

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: