

THE COUNTY OF BRANT OFFICIAL PLAN

ADOPTED BY:

**THE COUNTY OF BRANT
NOVEMBER 7, 2000**

Modified by:

Deputy Minister (MMAH)
September 5, 2001

Approved by (uncontested portions of the OP):

Ontario Municipal Board
September 25, 2002

Further Approved (with an Amending Decision) by:

Ontario Municipal Board
December 23, 2002

Further Approved (with an Amending Decision) by:

Ontario Municipal Board
May 30, 2003

Office Consolidated – April 20, 2004

**CERTIFICATION OF COMPLIANCE WITH
PUBLIC INVOLVEMENT AND NOTICE REQUIREMENTS**

I,....., Clerk of the County of Brant, hereby CERTIFY that the requirements for the giving of notice and the holding of at least one public meeting as set out in Subsection 17(15) of the Planning Act have been complied with.

Date Clerk

I,, Clerk of the County of Brant, hereby CERTIFY that the requirements for the giving of notice as set out in Subsection 17(23) of the Planning Act have been complied with.

Date Clerk

THE CORPORATION OF THE COUNTY OF BRANT

BY-LAW NUMBER _____

Being a By-Law to adopt the County of Brant Official Plan

WHEREAS the Council of the Corporation of the County of Brant deems it advisable to adopt the County Of Brant Official Plan;

NOW THEREFORE the Council of the Corporation of the County of Brant, in accordance with Section 17 of the Planning Act, hereby ENACTS as follows:

The County of Brant Official Plan, consisting of the attached text and maps, is hereby adopted.

The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for the approval of the attached Official Plan for the County of Brant.

This By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2000.

Mayor

Clerk

THE CORPORATION OF THE COUNTY OF BRANT

BY-LAW NUMBER _____

Being a By-Law to repeal By-Law Number _____ of the County of Brant.

WHEREAS the Council of the Corporation of the County of Brant deems it advisable to repeal By-Law Number _____ of the County of Brant.

NOW THEREFORE the Council of the Corporation of the County of Brant, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby ENACTS as follows:

By-Law Number 2230 is hereby repealed.

This By-Law comes into force and takes effect on the day of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2000

Mayor

Clerk

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SCHEDULES

‘A’	LAND USE PLAN
‘B-1A’ to ‘B-12’	DETAIL AREAS TO SCHEDULE A’ LAND USE PLAN
‘C’	TRANSPORTATION PLAN
‘D’	SPECIAL FLOOD PLAIN POLICY AREA

APPENDICES

1. NATURAL HERITAGE FEATURES
2. SOIL CAPABILITY FOR AGRICULTURE
3. AGGREGATE RESOURCES COUNTY OF BRANT

SECTION 1. GENERAL

1.1 TITLE AND COMPONENTS

This Plan, when approved by the Minister of Municipal Affairs, shall be known as *The Official Plan for the County of Brant*.¹

The following text and Schedules “A” to “D”, inclusive, constitute the Official Plan and shall apply to all the lands located within the County’s corporate limits. The policies and land use designations described in this Plan shall guide development and implementing by-laws for the municipality until the year 2020.

Section 1. General sets the purpose, scope, time period, organization and philosophy of the Plan.

Section 2. Land Use Management Strategy outlines the development strategy and is generally applicable to all forms of development.

Section 3. Land Use Policies sets out the policies that guide residential, agricultural, aggregate, industrial, commercial, recreational, and natural environment development/areas.

Section 4. Transportation Policies sets out the policies related to road classification, function and long term objectives.

Section 5. Development Policies sets out the policies of the Plan relative to consent to sever and or subdivision of land.

Section 6. Economic Development Policies identifies the strategies of the Plan to promote tourism, commercial opportunities, industrial development, revitalization, and heritage preservation.

Section 7. Implementation identifies the various studies that may be required and the various specific implementation tools available under the Planning Act to achieve the objectives of the Plan as well as the process available for review and amendment to the plan.

¹ Throughout this Plan certain words are bolded to assist the reader in finding key operative words or sentences. Other than for format, no special meaning is assigned to the type setting.

Section 8. Interpretation - the attached appendices, Appendix “1” Natural Heritage Features, Appendix “2” Soil Capability for Agriculture and Appendix “3” Aggregate Resources County of Brant, do not constitute part of the Plan and are included for planning decision information purposes - identifies amendment procedure and contains a glossary of terms used in the Plan for consistent interpretation.

The document, however, should not be considered static and will be reviewed every five years in accordance with the Planning Act or when economic, environmental, or social conditions suggest that an amendment in policy direction and/or land use designations would be in the public’s best interest.

1.2 THE PLANNING AREA

The new County of Brant was created January 1, 1999 as a single tier municipality under the name of the Corporation of the County of Brant. The new municipality includes the former Town of Paris, Township of Brantford, Township of Burford, Township of Oakland, Township of Onondaga, and the Township of South Dumfries.

The new County of Brant is a city and a local municipality. The County has a population of approximately 30,000 people and in addition to the former Town of Paris, includes the urban centres of St. George, Burford, Mount Pleasant, Scotland, Oakland, Tutela Heights, Oakhill, Onondaga, Cainsville/Blossom Avenue, Harley, Harrisburg, New Durham, Falkland, Middleport, Mt. Vernon, Glen Morris, Cathcart, Burtch, Kelvin, Muir, and Fairfield Plain.

The County of Brant is situated in southwestern Ontario and is bordered on its exterior perimeters by the Regions of Hamilton-Wentworth, Haldimand-Norfolk, Waterloo, the restructured County of Oxford and the Six Nations Indian Reserve. The new County geographically encircles the City of Brantford.

1.3 PLANNING HISTORY

Although a new municipality, the six former municipalities have a rich history of planning with each municipality bringing with them an approved Official Plan and Zoning By-Law. This document will be the first County Official Plan.

This new document is more than a consolidation of the six former documents. The objective of the Plan is to ensure continuity in policy direction, give direction for the

protection of resources; direct development to the most appropriate locations and to ensure appropriate regard is given to Provincial Policies.

1.4 LEGISLATIVE AUTHORITY

In accordance with Section 17 of the Planning Act, R.S.O. 1990 c. P. 13, as amended, the Council of a municipality may provide for the preparation of a plan suitable for adoption as the Official Plan of the municipality. An Official Plan is defined in the Planning Act as a document, approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a municipality while having regard for relevant social, economic and environmental matters. **Section 24 of the Act further provides that where an Official Plan is in effect, no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.**

1.5 TIME PERIOD OF THE PLAN

This Official Plan shall provide guidance for the physical development of the County of Brant through the establishment of land use patterns and development policies while having regard to relevant social, economic, and environmental issues for the planning period to 2020.

It is intended that this Plan be reviewed from time to time, to determine if new technical, physical, social, or economic conditions have changed sufficiently to warrant amendments to the policies and/or land use designations contained within this Plan. It is also intended that at least every five years, a special public meeting be called by Council to invite public opinion on the appropriateness of policies and designations contained within the Plan.

1.6 OTHER STATUTORY APPROVALS

In situations where statutory approvals may be required under provincial legislation (i.e., Ontario Water Resources Act, Environmental Protection Act, etc.) other than the Planning Act, the proponent is encouraged to consult directly with the responsible Ministry to determine any necessary requirements and/or conditions. Compliance with such conditions, however, does not mean acceptance or approval of a land use issue governed by this Official Plan. All applicable policies and / or tests of this Plan must be met.

1.7 PURPOSE OF THE PLAN

Although Official Plans are long-range documents, which regulate development for twenty years, there is the necessity to update or even re-think the policies of the Plan when the Plan no longer properly reflects the goals or even the boundaries of the municipality. Given the significant change to the municipal structure it is now possible to identify the most appropriate areas for the most appropriate land uses and not try to accommodate each land use within a historic geographic boundary.

It is intended that this Plan will be of assistance to both private interests and public administrators. By understanding the future development policies of the County of Brant, private interests will be encouraged to plan their operations accordingly. The public administrators will benefit by the ability to program and evaluate the need for future municipal services such as roads, schools, parks, water supply, drainage, police and fire protection, and health services, as well as municipal administrative staff requirements. The long-term municipal planning will result in the provision of more adequate services at the most economic level. It will also improve certainty, order and coordination of development within the municipality.

This Official Plan sets out in general terms the future pattern of development for the County of Brant. The Plan's purpose is to:

- (1) set the framework for development within the new restructured County of Brant by identifying and establishing policies that provide for the desired direction as expressed by the greater community and establish a degree of order to all future development within the County of Brant to the year 2020;
- (2) establish policies that will guide future economic, social, environmental, and land use changes within the municipality to the year 2020;
- (3) provide a policy framework which encourages growth and prosperity in the municipality, promotes the County of Brant as a desirable place to work, live, and visit by maintaining and enhancing the County of Brant's physical and cultural resources which are the basis of the community's desirability and economic well being, strengthens the communities tax base, and provides ample opportunities for employment;
- (4) interpret and apply the intent of Provincial legislation, regulations and policies to the County of Brant in a manner which reflects the regional interests;
- (5) provide a policy framework, which encourages the protection and maintenance of

the agricultural industry not only as a producer of food and other products but also as an important component of the County's economic base and as a basis for the County's rural agricultural community and rural way of life. The policies will ensure that good agricultural land is preserved for agricultural use through the protection of the land base by directing land uses that are not related to or compatible with agriculture away from the agricultural areas while permitting economic opportunities, on the farm job creation, and the continued presence of social and recreational support facilities within the rural portion of the County of Brant;

- (6) ensure that the minimum agricultural operation unit size or farm parcel size is sufficient for the typical agricultural operation while also permitting farming operations to adjust to changing economical and technological conditions;
- (7) develop planning policies and implementing regulations that will respect the natural, cultural, and heritage features of the County of Brant, including minimizing any adverse impacts on the natural environment, wildlife habitat, natural heritage features and areas, protecting significant environmental features and the water quality of the area watershed through the application of good management practices;
- (8) establish a land use pattern that ensures sufficient lands have been identified in settlement areas and specific land use designations identified for development to accommodate a variety of housing and employment opportunities to meet current and future needs;
- (9) formulate subdivision and consent policies which are relevant, reasonable and appropriate for the County of Brant while having regard to the Provincial Policy Statements. The policies will be reflective of the differing circumstances that result in variations to standards and servicing requirements depending on location, density and environmental/natural resources impacts;
- (10) develop policies that would prohibit uncontrolled development throughout the municipality, and which would have due regard to the cumulative effects of development on the natural environment and surrounding land uses. Policies will be designed to ensure a logical and orderly pattern of development in accordance with the servicing capabilities of the County of Brant with the intent that development is generally to occur on full services. Private wells with communal sanitary services may also be considered.²

²

At the time of the preparation of this document, the municipality was in the process of preparing a Master Servicing Plan to address the servicing issues in Brant. The recommendations of the Master

- (11) encourage the provision of affordable housing in a variety of designated locations and a variety of dwelling types;
- (12) ensure that all future development occurs at a pace, which is within the financial capability of the County of Brant;
- (13) provide for the protection and maintenance of the mineral aggregate resources industry not only as a producer of sand and gravel and other products, but also as an important component of the County's economic base. Although a limited resource, mineral aggregate resources will not have priority over natural environmental issues. Policies will be developed to ensure compatibility with the environment, the road system and abutting land uses as part of the extraction processes;
- (14) inform the private sector of the servicing type and standards that will be accepted by the County of Brant in the future;
- (15) guide Council, various committees, staff and regulatory agencies in carrying out the goals, objectives and policies of this plan;
- (16) establish a framework for public involvement in the implementation, review or amendment of the Plan's goals, policies and land use decisions;
- (17) ensure that the Plan is consistent with "The Brantford - Brant Annexation Act, 1980" which is the result of an agreement between the City of Brantford the former Township of Brantford and the former County of Brant;
- (18) provide a frame of reference for future detailed studies which may be undertaken when considered necessary by Council; and
- (19) provide a policy document that is strong enough to withstand individual objectives that are not in the best interest of the community as a whole.

1.8 BASIS OF THE PLAN

This Plan is based on the results of numerous planning studies and decisions made by the

Servicing Plan will be adopted as a policy document of Council.

former Councils of the municipalities that now make up the new County of Brant, as well as an update of demographic, servicing, land use, environmental issues, and public opinion undertaken by the new Council of the County of Brant in preparation of this Official Plan.

The studies have identified the strengths and weaknesses within the existing Official Plans. Council and administration have concluded that a new stand-alone Plan is required in order to establish a comprehensive policy direction at a level of detail which will reduce problems of interpretation, blend (where necessary) the policies of the previous municipalities, reflect current provincial policies and reduce the need for amendments.

In addition to changes in the boundary, there continues to be a concern regarding the preservation and enhancement of groundwater, economic development, tourism, commercial area revitalization, affordable housing, and greater appreciation for cost efficient community planning. All these issues need to be addressed by today's standards and priorities.

In 1994, the Grand River was declared a Canadian Heritage River. The policies of this Plan need to support appropriate initiatives to maintain, manage, enhance and conserve this outstanding human and natural heritage feature and recreational potential.

All of these events have culminated in forming the basis for the preparation of this Official Plan.

As noted earlier, each of the former municipalities that make up the new County of Brant, had been involved in planning their communities. They had regularly reviewed and updated their planning documents but with the creation of one municipality out of six there was a need to develop a uniform policy regarding development.

Meetings/interviews have been held with many former councilors, former committee members, land owners, the general public, staff and existing councilors in order to obtain insight into the current thinking, desires, objectives and problems.

Field surveys have been conducted across the entire new municipality. The 2000 land use survey has been compared to earlier land use patterns in order to determine the built form's impact on the landscape, determine the impact of severance activity and determine the areas with the greatest "draw". A more detailed account is contained in **the Background Report to the County of Brant Official Plan**. The Background Report does not form part of this Official Plan.

Building permit activity has also been examined for residential development for the time period of 1996 to 1999. This information was helpful in assessing the future land needs for residential growth beyond the information obtained up to 1996 through Census Canada.

Past activity — neither building nor demographic — is the only factor used to determine future land needs. New trends, economic promotions and unforeseen development opportunities will also alter the land needs for the new municipality. Both the completion of the Freeway 403 and changes in servicing policies in Burford are good examples of development opportunities not anticipated by previous documents. The people who purchase homes in Burford, after the change in policy to permit development on communal services, will probably not be from the same “pool” of people who have been projected, from past trends, to move to the County of Brant area. Therefore, any land needed for this development would be over and above those anticipated by standard projections. The completion of the Freeway 403 has literally put Brant County on the trucking and commuter map. Increased ease of access, reduced travel times and the economy of the area all are factors that increase the attractiveness of Brant as a location for trucking, warehousing, and manufacturing industries and the resulting people and commerce to serve those industries.

All of the above activities have resulted in the identification of topic specific issues that Council has addressed in order to establish the policy direction the new Official Plan should take. Issues have been reported on by topic.

1.8.1 GROWTH AND DEVELOPMENT

One of the major elements that the new Official Plan has addressed is how much growth will or should occur. The Plan has identified the most appropriate locations for settlement areas and industrial parks.

The selection of specific areas for development also affects other aspects of the community and Official Plan, such as agriculture policies, consent policies, servicing issues, financial budgeting, and transportation patterns. To assist in understanding future residential land needs, population projections and housing requirement projections were prepared. A more detailed report on these projections is contained in **the Background Report**.

As noted in the Background Report, a conservative estimate of the future population for the new community would be a growth from 1996 of 29,790 persons to over 36,700 persons by the year 2021. As indicated above, this projection is based completely on past

trends and does not include projections based on changed development policies. The number of new households required to accommodate the projection of 36,700 persons would be a minimum of 3,200 dwelling units. If a more aggressive in-migration was to occur as a result of servicing solutions and industrial opportunities, every additional 100 homes will bring to the County an additional 310 persons on average.

For planning purposes, a greater land base is required to accommodate the number of new dwelling units than just a straight calculation of number of units per acre. Other factors such as vacancy allowance, development constraints, choice and the need for supporting social services must also be considered as part of the residential lands needs calculation.

Approximately 130 residential lots are needed every year to accommodate the basic residential land needs of the Brant County community. In the year 2000 there is less than a 4-year supply of lots in approved and draft plans of subdivision within the County of Brant.

The areas selected for new growth have been mainly those areas that are currently or can be serviced with municipal sanitary and water supplies. For the most part areas selected for new development are extensions of established areas in order to efficiently service (hard and soft) the residents of the community. Established communities were also selected for additional growth as the continuance of these communities are important to the people of Brant and each community's viability needs to be maintained. A certain critical mass and/or threshold of people is required to sustain the schools, churches, recreational facilities, commercial establishments of these communities.

The main areas identified for residential development, in hierarchical order, are:

- the urban community of Paris;
- the urban community of St. George;
- the urban community of Burford;
- the urban settlements of Mount Pleasant, Scotland, Oakland, Tutela Heights, Oakhill, Onondaga, Cainsville/Blossom Avenue, Harley, Harrisburg, New Durham, Falkland, Middleport, Mt. Vernon, Glen Morris, Cathcart, Burtch, Muir, Kelvin, and Fairfield Plain; and
- selective areas that are either existing estate residential development or possess all appropriate characteristics.

Paris, St. George and Burford are the three areas where the greatest concentration of development has already occurred or has been planned for and will continue to be the prime area of concentrated residential development. These areas also have the greatest concentration of support services such as parks, open space, schools, churches, social services, medical services, commercial facilities and employment opportunities.

Schedules "A" and "B" of the Official Plan also include "Future Direction Growth Arrows". The purpose of these arrows is to provide an indication as to where new development should occur. For Residential designations, the directional arrows extend from existing development to the Settlement Boundary. The lands within the Settlement Boundary do not require an Official Plan amendment. Other than minor infilling, new development will be required to prepare an Area Plan in accordance with Section 2.4 of this Plan and proceed by plan of subdivision in accordance with the Planning Act. A full range of development options and densities may be available in the future, dependent upon the availability of adequate servicing as well as compatibility with the surrounding land uses. Future Direction Growth Areas have been provided within the Settlement Areas as well as for the Industrial Areas.

The types of housing that should be available in the County include affordable housing, seniors housing, granny flats, condominiums, semi-detached dwellings, apartments, and executive estate housing and retirement homes. Generally, large lot development (2 to 3 acres) is not supported by either the focus group representatives or Council but is supported by the real estate market. Although it is considered to not be the most efficient use of land, limited estate opportunities will be provided for in the Plan by designation only, and/or Official Plan amendment in areas that are not suited for agriculture or other resource based activities.

Other areas for non-residential development would include the interchanges of the Freeway 403 and other very selective arterial roads where good transportation opportunities and established land use patterns deem further development appropriate.

Existing industrial uses in the County of Brant include aggregate extraction, peat extraction, and numerous industrial parks. Extractive Industrial uses are discussed under Aggregate. There are approximately 500 commercial and industrial establishments within the County ranging from larger industries such as Wes cast, Lafarge, and Home Hardware to smaller industries such as small engine repair.

The main concentration of commercial and service and institutional uses are and will continue to be located in Paris, Burford, and St. George as well as along the arterial road system in select locations.

There is consensus that both industrial and commercial growth should be encouraged and promoted within the County. A variety of opportunities should be provided including serviced industrial parks as well as the conversion of existing, vacant buildings to accommodate small cottage industries. High tech industry should also be encouraged - concern was expressed as to whether fiber optics would be required in order to attract this type of industry. A factory outlet was seen as being desirable and would also be good for tourism.

It was noted that the County should take advantage of the railway and not limit industrial opportunities to Freeway 403. Furthermore, other routes including Brant Roads #25, #2, #53, #5 and Highway #24 could consider select locations for industrial and commercial development.

Various locations were identified as being suitable for industry including both south and north of Freeway 403, Green Lane, north of Paris (but is limited by servicing problems, groundwater sensitivity, and trucks having to travel through downtown), Rest Acres Road/403 area, County Road 25 and Freeway 403 and east of the City of Brantford (Freeway 403 & Garden Avenue). It was suggested that the industrially designated lands should also be pre-zoned and possibly pre-serviced to facilitate development. As some of these site interface with environmentally sensitive areas and Provincial Highways, no pre-zoning will occur until appropriate environmental assessments have occurred to evaluate the impact on the wetlands and fish habitat, and where appropriate, servicing, transportation/traffic impact and buffering issues have been addressed.

Population projections and a desire to ensure resource protection cannot justify a generous or permissive consent policy within the better Agricultural areas of the municipality. For the most part Brant has shown excellent appreciation for the agricultural land base and most farm areas are unaffected by rural urban conflicts.

Residential interface with industrial land uses will also incorporate appropriate buffer policies. Landfill sites will be identified and buffer policies applied.

Prioritization has been given for residential development to lands within and immediately adjacent to Paris, St. George and Burford and to a lesser degree to the urban communities of Mount Pleasant, Scotland, Oakland, Tutela Heights, Oakhill, Onondaga, Cainsville/Blossom Avenue, Harley, Harrisburg, New Durham, Falkland, Middleport, Mt. Vernon, Glen Morris, Cathcart, Burtch, Muir, Kelvin, and Fairfield Plain.

The form of development is to encourage a full range of housing types and densities in order to ensure residents have affordable housing and choice.

Limited Estate Residential development may also be recognized for rounding out or infilling.

Industrial and commercial development will locate in proximity to the Freeway 403, arterial roads and established commercial industrial areas such as the Airport and arterial roads.

The Official Plan has developed general policies for industry with respect to the types of uses permitted, location, mitigating measures on adjacent uses and buffering. A series of industrial sub-classifications has been developed permitting certain types of industrial uses at specified locations.

It is recommended that the County develop an economic development strategy to promote commercial and industrial development.

There is a need to set aside sufficient lands for industrial and commercial development in locations that are attractive to industry. Extractive industries must also be planned for while protecting adjacent lands from adverse impacts. Commercial development should be concentrated in the identified locations of Paris, Burford, St. George, and arterial roads at the pre-identified Freeway 403 intersections.

1.8.2 AGRICULTURE

The former Townships of South Dumfries, Burford, Brantford, Oakland, and Onondaga Official Plans were compared as to how they dealt with farm and non-farm development within the Agricultural designation. Each municipality handled Agriculture policies fairly similar and the plans generally conformed to the Provincial Policies. No one Plan stood out as addressing all of the Agricultural needs and therefore this Official Plan will blend and expand rather than select one existing set of policies.

This Official Plan will also address aggregate extraction as not being a permitted use under the Agricultural designation but rather require an Aggregate Extraction designation.

This Plan will also ensure there are appropriate policies regarding minimum distance separation, rural occupations, granny flats, commercial and industrial operations, greenhouses, and farm help accommodation.

This Plan will also address the issue of parcel size and the conditions that must be met to

permit consents to sever.

The predominant soil classification throughout the County of Brant is Class 1 and 2 under the ARDA land system though there are selective pockets of Class 4, and Class 5 and fairly large areas of a Class 3-5 blend. If farm parcel sizes are to remain viable there is a need to restrict the division of agricultural land and to restrict the number of incompatible non-farm residential units that exist in any area particularly in areas that have remained agriculturally strong.

The Class 3-5 blend areas have been carefully assessed to determine how the land is being used. Where the predominant land use is some form of agriculture the land use should be protected from intrusion of non-farm land uses. There are also areas within the Class 3-5 area that have been developed for estate residential and rural residential clusters/strip development and these areas may be recognized for further residential development. The existence of past severance activity on better agricultural land will not be recognized for further division unless the infilling policies can be met.

There is also a need to bring the policies into conformity with the Provincial Policies by ensuring that the Provincial definitions for retirement lots and surplus dwellings are applied.

The number of vacant lots and the potential to create additional lots in the farming areas are significant and, as observed during the public involvement portion of the study leading to this Official Plan, a select number of property owners would like the policies to be even more permissive. Although some individuals would like to see 2 to 10 acre existing sites be allowed to further subdivide, only sites in appropriate non-farm locations should be permitted this option. The majority of residents strongly supports the concept of preserving agricultural land for agricultural activities only and do not support further development in good agricultural areas.

In addition to the objective of preserving good farmland for farming activities and reducing any potential conflicts, there is also the issue of economics. If the County of Brant is going to promote development where services are being provided it must also discourage development where services are not being or should not be provided in order to offset costs associated with those services.

Nutrient management was also identified as being an issue. It was noted that a strategy or plan was required to address the issue in a comprehensive manner. Furthermore, livestock farms should have a sufficient size to accommodate the effluent generated by the operation on site or within a reasonable distance of the site. However, intensive nutrient disposal will not be permitted in areas of shallow overburden if located within a

wellhead draw area.

There were mixed feelings as to whether an intensive farm operation should be required to own contiguous land area equal to the size of the operation or be able to own a number of parcels at various locations equal to the size of the operation. Apparently, economies of scale for a livestock operation are resulting in farmers expanding their operations.

It was noted that there should be minimum setback requirements for corn dryer and grain elevator type land uses.

It was noted that livestock farmers may require housing for workers and that a second dwelling should be permitted on a farm. Also, the intensive potato/carrot, etc. farming requires accommodation for seasonal help.

The minimum lot size in the Agricultural area is set at 30-hectare minimum while permitting specialty farm development on smaller units. Policies are developed to permit on the farm job creation, market gardening and related land uses. Consents will be limited to surplus dwellings (as these units already form part of the rural landscape), limited infilling based on a strict points system, and retirement lots with a firm definition of what is a retiring farmer.

Livestock, intensive agricultural uses, as defined in the Zoning By-Law, will be permitted in the Agricultural designation without requiring an amendment to the Zoning By-Law provided the proposed location is in compliance with the minimum distance separation (MDS) formula as required by MARFA and the implementing Zoning By-Law, and the development conforms to the County's Nutrient Management By-Law.

The Zoning By-Law will only permit one dwelling unit/residence per lot. However, if more than one residence is required to accommodate farm help, a minor variance and/or zoning amendment may be obtained. The additional residence would not be severable as a condition of the variance or zoning.

1.8.3 NATURAL ENVIRONMENT

There are substantial portions of the County of Brant that are Provincially Significant Wetlands, woodlands and Natural Heritage areas such as Areas of Natural and Scientific Interest (ANSI's), watercourses, flood plains, locally significant wetlands and other areas of natural environment. The County of Brant supports the declaration of the Grand River as a Canadian Heritage River and will continue to support appropriate initiatives to

maintain, enhance, manage and conserve features of the Grand River in accordance with the Natural Environment Policies.

There is also an almost total dependency in Brant on groundwater for the supply of water. The County has groundwater aquifers and wellheads that need protection from both draw down and contamination. Protection of the groundwater aquifers was seen throughout the studies and consultation leading to this Plan as the number one planning issue in the County. Even the protection of wetlands was seen as desirable mainly for their purification and recharge benefits rather than for the existing flora and fauna.

There are wetland areas that have yet to be formally identified as locally significant Wetlands. Once evaluated and/or identifies by the Ministry of Natural Resources, these wetlands will be classified as either provincially or locally significant wetlands. Applicants proposing development on lands that have yet to be classified but are identified in the background documents to this Plan as potential additional locally significant wetlands, should be aware that the regulations of the applicable Conservation Authority must be met.

The presence of significant valley lands along the Grand River and the Nith River and Fairchild Creek is both an asset and a liability. Maintenance of visual access to these natural wonders and protection of the natural environment aspects of the valleylands is in both the residents and visitors best interest. Gypsum mines, erosion, steep slopes, and flooding of lands adjacent to these waterways must also be addressed by the policies of this Plan with guidance being supplied by the Grand River and the Long Point Conservation Authorities.

The County of Brant, through the assistance of the Ministry of Natural Resources and the two Conservation Authorities will investigate additional areas to be designated as either Wetlands or Natural Environment as features of local significance become known. The County of Brant will also pursue the concept of developing linkages between the natural areas for wildlife corridors when the designations for the various environmental features do not currently link. The designation of these additional areas will be by Official Plan Amendment and will include notification and participation by the property owners and concerned citizens.

With respect to protecting groundwater aquifers, it was suggested that the Official Plan include policies for a nutrient management plan, promoting normal farm practice and safe manure handling. There is concern that effluent run-off from large hog and other livestock operations will contaminate surface water as well as the water table. Concern was also expressed regarding the impact of mushroom farms and associated facilities.

Concern was expressed about the transport and spreading of biosolids into the County and is impacting the groundwater.

Special policies are needed to ensure the protection of the groundwater aquifers and the wellhead areas of the municipality in order to ensure a reliable and safe water supply. There is also a need to maintain visual access to the Grand River, the Nith River and Fairchild Creek as well as protect the residents from the impacts of cave ins in areas of former gypsum mines or the flooding and erosion of these natural water ways. Wetland policies will ensure the environmental integrity of the County of Brant's significant wetland areas. It is also necessary to protect sensitive areas that are habitat to herons, owls and other wildlife creatures as well as unique or endangered plant life.

The municipality has passed a Nutrient Management By-Law. The Nutrient Management By-Law will compliment and reinforce the policies, which are developed through the Official Plan process by ensuring proper nutrient loads are applied in appropriate areas.

1.8.4 SERVICING

The uncommitted reserve servicing capacity in the various sewage facilities that service certain areas of the County of Brant have some limitations. The servicing limitations require that the County of Brant either ensures that developers or the municipality upgrade or expand the sewage treatment facilities or that package plants be developed prior to final approval being given to further development. It is the goal of the County of Brant that the provision and extension of municipal services shall occur in an orderly sequence but will also encourage servicing solutions in a number of settlement areas at the same time. At the present time, the County is in the process of preparing a Master Servicing Plan. The recommendations of that Plan will be adopted by Council to assist in implementing the servicing policies of this Plan.

Almost all development within the municipality has some limitation associated with sanitary sewers. There are answers to those limitations either through upgrades to the existing systems, the installation of package (development specific) treatment facilities, or the use of septic systems in select locations.

- (1) Upgrades and/or expansion of the Paris and the St. George Treatment Plants should be pursued.
- (2) The outcome of the Servicing Study for the County may result in prioritization of development and/or improvements to the services.

- (3) Communal systems for both water and sanitary sewers will be permitted subject to acceptance of the proposed systems by the County of Brant.
- (4) The range of communal systems permitted will be limited in order to reduce the maintenance issues associated with having too many variations on the design of the plant component parts.
- (5) If it is deemed mutually beneficial, agreements may be entered into with the City of Brantford to deal with joint servicing agreements.
- (6) Development Charges and/or developer funded construction of trunk lines and treatment plants will play an important role in financing the construction of the necessary servicing facilities.
- (7) In addition, there are areas with water supply deficiency and areas where roads require upgrading. Each of these areas will be addressed by policies in this Plan as to the approach proposed for solving the issue.

A detailed engineering plan and the prioritization of expenditure of municipal funds or the development of policies that link development approval with the availability of services shall occur prior to additional subdivision development being approved.

1.8.5 EXTRACTIVE INDUSTRIAL

The extractive industry is important to the economy of not only Brant but the Province of Ontario and should be both supported and regulated. The extractive industry represents an important building block for the County.

There is consensus by the residents and Council that both an Official Plan Amendment and a Zoning By-Law Amendment should be required in order to allow for public consultation and to ensure minimum conflict. The new Official Plan includes an Extractive Industrial designation for all existing licensed sites and includes strong policies pertaining to the location, hours of operation and nuisance factors (i.e., dust, vibration, noise) while recognizing that the resource is limited, essential, and site specific.

With respect to rehabilitation, it was felt that ideally, the lands should revert back to agriculture. However, in some cases (i.e., lands which were never well suited for agriculture due to soil characteristics or location), the Plan should be flexible and consider other types of uses such as golf courses, residential or industrial. For rehabilitation to

uses other than agriculture in areas located beyond the Settlement Boundary, an Official Plan amendment will be required. Policies will also be developed to ensure rehabilitation of wayside pits.

Portable asphalt plants' needs were also seen as a land use that needed to be addressed with detailed policies in the Official Plan. While public projects will not require amendments, private and commercial operations will need to be in conformity to the Plan and the zoning by-law and meet appropriate setbacks from residential development.

Peat extraction or the removal of peat has been identified as a growing concern in the County. In particular, the north east quadrant of the County is being "mined" for peat, which has resulted in the loss of tree cover and wetland habitat.

There is currently no regulation in place to prohibit peat extraction/mining. This use is not covered by the Top Soil Protection Act and is difficult to define as a land use at the time of writing this Official Plan.

Both an Official Plan and a Zoning By-Law Amendment will be required to establish new aggregate uses. Aggregate lands will be clearly identified in this Official Plan and will be supported and regulated with strong policies. Portable asphalt plants will also be regulated.

The Official Plan will stipulate that rehabilitation plans for aggregate lands will require that the lands revert back to agriculture. However, in a few cases, which will be clearly identified in the Plan, the lands will be permitted to be used for a use other than agriculture. In all cases impact on groundwater aquifers must be adequately assessed and the aquifer will be considered a priority resource.

The GRCA has advised that the "new" Conservation Authority Regulation will regulate development including peat extraction. The definition of development includes "the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere". The timing for the approval of the new regulation, which is still in draft, is not yet available. This Official Plan recognizes the importance of regulating this use and will provide appropriate policies to permit the County to enact by-laws once regulations are in place.

Topsoil extraction will be regulated and its removal from the County prohibited while recognizing that some development activities require the removal of topsoil. This reference does not include sod farms.

While generally the overburden thickness makes mineral development uneconomical,

historically gypsum had been mined in the Paris area. There may be future commercial potential for the extraction of this and other minerals in the County of Brant.

1.8.6 RECREATION

Generally, there is consensus that recreation is an important service and that more amenities/facilities are required in the County. Parks, playgrounds, trail systems and arenas were identified as being inadequate. There appears to a need for an additional ice surface and requests have been made for a skateboard park in downtown Paris.

There are differing opinions as to how much money should be invested on recreation services and also how they should be managed (i.e., municipality provides programming or community helps to run programs/facilities). It was felt that lands having low capabilities for agriculture could be considered for recreational uses such as a golf course and parkland. There are fairly large areas of the former Brantford and Onondaga Townships and the northern portion of former South Dumfries Township where the significant undulating terrain makes farming a challenge but would be ideal for golf courses or children's camps, so long as there is no demonstrated impact on natural environmental features, there is a demonstrated need for the use and adequate protection for agricultural operations is incorporated into the development agreements.

A Recreation Master Plan is currently being prepared, in conjunction with the new Official Plan, for the County. This process includes creating a complete inventory of all existing recreation facilities including parks, playgrounds, arenas, trails etc. The usage and programming at all facilities will be analyzed. Extensive consultation with Councillors, staff and the public will be undertaken to obtain input on the future direction and recreation needs in the County of Brant. The Recreation Master Plan will provide a guide for the future development of recreation. The recommendations from the Recreation Plan will be integrated into this Official Plan.

1.8.7 OTHER

As opportunity arises, the County of Brant is prepared to provide and encourage the provision of facilities and policies that are necessary to meet the needs of development in the municipality.

1.8.7.1 TOURISM

There appears to be consensus that tourism is important to the area and to the local

economy. There was a strong desire to see policies that would encourage tourism in Paris, St. George and Burford as well as the natural environment areas of the rural countryside. A coordinated marketing approach was seen as the current missing ingredient. Activities such as Adventures on the Grand, the cobblestone buildings, the extensive miles of walking and bicycling trails are also an important part of the tourism market this Plan hopes to accommodate, explore and promote.

The new Official Plan will promote and encourage tourism yet will have as its first priority the environmental integrity of the Grand River. A fine balance is required with respect to protecting and promoting this valuable resource. Walking trails, the river frontage of Paris, the historic resources, etc. will all be promoted.

1.8.7.2 HERITAGE PRESERVATION

Heritage features include museums, cobblestone buildings, bridges as well as natural features such as landscapes, vistas, views, formal gardens and streetscapes were noted as important ingredients to what makes Brant the community that it is. Maintenance of natural vistas along the various river valleys was also desired. Concern was also expressed for the loss of the old Penmans factory, which represented an important era in the development of Paris.

It was indicated that heritage areas and buildings should be protected and promoted (i.e. as tourist areas). Part of what draws people to other places is the variation and uniqueness of the streetscape. Both Onondaga and Oakland were noted as being historically significant (i.e., War of 1812, navigation). Burford was also noted for its heritage buildings and the former Township of Brantford is the home of Alexander Graham Bell. Both Paris and the former Township of South Dumfries are known for their unique cobblestone buildings.

The Official Plan will promote heritage features and preservation thereof through statements and/or policies for tourism and economic development as well as through the promotion of Heritage Conservation Plans, appropriate archaeological policies, and cultural landscape policies. The County Local Architectural Conservation Advisory Committee will be consulted on issues related to heritage preservation.

The County may undertake to develop an archeological master plan for the County for the purpose of developing municipally-specific planning tools to be used in making land use decisions, and to assist in informing staff, proponents and the public how best to conserve and manage the County's diverse archeological heritage.

1.8.7.3 AIRPORT

It was indicated that there are some conflicts at the Airport between industrial development and residential. Appropriate buffers and separations are required. Noise from the airport was also identified as an issue.

The development of housing and obstructions on the approach to any of the runways are a major concern that needs to be addressed by this Plan.

Incompatible uses, which may negatively impact the Airport's operation, will not be permitted adjacent to the Airport. Development in the vicinity of the Airport will be in conformity to Transport Canada's noise exposure and obstacle limitation guidelines, which will be implemented in the Zoning By-Law. The protection of the aquifer and protection of the wellhead area will be key to the policies associated with this area, as will stormwater management.

1.8.7.4 CITY OF BRANTFORD

Cooperating with the City of Brantford on developing policies and joint ventures for tourism, economic development, housing and servicing was identified as being important. It was indicated that the County should develop a strong, stand alone Official Plan that has regard for the land use designations and policies of all neighbouring municipalities. The County and the City will continue to undertake joint ventures for the good of the area.

1.8.7.5 CAMPGROUNDS

Campgrounds were identified as being a problem particularly regarding what appears as uncontrolled growth and unknown servicing solutions and the potential conflict with adjacent farm operations and natural environment areas.

The issue is compounded by the fact that there is no assessment for trailers.

Campgrounds are a seasonal recreational/commercial land use and would generally not be permitted in the County except in appropriate designations such as a recreational designation and only if situated on an appropriately sized communal servicing system. Caps may be placed on existing campground developments unless engineering studies can identify proper engineered services and/or are available.

1.8.7.6 CASH-IN-LIEU OF PARKING

The need for a policy on cash-in-lieu of parking has been identified as an issue for the County and in particular the urban communities of Paris, St. George and Burford. It was indicated that a reasonable fee per parking space be calculated so as not to deter development.

1.8.7.7 GRANNY FLATS/GARDEN SUITES

The County is receiving a lot of applications for granny flats. For the most part, they are considered to be a good idea if properly regulated.

1.8.7.8 TRUCK ROUTES

Suitable haulage/truck routes need to be provided to address the needs of both aggregate and industry in general. The negative impacts of truck routes on adjacent non-industrial uses must be minimized (i.e., speed of trucks, hours of operation - presently run day and night). At the same time, industry needs to be served by roads, which can accommodate truck traffic (i.e., paved, load bearing, truck by-pass). Bishop's Gate Road was identified as a busy truck route, which is negatively impacting on Scotland. The truck route issue is not simply a local issue. It is a complex problem that will have to be addressed and resolved at the Regional or Provincial level of governments.

Once a suitable truck/haulage route has been determined and agreed upon by all of the interested municipalities, and where applicable by the Ministry of Transportation, the route will be incorporated into the Plan of Roads. In the interim, the Official Plan policies promote the placement of all new industrial designations in close proximity to the 403 to reduce any further conflicts of trucks traversing through established communities in the County. Extractive industrial must locate where the resource is located; therefore, haulage routes will be determined as part of the Official Plan amendment process.

1.8.7.9 BARRIER FREE ACCESS

The County of Brant in reviewing applications for development and when undertaking public works will strive to ensure a pedestrian friendly environment as well as ensuring that wherever possible a barrier free environment is created so that no resident of Brant is

hindered in or prevented from having an equal opportunity to make himself or herself the life that he or she is able and wishes to have.

1.8.8 OFFICIAL PLAN FORMAT

Section 1 of the Official Plan does not contain policies but is an important part of this planning process as it sets the foundation or philosophy behind the policies to follow.³ **In considering any amendment to this Plan, Section 1 needs to be considered in order to determine whether or not the foundations for the subsequent policies are being undermined by individual desires to maximize an individual need over the collective objectives of this community called the County of Brant.**

An integral part of the interpretation to this Official Plan is a consensus that the environment must be protected. A hierarchy pertaining to the preservation of environmentally significant lands has been applied in the determination of land use designations shown on the Land Use Schedules to this Plan. The highest priority was given to the preservation of wellhead protection areas and Provincially Significant Wetlands and significant habitat of endangered or theatetened species followed (in order) by life science ANSI's, fish and wildlife habitat, groundwater aquifers, aggregate resources, locally significant wetlands, earth science ANSI's, defined settlement areas, significant woodlands over 4 hectares in size, prime agricultural lands, rural land, and finally, non-farm/urban development, including industrial over agriculture at the Freeway 403 interchanges.

Amendments to this Official Plan must respect the preservation of the natural environment and the protection of the groundwater supply. Amendment applications that are not accompanied by information illustrating how environmental and groundwater issues have been addressed in an environmentally acceptable manner, and in accordance with Official Plan Section 2 policy requirements, Council may refuse to further consider the request for an amendment to this Official Plan as per Section 22(3)(4)(5) and (6) of the Planning Act.

1.8.9 STRATEGIC DIRECTION OF PLAN

In keeping with all of the identified issues and directions for future development desired by the residents who collectively comprise the County of Brant, the following **Mission**

³ Policies in Section 2 and subsequent sections of this Official Plan serve to implement the hierarchy and philosophy established in Section 1.

Statement is an important part of the philosophy behind the subsequent policies of this Plan:

The Planning and Development of the County of Brant is influenced by demographics, environment, economics, finance, geography, services, human resources and technology. The Planning Process in the County of Brant will strive to ensure a healthy environment for the residents and future residents, will give priority to the needs of the collective community known as Brant, will encourage and facilitate economic growth in appropriate locations, will protect the natural environment, will protect the agricultural resources and small town way of life that is synonymous with a safe community, will respect the cultural diversity and heritage of the area, will strive for orderly and economically viable development, will endeavour to provide quality services in a fair and equitable manner that are responsive to the general and specific needs of this community, will promote this community, will encourage residents to become involved in their community, and will strive to ensure the wise use of the natural resources bestowed on this geographic region.

SECTION 2. LAND USE MANAGEMENT STRATEGY

2.1 GENERAL

As a result of the findings of the projections, background studies, and analysis undertaken in the preparation of this Plan, Land Use Policies and a Management Strategy have been prepared to guide the nature and physical extent of anticipated growth in the new County of Brant to the year 2020.

In order to effectively accommodate the current and future inhabitants of the County of Brant, Council will endeavour to ensure that:

- (1) the various School Boards make both adequate and appropriate provision for the accommodation of existing and future school children;
- (2) sufficient community facilities such as parks or recreational facilities are provided;
- (3) any increases in traffic can be accommodated by the road network without causing unacceptable congestion, accident hazard, or nuisance to adjacent residential areas;
- (4) residential amenities can be maintained;
- (5) development has had regard for the natural environment and the community has been assured that any adverse effects are minimized or avoided; and
- (6) adequate municipal services such as sewage disposal, water supply, storm drainage, police and fire protection, and garbage disposal can be made available without undue additional cost.

Council will promote the economic growth by promoting the County of Brant and cooperating with the Federal Government, the Province, and the City to attract industry and commerce to the County of Brant.

The Development Policies of this Plan have been established in order that future development of the Planning Area is controlled in an orderly and systematic basis. The General Policies to be followed for new development or redevelopment in the County of Brant are outlined below.

2.2 DEVELOPMENT POLICIES - ALL LAND USES

2.2.1 SITE SUITABILITY

Prior to the approval of any development or amendment to this Plan or the Zoning By-Law, it shall be established to the satisfaction of Council and all other bodies having jurisdiction that:

- (1) soil and drainage conditions are suitable to permit the proper siting of buildings;
- (2) The services and utilities whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be the preferred method of servicing development.
- (3) the road system is adequate to accommodate projected increases in traffic;
- (4) the land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction;
- (5) lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing Zoning By-Law; and
- (6) adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural environmental features and functions.

2.2.2 COSTS OF SERVICING DEVELOPMENT

(1) Location of Development

In order to minimize the cost of services provided by all public agencies, no new development in the Planning Area will be permitted in any location where it would contribute to a demand for public services, which are not economically feasible to provide, improve, or maintain. Instead, development will be permitted only in locations where demands on public services will be minimized, or where it can most effectively utilize existing services, or where new services can be economically provided and maintained either by the municipality or by the developer. As per Section 34(5) of the Planning Act, the ability to properly service the land will determine development, notwithstanding the existence of an appropriate Official Plan designation and/or zoning.

(2) Development Charges

In order to defray costs to the municipality associated with any development or redevelopment, the County of Brant may implement any or all of the provisions of the Development Charges Act, as amended.

(3) Industrial Services

In order to encourage industries to locate within the County of Brant, the municipality may participate in the development of additional or expanded Industrial Park sites and/or the provision of services to privately owned Industrial lands so as to ensure an adequate supply of available serviced Industrial lands within the County of Brant.

2.2.3 WATER SUPPLY AND SEWAGE DISPOSAL**(1) Public Piped Systems**

Where possible, urban development or redevelopment in the County of Brant shall be in Settlement Areas or land use designations intended for the specific use and developed on the basis of public piped water and sanitary sewer systems. In certain cases, this will entail extensions and/or improvements to the existing public piped systems in order to service areas of new urban development.

Where the servicing of new urban development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the developer before being turned over to the municipality.

Areas currently on private systems will be required to connect to a public system should the services become available.

(2) Private Systems

If a site is located in an area where the public sanitary sewage treatment is not readily available or is not intended, development may take place on individual on-site sewage treatment systems or on developer provided communal systems. The proposed development must also be permitted by the Land Use Policies of this Plan. Within Settlement Areas or land use specific designations, approval by Council, or its designate, will be required before development is permitted on private or individual sewage disposal systems and may be conditional on

mandatory connection to public systems when piped services become available.

When development of any type will utilize a private sewage disposal system, then the lot area shall comply with requirements of the County or its designated agent for the type of development proposed and the type of private system to be used.

Individual on-site wastewater treatment systems will continue to provide the primary means of sanitary sewage treatment in the Agricultural designation and areas not identified as within the Settlement Area boundaries.

Private wells will continue to be the primary means of water supply in the Agricultural, Estate Residential and Hamlet designations and may be permitted for limited infilling purposes in existing development designations of Settlement Areas that do not have a piped municipal water supply. Private wells will also be permitted within the Settlement Area of Burford, Scotland and Oakland and the Industrial designations subject to appropriate engineering review.

If a private communal system is proposed, the municipality may restrict the type, make or model of system to one that is acceptable to the municipality.

(3) Individual Services

Where multi-lot or multi-unit residential or industrial development is proposed for more than two lots/units on individual wells and/or individual subsurface treatment systems, an Impact Assessment will be prepared by the applicant and submitted to the County of Brant. The report shall address potable groundwater quality, groundwater yield, groundwater interference, soil suitability and the lot area for effluent treatment.

Where a communal system is proposed, the municipality shall own the system or shall make alternative ownership arrangements that comply with the Ministry of Environment requirements. Any development proposing a communal servicing system must satisfy the requirements of the Ministry of Environment and as noted above, may be restricted to a type, make or model acceptable to the County of Brant. Reference should also be made to Section 5.1.2.

An Impact Assessment, when required, shall be prepared by qualified professionals. If the proposed use of individual wastewater treatment systems is to handle effluent in quantities greater than 4,500 litres per day, a hydrogeological study that demonstrates such system can operate satisfactorily on the site must be prepared.

All services, whether private or municipal, shall comply with the requirements of the Ministry of the Environment, the Environmental Protection Act, Ontario Water Resources Act, and other Provincial and municipal requirements, as applicable.

(4) Servicing Strategy/Full Municipal Services

New proposals not developing on services noted in Section 2.2.3(2) or (3), shall not be granted development approvals unless adequate uncommitted reserve water and sewage treatment capacity is demonstrated to be available to be allocated to accommodate the development of the site. The availability of uncommitted reserve servicing shall be based on the Ministry of Environment policies and guidelines.

When the capacity of the water and sewage facilities have been fully allocated and prior to the facilities reaching their hydraulic capacity, the County of Brant shall demonstrate a commitment to the expansion of the facilities in accordance with the municipal servicing strategy/plan, before additional approvals are given to further development proposals. Limitations in the capacity and operating performance of the water and sewage facilities will be recognized as a constraint to the approval and timing of new development proposals. Alternative servicing proposals will be considered based on sound engineering and environmental assessments and the approval of the County of Brant.

It shall also be the policy of the County of Brant to not grant sewage allocation until the time of subdivision registration. Draft plans of subdivision sewage allocation shall be limited to three years in order to ensure reserve capacity is efficiently and effectively utilized.

The County of Brant may also enter into servicing agreements with the City of Brantford.

2.2.4 STORMWATER MANAGEMENT POLICY

Stormwater Management is required to control flooding, erosion and sedimentation to enhance water quality and aquatic habitat. Prior to development being allowed to proceed, and if required by either the Grand River or the Long Point Conservation Authority, the developer shall undertake an Engineering Study to determine the effect of increased run-off due to development of the site, and to identify stormwater management

measures as necessary to control any increases in flows in downstream watercourses, up to and including the 100-year or Regional Storm; as well, the developer shall install the stormwater management measures identified in the study as part of the development of the site, to the satisfaction of the County of Brant and the relevant Conservation Authority.

In addition to the applicable Conservation Authority, the Ministry of the Environment and the Ministry of Transportation shall be consulted on stormwater management plans in situations where statutory approvals are necessary under the Ontario Water Resources Act and/or in situations where development is proposed adjacent to a Provincial Highway. Stormwater management plans will be considered in light of the current Ministry of the Environment's Stormwater Management Practices Planning and Design Manual. Priority areas for subwatershed studies will be established in consultation with the appropriated Conservation Authority.

Consideration shall also be given to the recommendations of the D'Aubigny Creek Master Watershed Plan (1992) and the Gilbert Creek Subwatershed Study (1999). These studies will provide guidance when dealing with any new development within these two watersheds. Subwatershed planning will be supported in areas experiencing urban development pressures and in areas where significant environmental concerns are identified. Significant findings and recommendations from these studies may result in amendments to this Plan.

2.2.5 ENVIRONMENTAL CONCERNS

(1) Active and Former Waste Disposal Sites

Schedules "A" and "B" show the location of known active or former waste disposal sites (as of the date of Provincial approval of this Official Plan). Any new development or change of use on these sites, or on lands located within 500 metres of these sites (or other such sites located in adjoining municipalities), shall be subject to consultation with the Ministry of the Environment. Development may be restricted if an evaluation indicates potential negative impacts including the presence of any adverse environmental effects or risks to health or safety.

A study may be required to be undertaken by a qualified professional that evaluates the presence and impact of environmental contaminants including but not necessarily limited to methane gas and leachate. The study will address the feasibility of mitigation measures if required. If it is found that a potential adverse effect or potential risk to health and safety does exist, development may be

restricted and/or refused.

Where significant development, or change of use is proposed on a waste site itself, no development will be permitted to occur until the approval from the Province and/or its delegate for the proposed use is obtained in accordance with Section 46 of Ontario's Environmental Protection Act, as amended from time to time.

The County of Brant encourages recycling program that will have the effect of reducing, reusing and recycling waste.

High waste diversion projects and the processing of waste so as to balance financial, service levels and environmental considerations will be promoted and permitted in the County including locations at existing waste disposal facilities.

(2) Sewage Treatment Plant and Sewage Lagoons

Schedules "A" and "B" show the location of all sewage treatment works in the Municipality. No sensitive land uses will be permitted to locate within 150 metres of the property line housing the Municipality's sewage lagoons. In addition, no sensitive land uses will be permitted within 150 metres of the property line housing an adjoining Municipality's sewage works. The actual separation distance to an adjoining Municipality's sewage works will be dependent upon the recommendation of the Ministry of Environment as determined by the type, capacity, and nature of waste being treated.

2.2.6 PUBLIC PARKLAND

(1) Public Parkland Standards

The following standards shall be used as guidelines in keeping with the County of Brant Recreation Master Plan for the establishment of community parkland.

Community parkland shall be established in accordance with the policies of this Plan on the basis of 3 hectares per 1,000 population. Such parklands are intended to serve the residents of the County of Brant.

The greatest concentration of existing parkland is currently within Paris, St. George, Burford and the hamlet areas of former Brantford Township. Parkland should continue to locate in the urban areas, however, playing fields may be developed to serve the larger community by locating them in an accessible

location and may be established within the Agricultural designation.

(2) Land Conveyances

Whenever development or redevelopment of lands is proposed for residential purposes in the Planning Area, the municipality shall, as a condition of approval, require that up to five percent (5%) of such lands for development at 14 units per gross hectare or less, or one hectare (1 ha) for every 300 dwelling units for development at densities greater than 14 units per gross hectare, be conveyed to the municipality for park purposes. Commercial and industrial development shall, as a condition of approval, require that up to two percent (2%) of such land be conveyed to the municipality for parkland. All lands to be so conveyed shall require approval by the municipality. Lands having environmental problems may not be acceptable.

(3) Alternative Conveyances

The municipality may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day the issuance of the building permit as outlined in Section 42 of the Planning Act. For plans of subdivision, the value of the land is determined as of the day before the day the Draft Plan is approved, as outlined in Sections 51.1(3) and (4) of the Planning Act, R.S.O. 1990 c.P.13. Funds collected under the alternative conveyance regulations shall be used for parkland upkeep, parkland development, recreational facilities, and acquisition of natural habitat areas and for the protection of natural habitat areas.

2.2.7 BUFFERING

The proposed use of all land in the County of Brant must generally, be compatible with adjacent land uses. Residential areas and other uses of similar sensitivity, such as hospitals and nursing homes, shall be protected from the undesirable air quality and excessive noise and vibration through the policies of the Plan and the use of Site Plan Control.

Developers proposing to locate residential or other sensitive land uses near industry, airports, arterial roads and/or provincial highways may be required to carry out noise, air quality and/or vibration assessments and determine control measures which are satisfactory to the Ministry of Environment and/or the County of Brant and which meet

the Ministry's recommended sound and vibration limits.

The County of Brant may use Site Plan Control in accordance with Section 7.5 of this Plan to require buffering between uses of land where there may be conflicts such that one use may detract from the enjoyment and functioning of the adjoining use. Such buffering will be considered in light of the Ministry of Environment's guideline entitled Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses, as amended from time to time, and may include landscaping, screening and the separation of uses by extra distance between them. Added conditions such as increased yard requirement, planting strips, fencing, and/or berms, deflective lighting, restrictions of use of certain portions of the land, etc., are all added requirements that may be imposed to offset aspects of incompatibility between any two land uses.

In areas where a conflict already exists between residential and non-residential land uses, the municipality may consider the erection of a buffer such as sound attenuation fencing as either a general or local improvement.

The municipality may also consider the installation of attractive buffering to screen storage and loading areas, particularly where there is an interface with residential uses or the 403 Freeway.

2.2.8 GROUNDWATER PROTECTION

The County of Brant is extremely dependent on groundwater for all of the community's water requirements. In consultation with the Conservation Authorities and the Province, a Groundwater Protection Plan will be developed and implemented. Potential threats to surface and groundwater quality and quantity need to be evaluated, monitored, and appropriate policies implemented in order to prevent, mitigate or eliminate negative impacts. The Grand River Conservation Authority has undertaken a Grand River Regional Groundwater Study and has draft maps on Areas Vulnerable to Contamination, Overburden Thickness, Sand and Gravel Thickness, Upward Vertical Hydraulic Gradients, Downward Vertical Hydraulic Gradients, Potential Groundwater Discharge Areas, Water Table Surface, and Depth to First Aquifer. In addition studies have been done for the Paris municipal wells to determine the area of immediate or primary influence. Similar studies are being done for the Burford area and were done for St. George and around the Brantford Airport.

Development applications within the wellhead protection areas and within the areas that are vulnerable to contamination including the Settlement Areas of Burford and the portion of St. George located east of Lot 8, will not be permitted where there is a

proposed use that includes any form of the following:

- underground transmission of oil, gasoline, or other petroleum liquid products;
- wood preserving and treating;
- outdoor storage of road salt, or other de-icing materials and dumping of salt-laden snow;
- petroleum product, refining and manufacturing;
- furniture and wood stripping and refinishing;
- horticultural nurseries;
- intensive livestock operations including the spreading of liquid manure;
- landfills;
- chemical/biological laboratory;
- chemical manufacturing/industrial areas;
- disposal of leachable waste (including the spreading of biosolids);
- electroplaters and metal fabricators;
- facilities generating, treating or disposing hazardous wastes;
- asphalt/concrete/tar plants;
- automobile junk yards;
- bulk fuel oil storage yards;
- car washes;
- cemeteries;
- dry cleaning facilities;
- gasoline service stations;
- underground storage tanks;
- agricultural spraying of herbicides and pesticides.

Applications for any industrial or commercial uses within the Wellhead Protection Area (WHPA) must include a report outlining the nature of the business, details of their operation, specify if any chemical substances are used or stored on site, and the measures proposed for spill containment. Periodic groundwater quality monitoring for the area down gradient from the development may also be required as part of the approval process.

Applications for golf courses within the WHPA will require a site specific assessment of the potential impact on the WHPA and periodic groundwater quality monitoring for the down gradient from the development as part of any approval process.

The establishment of any new aggregate extraction pit will also require a site specific assessment of the potential impact on the WHPA including an assessment of potential interference, water quality, and stream flow impacts.

Approval from the County of Brant will be required before any application is processed to either a site plan approval stage and/or a zoning by-law amendment stage of development.

The County of Brant will also require all abandoned wells be plugged in accordance with Ontario Regulation 903 or as amended from time to time.

The County's Nutrient Management By-Law requires that Nutrient Management Plans be developed and approved by the County before new or expanded livestock operations may occur. The spreading of sludge, and the establishment of new intensive livestock operations are not permitted in the WHPA.

Within the WHPA, no aggregate extraction operation, fish farm, landscape feature or any other uses that would result in the exposure of the high water table shall be permitted. Excavation shall be required to remain a minimum of one metre above the high water table.

Rehabilitation of established licensed pits will also be restricted from establishing livestock intensive agricultural uses within the WHPA.

Throughout the County of Brant, where development involves the taking of water in excess of 10,000 litres per day, the following additional policies shall apply:

1. hydrogeological studies will be required to ensure the quality and quantity of ground and surface water available to adjoining users of the aquifer is maintained;
2. no permit or license for the taking of water shall be issued by the appropriate authority until the hydrogeological studies have been circulated and consulted upon by the County of Brant;
3. the effect of land use proposals on the groundwater aquifers utilized by approved water taking operations will be considered before development is permitted so as to ensure land use compatibility and to maintain the quality and quantity of the groundwater resource in the aquifer; and
4. the effect of land use proposals on any Provincially Significant Wetlands and on any cold water trout stream including Whiteman's, Gilbert, and McKensie Creeks.

2.2.9 DEVELOPMENT ALONG INLAND WATERCOURSES

For those inland watercourses, municipal drains and wetlands where engineered floodlines are not available, the municipality in consultation with the Grand River Conservation Authority or the Long Point Conservation Authority, will incorporate appropriate building setbacks from the top of bank of such watercourses, municipal drains and wetlands into the Zoning By-Law. When determining such setbacks, the municipality shall take into consideration the type of watercourse, bank stability, angle of bank slope, Ontario Regulation 358 of the Environmental Protection Act and other relevant aspects. In evaluating development applications for lands adjacent to any watercourse, drain or marsh, the municipality in consultation with the Grand River Conservation Authority or the Long Point Conservation Authority, may request the proponent to establish appropriate flood proofing elevations, and such flood proofing requirements shall be implemented through the Zoning By-Law and Development Agreements.

2.2.10 MINIMUM DISTANCE SEPARATION - LIVESTOCK

The residents of Brant have expressed concern regarding the compatibility of livestock operations and other types of land uses if located too closely to one another. The concern is from both non-farm residents, farm residents and intensive livestock operators. To reduce incompatibility issues and to ensure greater protection to the groundwater and wellhead areas, the Zoning By-Law will ensure that a buffer area is maintained between intensive livestock operations and other sensitive uses. To achieve this, the location of new and the expansion of existing livestock operations shall comply with the appropriate minimum distance separation (MDS) formula and the other policies of this plan. To ensure that appropriate separation occurs, setbacks may be used reciprocally, i.e., at the time of applications for Consent to Sever, Zoning By-Law Amendments, or Official Plan Amendments. Livestock operations will also be protected from encroachment by residential and other types of uses in the Zoning By-Law through the use of the appropriate minimum distance separation (MDS) formula.

In addition, the Plan will restrict livestock operations from locating within the wellhead protection area of municipal water supplies. On lands identified as susceptible to groundwater contamination and located within Wellhead Protection Areas, livestock operations and the spreading of sludge from sewage treatment plants or the spreading of liquid manure from livestock operations will also be regulated or prohibited.

2.2.11 HERITAGE CONSERVATION

It is the policy of this Plan to encourage the restoration, protection, conservation, and

maintenance of the County of Brant's archaeological and heritage resources, which include buildings, and structures of historical and/or architectural value as well as the natural heritage landscape. All new development or redevelopment permitted by the policies and designations of this Plan shall have regard for the conservation of heritage resources.

It shall be the policy of the County of Brant to use all relevant legislation and programs whenever possible to encourage the preservation and enhancement of heritage resources and to develop a greater awareness of the value of heritage conservation in the community. When appropriate and necessary the County of Brant will use the provisions of the Ontario Heritage Act to conserve, protect and enhance the County of Brant's heritage. More detailed policies on Heritage Conservation Areas are found in Section 6.3 of this Plan.

As Natural Heritage includes visual landscape corridors such as along Highway 24 or the Grand River and other natural watercourses, this Plan will use the Natural Environment designation to assist in preserving the natural heritage features as well as site plan control and increased separations or setbacks in the Zoning By-Law.

The municipality will identify any development applications that will impact areas containing registered archaeological sites or lands of archaeological potential. Development on lands containing significant archaeological resources shall avoid the destruction or alteration of these resources. Where this is not possible, the development proponent shall conserve significant archaeological resources through the removal and documentation in advance of any land disturbances, and in accordance with archaeological licensing provisions of the Ontario Heritage Act. Archaeological site locations and areas of archaeological potential will be determined by the County based on registered site data and potential screening criteria provided to the County by the Province.

2.2.12 ENERGY CONSERVATION

The County of Brant shall promote energy conservation by encouraging developers to implement designs, which attempt to minimize energy use. Such techniques as innovative building designs, efficient road patterns, lot layouts and landscaping, all of which can reduce future energy requirements, shall be encouraged. The County of Brant shall also encourage involvement in various energy conservation programs.

2.2.13 ELECTRIC POWER FACILITIES

In accordance with Section 62 of the Planning Act, R.S.O. 1990, c. P.13, as amended, any use of lands, buildings or structures by Hydro One that is subject to and approved under the Environmental Assessment Act shall be exempt from the policies of this Plan and the provisions of the County of Brant's Zoning By-Law. However, any use of lands, buildings or structures by Hydro One that are not subject to approval under the Environmental Assessment Act such as executive, administrative and retail uses, shall comply to the policies of this Plan and the provisions of the Zoning By-Law.

2.2.14 OTHER UTILITY FACILITIES

All existing facilities and the development of any new facilities associated with a public utility, a telephone, television, cable transmission or other similar communications company, or a gas distribution or transmission company, shall be permitted in any land use designation, except within the Wetlands designation, without an amendment to this Plan. The utility or company involved should consult the County of Brant regarding the location of any and all new facilities. Non-linear facilities not contained totally underground will require an amendment to the Zoning By-Law. When above ground non-linear facilities are proposed in the Agricultural designation, the need must be justified as must the reasons why lower capability or marginal land cannot be used.

All buildings and facilities not used directly for the transmission or reception of an electrical current or signal, a liquid or gas or similar substance, shall comply with all other provisions of this Plan and the Zoning By-Law.

2.2.15 INSTITUTIONAL USES

The development of new institutional uses that serve a community and are not significant traffic generators, except those utilities referred to in Subsections 2.2.13 and 2.2.14 above, and except the land uses that are referred to in Section 3.10 Institutional, shall be permitted in all designations, except the Wetlands, Agricultural, Extractive Industrial, and Natural Environment designations, without an amendment to this Plan. Uses included in this section as being permitted in other land use designations include elementary schools, churches, community halls of less than 500 square metres and/or a hall associated with either a school or a church, cemeteries, and public utilities. Secondary schools, nursing homes, hospitals, arenas, larger community centres, correctional facilities, and other major institutional uses will require an Institutional designation. On those lands designated Agricultural or Natural Environment only reasonable expansions to existing institutional uses on existing lots shall be permitted without an amendment to this Plan.

Both the development of new and the expansion of existing institutional uses on existing lots shall be subject to the following policies:

- (1) the institutional uses shall be appropriately zoned in the County of Brant's Zoning By-Law;
- (2) adequate precautions shall be taken to ensure that the institutional uses have no adverse effects on adjacent land uses;
- (3) adequate parking, vehicular access, landscaping, tree planting, buffering and site and building design shall be required where necessary to create an attractive appearance and ensure compatibility with surrounding land uses; and
- (4) suitable arrangements will be made for water supply, sewage disposal, storm drainage and all other similar services.

Prior to adopting any Plan amendment to permit the development of new institutional uses in the Agricultural designation, Council must be satisfied that:

- (1) the proposed location is in compliance with the appropriate minimum distance separation (MDS) formula;
- (2) the proposed location satisfies the provisions of Sections 2.1.3 and 2.2 of the Provincial Policy Statement; and
- (3) that consideration has been given to the availability of a site serviced by municipal water and sewage services.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided the subject property has been successfully rezoned where required.

2.2.16 MOBILE HOMES/TRAILERS

Mobile homes and trailers shall not be permitted in the County of Brant except in appropriate designations such as a Modular Home Park designation or a Recreational Trailer Park designation, or, if permitted as the accommodation of seasonal farm labourers. Mobile homes and or trailers used for seasonal farm labour shall specifically be listed as permitted uses in the Agricultural Zones before the uses are actually permitted.

2.2.17 WAYSIDE PITS, QUARRIES AND PORTABLE ASPHALT PLANTS

A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by a public road authority or their contractor or agent, solely for the purpose of a particular project or contract of road construction. Wayside pits and quarries are permitted in the Agricultural and Extractive Industrial designations without an amendment to this Plan or the Zoning By-Law. On prime agricultural lands (Class 1 to 3 according to the Canada Land Inventory classification system) wayside pits and quarries may occur, if agricultural rehabilitation of the site is carried out, and substantially the same acreage and average soil capability for agriculture are restored.

Portable asphalt plants (with the meaning of such a facility defined at the end of this subsection), used by a public road authority or their agent, shall be permitted in the Agricultural and Extractive Industrial designations without amendments to this Plan or the Zoning By-Law, subject to the following provisions:

- (1) portable asphalt plants must obtain a certificate of approval from the Ministry of Environment and are only permitted if for a public project;
- (2) portable asphalt plants must meet the Ministry of Environment minimum separation distance, but in no case shall they be located closer than 400 metres to an existing residence;
- (3) portable asphalt plants must be removed from the site upon completion of the public project; and
- (4) sites used for portable asphalt plants in the agricultural areas will be rehabilitated to their former agricultural use.

Portable asphalt plant means a facility:

- (1) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- (2) which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.2.18 WOODLANDS

The Plan recognizes the importance of trees to the long-term viability of agricultural lands due to their moderating effects on temperatures and their controlling influence on soil erosion.

To encourage the protection of woodlands, the municipality may consider implementing relevant sections of the Forestry Act, the Municipal Act and any other relevant legislation.

Woodlands greater than 4 hectares in size will be designated on the Land Use Plan in a Woodlands designation and all appropriate policies will apply.

2.2.19 SOIL PRESERVATION

It is the County of Brant's desire to conserve local topsoil and peat and to reduce the exportation of these natural resources. To help achieve this objective, the County of Brant has implemented a Topsoil Preservation By-Law (By-Law No. 173-99) pursuant to the Topsoil Preservation Act (R.S.O. 1990) to restrict the removal of topsoil from a site without a permit. In addition, the following policies shall apply:

- (1) All development, including public works, shall incorporate measures to reduce or mitigate soil erosion and conserve topsoil;
- (2) No peat extraction shall occur within any lands designated as Wetlands or Natural Environment and an amendment to the Zoning By-Law will be required for any other location. No peat or topsoil extraction shall occur within the Agricultural designation without an Environmental Impact Study. The Study will address surface water drainage and water quality, loss or impairment to habitat for wildlife, fish and invertebrate species and include measures to mitigate impacts. Applicants will also be required to submit plans regarding the after use of the site including crop lands or new wetlands and identify where the top soil is being relocated if not contained within the property boundaries.

2.2.20 DECOMMISSIONING

Where a change in land use is proposed and the previous and existing use has the

potential to cause environmental contamination, the site shall be decommissioned and/or cleaned up in accordance with the Ministry of the Environment's Guidelines for Use at Contaminated Sites in Ontario. Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.

Where there is reasonable evidence to believe or suspect that development is being proposed on lands that may have been contaminated, Council shall require that a soil study be prepared, in accordance with Provincial guidelines for the decommissioning and clean up of the contaminated site and submitted along with the development application.

Development of any contaminated site shall not be permitted until the site is decommissioned or cleaned up to the satisfaction of the County of Brant and subject to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

2.2.21 FORMER MINE SITES

Council shall require the proponent of development within or immediately adjacent to Former Mineral Mining Areas shown on Schedules A or B, where there is a known present or past underground gypsum mining activity, to successfully complete a geo-technical study prepared by a qualified professional to confirm that the site is suitable for the proposed development.

2.3 PLANNING IMPACT ANALYSIS

It is a policy of the Plan that Planning Impact Analysis will be used to evaluate applications for an Official Plan and/or Zoning By-Law change to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impacts on surrounding land uses. Planning Impact Analysis will supplement the consideration of compliance with the permitted use, location, scale of development, and other criteria applicable to the relevant land use designation. The Planning Impact Analysis must be prepared by the applicant to the satisfaction of the County of Brant.

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of:

- (1) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area on the character and stability of the surrounding neighbourhood.
- (2) If the proposed development is within an Agricultural designation, a demonstrated need for the land use and proof of no reasonable alternative locations that avoid prime agricultural land or lands of a lower agricultural rating;
- (3) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- (4) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;
- (5) The proximity of any proposal for medium density residential development to public open space and recreational facilities, community facilities, municipal services, transit services, and the adequacy of these facilities and services to accommodate the development proposed;
- (6) The size and shape of the parcel of land on which a proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- (7) The location of vehicular access points and the likely impact of traffic generated by the proposal on streets, on pedestrian and vehicular safety, including impact on the primary to secondary evacuation routes identified in the County of Brant Emergency Plan, and on surrounding properties;
- (8) The exterior design and layout of buildings and the integration of these uses with present and future land uses in the area;
- (9) The location of lighting and screening, and the adequacy of parking areas;
- (10) The provisions for landscaping and fencing;
- (11) The location of outside storage, garbage and loading facilities;
- (12) Conformity with the provisions of the Site Plan Control By-Law;
- (13) The design and location of signs, and the compliance of signs with the Sign

Control By-Law; and

- (14) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

For retail uses requiring large enclosed or open storage areas as noted in Section 3.8.2, or new shopping centres as noted in Section 3.8.3 of this Plan, a market study shall be undertaken which indicates that the viability of the existing commercial area's planned function is not endangered.

The market study will contain:

- (1) an assessment of the present and future population to be served by the proposed development, including a full explanation of the sources, techniques and assumptions used in arriving at any population forecast;
- (2) a full explanation as to any other forecasts or assumptions used in determining retail requirements within the County of Brant;
- (3) the amount, mix, location and phasing of proposed retail space;
- (4) an evaluation of the primary and secondary trade areas of the proposed development, including any assumption used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- (5) an assessment of the potential impacts on the trade areas of other retail centres, including an explanation of any methodology used; and
- (6) evidence that the proposal will not jeopardize the viability of the Central Business Area of Paris, St. George or Burford, which are being promoted as the principal retail centres for the County of Brant and which philosophy should not be undermined. Regard should also be had to any negative impacts a major development may have on the adjacent City of Brantford.

Adjunct to such an analysis and prior to any consideration for approval, Council will be satisfied that the proponent has demonstrated that:

- (1) traffic volumes and movements can be safely handled by the existing or proposed transportation system;

- (2) existing or proposed utilities are adequate to serve the development; and
- (3) any deficiencies in the above can be adequately resolved by the proponent.

2.4 AREA STUDIES

It is a policy of this Plan that area studies may be prepared by the County of Brant to assist in the implementation of the policies of this Plan and to provide guidance for the preparation and evaluation of regional facility and community facility development proposals. Area studies may deal with:

1. Land use type and intensity;
2. On-site and off-site parking;
3. Road network and traffic circulation;
4. Pedestrian movement;
5. Municipal services;
6. Amount and location of neighbourhood open space;
7. Landscaping;
8. Presence of buildings of architectural and/or historical significance and location of registered archaeological sites and/or lands of archaeological potential;
9. Subwatershed planning; and/or
10. Traffic impact;
11. Minimum Distance Separation from intensive livestock operations located in the abutting Agricultural Designation.

2.5 ENVIRONMENTAL IMPACT STUDY

Where an application under the Planning Act involves any natural features and/or their

applicable adjacent lands which have either been or not been identified in the Natural Environment or Wetland or Woodlands areas shown on Schedule “A” and “B”, Council may, in consultation with the appropriate Conservation Authority, require the proponent to undertake an ecological evaluation to determine if the site is significant with respect to the Natural Environment goals (Section 3.3) and may also require an Environmental Impact Study to be undertaken by the proponent prior to any Planning Act approvals being granted for such lands. Council shall, in consultation with the appropriate Conservation Authority, review the ecological evaluation and determine the significance of the natural feature. Where an Environmental Impact study is undertaken, Council shall, in consultation with the appropriate Conservation Authority or the Ministry of Natural Resources as needed, review the study and determine any change to the boundary or status of the feature and the suitability of recommended environmental mitigation measures. It should be noted that an Environmental Impact Study is required where a property include Wetlands, Woodlands, Natural Environment Areas and/or adjacent lands associated with each of these areas. Adjacent lands shall generally be considered lands within 120 metres of the designation. Reference should also be made to the following Sections:

- 2.2.19 (2) Soil Preservation
- 3.2.3.3(7) Fish Farms
- 3.2.3.11(h) Consents
- 3.3.3(3) Policies - Natural Environment
- 3.4.2(4) Policies – Wetlands
- 3.5.3(2) Woodlands
- 3.11.3(c) Policies – Recreational
- 8.4(4) & (10) Amendment Procedures

The Environmental Impact Study shall:

- (1) be completed by a qualified professional(s) proficient in ecology, environmental planning, and other relevant earth sciences and in accordance with Provincial and County guidelines and terms of reference approved by the County and Conservation authority having jurisdiction;
- (2) evaluate the existing significant natural features, linkages, and ecological functions of the subject property in the context of the entire natural area;
- (3) explain the details of the proposed development and identify feasible alternatives which demonstrate no negative impact upon the significant natural features or ecological function for which the site has been identified;

- (4) obtain and document input from public and agency consultation and address any concerns;
- (5) be able to satisfy the Natural Environment policies set out in this Plan;
- (6) Address appropriate buffers, setbacks, mitigative measures, as well as restoration and enhancement opportunities; and
- (7) Undertake a wetland evaluation where deemed necessary by the County and Conservation Authority.

All development or site alterations to be undertaken in a natural area identified as significant will only be permitted once it has been demonstrated to the satisfaction of Council and the appropriate Conservation Authority that the affected site is being protected to the greatest degree possible, and an Environmental Impact Study has been approved by the County of Brant, the appropriate Conservation Authority and the Ministry of Natural Resources as required for wetlands and ANSI's.

Any change in the boundary of a Provincially Significant Wetland or Provincially Significant Natural Feature will require approval of the Ministry of Natural Resources.

Subwatershed studies provide a comprehensive Environmental Impact Study with recommendation for setbacks for various features. The Ministry of Natural Resources has been involved in subwatershed studies throughout the local watersheds. Where such a study has been undertaken, a scoped Environmental Impact Study in accordance with the recommendations of the subwatershed study will be required. It should be noted that the results of an Environmental Impact Study may be refused, approved or approved with modifications.

2.6 BRANTFORD AIRPORT

Land uses permitted within and adjacent to the Brantford Airport shall also be subject to the following policy:

- (1) Incompatible uses and obstacles which may negatively impact the Airport's operation will not be permitted adjacent to the Airport. Development in the vicinity of the Airport will be in conformity to Transport Canada's noise exposure and obstacle limitation guidelines which will be implemented in the Zoning By-Law. The protection of the aquifer and protection of the wellhead area will be key to the policies associated with this area, as will stormwater management.

2.7 BARRIER FREE ACCESS

It shall be a policy of this Plan that, in reviewing development applications and when the County is undertaking public works, serious consideration be given to the creation of a barrier free environment. Encouragement will also be given to design standards that create a safe pedestrian environment.

Barrier free design will be applied to intersection, curb cuts, pedestrian activated signals, public buildings, all new institutional, recreational, commercial, industrial or multi-unit structures.

SECTION 3. LAND USE POLICIES

3.1 GENERAL

The intent of this Official Plan is to develop policies and to define, through:

- Schedule “A” - Land Use Plan
- the more detailed Schedule “B”s, namely -
 - “B-1A” Land Use Plan - North Paris Settlement Area
 - “B-1B” Land Use Plan - South Paris Settlement Area
 - “B-2” Land Use Plan - St. George Settlement Area
 - “B-3” Land Use Plan - Burford Settlement Area
 - “B-4” Land Use Plan - Scotland Settlement Area
 - “B-5” Land Use Plan - Oakland Settlement Area
 - “B-6” Land Use Plan - Cathcart
 - “B-7” Land Use Plan - Glen Morris Settlement Area
 - “B-8” Land Use Plan - Cainsville/Blossom Avenue Settlement Area
 - “B-9” Land Use Plan - Airport/Oakhill Settlement Area
 - “B10” Land Use Plan - Tutela Heights Settlement Area
 - “B11” Land Use Plan - Mount Pleasant Settlement Area
 - “B-12” Land Use Plan - Harrisburg Settlement Area
- Schedule "C" - Transportation Plan
- Schedule “D” - Special Flood Plain Policy Area

the nature and extent of future growth and to determine the use of land in an orderly, attractive and economically viable manner. The objectives of the Land Use Policies and Plan portion of the Official Plan are:

- (1) To maintain an appropriate balance between areas to be used for Agricultural, Residential, Commercial, Industrial, Extraction, Recreation, Institutional and Natural Environment activities.
- (2) To designate major land use areas to ensure the proper functioning of each use, and desirable spatial distribution based on sound planning principles and analysis.

- (3) To establish a land use pattern that ensures that services and utilities are efficiently utilized.
- (4) To ensure that Paris, St. George, Burford are all strengthened as the primary focal points of community life and commerce.
- (5) To ensure that areas that have been identified as historically significant, environmentally sensitive, or hazardous are sufficiently protected and enhanced.
- (6) To ensure that sufficient areas have been set aside for employment opportunities.

3.2 AGRICULTURAL DESIGNATION

3.2.1 OVERVIEW

The intent of this designation is to ensure that prime agricultural land and the agricultural lifestyle of Brant County is protected and allowed to flourish.

The County is composed of large areas of good agricultural lands and lands that have considerable agricultural potential subject to adequate drainage, irrigation or specialty crop farming. The majority of the land is classified as Class 1-3 under the ARDA classification system. There are also large tracts of land where the viability of farming is questionable due to topographical constraints, undesirable soil structure, moisture limitations, low fertility, or stoniness. The wide variety of differing soil types across any one farm also makes it difficult to apply uniform farm practices. Farms may experience a variety of soil types and soil characteristics. Some of these lands are classified as Class 3-5 and a few areas of Class 4 and Class 5.

Regardless of the classification rating, the Agricultural designation has been applied to lands that are either prime agricultural lands (Class 1, 2 and 3), lands that are under agricultural production, or lands that are surrounded by lands in agricultural production.

The principle policy of this designation is to encourage and promote agricultural lands for agricultural activities. The County of Brant also endorses the “right-to-farm” which acknowledges that farming involves activities that produce dust, noise, light, flies, smoke, vibration and odours. In order to achieve the primary objective, the Plan will prohibit urban and non-farm related land uses from developing on lands that are intended for farming and farming related land uses. Non-farm land uses, for the most part, will be directed to Settlement Areas or areas specifically intended for the proposed or existing

land use.

3.2.2 GOALS

The following goals are established for the Agricultural area:

- (1) to preserve good agricultural land for agricultural purposes;
- (2) to allow farm operators sufficient flexibility to engage in a wide range of agricultural activities and protect both full and part-time farmers within the County;
- (3) to restrict the type and amount of non-farm development in the agricultural area;
- (4) to allow, as a solution to accommodate farm help or the need to care for a loved one, the right to create an accessory apartment within an existing dwelling or to establish a “granny flat/garden suite”;
- (5) to encourage the retention and enhancement of existing fence rows, hedgerows, and woodlands in order to protect the high quality of landscape, provide habitat for wildlife, aid in groundwater recharge, provide additional income through proper woodland management, and reduce wind erosion. The County of Brant supports stream buffering which will be encouraged through the retention of vegetation adjacent to watercourses and drains as a method of water quality protection measure; and
- (6) to ensure that the soil quality and the ability to grow crops and/or raise livestock is not impaired by the alteration of the water table either as a result of aggregate extraction or through individual or municipal water extraction.

3.2.3 POLICIES

The following policies shall apply to those lands designated “Agricultural” on Schedules “A” and “B” of this Plan:

3.2.3.1 PERMITTED USES

The Agricultural designation on Schedules “A” and “B” shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources.

- (1) The primary uses permitted may include all types of farming, the related buildings and structures, the farm residence, residences required for associated farm labour, the growing of crops, the raising of livestock, fowl and fish, retail sales of produce grown on the farm, market gardening, and nurseries, subject to further policies as outlined in this Plan, and may also include agricultural research operations.
- (2) The secondary uses permitted may include home/rural occupations, bed and breakfast establishments, commercial or industrial uses which are small scale, require a location in proximity to the farm operation and are directly supportive and directly related to the agricultural operation (such as bulk seed, warehousing of produce, cold storage, packaging or processing plants, agricultural trucking establishments, establishments for the sale, repair, and service of agricultural machinery), limited social, recreational and institutional uses, forestry and reforestation, wayside pits, quarries and asphalt plants, subject to policies outlined in this Plan.

3.2.3.2 MUSHROOM FARMS

Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are permitted in the Agricultural designation. However, the establishment of a new mushroom farm operation or the expansion to an existing operation will require an amendment to the Zoning By-Law, must meet the conditions of this section, and are subject to Site Plan Control. When an application for a zoning by-law amendment to allow a mushroom operation is made, Council shall have due regard for the following:

- (1) the proximity of the proposed operation to existing residential uses and zones;
- (2) the location of the proposed operation and other existing uses with respect to the prevailing winds;
- (3) any comments the Ministry of Environment may have; and
- (4) the criteria listed in Subsection 8.4 of this Plan.

3.2.3.3 FISH FARMS

The establishment of a fish farming operation including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted in the Agricultural designation. However, the establishment of a new fish farm operation or the expansion to an existing operation will require an amendment to the Zoning By-Law and are subject to Site Plan Control. When an application for a zoning by-law amendment to allow a fish farm operation is made, Council shall be satisfied that:

- (1) approvals have been obtained from the Ministry of the Environment for the issuance of a “permit to take water” for water draw down from ground or surface sources and that the volumes of water are not adverse to the long term planning of the community;
- (2) approvals have been obtained from the Ministry of the Environment for a “certificate of approval” for sewage treatment works and water discharge from the fish farm operation;
- (3) approvals have been obtained from the Ministry of Natural Resources for a license to propagate and sell fish and transport fish;
- (4) any discharge into a municipal drain is not harmful to the function of the drain and down stream utilizers and that an engineering study has been conducted, to the satisfaction of the County, to determine the potential effects, outline the steps to be taken to ensure no adverse effects will occur and prepare, if necessary a reassessment of the drain;
- (5) any discharge into a watercourse subject to the control of a Conservation Authority has been approved by the Conservation Authority;
- (6) the proposed operation will not conflict with other neighbouring uses;
- (7) an Environmental Impact Study had been conducted in accordance with Section 2.5 of this Plan;
- (8) the Zoning By-Law and Site Plan Control documents are appropriate for the use;
- (9) any alteration to an existing watercourse which may impact water quality and quantity has been approved under the Conservation Authorities Act, the Lakes and Rivers Improvement Act, and where applicable, the Federal Fisheries Act;

- (10) if in the development of a pond for a fish farm there is the removal of material that can be processed as sand or gravel, a license under the Aggregate Resources Act shall be required; and
- (11) in the creation of ponds for a fish farm, Zoning By-Law amendments and development agreements may be required that address the staged removal of topsoil.

3.2.3.4 LIVESTOCK OPERATIONS

In an attempt to reduce risk to groundwater supply, the County may consider restricting the spreading of nutrients within the Wellhead Protection Area and in proximity to open watercourses, including open municipal drains, pursuant to municipal regulation, such as the County's Nutrient Management By-law, except by-laws under Sections 34 or 38 of the Planning Act.

Agricultural uses may be established or expanded in the Agricultural designation in accordance with the following provisions:

- (1) Within the Wellhead Protection Area
 - a. no new intensive livestock operations shall be permitted; and
 - b. all existing intensive livestock operations will be recognized in the Zoning By-law. Development, including expansion of such operations, that improves the farm management practices of such operations will only be permitted subject to Clauses 3.2.3.4(3)(a), (b) and (c).
- (2) A proposed intensive livestock operation shall satisfy the following requirements:
 - a. new or modified livestock or poultry housing structures or manure storage facilities shall be in compliance with the Minimum Distance Separation (MDS) Formula II contained in the Zoning By-law;
 - b. the County is satisfied that a proposed private sewage disposal system can operate satisfactorily on the parcel where the livestock or poultry housing structures or manure storage facilities are located; and
 - c. the proposal complies with all nutrient management requirements of the County and of the Province, including sufficient tillable land base to

support the proposed use.

- (3) A proposed intensive livestock operation in excess of 375 livestock units shall, notwithstanding Section 7.5 of this Official Plan, be subject to the site plan control provisions of Section 41 of the Planning Act and may, subject to site plan control, be established or expanded in the Agricultural Zone without an amendment to the Zoning By-law if, in addition to satisfying the requirements of Section 3.2.3.4(2), above, the following requirements are satisfied:
- a. A site plan is submitted to and approved by the County pursuant to the site plan control provisions of Section 41 of the Planning Act.
 - b. An Intensive Livestock Agricultural Impact Study (ILAIS) Report shall be completed by a qualified professional(s) proficient in environmental planning and/or ecology, and in addition, if required for evaluating hydrology and hydrogeology, by a qualified professional geoscientist, for the purpose of:
 - i. evaluating the natural features of the site, the surface and groundwater hydrology and surrounding hydrogeology of the area, including the land abutting the subject property, all in the context of the surrounding area;
 - ii. obtaining and documenting input from agency consultation and addressing any concerns;
 - iii. explaining the details of the proposal;
 - iv. identifying feasible alternatives which demonstrate no adverse impact upon the subject property, as well as upon land abutting the subject property; and,
 - v. identifying buffers, setbacks, mitigative measures, as well as restoration and enhancement opportunities in connection with the subject property.
 - c. The recommendations of such IRAIS Report shall be satisfactory to the County and shall be implemented by the site plan approved by the County pursuant to the site plan control provisions of Section 41 of the Planning Act and, if a site plan control agreement is required as a

condition of site plan approval, such agreement shall be executed and registered on title.

3.2.3.5 TREE FARMS AND NURSERIES

Tree farms and retail nursery outlets are permitted in the Agricultural designation without an amendment to the Zoning By-Law provided that all goods and materials for sale are grown or produced on site.

Those establishments that have goods and materials for sale that are not grown or produced on site will require an amendment to the County of Brant's Zoning By-Law to place the subject property in an agricultural defined area that specifically outlines the type of facility permitted. Depending on the scale of the operation, not all Agriculturally designated lands will be considered appropriate. Council will assess:

- (1) the impact on adjacent land uses;
- (2) the road conditions for sight lines, ingress and egress; and
- (3) the scale of the operation relative to the community served.

3.2.3.6 COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES

Commercial uses, dry⁴ processing industrial uses and existing institutional uses that are integral to the rural community may be allowed by amendment to the Official Plan provided that:

- (1) the commercial or industrial operation is small scale, directly related to the processing of agricultural products or the servicing of farm operations and needs to be in close proximity to the farm operation;
- (2) the institutional use serves the rural community or is required to locate within a space extensive location;

⁴ Dry industrial and commercial land uses are those that do not involve a significant number of employees, do not need significant amounts of water in their operations and do not produce significant amounts of effluent.

- (3) a location within a settlement area is not possible or appropriate and the proposed site is not located within a Wellhead Protection Area or if so, can meet the criteria of Section 2 and more specifically Section 2.2.8;
- (4) the site has a specific zoning in the County of Brant's Zoning By-Law and if deemed desirable by the County, a site plan agreement to address setbacks, building location, parking, lighting, drainage, buffering and screening, on-site spill containment facilities, parking and landscaping be obtained;
- (5) as little agricultural land is removed from production as possible;
- (6) the proposed site is located on lands that have limited soil capability of agriculture due to stoniness, topography, size, surrounding land uses, or fertility or is an expansion of an existing site;
- (7) the location of the site will not create a traffic hazard due to inadequate sight lines or any other traffic hazard;
- (8) the development is of a size and scale that can be adequately serviced with private systems;
- (9) if a residence is to form part of the commercial or industrial development, the commercial and/or industrial development should be substantially completed before any residential building permits are issued and agreements may be entered into to this effect. Applications to sever the dwelling from the balance of the subject property shall not be allowed; and
- (10) existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites shall also be permitted to expand, and limited new development may occur if no suitable alternative site can accommodate the needed facility, and a Planning Impact Study has addressed the requirements of Section 2.1.3 c) of the Provincial Policy Statement. An amendment to the Zoning By-Law will be required for any new or expanded facility.

3.2.3.7 RECREATION

Land extensive recreational uses that have demonstrated a need, are resource based and require a rural setting such as public or private campgrounds, golf courses, parks and

playing fields may be permitted by Official Plan Amendment to a Recreational designation provided that:

- (1) the land use will not negatively impact on surrounding agricultural operations, existing non-farm development, environmental features and/or aggregate operations;
- (2) the lands are limited in their agricultural capacity due to topography, soil conditions, or existing land uses, no alternative locations having lower priority agricultural land have been identified and a location in a Settlement Area has been found to be inappropriate;
- (3) the proposal is in a location that has physical attributes necessary for the development, such as a lake, stream, rolling terrain, tree cover;
- (4) the proposal can satisfy the Minimum Distance Separation (MDS) Formula I;
- (5) existing or proposed services are adequate to the satisfaction of County of Brant and may include communal systems; and
- (6) appropriate zoning and Site Plan Control agreements and/or occupancy agreements are adopted to deal with site issues, densities, whether or not dwelling units are permitted.

Generally, the areas to be considered for recreational land uses are located in the northern portion of the County Brant, the eastern portion of the former South Dumfries, or in the former Brantford Township.

3.2.3.8 HOME AND RURAL OCCUPATIONS

Home occupations and Rural occupations carried out for remuneration and as defined in the Zoning By-Law are permitted in the Agricultural designation so long as they are clearly incidental and secondary to the farm operation and do not reduce the ability of the land to be used for agricultural purposes. The implementing Zoning By-Law shall establish those farm and home occupations that will be permitted without an amendment to the Zoning By-Law and those that will require a site-specific amendment to permit the use by way of a defined area. Furthermore, the Zoning By-Law will include size limits for both residential and rural home occupations.

Council shall have regard for the following issues in determining the extent to which rural

and home occupations will be permitted:

- (1) The rural occupations that are clearly required to be located in the Agricultural area and provide a service primarily to the agricultural community (such as a tile drainage contractor or a seed corn dealership) will be permitted without a Zoning By-Law amendment.
- (2) All other types of rural occupations that are carried out for remuneration (such as welding shops, repair shops, bed and breakfast establishments, day cares, etc.) will be permitted if they meet all of the regulations/provisions of the Zoning By-Law.
- (3) Regardless of the use, no open storage of either raw materials or finished products shall be permitted.
- (4) In addition to the range of uses and storage of materials, the implementing Zoning By-Law may regulate size, limit the number of employees, include regulations regarding yards, locations of activities, restrict traffic generating uses, etc.
- (5) Because rural occupations and other types of land uses on adjacent lots may have compatibility problems if located too closely to one another, the Zoning By-Law will ensure that a buffer area is maintained between the uses. To achieve this, the location of new and the expansion of existing rural occupations shall comply with the setback criteria established in the Zoning By-Law.
- (6) To ensure that the minimum distance separation is used reciprocally, rural occupations will also be protected from encroachment by residential and other types of uses on adjacent lots in the Zoning By-Law through the use of the setback criteria established in the By-Law.
- (7) Existing rural occupations that do not comply with the requirements of the Zoning By-Law will be allowed to continue but will not be permitted to expand without a minor variance or by-law amendment.
- (8) Home occupations that are totally contained within the dwelling unit, including attached garages, will be permitted without an amendment to the Zoning By-Law. However, any home occupation that requires the use of anything on the subject property other than the dwelling, except for parking and a sign, will require a by-law amendment.
- (9) The municipality may decide to require a business license for all rural and home occupations. If such a by-law is passed in accordance with the Municipal Act, the

provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in accordance with the provisions of the Zoning By-Law.

- 10) The development of any new commercial or industrial uses which are not rural or home occupations, as defined, or as outlined above under Section 3.2.3.6 are not permitted in the Agricultural designation and shall require an amendment to this Plan.
- (11) Applications to sever rural or home occupations from the balance of the subject property shall not be allowed.

3.2.3.9 EXPLORATION OF PETROLEUM, GAS OR DRILLING

The exploration and extraction of petroleum, natural gas or other similar materials shall be permitted in the Agricultural designation and shall be a permitted use in the Agricultural zones of the Zoning By-Law provided the exploration and extraction is in accordance with the Petroleum Resources Act. In addition, the plugging of abandoned oil and natural gas wells and the storage of oil and natural gas will be done in accordance with the Petroleum Resources Act. At the same time, well operators shall ensure that:

- (1) Prior to any drilling being permitted, hydrology studies shall be prepared to the satisfaction of the Ministry of the Environment identifying water supplies and water levels for all property within the area of exploration in order to establish a pre-exploration benchmark for water supply and water levels. Reductions in water supply shall be the responsibility of the exploration and extraction operators.
- (2) Salt water, drilling fluid, oil refuse and any flammable products from a well are not handled or disposed of so as to create a hazard to public health or contaminate any fresh water horizons.
- (3) Waste of oil field brine must not be disposed of underground without the approval of the Ministry of Natural Resources.
- (4) Collection, storage and surface disposal of oil field brine shall be in accordance with the standards of the Ministry of Environment regarding water quality, where applicable.
- (5) The operation of wells shall not exceed the noise and vibration pollution standards

of the Ministry of Environment.

- (6) Oil contaminated soil shall be properly disposed of at a site certified by the Ministry of Environment to receive such waste.
- (7) Development on, abutting, or adjacent to lands affected by mine hazards or former mineral resource operations including abandoned gypsum mines, will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.

3.2.3.10 PARCEL SIZE

- (1) The minimum lot size within the Agricultural designation for newly created lots shall be 30 hectares.
- (2) Specialty farm operations and greenhouse operations may be established on smaller lots subject to appropriate conditions as set out by Council and/or a justification of the agricultural viability of the farm unit. Viability must be to the satisfaction of the Council after considering if it is appropriate for the type of agricultural use, appropriate and common for the type of agriculture in the area and allow for flexibility for other types of agricultural uses.
- (3) Lot size requirements of the Agricultural designation may also include lands designated as Wetlands or Natural Environment.
- (4) Minimum lot size within the Agricultural designation for non-farm permitted uses identified in this section shall be restricted to the minimum size required for the active aspect of the operation with as little acreage as possible taken out of productive agricultural land.

3.2.3.11 CONSENTS

Consents for the division of lands in the Agricultural designation shall be discouraged. No consent will be allowed within the Agricultural designation which may have the effect of creating lots that are not primarily related to agriculture or as specified by this Plan.

- (1) If an application for a consent is received for a lot that:
 - (a) does not front on a public road; or

- (b) is situated in an area where the County of Brant or the Ministry of the Environment or its designated agent believes is unsuitable for sanitary services, or
 - (c) is wholly contained within a Natural Environment or Wetlands designation, or
 - (d) is contained within an area identified as a primary aggregate resource area,
- then the consent shall be denied.
- (2) Consents may be granted, subject to the above restrictions, for the following.
- (a) Consents may be considered where the land being conveyed is to **be added to an existing non-farm use**, provided only the minimum amount of land required for the enlargement is conveyed. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot other than a surplus dwelling lot. Reasoning shall be provided to demonstrate the appropriateness of the land area to be severed (i.e. land need, servicing, parking, etc.).
 - (b) Consents may also be permitted to **correct lot boundaries** or to **add land** to an adjacent property. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot other than an existing dwelling unit with remaining parcel so that no new building lots have been created.
 - (c) Consents may be granted to create a **smaller farm parcel size** than the 30 hectare minimum lot size outlined above if the proposed farm unit is a sustainable agricultural operation. The Ministry of Agriculture Food and Rural Affairs may be consulted in this evaluation. Minimum Distance Separation Formulae must also be met. Certain conditions may also be imposed by the Committee of Adjustment to ensure that the proposed use is developed as described in the application. Such conditions could include the requirement that the agricultural buildings be substantially completed prior to the stamping of the deed and /or the construction of any residential unit or the requirement of certain environmental enhancement features such as topsoil preservation, water quality restriction etc.

- (d) Woodlands will generally not be severed but will remain with the farm unit unless the woodland is to be acquired for preservation or conservation purposes by the County of Brant or other public authority.
- (e) Although **retiring farmers** are encouraged to retire to a Settlement Area or utilize a lease back arrangement with the new purchaser of the farm, consents are permitted for one farm retirement lot provided all of the following conditions are met:
 - (i) the property owner has actively farmed the land in question personally for at least twenty years prior to the application for consent;
 - (ii) the retirement is as a result of age (over 60) or physical disability;
 - (iii) the minimum size of the farm holding must be approximately 20 hectares and the applicant has had no previous consent to sever granted for the creation of a residential lot or a commercial or an industrial use for this property, nor has the applicant ever been granted a retirement lot within the municipality;
 - (iv) the area of the retirement lot shall be generally less than 0.6 hectare in size; and
 - (v) the conditions of Section 3.2.3.11(h) have been met.
- (f) Where previous or current farm consolidations have rendered a **residence surplus to a farming operation, or** where an established farm has **more than one habitable dwelling**, existing at the date of adoption of this Plan and built prior to 1978, which is considered surplus to the needs of the farm operation, a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:
 - (i) the lot severed for non-farm use is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than 0.6 hectare in size;
 - (ii) the Minimum Distance Separation Formulae can be met with the

- formulae applied as if the property was zoned or designated as a residential lot;
- (iii) the house to be severed was constructed prior to January 1, 1985;
 - (iv) the lot severed, for the non-farm use, will neither create nor add additional dwelling units; and
 - (v) the conditions of Section 3.2.3.11(h) have been met.
- (g) Where two existing non-farm residential dwelling units, which are on separated lots of similar size and which are situated on the same side of the road and are not more than 100 metres apart, a third lot may be created between the two existing dwelling units as a form of **infilling** provided all of the following conditions can be met:
- (i) the lot severed for non-farm use is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than 0.6 hectare in size;
 - (ii) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property was zoned or designated as a residential lot; and
 - (iii) the conditions of Section 3.2.3.11(h) have been met.
- (h) In considering a consent for the limited non-farm residential opportunities identified under subsection (e), (f), and (g), the application:
- (i) must not be within any area subject to an environmental impact study;
 - (ii) must be on an open road of suitable municipal standard;
 - (iii) must have a suitable sanitary sewerage disposal system and potable water supply;
 - (iv) must be of a suitable size in accordance with the Zoning By-Law;

- (v) must meet any condition imposed by the Committee of Adjustment; and
- (vi) shall not score 10 points or more based on the following point considerations:
- | | | |
|----|--|------|
| a) | the agricultural capability rating of the subject lands and lands within 200 metres of the site. | |
| | Class 1, 1 ⁶ 3 ⁴ , 1 ⁷ 3 ³ | 8 |
| | Class 2 | 8 |
| | Class 3 ⁵ 5 ⁵ | 4 |
| | Class 4 | 4 |
| | Class 5 | 2 |
| | Class O | 6 |
| b) | non compliance with the MDS calculation | 10 |
| c) | proposed access to a road identified as an Arterial Road or a Provincial Highway | 4 |
| d) | located within 200 m of a licensed pit or primary aggregate resource | 10 |
| e) | located with access to a road where there would be limited sight lines for traffic safety | 2 |
| f) | the application involves a remnant parcel as the result of farm consolidation | (-5) |
| g) | the application involves a heritage home designated under the Ontario Heritage Act | (-5) |
- (i) The creation of new lots in the Agricultural area shall only be allowed in accordance with the policies of this Section (3.2) and with the land division policies contained in Subsections 5.1 of this Plan.

3.2.3.12 EXISTING LOT OF RECORD

Residential uses on existing lots of record and lots created by consent shall also be

permitted. The Zoning By-Law shall only permit one residence per lot (lot as defined in the Zoning By-Law). More than one residence on a lot for the purposes of housing farm help, however, may be allowed in those instances where the need for such housing has been adequately demonstrated, the farm help is primarily devoted to (but not exclusively) the farm operation and a Zoning By-Law amendment or minor variance has been obtained. This additional residence should use the same access as the principal residence and will not be severable in the future. In those instances where a second home is required on a lot on a temporary basis, because, for example, the existing home is to be replaced, the County of Brant may include a general provision in the Zoning By-Law, or pass a Temporary Use By-Law, or enter into a Permit System and Site Plan Control to allow both homes for a specified period of time. The intention, however, is that the original home be removed within a specified period of time.

Where an existing lot of record falls within a Natural Environment or Wetlands designation, any new development shall be required to obtain the approval of the applicable Conservation Authority.

3.2.3.13 ACCESSORY UNIT

Notwithstanding the one residence per lot restriction above, a maximum of one accessory apartment per single unit dwelling or a granny flat/garden suite, is permitted in the Agricultural designation without an amendment to the Zoning By-Law subject to the following criteria:

- (1) the unit is required on a temporary basis for a relative or loved one;
- (2) permission has been obtained from the County of Brant or its designated agent;
- (3) documentation that the septic tank system is adequate for the second unit; and
- (4) a Site Plan Agreement is entered into regarding location of the unit and any necessary access and/or landscaping.

For the purposes of this Plan, accessory apartments are defined as a dwelling unit with kitchen and sanitary facilities and which is attached to, shares a common entrance with, and forms an integral part of a single unit dwelling and is designed to maintain the general visual harmony of such single unit dwelling. A granny flat or garden suite is a mobile home used on a temporary basis for short-term accommodation. A single unit dwelling with an accessory apartment in the Agricultural area will not be permitted to be converted into any other type of dwelling except that it may be converted back to a single unit

dwelling.

3.2.3.14 WOODLOTS

This Plan recognizes the importance of trees in maintaining the natural environment and ecological balance in areas designated Agriculture, as well as their importance in maintaining the long-term viability of agricultural lands. Where possible, woodlots and forests are encouraged to be protected and expanded. To achieve this objective, the County of Brant may consider making use of the Forestry Act, the Municipal Act and any other relevant legislation.

3.2.3.15 GREENHOUSES

Lands developed for greenhouse activities or agricultural operations requiring extensive structures may be subject to on-site stormwater management as a condition of development.

3.3 NATURAL ENVIRONMENT DESIGNATION

3.3.1 GENERAL

The County of Brant consists of extensive areas that are spectacular for their natural environmental qualities. This includes the Grand River and its watershed. The Grand River has been declared a Canadian Heritage River by the Federal Government.

The intent of the County of Brant Official Plan is to both protect and enhance these areas and to also ensure that development is protected from some of the risks associated with development occurring too close or within areas that are susceptible to flooding, erosion, etc.

Brant's Natural Environment designation consists of ANSI's (areas of natural and scientific interest), significant wildlife habitat, habitat of endangered or threatened species, locally significant wetlands, environmentally sensitive areas, including steep slopes, floodways and flood fringes, organic soils, as well as areas that are susceptible to

soil and groundwater contamination, wildlife corridors, river and stream corridors, conservation areas, natural heritage corridors, significant valley lands, and fish habitat. Provincially Significant Wetlands and Woodlands also possess natural environment characteristics but have been placed in a separate designation. Specific policies have also been provided to deal with areas susceptible to flooding.

In accordance with the Provincial Policy Statement, development that includes institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances are prohibited in the Natural Environment, Wetlands and Woodlands designations.

3.3.2 GOALS

The following goals are established for the Natural Environment designation:

- (1) to identify and protect environmentally significant areas including valley lands, habitat of endangered and threatened species, fish habitat, significant woodlands, wildlife habitat and areas of natural and scientific interest;
- (2) to prevent the deterioration of the natural environment;
- (3) to provide a habitat for wildlife and a variety of vegetation and to provide corridors for the linkage of wildlife habitat areas and recreational activities; and
- (4) to provide policies that prohibit development or require demonstration that no negative impacts will occur to the natural environmental features.

3.3.3 POLICIES

The following policies shall apply to those lands designated “Natural Environment” on Schedules “A” and “B” of this Plan:

- (1) the predominant use of land shall be wildlife management including hunting and fishing, natural environment management, passive outdoor recreation, conservation and associated facilities;
- (2) buildings and structures associated with passive uses are also permitted in addition to those directly related to the management of the natural environment;

- (3) these areas should, as much as possible, be retained and protected in their natural state and for conservation or wildlife and fish habitat enhancement. Site alteration and/or development of these areas will only be permitted once it has been demonstrated to the satisfaction of Council and the appropriate Conservation Authority and the Department of Fisheries and Oceans that no adverse impacts will occur and may possibly require an Environmental Impact Study (Section 2.5);
- (4) all development in the Natural Environment designation shall be in accordance with the land division policies contained in Section 5.1 of this Plan, but must demonstrate that, in areas of fish habitat or significant wetlands, woodlands, valley lands, wildlife habitats and areas of natural and scientific interest, there will be no negative impacts on the natural features including wildlife and vegetation corridors and linkages or the ecological functions for which the area is identified;
- (5) all Natural Environment lands will be zoned in a Natural Environmental Zone in the implementing Zoning By-Law;
- (6) in addition to the above policies, the subsequent policies contained in Sections 3.3.4, 3.3.5, and 3.3.6 shall apply to Flood Prone Areas, areas within fill lines and lands within the Special Policy Area of Paris, as outlined on Schedule “D”; and
- (7) where cold water streams, are shown on Schedules ‘A’ or ‘B’ outside of other Natural Environment features, the watercourse and land generally 30 metres on either side of the watercourse will be subject to the policies of the Natural Environment designation.

3.3.4 FLOOD PRONE AREA

In the absence of more detailed mapping regarding hazard lands, the lands lying between the Flood Line (as shown on the Land Use Schedules) and a watercourse shall be subject to further restrictions and controls. An amendment to this Plan will not be required for changes in the Flood Line boundary where it is deemed to be suitable for development after consultation with the appropriate Conservation Authority having jurisdiction over the watercourse. In such cases the adjacent land use designation and all of the applicable policies will apply.

The delineation of the Flood Line is based upon mapping supplied by the Grand River Conservation Authority and the Long Point Conservation Authority.

An amendment to this Official Plan is not required to remove the Flood Line designation

as long as the changes are deemed to be suitable to Council after consultation with the appropriate Conservation Authority and the proposed use of the land is in conformity to the adjacent land use designation. Requests for changes will be given consideration after taking into account:

- (1) the existing environmental hazards;
- (2) the potential impacts of these environmental hazards;
- (3) the proposed methods by which impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- (4) the costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome these impacts.

There is no public obligation, however, either to change the delineation of or to purchase any area within the Flood Line, particularly if the environmental hazard would be difficult or costly to overcome. If development is deemed appropriate, the development shall also be in accordance with the policies of the underlying designation.

Development within the Flood Line will be subject to minimum building setbacks and flood proofing elevations to be identified in the implementing Zoning By-Law. The requirements may vary with the shore protection works in place and will be determined in consultation with the appropriate Conservation Authority.

Permits shall be obtained from the appropriate Conservation Authority in advance of any fill being placed or removed and/or the construction of any building or structure within the Floodplain Development Control Area or the Flood Prone Area.

Development and site alteration is not permitted within the Flood Prone Area designated on Schedules A or B or D except for the following uses: uses which by their nature must be located within the floodway; flood and/or erosion control works; and minor additions and/or non-structural passive uses, where appropriate, which do not effect flood flows.

In areas where the Conservation Authority has determined that the steep slopes are unstable, an engineering assessment will be required to ensure development permitted by the designation will be stable and the policies outlined below have been addressed.

3.3.5 FILL LINE

The delineation of the “Fill Line” on the Land Use Schedules is based upon mapping supplied by the appropriate Conservation Authority. Development within the Fill Line will be subject to minimum building setbacks and flood proofing elevations to be identified in the implementing Zoning By-Law in consultation with the appropriate Conservation Authority.

Under the Conservation Authorities Act, certain activities are regulated under the Fill, Construction and Alteration to Waterways Regulations. These activities include:

- (1) construction of structures in a pond or swamp or in any area susceptible to flooding during a “Regional Storm”;
- (2) dumping or placing of fill in the Authority’s scheduled areas; and
- (3) alterations to any watercourse.

Permission for any activities within any regulated areas must be obtained from the appropriate Conservation Authority prior to the issuance of municipal building permits. In consultation with the appropriate Conservation Authority, the County of Brant shall determine if Site Plan Control Approval is also required within the fill line.

3.3.6 SPECIAL FLOOD PLAIN POLICY AREA

It is the policy of Council to regulate the development and redevelopment of lands in the Special Policy Area designated on Schedule “D” - Special Flood Plain Policy Area of this Plan in order to provide adequate flood protection and enhance the water quality and environmental, aesthetic and recreational potential of the Grand River; and, Council may pass by-laws, acquire and dispose of lands or otherwise facilitate or encourage the development or redevelopment of such lands.

(1) General Policies

The Special Policy Area shall be divided into sub-areas known as the “Downtown Core” and “The Flats” as well as a “Two-Zone Flood Plain” area, as shown on Schedule “D”, and the following general policies shall apply to these areas:

- (a) Commercial development and redevelopment shall be permitted where floodproofing to the Regulatory Flood Level can be achieved.
- (b) New development associated with substances of a chemical, hazardous or

toxic nature, which would pose an unacceptable threat to public safety if damaged as a result of flooding or failure of floodproofing measures, shall not be permitted in the Special Policy Area.

- (c) New nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes for the physically or mentally handicapped or similar uses shall not be permitted to locate on lands in the Special Policy Area.
- (d) Minor additions and alterations representing less than 50% of ground floor area shall be permitted provided the new habitable floor space is constructed no lower than the existing habitable floor space and floodproofed to the existing floor and/or opening elevation, where practical and feasible.
- (e) Floodproofing shall be applied to all new development, redevelopment, major renovation or conversion below the level of the Regulatory Flood and shall be designed and constructed to the satisfaction of Council and the Grand River Conservation Authority.
- (f) Where practical, new mechanical, electrical and heating services shall be located above the level of the Regulatory Flood. Where this is not feasible, such services shall be floodproofed using measures satisfactory to Council and the Grand River Conservation Authority.

(2) The Flats

- (a) Residential development shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the Regulatory Flood Level and that the structure is floodproofed to the Regulatory Flood Level.
- (b) Conversion of existing buildings to a residential use shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the 100 Year Flood Level and that the structure is floodproofed to the Regulatory Flood Level.
- (c) Major renovations and redevelopment of existing residential buildings shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the 100 Year Flood Level and that the structure is floodproofed to the Regulatory Flood

Level.

(3) The Downtown Core

- (a) The construction of new residential dwelling units above existing commercial uses and the conversion of existing commercial buildings to a residential use shall be permitted conditional on the dwelling unit being located at a minimum elevation equal to the Regulatory Flood Level. Existing residential dwelling units located above the commercial uses are recognized and the owner of such dwelling units will be encouraged to continue maintenance and improvement. Council shall encourage proposals to convert these existing residential dwelling units to any non-residential uses such as office space. Once such a change has occurred, a reconversion to a residential use will not be permitted.
- (b) Residential development and redevelopment or a major renovation of an existing residential building shall be permitted provided that the habitable floor space of any new residential dwelling unit is located at a minimum elevation equal to the Regulatory Flood Level and that the structure is floodproofed to the Regulatory Flood Level.

(4) Two-Zone Flood Plain

- (a) Two-Zone Flood Plain Policies apply to the areas identified as Two-Zone Policy Areas on Schedule "D" - Paris Flood Plain. The Two-Zone floodway-flood fringe concept is selectively applied to portions of the flood plain where significant development exists and that could support further infill development with no adverse impacts.
- (b) Under the Two-Zone concept, the floodway and the flood fringe shall be identified as follows:
 - (i) Floodway - the hazardous portion of the flood plain where flood depths and/or velocities are considered to be such that they pose a significant threat to life and/or property. In all circumstances, the floodway will be accurately delineated by the Grand River Conservation Authority based on depth and velocity parameters.
 - (ii) Flood Fringe - the portion of the flood plain between the limits of the floodway as defined by the Grand River Conservation Authority and the Regulatory Floodline. Flood depth and velocity

is generally less severe in this portion of the flood plain.

- (c) Development in the flood fringe will be restricted to infilling, redevelopment or replacement of existing buildings or structures and major additions or alterations to existing buildings as of October 2000. Development in the floodway shall be restricted to minor expansions and minor alterations to buildings existing as of the date of adoption of this Plan, provided no new dwelling units are created. Public and private works, which must locate in the flood plain by nature of their use and roads that appropriate planning studies have determined must be located in the flood plain, shall be permitted in both the flood fringe and the floodway. With the exception of consents to subdivide lots containing existing dwellings, no land severances will be permitted on properties located entirely within the floodway. Severances may be permitted on lots located partially within the floodway provided that the proposed development can be sited on the portion of the subject property located outside the floodway.
- (d) New development which conforms to the land use description outlined above may be permitted within the flood plain provided that the following conditions are met:
 - (i) A fill permit is issued by the Grand River Conservation Authority under the Fill, Construction and Alteration to Waterways Regulation on the basis that no adverse effects on the hydraulic characteristics of flood flows will occur;
 - (ii) All new structures are suitably floodproofed to the Regulatory Flood level as determined by and to the satisfaction of the Grand River Conservation Authority and the County of Brant;
 - (iii) All habitable floor space shall be constructed at or above the Regulatory Flood elevation and all essential building services (i.e., electrical, telephone, heating, etc.) be constructed at or above or protected to the Regulatory Flood elevation;
 - (iv) The creation of any uninhabitable floor space below the Regulatory Flood elevation where there is the possibility of conversion to habitable floor space will not be permitted;
 - (v) Notwithstanding (iv) above, the creation of uninhabitable floor

space below the Regulatory Flood elevation may be permitted if it is associated with a multi-unit residential, commercial, industrial or other non-residential development. Such areas in a multiple residential development may include foyers, recreation rooms, communal storage areas, or other uninhabitable floor space that is normally associated with this type of development. All such floor space in any development must be floodproofed to the Regulatory Flood elevation with the maintenance of safe access ensured;

- (vi) Ingress/egress for all new habitable buildings located in the flood fringe shall be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that safe access/evacuation is ensured. The determination of safe access shall be made by the Grand River Conservation Authority based on the depth and velocity factors as they affect individual sites; and
- (vii) Conversions on non-residential buildings in the flood fringe to residential use may be permitted provided that the requirements of (i) through (vi) above are satisfied.

Unless specifically permitted in a particular Secondary Plan, enclosed underground parking facilities will be prohibited within the Regulatory Flood Plain in Two-Zone Flood Plain areas. Where enclosed underground parking facilities are provided for in a Secondary Plan, the installation of stringent floodproofing measures to the elevation of the Regulatory Floodline will be required as specified by the Grand River Conservation Authority.

3.3.7 IMPLEMENTATION

All lands identified as being within the Flood Prone Area on Schedules A, B, or D shall be shown in the Zoning By-Law in order to reflect their condition of flood susceptibility.

No site plan shall be approved or building permit issued unless it is in conformity with the policies of this Plan and appropriate consent is given by the Grand River Conservation Authority through the issuance of a fill permit under the Fill, Construction and Alteration to Waterways Regulation.

The lands identified by this Plan as being within the Flood Prone Area shall be designated and zoned as follows:

- (1) All vacant or otherwise undeveloped lands in the floodway portion of the flood plain at the time of adoption of this Plan shall be designated Natural Environment and zoned Natural Environment or Open Space;
- (2) All lands where development exists in the floodway portion of the flood plain at the time of adoption of this Plan shall be designated Natural Environment and zoned to recognize the existing use;

Such zoning category shall recognize legally existing development and allow for minor expansions and alterations provided there will be no adverse effects on the hydraulics or storage capacity of the floodway and subject to the issuance of the Fill, Construction and Alteration to Waterways Permit and the implementation of floodproofing measures as deemed necessary by the Grand River Conservation Authority. Any application for expansion or alteration to an existing building will evoke a review of all existing outdoor storage areas; and

- (3) All lands located within the flood fringe portion of the flood plain shall be designated for the appropriate use and shall be zoned accordingly. A suffix or a prefix may be applied to the zoning category to serve as notice that properties so zoned shall be constrained beyond the regulations of the Zoning By-Law. In this circumstance, new development, expansions or alterations shall be subject to implementation of floodproofing measures as deemed necessary by the Grand River Conservation Authority and the issuance of a Fill, Construction and Alteration to Waterways Permit.

3.4 WETLANDS DESIGNATION

3.4.1 GOALS

The following goals are established for the Wetlands designation:

- (1) to identify and designate Provincially Significant Wetlands on the land use schedule;
- (2) to preserve and protect Provincially Significant Wetlands; and
- (3) to prohibit development including aggregate extraction within Provincially Significant Wetlands.

3.4.2 POLICIES

The following policies shall apply to lands designated “Wetlands” on Schedules “A” and “B” of this Plan:

- (1) Areas designated Wetlands, as depicted on Schedules “A” and “B” of this Plan, are wetlands which have been identified by the Ministry of Natural Resources as being Provincially Significant and are generally located in or in association with the Spottiswood - Pinehurst Lake Complex, Fairchild Creek Complex, Turnbull Lake-Charlie Creek Wetland, Central Whiteman’s Creek Complex, Falkland Swamp, Oakland Swamp, and Hatchley Swamp. Significant portions of the waterways associated with these areas are also Provincially Significant Wetlands. There are also areas that have been identified as locally significant as well as unevaluated wetlands that should be assessed to determine if they are Provincially Significant prior to any development proposals.

Development, including aggregate extraction shall be prohibited within any Wetlands designation, as shown on Schedules “A” and “B” of this Plan.

For the purpose of this paragraph, "*development*" means: the construction, erection, or placing of a building or structure, save and except buildings and structures used in conjunction with a permitted conservation, fish and wildlife management or public passive open space purposes (such as boardwalks, observation decks, viewing platforms or other similar structures). Activities also prohibited include site grading, excavation, including aggregate extraction, removal of topsoil or peat and the placing or dumping of fill; drainage works, save and except for the maintenance of existing municipal and agricultural drains. Prior to the placement and/or construction of any structure on any Wetlands including Provincially Significant Wetlands, approval from the appropriate Conservation Authority which regulates Wetlands under the Fill, Construction and Alteration to Waterways Regulation must be received. There is to be no adverse impact on the Wetlands or the wetland function.

- (2) Permitted land uses within a Wetlands designation shall be limited to conservation uses, fish and wildlife management areas, passive open space uses, and existing agricultural areas.
- (3) On adjacent lands which are generally considered to be within 120 metres of the specific natural heritage feature or area such as Provincially Significant Wetlands,

where it is likely that development or site alteration would have a negative impact on the feature or area, development and site alteration may be permitted if it can be demonstrated that there will be no negative impact on the natural features or on the ecological functions for the Wetlands.

Ecological function means the natural process, products or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes. These may include biological, physical and socio-economic interaction.

Negative impact means:

- (a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the Federal Fisheries Act, using the guiding principle of no net loss of productive capacity; and
 - (b) in regard to other natural heritage features and areas including Wetlands, the loss of the natural features or ecological functions for which the area is identified.
- (4) The above policy shall not apply to existing zoned properties which do not require any further Planning Act, R.S.O. 1990 c.P.13 approvals, and to existing agricultural activities. In addition, the above shall not apply in those instances where further Planning Act, R.S.O. 1990 c.P.13 approvals are required, and where the Conservation Authorities have informed the County of Brant, in writing, that a formal Environmental Impact Study is not required.
- (5) If development proposals are located adjacent to wetlands in Settlement Areas, bonus zoning may be applied to assist in creating a more interesting development as well as assisting in the creation of innovative site design that will enhance the wetland characteristics. Locally significant wetlands may be accepted as part of the park land dedication.
- (6) All land based provincially significant wetland areas will be zoned in a Wetlands Zone in the Zoning By-Law.

3.5 WOODLANDS DESIGNATION

3.5.1 GENERAL

Woodlands are treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation, and sustainable harvest of woodland products. The County of Brant currently has 13% woodland or forest coverage. Over 25% of all woodland is found in 5 forests. Most of the woodland is found in association with other natural environmental features such as the Oakland Swamp, the Hatchley Swamp or the various wetland complexes of South Dumfries.

Woodlands are considered an integral part of the Agricultural landscape and economy. Every effort will be made to preserve existing woodlands and prohibit incompatible land uses that deter their long term benefits.

Woodlands are also seen as an important part of Settlement Areas and will also be encouraged to be preserved.

Woodlands greater than 4 hectares in size have been designated as Woodlands on Schedules "A" and "B".

3.5.2 GOALS

The following goals are established for the Woodlands designation:

- (1) to identify and protect significant woodland areas;
- (2) to prevent deterioration of significant woodland areas; and
- (3) to provide areas for water retention, erosion prevention, wildlife habitat, recreation, and sustainable woodland harvests.

3.5.3 POLICIES

- (1) Development proposals involving Woodland designations or lands adjacent to a Woodland designation shall first evaluate and determine whether or not the Woodlands identified on Schedules "A" or "B" are significant.
- (2) If the Woodland is not a significant natural heritage feature, as determined by the

Environmental Impact Study in accordance with Section 2.5, the adjacent land use designation and all applicable policies will apply.

- (3) No development shall be permitted on lands adjacent to a significant Woodland, which are generally considered to be within 120 metres of the significant Woodland, where it is determined through an Environmental Impact Study, that development or site alteration would have a negative impact on the feature or ecological function for which the area has been identified.
- (4) Development and site alteration within or adjacent to significant Woodlands may be permitted if it can be demonstrated that there will be no negative impact on the natural feature or on the ecological functions of the significant Woodlands. For greater clarity, in this clause and in clause 3.5.3(3) above, “negative impact” means the loss of the natural feature or ecological function for which the area has been identified.
- (5) Development within Settlement Areas that involves trees may be required to submit a detailed plan indicating how trees are to be saved. The plan would include individual lot layouts that maximize tree protection, a requirement for tree planting within boulevards and restrictions on site alteration prior to final grading plan approval and/or final plan registration.
- (6) Woodlands may be accepted as part of the parkland dedication and innovative zoning may be applied to assist in increasing the number of trees saved by bonusing development to enhance the natural features of the site.
- (7) The County shall maintain and enforce a Tree Cutting By-Law and shall periodically review the By-Law to ensure it reflects the current understanding of the stewardship required to maintain woodlands.
- (8) Public works that involve the widening or redevelopment of roadways shall have regard for established trees and attempt to protect and preserve existing trees where ever possible. Tree replacement will occur in appropriate locations having regard to future improvements and public safety.

3.6 EXTRACTIVE INDUSTRIAL DESIGNATION

For the most part, the bedrock formation is such that the materials are too deep to allow for economical recovery. On the other hand, the County of Brant is rich in quality aggregate deposits. The richest deposits of sand and gravel start at the northern limit of

former South Dumfries and run southwesterly through former Brantford Township and on into former Burford Township. Just over 12% of all primary resources are currently licensed. As much of the mineral aggregate resource will be made available to supply mineral resource needs, as close to market as possible. Policies guiding the extraction of this resource are outlined below. Of the existing 23 active pits at the time of adoption of this Plan, there was only one licensed pit that is located within an environmentally sensitive (ANSI) area. Mineral aggregates are recognized by this Plan as essential non renewable resources. Legally existing pits and quarries and extraction operations shall be protected by this Plan and, to the greatest extent possible, the resources shall also be protected.

3.6.1 PERMITTED USES

The predominant use of land designated Extractive Industrial shall be the extraction of minerals such as sand, gravel, lime, and gypsum together with the ancillary uses of aggregate storage, stone crushing plant, overburden storage, administrative office, scales and accessory uses. Agriculture is also a permitted use.

3.6.2 EXTRACTION POLICIES

- (1) Due to the possible negative impact on development within the influence area of these aggregate extraction operations and in order to ensure orderly extraction of areas of prime aggregate resource, non-farm development will not be permitted on lands designated Agriculture but shown as having primary and secondary Aggregate Resources or licensed land as shown on Appendix Map 3 Aggregate Resources County of Brant attached to this plan for information, as amended from time to time. Proposed development will not be permitted, unless located within a Settlement Area, or on lands that have been proven to not have a feasible resource use, either on or within 200 metres of areas identified as a primary Aggregate Resource within the noted publications. Only the land uses directly related to the Agricultural and Natural Environment designations which surround or are situated on the primary Aggregate Resource, shall be permitted.
- (2) The establishment of a new licensed pit or quarry shall be required to obtain an Official Plan and Zoning By-Law Amendment. The application shall identify the truck haul route, hydro-geological assessments of the area, environmental assessments if adjacent (within 200 metres) to a Wetlands designation or other Natural Environment areas and noise and vibration assessment/study if adjacent (within 200 metres) to a Settlement Area and to implement the attenuation and

mitigation measures as recommended in the study(s), to the satisfaction of the County of Brant. No applications may be made within the Wetlands designation. Permitted extraction must stay 1.5 metres above the water table, and within the WHPA additional water protection restrictions may be applied based on detailed hydro-geological assessments.

If an amendment proposes to undertake extraction below the water table outside of a WHPA, additional studies will be required in order to ensure private wells can be maintained. Hydro-geological assessments shall demonstrate that the quality and quantity of ground water and surface water, and the function of ground water recharge/discharge areas, aquifers and headwaters will be protected or enhanced. Risk assessments will also be required in order to assess the risk associated with exposure of the water table before any approvals are granted.

- (3) All Extractive Industrial uses must satisfy the requirements of the Ontario Ministry of Environment or its designated agents as to water supply, disposal of liquid waste, pumping operations, the control of air and noise pollution and vibration where blasting is involved.
- (4) The Extractive Industrial area falls under the regulations of The Ontario Aggregate Resources Act.
- (5) Once the aggregate resources of the site have been depleted, the site shall be developed as agriculture, industrial, residential or recreational land uses depending on the location within the County and the Special Policy as noted on Schedules “A” or “B” and as described below.
- (6) Extractive Industrial uses shall be included in a separate zoning classification in the implementing Zoning By-Law. The zoning classification distances shall be consistent with Provincial Guidelines entitled Aggregate Resources of Ontario - Provincial Standards.

3.6.3 REHABILITATION

In certain locations as indicated below, rehabilitation to a use other than agriculture is considered to be appropriate and desirable. The Special Policy Area numbers noted below correspond to Extractive Industrial designations shown on Schedules “A” and “B”, and may be rehabilitated to the following uses after extraction ceases.

- (1) **Extractive Industrial Special Policy Area 1** is located adjacent to Paris, south

of German School Road. Redevelopment options in addition to agricultural crop land include Recreational land uses subject to meeting the policies of the Recreational designation and subject to undertaking a Planning Impact Analysis as outlined in Section 2.3.

- (2) **Extractive Industrial Special Policy Area 2**, where applied on Schedules “A” or “B”, is intended to have the ability to develop as Residential as an option to Agricultural, subject to the policies of the Residential land use designation and subject to undertaking a Planning Impact Analysis as outlined in Section 2.3.
- (3) **Extractive Industrial Special Policy Area 3** applies to a large licensed pit lying within the Telfer Well field and to the east of the Gilbert Well field. After uses of these sites will prohibit any form of agriculture involving livestock, manure storage, or manure spreading. After uses of the pit south of Watts Pond Road and the southern portion of the pit north of Watts Pond Road may include Recreation, subject to meeting the policies of the Recreational designation and the results of a Planning Impact Analysis as outlined in Section 2.3 of this Plan. The remaining lands to the north of Watts Pond Road will be rehabilitated to crop land and be in an Agricultural designation.
- (4) **Extractive Industrial Special Policy Area 4** applies to lands located in the western portion of Paris, north and south of County Road 36, and lie within the Settlement Boundary. These lands may be redeveloped for a variety of uses including Industrial, Recreational, Residential, or Commercial. Prior to redevelopment, however, an Area Study in accordance with Section 2.4 will be prepared to ensure land use compatibility for both the new and existing uses.
- (5) **Extractive Industrial Special Policy Area 5**, where applied on Schedule “A” or “B”, is intended to have the ability to redevelop as Industrial as an option to Agricultural. The abutting Industrial designation will determine whether it may be a Light, Special, or Heavy Industrial designation and will then be subject to the policies of the appropriate designation.
- (6) **Extractive Industrial Policy 6.** This Special Policy Area applies to the 200 metre wide strip of land lying east of Potruff Road and south of Powerline Road in Lots 13, 14 and 15 in Concession 2 of the geographic Township of Brantford.

Following an Ontario Municipal Board hearing (Files: R-910127 and M-920096) the Board ordered in April 1994 that these land not be re-zoned to permit aggregate extraction and recommended to the Minister of Natural Resources that they not be licensed for that purpose. At the time, the lands were governed by the

Brantford Township Official Plan, particularly Section 13 thereof.

Notwithstanding any other provision of this Official Plan, the lands to which this Special Policy applies shall not be re-zoned to permit aggregate extraction nor shall they be licensed under the Aggregate Resources Act for that purpose unless all of the requirements of Section 13 of the former Brantford Township Official Plan have been satisfied, as if such section continues in force and effect for this purpose, on the basis of new information that was not, and could not have been, available at the time of the Ontario Municipal Board hearing in 1994.

3.7 SETTLEMENT AREAS

3.7.1 GENERAL

It is the intent of this Plan to ensure that sufficient lands have been allocated in the various Residential, Commercial and Industrial designations to accommodate the anticipated population in a variety of suitable locations, densities, and unit types and to provide employment opportunities and economic growth. This Plan also intends to ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, and incorporates energy efficient aspects in its design. As well, Schedules "A" and "B" provide for "**Future Growth Direction Arrows**" which are indicators as to where future growth should occur in the Settlement Areas pending the availability of services. These arrows are general in nature, their intent being to permit a full range of development options, subject to meeting the subsequent policies.

Prior to development being permitted within the greenfield portion of the Settlement Areas, Area Studies in accordance with Section 2.4 of this Plan, shall be prepared. Other than minor infilling, development will proceed by plan of subdivision and an amendment to the Zoning By-law shall be required. Greenfields are those areas of the Settlement Area that are shown in white on Schedules A and B. The colour of the arrow indicates that land uses permitted without an official plan amendment.

The absence of an arrow indicates an amendment would be required for expansion of an abutting land use designation. Arrows coloured in the Settlement Boundary colour indicate various residential land uses are permitted in accordance with an Area Plan and dependant on the availability of services.

For the establishment of a use other than that permitted by the abutting land use designation, a Planning Impact Analysis, as provided for in Section 2.3 of the Plan, shall

be prepared to the satisfaction of the County of Brant. As well, the policies of Sections 3.7.3 and 3.7.4.4 shall be applied when dealing with residential development proposals.

The Plan also intends to encourage the development of economical housing in an appropriate environment. Existing housing and existing residential areas shall be preserved and improved.

A variety of Settlement Areas have been recognized. Areas such as the communities of Paris, St. George and Burford have detailed polices dealing with a wide range of land uses. There are also Settlement Areas that are rather simplistic with respect to their current land characteristics. Many of these areas are almost exclusively residential in nature and will continue to be in the future.

With respect to intensive agricultural and livestock operations, those which are existing will be allowed to continue their farming practices. However, no new and no expansion of existing intensive agricultural and livestock operations will be permitted in the Settlement Areas in the future.

3.7.2 GOALS

The following goals are established for the various Residential areas:

- (1) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (2) to encourage the development of a greater variety of housing types;
- (3) to provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement;
- (4) to encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan;
- (5) to provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;
- (6) to encourage an adequate supply of new building lots to meet the anticipated

demand for additional housing units over the next 20 year planning period as the capacity of the County of Brant's services permit; and

- (7) to establish safe residential communities and protect residential areas from conflicting and incompatible land uses.

3.7.3 POLICIES

(1) Residential Lot Creation

The creation of new lots for residential purposes will primarily occur by plan of subdivision. However, consents for residential lots will be permitted in accordance with the policies contained in Subsection 5.1 of this Plan, and in accordance with the requirements and guidelines of the Ministry of Environment and/or its designated agent.

(2) Supply

It shall be a policy of this Plan that residential proposals be evaluated with the intent to achieve a mix of housing types.

The provision of a three year supply of at least 400 residential dwelling units or individual lots through a combination of draft approved and/or registered lots and blocks on plans of subdivision and/or registered lots which have been created in accordance with Subsection 5.1 of this Plan shall be maintained and developed as permitted by the capacity of the County of Brant's services.

(3) Established Low Density Residential Areas

In established Low Density Residential areas, the indiscriminate mixing of different housing types shall not be permitted in the interest of protecting the stability of existing neighbourhoods. Redevelopment proposals will, to the satisfaction of Council, ensure that the residential character of the area will be maintained or enhanced and not present a burden to existing facilities and services.

(4) Vacant Residential Designated Areas

In vacant areas proposed for residential development, a suitable mix of housing types should be provided while ensuring that the overall density restrictions are

not exceeded and that conflicts do not occur between housing types. Internal road networks should be designed to ensure good access to the major road network while discouraging through traffic.

The County of Brant shall ensure that an adequate supply of land designated for residential development to meet the demand for housing for a minimum twenty - year period is maintained.

The County of Brant shall review annually the supply of vacant land designated for residential development in draft approved and/or registered lots and blocks on plans of subdivision against the objective to maintain a minimum continuous three-year supply.

The planning of new residential areas shall make provisions for a range of housing types, sizes, price and tenure arrangements in order to provide accommodation for households of differing socio-economic characteristics.

Consideration shall be given to the orientation of streets, lots and buildings to make full use of solar energy, as well as energy efficient construction techniques. In order to achieve this aim, the following design techniques should be considered when evaluating new plans of subdivision:

- (a) east-west street orientation so facing walls and windows of houses may orient south;
- (b) angle lots; and
- (c) the development of pedestrian and bicycle pathways that bisect the community, providing the shortest distance between community and commercial facilities and the residential area.

In general, Council shall maintain a flexible attitude toward carefully designed experimental housing. Energy efficient construction of housing shall be encouraged in the municipality, provided it meets the requirements of the Ontario Building Code. Also included would be the provision of rights-of-way which are narrower than those which have traditionally been required, consideration of one-way streets in new subdivisions or other innovative approaches to the design of housing developments.

New plans of subdivision within the Residential designation shall be designed so that continuous but disjointed secondary, interior access roads will result between

adjacent subdivisions. For larger blocks of lands adjacent to arterial roads, direct access to the arterial road may be limited.

Undeveloped lands that are within the Settlement Area boundary and intended for residential development will require an Area Plan be prepared prior to the submission of a Plan of Subdivision. The land will not be pre-zoned in the Zoning By-law. The lands will not be zoned until sanitary sewage, water and any other necessary arrangements are made to the satisfaction of the County of Brant and the Ministry of Environment and a plan of subdivision, where required has been approved. Existing uses shall be permitted in the interim.

Within the Settlement Areas, lands shown as white on the land use Schedule and lying between the low density residential and the Settlement Boundary shall require the preparation of an Area Study prior to the filing of plans of subdivision.

(5) Conservation and Rehabilitation of Existing Housing Stock

The conservation and rehabilitation of the existing housing stock shall be encouraged in order to maintain the supply of older housing and to preserve the physical, social, and economic character of stable residential areas. The County of Brant will take advantage of funding if offered by the Federal and Provincial governments to assist residents in rehabilitating the housing stock, where feasible.

In existing residential neighbourhoods, the applicable Residential land use policies shall serve as guidelines for actions aimed at improving the neighbourhood and amenities and the housing and living conditions of residents.

(6) Residential Development on Lots With Less Than the Minimum Frontage and/or Area

In those cases where development is proposed on lots with less than the minimum frontage and/or area, as specified in the Zoning By-Law, unless otherwise provided for in this Plan, Council shall ensure that the proposed development is compatible with existing surrounding development in terms of site coverage, housing size, and character, as well as lot size and building setback. If the proposed development is determined to be compatible with the characteristics of the area, only the consent of the Committee of Adjustment, for a minor variance, will be required before a building permit will be issued.

If the proposed development is determined not to be compatible with the characteristics of the area, Official Plan and Zoning By-Law amendments will be

required before construction can be undertaken.

Exceptions to the above requirements will be those situations where an existing building on such a lot has been destroyed by natural causes, in which case the property owner may replace the structure.

(7) Government Assisted Housing

The municipality, in cooperation with the senior levels of government, shall encourage the provision of such amounts and types of housing that are necessary to meet the needs of households unable to find adequate housing through the private market. Such programs, which may be provided through either the public or private sector, may include programs such as senior citizens' and low income family rented units, as well as rental subsidy programs or other similar programs. The design of any assisted rental housing will be sensitive to the characteristics of the surrounding existing development.

The municipality will continue to monitor on regular intervals the housing needs of senior citizens and low income families. Should a project become warranted, the County of Brant shall work with the appropriate authorities to provide the necessary facilities.

(8) Condominium Housing Developments

It is a policy of Council to recognize and encourage, where appropriate, condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership.

In cases where an application is made for a building permit or an amendment to the Zoning By-Law involving residential development, it is the policy of Council that the applicant(s) be required to declare in writing, prior to the issuance of the building permit, whether or not such residential accommodation is to be provided on a condominium basis.

It is a policy of this Plan that the desire of citizens to participate in the joint ownership of a residential project shall be subject to the terms and conditions of the Condominium Act whereby a Condominium Corporation will be formed to administer the common elements of the project. This provides the owner-shareholder with assurance that the project will be maintained and competently administered on a long-range basis.

Plans for condominium development are to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material, and the exterior treatment of the building(s).

Wherever possible, the proposed draft plan of condominium will be considered together with, and at the same time as, the requested amendment to the Zoning By-Law. The Council may recommend draft plan approval, once all policies of this Plan are met.

Wherever draft plan approval is granted, the applicant is required to enter into a Condominium Agreement with the County of Brant. The Condominium Agreement is to include any or all of the County of Brant requirements imposed as conditions to the draft plan approval. A Development Control Agreement may also be required along with the Condominium Agreement.

The County of Brant Council's consent to the registration of a condominium plan will be given only after signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of "as built" construction plans with the County of Brant. All such plans are to be made accessible to representatives of the Condominium Corporation.

(9) Conversion of Existing Residential Developments to Condominium Tenure

The conversion of existing residential accommodation to condominium tenure presents a different, as well as a somewhat more difficult, situation than does new construction. In some cases, existing residential developments were constructed under standards and conditions that were different and in some cases lower than those that prevail at the time of the conversion. As a result, problems may be encountered in attempting to upgrade existing developments in accordance with present policies, standards and criteria. Problems may also be encountered in a situation where rental housing vacancy rates are low. In this regard, tenants in existing projects may be displaced and be faced with finding suitable alternate accommodation in a housing market that provides little choice and opportunity.

Additionally, shortages may occur in certain types of housing as a result of a number of conversions. In view of these possibilities, the policies contained in the following sections may apply to the conversion of existing residential developments to condominium tenure.

In general, each application for the conversion of an existing residential development is to be considered on its own merits. Applications for such conversion are subject to the same standards and policies as for new condominium construction. The policies, standards and criteria for municipal services, building construction and aspects of site design and layout, as adopted by Council from time to time, apply. Only those developments which are able to substantially comply, or can be upgraded to an acceptable degree of compliance with the municipality's policies, standards and criteria may be approved. Those developments which cannot be upgraded to an acceptable degree are to be refused.

The design, layout and standard features of the development to be converted are to be considered within the framework of development standards and criteria of the municipality. The development standards and criteria contained in the municipality are subject to amendment from time to time by Council without a formal amendment to the Official Plan.

The applicant is to submit a draft plan of condominium prepared in accordance with the requirements of Section 51 of the Planning Act, R.S.O., 1990 c.P.13. In addition, the Plan(s) submitted is to show such things as: the location of all buildings and building setbacks, the nature and location of all amenity areas and/or facilities, the location and layout of driveways and parking areas, the walkways, the type and location of all existing and proposed landscape material and the exterior treatment of the building(s).

Further, the applicant is required to submit a report prepared by a professional engineer or architect, outlining the structural condition of the building(s) involved. Such report is to include an analysis of the building(s) compliance or non-compliance with prevailing building and fire codes.

In evaluating a proposed conversion, regard is to be had for the following:

- (a) any or all of the matters contained in Section 51 of the Planning Act, as amended from time to time;
- (b) the overall mix of residential housing types in the County of Brant;
- (c) the most current vacancy rate for rental accommodation in the County of Brant;
- (d) the suitability of the development for conversion in terms of the policies,

standards and criteria adopted by County of Brant from time to time;

- (e) the effect on the provision of affordable housing; and
- (f) the willingness of the applicant to guarantee tenure to existing tenants.

Where draft plan approval is granted, the applicant is required to enter into a Condominium Agreement with the County of Brant. The Condominium Agreement is to include any or all of the County of Brant's requirements imposed as conditions to the draft plan approval.

The County of Brant's consent to the registration of the condominium plan is to be given only after the completion of all construction work and compliance with all other requirements of the Condominium Agreement, except that in certain cases of hardship or unforeseen circumstances such things as the provision of paving, demolition of existing buildings, or provision of landscaping may be deferred with approval of Council provided that the applicant deposits with the County of Brant security in the amount sufficient to cover the cost of the works deferred.

(10) Home Occupation Uses

Home occupation uses which are not disruptive to the neighbourhood are also permitted within Residential areas. Hair dressing and other personal service shops, small goods repair shops, insurance and other office type uses, ceramic and other home craft type uses shall be permitted with specific regulations outlined in the Zoning By-Law. Home occupations, in conjunction with a dwelling in a residential area, are subject to the following conditions:

- (a) Home occupations shall be totally contained within the dwelling unit and/or attached garage. However, any home occupation that requires the use of any other structure, building, or land on the subject property other than the dwelling and/or attached garage, except for parking or a sign, will require an amendment to the Zoning By-Law.
- (b) No external alteration to the dwelling which is not customary in residential buildings shall be permitted.
- (c) No exterior advertising of these activities or display of goods visible from outside the dwelling is permitted.
- (d) No such home occupation shall be noxious or offensive by reason of

emission of noise, vibration, odour, smoke, dust or other particulate matter.

- (e) No storage of commercial vehicles shall be permitted on the premises. No parking of commercial vehicles over 2,270 kilograms shall be permitted on the premises.
- (f) No unreasonable use of lights, or nighttime operations shall be permitted.
- (g) No such home occupation shall result in high volumes of vehicular traffic which may impact Provincial Highways or Arterial Roads, or cause disruption of normal activities of adjacent residential activities.
- (h) No such home occupation shall create a safety hazard for the existing residential activities on the site or in the area.
- (i) No outdoor storage of materials or goods in support of such home occupation is permitted.

The implementing By-Law may create further restrictions for home occupation use and may prohibit home occupations within certain residential zones. The municipality may decide to require a business license for all home occupations. If such a by-law is passed in accordance with the Municipal Act, the provisions of the business license must be adhered to. If the license is revoked, the use will no longer be permitted in accordance with the provisions of the By-Law.

There are portions of the municipality that are designated Residential where home occupations exist of a more “Rural Occupation” nature such as in the Estate Residential designation. Where existing home occupations do not meet the policies of this Plan, they may be placed in a separate zone in the implementing Zoning By-Law.

(11) Institutional Uses in Residential Areas

Certain community-oriented Institutional uses, such as churches, recreation facilities, branch libraries, and facilities for special population groups (including daycare facilities, homes, centres or schools for the care, boarding or teaching of children, and interval houses for the physically abused, nursing homes and senior citizen centres) are permitted within Settlement Areas and areas designated for Residential purposes on Schedules “A” and “B” if they can satisfy all of the following location and design criteria:

- (a) frontage or flankage on an arterial or collector street as indicated on Schedule “C” of this Plan;
- (b) design which is residential in character, maintaining the scale, density and character of existing land uses;
- (c) the area is designated Medium or High Density Residential or is in a greenfield location with provision of adequate buffering and transition to protect surrounding existing development;
- (d) provision of adequate off-street parking to serve the particular use, while retaining sufficient useable yard space to maintain the visual characteristics of the area; and
- (e) on those streets which have been designated “no stopping” areas by the municipality, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

Generally, Low Density Residential areas will be restricted to existing institutional uses with the only exception being elementary schools.

The Zoning By-Law implementing this Plan will specify particular uses which would be permitted and those areas where such activities would most appropriately be located.

(12) Group Homes

Group homes are permitted in all areas designated Residential.

For the purpose of this section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Provincial statute and in compliance with municipal by-laws.

The applicant must be prepared to demonstrate that the proposal will meet the Provincial criteria for licensing based on an assessment of factors requiring them to do the following:

- (a) Define its program and demonstrate the need for the service within the

municipality.

- (b) Demonstrate a knowledge of the community and its resources, and to ensure that the needs of its residents can be met within a climate of community acceptance consistent with the objectives of its program requirements. This will include an understanding of fire, police, and ambulance response times so that remote locations are not selected.
- (c) Demonstrate the suitability of the proposed facility as required by Provincial and municipal legislation as to its construction and compliance with local health, safety and fire regulations.
- (d) Show how the particular proposal provides sufficient indoor and outdoor space and facilities for prospective residents and staff.
- (e) Demonstrate that all such group homes are properly licensed and registered by the Province of Ontario. The County of Brant must be afforded the opportunity to review and comment on the application for a license before a final decision regarding its approval has been made.

In order to prevent an undue concentration of group homes in specific areas of the municipality, standards requiring a minimum distance separation between these facilities will be incorporated in the implementing Zoning By-Law.

Facilities existing on the date the Zoning By-Law comes into effect, but not complying with the requirements of the By-Law, will be allowed to continue in operation, however, will not be permitted to extend or expand without municipal approval.

3.7.4 RESIDENTIAL LAND USE DESIGNATIONS

The Residential classification of land shall mean that the predominant use of land so designated shall be for varying densities and types of residential land uses. Under the Residential classification, there are nine Residential designations.

- (1) Low Density Residential
- (2) Medium Density Residential
- (3) High Density Residential
- (4) Office Residential
- (5) Heritage Residential

- (6) Hamlet Residential
- (7) Estate Residential
- (8) Modular Home Park
- (9) Recreational Trailer Park

Within areas under the various Residential designations, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted. Educational facilities, religious facilities, parks, recreational facilities, day care, and home occupations and uses pertaining to municipal services and utilities are also permitted uses within Residential designations, subject to specified location and design criteria. Such uses may also require selective use specific zoning. The establishment of new schools, churches, and similar institutional uses must be in accordance with the provisions for Institutional Uses set out in Section 3.7.3(11).

3.7.4.1 LOW DENSITY RESIDENTIAL AREAS

Areas designated as Low Density Residential shall be limited to single detached, semi-detached, duplex, or converted dwelling units, home occupation uses and public uses.

The maximum density shall not exceed 19 units per gross hectare.⁵

Low Density Residential may be placed in separate zoning categories in the implementing Zoning By-Law.

(1) Low Density Residential Special Policies

- (a) Low Density Residential Special Policy Area 1 applies to lands within the Settlement Area of Paris where, in addition to the uses otherwise permitted under the Low Density Residential land use, the following shall be permitted:
 - (i) 450 dwelling units occupied on a land lease basis;
 - (ii) a golf course, including a pro shop and other accessory uses, buildings and structures;

⁵ For the purpose of this Plan, a “gross hectare of land” means residential building land plus the required landscaping, off-street parking, road allowances, and required amenities.

- (iii) a corporate centre with a maximum of five (5) guest rooms for accommodation and the facilities for recreation, social, educational and or meeting purposes.

The location of uses shall be determined by the Zoning By-Law.

Access to the development may be by private roads.

The residential development shall be phases, with subsequent phases being permitted after building permits have been issued for 50 units.

The site will be regulated by both Site Plan Control and a subdivision agreement and the use of holding zones within the Zoning By-Law.

3.7.4.2 MEDIUM DENSITY RESIDENTIAL AREAS

The uses permitted in areas designated Medium Density Residential shall be limited to single, duplex, triplex, conversions, and horizontal multiples, home occupation uses, institutional uses, nursing homes, rest homes, continuum of care facilities, and public uses.

In addition to these permitted uses, low-rise apartment buildings with a maximum height of five stories will be permitted.

The maximum density shall not exceed 70 units per gross hectare.

The location shall be in conformity with Schedule “B” or a greenfield that meets the criteria of Section 3.7.4.4. The Medium Density Residential area may have separate zoning categories in the implementing Zoning By-Law.

Where a large dwelling is proposed to be converted to contain a number of additional dwelling units, this activity would be permissible provided that:

- (1) Required parking spaces can be provided on the site, other than within the required front yard.
- (2) There is no change to the exterior character of the dwelling.
- (3) Adequate buffering and transition can be provided to surrounding lower density development.
- (4) There is no change in the character of existing development, using the criteria

outlined above to determine the effect of the proposal.

If the proposed development will result in a change in the character, an Official Plan amendment will be required, with a study being required and a public hearing being held to determine if the Official Plan amendment should be undertaken.

3.7.4.3 HIGH DENSITY RESIDENTIAL AREAS

The uses permitted in areas designated High Density Residential shall include horizontal multiples, apartments, limited home occupation uses, institutional uses, rest homes, nursing homes, continuum of care facilities, public uses and any use permitted in the Low and/or Medium Density Residential policies.

The maximum density shall not exceed 150 dwelling units per gross hectare.

The general location shall be in conformity with Schedule “B” or a greenfield that meets the criteria of Section 3.7.4.4. The High Density Residential areas may be placed in separate zoning categories in the implementing Zoning By-Law.

- (1) High Density Residential Policies
 - (a) High Density Residential Special Policy Area 1 applies to lands within the community of Paris where in addition to the uses otherwise permitted under the High Density Residential, General Commercial uses shall also be permitted without an amendment to this Plan. The lands will be regulated by both Site Plan Control and the Zoning By-Law.

3.7.4.4 POLICIES APPLICABLE TO BOTH MEDIUM AND HIGH DENSITY RESIDENTIAL DESIGNATIONS

For proposals of Medium Density Residential and High Density Residential development in greenfield areas or designated Low Density Residential on Schedules A or B, at least two of the location criteria listed below shall be present before such a site would be considered to have acceptable location characteristics:

- (1) Frontage on an arterial street as indicated on Schedule “B” of this Plan.
- (2) Abutting major public parks as indicated on Schedule “B” of this Plan.

- (3) Abutting a commercial area as indicated on Schedule “B” of this Plan.
- (4) Has a land area of at least 2 hectares.

The following additional items will be considered when reviewing the appropriateness of applications to amend the comprehensive Zoning By-Law to permit medium or high density residential uses in an area designated Residential:

- (1) general compatibility with existing uses in close proximity to the proposed development;
- (2) the capacity of municipal and provincial roads affected and their ability to handle the expected increases in traffic;
- (3) the adequacy of services to serve the proposed development;
- (4) the adequacy of off-street parking facilities to serve the proposed development;
- (5) the provision of landscaping, buffering and building setbacks adequate to protect the privacy of surrounding residential properties; and
- (6) the proposal’s conformity with the Provincial Policy Statement.

All Medium and High Density Residential development will be subject to Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, c.P.13.

If the proposed site can satisfy the criteria listed above, and, in addition, can provide adequate buffering and transition for adjacent lower density residential uses, no Official Plan amendment would be required. The proposal will be analyzed to determine if it will alter the character of existing development, using existing land uses within a 120 metre radius of the subject property as a guide to the nature of existing development characteristics.

If the proposed development does not satisfy the location criteria, or if it will increase the scale or density of existing development, an Official Plan amendment will be required. A comprehensive study would be required to determine if the Official Plan policies in this regard are no longer appropriate. A public hearing will also be required.

The design considerations for Medium Density and High Density Residential development should include provisions for the following:

- (1) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area.
- (2) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses.
- (3) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.
- (4) Service areas may be required on the site of each development (e.g., garbage storage, snow storage areas).
- (5) The design, construction, and maintenance of the vehicular, pedestrian, and amenity areas of residential developments will be subject to regulations by the County of Brant.

3.7.4.5 OFFICE RESIDENTIAL AREAS

The Office Residential designation is intended to preserve and utilize existing residential buildings that are either no longer appropriate for Residential use due to their size or location and to provide a specialty type of Commercial service in proximity to the existing commercial areas. The Office Residential areas are located in Paris adjacent to the Central Business District Commercial area and are not anticipated in any other portion of the County of Brant. Any portion of this land use category which abuts a Residential land use designation in this Plan should be developed in a manner that is compatible with the adjacent Residential area.

The permitted uses may include Residential (including Medium Density Residential), all forms of offices, studios, and service commercial establishments. Minor institutional uses such as day care centres, nurseries, clinics and clubs are also permitted alone or combined with other permitted uses.

The Zoning By-Law may place the permitted uses in separate zone categories. The Zoning By-Law may also contain requirements dealing with matters such as dedications of property for road widening, access points, parking, height, setbacks and permissible amounts of hard surface cover.

Any construction of additions or new structures within this designation shall complement

existing adjacent development in terms of its scale, density and character. Height limitations will be applied in the Zoning By-Law.

3.7.4.6 HERITAGE RESIDENTIAL

Adjacent to the Central Business District of Paris, Burford, and St. George are residential areas that contain a number of homes that date back to 1850's and earlier. The former Town of Paris was incorporated in 1850. The large brick, cobblestone and frame homes are a visible reminder of Canada's beginnings.

The uses permitted within the Heritage Residential area shall include single detached, semi-detached, duplex, and converted dwellings as well as rooming and boarding house, tourist establishments, existing churches, and public uses. These areas are particularly sensitive to new development and the implementing By-Law may impose additional restrictions to ensure proper regard is given to issues such as height, set back and parking location.

Several of the structures within the Heritage Residential area have been designated as "Heritage" buildings under the Ontario Heritage Act. Every effort should be made by both the owner and the County of Brant to ensure the continued existence of that structure in its historically significant form.

3.7.4.7 HAMLET RESIDENTIAL

(1) Goals

The following goals are established for the Hamlet areas which include Mount Pleasant, Scotland, Oakland, Tutela Heights, Oakhill, Onondaga, Cainsville/Blossom Avenue, Harley, Harrisburg, Falkland, New Durham, Middleport, Mt. Vernon, Glen Morris, Cathcart, Burtch, Muir, and Kelvin:

- (a) to allow the hamlet areas to maintain their identity as residential Settlement Areas within the County of Brant;
- (b) to ensure that new development occurs in a manner in keeping with the capacity of the services available and the financial capability of the municipality;
- (c) to continue to provide a location for future residential, institutional,

recreational, very limited and small scale commercial and very limited and small scale dry light industrial uses if suitable sites can be found;

- (d) to continue to act as a small-scale service centre to area residents;
- (e) to permit limited infilling of the existing development pattern if servicing can be achieved;
- (f) to encourage the development of a greater variety of housing types while having regard for the servicing limitations and land use compatibility;
- (g) to provide the opportunity for the provision of affordable housing in accordance with the Provincial Policy Statement;
- (h) to encourage the provision of a limited supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with Subsection 5.1 of this Plan through the establishment of a three year target; and
- (i) to encourage an adequate but limited supply of new building lots to meet the anticipated demand for additional housing units over the next 20 year planning period as the capacity of the County of Brant's services permit.

(2) Policies

The following policies shall apply to those lands designated “Hamlet” on Schedule “A” of this Plan:

- (a) the permitted uses shall include agricultural uses (excluding livestock uses and mushroom farms), single detached dwellings, medium density residential development (subject to servicing restrictions), home occupations in accordance with Subsection 3.7.3(10) of this Plan and group homes in accordance with Subsection 3.7.3(12) of this Plan, and commercial, industrial, recreational and institutional uses and their expansion in accordance with the policies outlined below;
- (b) the maximum density for single detached dwellings shall be 12 units per gross hectare if servicing will permit. Medium density developments will be limited to semi-detached, triplex, or townhouses to a maximum density of 30 units per gross hectare depending on servicing limitations;

- (c) the implementing Zoning By-Law shall zone all land parcels in the Hamlet designation according to their existing use. All undeveloped land parcels will be placed in an agricultural zone, which does not permit livestock operations or mushroom farms, or in an appropriate holding zone. New residential, commercial, industrial, recreational and institutional uses may be allowed without an amendment to this Plan provided the Zoning By-Law is amended where necessary and the proposed use satisfies the following criteria:
- (i) the applicant adequately demonstrates the need for the proposed use;
 - (ii) the proposed use is compatible with existing uses in close proximity;
 - (iii) the existing roads can adequately serve the proposed use;
 - (iv) the existing services are adequate for the proposed use;
 - (v) the off-street parking is adequate for the proposed use;
 - (vi) the site plan requires adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties;
 - (vii) the proposed residential use is in conformity with the Provincial Policy Statement; and
 - (viii) that adequate uncommitted reserve municipal servicing capacity is available to accommodate the future development of the site;
- (d) a suitable mix of various types of residential units of appropriate densities and levels of affordability are encouraged to develop during the planning period;
- (e) existing non-residential uses will be allowed to expand provided the expansion satisfies the criteria outlined above;
- (f) specific land use designations that occur within the Hamlet Settlement Areas shall be developed in accordance with the corresponding policies of this Plan;

- (g) all development in the Hamlet designation shall be in accordance with the land division policies contained in Subsections 5.1 and in accordance with the Natural Environment policies of this Plan; and
- (h) proponents may be required to prepare stormwater management plans to the satisfaction of the County and the appropriate Conservation Authority.

(3) Hamlet Special Policies

- (a) **Hamlet Special Policy Area 1** applies to a parcel of land located in the northwest quadrant of the Hamlet of Scotland and identified as processing primary aggregate resources. Prior to any residential or related hamlet development occurring on this resource, either the resource is to be removed or investigations undertaken to prove that it is not economically viable to remove the resource.
- (b) **Hamlet Special Policy Area 2** applies to the lands on the west side of the Hamlet of Scotland within the Settlement Area. As part of any residential development application, consideration will be given to creating an arterial/collector route through the area to assist in eliminating truck traffic and congestion from the central existing developed area of the Hamlet.

3.7.4.8 ESTATE RESIDENTIAL

There are existing areas of the County of Brant which have developed as estate residential and there are adjacent lands to these areas that share similar site attributes. These existing lands and minor additions have been placed in an Estate Residential designation. The following policies shall apply to those lands designated Estate Residential on Schedules “A” and “B” of this Plan.

- (1) the permitted uses are limited to single detached dwellings and may include an accessory dwelling unit for a family member or person requiring care (garden suite);
- (2) the maximum density shall be 2 units per hectare or as required by the site servicing requirements;
- (3) amendments to the Plan to designate lands for Estate Residential will not be permitted within 200 metres of areas identified as primary aggregate resource unless investigation has proven that the resource is not commercially viable, nor

will it be permitted within 200 metres of established aggregate extraction operations, nor will it be permitted if the MDS formula cannot be met, nor if the proposal is to front on to an Arterial road as designated on Schedule “C”;

- (4) building permits shall be refused within areas designated Estate Residential if adequate servicing cannot be provided or if the MDS formulae or any other policy of Section 5.1.2 cannot be met; and
- (5) where the number of units warrant, development may be required to supply a reservoir of water of sufficient volume to ensure adequate fire protection and a hydrogeology report on the adequacy of potable water.

3.7.4.9 MODULAR HOME PARK

A Modular Home Park area for the purpose of this Official Plan shall mean a parcel of land under one ownership or individual ownerships for the exclusive use of modular homes or mobile homes.

A Modular Home Park area may be located in any Settlement Area shown on Schedules “A” or “B” as long as the following policies are met:

- (1) New Modular Home Park areas should be developed as an integrated part of a planned development and shall not be located within established built up areas unless there is an amendment to this Plan.
- (2) The development shall have access to arterial or collector roads without the necessity of passing through areas of lower density. No access shall be permitted directly to Provincial Highways.
- (3) The area shall have full urban services, including adequate municipal water supply, sanitary sewers, and storm drainage, paved roads, and street lighting. Services may be in the form of a communal system approved by the Ministry of the Environment.
- (4) A Modular Home Park area must have a minimum site of 4 hectares, and have a density of not more than 17 units per gross hectare.
- (5) The site shall be developed in accordance with a site plan approved by the municipality.

- (6) Modular Home Park land may be zoned in separate zoning categories in the implementing Zoning By-Law.
- (7) Modular Home Park lands are not to be used as seasonal recreational trailer parks or recreational camping facilities.

3.7.4.10 RECREATIONAL TRAILER PARK

Recreational Trailer Parks currently exist throughout the County. The use of the existing sites shall be for seasonal use only unless an amendment is obtained to this Plan in accordance with the requirements of Section 8.

(1) Policies

The following policies shall apply to those lands designated Recreational Trailer Park on Schedules “A” and “B” of this Plan:

- (a) All new and any expansion to existing Recreational Trailer Parks must have adequate water supply, sanitary sewers, and storm drainage, paved roads, and street lighting. Sanitary and water services may be in the form of a communal system approved by the Ministry of the Environment.
- (b) Recreational Trailer Parks must have a minimum site area of 4 hectares, and have a density of not more than 12 units per gross hectare.
- (c) The site shall be developed in accordance with a site plan approved by the municipality.
- (d) Recreational Trailer Park land may be zoned in separate zoning categories in the implementing Zoning By-Law and may be subject to municipal licensing controls.
- (e) Recreational Trailer Parks are not to be used as permanent dwelling sites. Conversion to year-round use will require an amendment to this Plan and re-designation of the site to Modular Home Park.
- (f) A minimum number of individual camping lot areas will be contained in the implementing Zoning By-Law but will still have to satisfy servicing constraints.

- (g) Enlargement will only be permitted if all applicable municipal and Ministry of the Environment requirements can be satisfied and there is no adverse impact on surrounding land uses.
- (h) All development is subject to the floodproofing and setback policies of Section 2.2.9.

(2) Recreational Trailer Park Special Policies

- (a) **Recreational Trailer Park Special Policy Area 1** applies to the lands designated as Recreational Trailer Park on Schedule “A” to this Plan and may also include recreational uses as provided for in Section 3.11 of this Plan.

3.8 COMMERCIAL AREAS

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in the following sub-classifications: Neighbourhood Commercial, Highway Commercial, Shopping Centre Commercial and General Commercial. In addition, non-commercial uses which are complementary to and serve the respective Commercial uses shall also be permitted under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas. The general principles to be considered in the development and control of the use of such lands are as follows:

3.8.1 NEIGHBOURHOOD COMMERCIAL

The uses permitted shall be limited to those commercial uses which provide for the sale of convenience goods and services to meet the daily living needs in foods, sundries and personal services, and may include neighbourhood business and professional offices.

The development of Neighbourhood Commercial areas may take place in the form of a small shopping plaza owned and operated as a unit or as individual establishments. The scale of development shall be guided by the population of the area to be served but no single establishment shall exceed 500 square metres, and the maximum size of any Neighbourhood Commercial site shall not exceed 0.4 hectares.

Adequate parking 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.

No open storage shall be permitted.

The location of the Neighbourhood Commercial areas shall be in accordance with the Land Use Schedules. Any new Neighbourhood Commercial facilities will require an amendment to this Plan, and shall be sited to minimize its effect on adjoining Residential areas.

The building(s) contained within a Neighbourhood Commercial area, and any lighting or signs, shall be designed and arranged so as to blend in with the character of the adjacent Residential area, and all development will be subject to Site Plan Control.

The Neighbourhood Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

3.8.2 HIGHWAY COMMERCIAL

The uses permitted shall be limited to those retail and service commercial uses which primarily serve vehicular traffic and the traveling public, and which rely heavily upon such traffic for their economic existence. Such uses may include recreational uses, automobile service stations and automobile sales and service agencies, agencies for recreational vehicles, tourist facilities, hotels, motels, drive-in restaurants or other eating establishments and accessory retail use. Permitted uses shall also include existing commercial greenhouse operations and their expansions.

Retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, food stores, and catalogue stores servicing domestic customers, may locate within the Highway Commercial areas subject to preparing a Planning Impact Analysis to the satisfaction of the County of Brant.

The indiscriminate extension of this land use classification into non-commercial areas should be prohibited without an amendment to this Plan. Expansion of existing commercial greenhouse operations onto abutting properties shall be permitted.

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 buffer planting or screening shall be provided between the commercial use and any adjacent commercial greenhouse and residential areas and such buffer planting may

include provisions for grass strips, berms, screening and appropriate planting of trees and shrubs, or distance, and all development will be subject to Site Plan Control.

Buildings contained within a Highway Commercial area and any or all lighting or signs shall be designed, erected and installed so as to minimize the impact on any adjoining residential uses, and so as to not interfere with commercial greenhouse uses.

The general location of the Highway Commercial area shall be in accordance with the Land Use Schedules.

The Highway Commercial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

3.8.3 SHOPPING CENTRE COMMERCIAL

The uses permitted shall be limited to those retail and service commercial uses which serve the County of Brant and customers residing beyond the limits of the County. Such uses may include a broad range of primarily retail stores as well as personal and service commercial uses and commercial recreational establishments contained under one roof or connected by an open or closed pedestrian mall, designed to function as a unit with common parking facilities and access points. In addition, business and professional offices may be permitted as long as they do not constitute a predominant use in the shopping centre or have separate and prominent building quarters. Ancillary uses would include malls and public concourses, landscaped garden areas, private and public washrooms, parking areas truck loading and service areas, employee rest areas as well as mechanical, electrical and maintenance areas.

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 buffer planting shall be provided between the commercial uses and any adjacent residential areas and such buffer planting shall include the provision of grass strips, berms, screening, appropriate planting of trees and shrubs, or distance. All development shall be subject to Site Plan Control.

No open storage of goods or materials shall be permitted.

The general location of the Shopping Centre Commercial areas shall be in accordance with the Land Use Schedules.

Should any existing Shopping Centre Commercial site wish to redevelop consideration will be given to High Density Residential uses subject to Site Plan Control, development agreements and appropriate Zoning By-Law amendments. Redevelopment to High Density Residential will not require an amendment to this Plan.

Amendments to the Plan to create a Shopping Centre designation will be subject to preparing a Planning Impact Analysis.

The Shopping Centre Commercial lands may be included in separate zoning classifications in the implementing Zoning By-Law.

3.8.4 GENERAL COMMERCIAL AREAS

The uses permitted shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor. Multi family residential development will be considered as an alternative form of land use on lands designated General Commercial. Public participation meetings would be held as part of any site plan reviews for properties changing from General Commercial to High Density Residential.

Adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that will minimize the danger to both vehicular and pedestrian traffic. Section 40 of the Planning Act R.S.O. 1990 c. P.13, provides the County of Brant with the right to allow property owners to make payment in lieu of parking spaces required by the Zoning By-Law. Section 40 allows the County of Brant to collect money which can then be used to provide municipal parking within the area. Under such a policy the County of Brant may exempt part or all of the parking space requirement of the Zoning By-Law in return for a cash payment. The amount of the payment will change over time as it is to be based on land costs in the vicinity of the development site. This policy of payment in lieu does not guarantee that parking will be provided near the given development to be exempt from the parking requirements. Only if the County of Brant can satisfy itself that parking on site is not necessary and that the County of Brant can supply sufficient parking within a reasonable distance from the site will exemptions be applied.

When applying the payment in lieu option the County of Brant Council shall enter into an agreement exempting the owner or occupant, to whatever extent deemed appropriate, from the requirement of the Zoning By-Law. Money received should be placed into a special account and the agreement registered against the land. Payment in lieu will only be considered within the General Commercial land use category. New residential developments should attempt to include all required tenant parking on site, however, the residential standards of the Zoning By-Law may be significantly reduced within the General Commercial zone to encourage intensification and redevelopment that is deemed to have a positive impact on the Central Business Areas. Some minor adjustments may be considered for conversion to residential of upper floors of existing commercial buildings. Caution will be used in considering payment in lieu for high traffic generators such as medical buildings, clinics, restaurants, convenience stores, banks and taverns.

Evaluation of a site as suitable for payment in lieu must carefully assess the effect the number of spaces required will have on the feasibility of the development, the availability of parking in the area, the opportunity or viability of ever providing parking in the area and the resulting accumulative effect of applying the payment in lieu policy and whether or not the opportunity to achieve a desirable development can occur without creating a significant parking deficiency. A parking fund shall be established from cash-in-lieu of parking spaces received from Commercial development in the General Commercial Area.

Adequate buffer planting shall be provided between the commercial uses and any adjacent residential areas and such buffer planting shall include the provision of grass strips, berms, screening, appropriate planting of trees and shrubs, or distance. All development shall be subject to Site Plan Control.

The general location of the General Commercial areas shall be in accordance with the Land Use Schedules.

Within the General Commercial classification there are areas that also are of significant importance regarding Heritage. To promote and strengthen this portion of the General Commercial area, a wider range of uses will be permitted where compatibility among adjacent uses can be achieved. These uses would include residential uses of various types, but limited in height to 3-storey, full range of commercial uses including mixed commercial and residential, and open space uses and recreational facilities. Reference should also be made to Sections 6.1 and 6.3.

Improvements to the Central Business areas of Paris, St. George and Burford should consider the use of lockstone paving or decorative concrete as an aesthetically desirable option, as well as decorative lighting standards, sign control, development of enhanced planting area, etc.

The General Commercial lands may be included in separate zoning classifications in the implementing Zoning By-Law.

3.8.5 COMMERCIAL SPECIAL POLICY AREAS

Certain commercial areas exist or may develop that do not fit into an existing designation and may be identified as a Special Policy Area. Special Policy Areas include:

- (1) General Commercial Special Policy Area 1 applies to lands within the Settlement Areas of Paris, St. George, and Burford that are noted on Schedules “A” and “B” with a “1”. In order to reduce the risk to the Wellhead Protection Areas of these communities, the following uses will not be permitted to establish within this designation and expansion to existing uses will require a detailed environmental impact study and engineering assessment.

Notwithstanding the fairly expansive list of uses permitted under General Commercial, the following uses will not be permitted within these General Commercial Special Policy Area 1's.

- underground transmission of oil, gasoline, or petroleum liquid products;
- furniture and wood stripping and refinishing;
- nurseries;
- automotive uses;
- bulk fuel storage;
- car washes;
- dry cleaning facilities; and
- gasoline service stations or underground storage tanks.

Reference should also be made to Section 2.2.8.

3.9 INDUSTRIAL AREAS

The Industrial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in the following subclassifications: Light Industrial; Special Industrial; and Heavy Industrial. In addition, such non-industrial uses shall also be permitted, where specified, under the Industrial subclassification definition. As indicated in Section 1.8.1 of the Plan, "Future Direction

Growth Arrows" have been established to provide guidance as to where future industrial development should occur. Future industrial development would only occur if adequate servicing is available and the development is in conformity with the policies of this Plan. In certain locations, added Special Policies may be created to deal with a site specific situation.

The following policies apply to all Industrial designations:

- (1) New Industrial uses may be permitted in areas designated Industrial, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.
- (2) Site Plan Control shall be applied to all Industrial development.
- (3) Industrial uses that are proposed to be developed adjacent to existing Industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- (4) Traffic generated by Industrial uses will be discouraged from penetrating designated Residential areas.
- (5) In order to enhance the viability of Industrial areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of Industrial areas through the provision of highways, arterial roads, and rail services.
- (6) Council will promote industrial development by preparing and implementing an economic development strategy for the County of Brant. Council will encourage a County of Brant- Brantford Development Committee to promote Industrial areas in the County of Brant and the City of Brantford.
- (7) Council may encourage, and where feasible, assist in the relocation of uses not permitted in areas designated for Industry and in the relocation of existing industries into such areas.
- (8) Council may encourage, and where feasible, assist in programs for the improvement of the appearance and amenity of Industrial areas.
- (9) Industrial development may be permitted in areas abutting Residential uses,

provided that:

- (a) Adequate buffering is provided between the two uses by such means as adequate separation, landscaping, barriers (including noise attenuation barriers), and plantings;
 - (b) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and
 - (c) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms, noise vibration and dust, and relationships to neighbouring buildings or uses are acceptable.
- (10) Where existing Industrial and Residential uses are located in close proximity to each other, new Industrial buildings may be permitted if adequate separation between land uses, buffering, barriers, and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council.
- (11) Council may encourage, and where feasible, assist in programs to acquire Industrial lands and develop serviced Industrial sites and/or to provide services to privately owned Industrial lands so as to ensure an adequate supply of serviced and available Industrial lands within the County.

3.9.1 LIGHT INDUSTRIAL

The uses permitted shall be limited to those industrial uses which have limited or restricted open storage and may include workshops, warehousing, service shops, processing, manufacturing and assembling operations, offices, medical/dental clinics, laboratories and research facilities, communication facilities, and printing and publishing plants. This designation does not allow, however, for major bulk storage operations such as grain elevators, fuel storage, etc., which are included in the Heavy Industrial category. Agricultural uses may continue to exist until the area is ready for Industrial uses.

Where the Light Industrial designation has frontage on an arterial road, as shown on Schedules “A” or “B”, a motel and/or land uses catering to the traveling public may also be permitted.

Depending on the location and the associated industrial use, the implementing zoning may permit a dwelling unit associated with Light Industrial uses.

The type of Light Industrial use permitted shall be such that there are minimal adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odour.

Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.

Adequate off-street loading and unloading facilities shall be provided.

Adequate buffer planting shall be provided between the Industrial areas and any adjacent Residential areas and such buffer planting may include provisions for grass strips, berms, screening, appropriate planting of trees and shrubs, or distance.

All new developments in the Light Industrial category shall be subject to Site Plan Control as provided for by The Planning Act.

The Light Industrial uses may be included in separate zoning classifications in the implementing Zoning By-Law.

3.9.2 SPECIAL INDUSTRIAL

Within the Special Industrial designation the uses permitted shall include all uses and policies as set out in the Light Industrial designation as well as accessory commercial uses primarily serving the Light Industrial area. In addition, commercial land uses that possess a warehouse aspect such as office supplies, home furnishings and appliances, veterinarian offices, funeral homes, assembly halls, recreational facilities, etc., are permitted but shall be established in the implementing Zoning By-Law under separate commercial zones.

Where the Special Industrial designation has frontage on an arterial road, as shown on Schedules "A" or "B", a motel and/or land uses catering to the traveling public may also be permitted.

The Special Industrial designation shall also apply to the area including and abutting the Brantford Airport. It is recognized that the Brantford Municipal Airport is a multi-use facility owned and operated by the City of Brantford. Nothing in this Plan shall inhibit its use for activities related to its function as an airport including the operation, repair, maintenance and storage of aircraft and ancillary functions such as private clubs and commercial aircraft or related companies, except as noted in Industrial Special Policy Areas. The restrictions noted in Section 3.9.4(7), however, are not intended to impact

upon the operations of the Brantford Airport. New development will be permitted provided the appropriate environmental safeguards to ensure groundwater protection, as outlined in Section 2.2.8, are undertaken.

Adjacent lands may be developed for Light Industrial uses and shall be encouraged through Site Plan Control to incorporate more prestige site design characteristics that will assist in creating a good impression on visitors, the community and the traveling public. Commercial uses that serve the industrial area will also be permitted and will be subject to higher design objectives as implemented through the Site Plan Control process and the implementing Zoning By-Law. Recreational uses will also be permitted.

All development will have regard for the noise contours associated with the airport as well as height restrictions.

3.9.3 HEAVY INDUSTRIAL

The uses permitted shall include those industrial uses which are permitted in the Light Industrial area as well as primary metal, wood and paper products, non-metallic mineral products, chemical products production and processing, waste settling ponds, construction yards, truck or transportation terminals, railway uses and motor vehicle body shops which may involve bulk open storage of goods or materials. In addition, recreational uses both indoor and outdoor may also be permitted subject to appropriate zoning and adequate setbacks from abutting industrial uses. Agricultural uses may continue to exist until the area is ready for Industrial development.

Heavy Industrial uses are those which generally are offensive due to the large scale of activities not enclosed in buildings or due to any other characteristics that may be generally detrimental to the amenity of other uses.

The type of Heavy Industrial use permitted shall be such that there is no adverse effects on adjoining Residential land uses as the result of the emission of noise, smoke, dust, or odour.

Adequate off-street parking areas and loading and unloading facilities shall be provided for all permitted uses.

Heavy Industrial uses shall be screened from any adjacent Residential areas by buffer planting which shall include provisions for grass strips, appropriate planting of trees and shrubs, or distance.

The Heavy Industrial uses shall be included in separate zoning classifications in the implementing Zoning By-Law.

3.9.4 INDUSTRIAL SPECIAL POLICY AREAS

- (1) **Industrial Special Policy Area 1** applies to lands designated Heavy Industrial and noted on Schedule “A” with a “1” are intended for Heavy Industrial development subject to Site Plan Control and servicing plans acceptable to the County of Brant. Until such time as site plans and servicing plans are in place, the only land use permitted shall be the primary uses permitted under the Agriculture designation.
- (2) **Industrial Special Policy Area 2** applies to lands designated Industrial on Schedules “A” or “B” and noted with the number 2 are existing industrial uses that are surrounded by residential uses. Over time, the redevelopment of these sites to Residential land uses is encouraged with High Density Residential uses being an option for redevelopment without an Official Plan amendment. A Zoning By-law amendment would be required.
- (3) **Industrial Special Policy Area 3** applies to lands designated Heavy Industrial on Schedule “A”, noted with the number 3 are to be considered to be in an Agricultural designation until such time as appropriate agreements can be reached with the City of Brantford regarding servicing and design. Heavy Industrial designation and the appropriate policies of this Plan would apply subject to reaching an agreement with the City and obtaining a Zoning By-law amendment.
- (4) **Industrial Special Policy Area 4** applies to lands designated Light Industrial near the Village of Scotland and noted on Schedule "A" or “B” with a "4" may also include a grain mill and related uses.
- (5) **Industrial Special Policy Area 5** applies to lands designated Special Industrial and noted on Schedules “A” or “B” with a “5” are intended for Special Industrial development subject to Site Plan Control and servicing plans acceptable to the County of Brant. These lands may also be used for Recreation uses in accordance with Section 3.11. Until such time as site plans and servicing plans are in place, the only permitted land use shall be the primary uses permitted under the Agricultural designation.
- (6) **Industrial Special Policy Area 6** applies to lands designated Heavy Industrial and noted on Schedules “A” or “B” with a “6” are intended for Special Industrial

development subject to Site Plan Control and service plans acceptable to the County of Brant. These lands may also be used for Recreation uses in accordance with Section 3.11. Until such time as site plans and servicing plans are in place, the only land use shall be the primary uses permitted under the Agricultural designation.

(7) **Industrial Special Policy Area 7** applies to lands designated Industrial and noted on Schedules “A” or “B” with a “7” are restricted in the range of industrial activities permitted in order to ensure adequate protection to the groundwater. Existing uses within any of these categories wishing to expand are required to carry out studies as outlined in Section 2.2.8. Notwithstanding the fairly extensive interpretation that can be given to the various Industrial designations, the following uses will not be permitted in Industrial Special Policy Area 7:

- underground transmission of oil, gasoline, or other petroleum liquid products;
- wood preserving and treating;
- outdoor storage of road salt, or other de-icing materials and dumping of salt-laden snow;
- petroleum product, refining and manufacturing;
- furniture and wood stripping and refinishing;
- horticultural nurseries;
- intensive livestock operations including the spreading of liquid manure;
- landfills;
- chemical/biological laboratory;
- chemical manufacturing/industrial areas;
- disposal of leachable waste (including the spreading of biosolids);
- electroplaters and metal fabricators;
- facilities generating, treating or disposing hazardous wastes;
- asphalt/concrete/tar plants;
- automobile junk yards;
- bulk fuel oil storage yards;
- car washes;
- cemeteries;
- dry cleaning facilities;
- gasoline service stations; and
- underground storage tanks.

(8) **Industrial Special Policy Area 8** applies to lands designated Industrial and noted on Schedules “A” or “B” with an “8”. Any lands so designated will be restricted

in the range of industrial activities permitted but will also allow residential units as an integrated industrial-residential pack subject to the following criteria:

- (a) the industrial land use is the predominate land use, with the floor area devoted to industrial activities exceeding the residential floor area;
- (b) industrial uses may also include offices and related sales;
- (c) the Zoning By-Law will specify the performance standards required and the range of uses permitted; and
- (d) a restrictive covenant in property deeds will be required to minimize conflicts between the residential and industrial uses.

3.10 INSTITUTIONAL DESIGNATION

The Institutional classification of land shall mean that the predominant use of the land so designated shall be for uses which exist for the benefit of the residents of County of Brant and which are operated by the municipality or other public organization for this purpose.

The Institutional designation will be required for all Institutional uses that are considered traffic generators and serve a community larger than the neighbourhood. Such uses as arenas, major community centres, secondary schools, detentions centres, fire halls, police stations, cemeteries, and government centres. The general principles to be considered in the development and control of the use of such land are as follows:

(1) Policies

- (a) The uses permitted shall include secondary educational facilities including public, separate, and private schools, civic and institutional uses such as fire halls, police stations, hospitals, libraries and similar uses, major public and private open space areas, major community facilities such as arenas and community centres active and passive recreation facilities, and community facilities are also included within the Institutional designation. In addition, municipal and private utility works such as water towers, sewage treatment facilities, telephone and gas utility operating facilities, and similar uses are also permitted uses.
- (b) Parks shall be acquired through land dedication or cash-in-lieu, as provided for in the Planning Act, and by means of funds through the Five-

Year Capital Budget.

Cash-in-lieu of land dedication shall be considered by Council when:

- (i) The required land dedication fails to provide an area of suitable shape, size, or location for development as public parkland; or
 - (ii) The required dedication of land would render the remainder of the site unsuitable or impractical for development; or
 - (iii) Existing park and recreational facilities in the vicinity of the site, are, in the opinion of Council, already adequate to serve the projected increase in population.
- (c) Council will cooperate with the Conservation Authorities to ensure the preservation, maintenance, and proper protection of the Grand River, the Nith River, the Fairchild Creek and all other major water corridors.
 - (d) In addition, Council, in cooperation with the Conservation Authorities or other appropriate government agency shall continue to develop the Grand River of the County of Brant for public use in the form of passive scenic parks and/or tourism developments.
 - (e) No Official Plan amendment will be required for the conversion of lands in any land use if dedication is for a public park or public recreational facility.
 - (f) Where land designated Institutional is under private ownership, it is not intended that this land will remain so designated indefinitely, nor will this Plan be construed to imply that these areas are free and open to the general public or that they will be purchased by the municipality or any other public agency.
 - (g) Should the developer as part of a multiple family development provide recreational facilities such as swimming pools, tennis courts, etc., beyond the required dedication of one hectare for every three hundred dwellings, the Council may consider increasing the density permitted on the site without an amendment to the Official Plan.
 - (h) In the case of the Burford Cemetery, in order to prevent further leaching of contaminants into the groundwater, the sale of burial plots will be

limited and/or will include a mandatory vault requirement.

- (i) The location of the Institutional areas shall be in accordance with the Land Use Schedules.
- (j) The Institutional uses may be included in separate zoning classifications in the implementing Zoning By-Law.
- (k) “In processing an application for a new institutional development adjacent to existing commercial greenhouses, the existing greenhouse operator shall be consulted to ensure the proper protection of the greenhouse operation. Consideration of the site plan approval for the institutional use will include:
 - i. Adequate protection for the greenhouse from light emanating from the use;
 - ii. Sufficient buffers between the uses where recreational facilities such as playing fields are proposed;
 - iii. Potential expansion of greenhouse operations shall be take into consideration.”

3.10.1 INSTITUTIONAL SPECIAL POLICY AREAS

- (1) **Institutional Special Policy Area 1** is the Burtch Correctional Institution, which has announced that there are intentions to close the facility. Although an excellent land use and ideally situated, should the correctional facility relocate, alternative land uses for this site would include other Institutional land uses or Industrial land uses. The facility has a sewage treatment plant, water treatment plant, two ball diamonds, buildings that have been used for food processing and recycling facilities. No amendment to the Plan would be required to develop the site for either Institutional uses or Industrial uses if the proposal meets the policies of the designation.

3.11 RECREATIONAL DESIGNATION

3.11.1 GENERAL

The predominant use of land in areas designated Recreational shall be commercial recreational facilities including golf courses, private parks, campgrounds, outdoor or indoor sports activities, amusement parks, residences and offices associated with the recreational uses, and other public or private commercial recreational facilities including restaurants, snack bars, parking areas and auxiliary buildings and uses but does not include a trailer park.

3.11.2 GOALS

The following goals are adopted for recreational development:

- (1) to bolster the economy of the area by developing the County of Brant's recreation and tourist potential;
- (2) to set aside certain areas for recreational development which have a high recreation capability and do not deter from agriculture; and
- (3) to ensure that the design of recreation facilities are in harmony with nature.

3.11.3 POLICIES

- (1) Recreational development will be permitted in accordance with the following criteria:
 - (a) intensive activities are to be provided with adequate setbacks from adjacent properties;
 - (b) all uses should have adequate access roads and have relatively easy access to the Provincial Highway system or a County Road;
 - (c) adverse effects to the natural environment should be minimized with development being subject to an Environmental Impact Study as outlined in Section 2.5;
 - (d) water supply and septic or sewage disposal facilities must satisfy the requirements of the Ministry of Environment or its designated agent;
 - (e) the implementing Zoning By-Law and Site Plan Control agreement shall

address, but not be limited to the following:

- (i) the location of buildings, including accessory residences and structures;
 - (ii) the location of water, sanitary sewage, and stormwater works and solid waste storage facilities;
 - (iii) the location and standards of access (ingress/egress) facilities as well as roads, walkways and parking areas;
 - (iv) grading, erosion and sedimentation control;
 - (v) landscaping, planting, buffering and fencing;
 - (vi) the protection and enhancement of natural areas, including woodlands and shorelines; and
 - (vii) road maintenance, snow clearance, garbage collection and general maintenance of the traffic island.
- (f) development proposals will ensure adequate systems for water supply and sewage treatment and disposal to the satisfaction of the County of Brant and in accordance with the standards, regulations, policies and guidelines of the Ministry of Environment;
- (g) development proposals may be required to prepare a comprehensive stormwater management plan for all phases of construction and the completed development, to the satisfaction of the municipality, the Ministry of Environment and the Ministry of Natural Resources and/or the appropriate Conservation Authority, in accordance with the best management practices prescribed in Provincially sanctioned guidelines and interim guidelines;
- (h) new recreational uses will be allowed to proceed subject to an amendment to the Zoning By-Law and to a Site Plan Control agreement stipulating the height and siting of buildings, landscaping, parking, location of services, access, grading and methods of protecting and enhancing the shoreline, etc.; and
- (i) all existing recreational uses at the date of the adoption of this Plan shall

be allowed to expand provided they are able to conform to the policies of this subsection and to the zoning requirements.

3.11.4 RECREATIONAL SPECIAL POLICY AREAS

- (1) **Recreational Special Policy Area 1** applies to lands designated Recreational on East River Road (known as Adventures on the Grand) and noted on Schedules “A” or “B” with a “1”. Notwithstanding any other policies of this Plan to the contrary, the site shall be limited to a tourist oriented business involving boating excursions down the Grand River and related uses, and a specialized engineering business for road testing equipment and related uses.
- (2) **Recreational Special Policy Area 2** applies to lands located in part of Lot 9, 1 R.S.H.R. (known as Circle Square Ranch) that are designated Recreational and noted on Schedule “A” with a “2”. Notwithstanding any other policies of this Plan to the contrary, the lands may also include a place of worship and two residential units directly related to the campground.

SECTION 4. TRANSPORTATION POLICIES

4.1 GENERAL

The road network indicated on Schedule “C” is based on the inter-relationship of land use and transportation. The primary objective shall be to provide optimum conditions for the movement of people and goods from one portion of the Planning Area to another as well as facilitating the traffic movement through the Planning Area. Every attempt should be made to ensure that the Planning Area road pattern is in harmony with the County Road System as well as those of adjoining municipalities and linkage to the Provincial Road System. As detailed transportation studies are completed, this Plan will be amended to reflect appropriate recommended changes.

4.2 CLASSIFICATION

Each road within the Planning Area is not designed nor intended to serve the same function. The roads within the Planning Area have been classified according to the anticipated ultimate function that each road would fulfill. Where additional land is required for widenings, extensions, or intersection improvements, such land shall be obtained wherever possible in the course of approving plans of subdivision, development applications, or by conditions attached to individual consents.

4.2.1 ARTERIAL ROADS

Arterial roads are existing roads of 2 to 4 traffic lanes that are either Provincial Highways or roads that have been identified as County Roads and noted on Schedule “C” as Arterials. Due to existing development, desired right-of-way widths may not always be achievable. Wherever possible, Arterial Road right-of-way widths shall be 30 metres. The number of access points from abutting properties should be restricted in number. The function of the arterial roads is to facilitate the inter-municipal and through municipal movement of high volumes of traffic to and from major traffic generating sectors in the Planning Area.

New industrial, commercial, institutional, and multiple family residential uses may have access to arterial roads within Settlement Areas and land use specific designations but in each instance an attempt shall be made to group developments, in order to reduce the number of access points which could hinder the movement of traffic. Strip or linear development shall be discouraged. Where such conditions exist, the number of access

points shall be reduced wherever possible.

It is not the intent of this Plan that arterial roads existing in a built-up area will necessarily be widened, or that direct access will be eliminated or restricted, except where redevelopment is taking place.

4.2.2 COLLECTOR ROADS

Collector roads are existing and proposed roads with a minimum of two traffic lanes and a right-of-way width of 20 to 26 metres, which are designed to collect and carry medium volumes of local traffic to arterial roads or to distribute traffic to the local roads as well as provide access to abutting properties. Whenever possible, widening shall be sought to provide for a 26-metre right-of-way.

4.2.3 LOCAL ROADS

Local roads are existing and proposed roads with two traffic lanes and a right-of-way width of 20 metres which are designed primarily to provide access to abutting properties. They should be designed so as to discourage the movement of through traffic and function as local distributors of traffic to the local roads.

4.2.4 PRIVATE ROADS

There are very few private roads in the municipality that service development. There are private roads as part of the golf course residential development in the community of Paris and there will be private roads developed in the future as part of Medium Density Residential, High Density Residential, Modular Home Parks and planned communities.

It is the intent that traditional Low Density Residential development take place on public roads and that only in condominium developments will private roads be considered.

4.2.5 PROVINCIAL HIGHWAYS AND LIMITED ACCESS FREEWAYS

There are two provincial roads located within the County — Provincial Highway No. 24 and Provincial Limited Access Freeway No. 403. New entrances or the upgrading of entrances onto a Provincial Highway or Freeway shall be subject to the approval of the Ministry of Transportation. Furthermore, development which is situated adjacent to a Provincial Highway or Freeway shall also be subject to the requirements and permit

control of the Ministry of Transportation.

4.3 INTERSECTION IMPROVEMENTS

It is the goal of this Plan that, as traffic conditions warrant, improvements in the form of jog eliminations, regulation of turn movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization construction will be undertaken at the intersections as required.

4.4 OFF-STREET PARKING

This Plan proposes that sufficient off-street parking facilities be established as are required to serve the needs of the central business area. Whether an off-street parking program is developed entirely by the County of Brant, by private enterprise, or jointly by the County of Brant and private enterprise, reasonable parking facilities should be established, consistent with demand, and in accordance with the following general principles:

- (1) The parking facilities within the central business district should be a combination of short-term parking for shopping and business purposes and long-term for those employed in the area.
- (2) The area behind the stores and businesses of the Central Commercial area of Paris should be developed in such a manner as to provide landscaped off-street parking areas for customers.
- (3) The cash-in-lieu of parking policy and by-law, as provided for under Section 40 of the Planning Act R.S.O. 1990, c.P.13, may be implemented and the funds used to provide public parking facilities within the Central Business District in accordance with the policies of Subsections 3.8.4 and 6.1.

4.5 TRUCK ROUTES

The need for a designated truck route is a multi-regional issue that cannot be resolved at the local level. A study to deal with this matter is currently underway. In consultation with neighbouring municipalities, it is anticipated that a truck route which will not negatively impact the communities located in the County of Brant will be identified and implemented.

This Plan has proposed the possibility of a new intersection with the 403, should a westerly truck route be selected with the Region of Waterloo to aid in a north-south connection.

The County of Brant may exercise its legislative authority to ensure trucks are restricted to those origins and/or designations within the municipality and/or specific communities such as Paris, and Scotland. Truck haul routes are restricted to the Provincial Highways and Arterial Roads, as indicated on Schedule “C”.

4.6 TRAILS

The Plan has identified existing trails within the County. The intent for the trails is for both recreation pursuits and the maintenance of unobstructed corridors for possible servicing needs. Efforts will be made to acquire additional lands to expand the trail system.

4.7 RAILWAYS

- a. All proposed development requiring an official plan amendment, a zoning by-law amendment, a plan of subdivision, multiple residential lot creation by consent or a plan of condominium, in proximity to a railway right-of-way may be required to undertake noise and/or vibration studies, to the satisfaction of the County and in consultation with the appropriate railway, and if required, shall undertake appropriate measures to mitigate any adverse effects from noise and/or vibration that were identified; and
- b. All such development shall also ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway; and
- c. New residential development and other sensitive land uses requiring an official plan amendment, a zoning by-law amendment, a plan of subdivision or a plan of condominium, will not be permitted within 300 metres of a railway yard; and
- d. All new residential development and other sensitive land uses within 1,000 metres of a railway yard that require an official plan amendment, zoning by-law amendment, a plan of subdivision or a plan of condominium, will be required to undertake noise and vibration studies, to the satisfaction of the County and the appropriate railway, to

support the feasibility of such development and, if such studies determine that development is feasible, the appropriate measures identified in such studies shall be implemented to mitigate any adverse effects from noise and vibration that were identified.

SECTION 5. DEVELOPMENT POLICIES

5.1 LAND DIVISION

5.1.1 PLANS OF SUBDIVISION

With the exception of land severances granted by the consent-granting authority, all land divisions in the Planning Area shall take place by registered plan of subdivision. It shall be the policy of the municipality to recommend only those plans of subdivision which comply with the policies of this Plan. Before recommending a plan of subdivision for approval, the municipality will ensure that the area to be subdivided can be provided with necessary services and amenities, and that the proposed development would not adversely affect the economy of the Planning Area. Reference should also be made to Section 5.1.2(9).

5.1.2 LAND SEVERANCES

Should the consent-granting authority establish that a plan of subdivision is not necessary for proper and orderly development, consideration for consent to a land severance may be allowed. In considering an application for a consent, the consent-granting authority shall be guided by the relevant objectives and policies of this Plan, including the following:

- (1) The division of land will only be allowed when all parcels involved abut a public road of a standard of construction acceptable to the County of Brant (and the Province of Ontario's Ministry of Transportation where applicable) and safe and suitable access is available;
- (2) The division of land will not be allowed if any parcel involved requires access to be obtained where a traffic hazard could be created because of limited sight lines on curves or grades or proximity to intersections. Access may also be restricted and/or prohibited to an Arterial Road and Provincial Highways if required to ensure safe traffic movement. It may be a condition of a consent that a service road be constructed to the satisfaction of the County;
- (3) The division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:

- (a) to permit the proper siting of a building;
 - (b) to obtain a sufficient and potable water supply; and
 - (c) to permit the installation of an adequate means of sewage disposal. In areas where no piped municipal services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of Environment and/or its designated agent shall be met;
- (4) The division of land will only be allowed if the proposed lots comply with the provisions of the County of Brant's Zoning By-Law. The Zoning By-Law shall establish minimum lot frontages and areas in accordance with the requirements of the Ministry of Environment and/or its designated agent. Where a by-law amendment or minor variance is necessary, it shall be a condition of the consent or plan of subdivision approval;
- (5) The division of land may be prohibited if development would occur on lands subject to severe flooding, wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the County of Brant in consultation with the appropriate Conservation Authority;
- (6) Notwithstanding any other section of this Plan, consents for the creation of easements or right-of-ways are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or (5) of the Planning Act, R.S.O. 1990 c. P.13 and the consent would not result in the creation of a new building lot;
- (7) The consent-granting authority may exercise its powers under Section 53(2) of the Planning Act, R.S.O. 1990 when reviewing the shape, size, etc. of any proposed lot;
- (8) When considering consent applications or plans of subdivision, consideration will be given to the following requirements which may be stipulated as a condition of consent or plan of subdivision approval where applicable:
- (a) that a fee (including 5 percent of the value of the lot for park purposes) and charges as specified for community services in accordance with the County of Brant's Development Charges By-Law be paid at the building permit stage;

- (b) that the applicant enter into an agreement to maintain any drainage facilities servicing the agricultural sector which traverse the property;
 - (c) that the applicant enter into an agreement to construct or maintain fences around the proposed lot;
 - (d) that the County of Brant's Zoning By-Law be amended to permit the proposed use, if necessary, prior to the stamping of deeds;
 - (e) that consents abutting or located adjacent to a Provincial Highway or Freeway must meet the policies and guidelines of the Ministry of Transportation for access and will be subject to the Ministry of Transportation permit approval;
 - (f) that where residential development is proposed for five or more lots/units, the applicant has submitted an evaluation of the servicing alternatives (individual, communal and full municipal services), including justification for the proposed form of servicing pursuant to the Ministry of Environment Planning for Sewage and Water Guideline;
 - (g) that all new development proposed within fully serviced areas shall be serviced by municipal piped water supply and municipal sanitary sewage facilities;
 - (h) that all new development proposed be in conformity with the Natural Environment Policies of the Plan;
 - (i) that any new development which is proposed within the D'Aubigny Creek and Gilbert Creek watersheds, should be in conformity with the D'Aubigny Creek Master Watershed Plan (1992) and the Gilbert Creek Subwatershed Study (1999); and
 - (j) that the applicant prepare stormwater management plans to the satisfaction of the County of Brant and the appropriate Conservation Authority;
- (9) In areas designated in whole or in part "Agricultural", or "Natural Environment", or "Wetlands", a consent to create a lot of less than 30 hectares may be granted conditional on one of the parcels being added to an abutting property and the existing dwelling unit remains with the remaining parcel so that no new building lots have been created. Generally, the lot remaining must be either a viable farm parcel size or follow the policy of the surplus farm dwelling and be generally less

than 0.6 hectare in size and can meet the point system of Section 3.2.3.11(h).

SECTION 6. ECONOMIC DEVELOPMENT POLICIES

6.1 POLICIES FOR COUNTY OF BRANT REVITALIZATION

It is the intent of this Plan to encourage the continued viability of the downtown core areas of Paris and Burford and St. George. To this end, the following specific policies are set out with respect to future development in those Central Business Areas.

6.1.1 DESCRIPTION

- (1) The uses permitted in the Central Business Areas shall consist primarily of those general commercial uses described in Section 3.8, but shall include also some mixed types of residential uses located primarily on the fringe of the Central Business Area.
- (2) The limits of the Central Business Area do not coincide in all cases with those of land use areas. However, distinct and recognizable limits to the Central Business Area will be achieved where possible by differences in intensity and character between it and adjoining areas.
- (3) The Central Business Areas are and shall continue to be characterized by an intensive use of land.

6.1.2 ROLE AND FUNCTION

It is the intent of this Plan that the focal point of activity be the Central Business Areas which shall continue to be the dominant and most intensive business areas in the County of Brant and in the surrounding market area.

To this end, major new shopping facilities shall not be permitted outside of the Central Business Area except where such facilities can be considered Highway Commercial uses in accordance with Section 3.8.2 or on the lands designated Shopping Centre Commercial under Section 3.8.3 hereof or a retail market study has been carried out clearly demonstrating a need for the development as well as the suitability of the location.

6.1.3 RESIDENTIAL USES

- (1) Accessory residential uses and limited height apartments may be permitted in those areas designated Commercial within the Central Business Area.
- (2) Higher density residential development shall be permitted on the periphery of the Central Business Areas provided Council is satisfied that such development will not prejudice the future re-development of the Central Business Area and provided the proposed development conforms to all other policies of this Plan with particular reference to abutting Residential designations.

6.1.4. TRAFFIC AND PARKING

- (1) Truck and industrial traffic shall be discouraged in the Central Business Areas except where such traffic has business in the downtown area.
- (2) Store owners shall be encouraged to make maximum use of the areas behind their stores for the purposes of both loading and parking.
- (3) Because the Central Business Areas are the sectors of the County of Brant wherein the volume of pedestrians is the most dense, it shall be designed primarily to serve a pedestrian function and to encourage social interaction.
- (4) Parking facilities within the Central Business Area shall be limited primarily to short-term parking with high turnover, serving shopping and business purposes. Long-term or all day parking facilities, except those developed by private business for their own use, shall be provided on the periphery rather than in the core of the Central Business Area. Where a fee is charged for off-street parking, the rate structure shall generally be such as to render the facility self-supporting. Moreover, rates shall be set so as to discourage all-day parking in the core of the Central Business Area and to encourage long-term parking on the periphery.
- (5) Entrances and exits to off-street parking facilities shall be located so as to minimize interference with street traffic.
- (6) The provision of on-site parking shall not be a prerequisite for new development in the Central Business Areas providing Council is satisfied that undue traffic hazards would not arise.

6.1.5 DOWNTOWN IMPROVEMENT AND REVITALIZATION

- (1) It is the goal of this Plan that the Central Business Areas be maintained as the main commercial and civic focus of the County of Brant. To this end, Council shall actively participate in the improvement, development and redevelopment of the Central Business Area, and by giving encouragement and direction to development, redevelopment, and restoration projects.
- (2) It is the intent of this Plan that the progressive features and positive characteristics, which have developed in the Central Business Area, shall be retained and reinforced. Development of vacant sites and redevelopment of existing areas in the Central Business Areas shall be encouraged in a comprehensive manner with a view to coordinating individual site designs and providing integrated solutions to pedestrian and vehicular traffic circulation problems. To further these objectives, Council may require that prospective developers of lands in the Central Business Areas enter into a Development Agreement with the Municipality under Section 41 of the Planning Act, R.S.O. 1990 c.P.13.
- (3) Although intensification of use will be inherent in most development or redevelopment, it is the aim of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout.
- (4) No open storage shall be permitted in the Central Business Area.
- (5) It is the intent of this Plan that the Central Business Areas remain as compact as possible in order to serve the pedestrian most effectively. New development should be planned as an extension of the existing business area and should not be allowed to infiltrate unnecessarily into adjoining residential areas.
- (6) Preference should be granted to the redevelopment of vacant or derelict commercial buildings within the Central Business Areas before considering amendments to the Zoning By-Law to permit expansion into adjoining residential areas.

- (7) Council shall endeavour to improve the environment of the Central Business Areas by making use of small spaces for such amenities as benches and planting and to improve the design of street lighting and other street furniture.
- (8) Council shall encourage merchants and property owners in the Central Business Areas to improve their shop fronts and signs and thereby improve the overall appearance of the downtown area.
- (9) Council shall encourage an adequate standard of building maintenance on all property within the Central Business Areas through the enforcement of a Property Standards By-Law pursuant to Section 31 of the Planning Act R.S.O. 1990 c.P.13.
- (10) Council shall consider the assembling of land within the Central Business Areas as assistance to redevelopment or rehabilitation schemes.
- (11) Council shall have regard to the policies relating to Economic Development that are contained in Subsection 6.4 of this Plan when considering the improvement and revitalization of the downtown area.

6.2 POLICIES FOR COMMUNITY IMPROVEMENT

6.2.1 DESIGNATION OF COMMUNITY IMPROVEMENT AREAS

In any established area of the County of Brant where there is evidence that physical and/or socio-economic change may occur if no public action is taken, Council in conjunction with the citizens shall determine whether it is in the best interest of the area and the County of Brant as a whole to encourage such change by directing a program of orderly transformation or to encourage the conservation of the area.

Where the effects of physical and/or socio-economic change are already in evidence, Council shall determine in a similar manner whether or not this change is in the best interest of the area and the County of Brant as a whole and, therefore, whether or not to encourage the rehabilitation and conservation of the area or its orderly transformation.

Council shall therefore, from time to time, generally outline certain areas in which programs of conservation, rehabilitation, or transformation will be carried out. In each such area, one of the three foregoing elements - conservation, rehabilitation, and transformation - may dominate the program, but either one or both of the other elements may also be utilized. This program shall be applied to all types of uses, building, or

structures in any given area.

6.2.2 CONSERVATION, REHABILITATION, AND REDEVELOPMENT

In areas of conservation and rehabilitation, Council shall institute a program to ensure the conservation and rehabilitation of existing buildings, both through direction and encouragement and by regulatory measures in order to discourage redevelopment. Council shall recognize, however, the justifiable redevelopment of selected buildings and uses within these areas as an integral part of such a program. Particular attention shall be directed initially to those buildings and uses thought to have the most deleterious effects on the surrounding area.

6.2.3 GOALS AND OBJECTIVES

The principal goals for Community Improvement Area shall be:

- (1) To protect and enhance the quality of the area which the residents value highly;
- (2) To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- (3) To assist the community in improving the overall appearance of residential and commercial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and removing their blighting influences from the area; and
- (4) To urge and assist owners of commercial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific objectives of a Community Improvement Area shall be:

- (1) To provide for the maximum feasible amount of rehabilitation of existing housing and commercial premises by making use of any government programs for financial assistance;
- (2) To establish an active program for informing the property owners of various available forms of housing and commercial rehabilitation assistance;

- (3) To enforce, if necessary, any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- (4) To improve the sanitary and flooding situation of the Settlement Areas;
- (5) To improve the water distribution system by installing new watermains on selected streets within the community improvement program area on a phased program;
- (6) To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters, and the resurfacing of selected streets within the area on a phased program;
- (7) To improve the visual appearance of the community by encouraging the relocating of non-conforming land uses and incompatible land uses; and
- (8) To encourage the residents and ratepayers to participate in the implementation of community improvement plans and other programs aimed at improving the community either by service clubs or individual actions or concerns.

6.2.4 CRITERIA FOR SELECTING COMMUNITY IMPROVEMENT AREAS

In determining whether or not a portion of the County of Brant will qualify for a Community Improvement Area, the following criteria would have to be met:

- (1) There is a deficiency or deterioration⁶ in one or more of the following municipal services:
 - (a) Sewers and watermains;
 - (b) Roads and streets;
 - (c) Curbs and sidewalks; and/or
 - (d) Street lighting and utilities.
- (2) There is a deterioration or deficiency in one or more of the following recreational and social facilities:
 - (a) Public indoor/outdoor recreational facilities;

⁶ The Engineering Standards for the County of Brant shall be used as a guide in determining the degree of deterioration and the priorities for improvement.

- (b) Public open space; and/or
 - (c) Public social facilities such as community centres, libraries, clinics, cultural facilities.
- (3) That at least 25 percent of the housing stock is in need of rehabilitation, whether interior or exterior;
 - (4) That the area is potentially stable in terms of land use and densities, whether they be residential or commercial and that there are no indications of major redevelopment plans other than those in the form of improvements;
 - (5) That the area is composed of predominantly low and moderate income households in relationship to average provincial household income or to the rest of the community;
 - (6) For residential Community Improvement Areas, the area will be at least 50 percent residential, and for commercial Community Improvement Areas, the area will be at least 50 percent commercial and appropriately zoned; and
 - (7) For commercial areas, the area will be in whole or part defined as the Central Business Areas and the area will exhibit symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rates, or declining tax base.

6.2.5 IMPLEMENTATION

Implementation of the Community Improvements will occur through implementation of the Property Standards By-Law; the application of Heritage designations; the acquisition of lands through County of Brant expenditures; the sale of public lands for commercial redevelopment; the application for various government programs, grants and loans; and the encouragement of local incentive under private enterprise.

6.3 POLICIES FOR HERITAGE CONSERVATION

6.3.1 GENERAL

The Central Business Areas possess many older structures that warrant preservation and

restoration. The intent of this Official Plan is to ensure that the future development strategy for that portion of the County of Brant identified as possessing Heritage characteristics be sensitive to the heritage resource that is present. All new development within areas identified as Heritage Areas will be carried out in such a manner as to respect the existing historical character while every effort will be made to preserve existing structures, building sites, as well as the overall character and atmosphere within the area.

It shall also be an objective of this Plan to coordinate the preservation, restoration, and utilization of the historical attributes of County of Brant with comprehensive planning needs in order to benefit the community and posterity.

For the purpose of this Official Plan and any subsequent implementing documents, the term "heritage" shall mean those sites, structures, buildings, and environments which are of historical or architectural significance and interest to the County of Brant.

6.3.2 OBJECTIVES

In order to achieve the desired goal outlined in the preceding Section, the following objectives have been identified.

- (1) To protect, preserve and restore the original architectural detail wherever feasible on those significant buildings having architectural and historical merit within the context of the County of Brant.
- (2) To protect, preserve and restore the original architectural detail wherever feasible on those buildings contributing towards heritage value of the County of Brant.
- (3) To encourage the construction of new buildings to be of a design compatible with existing structures and to restrict unsympathetic alteration to buildings that would, by doing so, detract from the character of the Heritage Area.
- (4) To conserve and rehabilitate existing buildings and generally establish an area of stability through the removal of blighting influences, such as incompatible land uses, deteriorated structures and improvements to the streetscape.
- (5) To prevent the demolition, destruction, or inappropriate alteration or use of heritage resources.
- (6) To encourage appropriate character and uses adjacent to heritage in those areas designated on the Land Use Schedules as Heritage Residential.

- (7) To develop and encourage creative, appropriate, and economic uses of heritage.
- (8) To seek Legislative powers to enable Council to exercise controls necessary to ensure the preservation of the architectural and historical values of the County of Brant.
- (9) To consider social and community needs in the preservation, restoration, and utilization of heritage resources.
- (10) To encourage and foster public awareness, participation and involvement in the preservation, restoration and utilization of heritage resources, including policy formulation.
- (11) To encourage and develop private and public financial resources and techniques in the preservation, restoration, and utilization of heritage resources.
- (12) To undertake research into the County of Brant's heritage and to identify methods for its preservation, enhancement, and utilization.
- (13) To coordinate heritage policies and programs with the comprehensive planning programs of the County of Brant.
- (14) To provide for the periodic review and update of heritage policies and programs.
- (15) To foster civic beauty, strengthen the local economy and to promote the use of heritage for the education, pleasure, and welfare of the residents of the County of Brant and of visitors to the County of Brant.

6.3.3 CRITERIA AND GUIDELINES

A set of criteria has been established for the selection of sites, structures, buildings, areas, and environments of heritage significance. The basis for selection are tied to the historical and architectural development of the County of Brant.

6.3.3.1 CRITERIA FOR HERITAGE DISTRICTS - BACKGROUND

The County of Brant's heritage and planning concerns require special attention for whole areas. A sizeable portion of the County of Brant's heritage properties are not individually significant. Rather it is the unique character of the buildings and street patterns as a whole which is most significant. Series of similar properties group logically to form such areas and contain a unity in their shared character and components. In addition, heritage areas provide reasonable units for effective planning and protection, because of their consistency and manageable size.

It is felt that a focus on areas, as a major direction for heritage programs will result in the most efficient use of resources and the most effective protection of heritage. This focus developed from the conclusion that local municipalities carry the responsibility for Zoning By-laws and are best able to provide the framework within which the County of Brant can promote and undertake preservation, restoration and rehabilitation.

A detailed Heritage Conservation District Plan shall be prepared for all areas which are to be designated as Heritage Conservation Districts. This plan shall contain the location, historical, or architectural significance of the area in the development of the community, and justification for the designation of the district.

The area should provide an example of the historical or architectural heritage of the community. The geographical extent of such an area in some cases will not be easily defined and for this reason, the following criteria should be considered by Council and the Local Architectural Conservation Advisory Committee (LACAC) when measuring the historical or architectural heritage of a proposed district.

- (1) A significant number of buildings should reflect an aspect of the historical heritage of a community by nature of its historical location and significance of setting.
- (2) A significant number of buildings should exhibit an architectural style of construction which is significant historically or architecturally to the community, Province, or Country.
- (3) The area may contain other notable physical, environmental, and aesthetic characteristics which in themselves do not constitute sufficient grounds for the designation of a district, but which lend support when evaluating the criteria for designation.
- (4) The district may be in an area surrounding several individually designated buildings, sites, and structures, or a more extensive area such as a neighbourhood or several County of Brant blocks.

- (5) The boundaries should be clearly differing factors such as changes in land use, building, or environmental character, topography, or traffic corridors.

6.3.3.2 CRITERIA FOR INDIVIDUAL BUILDINGS - BACKGROUND

Council and LACAC shall consider the following criteria when evaluating individual buildings for designation under the Ontario Heritage Act. The buildings so designated should interpret the County of Brant's heritage through architectural merit and/or historical association.

- (1) Has the building been associated with the life of an historic personage or has it played a role in an important historic event?
- (2) Does the building embody the distinguishing characteristics or an architectural type recognized for its style or period of construction, or is it a notable example of workmanship by an early master builder, designer, or significant architect? It is not imperative that antiquity alone be the basis for selection, however, it should be an important consideration if other more significant examples have disappeared.
- (3) Does the building or building type have special significance in that it forms an integral component of a particular neighbourhood character within the community?
- (4) The potential for illustrating the heritage value should be such that it will be possible for visitors to gain from the building an appreciation for the architecture or history with which it is associated.
- (5) In considering the designation of a building, the extent of the original materials and workmanship remaining should be important to that designation.
- (6) Intangible elements such as feeling, association, and aesthetics shall be considered as important as the physical appearance of the building or structure.
- (7) Architectural character should be considered on the basis of style, plan and sequence of spaces, uses of materials and surface treatment and other detail including windows, doors, lights, signs, and other fixtures of such buildings and the relation of such factors to similar features of the buildings in the immediate surroundings.

6.3.4 POLICIES

- (1) It shall be the policy of Council to encourage the preservation of buildings and sites having historical and/or architectural value. Council recognizes that there may be archaeological remnants of prehistoric habitation within the County of Brant and important archaeological evidence of historic activities, which would be of value in future conservation of the built environment. Council will, therefore, facilitate survey by government or private agencies should those agencies deem it necessary and will encourage the preservation or rescue excavation of archaeological resources which might be entailed in any future development.
- (2) Council shall identify and maintain a list of possible heritage buildings and sites. This list will be the basis for the preservation, restoration, and utilization of heritage resources.
- (3) Council will designate and regulate heritage resources under appropriate legislation, including the Ontario Heritage Act, the Planning Act, and the Municipal Act, whenever deemed feasible.
- (4) Council shall exercise its legislative authority to control the demolition and alteration of heritage resources. Where Council has through by-laws designated individual buildings or districts under the Ontario Heritage Act, or established an area of Demolition Control under Section 33 of the Planning Act R.S.O. 1990, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a permit issued by Council.
- (5) Council will establish criteria and guidelines to determine and regulate heritage resources.
- (6) Council, with the advice and assistance of LACAC, will regulate and guide alterations and additions of heritage resources.
- (7) Council will regulate traffic matters which may affect heritage resources.
- (8) Council will regulate, as appropriate, the character, use and development of the environs surrounding heritage to benefit heritage resources.
- (9) Council will amend its property standards, as appropriate, to meet the needs of heritage resources.
- (10) If necessary, Council will acquire, restore, and appropriately manage or dispose of

heritage resources on a selective basis.

- (11) It shall be the policy of Council to seek the acquisition of easements on properties of architectural or historical significance in order to assure the preservation of these properties.
- (12) Council will support applications for funds through various senior governmental programs to assist individual property owners with building improvements.
- (13) Council will investigate and evaluate, as appropriate, methods to achieve its heritage objectives.
- (14) Council will consider social and community needs in the preservation, improvement, and utilization of heritage resources.
- (15) Council will undertake heritage plans and programs in accordance with a system of priorities. In particular, the following will be regarded as priority guidelines for County of Brant programs:
 - (a) The protection of heritage areas.
 - (b) The stimulation of preservation, restoration, rehabilitation, and utilization of heritage resources by the public.
 - (c) Selective restoration and rehabilitation of heritage resources by the County of Brant.
- (16) Council will restore, rehabilitate, enhance, and maintain County of Brant owned heritage resources in fulfillment of the heritage objectives and policies. As feasible, relevant by-laws, programs, and public works undertaken by the County of Brant will conform to and further the heritage objectives and policies.
- (17) Council will foster the provisions of information and public awareness concerning heritage resources.
- (18) Realizing that a great deal of cooperation and involvement on the part of the public and business community will be required to implement a heritage program of this magnitude, Council will, wherever feasible, encourage the private and public sectors to promote heritage preservation for the benefit of all citizens of the community and posterity.

- (19) Council shall coordinate its heritage plans and programs with heritage plans and programs of the senior levels of government in an effort to avoid duplication of effort and to reinforce mutual objectives.
- (20) Council will develop and establish heritage plans and programs in co-ordination with County of Brant planning needs and requirements.
- (21) Council will consult with and involve County of Brant residents in heritage planning and programs.
- (22) Council will continually review and update its heritage policies, plans and programs, and will conduct a comprehensive review every five years.
- (23) The construction of new buildings on vacant lots in the heritage areas shall be encouraged.
- (24) Council will investigate, and wherever desirable, take advantage for heritage purposes of special assistance programs offered by the senior levels of government.
- (25) Council will undertake whatever additional research is required on County of Brant-wide, neighbourhood, and specific heritage matters and may adopt specific policies on these matters from time to time upon completion of this research.
- (26) Council will actively encourage senior levels of government to enact legislation and undertake programs to preserve heritage which will further the achievement of the County of Brant's objectives on heritage.

6.3.5 IMPLEMENTATION

6.3.5.1 THE ONTARIO HERITAGE ACT

The County of Brant will, whenever desirable, use the provisions of the Ontario Heritage Act to implement the heritage policies of this Official Plan. The LACAC established pursuant to the Legislation shall advise and assist Council on all matters specified in the Ontario Heritage Act.

6.3.5.2 ZONING

Special heritage zones will be established within the Zoning By-Law, to further the achievement of applicable objectives in this Official Plan. In particular, the establishment of heritage zones will enable the County of Brant to regulate matters such as the use of land, and the height, bulk, density, setback, and exterior design of buildings which are essential to the maintenance of the overall character of unique heritage areas.

Furthermore, heritage zoning regulations will stabilize development which, in turn, will encourage other investment, rehabilitation, and conversion of certain uses to uses which are more compatible with the stated objectives of this Plan. The establishment of heritage zones will endeavour to preserve existing heritage buildings or sites, and discourage their demolition.

6.3.5.3 DEMOLITION CONTROL

A demolition Control By-Law may be enacted to include heritage resources, to protect residential properties, and to maintain the character of residential areas. Within the area of demolition control, the demolition of any residential property is prohibited unless Council has issued a Demolition Permit.

6.3.5.4 SITE PLAN CONTROL

A Site Plan Control By-Law shall be enacted to require an owner of property within a heritage area as a condition of development or redevelopment to enter into an agreement with the County of Brant. This agreement establishes conditions which shall be met by the property owner with regard to site development or redevelopment, and any other matters (permitted by the Planning Act) which the County of Brant deems necessary to achieve certain objectives of this Plan.

6.3.5.5 PROPERTY STANDARDS BY-LAW

This By-Law will be amended, as appropriate, to provide special provisions for heritage resources.

6.3.5.6 COMMITTEE OF ADJUSTMENT

Applications for severances and minor variances to the Zoning By-Law's Heritage Zones, will be carefully considered by the Committee of Adjustment and will only be approved where they are desirable to achieve the heritage objectives and policies of this Plan.

6.3.5.7 PUBLIC ACQUISITION OF LAND

The County of Brant will, wherever desirable and economically feasible, purchase or otherwise acquire an interest in land to effect the implementation of the heritage policies of this Plan.

6.3.5.8 SIGN BY-LAW

The County of Brant shall enact a Sign By-Law to regulate signs in heritage zones. This legislation will allow the County of Brant to control the visual impact of advertising and sign design and/or placement within the Heritage Area. Where a Sign By-Law is in effect, the approval of the Committee of Adjustment is required before a variance to the Sign By-Law may occur.

6.4 ECONOMIC DEVELOPMENT

It is the intent of this Plan to develop the County of Brant to its fullest economic potential, while maintaining the quality of life existing residents have come to expect. This Plan hopes to promote the economic well-being of County of Brant residents and to provide employment opportunities. It is also the intent of the Plan to achieve greater diversification in the County of Brant's overall economic base, while continuing to encourage and promote the development of the traditional agricultural, industrial and commercial base of the County of Brant. In addition, economic development through tourism will also be promoted and encouraged in the County of Brant.

The general principles to be considered in the economic development of the County of Brant are as follows:

6.4.1 ECONOMIC DEVELOPMENT POLICIES

- (1) The County of Brant shall encourage the expansion and diversification of the

County of Brant's economic base in order to maximize the number and types of employment opportunities and to stabilize the impacts of cyclical and long-term economic trends in various agricultural, industrial, service and commercial sectors upon the County of Brant and its residents.

- (2) The County of Brant recognizes the importance of tourism to growth in the local economy and in employment, and will encourage the strengthening of and promote the further development of tourism and recreation opportunities in the County of Brant by preserving heritage through maintaining historic sites, maintaining public access to the Grand River and other waterfront opportunities, the enhancement of the natural environment and wetland ecosystem of the area, and through the promotion of the County of Brant.
- (3) The County of Brant shall undertake and adopt an economic development strategy for the County of Brant in order to give focus and direction to its economic development efforts. This economic development strategy shall serve as a basis for the promotion of economic development in the County of Brant to include four main areas of emphasis — agricultural diversity and stability, industrial development, transportation/corridor, and retail/tourism development. The Economic Development strategy may be undertaken in cooperation with neighbouring municipalities and in particular the City of Brantford.
- (4) The County of Brant shall undertake a retail market study to determine the supply versus demand for retail, food store and restaurant space and to consider the suitability of alternative and/or new uses.
- (5) The County of Brant may participate in any programs offered by other levels of government to improve employment opportunities and promote economic development. Included in this policy is a willingness and desire to work with the Province and the abutting municipalities to address the issue of truck haul routes and the need to solve the absence of an adequate north-south arterial between Haldimand-Norfolk and Brant and the 401 corridor.
- (6) The County of Brant may cooperate with other levels of government to develop a strategy and program to acquire and develop land for economic development purposes.
- (7) The County of Brant may cooperate to develop an incubator mall, which may utilize existing vacant or underutilized buildings, to nurture new business ventures.
- (8) The County of Brant shall consider, upon request, participating in data collection

and providing support services for public agencies engaged in tourism.

- (9) The County of Brant shall consider participating through financial or other support in County-wide cultural, heritage, convention and recreation activities which support tourism.
- (10) Within areas under an industrial designation, the County of Brant shall promote efficient, economical use of the land resources. The use of large lots by small industries will be discouraged unless there is a need for future expansion.
- (11) As part of its on-going planning process, the County of Brant will consider the short and long-term, direct and indirect, economic impacts of various types of development.
- (12) In pursuing economic development, the County of Brant will, at all times, ensure that the costs associated with development are within the County of Brant's financial capabilities, and that there are no undue social or environmental costs.
- (13) The County of Brant shall promote, and may participate in partnership with private development and/or the two local Conservation Authorities, in the development of tourism opportunities along the Grand River.

6.5 HOUSING POLICIES

6.5.1 GENERAL

The County of Brant is concerned about the availability, affordability and appropriateness of the existing and future housing stock of the County of Brant.

Because the existence of serviced and/or serviceable land can influence the supply and therefore the availability of building lots, and because the mix of housing type can influence issues such as the correct fit between available housing stock to family structures and because lot size can affect the price of the finished home; the County of Brant has deemed it appropriate to try and influence the development industry and assist both the provision of adequate services and in encouraging developers to utilize communal systems to address servicing needs and to direct developers towards supplying the most appropriate mix of housing stock to meet the County of Brant's residential needs.

6.5.2 HOUSING OBJECTIVES

To this end the County of Brant shall attempt to achieve the following objectives:

- (1) To encourage a broad range of housing types which are suitable for the different age groups, lifestyles, and household structure of existing and future residents.
- (2) To encourage an adequate supply of affordable housing as required by the provincial policy statement on housing.
- (3) To encourage the rehabilitation and maintenance of the existing housing stock.
- (4) To provide housing opportunities for those people in need of specialized care.

6.5.3 HOUSING SUPPLY

- (1) In approving development proposals, the housing needs, both type and tenure, shall be considered for low, medium and high income groups and age, household and lifestyle needs of County of Brant residents.
- (2) The County of Brant shall, where appropriate, inform the public of and encourage the use of federal and provincial housing programs.
- (3) The County of Brant shall have regard to the Provincial Policy Statement.

In order to implement the requirements of the policy statement, the County of Brant may prepare Municipal Housing Statements and, in an effort to reduce the time of processing residential applications, prepare a Procedural Guideline.

- (4) The County of Brant shall, within its powers, ensure a supply of lands designated for residential use so that at minimum, a ten year supply is maintained at all times.
- (5) The County of Brant shall, within its powers, maintain a continuous three year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in new residential development.
- (6) The County of Brant shall encourage and assist, where possible, in the production of an adequate supply and mix of affordable housing by:

- (a) expediting the development approval process and other administrative requirements;
 - (b) implementing senior government housing programs; and
 - (c) encouraging innovative and alternative development forms and where appropriate, apply more innovative and flexible zoning;
 - (d) promoting a 3 percent vacancy rate for rental housing;
 - (e) promoting the provision of assisted rental housing to meet the needs of low income and senior citizen households;
 - (f) considering, where feasible, the introduction of cost reduction techniques such as reduced setbacks, reduced lot sizes and other modifications to the Zoning By-Law, where such techniques will lower the cost of housing and where land use compatibility would be maintained.
 - (g) monitoring housing and subdivision activity, achievement of affordable housing targets and land availability.
- (7) The County of Brant shall continue to encourage and assist, where feasible, in the upgrading and rehabilitation of existing housing, particularly in older residential areas.
- (8) The County of Brant shall promote the conversion of vacant or under-utilized upper level core area buildings to residential apartment units in order to improve the use of the buildings and enhance the viability of the core area while still having regard to the amenity needs of such inhabitants. Concessions to parking requirements may be considered by Council in assessing the merit of an application.
- (9) The County of Brant shall encourage the provision of specialized housing facilities to meet the needs of physically and developmentally handicapped residents; and encourage the developers of medium and high density housing projects to provide units designed specifically for people with a disability.

SECTION 7. IMPLEMENTATION

7.1 GENERAL

This Official Plan shall be implemented by means of the powers conferred upon the County of Brant Council, by the Planning Act, the Municipal Act, the Ontario Heritage Act, and such other statutes as may be applicable. In particular, this Plan shall be implemented by Zoning By-Laws, a Property Standards By-Law, legislation pursuant to the Municipal Act, subdivision and part-lot control by-laws, the construction of public works, and a capital works program.

7.2 ZONING BY-LAWS

7.2.1 BY-LAWS TO CONFORM TO PLAN

It is intended that comprehensive Zoning By-Laws shall be brought into effect in accordance with the provisions of the Planning Act by the Council of the County of Brant. Such by-laws shall zone land in accordance with the proposals contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. No application may be approved or by-law passed that does not conform to this Plan, save and except a by-law pursuant to Section 24 of the Planning Act, R.S.O. 1990. Lands designated on Schedules “A” and “B” may be zoned to a “Holding” or “Agricultural” Zone pending their appropriate timing for their respective uses in accordance with the designations as shown on the Land Use Plan and policies related thereto, when Council is satisfied that the resulting development is desirable and appropriate.

7.3 NON-CONFORMING USES

A “non-conforming use” as referred to in the Plan, means an existing land use which is not permitted in the land use designation in which it is located. While it would be better if such uses would cease to exist in the long run and be replaced by uses which are permitted, such action may be an unnecessary hardship on the owner. Accordingly, where there is a reasonable degree of harmony with neighbouring conforming uses, in Council's judgment, such offending or non-conforming uses unless a policy of the relevant land use designation provided to the contrary, the land area occupied by such a non-conforming use may be expanded, by zoning amendment adopted by Council and without an

amendment to this Plan, according to the review process described hereunder.

A “non-conforming use” within the context of a Zoning By-Law is an existing use which is not permitted in the zone within which it is located. The Planning Act allows Council and/or the Committee of Adjustment to approve of extensions and enlargements to such non-conforming uses.

As a general guide to assist in the administration of this Plan and the Zoning By-Law, as the case requires, where a non-conforming use ceases to exist for a continuous period of two years, it shall be deemed to have lost its status as a non-conforming use.

7.3.1 APPLICATIONS FOR ENLARGEMENTS OR EXTENSIONS OF NON-CONFORMING USES

In dealing with applications for the enlargement or extension of a non-conforming use, Council or the Committee of Adjustment, as the case may be, shall first determine that unnecessary hardship would result if the application was not approved, then, the following procedures will be followed:

(1) Possible Acquisition

The County of Brant Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing, or redeveloping the property, in accordance with the provisions of The Planning Act. Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions, in accordance with the policies of this Official Plan.

(2) Amending By-Law or Committee of Adjustment

If acquisition or relocation at this time does not appear to be feasible and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, the Council of the municipality may consider the passing of a Zoning By-Law pursuant to Section 34 of the Planning Act and such by-law may then be passed without necessity to amend this Plan providing it complies with the policies of this Plan, in particular as set out in the following subsection. The individual may also apply to the Committee of Adjustment for a minor variance from the provisions of the by-law, in respect of the land, building or structure or use thereof as long as the variance is

desirable for the appropriate development or use of the land, building or structure and provided that in the opinion of the Committee of Adjustment, the general intent and purpose of the by-law and this Official Plan are being maintained. The guidelines set out below should be considered.

(3) Considerations

Prior to making any decision on the application, the Council will investigate such application on the various aspects of the matter. The Council, before passing such a by-law, shall be satisfied that each of the following requirements which are relevant to the specific application for the extension or enlargement of the use are, or will be, fulfilled in order to safeguard the wider interests of the general public. The Committee of Adjustment in reaching its decision on an application under Section 45 of the Planning Act, should also be satisfied that the following relevant requirements have been met:

- (a) That the proposed extension or enlargement of the established use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-Law applying to the area.
- (b) That the proposed extension or enlargement shall be minor in nature.
- (c) That an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under these policies, if it can be considered as a “minor adjustment” permitted under the flexibility clause of Section 7.1 of the Official Plan without the need for an amendment. Any major variances will require an amendment to the Official Plan.
- (d) The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting, and traffic-generating capacity. No amendment to the implementing By-Law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area. If there is any doubt in this regard, Council or the Committee of Adjustment shall consult with the Ontario Ministry of Environment prior to making a decision on the compatibility of any proposed extension or enlargement.
- (e) That the neighbouring uses will be protected, where necessary, by the

provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area.

- (f) That traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections.
- (g) That adequate provisions have been, or will be, made for off-street parking and loading facilities.
- (h) That applicable municipal services such as water supply and roads, etc. are adequate or can be made adequate.

7.4 PROPERTY STANDARDS BY-LAW

The Council of the County of Brant may pass a by-law to establish minimum property standards to conserve, sustain and protect existing and future development of the municipality. The Property Standards By-Law, applicable to all property, shall contain requirements with respect to:

- (1) garbage disposal;
- (2) pest prevention;
- (3) structural maintenance of buildings;
- (4) safety of buildings;
- (5) cleanliness of buildings;
- (6) services to buildings - plumbing, heating, and electricity;
- (7) keeping land and waterfront properties free from rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or

material;

- (8) maintaining yards, lands, parking, and storage areas;
- (9) maintaining fences, swimming pools, accessory buildings, and signs; and
- (10) occupancy standards.

If a Property Standards By-Law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-Law.

The Council has appointed the Committee of Adjustment, in accordance with Section 31 of the Planning Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

Complementary to the enforcement of standards on private properties, the municipality will undertake to keep in a fit and well-mannered condition all municipally owned properties and structures, and to provide or maintain in good repair.

7.5 SITE PLAN CONTROL

- (1) Council has, by by-law (By-Law #165-99), designated areas where Site Plan Control will be in effect as provided in the Planning Act, R.S.O. 1990. The entire County of Brant, with the exception of land used or proposed for single detached or two family dwellings or for agricultural land uses or aggregate extraction, is proposed as a Site Plan Control Area and all non-residential structures erected within these areas shall be subject to the policies of this Section. Non agricultural land uses and second dwelling units permitted within areas designated Agricultural, Wetlands, and Natural Environment within the County of Brant are in the proposed Site Plan Control Area. Single detached and two family dwellings within a Heritage Zone may not be exempt from Site Plan Control.
- (2) For the approval of developments proposed in the Site Plan Control Area, Council may require plans showing the location of buildings, structures and facilities to be

developed in order to ensure that such plans meet the objectives stated below. Council may require drawings showing plan, elevation and cross-section views for each building to be erected.

- (3) The overall objective of Site Plan Control is to improve the efficiency of land use and servicing, to protect adjacent land use and to encourage a more attractive form of development by:
 - (a) Improving the treatment of site plan details to maintain a consistent municipal standard in the proposed Site Plan Control Area;
 - (b) Ensuring the safety and efficiency of vehicular and pedestrian access;
 - (c) Minimizing land use incompatibility between new and existing development;
 - (d) Providing functional and attractive on-site facilities such as landscaping and lighting;
 - (e) Controlling the placement and provision of required services such as driveways, parking, loading facilities and garbage collection;
 - (f) Securing easements to provide for public utilities and site drainage; and
 - (g) Ensuring that the development proposed is built and maintained as approved by Council.
- (4) In order to achieve these objectives, Site Plan Control will address such matters as the location of buildings and structures, proposed road widenings, location of access points, off-street parking and loading facilities, pedestrian circulation, lighting, landscaping, garbage storage facilities, private and common outdoor areas, easements over and grading of the lands, provision of the disposal of storm, surface and waste water from the site and such matters as may be appropriate in each case.
- (5) Site Plan Control may be used by the County of Brant to secure property for proposed road widenings without compensation to the landowner and also to provide for the general improvement of intersections through the acquisition of daylight triangles. In cases that existing uses or topographical features do not allow for equal widenings of both sides of a roadway, a side being measured from the centreline of the road outwards, then only one-half of the total widening shall

be taken under Site Plan Control and the remainder shall be obtained by other means.

7.6 INTERIM CONTROL BY-LAW

An Interim Control By-Law may be used by the County of Brant to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.

- (1) In accordance with Section 38 of the Planning Act, R.S.O. 1990, where the Council has by by-law or resolution directed that a review or study be undertaken in respect of land use planning policies in the municipality, or any defined area or areas, the Council may pass an Interim Control By-Law. The By-Law may specify a time period (less than one year) prohibiting the use of land, buildings or structures for, or except for such purposes as set out in the By-Law.
- (2) Once the time period of the By-Law has expired, the period of time during which the Interim Control By-Law may remain in effect may be extended to a maximum of two years from the date of initial passing of the By-Law. If the Council has not passed a By-Law under Section 34 subsequent on the completion or review of the study within the period of time specified in the Interim Control By-Law, the provisions of any by-law passed under Section 34 that applied to the subject lands immediately prior to the coming into force of the Interim Control By-Law again come into force. Where an Interim Control By-Law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-Law that applies to any lands to which the original Interim Control By-Law applied.

7.7 BONUSING

Council may pass a By-Law in accordance with Section 37 of the Planning Act, R.S.O. 1990, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the By-Law. Such a By-Law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase.

Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted. When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed

development in relation to the existing land uses, and to the cumulative impact resulting from granting bonuses in the general area.

The facilities, services, or other matters that are required in the By-Law may include, but shall not be limited to, the provisions of affordable housing units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the commercial core area), the provisions of community or recreational facilities, open space, and the redevelopment of blighting land use.

Generally, the use of this Section shall only be considered in conjunction with medium and high density residential developments, and mixed use commercial/residential projects.

7.8 HOLDING BY-LAW

A Holding By-Law, as provided for under Section 36 of the Planning Act, R.S.O. 1990, may be applied.

Not all lands will necessarily be zoned immediately in the implementing By-Law to permit the uses as designated on Schedule "A" - Land Use Plan. Lands may be zoned only to conform to and wherever possible, to implement policies of this Plan and where municipal services, roads and community facilities are or will be available as required.

The Council may, in a Zoning-By-Law, by the use of the symbol "h" as a prefix or a suffix, in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law. This procedure will enable the holding of lands designated for specific land uses in this Plan until such time as the land is required for that use for phasing purposes or until necessary concept plans or subdivision design have been prepared. Removal of the Holding Symbol from a parcel of land shall be conditional upon the developer of the land satisfying specific requirements of the municipality. Such conditions may include, for example, satisfying financial and servicing requirements of the County of Brant, obtaining concurrence from the Ministry of Environment on the availability of sewage treatment plant capacity to service the proposed development, the provisions of a suitable stormwater management plan, and any additional criteria identified by Council resolution.

Although notice will be given by By-Law, there may be no objection or referral to the

Ontario Municipal Board. However, should Council refuse to pass an amending by-law to remove the holding symbol, if it is felt the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board in the normal manner. While the "h" is on, the following uses shall be permitted: agriculture, conservation, wildlife and forest management and the existing uses.

7.9 TEMPORARY USE BY-LAWS

The Council may, in a by-law passed under Section 39 of the Planning Act, R.S.O. 1990, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-Law. Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Any temporary use permitted shall comply with the general development standards contained in Section 5 of this Plan.

A by-law authorizing a temporary use shall define the area to which the temporary use by-law applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the by-law for all temporary uses except "garden suites" or "granny flats". Garden suites, as defined by the Planning Act, may have by-laws passed to be in effect for up to ten years from the date of passage. For uses other than garden suites the three year time period may, by by-law, be extended for a maximum additional three year term. The temporary use shall not become a legal non-conforming use at the date of expiry of the By-Law. The type of uses envisaged by Council as using a temporary use by-law include, but not limited to, parking lots, fairs, ploughing match, temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

7.10 LEGISLATION PURSUANT TO THE MUNICIPAL ACT

It is intended that the County of Brant shall review existing legislation pursuant to The Municipal Act governing such uses as automobile salvage /re-cycling yards and signs, and where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

7.11 ENACTMENT OF MISCELLANEOUS BY-LAWS

Council will review legislation pertaining to or affecting the use or redevelopment of land and where necessary amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled. Examples of such by-laws include sign control and "deeming" by-laws which effectively de-register old plans of subdivision, the development of which could frustrate the objectives and policies of this Plan.

7.12 PLANS OF SUBDIVISION

It shall be the policy of the Council that approval will be granted to only those plans of subdivision which can comply with the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate public utilities and services such as schools, fire protection, water supply, sanitary sewers, (including treatment facilities), and storm drainage facilities as required by this Plan, and which by reason of such approval, would not adversely affect the economy of the County of Brant.

7.13 CONSTRUCTION OF PUBLIC WORKS

The construction of public works, within the County of Brant Planning Area, shall be carried out in accordance with the policies of this Plan.

7.14 CAPITAL WORKS PROGRAM

It is intended that this Plan will enable the County of Brant to prepare and adopt successive five-year capital works programs based upon the policies of this Plan.

7.15 GENERAL REVIEW OF PLAN

The Plan will be reviewed from time to time in light of changing conditions and that a general review of the whole Plan shall take place at least once every five years. Any Area Studies completed and adopted by Council, will be incorporated into the Official Plan by amendment, as part of the review.

7.16 PUBLIC NOTICE OF DEVELOPMENT APPLICATIONS

Council shall actively seek the views and participation of the public prior to making any

decisions regarding amendments to this Official Plan or the Zoning By-Law for the County of Brant.

In each case involving such planning matters, at least one public meeting will be called and the public will be encouraged to offer their opinions and suggestions. Notice of said public meetings shall be provided in accordance with Sections 17(15(c) and 34(12) of the Planning Act.

Calling and holding public meetings on planning matters shall be the responsibility of the Council or, in cases where Council has delegated the responsibility, to a formal Committee of Council.

In order to provide ample opportunity to the general public to review and discuss proposed Official Plan and or Zoning By-Law amendments and to prepare their comments, at least 14 days advance notice of the public meeting shall be given for site specific Zoning By-Law amendments and 20 days for site specific Official Plan amendments. Notice of the public meeting shall be given by the clerk in the following manner:

- (1) By personal service or prepaid first class mail, to every owner of land,
 - (a) in the area to which the proposed amendment would apply; and
 - (b) within 120 metres of the area to which the proposed amendment would apply.

As shown on the last revised assessment roll of the municipality, at the address shown on the roll, but, where the clerk of the municipality has received written notice of a change of ownership of land, notice shall be given only to the new owner at the address set out in the written notice.

- (2) Notice of a public meeting for the purpose of informing the public in respect of a site specific Official Plan amendment or site specific Zoning By-Law amendment shall be given by personal service or prepaid first class mail to every person and agency that has given the clerk of the municipality a written request for such notice in respect of the proposed official plan or plan amendment.

A written request to be notified given shall show the person's or agency's address.

The notice of public meeting shall contain the following information:

- (1) date, time, and place of meeting;
- (2) a key plan showing the location of the subject site; and
- (3) a description of the proposal, or a description of the matters which may be addressed in an amendment to the Official Plan or Zoning By-Law in the event that the application is approved.

In addition to the notice of public meeting, the applicant in the case of a site specific amendment to the Official Plan or Zoning By-Law shall be required to post a notice on the property to the satisfaction of the Municipality, clearly visible to the general public, which would briefly describe the development proposal. The notice shall be in place at least twenty (20) days in advance of the public meeting.

Notwithstanding the notice period prescribed in this Section, a 20-day notice period as set out in Section 17(17) and 34(13) of the Planning Act, shall apply in instances of a general Official Plan or Zoning By-Law amendment, Official Plan or By-Law amendment where there is no public notice sign placed on the subject property or where Council considers a development proposal to be of a scale which may impact significantly on neighbouring properties.

The provisions of this subsection shall be implemented by the Municipal Clerk giving notice in the manner prescribed in this amendment.

7.17 EXCEPTIONS

The following items are exempted and may be changed or deviated from, to the extent stated without an amendment. When minor deviations to the Plan are made, however, in accordance with the rules outlined below, these deviations shall be incorporated in the next amendment in order to show the up-to-date situation.

- (1) Boundaries between designated land uses may be adjusted where such boundaries are not affected by roads, railways or other similar barriers, so long as the intent and purpose of the Official Plan is maintained and the adjustments are of a minor nature.
- (2) In undeveloped areas, school sites, parks and neighbourhood commercial areas may be incorporated into subdivision designs in a manner most suitable to topography and layout, so long as they conform to the details and intent shown in the Land Use Schedules of this Plan.

- (3) In the text and when shown on the Land Use Schedules, locations relating to parks, roads, services and other public works are not intended to be exact or rigid but to be close approximations. It is intended that reasonable latitude will be available to Council in the interpretation and application of this information when actually establishing or approving the size and exact location of such facilities, so long as the intent and purpose of the Official Plan are maintained.

7.18 CREATION OF COMMITTEES

In order to assist Council in dealing with various community issues, advisory committees may be created.

- (1) To assist in the program for preservation of the County of Brant's heritage, Council shall under Section 28 of the Ontario Heritage Act, establish a "Local Architectural Conservation Advisory Committee (LACAC)". It is recommended that members of this Committee be selected from local organizations, historical groups, architectural societies, and other appropriate bodies where they exist. This will provide a combination of diverse skills and interests to complement the general heritage preservation goals and objectives. The Committee's primary purpose will be to advise and assist Council on all specified matters relating to the Ontario Heritage Act. The Committee shall be responsible for other special heritage concerns of the County of Brant.
- (2) To assist in the program of identifying and preserving the natural environment, Council may establish an "Environmental Advisory Committee". It is recommended that members of this Committee be selected by Council from a balanced representation of the local public at large, the local hunting and fishing community, naturalists, large land owners, and persons with an interest in the preservation and enhancement of wetlands, woodlands and other areas of natural heritage landscape. The Committee will assist Council with technical expertise, advise and the identification of issues related to the environment. Council will ensure the effective function of this advisory committee by adopting terms of reference for their mandate and operation, appointing one or more members of Council to the Committee and providing support services through staff.

SECTION 8. INTERPRETATION

8.1 LAND USE BOUNDARIES

The boundaries of the land use designations on the Land Use Schedules are approximate and shall be considered as absolute only where bounded by roads, railways, rivers, or similar geographical barriers. Amendments to the Plan are not required in order to make minor adjustments to the land use boundaries provided the intent of the Plan is preserved.

All numerical figures in the Plan are not to be interpreted as absolute and rigid with the exception of the point system associated with consents within the Agricultural designation. Minor variations from other figures will be permitted providing the intent of the Plan is preserved.

8.2 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings, or structures normally incidental, accessory, and essential to that use are also permitted.

8.3 LAND AREAS, POPULATION ESTIMATES, ETC.

It is intended that all figures and quantities shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

8.4 AMENDMENT PROCEDURES

The County of Brant shall be responsible for the preliminary review of all proposed Official Plan and Zoning By-Law amendments, plans of subdivisions, and all other planning related activities in the municipality.

An amendment to this Plan is required to permit the establishment of uses other than those provided for and to change the boundaries of any Settlement Area. In considering an amendment to this Plan, Council shall have due regard to the following in order of priority:

1. the Provincial Policy Statement as amended from time to time;

2. the desirability and appropriateness of changing the Official Plan to accommodate the proposed use in light of the basic objectives of the Official Plan;
3. the goals and policies of this Plan;
4. the need for the proposed use including justification for the amount of land proposed for a change in designation based on existing undeveloped lands available for development;
5. whether the lands are within 120 metres of lands designated Wetlands and the results of an Environmental Impact Study as outlined in Section 2.5;
6. the effect on the economy and financial position of the County of Brant;
7. the compatibility of the proposed use with existing uses or potential uses in adjoining areas and the effect of such use on the surrounding area including the natural environment;
8. the location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required including whether or not logical extensions to services could be provided;
9. the physical suitability of the land for the proposed use;
10. the effect on the provision of affordable housing in the County of Brant; and
11. whether the lands are locally significant natural features that should be subject to an Environmental Impact Study as outlined in Section 2.5.

Council may also initiate amendments to the Official Plan if:

- (1) Council has determined that the assumptions and conditions on which policies were based have changed to the extent that the policies are no longer appropriate; and
- (2) as a result of more detailed studies such as servicing strategies, or transportation plans, or environmental studies, or area plans, the policies and/or designations need to be refined and/or changed.

8.5 DELEGATED AUTHORITY

Where reference is made to approvals from a Provincial Ministry or Conservation Authority, and the responsibility is subsequently assigned to a different Ministry or a delegated agent, the Plan shall be interpreted to read “or its delegated agent”.

8.6 DEFINITIONS

Accessory Building or Structure - A detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot and that is not used for human habitation.

Accessory Use - The use of any land, building or structure which is subordinate to and exclusively devoted to the principal use located on the same lot.

Affordable Housing - Housing with a market price or rent that is affordable to households of low and moderate income, which are households within the lowest 60 percent of the income distribution for the Housing Region, as determined by the Ministry of Housing. Affordable in this context means annual housing costs (i.e. gross rent or mortgage principal and interest payment amortized over 25 years and assuming a 25 percent down payment, and taxes) do not exceed 30 percent of the gross annual household income.

Agricultural Use - The growing of crops or raising of livestock including poultry.

Amenity Area - An interior area within a residential building or an outdoor area exterior to the residential building which is designed and intended primarily for the leisure and recreation of the occupants of the dwelling.

Archaeological Resources - The remains of any building, structure, activity, place or cultural feature or object which, because of the passage of time, is on or below the surface of the land or water, and is of significance to the understanding of the history of a place or people.

Assisted Housing - Housing that is available to low and moderate income households for rent or purchase where part of the housing cost is subsidized through a government program.

Conservation - The wise management of resources in a way to maintain, restore, enhance and protect their quality and quantity for sustained benefit to man and the environment.

Development - (1) The construction, erection, or placing of a building or structure; (2) the

making of an addition or alteration to a building or structure; and (3) the change in use or intensity of use of any building, structure, or premises.

Development Application - Formal request to the County of Brant for an Official Plan Amendment, change in zoning, site plan approval, land conveyance, minor variance approval or plan of subdivision.

Development Control Areas - Lands which because of their physical characteristics in combination with their location, sustain a risk for the occupants of loss of life, property damage, and social disruption, if developed.

Dwelling Unit - A room or suite of rooms designed and intended for use by one household in which full culinary and sanitary facilities are provided for the exclusive use of that household.

Existing Use - The use of any land, building or structure legally existing on the day of adoption of the appropriate local Plan and the day of approval of the respective Plan.

Farm Unit - The composite of all parcels operated as a farm, the principal farm residence, any accessory residences, woodlots, barns or other structures necessary to support agricultural and ancillary uses.

Fill Line - A line delineating lands defined by Schedule which are subject to Fill, Construction and Alteration to Waterway Regulations of the Conservation Authority.

Flood Fringe - The outer portion of the flood plain between the floodway and the limit of flooding expected from the defined storm. Flood depths and velocities are generally less severe in the flood fringe than in the floodway.

Floodway - The channel of a watercourse and that inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents the area required for safe passage of flood flow and/or velocities are considered to be such that they pose a potential threat to life and/or property.

Garden Suite/Granny Flat - A self-contained, portable dwelling unit located in the rear or side yard of an existing residential property, designed primarily to provide temporary residential accommodation for aged or disabled persons.

Greenfield - An area currently shown within a Settlement Area as Agriculture but is intended for non-farm development in accordance with the applicable policies of this Plan, or parcels of land greater than 2 hectares within a Settlement Area or within a development designation, including Hamlet, all Industrial and all Commercial designations.

Groundwater - Water occurring below the soil surface that is held in the soil itself.

Heritage Resources - A feature of the landscape which by itself, or together with its associated environment, is unique or representative of past human activities or events. Such feature may include a site or area of archaeological or historical value and it may include a building or structure of architectural and/or historical importance.

Home Occupation - An office or personal service use conducted from a residential dwelling unit by a person or persons residing in the dwelling unit, which is secondary to the primarily residential use of the building.

Infill - Development on vacant lots or through redevelopment to create additional new residential units.

Infrastructure - The collection of public capital facilities including highways, transit terminals, municipal water and wastewater systems, stormwater systems, school, hospitals, libraries, community and recreation centres and any other public projects involving substantial capital investment. It includes not only the provision of new facilities but also the maintenance and rehabilitation of existing ones.

Intensification - The development of a property or site at a higher density than previously existed. It includes (1) redevelopment or development within existing communities where demolition of the previous structures is to take place or has taken place ; (2) infill development or development on vacant lots or redevelopment within a built up area; (3) conversion, or the change of use of an existing structure or land use, such as from industrial to residential; (4) creation of apartments or rooming, boarding, and lodging accommodation in houses.

Intensive Livestock Operation - A farm operation where the following conditions are true:

1. The number of livestock units on the farm is 100 or more and the ratio of livestock units to tillable acres on the farm unit is 2 or greater, where livestock unit equivalency is defined on the attached Table 1, or
2. The number of livestock units on the farm units is 150 or more and the ratio of livestock units to tillable acres is greater than one.

TABLE 1

Animal	Animals per Livestock	Animals

Group	Unit		
BEEF	1	Beef Cow ¹	(barn confinement)
	1	Beef Cow	(barn with yard)
	2	Beef Feeders	(barn confinement)
	2	Beef Feeders	(barn with yard)
CHICKEN	125	Caged Layers	(manure stored in barn)
	125	Caged Layers	(daily manure removal)
	125	Chicken Breeder Layers	
	200	Chicken Broilers/Roasters	
	500	Pullets (replacement layers)	
DAIRY	1	Milking Cow ^{1,2}	(tie-stall)
	1	Milking Cow	(free-stall)
	2	Dairy Heifers	(barn confinement)
	2	Dairy Heifers	(barn with yard)
DUCK	100	Ducks	
EMU	5	Emu	
FOX	40	Adult Fox ⁴	
GOAT	4	Adult Goats ³	
Goat	10	Feeder Goats (>20kg)	
HORSE	1	Horse ³	
MINK	80	Mink ⁴	
OSTRICH	3	Ostrich	
RABBIT	40	Adult Rabbits ⁴	
SHEEP	4	Adult Sheep ³	
	10	Feeder Lambs (>20 kg)	
	5	Sows/Boars ⁵	
SWINE	4	Feeder Hogs (30-120 kg)	
	20	Weaners (4-30 kg) ⁵	
	50	Meat Turkeys (>10 kg)	
TURKEY			
Animal	Animals per Livestock	Animals	

Group	Unit	
Turkey	75	Turkey Breeder Layers
	100	Meat Turkeys (<5 kg)
	500	Pullets (replacement Breeders)
VEAL	6	White Veal
	3	Red Veal (<300 kg)

Notes: For all other animals/poultry use 1 livestock unit per 450 kg housed at one time.

¹ Includes calf to 150 kg

² A dairy/cow-calf farm usually has milking cows, heifers and calves. Multiply the number of milking/nursing cows by 1.5 to account for the followers when they are all kept on the same farm.

³ Includes offspring until weaned.

⁴ Includes offspring to market size.

⁵ Multiply number of sows by 2.4 to determine the number of weaners

Lot - A parcel or tract of land which is recognized as a separate parcel of land under the provisions of the Planning Act.

Natural Environment - The land, air or water or any combination or part thereof.

Non-Farm Development - A residential, commercial, recreational, institutional, or industrial land use either permitted within an Agricultural designation but not an agricultural operation, or as permitted within a Settlement Area, or a Site Specific Land Use designation.

Preserve - To maintain the quality or condition of a resource in its current form, and to slow down the deterioration of the resource.

Regulatory Flood - The approved standard(s), being a regional flood or a one-in-one-hundred-year flood, used in a particular watershed to define the limit of the flood plain for regulatory purposes.

Rehabilitate - To treat land, buildings or structures so that their use or condition is restored to its former use or condition, or may be changed to another use or condition that is or will be compatible with adjacent land uses.

Resource Based Recreational Activities - Those recreational uses where the prime reason for location in Agricultural designation by their very nature, require certain natural attributes for

their location including the availability of large lots or land areas. Uses permitted may include passive and active recreational facilities and associated commercial and residential uses.

Secondary Uses - Those uses which are secondary to the principal use of the property, including home occupations and uses that produce value and added agricultural products from the farm operation on the property.

Site Plan Control - A process which requires the preparation of detailed site specific development plans, and enables the review of such matters as building location, and massing, access, outdoor storage, amenity space, walkways, landscaping, grading and external non-design features. Site Plan Control can only be used to establish on-site physical conditions such as setbacks and layout.

Small Scale - When used in the context of commercial and/or industrial land uses, shall mean those commercial or industrial uses which exceed the provisions of a Home/Rural Occupation, but do not exceed the following:

- employ no more than the equivalent of five (5) full time employees in addition to the owner;
- occupies a structure not exceeding 250 square metres in area;
- is recognized through an appropriate Zoning By-Law amendment by the local municipality; and
- outdoor storage and display is limited to an area not greater than 750 square metres.

Soil Classification - When reference is made to Soil Classification, the ARDA classification system is implied.

Streetscape - The visual appearance of a roadway formed by the location of physical features such as buildings, pedestrian, cycling and vehicular facilities and landscaping.

Utility - A water supply, storm or sanitary sewage, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, telegraph and telephone lines and other cabled services, waste collection or disposal or management, a public transportation system, licensed broadcasting receiving and transmitting facilities, or any other similar works or systems necessary to the public interest.

Wayside Pits and Quarries - A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands - Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Lands being used for agricultural purposes that are periodically soaked or wet are not considered to be “wetlands”.

Wildlife Habitat - Where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space needed to sustain their population.