

HALIFAX REGIONAL MUNICIPALITY

MUNICIPAL PLANNING STRATEGY

PLANNING DISTRICTS 1 AND 3 (ST. MARGARETS BAY)

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REPRINT OF THE PLANNING
DISTRICTS 1 AND 3 MUNICIPAL
PLANNING STRATEGY
WITH AMENDMENTS TO
SEPTEMBER 3, 2011**

MUNICIPAL PLANNING STRATEGY

FOR

PLANNING DISTRICTS 1 AND 3

THIS IS TO CERTIFY that this is a true copy of the Municipal Planning Strategy for Planning Districts 1 and 3 which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 3rd day of April, 1995, and approved by the Minister of Municipal Affairs on the 23rd day of May, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 3rd day of September, 2011.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax County Municipality this ____ day of _____, 2011.

Municipal Clerk

HALIFAX COUNTY MUNICIPALITY

MUNICIPAL PLANNING STRATEGY

FOR

PLANNING DISTRICTS 1 AND 3

This document has been prepared for convenience only and incorporates amendments made by Municipal Council of Halifax County Municipality on the 3rd of April, 1995. No Ministerial modifications accompanied the approval of the Minister of Municipal Affairs on May 23, 1995. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, R.S.N.S., c.346, 1989 and pursuant to Municipal Council's adoption of a policy paper entitled Municipal Development Plan, Stage 2 Process, 1984 in October 1984.

This Strategy covers the area within the boundaries of Municipal Electoral District 1 and District 3, except for the Stillwater Lake Area.

Instrumental in the planning process was a Public Participation Committee comprised of representatives from the various communities of the Plan Area. This Committee had representation on the Municipal Plan Committee of Council and had prime responsibility for general public input and participation throughout the process. A survey, newspaper advertisements and articles as well as individual representations to the Committee and general public meetings contributed to the final document. Also, in keeping with the provisions of the Planning Act, this Municipal Planning Strategy was subject to a review conducted in 1994. In this case, public input was gathered through open house sessions and a public meeting held on May 12, 1994, by the Municipal Planning Advisory Committee.

This strategy is organized into four sections. Section I places the Plan Area within a regional context, and provides a brief profile of the demographic and development characteristics of the area including an overview of the major issues and environmental concerns. Section II contains policies with respect to land use. Section III contains discussion and policies relating to transportation, education and recreation, while the final Section consolidates the various implementation measures of the Strategy's land use policies as provided for within the document and through the Planning Act.

SECTION I

PLAN AREA PROFILE

As shown on the accompanying map, the Plan Area is generally composed of Municipal Electoral Districts 1 and 3 and is situated to the southwest of the Halifax/Dartmouth metropolitan area, bordering on St. Margarets Bay.

The first settlers, who arrived over 200 years ago, were fishermen attracted by the abundant cod stocks in St. Margarets Bay. Since that time, the "Bay" as it is called by local residents, has been the dominant influence on the Plan Area. This is reflected by the settlement pattern, with most communities and new subdivisions located towards the metropolitan area along St. Margarets Bay Road.

Today St. Margarets Bay still provides a source of employment for those involved in commercial fishing; however, in recent years the relative importance of the industry has declined. The natural beauty of the Bay and the picturesque communities strung along its coastline have given rise to a thriving tourist industry which is a major seasonal employer. The anchor for this industry is Peggys Cove which has evolved into one of Canada's major tourist sites.

The amenities of the area, valued by long time residents, have also acted as an attraction for new residents. Although summer residents have been an established fact for a number of years, the improvements of transportation links has resulted in a recent increase in the construction of permanent, year round homes for former city dwellers. Population figures showed a decline of approximately 2.3 percent between 1981 and 1986 for the Plan Area as a whole. Between 1986 and 1991, however, the population increased by approximately 8.4 percent.

	1981	1986	% Growth	1991	% Growth
District 1	3,152	2,916	- 7.5	2,778	- 4.7
District 3	4,489	4,557	1.5	5,321	16.7
	7,641	7,473	- 2.3	8,099	8.4

Source: Census Canada

The Plan Area's proximity to the metropolitan area, coupled with its natural amenities, has also made it a focus for regional activities. In response to the demand for recreational facilities, the Province of Nova Scotia has established a number of provincial parks in the area. The largest of these, located at Lewis Lake, has been upgraded to make it completely accessible to the handicapped.

This recent population growth and ever-increasing demand on the area's recreational attributes are viewed with a mixture of concern about its long term effect and of hope that a higher population base will result in increased services and job opportunities.

Of major concern to residents of the Plan Area is the environment. As a result, a cornerstone of the Strategy for Planning Districts 1 and 3 is specific policy for its protection. This concern does not stop at the shores of St. Margarets Bay and includes the islands of the Bay and wooded backland areas which are enjoyed by all, not only for their natural beauty and the wildlife, but also for passive recreational activities.

PLAN AREA MAP



ENVIRONMENTAL CONCERNS

The protection of the natural environment is of the utmost importance to the residents of the Plan Area. Not only does exploitation of the natural resources provide employment but the environment is attractive and, in itself, generates employment in tourist-related industries. Furthermore, the relatively unspoiled environment is a major part of what makes this area an especially attractive place in which to live and it must be protected.

Throughout the process of preparing this planning strategy, whether through a questionnaire that was distributed, public meetings or open houses, residents have consistently stressed their concern and desire for the protection of the natural environment of the Bay Area and the preservation of the character of their communities. These two concerns actually go hand-in-hand since a polluted environment would destroy both the means of livelihood and the character of the communities as they now exist as well as decrease the value of properties.

Environmental damage is usually the result of human activity and is often irreversible. In order to protect the environment, steps must be taken both to reduce the damage being done by existing activities and to prohibit and/or control any future activities that might endanger it.

In the case of existing problems, it is recognized that senior levels of government are better equipped, both technically and legislatively, to bring them under control. The Municipality is, however, in a position to work with these other levels of government to ensure that new developments do not endanger the environment.

Crucial to protecting and preserving the environment are environmental health services which consist of sewage and waste disposal and potable water supplies. Although some districts in the Municipality are served, either in whole or in part, by municipal water and sewer systems, Planning Districts 1 and 3 depend entirely on privately owned on-site services.

The amenities of the Bay area and the good transportation links will continue to attract development to the Plan Area. In the past, development has burdened the local environment and there have been problems associated with the quality and quantity of water supplies.

There is some concern that increasing levels of development will work to exacerbate this situation and, as density levels increase, the capacity of the soil to accommodate on-site services will be exceeded. The installation of municipal water and sewer systems in Districts 1 and 3 would be prohibitively expensive and is not a viable or realistic option. Therefore, action must be taken now to ensure that a crisis situation does not develop.

On-Site Sewage Disposal Systems

A study carried out by the Nova Scotia Department of Municipal Affairs in 1980 indicated that a sufficient number of on-site systems throughout the Province were malfunctioning to cause concern. It is assumed that the Plan Area is no exception and although new systems are less prone to failure, there can be no doubt that as development continues the number of malfunctioning systems will increase. Not only does the release of untreated or improperly treated sewage into either fresh or salt water ultimately make shellfish unfit for human consumption but it also renders the water and shorelines less inviting for swimming and other recreational purposes. Numerous examples of pollution can be found in the fresh and salt water of the two districts and a concerted, determined effort should be made to correct the situation.

In both districts, many summer cottages lacking proper disposal systems have been upgraded to year-round residences, thus adding to the flow of untreated or inadequately treated sewage into the ground, watercourses, etc. There are also many dwellings where "grey water", i.e. water from sinks, bath tubs, washing machines and so on, is not proceeded through septic disposal systems but is allowed to drain into the soil, or even into open ditches. Such water carries with it detergents, bleaches and other substances that will eventually saturate the ground, penetrate to the groundwater and add to the already serious water supply situation which exists in parts of the Plan Area.

A study, prepared jointly by the Nova Scotia Departments of Municipal Affairs, Environment and the former Department of Health^A identifies inadequate maintenance as the primary cause of private septic system failure. Although installers of sewage disposal systems must be licensed and the Department of the Environment has issued regulations for both systems design and installation, there are no regulations requiring their regular maintenance. In fact, many homeowners are not even aware that septic systems require periodic maintenance, which includes pumping solid out of the tank.

With continuing development pressures, the importance of adequate and well-maintained on-site services will become even more critical.

One means of addressing the problem is through a public information programme which could outline the type and frequency of maintenance that septic systems require. To make it more effective, a programme of this nature could be used to disseminate information on a range of other environmental and public health matters.

Another concern is that new subdivisions are being constructed in the plan area with relatively high densities. It is felt that a monitoring system should be put in place for such new development in order to ensure that additional problems are not created and that densities do not overtax the ability of the soil to dissipate waste.

This programme would not, of course, solve the problem of existing areas where raw sewage is being discharged into watercourses or the ocean, either directly, or through such primitive devices as 45 gallon drums, ancient cesspools and so on. The eventual solution to these problems may require the use of alternative technology or the use of cluster systems, waste water management districts and other like systems.

Given the concern for the protection of the environment, the application and enforcement of existing regulations concerning on-site treatment systems and lot sizes is of utmost importance.

^A *Wastewater Management Districts: An Alternative for Sewerage Disposal in Small Communities: Nova Scotia Departments of Municipal Affairs, Health and the Environment, 1983.*

In addition, given the soil conditions of the area, there may be alternative systems that could be so used and even reduce the potential for creating pollution. Such systems might require one means for handling sewerage and another for grey water. However, to date the Department of the Environment has been reluctant to permit alternative systems.

- E-1 In order to improve public awareness of septic system maintenance requirements and other matters of environmental and public health concern, it shall be the intention of Council, in cooperation with senior government departments, to investigate and implement methods of public education and information dissemination relative to these matters.
- E-2 It shall be the intention of Council to request the Board of the Environment to investigate the feasibility of introducing a monitoring system for new subdivisions to ensure that new septic systems are operating to design standards and that densities are not exceeding the ability of the soil to handle waste matter.
- E-3 It shall be the intention of Council to request the Board of the Environment to investigate the use of options such as cluster systems and waste water management districts to help rectify problems, in areas where waste is being dumped directly into water courses.
- E-4 It shall be the intention of Council to request the Department of the Environment to introduce a list of approved alternate on-site disposal systems suitable for the terrain of Districts 1 and 3 including separate systems for grey water and sewerage.

There is a situation in the Hubbards area which has evolved over time, and which has created problems that should be rectified. Approximately ten homes under individual ownership, have been built on a leased parcel, using a form of cluster septic systems. There are suspected problems with this septic system. Furthermore, there is some desire on the part of the residents to actually own the land on which their homes rest, rather than continue with the lease system. In order for this to be accomplished, subdivision approval may be necessary. However, the leased parcels are small, ranging between 3,500 and 7,500 square feet in area.

Therefore, to allow for a possible subdivision approval to take place and to assist in upgrading the septic system now in use, the planning strategy will reduce the standard lot size and frontage requirements for this situation only. However, any subdivision and means of sewage disposal would still be subject to the approval of the Department of the Environment.

E-5 It shall be the intention of Council, when satisfied that the land title and sewage disposal system problems are solved, to reduce the area and frontage requirements of the land use by-law for those parcels of land located off the Station Road in Hubbards, now under lease and utilizing a cluster system, for purposes of subdivision and the issuance of development permits.

Even properly functioning septic systems can cause damage to the environment if they are located too close to watercourses. At present, the Department of the Environment requires that septic systems be located a minimum of one hundred feet from a body of water. However, given the importance of groundwater in the St. Margarets Bay area, there is concern that this is not always adequate.

E-6 It shall be the intention of Council to request the Department of the Environment to review its regulations governing setback of septic systems from water courses to ensure that the existing standards fully protect the environment.

Another, and potentially more hazardous, source of pollution results from industrial uses. This potential is limited not only to waste water from the industrial process, but also from sewage if the industry is particularly large. In order to reduce the risk of environmental damage from this source, any effluent produced by industries within the Plan Area must be capable of being treated by on-site treatment systems. If this cannot be done, such an industry will not be permitted to establish in the Plan Area. It is felt that there are adequate sites available in the Municipality's industrial parks and serviced areas to accommodate industries which require more complex treatment facilities.

E-7 It shall be the intention of Council to prohibit the establishment in the Plan Area of any industry whose effluent cannot be disposed of by means of an on-site sewage disposal system.

Underground Storage Tanks

Underground gasoline and similar storage tanks can cause contamination of water and wells. Once the ground has been contaminated with gasoline or like substances there is no way to decontaminate it and property owners whose wells are polluted have very few options. Underground storage tanks should therefore not be permitted to locate on high ground where seepage or fill-up overflows will eventually filter into the wells of residents downhill from the site. A rigorous inspection programme should also be instituted for existing tanks and old tanks left over from discontinued operations should be drained and removed.

E-9 It shall be the intention of Council to request the appropriate provincial government departments to introduce legislation governing the installation, mapping and recording of location, registration, maintenance, periodic inspection and removal of underground storage tanks, including gas and oil storage and empowering the appropriate government agency to carry out the work and recover the costs from the property owners if necessary.

Water

Large portions of Planning Districts 1 and 3 suffer from problems with both the quantity and quality of potable water. Areas that are particularly prone to water supply problems are located in and around the communities of Seabright and Head of St. Margarets Bay. However, other communities throughout the Plan Area are periodically faced with shortages.

Although water supply problems are not new to the area, they have been growing over the past decade, both in duration and the number of communities affected. A major suspect in the increasing severity of the problem has been the expansion of residential development. Very simply put, the greater the demands on the water table, the shorter the supply.

Although increasing the residential development has been singled out as a main cause, this has not been scientifically proven. Other suspected causes of periodic water shortages are deforestation, improper forestry practices, clear cutting, large scale residential developments and the stripping of vegetation for pits and quarries. Without property vegetative cover and soil cannot hold water and can be either washed or blown away. In this connection, the stripping of land contributes considerably to the destruction of the environment and should be controlled.

A further concern relates to the Pockwock water supply system, the establishment of which some people suspect has reduced the amount of water available to replenish groundwater supplies in the St. Margarets Bay area. A comprehensive study is required in order to gain a firm understanding of the water supply problems and to embark on a course of corrective action, including density controls or increased lot sizes if necessary.

E-10 It shall be the intention of Council, in cooperation with the Departments of the Environment and Natural Resources, to conduct a study to determine the cause or causes of ground water supply problems within the Plan Area and to take appropriate measures to alleviate the problem.

The infilling of watercourses can cause a number of problems, including flooding and pollution. Although a permit from the Department of the Environment is required prior to interfering with any watercourse or body of water, this requirement is often ignored and there have been some difficulties with enforcement.

E-11 It shall be the intention of Council to request the provincial Department of the Environment to improve enforcement of the regulations and guidelines governing infilling and interfering with watercourses in the Plan Area.

Poor construction practices can also result in damage to watercourses, especially if taking place at or near the water's edge. For example, excavation can result in run off that leads to the siltation of lakes and streams.

To help prevent this type of problem, the federal Department of Fisheries and Oceans, in conjunction with the provincial Departments of Transportation and Communications and Environment, has prepared a set of environmental construction specifications specially designed to protect watercourses during construction. To afford further protection to watercourses, the land use by-law will contain regulations concerning setbacks from watercourses. However, setbacks will be such that new development which requires direct access to water shall be permitted.

E-12 It shall be the intention of Council to request the Departments of Transportation and Communications and Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications. In addition, the land use by-law will establish regulations concerning setbacks from watercourses.

Storm Management

Stormwater run off is often overlooked as a cause of pollution in settled areas and, as a result, stormwater management is often given little attention. However, in the early 1980s the Municipality participated in a task force on storm drainage consisting of representatives of the Municipality and the Town of Bedford, as well as the Nova Scotia Departments of the Environment, Environment, Transportation and Municipal Affairs.

The result of the task force's efforts was a report and a stormwater design criteria manual which was adopted by Council. In addition, the Municipality subsequently employed a municipal storm drainage engineer and technician to oversee the implementation of storm drainage measures in serviced areas. Such measures are generally not applied in rural areas.

However, the implementation of stormwater management procedures is important if the effects of development on the Plan Area's lake and rivers are to be minimized.

E-13 In recognition of the need to protect the salt and fresh water in the Plan Area, it shall be the intention of Council to review the Subdivision By-law and consider whether the Stormwater Policy and Design Criteria or parts thereof should become effective within the Plan Area.

SOLID WASTE DISPOSAL

In most districts within the Municipality, solid waste collection is contracted to private firms on a weekly pick-up basis. Waste is then transferred to the regional waste disposal facility in Upper Sackville.

With the impending closure of the regional waste disposal facility, the Metropolitan Authority initiated a process to find a future landfill site in August of 1989. As part of this process, the Metropolitan Authority prepared a solid waste management strategy which proposed the construction of a waste-to-energy plant (incinerator) and a landfill for residual ash. This proposal, however, was rejected by the Minister of the Environment and an alternative strategy and landfill site must now be developed before the closing of the Upper Sackville facility on December 31, 1996.

On August 9, 1994, The Metropolitan Authority passed a resolution requesting Halifax County Municipality to assume responsibility for solid waste management. By resolution dated September 6, 1994, Municipal Council accepted responsibility for solid waste management on behalf of the four metropolitan Halifax region municipal units. Acceptance is on the basis of certain principles which form the basis for the Municipality's position on solid waste management.

An underlying principle of the Municipality's position is to make available to the general public and all interested parties all information and details relevant to the development of the next waste management strategy, including the siting of a landfill. This is to be ensured through a consultative process which forms part of the Municipality's position. This process has been recognized by the Provincial Round Table on the Environment as a preferred method of public participation and is consistent with Planning Act objectives aimed at ensuring public consultation and participation into decisions which affect community development. It is an open, non-adversarial approach to decision-making in which all stakeholders are provided with equal representation.

E-14 It shall be the intention of Council to make available to the general public and all residents of Planning Districts 1 and 3 all information and details related to the development of the Halifax metropolitan region's next solid waste management strategy and landfill and to encourage the participation by all stakeholders in the consultative process which forms the basis for the Municipality's acceptance of responsibility for solid waste management.

To help establish the overall waste management strategy and the siting of a new landfill, Halifax County established a community stakeholder committee (CSC) in October of 1994 to oversee the process. On March 25, 1995, the community stakeholder committee (CSC) adopted in principle, "An Integrated Resource Management Strategy", which was later adopted in principle by all four municipal units involved.

The Waste Management Strategy establishes goals for the diversion of solid waste from the new landfill site. The goal of the strategy is to reduce the amount of solid waste disposed of at the new landfill site from 97 percent of total waste generated to approximately 12 percent. The Waste Management Strategy is made up of a number of components which must be implemented together in order to achieve its objectives. A significant increase in composting activity is considered essential to meeting or exceeding waste diversion targets as well as ensuring that organic wastes are not disposed of at the new regional landfill site.

To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting^A and source-separated composting^B. Personal composting is intended to divert approximately 30 percent of the total residential organics while source-separated composting is intended to divert 60% of the total organics. Personal composting has been promoted by the Municipality through the subsidization and distribution of personal composters.

It is anticipated that composting operations will utilize either windrow^C or in-vessel^D composting approaches. Due to the high capital costs associated with in-vessel facilities, windrow composting is the most utilized approach for neighbourhood or small community composting operations. However, the type of composting approach utilized for large populations or areas would depend on a number of factors such as land prices, transportation costs, and the quantity of material to be processed. Therefore, both windrow and in-vessel composting should be permitted equally within the Plan Area. The strategy recommends that there be multiple composting sites and be located close to the centres of generation.

^A"Personal (backyard) Composting" means the composting of organic solid waste, such as grass clippings, leaves or food waste, at a residential dwelling site where the waste is generated by the residents of the dwelling and/or neighbourhood units, provided that the annual production of the compost does not exceed 60 cubic metres.

^B"Source-Separated Composting" means a commercial/municipal/industrial solid waste management facility where compostable materials are separated at the source and the waste is processed using composting technology which may include physical turning, windrow, in vessel, static pile aeration or other mechanical handling of organic matter.

^C"Windrow Composting" refers to the method of controlled, aerobic composting of organics in which piles of material are aligned in long rows and turned on a regular basis by mobile equipment. Windrow composting can be conducted in buildings or out-of-door.

^D"In-Vessel Composting" refers to the method of aerobic composting of organics which is conducted in vessels, under cover, where the movement of air, the movement of material, and the monitoring of environmental parameters are mechanically controlled.

To facilitate the safe production, distribution and use of compost material the Department of the Environment has adopted guidelines for commercial composting operations which contain provisions for establishing and operating commercial/municipal/industrial composting facilities and for the testing and classifying of the finished compost product. All composting facilities, except for personal composting operations, are required to obtain a composting permit from the department and each facility must satisfy the requirements of the composting guidelines.

In order to support the waste management strategy, composting operations will be permitted in a number of zones throughout the plan area subject to locational criteria contained within the land use by-law and compliance with provincial guidelines.

E-14A It shall be the intention of Council, in support of the Integrated Waste Management Strategy adopted in June 1995, to support the location of composting operations in (industrial, resource, and mixed use) zones subject to compliance with provincial and municipal guidelines and regulations. (MC-February 26, 1996 / M-March 28, 1996)

Other Concerns

There are a number of pits and quarries located throughout the Plan Area and there is every likelihood that more will be established. Such uses of land can be harmful to the environment and are aesthetically unattractive.

Municipal governments, however, have little jurisdiction over the actual operation of such enterprises and control rests with the provincial government. The province has drafted a set of Pit and Quarry Regulations under the Environmental Protection Act but has yet to proclaim them.

E-15 It shall be the intention of Council to request the Province of Nova Scotia to proclaim the Pit and Quarry Regulations.

There is also concern regarding air pollution from smoke, dust, fumes, etc., from industries that may be established in the Plan Area. Though this is a matter that is, to some degree, outside municipal jurisdiction it should be taken into account by the Municipality when considering applications to establish any new industry in the area. The same criteria shall be applied as the case of liquid effluents mentioned previously, that is, no industrial use will be permitted unless it has a system for the treatment of airborne pollution that meets all federal and provincial government requirements.

E-16 It shall be the intention of Council upon the advice of the appropriate Provincial or Federal agencies to prohibit the establishment in the Plan Area of any industry where there is a potential for air pollution.

The natural beauty of the Plan Area is spoiled here and there by derelict vehicles and other large items of refuse. This is aesthetically unpleasant and creates an unfavourable impression in the minds of visitors. To improve the situation, municipal unsightly premises inspection should become more active in the area and the Dangerous and Unsightly Premises Regulations contained in the County Charter should be more stringently enforced.

E-17 It shall be the intention of Council to ensure that the Dangerous and Unsightly Premises Regulations contained in the Halifax County Charter is enforced in the Plan Area.

There are numerous all-terrain vehicles being operated in the Plan Area and although there is no quarrel with their proper operation, there is concern about their indiscriminate and irresponsible use. Improperly used on beaches, in the forests and on private property, these vehicles can destroy sensitive vegetation and young growth, leading to soil erosion and other ecological damage.

E-18 It shall be the intention of Council to request the provincial government to introduce legislation governing the operation of all-terrain vehicles.

Construction and Demolition Waste Management Strategy

The key objective of Halifax Regional Municipality's (HRM) Integrated Waste/Resource Management Strategy (IWMS) is to minimize the amount of material going to a municipal landfill. The IWMS comprises a number of components which must be implemented together in order to achieve its objectives.

Of the various components, construction and demolition (C&D) waste is a key component. Construction and demolition materials means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. The combination of strong economic growth and corresponding growth in waste generation has resulted in increased financial pressure on the Municipality. In the interests of the greater public, it is essential that all aspects of the integrated waste management system, especially opportunities to maximize diversion, operate effectively. The IWMS recognizes that, while a significant proportion of C&D waste should be reused or recycled, it is necessary for some of this material to be buried.

On January, 1998 Regional Council approved the following objectives in support of implementing an HRM-wide C&D Waste Management Strategy:

- (i) maximize diversion from landfill through recycling of construction and demolition debris in keeping with the Halifax Regional Municipality Solid Waste Resources Strategy;**
- (ii) increase economic activity and value added processing through recovery of construction and demolition debris;**
- (iii) provide an opportunity to properly dispose of construction and demolition debris that cannot be recycled; and**
- (iv) minimize environmental, land use and nuisance impacts from the operation of construction and demolition debris transfer, processing and disposal operations.**

The C&D Strategy is in keeping with the overall objectives of the IWMS. Its implementation requires that municipal planning documents recognize the unique land use requirements of the C&D industry and that a specific Licensing By-law is required to address operational issues. The intent is to provide a comprehensive regulatory framework that is applied fairly and consistently throughout HRM.

HRM discourages processing and disposal of some C&D waste at its landfill. Inert C&D material does not need to be disposed of at the regional landfill site. Generators or haulers of these materials are generally discouraged from utilizing municipal facilities due to comparatively high tipping fees which encourage the use of private recycling or disposal facilities. Hazardous C&D waste materials are not accepted at the landfill or at private recycling or disposal facilities and must be disposed of as set out in provincial legislation.

The following municipal planning policies are intended to support and/or implement key components of HRM's C&D Strategy.

- SW-1 It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.**
- SW-2 It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.**
- SW-3 Further to Policy SW-2, Council shall encourage provincial and federal agencies working within HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.**

The C&D industry comprises three types of operations which must be accommodated through land use regulations: C&D transfer stations; C&D processing operations; and C&D disposal operations. These facilities can operate independent of each other or jointly on the same or separate properties.

Operational and compatibility considerations related to C&D facilities require they not be located within residential, community facility , or environmentally sensitive designated areas. To minimize compatibility concerns, the Land Use By-law will permit C&D facilities only in areas designated resource or certain mixed use, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Further, as the potential impact of C&D operations on adjacent lands depends, to a degree, on the type of C&D operation, the Land Use By-law provisions will recognize individual characteristics of the three forms of C&D operations.

- SW-4 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.**
- SW-5 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility , or environmentally sensitive .**

Operational aspects of the C&D industry can be classified into two categories: operations where materials are transferred and/or processed; and operations which dispose of materials.

Transfer Stations and Processing Facilities

Municipal planning documents adopted or amended prior to 2002 did not recognize C&D transfer stations and processing facilities as unique forms of land use. Instead, land use regulations generally provided for these uses under regulations which apply to other uses such as salvage yards and “industrial” or “processing” operations. This resulted in inconsistency and the creation of an uneven “playing field” for contractors and C&D operators. Additionally, standards were inappropriate in addressing unique siting, land use and other aspects of the C&D industry. In order to ensure consistency, new C&D transfer and processing operations will be considered by rezoning. This will minimize the impact of such facilities on adjacent land uses and ensure that public consultation forms part of the process for considering new operations. Further, the site plan approval process will be used for all C&D operations to address compatibility issues on a site specific basis.

SW-6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Mixed Use A, Mixed Use B, and Resource Designations and pursuant to the following criteria:

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);

- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-9

SW-7 A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Mixed Use A, Mixed Use B, and Resource Designations, and pursuant to criteria of Policy SW-6.

C&D Disposal Facilities

In the past, construction and demolition materials were disposed of either through use as general fill material at private sites or through disposal at the regional landfill facility. Respectively, these practices have come under criticism due to concerns about potential environmental impacts associated with disposal at unregulated private facilities and the financial burden associated with disposing of significant amounts of C&D waste at a municipal landfill site which was not designed to accommodate this material.

Past disposal practices have prevented significant amounts of C&D materials from being either reused or recycled and a lack of permitted locations for C&D waste disposal has contributed to illegal dumping on private and Crown land. Historically, there have been no approved locations in HRM where construction and demolition waste can be both conveniently and safely landfilled despite the existence of Provincial regulations which provide sufficient environmental protection.

Under Provincial regulations, businesses which dispose of C&D materials are classified into two categories:

- (a) Facilities which dispose of only inert C&D materials for which Ministerial approval and a permit from the Department of the Environment are not required. Inert materials are defined as “rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives.
- (b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial “Construction and Demolition Debris Disposal Site Guidelines”, to address the design and operational requirements.

Any C&D disposal operation is required to comply with the provisions of HRM's C&D Licensing By-law. The By-law prohibits disposal of materials which can be recycled or reused and will significantly minimize the number of such disposal operations. Neither the C&D License By-law nor provincial regulations prohibit the use of inert materials as fill on individual properties. Consequently, the regulation of C&D disposal facilities through municipal planning documents should focus on land use compatibility issues and locational criteria.

Under the Municipal Government Act, municipalities can regulate where disposal operations are permitted. To address land use compatibility issues, a C&D disposal zone shall be established in the Land Use By-law and disposal sites shall only be considered through the rezoning and site plan approval process.

SW-8 A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone shall permit C&D disposal operations, CD-2 zone uses and establish controls relative to setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Resource Designation and pursuant to the following criteria:

- (a) the applicant shall provide the level of information for a complete C&D disposal operation required by the N.S. Department of the Environment and Labour for approval; and
- (b) those criteria outlined in Policy SW-6.

Site Plan Approval

In order to minimize associated land use concerns all C&D operations shall proceed through the Site Plan Approval process.

SW-9 Further to Policies SW-6, SW-7, and SW-8, C&D operations shall be regulated under a Site Plan Approval Process in order to minimize land use impacts. Siting standards shall be set out in the Land Use By-law to address such items as, but not limited to, screening, access, outdoor storage, maintenance, stormwater management, lighting, signage, and landscaping measures.

Existing C&D Operations

There are a number of existing C&D operations (transfer stations and processing operations) throughout HRM. To recognize these existing operations, applicable zoning shall be applied to reflect the use conducted on these properties in conjunction with the adoption of the amendments.

SW-10 It shall be the intention of Council to recognize existing C&D operations by applying the applicable zone to reflect their existing use.

SW-11 Further to Policy SW-10, any expansion of an existing C&D operation (ie. addition to an existing building, a new building, or a new/change of use) shall be subject to the site plan approval process.

Community Liaison Committee (CLC)

A concern of most communities, relative to C&D disposal operations, is not knowing whether or not the community and environment are being protected. To address these concerns, the N.S. Department of the Environment and Labour has the option to require a Community Liaison Committee in association with disposal operations. HRM supports the establishment of a CLC for C&D disposal operations and wishes to be involved with the committee to provide information on municipal approvals, requirements, and enforcement issues.

SW-12 Council shall recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D disposal operations within HRM. (RC - September 10, 2002 / E-November 9, 2002).

Infrastructure Charges

Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.

Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.

Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.

The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *MGA*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

Objectives

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

Policy Statements

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1 Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:**
- (a) The adequacy of existing infrastructure;**
 - (b) Transportation requirements, including existing streets;**
 - (c) Drainage patterns and drainage requirements;**
 - (d) Water service requirements, including existing and proposed water service districts;**
 - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;**
 - (f) Land use and existing and future development;**
 - (g) Financial impacts on the Municipality;**
 - (h) Soil conditions and topography; and**
 - (i) Any other matter of relevant planning concern.**
- IC-2 Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.**
- IC-3 Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.**
- IC-4 The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.**

IC-5 An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

IC-6 Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

IC-7 Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

IC-8 An infrastructure charge may only be used for the purpose for which it is collected. (RC-July 2, 2002 / E-August 17, 2002)

INTERIM GROWTH MANAGEMENT - Deleted (RC-June 27;E-Aug 26/06)

SECTION II

LAND USE INTENT

Future Land use within the Plan Area shall be guided by land use policy and more specifically by the designations of the Generalized Future Land Use Map as follows:

Mixed Use "A"	Resource
Mixed Use "B"	Peggys Cove Preservation Area
Mixed Rural Residential	Watershed
Residential	Provincial Park
Hubley Mill Lake Designation	

The Mixed Use "A" Designation recognizes the semi-rural nature of large parts of the Plan Area. As such, the Designation supports a wide range of residential, commercial, institutional and resource uses.

The Mixed Rural "B Designation also is designed to recognize the semi-rural nature of much of the Plan Area. However, because of differing land use patterns in the communities it has been applied to, fish processing plants are not permitted by right.

The Mixed Rural Residential Designation covers areas in transition from a relatively diverse land use pattern to one in which residential uses are slowly beginning to predominate. The designation is therefore designed to bridge the gap between the two ranges of land use and permits a number of residential and institutional uses, as well as small scale commercial operations.

The Residential Designation has been, for the most part, applied to new larger residential subdivisions which are located off Highways No. 3 and 333. Land use within the designation is almost entirely composed of single or two unit dwellings and the designation has been designed to protect this residential environment.

The Hubley Mill Lake Designation covers the area around Hubley Mill Lake and recognizes its residential nature and supporting community facilities.

The Resource Designation covers the interior of the Plan Area where the major land use consists of resource activities. As such, the designation supports resource uses and resource activities within it.

The Provincial Park Designation has been applied to all provincial parks and is designed to recognize and support these parks.

The Watershed Designation covers the Pockwock watershed which is publicly owned. The designation allows only for those uses that are compatible with the protection of these lands.

The Peggys Cove Preservation Area Designation has been applied to those lands that are under the jurisdiction of Peggys Cove Preservation Area. These lands are subject to land use regulations that are unique to this area and the designation recognizes that fact.

RESIDENTIAL DESIGNATION

The Residential Designation has been applied to the larger suburban type of residential subdivisions located on local roads which extend back from the collector highway system. In addition to these larger subdivisions, the designation has also been applied to specific pockets of residential development where residents have stated that they desire the protection which the designation offers. The designation generally includes the following areas: Sheldrake Lake, Tantallon Woods, Allen Heights, Todds Island, Sunnywood, Masons Point, Camelot Drive, Beechill Road, Bayview Road, Lake of the Woods and the Schwartz and Conrads Road area.

While there are a limited number of duplexes and mobile dwellings, the dominant type of housing in the designation is the single unit dwelling. Although there is not hard evidence, it is also suspected that a number of what appear to be single unit dwellings have apartments in them.

These residential areas are at various stages of development, with some completed while other have relatively large holdings to which they could expand. Given the amenities of the Plan Area and its proximity and easy access to the metropolitan area, there is every likelihood that more subdivisions of this nature will be established. Although it is not the intention of this strategy to pre-designate or pre-zone land for this anticipated new residential development, the Mixed Rural Residential, the Mixed Use and the Resource Designations will accommodate development of this type as the demand arises.

There are a number of home businesses and offices scattered throughout the Residential Designation, most of which are located entirely within a dwelling. Because of the fact that most are wholly contained in the dwelling and are non-obtrusive in nature, they do not detract from the overall residential environment.

LAND USE POLICY

The Residential Designation recognizes and supports the predominantly suburban residential environment and supports the protection of this environment from non-residential land uses.

The desire to preserve and protect residential areas will be achieved by limiting the types of non-residential uses that will be permitted including controls on the parking of commercial vehicles.

The changing economy, gasoline costs and new technology have worked to change the traditional activities that were normally associated with a home. For example, many people are using a portion of their own home for business uses, including offices, or for combined business/hobby purposes.

In most instances, these activities are unobtrusive and, as long as they remain so, shall be permitted. However, the primary purpose of the designation is to remain residential in nature. Therefore, businesses that cause noise, glare, obnoxious odours or vibration will not be permitted. As well, home business uses will be limited in size, shall not involve outdoor display or storage and shall be entirely contained within the dwelling. These conditions will serve to ensure that home businesses will remain compatible with the residential environment in which they exist.

Given the location attributes of the area, bed and breakfasts can be a particularly attractive home business opportunity. By limiting the number of bedrooms associated with a bed and breakfasts to three, these establishments are accepted and supported within the Residential Designation.

There are a small number of existing home businesses which do not meet the standards outlined above. These uses will be permitted only to the extent that they presently exist.

Another change that is taking place in the way people use their homes has resulted from an aging population and the increasing costs associated with home ownership. Older people often find it difficult to maintain their own homes and there has been a trend towards these people moving into small "in-law suites" in their children's homes. There are many advantages to this type of arrangement ranging from the social to the economic. However, traditional residential zoning does not permit the establishment of these auxiliary apartments as, technically, they constitute self-contained additional living units, in the original home.

Residents in the Residential Designation generally have no objection to the establishment of these units for in-laws. However, there is concern about a proliferation of auxiliary dwelling units that would be rented out purely for income purposes, especially if the main dwelling was also rented. There is also no desire to see a large number of standard two unit dwellings in the form of duplexes or semi-detached homes.

Although the land use by-law will create a zone which will provide for auxiliary dwelling units, it will contain provisions that will attempt to control as much as possible any of the negative effects of these units.

- RD-1 It shall be the intention of Council to establish a Residential Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designation it shall be the intention of Council to support and protect the residential environment.
- RD-2 Within the Residential Designation, it shall be the intention of Council to establish a single unit dwelling zone which permits single unit dwellings, open space uses as well as day care facilities, bed and breakfast establishments, and home businesses of a limited size in conjunction with a permitted dwelling and existing uses. Provisions of the land use by-law shall ensure that no aspect of the accessory use will detract from the residential nature of the designation.
- RD-3 Within the Residential Designation, it shall be the intention of Council to establish a residential zone which, in addition to the uses permitted by Policy RD-2, will also permit auxiliary dwelling units, subject to controls on size.
- RD-4 Notwithstanding the provisions of Policy RD-2, in areas zoned R-1 (Single Unit Dwelling) Zone, Council shall only consider permitting auxiliary dwelling units by amendment to the land use by-law. In considering such amendments, Council shall have regard to the provisions of Policy IM-9.

Given the relatively large lot sizes in residential areas and the distances between dwellings, there are instances where less stringent controls on a home business, either in a dwelling or an accessory building, would be appropriate and could be accommodated without interfering with neighbouring uses. At the same time, a proliferation of larger business uses throughout residential areas would not be in keeping with established land use patterns.

Therefore, in order to allow for the expansion of homes business uses in a controlled manner, they will be permitted by development agreement only.

RD-5 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall only consider permitting larger home business uses in a dwelling and/or an accessory building according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the property which is being used for the home business purpose contains the principal residence of the operator of the business;
- (b) that no mechanical equipment is used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare or odour;
- (c) that there is no open storage or outdoor display;
- (d) the provision of adequate parking facilities;
- (e) signage; and
- (f) the provisions of Policy IM-9.

There is a special situation on Camelot Drive. An accounting business is presently being operated from a home, and will be given an exemption in the land use by-law permitting it to expand to a maximum of 1,500 square feet. However, the owner of the operation has long had an intention to construct another home on a now vacant lot further down the street, and to relocate the business to a new home.

RD-6 It shall be the intention of Council to provide an exemption in the land use by-law for an accounting business in a dwelling on Camelot Drive, either on property LIMS Number 614354 or property LIMS Number 40269037.

There is some desire on the part of residents to undertake activities such as the keeping of hooved animals, such as horses, for personal use. In keeping with the intention of this planning strategy to provide for a predominantly suburban pattern of development within the Residential Designation, restrictive residential zoning will be maintained. At the same time, however, it is recognized that the keeping of hooved animals may be appropriate in residential areas given specific zoning requirements.

RD-7 Notwithstanding Policy RD-2 and RD-3, within the Residential Designation, it shall be the intention of Council to consider permitting the keeping of hooved animals, such as horses, through the application of a Residential Estate Zone which, in addition to suburban residential uses, permits the keeping of hooved animals for personal use subject to the specific zone requirements. In considering amendments to the land use by-law to permit such uses, Council shall have regard to the provisions of Policy IM-9.

A limited amount of two unit development within the Residential Designation is felt to be appropriate in order to provide rental accommodation and a mixture of housing types. Larger lot sizes and the size of many older dwelling units will, in many instances, work to provide a buffer between single and two unit dwellings or allow them to be easily incorporated into existing dwellings. However, although two unit dwellings shall be permitted by an amendment to the land use by-law, residents do not wish to see large numbers of such units due to concerns about density, traffic, and the possibility of absentee landlords.

RD-8 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall establish a two unit dwelling zone which permits all single unit dwelling zoned uses as well as two unit dwellings. This zone shall be applied to existing two unit dwellings. Council shall only consider new two unit dwellings by amendment to the land use by-law. In considering an amendment to permit such uses, Council shall have regard to the scale of the proposed, two unit dwellings and to the provisions of Policy IM-9.

Certain local business uses such as corner stores or service or personal service shops which conveniently serve local residents are also appropriate to the area. However, the frequency of use and operational characteristics justify a case by case review of these developments through the rezoning process. In order to offer protection to abutting properties, controls will be provided on outdoor storage and provide for buffering.

RD-9 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall establish a local business zone which permits residential uses and commercial uses which provide a service to the local neighbourhood. The zone will establish controls on site design details such as outdoor storage and display, parking and loading areas. This zone shall be applied to existing local commercial uses. Council shall only consider permitting new commercial uses which provide a service to the local neighbourhood by an amendment to the land use by-law. In considering an amendment to the land use by-law to permit local commercial uses, Council shall have regard to the following:

- (a) that the use is primarily intended to serve the local area;
- (b) that the scale of the proposed use is in context with the surrounding areas;
- (c) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site; and
- (d) the provisions of Policy P-IM-9.

The development of senior citizens housing within the various communities of the Residential Designation is supported and there is no doubt that there will be continued demand for this form of housing.

However, because of the scale of such projects there is a need to ensure that the design, layout and maintenance of such facilities are compatible with the surrounding neighbourhood.

RD-10 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall only consider permitting senior citizen housing which is constructed and maintained by a public housing authority, according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the architectural design and scale of any building(s) are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;
- (d) preference for, but not restricted to, a site which has access to commercial and community facility uses where such facilities are available in the immediate area;
- (e) the general maintenance of the development;
- (f) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrances to and exits from the site;
- (g) the means by which solid and liquid waste will be treated;
- (h) the effects of the development on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (i) preference for a development which serves a local community need; and
- (j) the provisions of Policy IM-9.

It is recognized that institutional uses, such as schools, fire stations and halls play an important role in any community in providing services. However, because of the wide range of uses that fall into this category, their potential scale and the possibility of large volumes of traffic being created, a specific review of each proposal is necessary in order to ensure compatibility with surrounding land uses.

RD-11 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall only consider permitting institutional uses according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the architectural design and scale of any building(s) are compatible with nearby land uses;

- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) the potential for adversely affecting nearby residential development;
- (d) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (e) the general maintenance of the development;
- (f) preference for a site which is provided with sidewalks; or adequate pedestrian walkways, as well as street lighting;
- (g) the effects of the development on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (h) the means by which solid and liquid waste will be treated; and
- (i) the provisions of Policy IM-9.

HUBLEY MILL LAKE DESIGNATION

Hubley Mill Lake, from which the designation takes its name, is located at Exit 5 off Highway 103. The designation covers a large area immediately to the south of the 103 along both sides of Highway 213.

As with the Residential Designation, this designation has been applied to an area consisting primarily of single unit dwellings, most of which are situated along the shores of Hubley Mill Lake. Many of these homes have small businesses associated with them, either contained entirely within the dwelling, or situated in an accessory building.

However, there are some significant deviations from this land use pattern and the Residential Designation in general. Within the Hubley Mill Lake Designation are a number of major institutional uses, namely the Tantallon Elementary and Junior High Schools. Also situated in it is the Ocean Mist Mushroom Farm. The remainder of the area is characterized by large vacant landholdings owned either by private individuals or the Crown.

Intent

The Hubley Mill Lake Designation is intended to recognize the low-density residential environment of the area. As has been stated earlier, many of the dwellings in the area are characterized by having a home business associated with them. This type of use is especially predominant in older, more established residential neighbourhoods such as this.

For the most part, these activities are unobtrusive and, as long as they remain so, shall be permitted. However, the purpose of the designation is to maintain residential focus. Therefore, businesses that cause excessive noise, glare, obnoxious odours or vibration will not be permitted. As well, home business uses will be limited in size and although they will be permitted in both the home and accessory building, they shall not involve outdoor display or storage and shall be entirely contained within the dwelling or accessory building. Controls will also be placed on the parking of commercial vehicles.

The same provisions with respect to auxiliary dwelling units that was discussed in the Residential Designation are equally applicable to the Hubley Mill Lake Designation. Therefore, auxiliary dwelling units will be a permitted use, subject to conditions in the land use by-law which will encourage their use for relatives of the principal resident of the dwelling.

In recognition of both the significant public investment that has taken place in the form of the Tantallon Elementary and Junior High Schools and the need for community facilities that are supportive of the residential environment, uses such as churches or government buildings will also be permitted by right within the designation.

Although residents are generally supportive of these community facilities they wish to be consulted prior to any final decision to establish an open space use or community facility in their area is made.

HM-1 It shall be the intention of Council to establish a Hubley Mill Lake Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designation it shall be the intention of Council to support and protect the residential environment.

HM-2 Within the Hubley Mill Lake Designation, it shall be the intention of Council to establish a general residential zone which permits single unit dwellings, auxiliary dwelling units, open space uses, day care facilities of a limited size in conjunction with a permitted dwelling, and community facilities and existing uses. In addition, home businesses shall be considered accessory to a residential use. Provisions of the land use by-law shall ensure that no aspect of the accessory use will detract from the residential nature of the designation.

HM-3 It shall be the intention of Council to inform that Hubley Mill Lake District Homeowners Association prior to any final decision being made concerning open space acquisition and/or the construction of any community facility in their area.

Certain local business uses such as corner stores or service and personal service shops which conveniently serve local residents are also appropriate to the area. However, the frequency of use and operational characteristics justify a case by case review of these developments through the rezoning process.

HM-4 Notwithstanding Policy HM-1, within the Hubley Mill Lake Designation, Council shall establish a local business zone which permits general residential zone uses and commercial uses which provide a service to the local neighbourhood and which establishes controls on site design details such as outdoor storage and display and parking areas. This zone shall be applied to existing local commercial uses. Council shall only permit new local commercial uses by amendment to the land use by-law. In considering an amendment to permit such uses Council shall have regard to the following:

- (a) that the use is primarily intended to serve the local area;
- (b) that the scale of the proposed use is in context with surrounding areas;
- (c) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrances to and exit from the site; and
- (d) the provisions of Policy IM-9.

The development of senior citizens housing within the designation is supported and there is no doubt that there will be continued demand for this form of housing.

However, because of the scale of such projects relative to the low density environment, there is a need to ensure that the design, layout and maintenance of senior citizen facilities are compatible with the surrounding neighbourhood.

HM-5 Notwithstanding Policy HM-1, with the Hubley Mill Lake Designation, Council shall only consider permitting senior citizen housing which is constructed and maintained by a public housing authority, according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the architectural design and scale of any building(s) are compatible with adjacent land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;

- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;
- (d) preference for, but not restricted to, a site which has access to commercial and community facility uses where they are available in the immediate area;
- (e) the general maintenance of the development;
- (f) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrances to and exits from the site;
- (g) the means by which solid and liquid waste will be treated;
- (h) the effects of the development on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (i) preference for a development which serves a local community need; and
- (j) the provisions of Policy IM-9.

One expressed concern of area residents is with respect to the Kreft Mushroom Farm Ltd. (LIMS Index Number 40055766), formerly Ocean Mist Mushroom Farm. This relates primarily to the smell that the operation periodically emits and the fear that the right to unlimited expansion could result in intensified odour or increased frequency of occurrence. Another concern is the effect that large compost piles could eventually have on the water table and its quality. Given these concerns, this operation will be considered a non-conforming use only to the extent that if its operations cease for a period of six months it will not be permitted to re-commence its activities.

At the same time, any expansion of the existing operation will only be permitted by development agreement in order that concerns related to the operation can be properly addressed. A condition of entering the development agreement will be that the farm has not discontinued operations for a continuous period of six months.

HM-6 Notwithstanding Policy HM-1, it shall be the intention of Council to consider the Kreft Mushroom Farm Ltd. (LIMS Index Number 40055766), formerly Ocean Mist Mushroom Farm, a non-conforming use only to the extent that it will not be permitted to re-commence operation if it has been discontinued for a continuous period of six (6) months.

HM-7 It shall be the intention of Council to only consider the expansion of the Kreft Mushroom Farm Ltd. (LIMS Index Number 40055766), formerly Ocean Mist Mushroom Farm, provided that it has not discontinued operations for a continuous period of six (6) months, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the ability of the proposed expansion to meet all of the criteria of all appropriate licensing agencies;
- (b) the potential for adversely affecting nearby residential, commercial and community facility uses by virtue of noise, visual intrusion, the scale of the proposed expansion and in particular, odour;
- (c) the adequacy of screening and setbacks from adjacent uses;
- (d) that the use has not ceased operations for a continuous period of six (6) months; and
- (e) the provisions of Policy IM-9.

MIXED RURAL RESIDENTIAL DESIGNATION

The Mixed Rural Residential Designation has been applied to areas that are, for the most part, located off Highways 3 and 333. They can be best described as areas that are in a state of transition, moving from a relatively traditional and diverse land use pattern to one in which residential uses are slowly beginning to predominate. However, this semi-rural area still retains a strong non-residential influence as evidenced by both the land use pattern and the attitude of most residents.

Residential development within the designation is composed of a variety of housing types, including mobile homes and single and two unit dwellings. Although there have been a number of new homes constructed over the past ten years, a significant number of older, even turn-of-the century houses, remain. There are also a number of home businesses within the designation, some of which are quite large, which reflects the entrepreneurial spirit of many of the people of St. Margarets Bay.

These home businesses are diverse in nature and provide income to the operators, as well as a wide range of services to local residents. Activities of this nature will be supported within the designation, subject to rezoning standards which will help to ensure that the operations do not become intrusive.

An important component of commercial activity within the designation relates to tourism. The St. Margarets Bay area has long attracted tourist and this activity still plays a very important role in the economy. The tourism business is generally accepted as it is clean and considered to be compatible with the overall environment of the Bay area. Therefore, support is offered for certain activities that are related to this industry. Businesses now operating in the designation which are dependent on tourism include bed and breakfasts and craft and antique shops.

Although not as prevalent as in previous years, scattered fish shed and wharves stand as testimony to the importance of the fishery as both a source of employment and a symbol of a way of life which has played an important role in Bay life since the area was first settled. A few farms also remain within the designation, again a reminder of a time when resource based activities provided the economic backbone of the St. Margarets Bay area.

The Mixed Rural Residential Designation will attempt to accommodate the relatively broad range of land uses that have always existed within it, as well as other uses, for reasons of specific locational requirements, have a need to establish in it.

At the same time, it is recognized that the area is one which is changing. As more people move to St. Margarets Bay and build homes, the designation will become more residential in nature, bringing with it some conflict with traditional land uses.

The challenge of the Mixed Rural Residential Designation is to accommodate traditional land use activities within a changing environment.

Land Use Intent

In support of the residential components of the designation, one and two unit dwellings, as well as mobile homes, will be permitted. Mobile homes, however, must be skirted. The use of these standards will help to give a sense of permanency to the units.

Home businesses operating within a dwelling or in an accessory building will be permitted within the designation. However, there remains a concern that if such operations become too large or carry out a type of business that is potentially obnoxious, land use conflicts could result.

In order to ensure that home businesses do not become intrusive, the land use by-law will contain standards with respect to such matters as size of business, signage and outdoor storage.

A limited number of other small, scale commercial uses which are in keeping with the area's traditional land use will also be permitted within the Mixed Rural Residential Designation, both in conjunction with a dwelling and as an independent use. These commercial operations include those which are related to the tourist industry, such as craft shops, as well as those which provide goods and services to local residents, such as variety stores.

However, given the large and ever-increasing residential component of the designation, restrictions will be placed on the size of the total commercial use or business permitted on a lot. This will ensure that they will not reach a size that is not in keeping with surrounding uses. In addition, due to a lack of such facilities in the area, small medical clinics will also be permitted by right in order to encourage their establishment. Again, these uses will be limited in size in order to reduce the possibility of land use conflicts occurring with neighbouring development.

In keeping with the traditional resource based activities of the area, small scale agricultural, fishing and forestry use are supported within the designation. Included among these are non-intensive agricultural operations such as hobby or small mixed farms and fishery-related uses such as wharves, fish sheds and limited fish processing by fishermen processing their own catch. However, while resource uses have been long established and contribute to the overall rural environment, the characteristics of certain resource related activities are such that they are not compatible with surrounding uses. Therefore, intensive or large scale resource activities such as large fish processing plants or intensive agricultural uses will not be permitted.

Open space uses and most institutional uses such as schools, churches and fire stations provide important services to the communities in which they are situated. Such uses will, therefore, be permitted within the Mixed Rural Residential Designation, However, institutional uses such as penal facilities are not appropriate to the area.

MRR-1 It shall be the intention of Council to establish a Mixed Rural Residential Designation as shown on the Generalized Future Land Use Map (Map 1). Within this designation it shall be the intention of Council to support the existing semi-rural environment with its mixture of residential development, local commercial and tourism related activities, community facilities and smaller-scale resource uses.

MRR-2 Within the Mixed Rural Residential Designation it shall be the intention of Council to establish a Mixed Rural Residential zone which permits all existing uses, single unit dwellings, two unit dwellings, mobile homes which are skirted, small scale medical clinics, boat houses, homes businesses, local commercial activities, operations related to the tourist industry such as bed and breakfasts and craft and antique shops, smaller-scale resource-related uses and open space and institutional uses which provide services to the community. Provisions of the zone will provide for controls on outdoor storage and display, parking and loading areas, buffering and setbacks for the permitted non-residential uses.

Scattered throughout the Mixed Rural Residential are found small areas of primarily residential development. Such areas are characterized by continuous residential development and an absence of commercial and other non-residential uses.

It is expected that other pockets of such residential development will build up over time. Although it is not the intention to prezone for such areas, provisions will be made to allow for residents to receive residential zoning through the rezoning process in order to gain a measure of additional protection.

MRR-3 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall only consider applying more restrictive residential zoning by amendment to the land use by-law. In considering an amendment to the land use by-law for such a purpose, Council shall have regard for the provisions of Policy IM-9.

Multiple-unit residential dwellings provide accommodation for area residents and offer the opportunity for people to live in the area who cannot or do not wish to own their own homes. Senior citizens' homes offer a much needed service to all communities and their provision is actively supported within the Plan Area.

However, although these uses have many positive aspects, they can be of such a scale, relative to neighbouring uses, that the development agreement approach will be used when considering such uses within the designation. Development agreements will ensure that the scale of the overall structure will remain compatible with surrounding land uses and that matters such as setbacks, layout and access to collector roads addressed. Concerns related to sewage disposal, water supply and environmental protection can be considered.

MRR-4 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall only consider permitting multiple unit dwellings, and senior citizen housing in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the architectural design and scale of any building(s) are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) the general maintenance of the development;
- (d) that open space and parking areas are adequate to meet the needs of residents and that they are substantially landscaped;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distance and entrance to an exit from the site; and
- (g) the provisions of Policy IM-9.

In addition, in the case of senior citizen's housing, Council shall have regard to the following:

- (a) preference for, but not restricted to, a site which is close to commercial and community facility uses where such uses are available in the immediate area; and
- (b) preference for a development which serves the local area.

Commercial development within the Mixed Rural Residential Designation is interspersed with residential development. As has been noted earlier, most of the commercial activity is relatively small-scale and is devoted to either tourism or to providing goods and services to local residents.

Although some small-scale community commercial activities are permitted, in those instances where larger uses wish to establish, an amendment to the by-law will be required. In this manner, the proposal can be reviewed and its merits weighed. However, given the large residential component of the area, commercial uses of this nature will be restricted in size.

In addition to community commercial type uses, large tourist-related functions shall also be permitted by amendment to the by-law. As with other commercial uses, larger activities of this nature will only be permitted by amendment to the by-law.

MRR-5 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation Council shall establish a community commercial zone which permits mixed rural residential uses and community commercial uses, which provide a service to the local community, and craft and antique shops to a maximum of three thousand (3,000) square feet. Provisions of the zone will provide for controls on outdoor storage and display, parking and loading areas and buffering. This zone shall be applied to existing community commercial uses. Council shall only consider permitting new community commercial uses by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses in the Mixed Rural Residential Designation, Council shall have regard to the following:

- (a) that the scale of the use is in context with the surrounding areas;
- (b) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site; and
- (c) the provisions of Policy IM-9.

In addition, in the case of community commercial uses, Council shall have regard for the following:

- (a) that the use is primarily intended to serve the local community.

Given the locational attributes of much of the designation there are other uses related to the tourist industry that could conceivably find the designation particularly attractive from a business perspective. For example, certain parcels of land within the designation have an excellent view of the ocean and, in some instances, direct access to it. Commercial activities that would find such locations advantageous include motels, hotels and restaurants.

The nature of these uses, however, is such that they would not be appropriate to all areas within the designation. Therefore their establishment shall only be permitted by amendment to the land use by-law.

MRR-6 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall establish a tourist industry zone which permits all mixed rural residential uses, motels, hotels and restaurants. This zone shall be applied to existing tourist industry uses and shall establish controls on site design, details such as outdoor storage and display and parking areas. Council shall only consider permitting new tourist industries by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential that the proposed use has for adversely affecting nearby residential and community facility development and an evaluation of the effect which the operational characteristics of the proposal will have on the surrounding community;
- (b) evidence of identifiable characteristics which make the site particularly suitable for the proposed use;
- (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (d) the means by which solid and liquid waste will be treated; and
- (e) the provisions of Policy IM-9.

Two other uses that potentially could find desirable locations within the designation are campgrounds and marinas. Marinas have an obvious need to be by the sea while campgrounds would be attracted by the scenic and natural amenities which exist within the area.

While residents appreciate the need for such facilities, there is concern that these uses could also bring with them noise and other problems, especially given the potentially large areas involved and the level of activity. Communities seek assurances that such activities will not detract from the existing character and usage of property. Therefore, such uses will be considered within the designation only where the site has a particularly valuable potential which can be developed without creating disruption to neighbouring land uses.

MRR-7 Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall only consider permitting campgrounds and marinas in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting nearby residential and community facility development in the area by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (d) the layout and design of the facility;
- (e) general maintenance of the facility;
- (f) the means by which solid and liquid waste will be treated;
- (g) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (h) the provision of sewage pump-out facilities for marine craft;

- (i) that provisions for storage of marine craft require all masts and rigging be removed;
- (j) the appearance of all buildings and structures related to the use and their relation to nearby uses;
- (k) the requirement for any applicable provincial approvals;
- (l) hours of operation relating to retail and entertainment uses;
- (m) the provisions of Policy IM-9.

MIXED USE DESIGNATIONS

The area situated along Highway 3 and 333 is made up of diverse land use pattern that can be traced back to the initial settlement of St. Margarets Bay. The first settlers to the area, attracted by its abundant resources, established communities that generally hugged the coast line. As these settlements grew, commercial uses followed to provide them with basic goods and services.

Around the turn of the century, the St. Margarets Bay area began to gain popularity as a resort area and a number of hotels and other services were built in conjunction with the tourist industry. As roads connecting St. Margarets Bay to the nearby metropolitan area were improved, new residential development began to occur at a relatively rapid rate. At the same time, additional commercial uses were established to serve the increasing population base.

The result of these various forces has left a pattern of development that can be best described as mixed and it is to these areas that the Mixed Use Designations have been applied.

Residents generally enjoy the semi-rural environment that has resulted. Indeed, it is this very environment that has served to attract many people to St. Margarets Bay in the past few years.

Residential development within the designation is made up of a variety of types. Standing side-by-side with new homes are older dwellings that were built over two hundred years ago. Interspersed among these conventional homes are found a number of mobile dwellings.

A significant number of dwellings are also used for business purposes. Commercial operations located in the home or in accessory buildings are characteristic of the Bay area with its history of self-reliance and entrepreneurship. In some cases, these homes businesses provide the sole source of income for the owner while, in others, the business is used to supplement income from other jobs or is seen primarily as a hobby.

At the same time, many larger businesses are located within the designations, most of which have direct access to the main highways. These commercial enterprises provide a wide variety of services to both residents and visitors and include gas stations, grocery stores and restaurants. There is no major commercial centre in District 1, however, some commercial services are located at the industrial park in Hubbards. In District 3, the Sobeys Shopping Centre and Hubley Centre in Tantallon offer many commercial shops and services.

A range of light industrial uses is also found in the Mixed Use Designations which provide jobs for residents and a stable tax base for the Plan Area.

As has been previously stated, there has been a steady increase of new residential development in the area over the past few years. However, this has not reduced the strong attachment to the land and sea that is an integral part of life in the St. Margarets Bay area. Although the actual number of people who continue to earn their living from the traditional resource base is declining, there are reminders of it scattered throughout the area. Especially evident are the sheds and wharves connected with the fishery, which is still an important resource industry in the Plan Area.

There is a desire to allow the diverse land use pattern evident within the Mixed Use Designation to continue. At the same time, there is a recognition that allowing all uses by right could eventually create conflicts that, to date, have been few in number.

The challenge of the Mixed Use Designations is to allow people to use their land as freely as possible and yet offer some protection to neighbouring land owners.

Land Use Intent: Mixed Use "A" and "B" Designations

The Mixed Use Designations support and encourage a wide variety of land uses. However, because of different traditions and slightly differing land use patterns, there has been a need to create two Mixed Use Designations in order to adequately reflect the desires of the communities with respect to certain resource uses.

The two designations are virtually the same except that in the Mixed Use "A" Designation, fish processing plants are permitted by right, while in the Mixed Use "B" Designation, such uses may only proceed by development agreement, excepting operations where a fisherman or his crew process his own catch.

Although both designations support a wide range of development this is coupled with a concern for the natural environment, especially that of St. Margarets Bay. Therefore, certain categories of uses that could potentially be harmful to the environment will be restricted or not permitted, such as hazardous waste dumps, **C & D disposal operations** or industries which produce process waste water that cannot be disposed by means of an on-site sewage disposal system.(RC - September 10, 2002 / E-November 9, 2002).

An important component of land use in the designations is residential development. At present, the large majority of the housing stock is composed of single unit dwellings, with a scattering of mobile homes and two unit dwellings. The continued development of such uses within the designation will be supported.

There is a need for senior citizens' homes in the area to provide for older residents who no longer are able to or wish to maintain their own homes. There is a clear desire on the part of residents of the designation to allow such facilities to establish within their communities.

Building senior citizen's homes in the local community has a number of advantages, not the least of which is that family ties can be more easily maintained.

At the same time, it is recognized that senior citizen buildings could be out of scale with the surrounding area or place strain on local services or the environment. Therefore, such uses will be permitted by right only up to twenty units. Beyond this size, they will only be permitted by development agreement.

There is generally no objection to people operating businesses in conjunction with their homes. In fact, this activity has always played an important role in the economy of the Bay area. Given the wide range of possible commercial uses that might establish in conjunction with a residential use on a lot and an ever-present need to create employment, no specific size restrictions will be placed on such businesses within the Mixed Use Designation.

However, there is some concern about the possible effects of these uses, especially in relation to parking, signage and buffering. Therefore, controls will be placed on parking and signage which will work to maintain buffering between neighbouring uses.

The operation and establishment of businesses in conjunction with a residential use will also mean that more than one main use may be established on a lot.

However, both the first and second use may be subject to the regulations of the Department of the Environment to ensure that septic systems and soil conditions can handle any increased volume of sewage. It is also recognized that, in some cases, lot size will be inadequate to permit the eventual subdivision of properties that are occupied by both a residential and commercial use.

However, not all uses are considered appropriate and any that are not uses traditionally operated in conjunction with residences in the area will not be permitted.

As the Mixed Use Designation follow the main highways and include the majority of commercial development within the Plan Area, most new commercial uses on individual lots will also be accommodated within the designation. Permitted commercial uses of service industrial uses will include retail and wholesale, as well as service-related operations, such as plumbing and heating shops and heavy machinery sales and service. However, because certain activities are intensive in nature, the land use by-law will contain more stringent requirements for activities in terms of setbacks and buffering from neighbouring areas.

Additionally, specific controls will be placed on uses such as service stations, which generate large amounts of traffic. This is especially important given the winding nature of the main highways and the fact that at certain times of the year there are large volumes of tourist traffic using the roads. For such uses, strict standards for entrance and exit will be applied to the protection of the motoring public.

Included among the uses that will be permitted are traditional or cottage-type industries such as wood working shops, small boat building and repair facilities and stone carving operations. These traditional industries complement tourism, provide employment and do not conflict with neighbouring uses.

Given the traditional resource-related base of the local economy, agricultural uses and activities related to fishing and forestry are permitted. However, while resource uses have traditionally located in the designations and enhance their rural quality, such characteristics as noise, odour and outdoor storage from certain aspects of these uses could cause conflicts. Therefore, the land use by-law will place limits on the sizes of certain resource uses as well as provide for increased setbacks from adjacent uses.

In addition, because of the intensive nature of their operations, certain components of the resource industry, such as intensive agricultural and extractive facilities, will only be permitted by development agreement.

Institutional uses provide a service to both the Plan Area as a whole and to the communities in which they are located. Therefore, most institutional uses will be permitted within the designations. Given the possible scale of these uses, additional setbacks will be provided for in the land use by-law. However, institutional uses such as penal institutions are not considered appropriate and will not be permitted.

MU-1 It shall be the intention of Council to establish a Mixed Use "A" and a Mixed Use "B" Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designations it shall be the intention of Council to support the continuation of the existing diverse land use pattern characterized by a mixture of residential development, commercial activity, community facilities, traditional industries and resource uses. The Mixed Use "A" and "B" Designations will differ only in their treatment of fish processing plants.

MU-2 Within the Mixed Use "A" and "B" Designation, it shall be the intention of Council to establish a Mixed Use 1 and Mixed Use 2 Zone respectively which permits all uses with the exception of mobile home parks, multi-dwellings, senior citizen housing containing over twenty (20) units, commercial entertainment uses, video arcades, campgrounds, marinas, intensive agricultural uses, extractive uses, sawmills and industrial mills related to forestry over three thousand (3,000) square feet, penal institutions, industrial uses excepting traditional uses, including telecommunication towers, hazardous waste disposal or storage sites, sanitary land fill sites, **C & D Material Operations (RC - September 10, 2002 / E-November 9, 2002), commercial and industrial developments greater than 697 square metres (7,500 square feet) of GFA on any one lot, (RC - February 24, 2009/ E-April 25, 2009)**, and salvage yards. The Mixed Use 1 Zone shall permit fish processing plants and the Mixed Use 2 Zone shall not. Standards shall be contained in the land use by-law for non-residential uses, including controls on outdoor storage and display, parking, buffering and setbacks.

Within the Mixed Use Designation, existing pockets of primarily residential development have built up. Such areas are characterized by contiguous residential development and an absence of commercial or resource uses.

In addition, other such areas will, in all likelihood, evolve over time within the designation. Although such areas will not be re-zoned, provisions will be made for residents in these areas to apply for residential zoning.

MU-3 Within the Mixed Use "A" and "B" Designations Council shall only consider applying more restrictive residential zoning by amendment to the land use by-law. In considering an amendment to the by-law for such a purpose, Council shall have regard for the provisions of Policy IM-9.

There is a need to provide for some higher-density uses within the designations such as multi-unit dwellings, larger size senior citizen homes and mobile home parks. However, because of the scale of such uses, concern over the operation of septic or sewage treatment facilities and the effects that a large influx of people permanently living in an area could have on community services, development agreements will be required. These agreements will offer the opportunity to evaluate each proposal on an individual basis against community concerns.

MU-4 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations Council shall only consider senior citizen homes over twenty (20) units and multiple unit dwellings within the Mixed Use Designations according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the architectural design and scale of any building(s) are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposal;
- (c) the general maintenance of the development;
- (d) that open space and parking areas are adequate to meet the needs of residents and that they are suitably landscaped;
- (e) the means by which solid and liquid waste will be treated;
- (f) the effect of the proposed use on traffic volume and the local road networks, as well as traffic circulation in general, sighting distances and entrance to and exit from the site; and
- (g) the provisions of Policy IM-9.

In addition, in the case of senior citizen homes, Council shall have regard to the following:

- (h) preference for, but not restricted to, a site which has access to commercial and community facilities where such facilities are available in the immediate area; and
- (i) preference for a development which serves the local community.

At the present time, there are no mobile home parks within the Plan Area. It is recognized, however, that parks offer an opportunity to those who do not wish to buy a conventional home an alternative. However, given the mobile home parks are in many respects an "instant community", there must be an opportunity for public input prior to their establishment. Therefore, mobile home parks will be considered by development agreement and only accommodated where it can be demonstrated that they will not place a strain on services or the natural environment.

MU-5 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations, Council shall only consider permitting new mobile home parks as well as expansions to mobile home parks, according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) the adequacy of park services including sewer, water and storm water systems, recreation facilities, roads and general park maintenance, garbage collection and street lighting;
- (b) the ability of education facilities, protection services, and recreation facilities to adequately service the increased demands of the development or to respond with the provisions of additional services;
- (c) the provision of landscaping or buffering from nearby land uses in order to protect the privacy, reasonable use and enjoyment of those properties;
- (d) the provision of landscaping or buffering from the public road to which it has access;
- (e) the effect of the extension of internal and external traffic circulation patterns, traffic circulation and in particular, sighting distances and entrance and exits to the site;
- (f) the means by which solid and liquid waste will be treated;
- (g) park layout and design, including the design of the internal road network, and separation distances from maintenance buildings and any sewage treatment plants;
- (h) the guidelines of the Mobile Home Park By-law; and
- (i) the provisions of Policy IM-9.

Although most commercial uses will be permitted by right, certain operations will be restricted due to the nature of the operation or concerns over noise or hours of operation.

Commercial entertainment uses such as beverage rooms, nightclubs and cabarets are one such category of use. There are a few such establishments within the Plan Area most of which are connected to hotels or motels.

There is concern, however, that licensed operations can bring about increased traffic, noise and related problems to an area. In order to ensure public input into the location of these types of uses, they will be permitted to proceed only through the development agreement process and be restricted to one such use per lot.

MU-6 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations, Council shall only consider commercial entertainment uses according to development agreement provisions of the Planning Act. When considering such agreements, Council shall have regard for the following:

- (a) the potential for adversely affecting nearby residential and community facility development;
- (b) the impact of the entertainment use on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (c) proximity of a residential environment;
- (d) the provision of landscaping or buffering from adjacent development;
- (e) the general maintenance of the developments; and
- (f) the provisions of Policy IM-9.

However, there is one site for which there is a particular advantage for commercial entertainment uses, this being in the proposed Hubbards Square project. This multi-use project would see a variety of service industrial and heavy commercial uses contained under one roof and would be located on a large land tract. Given these factors, commercial entertainment uses will be permitted by right within the confines of this project.

Given that this will be a multi-tenant project, it will also be permitted to have multi-unit dwellings on the property, in order that operators may reside over their business for security, maintenance and economic reasons.

MU-7 Notwithstanding the provisions of Policies MU-2 and MU-6, commercial entertainment uses shall be permitted by right within the Hubbards Square project, identified as LIMS Numbers 40021768, 40021750, 40021743, 40227324, 40227316, 40021958 and 40021941, Furthermore, multi-unit dwellings shall be permitted by right on these properties.

Another use that gives cause for concern is video arcades. These operations can attract a large number of clients, operate until late at night and be noisy. Therefore, not all locations are suitable for their establishment and they will only be considered by development agreements.

MU-8 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designation, Council shall only consider video arcades according to the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) the potential for adversely affecting nearby residential and community facility development;
- (b) the availability of frontage on Highway No. 3 or 333;
- (c) the impact of the entertainment use on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (d) proximity of a residential environment;
- (e) that the proposed development shall not be considered within two hundred (200) feet of a residential zone;
- (f) hours of operation; and
- (g) the provisions of Policy IM-9.

Two uses that could find the designation attractive to locate in but bring with them potential negative side effects are campgrounds and marinas. Such uses are recognized, given the Plan Area's reliance on the tourist industry. However, residents are anxious to ensure that when they are developed they will not create disruption to neighbouring uses. Therefore, campgrounds and marinas shall only be considered by development agreement.

MU-9 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations, Council shall only consider campgrounds and marinas according to the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting existing residential and community facility development in the area by virtue of noise, visual intrusion and traffic generation;

- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the impact on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (e) the layout and design of the facility and public safety regarding the operation of boats;
- (f) the general maintenance of the facility;
- (g) the means by which solid and liquid waste will be treated;
- (h) the provision of sewage pump-out facilities for marine craft;
- (i) that provisions for storage of marine craft require all masts and rigging be removed;
- (j) that the architectural design and scale of any buildings are compatible with nearby uses;
- (k) the ability to meet any applicable Provincial requirements;
- (l) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (m) hours of operation; and
- (n) the provisions of Policy IM-9.

Within the Mixed Use "A" Designation in Hacketts Cove, there is a site for which the owner has long had plans to construct a marina. In fact, some preliminary work has been carried out on the site for this purpose. Given this situation, a marina will be permitted by right on the properties in question.

MU-10 Notwithstanding the provisions of Policies MU-2 and MU-9, a marina shall be permitted by right on properties located in Hacketts Cove identified as LIMS Numbers 513150, 513143, 513135, 513127, 513085, 513119, and 40034688.

It is recognized that there may be demand for the location and operation of crematoriums. While it is recognized that such facilities would provide a valuable community service, there is a concern that any form of biomedical incineration could impact on surrounding development and communities. In many instances, crematoriums are developed in association with cemeteries. In order to ensure that crematoriums are properly sited, installed and maintained, they will only be considered by development agreement.

MU-11 Notwithstanding Policies RD-2, RD-3, RD-7, HM-1, MRR-2, RE-2 and RE-3 within the Residential, Hubley Mill Lake, Mixed Rural, Mixed Use "A", Mixed Use "B" and Resource Designations, Council may consider permitting the development of crematoriums in conjunction with cemeteries, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) provisions pertaining to the performance of the ongoing maintenance of the crematorium;
- (b) that the development is sited so as to reduce visual impact on any adjacent residential land uses;
- (c) that the site design features, including parking, driveways and buffering from the adjacent properties are of an adequate size and design to service the development;
- (d) that the development does not impose a traffic impact on surrounding land uses;
- (e) hours of operation;
- (f) that the development comply with applicable guidelines and/or regulations of the Department of the Environment pertaining to biomedical waste incineration; and
- (g) the applicable sections of Policy IM-9.

There are a small number of industrial uses scattered throughout the designations. For the most part, these operations are not large and do not cause any problems for neighbouring land uses.

Given the proximity of the Plan Area to Halifax-Dartmouth and the availability of large tracts of land, it is probable that other industries will be attracted to Planning Districts 1 and 3.

Industrial uses can be of various types and sizes. In order to minimize potential conflict, this form of activity will only be permitted by amendment to the land use by-law. Uses that are generally considered appropriate are light industrial manufacturing operations such as high technology operations and assembly operations. On the other hand, industry which creates high noise volume, generates offensive odours or could potentially harm the natural environment are not desired.

As a means of protection, the land use by-law will establish standards regulating outdoor storage and display, parking and loading areas, setbacks and separation distances from adjacent land uses.

Although a number of industrial uses may be appropriate to the area, those that create effluent water or air pollutants that cannot be treated by normal on-site systems will not be permitted. It is felt that industrial operations that cannot meet this basic criteria could potentially cause harm to the environment and would be better located where treatment facilities are available. The concern for the environment also means that hazardous waste disposal sites **C & D disposal operations** or sanitary landfill sites will not be permitted within the designations. **(RC - September 10, 2002 / E-November 9, 2002).**

One category of use that will be permitted by right, however, are cottage or traditional industries such as woodworking operations, small boat building and repair, pottery and stone carving. These uses have been long associated with the Plan Area and are considered to be compatible with both the land use pattern of St. Margarets Bay and its way of life.

MU-12 Notwithstanding the provisions of Policy MU-2, within the Mixed Use "A" and "B"

Designations, Council shall establish a general industrial zone which permits all uses permitted in the Mixed Use 2 Zone, light industrial uses, retail uses accessory to industrial uses, and telecommunication towers, and which zone establishes controls on outdoor storage and display, parking and loading areas and buffering, including setbacks from watercourses. This zone shall be applied to existing light industrial uses. Council shall only consider permitting new light industrial uses by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent land uses or the environment by either the nature or scale of the proposed industrial operation;
- (b) the effects of the proposed use on air quality, as contained in the technical report from the appropriate Provincial or Federal government authority;
- (c) the effects of the volume and type of vehicular traffic using the access road to the proposed site;
- (d) consideration of the compatibility of the proposed development with neighbouring development;
- (e) the means by which solid and liquid waste will be treated; and
- (f) the provision of Policy IM-9.

Scrap or auto salvage yards constitute a land use than, by virtue of the nature of their operations raise a number of concerns. While it is recognized that these facilities provide a necessary service, there is a desire to evaluate such uses against their potential negative effects on neighbouring uses of the environment.

Therefore, scrap or salvage yards will only be permitted through the rezoning process. In order to ensure that maximum protection is provided to adjacent uses, the zone will pay particular attention to setbacks and buffering, especially from residential uses.

MU-13 Notwithstanding Policy MU-2, within the Mixed Use "A" and "B" Designations, Council shall establish a salvage yard zone which permits all uses permitted by the Mixed Use 2 Zone, scrap and salvage yard operations, and dwelling units accessory to a permitted use and which establishes controls on outdoor storage and displays, parking and loading areas and buffering, including setbacks from watercourses. This zone shall be applied to existing scrap and salvage yards. Council shall only consider permitting new scrap or salvage yards by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the ability of the site to meet the licensing requirements of the Board of Commissioners of Public Utilities;
- (b) the effect of the proposed operation of nearby residential and community facility uses;
- (c) the impact of the operation on traffic circulation and, in particular, sighting distances and entrance and exits to the site;
- (d) buffering;
- (e) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;
- (f) proximity to water bodies that may be adversely affected by run-off;
- (g) the means of disposal of water and chemical; and
- (h) the provisions of Policy IM-9.

Resource industries have long played an important role in the designation. In keeping with this traditional reliance on the resource base, most such activities are permitted in the designations.

There are, however, certain resource uses which by their nature can be considered intrusive. There is no wish to completely exclude resource uses from occupying their traditional areas of activity and it is recognized that in certain instances, the resource itself dictates the location of the activity. At the same time, people do not want to be adversely affected by these uses.

Although smaller forestry operations shall be permitted by right, large scale forestry operations, such as large sawmills or industrial mills, shall only be permitted by amendment to the land use by-law through the provisions of the General Industrial Zone.

Because of the nature of their operations, intensive agricultural uses such as mushroom farms, large chicken or pig farms, and extractive facilities shall be accommodated only through the use of development agreements. In both uses the governing criteria will be that the proposed location must have definite characteristics which make it particularly suitable for the use.

In all of these cases, there are concerns with respect to noise emanating from the operation and the possibility of detrimental effects to the environment. In the case of extractive facilities, there are added concerns with aesthetics and the dust associated with such uses, while in the case of intensive agriculture, odours could potentially create problems for neighbouring uses.

MU-14 Notwithstanding the provisions of Policy MU-2 within the Mixed Use "A" and "B

Designations, Council shall zone existing forestry uses such as sawmills or industrial mills over three thousand (3,000) square feet to the general industrial zone. Council shall only consider new forestry uses over three thousand (3,000) square feet by amendment to the land use by-law. In considering an amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential for adversely affecting nearby land uses or the environment by either the nature or scale of the proposed industrial operation;

- (b) the effects of the proposed use on air quality, as contained in the technical report from the appropriate Provincial or Federal government authority;
- (c) the effects of the volume and type of vehicular traffic using the access road to the proposed site;
- (d) consideration of the compatibility of the proposed development with nearby development;
- (e) the means by which solid and liquid waste will be treated;
- (f) the effects of the use on the natural environment as contained in a report from the appropriate Provincial or Federal government authority; and
- (g) the provisions of Policy IM-9.

MU-15 Notwithstanding Policy MU-2 within the Mixed Use "A" and "B" Designations, Council shall only consider extractive facilities according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard for the following:

- (a) that the site has a particular locational advantage in terms of the availability of the resource over other areas;
- (b) the potential for the facility adversely effecting nearby development by virtue of noise or visual intrusion;
- (c) the provision of buffering from nearby development;
- (d) the distance of any part of the facility from a watercourse;
- (e) the hours of operation;
- (f) the provisions of Policy IM-9.

MU-16 Notwithstanding Policy MU-2 within the Mixed Use "A" and "B" Designations, Council shall only consider intensive agricultural uses according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site has a particular locational advantage in terms of the availability of the resource over other areas;

- (b) the ability of the proposed intensive agricultural use to meet all the criteria of all appropriate licensing agencies;
- (c) the potential for adversely effecting nearby residential, commercial and community facility uses by virtue of noise, odour, visual intrusive or the scale of the proposed intensive agricultural use;
- (d) the adequacy of screening and setbacks from nearby uses; and
- (e) the provisions of Policy IM-9.

In the ten-year period from 1996 to 2006 the area around Highway 103 at Exit 5 including Upper Tantallon, has seen a 54% increase in population and is designated as a growth centre in the Regional Plan. The population growth coupled with public investment in community facilities, educational institutions, and public highways has created commercial development pressures in this community. Residents have expressed concern with the “by-right” commercial growth that is occurring. Residents desire future commercial development, especially large format, to be planned in a comprehensive manner, and remain in the growth centre rather than spreading out along the Bay. Furthermore, there is a need to balance this growth with the traditional character of the built form in St. Margarets Bay.

The traditional building style, character and scale of development in the area is typified by simple wood frame homes and fishing industry buildings with gabled and pitched roofs and wood shingle siding. Large format commercial and industrial buildings are typically designed with large blank walls without articulation and which do not reinforce the traditional character of the built form in St. Margarets Bay. As such, new commercial and industrial developments and expansions greater than 697 square metres (7,500 square feet) gross floor area on any one lot, may only proceed though the development agreement process.

MU-16(A) - Notwithstanding Policy MU-2, within the Mixed Use “A” and “B” Designations, Council shall only consider new commercial and industrial developments or expansions to existing uses resulting in a combined gross floor area greater than 697 square metres (7500 square feet) on any one lot according to the development agreement provisions of the *Municipal Government Act*. In considering such development agreements, Council shall have regard to the following:

- (a) the architectural design of building(s) that reinforce the style, character and scale of the area’s traditional built form;**

- (b) building height, massing, and scale;**
- (c) adequate separation distances from residential uses;**
- (d) controls on signage that reinforce the rural character of the area;**
- (e) site illumination to reduce, where possible, the unnecessary illumination of surrounding properties including reasonable limitations on the hours of illumination;**
- (f) the retention of significant features such as any significant wildlife habitat, important scenic vistas, historic buildings, cultural landscapes, mature forest, and other elements that typify the rural character of the area;**
- (g) landscaping features which may be designed to enhance the visual amenity of the building or to mitigate visual impacts;**
- (h) the provision of public access to traditional trails, recreation or parkland areas and lake or coastal frontages;**
- (i) the general maintenance of the development; and**
- (j) any other matter relating to the impact of the development upon surrounding uses or upon the general community, and the provisions of policy IM-9. (RC - February 24, 2009; E - April 25, 2009)**

The fishery has played an integral part in the physical and social development of the St. Margarets Bay area. It originally drew settlers to the area and still plays an important role in the economy both as a direct and indirect employer. It also remains as a symbol of a way of life in the Bay area.

There is a strong desire to protect the fishing industry, particularly the activities of individual fishermen. Therefore, fishery related uses such as sheds, wharves, and boat houses will be permitted by right throughout the Mixed Use "A" and "B" Designations.

In order to operate effectively, small-scale fishing operations must also be able to carry out some processing of their catch. Therefore, the limited processing of fish by individual fishermen and crew will be also permitted by right in both designations.

Mixed Use "A" Designation

There are a small number of larger scale fish processing plants now in operation within the Mixed Use "A" Designation. Such plants provide a source of employment and enable fishermen to have their catch processed locally and thereby avoid transportation costs. These existing plants are located in areas where they are accepted by their communities and will be permitted to expand by right. New fish plants will also be permitted by right within the Mixed Use "A" Designation as the communities within the designation are those where the fishing industry is most active.

MU-17 Within the Mixed Use "A" Designation, it shall be the intention of Council to permit fish processing plants within the Mixed Use 1 Zone.

Mixed Use "B" Designation

In other communities there is a desire to evaluate the establishment of new large-scale operations on an individual basis. Therefore, new fish processing plants will be permitted only by development agreement in the Mixed Use "B" Designation.

MU-18 Notwithstanding Policy MU-2 within the Mixed Use "B" Designation, Council shall only consider fish processing plants, other than a fish processing use operated by a fisherman and crew for the processing of their own catch, according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) the ability of the proposed fish processing plant to meet all the criteria of all appropriate licensing agencies;
- (b) the potential for adversely affecting nearby residential, commercial and community facility uses by virtue of noise, odour, visual intrusion or the scale of the proposed fish processing plant;
- (c) the adequacy of screening and setbacks from adjacent uses; and
- (d) the provisions of Policy IM-9.

RESOURCE DESIGNATION

The Resource Designation has been applied to the interior or backlands of the plan area which are, for the most part, undeveloped and heavily forested.

In District 1, the vast majority of land within the Resource Designation is owned by Bowater Mersey Paper Company Limited. This area, which is situated to the north of Highway 103, encompasses over 50,000 acres. Bowater Mersey maintains a logging camp on these holdings at Sawler Lake and harvested wood is trucked to the company's pulp and paper mill located in Liverpool. The level of logging activity that take places on these lands in any given year is dependent upon a number of factors, including market demand for the final product and the supply of logs from other sources.

Bowater Mersey has opened up a portion of their holdings to public use and permits people to partake in such activities as hiking, cross-country skiing, and snowmobiling on some of the logging roads that cross their property. One particularly well-known hiking trail is the Annapolis Trail which runs from Highway 103 to the Annapolis Valley. The facilities offered by Bowater Mersey are well utilized and area residents both appreciate and support their continued existence.

Apart from the lands owned by Bowater Mersey, there are also some other parcels owned by individuals, most of which are located along Highway 103. A few of these have been developed with hunting and fishing camps.

The Resource Designation in District 3 is situated to the east of Highway 333, and south of Highway 3 and is primarily composed of Crown land. Although steep slopes create problems of access to these lands, they are used quite extensively by the general public for hunting and fishing purposes.

On the periphery of these Crown holdings, and scattered throughout them, are a number of privately owned parcels, some of which have been developed with camps. As well, there is limited jogging taking place on some of these private lands. Near the centre of the area is Pioneer Village. This facility, operated by the Nova Scotia Hostelling Association, offers the opportunity for groups and individuals to experience outdoor living with few modern conveniences.

Because large tracts of land within the Resource Designation are owned by either the Bowater Mersey Paper Company Limited or the Province of Nova Scotia, there is little likelihood that present land use activities will change dramatically in the near future. Both of these land owners have stated that they are committed to maintaining and even expanding their holdings.

However, this does not discount the fact that there is considerable acreage held by other land owners who may wish to use their land for other than resource uses.

In addition to the forests, aggregate deposits contribute to the overall resource base of the designation. Aggregates play an important role in the supply of building materials for the metropolitan region and it is probable that, given the geology of the area, extractive activity will continue and increase in the future.

Agricultural uses are limited in the area and soil conditions are generally not suited to this activity. However, given the relative isolation of the Designation, intensive agricultural uses shall be permitted within it.

Although resource related uses now constitute the main activities in the area, there remains the potential for a number of other uses, particularly related to outdoor recreation. In addition, although there are not specific proposals at the present time, given the extent of the private land holdings, the area does have some potential for industrial uses, especially those that complement resource uses. In order to ensure compatibility and minimize negative environmental effects, industrial uses excepting telecommunication towers, will only be permitted by amendment to the land use by-law and will be restricted to those activities which do not generate process wastewater.

Land Use Intent

The Resource Designation is that area in which resource development shall be supported and encouraged. Resource uses shall include operations such as sawmills, intensive agriculture uses and fishing operations. In addition, due to their specific locational requirements, telecommunication towers shall be permitted by right.

Given the intensity of resource uses, it is important that adequate separation distances be maintained between existing residential development in adjacent areas and resource development within the designation. Therefore, the land use by-law shall establish separation distances between non-residential development in the Resource Designation and residential uses within abutting designations.

With reference to pit and quarry operations, the Planning Act gives municipalities very little control over activities fundamental to the actual extraction of the aggregate resource. Municipalities may, however, regulate the location of structures related to the operation, as well as the bulk storage of aggregates. In order to reduce potential conflicts, separation distance requirements from lot lines, abutting zones, public roads and watercourses will be applied to these uses. These separation distances are contained in the proposed provincial Pit and Quarry Regulations which have, as yet, not been proclaimed.

In addition to separation distances, the proposed Pit and Quarry Regulations also contain provisions regarding site rehabilitation and control of environmental contamination. The speedy adoption of these regulations by the Province of Nova Scotia is therefore encouraged. At the same time, improved enforcement of the Municipal Excavation By-law should also be made a priority.

Coupled with support for resource activities is a strong concern for the natural environment. A specific concern is the fact that the designation encompasses most of the area which provides potable water for the Plan Area. In order to protect water quality, the land use by-law shall provide for a minimum separation distance between watercourses and resource uses and all industrial operations. Strict enforcement of existing provincial and federal regulations related to environmental protection is also encouraged and fully supported.

The Resource Designation has a potential for recreation uses, especially those related to outdoor activities which can generally co-exist with resource activities. Open space uses and recreation uses, therefore, shall be permitted by right within the designation.

Although the area is generally not suited to large-scale commercial development, hunting and fishing lodges shall be permitted, in keeping with the designation's natural features.

At the present time, there is limited residential development found within the designation, in part because of the lack of road access. However, given the proximity and accessibility of the Plan Area to the adjacent metropolitan area, it is possible that there will be a demand for residential development within it. Although it is not the intent of the designation to actively encourage residential development, it will be permitted. In District 3, residential development will not be offered specific zoning protection unless it reaches a certain size. In District 1, more intensive residential development will only be considered through a development agreement process. These measures will help to ensure that scattered residential uses will not unduly interfere with resource uses, and that some level of protection is afforded to water resources.

RE-1 It shall be the intention of Council to establish the Resource Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designation, it shall be intention of Council to give priority to the protection of the natural environment while permitting resource and resource-related development.

RE-2 Within the Resource Designation, it shall be the intention of Council to establish a Mixed Resource 1 Zone which permits resource uses and resource industries, open space uses and recreational uses, hunting and fishing lodges, all subject to zone restrictions designed to protect the natural environment as well as land use in abutting Designations. In addition, the zone shall permit single unit dwellings, two unit dwellings, mobile dwellings, business uses in conjunction with permitted dwellings, and accessory uses and existing uses.

RE-3 Within the Resource Designation, north of Highway 103, it shall be the intention of Council to establish a Mixed Resource 2 Zone which, in addition to the uses permitted by Policy RE-2, will require a larger minimum lot size designed to provide some protection of water resource.

RE-4 It shall be the intention of Council to request the Province of Nova Scotia to proclaim the proposed Regulations Regarding Pits and Quarries. In addition, it shall be the intention of Council to take the necessary steps to improve enforcement of the existing municipal Excavation By-law.

If the demand for more intensive residential uses occurs in areas of the Resource Designation north of Highway 103, it may be appropriate to consider such development through use of a site specific development agreement.

RE-5 Within the Resource Designation, on lands located north of Highway 103, Council may consider residential uses according to the development agreement provisions of the Planning Act. When considering such development agreements, Council shall also have regard to the following:

- (a) that the site exhibits characteristics which makes the location particularly suitable for the proposed uses;
- (b) the potential for adversely affecting existing residential and community facility development in the area by virtue of noise, visual intrusion and traffic generation;
- (c) the provision of landscaping or buffering from adjacent development and the public roads in order to reduce the impact of the proposed development;
- (d) the impact on the existing water resources in the area;
- (e) the impact on traffic circulation and, in particular, access to Highway 103;
- (f) the overall layout and design of the subdivision regarding public safety and collector road system;
- (g) the overall impact on the surrounding natural environment; and
- (h) the provisions of Policy IM-9.

If residential development occurs within other areas of the Resource Designation in District 3 it may result in pressure for more protective zoning on the part of new residents. Where this development occurs in a relatively concentrated pattern it may be appropriate to accommodate such requests.

RE-6 Within the Resource Designation in District 3, Council shall only consider applying residential zoning by amendment to the land use by-law. In considering such amendments, Council shall have regard for the following:

- (a) that the area to be rezoned contains a minimum of ten (10) residential dwellings and/or lots as shown on an approved plan of subdivision;
- (b) that there are no commercial or industrial uses on individual lots within the area rezoned;
- (c) that such zoning will not affect an existing resource activity; and
- (d) the provisions of Policy IM-9.

There is also some potential for non-resource related industrial development within the designation, given both its size and unpopulated nature. Additionally, there are instances where non-resource industries can complement resource industries. However, given the overriding concern for the natural

environment, industries that produce process waste water which cannot be treated by an approved on-site system will not be permitted. Uses such as this should be directed to industrial parks or serviced areas that are equipped to handle such water. Similarly, hazardous waste disposal or sanitary land fill sites will not be permitted within the designation.

Therefore, although it is not the intention of the plan to actively encourage non-resource industrial development within the Resource Designation, such uses may be permitted through an amendment to the land use by-law.

RE-7 Notwithstanding Policies RE-2 and RE-3, within the Resource Designation, Council shall establish a mixed industrial zone which permits all uses permitted in the MR-1 and MR-2 Zones, non-resource related light and service industrial uses. This zone shall be applied to existing industrial uses, and establishes controls on outdoor storage and display, parking and loading area, and buffering, including setbacks from watercourses. Council shall only consider new industrial uses by amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential for adversely affecting nearby land uses by virtue of either the nature or scale of the proposed industrial operation;
- (b) the effects of the proposed use on air quality;
- (c) the effects of the volume and type of vehicular traffic using the access road to the proposed site;
- (d) consideration of the compatibility of the proposed development with existing and potential resource development;
- (e) that the use does not create effluent which cannot be disposed of by means of an on-site sewage disposal system; and
- (f) the provisions of Policy IM-9.

By virtue of its large area and natural features, the Resource Designation is an attractive area for recreational activities. Although some recreational activities, such as hiking trails, do not cause land use conflicts and, in fact, are well-suited to areas such as the Resource Designation, larger scale commercial operations such as golf courses, campgrounds and amusement parks could have significant effects upon the natural environment. The attraction of large numbers of people to such activities and the associated noise and traffic could also have a negative effect on the designation.

Therefore, such uses will only be permitted by development agreement, which will help to ensure that any commercial recreation development remains compatible with the area.

RE-8 Notwithstanding Policies RE-2 and RE-3, within the Resource Designation, Council shall only consider permitting commercial recreation uses and campgrounds according to the development agreement provisions of the Planning Act. In considering any such development agreements, Council shall have regard to the following:

- (a) the potential that the proposed use has been adversely affecting nearby residential and community facility development and an evaluation of the effect which the operational characteristics of the proposal will have on the surrounding community;
- (b) evidence of identifiable characteristics which make the site particularly suitable for the proposed use;
- (c) the effect of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (d) the means by which solid and liquid waste will be treated;
- (e) the control of discharge of any pesticides or herbicides, including chemical fertilizers and fungicides into a watercourse or waterbody; and
- (f) the provisions of Policy IM-9.

Residents along the north side of St. Margarets Bay have raised a number of concerns relative to the future long term development of the St. Margarets Bay area and the protection of the backlands north of Highway No. 103 as an area of future water supply and wildlife protection. Policy E-10 supports an assessment of the existing water resources in order to determine the extent and nature of any water problems occurring in the Plan Area. The long term goal of such an assessment would be to determine a course of action towards watershed protection and sustainability for the future.

In the shorter term, however, an interim measure is needed to help protect the lakes and streams in the backland areas north of Highway No. 103. With new residential development beginning to spread into this area, there is growing concern over an uncontrolled proliferation of development in the absence of some sort of watershed protection. Therefore, until such time as an assessment is carried out pursuant to Policy E-10, an increased building setback from lakes and streams within the backland areas north of Highway No. 103 is considered appropriate.

RE-9 Until such time that an assessment of water resources can be conducted to determine the extent and nature of any water problems occurring in the area north of Highway No. 103, it shall be the intention of Council to establish, within the Resource Designation and to Wright Lake and Coon Lake within the Mixed Use "A" Designation, a minimum building setback from lakes and streams of one hundred (100) feet except for boat houses, boat docks and existing hunting and fishing camps.

PEGGYS COVE PRESERVATION AREA DESIGNATION

Within the Plan Area is situated a small fishing community which has become one of Canada's best known and popular tourist sites - Peggys Cove.

The community was first popularized by artists, whose numerous paintings of Peggys Cove resulted in attracting tourists anxious to see the oft-painted cove. The number of tourists gradually increased and, in recognition of the community's ever increasing popularity, the Province of Nova Scotia, in 1962 passed an Act to Create a Peggys Cove Preservation Area and to Establish a Peggys Cove Commission. The Commission, which operates under the auspices of the Department of Municipal Affairs, is empowered through the Act to pass various by-laws "to preserve the unique scenic beauty, character and atmosphere of the area".

The Act also states that the Preservation Area is not subject to the provisions of municipal planning strategies and accompanying by-laws as they relate to land use. Rather, land use is regulated through the Peggys Cove Zoning By-law which is administered by the Peggys Cove Commission.

Residents generally see the need for preserving the Peggys Cove area but, due to the effects it would have on the ability to use land, they do not wish to see the Preservation Area itself expanded beyond its existing boundaries.

PC-1 It shall be the intention of Council to continue to support the activities of the Peggys Cove Commission and the maintenance of the Peggys Cove Preservation Area.

PC-2 It shall be the intention of Council to discourage any expansion of the Peggys Cove Preservation Area.

WATERSHED DESIGNATION

Areas of the Municipality to the west of Bedford Basin, the City of Halifax and the Town of Bedford are all provided with water from the Pockwock water supply system which is owned and operated by the Public Service Commission of Halifax.

The Pockwock Lake watershed lands were acquired by the Province of Nova Scotia in the early 1970's. They have been managed since 1976-77 by a group consisting of the Nova Scotia Departments of the Environment, Lands and Forests, the Environment and the Public Service Commission of Halifax.

The protection of the watershed area is a matter of regional importance and although only a small portion falls within the Plan Area, it is important that it be protected.

W-1 It recognition of the importance of protecting the Pockwock Lake potable water supply, it shall be the intention of Council to establish the Watershed Designation as shown on the Generalized Future Land Use Map (Map 1). Within this Designation, Council shall create a conservation zone which permits only water distribution uses, historic sites, conservation related uses and resource uses compatible with watershed management.

PROVINCIAL PARK DESIGNATION

Within the Plan Area are situated a number of provincial parks of varying sizes which offer a range of facilities and services, including a picnic park at Lewis Lake, beaches at Cleveland Point and Queensland and a small boat launching facility at Hubbards.

The system of parks in the area enhances the overall economy of the Districts while, at the same time, ensuring that both residents and non-residents have access to natural amenities that may not otherwise be available.

One concern within the entire Plan Area is the lack of boat launching ramps in the area. Highways 3 and 333, as part of the Lighthouse Trail, are heavily travelled routes in the summer months. At the present time, there are no designated locations for vehicular traffic to pull off these highways to view the scenery of the area. This means that tourist traffic often proceeds at a slow rate or pulls off the road at inappropriate places thus creating a safety hazard.

An additional concern is the fact that provincial parks are now only staffed in the summer months; a fact which might have a negative effect on the tourist industry, which now stretches into the fall, and which is so important to the Plan Area.

- PP-1 It shall be the intention of Council to establish a provincial park Designation as shown on the Generalized Future Land Use Map (Map 1) in recognition and support of the existing parks at Cleveland Beach, Hubbards, Lewis Lake and Queensland. Within the designation, Council shall create a park zone which permits all provincial park uses including commercial uses accessory to a provincial park, and conservation related uses.
- PP-2 It shall be the intention of Council to encourage the Department of Natural Resources to establish additional boat launching ramps in the Plan Area.
- PP-3 It shall be the intention of Council to request the Department of Natural Resources to establish a system of wayside parks on Highways 3 and 333, and to staff existing parks for the full tourist season.

SECTION III

TRANSPORTATION AND EXISTING USES

Private Road Development (including Policy TR-1)(Deleted (RC-June 27; E-Aug 26/06)

Reduced Lot Frontages

The Subdivision By-law of 1985 also introduced a number of provisions for reduced lot frontages in certain situations. These provisions have a number of advantages for an area, such as this Plan Area where there are large numbers of relatively narrow, but long, lots. In the past, due to a lack of road frontage, it was often impossible to subdivide these parcels of land. This situation was one of constant irritation to land owners, especially when they simply wished to give a lot to a son or daughter or to sell a parcel of land for forestry or farming purposes.

At the same time, reduce lot frontages are not felt to be appropriate for commercial, industrial or institutional uses.

TR-2 It shall be the intention of Council to permit the subdivision of lots with reduced road frontage in the plan area and a development permit may be issued for residential and resource uses for lots approved on a plan of subdivision with such reduce lot frontage.

There are sections of the Plan Area's road system where pedestrian and vehicular safety are significant concerns as a result of hills, blind crests, curves, dangerous intersections and narrow roads. Measures which may serve to mitigate some of these include posting hazard signs and flashing lights, reducing speed limits and installing guard rails, and street lighting.

TR-3 It shall be the intention of Council to encourage and co-operate with the Department of Transportation and Communications to investigate vehicular and pedestrian safety and to examine the installation of general traffic control elements, in the Plan Area. This examination should consider safety features such as hazard signs and flashing lights, reduced speed limits and guard rails.

The majority of new roads in the Plan Area are local streets which are constructed during the development of residential subdivisions. There is a desire to encourage the development of a rational and efficient local road system which adequately serves local neighbourhoods and limits the amount of non-local traffic. There is also interest in encouraging access from residential development to local

streets, thereby limiting the number of driveways with access to collector highways. Safety and traffic flow concerns related to the intersection of new local streets with existing collector roads are also important.

At several locations within the Plan Area a residential subdivision or community is located on a long, dead-end road or is served with only one access point to the collector highway. Further development should be encouraged to locate in such a way that additional access points are provided.

TR-4 It shall be the intention of Council to encourage and co-operate with the Department of Transportation and Communications in placing a priority on the looping of streets, completion of existing street patterns and the provision of more than one access point to the collector highway system.

Existing Uses

Prior to the adoption of the planning strategy in 1988, Planning District 1 and 3 fell under the provisions of Zoning By-law No. 24. For the most part, the area was unzoned or zoned General Building. In either instance, most uses were permitted by right.

There were some exceptions to this general rule, in that campgrounds, industrial uses and salvage yards could only proceed subject to receiving the appropriate zone. There were a number of operations that did, through the public hearing process, receive a specific zone.

In addition, a few residential subdivisions applied for and received some form of restrictive zoning.

However, the limited zoning controls that were in effect resulted in a mixed land use pattern, with residential, resource, and commercial uses standing side by side.

This interspersed development pattern has not caused any apparent problems, and conflicts between the various land uses have been few in number. The general feeling is that, since these uses were established according to the rules of the day and have usually caused no problems, the vast majority should be recognized and permitted to continue an existing use with some expansion rights.

Therefore, the vast majority of existing uses will be given an appropriate zone. This will allow them all the rights of the zone and the ability to expand up to the limits imposed by the zone. However, in

instances a use may have been missed or does not fall into a zone. For example, new uses of a certain type must proceed by development agreement and thus there is no specific zone for them. Therefore, a general provision in the by-law will recognize those uses not specifically permitted in the zone in which they are located, and offer them some by right expansion capability based on the nature of the use. These general provisions will generally not be applied to uses within the Residential and the Hubley Mill Lake Designation. Within these designations, uses will either receive the appropriate zone or be given specific expansion rights within an Appendix of the By-law.

TR-5 It shall be the intention of Council to treat existing uses, not otherwise permitted in the zone in which they are located, as existing permitted uses. In addition, such uses will be afforded the development rights of the zone in which they are permitted or based on the nature of the use, to the development rights contained in the general provisions of the land use by-law.

TR-6 Notwithstanding Policy TR-3, within the Residential and Hubley Mill Lake Designations, expansion of existing commercial and industrial uses, not otherwise provided for, will be subject to the special provisions outlined in Appendices of the land use by-law.

EDUCATION

In recent years, larger scale subdivisions have developed in the Plan Area, particularly in District 3. The recent development of a subdivision near Highway 103 and the Hammonds Plains Intersection will, to a large extent, increase the population growth in this area. As population grows, the demand for more school facilities will also increase. The present school facilities in most cases are not sufficient and provide limited gymnasium and library facilities and equipment.

- ED-1 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to consult with the community and the Municipality prior to altering the functions of any school or construction of any new school facility.
- ED-2 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to closely monitor population and development within the Plan Area.
- ED-3 It shall be the intention of Council to make strong representation to the provincial government to provide a planned response to the needs for new schools or expansion and upgrading of existing schools.
- ED-4 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue applying standard site criteria, including minimum site requirements, for each type of school. Furthermore, it shall be the intention of Council to encourage the location of new schools adjacent to existing or proposed parks, open space and community facilities.

RECREATION

Water Access

The acquisition and development of lands which would provide public access to the east side of St. Margarets Bay is important to the community. The Municipality is empowered to acquire recreation lands through subdivision, however, recreational lands which provide areas of public water access are limited along the east side of the Bay.

REC-1 It shall be the intention of Council, in conjunction with the community, to give consideration to the acquisition of lands abutting the east side of St. Margarets Bay for public recreation purposes provided the acquisition and development of such lands would not be funded through an area rate.

Canadian National Railway Right-of-Way

Although the Municipality has little control over the abandonment and future development of the Canadian National Railway right-of-way which traverses Planning Districts 1 and 3, the strategy advocates the establishment of a recreation corridor. A recreation corridor along the right-of-way may provide opportunities to gain access to St. Margarets Bay and would provide public educational and interpretive opportunities.

REC-2 It shall be the intention of Council to investigate options for the future use of the railway right-of-way in the area of the right-of-way which traverses Planning Districts 1 and 3 as a recreation corridor.

SECTION IV

IMPLEMENTATION

In accordance with provisions of the Planning Act, the adoption of this municipal planning strategy does not commit Council to undertake any of the projects or actions contained herein, however, Council cannot take any action within the scope of this strategy which would, in any manner, be inconsistent with the strategy or at variance with it.

The measures which Council may investigate or undertake to implement the strategy are not restricted to those which are specified. In addition to specific by-laws and regulations, Council may encourage the adoption of administrative procedures in order to more effectively implement the policies in the strategy.

The following policies include the basic requirements for proper implementation, including the development of a land use by-law based on the policies of this strategy, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

IM-1 This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Halifax County Charter, and such other provincial statutes as may be applicable.

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Municipal Planning Advisory Committee.

IM-3 It shall be the intention of Council to require amendments to the policies of this strategy or to the Generalized Future Land Use Map (Map 1) under the following circumstances:

- (a) where any policy is to be changed; or
- (b) where a request to amend the land use by-law for a use which is not permitted is made and subsequent studies show that the policies of this strategy should be amended.

- IM-4 In accordance with the Planning Act, this strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but, in any case, not later than five years from the date of its coming into force or from the date of the last review.
- IM-5 Provided that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider development agreements or amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone or by development agreement on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1).
- IM-6 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the strategy provides that certain land use shall be considered only as amendments to the land use by-law or, in certain instances, by development agreements as provided for by the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this strategy.
- IM-7 The following uses or zones shall only be considered by amendment to the land use by-law:
- (a) Within the Mixed Use "A" and "B" Designation:
 - (i) residential zones according to Policy MU-3;
 - (ii) industrial uses according to Policy MU-12;
 - (iii) salvage and scrap yards according to Policy MU-13; and
 - (iv) forestry uses over three thousand (3,000) square feet according to Policy MU-14.

 - (b) Within the Mixed Rural Residential Designation:
 - (i) residential zones according to Policy MRR-3;
 - (ii) community commercial uses and craft and antique shops over three thousand (3,000) square feet according to Policy MRR-5; and
 - (iii) motels and hotels and restaurants according to Policy MRR-6.

(c) Within the Residential Designation:

- (i) auxiliary dwelling units according to Policy RD-4;
- (ii) the keeping of hooved animals, such as horses, according to Policy RD-6;
- (iii) two unit dwellings according to Policy RD-8; and
- (iv) local commercial uses according to Policy RD-8.

(d) Within the Hubley Mill Lake Designation:

- (i) local commercial uses according to Policy HM-3.

(e) Within the Resource Designation:

- (i) residential zones according to Policy RE-6; and
- (ii) industrial uses according to Policy RE-7.

IM-8 The following uses shall only be considered subject to the entering into a development agreement:

(a) Within the Mixed use "A" and "B" Designations:

- (i) senior citizen housing over twenty (20) units according to Policy MU-4;
- (ii) multiple unit dwellings according to Policy MU-4;
- (iii) new mobile home parks and expansion to existing mobile home parks, according to Policy MU-5;
- (iv) commercial entertainment uses according to Policy MU-6;
- (v) video arcades according to Policy MU-8;
- (vi) campgrounds and marinas according to Policy MU-9;
- (vii) crematoriums according to Policy MU-11;
- (viii) extractive facilities according to Policy MU-15;
- (ix) intensive agricultural uses according to Policy MU-16; and
- (x) **commercial and industrial developments or expansions exceeding a combined total of more than 697 square metres (7,500 square feet) of gross floor area on any one lot according to policy MU-17. (RC - February 24, 2009; E - April 25, 2009)**

(b) Within the Mixed Use "B" Designation:

- (i) fish processing plants according to Policy MU-18.

(c) Within the Mixed Rural Residential Designation:

- (i) multiple unit dwellings and senior citizens' housing according to Policy MRR-4;
- (ii) campgrounds and marinas according to Policy MRR-7; and
- (iii) crematoriums according to Policy MU-11.

(d) Within the Hubley Mill Lake Designation:

- (i) senior citizen homes according to Policy HM-4;
- (ii) any expansion of the Kreft Mushroom Farm Ltd. (LIMS Index Number 40055766), formerly Ocean Mist Mushroom Farm, according to Policy HM-6; and
- (iii) crematoriums according to Policy MU-11.

(e) Within the Residential Designation:

- (i) home business over three hundred (300) square feet according to Policy RD-5;
- (ii) senior citizen homes according to Policy RD-10;
- (iii) institutional uses according to Policy RD-11; and
- (iv) crematoriums according to Policy MU-11.

(f) Within the Resource Designation:

- (i) residential uses according to Policy RE-5;
- (ii) campgrounds according to Policy RE-8;
- (iii) commercial recreation uses according to Policy RE-8; and
- (iv) crematoriums according to Policy MU-11.

IM-9 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this strategy and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:

- (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to destruction of designated historic buildings and sites.
- (c) that in development agreement controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
- (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy p-79F”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2, 2002 / E-17 August 2002)**

- IM-10 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Planning Act.
- IM-11 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:
- (a) the Building By-law;
 - (b) the Dangerous or Unsightly Premises section of the Halifax County Charter;
 - (c) the Sewer Connection By-law;
 - (d) the Mobile Home Park By-law;
 - (e) the Blasting and Dangerous Materials By-law;
 - (f) the Topsoil By-law;
 - (g) the Excavation By-law;
 - (h) the Occupancy Permit By-law; and
 - (i) the Subdivision By-law.
- IM-12 In accordance with the Planning Act, the Development Officer appointed by Council shall administer the land use by-law and the Subdivision By-law, and grant development permits.
- IM-13 It shall be the intention of Council to consider that uses permitted as existing uses are conforming uses and, unless otherwise limited by the land use by-law, can expand to the extend of their property holdings.
- IM-14 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the Municipality.
- IM-15 It shall be the intention of Council, in the interest of vehicular safety, to regulate, through the land use by-law, the height of any structures or landscaping on corner lots where yards abut a street.

IM-16 It shall be the intention of Council, to provide, through the land use by-law, provisions for parking for the mobility disabled.

IM-17 It shall be the intention of Council to provide, through the land use by-law, for the expansion or structural alteration of non-conforming uses, provided that such expansion or alteration does not result in an increase in the space devoted to the non-conforming use.

MUNICIPAL PLANNING STRATEGY AMENDMENTS
IN CHRONOLOGICAL ORDER OF MINISTERIAL APPROVAL

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective Approval</u>
1.	Section I: E-14 (amended); E-14A (addition)	Composting Operation (Case ZA-ALL-31-95)	Feb 26/96	March 28/96
2.	Section I: Infrastructure Charges (addition) IM-9(f) (addition)	Capital Contribution (Case 00423)	July 2/02	August 17/02
3.	Section I: Construction & Demolition Waste Management Strategy (addition); Table of Contents (amended); Section II - MU-2 and MU-11 (amended); Section II: Land Use Intent (amended)	Construction and Demolition	Sept 10/02	Nov 9/02
4.	Section I: Interim Growth Management (addition) Map 2 (addition)	Interim Growth (Case 00664)	Apr 13/04	Apr 22/04
5.	Delete the section on Interim Growth Management, including Map 2; Delete the Private Road Development section	Regional Plan	June 27/06	Aug 26/06
6.	Added text to MU-2; new policy MU-16(A); and added IM-8 (x)	Large Scale Commercial Development	Feb 24/09	Apr 25/09
7.	Amend the GFLUM by amending the Plan Area boundary and land use designation - Westwood Hills Subdivision, Upper Tantallon	Case No. 15894	June 21/11	Sept 3/11