

## **7. DEVELOPMENT REVIEW**

### **7.1 OBJECTIVE**

- 7.1.1 All development applications shall be subject to review in accordance with the policies of this section and the other applicable policies of this Plan. In addition, the Township may require development to be subject to the site plan control provisions of the Planning Act.

### **7.2 OFFICIAL PLAN AMENDMENTS**

- 7.2.1 In the consideration of amendments to this Official Plan, Council shall be guided by the following:
- a) the impact of the proposed change on the ability of the Township to conform with the guiding principles and objectives of this Plan;
  - b) the need for the proposed change; and,
  - c) the effect of the proposed change on the need for Township and Regional services and facilities.
- 7.2.2 An amendment to this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to either the schedules or policies of this Plan, regard shall be had to the following criteria that are in addition to those specified elsewhere in this Plan:
- a) the need for the proposed use;
  - b) the extent to which the existing adjacent areas are developed and the impact of the proposed development on the existing development and its compatibility with surrounding uses;
  - c) the physical suitability of the land for such proposed use;
  - d) the location of the areas under consideration with respect to the potential impact on:
    - i) the adequacy and potential impact of the proposed development on the existing transportation network;

- ii) the availability of safe and convenient access for vehicular, bicycle and pedestrian traffic as appropriate for the proposed use;
- iii) the adequacy of the water supply and sewage disposal facilities (either municipal or private), and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations which shall be requested from the developer and subject to the approval of the Ministry of Environment, the Region of Durham, the Township and any other authority deemed appropriate;
- iv) the potential effect of the proposed use on the financial position of the municipality; and,
- v) the effect of the proposed use on the population level and the social character of the community.

### **7.3 INFORMATION REQUIREMENTS**

7.3.1 In accordance with the provisions of the Planning Act, any application submitted to the Township in support of a development proposal must be deemed to be a complete application and be accompanied by the appropriate fee and any supporting documentation before any processing will begin. Any required background reports, studies, documents and materials must be prepared and submitted to the satisfaction of the Township.

The authority to deem an application complete may be delegated to staff by by-law.

7.3.2 The following information and studies are to be submitted concurrently with the development application as a basis for evaluation of the application. The information is to be prepared at the expense of the applicant and is to be carried out by qualified professionals, as determined by the Township. The information required may vary according to the type, scale and scope of the development application. Prior to the submission of any development application for which the Township is the approval authority, proponents shall pre-consult with the Township in accordance with the provisions of this Plan. The Region of Durham and other agencies may participate in the pre-consultation process as appropriate. The pre-consultation process is intended to address the requirements for a complete application.

a) Background Information:

A plan or survey of the subject site identifying all existing vegetation, significant natural and cultural features, watercourses, existing buildings and structures and contours.

b) Plans:

Plans, including where applicable, site grading, and landscaping plans elevations and other documentation as follows:

- describing the proposed development and its relationship to the existing streetscape and adjacent land uses, in particular building envelopes, accesses and parking areas;
- demonstrating how the quality and quantity of the groundwater will be maintained and protected, and how stormwater, erosion and sedimentation will be controlled on site; and,
- describing proposed landscaping and any modification to existing significant trees and landscaping.

c) Studies:

Studies that may be required include:

- Environmental Impact Assessment;
- Flood Plain and Erosion Hazard Study;
- Hydrogeological Study that will include an assessment of the potential impact on existing adjacent wells and may require demonstration of no adverse impact on natural features;
- Retail Market Study or other type of Economic Impact Study;
- Agricultural Impact Study;
- Noise and Vibration Analysis Study;
- Air Emissions Study;
- Soils Study;

- Stormwater Management for quality and quantity control, Erosion and Sediment Control Study;
- Archaeological Study;
- Community or Urban Design Report;
- Municipal Fiscal Impact Study;
- Traffic Impact Study;
- Other studies as may be determined by the Township.

### **7.3.3 Environmental Impact Assessments**

7.3.3.1 Where the preparation of an Environmental Impact Assessment is required, the report shall be prepared in accordance with an agreed upon Terms of Reference and to the satisfaction of the Township and/or the Region of Durham, in consultation with the respective Conservation Authority. The scope of the required Environmental Impact Assessment should be determined through discussions with the appropriate Conservation Authority prior to its commencement. The Township may determine that a peer review should be conducted of the submitted Assessment. The Township shall select and retain a qualified environmental consultant, at the expense of the proponent, to conduct the peer review.

7.3.3.2 All Environmental Impact Assessments shall be prepared by experts qualified in the fields of ecology, biology, hydrology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Township in consultation with the relevant agencies. The work plan shall identify the boundaries of the area to be studied and may include lands beyond the limit of the lands proposed for development. The objective of the assessment is to identify and assess the potential impacts of a specific development proposal on the natural features and functions and linkages of the potentially affected areas and to ensure that the proposal complies with the policies and intent of this Plan.

7.3.3.3 The Environmental Impact Assessment shall generally include, but is not necessarily limited to, the following:

- a) a detailed evaluation of the site including the key natural heritage or hydrologic features, functions and the linkages between features;

- b) a characterization of the existing adjacent natural heritage features and functions;
- c) a detailed description of the proposed development of land use activity;
- d) an assessment of the expected direct, indirect and cumulative impact of development on the functions, attributes and linkages for which the area was identified;
- e) an evaluation of the extent that development can be accommodated within or adjacent to the natural heritage feature without negative impact to the natural heritage feature;
- f) recommendations to avoid or mitigate impacts and identification of opportunities for restoration and/or enhancement;
- g) establishing specific boundaries and buffers to protect the natural heritage features;
- h) a strategy for implementing the recommended mitigation measures; and,
- i) an evaluation of the need for a construction and post-construction monitoring plan to measure the potential effect on the natural heritage feature(s).

### **7.3.4 Noise and Vibration Analysis Studies**

7.3.4.1 Prior to development approvals being granted for lands in proximity to a highway, regional, arterial or collector roads, railway lines or noise and/or vibration sources, or for uses that generate a significant amount of noise and/or vibration, a noise and vibration analysis shall be carried out by the applicant in consultation with the appropriate municipality, railway and/or provincial authorities and to the satisfaction of the Township.

7.3.4.2 All proposed plans of subdivision/condominium within 300 metres of a railway corridor may be required to undertake noise studies, to the satisfaction of the Township, and Ministry of the Environment in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

7.3.4.3 All proposed development, with the exception of minor development such as a severance or infilling, within 75 metres of a railway corridor may be required to undertake vibration studies, and shall be to the satisfaction of the Township and the Ministry of the Environment in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

7.3.4.4 All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township in consultation with the appropriate railway.

### **7.3.4 Stormwater Management, Erosion and Sediment Control Study**

7.3.4.1 Prior to any major new development, a stormwater management and erosion and sediment control study shall be required. The purpose of the study is to identify measures required to control the quantity, quality and velocity of runoff associated with the development of a specific area. In addition, development proposals must be accompanied by a drainage plan that indicates contours, elevations, and the proposed final grades. This drainage plan must be prepared to the specification of, and be subject to the approval of the Township.

7.3.4.2 Where a Stormwater Management Plan is required, such a study should:

- a) assess the impacts of development on receiving waters, both before and after construction, with respect to flooding, pollution, erosion and sedimentation;
- b) describe the facilities required to manage stormwater runoff, including their size, location and capacity;
- ) describe mitigation measures which would, if necessary, prevent adverse impacts on-site, or adjacent to the site, on the receiving waters, and on recreational uses; and,
- d) should meet provincial guidelines and determined in consultation with the respective Conservation Authority and MTO, where appropriate.

7.3.4.3 Stormwater management shall be carried out to the satisfaction of the Township, the Conservation Authority and the Region of Durham on a watershed and/or subwatershed basis.

7.3.4.4 In the consideration of development adjacent or in close proximity to a provincial highway, the stormwater management plan shall be reviewed and approved by the Ministry of Transportation.

7.3.4.5 Stormwater management facilities shall be appropriately landscaped and may require fencing to create a facility that is safe and visually pleasing and that enhances the natural environment.

### **7.3.5 Traffic and Transportation Impact Study**

7.3.5.1 Prior to permitting any major new development, a Traffic and Transportation Impact Study shall be required. The purpose of the study is to assess the impact of the proposed development on the transportation system and to identify mitigating measures and design solutions. Where a Traffic and Transportation Impact Study is required, such a study shall address the following considerations, where applicable:

- a) transportation capacity assessment and intersection capacity analysis;
- b) site trip generation, distribution, travel mode selection and assignment of the transportation network;
- c) access management, including site access location, design and implications for off-site improvements;
- d) site access evaluation and optimization, including traffic operations and safety assessments;
- e) pedestrian and cycling access;
- f) traffic control devices, including signal warrants and vehicular/pedestrian signage;
- g) speed management;
- h) parking demand and layout;
- i) roadway and intersection illumination;
- j) commercial vehicle movement; and,
- l) consideration for transit.

## 7.4 PEER REVIEW

- 7.4.1 The Township may deem it desirable to have independent, qualified professionals conduct a Peer Review of any technical study submitted in support of a development application. The peer review consultants will be required to review the technical studies having regard to relevant Township, Regional and Provincial policies and provide recommendations to the Township regarding the acceptability of the methodology or approach used in the study, the completeness, and accuracy or the conclusions and findings of the study.
- 7.4.2 The cost of the peer review will be the responsibility of the proponent for the subject development application.

## 8. IMPLEMENTATION

### 8.1 METHODS OF IMPLEMENTATION

- 8.1.1 The policies contained in this Plan may be implemented by means of the following:
- a) Zoning By-laws;
  - b) Plans of Subdivision/Condominium;
  - c) Consents;
  - d) Development Agreements;
  - e) Capital Budget and Construction of Public Works;
  - f) Property Maintenance and Occupancy Standards By-law; and,
  - g) Site Plan Control

### 8.2 BY-LAWS

#### 8.2.1 Zoning By-law

- 8.2.1.1 When this Plan, or any part thereof, takes effect, the existing zoning by-laws shall be reviewed and amended to conform with this Plan. Until such time as the Zoning By-law can be amended to bring it into conformity with this Plan or amendments thereto, the present zoning shall remain in effect.
- 8.2.1.2 When enacting zoning by-laws to implement the provisions of the Plan in areas where development is not imminent, Council may zone lands for agricultural uses or in a similar holding category until such time as Council is satisfied that development can proceed in conformity with the intent of this Plan.
- 8.2.1.3 When enacting a by-law to permit a use of land or the erection, location or use of buildings or structures, Council may incorporate conditions on the erection location or uses of buildings or structures. A development agreement will be required to enforce the fulfilment of the conditions.

8.2.1.4 The symbol “H” may be utilized in conjunction with the zoning of lands as provided for in the Planning Act in conjunction with a specific zoning category in order to specify the permitted uses of such lands as such time as the holding symbol is removed by amendment to the zoning by-law. The use of the lands zoned to include the holding symbol with a specific zoning category may include existing uses and a limited range of uses compatible with the intended future use of the lands.

8.2.1.5 Prior to passing a by-law to remove the symbol “H”, Council shall ensure that:

- a) the owner has satisfied all of the requirements of the Township and entered into any agreements in this regard; and,
- b) the owner has satisfied all of the requirements of the Region of Durham with respect to the provision of sewer and water services and regional roads and entered into any necessary agreements in this regard.

8.2.1.6 Council shall ensure conformity to the policies and intent of this Plan in considering applications to amend the zoning by-law.

8.2.1.7 It is the intent of this Plan that legally existing uses, buildings and structures that do not conform with the land use designations and provisions of this Plan, shall, in the long term, be brought into conformity with the provisions of this Plan. However, this Plan is not intended necessarily to prevent the continuation, extension or enlargement of existing uses, buildings and structures, that do not conform with the designations or provisions of this Plan. Council may zone lands to permit the continuation, extension or enlargement of legally existing non-conforming uses, buildings and structures, and/or zone lands to permit accessory complementary or similar uses, buildings and structures, to legally existing non-conforming uses, buildings and structures, provided that it is satisfied that the zoning shall:

- a) have no adverse affect on the present or future uses of the surrounding lands;
- b) comply with the Minimum Distance Separation requirements;
- c) apply to a use that has frontage on a public road that has been assumed by the municipality and is fully maintained year round; and,

- d) not detrimentally affect the implementation of the policies of this Plan and that the general intent and purpose of the Plan is maintained.

## **8.2.2 Interim Control By-laws**

8.2.2.1 Interim control by-laws may be passed pursuant to the Planning Act, where Council has directed that a study be undertaken of the land use policies and designations within a specific portion of the Township.

## **8.2.3 Temporary Use By-laws**

8.2.3.1 Pursuant to the provisions of the Planning Act, by-laws may be passed to permit the temporary use of lands, buildings or structures, which may not conform to this Plan, provided that the following requirements are complied with:

- a) the use is compatible with the surrounding land uses and activities;
- b) adequate water supply and sewage disposable systems are available to the satisfaction of the Township and the Region of Durham;
- c) the temporary uses or activities do not result in a hazardous condition for either vehicular or pedestrian traffic and that the relevant parking area requirements are complied with;
- d) there is a signed agreement between the applicant and the Township which addresses issues related to installation/ removal and maintenance; and,
- e) the Township is satisfied that the nature of the use is temporary and that any buildings and structures are kept to the minimum and can easily be dismantled.

## **8.2.4 Height and Density Bonuses**

8.2.4.1 Pursuant to the provisions of the Planning Act, a zoning by-law may authorize increases in the height and density of residential development, otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services or other matters that are set out in the zoning by-law. The Township's objectives in authorizing such increases in height or density are:

- a) to encourage the provision of underground or in-building parking for attached housing or mixed use development;
- b) to encourage the preservation and conservation of buildings or structures of historical, cultural or architectural merit;
- c) to encourage the protection of natural features;
- d) to encourage the provision of unique urban design features; and,
- e) to encourage the provision of the trails system, day care, special needs housing and other public or quasi-public facilities.

### **8.3 PLANS OF SUBDIVISION/CONDOMINIUM**

- 8.3.1 Council shall ensure conformity to this Plan when considering plans of subdivision/condominium.
- 8.3.2 It shall be a policy of Council to recommend for approval only those plans of subdivision/condominium which can be adequately supplied with required utilities and services such as schools, fire protection, storm water drainage, water supply and sewage disposal systems.
- 8.3.3 The Township may require, as a condition of final approval of a plan of subdivision/condominium that a community or urban design report and complementary architectural design guidelines be prepared.
- 8.3.4 Pursuant to the provisions of the Planning Act, if a draft approval of subdivision/condominium is not registered within three years from the date of approval, the Township, upon reviewing the progress being made towards clearing draft conditions, may request the Region of Durham to withdraw or modify its draft plan approval.

### **8.4 CONSENTS**

- 8.4.1 Applications for consents for severance within the Township shall be in accordance with the following considerations:
  - a) the proposed use must conform with the policies of this Plan and the Durham Regional Official Plan and the zoning by-law;
  - b) consents should be granted only after it has been established that the

lot sizes are adequate and soil and drainage conditions will permit proper use of land and siting of buildings; and,

- c) where full municipal services are not available, all development on private services must be in accordance with the provisions of the Durham Regional Official Plan and meet the requirements of the Durham Region Health Department.

8.4.2 In accordance with the Greenbelt Plan, a separate lot may be created by consent where a surplus dwelling unit results from the consolidation of 2 or more farm holdings that are non-abutting, provided that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

## 8.5 DEVELOPMENT AGREEMENTS

8.5.1 Council may enter into agreements pursuant to the relevant provisions of the Planning Act.

8.5.2 Council shall ensure that all agreements conform to the intent of this Plan.

8.5.3 Subdivision and site plan agreements may deal with all applicable aspects of development as follows:

- a) the removal of vegetation, grading and soil compaction is kept to a minimum necessary to carry out development activity;
- b) the removal of vegetation shall not occur more than 30 days prior to grading or construction;
- c) structures to control and convey run-off;
- d) minimize sediment that eroded offsite during construction;
- e) the seeding of exposed soils once construction is complete and seasonal conditions permit;
- f) the effective implementation of erosion and sediment control measures;
- g) conceptual design of buildings;
- h) landscaping;

- i) noise attenuation;
- j) visual buffering;
- k) access, parking and circulation;
- l) sign control and design;
- m) drainage and grading;
- n) lighting services; and,
- o) staging and timing.

**8.6 CAPITAL BUDGET AND CONSTRUCTION OF PUBLIC WORKS**

- 8.6.1 All works undertaken by Council, under the Capital Works Budget, shall conform to the policies of this Plan.
- 8.6.2 Council shall consult with the Region of Durham in the preparation of the annual Capital works Budget to ensure coordination in the construction of public works.

**8.7 PROPERTY MAINTENANCE AND OCCUPANCY**

- 8.7.1 A property maintenance and occupancy by-law is intended to establish minimum standards of maintenance and occupancy to conserve, sustain and protect existing and future development within the Township. The by-law may have regard for any or all of the following matter and set appropriate standards and conditions:
  - a) the physical condition of yards and passageways including the accumulation of debris and rubbish, and discarded motor vehicles and trailers;
  - b) the adequacy of sanitation including drainage, waste disposal and garbage;
  - c) the physical condition of accessory buildings;
  - d) the physical conditions of all buildings or dwellings with particular

regard to the following:

- insects and vermin;
- structural standards and appearance;
- tightness against wind, water, and weather;
- adequate heat, light and ventilation;
- condition of stairs;
- condition of interior walls, ceilings and floors;
- satisfactory plumbing facilities including washroom and toilet facilities;
- condition of chimneys and external appurtenances;
- general cleanliness;
- adequacy of noise abatement and privacy;
- adequacy of electrical service;
- adequacy of food preparation and kitchen facilities;
- adequacy of access and egress;
- standards of living areas, room sizes and occupancy;
- adequacy of fire protection, safety and warning devices; and,
- adequacy of thermal insulation, storm windows and storm doors.

## **8.8 SITE PLAN CONTROL**

- 8.8.1 All of the lands within the Township of Brock are designated as a Site Plan Control Area and may be subject to site plan control by-laws.
- 8.8.2 The site plan control provisions of the Planning Act may be used with respect

to all uses or designations within the Plan. However, the following shall not be subject to site plan control:

- a) single family detached dwellings;
- b) agricultural and farm-related buildings or structures which are utilized for farming operations, inclusive of farm produce retail outlets, but excluding intensive farming operations. Agricultural commercial or industrial operations such as farm equipment sales and service, farm supply sales, greenhouse operations and agricultural storage, sales and supply establishments are not subject to this exemption; and,
- c) residential and farm fences.

8.8.3 Pursuant to the provisions of the Planning Act, the owner of land may be required to enter into a Site Plan Agreement and provide to the satisfaction and at no expense to the Township, any or all of the requirements established in the Planning Act.

8.8.4 Pursuant to the provisions of the Planning Act, the owner of land may be required to enter into a Site Plan Agreement that addresses matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design.

8.8.5 For all development that is subject to Site Plan Control within Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs), as described in Section 6.4 of this Plan and shown on Maps 1-D, 2-D and 3-D, the following measures shall be incorporated into site plans/site plan agreements, where possible:

- a) the extent and location of impervious surfaces such as parking lots, roadways and sidewalks are minimized;
- b) site grading and drainage is designed to reduce ponding, and,
- c) Run-off is either directed outside of the vulnerable areas or to storm sewers.

8.8.6 All new Site Plan Amendment applications must adhere to the policies outlined in Section 6.6 of this Plan.

## 8.9 PUBLIC CONSULTATION

8.9.1 Council, or a Committee of Council delegated with the appropriate authority, shall when considering a proposed Official Plan Amendment, Zoning By-law or Zoning By-law Amendment, ensure that adequate information and an opportunity to comment are made available to the public with respect to the proposal by holding one or more public meetings. Public Open Houses shall be required for major municipally-initiated planning programs and studies, such as Official Plan and Zoning By-law reviews.

Notification to the residents of public meetings held by Council/Committee of Council shall be done in accordance with the procedures detailed in the Planning Act and its regulations.

8.9.2 Where a change is made to a proposed zoning by-law or zoning by-law amendment subsequent to the public meeting, a further public meeting shall be required only if, in the opinion of Council, the change is one which would significantly alter the form, type or density of development. The notification requirements for such a further meeting shall be at least 14 days prior to such meeting.

8.9.3 Council and/or a Committee of Council may eliminate notice to the public for public meetings for a minor Official Plan or Zoning By-law Amendment which seeks the following:

- a) to change the numbers of sections or the order of sections in the Plan or By-law, but does not add or delete sections;
- b) to consolidate previously approved Official plan or Zoning By-law amendments in a new document without altering any approved policies or maps;
- c) to correct grammatical or typographical errors which do not affect the intent of affect the policies, regulations or maps;
- d) to reword policies or re-illustrate mapping to clarify the intent and purpose of the Plan or By-law making it easier to understand without affecting the intent or purpose of the policies or maps;
- e) to translate measurement to different units of measure; or,
- f) to change reference to legislation or changes to legislation where the legislation has changed.

#### 8.9.4

Applications for zoning by-laws or amendments to the zoning by-law shall be considered in accordance with the procedures adopted by Council based on the provisions of the Planning Act. The Planning Act makes provision for appeal to the Ontario Municipal Board by the applicant in the event Council refuses or neglects to make a decision on an application and also by any person in the event that the person has an objection to the passing of the by-law. For accuracy regarding zoning matters reference should be made to the relevant section of the Planning Act.

## 9. INTERPRETATION

- 9.1 Unless otherwise specified below, deviations from the text and maps of this Plan will require amendment to this Plan.
- 9.2 In order to provide for flexibility in the interpretation of the numerical figures and quantities in the text and maps, it is intended that such figures and quantities be considered to be approximate, and that for the purposes of preparing zoning by-laws. Subdivision/ condominium approvals or otherwise, minor deviations may be permitted without amendment to this Plan, provided that such deviations do not alter the intent of this Plan.
- 9.3 The examples of permitted uses included within this Plan illustrate the range of activities in each land use designation. Specific uses shall be defined for an area at such time as the zoning by-laws come into effect.
- 9.4 Maps 1-A, 2-A and 3-A show the boundaries of the Urban Areas of Beaverton, Cannington and Sunderland and their structure. Where the external boundaries of the Urban Areas abut or are located immediately adjacent to roads, rights-of-way, railways, transmission lines, property boundaries, lot and concession lines, and watercourses, it is intended that these boundaries coincide with such features. Deviation there from shall require an amendment to this Plan. The internal boundaries and alignments of the components of the Urban Areas are approximate only and are not intended to mark the exact location or extent of the designation of such components except where such designation coincides with roads, railways, transmissions lines, property boundaries, or other clearly recognizable physical features. Otherwise, the exact internal boundaries shall be defined at such time as the zoning by-laws come into effect.
- 9.5 Where reference is made to Council in the text of this Plan, it shall mean the Council of the Corporation of the Township of Brock.