



OFFICIAL PLAN

**The Corporation of the
Municipality of Brighton**

Adopted by Council July 19, 2010

Approved with modifications by the
Ministry of Municipal Affairs and Housing on
April 23, 2014

1.	<u>INTRODUCTION</u>	1
1.1	CONTENTS OF THE OFFICIAL PLAN	2
1.2	SCOPE OF THE OFFICIAL PLAN	3
1.2.1	Planning Period	3
1.2.2	Effect on Public Sector	3
1.2.3	Effect on Private Sector	3
1.3	PURPOSES OF THE OFFICIAL PLAN	4
1.3.1	General	4
1.3.2	Specific	4
1.4	MATTERS OF PROVINCIAL INTEREST	4
2.	<u>BASIS AND OBJECTIVES OF PLAN</u>	6
2.1	OFFICIAL PLAN REVIEW	6
2.2	BACKGROUND FACTORS	6
2.2.1	Brighton Urban Area	6
2.2.2	Residential Development	6
2.2.3	Commercial Development	7
2.2.4	Industrial Development	7
2.2.5	Rural Development Areas	8
2.2.6	Rural Residential Development	8
2.2.7	Resource-Based Development	8
2.2.8	Cultural Heritage, Recreation and Open Space	9
2.2.9	Natural Heritage, Natural Hazards and Source Water Protection	9
2.3	THE TWENTY-YEAR PLANNING HORIZON	10
2.3.1	Traditional Growth Projections	10
2.3.2	Factors Influencing Growth	11
2.3.3	Growth Projections – Growth Plan	12
2.4	OBJECTIVES OF THE OFFICIAL PLAN	12
2.4.1	Maintenance of the Financial Well-Being of the Municipality	12
2.4.2	Infrastructure and Public Service Facilities	13
2.4.3	Promotion of Recreational Development and Tourism	13
2.4.4	Preservation of Agricultural Land	13
2.4.5	Encouragement of Industrial and Commercial Development	13
2.4.6	Control of Development in the Agricultural and Rural Designations	14
2.4.7	Hamlets	14
2.4.8	Hazardous Areas	14
2.4.9	Mineral Aggregate Resources	14
2.4.10	Range and Mix of Housing	15
2.4.11	Heritage Conservation	15
2.4.12	Enhancement and Preservation of the Environment and Protection of Water	15
2.4.12.1	<i>Objectives</i>	16
2.4.13	Provision of Water Access	17
3.	<u>GENERAL DEVELOPMENT POLICIES</u>	18
3.1	GROWTH MANAGEMENT WITHIN THE MUNICIPALITY OF BRIGHTON	18
3.1.1	Population and Employment	18

Table of Contents

3.1.2	Residential Intensification	19
3.1.3	Urban and Rural Settlement Areas	19
3.1.4	Employment Areas	21
3.1.5	Designated Greenfield Areas	22
3.1.6	Growth in Agricultural and Rural Lands	22
3.1.7	Affordable Housing	22
3.1.8	Protection of Neighbourhood Character	23
3.1.9	Brownfield Development	23
3.2	SITE DEVELOPMENT REQUIREMENTS	24
3.2.1	Lot Sizes	24
3.2.2	Soil and Drainage	24
3.2.3	Road Setbacks	24
3.2.4	Development Abutting or in Proximity to Railways	24
3.2.5	Noise and Vibration Impacts	25
3.2.6	Open Storage	26
3.2.7	Parking and Loading Facilities	26
3.2.8	Development of Non-Residential Uses	26
3.2.9	Development Agreements	26
3.2.10	Minimum Distance Separations (MDS I and II)	27
3.3	PHASING OF DEVELOPMENT	27
3.3.1	Principle	27
3.3.2	Objectives	27
3.3.3	Development Staging and Phasing Policies	28
3.3.3.1	<i>Development Area One</i>	29
3.3.3.2	<i>Development Area Two</i>	29
3.3.3.3	<i>Development Area Three</i>	30
3.4	WATER SUPPLY AND SEWAGE DISPOSAL	30
3.4.1	Municipal Sewage and Water Services	31
3.4.2	Municipal Servicing Capacity Allocation	32
3.4.2.1	<i>Servicing Options Investigation</i>	34
3.4.2.2	<i>Hydrogeologic Assessment</i>	34
3.4.3	Private Communal Sewage and Water Systems	34
3.4.4	Individual (Private) On-Site Water and Sewage Disposal Services	35
3.4.5	Determination of Treatment Capacity for Hauled Sewage	36
3.4.6	Substandard System Improvements	37
3.5	STORMWATER MANAGEMENT	37
3.5.1	General	37
3.5.2	Large Scale Development	38
3.5.3	Stormwater Management Criteria	39
3.5.4	Brighton Urban Area Master Drainage Plan	40
3.6	UTILITIES AND PUBLIC SAFETY	41
3.6.1	Requirements for Development	41
3.6.2	Lands for Easements and Emergency Access	41
3.6.3	Lands for Public Buildings	41
3.6.4	TransCanada Pipelines	41
3.6.5	Electric Power Facilities	42
3.6.5.1	<i>Development of Renewable Energy Systems</i>	42
3.7	CULTURAL HERITAGE CONSERVATION	42
3.7.1	Objectives	43

Table of Contents

3.7.1.1	<i>Identify and Conserve Resources</i>	43
3.7.1.2	<i>Promote Awareness</i>	43
3.7.1.3	<i>Develop Partnerships</i>	43
3.7.1.4	<i>Provincial Legislation</i>	43
3.7.2	Policies	43
3.7.2.1	<i>Public Awareness</i>	43
3.7.2.2	<i>Cultural Heritage Master Plan</i>	44
3.7.2.3	<i>Cultural Heritage Planning Statements</i>	44
3.7.2.4	<i>Cultural Heritage Surveys</i>	45
3.7.2.5	<i>Cultural Heritage Impact Statements</i>	45
3.7.2.6	<i>Appropriate Mitigation</i>	46
3.7.2.7	<i>Additional Studies</i>	47
3.7.2.8	<i>Conditions</i>	47
3.7.2.9	<i>Designation</i>	47
3.7.2.10	<i>Security</i>	47
3.7.2.11	<i>Secondary Plans</i>	47
3.7.2.12	<i>Public Undertakings</i>	48
3.7.2.13	<i>Heritage Easements and Acquisitions</i>	48
3.7.2.14	<i>Cultural and Natural Landscapes</i>	48
3.7.2.15	<i>Vegetation</i>	48
3.7.3	Archaeology	48
3.7.3.1	<i>Archaeological Master Plan</i>	48
3.7.3.2	<i>Archaeological Assessment Requirements and Proposed Development</i>	49
3.7.3.3	<i>Mitigation</i>	49
3.7.3.4	<i>Protection of Sites</i>	49
3.7.3.5	<i>First Nations and Euro-Canadian Unmarked Burials</i>	50
3.7.3.6	<i>Artefact Storage</i>	50
3.7.3.7	<i>Archaeological Contingency Planning</i>	50
3.7.3.8	<i>Release of Information</i>	50
3.7.3.9	<i>Cemeteries and Burial Sites</i>	50
3.7.3.10	<i>Marine Archaeological Resources</i>	51
3.7.3.11	<i>Waterfront Development</i>	51
3.7.4	Built Heritage Resources	51
3.7.4.1	<i>Built Heritage Resources Inventory</i>	51
3.7.4.2	<i>Retention / Relocation of Heritage Buildings</i>	52
3.7.4.3	<i>Heritage Conservation Districts</i>	52
3.7.4.4	<i>Process</i>	53
3.7.5	Areas with Cultural Heritage Character	55
3.7.5.1	<i>Existing Settlement Areas</i>	55
3.7.5.2	<i>Conversion or Redevelopment</i>	55
3.7.5.3	<i>New Construction</i>	56
3.7.6	Other Heritage Matters	56
3.7.6.1	<i>Adaptive Re-Use in Agricultural Areas and Rural Areas</i>	56
3.7.6.2	<i>Heritage Trust Fund</i>	56
3.8	PARKS AND RECREATION	56
3.8.1	Functional Classifications	57
3.8.1.1	<i>Alternative Requirement</i>	58
3.8.2	Alternative Conveyances	58
3.8.3	Parkland Dedication in Shoreline Areas	59
3.8.4	Public Waterfront Access	59
3.9	PROTECTION OF THE NATURAL ENVIRONMENT	59

Table of Contents

3.9.1	Objectives.....	60
3.9.2	Natural Hazards	61
3.9.3	Natural Environmental Features	62
3.9.4	General Policies	63
3.9.5	Requirement for Environmental Impact Study	63
3.9.6	Wetlands	64
3.9.6.1	<i>Provincially Significant Wetlands</i>	65
3.9.6.2	<i>Other Wetlands</i>	65
3.9.7	Areas of Natural and Scientific Interest.....	66
3.9.8	Fish and Wildlife Habitat	66
3.9.9	Significant Habitat of Endangered & Threatened Species.....	68
3.9.10	Significant Woodlands.....	68
3.9.11	Significant Wildlife Habitat.....	69
3.9.12	Significant Valleylands	69
3.9.13	Definitions of Development and Site Alteration.....	70
3.10	Energy Conservation.....	70
3.10.1	Policies	71
3.11	WATER.....	71
3.11.1	Surface Water Protection	72
3.11.2	Groundwater Protection	73
3.11.2.1	<i>Municipal Wellhead Protection</i>	73
3.11.3	Identification of New Groundwater Information.....	74
3.12	SCHOOLS	74
3.12.1	Accommodation Planning	74
3.12.2	Requirements for Development	74
3.13	RENEWABLE ENERGY GENERATION FACILITIES	74
3.14	PROTECTION OF MINERAL AGGREGATE RESOURCES	75
3.15	WAYSIDE PITS AND WAYSIDE QUARRIES	75
3.16	PORTABLE ASPHALT PLANTS AND PORTABLE CONCRETE PLANTS.....	76
3.16.1	No Requirement for Amendment	77
3.16.2	Separation Distances	77
3.16.3	Agricultural Lands.....	77
3.17	LAND USE COMPATABILITY.....	77
3.17.1	Definition of Terms	78
3.17.2	Minimum Separation Distances	78
3.17.3	Separation or Buffer Areas and Vegetation Planting Strips.....	79
3.18	HOUSING POLICIES	79
3.18.1	Accessory Apartments	81
3.19	Bed And Breakfast Establishments.....	81
3.19.1	Garden Suites	82
3.19.2	Group Homes.....	82
3.20	HOME OCCUPATIONS & HOME INDUSTRIES.....	83
3.20.1	Home Occupations.....	83
3.20.2	Home Industries	84
3.21	EXISTING LAND USES	84
3.21.1	Non-Conforming Uses - Extension Or Enlargement.....	85

Table of Contents

3.21.1.1	<i>Existing Single Detached Dwellings</i>	85
3.21.1.2	<i>Feasibility of Acquisition</i>	85
3.21.1.3	<i>No Amendment to Official Plan</i>	85
3.21.1.4	<i>Municipal Council Consideration</i>	86
3.21.1.5	<i>Council Decision</i>	87
3.22	COMMITTEE OF ADJUSTMENT	87
3.23	PUBLIC USES.....	87
3.24	ACCESSORY USES	88
3.25	FEES AND COST RECOVERY	88
3.25.1	Other Financing Sources	89
3.25.2	Economic Impact Study	89
3.25.3	Definitions.....	89
4.	<u>LAND USE POLICIES</u>.....	92
4.1	AGRICULTURE.....	93
4.1.1	Definition of Prime Agricultural Areas	94
4.1.2	Permitted Uses.....	94
4.1.2.1	<i>Agricultural Uses</i>	95
4.1.2.2	<i>Agriculture-Related Uses</i>	95
4.1.2.3	<i>Agri-Businesses</i>	95
4.1.2.4	<i>Farm Related Residential Uses</i>	95
4.1.2.5	<i>Non-Farm Related Residential Uses on Existing Lots of Record</i>	96
4.1.2.6	<i>Secondary Farm Uses</i>	96
4.1.3	Minimum Distance Separation Formulae.....	98
4.1.4	Applications for Severances Permitted by Consent.....	98
4.1.5	Re-designation of Agricultural Lands	98
4.2	RURAL	98
4.2.1	Agricultural Uses	99
4.2.2	Limited Non-farm Residential Development	99
4.2.3	Rural Commercial and Industrial Uses	99
4.2.3.1	<i>Small Scale Rural Commercial Uses</i>	100
4.2.3.2	<i>Conservation, Forestry, and Recreational Uses</i>	100
4.2.3.3	<i>Minimum Distance Separation (MDS) Formulae</i>	101
4.2.3.4	<i>Zoning</i>	101
4.2.4	Special Rural Areas	101
4.2.4.1	<i>Special Rural Area One (Golden Pond Retirement Home)</i>	101
4.2.4.2	<i>Special Rural Area Two (McQuoids Chiropractic)</i>	101
4.2.4.3	<i>Special Rural Area Three (Elemental Embrace)</i>	101
4.2.4.4	<i>Special Rural Area Four (Smithfield Indoor Storage)</i>	102
4.2.4.5	<i>Special Rural Area Five - Seasonal Tourist Establishment (KOA) in Part Lot 10 Concession 2, Brighton</i>	102
4.2.4.6	<i>Special Rural Area Six– Seasonal Tourist Establishment (Cedardale) in Part Lot 23 Concession C, Brighton</i>	103
4.2.4.7	<i>Special Rural Area Seven – Seasonal Tourist Establishment (Brighton Shores) in Part Lot 24 Concession C in Part Lot 23 Concession C, Brighton</i>	103
4.2.4.8	<i>Special Rural Area Eight – Rural Commercial (Brighton Speedway) in Part Lot 24 Concession C, Brighton</i>	103
4.2.4.9	<i>Special Rural Area Nine– Retail Accessory for Trailer Park in Part of Lot 10, Concession 2, Brighton</i>	104

Table of Contents

4.2.4.10	<i>Special Rural Area Ten – Plan of Subdivision at 401 and east of Highway 30 (Grund Subdivision), Part of Lot 41 & Part of Block H, Registered Plan 42 and Part of Lot 3, Concession 3, former Township of Brighton)</i>	104
4.3	RESIDENTIAL - LOW DENSITY URBAN	104
4.3.1	Policies	104
4.3.2	Redevelopment, Infilling and Intensification Plans.....	105
4.3.3	Lands within 300 metres of Lake Ontario	106
4.3.4	Zoning By-law Provisions	106
4.4	RESIDENTIAL - MEDIUM DENSITY URBAN	106
4.4.1	Location Factors.....	107
4.4.2	Infilling, Intensification and Redevelopment.....	108
4.4.3	Heritage Buildings and Resources.....	109
4.4.4	Lands within 300 metres of Lake Ontario	109
4.4.5	Zoning By-law Provisions	109
4.4.6	<i>Special Medium Density Urban Area No. 1 – Mobile Home Park.....</i>	<i>109</i>
4.4.7	Zoning	110
4.5	SHORELINE RESIDENTIAL AREA	110
4.5.1	Purpose	110
4.5.2	Main Permitted Uses.....	111
4.5.3	Limited Service Shoreline	111
4.5.4	Secondary Permitted Uses	111
4.5.5	Residential Plans of Subdivision	112
4.5.6	Additional Shoreline Development Design Requirements	113
4.5.6.1	<i>Conversions of Seasonal Dwellings to Permanent Dwellings</i>	<i>114</i>
4.5.6.2	<i>Zoning By-law Provisions</i>	<i>115</i>
4.5.7	Development on Private Roads Not Permitted	115
4.5.8	Zoning By-law Provisions	115
4.6	HAMLET.....	115
4.6.1	Permitted Uses.....	116
4.6.2	Criteria for New Development.....	116
4.6.3	Plans of Subdivision and Plans of Condominium	117
4.6.4	Rural Commercial and Industrial Uses	118
4.6.4.1	<i>Location of Commercial and Industrial Uses within Hamlets</i>	<i>118</i>
4.6.5	Changes to Hamlet Boundaries	119
4.6.5.1	<i>Zoning</i>	<i>119</i>
4.7	CORE.....	119
4.7.1	Representative Uses.....	119
4.7.2	Policies for Development, Redevelopment and Intensification.....	120
4.7.3	Zoning	120
4.8	DISTRICT COMMERCIAL	121
4.8.1	Permitted Uses.....	121
4.8.2	Policies	121
4.8.3	Policies for Development, Redevelopment and Intensification.....	122
4.8.3.1	<i>Transportation Impact Study</i>	<i>122</i>
4.8.3.2	<i>Retail Market Analysis</i>	<i>123</i>
4.8.4	Location.....	124
4.8.5	Establishment of New District Commercial Areas.....	124
4.8.6	Marine Commercial Areas.....	124
4.8.7	Parking	125

Table of Contents

4.8.8	Buffer Planting.....	125
4.8.9	Zoning By-law Provisions.....	125
4.8.10	Special District Commercial Areas.....	125
4.8.10.1	Special District Commercial Area (Craft Developments)	125
4.9	RESOURCE-BASED RECREATION DEVELOPMENT	126
4.9.1	Permitted Uses.....	126
4.9.1.1	Criteria for New Resource-based Recreational Residential Development	127
4.9.2	Parking.....	127
4.10	INDUSTRIAL	128
4.10.1	General Industrial Uses.....	129
4.10.2	Prestige Industrial Uses.....	129
4.10.3	Employment-related Uses.....	130
4.10.3.1	Development Policies - New Industrial Development or Re-development	130
4.10.4	Site Plan Control	131
4.10.4.1	Design Considerations	131
4.10.5	Conversion of Industrial Lands.....	132
4.10.5.1	Separation of Industrial and Sensitive Land Uses	132
4.10.5.2	Parking and Loading Facilities	132
4.10.5.3	Zoning Provisions	133
4.10.6	Special Industrial Area #1	133
4.10.7	Special Industrial Area #2	133
4.11	AGGREGATE RESOURCES.....	133
4.11.1	Permitted Uses.....	134
4.11.2	Official Plan Amendments for Mineral Aggregate Operations	134
4.11.3	Policies for New or Expanding Mineral Aggregate Operations.....	135
4.11.4	Development Agreements.....	136
4.11.5	Changes to Areas Designated Aggregate Resource	137
4.11.6	Protection of Mineral Aggregate Resources and Operations	138
4.11.7	Rehabilitation of Mineral Aggregate Operations	138
4.11.8	Rehabilitation of Agricultural Lands.....	138
4.11.9	Zoning By-law Provisions.....	139
4.11.10	Bedrock Resources.....	139
4.12	COMMUNITY FACILITIES AND OPEN SPACE	140
4.12.1	Permitted Uses.....	140
4.12.2	Policies	140
4.12.3	Outdoor Recreational Facilities, Playing Fields and Trail Corridors	140
4.12.4	Parking Facilities	141
4.12.5	Zoning By-law Provisions.....	141
4.13	WASTE DISPOSAL AREA	141
4.13.1	Permitted Uses.....	141
4.13.2	Waste Disposal Area Designation.....	141
4.13.3	Development Policies.....	142
4.13.4	Development Plan.....	142
4.13.5	Access Points.....	143
4.13.6	Ministry of the Environment.....	143
4.13.7	Buffering.....	143
4.13.8	Lots of Record.....	143
4.13.9	Zoning By-law Provisions.....	144
4.13.10	Development Near Open or Closed Waste Disposal Sites.....	144

4.14	ENVIRONMENTAL PROTECTION	145
4.14.1	Other Sensitive Lands That Are Not Designated As “Environmental Protection”	145
4.14.2	Natural Hazards Areas	146
4.14.3	Hazardous Lands Along Rivers, Streams and Valleys	146
4.14.3.1	<i>Prohibited Uses</i>	147
4.14.3.2	<i>Two-Zone Floodplain Area</i>	148
4.14.4	Hazardous Lands along the Lake Ontario Shoreline	149
4.14.4.1	<i>Uses Prohibited</i>	150
4.14.5	Additional Hazard Lands	151
4.14.5.1	<i>Prohibited Uses</i>	151
4.14.6	Water Setbacks	151
4.14.7	Existing Lots of Record	152
4.14.8	Lot Creation	152
4.14.9	Review of Provincially Significant Wetlands	152
4.14.10	Open Space Corridors Policies	153
4.14.11	Source Water Areas	153
4.14.11.1	<i>Permitted Uses</i>	154
4.14.11.2	<i>Prohibited Uses and Activities</i>	154
4.14.12	Detailed Delineation of Environmental Protection Lands	154
4.14.13	Privately Owned Lands	155
4.14.14	Application to Re-Designate	155
4.14.15	Park Dedication	156
4.14.16	Placing and Removal of Fill	156
4.14.17	Zoning By-law Provisions	156
4.15	DEFERRED GROWTH AREAS	156
4.15.1	Applications for Consent	157
4.15.2	Zoning	157
4.16	SPECIAL DEVELOPMENT AREA NO.1 – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA	157
4.16.1.1	<i>Other Matters to be Considered</i>	159
4.16.1.2	<i>Zoning By-law Provisions</i>	159
4.17	SPECIAL DEVELOPMENT AREA NO. 2 - MAIN STREET REVITALIZATION AREA	160
4.17.1	Site Plan Control Area	160
4.18	SPECIAL DEVELOPMENT AREA NO. 3 – PART LOT 34 CONCESSION A	162
4.19	SPECIAL DEVELOPMENT AREA NO. 4 – RECHARGE/DISCHARGE AREA	163
4.20	SPECIAL DEVELOPMENT AREA NO. 5 – INDUSTRIAL/COMMERCIAL AREA	163
4.20.1	Purpose	163
4.20.2	Main Permitted Uses	163
4.20.3	Secondary Permitted Uses	164
4.20.4	New Development	164
4.20.5	Existing Uses	165
4.21	SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT AREA	166
4.21.1	Trail Linkages and Connections to Brighton Urban Area	168
5.	<u>DIVISION OF LAND</u>	169
5.1	DETERMINATION OF LAND DIVISION METHOD	169
5.1.1	Requirements for Plans of Subdivision	169
5.1.2	Consent to a Land Severance	169

5.2	GUIDELINES FOR LAND SEVERANCE APPROVALS	169
5.2.1	General Criteria	169
5.2.2	Severance Policies Applicable for Residential, Commercial, Industrial and Institutional Uses	173
5.2.3	Special Severance Policies for the Brighton Urban Area	174
5.2.4	Special Severance Policies for the Agricultural Designation	174
5.2.5	Special Severance Policies for the Rural Designation.....	176
5.3	POLICIES FOR SUBDIVISION AND CONDOMINIUM APPROVALS.....	177
5.3.1	Development Patterns.....	177
5.3.2	Compatibility of Land Uses	177
5.3.3	Provision of Public Services.....	178
5.3.3.1	<i>Water Supply and Sewage Disposal</i>	178
5.3.3.2	<i>Protection of Environment</i>	178
5.3.3.3	<i>Stormwater Management</i>	178
5.3.4	Zoning of Proposals	178
5.3.5	Minimum Distance Separation Requirements.....	178
5.3.6	Special Policies for Condominium Developments	178
5.3.7	Requirements for Plans of Subdivision	179
6.	<u>COMMUNITY IMPROVEMENT</u>.....	180
6.1	DEFINITIONS	180
6.2	PLANNING PRINCIPLES	181
6.3	COMMUNITY IMPROVEMENT AREA SELECTION CRITERIA.....	182
6.4	COMMUNITY IMPROVEMENT AREAS	183
6.5	PHASING OF COMMUNITY IMPROVEMENT	183
6.6	IMPLEMENTATION	184
7.	<u>TRANSPORTATION POLICIES</u>	185
7.1	TRANSPORTATION PLAN	185
7.1.1	General Principles	185
7.1.2	Policies	186
7.1.3	Pattern.....	187
7.1.4	Public and Private Parking	187
7.1.4.1	<i>General Principle</i>	187
7.1.4.2	<i>Policies</i>	187
7.1.5	Alternative Modes of Transportation	188
7.1.5.1	<i>General Policies</i>	188
7.1.5.2	<i>Policies</i>	189
8.	<u>IMPLEMENTATION</u>	190
8.1	PRESCRIBED INFORMATION.....	190
8.2	Public open house.....	191
8.3	NOTICE OF PUBLIC MEETING AND NOTICE OF PUBLIC OPEN HOUSE	191
8.4	ZONING BY-LAWS.....	191
8.4.1	Zoning By-law Review.....	191

Table of Contents

8.4.2	Zoning of Conforming Land Uses	192
8.4.3	Zoning of Non-Conforming Land Uses	192
8.4.4	Zoning of Undeveloped Lands	192
8.4.5	Development Staging.....	193
8.5	HOLDING PROVISIONS.....	193
8.5.1	General.....	193
8.5.2	Specific.....	193
8.6	OTHER BY-LAWS	194
8.6.1	Existing By-laws	194
8.7	Site Plan Control.....	194
8.7.1	Designating By-law.....	195
8.7.2	Exempted Uses	195
8.8	Consent Granting Authority & Committee of Adjustment.....	195
8.9	PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS	195
8.9.1	Municipal Road Widening	196
8.9.2	Conservation Authority Approvals for Development and Site Alteration.....	196
8.10	MAINTENANCE AND OCCUPANCY STANDARDS	196
8.10.1	Property Standards By-law	196
8.10.2	Clean and Clear Yards By-Law.....	197
8.11	HERITAGE, ARCHAEOLOGICAL AND EARTH LIFE SCIENCES.....	197
8.12	REVIEW OF THE PLAN.....	197
8.12.1	Open Houses	198
8.12.2	Notification to Agencies And Ratepayers.....	198
8.13	TECHNICAL AMENDMENTS	198
8.14	AMENDMENTS TO THE OFFICIAL PLAN	198
8.14.1	Consideration of Amendment.....	199
8.14.2	Site Specific Amendments	199
8.14.3	Need.....	200
8.14.4	Existing Development	200
8.14.5	Physical Suitability.....	200
8.14.6	Long Term Impact	200
8.14.7	Location.....	201
8.14.8	Compatibility.....	201
8.14.9	Financial Implications.....	201
8.14.10	Natural Heritage Features and Areas	201
8.14.11	Background Studies	201
8.14.12	Natural Hazards	202
8.15	Changes To Agency Names, Responsibilities And Legislation	202
8.15.1	Agency Names and Responsibility.....	202
8.15.2	Legislation	202
8.15.3	Amendment to the Plan.....	202
8.16	BOUNDARIES.....	202
8.17	QUANTITIES	203
8.18	TERMINOLOGY AND DEFINITIONS	203

1. **INTRODUCTION**

Brighton is the eastern-most municipality within the County of Northumberland. The Municipality of Brighton is bounded by the City of Quinte West to the east with the Township of Cramahe to the west. The shoreline of Lake Ontario represents the southern boundary of the Municipality. The Municipality of Trent Hills is located to the north. The municipality includes the former Town and Township of Brighton. Highway 401 and County Road 2 provide the main east-west corridor through the municipality. County Road 30 extends north from the urban centre of the former Town of Brighton, through Spring Valley, Hilton, Orland and Codrington, to the boundary with Trent Hills and onto Campbellford. The community provides a regional focus for hamlets in the surrounding area, although the proximity to larger urban centres (Trenton, Belleville, and Cobourg) limits the economic importance of the urban area of the former Town of Brighton as a major retail service centre.

The Brighton area is known for its recreational resources, quaint Bed and Breakfast locations, antique shops, and small town atmosphere. Presqu'île Bay was an important focus of the community's development in the past, providing opportunities for both commercial and recreational fisheries. Historically, the community was recognised as a summer resort town and more recently as the gateway to Presqu'île Provincial Park, which continues to provide a recreational focus for the area.

The Municipality also has a strong agricultural focus. There are numerous fruit orchards which are dominant in the southern part of the Municipality, where Lake Ontario provides a moderating influence on the local climate. The built heritage of the area, including mansions and canning factories once owned by fruit and vegetable packers, reflects the importance of this agricultural sector to the community. Further to the north beyond the glacial shoreline ridge, field crops and livestock predominate. Glacial deposits (eskers, kames, et cetera) are also an important resource reserve for minerals and aggregates in the Municipality.

Recently, Brighton has become a destination for ex-urbanites who are looking for a smaller community in which to retire. The influx of this population has a clear economic benefit to the community as evidenced by revitalization within the downtown area.

On January 1, 2001 the Municipality of Brighton was established through the amalgamation of the former Town of Brighton and the former Township of Brighton. Since that time, the new municipality has been working actively to complete the transition from the two smaller municipalities, one essentially rural and the other primarily urban, to one larger and more diverse municipality.

Land use and development within each of the former municipalities was guided by its own Official Plan and implementing Zoning By-law. The former Town of Brighton's Official Plan was approved in 1985 and was amended on sixteen separate occasions, including two significant updates to policy. The former Township of Brighton's Official Plan was also approved in 1985 and was the subject of twenty-three amendments, many of which were site specific. The former Township adopted a significant update to the Plan in 2000. Approval of the amended Official Plan was granted by the Province in 2003.

The Municipality of Brighton has developed a new Official Plan to replace the two former Official Plans in order to meet the needs of the amalgamated Municipality. This Official Plan provides the vision, principles and policies necessary to guide the land use development for the next twenty years. The new Official Plan combines existing policy, where appropriate, with new policy directions in order to effectively support the logical and orderly development of the municipality while allowing municipal officials the flexibility to preserve and expand upon unique characteristics of the amalgamated municipality.

The purpose of the new Official Plan is to guide land use and development within the rural and urban areas of the Municipality, so as to protect and enhance the area's established settlement areas, natural heritage, agricultural, mineral and aggregate resources, cultural and archaeological resources, and recreational value.

1.1 CONTENTS OF THE OFFICIAL PLAN

Sections 1 through 12 of the text, together with the following Schedules, constitute the Official Plan of the Municipality of Brighton:

SCHEDULE "A - MAP 1" - LAND USE PLAN – BRIGHTON RURAL AREA

SCHEDULE "A - MAP 2" - LAND USE PLAN – BRIGHTON URBAN AREA

SCHEDULE "A - MAP 3" - LAND USE PLAN – PRESQU'ILE BAY

SCHEDULE “B - MAP 1” – TRANSPORTATION – BRIGHTON RURAL AREA

SCHEDULE “B - MAP 2” – TRANSPORTATION – BRIGHTON URBAN AREA

SCHEDULE “B - MAP 3” – TRANSPORTATION – PRESQU’ILE BAY

SCHEDULE “C - MAP 1” – NATURAL FEATURES AND RESOURCES – BRIGHTON RURAL AREA

SCHEDULE “C - MAP 2” – NATURAL FEATURES AND RESOURCES – BRIGHTON URBAN AREA

SCHEDULE “C - MAP 3” – NATURAL FEATURES AND RESOURCES – PRESQU’ILE BAY

SCHEDULE “D” – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA

SCHEDULE “E” – COMMUNITY IMPROVMENT PLAN AREAS WITHIN RURAL AREAS

1.2 SCOPE OF THE OFFICIAL PLAN

This Official Plan applies to all lands within the Municipality of Brighton.

1.2.1 Planning Period

The policies and schedule contained in this Official Plan cover a twenty-year planning period.

1.2.2 Effect on Public Sector

Upon approval of this Official Plan by the Ministry of Municipal Affairs, Section 24 of the *Planning Act* will require any public work undertaken in the Municipality of Brighton and any by-law passed by the Council of the Corporation of the Municipality of Brighton for any purpose, with certain exceptions, to conform to this Plan.

1.2.3 Effect on Private Sector

Although this Official Plan is a legal document, it cannot control or regulate the use of land by the private sector until such time as it is implemented by Zoning By-laws passed pursuant to Section 34 of the *Planning Act* and by other by-laws passed pursuant to the *Planning Act* or other Provincial statutes.

1.3 PURPOSES OF THE OFFICIAL PLAN

1.3.1 General

The general purpose of this Official Plan is to provide a comprehensive document to guide and direct the use of land in the Municipality throughout the planning period. This Plan was prepared to assist decision-making by both the public and private sectors. Public administrators may use the Plan to identify public undertakings that shall be required and to assign appropriate budget, timing and location priorities. Private interests, by being informed of the long-term objectives for the Municipality may make decisions on their operations in the context of consistent and predictable public policies.

1.3.2 Specific

The specific purposes of this Plan are to provide:

- i) Policy statements which express the long-term planning objectives for the Municipality of Brighton;
- ii) Policies with respect to the division of land;
- iii) Public servicing policies that set out the overall conditions for development in the Municipality pertaining to servicing costs, water supply, sewage disposal, roads, utilities, public safety, schools, parks and recreation;
- iv) General development policies which set out guidelines for site conditions, site amenities, land use compatibility, land use conversions and historic preservation;
- v) Policies to explain and interpret the Schedules
- vi) Policies to serve as the basis for the review of development applications, the preparation of an implementing Zoning By-law, the use of holding provisions, and the use of site plan control with respect to the land use designations set out in this Plan as well as policies for implementing and administering the Plan.

1.4 MATTERS OF PROVINCIAL INTEREST

This Plan has been prepared to conform to and implement the relevant policies of the 2005 Provincial Policy Statement, issued under the authority of Section 3 of the *Planning Act* within the Municipality of Brighton.

The Municipal Council, in carrying out its responsibilities under the *Planning Act*, shall have regard to matters of Provincial Interest as set out in Section 2 of the *Planning Act*, and a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement.

The Municipal Council, in carrying out its responsibilities under the Growth Plan for the Greater Golden Horseshow, 2006, shall conform to the requirements of the Growth Plan for the Greater Golden Horseshoe.

2. BASIS AND OBJECTIVES OF PLAN

2.1 OFFICIAL PLAN REVIEW

An Official Plan must be based on solid planning principles, conform to the Growth Plan for the Greater Golden Horseshoe, 2006, and the 2005 Provincial Policy Statement, and reflect the goals and objectives of the community. In 2006, the Council of the Municipality of Brighton committed to the preparation and adoption of an Official Plan for the new Municipality, comprised of the former Town of Brighton and Township of Brighton. The preparation of a background study was the first step in the process of developing a new Official Plan.

2.2 BACKGROUND FACTORS

In preparing the Background Study, the Municipality of Brighton compiled background information, reviewed previous planning policies and identified current land use challenges in the Municipality. Specific land use and policy issues requiring further research or analysis were identified. The Background Study also considered the priorities identified in the Municipality's Strategic Plan. The Study built upon existing information to identify linkages, needs and opportunities for the development of the new Official Plan.

2.2.1 Brighton Urban Area

The Brighton Urban Area is the main urban settlement area within the Municipality and includes the lands within the former Town of Brighton. The Brighton Urban Area comprises the major residential, commercial, industrial, institutional, and recreational concentration and the central focus for the Municipality. The extent of the urban settlement area and associated land use designations are shown on Schedule "A".

2.2.2 Residential Development

The Official Plan provides for low density and medium density residential development within the Brighton Urban Area, thereby ensuring that a range of housing types and densities, and ranges of affordability will be available within the serviced urban centre in the years to come. Residential development and redevelopment is to take place in a planned, orderly manner to ensure that residential uses are located in areas where they are compatible with adjacent land uses. Lands have been designated to accommodate population growth, as forecast by the

Ministry of Infrastructure (MOI) in Schedule 3 of the Growth Plan for the Greater Golden Horseshoe, 2006.

2.2.3 Commercial Development

The core of the Brighton Urban Area continues to support local retail and service industries, and provides a focus for professional and government related offices. The protection and enhancement of the special mixed use area along Main Street will remain a priority for the community.

In order to balance economic growth with small town appeal, the Official Plan provides for the commercial conversion of existing buildings along Main Street, between Kingsley/Division to the east and Ontario Streets to the west, which is currently in transition from residential to commercial use. The policies are intended to achieve a balance between low profile commercial and residential uses in the same building or in separate buildings and/or the conversion of existing single detached dwellings to multiple dwelling units or to commercial buildings. Conversion would be permitted provided the external design and residential character of the building and character of the area are not adversely impacted.

Within the municipality, a secondary cluster of retail commercial and service-based facilities is emerging at the eastern edge of the Brighton Urban Area, related at least in some manner to the increased development occurring to the east in the neighbouring City of Quinte West. These lands are recognized as Highway Commercial in this Plan. The Highway Commercial designation has also been applied to certain lands located at the junction of Highway 401 and County Road 30. The proximity to the busy 401 corridor offers potential for development of a cluster of businesses and economic activities which require larger parcels of land and those which serve the traveling public.

2.2.4 Industrial Development

Currently, Brighton's industrial operations are primarily located in the Industrial Park in the southeast section (Loyalist Drive) of the urban community. Serviced land presently available to new industry is in limited supply. Attracting new industry will require the Municipality to acquire and to service additional lands in a strategic location. The 401/30 interchange is seen as a potential site for such future development, although the cost of providing municipal servicing to this area has been calculated in the tens of millions. More realistic is the opportunity for

expansion of the current industrial park to the east, in combination with opportunities for in-filling within the serviced area of the municipality.

Given the demographics of the aging population in the municipality, there is a limited labour supply available in the Brighton area for new industry and commercial enterprises. Land use and development policies which support smaller “cottage industry” operations are most likely to benefit the industrial sector within the municipality as a whole.

2.2.5 Rural Development Areas

Rural areas are all those areas within the municipality located outside the settlement areas. The land uses and activities of the rural landscape are related to the management or use of resources including agriculture, resource-based recreational activities, limited residential development and employment uses as well as public facilities. Local commercial and small-scale industrial uses are typically located in proximity to established clusters of rural residential development. Areas of open space, marginal agricultural areas, woodlands and other natural heritage features and areas, together with areas of natural hazard comprise the balance of lands within the rural areas.

2.2.6 Rural Residential Development

The rural pattern of residential development includes the hamlets of Codrington, Hilton, Orland and Smithfield, dispersed rural non-farm residential development, rural estate areas, recreation-based residential development and shoreline residential areas. The rural residential development is serviced by individual services (wells and septic disposal systems). There has been pressure in the past to develop rural areas for residential and other non-farm uses. It is expected that such pressures will continue. The expansion of such existing patterns is discouraged.

2.2.7 Resource-Based Development

Agricultural activity and aggregate resource extraction are significant contributors to the local economy of the Brighton area. The Official Plan recognizes the importance of the resource based economy and specifically designates agricultural and rural lands, aggregate resource areas, and areas of small scale commercial and industrial uses related to resource-based industries.

2.2.8 Cultural Heritage, Recreation and Open Space

Prior to the arrival of European settlers, the lands within the modern Municipality of Brighton were inhabited by First Nations peoples. The first known settlers were British Empire Loyalist families that settled in the area. The Village of Brighton was formed in 1831. The Municipality of Brighton has shared in the historical development of the Northumberland area. This history becomes evident through the existing buildings and areas that have historical, architectural and cultural heritage significance. The Apple Route, which celebrates the heritage of apple growing in the region was initiated in Brighton and now extends from Port Hope in the west to Trenton in the east.

The rich cultural heritage of the rural agricultural community and hamlets in the former Township of Brighton has combined with the equally rich heritage of the urban community of the former Town to create a new and vibrant community firmly rooted in the traditions of the past. The new Official Plan for the Municipality of Brighton will direct the future growth and development of this community, while at the same time valuing and reflecting upon all that has come before.

Open space areas for both active and passive recreational activities, community facilities and institutional uses are important components of the overall community fabric and are identified specifically within the land use plan for the Municipality.

2.2.9 Natural Heritage, Natural Hazards and Source Water Protection

Natural heritage features such as provincially significant wetlands including significant coastal wetlands, significant areas of natural and scientific interest, as well as areas subject to natural hazards, such as flooding and erosion, and lands adjacent to watercourses and natural heritage features and areas identified as requiring protection and are designated as Environmental Protection on Schedule “A”.

Prior to the next comprehensive review, the Municipality will work with the Ministry of Natural Resources (MNR) to identify provincially significant woodlands and valleylands within the Municipality. At such time as these features and areas are identified to the satisfaction of the MNR, the Municipality will include these areas as Environmental Protection on Schedule “A”.

Schedule “B” provides detail about the features and areas included within the Environmental Protection designation. Lands along Lake Ontario are also identified as requiring environmental protection.

A wellhead protection area has been delineated around existing municipal wells extending from the midpoint of Concession III to just beyond the midpoint of Concession IV, and part of Lots 34, 35, 10 and 9 of the former Township of Brighton. At the time of approval of this Plan, a Source Water Protection Plan, prepared by the Trent Conservation Coalition Source Water Protection Committee, is currently under review by the Ministry of Environment. Once approved, the Source Water Protection Plan will further refine the limits of the wellhead protection area delineated on Schedule “C” and provide policy direction to guide development within this area.

2.3 THE TWENTY-YEAR PLANNING HORIZON

This Plan is intended to direct land use and development within the Municipality, based on a twenty-year time horizon. The designation of areas within a municipality for a variety of land uses is based on existing land use patterns and the expectation of future growth. Prior to the introduction of the *Growth Plan for the Greater Golden Horseshoe* in 2006, each municipality considered its historical rates of growth together with changing demographics and other area-specific factors to determine whether the supply of land designated for development was sufficient to accommodate the anticipated rates of growth. Where the current supply of development land was insufficient to meet future demands, municipalities designated additional lands to accommodate this anticipated growth. With the introduction of the Growth Plan for the Greater Golden Horseshoe, under the *Places to Grow Act*, municipalities have been allocated population and employment numbers, which are based on a combination of traditional forecasting methods and provincial growth management policy.

2.3.1 Traditional Growth Projections

Prior to amalgamation, both the Town and Township of Brighton had similar overall populations. An average growth rate of 5% was recorded over the period from 1996 to 2001 and the overall rate of growth of 7.8% recorded for the period of 1966-2001. Hence, based on past rates, the Municipality may be expected to experience an average growth rate of between 5% and 7.8% over the next 25 years. A growth rate of 8.5% was recorded between 2001 and 2006. The

actual population for 2006 was 10,253. The forecasted population is anticipated to be 11,890 by 2031.

The average age of the population is expected to climb because the number of persons in the lower age cohorts is low relative to the provincial average. The percentage of persons between the ages of 0 - 44 was 53.9% for the municipality, compared to 62.3% for the province overall. The fact that the Municipality has become a destination community for the ex-urban migration of retirees from the Greater Toronto Area will also contribute to a higher than average age within the overall population. These figures will have an impact on the demand for recreation, health services, schools and long-term care, as well as other less tangible aspects of the community fabric and function.

At the same time, the proximity of the Municipality of Brighton to urban centres along the Lakeshore (Lake Ontario) is expected to result in pressure for residential development. In particular, growth occurring to the east, in the City of Quinte West, is expected to have a profound impact on growth in the Municipality of Brighton. This growth will be a direct result of the multi-million dollar expansion of the Canadian Forces Base at Trenton.

2.3.2 Factors Influencing Growth

There are a number of resource-based factors which have influenced rates of growth within the municipality to date. These factors are as follows:

- i) Proximity to Growth Centres - The location of Brighton within the 401 highway corridor between Toronto, Kingston and Montreal as well as the CN/CP rail corridor influences the accessibility between the community to other larger communities to the east and west. Accessibility is an important factor in community growth and development, particularly for industrial and commercial activities. The influence of Canadian Forces Base Trenton has also had a positive impact on the community over the years. The scheduled expansions to this key federal facility are expected to create additional growth pressures in the surrounding areas, including the Municipality of Brighton.
- ii) Resource-based Recreation and Tourism - The Municipality provides important regional recreation facilities, primarily for day and short-term use. Tourism is recognized as an important component of the economic base of the Municipality,

and is expected to grow in importance. The demand for private and commercial recreational facilities and recreation-based residential developments in shoreline areas is expected to increase during the planning period.

- iii) Natural Features - The natural features and rural landscape of the Municipality of Brighton area have made the area attractive for recreational and residential development.
- iv) Minerals and Aggregates - The physiography of the Municipality is associated with glacial sand and gravel deposits comprised mostly of esker, esker-kame, kame, together with beach deposits of glacial Lake Iroquois. These deposits represent a significant aggregate resource in terms of gravel content, thickness of the material, geologic type (origin) and quality limitations. There will continue to be a demand for aggregate resources (sand, gravel and stone) in the Municipality, primarily for new development and road construction and maintenance.
- v) Agriculture - Agriculture has been, and will continue to be an important and high profile component of the lifestyle and economic base of Brighton.

2.3.3 Growth Projections – Growth Plan

Schedule 3 of the Growth Plan for the Greater Golden Horseshoe provides overall population and employment figures for Upper Tier municipalities within the Greater Golden Horseshoe, including the County of Northumberland, for 2001, 2011, 2021 and 2031. The Northumberland Growth Management Strategy was commenced in 2008 to provide recommendations on how to conform with the Growth Plan including allocating the population and employment forecasts to the lower-tier municipalities within the County.

2.4 OBJECTIVES OF THE OFFICIAL PLAN

The general development policies, the land use policies, and the land use designations for the Municipality, as set out in this Plan, are based on the following Objectives for Land Use Planning.

2.4.1 Maintenance of the Financial Well-Being of the Municipality

Only development that will provide sufficient revenue to keep the additional cost of providing the required municipal services to a minimum shall be permitted. In this respect, a healthy

economic balance shall be maintained between the costs occasioned by development and the municipal tax benefits derived from such development.

2.4.2 Infrastructure and Public Service Facilities

Infrastructure and public service facilities should be provided in a co-ordinated, efficient and cost-effective manner in order to ensure conservation and sustainability, and to accommodate projected needs. Within the Brighton Urban Area, new development will be directed to those areas where full municipal services are available or where extension of these services can be achieved in a cost effective manner. The Municipality shall encourage patterns of development that will facilitate the provision of infrastructure and public service facilities at the least cost to the taxpayer. Those forms of development that would require excessively expensive infrastructure or public services shall not be permitted.

2.4.3 Promotion of Recreational Development and Tourism

A portion of the Municipality's economy is directly or indirectly dependent upon tourism and recreational development. This Plan intends to encourage further tourism and recreational development provided that it is compatible with the natural environment and surrounding land uses. It is an objective of this Plan to support and encourage the growth of the tourism industry in the Municipality of Brighton. Tourism and related economic opportunities shall be promoted.

2.4.4 Preservation of Agricultural Land

It is an objective of this Plan to protect prime agricultural areas for long-term use for agriculture, and to protect established farming operations from the effects of non-agricultural development that would inhibit agricultural production.

2.4.5 Encouragement of Industrial and Commercial Development

The established central core of the Brighton Urban Area community will remain the focus for commercial development. Cost-effective development standards which support commercial activities within the core will be supported by the municipality. In order to balance economic growth with small town appeal, commercial conversion of existing residential buildings along Main Street from the main intersection of Main Street and Young Street west along County Road 2 to Ontario Street shall be permitted, provided that the external design and residential character of the building does not change.

Industrial and commercial development shall be encouraged in appropriate locations in order to provide employment opportunities, strengthening of the local economy and improvements to the tax base of the Municipality. Sustainable industrial and commercial development that is compatible with the natural environment and consistent with the policies of this Plan shall be encouraged.

2.4.6 Control of Development in the Agricultural and Rural Designations

Prime agricultural lands and areas shall be protected to ensure that agriculture remains a key component in the economy of the municipality. The creation of new residential lots including “farm retirement lots” and “infill lots” in prime agricultural areas will not be permitted, except for a residence surplus to a farming operation and consolidation. New land uses shall comply with the minimum distance separation formulae developed by the Province to separate agricultural and non-agricultural uses and to address incompatibility concerns within rural areas.

2.4.7 Hamlets

Although the former Town of Brighton remains the main settlement area in the municipality, the Hamlets of Codrington, Hilton, Orland and Smithfield will continue to provide a local focus for limited growth in the Municipality. The vitality and regeneration of these small settlement areas will continue to be promoted.

2.4.8 Hazardous Areas

Development and site alteration shall be prohibited or restricted in areas subject to natural hazards or human-made hazards. Areas subject to Natural Hazards include the shoreline of Lake Ontario, which is subject to flooding and the effects of wave up-rush, as well as ice scour and shoreline erosion. Development and site alteration is also prohibited in areas subject to flooding along the smaller watercourses within the Municipality and in proximity to small lakes and wetland areas.

2.4.9 Mineral Aggregate Resources

The Municipality possesses sand and gravel deposits that should be developed in accordance with sound planning principles and the most up-to-date and stringent standards of the sand and gravel industry. As much as realistically possible the mineral aggregate resources should be made available to supply mineral aggregate needs, as close to markets as possible. Mineral

aggregate resources should be developed in accordance with the *Aggregate Resources Act*, R.S.O. 1990, Ch. A8. In developing these resources, the Municipality will ensure orderly extraction and optimum use of aggregate resources while minimizing adverse environmental, social, financial and land use impacts on the Municipality and its residents. Where rural residential development has occurred in proximity to aggregate reserve areas, these lands will no longer be identified for future extraction of Aggregate Resources. Similarly, rural residential development will not be permitted where it could limit future opportunities for aggregate resource extraction.

2.4.10 Range and Mix of Housing

The Municipality encourages the provision of an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the Municipality, in accordance with Section 3.1.

2.4.11 Heritage Conservation

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. Significant built heritage resources and significant cultural heritage landscapes shall be identified prior to development and conserved, through the identification, protection, use and or management in such a way that their heritage values, attributes and integrity are retained. Conservation may involve a conservation plan or heritage impact assessment. 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.

2.4.12 Enhancement and Preservation of the Environment and Protection of Water

It is an objective of this Plan to enhance and preserve those environmental qualities that contribute to the attraction of the Municipality. All development proposals will be assessed for compliance with this objective. Particular care will be exercised to ensure that development near the Lake Ontario shoreline will not have a negative impact on the environment.

The diversity and connectivity of natural features in the Municipality, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.

Surface and groundwater resources are an integral part of the natural environment of the Municipality. It is an objective of this Plan to protect, improve and restore the quality and quantity of water resources in the Municipality.

It is an objective of the Official Plan that stormwater management practices be introduced as part of any development or redevelopment plans so as to minimize resultant stormwater volumes and contaminant loading on area watercourses. Every effort will be made to maintain or increase the amount of vegetative cover and pervious surfaces within urban areas of the Municipality, to reduce surface runoff and protect both groundwater and surface water resources within the Municipality.

All other objectives of this Plan should attempt to satisfy the requirements of the environmental and water protection objective so as to improve the quality of life for the people of the Municipality.

Furthermore, in striving to achieve this objective, Council recognizes that the Official Plan alone cannot guarantee the environmental health of the community. Private stewardship of land, incentive programs, community based actions, and public education will go even further in the proper management of the environment.

2.4.12.1 Objectives

- i) Natural features and areas shall be protected for the long term.
- ii) The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.
- iii) Incompatible land uses within significant and sensitive environmental features and areas will be prohibited.

- iv) The general public and the private development industry will be encouraged to participate in the co-ordination and implementation of sound management initiatives and practices as they relate to the identified natural environmental features of the Municipality.
- v) In consultation with the MNR and the Conservation Authority, significant woodlands and valleylands and significant wildlife habitat will be identified for the purposes of protection as specified in the Provincial Policy Statement (PPS). This Plan may be amended accordingly to recognize significant woodlands and valleylands and significant wildlife habitat when mapping of these features is available.

2.4.13 Provision of Water Access

Public access to Lake Ontario shall be enhanced where possible. With respect to Lake Ontario, such access shall be in a manner consistent with the objectives of the Waterfront Regeneration Trust's Lake Ontario Greenway Waterfront Trail, which includes the Brighton Waterfront. Through the use of the parkland dedication provisions of the *Planning Act*, the Municipality may acquire waterfront land where development abuts the shoreline.

3. **GENERAL DEVELOPMENT POLICIES**

3.1 GROWTH MANAGEMENT WITHIN THE MUNICIPALITY OF BRIGHTON

In June of 2006 the Province released the Growth Plan for the Greater Golden Horseshoe (Growth Plan), prepared under the *Places to Grow Act*, 2005. The Growth Plan sets out a framework for implementing the Government of Ontario's vision for building stronger, more prosperous communities within the Greater Golden Horseshoe (GGH). As part of the GGH, the Municipality of Brighton is subject to the policies outlined in the Growth Plan. The *Places to Grow Act* requires all municipalities to bring their Official Plans into conformity with the policies of the Growth Plan within 3 years of a growth plan coming into effect. The following section outlines policy for the rate and direction of growth within the Municipality while also maintaining consistency with the Growth Plan.

Population projections and density targets for the Municipality of Brighton have been based on the recommendations of the Northumberland Growth Management Study (NGMS), conducted by Meridian Consultants. The population projections numbers, combined with vacant land analyses, were used to determine density and intensification targets for the Municipality. Greenfield areas were also assessed, resulting in resident/job projections within greenfields.

3.1.1 Population and Employment

Based on the NGMS, the Municipality anticipates a population forecast of 11,890 residents by 2031, or an increase of 1,640 residents between 2005 and 2031. The NGMS also expects an employment forecast of 3,470 jobs by 2031.

Recently, Brighton has become a destination for ex-urbanites who are looking for a smaller community in which to retire. The influx of this population has clear economic benefit to the community as evidenced by revitalization within the downtown area. By way of explanation, the rate of growth for the Township of Brighton averaged 7.8% from 1971 to 2001. The Town of Brighton experienced slightly stronger growth with a rate of 8.4%. The rate of growth for the County of Northumberland during the same period was 12.6%. Growth slowed within all areas during the period from 1976-1981, years characterized by both out migration to the western Provinces and by rural to urban migration. Prior to 2001, growth was strongest (16%) in all

areas during the period from 1986-1991, and slowed somewhat in the following period from 1996-2001 (6%). Between 2001 and 2006, the population of Municipality of Brighton increased by 8.5% over the previous period.

3.1.2 Residential Intensification

In accordance with the recommendations of the Northumberland Growth Management Strategy and the GPGGH, 42% of residential growth within the Brighton Urban Area is to occur through intensification within the built boundary of the Brighton Urban Area. The Municipality will encourage the restoration of brownfields within the municipality to make better use of existing developed land, where possible. The municipality may also utilize its Community Improvement Plan (CIP) policies (Section 6 of this Plan) 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. The Brighton Urban Area built boundary is shown on Schedule “A” to this Plan. Council will consider such factors as community character and heritage neighbourhoods when contemplating residential intensification and follow the policies of Section 3.7.4 of this Plan.

3.1.3 Urban and Rural Settlement Areas

The Brighton Urban Area will absorb much of the projected population increase for the Municipality. The Municipality will direct 80% of the allocated 1,640 (1,312) residents to the Brighton Urban Area and the remaining 20% (328) to all rural areas of the Municipality. Growth in the rural areas will be directed to the hamlet areas of Hilton, Codrington, Orland and Smithfield. These hamlet areas are serviced by individual water and sewage disposal systems and any development proposed must be serviceable in this same manner. This Plan does not encourage construction of communal sewage and water servicing within the rural hamlet areas. The range of uses within these areas shall be limited to those which can be supported by private services. Where it can be demonstrated that there will be a net benefit to the Municipality and where a proponent is willing to enter into agreements such as a Municipal Responsibility Agreement, the Council may consider communal servicing. The establishment of new settlement areas is not permitted. The expansion of existing settlement/hamlet area boundaries can only be considered at the time of a municipal comprehensive review where it has been demonstrated that:

- i) Sufficient opportunities to accommodate forecasted growth contained in Schedule 3 of the Growth Plan for the Greater Golden Horseshoe, through intensification and in designated Greenfield areas, using the intensification and density targets, are not available:
 - a) Within the County of Northumberland, as determined by the County of Northumberland Growth Management Strategy, and
 - b) Within the Municipality of Brighton to accommodate the growth allocated to the municipality pursuant to the Growth Plan for the Greater Golden Horseshoe and the Northumberland Growth Management Strategy;
- ii) The expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy i) above;
- iii) The timing of the expansion and the phasing of development within the designated Greenfield area will not adversely affect the achievement of the intensification target and density targets, and the other policies of this Official Plan and the Growth Plan for the Greater Golden Horseshoe;
- iv) Where applicable, the proposed expansion will meet the requirements of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan;
- v) The existing or planned infrastructure required to accommodate the proposed expansion can be provided in a financially and environmentally sustainable manner;
- vi) In prime agricultural areas:
 - a) The lands do not comprise specialty crop areas;
 - b) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and
 - c) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- vii) Impacts from expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible;
- viii) In determining the most appropriate location for expansions to the boundaries of settlement areas, the policies of the PPS are applied;

- ix) The Municipality has maintained or is moving towards a minimum of one full-time job per three residents within or in the immediate vicinity of the settlement area; and,
- x) In accordance with Section 1.1.3.9 of the Provincial Policy Statement 2005 and policy 2.2.8.2 of the Growth Plan.

3.1.4 Employment Areas

Employment areas are designated for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retail and ancillary facilities. Within all employment areas the Municipality shall:

- i) encourage the conversion of residential lands to commercial lands in locations within traditional or emerging commercial or mixed use areas. This includes the Core Area designation and commercial nodes on Northumberland County Roads 2 and 30 at former Town entrance points. However, conversion of residential areas must consider neighbourhood character and heritage and adhere to policies outlined in Sections 3.7.4, 3.7.5 and 3.7.6;
- ii) provide an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs; and
- iii) provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future business.

There is a lack of viable employment lands within the settlement boundary of the Brighton Urban Area. The Municipality should consider expansion of the settlement boundary of the Brighton Urban Area in order to accommodate new employment lands. Schedule “A” to this Plan includes those lands within the former Township of Brighton which have been identified for inclusion within the urban settlement boundary for Brighton. These lands are specifically required to provide additional employments lands for the municipality. This includes lands to the east and west of the former Town on County Road 2.

3.1.5 Designated Greenfield Areas

Designated greenfield areas are areas within the Brighton Urban Area that are not part of the existing built-up area. As required by the Growth Plan, at least 42% of residential growth in Brighton will take place through intensification annually by 2015. A maximum of 58% of residential growth may take place in greenfield areas. The boundary of the Brighton Urban Area, the built boundary and greenfield development areas are shown on Schedule “A” to this Plan. Priority will be given to greenfield areas with the greatest short-term development potential and access to servicing. Further, in accordance with the requirements of the GPGGH, the Municipality has established a target of 25 resident and jobs combined per hectare within greenfields. Mixed use, live/work environments are encouraged within greenfield developments.

3.1.6 Growth in Agricultural and Rural Lands

Agricultural and Rural lands must be protected for the long term. Provisions within Sections 4.1 and 4.2 (Agricultural and Rural designations) speak to the uses permitted and restrict overdevelopment of and Agricultural and Rural lands. Along with Section 5.2 (Land Division Policies), the following shall apply to the Agricultural and Rural designations:

- i) The creation of new lots in the Agricultural designated lands is prohibited with the exception of lots that are consistent with Section 5.2.4.
- ii) The creation of new lots in the Rural designation is generally discouraged, however, a limited number of rural consents may occur under the policies outlined in Section 5.2.5.

3.1.7 Affordable Housing

In the case of ownership housing, affordable housing is defined as the least expensive of:

- iii) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- iv) housing which the purchase price is at least 10 percent below the average purchase price of a resale unit in the Municipality.

In the case of rental housing, affordable housing is defined as the least expensive of:

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

For the purposes of the above Section, “low and moderate income household” means, in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the Municipality. In the case of rental housing, households with incomes in the lowest 60 percent for income distribution for renter households for the Municipality are considered a “low and moderate income household”.

The Municipality will plan for and encourage proper and readily available affordable housing units for current and potential residents. Policies for affordable housing are discussed in greater detail within Section 3.17.

3.1.8 Protection of Neighbourhood Character

While intensification, redevelopment and renewal are encouraged, all development within the Municipality shall have regard for the character and quality of established neighbourhoods. Neighbourhood character and the policies of Section 3.7.4, 3.7.5 and 3.7.6 must be considered at all times, in all neighbourhoods. Council shall consider developing a wide-scale study identifying buildings within the Municipality that are of historical, cultural or social significance in order to direct development to appropriate areas. The Municipality shall also consider establishing heritage districts within the Brighton Urban Area.

3.1.9 Brownfield Development

A brownfield site is an undeveloped or previously developed property that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. The Municipality shall encourage the restoration and resale of brownfield sites throughout the Municipality. This may be achieved with implementation tools found in Community Improvement Plan policies (Section 6).

Mandatory filing of a Record of Site Condition in the Registry, by a qualified person, as defined in O.Reg. 153/04, as amended, is required for a change in use of a property from industrial or commercial to residential or parkland, as defined in the regulation, and will be acknowledged by the Ministry of Environment (MOE). If necessary, a site clean-up plan shall be designed and the site shall be cleaned up in accordance with the regulation and with MOE guideline “Record of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition” dated October 2004 or associated guideline.

3.2 SITE DEVELOPMENT REQUIREMENTS

3.2.1 Lot Sizes

The lot area and lot frontage should be suitable for the proposed uses, shall conform to the provisions of the Municipality’s Zoning By-law and shall be consistent with the relevant policies of Section 3.2 of this Plan.

3.2.2 Soil and Drainage

Development should only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses.

3.2.3 Road Setbacks

Setbacks from roads shall be provided in accordance with implementing Zoning By-laws to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movements of vehicles clear of any road allowance.

3.2.4 Development Abutting or in Proximity to Railways

Rail lines operated by CN Rail and CP Rail extend through the southern part of the Municipality and are shown on Schedules “A” and Schedule “C” (Transportation) of this Plan.

The CN and CP Rail lines are vital transportation and trade routes in the Municipality. Commercial and Industrial uses are encouraged to develop on lands where access to the rail corridor is available, provided the development complies with the following land use controls:

Specific land use controls respecting rail impact, particularly noise, vibration and public safety, shall be exercised where appropriate for new non-industrial development or redevelopment proposals on lands abutting or adjacent to a railway right-of-way:

- i) All proposed development within 500 metres of a railway right-of-way may be required to undertake noise studies prior to development approval to the satisfaction of the Municipality and appropriate approval authority in consultation with the Railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.
- ii) All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies prior to development approval to the satisfaction of the Municipality and the appropriate approval authority, in consultation with the Railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
- iii) All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms, noise walls or security fencing are provided, to the satisfaction of the Municipality in consultation with the Railway.

When an application is received for the development or redevelopment of lands abutting or adjacent to a rail line, the Municipality shall consult with the Ministry of the Environment and the appropriate Rail authority prior to approving the development application.

3.2.5 Noise and Vibration Impacts

Noise and vibration impacts should be assessed for new sensitive land uses adjacent to existing railway lines, highways, sewage treatment facilities, waste management sites, industries or aggregate extraction operation, or other stationary or lines sources where noise may be generate. Council may require the proponent to undertake noise and vibration studies by a qualified consultant to assess the impact of existing or proposed land uses within minimum distances identified in MOE guidelines including LU-131, Noise Assessment Criteria in Land Use Planning. Noise and vibration attenuation measures should be implemented as required to reduce impacts to acceptable levels.

Detailed noise and vibration studies are recommended by the Ministry of Environment if development is proposed within 500 metres from a 400 series highway, 250 metres from a County highway or 100 metres from other roads.

3.2.6 Open Storage

Open storage shall be controlled through regulations set out in the implementing Zoning By-law.

Commercial and industrial activities will be encouraged to locate within enclosed buildings unless it is essential for an activity to locate outdoors, in which case the commercial/industrial use should be suitably screened.

Open storage areas adjacent to Highway 401 should be provided with appropriate landscaping and screening to shield the open storage area so that it will not detract from the character of the area or attract the attention of those travelling along Highway 401.

3.2.7 Parking and Loading Facilities

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by implementing Zoning By-laws.

3.2.8 Development of Non-Residential Uses

As a condition of approval for the development or redevelopment of any non-residential use, the Municipality may require the developer to provide the following facilities along that side of the lot that adjoins a non-compatible or non-residential use:

- i) increased yards;
- ii) planting strips, screening, fencing and/or berms;
- iii) deflected lighting; and
- iv) prohibitions on parking, delivery, loading and open storage.

3.2.9 Development Agreements

As a condition of approval for the development or redevelopment of any lands in the Municipality of Brighton, the Municipality may require the developer to enter into an agreement with the Municipality pursuant to Section 41 of the *Planning Act*.

3.2.10 Minimum Distance Separations (MDS I and II)

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the Minimum Distance Separation I (MDS I) or the Minimum Distance Separation II (MDS II) formulae as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

3.3 PHASING OF DEVELOPMENT

The development of the Brighton Urban Area is directly related to provincial policy directions and to the availability of the necessary urban services and infrastructure. The development of the Brighton Urban Area shall reflect the following phasing principles, objectives and policies:

3.3.1 Principle

- i) The provision of municipal services shall be phased to achieve the municipality's development objectives in an economically and environmentally sustainable manner.
- ii) The rate and sequence of growth shall be phased in a manner as to ensure the logical extension of adequate services, such as schools and parks, to accommodate growth.
- iii) Growth within the Brighton Urban area will be in conformity with the relevant policies of the Growth Plan for the Greater Golden Horseshoe and Section 3.1 of this Plan.
- iv) Growth must also reflect the values and principles of the Brighton Strategic Plan.

3.3.2 Objectives

- i) To provide urban municipal services in conjunction with the Municipality only within the Brighton Urban Area, unless otherwise permitted by specific policies of this Plan.
- ii) To plan for and develop municipal services and infrastructure in the Brighton Urban Area to meet existing and future needs efficiently and economically.
- iii) To phase development within the Brighton Urban Area based on the financial capability of the Municipality to provide municipal services and infrastructure.
- iv) To encourage growth in industrial and commercial assessment so as to maintain a ratio of such assessment to residential assessment, in order to maintain an acceptable tax burden for residents.

3.3.3 Development Staging and Phasing Policies

The limits of the Brighton Urban Area follow the former town boundary and the edge of the urban area designated on the former Town's Official Plan. Development of greenfield areas within the Brighton Urban Area will be phased to reflect the requirements of the Growth Plan. The following policies shall be applied to developments brought forward for consideration, in accordance with the Phasing of Development within the Municipality:

- i) Council shall ensure that the timing, location and type of new development are such that the existing or future municipal services are not excessive in relation to the taxable assessment that would be provided. New residential development that would create an appreciable increase in the demand for existing or future services shall not be permitted unless it can be demonstrated that the overall ratio of municipal debt to taxable assessment would not be adversely affected.
- ii) Council shall encourage and give priority to new development that:
 - a. Provides for the type of development that is in accordance with the Goals and Objectives of this Plan;
 - b. Supports the achievement of the greenfield density target and the intensification target identified in Section 3.1;
 - c. Promotes a compact form and pattern of development;
 - d. Provides for the development of land through infilling, intensification, or the rounding-off of existing built-up areas;
 - e. Provides for the development of land as a contiguous extension of existing built-up areas that avoids the leap-frogging of large undeveloped tracts of land. If it is deemed that lands that are suitable and appropriate for development in accordance with the Official Plan are being withheld from immediate development, the extension of municipal services through or beyond such lands to other lands for development may be permitted. The extension of services to other lands and the by-passing of intervening lands shall only be considered if such lands are satisfactory for development in respect of the other relevant policies of this Plan;

- f. Will not result in a premature demand for urban services; and
 - g. Will contribute to the most efficient and economical use or extension of existing municipal services and other public services.
- iii) At the discretion of the Council a peer review may be required for any technical reports filed with the municipality in support of an application under the Planning Act the expense of the applicant.

The staging of development in the Brighton Urban Area shall be implemented in accordance with Development Areas One, Two and Three.

3.3.3.1 Development Area One

Development Area 1 within the Brighton Urban Area corresponds to the built-up area of the Brighton Urban Area. Municipal water and sewage services are currently available or can be readily provided to properties within the built up areas of Brighton, within the Built Boundary. 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.

For the purposes of this section, the boundaries of the built up area of the Brighton Urban Area are those identified by the Province of Ontario as the built boundary on Schedule A, Land Use Map 2.

3.3.3.2 Development Area Two

Phase 2 development areas are 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 occurring in Phase 2 should be in the form of a direct extension of the adjacent built-up area, with a corresponding direct extension of municipal services. The staging of development will reflect the availability of servicing, accessibility for emergency service vehicles and connectivity linkages for pedestrian and bicycle traffic between new residential development 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 corridor. 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 Phase 2.

3.3.3.3 Development Area Three

Development Area Three includes lands where municipal water and sewage services are not available, or lands that may have significant servicing and/or planning constraints. The extension of municipal water and sewage 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 and the policies within Section 3.4. Development Area Three lands are designated as Deferred Growth Areas on Schedule “A” to this Plan.

3.4 WATER SUPPLY AND SEWAGE DISPOSAL

It is an objective of this Plan to promote environmental protection and to provide an adequate supply of potable water through ensuring that appropriate servicing is available for new development or redevelopment within the Municipality. Planning for sewage and water systems will recognize that within the Brighton Urban Area, development will take place on municipal sewage services and municipal water services only.

- i) Communal sewage and water services may be considered by the Municipality as a means of servicing multiple lots/units in areas only where full municipal sewage and water services are not or cannot be provided, and where the Municipality is fully satisfied that such a development will provide a long term benefit to the municipality as a whole.
- ii) Individual on-site sewage and water services (e.g., septic systems and wells) shall be used for new development where municipal sewage and water services cannot be provided. Individual on-site sewage services and individual on-site water services may be used to service more than five lots or private residences in rural areas that are permitted by this Plan, provided that these services are solely for the following uses and site conditions are suitable for the long-term provision of such services:
 - a) Uses related to the management or use of resources;
 - b) Resource-based recreational activities;
 - c) Limited residential development as permitted by the policies of this Plan; and
 - d) Other rural land uses that are permitted by this Plan. **Rural areas** means lands which are located outside of designated Hamlets and the Brighton

Urban Area and which are outside of the Agricultural designation as defined in Section 4.1 of this Plan.

Where full municipal services are not available, an investigation of servicing options shall accompany all development and redevelopment proposals involving multi-lot/unit residential development to determine the most appropriate form of servicing to promote environmental protection. The investigation of servicing options shall address the assimilative capacity of the ground water or surface water to absorb effluent without adversely impacting the natural environment.

For the purposes of this policy, “**multi-lot/unit residential development**” shall mean six or more residential lots or dwelling units where residences may be permanent homes or primary places of residence.

Unless on full municipal sewage and water services or approved private communal services, industrial and commercial uses will be restricted to those of a dry nature only and will be permitted on individual on-site sewage and water services on lands designated to permit those uses.

For the purposes of this Plan, a use of a “dry nature” shall mean one in which water is not required in the processing, assembling, fabricating, manufacturing, washing or cooling, or similar function of the establishment, and which requires water and sewage disposal facilities only for domestic uses, i.e., for employees and visitors to the establishment.

Large subsurface sewage disposal systems with a capacity greater than 10,000 litres per day shall require approval under the Ontario Water Resources Act, and are subject to the Ministry of the Environment’s Reasonable Use Guideline.

Consideration may be given to the use of other proven servicing systems subject to the approval of the Ministry of the Environment and the Municipal Council.

3.4.1 Municipal Sewage and Water Services

A municipal piped water supply service and a municipal sewage collection and treatment service are available within the Brighton Urban Area. Development proposals within the Brighton Urban Area are required connect to the municipal water supply and sewage treatment

systems. It is the intent of this Plan that new development in the Brighton urban area and the provision and extension of municipal services shall occur in an orderly sequence, with the objective of promoting an efficient, convenient and economical form of urban structure and growth.

Development applications within the Brighton Urban Area will be reviewed in the context of the proximity to the existing infrastructure and capacity of that infrastructure to accommodate the projected demands. Phasing of development approvals will reflect opportunities for the logical extension of existing municipal service infrastructure and where there is confirmation of sufficient reserve water system capacity and sewage treatment capacity within the existing municipal systems to accommodate those developments. The establishment of a municipal drinking water system requires approval under the Safe Drinking Water Act (SDWA).

Except where specifically permitted by this Plan, development shall take place on full municipal sewage and water services. It is the policy of this plan that the extension of municipal water and/or sewage services will not be extended beyond the Brighton Urban Area, as shown on Schedule “A”. Development on partial services shall not be permitted.

3.4.2 Municipal Servicing Capacity Allocation

Council shall ensure that servicing capacity, once allocated, is not indefinitely committed to an individual development proposal that does not proceed within a reasonable period of time, and that final approval of the proposal occurs in an expeditious manner. This policy shall be implemented in the following ways:

- i) Council may require that plans of subdivision/condominium or other large developments proceed in phases.
- ii) Lot creation will only be permitted if sufficient uncommitted reserve water and sewage plant capacity is available to accommodate the development. Council shall recommend the approval of only the number of lots or dwelling units for which Council is prepared to allocate servicing capacity, taking into account the uncommitted reserve capacity of the sewage and water treatment plants and the policies of this Plan.

- iii) Servicing allocation for subsequent phases of a plan of development or other development shall only be considered when the preceding phase has been registered and a substantial number of the lots or units have been developed.
- iv) Council shall require that the approval of a draft plan of subdivision or condominium be subject to a condition that provides for the lapsing of approval after an allotted period of time, typically being three years, in accordance with Section 51(32) of the Planning Act.
- v) Where a subdivision or condominium proposal has been allocated water and/or sewage capacity and has not proceeded to final approval within the time period set out in the conditions of approval, Council may recommend to the approval authority that draft approval not be extended for a further period of time.
- vi) Before recommending that draft plan approval not be extended, Council will provide the applicant with an opportunity to explain why the plan has not proceeded and the possible need for an extension of draft plan approval beyond the original allotted time period.
- vii) Provided that Council is satisfied with the merits of an extension to draft approval, Council may recommend to the approval authority that an extension of draft approval be granted.
- viii) Upon the lapsing of approval of a draft plan of subdivision or condominium, Council may re-allocate the servicing capacity to another development proposal when Council is satisfied that the new proposal complies with the applicable policies of this Plan, or, Council may hold the capacity in reserve.
- ix) When unallocated servicing capacity does not exist for a proposed development, Council shall refuse or defer the processing of the planning application until such capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development within one year of the granting of the preliminary planning approval.
- x) The phasing of a plan of subdivision or other major development shall be in accordance with the policies of the land use designations of this Plan, and shall be based on the progressive and sequential extension of services.

- xi) Council will monitor the status of uncommitted reserve water and sewage capacity on an ongoing basis. Council shall attempt to maintain a reasonable amount of uncommitted reserve of water and sewage capacity to provide for the on-going development of the Brighton Urban Area.

3.4.2.1 Servicing Options Investigation

Where full municipal services are not available, an investigation of servicing options shall accompany all development and redevelopment proposals involving multi-lot/unit residential development to determine the most appropriate form of servicing to promote environmental protection. The investigation of servicing options shall address the assimilative capacity of the ground water or surface water to absorb effluent without adversely impacting the natural environment.

3.4.2.2 Hydrogeologic Assessment

Where the servicing options investigation deems that the use of private water and sewage systems is appropriate, a hydrogeological assessment prepared by a qualified professional shall be required. The hydrogeological assessment shall investigate whether an adequate supply of potable water is available for each new lot, and that the site can assimilate wastes from the proposed sewage disposal systems without exceeding Ministry of the Environment (MOE) guidelines for groundwater impact. Such study must accompany the development application. Where individual services are appropriate, individual lot sizes shall be determined by the greater of the results of the hydrogeological assessment or the minimum lot sizes in the development policies contained in the appropriate sections of this Plan.

In all cases, the proposed servicing shall be approved by the appropriate approval authority.

3.4.3 Private Communal Sewage and Water Systems

Where communal water services are proposed for residential development in hamlets, such as plans of subdivision or condominium, Council will determine if they will allow the establishment of a communal well that is subject to the Safe Drinking Water Act (SDWA).

The establishment of non-municipal drinking water systems that are subject to the SDWA for the purposes of servicing residential development requires written consent of the Municipality if the drinking water system serves six or more private residences. Large subsurface sewage

disposal systems with a capacity greater than 10,000 litres per day shall require approval under the *Ontario Water Resources Act*, and are subject to the MOE's Reasonable Use Guidelines.

Municipal ownership and operation of communal sewage systems is required where six or more permanent residences are located on lots or parcels that are held under separate ownership, for example, lots in a plan of subdivision or units in a vacant land plan of condominium. For a communal sewage system serving six or more permanent residences in a development where the sewage system and the lands comprising the development are in a single ownership, such as a land lease community or a freehold condominium, municipal ownership of the sewage system is not required; however, a Responsibility Agreement between the owner of the property and the Municipality shall be required. Municipal responsibility agreements are also required for seasonal permanent residences such as those located in a seasonal trailer park that serves as a primary residence. This policy shall apply only to new development or expansions to existing development.

New development on private communal water and sewage systems, where permitted by this Plan, shall only be permitted if there is confirmation of sufficient reserve water and sewage system capacity in the private communal systems.

Communal systems proposed for commercial or industrial purposes will be considered on their own merits.

3.4.4 Individual (Private) On-Site Water and Sewage Disposal Services

Existing development in the Municipality, outside the Brighton Urban Area, is served by individual private, on-site water supply and sewage disposal systems. It shall be a policy of this Plan that new development will be so serviced except in those situations and subject to those conditions noted herein where other types of systems may be permitted.

a) Lot Sizes

Each lot shall have sufficient area to comply with the requirements of the Haliburton, Kawartha Pine Ridge District Health Unit (HKPRDHU) for the soil, drainage and other pertinent conditions of the site, for the type of services proposed and for the type of development to be served. Ultimate density of development shall be

determined through hydrogeological assessment by a qualified professional to the satisfaction of the MOE and/or the Municipality.

b) Water Supply Systems

Each proposed water source and supply system shall meet the quality and quantity requirements of the HKPRDHU and/or the MOE. As supportive information for a plan of subdivision proposed on private services, a hydrogeological study shall be required to ensure that there is sufficient quality and quantity of drinking water and septic effluent can be effectively managed on site. Also, if it appears that the water supply of existing development in the vicinity will be affected by new development, an assessment of local groundwater conditions by a qualified professional shall be required before approval will be given to the proposed system. If in the opinion of the HKPRDHU, a site appears to have unsuitable soil, drainage, or other conditions which could adversely affect the operation of a proposed sewage disposal system, soil and similar tests by a qualified professional shall be required before approval will be given to the proposed system.

c) Sewage Disposal Systems

The preferred method of private sewage disposal shall be a septic tank and tile bed system. Consideration may be given to the use of other proven servicing systems subject to the approval of the MOE and the Municipal Council. If, in the opinion of the HKPRDHU, a site appears to have unsuitable soil, drainage or other conditions which could adversely affect the operation of a proposed sewage disposal system, soil and similar tests by a qualified professional engineer shall be required before approval will be given to the proposed system.

3.4.5 Determination of Treatment Capacity for Hauled Sewage

The PPS requires that the determination of sufficient reserve sewage system capacity for individual on-site sewage services shall include treatment capacity for hauled sewage from private sewage services. The Municipality will continue to work with neighbouring municipalities to ensure that sufficient treatment capacity is available at their municipal sewage treatment plants to treat hauled sewage from private services within the Municipality of Brighton.

3.4.6 Substandard System Improvements

The Municipality will actively encourage the participation of its residents in any program that the HKPRDHU or the MOE designed to upgrade or replace existing substandard private supply or sewage disposal systems.

3.5 STORMWATER MANAGEMENT

Most urban development is associated with an increase in impervious area (roads, driveways and buildings). As a result of increases in the impervious area, there is corresponding decrease in infiltration (seepage into the soil) of precipitation and snowmelt which in turn leads to increased stormwater runoff. Urban stormwater is rainfall and snowmelt that runs off the land into storm sewers, streams and lakes. It may also include runoff from activities such as watering lawns, washing cars and draining pools.

The ultimate goal of stormwater management is to mitigate the effects of urban development on stormwater in order to maintain the health of streams, lakes and aquatic life as well as provide opportunities for human uses of water. To achieve this goal, stormwater management practices are employed to maintain a balance between the quantity and quality of water reaching the ground surface and the amount and quality of water that leaves the site as runoff. Effective management of stormwater limits the increased risk of flooding along watercourses, as well as undesirable stream erosion, and protects water quality.

Stormwater management system shall mean a series of practices that meets stormwater management objectives for an area. For example, rear yard soak-away pits (a lot-level control), grassed swales (a conveyance control), and a wet pond (an end-of-pipe control) may comprise treatment. For a commercial area, the treatment might consist of oil/grit separators (pretreatment), filters (water quality control) and a wet pond (erosion, flooding, and quality control).

3.5.1 General

Prior to approving any development proposal within the Municipality, Council, in consultation with the Lower Trent Region Conservation Authority (LTRCA) and where appropriate the Ministry of Natural Resources (MNR) and the Trent-Severn Waterway, shall be satisfied that adequate storm drainage is provided to a suitable outlet.

3.5.2 Large Scale Development

For any large-scale development within the municipality, including new development or re-development that requires an amendment to this plan and including (but not limited to) plans of subdivision or condominium, run-off from the development shall be controlled such that post-development run-off does not exceed pre-development levels. The impact of any proposed development on local and area-wide drainage patterns shall be identified and a suitable method of managing surface water run-off, including both quantity and quality control, shall be developed and implemented as a condition of approval according to the following policies:

- i) Preference shall be given to those developments that incorporate methods of reducing or eliminating surface run-off.
- ii) The retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground.
- iii) Developments that could have a significant impact on surface drainage shall provide a comprehensive drainage plan showing methods of surface water disposal and any impacts on adjacent or affected properties.
- iv) Prior to the consideration of a Zoning By-law Amendment, an assessment of the development's impact on surface drainage, flooding, water quality or erosion of soils may be required.
- v) Prior to approving a Zoning By-law Amendment or entering into a development agreement, council will ensure that the proposal has been reviewed by the LTRCA and/or the MNR to determine the degree to which the proposal meets the above policies.
- vi) Where large-scale development is located in the vicinity of Highway 401, a stormwater management report/plan shall be submitted to the Ontario Ministry of Transportation for that ministry's review and approval.
- vii) Where large-scale development is located in the vicinity of County Roads, a stormwater management report/plan shall be submitted to the County for review and approval.

- viii) In reviewing a development proposal, additional specific requirements may be required on a case by case basis.
- ix) At the discretion of the Council a peer review will be required for any large scale development at the expense of the applicant.

3.5.3 Stormwater Management Criteria

The impact of any proposed development shall be controlled to pre-development levels, in accordance with MOE Stormwater Management Guidelines, using lot level, conveyance, or end-of-pipe solutions or a combination thereof. Prior to approving a development proposal, the Municipality shall be satisfied that adequate means for storm water management, including drainage to a suitable outlet is provided according to the following policies:

- i) For any major development proposals within the Brighton Urban Area, including plans of subdivision, an analysis of pre-development run-off to post-development run-off in the context of both local and area wide drainage patterns shall be undertaken.
- ii) The retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas providing lot level control through absorption of surface water into the ground shall be encouraged.
- iii) The use of grassed swales and other passive conveyance as means for management of stormwater shall also be encouraged.
- iv) In those situations where the projected increase in runoff from a development cannot be effectively managed by means of lot level and conveyance systems, the use of on-site surface water retention ponds or the design of retention facilities in the building or parking lot design shall be required. Quality control can be achieved through pre-treatment (on-site oil/grit separators), water quality control filters and wet ponds where silt and detritus are retained.
- v) No Official Plan Amendments or Zoning By-law amendments shall be approved if the proposed development would have a significant adverse impact on surface drainage, flooding or erosions of soils, or in any way reduce or otherwise adversely affect the existing capacity or effectiveness of drainage facilities serving or under the jurisdiction of others.

- vi) Prior to approving an Official Plan Amendment, Zoning By-law Amendment or entering into a Site Plan Agreement, Council will ensure that the proposal has been reviewed by the LTRCA to determine the degree to which the proposal meets the above policies. In reviewing the proposal, the LTRCA may set out additional specific requirements on a case by case basis.

3.5.4 Brighton Urban Area Master Drainage Plan

A Master Drainage Plan (MDP) is a comprehensive plan for handling stormwater runoff for the whole or part of the watershed. It is the intent of Council to undertake the development of a MDP for the Butler Creek subwatershed within the Brighton Urban Area (BUA). The MDP will provide policies for the management of stormwater quality and quantity in order to control flooding, erosion, sedimentation and pollution, and will ensure that a coordinated approach is adopted for the planning and approval of new development in accordance with sound stormwater management principles. The following policies shall apply in developing and implementing a MDP:

- i) Following completion of a MDP for the BUA, all large scale development proposals must be accordance with the approved Plan.
- ii) Council shall consult with the MOE, the MNR, and the LTRCA, and have particular regard to the proportion of the watershed of Butler Creek that has already been developed, is under draft plan approval or subdivision registration, in developing the MDP for the BUA.
- iii) The Terms of Reference for the MDP will be developed by the Municipality, in consultation with the LTRCA, the MOE and the MNR.
- iv) The MDP will, when completed, be reviewed by all relevant agencies.
- v) Once the MDP has been approved and adopted for the Butler Creek watershed, proposals for plans of subdivision, and new industrial and commercial development shall include a stormwater design plan showing the layout of the major/minor system, drainage channels and retention ponds, all in conformity to the requirements of the stormwater drainage plan. In the case of plans of subdivision, this information will form part of the package required for final approval.

- vi) Stormwater design plans will be reviewed by the Agencies listed in Section iii), prior to issuing final approval of the subdivision.
- vii) In cases of new industrial and commercial development, the stormwater design plan will form part of the information submitted for site plan review.
- viii) The extent and type of information required in the stormwater design plan shall be set out in the MDP.

3.6 UTILITIES AND PUBLIC SAFETY

3.6.1 Requirements for Development

Before giving its approval to any development proposals, the Municipality shall be assured by the appropriate agency that the utilities, fire protection and police protection necessary to serve the proposed development will be provided without placing undue financial obligations on its taxpayers. When small-scale development is involved, such as that resulting from land severance activity, the proposed development must be located in an area where such services already exist and are economically feasible to maintain.

3.6.2 Lands for Easements and Emergency Access

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and development or redevelopment applications.

3.6.3 Lands for Public Buildings

If land is required for public buildings such as electric power substations, fire halls or police stations, the applicant may be requested to set aside appropriate sites for purchase by the relevant agency. Arrangements for the acquisition of such sites should be made a condition of approval for land severances, plans of subdivision and development or redevelopment applications.

3.6.4 TransCanada Pipelines

The location of the Trans Canada Pipeline is delineated on Schedule “A” , the Land Use Plan. No extraction or structure shall be permitted within 10 metres of the Trans Canada Pipeline

right-of-way limits. Extraction within 30 metres of a pipeline right-of-way shall require leave from the National Energy Board.

3.6.5 Electric Power Facilities

All existing electric power facilities and the development of any new electric power facilities including all works as defined in the Power Corporation Act, such as transmission lines, transmission stations and distributing stations, shall be permitted throughout the municipality without an amendment to this Plan, provided that such development satisfies the provisions of the *Environmental Assessment Act*, including regulations made under the Act and other relevant statutes.

3.6.5.1 Development of Renewable Energy Systems

Renewable energy systems, including small-scale systems for individual properties, agricultural-related systems, and large scale commercial installations are supported by the Municipality provided that the development of such systems does not have an adverse impact on the residents, natural environment or well-being of the community overall. Policies governing the development of renewable energy sources, such as wind, solar, and biomass generation systems are included as Section 3.12 of this Plan.

3.7 CULTURAL HERITAGE CONSERVATION

The Municipality of Brighton seeks to effectively manage cultural heritage resources that are of historical, architectural and archaeological value.

This section of the Official Plan establishes a number of policies for cultural heritage organized around its three key components:

- Archaeology;
- Built heritage; and,
- Cultural heritage landscapes.

These policies recognize that the archaeological remains of past human activities are fragile and non-renewable; that the heritage character of the Municipality of Brighton derives from a variety of nineteenth and twentieth century structures, materials, open spaces, streetscapes and

land uses, as well as the intangible cultural perceptions and oral histories of its citizens; and that heritage structures and cultural heritage landscapes within these landscapes need to be identified and conserved. Furthermore, these policies recognize that cultural heritage is interrelated with the natural heritage resources of the Municipality of Brighton.

These policies shall be read in conjunction with other policies of this Plan.

3.7.1 Objectives

3.7.1.1 Identify and Conserve Resources

To identify and conserve the cultural heritage resources in the Municipality through the implementation of appropriate designations, policies and programs including public and private stewardship and partnering with other heritage organizations in the community.

3.7.1.2 Promote Awareness

To promote the continuing public and private awareness, appreciation and enjoyment of Brighton's cultural heritage through educational activities, and by providing guidance on sound conservation practices.

3.7.1.3 Develop Partnerships

To develop partnerships between various agencies and organizations to conserve and promote cultural heritage resources.

3.7.1.4 Provincial Legislation

To use, as appropriate, all relevant Provincial legislation that refers to conservation of cultural heritage resources, particularly the provisions of the *Ontario Heritage Act*, the *Planning Act*, the *Environmental Assessment Act*, the *Municipal Act*, and the *Cemeteries Act*, in order to conserve the cultural heritage of the Municipality.

3.7.2 Policies

3.7.2.1 Public Awareness

In order to enhance opportunities for conserving cultural heritage and promoting its appreciation and enjoyment the Municipality of Brighton may:

- i) Initiate or support promotional or educational programs;
- ii) Participate in promotional or educational programs of other levels of government or other agencies and groups;
- iii) Encourage the active participation of residents in cultural heritage conservation activities; and,
- iv) Name roads, streets and other public places and facilities to recognize historical families, persons, groups, themes, activities, landscapes or landmarks of interest in the Municipality.

3.7.2.2 Cultural Heritage Master Plan

The Municipality of Brighton may prepare a comprehensive Cultural Heritage Master Plan whereby the cultural heritage resources of the Municipality are surveyed and inventoried to assist in developing policies, guidelines, and other initiatives for the care and conservation of the identified cultural heritage resources. Among other things, the Cultural Heritage Master Plan will identify the interrelationship between archaeological resources, heritage structures, and cultural heritage landscapes.

3.7.2.3 Cultural Heritage Planning Statements

Where the concentration and/or significance of culturally derived features in an area require that detailed guidance be provided to conserve and enhance the cultural heritage of an area, the Municipality of Brighton may prepare Cultural Heritage Planning Statements. The Cultural Heritage Planning 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. Cultural Heritage Planning Statements shall be incorporated through an amendment to this Plan. Where the Cultural Heritage Planning Statement forms part of a secondary planning process, the Cultural Heritage Planning Statement will be incorporated into this Plan by way of that secondary planning process.

In the context of conserving and enhancing the cultural heritage of an area, the Cultural Heritage Planning Statement shall address the following:

- i) Historical development context of the area;
- ii) Existence of cultural heritage resources and their significance;

- iii) Priorities as to the conservation of these cultural heritage resources;
- iv) Redevelopment concerns;
- v) Improved public access to the area or individual site;
- vi) The inclusion of areas of open space;
- vii) The provision of interpretive devices such as plaques and displays;
- viii) Architectural design guidelines; and
- ix) Streetscape guidelines.

3.7.2.4 Cultural Heritage Surveys

All development or redevelopment proposals, including permits or other approvals required by another authority, will be reviewed by the Municipality of Brighton to determine if a Cultural Heritage Survey is required. In making this determination, the Municipality will consider the scope of the proposal and, through reference to the archaeological master plan, built heritage resources inventory, cultural heritage landscape inventory, or local information, the likelihood of significant cultural heritage resources being encountered.

Where a Cultural Heritage Survey is required, the scope and content shall be determined by the Municipality in consultation with other relevant agencies through such measures as pre-consultation with a proponent. The Cultural Heritage Survey will be the responsibility of the proponent, and it should generally:

- i) Identify the level of significance of any cultural heritage resources, including archaeological resources and potential, existing on and in close proximity to the subject lands; and,
- ii) Make recommendations for the conservation of the cultural heritage resources including whether a Cultural Heritage Impact Statement should be prepared.

3.7.2.5 Cultural Heritage Impact Statements

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 of Brighton may require the proponent to prepare a Cultural Heritage Impact Statement. In

determining whether a Cultural Heritage Impact Statement is required, the Municipality will take into account the following:

- i) The extent and significance of cultural heritage resources identified, including archaeological resources and potential, in the Cultural Heritage Survey or Cultural Heritage Planning Statement and the recommendations of the Cultural Heritage Survey or Cultural Heritage Planning Statement; and,
- ii) The potential for adverse impacts on cultural heritage resources.

Where a Cultural Heritage Impact Statement is required, the scope and content shall be determined by the Municipality of Brighton in consultation with other relevant agencies through such measures as pre-consultation with a proponent.

3.7.2.5.1 Minimum Requirements

The Cultural Heritage Impact Statement shall be a report undertaken by a qualified professional with expertise in heritage studies and containing as a minimum:

- i) a description of the proposed development or alternative forms of the development;
- ii) a description of the cultural heritage resource(s) to be affected by the development or its alternative forms;
- iii) a description of the effects upon the cultural heritage resource(s) by the proposed development or its alternative forms;
- iv) a description of the measures necessary to mitigate the adverse effects of the development upon the cultural heritage resource(s), including any alternative development measures which will conserve heritage attributes; and,
- v) Where it exists, a description of how the policies and guidance of any relevant Cultural Heritage Planning Statement have been incorporated and satisfied.

3.7.2.6 Appropriate Mitigation

Where a Cultural Heritage Survey, Cultural Heritage Planning Statement or Cultural Heritage Impact Statement has identified a development property as having archaeological potential, no pre-approval site grading, servicing, or other soil disturbance shall take place prior to the

Municipality of Brighton and appropriate Provincial Ministry confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

3.7.2.7 Additional Studies

Should a development proposal change significantly in scope or design after completion of an associated Cultural Heritage Survey, Cultural Heritage Planning Statement or Cultural Heritage Impact Statement, additional cultural heritage investigations may be required by the Municipality of Brighton.

3.7.2.8 Conditions

The Municipality of Brighton may impose or require, as a condition of any development approval 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 or adaptive re-use as appropriate to the proposed development and land use. Heritage easements as well as development agreements respecting the care and conservation of the affected heritage resource may be required.

3.7.2.9 Designation

Pursuant to the *Ontario Heritage Act*, Council may, by by-law, designate cultural heritage resources, including individual properties, conservation districts and landscapes.

3.7.2.10 Security

Where any development or planning proposal requiring the approval of the Municipality of Brighton involves lands on which a heritage feature or features are to be retained, the Municipality may require that the applicant enter into an agreement which will provide for the retention and preservation of the feature on the subject lands. The agreement may also require the applicant to provide a Letter of Credit to the Municipality of Brighton to help ensure compliance with the agreement.

3.7.2.11 Secondary Plans

In carrying out Secondary Plans or other forms of neighbourhood planning, the Municipality of Brighton shall ensure that cultural heritage resources are identified, evaluated, and conserved.

This should normally be accomplished through the preparation and inclusion of a Cultural Heritage Planning Statement within the Secondary Planning or neighbourhood planning process.

3.7.2.12 Public Undertakings

The Municipality of Brighton will encourage that cultural heritage resources are identified, evaluated and conserved prior to municipal, Northumberland County or Provincial public works or other development activities, and where necessary, suitable mitigation measures taken.

3.7.2.13 Heritage Easements and Acquisitions

The Municipality of Brighton may pass by-laws for the entering into of easements or covenants with owners of property of historic or architectural value or interest for the purposes of conservation. The Municipality may also acquire by purchase, lease or donation property of historic or architectural value or interest for the purposes of conservation.

3.7.2.14 Cultural and Natural Landscapes

In its consideration of all development and redevelopment proposals, the Municipality of Brighton will have regard for the interrelationship between cultural heritage landscapes.

3.7.2.15 Vegetation

The Municipality of Brighton will encourage the preservation of mature trees and other vegetation of heritage significance. 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.

3.7.3 Archaeology

3.7.3.1 Archaeological Master Plan

The Municipality of Brighton may initiate compilation of a GIS-based inventory of registered archaeological sites and areas of archaeological potential within municipal limits. Further work if required, together with the existing documentation, may be incorporated into an Archaeological Master Plan. The Archaeological Master Plan may stand-alone or form a component of a comprehensive Cultural Heritage Master Plan.

The purpose of an Archaeological Master Plan, amongst other matters, will be to assist in the identification of areas of archaeological potential and the preparation of more precise policies and guidelines for archaeological conservation and planning.

3.7.3.2 Archaeological Assessment Requirements and Proposed Development

Where a cultural heritage survey, carried out in accordance with Section 3.7.2.4 identifies archaeological sites or areas of archaeological potential on lands proposed for development or redevelopment, or on adjacent lands, the Municipality shall require archaeological assessments to be undertaken by a licensed archaeologist as a condition of approval. The archaeological assessment shall be carried out in accordance with current Provincial guidelines. Where a Cultural Heritage Survey fails to identify archaeological potential or where a Survey was not mandated by an approval authority, the Municipality may still require an archaeological assessment if there is a concern, based on local knowledge and information and consultation with the appropriate Provincial Ministry, that archaeological potential may exist.

3.7.3.3 Mitigation

Archaeological preservation in situ is the preferred method of ensuring that the integrity of the resource is maintained, however, there may be a need for rescue excavation of significant archaeological resources as a result of development proposals and Council will consider this only when it is demonstrated that in situ preservation is not possible.

Where it is demonstrated that an identified archaeological site, feature or artefact cannot be left undisturbed, appropriate mitigation will be required on the advice of a licensed archaeologist according to current Provincial guidelines, and to the satisfaction of the Municipality and appropriate Provincial Ministry. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, in accordance with the provisions of Section 48 of the *Ontario Heritage Act*.

3.7.3.4 Protection of Sites

In order to ensure that archaeological sites are protected, the Municipality may consider zoning restrictions under Section 34 of the *Planning Act*, density bonuses, site purchases, acceptance of archaeological sites under parkland dedication, and/or designation under the *Ontario Heritage Act*.

3.7.3.5 First Nations and Euro-Canadian Unmarked Burials

Provincial legislation requires that when unmarked burials of First Nations and Euro-Canadian origin are encountered, the police and coroner must be notified immediately. Upon notification, the police and coroner will protect the site from further disturbance until the coroner, sometimes with the assistance of an archaeologist, can determine cause of death and origin of the remains. Section 70(1) of the *Cemeteries Act* (Ontario) allows the Registrar responsible for the administration of the *Act* to order an owner of the land on which a burial site is discovered to cause an investigation to be made to determine the origin of the site.

3.7.3.6 Artefact Storage

Artefact means any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest. All artefacts found on municipal public property are to be reported and submitted to the Municipality. The Municipality shall ensure that the appropriate Provincial Ministry is informed of any additions made to the Municipality's archaeological collection. The Municipality in consultation with the appropriate historical society will accept donations of significant artefacts found on private land.

3.7.3.7 Archaeological Contingency Planning

The Municipality may prepare, with the advice of a licensed archaeologist and/or the appropriate Provincial Ministry, and adopt by by-law to set out a *Contingency Plan for the Protection of Archaeological Resources in Urgent Situations*. This plan will provide guidelines for immediate action where accidental discoveries or imminent threats of damage to archaeological sites occur.

3.7.3.8 Release of Information

In order to protect archaeological resources from vandalism and intentional disturbance, the Municipality will not publish or release information from archaeological inventories or registries except to appropriate agencies or property owners where archaeological resources are found and only in appropriate circumstances.

3.7.3.9 Cemeteries and Burial Sites

Council shall ensure adequate archaeological assessment and consult with appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Cemeteries

Regulation Unit of the Ministry of Consumer Services, when an identified and marked or unmarked cemetery is affected by proposed development. The provisions of the Ontario Heritage Act and the Cemeteries Act shall apply.

3.7.3.10 Marine Archaeological Resources

Council recognizes that, within the boundaries of the municipality, there may be marine archaeological remains from the pre-historic period through the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artefacts from the contents of boats, and belongings of crew, passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value. The remains may currently be under water or were, at one time, under water but are no longer submerged.

Council shall, prior to approving a waterfront development proposal, require a marine archaeological survey to be conducted by a licensed marine archaeologist to the satisfaction of the Municipality and the Ministry of Tourism, Culture and Sport (MTCS), pursuant to the Ontario Heritage Act. Any marine archaeological resource that is identified must be reported to MTCS immediately. MTCS shall determine whether the resource is left in situ or removed, through excavation, by licensed marine archaeologists.

3.7.3.11 Waterfront Development

In considering applications for waterfront development, Council shall ensure that cultural heritage resources both on shore and in water are not adversely affected. When necessary, Council shall require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

3.7.4 Built Heritage Resources

3.7.4.1 Built Heritage Resources Inventory

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.

Revisions to the initial register may occur as a result of additional investigations and field checks.

The Municipality shall utilize the criteria set in Ontario Regulation 9/06 of the Ontario Heritage Act in determining the criteria for designation of built heritage resources.

3.7.4.2 Retention / Relocation of Heritage Buildings

The Municipality of Brighton shall encourage the retention of buildings of architectural and/or historical merit in their original locations whenever possible. Before such a building is approved for relocation to another site, all options for on-site retention shall be investigated. The following alternatives, in order of priority, shall be examined prior to approval for relocation:

- i) Retention of the building on-site in its original use. In a residential subdivision, a heritage dwelling could be retained on its own lot for integration into the residential community.
- ii) Retention of the building on-site in an adaptive re-use, for example, in a residential subdivision, a heritage dwelling could be retained for a community centre or a day care centre.
- iii) Relocation of the building on the development site. A heritage building, if of significant historical, architectural or contextual importance, could be relocated to another location within the proposed development.
- iv) Relocation of the building to a sympathetic site. If interest is demonstrated, the heritage building could be relocated to an available lot at a sympathetic site within the Municipality of Brighton.

3.7.4.3 Heritage Conservation Districts

Where merited by the concentration and significance of cultural heritage resources, the Municipality may consider the establishment of a Heritage Conservation District to conserve an area's unique character.

3.7.4.4 Process

Prior to designating a Heritage Conservation District in accordance with the *Ontario Heritage Act* the Municipality of Brighton:

- i) Will, by by-law define an area to be examined for future designation;
- ii) May undertake a Heritage Conservation District Study to examine the character of the study area and assist in the delineation of a boundary for the proposed district;
- iii) Will prepare and adopt by by-law a Heritage Conservation District Plan; and,
- iv) Will establish for each district a District Committee that will advise Council on matters pertaining to the designated district.

3.7.4.4.1 Contents of Heritage Conservation District Plan

The general principles pertaining to Heritage Conservation Districts will be refined and expanded via a Heritage Conservation District Plan. The Heritage Conservation District Plan:

- i) Will delineate boundaries of the designated area and reasons for designation;
- ii) Will inventory existing resources;
- iii) Will prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;
- iv) Will be adopted by by-law after consultation with property owners and other interested agencies as considered appropriate;
- v) Will be implemented by municipal review of heritage permit applications for changes to individual buildings within the designated district, in addition to the normal municipal permit requirements; and,
- vi) May be incorporated into the Official Plan by way of amendment if existing Official Plan policies and/or land use designations are considered to be unsympathetic to the protection of a particular Heritage Conservation District.

3.7.4.4.2 Review of Proposals

Where a Heritage Conservation District has been established, the applicable Heritage Conservation District Plan and the following general principles shall guide proposals for the

construction, demolition or removal of buildings and structures or the alteration of existing buildings:

- i) Heritage buildings and archaeological sites including their surroundings should be protected from any adverse effects of the development;
- ii) Original building fabric and architectural features should be retained and repaired;
- iii) New additions and features should generally be no higher than the existing building and wherever possible be placed to the rear of the building or set-back substantially from the principal façade; and,
- iv) New construction and/or infilling should fit the immediate physical context and streetscape and be consistent with the existing heritage architecture by, among other things: being generally of the same height, width and orientation as adjacent buildings; of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape.

3.7.4.4.3 Property Owners

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.

3.7.4.4.4 Public Works

Council shall make every effort to conserve and protect known cultural heritage resources and areas of archaeological potential when undertaking municipal public works, such as roads and infrastructure projects, carried out under the Municipal Class environmental assessment (EA) process. When necessary, Council will require heritage impact assessments and satisfactory measures to mitigate any negative impacts affecting identified heritage resources.

Public works and landscaping within and adjacent to an inventoried Cultural Heritage Landscape or a designated Heritage Conservation District should maintain or enhance existing roads and streetscapes and be complementary to the identified heritage character of the landscape or district.

3.7.5 Areas with Cultural Heritage Character

3.7.5.1 Existing Settlement Areas

The Municipality of Brighton may identify through the Zoning By-law, areas of existing settlements that have cultural heritage character. It is intended that:

- i) Conversion, redevelopment or new construction in these areas is sympathetic to and compatible with the prevailing cultural heritage character of the area;
- ii) infilling be permitted provided that heritage buildings and features are retained and not removed to create vacant parcels of developable land; and,
- iii) Re-development of non-residential land and/or buildings for residential purposes or mixed use will be encouraged.

3.7.5.2 Conversion or Redevelopment

All forms of conversion or redevelopment should be sympathetic to existing cultural heritage conditions. This may be achieved through:

- i) Retention of the original building fabric and architectural features;
- ii) Avoidance of alterations to heritage attributes;
- iii) Limiting the height of new additions, including garages or car ports, to the height of the existing building;
- iv) Placement of new additions, including garages or car ports, to the rear of the building or set back substantially from the principal façade;
- v) Placement of required on-site parking behind the existing building line; and compliance with any other policies, streetscape or community design guidelines approved by the Municipality.

In attaining its goal for establishing a barrier-free environment to Municipally-owned property, the Municipality shall endeavour to provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. The Municipality recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes. The

Municipality encourages this practice for privately-owned heritage buildings that are open to and used by the public.

3.7.5.3 New Construction

New construction should fit the immediate physical locale and streetscape by being generally of:

- i) The same height and of similar width as adjacent side buildings;
- ii) Similar orientation of roof gables as adjacent buildings;
- iii) Similar setback;
- iv) Like materials and colours;
- v) Similar proportions for windows, doors and roof shape; and,
- vi) In compliance with any other policies, streetscape or community design guidelines approved by the Municipality.

3.7.6 Other Heritage Matters

3.7.6.1 Adaptive Re-Use in Agricultural Areas and Rural Areas

Where appropriate in rural areas, and in accordance with the provisions of this Plan and any other relevant policy or by-law, the retention and conservation of non-residential built heritage features, such as barns, will be encouraged through their conversion or redevelopment. Such conversion should be sympathetic to the original form and material of the rural structure and in compliance with the applicable regulations of the Comprehensive Zoning By-law.

3.7.6.2 Heritage Trust Fund

The Municipality of Brighton may establish a Heritage Trust Fund for the purposes of assisting heritage conservation activities. Owners of designated heritage properties within the Municipality will be encouraged to investigate this source of financial assistance.

3.8 PARKS AND RECREATION

The Municipality will promote a healthy, active community by:

- i) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to walking and cycling.
- ii) Providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation including facilities, parklands, open space areas, trails, and where practical, water-based resources.
- iii) Providing opportunities for public access to shorelines.
- iv) Considering the impacts of planning decisions on Presqu'ile Provincial Park and local conservation areas.
- v) Establishing and supporting the establishment of walking trails and linkages both within the BUA and in cooperation with other community based organizations, including the Waterfront Regeneration Trust's Lake Ontario Greenway Waterfront Trail.

3.8.1 Functional Classifications

All municipal parks and recreation facilities in the Municipality shall be developed in accordance with a parks plan and the policies contained in this Plan. An Official Plan amendment shall not be required to recognise changes to municipal parks and recreation facilities which are introduced as a result of the Vision for Recreation, Trails and Green Space. The plan will serve to guide future planning for indoor and outdoor recreation facilities and programs, and the development and management of parks, trails, and other green space that is owned or managed by the Municipality. Park Land Conveyances

Council may by By-law, require as a condition of development or redevelopment the conveyance of land from the developer to the Municipality, in accordance with the provisions of Section 42 of the *Planning Act*. The amount of land to be conveyed is not to exceed 2 percent (2%) of the lands proposed for commercial and industrial development, or 5 percent (5%) of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas are acceptable as parkland dedication.

Where the division of land is proposed, the Municipality shall request the approval authority establish a condition on the granting of a provisional consent or the approval of a draft plan of subdivision that the owner conveys land for park purposes to the Municipality. The amount of land to be conveyed is not to exceed 2 percent of the lands proposed for commercial and industrial development or 5 percent (5%) of the lands for any other proposed uses. The conveyed lands are intended to be used for park or other public recreational purposes. Lands that are environmentally sensitive areas are acceptable as parkland dedication.

All lands conveyed for parks purposes shall be approved by the Municipality. Where a water body adjoins such lands, adequate space shall be provided for maintenance of the park and its operation.

3.8.1.1 Alternative Requirement

As an alternative to requiring the conveyance provided for in subsection 3.8.2, in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).

3.8.2 Alternative Conveyances

In lieu of the conveyance of land for park purposes, the Municipality may require the payment of money in lieu of such lands. The cash value of such lands will be determined as follows:

- For developments involving the division of land pursuant to either Section 51 or Section 53 of the *Planning Act*, the value of land shall be determined as of the day before the granting of draft plan approval for a plan of subdivision or the day before the granting of a provisional consent.
- For development or redevelopment pursuant to Section 42 of the *Planning Act*, the value shall be determined as of the day before the day of the issuance of the first building permit issued in respect to development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the first permit is issued.

3.8.3 Parkland Dedication in Shoreline Areas

Along the Lake Ontario waterfront, land shall be provided to meet recreational needs by acquiring five percent of all land proposed for residential development in shoreline areas or a suitable cash equivalent where the size or location of the site being developed makes such acquisition inappropriate, in accordance with Section 51.1 of the *Planning Act*.

3.8.4 Public Waterfront Access

Wherever possible, public waterfront access to Lake Ontario shall be provided. A system of public and private parks shall be provided where Council deems it desirable. Public parks shall contribute to Lake Ontario Waterway and Waterfront Trust increasing public access to Lake Ontario.

The Municipality of Brighton shall identify municipal public lands available for development as waterfront access points and further investigate the acquisition of adjacent private lands to complement such areas with a view to providing adequate recreational open space adjacent to the shoreline residential areas. Such waterfront access areas shall only be developed in a manner compatible with adjacent residential uses having regard for the provision of buffer planting and fencing and adequate off-street parking. New public access routes shall not be located in environmentally sensitive areas or wetlands.

3.9 PROTECTION OF THE NATURAL ENVIRONMENT

In order to properly manage and enhance the existing built settlement areas, while protecting or improving the quantity and diversity of the natural environment, the Municipality endeavours to take a strategic approach to planning for the long range development of the Municipality of Brighton.

Natural heritage features and areas, together with natural hazard features and areas are important elements of the Municipality's ecosystem, which require proper conservation and management in order to maintain the environmental health of the community. Owners of lands that are limited by natural hazards will be encouraged to manage these lands wisely, as set out in Section 3.9.1 herein. Owners of lands that contain natural heritage features and/or areas will be encouraged to be good land stewards, in accordance with the policies of Section 3.9.2 of this

Plan. It is intended that important environmental features and areas be conserved and protected to the greatest extent possible, including public ownership, if feasible.

The implementation of the Municipality's planning approach to the natural environment shall be achieved through fostering of strong relationships between the Municipality and the local conservation authorities.

The Municipality and the Conservation Authority will co-ordinate their efforts in the review of development applications and the creation of long range planning policies. The co-ordination of these bodies will develop an approach to planning that reflects the desired growth patterns of the Municipality and the needs of the natural environment in the context of the policies of this Plan and the Provincial Policy Statements issued under Section 3 of the *Planning Act*.

3.9.1 Objectives

- i) Natural features and areas shall be protected for the long term.
- ii) The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- iii) Incompatible land uses within significant and sensitive environmental features and areas will be prohibited.
- iv) The general public and the private development industry will be encouraged to participate in the co-ordination and implementation of sound management initiatives and practices as they relate to the identified natural environmental features of the Municipality.
- v) In consultation with the MNR and the local LTRCA having jurisdiction, significant woodlands and valleylands and significant wildlife habitat will be identified by the municipality for the purposes of protection as specified in the PPS. This Plan may be amended accordingly to recognize significant woodlands and valleylands and significant wildlife habitat when mapping of these features is available.

- vi) The Environmental Protection designation identifies natural hazards, such as hazardous lands and hazardous sites, which may pose a threat to life and property due to inherent characteristics such as flooding hazards, erosion hazards, dynamic beach hazards and steep slopes. Natural hazards may also be subject to the regulations administered by Lower Trent Conservation. Development and site alteration shall not be permitted within natural hazards or on lands adjacent to natural hazards that are regulated by Lower Trent Conservation until written authorization is obtained from the Conservation Authority. Natural hazards will be placed in a separate zoning category in the municipal zoning by-law, or identified by the addition of a zone suffix or prefix, as an area where land use regulations are applied by the Conservation Authority and the Municipality to prevent hazard risks.

Nothing in Section 3.9 of this Plan is intended to limit the ability of existing agricultural uses to continue.

3.9.2 Natural Hazards

The Environmental Protection designation identifies hazardous lands which may pose a threat to life and property due to inherent characteristics such as floodplains, erosion and dynamic beach hazards, and steep slopes.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shoreline of Lake Ontario, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shoreline of Lake Ontario, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave up-rush and other water-related hazards;

b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. The one hundred year flood; and
3. A flood which is greater than 1 or 2 which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

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

3.9.3 Natural Environmental Features

The Municipality recognizes the need to develop policies that will protect and where possible enhance the significant natural heritage features within the Municipality of Brighton.

Natural heritage features and areas: means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the

Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area. Provincially significant wetlands, locally significant wetlands and areas of natural and scientific interest within the Municipality are shown on Schedule “C” to this Plan.

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

3.9.4 General Policies

Decisions made by the Municipal Council affecting natural heritage features and areas shall be consistent with the provisions of Section 2.1 - *Natural Heritage* of the Provincial Policy Statement.

3.9.5 Requirement for Environmental Impact Study

Development and site alteration shall not be permitted within provincially significant wetlands, significant woodlands, significant wildlife habitat, significant valleylands and significant areas of natural and scientific interest unless it has been demonstrated, through an Environmental Impact Study (EIS) in accordance with this Section of the Plan, that there will be no negative impacts on the natural features or their ecological functions. In this case the need for an EIS is triggered by any development or site alteration proposals within or adjacent to any of these features.

The EIS report will be completed by a qualified professional at an appropriate time of year, and will be reviewed by the Municipality, the Conservation Authority, or the Province.

All EIS reports shall be approved by the Municipality in consultation with the local Conservation Authority and shall address the following:

- i) A detailed description of the development proposal;

- ii) A description of existing on-site and adjacent land uses including the land use designations identified on Schedule “A” of this Plan;
- iii) The identification of all land uses or activities that may negatively impact on the natural environmental feature or their ecological functions;
- iv) The delineation of the environmental features of the lands subject to the development proposal;
- v) A detailed description of the mitigation measures and monitoring program to be undertaken as part of the development proposal which will ensure no negative impacts to the features or their ecological functions; and
- vi) Any other site-specific information deemed necessary by the Municipality in consultation with the local Conservation Authority.
- vii) A species list (species at risk, birds, mammals, reptiles plants, amphibians and other wildlife, fishes, etc.). This requires a level of inventory through the growing season (Spring to late summer ideally) but provides a clearer picture of what exists on site.

Adjacent lands generally mean those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

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

3.9.6 Wetlands

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

3.9.6.1 Provincially Significant Wetlands

Provincially significant wetlands are identified as provincially significant by the Ontario MNR using evaluation procedures established by the Province from time to time. The policies of Section 3.9.6.1 of this Plan shall apply to significant wetlands within the Municipality. Provincially significant wetlands identified within the Municipality are shown on Schedule “C” to this Plan.

Development and Site Alteration:

- i) Shall not be permitted in provincially significant wetlands, including significant coastal wetlands; and,
- ii) Shall not be permitted on adjacent lands to provincially significant wetlands, including significant coastal wetlands, unless the ecological function of the adjacent lands has been evaluated through an Environmental Impact Study (EIS), as per Section 3.9.5 of this Plan, and it has been determined that there will be no negative impacts on the natural features or their ecological functions.

Adjacent lands to a provincially significant wetland shall generally mean those lands within 120 metres of the wetland, which are contiguous to it and where it is likely that development or site alteration would threaten the health and integrity of the wetland and its natural features and ecological function. The municipality, in consultation with the Conservation Authority and the MNR where appropriate, may reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.6.2 Other Wetlands

Wetlands which have not been identified as Provincially Significant are nonetheless important at a regional or local level. The Municipality recognises that the Conservation Authority limits or prohibits development and site alteration within the lands adjacent to other wetlands, where such development could have an adverse impact on the ecological and hydrological functions of the wetland.

The Municipality shall ensure these areas are protected for the long term by maintaining, improving, or where possible, restoring these wetlands and their ecological and hydrological functions.

Notwithstanding the above, wetlands that have not been identified on Schedule “C” are still subject to the policies of this Plan.

Hydrologic function means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.

3.9.7 Areas of Natural and Scientific Interest

Areas of Natural and Scientific Interest (Earth Science and Life Science) are identified on Schedule “C” to this Plan:

Areas of Natural and Scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

The following policies shall apply to the significant ANSIs within the Municipality.

- i) Development and site alteration shall not be permitted in significant ANSIs unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- ii) Development and site alteration shall not be permitted on adjacent lands to significant ANSIs unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- iii) For the purposes of this policy, “adjacent lands” shall mean those lands within 50 metres of identified significant earth science ANSIs and 120 metres of significant life science ANSIs. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.8 Fish and Wildlife Habitat

Known areas of fish habitat and significant wildlife habitat are illustrated on Schedule “A” of this Plan. The Municipality may undertake additional studies and surveys to identify and designate, in accordance with the MNR, Conservation Authority and Fisheries and Oceans Canada,

additional fish habitat and significant wildlife habitat areas for protection and conservation from incompatible land uses and activities.

For the purposes of this Plan:

Fish habitat: as defined in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

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

The following policies shall apply to the identified fish habitat and significant wildlife habitat within the Municipality:

- i) Development or site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. The Municipality shall consult with the MNR, the Conservation Authority or Fisheries and Oceans Canada to determine such requirement.
- ii) Where development or site alteration is proposed within 120 metres of a water body or watercourse, an EIS will be required to assess the potential impact on fish habitat. Development and site alteration shall not be permitted within 120 metres of fish habitat unless the ecological function of the adjacent lands have been evaluated through an EIS, as per Section 3.9.5 of this Plan, and it has been determined that there will be no negative impacts on the natural features or their ecological function.
- iii) Development shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions as a result of the proposed development.
- iv) Development and site alteration shall not be permitted on adjacent lands to significant wildlife habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

- v) For the purposes of this policy “adjacent lands” shall mean those lands within 120 metres of identified significant wildlife habitat. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.9 Significant Habitat of Endangered & Threatened Species

The following policies shall apply to the significant habitat of endangered species and threatened species within the Municipality:

- i) Development and site alteration shall not be permitted in the significant habitat of endangered species and threatened species.
- ii) The location of the significant habitat of endangered and threatened species is not specifically identified on Schedule “A” of this Plan. The Municipality will review development applications using the best and most up-to-date available information on endangered and threatened species location that is available from the MNR.
- iii) Development and site alteration shall not be permitted on adjacent lands to the significant habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- iv) For the purposes of this policy “adjacent lands” shall mean those lands within 120 metres of an identified significant habitat of endangered species and threatened species. The municipality may, in consultation with the Conservation Authority, reduce or enlarge the area which is considered to be adjacent, if there are sound environmental basis for doing so.

3.9.10 Significant Woodlands

Wooded areas within the Municipality have not yet been evaluated to determine their significance. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resources to identify provincially significant woodlands within the Municipality. In the interim, all wooded areas larger than 0.5 hectares within the Municipality shall be considered as having the potential to be provincially significant. Proponents of development proposals within these areas shall be

required to submit a preliminary Environmental Impact Study (EIS) completed by a qualified professional to determine the significance of the woodland as part of the application requirements. The preliminary EIS shall consider the recommended Significant Woodland Evaluation Criteria and Standards in Table 7-2 of MNR's Natural Heritage Reference Manual.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) of significant woodlands unless it has been demonstrated that there will be no negative impacts on the woodland or its ecological functions.

3.9.11 Significant Wildlife Habitat

Significant Wildlife Habitat areas within the Municipality have not yet been identified. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resource to identify significant wildlife habitat areas within the Municipality. In the interim, Council shall require development proponents to undertake studies completed by a qualified professional to confirm the presence/absence of significant wildlife habitat, to determine if the proposed development and/or site alteration within or adjacent to (within 120 metres) of the significant wildlife habitat will result in negative impact on the habitat or its ecological functions, and to recommend appropriate mitigative measures. These studies should reference MNR's Significant Wildlife Habitat Technical Guide for study requirements and guidance.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions, in accordance with policies 2.1.4 and 2.1.6 of the Provincial Policy Statement.

3.9.12 Significant Valleylands

Valleylands within the Municipality have not yet been identified. Prior to the next municipal comprehensive review of this Plan, the Municipality will work with the Ministry of Natural Resource to identify provincially significant valleylands within the Municipality. Once identified, Council shall require development proponents to undertake studies

completed by a qualified professional to confirm the presence/absence of significant wildlife habitat, to determine if the proposed development and/or site alteration within or adjacent to (within 120 metres) of the valleyland will result in negative impact on the valleyland or its ecological functions, and to recommend appropriate mitigative measures. These studies should reference MNR's Significant Wildlife Habitat Technical Guide for study requirements and guidance.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 metres) significant valleylands, unless it has been demonstrated that there will be no negative impacts on the valleyland or its ecological functions.

3.9.13 Definitions of Development and Site Alteration

For the purposes of this Plan, the following definitions of “development” and “site alteration” shall apply:

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- Activities that create or maintain infrastructure authorized under an environmental assessment process;
- or
- Works subject to the *Drainage Act*.

Site alteration means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site, but does not include works directly associated with the continuation of existing agricultural uses.

3.10 ENERGY CONSERVATION

It is the intent of this Plan to provide for energy conservation through effective land use planning in all areas of the Municipality. Wherever feasible and practicable, development will be encouraged which serves to minimize energy related costs and which emphasizes the use of renewable energy sources.

3.10.1 Policies

- i) Council shall encourage the proponents of future development and/or redevelopment to adopt energy efficient designs which will result in energy savings and the optimum use of energy sources;
- ii) Council shall, in reviewing development and/or redevelopment applications, have regard for energy conservation, wherever practicable and feasible, by promoting a compact urban settlement pattern which minimizes transportation related costs;
- iii) In accordance with the land use designations and related policies of this Plan, Council shall encourage mixed use development and/or redevelopment proposals within the Core Area;
- iv) Council shall co-operate with the appropriate public and private agencies to inform the public of the energy concerns and promote energy conservation; and,
- v) Council shall encourage the development of a contiguous urban structure where the concentration of activities results in fewer and shorter trips and a greater frequency of pedestrian movements.

3.11 WATER

The Council of the Municipality recognizes the importance of protecting surface water and groundwater resources, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watersheds within the Municipality (Butler Creek, Marsh Creek), and the long-term benefits of its residents.

Development of land can affect the quantity and quality of ground and surface water resources, which can, in turn have impacts on the land resources on which these water resources depend. There are also direct inter-relationships between surface and ground water features and areas. Many surface-water features are supplied, at least in part, by groundwater which is being discharged from below the surface, through springs and seeps. In other instances surface-water features may act as recharge areas for ground-water aquifers. Withdrawal of water from

streams can deplete ground water or conversely, groundwater takings can deplete water levels in streams, lakes, or wetlands.

Development can also adversely affect the quality of water resources in our watersheds. Pollution of surface water can cause degradation of ground-water quality and conversely pollution of ground water can degrade surface water. Thus, effective land and water management requires a clear understanding of the linkages between ground water and surface water as it applies to any given hydrologic setting. A definition of Hydrologic Function, as established by the PPS, is included in Section 3.9.6.2 of this Plan.

3.11.1 Surface Water Protection

The term surface water features include lakes, rivers and streams, wetlands, surface areas which function as discharge (springs and seeps) and recharge areas for groundwater, together with the headwater areas and the associated shoreline (riparian) lands of the surface water features.

Sensitive surface water features are those which are particularly susceptible to impacts from activities or events occurring on the surface. Examples of impacts include:

- i) Dewatering of wetland areas;
- ii) Disruption of the supply of water through channelization or damming of water courses;
- iii) Placement of fill in wetland areas;
- iv) Addition of pollutants, such as:
 - a) Urban runoff from streets and sidewalks (oil, salt, pesticides, pet droppings, chemicals, litter);
 - b) Inappropriate application of lawn and garden fertilizers, herbicides and pesticides;
 - c) Agricultural runoff (manure, pesticides and fertilizers);
 - d) Household hazardous waste (paints and paint thinners, household cleaners, batteries, pharmaceuticals, pet wastes, etc);

- e) Wastewater discharges from municipal sewage treatment plants and septic systems, or leaking storage tanks;
- f) Industrial discharges.

Council recognises the importance of restricting development and site alteration in or near sensitive surface water features, such that these features and their related hydrologic functions are protected and where possible improved or restored. In some cases, Council may require that mitigative measures and or alternative development approaches be introduced to protect, improve or restore sensitive surface water features.

Council also recognises the importance of water conservation practices and promotes efficient and sustainable use of surface water resources, throughout the Municipality.

3.11.2 Groundwater Protection

Ground water features and areas include water-related features which are found beneath the earth's surface including recharge/discharge areas, water tables, aquifers and unsaturated zones.

Sensitive or vulnerable ground water features are those which are particularly susceptible to impacts from activities or events occurring on the surface. Ground water resources can be vulnerable to change or impacts by virtue of their vicinity to activities and events or because of pathways or conduits which provide a link between the activities and the resource. Examples of impacts include:

- i) Withdrawal of water at rates above the carrying capacity of the aquifer
- ii) Contamination by surface water which gains access to an aquifer via poorly constructed or abandoned wells, mine shafts or other breaks in a protective aquitard
- iii) Point source pollution from oil and chemical spills of pollutants
- iv) Contaminant leachate plumes from waste disposal sites and industrial facilities.

3.11.2.1 *Municipal Wellhead Protection*

At the time of approval of this Plan, a Source Protection Plan prepared by Trent Conservation Coalition Source Water Protection Committee, is under review by the Ministry of Environment.

Once approved, the Source Protection Plan will further refine the limits of the wellhead protection area delineated on Schedule “C” and provide policy direction to guide development within this area. Policies developed through the creation of the Source Water Protection Plan shall be incorporated into this Official Plan by way of amendment.

3.11.3 Identification of New Groundwater Information

If new information becomes available concerning the identification of groundwater features and related surface water features and areas which are necessary for the ecological and hydrological integrity of watersheds, the Municipality will work with the appropriate provincial ministries and the local Conservation Authority to prepare more detailed policies and mapping and incorporate such policies and mapping into the Official Plan by amendment.

3.12 SCHOOLS

The Municipality recognizes the importance of community schools to residential neighbourhoods and to the community as a whole.

3.12.1 Accommodation Planning

The school boards having jurisdiction in the Municipality of Brighton shall determine, in conjunction with the Ministry of Education and the Municipality, the size and timing of new required educational facilities. At such time as the school boards have completed long-range accommodation planning, the proposals may be added to this Plan by amendment.

3.12.2 Requirements for Development

Before any development that will generate additional pupils is approved, the Municipality shall be assured that the necessary pupil accommodation and any required school bussing will be provided.

3.13 RENEWABLE ENERGY GENERATION FACILITIES

All renewable energy systems are regulated by the Province of Ontario in accordance with the Green Energy Act, S.O. 2009, as amended from time to time, and its implementing regulations.

3.14 PROTECTION OF MINERAL AGGREGATE RESOURCES

Licensed mineral aggregate operations and areas of known high potential mineral aggregate resources (both deposits of primary and secondary significance as mapped in the Aggregate Resources Inventory of Brighton Townships, Paper 143) are designated as Aggregate Resource on Schedule “A” of this Plan. Deposits of tertiary significance or deposits that are shown to be of high potential as a result of testing, and agreed to in consultation with the Municipality and the MNR will be shown on Schedule “A” as this information becomes available.

Sensitive land uses (as defined in Section 3.16 of this Plan) should not be permitted to locate within 150 metres of existing sand and gravel pit operations that are above the water table and within 300 metres of existing sand and gravel pit operations that are below the water table, or within 150 metres of lands designated as Aggregate Resource, or within 500 metres of existing quarry operations or lands designated for future quarries, unless studies are completed to demonstrate that the encroachment of the sensitive land uses will not be impacted by such matters as groundwater interference, noise, dust, traffic and vibration.

In addition to the above policy, in areas within or adjacent to known deposits of mineral aggregate resources, development which would preclude or hinder the establishment of new mineral aggregate operations or access to the resources shall only be permitted if:

- i) Resource use would not be feasible; or
- ii) The proposed land use or development serves a greater long term public interest;
and
- iii) Issues of public health, public safety and environmental impact are addressed.

Existing licensed mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental impact.

3.15 WAYSIDE PITS AND WAYSIDE QUARRIES

Wayside pits and quarries used on public authority contracts shall be permitted, without the need for an amendment to this Plan or rezoning, in any designation except a residential land

use designation that is zoned for residential use, or land designated or zoned Environmental Protection provided that the use conforms to the *Aggregate Resources Act*.

On specialty crop lands and lands comprised of Classes 1, 2 and 3 soils as identified by Canada Land Inventory mapping for Agriculture and designated as Agricultural on Schedule “A” of the Plan, wayside pit and wayside quarry extraction may occur provided the agricultural rehabilitation of the site is professionally carried out and substantially the same acreage and average soil capability for agriculture are restored.

For the purposes of this section, a wayside pit or a wayside quarry means a temporary pit or quarry opened and used by a public authority solely for the purpose of a particular project or contract of road construction, and not located on a road right-of-way.

Prior to the removal of any material from the subject site, the landowner may be required to enter into a development agreement with the Municipality. The agreement should include:

- i) Dust control measures; and
- ii) An exact indication of the routes to be used by gravel trucks and guarantees with respect to road damage.

In some instances, Council may consider it appropriate to waive the development agreement.

3.16 PORTABLE ASPHALT PLANTS AND PORTABLE CONCRETE PLANTS

Portable asphalt plant means a facility:

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

Portable concrete plant means a building or structure.

- i) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and

- ii) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

3.16.1 No Requirement for Amendment

Portable asphalt plants and portable concrete plants used by a public authority or their agent shall be permitted in the Industrial, Aggregate Resource, and Agricultural and Rural designations without amendment to this Plan or the comprehensive Zoning By-law.

3.16.2 Separation Distances

Portable asphalt plants and portable concrete plants must comply with the Ministry of the Environment's recommended separation distances and must obtain the necessary approvals from the Ministry of the Environment.

3.16.3 Agricultural Lands

The establishment of portable asphalt plants and portable concrete plants upon lands designated as Agricultural on Schedule "A" of this Plan and comprised of specialty crop lands or Classes 1, 2 and 3 agricultural soils as identified by the Canada Land Inventory mapping for Agriculture, may occur provided the agricultural rehabilitation of the site is professionally carried out and substantially the same acreage and average soil capability for agriculture are restored.

3.17 LAND USE COMPATABILITY

The encroachment of sensitive land uses and industrial uses on one another is discouraged. A separation distance in accordance with the Ministry of the Environment's Land Use Compatibility Guideline and Compatibility between Industrial Facilities and Sensitive Land Uses guideline will be incorporated between sensitive uses and industrial uses or other facilities that by their nature are incompatible with sensitive uses.

The provisions of this Plan do not apply to prohibit the development or redevelopment of residential uses on legal lots of record existing as of the date of adoption of this Plan or the development of new residential uses by a consent to land severance, where such development represents infilling within an established residential neighbourhood where it is neither practical nor feasible to employ noise attenuation measures.

Development proposals near existing or proposed railway corridors or major roads such as arterials and collectors shall comply with Section 7 of this Plan.

3.17.1 Definition of Terms

For the purposes of this Land Use Compatibility policy, the following definitions shall apply:

Class 1 industrial facility means a place of business for a small-scale, self-contained plant or building which produces/stores a product that is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

Class 2 industrial facility means a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e., it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

Class 3 industrial facility means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

Sensitive land uses means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse impacts from contaminant discharges generated by a nearby major facility. Examples of sensitive land uses include, but are not limited to, residences, day care centres, and educational and health facilities.

3.17.2 Minimum Separation Distances

The following minimum separation distances between industrial land uses and sensitive land uses should be provided:

- i) Class 1 Industrial Facility - 20 metres

- ii) Class 2 Industrial Facility - 70 metres
- iii) Class 3 Industrial Facility - 300 metres

3.17.3 Separation or Buffer Areas and Vegetation Planting Strips

Separation or buffer areas between industrial uses and sensitive land uses may include open space, berms, walls, fences, vegetation planting strips, municipal streets, or another land use different from the two conflicting uses, but compatible with both the industrial and sensitive land use. A vegetation planting strip means a continuous un-pierced hedgerow of evergreens or shrubs, not less than 1.5 metres high at planting and 3 metres wide, immediately adjacent to the lot line or portion thereof along which such planting strip is required.

Notwithstanding the above, compatibility between sensitive land uses and mineral aggregate operations shall be considered in accordance with the policies of Sections 3.16, 4.11 and 5.3.1.8 of this Plan.

3.18 HOUSING POLICIES

The Municipality will attempt to maintain a ten year supply of land for housing purposes, including a three year supply of draft approved lots capable of being readily serviced and/or registered lots and blocks on plans of subdivision.

The Municipality will support the intensification requirements set out by the Ministry of Municipal Affairs and Housing in the Growth Plan for the Greater Golden Horseshoe, by reviewing the Official Plan policies and Zoning By-laws and recommending changes that promote intensification.

The Municipality recognizes the need for rental accommodation and will look favourably upon applications for rental accommodation where adequate servicing is available.

The Municipality will encourage communication with property owners who have not proceeded with housing projects where zoning exists or approvals have been granted and determine the reasons for not proceeding. The Municipality will attempt to suggest remedies which could expedite the development process.

The Municipality will ensure, in conjunction with developers, that subdivisions shall provide a variety of housing types and densities.

In order to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area, Council shall:

- i) Maintain land with servicing capacity to provide a supply of residential units which is consistent with the growth forecasts and intensification and density targets established in Section 3.1. Policies respecting phasing of growth within the municipality are included in Section 3.3 of this Plan;
- ii) Encourage the provision of a mix and range of housing types in the Municipality;
- iii) Encourage housing forms and densities designed to meet the objectives of the GPGGH and to provide affordable housing opportunities for moderate and lower income households; The Municipality recognizes that “Affordable Housing” refers to both affordable ownership and affordable rental as described within the PPS and the GPGGH, issued by the Ministry of Environment and Infrastructure (MEI). Affordable Housing means housing which is modest in terms of floor area and amenities, based on household needs and community norms, and is priced at or below average market housing rents or selling prices for comparable housing in a community or area at levels affordable to agreed upon target groups who are on or are eligible to be on social housing waiting lists;
- iv) Ensure that 25% of all new housing is affordable to low and moderate income households. Council may revise this target through the implementation of an Affordable Housing Strategy and amendment to this Plan;
- v) Encourage the building of long-term care and assisted living facilities; and,
- vi) Encourage residential intensification where such intensification is in harmony with the existing lot fabric within an established neighbourhood or area and helps achieve the 42% intensification target.

3.18.1 Accessory Apartments

Subject to the provisions of Section 4.3, 4.4 and 4.5 of this Plan, up to one accessory apartment shall be permitted in a single-detached, semi-detached or row house dwelling, pursuant to Section 16(3) of the Planning Act.

3.19 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast uses are defined as residential uses which provide overnight tourist accommodation, which may include meals, but shall not offer or provide services to non-guests. Bed and breakfast establishments will generally be permitted in all land use designations where residential uses are permitted subject to the following:

- i) A bed and breakfast establishment shall only be permitted in a single detached dwelling;
- ii) The property shall be the principle residence of the person operating the bed and breakfast establishment;
- iii) The bed and breakfast establishments shall not interfere with the quiet and reasonable enjoyment of adjacent residential properties nor detract from the character of the neighbourhood or surrounding area.
- iv) The Municipality may require the appropriate licensing or registration of such uses as may be provided for under the *Municipal Act*.
- v) Bed and breakfast establishments shall conform to all provincial and local standards and regulations concerning safety for uses of this nature.
- vi) Appropriate regulations shall be included in the Comprehensive Zoning By-law to govern the establishment and operation of bed and breakfast establishments within the Municipality. Matters to be included in the Zoning By-law may include:
 - a) The maximum number of guest rooms per bed and breakfast establishment (which shall not exceed three guest rooms).
 - b) The provision of an appropriate number of off-street parking spaces.
 - c) Restrictions on the type of dwelling in which such use may be established.
 - d) Restrictions on the size and nature of advertising signs and displays.

- e) Restriction on outdoor storage.
- f) Where the property is served by a private well and/or private sewage disposal facility, the approval of the appropriate government agency having jurisdiction, shall be required.

3.19.1 Garden Suites

Garden Suite means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Council recognizes that Garden Suites may offer alternative housing opportunities in the Municipality. Garden Suites shall be regulated as temporary uses under the provisions of Sections 39 and 39.1 of the *Planning Act*. Council may require the owner of the garden suite or any other person to enter into an agreement with the Municipality dealing with such matters related to the temporary use of the garden suite as the Council considers necessary or advisable, including:

- i) The installation, maintenance and removal of the garden suite;
- ii) The period of occupancy of the garden suite by any of the persons named in the agreement; and
- iii) The Municipality related the monetary or other form of security that Council may require for actual or potential costs to the garden suite.

The implementing Zoning By-law shall contain regulations pertaining to garden suites such as, but not limited to, the zone classifications where they may be permitted, minimum lot area requirements, the maximum number of garden suite buildings per lot, building setbacks, and the minimum and/or maximum dimensions of a garden suite.

3.19.2 Group Homes

Group Homes shall be permitted within the residential, rural and agricultural designations. Where a Group Home is to be established within the Agricultural designation, the Home may only be located in an existing house and shall not qualify for a severance.

A Group Home is a permitted use and shall be defined as a single housekeeping unit in a residential dwelling in which individuals live as a unit under responsible supervision consistent

with the particular requirements of the resident, and which provides accommodation for 3 to 10 persons.

New Group Homes located within the Municipality shall generally accommodate the needs of the residents of the area. Group Homes shall be licensed, approved and/or funded under provincial and federal statutes and maintained in compliance with municipal by-laws.

Council may pass a By-law providing for the registration of Group Homes in accordance with Section 166 of the *Municipal Act*, R.S.O., 2001.

3.20 HOME OCCUPATIONS & HOME INDUSTRIES

Home occupations and home industries provide opportunities for business people to develop new businesses at a small-scale to create new full-time or part-time employment in the Municipality. Home occupations and home industries are not intended to be activities that are more appropriately located on lands that are specifically designated for commercial or industrial uses.

3.20.1 Home Occupations

Home occupation means an occupation or business conducted for gain or profit entirely within a dwelling unit or in an accessory building on the lot by a person residing thereon. Examples of businesses which are permitted as home occupations by the policies of this Plan include professional offices, art/design or photographic studios, dressmaker's or tailoring shop, hair styling salons, art or music teacher's studios, and home day care.

The following policies shall apply to home occupations:

- i) Home occupations shall be permitted in all designations that permit residential uses.
- ii) A home occupation shall not change the appearance of the dwelling as a residence. In addition, the use must be compatible with the surrounding uses and shall not generate significant traffic or include uses more appropriately located in non-residential areas.
- iii) Adequate off-street parking shall be provided.

- iv) The implementing Zoning By-law shall contain specific regulations pertaining to the establishment and operation of home occupations, including the maximum permitted floor area devoted to a home occupation, display of goods and storage, signs, limitations on employees, and the permitted types of home occupation uses.
- v) The retail sales of goods is limited to products which are:
 - a) incidental to the main use, such as sale of selected shampoos by a hair stylist
 - b) made on the property by persons residing there, such as hand-knit sweaters

3.20.2 Home Industries

Home industry means a small-scale industrial establishment that operates entirely within a separate accessory building on the same property as the home of the proprietor. Home industries include uses such as a carpentry shop, furniture repair and refinishing, a metal/welding shop, small engine repair, or similar activity.

The following policies shall apply to home industries:

- i) Home industries shall be established and operated only in those land use designations where they are identified as a permitted use.
- ii) The establishment of small-scale industrial uses in an accessory building on the same lot as the proprietor shall be permitted provided that the use is compatible with surrounding uses.
- iii) Adequate off-street parking shall be provided.

The implementing Zoning By-law shall establish provisions to regulate home industries including, but not limited to, the maximum building floor area, the minimum lot area, display of goods and storage, signs, the maximum number of employees, and the permitted types of home industry uses.

3.21 EXISTING LAND USES

Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on Schedule “A” as a general rule, should cease to exist in the long

term. In special instances however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that such extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of the *Planning Act*.

3.21.1 Non-Conforming Uses - Extension Or Enlargement

For the purposes of this Official Plan, a non-conforming use is a lawful and specific use, building, structure or land existing at the date of the passing of the implementing Zoning By-law which does not fulfil the requirements of the use provisions for the zone in which it is located, but which may continue to be used for such purposes or activities, provided there is no change in that use. In accordance with Section 34 (10) of the *Planning Act*, any application for the extension or enlargement of a “non-conforming use” shall be dealt with in the following manner:

3.21.1.1 Existing Single Detached Dwellings

Existing single detached dwellings which are not located on an improved public road may be enlarged or replaced with a new single detached dwelling provided the enlargement is in accordance with the implementing Zoning By-law.

3.21.1.2 Feasibility of Acquisition

The Municipal Council shall determine the feasibility of acquiring the property concerned at the time of application or, if possible, some future date of holding, selling, leasing or redeveloping the property in accordance with the provisions of the *Planning Act*. At the same time consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function and produce under improved conditions in accordance with the policies of this Plan.

3.21.1.3 No Amendment to Official Plan

If, after investigation, municipal acquisition of the property does not appear to be feasible but the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider passing a Zoning By-law Amendment pursuant to Section 34 (10) of the *Planning Act*. Such by-law may then be passed without amending this Plan, provided it complies with the policies of Section 3.19.1 of this Plan.

3.21.1.4 Municipal Council Consideration

The Municipal Council, before passing such a By-law, shall be satisfied that any of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

- i) That the proposed or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-law applying to the area;
- ii) Where an extension or enlargement is proposed in an environmentally sensitive area, the MNR and the Conservation Authority shall be consulted;
- iii) That the proposed extension or enlargement shall be of an appropriate proportion to the size of the use established prior to the passing of the implementing Zoning By-law;
- iv) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under this policy, if it can be considered as a “minor adjustment” permitted under the flexibility clause of Section 8.16 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan;
- v) That characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. No amendment to the implementing By-law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- vi) That the neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area;

- vii) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;
- viii) That adequate provision has been, or will be made for the off-street parking and loading facilities; and
- ix) Applicable municipal services such as storm drainage, water supply and roads, etc. are adequate or can be made adequate.

3.21.1.5 Council Decision

Council will not pass a Zoning By-law Amendment pursuant to Section 34(10) of the *Planning Act* before being satisfied as to the policies contained in Section 3.19 hereof.

3.22 COMMITTEE OF ADJUSTMENT

Section 45 of the *Planning Act* concerns applications to the Committee of Adjustment. The Committee may authorize minor variances from the provisions of Implementing Zoning By-laws or such other By-laws, as considered appropriate by Council. The Committee shall only approve a minor variance if in the opinion of the Committee such variance meets the tests of a minor variance, as set out in Section 45 of the *Planning Act*.

3.23 PUBLIC USES

Public parks, public utilities, public road and railway right-of-ways, and other public uses shall be permitted within all land-use designations provided that the use is necessary in the area, and measures are taken to reduce any environmental impact or incompatibility with surrounding uses. No buildings or structures will be allowed in an identified floodplain without the written approval of the appropriate Conservation Authority. Notwithstanding the above permitted uses, buildings accessory to the use shall generally not be permitted within the Environmental Protection designation.

Notwithstanding the above, public uses may be permitted upon lands designated as Agricultural subject to demonstrating the following:

- i) The lands do not comprise a specialty crop area;

- ii) There is a demonstrated need within the 20-year planning horizon of this Plan for additional land to be designated to accommodate the proposed use;
- iii) There are no reasonable alternative locations which avoid prime agricultural areas;
and
- iv) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

3.24 ACCESSORY USES

Any use, building or structure, which is normally incidental and accessory to a main use, shall also be permitted. However, none of the following accessory uses shall be permitted by the implementing Comprehensive Zoning By-law except in those specific zones where such accessory use is listed as a permitted use:

- i) An accessory manufacturing use;
- ii) A building or portion thereof used for human habitation;
- iii) A gasoline pump island;
- iv) A livestock building;
- v) A marine facility;
- vi) Any occupation for gain or profit conducted within or accessory to a dwelling unit; or
- vii) An open storage area.

3.25 FEES AND COST RECOVERY

It is the principal of this Plan that the cost of servicing new development or redevelopment shall be borne by that development or redevelopment proposal. To finance the net capital costs of satisfying the service demands and burdens resulting from growth, the Municipality may impose a development charge under the *Development Charges Act and Regulations* with respect to new growth through development and the redevelopment of land. In addition, the Municipality may utilize the financing arrangements permitted under the Front-End Payments provisions of the *Development Charges Act and Regulations*.

3.25.1 Other Financing Sources

The capital costs of providing municipal services that are not required to meet the demands and burdens of growth within the Municipality shall be financed through general tax revenues and available grants, subsidies and donations.

The Municipality has the authority under applicable statutes to finance any capital project through local improvement charges, special area rates and special purpose funds, and other forms of financing. The Municipality may utilize any or all of these financing alternatives as it deems appropriate.

Debentures may be issued to finance any capital projects with debt servicing requirements provided by way of general tax revenues, specified revenues, reserves, reserve funds or development charges.

3.25.2 Economic Impact Study

The Municipality may conduct or require the proponent of a development or redevelopment proposal to conduct an Economic Impact Study of the development on the Municipality of Brighton including:

- i) Capital costs;
- ii) The degree to which development charges finance these costs;
- iii) Current revenue and expenditures and;
- iv) Potential mitigation that could reduce the magnitude of any negative impacts.

The Municipality shall continue to maintain a balance between the demands for services and its overall fiscal capacity and in approving new development shall be cognizant of maintaining an appropriate balance between residential and non-residential assessment.

3.25.3 Definitions

The following definitions of key terms used in the Plan serve as a guide to their interpretation:

Prime agricultural land shall mean land that includes speciality crop lands and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order of priority for protection.

Non-prime agricultural land shall mean land with Canada Land Inventory Classes 4, 5, 6 and 7 soils, excluding specialty crop lands.

Mobile Home, single wide shall mean a mobile home unit designed to be towed in a single load.

Mobile Home, double wide shall mean a mobile home consisting of two sections, separately towable and when placed on a foundation is deemed to be a single detached residence.

Group Home shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The home shall be licensed or approved under provincial statute and shall serve the needs of the local residents.

Infilling shall mean development along the frontage of a public road existing at the date of the adoption of this Plan, in an area in which a significant amount of residential development exists. Generally, such development would take place where the distance between two existing buildings used for residential purposes is not greater than 100 metres (328 feet) on the same side of the road.

Wetlands shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils (soils in which there is an abundance of water) and has favoured the dominance of either plants which commonly grow in water or in waterlogged soils or water tolerant plants. The four major categories of wetland are swamps, marshes, bogs or fens. Lands being used for agricultural purposes, that are periodically soaked or wet, are not considered to be Wetlands. Such lands, whether or not they are Wetlands at one time are considered to be converted to an alternate use.

Retiring Farmer shall mean a farmer who has owned and worked his/her farm for a minimum of twenty years.

Seasonal Dwelling shall mean a dwelling which is used for recreation purposes and which is not used for continuous year-round habitation and, specifically is not given as a permanent address by an owner or tenant for legal purposes and/or income tax matters.

Accessory Apartment shall mean a self-contained apartment created through the conversion of part of, or an addition to, an existing single detached residence.

Lot shall mean a parcel of land held in distinct and separate ownership from abutting lands and described in a registered deed(s) or other document(s) legally capable of conveying land or shown as a lot or block on a registered plan of subdivision.

Minimum distance separation formulae shall mean formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour and other nuisances from livestock facilities.

Net Residential Hectare means a hectare of residential land which does not include road allowance or land for other uses accessory to the basic residential use. The land for accessory uses would include land for churches, neighbourhood parks, playgrounds, schools and local commercial uses.

4. **LAND USE POLICIES**

Specific land use designations, policies and provisions which will guide land use and development within the Municipality of Brighton over the next twenty years are set out in Section 4 of this Plan. The Land Use Plan shown on Schedule “A” - Map 1 establishes the pattern of development within the rural areas of the Municipality. Map 2 establishes the pattern of development within the Brighton Urban Area by designating lands in accordance with the policies of this Plan.

Section	Designation
4.1	Agricultural
4.2	Rural
4.3	Residential - Low Density Urban
4.4	Residential - Medium Density Urban
4.5	Shoreline Residential Area
4.6	Hamlet
4.7	Core
4.8	District Commercial
4.9	Resource-Based Recreational Development
4.10	Industrial
4.11	Aggregate Resources
4.12	Community Facilities and Open Space
4.13	Waste Disposal Area
4.14	Environmental Protection
4.15	Deferred Growth Areas
Special Development Areas	
4.16	Butler Creek Two-Zone Floodplain Area
4.17	Main Street Revitalization Area
4.18	Mobile Home Residential
4.19	Part Lot 34, Conc. A
4.20	Part Lots 27 & 28, Conc. C & B
4.21	Groundwater Recharge/Discharge Area
4.22	Industrial/Commercial Area
4.23	Waterfront Areas

The Hamlet designation includes policies to guide both residential and non-residential land uses within the rural settlement areas of Smithfield, Codrington, Hilton and Orland.

Rural clusters along the shoreline of Lake Ontario, and low density, dispersed residential development in rural areas. Rural-based residential land use designations include the Rural, Rural Shoreline and Limited Services designations.

Rural lands are primarily associated with resource-based activities, including agricultural production, aggregates and minerals extraction and forestry as well as limited rural residential development. The land uses have been placed within the Agriculture, Rural and Aggregate Extraction designations. Institutional/Public Uses and Recreational Open Space Areas identified in a separate designation in the Official Plan.

Residential development areas within the Brighton Urban Area are designated as Low Density Residential, Medium Density Residential. Special policies recognising development affected by the Lake Ontario Wave Up-rush Area, the Butler Creek Two Zone area and an existing Mobile Home Community.

Commercial Lands have been identified by means of the Core, District Commercial and Recreation Commercial designations. Industrial lands associated with manufacturing, wholesaling and waste management have been designated as Prestige Industrial and General Industrial and Waste Disposal Industrial activities respectively. The Community Facilities designation recognises Institutional/Public Uses and Recreational Open Space Areas within the Municipality. Areas subject to natural hazards and natural heritage features and areas have been placed within the Environmental Protection designation.

4.1 AGRICULTURE

The Agriculture designation is applied to lands where the predominant land use is agriculture, and may include uses that are supportive of and compatible with agriculture such as forestry, passive recreational uses, conservation areas, and activities directly related to agriculture, requiring a location in close proximity to farm operations.

The primary purpose of the Agriculture designation is the protection of prime agricultural lands and prime agricultural areas for agricultural uses on a long-term basis, in order that a permanent, secure and available agricultural base is maintained in the Municipality.

4.1.1 Definition of Prime Agricultural Areas

Prime Agricultural Areas are areas that are considered to have a significant capability for supporting agricultural operations, and include the following:

- i) Lands that have a high capability for the production of specialty crops due to special soils or climate;
- ii) Continuous areas of land where soil Class 1, 2 and 3 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture and associated Canada Land Inventory Class 4 to 7 soils;
- iii) Additional areas where farms exhibit characteristics of ongoing viable agricultural operations; or
- iv) Additional areas where local market conditions ensure agricultural viability where it might not exist otherwise.

The Municipality shall consult with the Province with regard to the identification of Agricultural Resource Lands. It is recognized that the evaluation of the agricultural capability of an area may require detailed mapping, soil analysis and the consideration of surrounding existing land uses. Such additional information, which is of a standard acceptable to Council, may also be used in the determination of Agricultural Resource Lands.

Agricultural Resource lands described above are delineated on Schedule “A - Map 1” of this Plan in the Agriculture land use designation.

4.1.2 Permitted Uses

On lands designated as Agriculture, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. For the purposes of this Plan, “normal farm practices” shall mean a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

4.1.2.1 Agricultural Uses

Permitted agricultural uses shall include the use of land, buildings and structures for operations conducted on a farm. Agricultural uses shall include the growing of crops, including nursery and horticultural crops, greenhouse crops and mushrooms; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; riding and boarding stables; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

4.1.2.2 Agriculture-Related Uses

Permitted agriculture-related uses shall include those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation. Such uses shall include grain drying, cold storage facilities and similar agriculture-related uses. Agriculture-related uses should avoid, wherever possible, locating on agricultural resource lands.

4.1.2.3 Agri-Businesses

Uses such as feed mills, abattoirs, livestock marketing or sales yards, seed cleaning plants, or other similar agri-businesses, which are not deemed to be “agricultural uses” or “agriculture-related uses” in accordance with Sections 4.1.2.1 and 4.1.2.2 respectively, are not permitted within the Agriculture designation.

4.1.2.4 Farm Related Residential Uses

A maximum of two farm related dwelling units may be permitted on a farm, provided that at least one dwelling unit consists of a single detached dwelling. The second dwelling may be in the form of a second single dwelling, a mobile home or a second dwelling unit in an existing single detached dwelling.

- i) Where the second dwelling on a farm is proposed to consist of a mobile home or second single detached dwelling, an amendment to the Comprehensive Zoning By-law shall be required. Council will only consider a Zoning By-law amendment where the applicant can demonstrate that the requested second dwelling house or mobile home is for full-time farm help.

- ii) Where the second dwelling unit on a farm is proposed to be located within the principal, single detached house, an amendment to the implementing Zoning By-law shall not be required provided the single detached dwelling is in conformity with the regulations of the Zoning By-law.
- iii) A bunkhouse for the temporary lodging of seasonal farm help may be permitted on a property in the Agriculture designation. The establishment of bunkhouse shall require an amendment to the Comprehensive Zoning By-law where the floor area of the bunkhouse exceeds 23 square metres (247.6 sq. ft.).

4.1.2.5 Non-Farm Related Residential Uses on Existing Lots of Record

Non-farm related residential development in the form of one single detached dwelling on a lot may be permitted on any vacant lot in existence or granted consent prior to the approval of the Official Plan. The Comprehensive Zoning By-law shall set out the specific provisions and regulations that apply.

4.1.2.6 Secondary Farm Uses

Secondary farm uses are intended to provide the farm family with a secondary or supplementary means of income, and include uses such as home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. The uses permitted are to be small scale in nature and they must be clearly secondary to the principal agricultural use of the farm property. Before permitting a secondary farm use other than a use that produces value-added agricultural products from the farm operation on the property, it must satisfy the following criteria:

- i) A secondary farm use shall be conducted only by persons who reside on the farm property, or persons who are employed by the owner/resident of the farm property, and are involved in conducting the farm operation.

The types of uses permitted as secondary farm uses shall be limited to:

- i) Those involved in the manufacture or fabrication of goods related to farming and agriculture (i.e. farm gates, hay bale elevators, animal feeders);
- ii) Uses considered to be trade occupations (i.e. electrician, plumber, carpenter, welder); and

- iii) Those occupations which are primarily and directly related to agriculture and farming.

The use must be clearly secondary and incidental to the principal use of farming on the subject property. There must be no loss of good and/or productive farmland. The use cannot occupy building area that is necessary for or essential to the ongoing farm operation; and, it must in no way impede or interfere with the ability of the farmer to conduct his/her farming operation.

All secondary farm uses shall be conducted inside of buildings and/or structures. The combined floor area of all buildings or structures, or parts thereof that are used for the secondary farm use shall generally not exceed 186 square metres (2002 sq. ft.).

All buildings and structures used in connection with a secondary farm use must be designed in such a manner that they can be converted/reverted to a farming use that is appropriate for the farm property in question at such time that the secondary farm use ceases to exist. Further, all buildings or structures used in connection with the secondary farm use must be located in proximity to the principal farm buildings (i.e. farm dwelling and barn).

A secondary farm use must be operated as part of the farm unit and must cease if the farm operation is discontinued. Secondary farm uses shall not be permitted as separate or independent uses from the farm operation. Any proposal to separate or sever a secondary farm use shall not be permitted.

The use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity on a farm unit. Vehicular access to the use will be by a driveway that serves the farm unit. A separate access driveway serving a secondary farm use shall not be permitted.

Secondary farm uses shall not be placed in a separate zone category in the Comprehensive Zoning By-law, but rather shall be considered as a permitted use in the Agriculture Zones established in the Zoning By-law. The Zoning By-law will establish provisions for secondary farm uses that are consistent with the criteria contained in this section.

Bed and Breakfast Establishments will be permitted uses within farm dwelling houses, in accordance with the policies of Section 3.17.1 of this Plan.

4.1.3 Minimum Distance Separation Formulae

New or expanding livestock operations shall only be established in compliance with the Minimum Distance Separation II (MDS II) formulae, as amended from time to time. Permitted non-farm uses such as residential, commercial and industrial shall only be established in compliance with the Minimum Distance Separation I (MDS I) formulae, as amended from time to time.

4.1.4 Applications for Severances Permitted by Consent

The policies with regard to the subdivision of land by consent to sever within the Agricultural land use designation are set out in Section 5 of this Plan.

4.1.5 Re-designation of Agricultural Lands

In evaluating an amendment to the Official Plan to change the designation from Agriculture to another designation, Council shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought, and that it cannot be reasonably located on lands outside the Agricultural designation or on lands within the Agricultural designation with a lower agricultural capability. In the case of adjusting the Hamlet boundaries upon lands designated as Agriculture, the policies of Section 2.4.4 and 3.1.3 of this Plan shall apply.

4.2 RURAL

The Rural designation is applied to lands outside of settlement areas and prime agricultural lands and is typically comprised of those lands where soil classes 4 to 7 as defined by the Canada Land Inventory of Soil Capability for Agriculture predominate. Within the Rural designation, agricultural activities are present but tend to be fragmented by other uses, such as rural residential and rural estate developments, aggregate resource areas and environmental protection areas. It is the intent of this Plan to recognise existing development throughout the Rural designation in a manner which reflects the rural character of the Municipality while ensuring there are no demands placed on the Municipality for additional services which are expensive or difficult to provide.

The Rural designation is intended to maintain the natural and scenic qualities of the Municipality by preserving the rural character and lifestyle. The predominant use of the land shall be for

agricultural, conservation, forestry, public and private recreation. Other uses permitted include non-farm residential, existing estate residential, institutional, forestry, open space, places of worship, small scale commercial and dry industrial uses servicing and directly related to the rural economy, and residential uses accessory to the above permitted uses. Home occupations and bed and breakfast establishments are also permitted, as are wayside pits, wayside quarries and portable asphalt and concrete plants in accordance with the policies of Section 3 of this Plan.

4.2.1 Agricultural Uses

Agricultural uses in the Rural designation shall conform with the policies of Section 4.1.2 of this Plan.

4.2.2 Limited Non-farm Residential Development

Limited non-farm residential development may be permitted provided the lot fronts on an open and publicly maintained road, complies with the Minimum Distance Separation (MDS) Formulae, and meets the requirements of Section 3.2.9, 3.16.2 and 4.1.3 of this Plan.

Non-farm related residential development in the form of one single detached dwelling on a lot may be permitted on any vacant lot in existence or granted consent prior to the approval of the Official Plan by the Minister of Municipal Affairs. The Comprehensive Zoning By-law shall set out the specific provisions and regulations that apply.

Bed and breakfast establishments and a secondary unit generally intended to accommodate one or two persons will also be permitted within a single detached dwelling, subject to all other policies of this plan and the implementing Zoning By-law regulations.

4.2.3 Rural Commercial and Industrial Uses

The following commercial and industrial uses are permitted in the Rural area:

- i) Farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation;
- ii) Agri-businesses such as feed mills, abattoirs, livestock marketing or sales yards, seed cleaning plants, or other similar agri-businesses, which are “agricultural uses” or

“agriculture-related uses” in accordance with Sections 4.1.2.1 and 4.1.2.2 respectively;

- iii) One accessory residential unit provided the residential use is located on the same lot as the main commercial or industrial use. No future severance shall be permitted for the residential use. In such cases, the lot area requirement for the residential and non-residential use shall be the total of the minimum lot area required for each use individually.

Lots shall be of adequate size to permit the location of the commercial or industrial use in an unobtrusive manner, and to provide adequate off-street parking and loading facilities.

The general principles to be considered in the development and zoning of commercial and industrial uses shall be as outlined in the Agricultural designation, Section 4.1 of this Plan.

4.2.3.1 Small Scale Rural Commercial Uses

The Municipality supports the development of small scale rural businesses, including those associated with the creative economy, which improve the ability of small rural entrepreneurs to access markets and stimulate market-oriented private investments in rural areas. Small-scale commercial uses serving or related to the rural economy and associated with a single detached residential dwelling, may be permitted, by a site specific exception to the Rural Zone in the Municipality’s Zoning By-law.

4.2.3.2 Conservation, Forestry, and Recreational Uses

Private landowners are encouraged to reforest idle lands. Landowners of properties with a high forestry potential are encouraged to enter into appropriate management programs with the MNR or Conservation Authority.

Passive outdoor recreational uses, forestry, tree farms, conservation uses are permitted. In addition, active recreational uses such as riding and sport clubs, and municipal recreation facilities are permitted, but exclude such uses as commercial resort uses, tourist camps, tent and trailer parks, marinas, golf courses, provided:

- i) The uses are compatible with adjoining uses and do not adversely affect adjacent farming operations;

- ii) The uses have adequate quantity and quality of potable water; and
- iii) The uses can adequately dispose of sewage to the satisfaction of the Municipality.

4.2.3.3 *Minimum Distance Separation (MDS) Formulae*

New or expanding livestock operations shall only be established in compliance with the Minimum Distance Separation II (MDS II) formulae, as amended from time to time. Permitted non-farm uses such as residential, commercial and industrial shall only be established in compliance with the Minimum Distance Separation I (MDS I) formulae, as amended from time to time.

4.2.3.4 *Zoning*

Uses permitted in the Rural designation will be placed in appropriate zones in the implementing Zoning By-law.

4.2.4 *Special Rural Areas*

4.2.4.1 *Special Rural Area One (Golden Pond Retirement Home)*

A senior citizens' retirement home existing at the date of adoption of this Plan is permitted in Part Lot 3, Concession 6 along with the expansion of the home, subject to an amendment to the Zoning By-law and provided that the requirements of the Health Unit/Ministry of Environment regarding water supply and sewage disposal can be satisfied.

4.2.4.2 *Special Rural Area Two (McQuoids Chiropractic)*

A chiropractic operation is permitted on the property described as Part of Lot 32, Concession 1, and Part of the Road Allowance between Lots 32 and 33, Concession 1 designated as Part 1 on Plan 38R-5364, provided that the use is compatible with the surrounding uses with respect to matters such as parking, traffic generation, signage, building design and buffering, and subject to an amendment to the Zoning By-law.

4.2.4.3 *Special Rural Area Three (Elemental Embrace)*

A spa treatment centre operation is permitted on the property described as Part 1 on deposited Plan 39R-09687 and Part 5 on deposited Plan 39R-6737, within Part of Lot 32, Concession A, provided that the use is compatible with the surrounding uses with respect to matters such as

parking, traffic generation, signage, building design and buffering and subject to an amendment to the zoning by-law.

4.2.4.4 Special Rural Area Four (Smithfield Indoor Storage)

On the property described as Part of Lot 24, Concession 'A', designated as Part 1 on Plan 38R-2659, save and except Parts 1 and 2 on Plan 39R-10620, the following special provisions shall apply:

1. A limited range of commercial uses shall be permitted on this property; specifically the sale service, repair and outdoor storage of motor vehicles, recreational vehicles and trailers and boats; an indoor self-storage facility (mini-storage); as well as a single detached dwelling.
2. An amendment to the Comprehensive Zoning By-law shall be required, such amendment may include site specific provisions regarding but not limited to the following permitted uses, setbacks, buffer strips and fencing.
3. Development shall be subject to site plan control.

4.2.4.5 Special Rural Area Five - Seasonal Tourist Establishment (KOA) in Part Lot 10 Concession 2, Brighton

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated a Rural Special Policy Area Five in Part Lot 10 Concession 2 in the former Township of Brighton, shall be limited to a seasonal recreational tent and trailer park. A dwelling unit(s) for the owner operator and /or employees of the park, washroom and shower facilities, recreational facilities, and a convenience store and laundry facilities solely to serve the residents within the recreational trailer park, may be permitted as accessory uses to the recreational tent and trailer park.

Any new development associated with the existing recreational trailer park shall be controlled by means of site plan control, and zoning provisions.

Mobile homes double wide mobile homes and modular homes for any purposes including permanent or year round residential occupation are not permitted on the subject lands.

4.2.4.6 Special Rural Area Six– Seasonal Tourist Establishment (Cedardale) in Part Lot 23 Concession C, Brighton

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated a Rural Special Policy Area Six in Part Lot 23 Concession C in the geographic township of Brighton, shall be limited to a seasonal recreational tent and trailer park. A dwelling unit for the owner operator and /or employees of the park, recreational facilities, a convenience store and laundry facility solely to serve the residents within the recreational trailer park may be permitted as accessory uses to the recreational tent and trailer park.

Any new development associated with the existing recreational trailer park shall be controlled by means of site plan control, and zoning provisions.

Mobile homes, double wide mobile homes and modular homes for any purposes including permanent or year round residential occupation are not permitted on the subject lands.

4.2.4.7 Special Rural Area Seven – Seasonal Tourist Establishment (Brighton Shores) in Part Lot 24 Concession C in Part Lot 23 Concession C, Brighton

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated a Rural Special Policy Area Seven in Part Lot 24 Concession C in the geographic township of Brighton, shall be limited to a seasonal recreational tent and trailer park. A dwelling unit for the owner operator and/or employees of the park, recreational facilities, a convenience store and laundry facility solely to serve the residents within the recreational trailer park may be permitted as accessory uses to the recreational tent and trailer park.

Any new development associated with the existing recreational trailer park shall be controlled by means of site plan control, and zoning provisions.

Mobile homes, double wide mobile homes and modular homes for any purposes including permanent or year round residential occupation are not permitted on the subject lands.

4.2.4.8 Special Rural Area Eight – Rural Commercial (Brighton Speedway) in Part Lot 24 Concession C, Brighton

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated a Rural Special Policy Area Eight in Part Lot 24 Concession C in the geographic township of Murray shall be limited to a 1/3 mile dirt race track for racing of stock cars such as

Canadian Modified, Pro Stock and Comp 4 racing events, pits area, grandstand, concession booths and associated uses. A dwelling unit for the owner operator and /or employees of the speedway, may be permitted as accessory uses to the primary use.

Any new development associated with the existing recreational race track shall be controlled by means of site plan control, and zoning provisions.

4.2.4.9 *Special Rural Area Nine– Retail Accessory for Trailer Park in Part of Lot 10, Concession 2, Brighton*

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated Rural Special Policy Area Nine in Part of Lot 10 Concession 2 in the geographic township of Brighton shall be limited to an accessory use to a trailer park including the sale of trailers, recreational vehicles and accessories and a residential use. Permitted buildings and structures include one single detached dwelling, a single wide mobile home and accessory buildings associated with the permitted uses.

4.2.4.10 *Special Rural Area Ten – Plan of Subdivision at 401 and east of Highway 30 (Grund Subdivision), Part of Lot 41 & Part of Block H, Registered Plan 42 and Part of Lot 3, Concession 3, former Township of Brighton)*

Notwithstanding any other provision of this Plan to the contrary, the uses permitted on lands designated Rural Special Policy Area Ten in Part of Lot 41 & Part of Block H, Registered Plan 42 and Part of Lot 3, Concession 3 in the geographic township of Brighton, a rural residential subdivision consisting of up to 11 lots shall be permitted.

4.3 RESIDENTIAL - LOW DENSITY URBAN

The Low Density Residential designation applies to residential areas within Brighton Urban Area where the predominant use of land is single and semi-detached dwellings, and duplexes. Local convenience stores to serve the day-to-day needs of the immediate surrounding residential area, Home occupations, bed and breakfast establishments, places of worship, parks and open spaces, public uses and utilities in appropriate locations are also permitted.

4.3.1 Policies

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.

The provision of walkways, sidewalks or bicycle paths is encouraged to facilitate access throughout the residential areas and to schools, parks, and other focal points such as places to shop or work, and to facilitate the safe separation of pedestrian and vehicular traffic.

A proposal for new development should include, wherever possible, opportunities for coordinated design with existing development on adjacent properties, to provide maximum opportunities for linkages, walking and cycling paths and mixed use development consistent with healthy communities design. The development, as proposed, should incorporate opportunities for minimization of negative impacts on air quality and improvements in energy efficient design.

The maximum density for low density residential development shall be 30 units per net residential hectare.

Net Residential Hectare means a hectare of residential land which does not include road allowance or land for other uses accessory to the basic residential use. The land for accessory uses would include land for churches, neighbourhood parks, playgrounds, schools and local commercial uses.

Bed and Breakfast uses and Home Occupations will be governed by the policies of Sections 3.17.1 and 3.18.1 and of this Plan.

4.3.2 Redevelopment, Infilling and Intensification Plans

The provisions of this Plan do not apply to prohibit the development or redevelopment of residential uses on legal lots of record existing as of the date of adoption of this Plan or the development of new residential uses by a consent to land severance, where such development represents infilling within an established residential neighbourhood where it is neither practical nor feasible to employ noise attenuation measures.

Low density residential development proposals near existing or proposed industrial uses or areas should comply with the MOE Guidelines governing the separation distance between industrial facilities and sensitive land uses. Development proposals near existing or proposed

railway corridors or major roads such as arterials and collectors shall comply with Section 7 of this Plan.

In reviewing redevelopment or infilling or intensification plans, 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.

Residential development in older, established residential areas of heritage value is 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.

4.3.3 Lands within 300 metres of Lake Ontario

Where development is proposed on any lands within 300 metres of the Lake Ontario Shoreline, such development shall only be developed in accordance with the policies of Section 4.14 - Environmental Protection of this Plan.

4.3.4 Zoning By-law Provisions

Low-density Residential Areas will be placed in appropriate categories in the implementing Zoning By-law.

4.4 RESIDENTIAL - MEDIUM DENSITY URBAN

Medium density residential uses include row or cluster housing, converted single detached dwellings creating not more than four (4) dwelling units, street front townhouses, low rise apartment dwelling houses, parks and open spaces, public uses and utilities and accessory uses. It is the policy of this Plan that development within the Medium Density Urban Residential designation shall be at a minimum of 20 units per net hectare up to a maximum density of fifty five (55) units per net hectare.

Net Residential Hectare means a hectare of residential land which does not include road allowance or land for other uses accessory to the basic residential use. The land for accessory uses would include land for churches, neighbourhood parks, playgrounds, schools and local commercial uses.

A blend of housing types that includes lower density single detached dwellings and medium density uses within a single development is encouraged provided the development contributes to the Municipality achieving density targets described in Section 3.1. 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 lower density areas.

Medium density sites, particularly for seniors housing, should be situated in close proximity to parks, recreational facilities, or commercial areas and have convenient access to a collector or arterial roads. Any proposed location which would have the effect of drawing traffic through low density residential areas shall be discouraged.

Places of worship and local convenience stores to serve the day-to-day needs of the immediate surrounding residential area are permitted in the medium density urban residential designation.

4.4.1 Location Factors

Where a medium density residential use is proposed to be introduced adjacent to a low density residential area, the development should be designed to ensure compatibility with neighbouring low density residential areas. Buffering between medium and low density uses to minimize adverse impacts between uses may be required.

Proposals for new medium density development should include, wherever possible, opportunities for co-ordinated design with existing development on adjacent properties, to provide maximum opportunities for linkages, walking and cycling paths and mixed use development consistent with healthy communities design. The development, as proposed, should incorporate opportunities for minimization of negative impacts on air quality and improvements in energy efficient design.

Council may require the developer to submit a plan showing relationship of the building to the remainder of the site and adjoining lower density uses. Such a plan shall show possible location and massing of buildings, parking facilities, open spaces, existing property fabric, and existing services. Adequate off-street parking shall be provided. Access points to such parking facilities shall be limited in number and designed in a manner that will minimize the conflict between vehicular and pedestrian traffic.

Bed and Breakfast uses and Home Occupations will be governed by the policies of Sections 3.17.1 and 3.18.1 and of this Plan.

4.4.2 Infilling, Intensification and Redevelopment

In reviewing redevelopment or infilling or intensification plans, 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. In order to encourage the enhancement and preservation of existing housing stock and address demands for rental accommodation, the conversion of existing single unit residential dwellings to two, three, or four unit residential dwellings may be provided:

- i) Any exterior renovations shall have regard to the massing, design, and the relationship of the buildings to adjacent buildings and streets;
- ii) The lot is capable of supporting the minimum number of off-street parking spaces in accordance with the provisions of the implementing Zoning By-law;
- iii) The proposed use will conform with the Municipality's By-laws and the Ontario Building Code Act;
- iv) Adequate open space and amenity area is provided to meet the needs of the residents;
- v) Municipal services such as water, sewers, drainage, roads, etc., are adequate or can be made adequate;
- vi) The development proposal includes, wherever possible, opportunities for co-ordinated design with existing development on adjacent properties, to provide maximum opportunities for linkages, walking and cycling paths and mixed use development consistent with healthy communities design;
- vii) The development has incorporated opportunities for minimization of negative impacts on air quality and improvements in energy efficient design;
- viii) The applicant may be requested to submit a report prepared by a registered architect and/or engineer detailing the condition of the building and the necessary improvements thereto and stating to what extent the existing services meet the municipality's specifications and requirements;

- ix) The property is rezoned to an appropriate zone category permitting converted multi-unit residential dwellings: and,
- x) Notwithstanding paragraph ix), accessory apartments within single-detached, semi-detached or row house dwellings shall be a permitted use in the Zoning By-law in accordance with Section 3.18.1 of this Plan and Section 35.1(1) of the Planning Act.

4.4.3 Heritage Buildings and Resources

Residential development in older, established residential areas of heritage value will be 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. Reference should also be made to Section 4.18 of this Plan concerning the conversion of existing residential dwellings within the Core for Commercial Use.

4.4.4 Lands within 300 metres of Lake Ontario

Where development is proposed on any lands within 300 metres of the Lake Ontario Shoreline, such development shall only be developed in accordance with the policies of Section 4.14 - Environmental Protection of this Plan.

4.4.5 Zoning By-law Provisions

Medium density residential areas will be placed in appropriate categories in the implementing Zoning By-law.

4.4.6 Special Medium Density Urban Area No. 1 – Mobile Home Park

The Special Medium Density Urban Area No. 1 - Mobile Home Park applies to an existing Mobile Home Park within the Brighton Urban Settlement Area.

The uses permitted shall include mobile homes of the "single width"(1) variety and shall have a floor area of not less than 600 square feet. Self-propelled tourist type vehicles are not a permitted use.

Mobile home shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more

persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Mobile home, single width shall mean a mobile home unit designed to be towed in a single load.

4.4.7 Zoning

Mobile Home Residential uses may be placed in one or more separate zoning categories in the implementing Zoning By-law.

4.5 SHORELINE RESIDENTIAL AREA

4.5.1 Purpose

The natural recreational resources associated with the shoreline have attracted a significant level of residential development. Rural Shoreline residential development is deemed to be “resource-based recreational development,” in accordance with the provisions of the PPS. Nevertheless, the approval of new development in shoreline areas should have regard to the general objective of this Plan that the Brighton Urban Areas and existing Hamlets shall be the focus of new growth in the Municipality.

It is the intent of the Shoreline Residential designation to recognize existing development of the shoreline areas for limited service and seasonal residential and permanent residential purposes, while maintaining and/or enhancing the environmental integrity of the waterfront. Where possible, a minimum water setback of 30 metres, together with the maintenance of the vegetative cover within this setback, should be provided on existing lots of record in the Resource-based Recreation designation.

The Shoreline Residential Area designation on Schedule "A – Map 1" is designed to recognize residential development along the shoreline of Lake Ontario and Percy Reach and to provide for limited new development on publicly maintained roads.

4.5.2 Main Permitted Uses

The Shoreline Residential Area designation on Schedule "A" means that the main permitted use shall be permanent single detached dwellings on public roads and existing dwellings on private roads.

Shoreline Residential development associated with the shoreline recreation resource may be permitted provided that the development plan is specifically oriented towards the shoreline resource. Such development will take the form of a plan of subdivision, plan of condominium, or land lease community with access from a public road subject to the policies in Section 4.9.1.2. Infilling on individual severed lots within existing shoreline areas may be permitted on assumed public roads subject to the policies in Section 5.

Shoreline Residential development may also be permitted in plans of subdivision or on severed lots for seasonal residential uses along the shoreline of Percy Reach where only water access is possible, provided that adequate mainland parking and boat launching facilities are available.

4.5.3 Limited Service Shoreline

Limited Service shoreline residential development occurs where the existing means of vehicular access is a non-municipally maintained or an unassumed municipal road or private road which is not maintained on a year-round basis by the Municipality.

In areas of Limited Service, the uses permitted shall be limited to existing dwellings, home occupation uses, public parks and public uses where the lots have access to public roads. It is not the intention of this plan to permit the development of new areas of limited service residential development. However, limited infilling development within existing developed areas may be considered on a site-specific basis. Any request to the Municipality to provide services shall generally be refused, unless it is to the Municipality's economic advantage to provide such services.

Conversions of seasonal dwellings to permanent dwellings shall be in accordance with the policies of Section 4.5.6.1 of this Plan.

4.5.4 Secondary Permitted Uses

Secondary uses which may be permitted in the Shoreline Residential Area designation include:

- i) Home occupations on lots on public roads;
- ii) Boat storage facilities;
- iii) Non-farm residential uses which take the form of one single detached dwelling constructed on an existing lot of record held in distinct and separate ownership from abutting lands subject to the criteria in Section 4.1.2.6; and
- iv) A new dwelling on a severed lot in the south half of Lot 24, Concession C with a private access through the lands to the east.

4.5.5 Residential Plans of Subdivision

Applications for approval of new residential plans of subdivision in the Shoreline Residential Area and an amendment to the Zoning By-law will be evaluated by Council based on the submission of a Planning Justification Report, Servicing Options Report, Preliminary Stormwater Management Plan, Archaeological Assessment, Traffic Impact Assessment, to the satisfaction of the Municipality.

Council will also evaluate an application for approval of a Plan of Subdivision based on conformity with the following criteria:

- i) The site fronts directly onto a public road which is maintained on a year-round basis and which is paved or will be paved as a condition of development or, if the site is located on Percy Reach and no road access is available, water access only will be permitted where adequate mainland parking and boat launching facilities can be provided;
 - a) In the case of a plan of subdivision, all internal roads shall be built to municipal standards and will be assumed by the municipality as public roads;
 - b) In the case of a plan of condominium or land lease community, all internal roads shall be built to municipal standards so as to allow access for emergency vehicles, and will remain the responsibility of the Condominium Corporation or Private Corporation having ongoing responsibility for the development.

- c) The development is located adjacent to the shoreline and has water access, or is in proximity to a public access and is designed to provide views of the Lake or Percy Reach;
- d) The subdivision is designed on the basis that the dwellings may eventually be occupied year-round, even if their original use is of a seasonal nature and standards for services and roads would reflect this fact;
- ii) Proposed site design shall promote a compact form which retains the natural features of the site and accommodates principles of healthy communities, including walking and cycling paths, open spaces, opportunities for use of renewable and passive solar energy systems and provides for adequate buffering between adjacent uses and roads;
- iii) Communal servicing may be considered where it can be demonstrated to the satisfaction of Council that the benefits of communal servicing at this location are sufficient to outweigh any possible long-term liability for the municipality.
- iv) Consideration is given to all matters contained in Section 51 of the Planning Act.
- v) The impact on the water quality of Lake Ontario of a proposed multi-lot plan of subdivision should also be assessed. The study should consider the existing water quality of the water body, surface run-off, impact and loadings of phosphorous from septic systems, type of soils, stormwater management and nature of vegetation.

4.5.6 Additional Shoreline Development Design Requirements

New shoreline development shall be in conformity with Section 4.14.4 of this Plan and designated to be compatible with the natural landscape. Proposals for new development within the Shoreline Residential designation, shall, wherever feasible, be designed in such a manner as to avoid a linear or strip development pattern adjacent to the shoreline, and shall be located outside of the hazardous lands associated with Lake Ontario. Development proposals that allow for the clustering of residential uses back from the shoreline areas shall be encouraged.

New shoreline residential uses shall be set back a minimum of 30 metres from the high water mark of Lake Ontario, or such additional distance to ensure the following:

- i) Building envelopes are sited outside of the hazardous lands associated with Lake Ontario;
- ii) Development and site alteration will have no disturbance on the natural character of the shoreline environment, including shoreline vegetation, wetlands and fish habitat
- iii) Minimal visual impact on the shoreline and the Lake; and,
- iv) Any additional setback requirements as determined through an approved supporting study (e.g. Environmental Impact Study) to the Planning Act application.

4.5.6.1 Conversions of Seasonal Dwellings to Permanent Dwellings

In areas designated Shoreline Residential, conversions of existing dwellings to permanent use may be permitted subject to the following:

- i) The lot shall be of an adequate size and frontage as specified in the comprehensive Zoning By-law;
- ii) There shall be an adequate source of potable water whose year-round use will not impair the supply to other buildings and which will be to the satisfaction of the local Health Unit and/or Ministry of the Environment;
- iii) There shall be sewage disposal system suitable for year-round operation installed and working so as not to result in any pollution to the environment and which will be to the satisfaction of the local Health Unit and/or MOE
- iv) The dwelling shall be of adequate size and construction for permanent occupation as specified in the Comprehensive Zoning By-law;
- v) The dwelling shall be on a lot that fronts on a public road that is maintained on a year-round basis;
- vi) The dwelling shall be in an area that is provided with adequate year-round services, including road maintenance, school bus service, garbage disposal, fire and police protection;
- vii) The dwelling shall not contribute singly or with other uses, to a demand for services that are not feasible or economic for the Municipality or other public authority to provide, improve or maintain, and shall not result in the creation of any additional financial burden on any public authority;

- viii) The dwelling and sewage disposal system will be outside of the 30-metre development setback and the natural hazards (flooding, erosion, dynamic beach) along the shoreline, and will not result in negative impacts to natural heritage features or functions; and
- ix) Each application for conversion shall be the subject of a site-specific amendment to the Zoning By-law. The application for rezoning shall be accompanied by a report which shall include information on the above noted standards and criteria, comments from the School Board, the local Health Unit, Lower Trent Conservation and if appropriate, the Ministry of the Environment, and a copy of the Certificate of Occupancy.

4.5.6.2 Zoning By-law Provisions

It is intended that where lands within the Resource-based Recreation designation are also identified as flood and erosion susceptible lands and are accordingly designated as Environmental Protection, shall be zoned the or Environmental Protection Zone and shall be subject to the setbacks for development in the implementing Zoning By-law.

4.5.7 Development on Private Roads Not Permitted

Existing development on private roads and improvements and modifications to such development or replacement of such development, and the development of existing lots of record, which conform to the Zoning By-law or amendment thereto shall be permitted on private roads.

However, no new subdivisions or severances of new lots shall be permitted on existing or new private roads in the Shoreline Residential Area designation.

4.5.8 Zoning By-law Provisions

Shoreline residential areas will be placed in appropriate categories in the implementing Zoning By-law.

4.6 HAMLET

The purpose of the Hamlet designation is to recognize the essential mixed-use character of these settlements and the important role they play as residential, commercial and social centres

within the Municipality of Brighton. The Hamlets within the Municipality of Brighton include Hilton, Codrington, Orland and Smithfield. Hamlets are important social and economic centres which serve the surrounding rural areas within the municipality. The continued vitality of Hamlet areas, including small scale commercial activities is key to the future of the rural areas overall. Development will be encouraged with Hamlet areas to the extent possible. More specifically, growth in Hamlet areas will be appropriate for the levels of infrastructure (e.g. sewage, water, capacities for septage treatment disposal, waste management, electric power generation and transmission, transportation) and public service facilities (land, buildings and structures for the provision of programs and services (such as social assistance, recreation, police and fire protection, health, cultural services and education) available. It is recognised that none of the hamlets currently provide municipal water or sewer services and that it is most unlikely that such servicing will become available during the planning period. However, where it is appropriate, municipal services and communal services may be considered by the Municipality.

4.6.1 Permitted Uses

Permitted uses may include low density residential, local commercial, dry industrial, parkland and open space, and institutional uses such as schools, places of worship, municipal and other public administration buildings, libraries, day care centres, clinics, museums, and community facilities such as parks, playgrounds and community/recreation centres that do not require sanitary sewers and municipal water. Bed and breakfast establishments in accordance with Section 3.17.1 and home occupations in accordance with Section 3.18.1 shall be permitted in Hamlet areas.

4.6.2 Criteria for New Development

The future development of Hamlets will take place primarily as infilling, intensification and redevelopment on existing lots of record intensification to create a compact form. The pattern of development in hamlet areas will allow for the efficient use of land, infrastructure (such as sewage and water systems, waste management systems, electric power and communications facilities), and other public service facilities (such as recreation, police and fire protection, health and education facilities, and cultural services). Provisions shall be made, in appropriate locations, to leave access routes from the main roads to allow for new development to take place behind the existing development.

Development in the form of registered plans of subdivision may be permitted on vacant parcels within the Hamlet area, provided that there is sufficient infrastructure and sufficient public services facilities to accommodate the proposed level of growth.

New development in Hamlets should:

- i) Promote a compact form and a mix of land uses;
- ii) Provide for development in depth rather than in strips along the main roads;
- iii) Have regard to opportunities for co-ordinated development on adjacent properties, to provide maximum opportunities for linkages, walking and cycling paths and mixed use development consistent with healthy communities design;
- iv) Include communal or private water supply and sewage disposal, in accordance with Section 3.4.3 and 3.4.4 of the Plan, respectively.
- v) Opportunities for minimization of negative impacts on air quality and improvements in energy efficient design will be encouraged.

4.6.3 Plans of Subdivision and Plans of Condominium

In addition to the requirements of Section 5, within Hamlet areas all proposals for residential development by registered plan of subdivision or plan of condominium shall be accompanied by:

- i) An engineering report which demonstrates that there is an available and adequate supply of potable water, and that soil conditions will permit the installation and efficient operation of private sewage disposal systems, including an assessment of the impact of septic system effluent on the groundwater, in accordance with Section 3.4.; and
- ii) A preliminary engineering feasibility report which demonstrates that services such as stormwater management facilities and roads can be satisfactorily accommodated, in accordance with Section 3.5 of this Plan.
- iii) Until such engineering studies are received, reviewed and approved, Council will not recommend that draft plan approval be granted to the subdivision proposal.

- iv) Residential lots for single detached dwellings, whether created by plan of subdivision or severance, should have a minimum area of approximately 4,000 square metres, depending on topography, with adequate frontage.

4.6.4 Rural Commercial and Industrial Uses

Commercial uses generally geared to tourism and the vacationing public and those supplying local commercial needs and will be permitted in Hamlets. Provision shall be made for adequate off-street parking, and adequate buffer planting or screening where commercial uses abut residential uses.

A limited amount of additional industrial growth may be permitted in the municipality's rural settlement areas through infilling and/or the minor expansion of existing industrial uses. New agriculturally related and non-farm industrial development may be considered in rural parts of the municipality through infilling, existing vacant lot development, and/or by site-specific amendment to this Official Plan and/or the implementing Zoning By-law provided it is in conformity with the Growth Plan.

Rural industrial uses will be restricted to those of a dry nature only and will be permitted on lands designated to permit those uses, unless it can be demonstrated to the satisfaction of the Municipality of Brighton that suitable servicing can be provided by an approved private communal sewage disposal system and/or communal water supply system

For the purposes of this Plan, a use of a "dry nature" shall mean one in which water is not required in the processing, assembling, fabricating, manufacturing, washing or cooling, or similar function of the establishment, and which requires water and sewage disposal facilities only for domestic uses, i.e., for employees and visitors to the establishment.

4.6.4.1 Location of Commercial and Industrial Uses within Hamlets

Care shall be taken that the commercial and industrial uses permitted in the Hamlet areas are not incompatible with the residential nature of the Hamlets. The policies of Section 3.16 (Land Use Compatibility) shall be considered to promote compatibility between industrial uses and sensitive land uses. The establishment of new commercial uses in any Hamlet should be grouped with established existing commercial establishments to form a core.

New industrial use will not be permitted in areas that have developed as predominantly residential or in the path of logical residential expansion. New industrial uses will be encouraged to locate with other industrial uses or in areas where they will be isolated or shielded from sensitive land uses.

4.6.5 Changes to Hamlet Boundaries

Expansion of Hamlet areas shall not be considered, except where a Municipal Comprehensive Review is undertaken by the Municipality, in accordance with Section 3.1.3 of this Plan.

4.6.5.1 Zoning

Hamlet uses may be zoned in separate classifications in the Comprehensive Zoning By-law.

4.7 CORE

The Core Area is the highest level in the commercial hierarchy offering a full range of goods and services in conjunction with various other forms of land use. It is the intent of this Plan to maintain the Core as the focal point of activity and as the principle retail centre within the Municipality.

4.7.1 Representative Uses

The uses permitted within the Core will include a full array of retail, office, financial, personal service facilities. Uses shall include but not be limited to retail department stores; food, specialty and general merchandising establishments; offices; civic administration facilities; inclusive of police stations and fire halls; hotels; places of entertainment; and eating establishments.

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.

Institutional and community facility uses and recreation-open space uses may also be permitted within the Core in order to promote the multi-use function of this area and the creation of an attractive environment in which to live, work and conduct business, shop or visit.

Uses of a District Commercial nature should not be permitted in the Core except where such uses will not undermine the integrity of the Core. Where a specific proposal to develop such a use is deemed necessary and appropriate within the Core, a zoning amendment will be required.

4.7.2 Policies for Development, Redevelopment and Intensification

New commercial development within the Core should be planned as infilling, redevelopment and intensification within the existing central business district rather than providing for linear extensions which are not conducive to the development of a compact central business district. New development and should not be allowed to infiltrate unnecessarily into adjoining areas intended for residential use.

Development in the Core shall take place on full municipal services. Such development shall not take place until the responsible authorities are satisfied that the capacities of the servicing systems are adequate to accommodate the proposed development.

- i) Adequate planting strips, screening and/or fencing shall be provided between non-residential uses in the Core and adjacent residential uses where deemed appropriate and necessary.
- ii) The provision of off-street parking areas and loading spaces in the Core will be encouraged. Such facilities may be provided by public authorities and/or private enterprises. Council may provide for an agreement exempting the owner from the requirement to provide parking in accordance with Section 40 of the Planning Act. Council may, by resolution, set forth the basis for such exemption.
- iii) The renovation and refurbishing of commercial buildings will be encouraged. Conversions of residential buildings to non-residential uses will be permitted in accordance with Section 4.9.1.3 of this Plan.
- iv) Opportunities for minimization of negative impacts on air quality and improvements in energy efficient design will be encouraged.

4.7.3 Zoning

Lands designated Core may be placed in one or more commercial, institutional or residential zoning categories in the implementing Zoning By-law.

4.8 DISTRICT COMMERCIAL

The District Commercial designation recognizes existing or recommended commercial areas which are oriented to high vehicular traffic movements, are generally not appropriate within a pedestrian shopping area, and require large blocks of land for parking and the construction of its buildings. Typically, District Commercial uses take advantage of high visibility and require good access from a major road, and therefore shall be sited on a major roadway at the gateways (i.e. areas of high traffic, arterial roads and on the edge of the existing urban area) to the Brighton Urban Area. Such commercial areas shall be located so as to be providing sufficient business opportunity without undermining the primary function and viability of the Core. In addition, the District Commercial designation recognises those commercial uses which primarily serve or are related to water traffic and waterfront uses and are associated with the shoreline of Lake Ontario and Presqu'île Bay. All development proposed within the District Commercial designation shall take place on full piped services provided by the Municipality or its Agents.

4.8.1 Permitted Uses

Permitted uses within the District Commercial designation include vehicle oriented uses including goods and services for the vehicle or those items which cannot be hand carried such as automobile, trailer sales and recreational vehicle sales and service, a building supply centre or lumber yard, and a farm implement dealer are permitted within the District Commercial designation. Motels, amusement, entertainment and recreation facilities, fast food outlets, bulk purchasing establishments, power centres and large format retail shopping areas in excess of 370 square metres gross floor area are also permitted within the District Commercial designation.

Waterfront development associated with the Shoreline of Lake Ontario and Presqu'île Bay shall be considered in accordance with the policies of Section 4.8.6 of this Plan.

4.8.2 Policies

It shall be a policy of this Plan that commercial uses permitted within this designation shall not weaken or be developed in such a fashion that it undermines the Core Area of the urban area of Brighton. It is recognized that the Core Area is the primary commercial area within the Municipality of Brighton.

4.8.3 Policies for Development, Redevelopment and Intensification

The design and layout of District Commercial uses shall optimize their frontage onto arterial roads and the exposure afforded by such a location.

District Commercial developments shall have high regard for and follow proper design, location and performance concerns such as:

- i) Open storage of goods and materials shall be restricted to a maximum of 5% of the lot area. In all cases the open storage areas shall be screened from the adjacent road network and residential areas;
- ii) Architecturally designed buildings with attractive exteriors and sensitive selection of exterior materials will be encouraged by Council;
- iii) Substantial landscaping is provided throughout the site to soften the appearance of extensive off-street parking areas and large footprint buildings. The design of the landscaping shall create a park-like setting when viewed from the adjacent road network or residential areas;
- iv) The number, location, spacing and design of vehicular access points from the adjacent road network into District Commercial sites shall be regulated and subject to the approval of the authorities having jurisdiction;
- v) The type, design and function of signage related to the District Commercial uses will be strictly controlled and should be incorporated into the overall landscaping plan for the development;
- vi) All parking, loading and service areas shall be provided on-site. The layout of these facilities shall ensure full site accessibility at all times and shall be designed to properly integrate with points of ingress/egress;
- vii) Appropriate building setback and buffering for off-street parking areas will be required when such activities are proposed adjacent residential uses.

4.8.3.1 *Transportation Impact Study*

When considering the development or redevelopment of a District Commercial use, Council may request that the Owner or Applicant undertake a Transportation Impact Study. This Report

shall assess the traffic implications of the proposed development upon adjacent roads and detail any design measures required to resolve any potential vehicular or pedestrian traffic problems.

4.8.3.2 Retail Market Analysis

The preparation of a comprehensive retail market analysis by the proponent of a development will be required for:

- i) A new District Commercial area which would result in an additional 1,400 sq. metres or more of gross floor area; or
- ii) The expansion of an existing District Commercial use or area by an additional 1,400 sq. metres or more of gross floor area.

The retail analysis shall assess the impact of the proposed development on the viability of established commercial areas within the community, and in particular the Core Area. The retail market analysis shall be carried out based on the terms of reference approved by the Municipality after consultation with the Applicant, by a qualified market consultant, as the cost of the Applicant. The matters to be addressed under the retail market analysis shall include:

- i) An assessment of the present and future population to be served by the proposed development including a detailed explanation of the sources, techniques and assumptions used in arriving at any population projections;
- ii) An evaluation of the primary and secondary trade areas to be served by the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- iii) A review and analysis of the existing level of retail commercial space within the community and the basis of justification of additional floor space in the context of either a new District Commercial node or the expansion of an existing facility.
- iv) The amount, mix, location and phasing of the proposed retail floor space;
- v) Verification through such studies that the proposal will not jeopardize the viability of the Core Area and thus undermine the intent of this Plan.

4.8.4 Location

District Commercial uses should generally be located adjacent to County or Arterial Roads, and shall be in accordance with Schedule “A”, the Land Use Plan.

4.8.5 Establishment of New District Commercial Areas

The establishment of new District Commercial areas (i.e., lands that are not currently designated as District Commercial) may only be permitted upon lands which benefit from full municipal servicing.

4.8.6 Marine Commercial Areas

The District Commercial designation includes those marine commercial areas wherein the predominant use of the land in the areas so designated shall be for commercial uses which serve the needs of marine traffic by retailing or by providing repair or service facilities. The uses may include retail stores, boat sales and service establishments, eating establishments, motels or hotels, marinas, or places of entertainment. In addition, limited residential uses, open space, and institutional uses may be permitted. Development in Marine Commercial areas shall take place on lands that are fully serviced. Such development shall not take place until the authorities responsible are satisfied that the capacities of the servicing systems are adequate to accommodate the proposed development.

Marine Commercial development will be governed by the following criteria:

- i) Adequate off-street parking shall be provided with access points designed to minimize the danger to vehicular and pedestrian traffic;
- ii) Adequate buffer planting shall be provided adjacent to any residential area;
- iii) Prior to the commencement of any dredging or construction work on the bed of a navigable body of water, approval must with few exceptions be obtained from the Federal Department of Transport under the provisions of the Navigable Waters Protection Act and the MNR under the provisions of the Public Lands Act. These types of projects may also be subject to the provisions of the Federal Fisheries Act which is administered by the MNR;

- iv) All structures in or over any navigable body of water shall be designed and located so as not to cause any hazard to boat traffic;
- v) Development along the waters' edge shall be completed in harmony with surrounding uses and the natural environment. Where possible, open space corridors or buffers should be developed and maintained in a natural state along the shoreline. These natural corridors will assist in improving water quality by controlling erosion, prevent nutrient overloading and by cooling water temperatures;
- vi) Marine commercial uses may be placed in one or more separate zoning categories in the implementing Zoning By-law.

4.8.7 Parking

Adequate off-street parking facilities shall be provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Adequate off-street loading and unloading facilities shall be provided.

4.8.8 Buffer Planting

Adequate buffer planting shall be provided between the District Commercial uses and any adjacent residential uses; such buffer planting shall include the provisions of grass strips, berms, screening and the appropriate planting of trees and shrubs.

4.8.9 Zoning By-law Provisions

District Commercial uses may be included in separate zoning classifications in the implementing Comprehensive Zoning By-law.

4.8.10 Special District Commercial Areas

4.8.10.1 Special District Commercial Area (Craft Developments)

In addition to the policies of Section 4.8.3, for the lands having an area of approximately 18.4 acres (7.5 hectares) and a frontage of 260 metres (860 feet) along the south side of Elizabeth Street, described as Part of Lot 33, Concession B, Part 1 of Registered Plan 39R-8499, former Town of Brighton, County of Northumberland, and municipally addressed as 129 Elizabeth Street, the following shall apply:

- i) That the development shall include an anchor tenant with a minimum gross floor area of 2,320 square metres up to a maximum 4,350 square metres as part of the first phase of the development or if the development is to be constructed in one phase, then as part of the development.
- ii) That a maximum of two drive-through facilities, accessory to any permitted use in the zoning by-law shall be permitted on the subject lands. In addition, a free standing bank drive-through kiosk not connected to a building but only as an accessory use to a bank also located on the subject lands will also be permitted but only in Phase 2 of the development. The developers will file with the Municipality an addendum to the Transportation report which shows that both internal and external (Elizabeth Street) traffic will remain acceptable with the addition of the bank kiosk drive-through. The transportation report addendum should also include recommendations as to acceptable locations on the site for the bank kiosk drive-through.
- iii) That all development will be subject to site plan control with particular regard to the matters set out in Section 3.3.4.3 c. of the Official Plan, in order to achieve high standards of urban design recognizing the “gateway location” of this site. The site plan agreement shall include a phasing and construction schedule which shall include timing for the construction of the anchor tenant building, all off-site improvements, and on-site servicing, all to the satisfaction of the Municipality acting reasonably.

4.9 RESOURCE-BASED RECREATION DEVELOPMENT

The Resource-based Recreation designation is generally intended to apply to commercial lands directly associated with recreational resources, and on lands connected to the shoreline of Lake Ontario. Residential development directly related to resource-based recreational activities may be permitted where it can be demonstrated that such development is appropriate to the infrastructure which is planned or available, is compatible with the rural landscape, and can be sustained by rural service levels.

4.9.1 Permitted Uses

The predominant use of lands in the Resource-Based Recreational designation shall be for commercial recreational development directly related to the resource, including seasonal trailer and camping parks, restaurants, and retail stores together with accessory uses which may

include the residence of the owner or caretaker. Resource-based residential development associated with the recreational facility may be considered in accordance with the policies of Section 4.9.1.2 of this Plan.

4.9.1.1 *Criteria for New Resource-based Recreational Residential Development*

Proposals for new residential development associated with resource-based recreation shall only be permitted where it can be demonstrated, to the satisfaction of the Municipality, that the scope of the residential development is directly proportional to the recreational resource. Where such development is proposed to incorporate a golf course or other constructed facility, it is required that the resource-based recreational facility be fully operational prior to the development of the residential component. A holding provision in the Zoning By-law may be used to restrict development.

New resource-based recreational residential development associated with the shoreline of Lake Ontario shall generally take place by registered plan of subdivision or plan of condominium. Proposals for draft plans of subdivision or condominium for Resource-based Recreation residential development shall satisfy the policies of Section 3 - General Provisions and Section 5.3 of this Plan.

Lands within the Resource-based Recreation designation shall be zoned in separate classifications in the implementing Zoning By-law, to reflect the availability of municipal servicing.

It is intended that specific setback provisions for residential buildings and related accessory uses shall be contained in the implementing Zoning By-law. The Conservation Authority shall be consulted in this regard.

4.9.2 *Parking*

Adequate off-street parking facilities shall be provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Adequate off-street loading and unloading facilities shall be provided.

4.10 INDUSTRIAL

The predominant use of land within the General Industrial land use designation shall be for those economic activities which can be generally classified as manufacturing, construction, transportation and storage, communication and utility and wholesale trade activities, together with those other activities whose operating characteristics are consistent with such classifications. Further expansion of industrial activity is recognized as essential to the maintenance of balanced assessment and employment bases in the municipality and to the continued economic growth of both the Brighton Urban Area and the Municipality overall.

It is the intent of this Plan to provide for the maintenance and reinforcement of Brighton's employment base through the retention and expansion of existing industry and, further, to encourage the diversification and expansion of the municipality's industrial base wherever possible through the development of new industries and related ancillary service type facilities.

Future industrial development and redevelopment of a type that creates full-time employment opportunities for municipal residents will be encouraged. Major forms of new industrial development are to be directed toward the Brighton Urban Area where the servicing infrastructure needed to efficiently accommodate intensive industrial development, and which are where the municipality's labour force is principally resident.

This Plan designates lands as Industrial based upon the existing pattern of industrial land use and the potential for expansion of industrial opportunities. In this way, the Plan provides for the protection of existing industry, its potential redevelopment and the development of new industrial uses. This Plan recognizes four (4) main industrial areas including the Brighton Prestige Industrial Park, the future General Industrial Park east of the Brighton Prestige Industrial Park, the established General Industrial Area adjacent to the rail lines, and the future industrial area at the Highway 401/County Road 30 Interchange. The existing auto wrecking yard located on Raglan Street west of Ontario Street is also designated as General Industrial. The Plan also recognizes and establishes special policies for certain industrial uses and industrial areas which by virtue of their operating or location characteristics require particular consideration.

4.10.1 General Industrial Uses

The uses generally permitted in Industrial areas include those activities where the predominant use of land, buildings and/or structures is for the purpose of manufacturing, assembling, fabricating, processing, repairing, warehousing and wholesaling, and those other establishments whose land use characteristics such as outdoor storage areas or heavy vehicle traffic generation indicate potential incompatibility with commercial or residential activity. The permitted uses in Industrial areas specifically include public and private utilities and related facilities, storage yards, contractors' yards, transportation terminals, and research and communication facilities.

Automotive machine shops, body shops, collision repair shops and towing compounds are also permitted. The establishment and use of such facilities shall be subject to the policies of this Section and the policies of Section 8.7 of this Plan.

4.10.2 Prestige Industrial Uses

Prestige Industrial areas encompass lighter industrial activities generally found to be compatible in relation to sensitive land uses including residential uses. Prestige Industrial uses shall be limited to light industrial uses such as workshops; service shops; light manufacturing, processing, repairing, fabricating and assembly operations; warehouses; research and development facilities; data processing facilities, including call centres; technologically advanced manufacturing, fabricating or the assembly of high value products; storage units/outlets; printing or publishing establishments; industrial laundromats and/or dry-cleaning establishments; broadcasting and communication establishments; bakeries; light equipment sales and rental establishments; establishments for the manufacture and sale of wine and beer and/or wine and beer products; and administrative, professional and technical services that support the above uses and are consistent with the image and amenity of a Prestige Industrial Area.

The following specific policies shall apply:

- i) Adequate buffering and setbacks shall be provided between Prestige Industrial areas and/or uses and any adjacent residential areas or roadways in accordance with Section 3.16.3 of this Plan.

- ii) The uses permitted in the Prestige Industrial Area shall be zoned in a separate zoning classification in the implementing Zoning By-law.

4.10.3 Employment-related Uses

Other employment related uses may be permitted in General Industrial and Prestige Industrial areas, provided that such uses contribute to the principle use of the area for industrial uses.

Associated retail commercial uses are those uses which primarily serve the needs of general and prestige industrial uses. Such uses shall not unduly pre-empt needed industrial land or adversely affect the development of the remaining industrial land by dividing it into parcels of undesirable shape or size. Consideration will be given to the compatibility of the proposed commercial use with existing and future industrial uses. In order to avoid random retail commercial development within the Industrial area, the implementing Zoning By-law shall establish Commercial zones separate from Industrial zones.

4.10.3.1 Development Policies - New Industrial Development or Re-development

Within the Brighton Urban Area, Council shall encourage the development of industry-based employment uses in areas or clusters, large enough to provide variety of lot sizes and to avoid concern from adjoining sensitive uses. Industrial development shall occur on lots of an appropriate size and with appropriate frontage for a specific industrial use.

- i) New industrial uses shall be planned with regard to existing and planned transportation and servicing infrastructure. These uses shall be located on arterial or collector roads in circumstances where the proposed use is compatible with adjacent uses and it is demonstrated that it will not create a traffic hazard.
- ii) Industrial areas shall be designed to discourage the penetration of industrial traffic into or through residential areas.
- iii) With respect to older industrial areas the revitalization of older uses and facilities; the establishment of new uses; and the improvement and expansion of public infrastructure will be encouraged. Where possible, relocation of incompatible uses or obsolete facilities to more appropriate locations will be encouraged.
- iv) Where deemed necessary, a report(s) shall be prepared, by a qualified professional, which assesses the potential impacts, including traffic impacts and recommends

mitigation and/or design measures, as appropriate. Such a report shall also address the potential hazards associated with the facility or materials utilized and stored at the facility and shall detail contingencies for dealing with those potential hazards.

- v) New industry which is environmentally sensitive and designed so as to reduce environmental impacts such as noise, vibration, or fumes, shall be encouraged. Whenever and to the greatest extent possible all industries shall implement best practices for waste management.
- vi) No industrial use shall be permitted which, from its nature of operation or materials used therein, is classified as a health hazard by the *Health Protection and Promotion Act* or regulations thereunder.

4.10.4 Site Plan Control

All areas designated Industrial on Schedule “A” are subject to Site Plan Control, as set out in the Site Plan Control By-law for the Municipality and as such the policies of Section 8.7 shall apply to any development, redevelopment, expansion, or alteration of industrial facilities. Regard shall be had for, among other matters, setbacks from property lines, appropriate off-street parking and loading area requirements, landscaped open space and buffer planting, and, control over the outside storage of goods and materials. Without limiting the generality of the foregoing, the following design considerations shall apply.

4.10.4.1 Design Considerations

- i) Adequate buffering in the form of fencing, berming and landscaping shall be required in the context of site plan control to minimize the potential impacts between the proposed industrial use and abutting non-industrial uses;
- ii) Facilities for managing solid waste shall be located within an enclosed structure to be sited away from the street or abutting non-industrial uses;
- iii) The exterior lighting of any building or parking area shall be designed to deflect glare away from adjacent properties; wherever possible, downward facing lighting shall be used, so as to reduce the impact of lighting on the area’s night sky.
- iv) Any outdoor storage of goods or materials shall be appropriately fenced and screened.

4.10.5 Conversion of Industrial Lands

The municipality may permit conversion of industrial lands to non-industrial uses only where a municipal comprehensive review has demonstrated that the land is not required for industrial purposes over the long term and that there is a need for the conversion.

Upon consideration of converting industrial lands to non-employment land uses, the Municipality must be satisfied that it has been demonstrated through a municipal comprehensive review that:

- i) There is a need for the conversion;
- ii) The Municipality will meet the employment forecasts allocated to it in the Northumberland Growth Management Strategy pursuant to the Growth Plan;
- iii) The conversion will not adversely affect the overall viability of the employment area, and the achievement of the intensification target, density target and other policies of the Growth Plan;
- iv) There is existing or planned infrastructure to accommodate the proposed conversion;
- v) The lands are not required over the long term for the employment purposes for which they are designated; and,
- vi) Cross-jurisdictional issues have been considered.

4.10.5.1 Separation of Industrial and Sensitive Land Uses

Industrial uses permitted adjacent to residential areas or other sensitive land uses shall be in accordance with Section 3.16.2 of this Plan.

Adequate buffering and setbacks shall be provided between Industrial areas and/or uses and any adjacent residential areas or roadways in accordance with Section 3.16.3 of this Plan.

4.10.5.2 Parking and Loading Facilities

Adequate off-street parking facilities shall be provided for all permitted uses, including employees and visitors. Adequate off-street loading and unloading facilities shall be provided.

4.10.5.3 Zoning Provisions

The uses permitted in the General Industrial Area and Prestige Industrial Area shall be zoned in separate zoning classifications in the implementing Zoning By-law.

4.10.6 Special Industrial Area #1

On the property designated as “Industrial” in Part of Lot 5, Concession VIII, comprising part of Part 3 on Plan 38R-893, the following provisions shall apply:

- i) Permitted industrial uses shall be limited to a dry industrial use; specifically a metal bonding facility comprising a preparation building, a bonding plant, an office building and buildings and structures accessory thereto, including storage facilities.
- ii) An amendment to the Comprehensive Zoning By-law shall be required, such amendment may include site specific provisions regarding but not limited to the following permitted uses, maximum building size, setbacks, buffer strips, fencing and access.
- iii) Development shall be subject to site plan control.

4.10.7 Special Industrial Area #2

On the property designated as “Industrial” in Part of Lots 33 and 34, Concession “B” with a civic address of 71 and 100 County Road 64, the following provisions shall apply:

- i) Permitted industrial uses shall be limited to a Waste Water Treatment Plant/Constructed Wetlands and Lagoons.

4.11 AGGREGATE RESOURCES

The Aggregate Resource designation includes lands currently licensed under the *Aggregate Resources Act* for mineral aggregate operations as well as those lands identified as areas of high potential for aggregate extraction by the MNR. Areas of high potential for mineral aggregate resources are identified on Schedule “A” in the Aggregate Resource designation. Where aggregate resources are no longer available for industrial extraction because of parcel fragmentation or proximity to sensitive receptors such as residential dwellings, the Aggregate Resource designation has not been applied to the lands.

For the purposes of this Plan, “mineral aggregate resources” means gravel, sand, clay, earth, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

For the purposes of this Plan, “mineral aggregate operation” means the extraction of mineral aggregate resources and related activities, and includes:

Lands under licence or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto; and

Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

4.11.1 Permitted Uses

The uses permitted shall include mineral aggregate operations including sand and gravel pits and quarries licensed under the *Aggregate Resources Act*. Associated operations such as drilling, blasting, crushing, screening, washing and blending aggregate, aggregate recycling, aggregate storage, weigh scales, associated buildings and concrete and asphalt batch plants may also be permitted. These associated operations will only be permitted were they are compatible with other uses permitted in the Aggregate Resource area and will in no way hamper the rehabilitation of these areas for other land uses.

In addition, land designated Aggregate Resource may be used for agriculture, resource management or forestry purposes.

4.11.2 Official Plan Amendments for Mineral Aggregate Operations

An amendment to this Plan will be required when a new mineral aggregate operation is proposed on lands that are not designated as Aggregate Resource on Schedule “A”. The policies of Section 8.14 and any other applicable policy of this Plan shall be addressed to the satisfaction of Council.

An application for an amendment to this Plan to permit the establishment of a mineral aggregate operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.

4.11.3 Policies for New or Expanding Mineral Aggregate Operations

The following matters shall be considered by Council before a decision is made to permit the establishment of a new or expanded mineral aggregate operation in the Aggregate Resource designation:

Aggregate extraction shall be undertaken in a manner that minimizes social and environmental impacts.

A mineral aggregate operation should be screened from public view to the extent possible, in order to protect the scenic characteristics of the area.

It shall be the policy of this Plan that the Municipality, when considering a new mineral aggregate operation or an expansion of an existing operation, will have regard to existing adjacent land uses that might be affected by a pit or quarry operation. This may be reflected through measures such as extraction setbacks and/or other mitigative techniques such as the use of vegetation or berms to provide screening, restrictions on the location of machinery, the timing of extraction operations, and the location and condition of haul routes. These requirements may be implemented through:

- i) Conditions on the licence and/or site plan under the *Aggregate Resources Act* at the time of licensing by the MNR;
- ii) Regulations in a site-specific Zoning By-law for the property; and
- iii) Provisions in a development agreement under Section 3.2.8 of this Plan.

Any setbacks and/or mitigative techniques being established should depend on a site-by-site review, having regard to the policies of Section 3.16.3 and any other policy of this Plan.

As a general policy, a mineral aggregate operation for a pit should not be established within 150 metres for a pit above the water table and within 300 metres for a pit below the water table or sensitive land uses. A mineral aggregate operation for a quarry should not be established

within 500 metres of sensitive land uses. For the purposes of this section, “sensitive land uses” includes uses such as residential buildings or facilities where people live, and permanent institutional uses such as schools, churches, day care centres, and hospitals.

Proposals for mineral aggregate operations within the distances specified in the above paragraph should be evaluated based on matters such as, but not limited to, land use compatibility, impacts on groundwater, noise, dust, vibrations, and traffic.

All operations must satisfy the requirements of the authority having jurisdiction as to water supply and groundwater pumping, and waste water disposal.

All operations must satisfy the requirements of the Ministry of the Environment and/or By-laws of the Municipality as to the control of dust, noise and vibration.

All mineral aggregate operations shall satisfy the requirements of the *Aggregate Resources Act* as to licensing and regulation.

Haul routes and the traffic generated by the proposed mineral aggregate operation shall be considered through the preparation of a traffic impact assessment by the proponent. A traffic impact assessment shall be undertaken by the applicant and shall be acceptable to the Municipality and any other authority having jurisdiction, such as the County of Northumberland and the Ministry of Transportation.

Progressive rehabilitation of mineral aggregate operations to accommodate subsequent land uses will be required. Plans for the rehabilitation of the site shall be acceptable to the Municipality.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources in the Municipality or elsewhere.

4.11.4 Development Agreements

It shall be a policy of this Plan that an applicant who wishes to undertake a mineral aggregate operation shall enter into a Development Agreement with the Municipality. This Agreement shall be entered into prior to Council’s enactment of the implementing Zoning By-law or the

removal of a Holding provision under Section 36 of the *Planning Act*. Such an agreement may address, but shall not necessarily be limited to the following matters:

An indication of the haul routes to be used and requirements for the improvement and maintenance of the haul routes;

That all road damage caused by the gravel trucks shall be repaired by the pit/quarry operator and that the Municipality may repair the roads and invoice the said operator accordingly;

- i) The timing of operations on a daily, weekly and annual basis;
- ii) Arrangements for adequate screening to provide an effective visual buffer between the proposed mineral aggregate operation and any road or surrounding sensitive land use. Such screening shall be established effectively prior to operations of the pit or quarry;
- iii) Provisions for the acceptable discharge of process water from washing or screening operations.
- iv) Issues of public health, public safety and environmental impact; and
- v) Such other matters as Council may deem necessary and in the public interest.

4.11.5 Changes to Areas Designated Aggregate Resource

The boundaries of the lands designated as Aggregate Resource on Schedule “A” shall serve as guides for the development of new mineral aggregate operations. If new aggregate resource information becomes available as a result of future resource testing programs, the Municipality may undertake an amendment to the Plan to recognize new areas of primary significance on Schedule “A”. Council will determine the timing of such an amendment.

An amendment to this Plan will not be required for minor changes to the Aggregate Resource boundaries, which are deemed to be suitable by Council after consultation with the MNR. Where such changes occur, the new land use designation shall be in accordance with the surrounding land use designation.

4.11.6 Protection of Mineral Aggregate Resources and Operations

Council shall have regard to the policies of Section 3.13 of this Plan with respect to the protection of mineral aggregate resources and existing mineral aggregate operations in the Municipality.

The policies of Section 3.13 shall also be applicable when Council is considering a change in a land use designation from Aggregate Resource to another designation.

Prior to the re-designation of Aggregate Resource lands, Council shall consider the potential for sequential or concurrent land use that result in both aggregate extraction and development of land for the proposed use. Where development proposals are made, the applicant will be required to conduct an aggregate testing program to the satisfaction of the Municipality and the MNR to ensure that the proposed development does not contain aggregate resources of primary significance.

4.11.7 Rehabilitation of Mineral Aggregate Operations

Progressive and final rehabilitation of mineral aggregate operations shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations on Schedule “A” into consideration.

4.11.8 Rehabilitation of Agricultural Lands

The extraction of mineral aggregate operations on Agricultural Resource Lands as defined in Section 4.1.1 of this Plan may be permitted as an interim land use provided that progressive rehabilitation of the site will be carried out whereby substantially the same areas and average soil quality for agriculture are restored.

Complete agricultural rehabilitation will not be required if:

- i) There is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of the planned extraction in a quarry does not make restoration of pre-extraction agricultural capability feasible;
- ii) Other alternatives have been considered by the applicant and found to be unsuitable. The consideration of other alternatives shall include resources in areas

of Canada Land Inventory Class 4 to 7 soils, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and agricultural rehabilitation in remaining areas is maximized.

4.11.9 Zoning By-law Provisions

Mineral aggregate operations may be included in a separate zoning classification in the implementing Zoning By-law.

Existing licensed mineral aggregate operations shall be recognized in the Comprehensive Zoning By-law. On lands designated Aggregate Resource an applicant who wishes to expand an existing operation or commence a new operation must obtain an amendment to the Comprehensive Zoning By-law and a licence from the MNR.

Lands within the Aggregate Resource designation on Schedule “A” that are not licensed under the *Aggregate Resources Act* will normally be placed in an agricultural or rural zone classification.

It shall be the policy of this Plan that concrete batching plants and asphalt plants shall be permitted only in those areas specifically zoned for such uses.

An application for an amendment to the Comprehensive Zoning By-law to permit the establishment of a mineral aggregate operation shall be accompanied by a detailed site development plan. Site Plans and reports required by the *Aggregate Resources Act* shall generally be acceptable for the purposes of this section.

4.11.10 Bedrock Resources

Within five years of the approval of this Plan, the Municipality shall consult with the Ministry of Natural Resources and stakeholders and undertake an evaluation of the potential bedrock resources in the Municipality. After the evaluation, the Municipality shall amend the Official Plan to identify areas of bedrock potential and include appropriate policies that protect these resources for long-term aggregate use.

4.12 COMMUNITY FACILITIES AND OPEN SPACE

The Community Facilities designation applies primarily to those lands which are utilized for hospitals, chronic care facilities, fire halls, police stations, municipal yards, assembly halls and clubs, recreational facilities and open space uses such as public parks, trails and shorelands.

4.12.1 Permitted Uses

Uses permitted include administration offices, schools, hospitals, chronic care facilities, nursing homes, medical care facilities, fraternal association halls, police stations, places of worship and fire halls.

4.12.2 Policies

Community facilities are encouraged within the Brighton Urban Area and hamlets. Wherever possible, new facilities are encouraged to locate adjacent other community facilities. The establishment of new community facilities will be considered in accordance with the following:

- i) The proposed scale and the ability to integrate the project with the established character of the area;
- ii) Compatibility with adjacent land uses and designations; and
- iii) Direct or convenient access to a collector or arterial so as not to draw traffic through low density residential areas.
- iv) Adequate off street parking and loading facilities shall be provided.

4.12.3 Outdoor Recreational Facilities, Playing Fields and Trail Corridors

The Council of the Municipality of Brighton supports the concept of establishing and maintaining open space corridors along shorelines and valleylands. The Municipality shall create and improve green space and trails to assist in establishing and maintaining a high quality of life. It should be the goal of Council to develop a Parks, Greenspace, and Trails Master Plan by 2011. This should include a system of trails for pedestrian and bicycle traffic along the waterfront that can be linked to a larger integrated system running throughout the Municipality, as well as from Presqu'île Provincial Park to Quinte West. In order to ensure the development of an extensive trail network, the Council shall:

- i) Explore all opportunities to convert segments of areas where development is not proposed, or where connecting trails have not been created, into trail corridors and parkland;
- ii) Require all new development proposals to outline the need, form, location and extent of a trail extension/link, as part of said development, to the overall network;
- iii) Link corridors and parkland to Community Facilities such as arenas and playing fields, where possible.

4.12.4 Parking Facilities

Where recreation areas are designed for public or private use, adequate motor vehicle parking areas shall be established. Access points to parking areas and to all recreational areas shall be designed in a manner that minimizes potential conflicts between vehicles and pedestrians.

4.12.5 Zoning By-law Provisions

Community Facilities may be zoned in a separate classification in the implementing Zoning By-law.

4.13 WASTE DISPOSAL AREA

The Waste Disposal Area designation recognizes existing solid waste landfill sites that are located within the Municipality of Brighton. The Waste Disposal Area designation applies to both active and closed landfill sites.

4.13.1 Permitted Uses

Permitted uses shall include solid waste landfill sites as authorized by the Municipality and approved (as necessary) by the Ministry of the Environment.

4.13.2 Waste Disposal Area Designation

Solid waste landfill sites shall be designated as indicated by the symbol ⊗ on Schedule “A” to this Official Plan. The symbols shall indicate the actual location of the solid waste landfill site. It is understood that the area of influence encompasses all lands within a 500 metre radius of the perimeter of the waste cell. The solid waste landfill site’s area of influence shall be subject to

the policies of Section 4.13.10 where development of such lands is considered, and where Waste Disposal areas are considered for re-designation.

4.13.3 Development Policies

Development proposals for new Waste Disposal areas shall be considered with regard to the following concerns:

- i) The physical suitability of the site for the proposed use;
- ii) The compatibility of the proposed use with surrounding land uses; and
- iii) The ability of roads accessing the proposed disposal industrial site to carry traffic volumes projected to be generated by the proposed development, and the suitability of the proposed access points to the maintenance of a constant traffic flow pattern.

Prior to the designation of any new Waste Disposal area, Council, in consultation with the Ministry of the Environment, may require the preparation of background studies to address the above noted issues. Such studies shall be undertaken by qualified individuals and shall be to the satisfaction of Council and all applicable agencies.

Any new Waste Disposal area shall front on an assumed public road, which is currently maintained on a year-round basis by the Municipality of Brighton, the County of Northumberland, or the Ministry of Transportation.

Waste Disposal uses shall not be located within close proximity to any established or approved residential or other sensitive land use.

Any proposal for a new Waste Disposal area shall be carefully reviewed from an environmental perspective to ensure that the proposed use will have no detrimental effect on the existing environment.

4.13.4 Development Plan

Prior to the development of Waste Disposal lands, an overall development plan shall be required to ensure the proper integration of adjacent uses. The development plan shall include the following information:

- i) A survey of the entire property including contours, dimensions, watercourses, existing public roads, existing easements or rights-of-way, and all existing land uses and structures within 125 metres of the property boundary on which the Waste Disposal development is proposed.
- ii) A description of the location, height, dimension, and use of all buildings or structures proposed to be erected on the property, as well as setbacks, drainage provisions, proposed entrances, exits and parking areas, landscaping, final landfill contours, and proposed truck routes to and from the site.

4.13.5 Access Points

Access points to the Waste Disposal area shall be limited in number, and designed in such a manner so as to minimize the danger of traffic congestion due to vehicular turning while accessing and exiting the subject site.

4.13.6 Ministry of the Environment

The Ministry of the Environment shall be consulted prior to the approval of an application for an Official Plan Amendment to designate land as Waste Disposal.

4.13.7 Buffering

Adequate buffering, to include noise attenuating and visual screening measures shall be provided in accordance with Section 3.16.3 of this Plan for the purpose of reducing or eliminating the adverse effects of a Waste Disposal use on existing or proposed adjacent land uses.

The buffer may take the form of a berm, a wall, a fence, or vegetation plantings, or a combination of these features, which would be most suitable in achieving its intended purpose.

4.13.8 Lots of Record

The policies of this section shall not be applied to prevent development nor necessitate studies referred to herein on existing lots of record within the 500 metre area of influence, which are in land use designations other than Waste Disposal. No lot shall be created by plan of subdivision or consent to land severance, nor shall any Zoning By-law amendment to permit a change in

land use be enacted by Council in the area of influence, except where all applicable policies of this section are addressed to the satisfaction of the Municipality.

4.13.9 Zoning By-law Provisions

Waste Disposal uses shall be zoned in a separate zone classification in the Comprehensive Zoning By-law. Such zone classification shall include setback requirements in accordance with the appropriate guidelines and regulations of the Ministry of the Environment. A Holding Provision (H) may be applied to lands within the 500 metre area of influence, until it can be demonstrated to the satisfaction of the MOE and the Municipality that the lands are not impacted by effluent plumes or other forms of contamination from the waste disposal area.

4.13.10 Development Near Open or Closed Waste Disposal Sites

Open waste disposal sites are identified on Schedule 'A' to this Plan. Former (closed) solid waste landfill sites shall be indicated as such by the symbol Ø on Schedule "A" of this Plan, and shall be zoned in a Holding "H" zone classification in the implementing Zoning By-law. These sites and (where no site related environmental information is available) lands within a 500 metre radius of the perimeter of the waste cell are identified as waste disposal assessment areas for study purposes. Such lands may be used for the purposes permitted in the applicable designation without an Official Plan amendment provided the Municipality in consultation with the Ministry of the Environment is satisfied that the following concerns, where applicable, have been dealt with in an appropriate manner:

- i) Studies have been carried out to the satisfaction of the Municipality and the Ministry of the Environment that show that the development is compatible and can safely take place;
- ii) The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
- iii) A qualified engineer shall carry out studies of gas, leachate and hydrogeology;
- iv) The Municipality shall be satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of any structure;

- v) Notwithstanding the land use designations on Schedule “A”, development will not be allowed to proceed in areas identified by this section as containing waste until the requirements of the Ministry of the Environment are satisfied.

When the above described concerns have been satisfied, a former solid waste landfill site shall be rezoned in an appropriate zone classification reflecting the proposed use of the property, removing a Holding “H” zone provision.

Section 46 of the Environmental Protection Act applies to the lands where waste was deposited (i.e., lands within the perimeter of the fill area). Section 46 states that “No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be used unless the approval of the Minister for the proposed use has been given.

4.14 ENVIRONMENTAL PROTECTION

Lands designated as Environmental Protection on Schedules “A” are environmentally sensitive and include lands subject to natural hazards, natural heritage features and areas, and areas of groundwater or surface water discharge and recharge. Lands designated as Environmental Protection are primarily intended for preservation and conservation of the natural land and/or environment, and should be managed in such a fashion as to protect these features and areas from incompatible development. Conversely these policies serve to ensure that new development is protected from physical hazards. The environmental hazards and/or values associated with such lands act as constraints for development. Where possible, the approximate extent and location of environmentally sensitive areas have been identified and designated as “Environmental Protection” on Schedule “A” ”.

4.14.1 Other Sensitive Lands That Are Not Designated As “Environmental Protection”

Not all lands having environmentally sensitive features are designated as “Environmental Protection” on the Land Use Plan – Schedule “A” ”, due to the size and/or sensitivity of the feature, the degree of hazard it creates, or a lack of information. During the review of development proposals lands with sensitive features may be identified. Depending on their significance and/or hazardous nature, such features shall be protected. An application to

develop on or adjacent to such a feature shall be subject to the applicable policies of Section 3.9 “Natural Environment Policies” of this Plan.

4.14.2 Natural Hazards Areas

The Environmental Protection designation identifies natural hazard areas and features which may pose a threat to life and property due to inherent characteristics, including lands susceptible to flooding and erosion hazards a shoreline, river or stream system , hazardous sites associated with unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography), as well as areas along the Lake Ontario Shoreline which are subject to flooding, wave up-rush and dynamic beach hazards.

4.14.3 Hazardous Lands Along Rivers, Streams and Valleys

Hazardous lands along river, stream and valleyland systems means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. Hazardous lands associated with a river, stream or valleyland systems are identified, mapped and regulated by Lower Trent Conservation.

Uses permitted within hazardous lands along river, stream and valleyland systems shall be generally limited to agricultural uses and forestry uses, conservation, fish and wildlife management areas, passive public or private recreational uses, flood or erosion control facilities, and minor accessory structures relating to these uses, and uses legally existing at the time of approval of this plan.

Development and site alteration along river, stream and valleyland systems shall generally be directed to areas outside of these hazardous lands.

Development and site alteration is not permitted within a floodway, regardless of whether the area of inundation contains high points of land not subject to the flooding hazard.

Development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards or erosion hazards, unless it has been demonstrated that the site has safe access. Safe access standards will be determined in consultation with Lower Trent Conservation.

Development and site alteration may be permitted within a floodway and/or an area that does not have safe access when:

- i) The development and/or site alteration is limited to uses which by their nature must locate within the floodway to the satisfaction of Lower Trent Conservation; or
- ii) Where development is a minor addition or a passive non-structural use which does not affect the control of flooding to the satisfaction of Lower Trent Conservation; and
- iii) Where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by Lower Trent Conservation.

When an existing legal non-conforming building or structure that is sited entirely within, or partially within, hazardous lands along river, stream or valleyland systems is destroyed in a manner not related to the inherent hazard, the Municipality shall permit the building or structure to be reconstructed in consultation with the Conservation Authority.

Hazardous lands associated with river, stream and valleyland systems within the Municipality are designated as Environmental Protection on Schedule “A” to this Plan. Lower Trent Conservation will be consulted to determine the landward extent of other hazardous lands associated with river, stream and valleyland systems that are currently not identified on the Schedules to this Plan.

4.14.3.1 Prohibited Uses

Notwithstanding the policies of 4.14.3, development shall not be permitted to locate in hazardous lands associated with river, stream or valleyland systems where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency

as a result of flooding, the failure of floodproofing measure and/or protection works, and/or erosion, and

- iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

4.14.3.2 Two-Zone Floodplain Areas

For the purposes of this Plan, flood plains will be considered as one-zone flood plain areas unless otherwise designated by the Municipality and Lower Trent Conservation. When a one-zone flood plain area is applied, the entire flood plain is considered the floodway.

The Municipality in collaboration with Lower Trent Conservation may designate two-zone flood plain areas in accordance with Provincial Guidelines and Procedures, where significant urban land uses currently exist within the flood plain, and where there is potential for further infilling and redevelopment with no adverse impact on flood flows. Two-zone floodplain areas include the flood fringe and the flood way. Development and site alterations within the floodway of a two-zone floodplain area will not be permitted.

Where a two-zone floodplain area has been designated, the Municipality will establish provisions in the applicable Zoning By-law to permit development in the flood fringe subject to appropriate floodproofing standards. Two-zone floodplain areas will be in conformity with mapping approved by Lower Trent Conservation. Approved two-zone floodplain areas are shown on Schedule D to this Plan.

Prior to any development or site alteration within a two-zone floodplain area, the Municipality will consult with Lower Trent Conservation to determine the appropriate two-zone floodplain area standards. These standards may include, but are not limited to the following:

- i) Development and site alteration is carried out in accordance with floodproofing standards and protection works standards as required in the two-zone floodplain area;
- ii) Vehicles and people have a way of safely entering and existing the area during times of flooding, erosion and other emergencies;
- iii) New natural hazards are not created and existing natural hazards are not aggravated; and
- iv) No adverse environmental impacts will result.

Where strict adherence to a one-zone flood plain area or two-zone flood plain area policy framework would result in significant social and economic impacts to the Municipality, a special policy area may be established by the Province in collaboration intended to allow for new or intensified development and site alteration within a flood plain if feasible opportunities for development and site alteration exist outside of the flood plain that are otherwise in conformity with the policies of this Plan.

Special Policy Areas will be developed in accordance with the criteria and procedures for approval established by the Province, and will require an amendment to this Plan.

4.14.4 Hazardous Lands along the Lake Ontario Shoreline

Hazardous lands adjacent to the shoreline of Lake Ontario include the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard. Lake Ontario hazardous lands are identified, mapped, and regulated by Lower Trent Conservation. Uses permitted within hazardous lands along the Lake Ontario shoreline shall be generally limited to conservation, fish and wildlife management areas, passive public or private recreational uses, flood or erosion control facilities, and uses legally existing at the time of approval of this Plan.

Development and site alteration along the Lake Ontario shoreline shall generally be directed to areas outside of these hazardous lands.

Development and site alteration is not permitted within the dynamic beach hazard.

Development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access. Safe access standards will be determined in consultation with Lower Trent Conservation.

Development and site alteration may be permitted within a dynamic beach hazard and/or an area that does not have safe access when:

- i) The development and/or site alteration is limited to uses which by their nature must locate within the dynamic beach hazard to the satisfaction of Lower Trent Conservation; or

- ii) Where development is a minor addition or a passive non-structural use which does not affect dynamic beach hazard processes to the satisfaction of Lower Trent Conservation; or
- iii) Where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by Lower Trent Conservation.

When an existing legal non-conforming building or structure that is sited entirely within, or partially within, hazardous lands along the Lake Ontario shoreline is destroyed in a manner not related to the inherent hazard, the Municipality shall permit the building or structure to be reconstructed only if the Conservation Authority having jurisdiction authorizes the reconstruction.

The Municipality acknowledges the need for long-term monitoring of the shoreline processes associated with Lake Ontario. When the capacity is available, the Municipality, in collaboration with the Province and Lower Trent Conservation, will undertake shoreline management plans to re-evaluate and identify the extent of these hazardous lands. The priorities and process for developing and updating shoreline management plans will be a collaborative approach. The implementation of shoreline management plans will require an amendment to this Plan.

4.14.4.1 Uses Prohibited

Notwithstanding the policies of 4.14.4, development shall not be permitted to locate in hazardous lands associated with the Lake Ontario Shoreline where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion, and
- iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

4.14.5 Additional Hazard Lands

Where lands with inherent hazardous sites or hazards that are not regulated by the Conservation Authority, such as steep slopes not associated with a watercourse or the shoreline of Lake Ontario, the Municipality shall as part of the review of applications under the Planning Act, require the preparation of appropriate studies by a qualified individual to:

- i) Identify and map the extent of the hazard;
- ii) Assess the existing and future stability of the hazard and the potential risks of development and site alteration;
- iii) Identify appropriate setbacks from the hazard; and identify other mitigation measures necessary to protect the site and the public as appropriate.

4.14.5.1 Prohibited Uses

Notwithstanding the policies of Section 4.14.5, development shall not be permitted to locate in hazardous sites where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works and/or erosion; and,
- iii) Uses associated with the disposal, manufacture or storage of hazardous substances.

4.14.6 Water Setbacks

All development shall be set back sufficiently from the high water mark of any water body or watercourse to ensure the protection of water quality and natural stream and valley lands. As a general policy, and except as otherwise set out in this Plan, development shall be set back a

minimum of 30 metres from all water bodies and watercourses capable of supporting fisheries and as much of the soil and natural vegetation as possible shall be maintained and undisturbed. Within these setbacks, no development should be permitted and site alteration activities should be strictly controlled to ensure protection of fish and fish habitat.

4.14.7 Existing Lots of Record

The policies of this section shall not be applied to prevent the issuance of a building permit nor necessitate an Environmental Impact Study in support of a building permit on existing lots of record on lands adjacent to an identified natural heritage feature, provided that the lot on which development is to occur is located in a designation other than Environmental Protection, or, if located in the Environmental Protection designation, satisfies all other applicable policies of Sections 3.9 and 4.12 of this Plan. Notwithstanding this policy, an EIS shall be required on an existing lot of record if a change in zoning is required to permit new development.

4.14.8 Lot Creation

No new lot shall be created by plan of subdivision or consent to a land severance, nor shall any Zoning By-law amendment to permit a change in land use be enacted by Council on lands adjacent to a natural heritage feature unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, except where all applicable policies of this section are addressed to the satisfaction of the Municipality and the appropriate approval authority.

4.14.9 Review of Provincially Significant Wetlands

Any new, enlarged, or amended boundaries for Provincially Significant Wetlands shall be identified on Schedule 'A' by way of amendment to this Plan.

Property owners within Provincially Significant Wetlands or on lands adjacent to the wetland shall be consulted by the Municipality prior to an amendment to this Plan to identify new or enlarged Provincially Significant Wetlands. Notice to affected property owners shall be given in accordance with the notice requirements of the *Planning Act*.

Where any new, enlarged or amended boundaries for Provincially Significant Wetlands are established, the MNR will provide updated information to the Municipality. The Municipality will amend this Plan and associated schedules to include these updates.

4.14.10 Open Space Corridors Policies

Council shall coordinate the planning and development of the waterfront of Presqu'ile Bay in cooperation with the Lower Trent Region Conservation Authority and/or the MNR through the future implementation of a Shoreline Management Plan. The objectives of the Shoreline Management Plan will identify the waterfront along the Bay as a significant resources and landscape element that should be protected in the long term interests of the Municipality. Council will encourage, whenever possible, public access to the waterfront and the view of the Bay shall be maximized.

Wherever possible, Council will identify the natural attributes and character of river valleys by acquiring and enhancing these lands as part of a linear open space corridor linking various components of the Community. The acquisition of these lands may be acceptable as part of the dedication of land for park purposes under Sections 42, 51 or 52 of the *Planning Act, R.S.O., 1990*.

4.14.11 Source Water Areas

The Municipality draws its municipal water supply for the urban settlement area of Brighton from groundwater sources in the northeast corner of the Spring Valley headwaters area. A Wellhead Protection Area (WPA) has been delineated around these wells extending from the midpoint of Concession III to just beyond the midpoint of Concession IV, and part of Lots 34, 35, 10 and 9 of the former Township of Brighton to protect municipal drinking water supplies and designated vulnerable areas. The designated areas are defined as vulnerable by virtue of their importance as a drinking water source that may be impacted by activities and events. Until such time as the Trent Conservation Coalition and associated Source Protection Planning Committee have developed specific land use policies for wellhead protection zones, the following general policies shall apply.

4.14.11.1 Permitted Uses

No development or site alteration shall occur within a 200 meter fixed radius the municipal WPA.

Open space and conservation uses, including, reforestation and other activities connected with the conservation of soil and wildlife shall be the only permitted uses within a WPA.

Within designated vulnerable areas permitted uses may include a single detached dwelling, conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife, a hunt camp, a public use and a public park, provided Council, in consultation with the conservation authority, is satisfied that the proposed uses does not pose a threat to the integrity of the municipal drinking water supply..

4.14.11.2 Prohibited Uses and Activities

Land uses which pose a threat to the municipal drinking water supplies shall not be permitted on areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events. Prohibited uses include agricultural uses, land application of road salt, de-icers, bio-solids, organic soil conditioners, or septage, an auto wrecker and/or automobile body shop and repair shops, a cemetery or crematorium, dry cleaners and/or Laundromats, a food processing plant, a gas station, a livestock feed lot, logging operations; a manufacturing facility, a marina, a municipal landfill, pits and quarries, portable or pit toilets, a storage facility for fertilizers, manure, road salt, pesticides and herbicides, fuels and hydrocarbons, solvents, or liquid industrial waste, a warehouse and wayside pits and wayside quarries.

4.14.12 Detailed Delineation of Environmental Protection Lands

The boundaries of the Environmental Protection designation are approximate and it is the intent of this Plan that the precise locations will be delineated in the implementing Zoning By-law or at the time of the submission of development applications. Such detailed mapping shall be undertaken in consultation with the local Conservation Authority, Ministry of Natural Resources and other agencies as applicable. In the absence of more detailed mapping, the boundaries of the Environmental Protection designation on Schedule “A” shall be used as a guide in the preparation of the implementing Zoning By-law.

Where it is determined that lands within the Environmental Protection designation are not constrained by natural hazards and do not represent natural heritage features and areas, the development of such lands shall be reviewed on the basis of the adjoining land use designation, the policies of Section 3.9 of this Plan (Protection of Environment), and the general intent and purpose of this Plan. An amendment to Schedule “A” shall not be required to make minor modifications to the Environmental Protection designation provided that the overall intent of the Plan is maintained. The Municipality shall consult with the Conservation Authority and/or the MNR and any other appropriate agency when considering this matter.

4.14.13 Privately Owned Lands

Where any land designated Environmental Protection is under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. In addition, it shall not be construed as implying that such areas are free and open to the general public or that the Municipality or other government agency will purchase the lands.

4.14.14 Application to Re-Designate

An application to re-designate Environmental Protection lands for other purposes may be given due consideration by the Municipality in consultation with the Conservation Authority, the MNR or other public agency. Council shall consider the following matters:

- i) The existing environmental and/or sensitive features;
- ii) The potential impacts of these environmentally sensitive lands;
- iii) The potential impacts on natural features and functions;
- iv) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- v) The compatibility of the proposed use with adjacent/surrounding land use.

There is no municipal or public obligation to re-designate or to purchase any land if there is an existing or potential environmental hazard.

4.14.15 Park Dedication

The Municipality may at its sole discretion, choose to accept lands designated Environmental Protection as part or all of a parkland dedication pursuant to the *Planning Act*. The Municipality may also choose not to accept Environmental Protection lands as part or all of the parkland dedication.

4.14.16 Placing and Removal of Fill

The placing or removal of fill and site alteration are not permitted in lands designated as Environmental Protection, except as specifically permitted by the Conservation Authority in accordance with Regulations.

4.14.17 Zoning By-law Provisions

It is intended that where flood and erosion susceptible lands are designated as Environmental Protection on Schedule “A” the lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

Municipal wellhead protection areas are designated as Environmental Protection on Schedule “A”. The lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

4.15 DEFERRED GROWTH AREAS

The Deferred Growth Area designation applies only to lands within settlement areas for which there are no immediate plans for development.

The Deferred Growth Areas designated on Schedule-”A” are areas that are largely undeveloped or under-developed, primarily for residential use, and are currently serviced by private water and sewage disposal systems.

These areas are intended for long term growth and development on full municipal services in accordance with the staging policies of this Plan, and are not expected for development prior to 2031. It is the general intent of this plan that development within Deferred Growth Areas will only be permitted when warranted by the municipality and when full municipal services are

adequate after the completion of studies satisfactory to the Municipality in accordance with Section 3.4.1 and 3.4.2 of this Plan.

It is recognized that changing circumstances within the Municipality, with respect to supply and availability of land to accommodate residential development, may result the need to provide for development of those areas designated as Deferred Growth Areas', prior to 2031. Where Council for the municipality recognizes that there is a need to revisit the designation of some of those lands within the "Deferred Growth Area" prior to 2031, Council may initiate an amendment to facilitate such development.

4.15.1 Applications for Consent

Division of land through Consent to Sever, for residential purposes within the Deferred Growth Area designation is prohibited as these lands are to be protected for future growth and development. Consents which are required to facilitate the ongoing viability of agricultural uses within those areas designated "Deferred Growth Area" may be permitted, where the Municipality is reasonably satisfied that such changes will not negatively impact future growth and development.

4.15.2 Zoning

Prior to long term urban growth on full municipal services, lands designated as Deferred Growth Areas will be zoned to permit existing uses, and may also be zoned to permit uses of a temporary nature that do not require municipal servicing and generally do not involve buildings or significant structures. Uses such as agriculture, forestry, open space and outdoor recreation will generally be permitted and compatible public uses which do not require municipal water or sewer services will also be permitted.

4.16 SPECIAL DEVELOPMENT AREA NO.1 – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA

The areas delineated as being within Special Development Area No.1 are the lands located between the "1 in 100 year" floodline and the "Regional Storm" floodline on fill and floodline mapping for Butler Creek prepared in 1987 for the LTRCA. For lands designated on Schedule "D" as the SPECIAL DEVELOPMENT AREA NO. 1 – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA, the following provisions shall apply:

- i) The uses permitted within an area delineated as Special Development Area No. 1 shall be those uses permitted within the land use designation indicated, and shall include the erection of new structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant measures specified hereunder.
- ii) The placing or removal of fill of any kind, whether originating on the site or elsewhere or the alteration of any watercourse shall not be permitted within a Special Development Area No. 1 without prior written approval of the LTRCA and the Municipality.
- iii) Prior to the issuance of a building permit, the Municipality shall consult with the LTRCA to assess any proposed or necessary flood damage reduction measures which may include such matters as:
 - a) The design of the structure to withstand hydrostatic forces;
 - b) The strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;
 - c) The elevation of living space and building openings relative to the Regulatory Flood level;
 - d) The location and elevation of electrical and heating equipment relative to the Regulatory Flood level;
 - e) The location, elevation and design of municipal services and public utilities;
 - f) The design of the structure to ensure that the interior ground floor level elevation is as close as possible or above such Regulatory Flood level as is determined;
 - g) Applicable fill and construction regulations; and
 - h) Such other additional flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.
- iv) All new buildings and structures or additions to existing buildings or structures will be protected from flooding to the level of the Regulatory Flood plus freeboard where applicable.

- v) For those lands on Schedule “D” which are designated as Environmental Protection (EP), the policies of Section 4.14 shall apply.

4.16.1.1 Other Matters to be Considered

In reviewing flood protection measures, the LTRCA and the Council of the Municipality of Brighton shall have regard for the nature and characteristics of development on adjacent lands with specific regard for existing doorway and floor elevations and the elevation of abutting streets and or sidewalks and the desirability of maintaining a uniform appearance in building elevations.

Accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the LTRCA and the Municipality.

Where new development is approved within the SPECIAL DEVELOPMENT AREA NO. 1 – BUTLER CREEK TWO ZONE FLOOD PLAIN AREA by means of a registered plan of subdivision or in an area which is subject to Site Plan Control, the Municipality, in conjunction with the LTRCA, may require that the subdivision agreement or such other agreement as may be entered into pursuant to the provisions of Section 51 of *The Planning Act*, as amended, contain provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding. Such warning may take the form of a notice given with all offers of purchase and sale or whatever other appropriate means available as may be determined by the Municipality.

4.16.1.2 Zoning By-law Provisions

It shall be the policy of this Plan that the implementing Zoning By-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, requirements for floodproofing, minimum elevation of any building opening or such other matters as may be determined by the Council of the Municipality in consultation with the LTRCA.

4.17 SPECIAL DEVELOPMENT AREA NO. 2 - MAIN STREET REVITALIZATION AREA

In order to balance economic growth with small town appeal, this Plan provides for commercial conversion of existing buildings along Main Street, while maintaining the charm and character of the area.

SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA is comprised of those lands between Kingsley/Division to the east and Ontario Streets to the west, which are currently in transition from residential to commercial use. The bridge and stream valley provide a natural break between the heritage centre of the town and the rural areas to the west.

It is the intention of this Plan 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. Conversions from residential to commercial uses will only be permitted where the external design and residential character of the building does not change. Converted buildings may accommodate a grouping of individual but similar commercial uses including medical, dental and professional offices, eating establishments, and retail establishments. The development of multiple commercial uses in separate buildings on the same property is not permitted. Conversion of single detached dwellings to multiple-residential uses is permitted within the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA.

4.17.1 Site Plan Control Area

A Site Plan Control Area (SPCA) specific to the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA may be designated by Council for the municipality, to provide for the retention of the existing residential structures, and the sensitive treatment of commercial buildings adjacent to residential uses. The SPCA policies may include requirements for parking to be directed to rear and side yards only, and requirements for maintaining landscaping (lawns, shrubs and trees) which are consistent with a residential area. The policy should also address the potential for construction of new buildings or structures

where such buildings are designed specifically to be architecturally compatible with the existing streetscape. Density provisions may also be included.

In addition, the Municipality's Sign By-law may be amended to include specific provisions for the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA which control the size, illumination and overall design of any signage to eliminate conflicts between commercial and residential uses.

4.18 SPECIAL DEVELOPMENT AREA NO. 3 – PART LOT 34 CONCESSION A

Notwithstanding any policies to the contrary, the future development of the SPECIAL DEVELOPMENT AREA NO. 3, being Part of Lot 34, Concession A, Registered Plan Number 28, is subject to the following policies:

- i) The uses within such areas shall be limited to those permitted in those land use category or categories which lie immediately adjacent to the Special Development Area No. 3 designation;
- ii) Such lands shall be managed in such a fashion as to complement adjacent uses of land and protect such adjacent uses from the adverse effects of erosion;
- iii) No erection of buildings or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted without the written consent of the Conservation Authority having jurisdiction in the area;
- iv) Where new development is proposed on a site, part or all of which is designated as SPECIAL DEVELOPMENT AREA NO. 3, then such land shall not necessarily be acceptable as part of the five percent dedication for open space under the *Planning Act*. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality;
- v) The boundaries of the SPECIAL DEVELOPMENT AREA NO. 3 areas shown on Schedule “A” shall be used as guides for the preparation of zoning by-law provisions which will implement the policies of this Plan. Appropriate building restrictions will be imposed upon all new development in such areas based upon the recommendations of the local Conservation Authority; and,
- vi) Prior to any approvals to development a study to demonstrate that development can be done safely to the satisfaction of the Municipality and the local Conservation Authority.

4.19 SPECIAL DEVELOPMENT AREA NO. 4 – RECHARGE/DISCHARGE AREA

The SPECIAL DEVELOPMENT AREA NO. 4 – GROUNDWATER RECHARGE/DISCHARGE AREA designation applies to areas which have been identified by the Trent Conservation Coalition Source Protection Region as recharge/discharge areas. The policies of the underlying land use designation shall apply to these lands however, the approval of new development or site alteration in accordance with the provisions of Section 5 of this Plan will only be considered by the Municipality after a review of the application by the Municipality's environmental consultant or in consultation with Lower Trent Conservation.

Development or site alteration within a recharge/discharge area may require the support of a hydrogeological evaluation to evaluate the hydrological functions of the area, and implement necessary restrictions on development and site alteration to protect and where possible improve these functions

4.20 SPECIAL DEVELOPMENT AREA NO. 5 – INDUSTRIAL/COMMERCIAL AREA

4.20.1 Purpose

The SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation on Schedule "A" recognizes existing commercial and industrial development and permits minor infilling at the intersection of Highway 401 and County Road 30, which serves as the gateway to the Municipality of Brighton. The development is intended to service the travelling public and provide location for commercial and industrial development which requires or can benefit from direct highway access.

4.20.2 Main Permitted Uses

The SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation on Schedule "A" means that the main permitted uses shall be light industrial uses which require direct highway access such as trucking or warehouse operations, and commercial uses which serve the travelling public including eating, repair and accommodation facilities and all existing and approved highway commercial uses.

Shopping centres shall not be permitted in SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation.

4.20.3 Secondary Permitted Uses

Secondary uses which may be permitted in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation include:

- i) Accessory uses to the permitted uses including office uses, a residential unit for an owner, manager or caretaker and the sale of products produced or handled by the permitted industrial uses; and,
- ii) Limited open storage which is properly screened from adjacent uses and Highways 401 and 30.

4.20.4 New Development

Lands in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation will be zoned only in response to a specific development proposal and the Zoning By-law shall only permit the proposed use, similar uses or minor extensions of such uses. New industrial and commercial uses or extensions of existing industrial and commercial uses in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation shall be subject to the following criteria, an amendment to the Zoning By-law and the policies of Section 7:

- i) Industrial uses shall be "dry industrial operations" which do not use large volumes of water and from which the only waste water discharges are one or more of the following:
- ii) Sanitary sewage from employee washrooms;
- iii) Storm water drainage;
- iv) Location of access points in a manner which will not create a traffic hazard and the appropriateness of such access points shall be determined in consultation with the Ministry of Transportation;
- v) The provision of adequate off-street parking and loading facilities;
- vi) The provision of appropriate buffering and screening adjacent to any sensitive land uses such as but not limited to residential, schools and certain commercial uses;
- vii) The submission of a preliminary engineering report or other appropriate information as determined by Council which establishes the feasibility of providing private water

supply, sewage disposal and storm drainage systems in a manner which will satisfy the Municipality and the Health Unit/Ministry of the Environment;

- viii) The submission of a concept plan illustrating setbacks, building envelope, parking and loading areas and landscaped areas which demonstrates that the site will be developed in a high quality manner appropriate to the "gateway" to the Municipality of Brighton; and,
- ix) Submission of a noise impact and/or vibration study where the proposed use is a potential major noise or vibration source which demonstrates that the proposed development will not produce any adverse noise or vibration effects, or that such adverse effects can be appropriately mitigated.

Any industrial or commercial development in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation, including the expansion of an existing facility, shall generally be subject to site plan approval in accordance with the policies of Section 8.7 of this Plan.

4.20.5 Existing Uses

Existing uses which are not industrial or commercial uses shall be permitted and may expand in accordance with the provisions of the Zoning By-law.

4.21 SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT AREA

The SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT AREA designation on Schedule “A” recognizes the area of the Municipality that is subject to the Waterfront Master Plan.

The SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT designation has been applied to five (5) specific areas within waterfront areas of the Brighton Urban Area. within the SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT, including:

- i) Area A – Gosport Waterfront Area
- ii) Area B - Harbour Street/Ontario Street/Presqu’ile Parkway Boat Launch & Parkette
- iii) Area C - Harbour Street Parkette
- iv) Area D - Price Street East Landing
- v) Area E - Presqu’ile Landing

The following policies are applicable to each of the five waterfront areas designated on Schedule “A” to this Official Plan.

Area A – Gosport Waterfront Area

Commercial development within the Gosport waterfront area shall be in accordance with 4.8.6 – District Commercial – Marine Commercial Areas, of this Plan.

Parks and open space areas, including Hilda Montgomery Park shall be developed in accordance with the policies of Section 3.8 of this Plan. More specifically, the Bay Street West waterfront area may be developed to include landscaping and streetscape features, a brick landing area, boardwalk, seating and lookout areas, naturalized shoreline and open space areas and a communal docking facility.

The municipality will consider future opportunities for public and private partnerships to enable the expansion and redevelopment of the existing municipal marina and adjacent private marina

Area B - Harbour Street/Ontario Street/Presqu’ile Parkway Boat Launch & Parkette

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) public boat launch and staging area

- ii) parking facilities
- iii) naturalized shoreline and open space areas
- iv) timber landing overlook
- v) shade pergola
- vi) trail connections
- vii) public washroom facilities
- viii) fixed picnic table locations.

Area C - Harbour Street Parkette

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) passive neighbourhood park, to include gardens,
- ii) an entrance/gateway
- iii) walkway timber landing and gazebo

Area D - Price Street East Landing

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) public open space to include masonry entry walls,
- ii) parking spaces
- iii) elevated timber overlook
- iv) open space and naturalized shoreline areas.

Area E - Presqu'île Landing

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) restaurant
- ii) marina
- iii) shade pergola,
- iv) landscaping and streetscape features

- v) brick landing area,

4.21.1 Trail Linkages and Connections to Brighton Urban Area

Trail linkages are proposed to increase the accessibility of the waterfront for pedestrians and cyclists. Where proposals for development or redevelopment of lands between the Gosport Master Plan area and the Brighton Urban Area, are brought forward for consideration by Council, opportunities for the development of on and off road cycle paths and walking trails must be identified.

Further, opportunities for multiuse pathways which provide recreation and alternative transportation networks for area residents and visitors should be developed. For the purposes of this section multiuse pathways are those facilities which may be shared by cyclists, in-line skaters, joggers and walkers.

5. **DIVISION OF LAND**

5.1 DETERMINATION OF LAND DIVISION METHOD

5.1.1 Requirements for Plans of Subdivision

Generally all land division in the Municipality of Brighton shall take place by registered plan of subdivision. A plan of subdivision shall normally be required in the following instances:

- i) Where more than three (3) lots are to be created, except for a severance applications in accordance with Sections 5.2.1(vii) and (viii); and/or
- ii) Where a new road or an extension to an existing road is required.

5.1.2 Consent to a Land Severance

Where a plan of subdivision is not necessary for the proper and orderly development of the subject and surrounding lands, land division through the consent process may be considered. In reviewing any application for consent to a land severance, the Consent Granting Authority shall consider the need for a plan of subdivision.

5.2 GUIDELINES FOR LAND SEVERANCE APPROVALS

It shall be a policy of this Plan that the Municipality shall only recommend for approval applications for a consent to a severance that conform to this Plan and particularly the policies set out below. When considering an application for consent to a severance, the Consent Granting Authority shall be guided by the following policies:

5.2.1 General Criteria

- i) Severances which create new lots may only be considered when both the newly created lot and the retained lot front on an assumed public road that is currently maintained on a year-round basis by a public road authority.
- ii) Both the severed and retained lots shall have direct driveway access from a public road. A single shared driveway entrance from a public road may be considered for the purposes of providing direct driveway access for two adjacent lots, subject to the approval of the public road authority.

- iii) The parcel of land to be created by severance and the proposed use shall generally conform to all applicable provisions of the Zoning By-law, save that the consent to sever may be granted on the condition that a Zoning By-law amendment be approved or that the condition may be varied by the Municipality's Committee of Adjustment, where such action is warranted.
- iv) An application for a severance shall have the effect of creating only one (1) new lot in addition to the retained lot. If more than one (1) new lot is created, an additional application shall be required.
- v) In the Brighton Urban Area and the Hamlet designation, the maximum number of residential lots that may be created by consent per land holding shall be three (3) severed lots and one (1) retained lot. Notwithstanding this policy, one additional severed lot (i.e., for a total of four (4) severed lots and one (1) retained lot) may be considered for a land holding where:
 - a) The fourth severed lot will have the effect of building out of the development potential of the property;
 - b) All severed and retained parcels front on an existing, assumed public road; and
 - c) All lots comply with the applicable provisions of the Zoning By-law and the Official Plan.
- vi) In order to provide maximum flexibility for commercial and industrial development in the Core, District Commercial and Industrial, the number of consents granted per land holding in these designations shall not be restricted, and shall be considered on their own merits provided that the consents comply with all applicable provisions of the Zoning By-law and the Official Plan.
- vii) In all other designations, the maximum number of lots that may be created by consent per land holding shall be three (3) severed and one (1) retained lot.
- viii) Lot creation in the Agricultural designation shall only be permitted in accordance with Section 5.2.4 of this Plan. The number of lots that may be created by consent in the Rural designation shall be determined in accordance with the policies of Section 5.2.5 of this Plan.

- ix) For the purposes of Sections 4.2.1(vii), (xiii) and (ix), in all designations except the Rural and Agricultural designations, a land holding is a parcel of land recorded as a separate parcel in the Land Registry Office as of January 1, 2000.
- x) An application for a severance should not be granted where such severance would result in a demand for the premature extension of municipal services, or result in or contribute to a land use pattern of strip development.
- xi) Severances which have the effect of changing boundary lines or which do not create additional new buildable lots may be evaluated on their own merits.
- xii) Consents for easements shall generally be preferred to consent for severance where linear rights-of-way are being created.
- xiii) An application for severance to create a new lot involving merged properties which formerly existed as separate and distinct lots may be permitted, providing such application is accompanied by legal confirmation that prior to merger the lots existed on title as separate deeded parcels and conforms to all applicable policies of this Plan and the Municipality's Zoning By-law. The expectation is that the lot boundary shall follow the original boundary line between the two lots. Notwithstanding the above, this policy shall not apply to lots within the Agricultural designation
- xiv) An application for a severance shall not be granted where the proposed use would contravene the Minimum Distance Separation formula requirements, as amended from time to time.
- xv) Severances shall not be permitted:
 - a) In Provincially Significant Wetlands, including significant coastal wetlands and significant habitat of endangered or threatened species;
 - b) In significant woodlands, significant wildlife habitat, significant valleylands or significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions;
 - c) On lands adjacent to significant woodlands, significant wildlife habitat, significant valleylands, significant areas of natural and scientific interest, significant habitat of endangered and threatened species and significant

wetlands including significant coastal wetland unless the ecological functions of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts in the natural features or their ecological functions; or

- d) In fish habitat except in accordance with provincial and federal requirements.

Notwithstanding the aforementioned policies, severances in the Environmental Protection designation shall not be granted unless sufficient lands are available outside of the sensitive area to accommodate a suitable building envelope. In addition, the Conservation Authority shall be consulted to determine the need for an Environmental Impact Study in accordance with Section 3.9.5 of this Plan.

- xvi) An application for a severance in the Aggregate Resource designation shall be considered in accordance with the policies of Section 4.11 of this Plan.
- xvii) The policies of Section 3.2.4 of this Plan, Development Abutting or in Proximity to Railways, shall apply to a severance application in the vicinity of a railway.
- xviii) In no case shall any lot created by consent be further subdivided by consent of the Consent Granting Authority.
- xix) Conditions of a provisional consent may be required for the following matters and other matters as deemed necessary by the Consent Granting Authority:
 - a) Registration of notices on title in accordance with the policies of this Plan;
 - b) Undertakings for the joining together of lands under the same owner's name;
 - c) Preparation of a plan of survey;
 - d) Provision of appropriate storm water management and other municipal services and infrastructure;
 - e) Dedication of parkland or cash-in-lieu of parkland in accordance with Section 51.1 of the Planning Act;
 - f) Dedication of land for road widening purposes;
 - g) Payment of all applicable development charges and property taxes;

- h) Agreements in accordance with Section 51(26) of the Planning Act;
- i) Fencing where deemed appropriate; and
- j) Compliance with applicable municipal by-laws, for example, the Property Standards By-law.

5.2.2 Severance Policies Applicable for Residential, Commercial, Industrial and Institutional Uses

In addition to the policies of Section 5.0, the following special policies shall apply to severance applications for residential, commercial, industrial and institutional uses:

- i) The creation of new residential lots by consent shall be permitted only in those areas designated as Hamlet, Rural, Shoreline, and within the Brighton Urban Area, in accordance with all applicable policies of this Plan. Residential lot severances shall not be permitted in those areas designated as Agricultural except for those consents permitted by Section 4.2.4(iii) of this Plan.
- ii) The creation of new lots for commercial, industrial or institutional purposes shall only be permitted in designations that permit the proposed use of the lot.
- iii) An application for a severance should not be approved land where access might create a traffic hazard because of limited sight lines on curves or grades. Consideration shall be given to the function of the road in the Transportation policies of this Plan.
- iv) Direct access from County Roads will be discouraged. Where an applicant proposes direct access from a County Road, comments from the County shall be critical in determining whether the consent should be granted. Any such access to County Road must satisfy all applicable provisions of this Plan, in particular Section 7.1.
- v) The size and shape of any parcel of land created by severance should be appropriate for the proposed use and the services available. The creation of a new lot should not be permitted where the effect of the consent is to create a lot or lots of disproportionate depth or width, or an irregular-shaped lot, having regard to the established lot pattern in the vicinity of the proposed new lot.

- vi) An application for a severance to create a new lot should only be considered when it has been determined by the local Health Unit or appropriate agency that soil and drainage conditions are suitable to permit the proper siting of buildings to obtain sufficient potable water and to permit the installation of an adequate means of sewage disposal for both the severed and retained parcels.
- vii) The compatibility of land uses shall be considered in accordance with Section 3.16 of this Plan, “Land Use Compatibility.”

5.2.3 Special Severance Policies for the Brighton Urban Area

In addition to the policies of Sections 5.0, the following special policies shall apply to the Brighton Urban Area as shown on Schedule “A” of this Plan.

- i) Consideration may be given to the granting of consents for new lots provided that it can be demonstrated that the size and location of the new lot(s) will not inhibit growth in the Urban Area nor preclude future access to interior lands for future development.
- ii) Consents for infilling will generally be given preference over lots that have the effect of extending new development.
- iii) Consents may be considered for large severed and retained lots, provided that future development of these large parcels is to proceed by plan of subdivision, and the size and location of the lots will not inhibit growth in the Urban Area.
- iv) Consents for new lots shall be considered having regard to the policies of Section 3.3 of this Plan. New lots shall be serviced by municipal water and sewage services, subject to the availability of uncommitted reserve servicing capacity. A new lot created by consent shall not be serviced by private water and/or sewage disposal services.

5.2.4 Special Severance Policies for the Agricultural Designation

The fragmentation of land holdings within the Agricultural designation shall be discouraged. Notwithstanding any other provision of this Plan, lot creation and lot boundary adjustments in the Agricultural designation may only be permitted for the following purposes:

- i) Agricultural uses, provided that both the severed and retained parcels have a minimum lot area of 36 hectares.
- ii) For the purposes of this policy, “agricultural uses” means the uses that are permitted by Section 4.1.2 of this Plan.
- iii) Agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
- iv) For the purposes of this policy, “agriculture-related uses” means the uses that are permitted by Section 4.1.2.2 of this Plan.
- v) A residence surplus to a farming operation as a result of a farm consolidation provided that the Municipality ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. This may be achieved through a zoning by-law amendment for the remnant parcel or other means that maintain the intent and purpose of this policy.
- vi) For the purposes of this policy, a “residence surplus to a farming operation” means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).
- vii) Infrastructure uses, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- viii) For the purposes of this policy, “infrastructure” means physical structures (facilities and corridors) that form the foundation for development, including sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communication/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines, and associated facilities.
- ix) Lot adjustments for legal or technical reasons.
- x) Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
- xi) Legal or technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

- xii) The creation of a new residential lot in the Agricultural designation shall not be permitted, except in accordance with Section 5.2.4 (iii) or (iv) above.

5.2.5 Special Severance Policies for the Rural Designation

The fragmentation of land holdings within the Rural designation shall generally be discouraged. In addition to the policies of Sections 5.2.1 and 5.2.2, the following special policies shall apply to severance applications in the Rural designation:

- i) Limited rural residential and other rural lot severances (such as hobby farms, small rural commercial and industrial uses, institutional and resource-based activities) may be considered in the Rural designation as shown on Schedule “A” of this Plan subject to the policies of Sections 5.2.1 and 5.2.2 and the following:
 - a) The creation or extension of rural residential strip development shall be discouraged.
 - b) A maximum of three (3) new rural lots per land holding may be considered on a parcel of land recorded as a separate parcel in the Land Registry Office as of January 1, 2001, including lots created on the basis of infilling.
 - c) Lots created by severance shall not be considered for further severance, regardless of the date upon which the lot was created.
 - d) A residential lot severance in the Rural designation may be considered if the effect of such a severance is for residential infilling. For purposes of this section, “infilling” means the creation of a residential lot between two existing non-farm residences which are on separate lots which are situated on the same side of a public street and the non-farm residences are separated by no more than 75 metres.
 - e) The creation of new lots for commercial, industrial or institutional purposes may only be considered where the proposed use is permitted within the Rural designation, and in compliance with the provisions of Section 4.6.4 of this Plan.

- ii) Lot Area:
 - a) A new residential lot created by consent should generally not exceed 0.8 hectares (2 acres) in area except where site conditions require a larger lot size for one or more of the following:
 - to satisfy requirements of the Health Unit or the Ministry of the Environment for lot servicing; or
 - to accommodate existing physical features of the site; or
 - to avoid the creation of an irregular-shaped lot.
 - b) The size of other rural lots shall be appropriate to the size of the proposed uses and the services available.

5.3 POLICIES FOR SUBDIVISION AND CONDOMINIUM APPROVALS

It shall be the policy of the Municipality to only recommend to the Subdivision/Condominium Approval Authority for draft approval a proposed plan of subdivision or condominium that conforms to the policies of this Plan. In considering a proposed plan of subdivision or plan of condominium, the Municipality and the Approval Authority shall be guided by the relevant objectives and policies of this Plan, in addition to the following:

5.3.1 Development Patterns

The development pattern of the proposed subdivision or condominium should mesh with existing development and roads on adjacent lands. To ensure that undeveloped lands adjacent to the proposed subdivision do not become landlocked or difficult to access, the development pattern should make provision for access to such lands if required. Wherever possible, the layout of proposed lots and roads should conform to the topography. The development pattern should also recognize and maintain natural linkages and preserve natural heritage features including individual specimen trees and established vegetative buffers.

5.3.2 Compatibility of Land Uses

The land use designations and policies of this Plan shall be applied to ensure compatibility between the type of development proposed for the subdivision or condominium and the land uses, both existing and future, in the surrounding area.

5.3.3 Provision of Public Services

The Municipality shall ensure that the proposed subdivision or condominium shall be provided with all necessary public services and amenities in accordance with the relevant policies of Section of this Plan.

5.3.3.1 Water Supply and Sewage Disposal

Development shall take place in accordance with the policies of Section 3.4 of this Plan.

5.3.3.2 Protection of Environment

If any part of the proposed subdivision or condominium is located in an environmental sensitive area, the Municipality shall review the proposal in accordance with the policies of Section 3.9 of this Plan.

5.3.3.3 Stormwater Management

A stormwater management plan in accordance with the relevant policies in Section 3.5 shall be required.

5.3.4 Zoning of Proposals

Lands subject to a subdivision or condominium proposal shall be zoned for their intended use as a condition of draft approval.

5.3.5 Minimum Distance Separation Requirements

The Municipality shall ensure that subdivision proposals comply with the provincial Minimum Distance Separation (MDS) requirements, as amended from time to time.

5.3.6 Special Policies for Condominium Developments

New condominium projects may provide additional opportunities for residential and commercial/industrial development, ownership and private equity participation. In this regard, the Municipality will consider new forms of condominium developments under the Condominium Act, 1998, such as vacant land condominiums, having regard to the following matters:

- i) The ownership of common facilities such as access roads, open space and recreation areas, stormwater management systems, water and sewage systems,

and common-use buildings and other facilities, including standards for the design, operation and maintenance of these facilities;

- ii) The provision of services such as garbage collection and snow removal;
- iii) Where applicable, the provision of adequate financial securities to ensure that common facilities and services do not become a financial burden on the Municipality; and
- iv) All applicable policies of this Plan.

5.3.7 Requirements for Plans of Subdivision

Generally all land division in the Municipality of Brighton shall take place by registered plan of subdivision. A plan of subdivision shall normally be required in the following instances:

- i) where more than three (3) lots are to be created; or
- ii) where a new road or an extension to an existing road is required.

The Municipality of Brighton may require that approvals of plans of subdivision include a lapsing date in accordance with Section 51(32) of the Planning Act. If approval of a draft plan of subdivision lapses, the growth management objective of this Plan shall be considered as a key component of the development review process. If a plan of subdivision or part thereof has been registered for eight (8) years or more, and does not meet the growth management objectives of this Plan, the Municipality may use its authority under Section 50(4) of the Planning Act to deem it not to be a registered plan of subdivision.

6. **COMMUNITY IMPROVEMENT**

This plan recognizes that a need exists to upgrade the municipality's physical infrastructure, buildings, recreational facilities and the arrangement of existing land uses, particularly in all of the Hamlets. Furthermore, the Council of the Municipality of Brighton recognizes the need to maintain and rehabilitate the Municipality's physical environment and therefore is committed to ongoing improvement where deficiencies and/or opportunities exist. With this in mind this section contains the Municipality's objectives for community improvement and identifies the areas within the Municipality's selected improvement.

6.1 DEFINITIONS

The following definitions shall apply for the purposes of Section 6 of this Plan:

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

Community Improvement Plan means a plan for the community improvement of a community improvement project area.

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

Rehabilitation includes any efforts that result in the productive re-use lands and/or buildings within the Community Improvement Project Area.

6.2 PLANNING PRINCIPLES

It is a goal of this Plan to encourage the improvement, upgrading and correction of deficiencies in municipal, social and recreational services as well as the improvement of private lands. It is also a goal of this Plan to continue to make the Municipality of Brighton an attractive and safe place in which to live, work and visit, and to maintain and improve the economic base of the municipality through the promotion of jobs, new capital investment and increases in the municipal tax base. As such, Council adopts the following community improvement objectives:

- i) To improve and upgrade the Municipality's environment and, in particular, to address deficiencies with respect to the residential, commercial, industrial, recreational and community facility uses in Hamlets by:
 - a) Upgrading municipal services;
 - b) Increasing the efficiency of the movement of vehicular and pedestrian traffic;
 - c) Minimizing land use conflicts; and
 - d) Enhancing the aesthetic quality of the area.
- ii) To encourage and support efforts by the private sector to maintain and improve existing buildings and structures.
- iii) To undertake community improvement projects in a manner that is fiscally responsible, recognizing the anticipated growth and various functions of the community including its social and economic roles.
- iv) To improve and upgrade municipal facilities and services including those serving institutional, recreational, cultural, and social and community related functions.
- v) To encourage the preservation of the Municipality's heritage buildings and historical resources.
- vi) To enhance the Municipality's ability to accommodate new development and economic growth and to foster a favourable climate for private investment.
- vii) To ensure that buildings and property are maintained to acceptable standards.
- viii) To undertake a monitoring program to review budgeting and program direction in respect to attainment of specific policies.

- ix) To encourage the rehabilitation of environmentally compromised land and/or buildings through appropriate remediation.
- x) To encourage growth within settlement areas through intensification and redevelopment.

6.3 COMMUNITY IMPROVEMENT AREA SELECTION CRITERIA

In selecting and designating Community Improvement Areas pursuant to Section 28 of the *Planning Act*, Council shall have regard for deficiencies related to roads, sidewalks, lighting or other municipal services and residential, commercial, industrial, cultural, community facility and recreational buildings, structures or areas. In more specific terms the selection and designation of community improvement areas shall be undertaken where a number of the following deficiencies or opportunities have been identified:

- i) Roads in need of improvement such as resurfacing and/or reconstruction.
- ii) A need for new or the replacement of existing sidewalks.
- iii) A need for new or the replacement of existing storm water drainage systems and/or a need for improved drainage on particular properties.
- iv) A need for new or the replacement of existing street lighting.
- v) A need for new or the replacement of outdated traffic signals or traffic directional information signs.
- vi) A need for new or the upgrading of existing recreational facilities or lands.
- vii) A need for new or the upgrading of existing institutional and community facilities or lands.
- viii) A need for new or the upgrading of existing cultural and social facilities or lands.
- ix) A deficiency in the amount, variety and/or quality of housing to meet the needs of the Municipality's residents.
- x) A deficiency in off-street and/or on-street parking resulting in traffic hazards and inconvenience.
- xi) A deficiency in the aesthetic or structural quality of streetscapes particularly in existing commercial areas.

- xii) A deficiency in traffic circulation or access.

In addition to the criteria noted above, consideration for the selection and designation of community improvement areas may also be given in circumstances where the following situations have been identified:

- i) Conflicts between existing land uses;
- ii) Environmental problems such as flood susceptibility, noise or odour;
- iii) The presence of lands and/or buildings that may require detailed environmental site assessments or designated substances surveys and the implementation of appropriate and necessary remediation;
- iv) Man made hazards such as level crossings, abandoned buildings, etc.; and
- v) In the case of vacant or under-used lots or blocks with good potential for development or redevelopment.

6.4 COMMUNITY IMPROVEMENT AREAS

The whole of the Municipality of Brighton is identified as a Community Improvement Area. It is the intent of this Plan that community improvement projects be undertaken as needed. However, prior to approving any improvement plans, Council must be satisfied that it can reasonably finance and afford the Municipality's share of any costs. Schedule "E" identifies certain areas within the rural portion of the Municipality which have been identified previously as Community Improvement Areas "A – F". The Municipality may consider further adjustments to these areas and may identify Community Improvement Project Areas within the Brighton Urban Area by means of the passage of a By-law under Section 28 (2) of the *Planning Act*, RSO 1990 as amended, delineating CIP Project Areas. Adoption of a Community Improvement Plan for a Project Area will require the passage of a further By-law under Section 29(5), of the *Planning Act*, RSO 1990 as amended.

6.5 PHASING OF COMMUNITY IMPROVEMENT

It is the intent of this Plan that improvements be undertaken when funding is available.

6.6 IMPLEMENTATION

In implementing this Plan's community improvement goals and objectives, Council may:

- i) Designate by By-law, any part of the Municipality of Brighton as a Community Improvement Project Area(s) on the basis of the criteria outlined in Sections 6(3) and 6(4);
- ii) Use whatever public funding is available from federal or provincial government agencies, including that available through the *Ontario Heritage Act*;
- iii) Incorporate any other relevant municipal programs into the Community Improvement Plan;
- iv) Encourage the participation of the private sector in the implementation of the Community Improvement Plan, and encourage private initiatives regarding the rehabilitation, redevelopment, conversion and environmental remediation of lands and/or buildings and where appropriate, support infill development and redevelopment;
- v) Support and encourage the participation of local community groups, service clubs, ratepayer associations and other public organizations in the implementation of the Community Improvement Plan;
- vi) Improve, acquire or dispose of land and/or buildings in a designated area in accordance with the Community Improvement Plan;
- vii) Develop and enforce a maintenance and occupancy standards by-law pursuant to the provisions of Section 15.1 of the *Building Code Act* and Section 10.9 of this Plan;
- viii) Undertake the preparation of Community Improvement Plans and the development of community improvement programs pursuant to Section 28 of the *Planning Act*, and
- ix) Consult with the Conservation Authority in circumstances involving natural hazards (flooding, erosion and dynamic beaches), natural heritage, water quality and quantity, and stormwater management.

7. **TRANSPORTATION POLICIES**

The transportation policies of this Plan are concerned primarily with the road network, since travel by means of private vehicle is the predominant means of moving goods and people within the Municipality of Brighton.

Bicycling is recognized as an alternative mode of transportation, which can play a positive role in improving mobility and quality of life as part of a balanced transportation system.

7.1 **TRANSPORTATION PLAN**

The Transportation Plan, forming Schedule “C” of this Plan, is based on the interrelationship of land use and transportation. The road pattern is designated to facilitate a satisfactory and efficient movement of both people and goods to and from the various land use areas within the Municipality, as well as through traffic movement.

The existing and proposed roads for the Municipality are classified on Schedule “C” according to their ultimate function. Where additional land is required for widening and extensions, such land shall be obtained, wherever possible, in the course of approving applications for development under the *Planning Act*.

Reintroduce the section speaking to area around the grade separation areas.

7.1.1 **General Principles**

The road network is designed to facilitate a satisfactory movement of both people and goods to and from the various land use areas within the Municipality, as well as through traffic movement. Accordingly, the road network is classified by function to facilitate the planning and implementation of road improvements, maintenance and operation.

The road alignments delineated on Schedule "A" generally follow the existing rights-of-way. The location of the alignments of future proposed roads is approximate and subject to detailed engineering design studies.

7.1.2 Policies

a. Council will integrate the planning of the road network under its jurisdiction with the existing and proposed network of roads under the jurisdiction of the Province of Ontario and the County of Northumberland which serve the Municipality.

b. It shall be the policy of this Plan that the roads within the Town of Brighton are classified according to their predominant function having regard for jurisdiction. The functional classifications are described as follows:

i) Arterial Roads

Arterial roads are existing roads designed to facilitate the inter-area or through movement of medium volumes of traffic on 2 to 4 traffic lanes and provide limited land access to abutting properties. The minimum right-of-way width will vary from 26 metres to 36 metres.

ii) Collector Roads

Collector roads shall provide for the movement of local traffic to arterial roads or for the distribution of traffic to local roads, as well as provide access to abutting properties. The minimum right-of-way width shall be 20 to 30 metres with on-street parking restriction.

iii) Local Roads

Local streets are roads of two traffic lanes which provide access to abutting properties and which are designed to facilitate predominantly local traffic movements at low operating speeds. The design right-of-way width is 20 metres; however, alternative standards may be acceptable.

c. Council will require as a condition of the approval of any new development or redevelopment that sufficient lands are conveyed to the appropriate road authority to provide for a road right-of-way width in accordance with the functional classification as

set forth on Schedule "A" and the corresponding design right-of-way width set forth under Section 7.1.2.b) hereof.

- d. Council in considering development or redevelopment proposals adjacent arterial or collector roads shall require, as a condition of approval, appropriate setbacks, buffering, servicing and landscaping so as to reduce the negative effects of such roads on adjacent residential development. Where feasible and desirable, reverse frontage lots for residential development shall be encouraged adjacent to Arterial Roads. Council will consult with the County of Northumberland and the Ministry of Transportation and Communications in determining appropriate setback requirements.
- e. It shall be the policy of this Plan that Council will not assume or dedicate any roads which do not meet the minimum acceptable standards of the Municipality.

7.1.3 Pattern

The road pattern as shown on Schedule "C" is based on the establishment of a hierarchy of roads established in accordance with the principles set out in the following subsections.

The overall road pattern should be in harmony with the proposed road pattern of the adjoining municipalities, the County road system and the provincial highway system.

7.1.4 Public and Private Parking

7.1.4.1 General Principle

This Plan recognizes the importance of public and private parking facilities and further intends that adequate public and private parking be provided to serve the needs of the Town and thereby, ensure the efficient movement of through traffic.

7.1.4.2 Policies

- a. Council will maintain and enhance the supply of short term parking within the Core Area.

- b. Council will require, as a condition of development or redevelopment, that adequate off-street parking and loading facilities be provided and further that ingress and egress to the areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on Arterial or Collector Roads.
- c. Council will discourage, where appropriate, on-street parking on Arterial and Collector Roads to facilitate the efficient movement of traffic, and, shall encourage replacement of such on-street parking with sufficient off-street parking areas.
- d. Where necessary and feasible, off-street parking, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All parking areas will be suitably surfaced and be appropriately illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby.
- e. Council shall consider the acquisition of lands in appropriate locations for the provision of off-street parking within the Core Area where parking and/or loading problems exist.
- f. Council may at its discretion, enter into an agreement with the owner or operator of a building within the Core Area to provide for the payment of cash-in-lieu of all or part of the zoning Bylaw requirements pertaining to the provision of off-street parking in accordance with the Planning Act.

7.1.5 Alternative Modes of Transportation

7.1.5.1 General Policies

It is the intent of this Plan to encourage the development of a transportation system for alternative modes of transportation (i.e. pedestrian and bicycle) which links the various activity and open space nodes throughout the community.

7.1.5.2 Policies

- a. Council will encourage the development of a "link-node" system which will link major pedestrian destinations such as schools, parks and commercial areas by a system of pedestrian paths, sidewalks and bicycle routes.
- b. The Pedestrian and Bicycle Path network shall be designed and developed in such a manner as to provide for safe, and wherever possible, unobstructed pedestrian walkways and bicycle paths. Such facilities will be designed in a manner which minimizes the potential for conflict between other modes of transportation and the bicycle and pedestrian routes.
- c. Where possible, the pedestrian and bicycle path network will be integrated with natural amenities such as streams and valleys, public parkland and open space areas.
- d. Council shall, in co-operation with the appropriate agencies, investigate the opportunities for the development of pedestrian and bicycle paths along the road rights-of-way and watercourses.
- e. It shall further be the policy of this Plan that the pedestrian and bicycle path network is considered to represent part of the transportation system and, wherever appropriate, such lands shall be dedicated as public rights-of-way. Council, in the review and consideration of development and/or redevelopment proposals, shall require the dedication of lands to be developed as part of the pedestrian and bicycle path network.

8. **IMPLEMENTATION**

8.1 **PRESCRIBED INFORMATION**

In accordance with Section 22 of the *Planning Act*, the Council of the Municipality may require a person or public body requesting an amendment to the Official Plan, to supply additional information and materials in support of their application. Failure to provide the prescribed information (Section 22(4) and other information that the Council considers it may need (Section 22(5), will result in the Municipality refusing the application submitted on the basis that it does not meet the requirements of Schedule 1 of the applicable Regulation (O. Reg. 543/06) for a 'complete application'.

Without limiting the foregoing, the Municipality of Brighton may require any or all of the following material and information:

- i) Planning Justification Report, including discussion of consistency with Provincial legislation and municipal planning documents including anticipated density;
- ii) Traffic Impact Study;
- iii) Archaeological Assessment;
- iv) Servicing Options Report;
- v) Environmental Impact Study;
- vi) Hydrogeologic Assessment;
- vii) Stormwater Management Report; and,
- viii) Heritage Impact Assessment.

8.2 PUBLIC OPEN HOUSE

It is a policy of this Plan that public participation be an integral component of any land use planning process. On this basis, Public Open Houses shall be required for major municipally-initiated planning programs and studies, such as Secondary Plans and Zoning By-law reviews.

Notification to the residents of the Municipality of Public Open Houses shall be given in accordance with the procedures of the Planning Act.

8.3 NOTICE OF PUBLIC MEETING AND NOTICE OF PUBLIC OPEN HOUSE

Notices for public meetings shall include the statement advising members of the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Brighton before the proposed official plan or official plan amendment is adopted by the Council of the Municipality of Brighton, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Brighton to the Ontario Municipal Board. The notice shall also explain the fact that such a person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

8.4 ZONING BY-LAWS

This Plan shall be implemented by means of the powers conferred upon Council and other public agencies by the *Planning Act*, the *Municipal Act*, and such other statutes as may be applicable. In particular, this Plan shall be implemented by Zoning By-laws, by-laws pursuant to the *Municipal Act*, the construction of public works, and land acquisitions.

Where any Act or portion of an Act is referred to in the Plan, such reference shall be interpreted to refer to any subsequent renumbering of Sections in the Act and/or changes in the date of the Act.

8.4.1 Zoning By-law Review

The Municipality shall enact and maintain a comprehensive Zoning By-law under Section 34 of the *Planning Act* to implement the policies of this Plan. The By-law shall make provision for adequate development standards and establish specific zones and permitted uses that reflect

the policies and designations of this Plan. Within each designation separate zones may be established to ensure that compatible uses will be appropriately grouped. The comprehensive Zoning By-law may be amended as appropriate to recognize future conditions and changes in land use.

8.4.2 Zoning of Conforming Land Uses

Existing land uses that conform to the land use designations shown on Schedule “A” hereto shall be zoned in accordance with the zoning policies of this Plan, which pertain to each land use designation.

8.4.3 Zoning of Non-Conforming Land Uses

Existing land uses which do not conform to the land use designations shown on Schedule “A” hereto may be recognized in implementing Zoning By-laws, but the zoning on such lands shall not be further amended except in conformance with this Plan.

8.4.4 Zoning of Undeveloped Lands

It is not the intention of Council to zone all lands immediately to conform to the land use designations shown on Schedule “A”. Any undeveloped lands in the Hamlet, Resource-based Recreation, Industrial, and Aggregate Resource may be zoned in accordance with the policies of this plan which pertain to each land use designation, when:

- i) Council has made a previous commitment, such as land severance, subdivision agreement and/or development agreement;
- ii) Council wishes to permit infilling and minor extensions of the existing development patterns in the Hamlet and Resource-based Recreation areas; or
- iii) Council wishes to encourage in the Industrial areas the establishment of the desired land uses provided that the development of such lands can be made subject to a land severance, or subdivision agreement and/or development agreement.

All other undeveloped lands in Hamlet, Resource-based Recreation, Industrial and Aggregate Resource shall be placed in a development or rural zoning category to delay their development until Council approves and appropriate development application for such lands.

8.4.5 Development Staging

The Municipality will encourage the phasing of development, in accordance with the policies of Section 3.3 of this Plan, to ensure orderly, well-planned development.

The Municipality may require that development within an appropriate land use designation be phased in accordance with the servicing capabilities of the site and the perceived demand for residential lots or units. Substantial completion of development in one phase shall take place before progressive extensions to subsequent phases will be permitted.

8.5 HOLDING PROVISIONS

8.5.1 General

The Municipality's Zoning By-law may include the use of Holding provisions in accordance with Section 36 of the *Planning Act*. Lands subject to a Holding provision shall be identified by a zone symbol followed by a dash and an "H" (for example, "RU-H").

Land zoned with a Holding symbol ("H") in conjunction with a general or special zone classification will only be applied to land for which the ultimate use has been determined, but where specific conditions for the use or development of the land must be satisfied. In many cases the "H" symbol will be applied to ensure that appropriate municipal services are available. The "H" symbol may be removed in accordance with the provisions of Section 36 of the *Planning Act* at such time as the specific conditions for the Holding provision have been satisfied.

8.5.2 Specific

It shall be a policy of this Plan that Council will generally implement a Holding ("H") symbol within the Zoning By-law where Council is satisfied that municipal services are readily available or can be reasonably extended or upgraded, and that the orderly, logical and timely sequence of development of the land, including the provision, extension or upgrading of municipal services, can be ensured through the execution of a Subdivision/Condominium Agreement or Site Plan Agreement.

Until the Holding symbol “H” is removed, the Zoning By-law shall restrict the use of the land to existing uses, together with ancillary, incidental and subordinate accessory buildings, structures and uses.

The Council may remove the Holding symbol “H” by an amendment to the Zoning By-law under the authority of Section 36 of the *Planning Act*, as amended, when Council is satisfied that the development timing and sequence is appropriate, that such development is in conformity with this Plan, and in compliance with the following conditions:

- i) Development Approval - That a development proposal for the subject lands has been first approved, where necessary, by all relevant Municipal, County and Provincial Government bodies;
- ii) Agreements - That all necessary agreements have been first entered into with the Municipality and, where necessary, the County, so that all provisions of this Plan and all relevant By-laws of the Municipality have been complied with, and that all requirements respecting the provision of roads, installation of services and drainage have been met.

8.6 OTHER BY-LAWS

8.6.1 Existing By-laws

Existing Municipality by-laws governing matters such as tent and trailer parks, the use of trailers, mobile home parks and salvage shops shall be reviewed to ensure conformity with this Plan.

The Municipality shall review existing legislation pursuant to the *Municipal Act* and other relevant Provincial statutes governing such uses such as waste disposal sites, automobile wrecking yards and signs and, where necessary, pass new by-laws as may be required to ensure that such uses are properly regulated and controlled.

8.7 SITE PLAN CONTROL

In accordance with Section 41 of the *Planning Act*, all lands within the Corporation of the Municipality of Brighton are hereby designated as a Site Plan Control Area.

8.7.1 Designating By-law

It shall be the policy of this Official Plan that the Council shall enact a by-law in accordance with Section 41(13) of the *Planning Act*, which by-law shall define the class or classes of development that may be exempted for the provisions of Section 41 of the *Planning Act*.

8.7.2 Exempted Uses

The Site Plan Control By-law passed in accordance with Section 41(13) may exempt the following forms of development from the provisions of Section 41 of the *Planning Act*.

- i) Low density residential housing such as a single detached dwelling, duplex or semi-detached dwelling including a home occupation.
- ii) Farm buildings and structures save and except for buildings and structures associated with large scale livestock operations, as defined in the By-law; and commercial buildings and structures used for the sale of agricultural goods or agricultural related goods and services that are made available to the general public at the site.
- iii) All structures and buildings accessory to and incidental to the above uses including renovations and minor extensions thereto.

8.8 CONSENT GRANTING AUTHORITY & COMMITTEE OF ADJUSTMENT

The Consent Granting Authority shall be guided by the policies of this Plan, especially Section 5, the general intent and purpose of this Plan, and implementing Zoning By-laws in making decisions pursuant to Section 53 of the *Planning Act*. The Committee of Adjustment shall also have regard to the provisions of this Plan in making decisions pursuant to Section 45 of the *Planning Act*.

8.9 PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS

It is intended that the construction of public works and the public acquisition of land within the Municipality shall be carried out in accordance with the policies of this Plan.

8.9.1 Municipal Road Widening

It shall be the policy of this Official Plan that road widening may be required along any portion of a Municipal Road, where the right-of-way contains less than the minimum right-of-way width contained in Section 9.3.3 of the Plan.

In the case of new development or re-development, lands may be required for road widening purposes. The maximum dedication which may be required for a road widening as a condition of site plan approval shall be 5 metres, or the amount necessary to provide the proposed right-of-way width, whichever is less. In addition, at the intersection of a local road and a County Road or Provincial Highway, the Municipality may require as road widening an area having a maximum radius of 10 metres. There is no requirement for compensation to be given by the municipality for lands required for a road widening as a condition of site plan control.

8.9.2 Conservation Authority Approvals for Development and Site Alteration

Development and site alteration are not permitted in lands regulated by Lower Trent Conservation, except as specifically permitted by the Conservation Authority in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation issues under the Conservation Authorities Act.

8.10 MAINTENANCE AND OCCUPANCY STANDARDS

8.10.1 Property Standards By-law

Council may enact a By-law pursuant to the provisions of Section 15.1 of the *Building Code Act*, setting forth the minimum standards for the maintenance and occupancy or use of such property that does not conform to the standards established thereunder. The By-law shall contain provisions for requiring property which does not conform to be repaired and maintained in accordance with the prescribed standards, or for the site to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition. In addition, the Council of the Municipality of Brighton shall appoint a property standards committee responsible for the administration and enforcement of the said Property Standards By-law.

Regard shall be had for the following matters in the enactment of the Property Standards By-law:

- i) The physical conditions of yards and passageways including the accumulation of debris and rubbish;
- ii) The adequacy of sanitation including drainage, waste disposal and garbage;
- iii) The physical condition of all buildings or dwellings with particular regard to such matters as structural standards and appearance; adequacy of heat, light and ventilation; condition of stairs; interior wall, ceilings and floors, and plumbing facilities and appurtenances; adequacy of electrical services, fire protection, safety and warning devices; and,
- iv) The physical condition of accessory buildings and property.

8.10.2 Clean and Clear Yards By-Law

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.

8.11 HERITAGE, ARCHAEOLOGICAL AND EARTH LIFE SCIENCES

In the absence of detailed heritage, archaeological, and earth life sciences studies in the Municipality, Council may consult with the Ministry of Culture, the Conservation Authority and the MNR to ensure that archaeological and heritage features and Areas of Natural and Scientific Interest, respectively, are preserved to the extent possible when considering applications for major expansion or new development.

8.12 REVIEW OF THE PLAN

It is intended that, in accordance with the provisions of Section 26 of the *Planning Act*, this Plan shall be reviewed every five years or earlier should changing technical, physical, social or economic conditions warrant. In undertaking such a review Council shall have regard for the purpose and scope of the Plan, the general principles established hereunder, the land use and transportation policies, and changes which may occur in the planning legislation and policies established by the Province of Ontario.

8.12.1 Open Houses

If the Plan is being reviewed under Section 26, the Council will ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the supporting information and material, including a copy of the proposed plan, and made available through the public consultation. The Public Open House will be held no later than 7 days before the Statutory Public Meeting.

8.12.2 Notification to Agencies And Ratepayers

Council will provide notification for amendments to the Municipality of Brighton Official Plan and implementing Zoning By-laws in accordance with the provisions of the *Planning Act*.

8.13 TECHNICAL AMENDMENTS

The Municipality may forego public notification and public meeting(s) in connection with technical Official Plan or Zoning By-law amendments if such amendments do not affect the provisions and intent of the Official Plan or Zoning By-law as previously enacted. A technical amendment may involve the following:

- i) Altering the number or arrangement of any provision;
- ii) Correcting punctuation or altering language to obtain a uniform mode of expression;
- iii) Correcting clerical, grammatical or typographical errors; and
- iv) Changing the format.

8.14 AMENDMENTS TO THE OFFICIAL PLAN

The Council recognizes that any unexpected or unusual growth or development proposal might create a need for modification and adjustment of the planning programme. An amendment to the Official Plan shall be required for developments that do not generally conform to the Schedule “A” – the Land Use Plan and/or the policies of this Official Plan.

Except for amendments initiated and justified by the municipality to expand the scope of this Plan, it is not intended to amend this Plan unless substantial evidence can be presented which will justify such an amendment.

8.14.1 Consideration of Amendment

Should changing conditions necessitate the need for an amendment to this Official Plan in accordance with Section 21 of the *Planning Act*, R.S.O., 1990, as amended, the following procedure shall be followed to ensure that an amendment is required and the general public received adequate notification.

8.14.2 Site Specific Amendments

An amendment to Schedule “A” is required to permit the establishment of areas for uses other than those permitted in the area as shown on Schedule “A”. In considering an amendment to Schedule “A” the Council shall have due regard to the following matters, which are in addition to those specified in other sections of this Plan.

The municipality shall review the following criteria when considering an amendment:

- i) The need for the proposed use;
- ii) the alternative locations for the proposed use;
- iii) Compatibility of the use with surrounding uses;
- iv) Vehicular and pedestrian access;
- v) Services required by the proposed use, in particular the adequacy of water and the ability to dispose of sewage;
- vi) Site suitability for the proposed use, in particular the size and physical suitability of the site;
- vii) Drainage shall be reviewed to ensure that the site will not be subject to flooding and will not create flooding or nuisance drainage on subject properties;
- viii) Financial impact on the municipality;
- ix) Impact on resources including: agricultural lands, aesthetic views from major public routes, groundwater supplies, wildlife resources, heritage resources and forestry resources; andm
- x) Consistency with the PPS, 2005 and conformity with Provincial Plans.

8.14.3 Need

Where an amendment is proposed to permit a resource-based recreational rural residential subdivision or plan of condominium, justification for the development will be required to include an assessment of the demand and need for the proposed new lots at the proposed location. This justification should also include, among other things, matters related to the assessment of impacts of the development on the extension of school bus routes, the need to improve connecting roads, proximity to park and community facilities, and police and fire coverage. A proposal to expand the Industrial or Highway Commercial designations shall be assessed in terms of need and justification for expanding the designation to accommodate development, and shall be in accordance with the applicable policies of this Plan.

8.14.4 Existing Development

Council shall consider the extent to which the existing areas in the proposed land use designation are developed, and the nature and adequacy of such existing developments, when considering proposed amendments to this Plan. Depending on the type of development proposed, the proponent of a subdivision proposal shall provide, to the satisfaction of Council, sufficient information to justify the proposal. In addition to the matters set out in Section 8.14.3, the justification should include, among other things, the number of vacant lots in registered plans of subdivision, the availability of future lots in draft approved plans of subdivision, the number of vacant lots of record and/or amount of land designated for the proposed use. Council must be satisfied that sufficient information has been provided indicating that the proposal is appropriate for the site, and that an assessment of the proposal has been provided indicating that demand and need exists for the development.

8.14.5 Physical Suitability

Council shall consider the physical suitability of the area to sustain the proposed use.

8.14.6 Long Term Impact

The impact of the proposal on the long term uses of resources such as prime agricultural lands and aggregate resources, including consideration of compatibility of uses and compliance with the Minimum Distance Separation formula requirements.

8.14.7 Location

Council shall review the location of the subject lands with respect to:

- i) The adequacy of the existing and proposed road system in relation to the development of the proposed use;
- ii) The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto; and
- iii) The adequacy of the potable water supply, sewage disposal facilities and other municipal services.

8.14.8 Compatibility

Council shall review the compatibility of the proposed use with uses in adjoining areas including a review of methods to minimize any possible depreciating or deteriorating effects on adjoining properties.

8.14.9 Financial Implications

Council shall consider the potential effect of the proposed use on the financial position of the municipality, and the safeguarding of future options for the Municipality.

8.14.10 Natural Heritage Features and Areas

Council shall consider the potential impact of the proposed use on natural heritage features and areas, such as wetlands, fish habitat, significant wildlife habitat, Areas of Natural and Scientific Interest, significant woodlands and significant valleylands, and the significant habitat of endangered species and threatened species.

8.14.11 Background Studies

Council may require background studies regarding water and sewage servicing, stormwater management, the assessment of possible negative impacts on the diversity and connectivity of natural heritage systems, adequacy of the road network to absorb changes in traffic flow and volume, archaeological and cultural heritage resources, floodplain delineation, determination of erosion susceptibility, and any other matter that Council considers necessary to support an amendment to this Plan.

8.14.12 Natural Hazards

The proposed use shall not be located in an area of natural hazards (e.g., flooding, erosion, and dynamic beaches).

8.15 CHANGES TO AGENCY NAMES, RESPONSIBILITIES AND LEGISLATION

8.15.1 Agency Names and Responsibility

From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from one ministry to another. The names of various ministries responsible for programs, regulations, and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change of name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

8.15.2 Legislation

Provincial and Federal Statutes are amended and legislation section numbers may change. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to subsequent legislation as amended from time to time.

8.15.3 Amendment to the Plan

From time to time, Provincial legislation may be replaced by new legislation bearing a new name or identifying number. It is not intended to amend this Plan each time an Act is re-named, replaced or when new consolidations of the statutes are issued. Rather, this Plan shall be interpreted so as to refer to Legislation as amended, revised or replaced from time to time and to renumbered sections, as conditions dictate.

The changes mentioned in the previous paragraph may be incorporated into the Plan as appropriate, without need of public notice or meeting.

8.16 BOUNDARIES

Except as otherwise set out in this Plan, it is intended that the boundaries of the land use designations shown on Schedule “A” shall be considered as approximate, except where bounded by major roads, railways, water bodies or other obvious geographical features.

It is intended that the location of existing or proposed roads as indicated on Schedule “B” shall be considered as approximate and not absolute.

Amendments to this Plan will not be required in order to make minor adjustments to the approximate land use designation boundaries, the location of proposed roads, or areas shown on Schedule “A” and Schedule “B”, provided the general intent of the Official Plan is preserved. Such minor adjustments will not necessarily be reflected on Schedule “A” and Schedule “B”.

8.17 QUANTITIES

It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to this Plan will not be required for any minor variance from any of the indicated figures or quantities.

8.18 TERMINOLOGY AND DEFINITIONS

A word or phrase used in this Plan shall be interpreted according to and in the following priority:

- i) A specific definition contained in this Plan; or
- ii) A definition or term contained in the Planning Act, R.S.O. 1990, c. P.13; as amended, or
- iii) A definition or term contained in the Provincial Policy Statement (2005) issued under the authority of Section 3 of the Planning Act; or
- iv) A definition or term referenced in another document as specifically cited in this Plan; or
- v) Plain and ordinary meaning in the context that is used in this Plan.