



**MUNICIPAL PLANNING  
STRATEGY  
FOR  
LAWRENCETOWN**

**THIS COPY  
IS A REPRINT OF THE  
MUNICIPAL PLANNING STRATEGY FOR  
LAWRENCETOWN  
WITH AMENDMENTS TO  
18 NOVEMBER 2006**

**MUNICIPAL PLANNING STRATEGY  
FOR  
LAWRENCETOWN**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Lawrencetown which was passed by a majority vote of the former Halifax County Municipality at duly called meetings held on the 15<sup>th</sup> day of May and the 27<sup>th</sup> day of August, 1990, and approved by the Minister of Municipal Affairs on the 29<sup>th</sup> day of November, 1990, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 18<sup>th</sup> day of November, 2006.

**GIVEN UNDER THE HAND** of the Municipal Clerk and under the seal of the former Halifax County Municipality this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**HALIFAX REGIONAL MUNICIPALITY  
MUNICIPAL PLANNING STRATEGY  
FOR LAWRENCETOWN**

**DECEMBER 1990**

A By-Law to regulate the use of land and the erection and use of buildings and structures, and to regulate the height, bulk, location, size, spacing, character and use of buildings and structures within the Lawrencetown Plan Area of the former Halifax County Municipality in the Province of Nova Scotia.

The Planning Act provides in Section 43(2) the “no development shall be undertaken where a land use by-law passed under this Act is in effect unless a development permit issued by the development officer has been obtained” and, according to Section 1(e) of this Act, “development includes any erection, construction , addition, alteration, replacement or relocation of or to any building or structure and any change or alteration in the use made of land, buildings or structures”.

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 15<sup>th</sup> day of May and 27<sup>th</sup> day of August 1990, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 29<sup>th</sup> day of November 1990. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

## **TABLE OF CONTENTS**

-i-

	<b>PAGE</b>
<b>INTRODUCTION</b> .....	<b>1</b>
History of Planning in Lawrencetown .....	<b>2</b>
 <b>SECTION I</b>	
Regional Context .....	<b>6</b>
Community Profile .....	<b>9</b>
Population .....	<b>11</b>
 <b>SECTION II</b>	
Existing Land Use .....	<b>13</b>
Land Use Intent .....	<b>14</b>
Lawrencetown Designation .....	<b>15</b>
Comprehensive Development District - Cluster Developments .....	<b>23</b>
Light Industrial Designation .....	<b>26</b>
Special Area Designation .....	<b>28</b>
 <b>SECTION III</b>	
Environmental Concerns .....	<b>30</b>
On-site Sewage Disposal Systems .....	<b>31</b>
Hazardous Wastes .....	<b>33</b>
Stormwater Management .....	<b>34</b>
Watercourse Protection .....	<b>35</b>
General Setback Requirements From Watercourses .....	<b>36</b>
Salt Marshes .....	<b>37</b>
<b>Solid Waste Management (MC-Feb 26/96;M-Mar 28/96).....</b>	<b>38</b>
<b>Construction and Demolition Waste Management Strategy</b>	
<b>(RC-Sep 10/02;E-Nov 9/02) .....</b>	<b>40</b>
Transfer Stations and Processing Facilities .....	<b>42</b>
C & D Disposal Facilities .....	<b>44</b>
Site Plan Approval .....	<b>46</b>
Existing C & D Operations .....	<b>47</b>
Community Liaison Committee .....	<b>48</b>
<b>Infrastructure Charges.....</b>	<b>49</b>
<b>Interim Growth Management (Deleted: RC-Jun 27/06;E-Aug 26/06)</b>	
Transportation .....	<b>53</b>
<b>Private Road Development (Deleted: RC-Jun 27/06;E-Aug 26/06)</b>	
Reduced Lot Frontages .....	<b>55</b>
Canadian National Railway Right-of-Way .....	<b>56</b>
Existing Uses .....	<b>57</b>
Extractive Operations .....	<b>59</b>
Heritage Conservation.....	<b>60</b>
Recreation .....	<b>61</b>
Education .....	<b>62</b>
Fire Protection .....	<b>63</b>

## **TABLE OF CONTENTS**

**-ii-**

	<b>PAGE</b>
<b>SECTION IV</b>	
Implementation .....	65
Temporary Signage .....	69
<b>AMENDMENT INDEX .....</b>	<b>70</b>
<b>LIST OF MAPS</b>	
Regional Context Map .....	7
MAP 1     Generalized Future Land Use	
MAP 2     Coastal Wetlands	
MAP 3     Heritage Resources	

## INTRODUCTION

This municipal planning strategy has been prepared according to the provisions of the Planning Act, S.N.S. 1983, c.9, and pursuant to Municipal Council's adoption of Policy Paper IV: Municipal Planning Strategy Stage 2 Process, 1985 in the fall of 1985. The plan covers a portion of the area within the boundaries of Municipal Electoral Districts 8 and 9, being the community of Lawrencetown.

Instrumental in the planning process was a Lawrencetown Citizens Committee comprised of area residents. The Committee had representation on the Municipal Plan Committee of Council and held prime responsibility for the success of general public input and participation throughout the process. The Committee held regular meetings which were open to the public, held special meetings in response to specific community issues, publicized through newspaper advertisements and flyers, held open houses, conducted a survey, and distributed information door-to-door throughout the Plan Area.

This municipal planning strategy is organized into four sections. Section I provides an overview of the Plan Area, including its relationship with the surrounding region, the community's structure including both demographic and land uses, historical aspects of the community, issues, and matters which are relevant to the direction of future community growth. Section II contains land use policies and development control guidelines respecting future land use decisions. Section III contains discussions and policies respecting environmental concerns, transportation needs, existing uses, extractive operations and the provisions of community services. Section IV consolidates the various implementation measures of the strategy's land use policies as provided for within the document and through the Planning Act.

The policies adopted by Municipal Council in this strategy are prefaced by explanatory and supporting text, which shall be considered a legal part of the strategy.

Of the maps which are included and specifically referred to, the Generalized Future Land Use Map (Map 1) shall also constitute a legal part of the strategy. The Generalized Future Land Use Map shall direct the preparation and amendment of the Zoning Maps for the Plan Area.

## HISTORY OF PLANNING IN LAWRENCETOWN

A chronology of citizen participation in the Lawrencetown planning process which has led to this Lawrencetown Plan should be based upon recognition of the important role of volunteers from our community in formulating and developing a strategy for the future of Lawrencetown. At every stage in the drafting of the Plan an elected and accountable committee has represented Lawrencetown residents both in negotiations with the Government of Nova Scotia, and in preparing the text of our Municipal Planning Strategy with planners from Halifax County. What follows is a brief outline of the history of the elected committee called upon to represent the wishes of our community: the Lawrencetown Citizens Committee.

In the Spring of 1975, the Government of Nova Scotia enacted an order-in-council which created a Halifax-Dartmouth Metropolitan Area Planning Commission (MAPC) whose scope included severe land-use restrictions upon large portions of the Cole Harbour-Lawrencetown area. By designating lands in Lawrencetown as part of a Regional Park Area Government effectively restricted development rights to most property within 1200 feet of water frontage throughout the area. Community response to this unilateral action was, to put it mildly, quite negative.

Protest meetings in Lawrencetown strongly objected both to the content of the MAPC initiative and to the Government's failure to consult with the community, and its unwillingness to pursue the environmental and recreational goals of the Plan by the process of *bona fide* offers to purchase properties deemed desirable for the Regional Park. In response to strong pressure from Lawrencetown residents, the Government commissioned a planning firm, Hugh Porter and Associates to review the MAPC Plan for Cole Harbour and Lawrencetown with a view to revising the most objectionable aspects of land designation and use restrictions. When Mr. Porter's initial revisions met with further community resistance, the Government created in 1977 a Porter Plan Advisory Committee to make further adjustments as recommendations to the Minister of Municipal Affairs.

During the Fall of 1978 recommendations of the PPAC were approved for Cole Harbour at a residents meeting. But in Lawrencetown a well-attended community meeting to consider the revised Porter Plan resulted in a vote of no confidence in the work of the PPAC. Community members were opposed to any further imposition of the green belt, and flatly rejected the concept of control without fair-market purchase. The PPAC members resigned en masse, and the Department of Municipal Affairs set aside the Porter Plan.

In October 1978 the Lawrencetown community elected a group of ten representatives (two members from each of the five areas of Lawrencetown: Upper Lawrencetown, West Lawrencetown/Minesville, the West Lawrencetown Road, the Conrad Road, and East Lawrencetown). This Committee was given a mandate to represent community interests in negotiations with government; to develop a programme for Provincial purchase of agreed recreational lands on the basis of the principle of "willing buyer--willing seller;" and (once Provincial negotiations with landowners had been completed) to proceed in the formulation of a community-based and community approved over-all planning document for Lawrencetown. The long-range goals for the Lawrencetown Plan included:

- (i) preservation of the rural character of Lawrencetown by preventing high-density residential development on the Colby Village and Forest Hills models;



- (ii) protection of the natural environment of Lawrencetown, particularly the beaches, Cole Harbour, Lawrencetown Lake, and all of the area's groundwater, salt marshes, and watercourses; and
- (iii) effective participation by an elected, representative, and accountable Citizens committee in a planning process involving Provincial and County officials.

Between Fall 1978 and Spring 1980, the Lawrencetown Citizens Committee worked closely with our local MLA, Mr. Tom McInnis and his staff in preparing a comprehensive document called the Lawrencetown Proposal which was intended to provide an umbrella agreement between the Lawrencetown community and the Government of Nova Scotia on how to proceed with Phase I Land Acquisition for the Lawrencetown component of the Cole Harbour-Lawrencetown Regional Park System, and phase II Development of Land Use Regulations for Lawrencetown. The Lawrencetown Proposal was jointly drafted by the Lawrencetown Citizens Committee and the Provincial Government by February 15, 1980. It was approved by a Lawrencetown Community meeting during February 1980, and endorsed by a day-long community balloting on March 8, 1980 during which nearly 90% of those voting approved the Proposal. Shortly after the community vote, Mr. Jack MacIsaac, Minister of Municipal Affairs, signed the Proposal on behalf of the Government of Nova Scotia.

Between 1980 and 1984 the Provincial government proceeding with negotiations to purchase designated lands at Lawrencetown Beach East (Big Beach), Lawrencetown Beach West (Stoney Beach), Service Lands in and around the MacDonald House and Conrad's Island. By the Fall of 1984, the government had succeeded in buying most of the land included in the Lawrencetown Proposal outline, but had not yet begun to negotiate with owners of the View Plane area (properties off the West Lawrencetown road bordering on Cole Harbour.) At this point the government requested the Lawrencetown Citizens Committee to seek community approval for authority to begin the Phase II (community planning) while the government carried forward on attempts to purchase the View Plane lands. In December 1984 a community meeting endorsed the principle that the LCC proceed to develop a draft Municipal Planning Strategy for Lawrencetown with the assistance of a planner from the Planning Department of Halifax County.

Since January 1985 the LCC has been continuously engaged in the process of preparing a Plan for Lawrencetown which will respond to the original goals laid down by residents. During this period regular newsletters, area meetings, and community meetings have been held to keep residents abreast of issues and proposals for the framework or principles contained in the drafts of the Lawrencetown Municipal Planning Strategy (1988) and the Lawrencetown Land Use By-law (1988).

While the planning process in Lawrencetown has been neither brief nor uneventful, the Lawrencetown Citizens Committee is confident that it has done its best to fulfil the mandate contained in the original Lawrencetown Proposal (1980) which was resoundingly approved by both the residents of our community and the Government of Nova Scotia. As the Proposal itself required:

.. discussions should occur between the LCC and the relevant Provincial and County officials (e.g. Department of Municipal Affairs and County Planning Department) to work toward an acceptable and effective set of regulations for Lawrencetown.

The LCC will have the authority and scope to utilize whatever resource and technical persons it deems necessary...

As with Phase I (land acquisition), the residents and landowners of Lawrencetown will be afforded the opportunity of assessing the results of the discussions.

The results of Phase II (community planning) will be made public with ample time for community assessment prior to the submission to the residents and landowners at a public meeting called for this purpose. (Lawrencetown Proposal, 1980: p.3)

Between January 1985 and July 1987, the Lawrencetown Citizens Committee has worked with its Planner, Mr. Michael Purcell of the Planning Department (Municipality of the County of Halifax). From July 1987 to October, 1989, Ms. Catriona Moir represented the Planning Department of the County in deliberations of the Committee. Since November, 1989, Mr. Tony O'Carroll has represented the County Planning Department. During the same period (1985 present) representatives of the LCC have participated in meetings of the Halifax County Planning Advisory Committee and the County's Municipal Planning Committee.

Over the full decade of involvement as elected representatives of Lawrencetown in the process of advocating community interests and building a plan for our future, twenty-five Lawrencetowners have served as members of the LCC. They are listed on the following page, by area and term of service.

#### Upper Lawrencetown

Angus Duncan (1985-1986)  
Terry Grandy (1978-1984)  
Jim Henley (1983-present)  
Janet MacDonald (1978-1983)  
Sandra Romans (1986-present)

#### West Lawrencetown/Minesville

John Ginn (1978-1983)  
Lucien Ledaire (1983-1984)\*  
Jim Loughran (1984-1987)  
Cathy MacDonald (1978-1983)  
Gerald Settle (1984-1989)

#### West Lawrencetown Road

Terry Casavechia (1978-1986)  
Don Grady (1978-present)  
Doug MacLeod (1986-present)

#### Conrad Road

David Green (1984-present)  
Roger Sellars (1978-present)  
Albert Swash (1978-1984)

#### East Lawrencetown

Georgina Blaylock (1985-1986)  
Hollis Conrad (1978-1983)  
George Cousins (1986-1989)  
Gordon Crowell Jr. (1983-1984)  
Ralph Crowell (1978-1983)  
Andrea Hardy (1983-1986)  
Ross Haynes (1986-present)  
David Prentiss (1984-1985)  
\*deceased. His presence is missed.

# SECTION I

## REGIONAL CONTEXT

As illustrated in the Regional Context Map, page 2, Lawrencetown is located within portions of Municipal Electoral Districts 8 and 9 and is situated east of Cole Harbour and borders on the Atlantic Ocean.

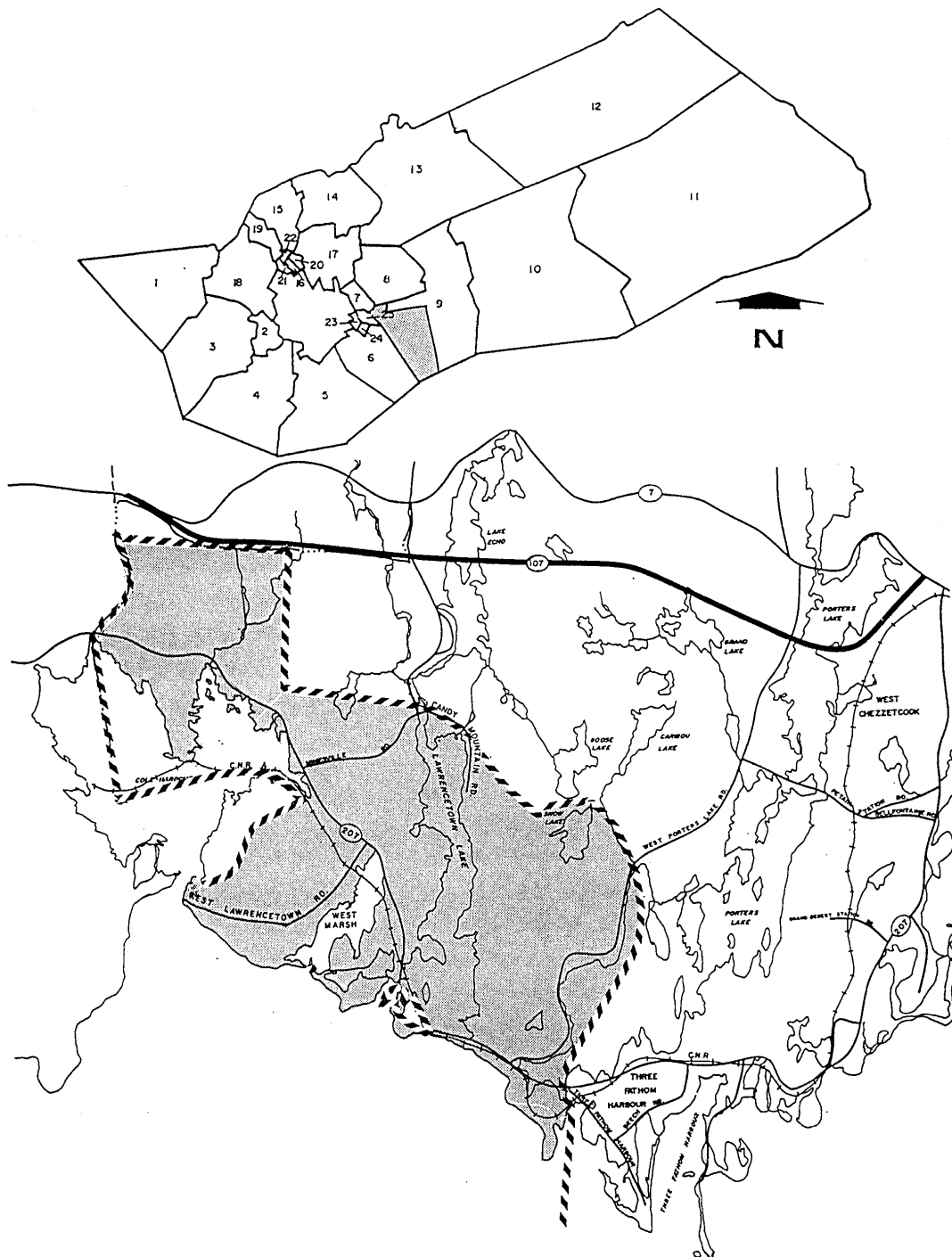
The total area consisting of approximately 20 square miles (50 km<sup>2</sup>), had a 1981 population of approximately 2,080 and a 1986 population of approximately 2,640, an increase of 27.0 per cent. During the same period, Halifax County Municipality grew by 14.5 percent to 119,562 persons. Lawrencetown can therefore be characterized as a medium to high growth area.

Many of the long time residents of Lawrencetown can trace their ancestors back to the first settlers. The long time residents however, have experienced a large influx of newer residents over the past fifteen to twenty years. The newer Lawrencetown residents are attracted to the Plan Area by its rural character, magnificent scenery, tranquillity, and its proximity and relatively easy access to the Halifax-Dartmouth Metropolitan area.

Like many of the metropolitan fringe communities, Lawrencetown supports a large residential land use base with very few commercial or industrial uses. The majority of its residents commute to the metropolitan area for their shopping, entertainment, employment, and daily needs.

The 1975 Halifax-Dartmouth Regional Development Plan, which applies to the areas covered by the City of Halifax, the City of Dartmouth, the Town of Bedford, and the Municipality of the County of Halifax, divided the region into two areas - lands within the development boundary, and lands outside the development boundary. The entire Lawrencetown Plan Area lies outside the regional development boundary. Prior to 1985, development was restricted in Lawrencetown under the auspices of the Regional Development Plan by limits placed on the rate of development of individual landholdings in any one year, in areas outside the development boundary. In 1985 an amendment to the Regional Development Plan removed annual permit restrictions for residential development.

## REGIONAL CONTEXT MAP



The Regional Development Plan recognizes the unique biological and physical characteristics of certain lands within Lawrencetown and has consequently designated a substantial portion of the Plan Area for regional park purposes. The regional park designation is intended to provide a growing urban population with large natural areas for recreational purposes. The Cole Harbour - Lawrencetown Regional Park encompasses the Lawrencetown Beach, Lawrencetown headland and marsh areas, Stoney Beach, Conrad Island, and Conrad's Beach.

Furthermore, the closure and subsequent dismantling of the Canadian National rail line along the Eastern Shore prompted an amendment to the Regional Development Plan to designate the right-of-way as a recreational corridor. The intent of the recreational corridor was to provide access for both pedestrian and bicycle traffic to the regional park. However, a recent amendment to the Regional Development Plan repealed the recreational corridor designation within Lawrencetown.

Access to the Plan Area, in addition to Highway No. 207, is provided by two secondary roads. The Mineville Road and Crowell's Road, entering the Plan Area from the north, provide a link between Highway No. 107 and Highway No. 207.

## COMMUNITY PROFILE

The following Section provides an overview of the events and circumstances which have shaped the physical and socio-economic development and character of Lawrencetown. Much of the historical overview is based on a book written in 1979 and titled Lawrencetown...225 years of History by Terry Degan, a former resident of Lawrencetown.

According to a report of a surveyor, Charles Morris, the French were the first Europeans to settle the area of Lawrencetown. The report, prepared in 1752, identified several abandoned Acadian settlements with some two hundred and ten acres of cleared land. Although it is not known exactly when the Acadians first settled the area, their origins likely date back to the 1600s, a time when the Acadians settled many areas of the province.

The capture of Port Royal in 1710 (later renamed Annapolis Royal) and the founding of Halifax in 1749 likely places the abandonment of the Acadian settlement at Lawrencetown in the mid 1700s.

In 1754 a group of twenty Halifax men petitioned Lt. Governor Charles Lawrence for a grant of twenty thousand acres. Although the first petition was rejected, a second petition for twenty grants of one thousand acres each, was accepted by the Governor in Council on April 18, 1754, and the area it encompassed became known as "Lawrence Town.

On May 18, 1754 the settlers and some two hundred troops completed cutting an eleven mile road from Dartmouth to Lawrencetown. They immediately erected a block house and began constructing their settlement. By March of 1755, all construction necessary for the settlement had been accomplished. The location is the subject of ongoing vigorous debate. The economy of Lawrencetown originally thrived on agricultural activities, providing an abundant source of vegetables and hay for the Halifax market.

With government financial aid, between 1814 and 1829 the residents built several roads joining small pockets of settlers located throughout the Lawrencetown area. It was during this time that most of today's roads were originally constructed.

The thirty-four year period between 1827 and 1861 was a time of rapid growth for Lawrencetown. The number of inhabitants grew from one hundred and sixty-one in 1827 to four hundred and sixty-two by 1861. During this time churches and schools were built, dykes were constructed, roadways improved and local industry flourished.

In 1861, gold was discovered in the Mineville area. Although the mining activities provided employment for many Lawrencetown residents, the mines never really gave a good return on investments. The mines were therefore operated sporadically throughout the years in response to economic conditions. Most of the mining activity was carried out between 1861 and 1870, and the last significant development took place in 1922. The most recent work, which involved some trenching near Back Gammon Lake, was carried out by D.A. Myers in 1962.

The gold district generally included the area between Back Gammon Lake and Lake Echo. The two major properties within this district include the Shanghai Property, which is north east of Back Gammon Lake along the Lower Partridge River Lake Road, and the Belt Mine property, which is roughly one hundred feet east of Mineville.

It was not until 1839 that an educational system was established for Lawrencetown. Two school houses were erected, one of which was located at the lower end of Porter's Lake, and the second, known as Birch Hill School, was located in the vicinity of the present Atlantic View school site. By 1865 a third school, erected in the Mineville area, was added to the Lawrencetown school system.

A Presbyterian ministry began in 1827, when Reverend James Morrison was called from Scotland to attend to the congregation of Lawrencetown. Shortly thereafter, a church was erected on MacDonalds Headland. Presbyterianism was not the only religion of Lawrencetown as the area had members of Methodist, Roman Catholic, Baptist and Church of England faiths.

The original Presbyterian church was dismantled in the late 1840s and parts of the old church were used to construct a church across the road. This church, which was named the Calvin Free Church, and later renamed the Calvin United Church, served the community for one hundred and three years until it was destroyed by fire in 1965. One year later, the present day Calvin United Church was erected.

Between the years 1881 and 1906 Lawrencetown experienced a reduction in growth as many residents left the area in response to the manufacturing boom that occurred in the cities and the industrial heartland of Ontario and Quebec.

The Canadian National Railway was constructed through Lawrencetown and along the Eastern Shore between 1912 and 1914. The railway was subsequently dismantled in 1985, when the railway no longer proved to be economical.

Today Lawrencetown is well known for its unique coastal environment. The large number of environmentally sensitive marsh and lake systems play a vital role in both the ocean's ecosystem, and as a natural habitat for a variety of mammal and bird species, including the rare piping plover. Lawrencetown also boasts some of the nicest recreational beaches within Halifax County as shown by the large number of people who frequent the beaches during the summer.



## POPULATION

Based on estimates from Census Canada data<sup>1</sup>, Lawrencetown had a 1981 population of approximately 2,080 persons, an increase of 27.0 percent from the previous 1976 census. Similar growth rate was recorded between 1981 and 1986. In 1986 the population was approximately 2,640.

In terms of age structure, (see Table 1) Lawrencetown has a considerably higher proportion of young families than the provincial average. In fact, 52.8 per cent of the Lawrencetown population falls within the 0-14 and 25-34 age categories, compared to a Halifax-Dartmouth average of 36.9 per cent and a provincial average of 39.8 per cent falling within similar age categories.

**TABLE 2: AGE STRUCTURE - 1986**

AGE GROUP	PLAN AREA	HALIFAX-DARTMOUTH %	NOVA SCOTIA %
0-14	26.8	16.8	21.5
15-24	13.9	19.9	17.6
25-34	22.4	20.4	17.1
35-44	18.9	13.1	13.9
45-64	13.0	18.7	18.1
65+	5.0	11.1	11.9
	100.0	100.0	100.1

**Source: Census of Canada, 1986**

It is reasonable to assume that in the near future, as the 0-14 age group moves into their teenage years, there will be increased pressures for additional facilities and services such as junior high and high schools, transit services, and youth oriented programmes.

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<sup>1</sup> Source: Statistics Canada, 1981, Census of Canada, 1986, Census of Canada

# SECTION II

## EXISTING LAND USE

For the most part, Lawrencetown is comprised of undeveloped forested land. In developed areas, Lawrencetown supports a variety of land uses. Residential development however, is the primary land use, with single unit dwellings comprising the majority of the housing stock. Mobile homes and auxiliary apartments also represent a significant component of the housing stock. Except for one row house dwelling in Upper Lawrencetown, multiple unit dwellings are non-existent.

There are few commercial land uses found within the Plan Area, and many of these are home-based and serve a local market. The majority of commercial uses are dispersed along Highway No. 207 and no real commercial core can be identified in the Plan Area. Similarly, most personal and service needs are accommodated by home businesses which are located throughout the Plan Area. In addition, there are a number of salvage yards and service industry and light manufacturing operations located within the Plan Area.

Finally, a number of community facility land uses are found within Lawrencetown, including the Lawrencetown Community Centre, the Calvin United Church and cemetery, the MacDonald House, the District 9A volunteer fire station and sub station, and the Atlantic View School.

## LAND USE INTENT

Future land use development within Lawrencetown shall be guided by land use policy and more specifically by the designations of the Generalized Future Land Use Map (Map 1) as follows:

### Lawrencetown

### Light Industrial

### Special Area

The Lawrencetown Designation recognizes the rural and semi-rural nature of the Plan Area. As such, the Designation supports a range of residential, commercial, community facility, home occupation, and resource uses.

The Light Industrial Designation has been applied to an area of crown land in Upper Lawrencetown. It is felt that this area has potential for light industrial/heavy commercial activity, given its location and access to a good transportation network adjacent to the metropolitan region.

The Special Area Designation is intended to protect unique biological and physical characteristics of certain lands within Lawrencetown and to support the Department of Lands and Forests efforts to establish the Cole Harbour/Lawrencetown Coastal Heritage Park System.

The long range goals for the Lawrencetown Plan Area were initially described in the late 1970s. They include:

- (i) preservation of the rural character of Lawrencetown by preventing high-density residential development on the Colby Village and Forest Hills models;
- (ii) protection of the natural environment of Lawrencetown, particularly the beaches, Cole Harbour, Lawrencetown Lake, and all of the area's groundwater, salt marshes, and watercourses; and
- (iii) effective participation by an elected, representative, and accountable Citizens Committee in a planning process involving Provincial and County officials.

These goals have been translated into a strategy for development. They are the principles upon which the land use designations and policies were developed and summarize the intent of this planning strategy.

## LAWRENCETOWN DESIGNATION

The Lawrencetown Designation has been applied to the largest portion of the Plan Area. While the majority of the designation consists of undeveloped land there is a significant mixture of land uses on the developed portions. In developed areas, residential land use is the predominant form of development with single unit dwellings comprising the majority of the housing stock. Mobile homes and dwelling units which are auxiliary to single unit dwellings also represent a significant component of the housing stock, while multiple unit dwellings are practically non-existent.

There is a growing demand for auxiliary dwelling units located within single unit dwellings. Both increasing costs of home ownership, and a demographic trend towards an aging population, have created the demand for such units. Often the demand results from older people who find it difficult to maintain their own homes yet desire to live both independently and close to family. There has been a trend towards these people moving into small in-law suites or "auxiliary dwelling units". Additionally, auxiliary dwelling units are beneficial to home owners as they can assist in offsetting rising housing and maintenance costs.

Generally, residents have no objections to the establishment of these units providing that the neighbourhood maintains its single unit housing appearance, that both the auxiliary dwelling unit and the main dwelling do not become rental units (although the Planning Act does not enable such controls), and that the size and scale of such units are controlled.

The desire to preserve and protect the environmental sensitivity and rural character of Lawrencetown will be achieved by restricting new residential development to single unit dwellings, small dwelling units which are auxiliary to permitted single unit dwellings and CSA approved mobile homes. Skirting will be required for mobile dwellings in order to give an appearance of permanency to the units. New multiple unit, duplex and semi-detached dwellings, and mobile home parks will not be permitted within the Lawrencetown Designation.

A few scattered farms, especially along the West Lawrencetown Road and Conrad Road are important reminders of the agricultural base upon which Lawrencetown once thrived. Agricultural activities have, however, declined as the economic mainstay, and the area has given way to more residential land use activities. In keeping with the intent of the Lawrencetown designation to maintain a semi-rural character, non-intensive agricultural uses such as hobby or small mixed farms are supported within the designation. Similarly, small scale fishing and forestry uses are supported within the designation. Intensive or large scale resource activities however, such as fish processing plants or intensive agricultural uses will not be permitted. Compatibility with surrounding uses will be addressed through the establishment of increased separation requirements for agricultural uses and controls on maximum size and outdoor storage for forestry uses.

As is most often the case in semi-rural areas, home businesses play a vital role in the provision of regional and to a greater extent local personal and service needs. Lawrencetown, characteristically, supports a multitude of home businesses which are scattered throughout the entire Lawrencetown Designation. In most instances these activities are not intrusive and consequently do not adversely affect their neighbourhoods.

The intent of the Lawrencetown Designation is to protect the present environmental and rural character of the area. The land use by-law will therefore, provide for home businesses but will

address environmental concerns by prohibiting uses which are obnoxious or create a nuisance by virtue of noise, vibration, smell or glare. Provisions regarding the type and size of the business, as well as controls on parking, signage and outdoor storage will be established. Small scale day care facilities will also be permitted within the Lawrencetown Designation.

Because of the particular traffic and parking concerns associated with local business stores, local business stores will only be considered through an amendment to the schedules of the land use by-law. They will not be included as home business uses.

Lawrencetown's unique coastal environment and proximity to the Halifax-Dartmouth metropolitan area makes it an ideal location for tourist accommodations. The designation supports small scale bed and breakfast establishments, which are considered to be compatible with the overall environment and character of the Lawrencetown area. The Lawrencetown Designation does not, however, provide for motel/hotel complexes.

The Lawrencetown Designation supports the continuation of existing multi-unit dwellings and existing, larger commercial and industrial uses but does not permit the establishment of such uses in the future. In order to improve the compatibility of these uses with adjacent low density residential uses, the land use by-law establishes appropriate controls over the extent of future expansion, parking and signage. An increase in number of units in the existing multi-unit dwelling is prohibited, although expansion and repair of the existing units is accommodated.

P-1 It shall be the intention of Council to establish a Lawrencetown 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 semi-rural environment with its mixture of residential development, home businesses, agricultural uses and small scale resource uses.

P-2 Within the Lawrencetown Designation, it shall be the intention of Council to establish a Rural Residential (RR-1) Zone which permits existing uses, single unit dwellings, auxiliary dwelling units of a limited size, mobile homes which are skirted, non-intensive agricultural uses, small scale forestry uses, fishing and fishery related uses, and home business, day care facility and bed and breakfast establishments of a limited size and operated by a resident of the dwelling, municipal facility uses, as well as public and private parks. Provisions of the zone will control outdoor storage and display, signage, and parking areas and limit the number of employees associated with home businesses, day care facilities and bed and breakfast establishments. The zone will also establish separation distances for agricultural uses. Existing community commercial uses identified in Appendix 'B' of the land use by-law will be permitted to expand, subject to the maximum size requirements of the zone. In addition, special access requirements shall be established for existing service stations. Existing industrial uses identified in Appendix C shall be permitted to expand subject to the requirements of the appropriate zone, as specified in the appendix.

Given the relatively large lot sizes in the Lawrencetown Designation and the distances between dwellings, there are instances where less stringent controls on a home business would be appropriate and could be accommodated without adversely affecting neighbouring uses. Therefore, home business uses which exceed the maximum floor area requirements of the Rural

Residential Zone (Policy P-2) shall be considered by development agreement. The development agreement procedure enables the tailoring of development controls such as maximum size to ensure a level of compatibility with neighbouring uses.

P-3 Notwithstanding Policy P-2, within the Lawrencetown Designation, Council shall only consider permitting home business uses which are in excess of the maximum size permitted in the Rural Residential (RR-1) Zone, according to the provisions of Sections 55, 73 and 74 of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that no more than twenty-five (25) per cent of the total gross floor area of the dwelling shall be devoted to the home business use within the dwelling;
- (b) that in no case shall the combined gross floor area of all structures devoted to home business use exceed:
  - (i) one thousand, two hundred and fifty (1,250) square feet on lots that are two acres in size or smaller; or
  - (ii) one thousand eight hundred (1,800) square feet on lots larger than two (2) acres in size;
- (c) that the dwelling which is used for the business purpose is the principal residence of the operator of the business;
- (d) that no materials or equipment which are obnoxious or create a nuisance by virtue of noise, vibration, odour or glare, shall be used on the lot;
- (e) that adequate parking facilities are provided;
- (f) 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;
- (g) that the architectural design and scale of any building(s) are compatible with nearby land uses;
- (h) the potential for adversely affecting nearby residential development;
- (i) the general maintenance of the development;
- (j) 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;
- (k) signage;
- (l) the effects of the use on the natural environment as contained in a report from the appropriate Federal or Provincial Authority;
- (m) the means by which solid and liquid waste will be treated;
- (n) the effects of the development on heritage resources as shown on Map 3; and
- (o) the provisions of Policy P-61.

The intention of the Lawrencetown Designation is to encourage and maintain a semi-rural environment. However over the past several years, some residential developments have occurred in a more concentrated pattern. Residents of such subdivisions, specifically Carter & Romans, Keltic Gardens, Town & Country Acres and Vantage Estates, expected that their neighbourhoods would be primarily residential in nature, with more limited home business provisions than are permitted in the remainder of the designation. Covenants used in these developments have proven hard to enforce. The planning strategy recognizes the expectations and needs of these subdivision residents. There is, however, concern that a proliferation of restrictive residential zoning could

adversely affect existing rural land uses, and accelerate change in the Plan Area, causing it to become more suburban in nature. A need exists to protect both the interest of the existing subdivision residents as well as accommodate the future demand for such zoning protection, while at the same time controlling the transition process in order to maintain the traditional nature of the area.

It is the intention of the planning strategy to make provision for existing land uses. The land use by-law, therefore, provides for the protection of existing lots in the larger subdivisions through the application of restrictive residential zoning. Provision is also made for the extension of such zoning in the future where a clear development intent has been demonstrated.

P-4 Notwithstanding Policy P-2, within the Lawrencetown Designation, in recognition of the need to protect existing and developing areas, it shall be the intention of Council to establish a Single Unit Residential (R-1) Zone which permits existing two unit dwellings, single unit dwellings, auxiliary dwelling units of a limited size, small scale offices and day care facilities contained within a dwelling and operated by a resident of the dwelling, as well as parks and playgrounds. Provisions of the zone will control outdoor storage, display, signage and parking. The zone will initially be applied to lots within the Carter and Romans, Keltic Gardens, Town and Country Acres and Vantage Estates subdivisions. In considering amendment to the Land Use By-law, Council shall have regard to the following:

- (a) that lands to be rezoned shall contain a minimum of twenty (20) lots as shown on an approved tentative plan of subdivision except that lands abutting or immediately adjacent to an existing R-1 Zone may contain less than twenty (20) lots as shown on an approved tentative plan of subdivision, provided that such lots are consistent in size with those in the abutting R-1 area;
- (b) that lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets; and
- (c) the provisions of Policy P-61.

The community has expressed the desire, through public meetings and through a survey, that the semi-rural nature of the Plan Area be maintained. In the Lawrencetown Designation, many commercial uses, such as personal service, professional and office uses, are traditionally accommodated, along with small-scale industrial uses, through the home business provisions of the rural residential zone (Policy P-2). This is in keeping with the maintenance of a semi-rural environment in the Plan Area.

Also, Lawrencetown is adjacent to the metropolitan area, and is located within 15 minutes drive of Cole Harbour. The Plan Area has ready access on a daily basis to major services. The Lawrencetown planning strategy does not, therefore, support the location of large-scale more intensive commercial activities within the Plan Area at this time. Given the small scattered population, proximity to the metropolitan area and the environmental sensitivity of possible sites on major roads, providing for such uses at this time is viewed as premature.

Local business stores, such as variety stores and craft shops, have successfully established in Lawrencetown to serve primarily a local demand. The planning strategy is supportive of such uses, and recognizes that there may be a need in future to provide for additional neighbourhood



services within the Lawrencetown Designation. However, there is also a need for a site-specific review to evaluate a proposed site for the intended use and the effects on the neighbourhood being served.

Concerns have also been expressed by the community with the possibility of strip commercial development along Highway No. 207 and the aesthetic and traffic safety problems this pattern of development could generate. Future local commercial development will, therefore, be directed towards five lots in Upper Lawrencetown which have direct access to Highway No. 207, and which have a history of commercial and industrial activity. This will enable a local service centre to develop in the part of the Plan Area with the greatest population, and also provides for commercial redevelopment of these properties at a scale and in a manner appropriate to the adjacent residential uses. Furthermore, neighbourhood commercial centres in excess of one thousand square feet will be considered by development agreement, in order to accommodate the need for larger local service centres while limiting the number of access points to the highway, and controlling scale.

P-5 Notwithstanding Policy P-2, within the Lawrencetown Designation, Council shall establish a Local Business Store (C-1) Zone which permits local business stores designed to serve the local market, and an accessory dwelling unit of a limited size. The zone limits local business stores to a gross floor area of one thousand (1,000) square feet and establishes controls on site design details such as outdoor storage and display, landscaping and parking and loading areas, in order to address compatibility concerns with surrounding development. Amendments to the land use by-law to permit new local business store uses within the Lawrencetown Designation will only be considered on the following lots: LRIS Numbers 40161457, 526665, 649814, 622787, 649822. When considering such an amendment to the land use by-law, Council shall have regard to the following:

- (a) that the use primarily serves local needs;
- (b) that the scale of the building is in keeping with surrounding land uses and with the maintenance of a semi-rural environment;
- (c) the potential impact upon any adjacent residential property and the protection of adjacent residential areas;
- (d) the impact of the proposed use on road safety and traffic volumes in the local road network;
- (e) the impact of the development on the natural environment as contained in the report from the appropriate Federal or Provincial Authority;
- (f) the impact of the development on heritage resources as shown on Map 3;
- (g) that water and sewerage services are adequate; and (h) the provisions of Policy P-61.

P-6 Notwithstanding Policy P-5, within the Lawrencetown Designation, it shall be the intention of Council that local commercial centres in excess of one thousand (1,000) square feet of gross floor area be considered on the five lots identified by LRIS Number in Policy P-5, by development agreement in accordance with Sections 55, 73 and 74 of the Planning Act. In considering any development agreement, Council shall, in addition to the provisions of Policy P-5, have regard to the following:

- (a) that the proposed development does not exceed four thousand (4,000) square feet, of gross floor area and that no single use within the proposed development exceeds two thousand (2,000) square feet;
- (b) that the total lot coverage of all structures shall not exceed thirty five (35%) per cent;
- (c) that no outdoor storage or display be permitted except for seasonal agricultural produce;
- (d) that the architectural design of the building, its exterior finish, and the site design, including landscaping, are compatible with the surrounding residential area;
- (e) the hours of operation;
- (f) maintenance of the development;
- (g) that any proposed signage or lighting is appropriate to the general area; and
- (h) the provisions of Policy P-61.

As residential areas and neighbourhoods develop over time, the need for community facilities increases. However, because of the wide range of uses that fall into this category, development concerns associated with community facility uses vary with the type and operational characteristics of a particular use. The Lawrencetown Designation, therefore, while being supportive of such uses, recognizes the diversity of development concerns and will attempt to control, as much as possible, the negative affects of such uses through the development agreement process. However, certain of these uses are owned by the Municipality and shall not be subject to the development agreement process. The expansion and development of such municipally owned uses will be accommodated within the land use by-law. Furthermore, while new multiple unit dwellings are not permitted within the Lawrencetown Plan Area, the Lawrencetown Designation recognizes the need to provide for multiple unit senior citizen housing and will consider such uses as a community facility use.

P-7 Notwithstanding Policy P-2, within the Lawrencetown Designation, Council shall only consider permitting new community facility uses or the expansion of existing community facility uses according to the provisions of Sections 55, 73 and 74 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) 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 means by which solid and liquid waste will be treated;
- (d) that the architectural design and scale of any building(s) are compatible with nearby land uses;
- (e) the potential for adversely affecting nearby residential 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 entrance to and exit from the site;
- (g) the general maintenance of the development;
- (h) the effects of the development on the natural environment as contained in a report from the appropriate Federal or Provincial Authority;
- (i) the effects of the development on heritage resources as shown on Map 3; and

- (j) the provisions of Policy P-61.

Given the recreational and aesthetic qualities of Lawrencetown, the abundance of large tracts of vacant land, and the existence of land with frontage on bodies of salt water, certain tourist related accommodations and certain water-related recreation uses could potentially be integrated within the semi-rural environment supported by the Lawrencetown Designation. The types of tourist related accommodations that would be acceptable would be limited to campgrounds, lodges, and bed and breakfast operations of a larger scale than permitted under the land use by-law provisions. The types of water-related recreational uses that would be acceptable would be limited to facilities located on property with frontage on a body of salt water<sup>1</sup> allowing for activities such as canoeing, kayaking windsurfing, surfing and other non-motorized means of movement on water.

Such uses could, however, if inappropriately located or too large in scale, cause unacceptable consequences such as excessive traffic volumes, noise, or visual intrusions. Therefore, such tourist related accommodations and water-related recreation uses will only be permitted within the Lawrencetown Designation by development agreement. Furthermore, such uses will be considered within the designation only where the site has potential to be developed without materially adversely affecting the environment or neighbouring land uses.

**P-8** Notwithstanding Policy P-2, within the Lawrencetown Designation, Council shall only consider permitting tourist related accommodations and water-related recreation uses of the types described in the foregoing paragraphs by development agreement in accordance with the provisions of Sections 55, 73 and 74 of the Planning Act. In considering any such development agreement, Council shall have regard to the following:

- (a) that the site allows for the reasonable separation of the proposed development from surrounding residential development;
- (b) that the site of the proposed development is not located on environmentally sensitive land;
- (c) that the scale and appearance of the proposed development is reasonably consistent with a semi-rural environment and would not detract from or adversely affect surrounding developments;
- (d) that safe access to and from the site of the proposed development can be obtained from the abutting street or highway and that the development will not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (e) that the proposed site layout, including landscaping, parking areas, signage and outdoor storage or display areas, is appropriate having regard to the other provisions of this Policy;
- (f) that adequate buffering and screening measures are provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (g) that adequate measures are taken to protect the natural environment;

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<sup>1</sup> Property with frontage on a body of salt water shall mean property having frontage on the Atlantic Ocean proper, inlets of the Atlantic Ocean or Porters Lake south of the Middle Porters Lake Road.

- (h) that adequate provision is made to ensure that the site of the development and of buildings and other structures on the site are properly maintained on an on-going basis;**
- (i) that the proposed agreement provides for appropriate hours of operation having regard to uses in the surrounding areas and the other provisions of this Policy;**
- (j) that the proposed agreement provides for the establishment of an acceptable method of on-site sewage disposal and water supply;**
- (k) that the proposed agreement makes provision for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and**
- (l) the provisions of Policy P-61.**

**(C-Mar 13/95;M-Apr 18/95)**

## COMPREHENSIVE DEVELOPMENT DISTRICT - CLUSTER DEVELOPMENTS

Although the residents of Lawrencetown are concerned with increasing development pressures and the impacts development might have on their community, they realize that some measured and controlled growth is inevitable.

The Lawrencetown planning strategy, therefore, encourages development concepts which respect the environmental sensitivity and rural character of Lawrencetown. The concept of cluster development, although innovative by today's development patterns, simply groups houses together on a parcel of land and uses the land thus saved for common open space. Cluster developments are therefore, provided for as an alternate housing development pattern.

Although the cluster idea is ancient, the standard development pattern since the 1920s has been one of continuing suburban expansion. This growth pattern requires large individual lots to ensure safe water supply and the successful operation of septic fields. This development pattern uses up the open space resources that people moved out of the city to seek. Furthermore, no matter how far out developers push, land prices keep rising ahead of them.

Although larger lots are essential to the protection of the environment and to ensure a potable water supply where on-site services are provided, they also have the effect of consuming vast tracts of the landscape. By applying the cluster principle, the same number of houses can be provided but on a portion of the tract, with the bulk of the land left for resource uses, open space and recreation. Sanitary services for this type of development are most appropriately provided through the establishment of a Wastewater Management District.

Wastewater management districts are implemented through the establishment of a municipal utility which owns and operates all wastewater disposal systems within a designated area. Provincial legislation permits the creation of such utilities, but to date this legislation has been used only to resolve existing problems. The concept has not been applied to wastewater management in new developments and existing provincial legislation may require amendment in order to be used in that context. No wastewater management districts have yet been established in the County of Halifax. Nevertheless, the wastewater management district concept has offered a viable alternative to costly packaged treatment plants as a means to resolve existing sewage concerns elsewhere in Nova Scotia. It also provides an alternative mechanism for managing new rural servicing in future.

In establishing the economic case for comprehensive development districts, it should be noted that both the community and the developers benefit from cluster development. The developer benefits from reduced road, on-site sewer and water, and storm drainage costs. Furthermore, clustering enables the developer to concentrate houses on prime sites with desirable topographic and aesthetic features. The community benefits from good aesthetics, the protection of the natural environment and the preservation of the rural character.

The Lawrencetown Designation, therefore, provides for the clustering of single unit residential uses by means of a Comprehensive Development District (CDD). Sections 56, 73 and 74 of the Planning Act contain provisions for comprehensive development districts, which allow the consideration of development on a comprehensive basis and its control through specific agreements.

The intent of the CDD is to allow parcels of land in excess of five acres to be developed with single unit residential uses in a clustered development pattern. It is not the intention that cluster developments be used to change the rural form of development in Lawrencetown by permitting large numbers of units to be located in one confined area. To prevent this, an upper limit will be established on the total acreage per CDD which would be eligible for this designation. In addition, to ensure water supply, access and maintenance of community environmental and heritage standards, provisions shall be included in the development agreement to address these matters.

P-9 It shall be the intention of Council to request the Provincial Government to amend, where necessary, the Municipal Act (RSNS, 1967, Chapter 192), to provide for the establishment of Wastewater Management Districts for new developments serviced with on-site waste disposal systems, in order that Council may consider establishing an appropriate wastewater management by-law to support the concept of cluster development.

P-10 It shall be the intention of Council to establish a Comprehensive Development District within the land use by-law, which permits the clustering of single unit residential uses. In considering an amendment to the land use by-law to permit a Comprehensive Development District (CDD), Council shall have regard for the following:

- (a) that the proposal is within the Lawrencetown Designation;
- (b) that the development includes a minimum land area of five (5) acres to be so zoned but does not exceed ten (10) acres;
- (c) that a Wastewater Management District (WMD) can be established to service the development within the CDD and that servicing within the WMD be restricted to on-site sewage disposal systems which meet provincial requirements;
- (d) that an adequate potable water supply, as determined by a qualified person, can be provided;
- (e) that provision can be made for the proper handling of stormwater and general drainage within and from the development as determined by a qualified person;
- (f) that the development will not cause traffic hazards in terms of traffic volume, circulation, and siting distances at entrance and exit points;
- (g) that the development will not have a negative effect on the natural environment as found in a report by the appropriate Federal or Provincial authority;
- (h) that the development is consistent with the general policies of this strategy and furthers its intent; and
- (i) the provisions of Policy P-61.

P-11 Pursuant to Policy P-10, and as provided for by Sections 56, 73 and 74 of the Planning Act, the development of any comprehensive development district zone shall only be considered by Council through a development agreement or agreements, which among other planning matters shall specify:

- (a) that the number of single unit dwellings permitted on the site shall not exceed two units per acre;
- (b) that the amount and location of amenity open space shall fall within the range of

- sixty-five to seventy-five (65-75) per cent of the total CDD area; and
- (c) the provisions of Policy P-61.

P-12 It shall be the intention of Council that any agreement made pursuant to Policies P-10 and P-11 may be discharged upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreement, Council shall zone the lands to reflect the intent of the agreement.



## LIGHT INDUSTRIAL DESIGNATION

In order to accommodate future demands for light industrial and heavy commercial uses in Lawrencetown, a Light Industrial Designation has been applied to a portion of crown land in Upper Lawrencetown.

In order to minimize land use conflicts associated with light industrial/heavy commercial uses, zone requirements addressing open storage and outdoor display, landscaping, environmental concerns, and buffering from residential areas will be established. Because of the traffic generated, and in the interest of the motoring public, additional controls will be placed on service stations. Additionally, the types of uses that will be permitted in the zone are those which are restricted to those which are not obnoxious and can be serviced by on-site sewage disposal systems. Uses which involve the production or processing of dangerous goods can more appropriately be accommodated in fully serviced industrial parks, and therefore, will not be permitted. Other community and commercial uses will also be permitted.

The Designation's location at the fringe of the Plan Area provides the advantage of close proximity to the urban market, and minimizes heavy traffic movements through Lawrencetown. Access to the designation will be via Highway No. 107. Although access to Highway No. 107 is not available at this time, the Nova Scotia Department of Transportation and Communications has proposed an interchange in the vicinity of Salmon River Drive, and it is recognized that the full potential of this designation will not be achieved until the activities outlined in Policy P-35 are enacted.

- P-13 It shall be the intention of Council to establish a Light Industrial Designation, as shown on the Generalized Future Land Use Map (Map 1). Within the Designation it shall be Council's intention to encourage light industrial and heavy commercial uses, while supporting measures to protect the natural environment.
- P-14 Within the Light Industrial Designation, it shall be the intention of Council to establish a Business Industry (I-1) Zone which permits light industrial, commercial and community uses which are not obnoxious and which relate primarily to warehousing, wholesaling, storage, service, recreation and open space uses. Provisions of the zone will establish controls on outdoor storage and display, parking and loading areas and provide for landscaping as well as buffering from adjacent residential uses. In addition, special access controls are established for service stations.

In addition to the uses permitted in the Business Industry Zone, Council may wish to consider permitting more intense industrial uses which are compatible with the intent of the Light Industrial Designation. Through the rezoning process, Council is given the opportunity to consider permitting light manufacturing and process operations, and heavy equipment and transport facilities and maintenance yard uses, within the established Light Industrial Designation.

- P-15 Notwithstanding Policy P-14, within the Light Industrial Designation, it shall be the intention of Council to establish a Light Industry (I-2) Zone which permits uses permitted in the Business Industry (I-1) Zone, subject to the requirements of that zone (Policy P-14), light manufacturing and processing operations which are not obnoxious, and heavy equipment and transport facilities and maintenance yards. Provisions of the zone will



provide for controls on outdoor storage and display and buffering. In considering an amendment to the land use by-law to permit new light industrial uses, Council shall have regard to the following:

- (a) that the proposed use does not adversely affect adjacent land uses by virtue of either the nature or scale of the proposed industrial operation;
- (b) that the use is not obnoxious and does not create a nuisance for adjacent land uses by virtue of noise, dust or odour;
- (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 and exits to the site;
- (d) that the proposed use does not adversely affect the natural environment as contained in a report by the appropriate Federal or Provincial authority;
- (e) that the use does not involve the production or processing of dangerous goods; and
- (f) the provisions of Policy P-61.

The provisions of the Light Industry Zone will also be applied to the expansion of existing light industrial uses which are zoned rural residential and listed in Appendix "C" of the land use by-law (Policy P-39).

## SPECIAL AREA DESIGNATION

The Special Area Designation is intended to protect unique biological and physical characteristics of certain lands within Lawrencetown and to support the efforts of the Department of Lands and Forests to establish the Cole Harbour/Lawrencetown Coastal Heritage Park system, under the auspices of the 1975 Halifax-Dartmouth Regional Development Plan.

The Halifax-Dartmouth Regional Development Plan designated seven areas for regional park development. A large portion of the Lawrencetown-Cole Harbour Regional Park is located within the Lawrencetown Plan Area. The designation of these areas for park development is premised on the concept of preserving valued natural environment areas, while at the same time providing recreation opportunities. The designated recreation areas therefore, have either high intrinsic natural environmental qualities, or have both high recreational and environmental value.

The Special Area Designation encompasses a diversity of significant land types including woodlands, cobble beaches, sand beaches, dunes, salt marshes, bedrock shores and barrier ponds. In fact, the extent and quality of the dunes on Conrod Island have been recognized by the International Biological Program to be of international significance.

Furthermore, the abundant cord and eel grass found within the Lawrencetown salt marshes and barrier ponds provide an important food source for the water fowl and shore birds which inhabit and pass through the area. In fact, the Lawrencetown shoreline is a valued habitat feeding ground and stop-over for a large number of water fowl, birds of prey, and shore birds, including the rare piping plover.

While supporting less intensive park uses such as picnicking, beaching, bicycling, hiking, wildlife observation or other interpretive activities, the Special Area Designation recognizes the sensitivity of the designated lands and therefore, discourages camp grounds and marinas.

P-16 It shall be the intention of Council to establish a Special Area Designation as shown on the Generalized Future Land Use Map (Map 1) in recognition and support of the Cole Harbour-Lawrencetown Coastal Heritage Park. Within this designation, Council shall create a Regional Park (S-1) Zone which permits non-intensive park uses, such as picnicking, beaching, bicycling, hiking, wildlife observation or other interpretive activities.

# SECTION III

## ENVIRONMENTAL CONCERNS

Both the protection of the natural environment and the preservation of the rural character is of the utmost importance to the residents of Lawrencetown.

Crucial to protecting the environment and preserving the rural character are adequate environmental health services which consist of sewerage disposal, water supply and storm drainage. Although some areas of the Municipality are served, either in whole or in part, by municipal water and sewer systems, Lawrencetown depends entirely on privately owned on-site services. A number of these systems were put in place prior to recent changes in the Nova Scotia Department of Health regulations respecting on-site sewage disposal systems. The adequacy of such services may become a concern in future, due to the small size of certain lots and the age and maintenance of existing systems on these lots.

The natural amenities of Lawrencetown and good transportation links with the metropolitan area will continue to attract development to the Plan Area. There is concern that if central municipal water and sewer systems were introduced, density levels would have to be increased to make such central services economically feasible. The resulting increase in population density would change the rural character of Lawrencetown. The Lawrencetown planning strategy, therefore, discourages municipal central water systems, and/or municipal or private central sewer systems.

It is important that on-site services be installed and maintained in such a way as to guarantee their long term security. The land use by-law supports lot size requirements as established by Nova Scotia Department of Health and Fitness for environmental protection. These Nova Scotia Department of Health and Fitness standards are expected to ensure the long term viability of newer lots. Provision is also made to facilitate prompt corrective action should the long term viability of on-site services become threatened. It is only anticipated that problems may occur where there are older smaller lot subdivisions.

- P-18 It shall be the intention of Council that municipal central water systems, and/or municipal central sewer systems shall not be established in the Lawrencetown Plan Area and that private central sewer systems will be discouraged.
- P-19 In recognition of the importance of maintaining ground and surface water quality and quantity, it shall be the intention of Council to consider the establishment of wastewater management districts in identified problem areas. Such management districts shall utilize clustered on-site sewage disposal systems which meet provincial requirements. Furthermore, it shall be the intention of Council to consider increasing minimum lot sizes to respond to any future identified environmental problem.

## ON-SITE SEWAGE DISPOSAL SYSTEMS

There are now approximately one thousand on-site sewage disposal systems in operation within the Plan Area and there have been no general problem areas identified. Nevertheless, the potential does exist for problems to arise and is a cause for concern. This is especially true if such units are improperly maintained, or where old lots are inadequate to meet the present standards.

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. Although there are no recorded problems and new systems are less prone to failure, as development continues, there will be some increase in the number of malfunctioning systems. The release of untreated or improperly treated sewage can result in groundwater contamination and, if it drains to fresh or salt water, shellfish may become unfit for human consumption. The water and shorelines are also rendered less safe and inviting for swimming and other recreational purposes.

Some 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 and watercourses. There are also dwellings where "grey water", i.e. water from sinks, bath tubs and washing machines is not processed 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 and penetrate to the groundwater.

A study, prepared jointly by the Nova Scotia Departments of Municipal Affairs, Health and Fitness, and the Environment<sup>2</sup> identifies inadequate maintenance as the primary cause of private septic system failure. Although installers of sewage disposal systems now must be licensed and the Department of Health and Fitness has issued regulations for both system 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 solids out of the tank.

With continuing development, the importance of adequate and well-maintained on-site services will become even more critical. Though no general problems have been identified within the Plan Area, the objective is to take all possible steps to ensure that none arise.

One means of addressing the problem is through a public information programme which could outline the type and frequency of maintenance required for septic systems. 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.

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. In addition, given the soil conditions of the area, there may be alternative systems that could be used to reduce the potential for creating pollution. Such systems might require separate treatment systems for sewage and grey water. However, to date the Department of Health and Fitness has been reluctant to permit alternative systems.

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<sup>2</sup> Wastewater Management Districts: An Alternative for Sewerage Disposal in Small Communities: Nova Scotia Departments of Municipal Affairs, Health and the Environment, 1983.

- P-20 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.
- P-21 It shall be the intention of Council to request the Department of Health and Fitness to approve alternate on-site disposal systems suitable for the terrain of Lawrencetown, including separate systems for grey water and sewage.

Another, and potentially more hazardous, source of pollution results from industrial uses. This potential is related to waste water from the industrial process, but also to sewage, if the industry is particularly large. In order to reduce the risk of environmental damage from this industrial development, any effluent 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.

- P-22 It shall be the intention of Council in cooperation with the Departments of Health and Fitness and the Environment 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.

## HAZARDOUS WASTES

A source of groundwater pollution that is often ignored or overlooked is solid waste disposal or the storage of certain materials. Because the topography of the Plan Area contains many watercourses and generally slopes toward the shore, where most of the population lives, there is a real danger that any hazardous substances released in the area will eventually pollute domestic water supplies. Therefore the establishment of sanitary landfill sites or hazardous waste disposal or storage sites in the Plan Area will be prohibited.

- P-23 It shall be the intention of Council to prohibit, to the full extent of their ability, the establishment of garbage dumps, sanitary landfill, hazardous material storage sites or hazardous or waste disposal sites within the boundaries of the Plan Area.

Underground gasoline and similar storage tanks are another source of water and well contamination. 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.

- P-24 It shall be the intention of Council to request the Nova Scotia Department of the Environment to strictly enforce legislation governing the installation, mapping and recording of location, registration, maintenance, periodic inspection and removal of underground storage tanks, including gas and oil storage tanks and to empower the appropriate government agency to carry out the work and recover the costs from the property owners if necessary.

## STORMWATER MANAGEMENT

Stormwater runoff is often overlooked as a cause of pollution in settled areas and, as a result, stormwater management is often given little attention. However, due to recent concern about this matter, 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 Health and Fitness, the Environment, Transportation and Communications, 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 marshes, lakes and rivers are to be minimized.

P-25 In recognition of the need to protect the salt and fresh water in the Plan Area, it shall be the intention of Council that the Stormwater Policy and Design Criteria shall become effective within the Plan Area through necessary amendments to the Subdivision By-law.



## WATERCOURSE PROTECTION

The Department of the Environment has primary jurisdiction with regard to the protection of watercourses. The infilling of any waterbody or watercourse requires a permit from this provincial department. Infilling can have detrimental effects, including water pollution, and the blockage of the watercourse, which may cause flooding upstream.

- P-26 It shall be the intention of Council to encourage the provincial Department of the Environment to improve enforcement of regulations and guidelines concerned with the infilling of watercourses within the Plan Area.

Environmental protection practices during construction are critical in waterfront development because it is at this stage that much environmental contamination may occur. The Province of Nova Scotia Environmental Construction Practice Specifications prepared jointly by the Department of Fisheries and Oceans and the Nova Scotia Departments of Transportation and Communications and the Environment, and completed in September 1981, contains specifications related to the protection of watercourses during development.

- P-27 It shall be the intention of Council to encourage the Departments of Transportation and Environment to enforce compliance with the "Province of Nova Scotia Environmental Construction Practice Specifications."

## GENERAL SETBACK REQUIREMENTS FROM WATERCOURSES

Buffer zones can be used to protect both shoreline development and the natural ecosystems of salt marshes, fresh watercourses and water bodies found in the Plan Area. The significance and sensitivity of these water bodies was previously recognized in the Regional Development Plan, which established increased setbacks to protect these environmentally sensitive areas. The Nova Scotia Department of Lands and Forests and the Nova Scotia Museum concur that it is still important to maintain this protection.

The Coastal Wetland areas, identified on Map 2, are considered the most sensitive of these areas. Upstream areas, though generally less environmentally sensitive, must also be carefully regulated in order to minimize detrimental effects downstream.

Through the land use by-law, setbacks from watercourses will be required in order to provide appropriate buffer zone protection for watercourses and water bodies within the Plan Area. The degree of protection will reflect the significance of the waterbody and the effect of the use.

- P-28     It shall be the intention of Council, through the land use by-law, to establish requirements for setbacks from watercourses within the Plan Area which are appropriate to the environmental sensitivity of particular areas.

## SALT MARSHES

Coastal wetlands of Lawrencetown, including but not limited to, the salt marshes of Cole Harbour, Lawrencetown Lake, Porters Lake and the West Marsh constitute a significant habitat for many wildlife species. Alteration or reduction of this habitat will have an effect on the numbers and variety of wildlife found in the area as either resident or migrant species. Similar coastal wetlands have been drained and filled elsewhere in Canada and the United States with a consequent change in wildlife populations.

Not only are the coastal wetlands an important ecological resource, they could contribute to local tourism by attracting visitors to the area to observe the wildlife. To date, this value has not been extensively exploited, but opportunities for development associated with the coastal wetlands do exist.

Coastal wetlands can be protected through conservation zoning. At this time there are no scientific studies which identify specific coastal wetlands in Lawrencetown which are of such ecological significance as to warrant this level of protection. However, should such significant wetlands be identified, amendments to this strategy will be considered to establish the necessary conservation zoning.

- P-29 It shall be the intention of Council to request the Department of the Environment to prohibit infilling or drainage of the coastal wetlands in the Plan Area, as shown on the Coastal Wetlands Map (Map 2).
- P-30 It shall further be the intention of Council to seriously consider the acquisition of such marshes as public open space at the time of subdivision, and to develop these marshes as an educational resource or leave them in a natural condition as wildlife refuges.
- P-31 It shall be the intention of Council to encourage the necessary scientific studies to identify any coastal wetlands requiring specific protection, and to consider amending this strategy to establish and apply conservation zoning in such areas.

## **SOLID WASTE MANAGEMENT** (MC-Feb 26/96;M-Mar 28/96)

In most areas of the Municipality, residential solid waste collection is contracted to private firms on a weekly or bi-weekly pick-up basis. The majority of the solid waste generated is first taken to one of four solid waste transfer stations located in Dartmouth, Halifax, Middle Musquodoboit or Sheet Harbour prior to disposal at the regional waste disposal facility in Upper Sackville.

In August of 1989, the Metropolitan Authority initiated a process to find a new landfill site as the landfill in Upper Sackville was scheduled to close on June 30, 1994. 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 which resulted in the Sackville landfill site remaining open after the June 30, 1995 deadline. On August 9, 1994, The Metropolitan Authority passed a resolution requesting Halifax County Municipality to assume responsibility for solid waste management.

On September 6, 1994, Halifax County Municipality assumed responsibility on behalf of the four metropolitan units for solid waste management, including the siting of the new landfill site. 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 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<sup>3</sup> and source-separated composting<sup>4</sup>. 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.

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<sup>3</sup> "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.

<sup>4</sup> "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.

**It is anticipated that composting operations will utilize either windrow<sup>5</sup> or in-vessel<sup>6</sup> 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.**

**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.**

**P-32 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.**

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<sup>5</sup> "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.

<sup>6</sup> "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.

## **CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT STRATEGY** **(RC-Sep 10/02;E-Nov 9/02)**

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 industrial, 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.

**P-32(F)** 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 Industrial Designation 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 P-61

**P-32(G)** 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 Industrial Designation, and pursuant to criteria of Policy P-32(F).

## **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.

**P-32(H) 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 Industrial 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 P-32(F).**

## **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.**

## **INFRASTRUCTURE CHARGES (RC-Jul 2/02;E-Aug 17/02)**

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 *Municipal Government Act (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) 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.**

## **INTERIM GROWTH MANAGEMENT (Deleted: RC-Jun 27/06;E-Aug 26/06)**

### **TRANSPORTATION**

The Lawrencetown road network was originally designed for a sparsely populated rural area. It has witnessed increasing pressures over the past few years from development and the resulting increase in driveways, and vehicle, bicycle and pedestrian traffic. Highway No. 207 has been especially affected by increased development. Although the highway is capable of handling substantial volumes of traffic, the increased number of accesses has detrimentally affected both public safety and the flow of traffic, thereby increasing travel time.

Increased frontage requirements well established for new lots along Highway No. 207, in order to minimize the number of accesses and to encourage new developments to utilize common accesses onto the highway via collector roads. Furthermore, increased frontage requirements along the community's main thoroughfare will aesthetically enhance the rural character of Lawrencetown without restricting the development rights of landowners. Provision will be made to prevent undue hardship to land owners abutting Highway No. 207 by providing some opportunity to subdivide existing properties with limited frontage.

- P-32 It shall be the intention of Council, through the Lawrencetown land use by-law, to establish minimum frontage requirements along Highway No. 207 of one hundred and fifty (150) feet.
- P-33 Notwithstanding Policy P-32 it shall be the intention of Council, through the Lawrencetown land use by-law, to permit the subdivision of any residential lot on Highway No. 207, in existence at the time of adoption of the municipal planning strategy, into no more than two (2) lots or one (1) lot and a remainder, provided that each lot has a minimum frontage of one hundred (100) feet.

With respect to transportation matters, such as road improvements, widenings, or development, the Municipality has very limited jurisdiction. Such matters, however, remain a fundamental local planning concern. The residents of Lawrencetown, therefore, strongly urge the Department of Transportation and Communications to involve community participation in the decision making process regarding any road construction or widening, or the construction of sidewalks or bicycle lanes to be undertaken by that department.

- P-34 It shall be the intention of Council to strongly urge the Department of Transportation and Communications to involve community participation in the decision making process regarding any road construction or widening, or the construction of sidewalks or bicycle lanes within the Plan Area to be undertaken by that department.

With regard to new road development, it is considered prudent that the Nova Scotia Department of Transportation and Communications provide for the future needs of the growing community. In this regard, it is considered desirable that the province acquire an appropriate right-of-way in the resource lands between Highway No. 207 and Highway No. 107 and construct an intersection with Highway No. 107 in the vicinity of the Crown property designated for industrial purposes under this planning strategy (Policy P-13). Such a transportation system would foster and support the

residential and industrial development of the Lawrencetown Plan Area without placing further stress on the existing road network.

- P-35 It shall be the intention of Council to request the Nova Scotia Department of Transportation and Communications to acquire an appropriate right-of-way through the undeveloped resource lands north of Highway No. 207, and further, that the right-of-way connect directly with Highway No. 107.

## **PRIVATE ROAD DEVELOPMENT (Deleted: RC-Jun 27/06;E-Aug 26/06)**

### **REDUCED LOT FRONTAGES**

The Municipal Subdivision By-law also contains of provisions for reduced lot frontages in certain situations. These provisions have a number of advantages for the Plan Area where there are several 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, reduced lot frontages are felt to be inappropriate for commercial, industrial or community facility uses, or for properties fronting on Highway No. 207.

P-37 It shall be the intention of Council to apply Part 14 of the Subdivision By-law to residential and resource uses within the Rural Residential (RR-1) Zone of the Lawrencetown Designation, except for lots fronting on Highway No. 207.

## CANADIAN NATIONAL RAILWAY RIGHT-OF-WAY

Although the Municipality has little control over the development of the abandoned Canadian National Railway right-of-way, the Lawrencetown planning strategy advocates the establishment of a non-motorized recreation corridor on these lands.

A recreation corridor with a pedestrian/bicycle modal split, running from the Woodside Ferry Terminal to Lawrencetown Beach, would not only provide an enjoyable recreational opportunity but would alleviate bicycle traffic along the No. 207 Highway. The corridor could, similarly, be utilized for cross country skiing and snow-shoeing during the winter months.

Furthermore, a recreation corridor on the existing Canadian National Railway right-of-way would not only provide access to the Cole Harbour-Lawrencetown Coastal Heritage Park system, but could also provide public educational opportunities through the posting of interpretative signs along the trail.

- P-38     It shall be the intention of Council to encourage the provincial government, through the Department of Lands and Forests, to acquire and develop the abandoned Canadian National Railway right-of-way running from the Woodside Ferry Terminal to the Lawrencetown Beach as a non-motorized recreational corridor.

## EXISTING USES

Prior to the adoption of this planning strategy, Lawrencetown 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 portion of Upper Lawrencetown applied for and received some form of restrictive residential 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 as existing uses, with some expansion and change of use rights.

A general provision in the land use by-law will recognize those existing uses and, where appropriate, offer them some by right expansion capability based on the nature of the use.

P-39 Within the Lawrencetown Designation, it shall be the intention of Council to accommodate existing commercial and industrial uses as permitted uses and to provide for their expansion by including them in Appendix B or C of the land use by-law. Uses listed in Appendix B will be permitted to expand subject to the requirements for existing commercial uses in the Rural Residential Zone (Policy P-2).

Uses listed in Appendix "C" will be permitted to expand subject to the requirements of the appropriate zone as specified in the appendix. Council may consider amending Appendix "B" or "C" by adding additional uses in the event that an existing business use was omitted from the appropriate appendix.

P-39A With reference to Policy P-39, it shall be the intention of Council to consider a change of use of the existing uses identified in Appendices B and C of the land use by-law subject to the provisions of Sections 55, 73 and 74 of the Planning Act. In considering such development agreements Council shall have regard to the following:

- (a) that the change of use is of a similar scale to the existing use in terms of structures and outdoor storage and display areas;
- (b) the provision of adequate measures for the long term maintenance of the proposed development;
- (c) the effects of the development on the natural environment as contained in a report from the appropriate provincial or federal government authority; and
- (d) the provisions of Policy P-61.

In addition to existing uses within Lawrencetown, there are a number of proposed developments for which Building Permits have been issued but for which no use has yet been established. Such uses will be listed in Appendix 'D' and permitted to develop in accordance with the proposal as contained in the Building Permit issued. In order for any expansion to be considered beyond that provided in the original Building Permit, Council may consider an amendment to the land use by-law to delete the use from Appendix D and add it to Appendix "B" or "C". Expansion will then be permitted, subject to the requirements of the appropriate zone.

P-40 Within the Lawrencetown Designation, it shall be the intention of Council to provide for the development of uses permitted by a current municipal Building Permit but which have not been established at the time of the adoption of this planning strategy, through inclusion in Appendix "D". Furthermore, once a use listed in Appendix "D" has been established, Council may consider initiating an amendment to the land use by-law to delete the use from Appendix D" and add it to either Appendix B or C , depending on the nature of the established use.

There are, however, existing uses within the Plan Area which, due to their location in proximity to Cole Harbour, could pose a threat to this waterbody should they be permitted to expand. The requirements for setbacks from watercourses which are established through this planning strategy generally address such concerns. In the case of the existing service station located on Highway No. 207, within five hundred feet of Cole Harbour, provision will be made in the land use by-law to recognize this use to the extent that it exists, and limited and controlled expansion will be permitted.



## EXTRACTIVE OPERATIONS

Large portions of Lawrencetown contain significant quantities of quartzite which make it particularly suitable for aggregate extraction operations. Extractive operations however, can potentially create harmful effects on the environment and surrounding land uses. The community has concerns associated with extractive operations, relating primarily to dust emission and air pollution, on and off-site sediment control and the effects on surface and groundwater quality, blasting shocks and noise, traffic generation and safety, runoff, disposal of waste materials and final grades and rehabilitation.

The Planning Act gives municipalities very little control over the location of extractive uses or over activities fundamental to the actual extraction of aggregate resources. Municipalities may, however, regulate the location of structures related to the operation, as well as the bulk storage of aggregates.

Certain safeguards can be implemented by virtue of a permit process established under the Municipality's Topsoil, Gravel Pits and Excavations, and Blasting and Dangerous Material By-laws and the Provincial Department of the Environment's proposed Regulations Regarding Pits and Quarries.

The Provincial Pit and Quarry Regulations have not, however, been proclaimed. Similarly, the Municipality's Topsoil, Excavation and Blasting By-laws have not been proclaimed for municipal districts eight or nine, of which Lawrencetown is a part and are therefore not effective in the Plan Area.

The Lawrencetown planning strategy advocates the proclamation of the proposed pits and quarries regulations and the Municipality's Topsoil, Excavation, and Blasting By-laws. Furthermore, given the sensitivity of the environment and the relatively cohesive development pattern of the Plan Area, the Lawrencetown planning strategy does not support aggregate processing, or the long term storage of materials.

P-41 It shall be the intention of Council to request the Province of Nova Scotia to proclaim the proposed Regulations Regarding Pits and Quarries. Additionally, it shall be the intention of Council to take the necessary steps to proclaim for the Lawrencetown Plan Area the following three Municipal By-laws:

- (a) By-law No. 40 - A By-law Respecting the Regulation and Control of the Removal and Movement of Topsoil;
- (b) By-law No. 41 - A By-law Respecting Gravel Pits and Excavations; and
- (c) By-law No. 42 - A By-law Respecting Blasting and Dangerous Materials.

## HERITAGE CONSERVATION

Heritage Conservation is a concern raised by members of the community at public meetings. Of particular concern were the numerous burial grounds located in the Plan Area, and the Parker Monument. This monument has been relocated to the United Church grave yard. Community support for heritage conservation is expressed through the Lawrencetown Heritage Society. The Municipality recognises the importance of heritage conservation through the Heritage Property By-law, which offers a means of protecting properties through registration. In addition, in situations where a rezoning or development agreement is being considered by Council, the impact on heritage resources, as shown on the Heritage Resources Map (Map 3), must be considered.

- P-42 It shall be the intention of Council to further the objectives of heritage conservation through the Municipality's Heritage Property By-law, and to cooperate with the Lawrencetown Heritage Society in matters related to heritage resources in the Plan Area.
- P-43 In recognition of the importance of heritage resources in the Plan Area, it shall be the intention of Council to consider heritage resources as a criterion in evaluating rezoning and development agreement applications.

## RECREATION

Public open space is an integral part of a community. The provision of a variety of open space is necessary to fulfil broad community objectives in new and existing developments and is an important function of the Municipality.

The main focus of provincially sponsored organized recreation development in the Plan Area has been the Cole Harbour-Lawrencetown Coastal Heritage Park. Unfortunately this provides a major active and passive amenity mainly directed to the needs of the larger Halifax/Dartmouth area population. A real need exists to improve the quality and quantity of local open space and recreation. The high proportion of children (0-14) in the area warrants open space developments at a scale to meet their needs.

P-44 It shall be the intention of Council to encourage the provision of a variety of recreational facilities in an integrated system to meet local needs.

When land is subdivided the Municipality takes five percent of the land area or five percent of the assessed value of the land as cash-in-lieu, for open space purposes. The cash-in-lieu provision permits greater flexibility in land acquisition and development especially when dealing with small subdivisions. However, in larger more suburban subdivisions there is a need to acquire land for public open space to meet the community's needs. In such cases cash-in-lieu is inappropriate and may leave the community in the long run, without adequate open space.

To make the best use of the land and cash dedication provisions it is important to first establish what recreation needs exist in the community, and how they can best be met. This includes indoor recreation programming and facilities use. This information can then be used to determine how much land is required, what type of land is required and where it is required. In addition, estimates of the money needed to develop such land, and a schedule for doing so, can be established. Cash-in-lieu is also inappropriate in those situations where a subdivision is developed incrementally with small numbers of lots coming on stream each year. In these cases also, land only will be taken.

P-45 It shall be the intention of Council, wherever possible, to take land for public open space in subdivisions of greater than ten (10) lots in the Plan Area.

P-46 It shall be the intention of Council, through the Parks and Recreation Department, and in cooperation with the local residents associations, to determine the recreation open space needs for the Plan Area and prepare a schedule for land acquisition and development.

P-47 It shall be the intention of Council to use the five (5) per cent land or cash-in-lieu provision of the Subdivision By-law to acquire and develop open space according to the needs identified in the schedule.

P-48 It shall be the intention of Council to promote, in cooperation with community groups and residents associations, the development of indoor recreation programmes within existing or new community facilities such as MacDonald House, Lawrencetown Community Centre and Atlantic View School.

## EDUCATION

In view of the large proportion of children in the Plan Area, education facilities are important to the community. The Plan Area contains one elementary school, Atlantic View, which has recently been expanded to meet the needs of the expanding community. However, community growth is outstripping the capacity of the modified school, and concerns have arisen that children in the area will have to be bussed to another school outside the community.

The quantity and quality of educational facilities in the Plan Area should also meet the needs of the community at large. Future development of such facilities should be undertaken in cooperation with the Home and School Association and other interested community groups. The objective here is to integrate the development of school facilities with community facility needs, in addition to meeting the primary education role.

- P-49 It shall be the intention of Council to encourage cooperation between the Department of Education, Halifax County-Bedford District School Board and local community groups in planning future development of school facilities in the Plan Area to ensure:
- (a) that quality and quantity of educational facilities are in keeping with population growth in the area;
  - (b) that all elementary aged children resident within the Plan Area have the opportunity to attend Atlantic View School; and
  - (c) that the school facilities meet general community needs for indoor or outdoor recreation, education programming and space.
- P-50 It shall be the intention of Council to encourage the Department of Education and the Halifax County-Bedford District School Board to maintain and develop the Atlantic View School as an educational centre for the community which sustains the special interests and needs strongly expressed by Lawrencetown as more than a catchment area.

## FIRE PROTECTION

Fire protection in the Plan Area is provided by a District 9A Volunteer Fire Department which has two stations located on Highway No. 207 at the Mineville Road and on the Crowell Road. The demands placed on the Department increase with the increasing development in the area. In addition the variety of land uses and changing building materials may require additional training on equipment to properly meet an emergency situation.

- P-51      It shall be the intention of Council to support the activity of the District 9A Volunteer Fire Department in the area and, where possible, to ensure that the quality and quantity of equipment, training and facilities available are appropriate to the changing community which they serve.

# SECTION IV

## IMPLEMENTATION

In accordance with Section 45 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 may not take any action within the scope of this planning 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 planning 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 planning strategy, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

- P-52 This municipal planning strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Municipal Act and such other provincial statutes as may be applicable.
- P-53 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.
- P-54 It shall be the intention of Council to require amendments to the policies of this planning 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 planning strategy should be amended.
- P-55 In accordance with Section 49 of the Planning Act, this planning 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 its last review.
- P-56 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), except that no light industrial or business industry zone shall be considered by amendment to the land use by-law except within the Industrial Designation.
- P-57 It is not intended that all lands shall be prezoned for specific uses. Rather, in order to

give Council a greater degree of control, the planning strategy provides that certain land uses shall be considered only as amendments to the land use by-law or, in certain instances, by development agreements as provided for by Sections 55, 73 and 74 of the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this planning strategy.

P-58 The following uses or zones shall only be considered by amendment to the land use by-law:

- (a) Within the Lawrencetown Designation:
  - (i) local business store uses according to Policy P-5;
- (b) Within the Light Industrial Designation:
  - (i) light industry uses according to Policy P-15.

P-59 The following uses shall only be considered subject to the entering into of a development agreement according to the provisions of Sections 55, 73 and 74 of the Planning Act, within the Lawrencetown Designation:

- (a) home business uses in excess of one thousand (1,000) square feet of gross floor area, according to Policy P-3;
- (b) community facility uses according to Policy P-7; and
- (c) **bed and breakfast operations, lodges, campgrounds and certain water-related recreational uses according to Policy P-8; and (C-Mar 13/95;M-Apr 18/95)**
- (d) local business store uses in excess of one thousand (1,000) square feet of gross floor area, according to Policy P-6.
- (e) change of use of existing commercial and industrial uses according to Policy P-39A.

P-60 Within the Lawrencetown Designation, according to Policies P-9 through P-11, comprehensive development districts for single unit dwellingS shall only be considered subject to the entering into of a development agreement or agreements according to the provisions of Sections 56, 73 and 74 of the Planning Act:

P-61 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 planning 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 or for destruction of designated historic buildings and sites.
- (c) that in development agreements 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 IC-6”, 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-Jul 2/02;E-Aug 17/02)**

P-62 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of Sections 62 and 73 of the Planning Act.

P-63 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 Code Act and Regulations and the Building By-law;
- (b) the Unsightly Premises By-law;
- (c) the Blasting and Dangerous Material By-law;
- (d) the Topsoil By-law;
- (e) the Excavation By-law;
- (f) the Occupancy Permit By-law; and
- (g) the Subdivision By-law.

P-64 In accordance with Sections 84 and 104 of the Planning Act, the Development Officer appointed by Council or any other person to act in the Development Officer's stead shall administer the land use by-law and the subdivision by-law, and grant development permits.

P-65 It shall be the intention of Council, in considering amendments to the municipal planning strategy, to include the participation of the Lawrencetown Citizens Committee (LCC), to give notification to community groups and ratepayers associations, and to consider comments from the LCC in the area affected and further, to hold a public participation session within the municipal district for which the amendment is proposed.

P-66 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.

- P-67 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.
- P-68 It shall be the intention of Council, to provide, through the land use by-law, provisions for parking for the mobility disabled.
- P-69 It shall be the intention of Council to amend the Building By-Law to require that all new mobile dwellings be CSA approved units located on foundations which meet CSA standard CAN3-2240.10.0 M86 Recommended Practice for Site Preparation, Foundation and Anchorage of Mobile Homes.
- P-70 It shall be the intention of Council in order to limit potential adverse effects on adjacent properties and to assist the travelling public to restrict and regulate signs within the Plan Area.
- P-71 In accordance with Section 54(1)(b) of the Planning Act, it shall be the intention of Council to establish regulations and standards within the land use by-law with respect to the nature, type and size of signs permitted and prohibited within the Plan Area generally as well as within specific zones.
- P-72 In accordance with Section 54(1)(b) of the Planning Act, it shall be the intention of Council to establish regulations in the land use by-law which will enable the temporary use of a building or structure which is accessory to a construction project in progress, provided a development permit has been issued for the main construction project.

### **Temporary Signage (RC-Sep 26/06;E-Nov 18/06)**

**In recent years, HRM has received a number of complaints regarding signage throughout the region, especially along major transportation routes. Most of the concerns raised with signage deal with the location, number, and maintenance of mobile signs, sandwich boards, posters, inflatable signs, planter box type signs, and banners (known as Temporary Signs). To address the lack of adequate sign provisions and effective enforcement tools for temporary signage, HRM established a license by-law under the Municipal Government (HRM By-law S-800). Therefore, any reference or provision relating to temporary signs within the land use by-law is superceded by the provisions of By-law S-800.**

**Policy P-73 Further to Policy P-70, the land use by-law shall not contain sign provisions for signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs)**

## MUNICIPAL PLANNING STRATEGY - LAWRENCETOWN AMENDMENTS

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective</u>
1	Policy P-8	Tourist related accommodations and certain water-related recreation uses (PA-LAW-12-93)	March 13, 1995	April 18, 1995
2	Section III - Solid Waste Management, P-32	Permit additional opportunities for the establishment of composting operations (PA-ALL-31-95)	February 26, 1996	March 28, 1996
3	GFLUM, Coastal Wetlands, Heritage Resources	Designate and zone certain properties (Case No. 00110)	January 15, 2002	February 23, 2002
4	Policies IC-1 to IC-8, P-61(f)	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
5	Policies SW-1 to SW-12	Construction and Demolition Solid Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
6	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
7	IGM-6to IGM -8, IGM-8b was added, IGM-12, IGM-13, IGM-16, IGM-16a was added, and IGM-17.	Interim Growth Management (Project No. 00667)	May 4, 2004	July 24, 2004
8	Deleting IGM-1 to IGM-18, Map 4 and "Private Road Development" section including preamble and policy p-36	Regional Plan Amendments	June 27, 2006	August 26, 2006
9	Adding pre-amble after P-72, add Policy P-73	Case No. 00327	RC - September 26, 2006	E - November 18, 2006