

**MUNICIPALITY OF BRIGHTON  
ZONING BY-LAW #140-2002**

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## THE PURPOSES OF THIS BY-LAW AND HOW IT SHOULD BE USED

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### 1. INTRODUCTION

These pages explain the purpose of this zoning by-law and how it should be used. These pages do not form part of the zoning by-law passed by Council and are intended only to make the zoning by-law more understandable and easier to reference.

### 2. PURPOSE OF THIS ZONING BY-LAW

The purpose of this zoning by-law is to implement the policies of the Official Plans of the Municipality of Brighton, comprising the Official Plans of the former Town and Township of Brighton. The Official Plans contain general policies that affect the use of land throughout the Municipality. These policies specify where certain land uses are permitted and, in some instances, specify what regulations are to apply to the development of certain lands.

An Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private lot. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated lands in the vicinity of a significant natural feature are to remain in their natural state, the zoning by-law would prohibit the erection of buildings or structures on those lands.

The statutory authority to zone land is granted by the Ontario Planning Act. Section 34 of the Planning Act specifies what a by-law passed under this Section can regulate. A zoning by-law can:

- i. prohibit the use of land or buildings by any use that is not specifically permitted by the by-law;
- ii. prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the by-law;
- iii. regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures;
- iv. regulate the minimum frontage and depth of a parcel of land;
- v. regulate the proportion of a lot that any building or structure may occupy;
- vi. regulate the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures;

- vii. require the owners or occupants of buildings or structures to be erected or used for a purpose permitted by the by-law to provide and maintain loading or parking facilities; and,
- viii. prohibit the use of lands and the erection of a class or classes of buildings or structures on land that is:
  - a. subject to flooding;
  - b. the site of steep slopes;
  - c. rocky, low-lying, marshy or unstable;
  - d. contaminated;
  - e. a sensitive groundwater recharge area or head water area;
  - f. the location of a sensitive aquifer;
  - g. a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
  - h. a significant corridor or shoreline of a lake, river or stream; and,
  - i. the site of a significant archaeological resource.

### **3. WHAT TO DO WITH THIS BY-LAW**

The following five steps describe what a property owner should do to determine what can be done with a property.

- i. Every property owner should first find the map, which in this by-law is called a Schedule, that applies to their property, locate their property and determine what Zone their property is in. The Schedules for this by-law are found immediately following Section 9.0 of this by-law.
- ii. Reference should then be made to Section Six - Permitted Uses to determine what uses are permitted in that Zone. The majority of the uses in the Permitted Uses table are also defined in Section Two of the by-law.
- iii. Once the permitted use is known, reference should then be made to Section Seven - Development Standards to determine what standards apply to any buildings or structures associated with the permitted use on the lot. The Development Standards are also contained on tables and the majority of these standards are also defined in Section Two of this by-law.
- iv. After determining what standards may apply to a permitted use on the property, reference should then be made to the General Provisions section of the by-law to determine what provisions in that section may apply to the property.

- v. The drawings provided in an appendix to the by-law should then be referenced to assist the reader in interpreting the by-law. The appendices are solely for illustration purposes only and do not form part of the by-law.

An explanation of each of the sections of the by-law is found in the next section.

## **4. DESCRIPTION OF THE COMPONENTS OF THIS BY-LAW**

### **4.1 SECTION ONE - ADMINISTRATION**

This section of the by-law specifies:

- i. what lands are covered by the by-law;
- ii that every parcel of land in the area covered by the by-law is to conform and comply with the by-law; and,
- iii. what penalties may be levied against a person or a corporation if they contravene any provision in the by-law.

### **4.2 SECTION TWO - DEFINITIONS**

It is necessary to define words or terms in a zoning by-law because it is a legal document. A by-law must be drafted so that it can be enforced in a court of law. All words in this by-law that are *italicized* are defined in Section Two. In order for a law to be effective, it must be capable of being easily interpreted. Often the most common usage of a word is not exactly what is intended by a zoning by-law. Therefore, many common words are defined so that their meaning is perfectly clear.

### **4.3 SECTION THREE - ESTABLISHMENT OF ZONES**

This section establishes the Zones that are to apply to the lands covered by the by-law. The section also describes how to determine the location of the Zone boundaries on the Schedules.

### **4.4 SECTION FOUR - GENERAL PROVISIONS**

This section contains a number of regulations that apply to certain types of uses, buildings or structures in the Municipality of Brighton. For example, this section contains provisions dealing with the construction of decks in any Zone, provisions dealing with the minimum number of parking spaces required for a use and a section regulating where detached accessory buildings are permitted. The General Provisions also include regulations dealing with:

- i. the size of attached private garages;

- ii. permitted encroachments of balconies, porches and eaves into required yards;
- iii. home occupations; and,
- iv. width of driveways.

#### **4.5 SECTION FIVE - PARKING AND LOADING STANDARDS**

This section sets out the minimum number of off-street parking spaces required to be provided for all residential and non-residential uses, including minimum requirements for parking facilities for the handicapped. For the majority of non-residential uses, the parking requirement is based upon the size or gross floor area of the use or premises. This section also outlines minimum requirements for loading facilities for industrial and commercial uses.

In addition, Section Five outlines standards for the size and location of parking areas on lots, the minimum width of driveways, and provisions governing the parking or storage of commercial and recreational vehicles on private property.

#### **4.6 SECTION SIX - PERMITTED USES**

This Section lists the uses that are permitted in each Zone. The effect of these Zones is to only permit certain uses in various parts of the municipality. Because of the nature of the Planning Act, zoning by-laws are prohibitive. That is, the only uses that are permitted are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in a Zone, then it is not permitted.

#### **4.7 SECTION SEVEN - DEVELOPMENT STANDARDS**

This Section contains a number of regulations that control the placement, bulk and height of a building on a lot. Many of these regulations are described in the appendices that are attached to this by-law. Some of the regulations dealt with by the by-law are described below:

- i. Minimum lot frontage - This regulation specifies what the minimum width of a the lot must be on the street.
- ii. Minimum required front yard - This regulation specifies how far the main building on the lot must be set back from the front lot line. The front lot line is usually the lot line that separates the lot from the street. For example, if the minimum required front yard is 4.5 metres, the building must be set back a minimum of 4.5 metres from the front lot line.
- iii. Minimum required rear yard - This regulation specifies how far the main building on the lot must be set back from the rear lot line. The rear lot line is the lot line that is usually opposite and farthest from the front lot line.



- iv. Minimum required interior side yard - This regulation specifies how far the main building on the lot must be set back from the interior side lot line. The interior side lot line is usually the lot line that separates the lot from an abutting lot.
- v. Minimum required exterior side lot yard - This regulation specifies how far the main building on the lot must be set back from the exterior side lot line. The exterior side lot line is the lot line that separates the lot from a street on a corner lot.

#### **4.8 SECTION EIGHT - SITE AND AREA-SPECIFIC PROVISIONS**

This section contains regulations which are specific to one property or a group of properties in the Municipality. For example, the minimum front yard in a Zone may be 4.5 metres. This required front yard may be reduced to a lesser number if deemed appropriate and the mechanism to accomplish this reduction is by amending the By-law and excepting the property from the general standard. These Specific Provisions are denoted on the Schedules by a number following the (\*) symbol.

#### **4.9 SECTION NINE - ENACTMENT**

This section contains the signatures of the Mayor and the Clerk who signed the by-law when it was passed by Council in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P.13.