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LAND USE POLICIES - RURAL AREA

This chapter of the Plan contains the objectives and policies for the Rural Area, identified on Schedule A: City System, of this Plan, and for its specific land use designations. The Land Use Plan and designations for the Rural Area are set out in Schedule I: Land Use – Rural Area, of this Plan. Schedule I-1: Land Use-Kilbride Settlement Area, Schedule I-2: Land Use-Lowville Settlement Area, and Schedule I-3: Land Use-Mount Nemo Settlement Area, of this Plan set out the designations within the *Rural Settlement Areas*. Schedule A-1: Provincial Land Use Plans and Designations, Schedule J: Agricultural Land Base-Rural Area, Schedule M: The Natural Heritage System, and Schedule N: Identified Mineral Resources, of this Plan, contain additional information to be used in interpreting and applying the land use designations and policies.

The objectives and policies for each land use designation are to be read in conjunction with the objectives and policies in other parts of the Plan.

9.1 THE RURAL COMMUNITY

Rural Burlington, located on the edge of a major urban area, faces significant pressures and challenges as a community, but also significant opportunities. The protection and strengthening of the rural community is the *City's* overarching goal in planning for the Rural Area. This means conserving the area's rural character and protecting and enhancing its *natural environment* while enabling the rural economy to evolve and change. The economic viability of *farming* is central to the future of the rural community.

The protection and strengthening of the rural community has been adopted as the policy framework guiding planning for the Rural Area and *shall* be applied in interpreting and applying the policies of this Plan in the Rural Area. It requires an integrated approach that addresses not only the individual elements that make up the rural community, such as *agriculture* or the *natural environment*, but also the inter-relationships among them.

9.1.1 OBJECTIVES

a) To maintain the open, rural landscape character of the Rural Area, with *agriculture* and natural heritage as *compatible* and complementary uses.

b) To enable the *agricultural* industry to adapt and grow.

c) To ensure that permitted land uses are *compatible* with, and do not adversely impact, surrounding land uses or *negatively impact* the *natural environment*.

d) To protect, improve or restore the *quality and quantity* of water resources, including *ground* and *surface water features.*

e) To conserve *cultural heritage resources* and ensure that *development* does not detract from the heritage character of the area.

f) To provide opportunities for *non-intensive recreational uses compatible* with *agriculture*, natural heritage and the rural community.

g) To permit the creation of *additional residential units,* to increase housing options in the Rural Area, subject to certain conditions and standards as outlined in this section, the Niagara Escarpment Plan, the Greenbelt Plan and other applicable regulations, including, but not limited to, the Ontario Building Code and the Ontario Fire Code.

h) To ensure that *development,* including *infrastructure development*, is consistent with the protection and strengthening of the rural community.

9.1.2 GENERAL POLICIES

a) Non-farm *development* in the Rural Area *shall* be directed to the *Rural Settlement Areas* of Kilbride, Lowville and Mount Nemo, as identified on Schedule I: Land Use-Rural Area, of this Plan, unless specifically permitted by the policies of this Plan.

b) Outside the *Rural Settlement Areas*, new *lots shall* only be created in accordance with Subsection 12.1.12(4.1) c) of this Plan.

c) Where *home occupations*, *home industries*, *bed and breakfast homes*, *animal kennels*, *veterinary clinics*, *agriculture-related uses*, *on-farm diversified uses* or *non-intensive recreation uses may* be permitted in Subsections 4.10.2(2) c), 9.2.3 a) or 9.3.2 c) of this Plan, the use:

(i) *shall* not have adverse impacts on adjacent *agricultural operations* or other surrounding land uses, on the *Agricultural System*, on the rural character of the area, or on *infrastructure* or *traffic*, or *negative impacts* on the natural heritage system or *water resource system*;

(ii) *should* be located within or adjacent to the existing *building cluster* or in the location that best minimizes adverse impacts on the viability of the current and future *agricultural* use of the *lot* and on adjacent *agricultural* operations;

(iii) *shall* be serviced by *individual on-site water service* and *individual on-site sewage services* that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;

(iv) *shall* have adequate on-site parking located and designed to be *compatible* with surrounding land uses and the rural character of the area; and

(v) *shall* adequately screen outdoor storage, parking areas, and loading/unloading zones from neighbouring properties and public roads.

d) Where a single-detached dwelling is a permitted use on an existing *lot* outside the *Rural Settlement Areas*, the *development envelope shall*:

(i) be located within one hundred and twenty (120) m of a municipal road;

(ii) not exceed one (1) ha in area;

(iii) be located so as to minimize adverse impacts on the viability of the current and future *agricultural* use of the *lot* and on adjacent *agricultural operations*;

(iv) not have *negative impacts* on the natural heritage system or the *water resource system*; and

(v) not be located within a *hazardous site* or *hazardous lands* and have flood-free access.

e) *Development* and *site alteration* in or near *sensitive* surface water features and *sensitive ground water features shall* be restricted in accordance with the policies of Subsection 4.4.2.(2) of this Plan, such that these features and their related *hydrologic functions* will be protected, improved or restored.

f) All *development shall* be based on private, on-site, individual well water supply and private, on-site, individual waste water treatment systems that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards.

g) A single *additional residential unit may* be permitted on an existing *lot* provided that:

(i) it is not located within the Escarpment Protection Area, the Escarpment Natural Area, or the Greenbelt Natural Heritage System, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan;

(ii) it is not located within a Mineral Resource Extraction Area, as identified on Schedule I: Land Use-Rural Area, of this Plan;

(iii) it is not located within a *hazardous site* or *hazardous lands* and there is flood-free access;

(iv) it is not located in a *group home* or a single dwelling functioning as a *bed and breakfast home*;

(v) it will not have adverse impacts on adjacent *agricultural operations*, the *Agricultural System*, other surrounding land uses or the rural character of the area, or *negative impacts* on the natural heritage system or *water resource system*; and

(vi) if located within the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, the *lot* contains no more than one single dwelling.

h) Where an additional residential unit may be permitted under Subsection 9.1.2 g) of this Plan:

(i) the *additional residential unit shall* be contained entirely within:

a. an *existing* single dwelling or;

b. if located within the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, an addition to an *existing* single dwelling; or

c. if located within the Greenbelt Plan Area as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, an *existing accessory building or structure* located on the same *lot*;

(ii) the gross floor area of the *additional residential unit shall* be subordinate in size to the primary dwelling;

(iii) the *additional residential unit shall* be serviced by *individual on-site water services* and *individual on-site sewage services* that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;

(iv) adequate parking *shall* be provided on-site; and

(v) if located within the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, a *home industry*, *home occupation*, or *veterinary clinic*, *shall* not be permitted within the *additional residential* unit.

i) Subject to the other policies of this Plan, an expansion to an *existing use* not permitted by this Plan and located outside the *Rural Settlement Areas may* be permitted without an amendment to this Plan, provided that the proposed expansion:

(i) takes place within the boundaries of the property on which the *existing use* is located;

(ii) is not located within a *Key Natural Feature*;

(iii) does not significantly increase the *intensity* of, or the area occupied by, *existing* buildings and *accessory* facilities, in relation to the size and scale of the use at the time it became an *existing use* as defined by this Plan;

(iv) is appropriate to available rural services and *infrastructure*, and will be serviced by *individual on-site water services* and *individual on-site* sewage services that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;

(v) will have adequate on-site parking;

(vi) *shall* not have:

a. adverse impacts on adjacent *agricultural operations* or other surrounding land uses, the *Agricultural System*, the rural character of the area, *infrastructure* or traffic;

b. unacceptable risks to public health, safety, or property; or

c. *negative impacts* on the natural heritage system or *water resource system;*

(vii) meets the objectives of the *Agricultural System*; and

(viii) if located within the Greenbelt Plan Area or the Niagara Escarpment Plan Area as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, will bring the use more into conformity with the applicable Provincial Plan.

j) New *infrastructure* and expansions and extensions to existing *infrastructure shall* be subject to the policies of Subsection 6.1.2 h) of this Plan.

k) *Cultural heritage resources* will be identified and evaluated in accordance with the policies of Section 3.5, Cultural Heritage Resources, of this Plan. *Significant cultural heritage resources shall* be *conserved*, using the provisions of The Heritage Act, The Planning Act, The Environmental Assessment Act, The Funeral, Burial and Cremations Act and The Municipal Act.

l) *Bruce Trail access points may* be permitted, subject to the other policies of this Plan, and provided that:

(i) they do not have an adverse impact on adjacent *agricultural operations* or other surrounding land uses;

(ii) they are not located within *Key Natural Features*; and

(iii) the applicable *City* and Regional road access requirements are met.

m) Within the Rural Area, the policies of the applicable Provincial Plans, as identified on Schedule A-1: City System – Provincial Land Use Plans and Designations, of this Plan, *shall* apply as follows, in addition to the policies of this Plan:

(i) Within the Greenbelt Plan Area, the policies of the Greenbelt Plan *shall* apply. The policies of this Plan *may* be more stringent than the requirements of the Greenbelt Plan, provided that they do not conflict with the Greenbelt Plan. However, with the exception of section 4.6 of the Greenbelt Plan, this Plan *shall* not be more restrictive than sections 3.1 and 4.3.2 of the Greenbelt Plan as they apply to *agricultural* uses and mineral aggregate resources respectively; and

(ii) Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan *shall* apply. The policies of this Plan *may* be more stringent than the requirements of the Niagara Escarpment Plan, provided that they do not conflict with the Niagara Escarpment Plan;

(iii) Within the Parkway Belt West Plan Area, the policies of the Parkway Belt West Plan *shall* apply. The policies of this Plan may be more stringent than the requirements of the Parkway Belt West Plan, provided that they do not conflict with the Parkway Belt West Plan.

In the event of a conflict between provisions of this Plan and those of an applicable Provincial plan, the provisions of the applicable Provincial plan *shall* prevail; however, where the provisions of this Plan are more restrictive, the provisions of this Plan *shall* apply, unless doing so would conflict with the Provincial Plan.

n) New *golf courses* and golf driving ranges, and expansions to existing *golf courses* and driving ranges requiring additional land, are not permitted.

o) *Public service facilities* serving the Rural Area *shall* be located in the *Rural Settlement Areas* and *should* be co-located and integrated in community hubs, maintaining and adapting existing *public service facilities* where feasible.

p) *Mineral aggregate resources shall* be protected and utilized in accordance with the policies of Section 4.10, Mineral Aggregate Resources, of this Plan

9.1.3 SITE- SPECIFIC POLICIES

a) Notwithstanding the general policies of Chapter 9, Land Use Policies – Rural Area, of this Plan, and subject to all applicable municipal by-laws, policies and site plan requirements, and the *development* criteria of the Niagara Escarpment Plan, the following site-specific uses are permitted:

(i) **4449 Millborough Line:** the operation of a seasonal *campground* with a maximum of one hundred and fifty (150) campsites on lands located at 4449 Millborough Line;

(ii) **5100 Appleby Line:** the operation of a seasonal *campground* with a maximum of fifty-nine (59) seasonal cottages and one permanent single-detached dwelling in addition to related recreational facilities at "Camp Sidrabene", located at 5100 Appleby Line;

(iii) **Cedar Springs Community:** the operation of a private, self-sustaining *development* with a maximum of twelve (12) year-round residences and eighty-two (82) seasonal cottages at the Cedar Springs Community, located east of Cedar Springs Road and north of Britannia Road. The conversion of seasonal cottages to permanent year-round residences within the Cedar Springs Community *shall* not be permitted. For the purposes of this policy, the residency of a seasonal cottage for a period of greater than sixty (60) days between November 1 and May 1 *shall* be considered a conversion of a seasonal cottage to a permanent year-round residence;

(iv) **4284 No. 2 Side Road:** the operation of an institutional *campground* by the Boy Scouts of Canada on lands located at 4284 No. 2 Side Road;

(v) **5260-5342 Bell School Line:** the operation of an existing *airport* located on lands at 5260-5342 Bell School Line;

(vi) **Beaufort Heights:** the *development* of the Beaufort Heights area south of Dundas Street and west of Brant Street mainly for single-detached dwellings with urban services. For the purposes of this policy, the Beaufort Heights subdivision *shall* be deemed to consist of Registered Plans 509, 1297 and 20M-151, and those lots municipally known as 1315, 1321, 1401 and 1405 Beaufort Drive, 1296 Dundas Street, and 1311 Harbour Court;

(vii) **6621 Guelph Line:** the operation of an 18-hole *golf course* at 6621 Guelph Line, including *accessory* facilities related to the *golf course* use and *accessory uses* existing as of October 1, 2006; and

(viii) **2273 Dundas Street:** greenhouses, stockpiling and processing of soil, processing and sale of local farm products, sale of garden centre or landscaping products, sale and storage of bulk firewood and hay, cold storage and fruit packing operation, and *accessory* facilities necessary to support these uses, on approximately 7.1 ha of land described as 2273 Dundas Street; and

(ix) **3488 Tremaine Road:** the use of lands located at 3488 Tremaine Road for mineral resource extraction, based on the provision of a private communal water system approved by the Region of Halton to properties identified by the Region of Halton having potential for well water interference from operation of a shale *quarry* at this location.

9.2 THE AGRICULTURAL SYSTEM

The health and prosperity of the *Agricultural System* is integral to maintaining and strengthening the rural community. The economic viability of *farming* is central to the future of rural Burlington. The stewardship activities of farmers also provide important environmental benefits, such as the protection of natural heritage and water resources. Further, *agri-tourism* provides opportunities for residents and visitors to enjoy and learn about *agriculture*, while supporting the local economy. The *City's agricultural* policies are designed to develop and maintain a permanently secure, economically viable *Agricultural System* while protecting the rural, open space character and landscape of the Rural Area.

The *Agricultural System* is comprised of the Agricultural Land Base, as identified on Schedule J: Agricultural Land Base-Rural Area, of this Plan, and the *agri-food network*. The Agricultural Land Base provides a continuous, physical land base for *agricultural* production while the *agri-food network* consists of the *infrastructure*, services and assets important to the viability of the agri-food sector.

9.2.1 OBJECTIVES

a) To support and enhance the economic health and long term viability of the *Agricultural System* by:

(i) recognizing *agriculture* as a primary activity and land use within the *Prime Agricultural Areas*;

(ii) providing permanent protection for *Prime Agricultural Area*, as identified on Schedule J: Agricultural Land Base-Rural Area, of this Plan, for existing and future *agricultural use*;

(iii) reducing the fragmentation of the Agricultural Land Base, maintaining connectivity among the lands within the land base and providing for their consolidation;

(iv) protecting farms from activities and land uses that are not *compatible* with *agriculture* and would limit *agricultural* productivity or efficiency;

(v) protecting *normal farm practices* and the *right to farm;*

(vi) accommodating the development of a diverse, innovative and economically strong *agricultural* industry in the city;

(vii) providing flexibility for *agricultural operations* to adapt to economic and technological change and to adopt innovative new *agricultural* practices*;*

(viii) permitting *agriculture-related uses* and *on-farm diversified uses* that are *compatible* with *agriculture* and enhance the economic viability of the *agricultural* industry;

(ix) accommodating *agri-tourism uses* and direct sales of farm produce and *accessory* products to support the economic viability of the *agricultural* industry;

(x) increasing the city's resiliency to climate change through the production of local food and *agricultural products*; and

(xi) supporting the maintenance and improvement of a strong *agri-food network* to support and strengthen the *Agricultural System* in the city.

b) To recognize *existing* rural non-farm uses and allow for their continuation in a manner that is sensitive to, and does not limit, *agricultural* productivity or efficiency and that protects or enhances the *natural environment.*

c) To maintain the scenic values of lands in the vicinity of the Niagara Escarpment.

d) To provide a *buffer* for the more ecologically *sensitive* areas of the Niagara Escarpment.

9.2.2 GENERAL POLICIES

a) To assist in interpreting and implementing the policies of this Plan, the Agricultural Land Base is identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan. It includes both *prime agricultural lands* and lands outside of the *Prime Agricultural Area* and is comprised of:

(i) the Agricultural Area designated on Schedule I: Land Use – Rural Area, of this Plan; and

(ii) those parts of the *City's* Natural Heritage System (NHS) that are outside the *Key Natural Features* identified on Schedule M: The Natural Heritage System, of this Plan, or where the only *Key Natural Feature* is a significant earth science *Area of Natural and Scientific Interest.*

b) Those parts of the Agricultural Land Base identified as *Prime Agricultural Area* on Schedule J: Agricultural Land Base – Rural Area, of this Plan, are also subject to the policies of Subsection 9.2.4 of this Plan.

c) While those parts of the Agricultural Land Base that are within the *City's* natural heritage system are subject to the relevant objectives and policies of this Plan respecting the natural heritage system, *agricultural operations* are *compatible* uses and are recognized, promoted and protected within these

areas as part of the *Agricultural System*. *Agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted in accordance with the policies of this Plan.

d) The Provincial Growth Plan provides for the identification and protection of the *Agricultural System* for the Greater Golden Horseshoe (GGH), which includes a Provincial Agricultural Land Base comprised of *prime agricultural areas* and rural lands, as well as a complementary *agri-food network*. The *prime agricultural areas* identified within the Provincial Agricultural Land Base are to be designated in municipal official plans and have been incorporated into the *City's* Agricultural Land Base, as identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan. Once the *prime agricultural areas* identified by the Province have been implemented through a *municipal comprehensive review* by the Region of Halton, the refined mapping will be incorporated into this Plan by amendment or as part of the City's next statutory review of this Plan.

e) *Agriculture shall* be recognized, *encouraged* and protected as an important industry in the city and as the primary long-term activity and land use throughout the Agricultural Land Base by:

(i) protecting the Agricultural Land Base identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan, giving highest priority to *Prime Agricultural Areas*;

(ii) ensuring that new land uses and *development* do not limit the ability of farmers to employ *normal farm practices*;

(iii) applying the *Minimum Distance Separation (MDS) formulae* and other relevant Provincial regulations in accordance with the Livestock Facility guidelines adopted by Regional Council to ensure that *agricultural operations* are protected from activities and land uses that are not *compatible* with *agriculture* and would limit *agricultural* productivity or efficiency;

(iv) requiring that new land uses, including the creation of *lots*, and new or expanding livestock facilities comply with the provincially developed *Minimum Distance Separation (MDS) Formulae*. The Region of Halton's Livestock Facility guidelines will be used to:

a. provide further guidance to improve the co-existence of livestock facilities and non-farm uses; and

b. facilitate efficient and flexible *agricultural* practices that support and protect the *right to farm* where *agriculture* is permitted; and

(v) requiring the proponent of any proposed non-*agricultural* land use or *development* that *may* have adverse impacts on an adjacent *agricultural operation* or on the *Agricultural System* to carry out an *Agricultural Impact Assessment (AIA)* based on the guidelines adopted by Regional Council, and those that may be developed by the Province.

(vi) where *agricultural uses* and non-*agricultural* uses interface, land use compatibility *shall* be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*. Where mitigation is required, measures *should* be incorporated as part of the non-*agricultural* uses, as appropriate, within the area being developed.

9.2.3 AGRICULTURAL AREA DESIGNATION

a) Subject to the policies of this Plan and the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, the following uses *may* be permitted within the Agricultural Area designation:

(i) all types, sizes and intensities of *agricultural uses* and *normal farm practices;*

(ii) a full range of *agriculture-related uses* and *on-farm diversified uses*, provided that the use;

a. is *compatible* with, and *shall* not hinder, surrounding *agricultural operations*;

b. is appropriate to available rural services;

c. maintains the *agricultural*/rural character of the area;

d. meets all applicable Provincial air emission (including odour), noise, water and sewage standards and receives all relevant environmental approvals. The cumulative impact of multiple *agriculture-related uses* or *on-farm diversified uses should* be limited and not undermine the *agricultural* nature of the area.

(iii) *existing uses;*

(iv) one single-detached dwelling on an existing *lot*, provided that the *lot* is not zoned *Agricultural Purposes Only* in the *City's* Zoning By-law or identified as *Agricultural Purposes Only* in the Niagara Escarpment Plan;

(v) notwithstanding Subsection 9.2.3 a) (iv), of this Plan, a *dwelling unit accessory* to a *commercial agricultural operation,* provided that the *accessory* dwelling:

a. is not located within the Escarpment Natural Area of the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan;

b. is required to house additional full-time or seasonal *farm* labour;

c. is located in or adjacent to the existing *building cluster* and utilizes the existing road access to the *building cluster;*

d. notwithstanding Subsection 9.1.2 e) of this Plan, is serviced by *individual on-site water services* and *individual on-site sewage services*;

e. if located within the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, is temporary and is mobile or portable, without a basement; or is located within an existing *farm* building or structure on a temporary basis, where justified; and

The *accessory dwelling unit shall* not be severed to create a new *lot*.

(vi) archaeological activities;

(vii) notwithstanding Subsection 9.2.3 a) (iv) a second single dwelling on an existing *lot* of record where there is an existing dwelling designated and an easement agreement registered under The Ontario Heritage Act for a dwelling of local *cultural heritage resource* value or interest or where the dwelling is considered to be of provincial or national heritage value or interest and:

a. in the opinion of the *City*, the allowance of the second single dwelling is the only viable way to preserve the local, provincial or national heritage value or interest of the existing single dwelling on the *lot*;

b. the dwelling and *accessory uses shall* not be located within a *Key Natural Feature*; and

c. there is no conflict with other provisions of this Plan;

(viii) *essential* linear *infrastructure* facilities, subject to Subsection 6.1.2 h) of this Plan;

(ix) *accessory buildings or structures*;

(x) *non-intensive recreation uses* such as nature viewing and pedestrian trail activities, only if the lands are publicly owned or are part of the Bruce Trail;

(xi) uses permitted in an approved Niagara Escarpment Park and Open Space Master/Management Plan, if the subject land is located within the Niagara Escarpment Plan Area;

(xii) *watershed* management and flood and erosion control projects carried out or supervised by a *public authority.* Stormwater management ponds are not permitted in *Key Natural Features* or in *buffers* to those features;

(xiii) *agriculture-related uses*

9.2.4 PRIME AGRICULTURAL AREAS

a) *Prime Agricultural Areas* are identified on Schedule J: Agricultural Land Base - Rural Area, of this Plan. The purpose of Schedule J is to assist in interpreting and implementing the policies of this Plan.

b) The *Prime Agricultural Areas* identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan, include lands in the *City's* Agricultural Area and Natural Heritage System designations.

c) Within the Greenbelt Plan Area, the re-designation of land within *Prime Agricultural Areas* to permit non-*agricultural* uses *shall* be prohibited, except where permitted by the Greenbelt Plan.

d) Outside the Greenbelt Plan Area, the removal of land from *Prime Agricultural Areas shall* only be permitted where the following have been demonstrated through appropriate studies to the satisfaction of the *City* and the Region of Halton:

(i) the necessity within the planning horizon for additional land to be designated to accommodate the proposed uses;

(ii) the amount of land area needed for such uses;

(iii) the reasons for the choice of location;

(iv) no adverse impacts on the *Agricultural System* or to adjacent *agricultural operations;*

(v) no *negative impacts* on the *City's* natural heritage system or *water resource system*;

(vi) alternative locations have been evaluated and demonstrated to be unsuitable;

(vii) there are no reasonable alternatives that avoid *Prime Agricultural Areas* as identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan;

(viii) there are no reasonable alternative locations on lower capability *agricultural* lands; and

(ix) the land does not comprise a *specialty crop area*.

e) Extraction of *mineral aggregate resources may* be permitted in *Prime Agricultural Areas* subject to Subsection 4.10, Mineral Aggregate Resource Extraction Area, of this Plan.

9.3 THE CITY'S NATURAL HERITAGE SYSTEM

The *City's* Natural Heritage System (NHS), which is designated on Schedule I: Land Use – Rural Area, of this Plan, is made up of natural features, such as *woodlands* and *valleylands,* and the *linkages* and inter-relationships among them. In many areas, the *City's* Natural Heritage System overlaps with the Agricultural Land Base, as identified on Schedule I: Land Use – Rural Area, of this Plan, and includes lands in *agricultural use. Agricultural operations* are recognized and supported as compatible and complementary uses.

The Natural Heritage System plays an important role in maintaining and enhancing the quality of life, environmental health and *sustainability* of the Rural Area. The Natural Heritage System in the Rural Area is part of the broader, city-wide Natural Heritage System identified on Schedule M: The Natural Heritage System, of this Plan, which in turn is part of a much larger system extending far beyond the *City's* boundaries.

Section 4.2, Natural Heritage System, of this Plan, identifies the components of the Natural Heritage System in the city and sets out objectives and policies related to the Natural Heritage System that apply throughout the city, including in the Rural Area. This section of the Plan contains additional objectives and policies that apply to the *City's* Natural Heritage System, specifically within the Rural Area. The objectives and policies of this section also *shall* be read in conjunction with the objectives and policies in Section 4.2, Natural Heritage System, of this Plan and the objectives and policies contained in Section 4.4, Water Resources, of this Plan.

The Provincial Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe includes lands within the Rural Area, as identified on Schedule M-1: Provincial Natural Heritage System for the Greater Golden Horseshoe, of this Plan. Within the Provincial Natural Heritage System, the policies of the applicable provincial plans *shall* apply in addition to the policies of this Plan, in accordance with Subsection 4.2.2 c) of this Plan.

9.3.1 OBJECTIVES

a) To maintain, restore and enhance the long term *ecological integrity* of the *City's* Natural Heritage System and its *ecological* and *hydrologic functions,* while accommodating the economic growth and evolution of *agriculture*.

b) To support *agriculture* as a complementary and compatible use in those parts of the *City's* Natural Heritage System outside the *Key Natural Features*.

c) To recognize and support *agriculture* as a primary activity within *Prime Agricultural Areas* in the *City's* Natural Heritage System in accordance with Subsection 9.2.4 of this Plan.

d) To maintain and enhance the landscape quality and open space character of the Niagara Escarpment.

e) To provide a buffer to prominent Escarpment features and ecologically sensitive areas of the Escarpment.

f) To maintain, restore and enhance *Key Natural Features,* without limiting the ability of existing *agricultural operations* to continue.

g) To maintain, restore and enhance the continuity of *linkages* and functional inter-relationships among *natural heritage features and areas*, surface and *groundwater features and hydrologic functions.*

h) To direct *development* to locations outside *hazardous lands* and *hazardous sites*.

i) To avoid increased flooding, erosion and sedimentation.

j) To protect and enhance the quality and quantity of ground and surface water and their related *hydrologic functions.*

k) To preserve examples of the landscape that display *significant* earth science features and their associated processes.

l) To enhance air quality.

m) To provide opportunities for scientific study and education.

n) To provide opportunities for outdoor *non-intensive recreation uses* within the *City's* Natural Heritage System*,* where appropriate.

9.3.2 POLICIES

a) The *City's* Natural Heritage System consists *of Key Natural Features* and *Enhancements to the Key Natural Features,* as identified on Schedule M: The Natural Heritage System, of this Plan. The areas shown as *Enhancements to the Key Natural Features* play an important role in maintaining and enhancing the health of the *City*'s Natural Heritage System and of the *Key Natural Features* within it.

b) Those parts of the *City*'s Natural Heritage System outside the *Key Natural Features,* or where the only *Key Natural Feature* is a *significant* earth science *area of natural and scientific interest*, also are part of the *Agricultural System*. While these lands are subject to the goals and policies of the *City*'s Natural Heritage System, *agricultural uses*, *agriculture-related uses* and *on-*

farm diversified uses are considered to be *compatible* and complementary uses and are supported.

c) Subject to the policies of this Plan, and the Provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, the following uses *may* be permitted within the City's Natural Heritage System:

(i) *existing agricultural operations* within:

a. the Escarpment Natural Area; and

b. *Key Natural Features*.

(ii) all types, sizes and intensities of *agricultural uses* and *normal farm practices may* be permitted elsewhere in the *City's* Natural Heritage System including, notwithstanding clause (i) above, in those parts of the *City's* Natural Heritage System where the only *Key Natural Feature* is a *significant* earth science *area of natural and scientific interest*;

(iii) a full range of *agriculture-related uses* and *on-farm diversified uses may* be permitted elsewhere in the City's Natural Heritage System including, notwithstanding clause (i) above, in those parts of the City's Natural Heritage System where the only *Key Natural Feature* is a *significant* earth science *area of natural and scientific interest*, provided that the use:

a. is *compatible* with, and *shall* not hinder, surrounding *agricultural operations*;

b. is appropriate to available rural services;

c. maintains the *agricultural*/rural character of the area; and

d. meets all applicable Provincial air emission (including odour), noise, water and wastewater standards and receives all relevant environmental approvals.

The cumulative impact of multiple *agriculture-related uses* or *on-farm diversified uses should* be limited and not undermine the *agricultural* nature of the area.

(iv) *existing uses*;

(v) one single-detached dwelling on an existing *lot* created under The Planning Act provided that the *lot* is not zoned *Agricultural Purposes Only* in the *City's* Zoning By-law or identified as *Agricultural Purposes Only* in the Niagara Escarpment Plan;

(vi) notwithstanding Subsections 9.1.2 f) and 9.2.3 a) (iv), of this Plan, a *dwelling unit accessory* to a *commercial agricultural operation,* provided that the *accessory dwelling unit* is not located within the Escarpment Natural Area and that the *dwelling unit*:

a. is not located within the Escarpment Natural Area of the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan;

b. is required to house additional full-time or seasonal *farm* labour;

c. is located in or adjacent to the existing *building cluster* and utilizes the existing road access to the *building cluster;*

d. notwithstanding Subsection 9.1.2 e) of this Plan, is serviced by *individual on-site water services* and *individual on-site sewage services*;

e. if located within the Niagara Escarpment Plan Area, as identified on Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, is temporary and is mobile or portable , without a basement; or is located within an *existing farm* building or structure on a temporary basis, where justified; and

f. is not located on a *lot* zoned *Agricultural Purposes Only* in the *City's* Zoning By-law or identified as *Agricultural Purposes Only* in the Niagara Escarpment Plan.

The *accessory dwelling unit shall* not be severed to create a new *lot*;

(vii) *home occupations* and *home industries* with a gross floor area not exceeding one hundred (100) sq. m. or twenty-five (25) percent of the residential living area, whichever *is le*sser;

(viii) *accessory* uses (*and site modifi*cation*s to accommodate th*em);

(ix) *forest, wildlife and fisheries management*;

(x) archaeological activities;

(xi) *essential* linear *infrastructure* facilities, subject to Subsection 6.1.2 h) of this Plan;

(xii) *non-intensive recreation uses* such as nature viewing and pedestrian trail activities, only if the lands are publicly owned or are part of the Bruce Trail. *Non-intensive recreation uses may* be permitted only when natural heritage features are preserved to the maximum possible degree; all proposed buildings and structures are minor in

scale; minimal parking areas are required*;* and adverse impacts on adjacent *agricultural operations* are avoided;

(xiii) uses permitted in an approved Niagara Escarpment Park and Open Space Master/Management Plan;

(xiv) nature preserves owned and managed by a *non-government conservation organization*;

(xv) a second single dwelling on an existing *lot o*f record where there is an existing dwelling designated and an easement agreement registered under The Ontario Heritage Act for a dwelling of local *cultural heritage resource* value or interest or where the dwelling is considered to be of provincial or national heritage value or interest and:

a. in the opinion of the *City*, the allowance of the second single dwelling is the only viable way to preserve the local, provincial or national heritage value or interest of the existing single dwelling on the *lot*;

b. the dwelling and *accessory uses shall* not be located within a *Key Natural Feature*;

c. the dwelling and *accessory uses should* be located within or adjacent to the *building cluster* or in the location that best minimizes adverse impacts on the viability of the current and future *agricultural* use of the *lot* and on adjacent *agricultural operations*.

(xvi) *essential watershed* management and flood and erosion control projects carried out or supervised by a *public authority* or, approved in this Plan. Stormwater management ponds are not permitted in *Key Natural Features* or in *buffers* to those features.

9.4 MINERAL RESOURCE EXTRACTION AREA

The Mineral Resource Extraction Area designation on Schedule I: Land Use –Rural Area includes areas licenced pursuant to The Aggregate Resources Act. The objectives and policies of this Plan respecting the Mineral Aggregate Resource Extraction Area designation are contained in Section 4.10, Mineral Aggregate Resources, of this Plan.

9.5 RURAL SETTLEMENT AREAS

The *Rural Settlement Area* Boundaries are designated on Schedule I: Land Use - Rural Area, of this Plan. The lands within these Boundaries comprise the *Rural Settlement Area*s of Kilbride, Lowville and Mount Nemo and represent locations in the Rural Planning Area where residential, commercial and *institutional* development *may* be located. The lands within these Boundaries that are shown as *Rural Settlement Area* indicate the areas where *development may* be permitted in accordance with the land use designations and policies of this Plan. There is limited capacity for additional *development* within the *Rural Settlement Areas*.

9.5.1 OBJECTIVES

a) To provide limited opportunities for rural, non-farm residences in identifiable rural communities.

b) To accommodate other limited rural, non-farm uses serving *agriculture* and the rural community, including small-*scale* commercial and *industrial development* and small-*scale public service facilities* and *institutional uses*.

c) To protect, improve or restore the *quality and quantity of water* resources.

d) To maintain and enhance the *City's* Natural Heritage System within *Rural Settlement Areas*.

9.5.2 GENERAL POLICIES

a) Land Use designations within the *Rural Settlement Area* lands are identified on Schedule I-1: Land Use-Kilbride Settlement Area; Schedule I-2: Land Use-Lowville Settlement Area; and Schedule I-3: Land Use-Mount Nemo Settlement Area of this Plan. Lands within these *Rural Settlement Areas* are subject to the policies of this Plan and the appropriate *development* criteria of The Niagara Escarpment Plan.

b) All *development shall* be self-sustaining based on *individual on-site water services* and *individual on-site sewage services*. The *City* will *encourage* the use of water conservation measures towards ensuring contained *sustainability* of services.

c) The minimum *lot* size *shall* be 0.8 ha, or as determined by site-specific hydrogeological studies, whichever is the greater.

d) The minimum *lot* size involving proposals for the creation of two (2) or more lots *shall* be determined based on a site-specific hydrogeological study to be submitted by the proponent and conducted in accordance with the Halton

Region Guidelines for Hydrogeological Studies and Best Management Practices for Groundwater Protection.

e) The minimum *lot* size involving proposals for the creation of a *lot* by way of a land conveyance *shall* be determined based on detailed site analysis, including a hydrogeological study which addresses the impacts of the new *lots* on *ground* and *surface water features.*

f) The minimum *lot* size findings of the hydrogeological Investigations prepared by the Region of Halton for each Settlement Area *shall* be used as a guideline when considering *development* proposals.

g) A non-residential use within a *Rural Settlement Areas should* not exceed a gross floor area of five hundred (500) sq. m. and *shall* require a hydrogeological study, if required by the Region of Halton.

h) The design, location and construction of public and condominium roads *shall* comply with *City* standards.

i) Proposals for plans of subdivision or condominium *shall* be accompanied by a functional storm water drainage plan and report that addresses internal and external drainage limits, as well as storm water drainage practices that are to be implemented. Where required by the *City*, a functional storm water drainage plan and report *shall* also be submitted in conjunction with an application for land conveyance.

j) *Development* proposals *shall* ensure, to the maximum possible degree, the maintenance or enhancement of the *City's* Natural Heritage System, including wooded areas, *watercourses, groundwater recharge areas, valleylands* and existing hedgerows.

k) Major rock cutting and blasting for road construction within Settlement Areas *shall* not be permitted. The regrading of the existing land for road construction *shall* be discouraged.

l) The western section of the Kilbride *Rural Settlement Area* is imperfectly drained due to a shallow depth of overburden to bedrock or the groundwater table, numerous rock outcrops and level terrain. For lands on the west side of McNiven Road, an adequate outlet for storm water drainage is not possible without rock cutting or blasting, which could risk the water supply of existing homes in this area. Further *development* in this area *shall* be supported by technical studies.

m) *Tree* planting is *encouraged* to reduce soil erosion and surface water runoff.

9.5.3 RESIDENTIAL LAND USE POLICIES

a) Single-detached dwellings within plans of subdivision and condominium are the preferred forms of *development.* Subject to the policies of Subsection 9.5.2 of this Plan, the creation of new *lots* through land conveyances *may* be considered where it will not compromise the orderly *development* of land or the general public interest.

b) Maximum dwelling sizes *may* be determined by the *City* and the Region of Halton, based on hydrogeological concerns, visual impact and *compatibility* with adjacent land uses and community character.

c) Residential *lots* that are created *shall* meet the following standards:

(i) the *lot shall* be a minimum 0.8 ha in size or as determined by site-specific hydrogeological studies, whichever is the greater;

(ii) the minimum *lot* width *should* be sixty (60) m;

(iii) the minimum front yard setback *should* be ten (10) m; and

(iv) the minimum side yard setback *should* be five (5) m. For corner *lots* the minimum side yard setback for a yard abutting a street *should* be ten (10) m.

d) *Home occupations* and *home industries* with a gross floor area not exceeding one hundred (100) sq. m. or twenty-five (25) percent of the residential living area, whichever is lesser, *may* be permitted as an *accessory* use to a single-detached dwelling, provided that the residential appearance of the property is maintained, and subject to the appropriate policies of Subsection 9.1.2 c) of this Plan.

e) *Bed and breakfast homes* with three (3) or less guest bedrooms *may* be permitted, subject to the appropriate policies of Subsection 9.1.2 c) of this Plan.

f) *Additional residential units, may* be permitted within, or on the same property as, a single-detached dwelling subject to the following provisions:

(i) a property *shall* not contain more than one (1) *additional residential unit*;

(ii) within the Niagara Escarpment Plan Area, one (1) *additional residential unit may* be located within the principle dwelling or an addition to the principle dwelling in accordance with the Niagara Escarpment Plan.

(iii) Within the Greenbelt Plan Area, one (1) *additional residential unit may* be located within the principle dwelling or within an *accessory building or structure*;

(iv) an *additional residential unit shall* not be permitted within *hazardous lands* or *hazardous sites* and *shall* have flood-free access;

(v) the *additional residential unit shall* be *compatible* with adjacent residential properties and the surrounding residential neighbourhood in terms of *physical character, massing*, heights, visual appearance, privacy, open space *amenity areas,* lot size and *lot* coverage;

(vi) adequate parking will be provided on site and the *additional residential unit shall* be serviced by *individual on-site water services* and *individual on-site sewage services* that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards; and

(vii) health and safety standards and criteria are met.

9.5.4 COMMERCIAL LAND USE POLICIES

a) The Commercial designation provides that only uses that serve the daily retail and *service commercial* needs of the local community and the surrounding rural area are permitted. A *dwelling unit* or single-detached dwelling *may* also be permitted within this land use. Commercial uses serving the tourist trade *may* be permitted, provided their *scale* and *intensity* are *compatible* with surrounding land uses. *Service commercial* uses requiring outside manufacturing or processing with the use of machinery or equipment are not permitted.

b) An amendment to this Plan *shall* be required to permit commercial *development* in other land use designations.

c) New commercial uses will be *encouraged* to locate near existing commercial uses.

d) Only commercial uses with a low level of water consumption and sewage generation, as approved by the Region of Halton, *may* be permitted.

e) Commercial uses *shall* be required to provide sufficient off-street parking for associated traffic.

f) Building design for commercial uses *shall* complement nearby *development* and the rural character of the Settlement Area. Suitable setbacks and buffers *shall* be required to ensure *compatibility* with other existing or proposed uses.

9.5.5 INSTITUTIONAL LAND USE POLICIES

a) In the Institutional designation, only low *intensity public service facilities* and *institutional uses* and small-scale commercial uses secondary to the principal use *may* be permitted. A *dwelling unit* or a single-detached dwelling *may* also be permitted within this land use.

b) An amendment to this Plan *shall* be required to allow *public service facilities* and *institutional uses* in other land use designations.

c) New *public service facilities* and *institutional uses* will be *encouraged* to locate near existing *public service facilities* and *institutional uses.* An amendment to this Plan *shall* be required for the expansion of an existing *public service facility* or *institutional use.*

d) Only *public service facilities* and *institutional uses* with a low level of water consumption and sewage generation, as approved by the Region of Halton, *may* be permitted.

e) *Public service facilities* and *institutional uses shall* be required to provide sufficient off-street parking for associated traffic.

f) Building design for *public service facilities* and *institutional uses shall* complement nearby *development* and the rural character of the Settlement Area. Suitable setbacks and buffers *shall* be required to ensure *compatibility* with other existing or proposed uses.

9.5.6 CITY'S NATURAL HERITAGE SYSTEM AND PARK POLICIES

a) The lands designated as Park in the *Rural Settlement Areas* are intended to provide recreational opportunities for residents in each Settlement Area as well as other city residents. These lands *shall* be subject to the policies of Section 3.3, Parks, Recreation and Open Space, of this Plan.

b) Uses permitted within the Parks designation *may* include:

   (i) municipal parks and related *public service facilities;* and

   (ii) outdoor recreation uses.

c) *Development* and s*ite alteration* within the City's Natural Heritage System or within one hundred and twenty (120) m of that system *shall* be subject to the objectives and policies in Section 4.2, Natural Heritage System, of this Plan and the objectives and policies contained in Section 4.4, Water Resources, of this Plan.

d) Within the *City's* Natural Heritage System designation, the following uses *may* be permitted, subject to the other policies of this Plan and to the applicable policies of the Niagara Escarpment Plan:

(i) *existing uses*;

(ii) single-detached dwellings on existing *lots* created under The Planning Act;

(iii) *non-intensive recreation uses* such as nature viewing and pedestrian trails only if the lands are publicly owned or are part of the Bruce Trail. *Non-intensive recreation uses may* be permitted only when *natural heritage features* are preserved to the maximum possible degree; all proposed buildings and structures are minor in scale; minimal parking areas are required*;* and adverse impacts on adjacent land uses are avoided;

(iv) nature preserves owned and managed by a *non-government conservation organization*;

(v) *forest, wildlife and fisheries management*;

(vi) archaeological activities;

(vii) *essential* linear *infrastructure* facilities, subject to Subsection 6.1.2 h) of this Plan;

(viii) *accessory* buildings, structures and facilities, and site modifications to accommodate them;

(ix) *home occupations* and *cottage industries* with a gross floor area not exceeding one hundred (100) sq. m. or twenty-five (25) percent of the residential living area, whichever is lesser, *may* be permitted as an *accessory* use to a single-detached dwelling, provided that the residential appearance of the property is maintained, and subject to the appropriate policies of Subsection 9.1.2 c) of this Plan*;* and

(x) *essential watershed* management and flood and erosion control projects either carried out or supervised by a *public authority.* Stormwater management ponds are not permitted in *Key Natural Features* or in *buffers* to those features.