1.0 INTRODUCTION *D9

This part of the Plan presents the principles, objectives and policies for the land use designations identified on the Settlement Pattern and the Comprehensive Land Use Plan for the Rural Planning Area. The principles, objectives and policies for each land use designation should be read in conjunction with the principles, objectives and policies in other parts of the Plan, where applicable.

2.0 RURAL LANDS *D53

Long-term preservation and protection

The lands identified as "Rural Lands" on Schedule A, Settlement Pattern comprise the majority of the Rural Planning Area of the City of Burlington. To provide for the long-term preservation of natural features and the protection of the rural community as an *agricultural* area, seven categories of land use have been identified on Schedule C, Comprehensive Land Use Plan - Rural Planning Area for "Rural Lands": The Agricultural Rural Area and Greenlands (Non-Escarpment Plan Area) designations are found on lands outside the Niagara Escarpment Plan Area. The Greenlands (Escarpment Plan Area), Escarpment Protection Area, Escarpment Rural Area and Escarpment Urban Area designations are found on lands within the Niagara Escarpment Plan Area. Mineral Resource Extraction Areas are found both within and outside of the Niagara Escarpment Plan Area. Each of these designations are based on the range of uses, the scale and intensity of the *development* allowed, and the degree of preservation of natural features and resources.

The following principles, objectives and policies provide a framework that will guide future *development* and conservation decisions for the "Rural Lands".

2.1 General *D53

2.1.1 Principles

Rural Area character

a) Rural Lands have a distinct character consisting of productive farmlands and other resource industries, characterized by limited residential settlement and natural areas including the Niagara Escarpment and Bronte Creek.

Priority to farming

b) The present and future use of productive *agricultural* lands in the Rural Planning Area for *farming shall* be given priority through the policies of the Plan.

Self-sustaining development

c) *Development* on Rural Lands *shall* be self-sustaining in terms of well water supply and sewage disposal. ***D22, D23**

Protect and preserve

d) Significant natural and *cultural heritage feature*s and *landscapes shall* be *preserved* and protected.

Restrict alteration of wetlands

e) The importance of *wetland* areas *shall* be recognized, with policies that restrict the alteration of the physical and/or biological features present.

Residential to Urban Area

f) New residential *development shall* be directed to the Urban Planning Area, except in those Rural Settlement Areas where limited residential growth can be accommodated. ***D22, D23** OPA 55

Protect agricultural lands

g) *Agricultural* lands *shall* be protected. ***D22, D23**

Provide for Mineral Resource Extraction

h) The designation of new Mineral Resource Extraction areas or a new licence under The Aggregate Resources Act *shall* be provided for, where they can be accommodated in accordance with the policies of this Plan and by amendment to the Niagara Escarpment Plan, Regional Official Plan and this Plan. OPA 55

2.1.2 Objectives

Protect agricultural lands

a) To *encourage* the use and protection of prime *agricultural* areas for *farming* purposes. ***D22, D23**

Non-agricultural development

b) To direct non-*agriculture* related *development* in the Rural Planning Area to Rural Settlement Areas or to the Urban Planning Area, except uses directly related to *agriculture* that need to be close to the *agricultural* community. ***D22, D23**

ESAs and Greenlands

c) To recognize *Environmentally Sensitive Area*s (ESAs) and Greenlands as identified by the Region of Halton and restrict the alteration of physical and/or biological features.

New lots

d) To restrict *lot* creation for residential purposes outside of Rural Settlement Areas. ***D22, D23**

Recreation uses

e) To allow only passive recreational uses that are *compatible* with rural land uses and the preservation of natural features and prime *agricultural* areas. ***D22, D23**

Pits and quarries

f) To recognize existing *pits* and *quarries* that are licensed under the applicable legislation, and to provide for the designation of new Mineral Resource Extraction Areas or a new licence under The Aggregate Resources Act, which can be accommodated in accordance with the policies of this Plan. OPA 55

Self-sustaining

g) To require new *development* to be self-sustaining in terms of well water supply and sewage disposal.

2.1.3 Policies

Self-sustaining development

a) All *development*, unless specifically identified, *shall* be based on self-sustaining well water supply and sewage disposal.

Servicing requirements

b) All *development shall* be required to meet the servicing requirements of the Region of Halton and the Ministry of the Environment.

Settlement Area development

c) Residential *development* in the Rural Planning Area *shall* be directed towards the Rural Settlement Areas of Kilbride, Lowville and Mount Nemo. ***D22, D23**

Agricultural operations

d) Existing *agricultural operation* is a permitted use in all land use designations outside of the Urban Planning Area.

Evaluation criteria

e) Land use *development* proposals *shall* be evaluated using the following criteria, as well as all other applicable policies in Parts II, IV and VI of this Plan: OPA 55

(i) all *development* within the Niagara Escarpment Plan Area *shall* be subject to The Niagara Escarpment Planning and Development Act, the Niagara Escarpment Plan, and the policies of the Region of Halton and City of Burlington Official Plans. In the event of conflicts between policies, the more restrictive *shall* apply;

(ii) all *development* within the Provincial Greenbelt Plan *shall* be subject to The Greenbelt Act, the policies of the Greenbelt Plan, and the policies of the Region of Halton and City of Burlington Official Plans. In the event of conflicts between policies, the more restrictive *shall* apply; OPA 55

(iii) all development within the Parkway Belt West Planning Area *shall* be subject to The Parkway Belt Planning and Development Act, applicable Provincial Land Use Regulations, the Parkway Belt West Plan, and the policies of the Region of Halton and City of Burlington Official Plans. In the event of conflicts between policies, the more restrictive *shall* apply;

(iv) the site is not hazardous to life or property in terms of soil *contamination*, unstable ground or soil, or possible flooding;

(v) the proposed *development* meets all Federal, Provincial, Regional and City requirements;

(vi) the site supports the use with minimal adverse affects on water quality, natural vegetation, soil, and wildlife population of the site;

(vii) all d*evelopment* is to be designed and located having regard for the preservation of the natural and visual features of the area;

(viii) all *development* within areas regulated by Conservation Halton will be subject to the Development, Interference with Wetlands and Alterations to Watercourses and Shorelines Regulation, where applicable; OPA 55

(ix) any new roads, road improvements or service corridors *should* be determined with consideration of environmental features;

(x) the groundwater impacts of the *development* are evaluated; and

(xi) *development* and *re-development* will result in minimum damage to significant trees, wooded areas, and hedgerows, as identified by an *Environmental Evaluation. Development* will also be designed so as to *preserve* the existing open-space setting of the Niagara Escarpment face, as well as all creek and stream valleys in the area. OPA 55

Home Occupations and Cottage Industries

f) The provision of *home occupation*s and *cottage industries shall* be based on the following: OPA 55

(i) in the Greenlands-Escarpment Plan Area designation, *home occupation*s and *cottage industries shall* be confined to the single dwelling or an addition to the dwelling;

(ii) in the other Rural land use designations, *home occupation*s and *cottage industries* as a first option *shall* be *encouraged* to locate in the single dwelling or in an addition to the dwelling, but *may* be conducted in an *accessory building* where the need for the use of a separate building can be justified. The justification for a separate building *shall* demonstrate the following:

i. why the *home occupation* or *cottage industry* cannot be established within the existing single dwelling or in an addition to the dwelling;

ii. that the *home occupation* or *cottage industry* will not result in applications for severance;

iii. that the building size and design will result in minimal visual impact and not alter the rural character of the property;

iv. that wells and septic systems can accommodate the use with minimal impact;

v. that any access and parking requirements can meet engineering and safety standards;

vi. that municipal transportation networks will not be unreasonably affected;

vii. that the *home occupation* or *cottage industry* will retain the existing rural and *agricultural* character of the area and remain incidental and secondary to the principal residential or farm use on the property;

viii. why the *home occupation* or *cottage industry* cannot be appropriately located in a designated Rural Settlement Area.

(iii) *home occupations* or *cottage industries* shall be limited to one *home occupation* or *cottage industry* per lot;

(iv) where the *home occupation* or *cottage industry* is located within the single dwelling or in an addition to the dwelling, not more than 25 per cent of the total floor area including any addition to the dwelling shall be devoted to the use to a maximum of 100 sq. m.;

(v) where the *home occupation* or *cottage industry* is located within an *accessory building*, not more than 100 sq. m. of the building *shall* be devoted to the use;

(vi) where the *home occupation* or *cottage industry* is located in an *accessory building*, the following *shall* apply:

i. the building *shall* be sited in the residential cluster which *shall* generally mean a distance of not more than 30 m from the single dwelling;

ii. the use of a common driveway;

iii. the use of shared residential services where possible (e.g. septic system for domestic waste only, well, parking);

(vii) the *home occupation* or *cottage industry shall* be operated by residents of the household on the *lot*;

(viii) goods or products offered as part of a *home occupation* or *cottage industry* must be produced on the *lot* and not be imported to the property;

(ix) where goods or services are offered, only limited public retail sales from the property *shall* be permitted;

(x) the production, storage or disposal of waste, toxic or hazardous materials is prohibited;

(xi) outdoor storage or display of goods, materials or products *shall* be prohibited;

(xii) the *home occupation* or *cottage industry shall* not interfere with television and radio reception; and

(xiii) only one unlit sign having a maximum size of 0.4 sq. m. identifying the *home occupation* or *cottage industry shall* be permitted on the *lot*.

New/or expanded pits and quarries

g) An amendment to the Plan *shall* be required to allow a new or expanded mineral resource extraction use under The Aggregate Resources Act. Applications for new or expanded mineral resource extraction uses *shall* be subject to the policies of Part II, Section 2.12 of this Plan. OPA 55

Transportation and utilities

h) Transportation and *utility* facilities *shall* be permitted subject to an assessment of the potential effects on existing and future surrounding land uses; other existing and potential future City transportation and *utility* facilities; identified areas of environmental significance, including Escarpment features, stream valleys, hazard land areas, *environmentally sensitive area*s and *wetland*s; and surrounding *agricultural* lands and operations. In the Greenlands (Niagara Escarpment Plan Area) designation, only *essential* transportation and *utility* facilities are permitted. Waste disposal and landfill sites are prohibited in the Niagara Escarpment Plan Area. OPA 55

Recognize specific land uses

i) Notwithstanding the general policies of the Plan, and subject to all applicable municipal by-laws, policies and site plan requirements and *development* criteria of the Niagara Escarpment Plan, the following are permitted:

(i) the operation of a seasonal *campground* with a maximum of 150 campsites on lands located in the northerly half of Lot 24, Concession 2, N.D.S;

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

(iii) the operation of a private, self-sustaining *development* with a maximum of 12 year-round residences and 82 seasonal cottages at the Cedar Springs Community located on Cedar Springs Road. The conversion of seasonal residential dwellings to permanent residences within the Cedar Springs Community *shall* not be permitted;

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

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

(vi) the *development* of the Beaufort Heights area mainly for single-detached dwellings with urban services; and

(vii) the operation of an 18-hole *golf course* at 6621 Guelph Line, including accessory facilities related to the *golf course* use and *accessory land uses* existing as of October 1, 2006. OPA 55

2.2 Agricultural Rural Area Designation *D22, D23, R9

2.2.1 Objectives

Agriculture primary activity

a) To recognize *agriculture* as the primary activity and land use in the Agricultural Rural Area designation.

Long-term preservation

b) To ensure the long-term preservation of *agricultural* use of land as well as the open space character of land in a rural area.

Preserve and maintain

c) To *preserve* productive *agricultural* soils and maintain these lands for existing and future farm use.

Environmental degradation

d) To ensure that rural lands and waters can sustain permitted uses without environmental degradation.

Rural living

e) To *encourage* rural living that is sensitive to the ecological balance, the protection of farmland and the *farming* community.

Prohibit ribbon development

f) To prohibit further ribbon development along all roads outside the Urban Planning Area.

Mineral Resource Extraction

g) To provide for the designation of new Mineral Resource Extraction Areas, which can be accommodated in accordance with the policies of this Plan and by amendment to this Plan. OPA 55

2.2.2 Policies *D22, D23

Basis for designation

a) Lands designated Agricultural Rural Area include areas having rural open space landscape character, and containing *agricultural* lands.

Permitted uses

b) The following uses *may* be permitted within the Agricultural Rural Area:

(i) *agricultural operations* including *accessory buildings, structures*, facilities and dwellings;

(ii) *existing uses*;

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

(iv) dwellings accessory to an *agricultural operation* provided: the farm is operated by a *commercial farmer*; the accessory dwelling is required to house farm help or a retiring farmer; and the accessory dwelling is sited as part of the cluster of existing farm buildings. The accessory dwelling *may* be a mobile or portable home.

(v) forest, wildlife and fisheries management;

(vi) archaeological activities;

(vii) transportation and *utility* facilities;

(viii) *accessory buildings, structures* and facilities (e.g., a garage or farm pond) and site modifications to accommodate them;

(ix) incidental uses (e.g., swimming pools, tennis courts and ponds) and site modifications to accommodate them, provided the impact on the *natural environment* is minimal;

(x) wayside *pits* and *quarries* and portable asphalt plants for the purposes of public road construction;

(xi) businesses that *may* not be related to *agriculture*, provided that: OPA 55

i. their scale is minor and does not change the appearance of the *farming* operation;

ii. their impact such as noise, odour and traffic on surrounding land uses is minimal and will not hinder surrounding *agricultural* uses;

iii. they meet all Regional criteria as stated in the On-Farm Business Guidelines adopted by Regional Council;

(xii) *home occupation*s and *cottage industries* with a gross floor area not exceeding 100 sq. m. or 25 per cent of the residential living area, whichever is lesser; OPA 55

(xiii) *home industries* with a gross floor area not exceeding 200 sq. m; and located on a *commercial farm* and secondary to the *farming* operation; OPA 55

(xiv) retail uses with a gross floor area not exceeding 500 sq. m. if located on a *commercial farm* and secondary to the *farming* operation, and the majority of the commodities for sale, measured by monetary value, produced or manufactured on the farm; OPA 55

(xv) *agricultural*-related tourism uses with a gross floor area not exceeding 250 sq. m. and if located on a *commercial farm* and secondary to the *farming* operation; OPA 55

(xvi) *bed and breakfast* uses with 3 or less guest bedrooms;

(xvii) veterinary clinics serving the *agricultural* community;

(xviii) animal kennels in conjunction with a single-detached dwelling;

(xix) small-scale recycling depots for paper, glass and cans, etc., serving the local community;

(xx) the Bruce Trail;

(xxi) *watershed* management and flood and erosion control projects carried out or supervised by a public agency. OPA 55

Prohibit subdivisions

c) Residential plans of subdivision or condominium *shall* not be permitted.

Prohibit recreational uses

d) *Recreation uses*, except for the Bruce Trail, *shall* not be permitted.

Accessory dwellings

e) Notwithstanding the other policies of this Plan, the maximum number of *dwelling unit*s on a farm *shall* be three.

2.3 Escarpment Rural Area Designation *D22, D23

2.3.1 Objectives

Basis for designation

a) The objectives for this designation include those found in Part IV, Subsection 2.2.1 and the following:

(i) to maintain the scenic values of lands in the vicinity of the Escarpment;

(ii) to maintain the *open landscape character* by encouraging the conservation of the traditional *cultural landscape* and *cultural heritage feature*s;

(iii) to *encourage agriculture* and *forestry* and to provide for *compatible* rural land uses;

(iv) to provide a buffer for the more ecologically sensitive areas of the Escarpment; and

(v) to provide for the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to the Niagara Escarpment Plan.

2.3.2 Policies

a) The lands designated Escarpment Rural Area include *minor Escarpment slope*s and landforms and/or lands in the vicinity of the Escarpment necessary to provide an open landscape, and/or are of ecologic importance to the environment of the Escarpment. OPA 55

Policies

b) The policies for this designation include those found in Part IV, Subsection 2.2.2 with the exception of 2.2.2 b) (iv), (vii), (x), (xi), (xiii), (xiv), (xv) and (xix), and the following: OPA 55

Additional permitted uses

c) Additional uses permitted in the Escarpment Rural Area include: OPA 48

(i) mobile or portable dwellings accessory to an *agricultural operation* subject to the development criteria of the Niagara Escarpment Plan;

(ii) wayside *pits* and *quarries* for the purposes of public road construction; and

(iii) linear transportation and *utility* facilities;

(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* value or interest or where the dwelling is considered to be of provincial or national heritage value or interest and, in the opinion of City Council 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*, and where there is no conflict with all other provisions of this Plan; OPA 55

(v) retail uses with a gross floor area not exceeding 500 sq. m., if located on a *commercial farm* and secondary to the *farming* operation, and provided the majority of the commodities for sale, measured by monetary value, are produced or manufactured on the farm. OPA 55 OPA 74

2.4 Greenlands (Non-Escarpment Plan Area) Designation *R9, D53

2.4.1 Objectives

Long-term preservation and protection

a) To ensure the long-term preservation of lands that form a permanent natural resource base consisting of ecologically sensitive natural areas and open space areas. These lands include most non-Escarpment related natural features, stream valleys, hazard land areas, significant woodlots, *environmentally sensitive area*s, *wetland*s, related significant natural areas and associated *cultural heritage feature*s.

Compatible land uses

b) To maintain and enhance the landscape qualities of non-Escarpment related natural features, stream valleys, hazard land areas, woodlots, *environmentally sensitive area*s, *wetland*s, related significant natural areas and associated *cultural heritage feature*s.

Recreation & conservation

c) To allow only passive recreation and conservation activities which are *compatible* with the Greenlands (Non-Escarpment Plan Area) designation as well as *agricultural* activity. ***D23**

Regional Greenlands

d) To identify lands that comprise the Greenlands System of interconnected open space and natural areas as identified in the Region of Halton's Official Plan.

Protect private lands

e) To protect private lands from public trespass by requiring clear identification of public lands where public access *shall* be *encouraged*.

Restrict access

f) To indicate that the Greenlands (Non-Escarpment Plan Area) designation does not imply or authorize that there *should* be public access or use of private lands.

2.4.2 Policies

Basis for designation

a) Lands designated as Greenlands (Non-Escarpment Plan Area) *shall* meet one or more of the following criteria:

(i) *Areas of Natural and Scientific Interest;*

(ii) significant stream valleys, *wetland*s, woodlots, hazard lands and areas of *wildlife habitat* which are identified as significant based on specific research and studies;

(iii) *Environmentally Sensitive Area*s; and

(iv) *Provincially and Regionally Significant wetland*s.

Permitted uses

b) Uses permitted in the Greenlands (Non-Escarpment Plan Area) designation *may* include:

(i) existing *agricultural operations* within the Greenlands (Non-Escarpment Plan Area) designation will be recognized and can continue. In interpreting the extent of existing *agricultural operations*, the history of such operations will be taken into consideration as well as any role the Greenlands features or functions *may* play in complementing the *farming* activity. The intent of the Greenlands (Non-Escarpment Plan Area) designation on an active farm is not meant to restrict the operation nor to reduce the economic viability of the operation. If requested by the owner, the City will, in consultation with the Region of Halton and the appropriate public agencies as necessary, undertake a site specific evaluation of the effective boundaries of the Greenlands (Non-Escarpment Plan Area) on the property as they apply to the existing *agricultural operation*; OPA 55

(ii) existing uses;

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

(iv) non-intensive recreation uses such as nature viewing and trail activities except motorized vehicle trails or the use of motorized trail vehicles; OPA 55

(v) forest, wildlife and fisheries management;

(vi) archaeological activities;

(vii) *essential* transportation and utility facilities;

(viii) accessory buildings, structures and facilities (e.g., a garage or farm pond) and site modifications to accommodate them;

(ix) incidental uses (e.g., swimming pools, tennis courts) and site modifications to accommodate them, provided the effects on the natural environment are minimal;

(x) *home occupations* and *cottage industries* with a gross floor area not exceeding 100 sq. m or 25 per cent of the residential living area, whichever is lesser; OPA 55

(xi) the Bruce Trail; and

(xii) *essential watershed* management and flood and erosion control projects carried out or supervised by a public authority. OPA 55

Recreation use

c) Non-intensive *recreation uses shall* be permitted only when natural features are *preserved* to the maximum possible degree; all proposed buildings and structures are minor in scale; there are no or minimal parking areas required; and adverse effects on adjacent *agricultural operations* are minimized.

Prohibit subdivisions

d) Residential plans of subdivision or condominium *shall* not be permitted.

Building area

e) Property owners *shall* be *encouraged* to locate *development* outside of the portions of their lands designated as Greenlands (Non-Escarpment Plan Area).

Wetlands and floodplains

f) Notwithstanding Part IV, Subsection 2.4.2 b), no *development shall* be allowed within the portions of the Greenlands (Non-Escarpment Plan Area) designation containing *Provincially Significant Wetland*s as identified through the Ministry of Natural Resources in accordance with Provincial policy, *regulatory floodplains* as identified by Conservation Halton, and areas regulated by Conservation Halton, unless permission has been received by Conservation Halton. OPA 55

Environmental Evaluations

g) The proponent of a *development may* be required to prepare an *Environmental Evaluation* Report for lands in the Greenlands (Non-Escarpment Plan Area) subject to the policies of Part II, Section 2.5 of this Plan, if the *development* would adversely affect the environment. Single-detached dwellings and *agricultural* related uses such as barns and sheds would be exempt from this policy.

Environmentally Sensitive Areas

h) *Environmentally Sensitive Area*s *(ESAs)* are identified as an overlay on Schedule C, Comprehensive Land Use Plan: Rural Planning Area. The precise boundaries of these areas *shall* be determined by the Region of Halton. Specific policies for *ESA*s are:

(i) the alteration of physical and/or biological features *shall* be restricted;

(ii) subject to the requirements of Part IV, Subsection 2.4.2 g) the proponent of any *development*, including public works, inside of or within 60 m of an *ESA* must carry out an *Environmental Evaluation*; and

(iii) the alteration of any condition or land use that *may* affect the *ESA shall* be subject to approval of the appropriate authority, based on site plans submitted by, and agreements entered into with the developer.

Agreements with property owners

i) Property owners and Government and other agencies are *encouraged* to enter into voluntary agreements regarding the protection of natural features.

Identification of public lands

j) The City *shall* request public agencies to provide clear identification of public lands where public access is to be *encouraged*. The protection of private lands from public trespass *shall* be promoted.

2.5 Greenlands (Escarpment Plan Area) Designation *D53

2.5.1 Objectives

OPA 55

Long-term preservation and protection

a) To ensure the long-term preservation of lands that form a permanent natural resource base consisting of ecologically sensitive natural areas and open space areas. These lands include the most natural Escarpment features, stream valleys, hazard land areas, significant woodlots, *environmentally sensitive area*s, *wetland*s, related significant natural areas and associated *cultural heritage feature*s.

Compatible land uses

b) To maintain and enhance the landscape qualities of Escarpment features, stream valleys, hazard land areas, woodlots, *environmentally sensitive area*s, *wetland*s, related significant natural areas and associated *cultural heritage feature*s.

Recreation and conservation

c) To allow only passive *recreation* and conservation activities which are *compatible* with the Greenlands (Escarpment Plan Area) designation as well as *agricultural* activity.

Regional Greenlands

d) To identify lands that comprise the Greenlands System of interconnected open space and natural areas as identified in the Region of Halton's Official Plan.

Protect private lands

e) To protect private lands from public trespass by requiring clear identification of public lands where public access *shall* be *encouraged*.

Restrict access

f) To indicate that the Greenlands (Escarpment Plan Area) designation does not imply or authorize that there *should* be public access or use of private lands.

2.5.2 Policies

Basis for designation

a) Lands designated as Greenlands (Escarpment Plan Area) *shall* meet one or more of the following criteria: OPA 55

(i) escarpment slopes and related landforms associated with the underlying bedrock which is in a relatively natural state;

(ii) where forest lands abut the Escarpment, lands extending 300 m back from the brow of the Escarpment slope;

(iii) *Areas of Natural and Scientific Interest;*

(iv) significant stream valleys, *wetland*s, woodlots, hazard lands and areas of *wildlife habitat* which are identified as significant based on specific research and studies;

(v) *Environmentally Sensitive Area*s; and

(vi) *Provincially and Regionally Significant wetland*s.

Policies

b) The policies for this designation are found in Part IV, Subsection 2.4.2, except as follows. OPA 55

Niagara Escarpment Parks Plan

c) Uses permitted in Park or Open Space Master/Management Plans are also permitted, provided they are not in conflict with the Niagara Escarpment Plan. OPA 55 OPA 74

Second dwelling unit

d) Notwithstanding subsection a) above, a second single dwelling is permitted on an existing *lot* of record provided the following conditions are met: OPA 55

(i) there is no other designation on the *lot* where the dwelling can be sited;

(ii) there is an existing dwelling designated and an easement agreement registered under The Ontario Heritage Act for a dwelling of local *cultural heritage* value or interest or where the dwelling is considered to be of provincial or national *cultural heritage* value or interest;

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

(iv) there is no conflict with all other provisions of this Plan; and

(v) within areas regulated by Conservation Halton, permission has been received by Conservation Halton.

More than one designation

e) Where a *lot* is located in more than one designation, *development shall* be located on that portion of the *lot* located in the least restrictive designation, except where it is evident that the impact of *development* on the Escarpment environment would be reduced by locating the *development* on a portion of the *lot* located in a more restrictive designation.

2.6 Escarpment Protection Area Designation *D23

2.6.1 Objectives

Open landscape

a) To maintain and enhance the *open landscape character* of Escarpment features.

Buffer Escarpment

b) To provide a buffer to prominent Escarpment features.

Maintain natural areas

c) To maintain natural and *cultural heritage* areas and features of local and regional significance.

Encourage uses

d) To *encourage agriculture* and *forestry*.

2.6.2 Policies

Basis for designation

a) Lands designated as Escarpment Protection Area meet one or more of the following criteria:

(i) escarpment slopes and related landforms where existing land uses have significantly altered the *natural environment* (e.g., *agricultural* lands or residential development);

(ii) areas that are close to Escarpment slopes and related landforms which are visually part of the landscape; and

(iii) Regionally Significant *Areas of Natural and Scientific Interest.*

Permitted uses

b) The following uses *may* be permitted in the Escarpment Protection Area:

(i) *agricultural operations* including *accessory buildings, structures*, facilities;

(ii) *existing uses*;

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

(iv) mobile or portable dwellings accessory to an *agricultural operation* will be subject to the development criteria of the Niagara Escarpment Plan;

(v) forest, wildlife and fisheries management;

(vi) archaeological activities;

(vii) transportation and *utility* facilities;

(viii) *accessory buildings, structures* and facilities (e.g., a garage or farm pond) and site modifications to accommodate them;

(ix) incidental uses (e.g., swimming pools, tennis courts and ponds) and site modifications to accommodate them, provided the impact on the *natural environment* is minimal;

(x) uses permitted in Park or Open Space Master/Management Plans which are not in conflict with the Niagara Escarpment Plan; OPA 74

(xi) *home occupation*s and *cottage industries* with a gross floor area not exceeding 100 sq. m. in a *dwelling unit* or in an addition to a *dwelling unit*, to a maximum of 25 per cent of the residential living area, whichever is the lesser, and 125 sq. m. if the use is located in an *accessory building* to the dwelling; OPA 55

(xii) *home industries* with a gross floor area not exceeding 200 sq. m. and located on a *commercial farm*; OPA 55

(xiii) veterinary clinics serving the *agricultural* community;

(xiv) animal kennels in conjunction with a single-detached dwelling;

(xv) small-scale recycling depots for paper, glass and cans, etc., serving the local community;

(xvi) the Bruce Trail;

(xvii) commercial uses that meet all of the following criteria: the use is *accessory* to and located on a *commercial farm* and secondary to the *farming* operation; the retail component has a gross floor area not exceeding 250 sq. m; and the majority of the goods for sale, measured by monetary value, were produced or manufactured on the farm; and the buildings, structures and facilities are designed and located to minimize the impact on the *agricultural* use, adjacent land use and the rural *open landscape character*; OPA 55

(xviii) *bed and breakfast* uses with three or less guest bedrooms; OPA 7

(xix) 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* value or interest or where the dwelling is considered to be of provincial or national *cultural heritage* value or interest and, in the opinion of City Council the allowance of the second single dwelling is the only viable way to *preserve* the local, provincial or national *cultural heritage* value or interest of the existing single dwelling on the *lot*, and where there is no conflict with all other provisions of this Plan; OPA 55

(xx) *watershed* management and flood and erosion control projects carried out or supervised by a public agency; OPA 55

(xxi) nature preserves owned and managed by an approved conservation agency; OPA 55

(xxii) 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 incidental facilities necessary to support these uses on approximately 7.1 hectares of land described as Parts 1, 2 and 3, Plan 20R-15247 located on Part 18, Concession 1, North of Dundas Street. OPA 55

Prohibit subdivisions

c) Residential plans of subdivision or condominium *shall* not be allowed.

Accessory dwellings

d) Notwithstanding the other policies of this Plan, the maximum number of *dwelling unit*s on a farm *shall* be three.

Comments on Park Plans

e) The City of Burlington will provide comments to the Niagara Escarpment Commission and the appropriate management agency regarding permitted uses proposed in Park or Open Space Master or Management Plans for lands within the Niagara Escarpment Park and Open Space System.

2.7 Escarpment Urban Area Designation OPA 55

2.7.1 Objective

Objective

a) To minimize the impact and further encroachment of urban growth on the Escarpment environment.

2.7.2 Policies

Residential policies

a) The policies of Part III, Section 2.0, Residential Areas, of this Plan *shall* apply, as well as the following additional policies.

Development criteria

b) Proposed uses and the creation of new *lots may* be permitted subject to conformity with Part 2, Development Criteria, of the Niagara Escarpment Plan.

Urban design

c) All *development should* be of an urban design *compatible* with the visual and *natural environment* of the Escarpment. Where appropriate, provision for adequate setbacks and screening *should* be required to minimize the visual impact of urban development on the Escarpment landscape.

New development

d) New *development shall* not encroach into the Greenlands (Escarpment Plan Area) or Escarpment Protection Areas.

New Lots

e) New *lots shall* not be created to include the Greenlands (Escarpment Plan Area) or Escarpment Protection Areas.

New Lots

f) New *lots may* include the Greenlands (Escarpment Plan Area) or Escarpment Protection Areas designation under the following circumstances:

(i) correcting conveyances;

(ii) where the land is in the Greenlands (Escarpment Plan Area) or Escarpment Protection Area has, or is to be, acquired by a public body or an approved conservation organization;

(iii) enlarging existing *lots* provided that no further fragmentation of the Greenlands (Escarpment Plan Area) or Escarpment Protection Area would result and provided there is sufficient area in the Escarpment Urban Area to accommodate the proposed development.

Public access

g) Adequate public access to the Escarpment *should* be provided by such means as parking areas, walkways or pedestrian trails (e.g. the Bruce Trail).

Compatibility

h) *Development* proposals *should* be *compatible* with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with Part 2.12 of the Niagara Escarpment Plan.

Compatibility

i) Growth *should* be *compatible* with and provide for the protection of unique ecologic areas, *wildlife habitat*s, streams and water supplies and other *environmentally sensitive area*s both inside and adjacent to the Escarpment Urban Area.

2.8 Mineral Resource Extraction Area *D53

2.8.1 Objectives

Existing licensed areas

a) To protect legally existing *pits* and *quarries* licensed under The Aggregate Resources Act from *incompatible* land uses.

Minimize impacts

b) To minimize the potential for *incompatibilities* between impact of mineral resource extraction and the rural community.

Rehabilitation

c) To ensure the progressive *rehabilitation* of *pits* and *quarries* to an appropriate after-use that is *compatible* with the applicable Plan designation, the surrounding environment and *existing uses*.

Escarpment environment

d) To minimize the impact of mineral extraction operations on the Escarpment environment.

Open space and agricultural

e) To *encourage* the *rehabilitation* of *pits* and *quarries* to an *agricultural* after-use if the lands are located in an *agricultural* area or to be integrated into the Niagara Escarpment Parks and Open Space System, where appropriate.

Non-permanent land use

f) To recognize that Aggregate Extraction is a non-permanent land use that will, in the long term, be replaced by another appropriate land use. OPA 55

2.8.2 Policies

Permitted uses

a) The following uses *may* be permitted within the Mineral Resource Extraction Area:

(i) *agricultural operations* including *accessory buildings, structures* and facilities;

(ii) *existing uses*;

(iii) mineral aggregate extraction operations *licensed* under The Aggregate Resources Act;

(iv) forest, fisheries and wildlife management;

(v) archaeological activities;

(vi) *recreation uses* subject to the requirements of Part IV, Subsection 2.8.2 d);

(vii) *essential utility* and transportation facilities;

(viii) *accessory buildings* and facilities normally associated with the mineral resource extraction operation, such as small scale offices, or crushing and washing facilities, but excluding asphalt plants; concrete plants, brick manufacturing plants and other similar uses;

(ix) incidental uses and site modifications to accommodate them, provided the impact on the *natural environment* is minimal;

(x) uses permitted in a Park or Open Space Master or Management Plan which are not in conflict with the Niagara Escarpment Plan, if the land is located within the Niagara Escarpment Parks and Open Space System;

(xi) *watershed* management, and flood and erosion control projects carried out or supervised by a public authority;

(xii) notwithstanding the other policies of this Plan, a brick manufacturing plant provided: the greater part of the materials used come from the licensed area; and the lands are located outside of the Niagara Escarpment Plan Area or if the lands are located within the Niagara Escarpment Plan Area and an amendment has been made to the Niagara Escarpment Plan to permit the use; and

(xiii) the Bruce Trail.

Hydrogeo-logical studies

b) The City *shall* support the undertaking of hydrogeological studies in accordance with Provincial legislation and policies of the Region of Halton and Conservation Halton to ensure that surface and ground water resources are protected from the adverse effects of mineral resource extraction.

Rehabilitation

c) The City *shall* require the progressive *rehabilitation* of mineral resource extraction areas for an appropriate after-use. OPA 55

Recreation use

d) *Recreation uses shall* be permitted only when buildings and structures are minor in scale, and are located to *preserve* an open-space character in the area; landscaping and berms are provided to maintain an open-space character of the area; if the use involves significant taking of ground or surface waters, the proponent must demonstrate, through a detailed study and to the satisfaction to the City, that the water resources in the general area will not be adversely affected and the impact on adjacent *agricultural operations* is minimized, through the preparation of an Agricultural Impact Assessment to the satisfaction of the Region of Halton.

Natural ecosystem

e) Where *rehabilitation* is being undertaken by reforestation, the after use *shall* aim to re-establish a functioning *ecosystem* similar in condition to the natural *ecosystem* in the region.

Agricultural after use

f) Where *rehabilitation* is being undertaken to *agriculture*, substantially the same acreage and average soil capability for *agriculture shall* be restored.

3488 Tremaine Road

g) Notwithstanding Part IV, Subsections 2.1.1 (c) and 2.1.2 (g), the use of lands located at Part of Lots 1 and 2, Concession 1, N.D.S., (3488 Tremaine Road) for mineral resource extraction shall be permitted 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. OPA 51

3.0 RURAL SETTLEMENT AREAS

The lands identified as "Rural Settlement Area" on Schedule A, City Structure Land Use Plan have also been identified on Schedule C, Comprehensive Land Use Plan - Rural Planning Area. These lands comprise the areas of Kilbride, Lowville and Mount Nemo and represent locations in the Rural Planning Area where residential, commercial and institutional development *shall* be located. The population capacity for each of these Rural Settlement Areas is estimated to be approximately: Kilbride, 900 persons, Mount Nemo, 300 persons and Lowville, 325 persons.

The following principles, objectives and policies provide a framework that *shall* guide future development for Rural Settlement Areas:

3.1 Principles

Compatible with surroundings

a) Growth and development within Rural Settlement Areas *shall* be *compatible* with and provide protection for the *natural environment* and have regard for existing settlement patterns.

Areas for limited development

b) Rural Settlement Areas *shall* provide limited opportunities for rural, non-farm residences, commercial and institutional uses within the Rural Planning Area.

No expansion

c) Expansion of the Rural Settlement Areas *shall* not be permitted.

3.2 Objectives

Limited residential growth

a) To provide limited opportunities for rural, non-farm residences in certain rural communities where most future residential growth will take place.

Non-farm uses

b) To direct rural, non-farm uses, including small-scale commercial and *industrial development* servicing *agriculture* and the rural community, as well as small-scale public uses such as postal outlets, maintenance buildings, and small meeting halls, to Settlement Areas. OPA 55

Groundwater impacts

c) To ensure the impacts on groundwater supplies of Rural Settlement Area *development* are evaluated and considered.

3.3 General Policies

Land Use Plans

a) Settlement Area lands are identified on Schedule G: Kilbride Settlement Area Land Use Plan; Schedule H: Lowville Settlement Area Land Use Plan; and Schedule I: Mount Nemo Settlement Area Land Use Plan. Lands within these areas are subject to policies of the Plan and the appropriate development criteria of The Niagara Escarpment Plan.

Self-sustaining development

b) All development *shall* be self-sustaining with individual well water supply and sewage disposal systems. The City *shall encourage* the use of water conservation measures towards ensuring contained sustainability of services.

Minimum lot size

c) The minimum *lot* size *shall* be 0.8 ha or as determined by site-specific hydrogeological studies, whichever is the greater. OPA 55

Minimum lot size-plan of subdivision

d) The minimum *lot* size involving proposals for the creation of two 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 Rural Servicing Guidelines. Applications for the creation of two or more *lots shall* require the submission of plan of subdivision or condominium.

Minimum lot size-consent

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 resources.

Hydrogeo-logical studies

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.

Non-residential uses

g) A non-residential use within a Settlement Area is not to exceed a gross floor area of 500 sq. m and *shall* need a hydrogeological study, if required by the Region of Halton.

Road standards

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

Storm water drainage

i) Proposals for plans of subdivision or condominium are to 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, the need for a functional storm water drainage plan and report *shall* also be requested in conjunction with applications for land conveyance.

Preserve natural features

j) *Development* proposals *shall* ensure to the maximum possible degree the preservation of significant natural features including wooded areas, *watercourse*s, *groundwater recharge areas, valley lands* and existing hedgerows.

Road construction

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.

Kilbride storm water drainage

l) Within the Kilbride Settlement Area, the western section of the Settlement Area is imperfectly drained due to a *shall*ow 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 would risk the water supply of existing homes in this location. Further *development* in this area must be supported by technical studies.

Tree planting

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

3.4 Residential Land Use Policies

Single-detached development

a) Single-detached dwellings within plans of subdivision and condominium is the preferred form of *development.* The creation of new *lots* through land conveyances *may* be considered when a plan of subdivision or condominium is not in the public interest.

Dwelling size

b) Maximum dwelling sizes *may* be determined by City Council based on hydrogeological concerns and consideration of land use *compatibility* and other factors.

Lot size and setbacks

c) The minimum *lot* width is 60 m. The minimum front yard setback is 10 m. The minimum side yard setback *shall* be 5 m. For corner *lots* a yard abutting a street *shall* be at least of 10 m.

Setback from Mineral Extraction Areas

d) Dwellings on lands next to a Mineral Resources Extraction Area *shall* be located no closer than 50 m from the Mineral Resources Extraction Area property. Dwellings on lands separated by an existing road from a Mineral Resources Extraction Area *shall* be located no closer than 15 m from the deemed road width.

Home Occupations and Cottage Industries

e) *Home occupation*s and *cottage industries* are permitted as an *accessory use* to a single-detached dwelling, provided the residential appearance of the property is maintained and subject to the policies of Part IV, Subsection 2.1.3 f). OPA 55

Bed and Breakfast uses

f) *Bed and Breakfast homes shall* be permitted.

3.5 Commercial Land Use Policies

Basis of designation

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

New commercial areas

b) An amendment to the Plan *shall* be required to allow Commercial *development* at new locations.

Commercial locations

c) New Commercial uses *shall* be *encouraged* to locate near existing Commercial uses.

Servicing requirements

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

Off-street parking

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

Design requirements

f) Building design for Commercial uses must 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.

3.6 Institutional Land Use Policies

Basis of designation

a) The Institutional land use designation provides that only low-intensity public and private uses related to health, welfare, educational, religious and governmental activities are permitted. A *dwelling unit* or a single-detached dwelling *may* also be permitted within this land use.

New institutional uses

b) An amendment to the Plan is required to allow institutional *development* at new locations.

Institutional locations

c) New institutional uses are *encouraged* to locate near existing Institutional uses. An amendment *may* be required for the expansion of an existing institutional use.

Servicing requirements

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

Off-street parking

e) Institutional uses are required to provide sufficient off-street parking for associated traffic.

Design requirements

f) Building design for institutional uses must 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.

3.7 Parks, Greenlands and Open Space Land Use Policies

Settlement Area and City Parks

a) Kilbride and Lowville Parks are intended to provide open space areas for residents in each Settlement Area as well as other City residents.

Kilbride Park

b) The expansion of Kilbride Park to include adjacent Bronte Creek lands *shall* be *encouraged*.

Additional open space

c) Additional open space areas within each Settlement Area *shall* be *encouraged* where natural features are found that would provide new open space areas.

Basis of designation

d) The Open Space designation applies to lands that are flood-susceptible, are within defined creek valleys, have rock outcrops or wooded areas, or are imperfectly drained due to *shall*ow depth of overburden.

Basis of designation

e) The Greenlands designation applies to lands that are designated "Escarpment Natural Area" in the Niagara Escarpment Plan. Expansions of *existing uses* in the Greenlands designation *shall* be subject to Part II, Development Criteria, Section 2.3, Existing Uses, of the Niagara Escarpment Plan. OPA 55

Encroachment

f) There *shall* be no encroachment of *development* or major landscape alteration on Open Space and Greenlands lands.

Public ownership

g) Lands in the Open Space and Greenlands designations *shall* not necessarily be acquired in public ownership. Where new *development* is proposed, lands within this designation *shall* not normally be accepted as part of required parkland dedication for park purposes as permitted under The Planning Act.

Permitted uses

h) Uses permitted in the Parks, Greenlands and Open Space designations *shall* be the same as uses permitted in Part IV, Section 2.5 of this Plan.