

Land Use Policies - Rural Area



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Land Use Policies -
Rural Area

LAND USE POLICIES - RURAL AREA

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LAND USE POLICIES - RURAL AREA

This chapter of the Plan contains the objectives and policies for the Rural Area and for its specific land use designations. The objectives and policies are to be read in conjunction with the objectives and policies in other parts of the Plan.

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.

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*.

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- d) To protect, improve or restore the quality and quantity of *ground* and surface *water resources*.
- 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 *secondary dwelling units* in appropriate locations within the Rural Area, subject to certain conditions and standards, in order to increase the supply of housing options in the Rural Area.
- 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 shown 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, cottage industries, bed and breakfast homes, animal kennels, veterinary clinics, horticultural trade uses, agriculture-related uses ,on-farm diversified uses or non-intensive recreation uses are 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 unacceptable adverse impacts on adjacent *agricultural operations* or other surrounding land uses, on the rural character of the area, or on *infrastructure or traffic*, or *negative impacts* on the *natural environment*;
 - (ii) *should* be located within or adjacent to the existing *building cluster* and utilize existing driveways and parking areas;
 - (iii) *shall* be serviced by private on-site water and waste water systems 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

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- (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* be located within one hundred and twenty (120) m of a municipal road and *shall* not exceed one (1) ha in area. The *development envelope shall* 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*, and have no *negative impacts* on *natural features and areas* or their *ecological functions* or on *sensitive surface water features* or *sensitive groundwater features*.
- 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) Notwithstanding the other policies of this Plan, a single *secondary dwelling unit may* be permitted on an existing *lot* containing a single-detached dwelling provided that:
 - (i) it is not located in the Escarpment Natural Area or the Escarpment Protection Area as identified in the Niagara Escarpment Plan, in a *Key Natural Feature* in the Greenbelt Natural Heritage System or in the City's Natural Heritage System, or in a Mineral Resource Extraction Area;
 - (ii) it is contained within the existing dwelling or an addition to it or within an existing *accessory building or structure* located within the existing *building cluster* on the *lot*;
 - (iii) it is not located within *hazardous lands* and there is flood-free access;
 - (iv) it will not have unacceptable adverse impacts on nearby *agricultural operations*, other surrounding land uses or the rural character of the area, or *negative impacts* on the *natural environment*; and
 - (v) adequate parking will be provided on site and the *secondary dwelling unit* will be serviced by a private, individual on-site well water supply and a private, individual on-site waste water treatment system that

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conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards.

- h) Where a *secondary dwelling unit* may be permitted on an existing *lot* under Subsection 9.1.2 g) of this Plan:
 - (i) the gross floor area of the *secondary dwelling unit* shall be subordinate in size to the primary dwelling on the *lot*;
 - (ii) the *secondary dwelling unit* shall not be located in a *group home* or a single dwelling functioning as a *bed and breakfast home*; and
 - (iii) a *cottage industry, veterinary clinic, agriculture-related use* or *on-farm diversified use*, other than a *home occupation*, shall not be permitted within the *secondary dwelling 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, buildings and *accessory* facilities existing prior to the expansion;
 - (iv) will be serviced by private on-site water and waste water systems that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;
 - (v) will have adequate on-site parking;
 - (vi) will not have unacceptable adverse impacts, including, but not limited to: adverse impacts on adjacent *agricultural operations* or other surrounding land uses, the rural character of the area, *infrastructure* or traffic; unacceptable risks to public health, safety, or property; or *negative impacts* on the Natural Heritage System or water resources; and
 - (vii) if the use is located within the Greenbelt Plan Protected Countryside Area as shown on Schedule A-1: Provincial Land Use Plans and Designations, it will bring the use more into conformity with the Greenbelt 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.

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- 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) *Development and site alteration* within the Rural Area *shall* be subject to the following Provincial Plans as well as the objectives and policies of this Plan:
- (i) The Niagara Escarpment Plan;
 - (ii) The Greenbelt Plan; and
 - (iii) The Parkway Belt West Plan.
- Schedule A-1: Provincial Land Use Plans and Designations, of this Plan, shows the boundaries of those Plans and their land use designations.
- n) New *golf courses* and golf driving ranges, and expansions to existing *golf courses* and driving ranges requiring additional land, are not permitted.
- o) To support *agriculture* and the rural community, short-term special events that bring people together to participate in activities, *may* be permitted on a *lot* subject to the other policies of this Plan, provided that the following criteria are met:
- (i) the special events are related to and secondary to a *commercial farm operation, an agriculture-related use or an on-farm diversified use*;
 - (ii) the special events occur on a *lot* that is owned by and part of a *commercial farm operation*, and is located outside of a the Rural Settlement Area;
 - (iii) no more than six (6) special events are held per year;
 - (iv) sufficient and appropriate traffic management and on-site parking are provided;

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- (v) adequate and appropriate on-site water and waste-water services that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards are provided;
 - (vi) the special events are *compatible* with surrounding land uses;
 - (vii) the special events are not held within the Escarpment Natural Area or within a *Key Natural Feature* or within thirty (30) m of a *Key Natural Feature*; and
 - (viii) the special events will be in compliance with *City* and other public agency approvals, as applicable.
- p) Notwithstanding Subsection 9.1.2 o) of this Plan, special events held for the primary purpose of supporting a registered charitable organization are permitted on a *lot* provided that the criteria in Subsections 9.1.2 o) iii) to viii) are met, to the satisfaction of the *City*.
- q) *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.

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

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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 Burlington community. The economic viability of *farming* is central to the future of rural Burlington. The stewardship activities of farmers protect the Agricultural Land Base while providing important environmental benefits, protecting natural heritage and water resources.

The *Agricultural System* includes: the Agricultural Land Base; *farm operations*; the *natural environment* (soils, climate and water) that farmers depend on; the network of businesses that provide the goods and services needed by farmers and that buy, store, package and process farm products; the *infrastructure* of roads and other services required by modern *farming*; government programs and regulations; and the inter-relationships among them.

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.

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 Burlington's *Prime Agricultural Areas*, as shown 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 *agriculture-related 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 development of a strong network of businesses and services needed 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) The Agricultural Land Base is identified on Schedule J: Agricultural Land Base – Rural Area, of this Plan. It consists 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* shown 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) 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 promoted and supported within these areas as part of the *Agricultural System*. *Agricultural uses, agriculture-related* and *on-farm diversified uses* are permitted in accordance with the policies of this Plan.
- c) The Agricultural Land Base includes lands identified as *Prime Agricultural Area* as shown on Schedule J: Agricultural Land Base-Rural Area, of this Plan.

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Those parts of the Agricultural Land Base identified as *Prime Agricultural Area* are also subject to the policies of Subsection 9.2.4 of this Plan.

- d) The Prime Agricultural Areas for the Growth Plan for the Greater Golden Horseshoe as identified by the Province are shown on Schedule J-1: Prime Agricultural Areas for the Greater Golden Horseshoe, of this Plan.
- e) Within the Prime Agricultural Areas for the Growth Plan for the Greater Golden Horseshoe, the policies of the applicable Provincial Plans as shown on Schedule A-1: City System - Provincial Land Use Plans and Designations *shall* apply as follows, in addition to the policies of this Plan:
 - (i) within the Greenbelt Plan Protected Countryside Area, the policies of the Greenbelt Plan *shall* apply. This Plan *may* contain policies that are more stringent than the requirements of the Greenbelt Plan, but may not be more restrictive than Sections 3.1 and 4.3.2 of the Greenbelt Plan; and
 - (ii) within the Niagara Escarpment Plan Boundary, 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.

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.

- f) *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 shown 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;

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- (iv) requiring that new land uses, including the creation of *lots*, and new or expanding livestock facilities within the Agricultural Land Base comply with the provincially developed *MDS formulae*. The Region’s Livestock Facility guidelines will be used to:
 - a. clarify the application of the *MDS formulae*;
 - b. provide further guidance to improve the co-existence of livestock facilities and non-farm uses; and
 - c. 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, but broadened in scope to address impacts on the *Agricultural System*.
- (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 effects* 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 other policies of this Plan, the applicable policies of the Greenbelt Plan and Niagara Escarpment Plan, the following uses *may* be permitted within the Agricultural Area designation:
 - (i) all types, sizes and intensities of *agricultural operations*;
 - (ii) *normal farm practices*;
 - (iii) *existing uses*;
 - (iv) one single-detached dwelling on an existing *lot*, provided that the requirements of Subsection 9.1.2 d) of this Plan are met and 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;

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- (v) notwithstanding Subsection 9.2.3 a) (iv) a *dwelling unit accessory* to a *commercial agricultural operation*, provided that the *accessory dwelling*:
- a. is required to house full-time *farm help*;
 - b. is located in or adjacent to the existing *farm building cluster* and utilizes the existing road access to the *farm building cluster*;
 - c. notwithstanding Subsection 9.1.2 f) of this Plan, is serviced by either a private, individual on-site well water supply system and a private, individual on-site waste water treatment system, or by private, on-site water and waste water systems shared with the primary dwelling on the property, that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;
 - d. if located within the Niagara Escarpment Plan Area is temporary and is mobile or portable or is located within an existing *farm building* or structure; and
 - e. 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*.

- (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;

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- (ix) *accessory buildings or structures*;
- (x) *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;
- (xi) *bed and breakfast homes* with three (3) or fewer guest bedrooms;
- (xii) *veterinary clinics*, only if located on lands owned by and part of a *commercial agricultural operation*, secondary to the *agricultural operation*, and serving primarily the *agricultural community*;
- (xiii) *animal kennels*, only if located on lands owned by and part of a *commercial agricultural operation*, *accessory* to the *agricultural operation*, and in conjunction with a single-detached dwelling;
- (xiv) *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;
- (xv) 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;
- (xvi) *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;
- (xvii) the following uses only if located on lands owned by and part of a *commercial agricultural operation* and secondary to the existing *agricultural operation*:
 - a. *home industries* with a gross floor area not exceeding two hundred (200) sq. m.;
 - b. retail uses with a gross floor area not exceeding five hundred (500) sq. m. and with the majority of the commodities for sale, measured by monetary value, produced or manufactured on the farm;
 - c. *agriculture-related tourism uses* with a gross floor area not exceeding five hundred (500) sq. m.;
 - d. *small-scale businesses* that provide supplementary income to the *agricultural operation* provided that:
 - i. their *scale* is minor and does not substantially alter the appearance of the *agricultural operation*;

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- ii. their adverse impacts such as noise, odour and traffic on surrounding land uses are not significant;
 - iii. they will not hinder or unacceptably adversely impact on surrounding *agricultural operations*; and
 - iv. they meet all Regional criteria as stated in the On-Farm Business Guidelines adopted by Regional Council.
- e. *horticultural trade* uses provided that:
- i. the use meets all the criteria under Subsection 9.2.3 a) (xvii), d. of this Plan;
 - ii. the farm property accommodating the use is at least four (4) ha in size;
 - iii. at least seventy (70) percent of the arable area of the farm property accommodating the use is dedicated to the growing of horticultural plants;
 - iv. the use is located within the existing farm *building cluster*, with only minor rounding out of the farm *building cluster* permitted provided that there are no *tree* removals;
 - v. the gross floor area for the use does not exceed five hundred (500) sq. m;
 - vi. the outdoor storage area for the use does not exceed one thousand (1,000) sq. m; and
 - vii. the use meets the criteria set out in Subsection 9.1.2 b) of this Plan.

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* shown on Schedule J: Agricultural Land Base – Rural Area, of this Plan, include lands in the *City's* Agricultural Area and Natural Heritage System designations. Together these lands support and advance the goal to maintain a permanently secure, economically viable *agricultural industry* and to preserve the open space character and landscape of the Rural Area.

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- 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*:
 - (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 resources;
 - (vi) alternative locations have been evaluated and demonstrated to be unsuitable;
 - (vii) there are no reasonable alternatives that avoid *Prime Agricultural Areas* as shown 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 shown on Schedule I: Land Use – Rural Area, of this Plan, and include 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 shown 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 shown 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 health and 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*.

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- 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 Features, Buffers and Linkages* as shown on Schedule M: The Natural Heritage System, of this Plan. The areas shown as *Enhancements to the Key Features, Buffers and Linkages* 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*

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Natural Heritage System, *agricultural operations* are considered to be *compatible* and complementary uses and are supported.

- c) The following uses *may* be permitted within the *City's* Natural Heritage System, subject to other policies of this Plan and to the applicable policies of The Greenbelt Plan and The Niagara Escarpment Plan:
- (i) existing *agricultural operations* within:
 - a. the Escarpment Natural Area; and
 - b. *Key Natural Features*.
 - (ii) all types, sizes and intensities of *agricultural operations* 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) *normal farm practices*;
 - (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 Subsection 9.3.2 c) (v) 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 required to house full-time *farm help*;
 - b. is located in or adjacent to the existing *farm building cluster* and utilizes the existing road access to the *building cluster*;
 - c. notwithstanding Subsection 9.1.2 e) of this Plan, is serviced by either a private, individual on-site well water supply system and a private, individual on-site waste water treatment system, or by private, on-site water and waste water systems shared with the primary dwelling on the property, that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards;
 - d. if located within the Niagara Escarpment Plan Area is temporary and is mobile or portable or is located within an existing farm building or structure; and

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- e. 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 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*;
- (viii) *accessory uses (and site modifications to accommodate them)*;
- (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 unacceptable 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 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;

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- (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;
- (xvii) within the *City's* Natural Heritage System, the following *agriculture-related uses* and *on-farm diversified* uses only if on lands owned by and part of a *commercial agricultural operation* and *accessory* to the *farming* operation and located outside the Escarpment Natural Area and outside the *Key Natural Features*, other than those areas where the only *Key Natural Feature* is a significant earth science *area of natural and scientific interest*:
 - a. *home industries* with a gross floor area not exceeding two hundred (200) sq. m.;
 - b. retail uses with a gross floor area not exceeding five hundred (500) sq. m. and the majority of the commodities for sale, measured by monetary value, produced or manufactured on the farm;
 - c. *agricultural-related tourism uses* with a gross floor area not exceeding five hundred (500) sq. m.;
 - d. small-scale businesses that provide supplementary income to the *agricultural* operation, provided that:
 - i. their *scale* is minor and does not substantially alter the appearance of the *agricultural* operation;
 - ii. their adverse impacts such as noise, odour and traffic on surrounding land uses are minimal;
 - iii. they will not hinder or unacceptably impact on surrounding *agricultural operations*; and
 - iv. they meet all Regional criteria as stated in the On-Farm Business Guidelines adopted by Regional Council;
 - e. *horticultural trade* uses provided that:
 - i. the use meets all the criteria under Subsection 9.3.2 (xviii) d. of this Plan;
 - ii. the farm property accommodating the use is at least four (4) ha in size;

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- iii. at least seventy (70) percent of the arable area of the farm property accommodating the use is dedicated to the growing of horticultural plants;
 - iv. the use is located within the existing farm *building cluster*, with only minor rounding out of the *building cluster* permitted provided that there are no *tree* removals;
 - v. the gross floor area for the use does not exceed five hundred (500) sq. m.;
 - vi. the outdoor storage area for the use does not exceed one thousand (1,000) sq. m.;
 - vii. the use including buildings, outdoor storage, parking areas, and loading/unloading zones is adequately screened from neighbouring properties and public highways; and
 - viii. the use can be accommodated by the private water supply and waste water treatment systems located on the property.
- f. *veterinary clinics* serving primarily the *agricultural* community;
 - g. *animal kennels* in conjunction with a single-detached dwelling; and
 - h. *bed and breakfast homes* with three (3) or less guest bedrooms.

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 Areas 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 private, individual on-site well water supply and sewage disposal systems. 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

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Practices for Groundwater Protection. Applications for the creation of two (2) or more lots *shall* require the submission of a plan of subdivision or condominium.

- 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 Area *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 *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.
- 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) *Secondary dwelling units*, including *garden suites*, *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) *secondary dwelling unit*;
 - (ii) a secondary dwelling unit *may* be located within or above an *accessory building or structure* where the building or structure also contains a garage or covered vehicle parking area associated with the principal residence on the same property;

- (iii) a *secondary dwelling unit* shall not be permitted within *hazardous lands* and shall have flood-free access;
- (iv) the *secondary dwelling unit* is *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;
- (v) adequate parking will be provided on site and the *secondary dwelling unit* will be serviced by a private, individual on-site well water supply and a private, individual on-site waste water treatment system that conform to Regional By-laws and standards, and to Provincial legislation, regulations and standards; and
- (vi) 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 *site 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*;

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- (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 unacceptable 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.