

A.3.0 FLAMBOROUGH RURAL SETTLEMENT AREA PLANS

3.1 Carlisle Rural Settlement Area Plan

The following text and maps constitute the Carlisle Rural Settlement Area Plan.

3.1.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Carlisle Rural Settlement Area.

3.1.2 Location

The Carlisle Rural Settlement Area is generally located at the intersection Centre Road and Carlisle Road in the City of Hamilton.

3.1.3 Land Use Designations

3.1.3.1 Map 4 establishes the land use pattern of future *development* and redevelopment of Carlisle. There are eight land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park, Community Park, Parkette, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)

3.1.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.1.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.1.4 Other Policies

3.1.4.1 All subdivision development shall be serviced by the communal water system as approved by the City of Hamilton and the Ministry of the Environment.

3.1.4.2 Lots created by severance may hook into the communal water system; alternatively, said lot(s) may be served by an individual well, subject to approval by the City and the Province.

3.1.5 Prohibited Uses (OPA 9)

3.1.5.1 The following uses shall be prohibited on properties identified as Vulnerable Area 1 on Schedule G – Source Protection – Vulnerable Areas and Map 4a of Volume 2: (OPA 26)

a) Waste Disposal sites under Part V of the Environmental Protection Act that include the following activities:

- i) Storage, treatment and discharge of mine tailings;
- ii) Land farming of petroleum refining waste;
- iii) Storage of polychlorinated biphenyl (PCB) waste;
- iv) Storage of hazardous waste;

- v) Application of untreated septage to land; and
 - vi) Injection of liquid waste into a well.
- b) Hazardous waste management facility;
 - c) Waste management facility;
 - d) Salt storage facility that can accommodate 5,000 tonnes and greater;
 - e) Snow storage facility on sites greater than 1 ha in size;
 - f) Motor vehicle service station; and
 - g) Motor vehicle collision repair establishment.

3.1.5.2 The following uses shall be prohibited on properties identified as Vulnerable Area 2 on Schedule G – Source Protection – Vulnerable Areas:

- a) Waste Disposal sites under Part V of the Environmental Protection Act that include the following activities:
 - i) the injection of liquid waste into a well.

3.2 Concession 5 East and Centre Road Rural Settlement Area Plan

The following text and maps constitute the Concession 5 East and Centre Road Rural Settlement Area Plan.

3.2.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Concession 5 East and Centre Road Rural Settlement Area.

3.2.2 Location

The Concession 5 East and Centre Road Rural Settlement Area is located at the intersection Concession 5 East and Centre Road in the City of Hamilton.

3.2.3 Land Use Designations

3.2.3.1 Map 5 establishes the land use pattern of future *development* and redevelopment. There are four land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional and City Wide Park. (OPA 9)

3.2.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.2.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.2.4 Other Policies

3.2.4.1 No new *development* shall proceed until such time as a hydrogeological study is completed to the satisfaction of the City.

3.2.5 Site Specific Areas

3.2.5.1 For lands known municipally as 715 Centre Road identified as Site Specific Area 1 on Map 5, the following policies apply:

a) Notwithstanding Section A.1.3, Volume 2 of this Plan, on the lands designated Settlement Residential, municipally known as 715 Centre Road, which consists of 27.25 hectares (67.34 acres), a school, church and cemetery complex may be developed.

b) In addition, *development* of this site will only proceed on the basis of a connection to the municipal water supply paid for in full by the proponent. Further costs incurred to provide necessary upgrades to the municipal water supply system to facilitate this new institutional complex will also be paid for by the proponent. Finally, any costs specifically associated with the future expansions/improvement of the municipal water supply and/or wastewater sewer systems to allow expansion of the complex or to remediate septic system or water supply problems will be the responsibility of the proponent.

3.3 Flamborough Centre Rural Settlement Area Plan

The following text and maps constitute the Flamborough Centre Rural Settlement Area Plan.

3.3.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Flamborough Centre Rural Settlement Area.

3.3.2 Location

The Flamborough Centre Rural Settlement Area is generally located at the intersection of Centre Road and Concession 6 East in the City of Hamilton.

3.3.3 Land Use Designations

3.3.3.1 Map 6 establishes the land use pattern of future *development* and redevelopment of Flamborough Centre. There are six land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)

3.3.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.6, Volume 2 of this Plan.

3.3.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.3.4 Site Specific Areas (OPA 11)

3.3.4.1 In addition to the uses permitted in the Settlement Residential designation, for the lands known municipally as 917 Centre Road and identified as Site Specific Area 1 on Map 6, a warehouse (self-storage facility) shall also be permitted.

3.4 Freelton Rural Settlement Area Plan

The following text and maps constitute the Freelton Rural Settlement Area Plan.

3.4.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Freelton Rural Settlement Area.

3.4.2 Location

The Freelton Rural Settlement Area is located at Highway No. 6 North, Brock Road and Regional Road No. 97 in the City of Hamilton.

3.4.3 Land Use Designations

3.4.3.1 Map 7 establishes the land use pattern of future *development* and redevelopment of Freelton. There are eight land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Community Park, General Open Space, Neighbourhood Park, Parkette and Natural Open Space (Hazard Lands). (OPA 9)(OPA 26)

3.4.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.4.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.4.4 Other Policies

3.4.4.1 *Development* in Freelton shall proceed on the basis of a communal water system in part of the Carriage Heights Subdivision and by individual wells where otherwise approved by the City and the Province.

3.4.5 Prohibited Uses (OPA 9)

3.4.5.1 The following uses shall be prohibited on properties identified as Vulnerable Area 1 on Schedule G – Source Protection – Vulnerable Areas and Map 7a of Volume 2: (OPA 26)

a) Waste Disposal sites under Part V of the Environmental Protection Act that include the following activities:

- i) Storage, treatment and discharge of mine tailings;
- ii) Land farming of petroleum refining waste;
- iii) Storage of polychlorinated biphenyl (PCB) waste;
- iv) Storage of hazardous waste;
- v) Application of untreated septage to land;
- vi) Injection of liquid waste into a well.

b) Hazardous waste management facility;

- c) Waste management facility;
- d) Salt storage facility that can accommodate 5,000 tonnes and greater;
- e) Snow storage facility on sites greater than 1 ha in size;
- f) Motor vehicle service station; and
- g) Motor vehicle collision repair establishment.

3.4.5.2 The following uses shall be prohibited on properties identified as Vulnerable Area 2 on Schedule G – Source Protection – Vulnerable Areas:

- a) Waste Disposal sites under Part V of the Environmental Protection Act that include the following activities:
 - i) The injection of liquid waste into a well; and
 - ii) Application of untreated septage to land.
- b) Waste disposal facility.

3.4.6 Site Specific Areas

3.4.6.1 Notwithstanding Policy C.5.1.1 c) of Volume 1, for the lands located at 34 11th Concession Road East and 1800 Highway 6, designated “Settlement Residential” and identified as “Site Specific Area 1” on Map 7 – Freelon Rural Settlement Area Plan, a total of 20 residential lots ranging from 0.2 ha to 0.35 ha in lot area shall be permitted. (OPA 24)

3.5 Greensville Rural Settlement Area Plan

The following text and maps constitute the Greensville Rural Settlement Area Plan.

3.5.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Greensville Rural Settlement Area.

3.5.2 Location

The Greensville Rural Settlement Area is generally located at the intersection of at Highway No. 8 between Weirs Lane and Ofield Road South in the City of Hamilton.

3.5.3 General Development Policies

3.5.3.1 New *development* in the Greensville Rural Settlement Area Plan Area shall be integrated and compatible with the *existing* community through the following general policies which apply to all land use designations.

3.5.3.2 The predominant land use of newly developable areas shall be single detached dwellings. Related community facilities such as parks, schools and libraries shall be provided as required on lands designated appropriately.

3.5.3.3 *Development* shall generally occur through the subdivision process. Infilling of a minor nature may also be permitted through consent.

3.5.3.4 If and when the Niagara Escarpment Development Control Area is removed, the City will initiate, through an appropriate amendment to the Zoning By-law, appropriate development standards for the implementation of this Plan.

3.5.3.5 Development shall take place in accordance with Map 8a of this Rural Settlement Area Plan. Regard shall also be had to the other Schedules and relevant policies in other sections of this Plan.

3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.

3.5.4 Land Use Designations

3.5.4.1 Map 8a establishes the land use pattern of future *development* and redevelopment of Greensville. There are eight land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park, Community Park, General Open Space, Open Space and Parks and Natural Open Space (Hazard Lands). (OPA 9)

3.5.4.2 Any *development* or redevelopment must conform to the relevant policies of the Niagara Escarpment Plan and Volume 1 of this Plan, in addition to the policies in this Rural Settlement Area Plan.

3.5.5 Settlement Residential

Those lands designated Settlement Residential on Map 8a may be permitted to be developed for residential purposes in accordance with the following policies:

- 3.5.5.1 In order to provide guidelines to determine the extent and density of residential *development* that can be sustained without degradation of the ground and surface waters within and outside the Rural Settlement Area Plan boundary, a Comprehensive Servicing Study shall be undertaken. The study shall include a comprehensive examination of the quality and quantity of ground and surface water and shall establish future growth of Greenville. The study shall review the existing information available and update that information to meet present day awareness of water resource impacts.
- 3.5.5.2 The Terms of Reference for such a study shall be developed by the City in consultation with the Ministry of the Environment, the Niagara Escarpment Commission, the Ministry of Natural Resources and the Hamilton Conservation Authority. This does not commit public agencies to funding the study. Funding may come partially or totally from land owners who benefit from the study. In the interim, *development* shall take place in accordance with Section A.3.5.13, of Volume 2.
- 3.5.5.3 The predominant form of residential *development* shall continue to be the single detached dwelling.
- 3.5.5.4 Residential *development* in the Rural Settlement Area Plan area shall predominantly take place by registered Plan of Subdivision. Plans of Subdivision shall comply with the land use designations and policies of this Rural Settlement Area Plan. Infilling by the consent process may be permitted where the size and location of a property precludes it from being developed by Plan of Subdivision or in conjunction with another Plan of Subdivision and where it will not interfere with existing or future *development*.
- 3.5.5.5 *Development* of residential areas shall be integrated with parks, open space and school sites. To achieve this integration, consideration shall be given, in the *development* process, to potential walking and bicycle trails to connect residential areas with parks, open space and schools.
- 3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- 3.5.5.7 New residential *development* shall be integrated and compatible with the *existing* residential character. In this respect, when *development* occurs adjacent to or as infilling in existing areas, the bulk, mass and height shall be similar to that of existing residential uses. In addition, consideration shall be given to the use of increased setbacks, screening and buffering to minimize any adverse impacts on *existing development*.
- 3.5.5.8 Where new residential *development* is proposed in proximity to an *existing* railway line, the proponent shall consult with the railway and carry out any required noise and vibration study, the results of which shall recommend necessary noise and vibration attenuation measures in accordance with provincial and railway standards. Such attenuation measures may include but not necessarily be limited to:

- a) Building setbacks from the source;
- b) Acoustical barriers such as berms, walls, topographical features or other intervening structures;
- c) Spatial separation, such as the insertion of sound-insensitive uses, between the source and receivers; and
- d) Sound-proofing measures and construction techniques, the layout and design of structures and outdoor recreational space with respect to the noise source.

3.5.5.9 Where new residential *development* is proposed in proximity to a stream or creek the proponent of the *development* shall consult with the Ministry of Natural Resources to determine the location of a 30 metre setback from the bank as established by the Ministry of Natural Resources, the Conservation Authority, and the Natural Heritage System policies of Section C.2, Volume 1 of this Plan.

3.5.5.10 Where new residential *development* is proposed in proximity to industry including the *existing* aggregate heavy industrial use to the north, the proponent of the *development* shall consult with appropriate public agencies and carry out any necessary studies to determine if the proximity to such industry may be offensive to the enjoyment of property by *existing* and future residents, or impact on the operations or expansions of *existing* industrial users, by reason of emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

3.5.5.11 In accordance with appropriate provincial regulations and guidelines, distance separations and/or warning clauses and any other measures identified in the reports may be required through the subdivision or consent approval process.

3.5.6 Settlement Commercial

Lands shown as Settlement Commercial on Map 8a may be used for commercial purposes in accordance with the following policies.

3.5.6.1 Settlement Commercial uses are those which are intended to service the Rural Settlement Area. Permitted uses include convenience commercial and professional and personal services related to the needs of the Rural Settlement Area residents and the nearby rural community.

3.5.6.2 Automotive service stations may be permitted on lands designated Settlement Commercial subject to an appropriate amendment to the Zoning By-law which establishes adequate building setbacks, landscaping and buffering provisions and other design criteria which mitigate negative impacts on the residential community.

3.5.6.3 It is recognized that other commercial uses exist but are not specifically identified as Settlement Commercial, such as antique shops and art galleries, which do not directly serve the Rural Settlement Area but contribute to the character of the Rural Settlement Area and, therefore, shall be permitted to continue. Any expansion or change in use shall be permitted only by Zoning By-law amendment.

3.5.6.4 Council may consider the designation of additional Settlement Commercial lands by amendment to this Rural Settlement Area Plan, subject to the following provisions:

- a) The proposed use services the needs of the Rural Settlement Area residents;
- b) The proposed use is compatible with surrounding development;
- c) Off-street parking and buffering can be adequately provided;
- d) Access points shall be limited in number and located to minimize traffic hazards and impacts on residential areas; and
- e) Adequate water and sewage disposal systems are available to service the proposed use in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services in Volume 1 of this Plan.

3.5.7 Settlement Institutional

Lands designated Institutional on Map 8a may be used for schools, churches, libraries, public halls and similar uses subject to the following policies:

3.5.7.1 The *existing* institutional uses shall continue to serve the needs of Greensville Rural Settlement Area residents. The City shall encourage the conservation of existing institutional buildings, especially the adaptation of *existing* structures for new uses.

3.5.7.2 Additional lands may be designated Settlement Institutional by amendment to this Rural Settlement Area Plan, subject to the justification for the need for the use and compatibility with the surrounding uses.

3.5.7.3 Institutional uses shall, wherever possible, be integrated with parks and open space and other institutional land uses.

3.5.8 Open Space and Parks

Lands designated Open Space and Parks on Map 8a shall be used for passive and active recreational uses and facilities in accordance with Section C.3.3, Parks and Open Space, in Volume 1 of this Plan.

3.5.8.1 Through the subdivision agreement as permitted, the City shall encourage the proponents of new *development* to preserve trees and other mature vegetation where feasible.

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

Those lands designated as Natural Open Space (Hazard Lands) on Map 8a generally consist of natural systems and their component parts such as *wetlands*, watercourses, floodplains, ravines and valleys. Due to these characteristics, Natural Open Space (Hazard Lands) have inherent environmental constraints such as flooding or erosion susceptibility, soil instability or any other physical condition which is severe enough to cause property damage or potential loss of life to upstream or downstream lands within the watershed, if these lands were to be developed. Uses permitted on Natural Open Space (Hazard Lands) are limited to conservation, forestry, agriculture,

horticultural nurseries, fish and wildlife management areas, low intensity or passive type public or private recreational uses, and uses legally existing on July 16, 1990, subject to the following policies:

- 3.5.9.1 It is intended that Natural Open Space (Hazard Lands) will be conserved and that land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, will be prohibited in and adjacent to these areas.
- 3.5.9.2 No *development*, including the placing or removal of fill shall be permitted without the written approval of the Hamilton Region Conservation Authority.
- 3.5.9.3 However, buildings, structures or other works associated with flood or erosion control, drainage or watercourse protection may be permitted if such works are approved by the Conservation Authority. Buildings and structures associated with these uses will not be permitted unless they are intended for flood and erosion control and meet the requirements of the City, the Hamilton Region Conservation Authority and the Niagara Escarpment Commission.
- 3.5.9.4 Natural Open Space (Hazard Lands) shall be appropriately identified in the Zoning By-law. All lots which may abut a watercourse or its tributaries shall be subject to specific Zoning By-law regulations regarding lot area and setbacks from the watercourse and its tributaries. These requirements may be reduced, by amendment to the Zoning By-law, subject to the requirements of the Hamilton Region Conservation Authority, the Niagara Escarpment Commission, the Province and the City.
- 3.5.9.5 The City recognizes that, in some cases, the use of storm water management techniques may be appropriate on lands subject to flooding conditions, in order to remove the flooding condition or reduce it to a level where, with appropriate flood proofing measures, *development* may be possible. Where such undertakings are proposed, the City may consider *development* proposals subject to an amendment to this Plan and Zoning By-law, and subject to the approval of the Hamilton Region Conservation Authority and the Niagara Escarpment Commission.
- 3.5.9.6 Where an *existing* structure in the Natural Open Space (Hazard Lands) designation is destroyed in a manner not related to the inherent physical or hazardous characteristics of the lands, permission may be granted by the City to permit the structure to be rebuilt on the site. In this regard, the City as well as the Ministry of Natural Resources, the Hamilton Region Conservation Authority and the Niagara Escarpment Commission, must be satisfied that the new structure will not be endangered by the prevailing hazard, specific to the site.
- 3.5.9.7 Any privately held lands delineated 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.
- 3.5.9.8 Severances shall not be permitted on Natural Open Space (Hazard Lands) except where required to allow the undertaking of works associated with flood or erosion control or for drainage or watercourse protection or the conservation of land.

3.5.10 Source Protection – Vulnerable Areas (OPA 9)

3.5.10.1 The following uses shall be prohibited on properties identified as Vulnerable Area 1 on Schedule G – Source Protection – Vulnerable Areas and Map 8c of Volume 2: (OPA 26)

- a) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:
 - i) Storage, treatment and discharge of mine tailings;
 - ii) Land farming of petroleum refining waste;
 - iii) Storage of polychlorinated biphenyl (PCB) waste;
 - iv) Storage of hazardous waste;
 - v) Application of untreated septage to land; and
 - vi) Injection of liquid waste into a well.
- b) Hazardous waste management facility;
- c) Waste management facility;
- d) Salt storage facility that can accommodate 5,000 tonnes and greater;
- e) Snow storage facility on sites greater than 1 ha in size;
- f) Motor vehicle service station; and
- g) Motor vehicle collision repair establishment.

3.5.10.2 The following uses shall be prohibited on properties identified as Vulnerable Area 2 on Schedule G – Source Protection – Vulnerable Areas:

- a) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:
 - i) The injection of liquid waste into a well; and
 - ii) Application of untreated septage to land.
- b) Waste disposal facility.

3.5.11 Transportation

3.5.11.1 It is the City's intent to encourage a safe and efficient transportation system for the Greensville Rural Settlement Area through the policies in this section and Schedule B.16-2 of the former Town of Flamborough Official Plan.

- 3.5.11.2 The road system in the Rural Settlement Area Plan area consists of provincial Highway No. 5, Highway No. 8 (formerly a provincial highway), Brock Road and a number of municipal roads.
- 3.5.11.3 Highway No. 8 and Highway No. 5 carry traffic from and through the Rural Settlement Area Plan area. *Development* adjacent to these roads shall be reviewed by the City. Direct access onto these roads shall not be permitted.
- 3.5.11.4 Arterial roads, such as Brock Road provide access to provincial highways and other parts of the City. Direct access for residential lots onto arterial roads will be discouraged. The City shall give consideration to reverse frontage lots and joint accesses in development plans. The minimum right-of-way for arterial roads shall be 32 metres (105 feet).
- 3.5.11.5 Municipal roads consist of collector roads and local streets.
- a) Collector roads gather the traffic from residential areas and distribute it to the provincial and arterial roads. Collector roads may be constructed in the Rural Settlement Area Plan area at locations shown on Schedule B.16-2 of the former Town of Flamborough Official Plan. Minor alterations to these roads shall not require an amendment to this Plan. The City shall endeavour to secure a minimum right-of-way width of 26 metres (86 feet) for collector roads.
 - b) Local streets provide access to individual residential lots. The location of local streets shall be determined as Plans of Subdivision are approved. The minimum right-of-way shall be 20 metres (66 feet). Of particular importance to the phasing of *development* in the Rural Settlement Area Plan area shall be the provision of adequate access points of local roads to both arterial and collector roads.
- 3.5.11.6 The proponent of any development which proposes access to Weir's Lane, shall undertake an analysis of the anticipated traffic impact on Weir's Lane. The analysis shall be subject to the approval of the City who may require improvements to Weir's Lane in the subdivision approval process.

3.5.12 Storm Water Management

- 3.5.12.1 It is the intent of this Rural Settlement Area Plan that existing storm water drainage systems continue to serve the Rural Settlement Area Plan area and that a master storm water drainage study be completed. A master storm water drainage study can become part of the comprehensive servicing study.
- 3.5.12.2 The City shall give consideration to the impact the proposed *development* may have on the *existing* storm drainage systems, on *existing* or other proposed development up or down stream, and the effects of peak flows on major watercourses and ecological systems. The master storm water drainage study shall have regard to the possible impacts upon Spencer Creek, which contains a significant warm-water fishery. Methods described in the drainage study shall ensure that the Department of Fisheries and Oceans objective of no net loss of fish habitat shall be applied.
- 3.5.12.3 A master storm water drainage plan shall be completed for the Rural Settlement Area Plan area by an independent engineer and approved by the City.

Alternatively, storm water drainage plans may be prepared for the Major Development Areas shown on Map 8b in consultation with the Ministry of Natural Resources.

3.5.12.4 Storm water drainage shall be provided in accordance with the conclusions of the master storm water drainage study or alternative storm water drainage plans. New *development*, prior to the preparation of a master drainage plan, will be required to have site specific storm water management plan including details of water quality and peak flows. In any event, storm water management works for all *development* will be subject to approval pursuant to the Ontario Water Resources Act.

3.5.12.5 Channelization and drainage work required shall be the financial responsibility of the affected landowner. Any proposed work must be submitted for approval under the Lakes and Rivers Improvement Act of the Ministry of Natural Resources.

3.5.12.6 A limited amount of *development* may be considered on a site specific basis prior to the completion of a storm water management plan, provided that such *development* is incorporated into the storm water management plan when it is completed.

3.5.13 Servicing

3.5.13.1 It is the intent of this Rural Settlement Area Plan that *development* of the Rural Settlement Area Plan area be based on private or communal water and private sewage disposal systems, and with Municipal solid waste collection.

3.5.13.2 *Development* in the Rural Settlement Area Plan area may occur on the basis of private water supply or a communal water system, approved by the City.

3.5.13.3 *Development* shall take place on private sewage disposal systems.

3.5.13.4 Residential *development*, by Plan of Subdivision or by consent to sever, shall be based upon a professional hydrogeologic and soils study, prepared and reported to the satisfaction of the Province, the City, and the Niagara Escarpment Commission. Such a hydrogeologic study shall include, but not necessarily be limited to, the percolation rate and grain size distribution of the soil, the amount of overburden to the depth of at least seven feet, the depth of the water table if less than 10 feet, and an impact assessment of the proposed subdivision or consent on the local water resources. The assessment must consider both on-site and off-site impacts related to the quantity and quality of water. All *development* shall be permitted only in accordance with the results of the study and on lots capable of accommodating a Class 4 (septic tank and tile bed) or Class 6 (aerobic) septic system including an area equal to the original tile bed area which is left free of *development* or hard surfaces to provide for a replacement tile bed in the event of failure to the original system, as determined by the City. Residential *development* is subject to conformity with policies in Sections A.3.5.12.5 to A.3.5.12.9 inclusive, and A.3.5.13, Volume 2 of this Plan.

3.5.13.5 The purpose of the study outlined in Section A.3.5.12.4 Volume 2 is to ensure that an adequate supply of potable water is available to service the proposed development, and that there will be no unacceptable adverse effect on the

quality and quantity of ground and surface waters as a result of the proposed development.

In this regard, test wells shall be established and these wells along with existing wells shall be monitored for a period of two years after 10 out of the 12 units are occupied, (or a shorter period as determined by the Ministry of the Environment and the City).

- 3.5.13.6 A monitoring program for test wells and existing wells as determined by the Province shall include, but not necessarily be limited to existing conditions before construction, conditions during the construction process as specified in the subdivision agreement and for a period of two years after 10 out of 12 of the units are occupied, (or for a shorter period as determined by the Province and the City).
- 3.5.13.7 If the monitoring program of the wells reveals detrimental impacts on the water supply in the surrounding area, mitigation measures to minimize such impacts will be proposed by the developer. The mechanisms for implementing the mitigation measures will be identified and carried out to the satisfaction of the City, the Province, and the Niagara Escarpment Commission. The monitoring program shall include, where deemed necessary by the Province, the impacts of *development* on the quality of down gradient streams and waterbodies.
- 3.5.13.8 The carrying out of the monitoring program work shall be the responsibility of property owners/developers.
- 3.5.13.9 The City shall encourage electrical, telephone, cable and gas servicing to be placed underground.
- 3.5.13.10 Consideration shall be given to the effects of the installation of utilities, roads and services on buildings, sites and areas of historical, architectural, scenic or archaeological importance prior to the approval of such installation.

3.5.14 Development Phasing

- 3.5.14.1 In order to provide guidelines for the extent and density of residential *development* that can be sustained without unacceptable degradation of the ground and surface waters, development phasing is based on the need to proceed slowly and cautiously and the need to monitor the impact of new development on existing wells in accordance with Sections A.3.5.13.4, A.3.5.13.6, A.3.5.13.7, and A.3.5.13.8 of Volume 2 of this Plan. In this regard, a maximum of 12 lots in Plans of Subdivision shall be draft approved and registered in each of the Major Development Areas as shown on Map 8b. (OPA 41)
- 3.5.14.2 Before a second phase of an additional maximum 12 lots shall be draft approved in each of the three Major Development Areas, the Province and the City shall be satisfied that there are no outstanding problems related to the servicing or impacts on surface or ground water created by Phase 1 and, that Phase 2 can proceed without causing any unacceptable impacts on the ground and surface waters. The modification or delay of *development* on one of the Major Development Areas shall not preclude Phase 2 from proceeding in other Development Areas. Phase 3 of *development* shall not occur until after the Comprehensive Servicing Study referred to in Sections A.3.5.5.1 and A.3.5.5.2

of Volume 2 of this Plan, has been completed and approved by the City in consultation with the Ministry of the Environment, the Niagara Escarpment Commission, the Ministry of Natural Resources and the Hamilton Conservation Authority.

- 3.5.14.3 In addition to the phases of *development* in the Major Development Areas, a maximum of five dwellings per year from the July 16, 1990 shall be permitted on new lots created by consent or Plan of Subdivision throughout the Greensville Rural Settlement Area.
- 3.5.14.4 In determining the lots that shall proceed as part of the phasing of *development*, the City shall consider *development* which represents a contiguous and logical extension of the *existing* built-up community within the boundary of Greensville and areas least likely to pollute ground and surface water.
- 3.5.14.5 For consents and Plans of Subdivision in the yearly quota, the City will consider *development* which represents infilling or a contiguous and logical extension of the *existing* built-up community within the boundary of Greensville and areas least likely to pollute ground and surface water. *Development* created through consents and Plans of Subdivision in the yearly quota will be located so as not to interfere with future *development*.
- 3.5.14.6 The proponent of *development* shall monitor each annual allocation of lots in relationship to *existing development* and shall submit a report to the City for approval prior to assumption of the subdivision proving that there are no detrimental effects on *existing development*.
- 3.5.14.7 If at any time, there is a reported and proven detrimental effect on the quantity or quality of the water supply to *existing development*, further allocations of lots shall not be approved unless and until the problem is rectified or an alternative water supply is secured to the satisfaction of the Ministry of the Environment and the City.
- 3.5.14.8 The installation of underground lawn watering and irrigation systems and the filling of swimming pools from well water supplies shall not be permitted in the Greensville Rural Settlement Area.

3.5.15 Heritage Conservation

It is the intent of the City that buildings and structures having architectural, historical or cultural interest be preserved. Council has passed a By-law pursuant to the Ontario Heritage Act to identify an area of study at Bullock's Corners, with the possibility of designating a Heritage Conservation District and developing a plan to guide *development* and construction activity. If and when a Heritage Conservation Plan is approved, the guidelines and recommendations of that Plan shall prevail.

3.5.16 Implementation

- 3.5.16.1 The implementation of this Rural Settlement Area Plan shall occur through more detailed steps in the planning process. It is the intent of the City to request the Province to remove the Greensville Rural Settlement Area Plan Area from the Niagara Escarpment Development Control Area and to return the regulation of *development* to the City.

3.5.16.2 If Niagara Escarpment Development control is lifted, land use and *development* shall be regulated through the Zoning By-law, Subdivision Control and Site Plan approval as per Volume 1 of this Plan.

3.5.16.3 Map 8a and Map 8b of this Secondary Plan, and B.16-2 of the former Town of Flamborough Official Plan, constitute part of the Rural Settlement Area Plan and must be read in conjunction with the textual policies.

3.5.17 Interpretation and Boundaries

3.5.17.1 The boundaries separating land use designations on Map 8a are approximate except where they coincide with roads, water courses or other clearly identifiable features. Minor adjustments to these boundaries shall not require an amendment to the Rural Settlement Area Plan where the general intent of the Plan is upheld. Similarly, all figures used in the text are approximate and no amendment shall be needed for minor variances from these figures.

3.5.17.2 Where there is any discrepancy between policy statements and the maps of this Rural Settlement Area Plan, the policy statements shall supersede. Where a minor boundary change in the implementing Zoning By-law occurs, no amendment shall be required to this Rural Settlement Area Plan, provided that the By-law conforms to the intent and purpose of this Rural Settlement Area Plan and Volume 1 of this Plan.

3.5.17.3 If a public road is closed, the designation thereof shall coincide with the designation on each side to the middle of the road without amendment to this Rural Settlement Area Plan, provided the general intent and purpose of this Rural Settlement Area Plan are maintained.

3.5.18 Site Specific Areas

3.5.18.1 For the lands located between Brock Road and Moxley Road with an area of approximately 7.0 hectares (17.2 acres) identified as Site Specific Area 1 on Map 8a, the City shall not consider any planning applications pending the completion of the Mid-Spencer Creek/Greenville Sub-watershed Study and the Class Environmental Assessment Process.

3.5.18.2 Notwithstanding the Development Phasing policies of Section A.3.5.13 of the Greenville Rural Settlement Area Plan, the lands designated Settlement Residential and Hazard Lands, known municipally as 141 Highway No. 8, identified on Volume 2: Map 8a, Greenville Rural Settlement Area Plan as Site Specific Area 2, which consists of a parcel of 12.1 hectares (29.9 acres), shall only be used for a drainage feature and a total of 15 single detached dwellings on private services, in accordance with the recommendations of the Hydrogeologic Assessment prepared by Terra-Dynamics Consulting Inc.

3.5.18.3 In addition to the permitted uses of the Settlement Commercial policies of Section A.3.5.6 of the Greenville Rural Settlement Area Plan, for the lands located at the intersection of Highway 8 and Brock Road designated Settlement Commercial and identified as Site Specific Area 3 on Volume 2: Map 8a – Greenville Rural Settlement Area Plan, a maximum of two residential dwelling units shall be permitted within the building containing a commercial use. (OPA 30)

3.6 Kirkwall Rural Settlement Area Plan

The following text and maps constitute the Kirkwall Rural Settlement Area Plan.

3.6.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Kirkwall Rural Settlement Area.

3.6.2 Location

The Kirkwall Rural Settlement Area is located at Kirkwall Road and Concession 8 West in the City of Hamilton.

3.6.3 Land Use Designations

3.6.3.1 Map 9 establishes the land use pattern of future *development* and redevelopment of Kirkwall. There are four different land use categories: Settlement Residential, Settlement Institutional, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)

3.6.3.2 The policies pertaining to each of the land use categories are detailed in the General Policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.6.3.3 The City shall not support any land severance and/or subdivision application to create new lot(s) in the Kirkwall Rural Settlement Area until such time as it has been demonstrated through the appropriate studies, that the lands to be developed can be adequately serviced by both private water and septic services.

3.6.3.4 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.6.4 Other Policies

3.6.4.1 In the area east of Kirkwall Road, north and south of the Concession Road between Concessions 7 and 8, new residential lots shall have a minimum area of 0.5 hectares (1.25 acres) and shall comply with the provisions of Section C.5.1, Sustainable Private Water and Wastewater Services, of Volume 1 of this Plan.

3.7 Lynden Rural Settlement Area Plan

The following text and maps constitute the Lynden Rural Settlement Area Plan.

3.7.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Lynden Rural Settlement Area.

3.7.2 Location

The Lynden Rural Settlement Area is located at Lynden Road and Governor's Road in the City of Hamilton.

3.7.3 Land Use Designations

3.7.3.1 Map 10 establishes the land use pattern of future *development* and redevelopment of Lynden. There are five land use categories: Settlement Residential, Settlement Commercial, Community Park, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)

3.7.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.7.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.7.4 Site Specific Area

3.7.4.1 For Part of Lots 11 and 12, Concession 1, known municipally as 156 Lynden Road with a lot area of 1.2 hectares (3 acres), identified as Site Specific Area 1 on Map 10, notwithstanding Section A.1.3 Settlement Residential Policies of Volume 2 of this Plan and permitted uses shall be limited to a library and accessory assembly and meeting facilities.

3.8 Millgrove Rural Settlement Area Plan

The following text and maps constitute the Millgrove Rural Settlement Area Plan.

3.8.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Millgrove Rural Settlement Area.

3.8.2 Location

The Millgrove Rural Settlement Area is located at Millgrove Side Road and Millgrove Road, on the south side of Highway No. 6 North in the City of Hamilton.

3.8.3 Land Use Designations

3.8.3.1 Map 11 establishes the land use pattern of future *development* and redevelopment of Millgrove. There are six land use categories: Settlement Residential, Settlement Institutional, Community Park, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)

3.8.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.8.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.8.4 Other Policies

Within the Millgrove Rural Settlement Area, shown on Map 11, the City and Conservation Halton have adopted a two zone policy.

- a) New *development* as well as expansion to *existing* buildings and structures may be considered within the *Flood Fringe* where flood depths are less than one metre under Regional Storm conditions subject to the buildings and structures being flood protected to the Regional Storm elevation and a permit being obtained from the Conservation Halton.
- b) The *Flood Fringe* shall be zoned in conformity with the underlying land use shown in this Plan. The inherent flood hazard and requirements for flood protection shall be recognized in the implementing zoning by-law.
- c) *Floodway*, where flood depths exceed one metre, shall remain subject to the *Hazard Land* policies of this Plan.

3.9 Orkney Rural Settlement Area Plan

The following text and maps constitute the Orkney Rural Settlement Area Plan.

3.9.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Orkney Rural Settlement Area.

3.9.2 Location

The Orkney Rural Settlement Area is located at Orkney Road and Concession 2 West in the City of Hamilton.

3.9.3 Land Use Designations

3.9.3.1 Map 12 establishes the land use pattern of future *development* and redevelopment of Orkney. There are three land use categories: Settlement Residential, Natural Open Space and Parkette.

3.9.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.9.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.10 Rockton Rural Settlement Area Plan

The following text and maps constitute the Rockton Rural Settlement Area Plan.

3.10.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Rockton Rural Settlement Area.

3.10.2 Location

The Rockton Rural Settlement Area is located at Highway No. 8 and Rockton Road, between Woodhill Road and Valens Road, in the City of Hamilton.

3.10.3 Land Use Designations

3.10.3.1 Map 13 establishes the land use pattern of future *development* and redevelopment of Rockton. There are six land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, City Wide Park, General Open Space and Natural Open Space (Hazard Lands). (OPA 9)(OPA 10)

3.10.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.10.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.10.4 Site Specific Area (OPA 10)

3.10.4.1 In addition to the uses permitted in the General Open Space designation, for the lands known municipally as 812 and 814 Old Highway 8 (Rockton Fairgrounds) and identified as Site Specific Area 1 on Map 13, ancillary commercial recreation uses shall also be permitted.

3.11 Sheffield Rural Settlement Area Plan

The following text and maps constitute the Sheffield Rural Settlement Area Plan.

3.11.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Sheffield Rural Settlement Area.

3.11.2 Location

The Sheffield Rural Settlement Area is located at Highway No. 8 and Sheffield Road in the City of Hamilton.

3.11.3 Land Use Designations

3.11.3.1 Map 14 establishes the land use pattern of future *development* and redevelopment of Sheffield. There are four land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional and Community Park. (OPA 9)

3.11.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.11.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.11.4 Site Specific Area

3.11.4.1 Notwithstanding Policy C.5.1.1.f) of Volume 1, a sewage disposal holding tank shall be permitted for a residential dwelling unit located within the former place of worship on the lands known as 1278 Old Highway 8, Flamborough, and identified as Site Specific Area 1 on Map 14 – Sheffield Rural Settlement Area Plan. (OPA 43)

3.12 Strabane Rural Settlement Area Plan

The following text and maps constitute the Strabane Rural Settlement Area Plan.

3.12.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Strabane Rural Settlement Area.

3.12.2 Location

The Strabane Rural Settlement Area is located at Brock Road and Concession 8 West in the City of Hamilton.

3.12.3 Land Use Designations

3.12.3.1 Map 15 establishes the land use pattern of future *development* and redevelopment of Strabane. There are four land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional and Natural Open Space (Hazard Lands). (OPA 9)

3.12.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.12.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.13 Troy Rural Settlement Area Plan

The following text and maps constitute the Troy Rural Settlement Area Secondary Plan.

3.13.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Troy Rural Settlement Area.

3.13.2 Location

The Troy Rural Settlement Area is located at Highway No. 5 West and Sheffield Road in the City of Hamilton.

3.13.3 Land Use Designations

3.13.3.1 Map 16 establishes the land use pattern of future *development* and redevelopment. There are five land use categories: Settlement Residential, Settlement Commercial, Settlement Institutional, Neighbourhood Park and Natural Open Space (Hazard Lands). (OPA 9) (OPA 33)

3.13.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.13.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.

3.14 Westover Rural Settlement Area Plan

The following text and maps constitute the Westover Rural Settlement Area Plan.

3.14.1 Purpose

The purpose of this Rural Settlement Area Plan is to provide a policy framework to guide and direct future *development* and redevelopment in the Westover Rural Settlement Area.

3.14.2 Location

The Westover Rural Settlement Area is located at Westover Road and Concession 6 West in the City of Hamilton.

3.14.3 Land Use Designations

3.14.3.1 Map 17 establishes the land use pattern of future *development* and redevelopment. There are three land use categories: Settlement Residential, Settlement Commercial, and General Open Space.

3.14.3.2 The policies pertaining to each of the land use categories are detailed in the policies set out in Sections A.1.2 to A.1.7, Volume 2 of this Plan. (OPA 9)

3.14.3.3 Any *development* or redevelopment must conform to the relevant policies of Volume 1 of this Plan.