

4. **LAND USE POLICIES**

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

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

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

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

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

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

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

#### **4.1 AGRICULTURE**

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

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

#### 4.1.1 Definition of Prime Agricultural Areas

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

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

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

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

#### 4.1.2 Permitted Uses

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

#### **4.1.2.1 Agricultural Uses**

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

#### **4.1.2.2 Agriculture-Related Uses**

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

#### **4.1.2.3 Agri-Businesses**

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

#### **4.1.2.4 Farm Related Residential Uses**

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

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

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

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

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

#### **4.1.2.6 Secondary Farm Uses**

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

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

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

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

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

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

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

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

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

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

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

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

#### **4.1.3 Minimum Distance Separation Formulae**

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

#### **4.1.4 Applications for Severances Permitted by Consent**

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

#### **4.1.5 Re-designation of Agricultural Lands**

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

### **4.2 RURAL**

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

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

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

#### **4.2.1 Agricultural Uses**

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

#### **4.2.2 Limited Non-farm Residential Development**

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

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

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

#### **4.2.3 Rural Commercial and Industrial Uses**

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

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



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

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

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

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

#### **4.2.3.1 Small Scale Rural Commercial Uses**

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

#### **4.2.3.2 Conservation, Forestry, and Recreational Uses**

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

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

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

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

#### **4.2.3.3 *Minimum Distance Separation (MDS) Formulae***

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

#### **4.2.3.4 *Zoning***

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

#### **4.2.4 *Special Rural Areas***

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

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

##### **4.2.4.2 *Special Rural Area Two (McQuoids Chiropractic)***

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

##### **4.2.4.3 *Special Rural Area Three (Elemental Embrace)***

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

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

**4.2.4.4 Special Rural Area Four (Smithfield Indoor Storage)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**4.3 RESIDENTIAL - LOW DENSITY URBAN**

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

**4.3.1 Policies**

Various forms of housing will not be intermixed indiscriminately. Housing types will be arranged in a gradation so that medium density developments will complement those of lower density,

with sufficient spacing to ensure compatibility, while maintaining privacy and the amenity value of low density areas.

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

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

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

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

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

#### **4.3.2 Redevelopment, Infilling and Intensification Plans**

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

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

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

In reviewing redevelopment or infilling or intensification plans, Council will ensure that the character of the residential area will be maintained or enhanced and that such redevelopment will not burden existing facilities and services.

Residential development in older, established residential areas of heritage value is encouraged to employ designs which maintain and reinforce the character of the area. This includes having regard to the existing scale and pattern of development and the existing streetscape qualities so as not to adversely impact upon heritage resources.

#### **4.3.3 Lands within 300 metres of Lake Ontario**

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

#### **4.3.4 Zoning By-law Provisions**

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

#### **4.4 RESIDENTIAL - MEDIUM DENSITY URBAN**

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

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

A blend of housing types that includes lower density single detached dwellings and medium density uses within a single development is encouraged provided the development contributes to the Municipality achieving density targets described in Section 3.1. Housing types will be arranged in a gradation so that medium density developments will complement those of lower density, with sufficient spacing to ensure compatibility, while maintaining privacy and the amenity value of lower density areas.

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

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

#### **4.4.1 Location Factors**

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

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

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



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

#### **4.4.2 Infilling, Intensification and Redevelopment**

In reviewing redevelopment or infilling or intensification plans, Council will ensure that the character of the residential area will be maintained or enhanced and that such redevelopment will not burden existing facilities and services. In order to encourage the enhancement and preservation of existing housing stock and address demands for rental accommodation, the conversion of existing single unit residential dwellings to two, three, or four unit residential dwellings may be provided:

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

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

#### **4.4.3 Heritage Buildings and Resources**

Residential development in older, established residential areas of heritage value will be encouraged to employ designs which maintain and reinforce the character of the area. This includes having regard to the existing scale and pattern of development and the existing streetscape qualities so as not to adversely impact upon heritage resources. Reference should also be made to Section 4.18 of this Plan concerning the conversion of existing residential dwellings within the Core for Commercial Use.

#### **4.4.4 Lands within 300 metres of Lake Ontario**

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

#### **4.4.5 Zoning By-law Provisions**

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

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

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

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

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

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

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

#### **4.4.7 Zoning**

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

### **4.5 SHORELINE RESIDENTIAL AREA**

#### **4.5.1 Purpose**

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

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

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

#### **4.5.2 Main Permitted Uses**

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

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

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

#### **4.5.3 Limited Service Shoreline**

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

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

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

#### **4.5.4 Secondary Permitted Uses**

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

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

#### **4.5.5 Residential Plans of Subdivision**

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

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

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

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

#### **4.5.6 Additional Shoreline Development Design Requirements**

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

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

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

**4.5.6.1 Conversions of Seasonal Dwellings to Permanent Dwellings**

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

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

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

#### **4.5.6.2 Zoning By-law Provisions**

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

#### **4.5.7 Development on Private Roads Not Permitted**

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

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

#### **4.5.8 Zoning By-law Provisions**

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

#### **4.6 HAMLET**

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



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

#### **4.6.1 Permitted Uses**

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

#### **4.6.2 Criteria for New Development**

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

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

New development in Hamlets should:

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

#### **4.6.3 Plans of Subdivision and Plans of Condominium**

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

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

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

#### **4.6.4 Rural Commercial and Industrial Uses**

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

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

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

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

##### ***4.6.4.1 Location of Commercial and Industrial Uses within Hamlets***

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

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

#### **4.6.5 Changes to Hamlet Boundaries**

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

##### **4.6.5.1 Zoning**

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

#### **4.7 CORE**

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

##### **4.7.1 Representative Uses**

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

Limited residential development shall be permitted in conjunction with the permitted commercial forms of development or separately having regard for the location, scale and design of such residential development so that it will complement and reinforce the function of the Core.

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

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

#### **4.7.2 Policies for Development, Redevelopment and Intensification**

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

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

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

#### **4.7.3 Zoning**

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

## **4.8 DISTRICT COMMERCIAL**

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

### **4.8.1 Permitted Uses**

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

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

### **4.8.2 Policies**

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

### **4.8.3 Policies for Development, Redevelopment and Intensification**

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

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

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

#### **4.8.3.1 *Transportation Impact Study***

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

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

#### **4.8.3.2 Retail Market Analysis**

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

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

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

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



#### **4.8.4 Location**

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

#### **4.8.5 Establishment of New District Commercial Areas**

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

#### **4.8.6 Marine Commercial Areas**

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

Marine Commercial development will be governed by the following criteria:

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

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

#### **4.8.7 Parking**

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

#### **4.8.8 Buffer Planting**

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

#### **4.8.9 Zoning By-law Provisions**

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

#### **4.8.10 Special District Commercial Areas**

##### ***4.8.10.1 Special District Commercial Area (Craft Developments)***

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

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

#### **4.9 RESOURCE-BASED RECREATION DEVELOPMENT**

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

##### **4.9.1 Permitted Uses**

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

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

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

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

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

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

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

**4.9.2      *Parking***

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

#### **4.10 INDUSTRIAL**

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

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

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

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

#### **4.10.1 General Industrial Uses**

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

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

#### **4.10.2 Prestige Industrial Uses**

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

The following specific policies shall apply:

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

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

#### **4.10.3 Employment-related Uses**

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

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

##### ***4.10.3.1 Development Policies - New Industrial Development or Re-development***

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

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

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

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

#### **4.10.4 Site Plan Control**

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

##### **4.10.4.1 Design Considerations**

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



#### **4.10.5 Conversion of Industrial Lands**

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

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

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

##### ***4.10.5.1 Separation of Industrial and Sensitive Land Uses***

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

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

##### ***4.10.5.2 Parking and Loading Facilities***

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

#### **4.10.5.3 Zoning Provisions**

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

#### **4.10.6 Special Industrial Area #1**

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

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

#### **4.10.7 Special Industrial Area #2**

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

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

#### **4.11 AGGREGATE RESOURCES**

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

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

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

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

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

#### **4.11.1 Permitted Uses**

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

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

#### **4.11.2 Official Plan Amendments for Mineral Aggregate Operations**

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

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

#### **4.11.3 Policies for New or Expanding Mineral Aggregate Operations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **4.11.4 Development Agreements**

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

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

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

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

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

#### **4.11.5 Changes to Areas Designated Aggregate Resource**

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

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

#### **4.11.6 Protection of Mineral Aggregate Resources and Operations**

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

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

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

#### **4.11.7 Rehabilitation of Mineral Aggregate Operations**

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

#### **4.11.8 Rehabilitation of Agricultural Lands**

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

Complete agricultural rehabilitation will not be required if:

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

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

#### **4.11.9 Zoning By-law Provisions**

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

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

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

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

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

#### **4.11.10 Bedrock Resources**

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



## **4.12 COMMUNITY FACILITIES AND OPEN SPACE**

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

### **4.12.1 Permitted Uses**

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

### **4.12.2 Policies**

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

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

### **4.12.3 Outdoor Recreational Facilities, Playing Fields and Trail Corridors**

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

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

#### **4.12.4 Parking Facilities**

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

#### **4.12.5 Zoning By-law Provisions**

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

### **4.13 WASTE DISPOSAL AREA**

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

#### **4.13.1 Permitted Uses**

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

#### **4.13.2 Waste Disposal Area Designation**

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

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

#### **4.13.3 Development Policies**

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

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

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

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

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

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

#### **4.13.4 Development Plan**

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

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

#### **4.13.5 Access Points**

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

#### **4.13.6 Ministry of the Environment**

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

#### **4.13.7 Buffering**

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

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

#### **4.13.8 Lots of Record**

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

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

#### **4.13.9 Zoning By-law Provisions**

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

#### **4.13.10 Development Near Open or Closed Waste Disposal Sites**

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

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

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

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

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

#### **4.14 ENVIRONMENTAL PROTECTION**

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

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

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

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

#### **4.14.2 Natural Hazards Areas**

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

#### **4.14.3 Hazardous Lands Along Rivers, Streams and Valleys**

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

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

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

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

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

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

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

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

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

#### **4.14.3.1 Prohibited Uses**

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

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



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

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

#### **4.14.3.2 Two-Zone Floodplain Areas**

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

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

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

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

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

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

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

#### **4.14.4 Hazardous Lands along the Lake Ontario Shoreline**

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

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

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

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

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

- i) The development and/or site alteration is limited to uses which by their nature must locate within the dynamic beach hazard to the satisfaction of Lower Trent Conservation; or

- ii) Where development is a minor addition or a passive non-structural use which does not affect dynamic beach hazard processes to the satisfaction of Lower Trent Conservation; or
- iii) Where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by Lower Trent Conservation.

When an existing legal non-conforming building or structure that is sited entirely within, or partially within, hazardous lands along the Lake Ontario shoreline is destroyed in a manner not related to the inherent hazard, the Municipality shall permit the building or structure to be reconstructed only if the Conservation Authority having jurisdiction authorizes the reconstruction.

The Municipality acknowledges the need for long-term monitoring of the shoreline processes associated with Lake Ontario. When the capacity is available, the Municipality, in collaboration with the Province and Lower Trent Conservation, will undertake shoreline management plans to re-evaluate and identify the extent of these hazardous lands. The priorities and process for developing and updating shoreline management plans will be a collaborative approach. The implementation of shoreline management plans will require an amendment to this Plan.

#### **4.14.4.1 Uses Prohibited**

Notwithstanding the policies of 4.14.4, development shall not be permitted to locate in hazardous lands associated with the Lake Ontario Shoreline where the use is:

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

#### **4.14.5 Additional Hazard Lands**

Where lands with inherent hazardous sites or hazards that are not regulated by the Conservation Authority, such as steep slopes not associated with a watercourse or the shoreline of Lake Ontario, the Municipality shall as part of the review of applications under the Planning Act, require the preparation of appropriate studies by a qualified individual to:

- i) Identify and map the extent of the hazard;
- ii) Assess the existing and future stability of the hazard and the potential risks of development and site alteration;
- iii) Identify appropriate setbacks from the hazard; and identify other mitigation measures necessary to protect the site and the public as appropriate.

##### ***4.14.5.1 Prohibited Uses***

Notwithstanding the policies of Section 4.14.5, development shall not be permitted to locate in hazardous sites where the use is:

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

#### **4.14.6 Water Setbacks**

All development shall be set back sufficiently from the high water mark of any water body or watercourse to ensure the protection of water quality and natural stream and valley lands. As a general policy, and except as otherwise set out in this Plan, development shall be set back a

minimum of 30 metres from all water bodies and watercourses capable of supporting fisheries and as much of the soil and natural vegetation as possible shall be maintained and undisturbed. Within these setbacks, no development should be permitted and site alteration activities should be strictly controlled to ensure protection of fish and fish habitat.

#### **4.14.7 Existing Lots of Record**

The policies of this section shall not be applied to prevent the issuance of a building permit nor necessitate an Environmental Impact Study in support of a building permit on existing lots of record on lands adjacent to an identified natural heritage feature, provided that the lot on which development is to occur is located in a designation other than Environmental Protection, or, if located in the Environmental Protection designation, satisfies all other applicable policies of Sections 3.9 and 4.12 of this Plan. Notwithstanding this policy, an EIS shall be required on an existing lot of record if a change in zoning is required to permit new development.

#### **4.14.8 Lot Creation**

No new lot shall be created by plan of subdivision or consent to a land severance, nor shall any Zoning By-law amendment to permit a change in land use be enacted by Council on lands adjacent to a natural heritage feature unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, except where all applicable policies of this section are addressed to the satisfaction of the Municipality and the appropriate approval authority.

#### **4.14.9 Review of Provincially Significant Wetlands**

Any new, enlarged, or amended boundaries for Provincially Significant Wetlands shall be identified on Schedule 'A' by way of amendment to this Plan.

Property owners within Provincially Significant Wetlands or on lands adjacent to the wetland shall be consulted by the Municipality prior to an amendment to this Plan to identify new or enlarged Provincially Significant Wetlands. Notice to affected property owners shall be given in accordance with the notice requirements of the *Planning Act*.

Where any new, enlarged or amended boundaries for Provincially Significant Wetlands are established, the MNR will provide updated information to the Municipality. The Municipality will amend this Plan and associated schedules to include these updates.

#### **4.14.10 Open Space Corridors Policies**

Council shall coordinate the planning and development of the waterfront of Presqu'ile Bay in cooperation with the Lower Trent Region Conservation Authority and/or the MNR through the future implementation of a Shoreline Management Plan. The objectives of the Shoreline Management Plan will identify the waterfront along the Bay as a significant resources and landscape element that should be protected in the long term interests of the Municipality. Council will encourage, whenever possible, public access to the waterfront and the view of the Bay shall be maximized.

Wherever possible, Council will identify the natural attributes and character of river valleys by acquiring and enhancing these lands as part of a linear open space corridor linking various components of the Community. The acquisition of these lands may be acceptable as part of the dedication of land for park purposes under Sections 42, 51 or 52 of the *Planning Act, R.S.O., 1990*.

#### **4.14.11 Source Water Areas**

The Municipality draws its municipal water supply for the urban settlement area of Brighton from groundwater sources in the northeast corner of the Spring Valley headwaters area. A Wellhead Protection Area (WPA) has been delineated around these wells extending from the midpoint of Concession III to just beyond the midpoint of Concession IV, and part of Lots 34, 35, 10 and 9 of the former Township of Brighton to protect municipal drinking water supplies and designated vulnerable areas. The designated areas are defined as vulnerable by virtue of their importance as a drinking water source that may be impacted by activities and events. Until such time as the Trent Conservation Coalition and associated Source Protection Planning Committee have developed specific land use policies for wellhead protection zones, the following general policies shall apply.

**4.14.11.1 Permitted Uses**

No development or site alteration shall occur within a 200 meter fixed radius the municipal WPA.

Open space and conservation uses, including, reforestation and other activities connected with the conservation of soil and wildlife shall be the only permitted uses within a WPA.

Within designated vulnerable areas permitted uses may include a single detached dwelling, conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife, a hunt camp, a public use and a public park, provided Council, in consultation with the conservation authority, is satisfied that the proposed uses does not pose a threat to the integrity of the municipal drinking water supply..

**4.14.11.2 Prohibited Uses and Activities**

Land uses which pose a threat to the municipal drinking water supplies shall not be permitted on areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events. Prohibited uses include agricultural uses, land application of road salt, de-icers, bio-solids, organic soil conditioners, or septage, an auto wrecker and/or automobile body shop and repair shops, a cemetery or crematorium, dry cleaners and/or Laundromats, a food processing plant, a gas station, a livestock feed lot, logging operations; a manufacturing facility, a marina, a municipal landfill, pits and quarries, portable or pit toilets, a storage facility for fertilizers, manure, road salt, pesticides and herbicides, fuels and hydrocarbons, solvents, or liquid industrial waste, a warehouse and wayside pits and wayside quarries.

**4.14.12 Detailed Delineation of Environmental Protection Lands**

The boundaries of the Environmental Protection designation are approximate and it is the intent of this Plan that the precise locations will be delineated in the implementing Zoning By-law or at the time of the submission of development applications. Such detailed mapping shall be undertaken in consultation with the local Conservation Authority, Ministry of Natural Resources and other agencies as applicable. In the absence of more detailed mapping, the boundaries of the Environmental Protection designation on Schedule “A” shall be used as a guide in the preparation of the implementing Zoning By-law.

Where it is determined that lands within the Environmental Protection designation are not constrained by natural hazards and do not represent natural heritage features and areas, the development of such lands shall be reviewed on the basis of the adjoining land use designation, the policies of Section 3.9 of this Plan (Protection of Environment), and the general intent and purpose of this Plan. An amendment to Schedule “A” shall not be required to make minor modifications to the Environmental Protection designation provided that the overall intent of the Plan is maintained. The Municipality shall consult with the Conservation Authority and/or the MNR and any other appropriate agency when considering this matter.

#### **4.14.13 Privately Owned Lands**

Where any land designated Environmental Protection is under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. In addition, it shall not be construed as implying that such areas are free and open to the general public or that the Municipality or other government agency will purchase the lands.

#### **4.14.14 Application to Re-Designate**

An application to re-designate Environmental Protection lands for other purposes may be given due consideration by the Municipality in consultation with the Conservation Authority, the MNR or other public agency. Council shall consider the following matters:

- i) The existing environmental and/or sensitive features;
- ii) The potential impacts of these environmentally sensitive lands;
- iii) The potential impacts on natural features and functions;
- iv) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- v) The compatibility of the proposed use with adjacent/surrounding land use.

There is no municipal or public obligation to re-designate or to purchase any land if there is an existing or potential environmental hazard.



#### **4.14.15 Park Dedication**

The Municipality may at its sole discretion, choose to accept lands designated Environmental Protection as part or all of a parkland dedication pursuant to the *Planning Act*. The Municipality may also choose not to accept Environmental Protection lands as part or all of the parkland dedication.

#### **4.14.16 Placing and Removal of Fill**

The placing or removal of fill and site alteration are not permitted in lands designated as Environmental Protection, except as specifically permitted by the Conservation Authority in accordance with Regulations.

#### **4.14.17 Zoning By-law Provisions**

It is intended that where flood and erosion susceptible lands are designated as Environmental Protection on Schedule “A” the lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

Municipal wellhead protection areas are designated as Environmental Protection on Schedule “A”. The lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

### **4.15 DEFERRED GROWTH AREAS**

The Deferred Growth Area designation applies only to lands within settlement areas for which there are no immediate plans for development.

The Deferred Growth Areas designated on Schedule-”A” are areas that are largely undeveloped or under-developed, primarily for residential use, and are currently serviced by private water and sewage disposal systems.

These areas are intended for long term growth and development on full municipal services in accordance with the staging policies of this Plan, and are not expected for development prior to 2031. It is the general intent of this plan that development within Deferred Growth Areas will only be permitted when warranted by the municipality and when full municipal services are

adequate after the completion of studies satisfactory to the Municipality in accordance with Section 3.4.1 and 3.4.2 of this Plan.

It is recognized that changing circumstances within the Municipality, with respect to supply and availability of land to accommodate residential development, may result the need to provide for development of those areas designated as Deferred Growth Areas', prior to 2031. Where Council for the municipality recognizes that there is a need to revisit the designation of some of those lands within the "Deferred Growth Area" prior to 2031, Council may initiate an amendment to facilitate such development.

#### **4.15.1 Applications for Consent**

Division of land through Consent to Sever, for residential purposes within the Deferred Growth Area designation is prohibited as these lands are to be protected for future growth and development. Consents which are required to facilitate the ongoing viability of agricultural uses within those areas designated "Deferred Growth Area" may be permitted, where the Municipality is reasonably satisfied that such changes will not negatively impact future growth and development.

#### **4.15.2 Zoning**

Prior to long term urban growth on full municipal services, lands designated as Deferred Growth Areas will be zoned to permit existing uses, and may also be zoned to permit uses of a temporary nature that do not require municipal servicing and generally do not involve buildings or significant structures. Uses such as agriculture, forestry, open space and outdoor recreation will generally be permitted and compatible public uses which do not require municipal water or sewer services will also be permitted.

#### **4.16 SPECIAL DEVELOPMENT AREA NO.1 – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA**

The areas delineated as being within Special Development Area No.1 are the lands located between the "1 in 100 year" floodline and the "Regional Storm" floodline on fill and floodline mapping for Butler Creek prepared in 1987 for the LTRCA. For lands designated on Schedule "D" as the SPECIAL DEVELOPMENT AREA NO. 1 – BUTLER CREEK TWO-ZONE FLOODPLAIN AREA, the following provisions shall apply:

- i) The uses permitted within an area delineated as Special Development Area No. 1 shall be those uses permitted within the land use designation indicated, and shall include the erection of new structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant measures specified hereunder.
- ii) The placing or removal of fill of any kind, whether originating on the site or elsewhere or the alteration of any watercourse shall not be permitted within a Special Development Area No. 1 without prior written approval of the LTRCA and the Municipality.
- iii) Prior to the issuance of a building permit, the Municipality shall consult with the LTRCA to assess any proposed or necessary flood damage reduction measures which may include such matters as:
  - a) The design of the structure to withstand hydrostatic forces;
  - b) The strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;
  - c) The elevation of living space and building openings relative to the Regulatory Flood level;
  - d) The location and elevation of electrical and heating equipment relative to the Regulatory Flood level;
  - e) The location, elevation and design of municipal services and public utilities;
  - f) The design of the structure to ensure that the interior ground floor level elevation is as close as possible or above such Regulatory Flood level as is determined;
  - g) Applicable fill and construction regulations; and
  - h) Such other additional flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.
- iv) All new buildings and structures or additions to existing buildings or structures will be protected from flooding to the level of the Regulatory Flood plus freeboard where applicable.

- v) For those lands on Schedule “D” which are designated as Environmental Protection (EP), the policies of Section 4.14 shall apply.

**4.16.1.1 Other Matters to be Considered**

In reviewing flood protection measures, the LTRCA and the Council of the Municipality of Brighton shall have regard for the nature and characteristics of development on adjacent lands with specific regard for existing doorway and floor elevations and the elevation of abutting streets and or sidewalks and the desirability of maintaining a uniform appearance in building elevations.

Accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the LTRCA and the Municipality.

Where new development is approved within the SPECIAL DEVELOPMENT AREA NO. 1 – BUTLER CREEK TWO ZONE FLOOD PLAIN AREA by means of a registered plan of subdivision or in an area which is subject to Site Plan Control, the Municipality, in conjunction with the LTRCA, may require that the subdivision agreement or such other agreement as may be entered into pursuant to the provisions of Section 51 of *The Planning Act*, as amended, contain provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding. Such warning may take the form of a notice given with all offers of purchase and sale or whatever other appropriate means available as may be determined by the Municipality.

**4.16.1.2 Zoning By-law Provisions**

It shall be the policy of this Plan that the implementing Zoning By-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, requirements for floodproofing, minimum elevation of any building opening or such other matters as may be determined by the Council of the Municipality in consultation with the LTRCA.

#### **4.17 SPECIAL DEVELOPMENT AREA NO. 2 - MAIN STREET REVITALIZATION AREA**

In order to balance economic growth with small town appeal, this Plan provides for commercial conversion of existing buildings along Main Street, while maintaining the charm and character of the area.

SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA is comprised of those lands between Kingsley/Division to the east and Ontario Streets to the west, which are currently in transition from residential to commercial use. The bridge and stream valley provide a natural break between the heritage centre of the town and the rural areas to the west.

It is the intention of this Plan to achieve a balance between commercial uses and residential uses in the same building or in separate buildings by permitting the ground floor conversion of existing single detached dwellings to permit commercial uses. Residential uses are permitted and encouraged to locate above existing and future commercial uses. Conversions from residential to commercial uses will only be permitted where the external design and residential character of the building does not change. Converted buildings may accommodate a grouping of individual but similar commercial uses including medical, dental and professional offices, eating establishments, and retail establishments. The development of multiple commercial uses in separate buildings on the same property is not permitted. Conversion of single detached dwellings to multiple-residential uses is permitted within the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA.

##### **4.17.1 Site Plan Control Area**

A Site Plan Control Area (SPCA) specific to the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA may be designated by Council for the municipality, to provide for the retention of the existing residential structures, and the sensitive treatment of commercial buildings adjacent to residential uses. The SPCA policies may include requirements for parking to be directed to rear and side yards only, and requirements for maintaining landscaping (lawns, shrubs and trees) which are consistent with a residential area. The policy should also address the potential for construction of new buildings or structures

where such buildings are designed specifically to be architecturally compatible with the existing streetscape. Density provisions may also be included.

In addition, the Municipality's Sign By-law may be amended to include specific provisions for the SPECIAL DEVELOPMENT AREA NO. 2 – MAIN STREET REVITALIZATION AREA which control the size, illumination and overall design of any signage to eliminate conflicts between commercial and residential uses.

**4.18 SPECIAL DEVELOPMENT AREA NO. 3 – PART LOT 34 CONCESSION A**

Notwithstanding any policies to the contrary, the future development of the SPECIAL DEVELOPMENT AREA NO. 3, being Part of Lot 34, Concession A, Registered Plan Number 28, is subject to the following policies:

- i) The uses within such areas shall be limited to those permitted in those land use category or categories which lie immediately adjacent to the Special Development Area No. 3 designation;
- ii) Such lands shall be managed in such a fashion as to complement adjacent uses of land and protect such adjacent uses from the adverse effects of erosion;
- iii) No erection of buildings or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted without the written consent of the Conservation Authority having jurisdiction in the area;
- iv) Where new development is proposed on a site, part or all of which is designated as SPECIAL DEVELOPMENT AREA NO. 3, then such land shall not necessarily be acceptable as part of the five percent dedication for open space under the *Planning Act*. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality;
- v) The boundaries of the SPECIAL DEVELOPMENT AREA NO. 3 areas shown on Schedule “A” shall be used as guides for the preparation of zoning by-law provisions which will implement the policies of this Plan. Appropriate building restrictions will be imposed upon all new development in such areas based upon the recommendations of the local Conservation Authority; and,
- vi) Prior to any approvals to development a study to demonstrate that development can be done safely to the satisfaction of the Municipality and the local Conservation Authority.

#### **4.19 SPECIAL DEVELOPMENT AREA NO. 4 – RECHARGE/DISCHARGE AREA**

The SPECIAL DEVELOPMENT AREA NO. 4 – GROUNDWATER RECHARGE/DISCHARGE AREA designation applies to areas which have been identified by the Trent Conservation Coalition Source Protection Region as recharge/discharge areas. The policies of the underlying land use designation shall apply to these lands however, the approval of new development or site alteration in accordance with the provisions of Section 5 of this Plan will only be considered by the Municipality after a review of the application by the Municipality's environmental consultant or in consultation with Lower Trent Conservation.

Development or site alteration within a recharge/discharge area may require the support of a hydrogeological evaluation to evaluate the hydrological functions of the area, and implement necessary restrictions on development and site alteration to protect and where possible improve these functions

#### **4.20 SPECIAL DEVELOPMENT AREA NO. 5 – INDUSTRIAL/COMMERCIAL AREA**

##### **4.20.1 Purpose**

The SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation on Schedule "A" recognizes existing commercial and industrial development and permits minor infilling at the intersection of Highway 401 and County Road 30, which serves as the gateway to the Municipality of Brighton. The development is intended to service the travelling public and provide location for commercial and industrial development which requires or can benefit from direct highway access.

##### **4.20.2 Main Permitted Uses**

The SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation on Schedule "A" means that the main permitted uses shall be light industrial uses which require direct highway access such as trucking or warehouse operations, and commercial uses which serve the travelling public including eating, repair and accommodation facilities and all existing and approved highway commercial uses.

Shopping centres shall not be permitted in SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation.



#### **4.20.3 Secondary Permitted Uses**

Secondary uses which may be permitted in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation include:

- i) Accessory uses to the permitted uses including office uses, a residential unit for an owner, manager or caretaker and the sale of products produced or handled by the permitted industrial uses; and,
- ii) Limited open storage which is properly screened from adjacent uses and Highways 401 and 30.

#### **4.20.4 New Development**

Lands in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation will be zoned only in response to a specific development proposal and the Zoning By-law shall only permit the proposed use, similar uses or minor extensions of such uses. New industrial and commercial uses or extensions of existing industrial and commercial uses in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation shall be subject to the following criteria, an amendment to the Zoning By-law and the policies of Section 7:

- i) Industrial uses shall be "dry industrial operations" which do not use large volumes of water and from which the only waste water discharges are one or more of the following:
- ii) Sanitary sewage from employee washrooms;
- iii) Storm water drainage;
- iv) Location of access points in a manner which will not create a traffic hazard and the appropriateness of such access points shall be determined in consultation with the Ministry of Transportation;
- v) The provision of adequate off-street parking and loading facilities;
- vi) The provision of appropriate buffering and screening adjacent to any sensitive land uses such as but not limited to residential, schools and certain commercial uses;
- vii) The submission of a preliminary engineering report or other appropriate information as determined by Council which establishes the feasibility of providing private water

supply, sewage disposal and storm drainage systems in a manner which will satisfy the Municipality and the Health Unit/Ministry of the Environment;

- viii) The submission of a concept plan illustrating setbacks, building envelope, parking and loading areas and landscaped areas which demonstrates that the site will be developed in a high quality manner appropriate to the "gateway" to the Municipality of Brighton; and,
- ix) Submission of a noise impact and/or vibration study where the proposed use is a potential major noise or vibration source which demonstrates that the proposed development will not produce any adverse noise or vibration effects, or that such adverse effects can be appropriately mitigated.

Any industrial or commercial development in the SPECIAL DEVELOPMENT AREA NO. 5 - INDUSTRIAL/COMMERCIAL AREA designation, including the expansion of an existing facility, shall generally be subject to site plan approval in accordance with the policies of Section 8.7 of this Plan.

#### **4.20.5 Existing Uses**

Existing uses which are not industrial or commercial uses shall be permitted and may expand in accordance with the provisions of the Zoning By-law.

#### **4.21 SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT AREA**

The SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT AREA designation on Schedule “A” recognizes the area of the Municipality that is subject to the Waterfront Master Plan.

The SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT designation has been applied to five (5) specific areas within waterfront areas of the Brighton Urban Area. within the SPECIAL DEVELOPMENT AREA NO. 6 – WATERFRONT, including:

- i) Area A – Gosport Waterfront Area
- ii) Area B - Harbour Street/Ontario Street/Presqu’ile Parkway Boat Launch & Parkette
- iii) Area C - Harbour Street Parkette
- iv) Area D - Price Street East Landing
- v) Area E - Presqu’ile Landing

The following policies are applicable to each of the five waterfront areas designated on Schedule “A” to this Official Plan.

##### Area A – Gosport Waterfront Area

Commercial development within the Gosport waterfront area shall be in accordance with 4.8.6 – District Commercial – Marine Commercial Areas, of this Plan.

Parks and open space areas, including Hilda Montgomery Park shall be developed in accordance with the policies of Section 3.8 of this Plan. More specifically, the Bay Street West waterfront area may be developed to include landscaping and streetscape features, a brick landing area, boardwalk, seating and lookout areas, naturalized shoreline and open space areas and a communal docking facility.

The municipality will consider future opportunities for public and private partnerships to enable the expansion and redevelopment of the existing municipal marina and adjacent private marina

##### Area B - Harbour Street/Ontario Street/Presqu’ile Parkway Boat Launch & Parkette

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) public boat launch and staging area

- ii) parking facilities
- iii) naturalized shoreline and open space areas
- iv) timber landing overlook
- v) shade pergola
- vi) trail connections
- vii) public washroom facilities
- viii) fixed picnic table locations.

Area C - Harbour Street Parkette

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) passive neighbourhood park, to include gardens,
- ii) an entrance/gateway
- iii) walkway timber landing and gazebo

Area D - Price Street East Landing

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) public open space to include masonry entry walls,
- ii) parking spaces
- iii) elevated timber overlook
- iv) open space and naturalized shoreline areas.

Area E - Presqu'île Landing

Permitted Uses – In addition to existing residential uses, the following uses are permitted:

- i) restaurant
- ii) marina
- iii) shade pergola,
- iv) landscaping and streetscape features

- v) brick landing area,

#### **4.21.1 Trail Linkages and Connections to Brighton Urban Area**

Trail linkages are proposed to increase the accessibility of the waterfront for pedestrians and cyclists. Where proposals for development or redevelopment of lands between the Gosport Master Plan area and the Brighton Urban Area, are brought forward for consideration by Council, opportunities for the development of on and off road cycle paths and walking trails must be identified.

Further, opportunities for multiuse pathways which provide recreation and alternative transportation networks for area residents and visitors should be developed. For the purposes of this section multiuse pathways are those facilities which may be shared by cyclists, in-line skaters, joggers and walkers.