

8. **IMPLEMENTATION**

8.1 **PRESCRIBED INFORMATION**

In accordance with Section 22 of the *Planning Act*, the Council of the Municipality may require a person or public body requesting an amendment to the Official Plan, to supply additional information and materials in support of their application. Failure to provide the prescribed information (Section 22(4) and other information that the Council considers it may need (Section 22(5), will result in the Municipality refusing the application submitted on the basis that it does not meet the requirements of Schedule 1 of the applicable Regulation (O. Reg. 543/06) for a 'complete application'.

Without limiting the foregoing, the Municipality of Brighton may require any or all of the following material and information:

- i) Planning Justification Report, including discussion of consistency with Provincial legislation and municipal planning documents including anticipated density;
- ii) Traffic Impact Study;
- iii) Archaeological Assessment;
- iv) Servicing Options Report;
- v) Environmental Impact Study;
- vi) Hydrogeologic Assessment;
- vii) Stormwater Management Report; and,
- viii) Heritage Impact Assessment.

8.2 PUBLIC OPEN HOUSE

It is a policy of this Plan that public participation be an integral component of any land use planning process. On this basis, Public Open Houses shall be required for major municipally-initiated planning programs and studies, such as Secondary Plans and Zoning By-law reviews.

Notification to the residents of the Municipality of Public Open Houses shall be given in accordance with the procedures of the Planning Act.

8.3 NOTICE OF PUBLIC MEETING AND NOTICE OF PUBLIC OPEN HOUSE

Notices for public meetings shall include the statement advising members of the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Brighton before the proposed official plan or official plan amendment is adopted by the Council of the Municipality of Brighton, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Brighton to the Ontario Municipal Board. The notice shall also explain the fact that such a person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

8.4 ZONING BY-LAWS

This Plan shall be implemented by means of the powers conferred upon Council and other public agencies by the *Planning Act*, the *Municipal Act*, and such other statutes as may be applicable. In particular, this Plan shall be implemented by Zoning By-laws, by-laws pursuant to the *Municipal Act*, the construction of public works, and land acquisitions.

Where any Act or portion of an Act is referred to in the Plan, such reference shall be interpreted to refer to any subsequent renumbering of Sections in the Act and/or changes in the date of the Act.

8.4.1 Zoning By-law Review

The Municipality shall enact and maintain a comprehensive Zoning By-law under Section 34 of the *Planning Act* to implement the policies of this Plan. The By-law shall make provision for adequate development standards and establish specific zones and permitted uses that reflect

the policies and designations of this Plan. Within each designation separate zones may be established to ensure that compatible uses will be appropriately grouped. The comprehensive Zoning By-law may be amended as appropriate to recognize future conditions and changes in land use.

8.4.2 Zoning of Conforming Land Uses

Existing land uses that conform to the land use designations shown on Schedule “A” hereto shall be zoned in accordance with the zoning policies of this Plan, which pertain to each land use designation.

8.4.3 Zoning of Non-Conforming Land Uses

Existing land uses which do not conform to the land use designations shown on Schedule “A” hereto may be recognized in implementing Zoning By-laws, but the zoning on such lands shall not be further amended except in conformance with this Plan.

8.4.4 Zoning of Undeveloped Lands

It is not the intention of Council to zone all lands immediately to conform to the land use designations shown on Schedule “A”. Any undeveloped lands in the Hamlet, Resource-based Recreation, Industrial, and Aggregate Resource may be zoned in accordance with the policies of this plan which pertain to each land use designation, when:

- i) Council has made a previous commitment, such as land severance, subdivision agreement and/or development agreement;
- ii) Council wishes to permit infilling and minor extensions of the existing development patterns in the Hamlet and Resource-based Recreation areas; or
- iii) Council wishes to encourage in the Industrial areas the establishment of the desired land uses provided that the development of such lands can be made subject to a land severance, or subdivision agreement and/or development agreement.

All other undeveloped lands in Hamlet, Resource-based Recreation, Industrial and Aggregate Resource shall be placed in a development or rural zoning category to delay their development until Council approves and appropriate development application for such lands.

8.4.5 Development Staging

The Municipality will encourage the phasing of development, in accordance with the policies of Section 3.3 of this Plan, to ensure orderly, well-planned development.

The Municipality may require that development within an appropriate land use designation be phased in accordance with the servicing capabilities of the site and the perceived demand for residential lots or units. Substantial completion of development in one phase shall take place before progressive extensions to subsequent phases will be permitted.

8.5 HOLDING PROVISIONS

8.5.1 General

The Municipality's Zoning By-law may include the use of Holding provisions in accordance with Section 36 of the *Planning Act*. Lands subject to a Holding provision shall be identified by a zone symbol followed by a dash and an "H" (for example, "RU-H").

Land zoned with a Holding symbol ("H") in conjunction with a general or special zone classification will only be applied to land for which the ultimate use has been determined, but where specific conditions for the use or development of the land must be satisfied. In many cases the "H" symbol will be applied to ensure that appropriate municipal services are available. The "H" symbol may be removed in accordance with the provisions of Section 36 of the *Planning Act* at such time as the specific conditions for the Holding provision have been satisfied.

8.5.2 Specific

It shall be a policy of this Plan that Council will generally implement a Holding ("H") symbol within the Zoning By-law where Council is satisfied that municipal services are readily available or can be reasonably extended or upgraded, and that the orderly, logical and timely sequence of development of the land, including the provision, extension or upgrading of municipal services, can be ensured through the execution of a Subdivision/Condominium Agreement or Site Plan Agreement.

Until the Holding symbol “H” is removed, the Zoning By-law shall restrict the use of the land to existing uses, together with ancillary, incidental and subordinate accessory buildings, structures and uses.

The Council may remove the Holding symbol “H” by an amendment to the Zoning By-law under the authority of Section 36 of the *Planning Act*, as amended, when Council is satisfied that the development timing and sequence is appropriate, that such development is in conformity with this Plan, and in compliance with the following conditions:

- i) Development Approval - That a development proposal for the subject lands has been first approved, where necessary, by all relevant Municipal, County and Provincial Government bodies;
- ii) Agreements - That all necessary agreements have been first entered into with the Municipality and, where necessary, the County, so that all provisions of this Plan and all relevant By-laws of the Municipality have been complied with, and that all requirements respecting the provision of roads, installation of services and drainage have been met.

8.6 OTHER BY-LAWS

8.6.1 Existing By-laws

Existing Municipality by-laws governing matters such as tent and trailer parks, the use of trailers, mobile home parks and salvage shops shall be reviewed to ensure conformity with this Plan.

The Municipality shall review existing legislation pursuant to the *Municipal Act* and other relevant Provincial statutes governing such uses such as waste disposal sites, automobile wrecking yards and signs and, where necessary, pass new by-laws as may be required to ensure that such uses are properly regulated and controlled.

8.7 SITE PLAN CONTROL

In accordance with Section 41 of the *Planning Act*, all lands within the Corporation of the Municipality of Brighton are hereby designated as a Site Plan Control Area.

8.7.1 Designating By-law

It shall be the policy of this Official Plan that the Council shall enact a by-law in accordance with Section 41(13) of the *Planning Act*, which by-law shall define the class or classes of development that may be exempted for the provisions of Section 41 of the *Planning Act*.

8.7.2 Exempted Uses

The Site Plan Control By-law passed in accordance with Section 41(13) may exempt the following forms of development from the provisions of Section 41 of the *Planning Act*.

- i) Low density residential housing such as a single detached dwelling, duplex or semi-detached dwelling including a home occupation.
- ii) Farm buildings and structures save and except for buildings and structures associated with large scale livestock operations, as defined in the By-law; and commercial buildings and structures used for the sale of agricultural goods or agricultural related goods and services that are made available to the general public at the site.
- iii) All structures and buildings accessory to and incidental to the above uses including renovations and minor extensions thereto.

8.8 CONSENT GRANTING AUTHORITY & COMMITTEE OF ADJUSTMENT

The Consent Granting Authority shall be guided by the policies of this Plan, especially Section 5, the general intent and purpose of this Plan, and implementing Zoning By-laws in making decisions pursuant to Section 53 of the *Planning Act*. The Committee of Adjustment shall also have regard to the provisions of this Plan in making decisions pursuant to Section 45 of the *Planning Act*.

8.9 PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS

It is intended that the construction of public works and the public acquisition of land within the Municipality shall be carried out in accordance with the policies of this Plan.

8.9.1 Municipal Road Widening

It shall be the policy of this Official Plan that road widening may be required along any portion of a Municipal Road, where the right-of-way contains less than the minimum right-of-way width contained in Section 9.3.3 of the Plan.

In the case of new development or re-development, lands may be required for road widening purposes. The maximum dedication which may be required for a road widening as a condition of site plan approval shall be 5 metres, or the amount necessary to provide the proposed right-of-way width, whichever is less. In addition, at the intersection of a local road and a County Road or Provincial Highway, the Municipality may require as road widening an area having a maximum radius of 10 metres. There is no requirement for compensation to be given by the municipality for lands required for a road widening as a condition of site plan control.

8.9.2 Conservation Authority Approvals for Development and Site Alteration

Development and site alteration are not permitted in lands regulated by Lower Trent Conservation, except as specifically permitted by the Conservation Authority in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation issues under the Conservation Authorities Act.

8.10 MAINTENANCE AND OCCUPANCY STANDARDS

8.10.1 Property Standards By-law

Council may enact a By-law pursuant to the provisions of Section 15.1 of the *Building Code Act*, setting forth the minimum standards for the maintenance and occupancy or use of such property that does not conform to the standards established thereunder. The By-law shall contain provisions for requiring property which does not conform to be repaired and maintained in accordance with the prescribed standards, or for the site to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition. In addition, the Council of the Municipality of Brighton shall appoint a property standards committee responsible for the administration and enforcement of the said Property Standards By-law.

Regard shall be had for the following matters in the enactment of the Property Standards By-law:

- i) The physical conditions of yards and passageways including the accumulation of debris and rubbish;
- ii) The adequacy of sanitation including drainage, waste disposal and garbage;
- iii) The physical condition of all buildings or dwellings with particular regard to such matters as structural standards and appearance; adequacy of heat, light and ventilation; condition of stairs; interior wall, ceilings and floors, and plumbing facilities and appurtenances; adequacy of electrical services, fire protection, safety and warning devices; and,
- iv) The physical condition of accessory buildings and property.

8.10.2 Clean and Clear Yards By-Law

Council may enact a By-law pursuant to the provisions of Sections 127 and 128(1) of the Municipal Act to provide for maintaining land in a clean and clear condition.

8.11 HERITAGE, ARCHAEOLOGICAL AND EARTH LIFE SCIENCES

In the absence of detailed heritage, archaeological, and earth life sciences studies in the Municipality, Council may consult with the Ministry of Culture, the Conservation Authority and the MNR to ensure that archaeological and heritage features and Areas of Natural and Scientific Interest, respectively, are preserved to the extent possible when considering applications for major expansion or new development.

8.12 REVIEW OF THE PLAN

It is intended that, in accordance with the provisions of Section 26 of the *Planning Act*, this Plan shall be reviewed every five years or earlier should changing technical, physical, social or economic conditions warrant. In undertaking such a review Council shall have regard for the purpose and scope of the Plan, the general principles established hereunder, the land use and transportation policies, and changes which may occur in the planning legislation and policies established by the Province of Ontario.

8.12.1 Open Houses

If the Plan is being reviewed under Section 26, the Council will ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the supporting information and material, including a copy of the proposed plan, and made available through the public consultation. The Public Open House will be held no later than 7 days before the Statutory Public Meeting.

8.12.2 Notification to Agencies And Ratepayers

Council will provide notification for amendments to the Municipality of Brighton Official Plan and implementing Zoning By-laws in accordance with the provisions of the *Planning Act*.

8.13 TECHNICAL AMENDMENTS

The Municipality may forego public notification and public meeting(s) in connection with technical Official Plan or Zoning By-law amendments if such amendments do not affect the provisions and intent of the Official Plan or Zoning By-law as previously enacted. A technical amendment may involve the following:

- i) Altering the number or arrangement of any provision;
- ii) Correcting punctuation or altering language to obtain a uniform mode of expression;
- iii) Correcting clerical, grammatical or typographical errors; and
- iv) Changing the format.

8.14 AMENDMENTS TO THE OFFICIAL PLAN

The Council recognizes that any unexpected or unusual growth or development proposal might create a need for modification and adjustment of the planning programme. An amendment to the Official Plan shall be required for developments that do not generally conform to the Schedule “A” – the Land Use Plan and/or the policies of this Official Plan.

Except for amendments initiated and justified by the municipality to expand the scope of this Plan, it is not intended to amend this Plan unless substantial evidence can be presented which will justify such an amendment.

8.14.1 Consideration of Amendment

Should changing conditions necessitate the need for an amendment to this Official Plan in accordance with Section 21 of the *Planning Act*, R.S.O., 1990, as amended, the following procedure shall be followed to ensure that an amendment is required and the general public received adequate notification.

8.14.2 Site Specific Amendments

An amendment to Schedule “A” is required to permit the establishment of areas for uses other than those permitted in the area as shown on Schedule “A”. In considering an amendment to Schedule “A” the Council shall have due regard to the following matters, which are in addition to those specified in other sections of this Plan.

The municipality shall review the following criteria when considering an amendment:

- i) The need for the proposed use;
- ii) the alternative locations for the proposed use;
- iii) Compatibility of the use with surrounding uses;
- iv) Vehicular and pedestrian access;
- v) Services required by the proposed use, in particular the adequacy of water and the ability to dispose of sewage;
- vi) Site suitability for the proposed use, in particular the size and physical suitability of the site;
- vii) Drainage shall be reviewed to ensure that the site will not be subject to flooding and will not create flooding or nuisance drainage on subject properties;
- viii) Financial impact on the municipality;
- ix) Impact on resources including: agricultural lands, aesthetic views from major public routes, groundwater supplies, wildlife resources, heritage resources and forestry resources; andm
- x) Consistency with the PPS, 2005 and conformity with Provincial Plans.

8.14.3 Need

Where an amendment is proposed to permit a resource-based recreational rural residential subdivision or plan of condominium, justification for the development will be required to include an assessment of the demand and need for the proposed new lots at the proposed location. This justification should also include, among other things, matters related to the assessment of impacts of the development on the extension of school bus routes, the need to improve connecting roads, proximity to park and community facilities, and police and fire coverage. A proposal to expand the Industrial or Highway Commercial designations shall be assessed in terms of need and justification for expanding the designation to accommodate development, and shall be in accordance with the applicable policies of this Plan.

8.14.4 Existing Development

Council shall consider the extent to which the existing areas in the proposed land use designation are developed, and the nature and adequacy of such existing developments, when considering proposed amendments to this Plan. Depending on the type of development proposed, the proponent of a subdivision proposal shall provide, to the satisfaction of Council, sufficient information to justify the proposal. In addition to the matters set out in Section 8.14.3, the justification should include, among other things, the number of vacant lots in registered plans of subdivision, the availability of future lots in draft approved plans of subdivision, the number of vacant lots of record and/or amount of land designated for the proposed use. Council must be satisfied that sufficient information has been provided indicating that the proposal is appropriate for the site, and that an assessment of the proposal has been provided indicating that demand and need exists for the development.

8.14.5 Physical Suitability

Council shall consider the physical suitability of the area to sustain the proposed use.

8.14.6 Long Term Impact

The impact of the proposal on the long term uses of resources such as prime agricultural lands and aggregate resources, including consideration of compatibility of uses and compliance with the Minimum Distance Separation formula requirements.

8.14.7 Location

Council shall review the location of the subject lands with respect to:

- i) The adequacy of the existing and proposed road system in relation to the development of the proposed use;
- ii) The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto; and
- iii) The adequacy of the potable water supply, sewage disposal facilities and other municipal services.

8.14.8 Compatibility

Council shall review the compatibility of the proposed use with uses in adjoining areas including a review of methods to minimize any possible depreciating or deteriorating effects on adjoining properties.

8.14.9 Financial Implications

Council shall consider the potential effect of the proposed use on the financial position of the municipality, and the safeguarding of future options for the Municipality.

8.14.10 Natural Heritage Features and Areas

Council shall consider the potential impact of the proposed use on natural heritage features and areas, such as wetlands, fish habitat, significant wildlife habitat, Areas of Natural and Scientific Interest, significant woodlands and significant valleylands, and the significant habitat of endangered species and threatened species.

8.14.11 Background Studies

Council may require background studies regarding water and sewage servicing, stormwater management, the assessment of possible negative impacts on the diversity and connectivity of natural heritage systems, adequacy of the road network to absorb changes in traffic flow and volume, archaeological and cultural heritage resources, floodplain delineation, determination of erosion susceptibility, and any other matter that Council considers necessary to support an amendment to this Plan.

8.14.12 Natural Hazards

The proposed use shall not be located in an area of natural hazards (e.g., flooding, erosion, and dynamic beaches).

8.15 CHANGES TO AGENCY NAMES, RESPONSIBILITIES AND LEGISLATION

8.15.1 Agency Names and Responsibility

From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from one ministry to another. The names of various ministries responsible for programs, regulations, and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change of name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

8.15.2 Legislation

Provincial and Federal Statutes are amended and legislation section numbers may change. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to subsequent legislation as amended from time to time.

8.15.3 Amendment to the Plan

From time to time, Provincial legislation may be replaced by new legislation bearing a new name or identifying number. It is not intended to amend this Plan each time an Act is re-named, replaced or when new consolidations of the statutes are issued. Rather, this Plan shall be interpreted so as to refer to Legislation as amended, revised or replaced from time to time and to renumbered sections, as conditions dictate.

The changes mentioned in the previous paragraph may be incorporated into the Plan as appropriate, without need of public notice or meeting.

8.16 BOUNDARIES

Except as otherwise set out in this Plan, it is intended that the boundaries of the land use designations shown on Schedule “A” shall be considered as approximate, except where bounded by major roads, railways, water bodies or other obvious geographical features.

It is intended that the location of existing or proposed roads as indicated on Schedule “B” shall be considered as approximate and not absolute.

Amendments to this Plan will not be required in order to make minor adjustments to the approximate land use designation boundaries, the location of proposed roads, or areas shown on Schedule “A” and Schedule “B”, provided the general intent of the Official Plan is preserved. Such minor adjustments will not necessarily be reflected on Schedule “A” and Schedule “B”.

8.17 QUANTITIES

It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to this Plan will not be required for any minor variance from any of the indicated figures or quantities.

8.18 TERMINOLOGY AND DEFINITIONS

A word or phrase used in this Plan shall be interpreted according to and in the following priority:

- i) A specific definition contained in this Plan; or
- ii) A definition or term contained in the Planning Act, R.S.O. 1990, c. P.13; as amended, or
- iii) A definition or term contained in the Provincial Policy Statement (2005) issued under the authority of Section 3 of the Planning Act; or
- iv) A definition or term referenced in another document as specifically cited in this Plan; or
- v) Plain and ordinary meaning in the context that is used in this Plan.