any associated supplementary regulations. Including a zone to specifically implement high density residential opportunities.

**Official Plan Policy Update**

The residential designation policies of the Official Plan must be updated to achieve the following:

- Consistency with the Municipal Zoning By-law;
- Conformity with the 2019 Growth Plan (A Place to Grow);
- Conformity with the 2014 Provincial Policy Statement;
- Conformity to the 2016 County of Northumberland Official Plan; and,
- Structured to support potential planning tools and resources.

**Secondary Residential Units**

Secondary Residential Units within existing single or two (2) unit dwellings represent an ideal means to achieve compact built form and general residential intensification as directed by the 2019 Growth Plan.

Both the Official Plan and Zoning By-law should be updated to ensure the prospect of secondary suites throughout the designated Urban Area. The Municipality is also recommended to develop community information regarding secondary suites as such residential opportunity is not an automatic “as-of-right” but rather is a qualified opportunity.
7.0

Conclusions & Next Steps
7.0 Conclusions & Next Steps

Engaging with a diversity of stakeholders within a community is crucial in identifying what is important to a neighbourhood and the community at large. Given the considerable consultation that has occurred to date, the resulting proposed recommendations are summarized in this report for consideration at the upcoming Open House on August 14, 2019 and include:

Maintaining Neighbourhood Character

1. Designate Listed Heritage Properties;
2. Develop financial programs to assist heritage designated property owners to preserve the heritage attributes of their property;
3. Develop Urban Design Guidelines;
4. Establish a Main Street Heritage Conservation District;
5. Update Municipal planning tools to incorporate policies and regulations to maintain neighbourhood character;
6. Update language and definitions in the Official Plan;
7. Complete the Cultural Heritage Studies referenced in the current Official Plan;
8. Develop guidelines for the cultural heritage planning tools referenced in the current Official Plan;
9. Establish a Heritage Trust Fund; and,
10. Develop a Community Improvement Plan (CIP) for the Core Area.

Residential Intensification

1. Designate the three (3) proposed residential intensification areas (core, central, urban) and the proposed associated policies;
2. Re-designate existing residential properties where there is inconsistencies between their OP designation and Zoning; and
3. Updates to the Official Plan and Zoning By-law to ensure the prospect of secondary residential units throughout the designated Urban Area.
The next steps of the Mature Neighbourhood Study will be informed by additional public feedback to refine the proposed recommendations.

**Figure 10 - Mature Neighbourhood Study Process**

The final recommendations will be presented to Municipal Council in December 2019.
THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON

BY-LAW NO. 006-2012

BEING A BY-LAW TO DESIGNATE ALL OF THE MUNICIPALITY OF BRIGHTON AS A SITE PLAN CONTROL AREA

WHEREAS Subsection 41(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that where an Official Plan is in effect in a municipality, the Council of the municipality may by by-law designate the whole or any part of the area covered by the Official Plan as a Site Plan Control Area;

AND WHEREAS Section 10.7 of the Official Plan of the Former Town of Brighton and Section 10.6 of the Official Plan of the former Township of Brighton Official Plan designates all lands in the Municipality of Brighton as a Site Plan Control Area;

AND WHEREAS, the Municipal Council of the Corporation of the Municipality of Brighton deems it expedient to enact a By-law to designate the entire Municipality of Brighton as a site plan control area;

NOW THEREFORE the Council of the Corporation of the Municipality of Brighton ENACTS AS FOLLOWS:

1. THAT all lands within the Municipality of Brighton shall be designated as a Site Plan Control Area in accordance with Section 41 of the Planning Act and Section 10.7 of the Official Plan of the former Town of Brighton and the Section 10.6 of the Official Plan of the former Township of Brighton.

2. THAT the provisions of this By-law shall apply to development of lands, except for minor renovations and extension to existing buildings and sites within the Municipality of Brighton which are located within any of the following zones as set out in the Municipal Comprehensive Zoning By-law, No. 140-2002, as amended:
   
   i) Urban Residential Two (R2) Zone
   ii) Urban Residential Three (R3) Zone
   iii) Core Area (CA) Zone
   iv) Local Commercial (LC) Zone
   v) Highway Commercial (HC) Zone
   vi) Recreational Commercial (RC) Zone
   vii) General Industrial (M1) Zone
   viii) Rural Industrial (M2) Zone
   ix) Rural (RU) Zone
   x) Agricultural (a) Zone
   xi) Open Space (OS) Zone
   xii) Environmental Protection (EP) Zone
   xiii) Community Facility (CF) Zone
   xiv) Future Development (FD) Zone

3. THAT notwithstanding any provision of this By-law to the contrary, the following classes of development are not subject to site plan control, and may be undertaken without the approval of the plans and drawings referred to in subsection 41(4) of the Planning Act, and any conditions imposed in accordance with subsection 41(7) of the Planning Act:
   
i) any single detached dwelling, semi-detached dwelling, and duplex dwelling;
   ii) any alteration or addition to any existing single detached dwelling, semi-detached dwelling, and duplex dwelling;
   iii) any building accessory to any single detached dwelling, semi-detached dwelling and duplex dwelling;
iv) any in-ground or above-ground swimming pool constructed in connection with any single detached dwelling, semi-detached dwelling and duplex dwelling;

v) any building or structure used in connection with agricultural uses, but excluding any ancillary commercial or industrial uses, nurseries or commercial greenhouses;

vi) any works undertaken by the Municipality of Brighton or any local board of the Municipality;

vii) any conservation and forestry development;

viii) any signs or fences where they are not erected as part of a development; and

ix) any accessory building or structure with a gross floor area which is not greater than 10 m².

4. THAT no person shall undertake any development in the areas designated under this By-law until a site plan agreement has been prepared and executed to the satisfaction of the Council of the Municipality of Brighton and registered on title of the lands. The site plan shall illustrate and address all matters as set out in Section 41 of the Planning Act, R.S.O., as amended.

5. THAT the Municipality of Brighton may, as a condition to the approval of the plans and drawings required pursuant to clause 4 above, require the owner of land to address the requirements of Section 41(7) of the Planning Act regarding fulfilling conditions, maintaining facilities, entering into agreements and conveying land.

6. THAT any site plan agreement may be registered against the land to which it applies, at the owner's expense, and the Municipality is entitled to enforce the provisions thereof against the owner and all subsequent owners, as provided for in Section 41(10) of the Planning Act.

5. THAT By-law No. 1993-824 of the former Town of Brighton and all amendments thereto are hereby repealed.

6. THAT this By-law shall come into force and take effect on the date of passing.

Read a first, second and third time and finally passed this 6th day of February, 2012.

A. s, Mayor
CORPORATION OF THE MUNICIPALITY OF BRIGHTON

PROPERTY STANDARDS BY-LAW

082-2002
# TABLE OF CONTENTS

1. **DEFINITIONS** ................................................................. 1
   1.1. **ACCESSORY BUILDING** ............................................. 1
   1.2. **APPROVE** .............................................................. 1
   1.3. **BALUSTRADE** ....................................................... 1
   1.4. **BATHROOM** .......................................................... 1
   1.5. **BASEMENT** .......................................................... 1
   1.6. **BUILDING** ........................................................... 1
   1.7. **CELLAR** .............................................................. 1
   1.8. **COMMITTEE** ......................................................... 1
   1.9. **CORPORATION** ..................................................... 1
   1.10. **DWELLING** .......................................................... 2
   1.11. **DWELLING UNIT** .................................................. 2
   1.12. **FIRE RESISTANCE RATING** ...................................... 2
   1.13. **GUARD** .............................................................. 2
   1.14. **GROUND COVER** .................................................. 2
   1.15. **HABITABLE ROOM** ................................................ 2
   1.16. **MAINTENANCE** ...................................................... 2
   1.17. **MUNICIPALITY** ..................................................... 2
   1.18. **NON-RESIDENTIAL PROPERTY** ................................... 2
   1.19. **NOXIOUS** .......................................................... 2
   1.20. **NOTICE** ............................................................ 2
   1.21. **OCCUPANCY** ....................................................... 2
   1.22. **OCCUPANT** ........................................................ 3
   1.23. **OFFICE** ............................................................ 3
   1.24. **OWNER** ............................................................ 3
   1.25. **PERSON** ............................................................ 3
   1.26. **PLUMBING AND PLUMBING FIXTURES** .......................... 3
   1.27. **PREMISES** .......................................................... 3
   1.28. **PROPERTY** .......................................................... 3
   1.29. **REPAIR RESIDENTIAL PROPERTY** ............................... 3
   1.30. **SEWAGE** ........................................................... 3
   1.31. **SEWERAGE SYSTEM** .............................................. 3
   1.32. **STANDARDS** ....................................................... 3
   1.33. **SUB-STANDARDS** .................................................. 3
   1.34. **UNSAFE CONDITION** ............................................... 4
   1.35. **YARD** .............................................................. 4

2. **MAINTENANCE OF YARD AND ACCESSORY BUILDINGS** ................. 4
   2.1. **YARDS** .............................................................. 4
   2.2. **EXEMPTIONS** ........................................................ 4
   2.3. **SEWAGE AND DRAINAGE** ......................................... 6
   2.4. **PARKING AREA, WALKS AND DRIVEWAYS** ....................... 5
   2.5. **ACCESSORY BUILDINGS, FENCES, AND OTHER STRUCTURES** 5
   2.6. **GARBAGE DISPOSAL** .............................................. 5
   2.7. **COMPOST HAPS** ................................................... 8

3. **RESIDENTIAL STANDARDS** .............................................. 6
   3.1. **GENERAL CONDITIONS** ......................................... 6
   3.2. **FIRE PREVENTION** ............................................... 6
   3.3. **STRUCTURAL SOUNDNESS** ...................................... 6
   3.4. **FIRE DAMAGE** .................................................... 7
   3.5. **EXTERIOR WALLS** ................................................ 7
   3.6. **WINDOWS AND DOORS** .......................................... 7
   3.7. **ROOFS** .............................................................. 8
   3.8. **WALLS, CEILINGS, AND FLOORS** ............................... 8
   3.9. **STAIRS, PORCHES AND BALCONIES** ............................. 8
   3.10. **GUARDRAIL AND BALUSTRADES** ............................... 11
   3.11. **KITCHENS** ....................................................... 8
   3.12. **TOILET AND BATHROOM FACILITIES** ......................... 11
   3.13. **ELECTRICAL SERVICE** .......................................... 9
3.14. HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS ........................................... 9
3.15. FIRE ESCAPES, ALARMS AND DETECTORS ......................................................... 10
3.16. EGRESS .............................................................................................................. 10
3.17. NATURAL LIGHT ................................................................................................. 11
3.18. VENTILATION .................................................................................................... 11
3.19. ELEVATING DEVICES ....................................................................................... 11
3.20. DISCONNECTED UTILITIES ............................................................................. 11
3.21. OCCUPANCY STANDARDS ................................................................................ 11

4. VACANT LANDS AND BUILDINGS ........................................................................... 12

4.2. VACANT LANDS .................................................................................................... 12
4.3. VACANT BUILDINGS ............................................................................................ 12

5. NON-RESIDENTIAL PROPERTY STANDARDS ......................................................... 12

5.2. PARKING AREAS, AND DRIVEWAYS .................................................................... 13
5.3. STRUCTURAL SOUNDNESS .................................................................................. 13
5.4. EXTERIOR WALLS ............................................................................................... 13
5.5. GUARDRAIL AND BALUSTRADES ..................................................................... 13
5.6. LIGHTING ............................................................................................................ 13

6. ADMINISTRATION AND ENFORCEMENT ............................................................... 14

6.2. OFFICERS ............................................................................................................ 14
6.3. NOTICE OF NON-COMPLIANCE ....................................................................... 14
6.4. ORDER TO COMPLY ........................................................................................... 14
6.5. REGISTRATION OF ORDER ................................................................................ 15
6.6. CERTIFICATE OF COMPLIANCE CHARGES ..................................................... 15
6.7. PROPERTY STANDARDS COMMITTEE ............................................................... 15
6.8. APPEAL OF ORDER ............................................................................................. 15
6.9. PENALTY .............................................................................................................. 16
6.10. VALIDITY ............................................................................................................ 16
The Corporation of the Municipality of Brighton

By-law Number 082-2002

Being a by-law to provide standards for the maintenance of the physical condition and occupancy of property within the Municipality of Brighton.

Whereas the Corporation of the Municipality of Brighton deems it desirable to enact the following by-law for prescribing standards for the maintenance and occupancy of all property within the Municipality and prohibiting the use of such property that does not conform to the standards, and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

And Whereas the Municipality of Brighton has in effect an Official Plan that includes provisions relating to property standards as provided in the Building Code Act, S.O. 1992, c.23;

Now therefore the Council of the Corporation of the Municipality of Brighton hereby Enacts as follows:

1. Definitions

1.1 Accessory Building
means a detached building or structure, the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same property therewith.

1.2 Approved
means, as applied to grade, material, device or method of construction, approved by the Property Standards Officer under the provisions of this by-law; approved by the Building Inspector under the provisions of the Building Code; approved by the Fire Chief under the provisions of the Fire Code, or approved by other authority designated by law to give approval to the matter in question.

1.3 Balustrade
means a row of balusters or spindles surmounted by a railing.

1.4 Bathroom
means a room containing at least a toilet and bathtub or shower, or two rooms that contain a total of at least one toilet and one bathtub or one shower.

1.5 Basement
means that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to ceiling, above the adjacent finished grade level adjacent to the exterior walls of the building.

1.6 Building
means a structure having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.

1.7 Cellar
means that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to ceiling, below the adjacent finished grade.

1.8 Committee
means a Property Standards Committee, established under Section 15 of the Building Code Act, as set out in this by-law.

1.9 Corporation
means the Corporation of the Municipality of Brighton.
1.10. **Derelict Vehicle**
means any vehicle (except farm machinery in a zone that permits agricultural) which is dismantled or has been in a state of neglect and disrepair for at least 30 days, and which is not enclosed within a garage or carport.

1.11. **Dwelling**
means a building or structure or part of a building or structure occupied or capable of being occupied for human habitation, and includes a building that would be or could be intended to be used for such purposes except for its state of disrepair and shall include any mobile dwelling unit.

1.12. **Dwelling Unit**
means a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking, or the installation of cooking equipment, in which a heating system is provided and containing a private entrance from outside the building or from a common hall or stairway inside.

1.13. **Fire Resistance Rating**
means time in hours or parts thereof that a material construction or assembly will withstand fire exposure, as determined in a fire test made in conformity with generally accepted standards, or as determined by extension or interpretation of information derived therefrom.

1.14. **Guard**
means a protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings.

1.15. **Ground Cover**
means organic or non-organic materials applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

1.16. **Habitable Room**
means a room designed for living, sleeping, eating or food preparation including a den, library, sewing-room or enclosed sunroom.

1.17. **Maintenance**
means the preservation and keeping in good repair of a property.

1.18. **Municipality**
means the Corporation of the Municipality of Brighton.

1.19. **Non-Residential Property**
means a building or structure or part of a building or structure not occupied in whole or in part for the purposes of human habitation, with the lands and premises appurtenant thereto, and all outbuildings, fences or erection thereon or therein.

1.20. **Noxious**
means when used with reference to any land, building or structure, a use which, from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which may become hazardous or injurious as regards health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

1.21. **Notice**
means a Notice of Violation and Order to Demolish or Repair property served by an officer pursuant to this by-law.

1.22. **Occupancy**
means the use or intended use of building or part thereof for the shelter or support of person, animals or property.
1.23. **Occupant**

means any person or persons over the age of eighteen years in possession of the property.

1.24. **Officer**

means a Property Standards Officer appointed by the Corporation to administer and enforce this by-law.

1.25. **Owner**

includes:

a) the person who, for the time being, receives the rent of, or manages, or pays the municipal taxes on residential property in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if the residential property were let; or

b) a vendor of such land under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement; or

c) the person for the time being receiving installments of the purchase price of the land or premises in connection with which the word “owner” is used, sold under an agreement for sale whether on his own account or as an agent or trustee for any other person or who would so receive the installments of the purchase price if such land premises were sold under agreement for sale; and

d) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

1.26. **Person**

means any human being, association, firm partnership, incorporated company, corporation agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply according to law.

1.27. **Plumbing and Plumbing Fixtures**

means water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, bathtubs, showers, installed clothes washing or drying machines, laundry tubs, sinks or other similar equipment; catch basins, drains, vents, traps, together with all connection to water, gas, sewage, or vent pipes.

1.28. **Premises**

means that portion of real property which is owned by a specific person and includes all buildings and structures thereon.

1.29. **Property**

means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences, and erections thereon, whether heretofore or hereafter erected and includes vacant property.

1.30. **Repair Residential Property**

means any property that is used, or designed for use, as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment.

1.31. **Sewage**

means any liquid waste containing animal, vegetable, or mineral matter in suspension or solution but does not include roof water or runoff.

1.32. **Sewerage System**

means the municipal sanitary sewerage system when it becomes available; until then, a private sewage disposal system approved by the Medical Officer of Health.

1.33. **Standards**

means the standard for the maintenance and improvement of the physical condition and for the fitness for occupancy prescribed in this by-law.

1.34. **Sub-Standard**

means a quality less than that required by this by-law.
1.35. **Unsafe Condition**
means any condition that would cause undue or unexpected hazard to life, limb or health of any person authorized or expected to be on or about the premises.

1.36. **Yard**
means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted.

1.37. **Zoning By-law**
Shall mean Zoning By-law Number 730-87 of the former Township of Brighton and Zoning By-law Number 1988-521 of the former Town of Brighton, passed under Section 35 of the Planning Act 1983, and all amendments thereto.

2. **MAINTENANCE OF YARD AND ACCESSORY BUILDINGS**

2.1. **Yards**

2.1.1. Every yard, including vacant lots shall be kept clean and free from:

a) heavy undergrowth and excessive growth of grass and weeds;
b) noxious plants, such as, ragweed, poison oak, etc.;
c) dead, decaying or damaged trees or other natural growth, and the branches and limbs which create an unsafe condition;
d) garbage, rubble, waste, construction material or other debris that constitutes a health, fire or safety hazard;
e) holes, pits, excavations or trenches constituting a safety or health hazard;
f) wrecked, dismantled, inoperative or unused vehicles, trailers, boats, snowmobiles or other machinery or any part thereof and junk and refuse of any kind, except in an establishment licensed or authorized to conduct and operate such a business;
g) dilapidated, collapsed or partially constructed structures; and
h) injurious insects, termites, rodents, vermin or other pests.

2.2. **Exemptions**

2.2.1. Property located in the following zone, as designated in the Zoning By-law, shall be exempt from the provisions of Section 2.1.1.(a) of this by-law:

a) Environmental Protection (EP), Open Space (OS) and Flood Potential (FP) Zones;
b) Agricultural (A) Zones and all other zones that permit agricultural use, with the exception of the yard spaces surrounding any dwelling unit (i.e. a minimum of 0.2 ha (0.5 acres) approximately);
c) Development zones more than 60 acres from all other abutting zones unless otherwise directed by Council.

2.2.2. Nothing contained herein shall be deemed to prevent an antique car, being a motor vehicle more than 30 years old, from being stored on any property for restoration purposes provided it is housed in a building.

2.2.3. Nothing contained herein shall be deemed to prevent the parking of one unlicensed vehicle in a residential zone, as designated in the Zoning By-law, provided that vehicle is not wrecked, dismantled or inoperative condition.

2.2.4. Yards which allow for natural uncut grasses (i.e. vetch), and alternative gardening or landscaping methods may be permitted at the discretion of Council.

2.2.5. Nothing contained herein shall be deemed to prevent operative farm machinery, currently being utilized by an ongoing farm operation, from being stored on any yard or vacant lot in Agricultural (A) Zones and all other zones that permit
agricultural use, with the exception of the yard spaces surrounding any dwelling unit.

2.2.6. Inoperative farm machinery may be stored on property zoned agricultural and in other zones that permit agricultural use but shall be stored in accordance with Section 5.1.3 and in such manner as not to be steadily visible from a traveled road.

2.3. **Sewage and Drainage**

2.3.1. Sewage or organic waste shall be discharged into the municipal sanitary sewage system where such a system exists, or shall disposed of in a manner acceptable to the local health authorities.

2.3.2. Storm water shall be drained from the property so as to prevent excessive ponding or the entrance of water into a basement or cellar.

2.3.3. Exterior property areas shall be graded and maintained to prevent ponding of water creating an unsafe condition. Catch basins and swales shall be installed and maintained where necessary to facilitate drainage and so as not to impede natural flow of water.

2.3.4. All yards and exterior property areas shall be cultivated or protected with suitable ground cover to prevent erosion of the soil.

2.3.5. No roof drainage or sump pump shall be discharged on sidewalks, stairs or neighboring property or into a sanitary sewer.

2.3.6. No person shall change the grade of any property, by filling or excavating, which affects the natural stormwater drainage of the property or adjacent properties without the prior written approval of the Corporation.

2.3.7. No person shall install, alter, relay or repair a private stormwater or groundwater drain that discharges onto a neighboring property or into a municipal storm sewer, creek or roadside drainage ditch without the prior written approval of the Corporation.

2.4 **Parking Area, Walks and Driveways**

2.4.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, interlocking stone, or compacted stone or gravel and shall be kept in good repair free of dirt and litter.

2.4.2 Steps, walks, driveways, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions day or night.

2.5 **Accessory Buildings, Fences, and Other Structures**

2.5.1 Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition and in good repair.

2.5.2 Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

2.6 **Garbage Disposal**
2.6.1 All garbage and refuse shall be promptly placed in the suitable container and made available for removal in accordance with the County of Northumberland Waste Collection By-law. Such receptacles shall be constructed of water tight material, provided with a tight fitting cover, and shall be maintained in a clean and odour free condition at all times.

2.6.2 Where private containerized garbage pick up is provided, such containers shall be placed behind the building line and kept in a neat and tidy condition.

2.7 Compost Heaps

2.7.1 The occupant of a residential property may provide for a compost heap in accordance with the health regulations, provided that the compost pile is no larger than two (2) square metres and 1.8 metres in height and is enclosed on all sides by concrete block, or lumber, or in a forty-five gallon container, a metal frame building with a concrete floor, or a commercial plastic enclosed container designed for composting. Larger compost heaps may be considered for non-residential properties.

3.0 RESIDENTIAL STANDARDS

3.1 General Conditions

3.1.1 Every owner, or occupant of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis, in accordance with the Municipal and County by-laws.

3.1.2 Every owner, or occupant of a residential property shall maintain every floor, wall, ceiling and fixture, under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary and safe condition.

3.1.3 Accumulation or storage of garbage, refuse, appliances, or furniture in public hallways or stairways shall not be permitted.

3.2 Pest Prevention

3.2.1 Dwellings shall be kept free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act.

3.2.2 Openings, including windows, that might permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.

3.3 Structural Soundness

3.3.1 Every part of a dwelling shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code.

3.3.2 Walls, roofs, and other exterior parts of a building shall be free from loose or improperly secured objects or materials.

3.3.3 Foundation walls of a dwelling shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the sealing of the walls to prevent settling, installing sub soil drains, when necessary, at the footings, grouting masonry cracks, waterproofing walls, joints, and floors.
3.3.4 Every dwelling, except for slab on grade construction, shall be supported by foundation walls or piers which extend below the frost line, or to solid rock.

3.4 Fire Damage

3.4.1 In the event of fire, measures shall be taken as soon as possible to make the damaged residence unit or residence building compatible with its environment and intended use. Without restricting the generality of the foregoing, such measures shall include:

a) making the residence building or residence unit or accessory building or structure safe;
b) cleaning any smoke or water damaged surfaces exposed to view;
c) refinishing such exposed surfaces so as to be in harmony with adjoining undamaged surfaces and the general environment;
d) repairing of fire damaged surfaces exposed to view.

3.4.2 In the event of the exterior surface becoming damaged or marked by water or smoke or by other natural causes, appropriate action shall be taken to restore or renew the affected surface.

3.5 Exterior Walls

3.5.1 Exterior walls of a dwelling and their components, including soffits, fascia, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, or trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

3.5.2 Exterior walls of a dwelling and their components shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

3.6 Windows and Doors

3.6.1 Windows, doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

3.6.2 In a dwelling unit all windows that are intended to be opened and all exterior doors shall have suitable hardware so as to allow locking or otherwise securing from inside the dwelling unit. At least one entrance door to a dwelling unit shall have suitable hardware so as to permit locking or securing from either inside or outside the dwelling unit.

3.6.3 Where storm windows and doors are installed in a dwelling they shall be maintained in good repair.

3.6.4 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.

3.6.5 Solid core doors shall be provided for all entrances to dwellings units and hallways for reasons of security, fire separation, noise barrier and heat loss.

3.6.6 In residential buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured
3.6.7 Every window in a leased dwelling unit that is located above the first storey of a multiple dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.

3.7 Roofs

3.7.1 Roofs of dwellings and their components shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.

3.7.2 Accumulations of ice or snow or both shall be promptly removed from the roofs of dwellings and accessory buildings.

3.7.3 Where eavestroughing, roof gutters, are provided it shall be kept in good repair, free from obstructions and properly secured to the building.

3.8 Walls, Ceilings, and Floors

3.8.1 Every wall, ceiling and floor in a dwelling shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.

3.8.2 Every floor in a dwelling shall be reasonably smooth and level and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.

3.8.3 Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

3.9 Stairs, Porches and Balconies

3.9.1 Inside and outside stairs, porches, balconies and landings shall be maintained so as to be free of holes, cracks, and other defects which may constitute accident hazards. Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be repaired or replaced.

3.10 Guardrails and Balustrades

3.10.1 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24"). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, porches, balconies. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

3.11 Kitchens

3.11.1 Every dwelling shall contain a kitchen area equipped with:

a) a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;

b) a storage area of not less than 0.23 cubic metres (8 cubic feet);

c) a counter or work area at least 0.61 m (2 ft) in width by 1.22 m (4 ft) in length, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
d) a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

3.12 Toilet and Bathroom Facilities

3.12.1 Every dwelling unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and a bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Every water closet shall have a suitable supply of running water.

3.12.2 Every required bathroom or toilet room shall be accessible from within the dwelling unit and shall be fully enclosed and provided with a door capable of being locked so as to allow privacy for the persons using said room.

3.12.3 Where toilet or bathroom facilities are shared by occupants of residential accommodation, other than self-contained dwelling units, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities.

3.12.4 All appropriate plumbing fixtures shall be provided with an adequate supply of potable hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110°F).

3.12.5 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and appurtenances thereof shall be protected from freezing. All plumbing fixtures shall be connected to the sewerage system through water seal traps.

3.12.6 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains, or other defect that may harbour germs or impede thorough cleansing.

3.13 Electrical Service

3.13.1 Every dwelling and dwelling unit shall be wired for electricity and shall be connected to an approved electrical supply system.

3.13.2 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in dwellings, dwelling units and accessory buildings shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards. All electrical services shall conform to the regulations established by the Power Corporations Act, as amended.

3.13.3 Every habitable room in a dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 sq. ft.) of floor space and for each additional 9.3 square metres (100 sq. ft.) of floor area a second duplex outlet shall be provided.

3.13.4 Every bathroom, toilet room, kitchen, laundry room, furnace room, basement cellar and non-habitable work or storage room shall be provided with a permanent light fixture.

3.13.5 Lighting fixtures and appliances installed throughout a dwelling unit, including stairways, corridors, passageways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

3.14 Heating, Heating Systems, Chimneys and Vents

3.14.1 Every dwelling and building containing a residential dwelling unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius (70°F) in the occupied dwelling units. The
3.14.2 All fuel burning appliances, equipment, and accessories in a dwelling shall be installed and maintained to the standards provided by the Energy Act, as amended or other applicable legislation.

3.14.3 Where a heating system or part thereof that requires solid or liquid fuel to operate a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazard.

3.14.4 Every dwelling shall be so constructed or otherwise separated to prevent the passage of smoke, fumes, and gases from the part of the dwelling which is not used, designed or intended to be used for human habitation into other parts of the dwelling used for habitation. Such separations shall conform to the Ontario Building Code.

3.14.5 All fuel burning appliances, equipment, and accessories in a dwelling shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue or other approved method.

3.14.6 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent the escape of smoke, fumes or gases from entering a dwelling unit. Maintenance includes the removal of all obstructions, sealing open joints, and the repair of loose or broken masonry units.

3.14.7 Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.

3.15 Fire Escapes, Alarms and Detectors

3.15.1 A listed fire alarm and a fire detection system, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, shall be provided by the owners of buildings of residential occupancies where sleeping accommodations are provided for more than ten persons, except that such systems need not be provided where a public corridor or exit serves not more than four dwelling units or individual leased sleeping rooms.

3.15.2 In addition to the provisions of article 3.15.1 hereof, in every dwelling unit in a building, a listed products of combustion detector, approved by the Canadian Standards Association or Underwriters Laboratories of Canada, or detectors of the single station alarm type, audible within bedrooms when intervening doors are closed, shall be installed by the occupant between bedrooms or the sleeping area and the remainder of the dwelling unit, such as in a hallway or corridor serving such bedrooms or sleeping area. The products of combustion detector referred to shall:
   a) be equipped with visual or audio indication that they are in operating condition;
   b) be mounted on the ceiling or on the wall between 152.4 and 304.8 mm (6 to 12 inches) below the ceiling.

3.15.3 Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through an openable window or door.

3.16 Egress

3.16.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.
3.16.2 Each dwelling containing more than one dwelling unit shall have at least two exits, both of which may be common or the one of which may be common and the other may be an exterior stair or fire escape. Access to the stairs or fire escape shall be from corridors through doors at floor level, except access from a dwelling unit may be through a vertically mounted basement window having an unobstructed opening of not less than 1.067 by 0.558 metres, (42 x 22 inches) with a sill height of not more than 0.914 metres, (36 inches), above the inside floor. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is not through a room not under the immediate control of the occupants of the dwelling unit.

3.17 **Natural Light**

3.17.1 Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to, and not less, than ten percent of the floor area for living and dining rooms and five percent of the floor area for bedrooms and other finished rooms.

3.18 **Ventilation**

3.18.1 Every habitable room in a dwelling unit, including kitchens, bathrooms or toilet rooms, shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 sq. ft), or an approved system of mechanical ventilation such that provide hourly air exchanges.

3.18.2 All system of mechanical ventilation shall be maintain in good working order.

3.18.3 All enclosed areas including basements, cellars, crawl spaces and attics or roof spaces shall be adequately ventilated.

3.19 **Elevating Devices**

3.19.1 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition and inspected as required by the Elevating Devices Act.

3.20 **Disconnecting Utilities**

3.20.1 Owners of residential buildings or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to any residential unit or building occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

3.21 **Occupancy Standards**

3.21.1 The number of occupants, residing on a permanent basis in a individual dwelling unit, shall not exceed one person for every nine square metres (95.88 sq. ft.) of habitable floor area. For the purpose of computing habitable floor area any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.

3.21.2 No room shall be used for sleeping purposes unless it has a minimum width of two metres and a floor area of at least seven square metres (75.35 sq. ft.). A room
used for sleeping purposes by two or more persons shall have a floor area of at least four square metres per person.

3.21.3 Any basement, or portion thereof, used as a dwelling unit shall conform to the following requirements:

a) each habitable room shall comply with all the requirements set out in this by-law;
b) floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
c) each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the Ontario Building Code;
d) access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

4 VACANT LANDS AND BUILDINGS

4.1.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

4.2 Vacant Lands

4.2.1 Vacant land shall be maintained to the standards as described in 2.1 and 2.2 of this by-law.

4.2.2 Vacant land shall be graded, filled or otherwise drained so as to prevent recurrent ponding of water.

4.3 Vacant Buildings

4.3.1 Vacant buildings shall be kept cleared of all garbage, rubbish and debris and shall have all water, electrical and gas services turned off except for those services that are required for the security and maintenance of the property.

4.3.2 The owner or agent of a vacant building shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood in a colour compatible with the surrounding walls and securely fastened.

5 NON-RESIDENTIAL PROPERTY STANDARDS

5.1 General Conditions

5.1.1 All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or repairs shall conform to the Ontario Building Code where applicable.

5.1.2 The yards of non-residential property shall be maintained to the standards as described in Section 2 of this by-law.
5.1.3 The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard or any unsightly condition and shall provide unobstructed access for emergency vehicles. Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be suitably enclosed by a solid wall or a painted board or metal fence not less than 1.8 metres (6 ft.) in height and maintained in good repair.

5.2 Parking Areas and Driveways

5.2.1 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, or compacted stone or gravel and shall be kept in good repair free of dirt and litter. Notwithstanding the foregoing, non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.

5.2.2 Areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

5.3 Structural Soundness

5.3.1 Every part of a building structure shall be maintained in a sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

5.3.2 Walls, roofs, and other exterior parts of a building or structure shall be free from loose or improperly secured objects or materials.

5.4 Exterior Walls

5.4.1 Exterior walls of a building or a structure and their components, including soffits, fascia, window and doors, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding, trim. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

5.4.2 Exterior walls of a building or a structure and their components, shall be free of inappropriate signs, painted slogans, graffiti and similar defacements.

5.5 Guardrail and Balustrades

5.5.1 A balustrade shall be installed and maintained in good repair on the open side of any stairway or ramp containing three (3) or more risers including the landing or a height of 600 mm (24”). A handrail shall be installed and maintained in good repair in all stairwells. Guardrails shall be installed and maintained in good repair around all landings, mezzanines and similar areas. Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

5.6 Lighting

5.6.1 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises or as may be required by the Occupational Health and Safety Act for industrial and commercial properties. However lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.
6 ADMINISTRATION AND ENFORCEMENT

6.1 General Conditions

6.1.1 This by-law shall apply to all property within the limits of the Corporation.

6.1.2 The imperial measurements contained in this by-law are given for reference only.

6.2 Officers

6.2.1 The Council of the Municipality shall appoint a Property Standards Officer(s) responsible for the administration and enforcement of this by-law. Inspection and Enforcement Procedural Guidelines are included as Schedule ‘C’ to this by-law.

6.2.2 An officer or any person acting under his/her instructions may at reasonable times and on producing proper identification, enter and inspect any property.

6.2.3 An officer or any person acting under his/her instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a Search Warrant issued under Section 21 of the Building Code Act.

6.3 Notice of Non Compliance

6.3.1 If, after a initial inspection, the officer is satisfied that in some respect, the property does not conform to the standards prescribed in the by-law, he or she shall serve or cause to be served by personal service upon or send by prepaid Registered Mail to the owner of the property and all who have interest therein a Notice of Non-Compliance containing particulars of the non-conformity and may at the same time provide all occupants with a copy of such Notice.

6.3.2 The Notice shall state that the property does not comply with the standard prescribed by the by-law and shall specify the standards with which the property does not comply.

6.3.3 The Notice shall state that after a certain date to be specified in the Notice of Non Compliance by the Officer, the property will be subject to a re-inspection, at which time the officer may issue an Order under Section 6.4 of this by-law.

6.3.4 The Notice shall state that the officer may be contacted for the purpose of requesting information and advice or reporting what action is being or will be taken to effect compliance with the by-law.

6.4 Order to Comply

6.4.1 At any reasonable time, on or after the date specified in the Notice of Non Compliance given under Section 6.3 where an Officer finds that the property does not conform with any of the standards prescribed in this by-law, the Officer may issue an Order:

a) stating the municipal address or the legal description of such property;

b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

c) indicating the time for complying with the Terms and Conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the Municipality may carry out the repair or clearance at the owner’s expense; and

d) indicating the final date for giving Notice of Appeal from the Order.

6.4.2 An Order issued in accordance with Article 6.4.1 shall be served on the owner of the property and such other persons affected by it as the officer determines. It shall
be served personally or by Registered Mail sent to the last known address of the person to whom the Order is being given.

6.4.3 If the Officer is unable to effect service under article 6.4.2, he/she shall place a placard containing the terms of the Order in a conspicuous place on the property and the placing of the placard shall be deemed as sufficient service of the Notice or Order on the owner or other persons.

6.5 Registration of Order

6.5.1 An Order made under Article 6.4.1 may be registered in the proper Land Registry Office and, upon such registration, any person acquiring an interest in the land subsequent to the registration of the Order shall be deemed to have been served under Article 6.4.1 and, when the requirements of the Order have been satisfied, the Clerk of the Municipality shall forthwith register in the proper Land Registry Office a Certificate that such requirements have been satisfied, which shall operate as a discharge of the Order.

6.6 Certificate of Compliance Charges

6.6.1 The Corporation may charge a fee (set in Schedule 'A') for inspection and administration services, and a Certificate of Compliance issued under Section 15.5(2) of the Building Code.

6.7 Property Standards Committee

6.7.1 A Property Standards Committee shall be established by the Municipality of Brighton consisting of residents in the municipality.

6.7.2 Five (5) persons, not being members of Council or employees of the municipality or local board thereof, shall constitute and thereby be appointed as members of the Property Standards Committee. At least two (2) of the members shall be persons residing in the rural area of the municipality.

6.7.3 The term of office for any member shall not exceed a three-year term, and appointment to hold office should be staggered so that as nearly as possible, one third of such members shall retire each year.

6.7.4 This Committee shall be established under separate by-law.

6.7.5 The members of the Committee shall elect one of themselves as chair, and when the chair is absent through illness or otherwise, the Committee may appoint another member as acting chair and shall make provisions for a secretary for the Committee, and any member of the Committee may administer oaths.

6.7.6 The members of the Committee shall be paid such compensation as the Council may provide.

6.7.7 The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee.

6.8 Appeal of Order

6.8.1 When the owner or occupant upon whom an Order has been served in accordance with Article 6.4.1 is not satisfied with the terms or conditions of the Order, he/she may appeal to the Committee by sending a Notice of Appeal by Registered Mail to the Secretary of the Committee, within fourteen days after service of the Order. In the event that no appeal is taken, the Order shall be deemed to have been confirmed.
6.8.2 Where an appeal has been taken, the Committee shall hear the appeal and shall have all the authority functions of the Officer and may confirm, modify, or quash the Order, or may extend the time period for compliance provided that, in the opinion of the Committee, the general intent of the by-law and of the Official Plan or policy statement are maintained.

6.8.3 If any party is dissatisfied with the decision of the Property Standards Committee, an appeal can be made to the Appeal Court of Ontario, as per Section 15.3 (4),(5),(6), and (7) of the Building Code Act.

6.9 Penalty

6.9.1 No owner or occupant of property shall fail to comply with a Property Standards Order as confirmed or modified. Should the owner or occupant fail to demolish or repair the property in accordance with an Order as confirmed or modified, the municipality in addition to other remedies,

a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

b) shall not be liable to compensate such owner, occupant or another person having interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this article;

c) may cause a prosecution to be brought against any person who is in breach of such an Order and upon conviction such person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within his/her territorial jurisdiction, a penalty in accordance with the provisions of Section 36 of the Building Code Act, SO. 1992, c.23.

6.10 Validity

6.10.1 If an Article of this by-law is for any reason held to be invalid, the remaining articles shall remain in effect until repealed.

6.10.2 Where a provision of this by-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

6.10.3 This by-law may be referred to as “The Property Standards By-law”.

6.10.4 By-law Number 1998-974, is hereby repealed in its entirety.

6.10.5 This by-law shall come into force and take effect immediately on the date of passing.
SCHEDULE ‘A’ TO BY-LAW NUMBER 082-2002
FEES FOR THE INSPECTION OF PROPERTY, AS PER
REQUESTS MADE UNDER THE PROPERTY STANDARDS BY-LAW

- Certificate of Compliance $400.00
- Inspection of Property Fee $50.00

- No fees shall be charged for exterior inspections of property made by the Property Standards Officer that are carried out at the request of Council.

- Fees for the Inspection of Property shall be paid by the appropriate party as determined by the Property Standards Officer, in accordance with the agreement in Schedule ‘B’ of this by-law.

- Certificate of Compliance may include the cost of:
  a) holding a Hearing with the Committee;
  b) issuing a Certificate of Compliance;
  c) Registration of an Order.

- Additional costs may result from:
  a) of costs for inspections done in accordance with Section 18(1) of the Building Code Act; and
  b) costs for court hearings and proceedings.
SCHEDULE 'B' TO BY-LAW NUMBER 082-2002
SAMPLE AGREEMENT

I, __________________________ (please print name), am lodging a formal complaint under By-law 082-2002, the Property Standards By-law, about the property at:

(Street No.) __________________________ (Street) __________________________ (Apartment #) __________________________

The complaint(s) include, but are not restricted to the following:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I, the undersigned request that the property listed above be inspected by the Property Standards Officer(s) of the Municipality of Brighton, to take whatever action necessary under By-law 082-2002.

I, the undersigned agree, that if the Property Standards Officer(s) upon inspection of the property above determine that this complaint is frivolous and vexatious in manner, and/or the conditions are so minor as not to constitute any action under this by-law, I agree to pay the fee for the Inspection of Property (as set out in Schedule 'A', By-law 082-2002).

I, the undersigned also agree and understand, that if the complaint is valid, and does constitute action under By-law 082-2002, that any fees to be paid in relation to this complaint, as listed in the by-law, will be paid by the owner of the property. Owner of the property is determined in the definitions of By-law 082-2002.

This complaint was made by, and hereby understand and agree to the above agreement:

__________________________________  __________________________
(print name) __________________________ (sign)

(Street No.) __________________________ (Street) __________________________ (Apartment #) __________________________

__________________________________
(Mailing Address) __________________________ (Postal Code) __________________________

Witnessed by the following employee of the Municipality of Brighton:

__________________________________  __________________________
(print name) __________________________ (sign)

on this ______ day of ______, ______, ______.
(day) __________________________ (month) __________________________ (year) __________________________
SCHEDULE 'C' TO BY-LAW NUMBER 082-2002
INSPECTION AND ENFORCEMENT PROCEDURAL GUIDELINES

This by-law shall be administered and enforced by the Property Standards Officer based on the following guidelines.

1.0 Yards and Exterior Wall & Site Features

1.1 Inspection and enforcement, if required, shall be carried out on a routine basis for specific property, or properties as directed by Council.

1.2 General inspection and enforcement, if required, shall be conducted on a routine basis of all streets and neighbourhoods within the limits of the Corporation.

1.3 A specific property will be inspected upon receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.

2.0 Interior Areas of Dwelling Units

2.1 A specific property will be inspected upon a receipt of a written complaint from an occupant or person residing in the Municipality of Brighton.

2.2 All interior inspections will require a minimum of two Municipality Staff to be present.
NOTICE OF NON-COMPLIANCE

Date

Owner's Name and Address

Dear Sir/Madam:

RE: Description and Location of Property in Violation

Be advised that on Date of Inspection an inspection of your property, as noted above, revealed certain violations of the Municipality's Property Standards By-law No. 082-2002.

Schedule "A", attached hereto, sets out the work required to remedy such violation and to bring the property into compliance with the by-law.

Also be advised that the indicated by-law gives authority or the issuance of an ORDER TO COMPLY pursuant to Section 1.5.2-(2) of the Ontario Building Code Act, S.0.1 992 c.23. However, it is desired that you will comply with this informal notice and that further action will not be necessary.

A reinspection of this property will take place on or about Date to ascertain compliance.

Should you require further information pertaining to this matter please feel free to contact the undersigned during normal business hours.
ORDER TO REMEDY VIOLATION
OF STANDARDS OF MAINTENANCE AND OCCUPANCY

Pursuant to Section 15.2 of the Ontario Building Code Act

Dear Sir/Madam:

RE: Description and Location of Property in Violation

WHEREAS on ________ you were served with an NOTICE of NON-COMPLIANCE that required you to remedy certain violations of standards of maintenance and occupancy at your property, described above.

AND WHEREAS you have failed to remedy the noted violation(s) as set out in Schedule “A”, attached hereto and which forms part of this ORDER.

THEREFORE, IT IS HEREBY CHARGED THAT the violation(s) as set out in Schedule “A” be remedied and the property brought into a condition of compliance with the prescribed standards as set out in the Property Standards By-law No. 082-2002 on or before

Date

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order may appeal to the committee by sending a NOTICE OF APPEAL by registered mail the event that no appeal is taken, the order shall be deemed to have been confirmed.

FINAL DATE FOR APPEAL: ______________

TAKE NOTICE that if such violations are not remedied within the time specified in this order, the Municipality may correct such violations at the expense of the owner. Should this Order be registered on title, the additional registration fee of $400.00 will be added to the property taxes.
Corporation of the Municipality of Brighton  
SUBSTANDARD PROPERTY  
Building Code Act, S.O. 1992, c.23  

NOTICE OF VIOLATION  
ORDER TO COMPLY  

RE: Description and Location of Property in Violation  

THIS PROPERTY has been found NOT to be in conformity with the Standards of Maintenance and Occupancy established by this Municipality and as set out in the Property Standards By-law No. 082-2002.  

SCHEDULE “A”, attached hereto, sets out the work required to remedy such violation(s) and to bring the property into compliance with the by-law.  

BE ADVISED THAT THIS PROPERTY MUST BE MADE TO CONFORM WITH THE BY-LAW ON OR BEFORE THE ___ DAY OF _, 20_.  

Further information may be obtained at the Property Standards Office located at 67 Sharp Road, Brighton, Ontario. Dated this Day of ________________ 20__.  

Note: It is an offence to remove or cover this placard.
NOTICE OF APPEAL
TO PROPERTY STANDARDS COMMITTEE
Ontario Building Code Act, S.O. 1992, c.23

Date: __________________________

To the Secretary
Property Standards Appeal Committee
Corporation of the Municipality of Brighton
67 Sharp Road, P.O. Box 250
Brighton, ON, KOK 1H0

RE: Order to Remedy Violation of Standards of Maintenance and Occupancy at:

Description and Location of Property in Violation:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

TAKE NOTICE of the appeal of the undersigned to the Property Standards Appeal Committee because of dissatisfaction with the above referenced order to remedy violation of standards of maintenance and occupancy served upon the undersigned on __________________________, __________________________, __________________________.

(day) (month) (year)

Name (Owner or Agent):

Address: ________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Telephone Number: [____] __________________________

APPEAL TO PROPERTY STANDARDS COMMITTEE

If an owner or occupant upon whom an Order has been served is not satisfied with the terms or conditions of the Order may appeal to the Committee by sending a NOTICE OF APPEAL by Registered Mail to the Secretary of the Committee within fourteen days after service of the Order, and, in the event that no appeal is taken, the Order shall be deemed to have been confirmed.

Corporation of the Municipality of Brighton.
Appendix C

Municipality of Brighton Property Maintenance By-law #029-2012
THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON

BY-LAW NUMBER 029-2012

BEING A BY-LAW RESPECTING LITTER, YARD WASTE AND THE MAINTENANCE OF PROPERTY.

WHEREAS Section 127 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may require an owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings; to regulate when and how such matters shall be done; to prohibit depositing of refuse or debris on land without the consent of the owner or occupant of the land; and to define refuse;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters, that, in the opinion of Council, are or could become public nuisances;

AND WHEREAS Section 131 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate the use of any land for the storage of motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that a municipality may pass by-laws respecting, inter alia, health, safety and the well being of persons and waste management;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that where a municipality has authority under the Municipal Act or any other Act or under a by-law made under the Municipal Act or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed to do it, the matter or thing shall be done at the person’s expense and the municipality may recover the expense incurred by action or by adding the cost to the tax roll and collecting them in the same manner as property taxes;

NOW THEREFORE the Council of the Corporation of the Municipality of Brighton enacts as follows:

SECTION 1 GENERAL PROVISIONS

1. SHORT TITLE

This By-Law shall be known as the “Clean Yards By-Law”.

1.2 DEFINITIONS

1.2.1 In this By-Law:

a) “AGRICULTURE” shall mean general farming uses and without limiting the generality of the foregoing, shall include the general cultivation of land and associated production, conditioning, processing and storage of field crops, the wholesaling of vegetables, fruit, horticultural and nursery stock, the breeding and care of livestock, fur-bearing animals, bees, and the selling of such stock or products produced on the premises, and the production and wholesaling of forest products including fuel wood, pulp wood timber, trees and maple products.

b) “DWELLING” shall mean a building containing rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities.
c) "BY-LAW ENFORCEMENT OFFICER" shall mean a Provincial Offences Officer, or other person appointed or employed by the Corporation of the Municipality of Brighton for enforcement of By-Laws.

d) "DOMESTIC WASTE" shall mean any waste, litter, debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or residential property and without limiting the generality of the foregoing includes a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, broken concrete, asphalt pavement, brick pavers and sidewalk slabs, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location. Domestic waste as defined in this By-Law does not cease to become domestic waste by reason only that it may be commercially saleable or recyclable.

e) "EXCESSIVE GROWTH OF GRASS AND WEEDS" shall mean grass and or weeds which have grown to a height so as to be inconsistent with the surrounding environment;

f) "INDOOR FURNITURE" shall mean and include any furniture intended for and made of such material that would require the furniture by sheltered from the natural elements such as rain and snow and shall include but not be limited to items such as couches, sofas, love seats, fabric covered chairs, pillows and cushions, mattresses and box springs;

g) "INDUSTRIAL WASTE" shall mean debris, rubbish, refuse, sewage, effluent, discard or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, and without limiting the generality of the foregoing includes all garbage, debris, discarded material or things, broken or dismantled things, a motor vehicle that appears by reason of its age, appearance, mechanical condition or lack of licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, disused furniture, old clothing, garden refuse, earth or rock fill, broken concrete, asphalt pavement, brick pavers and sidewalk slabs, old or decayed lumber, material from construction or demolition projects and other vehicles, machinery equipment, materials or structures apparently disused in their existing location. Industrial waste as defined in this By-Law does not cease to become industrial waste by reason only that it may be commercially saleable or recyclable.

h) "LAST KNOWN ADDRESS" shall mean the address, which appears on the last revised assessment rolls of the Corporation of the Municipality of Brighton;

i) "MUNICIPALITY" shall mean the Corporation of the Municipality of Brighton;

j) "MUNICIPALLY OWNED LANDS" shall mean the property owned or maintained by the Corporation of the Municipality of Brighton shown on the last revised assessment roll and shall include all municipal road allowances and rights of way;

k) "NOXIOUS WEED" shall mean a species of weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, as a noxious weed;

l) "OCCUPANT" shall mean any person or persons over the age of 18 years in possession of the property;

m) "ORDER" shall mean any notice of non-compliance issued under this By-Law;

n) "OWNER" shall mean the person in whom is vested the ownership, dominion or title of property and includes his or her agent, administrator or assignee;

o) "PERSON" shall mean and include an individual, firm, corporation, association or partnership and includes an occupant or an owner of a property;
p) "PROPERTY" shall mean any grounds, yard or vacant land;

q) "REFUSE" shall mean and include all manner of waste, debris and sewage as provided for or defined in this By-Law but does not include a building or buildings on a property, but does include parts or pieces of such structures on the property that are dismantled or are rubble, or which have become detached from a building, whether by construction, demolition, damage or deterioration and any article, thing, matter, substance or effluent that:
   i. has been cast aside, discharged or abandoned, or
   ii. is disused from its usual and intended use, or
   iii. is used up, in whole or in part, or expanded or worn out, in whole or in part; and
   iv. shall include domestic waste and industrial waste.

r) "STANDING WATER" shall mean any water on a property other than:
   i. a natural moving body of water that exists on a permanent basis;
   ii. a body of water that is maintained in such a way so as to effectively prevent the breeding of and/or larval growth of mosquitoes, such as through the operation of a re-circulation and filtration system and/or the addition of an approved substance that will prevent the breeding of and/or larval growth of mosquitoes;
   iii. any body of water containing live fish or amphibians which are habitually present;
   iv. any body of water natural to its surrounding environment including natural ponds, bogs, marshes and wetlands;
   v. any body of water within a municipally owned storm water management facility;
   vi. any body of water contained for less than four (4) days
   vii. any body of water due to seasonal flooding that is beyond the control of the property owner.

s) "VACANT LANDS" shall mean lands with no building(s) or having no land uses established;

t) "VEHICLE" shall include an automobile, truck, bus, motorcycle, motor assisted bicycle, traction engine, farm tractor or farm machinery, road building machine, construction vehicle, bulldozer, backhoe, excavator, grader, asphalt, earth mover, compactor, crane, lift, skid steer, generator, welder, street car or other vehicle running only upon rails, motorized snow vehicles, off road vehicle, trailer, boat, bicycle, or any vehicle drawn, propelled or driven by any kind of power, including but not limited to mechanical power, muscular power, wind power or solar power;

u) "VEHICLE PARTS" shall mean and include any component or element, whether operable or not, used in the assembly, construction, maintenance or repair of a vehicle;

v) "WATER COURSE" shall mean an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously flows, even if the bed is sometimes dry, and even if the banks are sometimes overflowed or submerged;

w) "YARD" shall mean land, other than publicly owned land, around and appurtenant to the whole or part of a building (and used, or capable of being used in connection with the building) and may include a paved area used for the parking of vehicles.

1.3 INTERPRETATION

1.3.1 In this By-Law statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.

1.3.2 This By-Law shall be read with all changes of gender and number required by the context or circumstances.
1.4 EXEMPTION

1.4.1 The provisions and regulations of this By-Law do not apply to materials or equipment directly related to construction works on lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.

1.4.2 This By-Law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, from carrying out a normal farm practice for and defined under that Act.

SECTION 2 APPLICABLE PROVISIONS

2.1 MAINTENANCE OF PROPERTY

2.1.1 No owner shall fail to keep the vegetation on the property clean and cleared-up.

2.1.2 For the purpose of article 2.1.1, "clean" or "cleared-up" shall mean:

1) the removal of noxious weeds from their property and shall include the untravelled portion of the highway abutting their property;
2) the cutting of grass so that its height is maintained so as to be consistent with the surrounding environment.

2.1.3 Property located in the following zones, as designated in the Municipality of Brighton Zoning By-Law, shall be exempt from the provisions of Section 2.1.2 (1) of this By-Law:

1) Environmental Protection (EP), Open Space (OS), and Flood Potential (FP) Zones;
2) Agricultural (A) Zones, Rural (RU) Zones and all other zones that permit agricultural use, and the land in question is actively used for an agricultural purpose, with the exception of the yard spaces surrounding any dwelling being a minimum of 0.2 hectares;
3) Future Development Zones more than 60 metres from all other abutting zones unless otherwise directed by Council.

2.2 STANDING WATER

2.2.1 No owner shall fail to keep the land free of standing water.

2.2.2 No owner shall fail to keep the land free of containers or debris capable of holding standing water in such a manner as to be exposed to the breeding of and/or larvae growth of insects.

2.2.3 No owner shall fail to ensure that any swimming pool, hot tub, wading pool, or artificial pond is maintained in proper operating condition, and in good repair.

2.2.4 No owner shall fail to ensure that land is free and clear of excavations capable of holding standing water.

2.3 LITTER

2.3.1 No person shall cause, permit, throw, place or deposit refuse and/or other debris on private land without the written authority of the owner or occupant of the land.

2.3.2 No person shall throw, place or deposit refuse and/or debris on land owned or occupied by the Municipality without the written authorization of the Municipality.

2.3.3 A person does not breach articles 2.3.1 and 2.3.2 by placing garbage out for collection on their property in accordance with the County of Northumberland By-Laws and collection schedules, but no person shall leave out garbage contrary to such By-Laws or schedules.

2.3.4 No owner shall fail to clean or clear exterior walls of any building or structure on the land and their components so as to be free of posters which are for giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or where the posters are
loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

2.3.5 No owner shall fail to clean or clear exterior walls of any building or structure on the land and their components so as to be free of graffiti drawn, etched, painted, engraved, or otherwise marked on such wall or building or structure.

2.3.6 Pursuant to the Municipal Act, S.O. 2001, c.25 as amended, the cost of removal of posters by the Municipality is collectable against the owner of the advertising device under the terms of the Municipal Act, notwithstanding the content of this By-Law.

2.4 GARBAGE AND WASTE DISPOSAL

2.4.1 No owner shall fail to keep the property free and clear of domestic waste or industrial waste, or any thing in their possession that may constitute a health, fire or safety hazard to the yard or vacant lands of another person or to any Municipally owned lands.

2.4.2 No person shall use any land or structure within the Municipality for dumping or disposing of domestic waste or industrial waste, or any other thing in their possession that may constitute a health, fire or safety hazard to the yard or vacant lands of another person or to any Municipally owned lands.

2.4.3 The owner or occupant of land used contrary to or on which there is a contravention of articles 2.4.1 and 2.4.2 regardless of whether the use or contravention occurred prior to the enactment of this By-Law, shall at the persons own expense clean, clear and cease using such land or structure for such a prohibited purposes.

2.4.4 Articles 2.4.1 and 2.4.2 do not apply to land or structures used by the Municipality, or land or structures designated by By-Law of the Municipality for the purpose of dumping or disposing of waste.

2.4.5 Despite any other section, this By-law shall not apply to the storage of used lumber, used building materials, inoperative vehicles, machinery, or vehicle parts on a property used for agriculture provided that:

i) such property is zoned in an Agricultural or Rural Zone as set out the Municipality’s Comprehensive Zoning By-law;

ii) such material is screened from view from any residential parcel or public highway within 150 metres (492 feet); and

iii) the material is required for use as replacement parts, vehicles or materials as a required part of the agricultural operation.

2.4.6 The owner or occupant of a residential property may provide for a compost heap or bin provided that:

i) any compost is confined to an area larger than 1.0 square metre in area and 1.5 metres in height and is enclosed on all sides by concrete block or lumber or contained within a container designed for composting; and

ii) any compost heaps or bins shall be constructed to prevent the entry of animals and shall be provided with a secure fitting cover.

2.5 MOTOR VEHICLE SALVAGE

2.5.1 No owner or occupant of land shall fail to keep a yard free from wrecked, dismantled, inoperative or unlicenced vehicles, trailers or other machinery or any part thereof and waste and refuse of any kind.

2.5.2 Article 2.5.1 does not apply if the Comprehensive Zoning By-Law permits the land to be used for such purposes and the owner or occupant of the land holds any required valid license or permits issued by the Municipality or the body holding jurisdiction.
SECTION 3 ADMINISTRATION AND ENFORCEMENT

3.1 ENFORCEMENT

3.1.1 A By-Law Enforcement Officer may inspect the land or structures, for the purpose of determining whether:

i) properties are being maintained in accordance to this By-Law;
ii) the land or structure is used for dumping or disposing of garbage, refuse, fill, domestic waste, or industrial waste of any kind;
iii) the land or structure is used for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
iv) the owner or occupant has complied with any Order sent by the By-Law Enforcement Officer, or an Officer; or
v) there is compliance or non-compliance with any other provision of this By-Law.

3.1.2 Every owner or occupant shall permit a By-Law Enforcement Officer, upon production of identification and for the purpose of the inspection by the Municipality, to inspect the land or structure for the purpose of article 3.1.1.

3.1.3 When any lands and buildings are not maintained pursuant to the provisions of this by-law, a By-Law Enforcement Officer may issue an order and may send such order by registered mail or delivered by hand to the owner or occupant’s last known address requiring them to make the lands and buildings comply with the requirements of this by-law. Such order shall specify the time allowed for compliance.

3.1.4 In the event a By-Law Enforcement Officer is unable to serve the order by registered mail or personally, the order may be posted in a conspicuous place on the property, and the placing of the order shall be deemed to be sufficient service of the order on the property owner.

3.1.5 Where the owner or occupant fails to comply with an order issued under this By-Law within the time specified for compliance, the Municipality in addition to all other remedies:

i. Shall have the right to enter in and upon the lands and to restore the lands and carry out remedial action specified in the order at the owner’s expense; and

ii. Shall not be liable to compensate such owner or occupant or any other persons having and interest in the property by reason of anything done by or on behalf of the Municipality under the provisions of this section;

iii. May recover the costs of any remedial action undertaken by the Municipality by adding the costs to the tax roll and collecting them in the same manner as property taxes.

3.1.6 Where any of the materials or things are removed in accordance with article 3.1.5, the materials or things may be disposed of immediately by the Municipality, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs, the balance shall be refunded to the person who was in possession of the materials or things prior to their removal from the land.

3.1.8 No person shall hinder or obstruct a By-Law Enforcement Officer employed to enforce this By-Law, from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out work for the Municipality under the authority of this By-Law.

3.2 OFFENCES

3.2.1 Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.P.33. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
3.2.2 Where this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuance or repetition of the offence by the person convicted, pursuant to Section 431 of the Municipal Act, S.O. 2001, c.M.25

3.3 VALIDITY

3.3.1 Should a Court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.

3.3.2 Where a provision of this By-Law conflicts with the provision of another By-Law, Act, or Regulation in force within the Municipality of Brighton, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

SECTION 5 ENACTMENT

5.1 DATE OF ENACTMENT

5.1.1 This By-Law shall come into force and take effect on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS 7th DAY OF May, 2012.

[Signatures]

Mark Walas, Mayor

Gayle Frost, C.A.O./Clerk
SCHEDULE “A”
SHORT FORM WORDING AND SET FINES
THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON
PART 1, PROVINCIAL OFFENCES ACT

By-Law No. 029-2012

Being a By-law Respecting Litter, Yard Waste and the Maintenance of Property within the Municipality of Brighton

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SHORT FORM WORDING</th>
<th>OFFENCE CREATING PROVISION OR DEFINING OFFENCE</th>
<th>SET FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fail to keep land clear of garbage and domestic /industrial waste.</td>
<td>Section 2.4.1</td>
<td>$200.00</td>
</tr>
<tr>
<td>2</td>
<td>Excessive growth of grass / weeds</td>
<td>Section 2.1.2 (2)</td>
<td>$100.00</td>
</tr>
<tr>
<td>3</td>
<td>Use of land for storing motor vehicles and / or parts thereof</td>
<td>Section 2.5.1</td>
<td>$250.00</td>
</tr>
<tr>
<td>4</td>
<td>Fail to remove noxious weeds</td>
<td>Section 2.1.2 (1)</td>
<td>$100.00</td>
</tr>
<tr>
<td>5</td>
<td>Littering - Private Property</td>
<td>Section 2.3.1</td>
<td>$50.00</td>
</tr>
<tr>
<td>6</td>
<td>Littering - Public Property</td>
<td>Section 2.3.2</td>
<td>$50.00</td>
</tr>
<tr>
<td>7</td>
<td>Permit Standing Water</td>
<td>Section 2.2.2</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

Note: The penalty provision(s) for offences indicated above is contained in Section 3.3.1 of By-law No. 029-2012, a certified copy of which has been filed.
Appendix D

Municipal Register of Heritage Listed and Designated Properties
<table>
<thead>
<tr>
<th>Status</th>
<th>#</th>
<th>Street</th>
<th>Historical Name</th>
<th>Date</th>
<th>Architectural Style/Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>L</td>
<td>6</td>
<td>ADDISON ST</td>
<td></td>
<td>1899</td>
<td>Gothic Revival</td>
</tr>
<tr>
<td>L</td>
<td>28</td>
<td>ARANDA WAY</td>
<td>Babbit House</td>
<td>1874</td>
<td>Traditional red brick</td>
</tr>
<tr>
<td>L</td>
<td>523</td>
<td>CARMAN RD</td>
<td>Stewart Farmhouse</td>
<td>1893</td>
<td>Gothic Revival</td>
</tr>
<tr>
<td>D</td>
<td>854</td>
<td>CARMAN RD</td>
<td>Carman United Church</td>
<td>1879</td>
<td>Regency</td>
</tr>
<tr>
<td>L</td>
<td>15</td>
<td>CHAPEL ST</td>
<td></td>
<td>1862</td>
<td>Gothic with Romanesque elements</td>
</tr>
<tr>
<td>L</td>
<td>58</td>
<td>CHAPEL ST (20 Centre St)</td>
<td></td>
<td>1880</td>
<td>Gothic Revival. Built by Cornelius Vallee</td>
</tr>
<tr>
<td>D</td>
<td>50</td>
<td>CHATTEN RD</td>
<td>Hilton Hall</td>
<td>1861</td>
<td>Brighton Township Hall until 2000</td>
</tr>
<tr>
<td>L</td>
<td>87</td>
<td>CHATTEN RD</td>
<td>Chatten House</td>
<td>1865</td>
<td>Initially built as a barn</td>
</tr>
<tr>
<td>L</td>
<td>181</td>
<td>CHATTEN RD</td>
<td>Chatten Farmhouse</td>
<td>1890</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>202</td>
<td>COUNTY RD 30</td>
<td>Davidson House</td>
<td>1900</td>
<td>Edwardian</td>
</tr>
<tr>
<td>L</td>
<td>3</td>
<td>DIVISION ST (67 Main St)</td>
<td>Wade Block</td>
<td>1860</td>
<td>Romanesque Revival</td>
</tr>
<tr>
<td>L</td>
<td>45</td>
<td>DIVISION ST</td>
<td>James Richardson House</td>
<td>1809</td>
<td>The Oldest House in Brighton</td>
</tr>
<tr>
<td>L</td>
<td>44</td>
<td>DIVISION ST</td>
<td>Covell-Marshall House</td>
<td>1860</td>
<td>Gothic Revival</td>
</tr>
<tr>
<td>L</td>
<td>23</td>
<td>ELIZABETH ST</td>
<td></td>
<td>1900</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>296</td>
<td>GOODFELLOW RD</td>
<td>Mount Olivet School, SS #25</td>
<td>1874</td>
<td>A typical red brick schoolhouse</td>
</tr>
<tr>
<td>L</td>
<td>720</td>
<td>GOODFELLOW RD</td>
<td>Woof Century Farm</td>
<td>1880</td>
<td>Gothic revival</td>
</tr>
<tr>
<td>L</td>
<td>358</td>
<td>GOODRICH RD</td>
<td>Orland School, SS #20</td>
<td>1874</td>
<td>A typical red brick school</td>
</tr>
<tr>
<td>L</td>
<td>193</td>
<td>GUERTIN RD</td>
<td>Thompson Farmhouse</td>
<td>1870</td>
<td>Gothic Revival</td>
</tr>
<tr>
<td>L</td>
<td>632</td>
<td>HANSEN RD</td>
<td>Stone School, SS #17</td>
<td>1865</td>
<td>Unusual cut fieldstone school</td>
</tr>
<tr>
<td>L</td>
<td>85</td>
<td>HUFF RD</td>
<td>Huff House</td>
<td>1855</td>
<td>Some Gothic Elements</td>
</tr>
<tr>
<td>L</td>
<td>33</td>
<td>KINGSLEY AVE</td>
<td>Nesbitt House</td>
<td>1883</td>
<td>Italianate</td>
</tr>
<tr>
<td>L</td>
<td>36</td>
<td>KINGSLEY AVE</td>
<td></td>
<td>1880</td>
<td>Traditional red brick</td>
</tr>
<tr>
<td>L</td>
<td>79</td>
<td>MAIN ST</td>
<td>Blue House</td>
<td>1903</td>
<td>Queen Anne</td>
</tr>
<tr>
<td>L</td>
<td>81</td>
<td>MAIN ST</td>
<td>Jaques House</td>
<td>1850</td>
<td>Second Empire.</td>
</tr>
<tr>
<td>L</td>
<td>96</td>
<td>MAIN ST</td>
<td>Georgian</td>
<td>1843</td>
<td></td>
</tr>
<tr>
<td>L</td>
<td>108</td>
<td>MAIN ST</td>
<td></td>
<td>1852</td>
<td>Traditional red brick</td>
</tr>
<tr>
<td>L</td>
<td>115</td>
<td>MAIN ST</td>
<td>Rube Cheer House</td>
<td>1904</td>
<td>Italianate</td>
</tr>
<tr>
<td>Number</td>
<td>Street</td>
<td>Name</td>
<td>Year</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
<td>-------------------------------</td>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>L 120</td>
<td>MAIN ST</td>
<td>Valleau House</td>
<td>1870</td>
<td>Folk Victorian. Built by Cornelius Valleau</td>
<td></td>
</tr>
<tr>
<td>L 130</td>
<td>MAIN ST</td>
<td>Walas Funeral Home</td>
<td>1882</td>
<td>Colonial Revival</td>
<td></td>
</tr>
<tr>
<td>L 199</td>
<td>MAIN ST</td>
<td>The White House</td>
<td>1873</td>
<td>One time B&amp;B and restaurant, 'Rene's White House'</td>
<td></td>
</tr>
<tr>
<td>D 200</td>
<td>MAIN ST</td>
<td>Fife House</td>
<td>1874</td>
<td>Italianate. Was Dr Fife's home and office</td>
<td></td>
</tr>
<tr>
<td>L 364</td>
<td>MAIN ST</td>
<td>MacKlam House</td>
<td>1885</td>
<td>Folk Victorian. Built by Cornelius Valleau</td>
<td></td>
</tr>
<tr>
<td>D 60</td>
<td>MAPLEWOOD AVENUE</td>
<td>Brighton Train Station</td>
<td>1857</td>
<td>Memory Junction Museum</td>
<td></td>
</tr>
<tr>
<td>L 79</td>
<td>NEWTON LANE</td>
<td>Wade School (SS#8)</td>
<td>1866</td>
<td>One time Boy Scout hall</td>
<td></td>
</tr>
<tr>
<td>D 2</td>
<td>ONTARIO ST</td>
<td>Bettes Homestead Site</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>L 12</td>
<td>PRICE ST West</td>
<td>Nesbitt Home in Gosport</td>
<td>1870</td>
<td>Folk Victorian</td>
<td></td>
</tr>
<tr>
<td>L 1 to 9</td>
<td>PRINCE EDWARD ST</td>
<td>Proctor House Hotel (3-9)</td>
<td>1885</td>
<td>Commercial Block</td>
<td></td>
</tr>
<tr>
<td>L 50</td>
<td>PRINCE EDWARD ST</td>
<td>Hilda Montgomery House</td>
<td>1880</td>
<td>QueenAnne</td>
<td></td>
</tr>
<tr>
<td>L 74</td>
<td>PRINCE EDWARD ST</td>
<td>Cider House Bed &amp; Breakfast</td>
<td>1870</td>
<td>Georgian elements</td>
<td></td>
</tr>
<tr>
<td>D 211</td>
<td>PRINCE EDWARD ST</td>
<td>Butler - Tobey House</td>
<td>1848</td>
<td>Georgian</td>
<td></td>
</tr>
<tr>
<td>L 39</td>
<td>RICHARDSON ST</td>
<td>Nesbett Cannery</td>
<td>1900</td>
<td>Commercial Building</td>
<td></td>
</tr>
<tr>
<td>L 395</td>
<td>RICHMOND ST.</td>
<td>Herrington Farm</td>
<td>1860</td>
<td>Ontario Gothic Cottage</td>
<td></td>
</tr>
<tr>
<td>L 8</td>
<td>RUSSELL ST</td>
<td>Reverend McLeod's residence</td>
<td>1876</td>
<td>Victorian. Built by CorneliusValleau</td>
<td></td>
</tr>
<tr>
<td>L 48</td>
<td>SANFORD ST</td>
<td>St Pauls Anglican Church</td>
<td>1862</td>
<td>Gothic Revival</td>
<td></td>
</tr>
<tr>
<td>L 50</td>
<td>SANFORD ST</td>
<td>Purdy House</td>
<td>1875</td>
<td>Victorian Gothic</td>
<td></td>
</tr>
<tr>
<td>L 52</td>
<td>SANFORD ST</td>
<td>Webster Farm</td>
<td>1890</td>
<td>One time parsonage</td>
<td></td>
</tr>
<tr>
<td>L 56</td>
<td>SANFORD ST</td>
<td>Ketchum House</td>
<td>1886</td>
<td>Georgian, with Italianate elements</td>
<td></td>
</tr>
<tr>
<td>L 61</td>
<td>SIMPSON ST</td>
<td>Simpson House</td>
<td>1850</td>
<td>Gothic Revival. One time B &amp; B</td>
<td></td>
</tr>
<tr>
<td>L 883</td>
<td>SMITH ST</td>
<td>Patt's House</td>
<td>1900</td>
<td>Gothic Revival</td>
<td></td>
</tr>
<tr>
<td>D 898</td>
<td>SMITH ST</td>
<td>Smith House</td>
<td>1820</td>
<td>Georgian</td>
<td></td>
</tr>
<tr>
<td>L 14835</td>
<td>TELEPHONE RD</td>
<td>Cedar Grove</td>
<td>1870</td>
<td>Gothic</td>
<td></td>
</tr>
<tr>
<td>L 15064</td>
<td>TELEPHONE RD</td>
<td>Gibbard Farmhouse</td>
<td>1870</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L 15120</td>
<td>TELEPHONE RD</td>
<td></td>
<td>1883</td>
<td>Ontario Gothic Cottage</td>
<td></td>
</tr>
<tr>
<td>L 15154</td>
<td>TELEPHONE RD</td>
<td></td>
<td>1875</td>
<td>Ontario Gothic Cottage</td>
<td></td>
</tr>
<tr>
<td>L 431</td>
<td>WAITES RD</td>
<td>Waite's Century Farm</td>
<td>1870</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# MUNICIPAL REGISTER INDEX

| D | 105 | WHITES RD | Spring Valley Park |          |
| L | 36  | YOUNG ST  | The Bibby House    | 1910 QueenAnne |
| L | 40  | YOUNG ST  | The Brighton Inn   | 1900 Edwardian with Queen Anne elements |
| L | 49  | YOUNG ST  | Morrow House       | 1875 Gothic Revival |
| L | 54  | YOUNG ST  |                 | 1901 Queen Anne |
| L | 62  | YOUNG ST  |                 | 1870 Traditional red brick |
| D | 96  | YOUNG ST  | Proctor House     | 1853 Victorian with Italianate elements |

Total Designated = 9
Listed on Register = 53
On Hold by Owner = 0
Other = 0
Total = 62