

VOLUME 2, CHAPTER A – RURAL SETTLEMENT AREA PLANS

The Rural Settlement Area designation on Schedule D – Rural Land Use Designations comprises those areas outside the Urban Area which are intended to be residential and community service centres that serve *Rural Hamilton*. The following policies set out a general framework for land use designations that apply to varying degrees to each Rural Settlement Area as set out in Section 2 of Volume 2 for Rural Settlement Area Secondary Plan.

A.1.0 GENERAL POLICIES

1.1 Objectives

- 1.1.1 To direct rural non-farm development such as rural residential, institutional and commercial development serving the rural area, to the Rural Settlement Areas, to reduce the impact on rural resources, agriculture, natural environment features within *Rural Hamilton*.
- 1.1.2 To provide centres for *small scale* personal and professional services and commercial uses that are designed and intended primarily to serve the consumer needs of the residents of *Rural Hamilton*.

1.2 General Policies

- 1.2.1 The purpose of a Rural Settlement Area Secondary Plan is to provide a policy framework to guide future *development* and redevelopment of individual Rural Settlement Areas.
- 1.2.2 The following policies apply to all nineteen Rural Settlement Areas identified and designated on Schedule D – Rural Land Use Designations.
- 1.2.3 The predominant use of land in Rural Settlement Areas shall be single detached residential development. *Small scale* commercial uses, parks, institutional uses serving the rural community, such as schools and places of worship, may also be permitted, as set out in the following policies, and Schedules and Maps of Volume 2 this Plan.
- 1.2.4 *Development* in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:
- a) Within the Rural Settlement Areas, *development* shall be of a height, density, area and nature to be compatible with the existing built environment;
 - b) All *development* shall be required to obtain approval from the City for servicing. Any *development* shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan, and in no case shall a proposed new lot be less than one acre; and (OPA 26)
 - c) The *development* shall comply with the Natural Heritage System Policies, Section C.2.0, Volume 1 of this Plan.

- 1.2.5** No future expansion to any Rural Settlement Area boundary shall be permitted.
- 1.2.6** New residential development which is dependent upon a new public road or extension to an existing public road shall only proceed on the basis of a Plan of Subdivision.
- 1.2.7** Where policies of the Copetown and Greensville Rural Settlement Area Plans conflict with the policies of Volume 2, Section A.1.0, General Policies, the policies of the Rural Settlement Area Plans shall prevail.
- 1.2.8** To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to *conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites* and the overall settlement character.
- 1.2.9** To *conserve* the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.

LAND USE POLICIES AND DESIGNATIONS

1.3 Settlement Residential

- 1.3.1** On lands designated Settlement Residential, residential uses are limited to single detached dwellings, small scale residential care facilities, and *small scale* institutional uses shall be permitted subject to the policies of this Plan. (OPA 26)
- 1.3.2** Garden suites may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:
- a) The water and sewage disposal services available on the site are designed and have the capacity to sustain the uses;
 - b) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and
 - c) The owner enters into an agreement and posts financial securities with the municipality to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law. (OPA 26) (OPA 33)
- 1.3.3** Notwithstanding Policies C.3.1.2 d) and C.3.1.4 c) of Volume 1, a *garden suite* or a *secondary dwelling unit* shall not be permitted in the Rural Settlement Areas of Carlisle, Greensville, Freulton and Lynden until such time as the City:
- a) has completed a study to address the adequacy of sustainable servicing policies of Section C.5 to address these uses; and,

- b) has developed and implemented appropriate policies and regulations for these uses. (OPA 26) (OPA 30) (OPA 33)

1.3.4 *Home business* uses are permitted subject to Section C.3.1.2 a) of this Plan.

1.3.5 *Bed and breakfast establishments* are permitted subject to Section C.3.1.2 b) of this Plan.

1.3.6 Small scale institutional uses that serve the rural community may be permitted in the Settlement Residential designation subject to the following policies:

- a) A Zoning By-law amendment and Site Plan approval shall be required to permit the institutional use, and address any other appropriate matters; and
- b) Any new proposed institutional development may be permitted provided the following conditions and criteria are met:
 - i) Landscaping screening and/or buffering shall be provided between an institutional use to mitigate impacts on all other adjacent uses;
 - ii) Adequate off street parking areas shall be provided and access points to such areas shall be limited in number and design in a manner which will minimize danger to vehicular traffic in the immediate area; and
 - iii) Any proposed institutional development shall provide evidence that the use will primarily serve the rural community.

1.4 Settlement Commercial

1.4.1 On lands designated Settlement Commercial on Map 1 through Map 19, *small scale* commercial, professional or personal service uses primarily related to the needs of the residents in the Rural Settlement Area and the surrounding Rural Area shall be permitted subject to the following conditions:

- a) Commercial uses of a size and nature to serve the needs primarily of the local residents in the Rural Settlement Area and its surrounding rural area, and do not rely on passing, or through vehicular traffic; and
- b) Land within a Rural Settlement Area may be redesignated to permit a new Settlement Commercial use by an Official Plan amendment, a Zoning By-law amendment, and Site Plan approval. A proposed Settlement Commercial use may be considered provided the following conditions and criteria are met:
 - i) Landscaping screening and/or buffering to mitigate impacts shall be provided between the commercial use and all other adjacent uses;
 - ii) Adequate off street parking areas shall be provided and access points to such areas shall be limited in number and design in a manner which will minimize danger to vehicular traffic in the immediate area; and

- iii) The proposed use has frontage on a road primarily designed for through traffic.

1.5 Settlement Institutional (OPA 9)

1.5.1 On lands designated Settlement Institutional on Map 1 to Map 19, places of worship, schools, libraries, community centres and similar uses that are related to the needs of the residents in the Rural Settlement Area and the surrounding Rural Area may be permitted subject to the following:

- a) New Settlement Institutional uses or the enlargement of existing Settlement Institutional uses shall be subject to Site Plan approval. Site plans shall ensure that traffic impacts are minimized and that building designs and massing are complementary to the existing built environment.
- b) The City shall encourage the conservation of existing institutional buildings where appropriate, especially the adaptation of existing structures for new uses by amendment to this plan and the Zoning By-law if required.
- c) Additional lands may be designated Settlement Institutional by amendment to this Rural Settlement Area Plan, subject to the justification for the need of the use and compatibility with the surrounding uses.

1.6 Open Space and Parks

1.6.1 City owned Parks and Open Spaces within the Rural Settlement Areas have been classified and designated as Neighbourhood Park, Community Park, City Wide Park, General Open Space and Natural Open Space on Map 1 through Map 19 and are subject to Section C.3.3, Open Space policies of this Plan.

1.6.2 Privately owned Open Space lands have been designated as General or Natural Open Space and are subject to Section C.3.3.

1.7 Natural Open Space (Hazard Lands) (OPA 9)

1.7.1 Natural Open Space (Hazard Lands) designated on Map 1 through Map 19 are lands which have inherent environmental hazards such as flooding, erosion susceptibility, soil instability or any other physical conditions which are severe enough to cause property damage or potential loss of life on the subject lands, or to upstream or downstream lands within the watershed, if these lands were to be used or developed or *site alteration* takes place inappropriately.

1.7.2 The uses permitted in Natural Open Space (Hazard Lands) shall be limited to conservation, forestry, fish and wildlife management areas, low intensity or passive public or private recreational uses, and uses legally *existing* at the time of the approval of this Plan. Buildings and structures associated with these lands will not be permitted unless they are intended for flood and, or erosion control and meet the requirements of the City and the appropriate Conservation Authority.

1.7.3 No *development*, including the placement or removal of fill, new buildings and structures or other works associated with flood or erosion control, shall be

permitted without the written approval of the appropriate Conservation Authority.

- 1.7.4** The City shall work with the appropriate Conservation Authority to refine the boundaries of Natural Open Space (Hazard Lands). An amendment to this Plan shall not be required for changes to Natural Open Space (Hazard Lands) boundaries which are in accordance with regulations subject to the appropriate Conservation Authority.
- 1.7.5** All lots abutting a Natural Open Space (Hazard Lands) which are subject to Conservation Authority regulations shall require specific Zoning By-law regulations regarding lot area and setbacks from the associated hazard. These requirements may be reduced by a Zoning By-law amendment, subject to the requirements of the appropriate Conservation Authority and the City.
- 1.7.6** Privately held lands designated as Natural Open Space (Hazard Lands) shall not be considered as free and open to the general public, nor will designation as Natural Open Space (Hazard Lands) imply that such lands will necessarily be acquired by a public authority.

1.8 Implementation

- 1.8.1** Secondary Plans including Rural Settlement Area Plans are subject to the policies of Section F, Implementation of Volume 1 of this Plan.