

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'île 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.