

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.