



# **MUNICIPAL PLANNING STRATEGY**

**MUSQUODOBOIT VALLEY/  
DUTCH SETTLEMENT**

**THIS COPY IS A  
REPRINT OF THE  
MUNICIPAL PLANNING STRATEGY FOR  
MUSQUODOBOIT VALLEY/DUTCH SETTLEMENT  
WITH AMENDMENTS TO  
NOVEMBER 24, 2018**

**MUNICIPAL PLANNING STRATEGY  
FOR  
MUSQUODOBOIT VALLEY/DUTCH SETTLEMENT**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Musquodoboit Valley/Dutch Settlement which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 19<sup>th</sup> day of February, 1996, and approved by the Minister of Municipal Affairs on the 3<sup>rd</sup> day of May, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 24<sup>th</sup> day of November, 2018.

**GIVEN UNDER THE HAND** of the Municipal Clerk and under the seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Municipal Clerk

**MUNICIPAL PLANNING STRATEGY  
FOR  
MUSQUODOBOIT VALLEY/DUTCH SETTLEMENT**

This document has been prepared for convenience only and incorporates amendments made by the Council on February 19, 1996, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on May 3, 1996. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

MAY 1996

## Table of Contents

INTRODUCTION .....	1
SECTION I .....	2
REGIONAL CONTEXT.....	3
Regional Context Map .....	4
TABLE 1: Population Growth for Musquodoboit Valley-Dutch Settlement Areas .....	5
TABLE 2: Population by Age Groups (1991).....	6
TABLE 3: Occupied Private Dwellings by Type (1991) .....	7
SECTION II .....	9
ENVIRONMENTAL CONCERNS.....	10
CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT STRATEGY .....	18
(RC-Sep 10/02;E-Nov 9/02) .....	18
INFRASTRUCTURE CHARGES (RC-Jul 2/02;E-Aug 17/02).....	24
INTERIM GROWTH MANAGEMENT (RC-Apr 13/04;E-Apr 22/04).....	28
TRANSPORTATION .....	36
SUBDIVISION OF LAND .....	38
EDUCATION .....	40
TABLE 4: Type of Educational Facility .....	40
TABLE 5: School Enrolments .....	41
RECREATION .....	42
TABLE 6: Recreational Equipment and Facilities (1992) .....	42
FIRE PROTECTION .....	43
TABLE 7: Fire Departments and Equipment (1994) .....	43
RESOURCE USES .....	44
EXISTING USES .....	47
SECTION III.....	48
LAND USE INTENT.....	49
MIXED USE DESIGNATION .....	50
VILLAGE DESIGNATION .....	60
PARK DESIGNATION .....	73
SECTION IV .....	77
IMPLEMENTATION .....	78
Temporary Signage (RC-Sep 26/06;E-Nov 18/06).....	82

## INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, R.S., c346, 1989. The Strategy covers the area within Municipal Electoral District 12 and a portion of Electoral District 14 which was previously classified as Electoral District 13. Although the boundaries of this district coincide in most instances with the planning boundary, any shift in an electoral boundary will not affect the application of this strategy without a specific amendment to alter the planning boundary.

Pursuant to the Planning Act and Municipal Council's own commitment to public participation, a Public Participation Committee comprised of landowners and residents representing communities and community groups within the Plan Area was formed in 1991. This Committee had the prime responsibility for obtaining general public input and participation throughout the process. The Public Participation Committee held regular and special meetings, received representation from area residents, held "open house" meetings, conducted a survey, and distributed information throughout the Plan Area on the planning strategy and by-law.

This Municipal Planning Strategy is divided into four sections. Section I describes the Plan Area in its regional context and presents an overview of the area, including matters which are relevant to the direction of future community development. Section II contains discussion and policies relating to environmental health services, transportation needs and the provision of community services. Section III contains land use policies and development control guidelines respecting future land use decisions. Finally, Section IV consolidates the various implementation measures provided in the Planning Strategy through the Planning Act and other statutes and actions of Municipal Council.

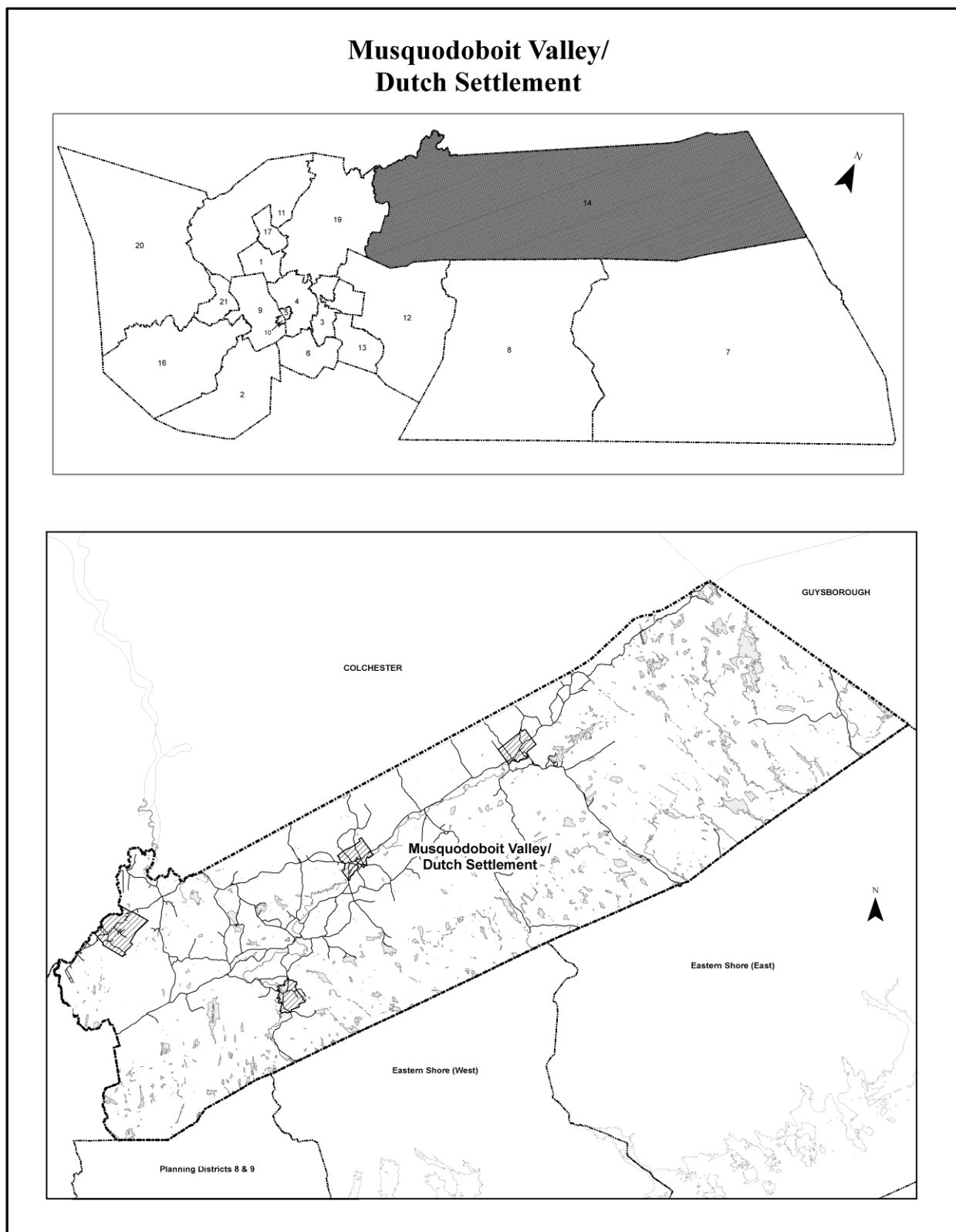
The policies adopted by Municipal Council in this Strategy are prefaced by explanatory and supporting text which shall be considered as a legal part of the Strategy. Of the maps which are included and specifically referred to, the Generalized Future Land Use (Map 1) shall also constitute legal parts of this Strategy. The Generalized Future Land Use Map shall direct the preparation and amendment of the zoning map for the Plan Area.

# SECTION I

## REGIONAL CONTEXT

As shown on the Regional Context Map, the Plan Area is situated in the north-east portion of Halifax County Municipality and extends from Dutch Settlement to Dean and from Middle Musquodoboit to Meaghers Grant. The Plan Area is bounded on the north by Hants and Colchester Counties, and to the east by Guysborough County. Planning Districts 10 and 11 form the southern boundary of the Plan Area while Planning District 14 serves as the western boundary.

## Regional Context Map



## PLAN AREA PROFILE

### Historical Background

The Musquodoboit Valley was first settled by immigrants from Scotland and other parts of the British Isles in the 1780s. At that time, native American Indians were hunting and fishing along the Musquodoboit River. During the past 200 years, farming and forestry have been the primary industries. Today, farming and forestry are still very important to the area which has three large sawmill operations and a number of beef and dairy farms of considerable size. Also, a number of institutions have developed in the Middle Musquodoboit area over the years including a 15 bed hospital, extended care facility, high school, central elementary school and Department of Natural Resources area office, all of which provide considerable employment to area residents.

For many years now, a limestone quarrying operation has operated at Upper Musquodoboit, producing bagged and bulk limestone for use on area farms as well as being distributed throughout much of the Maritime province.

The Dutch Settlement area began as a land grant to William Keys in 1786 and was subsequently settled by German-Dutch immigrants who farmed the land and worked the forests. The Carrolls Corner, Antrim areas were also settled some 200 years ago by immigrants from Ireland and Great Britain who also carried on farming, forestry and trading activities. Since 1955, a large gypsum surface mining operation has developed on the area, providing considerable local employment. Today, farming and forestry operations still play an important role in the Dutch Settlement - Carrolls Corner areas with a number of large farms carrying on along with a sawmill operation.

Despite a wide range of employment opportunities throughout the Plan Area, a significant number of residents commute to jobs in Truro, Halifax, Dartmouth or to the Halifax International Airport.

### Population

In January of 1994, the Plan Area population was approximately 4,746. Table 1 shows that the population within the Plan Area from 1986 to 1994 increased on average by 2.3 percent within each census period while the entire Municipality grew at a rate of 12 percent within each census period. The slower growth rate within the Plan Area is most likely due to the geographic location of the area to Metropolitan Halifax and a decline in primary resource uses, such as forestry and agriculture.

**TABLE 1: Population Growth for Musquodoboit Valley-Dutch Settlement Areas**

YEAR	PLAN AREA	% GROWTH	HALIFAX COUNTY	% GROWTH
1976	4603		95,308	
1981	4435	-4	104,415	+10
1986	4593	+4	119,581	+15
1991	4640	+1	136,882	+15
1994	4746	+2	145,279	+6

Source: Census of Canada, 1976 - 1991 Halifax County Planning & Development Department, 1994

### Age Structure

Table 2 shows the distribution of population by age within the Plan Area and Halifax County Municipality. This table illustrates that the population of persons 24 years and less within the Plan Area is slightly less than the average for the Municipality. The number of persons within this age category is important to understand, relative to educational and recreational services and facilities needs within the Plan Area.

The portion of the population between 25 and 64 makes up the majority of the work force of which a large portion work outside the Plan Area. Table 2 indicates that the percentage of persons between 25 and 44 years is lower than the percentage for the Municipality. However, the percentage of persons between the ages of 45 and 64 years is higher than the average for the Municipality which indicates that the number of potential retired individuals will increase in the near future. The large number of future retired individuals is important to recognize due to the percentage of persons 64 years and older is already double the Municipality's average.

**TABLE 2: Population by Age Groups (1991)**

AGE GROUP	PLAN AREA	% DISTRIBUTION	HALIFAX COUNTY	% DISTRIBUTION
0 - 14	950	22	33,545	25
15 - 24	590	13	19,280	14
25 - 34	705	16	26,620	20
35 - 44	635	15	25,295	18
45 - 64	900	21	23,585	17
65+	565	13	8,420	6
TOTAL	4,445	100	136,745	100

Source: Census of Canada, 1991

### Housing Type

Table 3 shows the number of private dwellings by type within the Plan Area in 1991. As can be seen, the majority of the housing units were comprised of single detached dwellings (89 percent). This is, in part, due to the rural character of the area and that on-site septic and well systems are required to accommodate housing development, except in Middle Musquodoboit which has central sewer and water services. The rural character of the Plan Area is, also, reflected in the high percentage of mobile homes, located on single unit lots, rather than within mobile home parks.

Due to the large amount of land required by the Department of the Environment to develop two unit or multi unit dwellings, the number of such uses will continue to be low. If multi-unit dwellings are developed, they will most likely be developed within old large single unit dwellings located within the larger communities.

**TABLE 3: Occupied Private Dwellings by Type (1991)**

TYPE	PLAN AREA	%	HALIFAX COUNTY	%
Single Detached	1,320	89	32,700	75
Movable Dwelling	130	9	3,460	8
Others	35	2	7,330	17
TOTAL	1,485	100	43,560	100

Source: Census of Canada, 1991.

### Economic Activity

The traditional resource oriented economy of the region is still much in evidence in the Plan Area. Farming, forestry, and resource extraction remain the primary resource activities, although the number of residents making their livelihood solely from these activities is much fewer than in the past. According to the 1991 Census, approximately 19 percent of those employed within the Plan Area were engaged in such industries, although not necessarily within the Plan Area.

Agriculture operations can be found throughout the Musquodoboit Valley-Dutch Settlement Area and the types of agriculture activities conducted are varied, such as dairy, beef, intensive livestock operations, forage crops, etc. However, the number of farms and farmers has been decreasing over the years but the industry still remains an important element of the character of the area.

With the vast majority of the Plan Area being covered with trees, the forest industry has maintained a strong presence within the area. There are three large sawmills within the Plan Area and they are located in Dutch Settlement, Middle Musquodoboit, and near the community of Upper Musquodoboit. These sawmills process trees cut from inside and outside the area. The majority of the lumber created by these operations are bound for Metropolitan Halifax and beyond (ie: over seas or United States). In addition to these large operations, there are a number of small forest processing operations spread throughout the area which focus mainly on the production of firewood than lumber.

Resource extraction has occurred throughout the Plan Area for many years and a variety of materials have been extracted, such as aggregate, limestone, gypsum, gold, and zinc. In addition to a number of small extractive operations for topsoil and rock, there are four main resource extractive areas. In Carrolls Corner, National Gypsum operates an open pit gypsum mine that exports gypsum world wide. This mine covers a vast area and is a significant land use feature in Carrolls Corner. In Gays River, lead and zinc has been extracted in the past but the mine is currently inactive. In Upper Musquodoboit, Mosher Limestone operates a limestone quarry and processing plant. The final area is Moose River where gold mining occurred in the past and exploration is presently occurring.

In addition to primary resource activities, a number and variety of retail trade services are found throughout the Plan Area, especially within the larger communities such as Dutch Settlement, Middle Musquodoboit, Upper Musquodoboit, and Meaghers Grant. These communities provide

a basic level of service to their residents and surrounding areas such as food services, banking, postal services, restaurants, automotive services, etc. In addition, many area residents rely on Lantz, Elmsdale, Truro, and Metropolitan Halifax to fulfil their complete servicing, shopping, and entertainment needs. Within the Plan Area, approximately 10 percent of the area residents earn their living from the retail trade sector.

## SECTION II

## ENVIRONMENTAL CONCERNS

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

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

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

Crucial to protecting and preserving the environment are environmental health services which consist of sewage and waste disposal and potable water supplies. Although some districts in the Municipality are served, either in whole or in part, by municipal water and sewer systems, this Plan Area, except for Middle Musquodoboit, depends entirely on privately owned on-site services.

### On-Site Sewage Disposal Systems

The vast majority of the development within the Plan Area is served by on-site septic disposal systems. The type and size of the systems used for development purposes must be approved by the Provincial Department of the Environment before each building lot can be built upon. The province has established provincial regulations respecting on-site septic systems which relate to site conditions (soils characteristic) and the size of the lot required for an approved building lot. These regulations allow health inspectors to require a range of lot sizes from 20,000 square feet to 200,000 square feet according to the soil conditions in the area. Under the Department of the Environment regulations, the minimum lot size for a building lot is 20,000 square feet, 40,000 square feet if the lot is adjacent to a watercourse or waterbody. According to the Department of the Environment, the average size of an approved lot within the Plan Area is much higher than 20,000 square feet due to high clay levels.

Presently, there are approximately 1,400 on-site sewage disposal systems in operation within the Plan Area. In general, residents believe the provincial regulations governing the design and installation of on-site sewage disposal systems are adequate. However, there are widespread concerns over possible malfunctioning of existing and future systems. Since approximately 1980, there have been fewer incidents of on-site system malfunctions due to larger lot sizes, lower densities and newer design and technology criteria.

Many malfunctions of on-site systems are due to improper or inadequate maintenance which, if left untreated, may result in ground water contamination. This may result in contamination of marine life near shorelines and leave beaches unsightly. There are no regulations requiring regular maintenance and many home owners are unaware that periodic removal of solids from septic tanks are necessary. In some cases, effluent is not processed through a septic disposal system but is allowed to drain directly into the soil, open ditches, or to a watercourse. Presently,

there is no system in place to encourage residents to upgrade to a modern septic system. With continuing residential development, the importance of adequate and well maintained on-site services will become more critical. One approach to addressing the problem is through a public information program which would outline the type and frequency of maintenance required for septic systems. Information of this nature could be made available in various public places such as the three municipal buildings in Halifax County where it could be attained when applying for a building permit.

- EC-1        In order to increase public awareness of on-site sewage disposal systems, maintenance requirements and other related matters of environmental health concern, it shall be the intention of Council, in cooperation with provincial and federal government departments, to develop and implement a public education program dealing with such matters.
- EC-2        It shall be the intention of Council, in cooperation with the Nova Scotia Department of the Environment to consider the feasibility of introducing an on-site sewage disposal system maintenance program.
- EC-3        It shall be the intention of Council to encourage the Department of the Environment to enforce its On-Site Sewage Disposal System Regulations, which governs the design and installation of such systems, consistently throughout the Plan Area.

#### Potable Water

An adequate supply of potable water is essential to all human settlement. Within the Plan Area, the majority of the residents obtain water from private wells located on-site. At present, the Musquodoboit Valley-Dutch Settlement Area does not have any severe problems with drinking water, although there are some areas which have problems which are common throughout the Municipality.

Fresh water in the form of rain or snow is the source of all potable water. A large percentage of this water runs overland in the form of streams and lakes and some is evaporated. The remainder enters the ground and may be trapped by wells. Variation in the depth of soil, degree of the slope of land, and the amount and type of exposed bedrock can alter the amount of water available to wells within a watershed. When development occurs in a watershed, the resulting increase in impervious surfaces such as roads, rooftops and driveways and the consequent increase in overland runoff may reduce the amount of ground water available to domestic wells.

- EC-4        It shall be the intention of Council, in cooperation with the provincial Department of the Environment, to identify and inform future residents of the Plan Area of potential areas of ground water contamination and to encourage the use of alternative water sources in such areas.
- EC-5        It shall be the intention of Council to consider the impact of uses which require large quantities of ground water on surrounding wells when considering any development agreement or an amendment to the land use by-law.

### Central Services

Within the Plan Area, only the community of Middle Musquodoboit has central sewer and/or water services which were installed in 1989. The establishment of central services within Middle Musquodoboit was the result of concerns over seasonal dryness in wells, treatment of iron contamination and reduction in the potential for bacteria contamination, as a result of improper on-site sewage disposal fields.

The treatment system for Middle Musquodoboit consists of sewer and water treatment plants which were designed to service only the area within the existing central service boundary *as illustrated on Schedule B of the Regional Subdivision By-Law*. The sewage treatment plant for Middle Musquodoboit is located on the Musquodoboit River, where treated waste effluent is disposed. The Musquodoboit River is also the source of water for Middle Musquodoboit. Therefore, the monitoring of both systems and the Musquodoboit River is vital to ensuring water quality within the system and the Musquodoboit River. (RC-Oct 27/09;E-Dec 5/09)

EC-6        It shall be the intention of Council to continue to monitor the water and sewer treatment plants for the community of Middle Musquodoboit in order to ensure the quality of water within the system and Musquodoboit River are maintained.

EC-7        It shall be the intention of Council to consider extending central services to the Musquodoboit Rural High School upon upgrading the system in the future.

### Stormwater Management

Control of stormwater runoff is an important factor to consider especially in larger subdivisions and construction projects. Storm waters usually flow through natural drainage systems such as rivers, creeks, lakes, ponds and marshes. In developing areas where proper environmental construction practices are not followed, heavy rains on exposed soil and steep slopes stripped of vegetation can lead to erosion and sedimentation in rivers and lakes. In rural areas, however, where development happens at a slower pace, the impact is less severe on these systems.

There is a growing concern over the need to protect water bodies. With a clearer understanding of the problems caused by stormwater runoff, stormwater management can provide a significant reduction in development associated drainage problems and their subsequent costs. Stormwater management has assumed a higher priority in the Municipality since Council's adoption of the Stormwater Task Force Report. This led to the passage of the Halifax County Stormwater Drainage Act in 1988, which has since been consolidated with other special Acts into the Halifax County Charter in 1992. The County Charter enables the Municipality to enact its own controls over stormwater drainage. In addition, stormwater design criteria has been developed with additional attention given to engineering considerations during the subdivision stage of a development.

These features are to be incorporated into a by-law to control the infilling, diversion and removal of natural stormwater systems and requires adequate stormwater drainage systems for both subdivisions and individual lots. While interest in stormwater management was initiated largely due to problems and concerns with the flooding of developed areas, stormwater runoff, although often overlooked, is also a cause of water pollution. Proper management is, therefore, essential in order to maintain water quality.

- EC-8 In recognition of the need to protect fresh water sources in the Plan Area, it shall be the Council's intention to ensure that Stormwater Policy and Design criteria shall become effective within those portions of the Plan Area which are serviced by central services **as illustrated on Schedule B of the Regional Subdivision By-Law. (RC-Oct 27/09;E-Dec 5/09)**
- EC-9 It shall be the intention of Council to encourage the provincial government to stringently enforce its erosion and sedimentation guidelines for construction sites.

#### Protection of Watercourses

The provincial Department of the Environment has primary jurisdiction with regard to the protection of watercourses. The infilling, dredging, diversion, or alteration of any waterbody or watercourse requires a permit from either the provincial departments of the Environment or Natural Resources, as such activities can have a detrimental effect on watercourses. These requirements, unfortunately, are all too often ignored.

- EC-10 It shall be the intention of Council to encourage the provincial Department of the Environment to improve enforcement of their regulations and guidelines concerning with the infilling and alteration of watercourses within the Plan Area.
- EC-11 It shall be the intention of Council to encourage the provincial government to address flooding problems resulting from natural infilling of watercourses.

Poor construction practices, particularly in developed areas, can also result in damage to watercourses or bodies of water. A prime example is careless excavation which leads to increased siltation from uncontrolled runoff. Proper construction practice guidelines have been jointly prepared by the federal and provincial governments. However, while such guidelines are widely distributed, there are no provisions for their enforcement.

- EC-12 It shall be the intention of Council to encourage the provincial Departments of Transportation and Communications and the Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

#### Setback Requirements from Watercourses

The setback of buildings and structures from watercourses is necessary when development takes place in these areas because of the potential to damage the natural environment. Inappropriate and careless development near watercourses, including unnecessary and excessive removal of vegetation and mature trees can cause erosion, sedimentation, flooding and other detrimental side effects. In order to alleviate these problems, the land use by-law will, therefore, establish a minimum setback requirement to control the location of new buildings or structures relative to watercourses, except for those that require direct access to water such as boatsheds.

- EC-13 It shall be the intention of Council, through the land use by-law, to require all new buildings and structures, except those requiring direct access to water to have a minimum setback of twenty-five (25) feet from watercourses and water bodies within the Plan Area. Furthermore it, shall be the intention of Council to encourage people not to remove vegetation (ie: trees), within twenty-five (25) feet of watercourses.

A general setback requirement of 25 feet from a watercourse is adequate to address the impact most land uses may have on the natural environment. However, certain land uses, such as intensive livestock operations, greenhouse operations, kennels, forestry processing operations, facilities associated with extractive facilities, and industrial uses require a larger setback requirement in order to minimize potential impacts on the environment.

The need for larger setback requirements from watercourses or wells, for certain land uses, is supported by the provincial government through provincial guidelines for such uses as intensive livestock operations and extractive facilities. It is generally felt that greenhouse operations, forest processing uses, kennels, and industrial uses have a similar level of impact on the natural environment as intensive livestock operations and extractive facilities. Therefore, the land use by-law should establish a larger setback requirement from watercourses and wells, for these land uses.

EC-14 Notwithstanding Policy EC-13, it shall be the intention of Council to establish a larger setback requirement from a watercourse or well for intensive livestock operations, forest processing operations, greenhouses, facilities associated with extractive facilities and industrial uses as such uses can have a substantial impact on the natural environment.

Throughout the Plan Area, there are a number of watercourses which provide local residents and visitors with a wide range of recreational opportunities such as boating, swimming and fishing. However, while are generally supportive of protecting watercourses they are unable to agree upon which watercourses should be protected or what level of protection should be applied.

Under the provincial Trails Act, the Department of Natural Resources has established a "Recreational Waterways Program" to encourage the public use and enjoyment of selected watercourses. Under this program, the Department of Natural Resources is able to provide for maintenance of the natural quality and characteristics of selected watercourses. Therefore, residents are encouraging the Department of Natural Resources to evaluate the recreational potential of the watercourses within the Plan Area in order to be designated under the Recreational Waterways Program. Until the province designates a watercourse under the Trails Act or until detailed analysis has been conducted to indicate that protection is required for any watercourse, such as floodplain mapping, the Municipality should not apply arbitrary or general regulations to any watercourse.

EC-15 It shall be the intention of Council to encourage the provincial Department of Natural Resources to evaluate the recreational potential of the watercourses in the Plan Area in order to be selected for the Recreational Waterways Program under the provincial Trails Act. Furthermore, Council shall recognize and support the actions of the province for watercourses designated under the Recreational Waterways Program.

EC-16 It shall be the intention of Council not to apply any additional regulations or requirements to any watercourse until detailed analysis has been done on the watercourse which indicates that additional protection is required.

### Solid Waste

In most districts within the Municipality, solid waste collection is contracted to private firms on a weekly pick-up basis. Within the Plan Area, the vast majority of the solid waste generated is first taken to the solid waste transfer station in Middle Musquodoboit prior to disposal at the regional waste disposal facility in Upper Sackville.

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

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

An underlying principle of the Municipality's position is to make available to the general public and all interested parties all information and details relevant to the development of the next waste management strategy, including the siting of a landfill. This is to be ensured through a consultative process which forms part of the Municipality's position. This process has been recognized by the Provincial Round Table on the Environment as a preferred method of public participation and is consistent with Planning Act objectives aimed at ensuring public consultation and participation into decisions which affect community development. It is an open, non-adversarial approach to decision-making in which all stakeholders are provided with equal representation. To help establish the next waste management strategy and siting of a new landfill, a community stakeholder committee (CSC) was established 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 strategy is made up of a number of components which must be implemented together in order to achieve its objective of "zero waste"<sup>1</sup>. Of the various components of the strategy, two components have direct land use implication and they are the disposal of construction and demolition (C&D) debris and the composting of organic waste.

**(Deletion: RC-Sep 10/02;E-Nov 9/02)**

### Composting

Under the Waste Management Strategy, composting is a key component as it is considered essential to meeting or exceeding waste diversion targets. The strategy proposes to utilize two composting approaches and they are backyard composting and source-separation, collection and composting system. Of the two approaches, only the source-separation, collection and

---

<sup>1</sup> Zero Waste means no waste is produced or disposed of at a residuals disposal facility (landfill). All materials are reused, recycled, or composted.

composting system approach raises any land use concerns. Source-separated composting approach intends that residential households will separate their organic wastes from the rest of their garbage which would be collected and sent to a centralized composting facility. The location and number of source-separated composting facilities will be determined by market conditions. However, the type of composting facility to be established will be either a "Windrow"<sup>2</sup> or "In-Vessel"<sup>3</sup> or both.

Within Nova Scotia, commercial composting facilities are regulated by the provincial Department of the Environment. In December of 1993, the Department of the Environment established "Composting Guidelines" which are used to evaluate applications for composting facilities. The composting guidelines, also, require all commercial composting operations to obtain a composting permit prior to operating. Despite the Department of the Environment's involvement with composting operations, residents still have concerns with traffic generation, noise levels, hours of operation, and odour. Therefore, composting facilities will not be permitted to locate within the Village Designation due to the density of development.

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>4</sup> and source-separated composting<sup>5</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.

It is anticipated that composting operations will utilize either windrow or in-vessel 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

---

<sup>2</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>3</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.

<sup>4</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>5</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.

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.

EC-18 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.

#### Integrated Resource Management Strategy

In May of 1995, the CSC advertised a call for proposals to implement the "Integrated Resource Management Strategy." In response to the call for proposals, Mirror Nova Scotia Limited was chosen to establish an implementation plan for the strategy. In October of 1995, Mirror Nova Scotia Limited established an "Implementation Plan" for the strategy which is currently being implemented.

In November of 1995, Halifax County Council choose a site for the next regional landfill between the communities of Goodwood and Timberlea. At present, the Municipality is awaiting for a decision by the Minister of the Environment on whether or not an environmental assessment will be conducted on the chosen site.

EC-19 It shall be the intention of Council to make available to the general public and all residents of Plan Area all in formation and details related to the development of the Halifax metropolitan region's next solid waste management strategy and landfill and to encourage the participation by all stakeholders in the consultative process which forms the basis for the Municipality's acceptance of responsibility for solid waste management.

EC-20 It shall be the intention of Council to support community based waste recycling, reduction and reclamation efforts and to initiate public education campaigns on these matters.

EC-21 It shall be the intention of Council to either organize an annual domestic hazardous waste pick-up or to request the Metropolitan Authority to do so.

## **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 mixed use, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Further, as the potential impact of C&D operations on adjacent lands depends, to a degree, on the type of C&D operation, the Land Use By-law provisions will recognize individual characteristics of the three forms of C&D operations.

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

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

#### **Transfer Stations and Processing Facilities**

Municipal planning documents adopted or amended prior to 2002 did not recognize C&D transfer stations and processing facilities as unique forms of land use. Instead, land use regulations generally provided for these uses under regulations which apply to other uses such as salvage yards and “industrial” or “processing” operations. This resulted in inconsistency and the creation of an uneven “playing field” for contractors and C&D operators. Additionally, standards were inappropriate in addressing unique siting, land use and other aspects of the C&D industry. In order to ensure consistency, new C&D transfer and processing operations will be considered by rezoning. This will minimize the impact of

such facilities on adjacent land uses and ensure that public consultation forms part of the process for considering new operations. Further, the site plan approval process will be used for all C&D operations to address compatibility issues on a site specific basis.

**SW-6** A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Mixed Use 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 IM-10

**SW-7** A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new CD-2 Zone uses shall only be

considered where such operations are within the Mixed Use Designation, and pursuant to criteria of Policy SW-6.

### C&D Disposal Facilities

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

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

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

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

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

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

**SW-8** A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone shall permit C&D disposal operations, CD-2 zone uses and establish controls

relative to setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Mixed Use Designation and pursuant to the following criteria:

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

#### **Site Plan Approval**

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

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

#### **Existing C&D Operations**

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

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

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

#### **Community Liaison Committee (CLC)**

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

**SW-12** Council shall recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D disposal operations within HRM.

**Halifax Construction and Debris Recycling Ltd.**

**Halifax Construction and Debris Recycling Ltd. wants to establish a processing and disposal operation on an area of land located immediately south of the intersection of the Old Guysborough Road and Antrim Road. Due to the size of the site, amount of vegetation, number of dwellings, and that the property is designated and zoned Mixed Use, the site is consistent with the intent of the C&D Waste Management Strategy to locate C&D facilities in such areas. The facility will assist HRM in implementing its C&D Waste Management Strategy which encourages operations to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can't be recycled. Thus, Council supports Halifax Construction and Debris Recycling's proposal for a C&D processing and disposal site off the Old Guysborough Road.**

**SW-13 Notwithstanding Policy SW-8, Council shall apply the CD-3 Zone to the area of land (PID# 40141210 and 40216293) immediately south of the intersection of Old Guysborough Road and Antrim Road to permit the processing and disposal of C&D materials. Further to Policy SW-12, Council requests that the N.S. Department of the Environment and Labour include three (3) persons from the Porters Lake area on a Community Liaison Committee for this site. (RC-Oct 8/02;E-Nov 9/02)**

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

### **Policy Statements**

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

- IC-1**      **Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:**
- (a)      The adequacy of existing infrastructure;**
  - (b)      Transportation requirements, including existing streets;**
  - (b)      Drainage patterns and drainage requirements;**
  - (c)      Water service requirements, including existing and proposed water service districts;**
  - (d)      Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;**
  - (e)      Land use and existing and future development;**
  - (f)      Financial impacts on the Municipality;**
  - (g)      Soil conditions and topography; and**
  - (h)      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 (RC-Apr 13/04;E-Apr 22/04)**

### **Background**

The Municipal Government Act, Sect. 2(c), establishes the primary functions of municipalities to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of council, are necessary or desirable for all or part of the municipality, and
- (c) develop and maintain safe and viable communities.

Given their specific mandate to “provide services, facilities and other things” relating directly to land, it follows that municipalities have an identified interest in the area of influencing the physical environment which they service. This authority is usually carried out in the form of physical land use planning under which policies, programs and regulations are adopted according to procedures set out in the Municipal Government Act. Managing physical growth in a manner that balances the need for choice and affordability in availability of building lots with the need to minimize public servicing costs, is a cornerstone of regional planning.

Taking a managed approach to physical growth and development is not new to the Halifax region. In 1975 the Province adopted the Halifax Dartmouth Regional Development Plan, which established growth management regulations which were applicable within areas situated beyond a Development Boundary. One aspect of the 1975 regulations was to limit the rate of sub-division approvals as well as the rate at which development permits could be issued on existing lots. These limitations were repealed upon the adoption of municipal planning documents by the former Halifax County for individual communities.

Legislation enacted in other provinces such as Ontario, British Columbia and Alberta support a desire by municipal units to protect significant public investments made in transportation systems and centralized servicing infrastructure by managing their physical growth and development patterns. Municipal policies and regulations which promote managed growth enable policies and objectives adopted as part of regional planning documents enable planning at the municipal or community level to be more effective in carrying out regional objectives.

### **Present Context for Regional Planning**

In 2002, Halifax Regional Council began a process to adopt a Regional Plan for HRM. Regional planning requires the Municipality to consider the manner in which existing property and development interests might affect the municipality carrying out its legislative mandate to provide services, facilities and programs in maintaining safe and viable communities. The Regional Plan will look at a range of tools that will reduce the need for infrastructure expansion and encourage infill development. It will allow a sufficient number of unserviced lots to allow for choice for consumers yet minimize the need to extend water and sewer services.

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council's ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

In order to mitigate this risk, Regional Council requested and obtained a Ministerial Order from the Province on January 22, 2004 to limit the issuance of development permits within an "Interim Planning Area". This area includes:

1. areas situated beyond the serviceable area boundaries or residential development boundaries and water service district boundaries identified in Municipal Planning Strategies; and
2. areas generally situated west of Lake Charlotte on the eastern shore and west of the Musquodoboit Valley.

The Ministerial Order is consistent with Provincial Statements of Interest attached as Schedule B to the Municipal Government Act, specifically the statement respecting provincial interest grading infrastructure. Municipal planning documents adopted by municipal units are required to be reasonably consistent with Provincial Statements of Interest.

The goal of the Provincial Statement on Infrastructure is to; "make efficient use of municipal water supply and municipal wastewater disposal systems". This entails maximizing the use of existing infrastructure by preventing development to "leap-frog" over existing developed areas. Large numbers of subdivision applications in anticipation of growth management regulations (as has happened in the past) would prevent the Regional Plan from achieving the outcomes outlined in the Provincial Statement of Interest.

Until the Regional Plan is completed and implemented, Council recognizes that Interim Growth Management policies and regulations are required in order to prevent inappropriate and pre-emptive subdivision growth which may undermine regional growth objectives. Due to their regional scope and emphasis, Interim Growth Management policies shall supercede any policies of existing municipal planning documents which may be inconsistent or which may contradict these policies.

**IGM-1** Notwithstanding any other policy within this municipal planning strategy, Interim Growth Management policies shall supercede any policy that contradicts or is inconsistent with the Interim Growth Management policies except where otherwise specified.

### **Intent of Interim Growth Management**

The intent of Interim Growth Management policies is to prevent accelerated unserviced<sup>6</sup> residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

1. Council's ability to adopt appropriate growth management options will be undermined;
2. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
3. the frequency and severity of water quantity and quality problems related to unserviced development will increase;
4. the ability of Council and citizens to engage in a meaningful public debate - choices will be limited as developers respond to the public issues prior to Council making decisions will be undermined;
5. the frequency and severity of negative impacts on existing users of groundwater resources by permitting additional unserviced development to exceed the safe yield capacity of the existing aquifers will increase;
6. the number of lost opportunities to extend municipal water to areas with known groundwater problems at the Developers' cost thereby committing the municipality to future servicing retrofit assessments and obligations will increase;
7. traffic on the trunk highway network as well as to the arterial system, in areas which may not have adequate capacity would increase;
8. cost to major infrastructure and service delivery (e.g. road construction, transit operations, fire protection, policing, etc.) and a subsequent increase in the tax burden would increase;
9. the success of the long-term Regional Plan if growth occurs in inappropriate locations will be unserviced/reduced;
10. open space and resource land, unnecessarily, to residential development will be lost; and
11. that municipal options to effectively respond to public feedback to take steps now to manage (regionally) unplanned growth will be compromised.

Past municipal experience with adopting growth management regulations in HRM demonstrates that the risks associated with pre-emptive subdivision growth are real. However, these risks can be mitigated through adoption of interim growth measures.

**IGM-2** The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserviced residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads<sup>7</sup>.

---

<sup>6</sup> Unserviced means a lot which is serviced with an on-site septic system and well.

<sup>7</sup> Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

**IGM-3** It shall be the intention of Council to limit the number of development permits issued for subdivision applications received between January 22, 2004 and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.

#### **Scope of Interim Growth Management**

Interim Growth Management measures shall be applicable only to those areas that are subject to the Ministerial Order. This excludes lands within serviceable area boundaries (centralized sewer and water) and water service district boundaries. The boundary is supported by the Provincial Interest Statement on Infrastructure which recommends that the following measures be considered:

1. encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
2. discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
3. directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered; and
4. identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.

**IGM-4** It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 3 as “Interim Growth Management Area”.

A number of areas within the Interim Growth Management area have municipal planning strategies which already provide growth management regulations. These regulations were adopted through community based planning processes and have been in existence for a number of years. The Interim Growth Management regulations are not intended to apply to areas that are currently subject to growth management regulations.

**IGM-5** Notwithstanding Policy IGM-4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls.

#### **Development Options**

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development

from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

- IGM-6** It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- IGM-7** Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserviced residential development within the Interim Growth Management Area
- IGM-8** Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

#### **Subdivision Lots Having Limited Frontage**

Encouraging subdivision to occur on existing roads may lead to an increased demand on the existing street network to maximize the use of current street frontage in order to create new lots. This could result in an increased desire to create “flag lots” or other forms of building lots having minimal physical frontage on the abutting street network.

The use of flag lots as the predominant lot form (without restrictions) could result in an increased use of informal private roads to provide access to such lots. Such forms of access present challenges to providing services such as solid waste collection and emergency response. There is also a potential that property owners who become dissatisfied with this form of street access will petition HRM to take-over private lanes that are not capable of meeting municipal standards. Further, unlimited use of flag lots may alter the character of an existing community/development. Therefore, the use of flag lots in unserviced areas will be limited under these interim policy measures.

In addition to the creation of flag lots, the Subdivision By-law (Part 14) contains other means to maximize the use of existing road frontage in creating new lots. The use of such provisions is subject to limitations which generally limits application to specified circumstances and conditions. Therefore, these provisions shall continue to apply as subdivision options.

- IGM-9** Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to March 13, 2004.

#### **Subdivision Activity**

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants

undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

**IGM-10** It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004 to proceed through the subdivision process under the provisions that existed on January 21, 2004.

**IGM-11** Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

In addition to final and tentative subdivision applications, other types of subdivision applications that were in the subdivision approval process prior to the issuance of the Ministerial Order shall be recognized and accommodated. These include applications made pursuant to Subdivision By-law provisions related to concept and preliminary applications.

A concept application is the first step in the development of a new subdivision. It indicates how the proposed road network and parkland elements of a proposed subdivision are to be laid out. Typically, concept plans identify hundreds of potential subdivision lots and new roads which, if approved without considering long term issues, would be inconsistent with the intent of Interim Growth Management.

To submit a completed concept application, an applicant is required to undertake certain work and analyses. In recognition of commitment made by subdividers in the preparation of subdivision concepts, such applications shall be allowed to proceed subject to limitations on the number of lots that can be created and amount of road constructed.

**IGM-12** Notwithstanding Policies IGM-6 to IGM-8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004 to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

In addition to concept plans, there is also a need to address completed preliminary applications received prior to the Ministerial Order. Until May 20, 1997, the Department of the Environment was responsible for determining the type and location of on-site septic systems. Subsequently, individuals applying for preliminary subdivision approval are required to hire a Qualified Person (QP-1 or 2) to perform this assessment. Consequently, the work involved in submitting a preliminary subdivision application after May 20, 1997 shall be recognized and these applications will be permitted to proceed.

**IGM-13** It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997 and March 13, 2004 to continue through the subdivision process under the provisions that existed within the Subdivision By-law on March 12, 2004.

#### **Water Issues**

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater

water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

In order to avoid potential risks to natural systems there is a need to undertake of broad-based assessments on groundwater, soils, and watercourses in conjunction with the approval of extensive subdivision developments.

Until the mid1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserved residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

**IGM-14** It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserved residential development within HRM.

**IGM-15** Further to Policy IGM- 14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserved lots.

#### **Discretionary Planning Approvals**

In addition to limiting as-of-right development, Interim Growth Management shall also apply to unserved residential development which may be considered by either the rezoning or development agreement processes. It is important that any rezoning or development agreement approved by Council be consistent with the conditions applied to as-of-right development. Therefore, only new unserved residential development on existing roads shall be considered.

**IGM -16** Notwithstanding Policy IM-10, any development agreement or rezoning application within the Interim Growth Management area, for unserved residential development shall only be permitted on an area of land that abut or have access to an existing road.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserved residential development were not subject to the Order. These agreements shall be grand-fathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

**IGM-17** It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserved residential development from the Interim Growth Management policies.

**Annual Monitoring**

To ensure Interim Growth Management policies are achieving their intent, staff shall provide a semi-annual report on the impact of the Interim Growth Management policies are having on development activity within the Interim Growth Management area until the Regional Plan is completed.

**IGM-18** Council shall be provided with a semi-annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.

## TRANSPORTATION

Within the Plan Area, the majority of the development has occurred along or within 500 feet of a provincial highway. The transportation network within the Plan Area provides residents with both an east-west and north-south transportation routes. Of the two transportation routes, the east-west route is the most utilized as it passes through the majority of the communities within the Plan Area.

The main east-west transportation route consists of three provincial highways and they are Highway No. 336 (from Dean to Upper Musquodoboit), Highway No. 224 (from Upper Musquodoboit to Gays River), and Highway No. 277 (from Gays River, through Carrolls Corner and Dutch Settlement to Elmsdale in East Hants Municipality). This east-west route connects with Highway No. 102 in Elmsdale and provides residents with access to Metropolitan Halifax, Truro, and beyond. A secondary east-west transportation route is the Old Guysborough Road which extends from the Halifax International Airport (ie Highway No. 102) to Elderbank.

The north-south transportation route consists of two separate highways that extend from Middle Musquodoboit (Highway No. 357) and Upper Musquodoboit (Highway No. 224) to Highway No. 7 on the eastern shore. Highway No. 357 extends from Middle Musquodoboit, through Elderbank and Meaghers Grant to Musquodoboit Harbour while Highway No. 224 extends from Upper Musquodoboit to Sheet Harbour.

Within the Plan Area, certain portions of the transportation network are subject to Spring Weight Restrictions imposed by the Department of Transportation and Communications. The purpose of the weight restriction is to limit the carrying capability of trucks in order to minimize the impact they have on provincial highways. The Spring Weight Restriction is especially important to the forestry and resource extraction industries due to their dependence on trucks to haul heavy loads of material.

### New Road Development

The Provincial government has determined that as of April 1, 1995, rural municipalities will become responsible for the approval of most streets and roads within their boundaries. New subdivision streets and extensions of existing streets will be owned by the Municipality. Existing streets will continue to be maintained by the Province, with the Municipality incurring a charge of a per kilometre, per year rate. The Province will continue to maintain many other roads as provincial highways. As a result of these changes, the Subdivision By-Law is currently being amended in order to reflect the Municipality's new responsibilities and procedures.

Currently, the Municipal Development Officer forwards all relevant subdivision plans and related street drawings and drainage plans to the provincial Department of Transportation and Communications (DOT) for review. Staff from DOT review the plans pursuant to the Planning Act, which establishes DOT as the approval authority for proposed streets within rural municipalities. Once DOT engineers have reviewed an application in accordance with provincial specifications and guidelines, the Development Officer is advised whether or not the proposal is acceptable.

The province is amending the Planning Act in order to delegate local street approval authority to the Municipality, as is already the case with towns and cities. Once this takes place, the detailed

technical evaluation of most proposed new and extended subdivision streets will be done by municipal staff. Additions to the Subdivision By-law are, therefore, necessary in order to reflect the increased role of the Municipality's Department of Engineering and Works. DOT will still have to provide comments on applications in several cases, such as where a new subdivision street is proposed to access onto a provincial highway, or where a subdivision occurs entirely on DOT roads where existing frontage is utilized in an infill type development. New and revised definitions are recommended that distinguish between municipal and provincial streets as a result of the new two tiered street system.

On May 1, 1995 Halifax County Municipal Council approved amendments to the Subdivision By-law to provide the Municipality with the ability to approve new local roads. In addition, the amendments gave the Municipality's Department of Engineering and Works the approval authority over new local roads within the Municipality. These amendments were approved by the Minister of Municipal Affairs on June 9, 1995.

Halifax County Council is, also, considering amendments to the Subdivision By-law to permit the Municipality to establish possible new requirements for the layout, approval, and construction of new subdivision roads. Currently, the Municipality is conducting a number of open house meetings on the various issues related to these amendments in order to obtain input from County residents and those involved in the construction industry.

T-1        It shall be the intention of Council to make available to the general public and all residents of the Plan Area all information and details related to new requirements under the Subdivision By-law for the layout, approval, and construction of new subdivision roads.

#### **Private Road Development**

**(Section T-2, T-3 & T-5 Deleted: RC-Jun 27/06;E-Aug 26/06)**

**T-4        It shall be the policy of Council to carefully assess the issue of upgrading private roads. In carrying out this assessment, Council shall have regard to the administrative and financial implications of increased involvement in private road development. It shall further be the intention of Council that, in seeking an equitable financial arrangement for upgrading such roadways, a burden not be placed on general public expenditure. Furthermore, it shall be the intention of Council to permit the approval of three (3) lots per calendar year for each parcel of land having frontage on an existing private road. Only residential, open space, and resource uses shall be permitted along these roadways. (RC-Jun 25/14;E-Oct 18/14)**

## SUBDIVISION OF LAND

### Reduced Lot Frontages

In many parts of the Plan Area, traditional approaches to land ownership have resulted in the creation of numerous long narrow strips of land. Many of these lots have insufficient road frontage to permit subdivision under current regulations. Many landowners still wish to continue the custom of giving a piece of the "backlands" of these properties to family members to build homes on.

While consolidation of these strips is the logical and preferable solution to many of the development problems, it is recognized that this is not always practical. In many cases, financial or other hardship may be incurred if subdivision is not permitted. In order to allow reasonable use and development of strip lots, some reduction of subdivision and road construction standards is justifiable.

The Subdivision By-law contains provisions which are designed in part to ease the development problems of the narrow strips of land described previously. Those provisions permit the creation of an additional lot which does not have the required minimum frontage on a public road. There is widespread support in the more rural areas to allow for the creation of additional lots. Current provincial subdivision regulations in effect in a number of other municipalities permit the creation of one lot without frontage and an unlimited number of lots having a minimum frontage of twenty feet. There is no wish, however, to create a large number of lots with such narrow frontage as this is seen as creating potential traffic hazards due to the increased number of accesses onto public roads and highways.

SB-1        It shall be the intention of Council to apply the lot frontage exemption of Part 14 of the Subdivision By-Law within the Plan Area.

**SB-1a        Notwithstanding Policy SB-1, it shall be the intention of Council to permit the creation of a maximum of two lots (one lot plus a remainder) without road frontage on any area of land which was in existence on the effective date of the Municipal Planning Strategy. These lot frontage exemptions will not apply to any lands which are serviced by central water and/or sewage. (RC-Jan 13/98;E-Mar 19/98)**

SB-2        It shall be the intention of Council, through the Land Use By-law for Musquodoboit Valley - Dutch Settlement Area to establish minimum road frontage requirements along any provincial highway of one hundred (100) feet unless the lot is serviced with central services.

SB-3        Notwithstanding Policy SB-2, it shall be the intention of Council to amend the Subdivision By-law to permit the subdivision of any residential lot, 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 twenty (20) feet. Furthermore, within the Mixed Use Designation the creation of a maximum of five (5) lots having a minimum road frontage of twenty (20) feet and one lot having no frontage on a public roadway from an area of land that was in existence on the effective date of this planning strategy shall be permitted. **Furthermore, on the property identified as PID 00474965 in the Village Designation in Meagher's Grant the**

**creation of a maximum of three (3) lots having a minimum road frontage of twenty (20) feet and a remainder having no frontage on a public roadway from an area of land that was in existence on or before October 13, 2017 shall be permitted. (RC-Oct 2/18; E-Nov 24/18)**

#### Subdivision of Lots With More Than One Main Building

The former practice of family members constructing more than one home or other buildings on the same property has also led to problems with subdivision. Problems often arises when it becomes necessary to provide legal proof of ownership of the land when selling or arranging a mortgage for one of the properties. The Subdivision By-law offers only limited relief in these cases and it is felt that more flexible regulations with respect to required frontage and area, such as are contained in the provincial regulations, should generally apply.

An additional problem in resolving boundary lines in such cases is that many of the buildings or structures were built prior to the adoption by the Municipality of modern building standards. This has resulted in main and accessory buildings being located closer to each other than current regulations allow. As it is often impossible to subdivide without encroaching into a required side yard, it is felt that reduced yard requirements for accessory buildings and structures be allowed in such cases.

SB-4        It shall be the intention of Council to amend the Subdivision By-law so that where more than one main building exists on a lot or parcel of land on the effective date of this planning strategy, the lot or parcel may be subdivided to create up to the same number of lots as there are main buildings and a remainder lot provided that the remainder lot meets the requirements of the Subdivision By-Law.

SB-5        It shall be the intention of Council, where a proposed lot or remainder lot cannot be subdivided without encroaching upon the required yard for an accessory building, to provide for a reduction to any such required yard through the land use by-law.

#### Two Dwellings on a Lot

In the past, the erection of two dwellings on a lot has resulted in problems when subdividing, where the existing lot does not have enough acreage to meet the minimum lot area and setback requirements for the creation of two separate lots. However, residents wish to be able to permit the establishment of two dwelling units on their property, especially for family members. By permitting two dwellings on a lot, a property owner would avoid the costs involved with subdividing their property and allow the owner to retain control over who and what occurs at the second dwelling. To address past subdivision problems, each dwelling should be located on an area of land capable of meeting the requirements of the subdivision by-law and land use by-law prior to the issuance of a building permit.

SB-6        It shall be the intention of Council, within the Mixed Use Designation, to permit the establishment of two dwellings on a lot where each dwelling would be capable of being subdivided in accordance with the Subdivision By-law and the land use by-law for this Plan Area.

## EDUCATION

The control and management of schools and programs in the municipality is the responsibility of the Halifax County-Bedford District School Board. Within the Plan Area, there are five public schools as shown in Table 4. The provincial government cost-shares various items related to the operation of the School Board and is fully responsible for the costs of new school construction. The Halifax County-Bedford District School Board consists of ten members.

In the matter of the selection of new school sites, the Halifax County-Bedford District School Board consults with both the Municipality and local school trustees before identifying potential sites. However, the provincial Department of Education makes the final site selection. Monitoring of population growth and development trends are currently conducted jointly by the Halifax County-Bedford District School Board and the municipal Planning and Development Department.

Although educational facilities are primarily used for the education of school aged children and adolescents, a number of schools within the Municipality are used for community school programs. In addition to providing a broad range of educational and leisure programs for all age groups, the programs help to foster community development by providing a focus for a wide range of community activities.

**TABLE 4: Type of Educational Facility**

TYPE OF SCHOOL	PLAN AREA
ELEMENTARY	Dutch Settlement Elementary
	Upper Musquodoboit Consolidated
	Middle Musquodoboit Central Elementary <sup>8</sup>
JUNIOR/HIGH	Musquodoboit Rural High

At present, the Plan Area is adequately served by existing schools, which are capable of accommodating growth in their catchment areas. Table 5 indicates enrolment figures for the various schools between 1988 to 1994. Since 1988, overall enrolment within the various schools has fluctuated. From 1988 to 1990, enrolment declined but since 1991 enrolment has relatively remained unchanged. Of the five schools within the Plan Area, only Dutch Settlement Elementary School has experience a continuous increase in enrolment since 1988.

---

<sup>8</sup> includes the Elderbank Elementary School

**TABLE 5: School Enrolments**

SCHOOLS	GRADES	1988	1989	1990	1991	1992	1993	1994
Dutch Settlement	P-6	123	129	143	145	157	162	174
Musquodoboit Central <sup>9</sup>	P-6	240	234	221	227	227	229	219
Upper Musquodoboit Consolidated	P-6	80	69	69	61	68	73	86
Musquodoboit Rural High	7-12	433	407	376	385	402	378	387

Source: Halifax County-Bedford District School Board

- ED-1 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue to consult with the community and the Municipality prior to altering the functions of any school or constructing any new school.
- ED-2 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to closely monitor population and development within the Plan Area. Furthermore, it shall be the intention of Council to make strong representation to the provincial government to provide a planned response to the needs for new schools or expansion of existing schools.
- ED-3 It shall be the intention of Council, when new school sites are being considered, to encourage the provincial government and the Halifax County-Bedford District School Board to locate the schools so that pedestrian and vehicular safety is enhanced. Furthermore, it shall be the intention of Council to encourage the location of new schools adjacent to existing or proposed parks, open space and community facilities.
- ED-4 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue applying standard site criteria, including minimum site requirements, for each type of school.
- ED-5 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to support the continued use of school facilities as community schools in order to provide for a range of individual educational needs and to help foster community social and cultural development.

<sup>9</sup> includes the Elderbank Elementary School

## RECREATION

The Municipality presently acquires land through provisions made in the Planning Act. The Planning Act enables the Municipality, through its Subdivision By-law, to acquire five (5) percent of the land subdivided or cash-in-lieu. Where no suitable land is available or where there is sufficient parkland in the general area, cash-in-lieu is taken. Currently, the Plan Area is exempt from these provisions of the Subdivision By-law. Therefore, the amount of recreational land required by the County in this area has changed little since 1988.

The Plan Area contains a variety of recreational land and facilities which are shown in Table 6. Most of the recreational land and facilities available within the Plan Area are largely associated with schools, which are all owned by the Municipality. Of the four operating schools within the Plan Area, only Musquodoboit Rural High School and Dutch Settlement Elementary have gymnasiums.

**TABLE 6: Recreational Equipment and Facilities (1992)**

EQUIPMENT & FACILITIES	PLAN AREA
Schools *	7
Tennis Courts	1
Playgrounds	10
Soccer Field	1
Ball Fields	8
Parkland:	
- Developed	0
- Undeveloped	3
Other	4

\* includes active and past school buildings.

The existing recreational opportunities within the Plan Area play an important role in providing recreational opportunities to both school aged children and adults. Therefore, existing facilities should continue to provide recreational opportunities for all age groups.

- REC-1 It shall be the intention of Council to continue to exempt the Plan Area from the 5 percent parkland provision of the Subdivision By-law.
- REC-2 It shall be the intention of Council to maintain the existing range of recreational facilities and services provided to both children and adults.

## FIRE PROTECTION

Fire protection in the Plan area is provided from five fire departments located throughout the area, as shown in Table 7. All five departments rely on volunteers to respond to fire emergencies, such as house fires, forest fires, etc. In addition to fighting fires, local fire departments respond to a variety of our emergency situations ranging from car accidents to spills of low level hazardous material.

TABLE 7: Fire Departments and Equipment (1994)

FIRE DEPT	# OF FIRE FIGHTERS	EQUIPMENT
Cooks Brook	21	Fire truck- pumper and a Fire truck-tanker
Dutch Settlement	18	Fire truck- pumper, a Fire truck- tanker and One ton truck
Meaghers Grant (Elder Bank Substation)	40	Fire truck- pumper, a Fire truck- tanker, and One ton truck
Middle Musquodoboit	35	Fire truck- pumper (2), Fire truck- tanker, One ton rescue truck, and One ton 4*4 rescue van
Upper Musquodoboit	21	Fire truck- pumper, Fire truck- tanker (2), and Rescue van

Due to the variety of emergency situations fire fighters must respond to (ie: changes in building materials, the use of chemicals by commercial, industrial, and residential applications), it is important that equipment and training for these voluntaries be provided properly.

FP-1 It shall be the intention of Council to support the activities of all the fire departments within the Plan Area and, where possible, to ensure that the quality and quantity of equipment, training and facilities available to these fire departments are appropriate to meet the needs of the communities which they serve.

## RESOURCE USES

Within the Plan area, resource uses such as forestry, agriculture and mineral extraction, are located in the area due to a combination of climatic, soil, and geological conditions. Resource uses have had a significant impact on the rural character of the area, as well as being an important aspect of the local economy. Despite the impact resource uses have on the rural character and local economy, certain aspects of these uses could cause land use conflicts. Therefore, resource uses should be permitted subject to specific requirements in order to minimize future conflicts.

### Forestry

The Municipality has limited jurisdiction with respect to forestry activities. It must, therefore, rely on senior levels of government to properly manage the forest resource and ensure that adequate protection is provided for wildlife and wildlife habitat and for watercourses.

RS-1        It shall be the intention of Council to strongly encourage the provincial Department of Natural Resources to implement and strictly enforce the Forest and Wildlife Guidelines and Standards for Nova Scotia for all forest harvesting programs within the Plan Area.

### Agriculture

In the past, the Municipality has had limited involvement with respect to agriculture activities, except for setback requirements and differentiating such activities by intensity (ie: intensive livestock operation) to address environmental and land use compatibility concerns. It is generally felt that the agriculture industry is already regulated enough, through legislation and regulations, to protect both farmers and residents. One of the key reasons for this general agreement is the Agriculture Operation Protection Act which requires farmers to operate their farms within standard industry practices which, consequently, addresses liability concerns (ie: nuisance petitions) from non-farm residents.

RS-2        It shall be the intention of Council to encourage the provincial government to strictly enforce the Agriculture Operation Protection Act throughout the Plan Area.

### Extractive Operations

Within the Plan Area, there are a number of active and inactive extractive sites. The type of extractive operations located in the Plan Area range from underground mines to open pit mines. In addition to a range of extractive operations, the size of such operations also varies significantly from small sand and gravel pits to massive open pit mines.

Extractive operations are an important land use within the Plan Area from an economic perspective, as these operations provide employment opportunities. However, extractive operations can potentially create harmful effects on the natural environment and surrounding land uses. Most concerns associated with extractive operations relate primarily to dust emission and air pollution, on and off-site sediment control and the effect on surface and underground water quality, blasting shocks and noise, traffic generation and safety, runoff, disposal of waste materials and final grades and site rehabilitation. These concerns are addressed by the provincial Department of the Environment through their permitting procedures.

The Department of the Environment requires extractive facilities to obtain an industrial waste permit which is issued in accordance with the provincial Pits and Quarry Guidelines. The Pits and Quarry Guidelines contain requirements, not regulations, for the minimum separation distances, site rehabilitation, effluent controls, dust emission, sound levels, blasting, safety, and protection of ground water resources for extractive operations. Residents are generally satisfied with the scope of the requirements within the Pits and Quarries Guidelines, however, they wish the province to adopt these guidelines as regulations to ensure an even application of the requirements.

RS-3        It shall be the intention of Council to request the Province to adopt the Department of the Environment proposed Regulations Regarding Pits and Quarries and to take the necessary steps to ensure that an industrial waste permit be required for all extractive facilities.

To ensure that blasting within the Municipality is performed in a safe and proper manner, the Municipality established the Blasting and Dangerous Materials By-law (By-Law No. 42). However, By-law No. 42 was not applied to all the lands within the Municipality such as those lands within Electoral District 12, which encompasses half of the Plan Area. In general, most residents are generally supportive of regulations for the use of explosives, therefore, By-law No. 42 should be applied throughout the entire Plan Area.

RS-4        It shall be the intention of Council to apply the Municipality's Blasting and Dangerous Materials By-law (By-Law No. 42) within the Musquodoboit Valley-Dutch Settlement Plan Area.

The Planning Act provides municipalities with very little control over the location of extractive uses or over the activities that are fundamental to the actual extraction of aggregate and minerals as these aspects are the responsibility of the Department of the Environment. However, the Municipality does have the authority to regulate activities associated with extractive operations which are not fundamental to the actual extraction process such as the location of structures related to the operation as well as the bulk storage of aggregate. Despite the Municipality's ability to regulate activities that are not fundamental to extractive operations, it is generally felt that the Municipality's involvement with extractive facilities should be minimal to avoid a duplication of regulations. Therefore, the Municipality should adopt zone standards for facilities associated with extractive facilities that minimize land use and environmental conflicts.

RS-5        It shall be the intention of Council to establish setback and access requirements for facilities associated with extractive facilities in order to minimize land use and environmental conflicts.

In Upper Musquodoboit, Dillman Enterprises (1995) Limited owns and operates an existing quarry operation on a sixty (60) acre parcel of land (LIMS No. 562983). Dillman Enterprises has expressed concern that their existing quarry operation in Upper Musquodoboit would be unduly effected by the application of setback requirements for extractive facilities that exceed the requirements contained in the provincial Pit and Quarry Guidelines. This planning strategy supports the continuation of existing uses as well as protection of the natural environment. Therefore, Dillman Enterprises existing operation in Upper Musquodoboit should be exempt from any setback requirements for extractive facilities that exceed the requirements contained within

the Pit and Quarry Guidelines.

- RS-6        It shall be the intention of Council to exempt Dillman Enterprises (1995) Limited extractive operation in Upper Musquodoboit (LIMS No. 562983) from municipal setback requirements for facilities associated with extractive operations in the land use by-law.

## EXISTING USES

Prior to the adoption of the land use by-law authorized under this planning strategy, land use within the Plan Area was regulated by Zoning By-law No. 24. Most of the area was zoned G (General Building) Zone which permitted most uses by right, except for salvage yards, industrial uses and mobile home parks.

One outcome of these limited zoning controls was the mixing of residential, resource, and commercial uses. Although there have been some conflicts resulting from mixed development, residents support as a matter of principle the right of all existing uses to continue. Most uses will be given an appropriate zone, regardless of the designation, which will allow them to expand up to the limits imposed by the zone or to change the use to another use permitted by the zone.

The right to expand any existing use, whether or not it is specifically permitted in a zone, is generally supported. In most cases, expansion of the use will be subject to the requirements of the zone in which it is located. However, within the Mixed Use and Village Designations, provisions to expand beyond the requirements of the zone will be established in certain situations. These situations occur where commercial and industrial uses are operating within close proximity of residential area. Provisions will be made for the expansion of such uses if compatible with surrounding residential development.

EU-1      Within the Mixed Use and Village Designations, it shall be the intention of Council to permit all uses that existed on the effective date of this strategy, which are not otherwise permitted within the designation, to continue and expand on their existing lot subject to the requirements of the zone, unless otherwise indicated.

## **SECTION III**

## LAND USE INTENT

Future land use within the Plan Area will be guided by land use policy and more specifically by the Designations as shown on Map 1 - Generalized Future Land Use as follows:

Mixed Use  
Village  
Park

The Mixed Use Designation has been generally applied throughout the Plan Area. This designation is intended to support the traditional mix of residential, home business, commercial and resource uses which have occurred in the past. It is also designed to support the gradual integration of a wide range of commercial and light industrial uses, subject to controls on compatibility, as well as open space uses and most community facility uses.

The Village Designation has been generally applied to the communities of Dutch Settlement, Middle Musquodoboit, Upper Musquodoboit, and Meaghers Grant. These communities contain an existing mix of low density residential, commercial, industrial, resource and community facility uses. This designation is intended to support this continuing residential development while providing support for the traditional mix of land use activities which has occurred. This designation also recognizes the service function which each community provides to its immediate area and the importance of these communities as focal points for the provision of community services.

The Park Designation has been applied to all provincial parks and proposed protected areas in order to protect and support the future development of these parks and significant natural areas within the overall provincial park system.

## MIXED USE DESIGNATION

Most of the lands within the Plan Area are located within the Mixed Use Designation and the majority of the development has occurred adjacent to the provincial highways. Over time, this has resulted in narrow properties running back from the highways. This situation has created problems when subdividing these properties, especially in Dutch Settlement. Some of these problems have already been addressed in changes in the requirements for subdivision.

Most of the lands situated off the main highways are generally undeveloped and without public access and are known as "backlands". These lands are primarily used for traditional forestry and extractive activities as well as for various recreational uses. Although there has been some development of these lands, most landholdings are in large rectangular parcels.

A large portion of the backlands are owned by the Province, specifically in the southern portion of the Plan Area. It is felt that these lands do not require any additional land use controls than those imposed on privately owned lands within the designation. Any additional regulations applied to the backlands would only hamper their use and development by either the Province or private individuals or companies.

The development pattern within the designation can be best described as a mix of residential, commercial, institutional, industrial, and resource uses. This pattern of development is found in both large and small communities. Residents have generally enjoyed such a mix of uses and it has served to attract people to the area.

Within the Mixed Use Designation, residential development is composed of a variety of housing types. Reflective of its long history and its mix of uses, new homes and older dwellings, built before the turn of the century, can be found side by side and throughout the designation.

Significant number of businesses are conducted from a dwelling or accessory building. Commercial operations located in the home or in an accessory building are characteristic of the Plan Area with its history of self-reliance and entrepreneurship. In general, there has been little individual or community dissension arising from their presence as residents readily accept the need for neighbours to earn their living as best they can. Another important reason for this acceptance is that businesses have remained small and fairly responsive to local needs and concerns.

At the same time, there are larger businesses located within the designation, most of which have direct access to the main highway. These commercial enterprises provide a wide range of services to both residents and visitors. In addition, a range of light industrial uses are found in the designation.

Due to a combination of climatic, soil, and geological conditions, traditional resource activities, such as forestry, agriculture, and mineral extraction, have had a large impact on the character of the area and its people. Although the actual number of people who earn their living from the traditional resource based activities is declining, these activities are still important to the local economy. While resource-based activities constitute a vital and continuing base for the economy of the area, certain characteristics, such as noise, traffic, odour, and outdoor storage of these uses may cause land use conflicts. Therefore, resource-based activities will be subjected to additional requirements in order to minimize future conflicts.

The importance of the natural environment to residents goes beyond resource development. The natural amenities of the environment are enjoyed by both local residents and visitors. There is concern with the affects that unrestricted commercial and industrial, and resource development might have on the water quality of the various lakes and watercourses. Given the number of watercourses and lakes and the potential for future recreational development, it is considered necessary that watercourses be protected.

In terms of land use control, residents wish to see a modest level of land use restrictions, similar to the level currently applied to the area under Zoning By-law No. 24. It is felt that market conditions will dictate the pace and type of development which occurs, therefore overly restrictive land use requirements would only hinder future development. Area residents are generally willing to permit most development opportunities unless it is shown that such developments would be detrimental to the surrounding natural environment, the community, or the area's resources. It is generally felt that existing provincial environmental and resource guidelines and regulations are sufficient to protect the natural environment and resources in the Plan Area from abuse or misuse.

An underlying concern of most residents is their right to continue using their property as has been customary. They wish to see clear support given to all existing uses and to their further development. Within the planning strategy, prior rights of existing uses will be recognized. In addition, the land use by-law should establish appropriate separation distances and screening provisions for existing uses which should assist in maintaining the existing level of land use compatibility.

The intent of the Mixed Use Designation is to accommodate a broad range of land uses. In spite of this desire, there is a recognition that allowing all uses by right could result in conflicts that, to date, have been few in number. Therefore, the intent of the designation is to allow people to use their land as freely as possible while providing some degree of protection to adjacent property owners.

#### Land Use Intent

Given the desire of residents to maintain traditional development rights, the existing character of their communities, and the integrity of the natural environment, it is the intent of the Mixed Use Designation to support and encourage a broad range of uses. However, certain categories of uses that could be potentially harmful to the natural or residential environments are either restricted or not permitted at all within the designation such as salvage yards or industries that produce processed water that cannot be disposed of by means of an on-site sewage disposal system.

Within the Mixed Use designation, residential development is an important component of land use pattern. Currently, the majority of the housing stock is composed of single unit dwellings, with a scattering of mobile homes and two unit dwellings. The continued development of such uses within the designation will be supported.

There is support for multi-unit dwellings and senior citizen housing. It is felt that current provincial health requirements guarantee sufficient environmental protection and provide for adequate separation of such developments from neighbouring properties.

Given the history of self-reliance and entrepreneurship in the Plan Area, there is generally no

objection to people operating businesses in conjunction with their homes as such operations are an important component of the local economy. However, not all uses are considered appropriate and any use that is not traditionally operated in conjunction with residences in the area will not be permitted.

The designation will, therefore, permit more than one main use on a lot which raises concerns on the ability of the on-site septic disposal system to handle an increased volume of sewage. It is also recognized that, in some cases, lot size will be inadequate to permit the eventual subdivision of properties that are occupied by both a residential and business use.

The majority of the businesses within the Plan Area are situated outside the Mixed Use Designation. The businesses that are located within the designation are mostly situated on individual lots. Due to the rural character of the designation, a wide range of commercial uses will be permitted such as retail uses, offices, service shops, etc., and a limited range of light industrial uses such as automotive repair outlets, contracting services, and limited manufacturing and processing operations. Included among the uses that will be permitted are traditional or cottage-type industries such as wood working shops, small boat building and repair facilities, and stone carving operations. These traditional industries complement tourism, provide employment and to the most part do not conflict with neighbouring uses. Therefore, light industrial uses will be permitted within the mixed use designation subject to specific zone requirements that address the size of the operation, setback requirements, screening, outdoor storage and display, and parking areas. Residents recognize that heavy industrial and manufacturing operations are an important aspect of the local economy. However, residents are also aware that such operations have the potential to negatively affect their surrounding area. Therefore, heavy industrial and manufacturing operations will only be permitted on lots specifically identified or rezoned for heavy industrial uses.

Given the traditional resource-related base of the local economy, agricultural and forestry uses are permitted. While resource uses have traditionally located in this designation and enhanced the rural quality and economy, certain resource-based activities, such as intensive livestock operations have operational aspects that can cause land use conflicts. Therefore, the land use by-law should contain additional requirements that address the impact these uses may have on both residential and natural environments.

Under the Planning Act, the Municipality is not permitted to regulate the location of extractive facilities but can regulate the facilities associated with such uses. Due to the density of development within the Village Designation and the need for adequate separation distances from residential development and watercourses/wells, the Municipality should establish separation distance and access requirements for facilities associated with extractive operations.

Open space uses and most institutional uses such as schools, churches and fire stations provide important services to the communities in which they are located. Such uses will, therefore, be permitted within the Mixed Use Designation. However, institutional uses will be encouraged to locate in the Village Designation in order to provide for community services which are more economical. Institutional uses such as penal facilities are not appropriate for the Plan Area.

In spite of the intent of the Mixed Use Designation to permit a variety of land uses, there is support for more restrictive zoning controls in areas where residential development dominates. Due to

the diversity of land uses within the designation, restrictive residential zoning should permit, in addition to residential uses, limited business uses, the keeping of livestock, institutional and open space uses as well as any existing commercial or resource uses.

MU-1 It shall be the intention of Council to establish the Mixed Use Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the development of a diversity of residential, institutional, commercial, light industrial, and resource uses.

MU-2 It shall be the intention of Council to create a mixed use zone (MU) which permits residential uses, community uses, light industrial uses except for salvage yards, commercial uses except for adult entertainment uses, and resource uses. In order to address compatibility concerns, provisions within the zone will establish controls on open storage, parking, outdoor display, and signage. Depending on the nature of the use, the zone shall establish provisions for the adequate separation and screening of certain non-residential uses from residential uses and from watercourses and wells.

#### Mobile Home Parks

Within the Plan Area, ten (10) percent of the housing stock are mobile dwellings which are mainly located on residential lots rather than in mobile home parks. There are no existing mobile home parks within the Plan Area. However, mobile home parks have the potential to form an important component of the housing stock in the area provided that there is an adequate living environment for park residents and that the mobile home park makes a positive contribution to community development.

Certain aspects of mobile home park development require close attention such as the overall park design, sewer and water services, transportation concerns, and open space provisions as well as the provision of buffering to reduce the impact of the park on the surrounding area. In order to address these concerns and to ensure that this use is properly integrated within the Plan Area, such development should only be permitted only by development agreement.

MU-3 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting mobile home parks according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) the adequacy of proposed park services including the provision of a potable water supply, the disposal of sewage, recreation facilities and street lighting;
- (b) the ability of education facilities, emergency (fire and police) services, and recreation facilities to adequately service the increased demands of the additional development or to respond with the provision of additional services;
- (c) the provision of landscaping or buffering from adjacent land uses;
- (d) adequacy of storm drainage plans;
- (e) the impact of the proposed development on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (f) park layout and design including the design of the internal road networks and separation distances from maintenance buildings;
- (g) the provisions of the Mobile Home Park By-law; and

- (h) the provisions of Policy IM-10.

#### Planned Unit Developments (PUD)

Within the Plan Area, Halifax County Council has entered into five (5) Planned Unit Development agreements, under the Planned Unit Development (PUD) By-law, for the establishment of five (5) separate cottage developments. With the adoption of the Halifax County Charter, the Municipality is no longer able to utilize the Planned Unit Development (PUD) By-law, but the Municipality still recognizes the existing PUD agreements which will remain in effect until they are discharged.

Despite the Municipality's support for existing PUD Agreements, it has been the past practice of the Municipality, when particular phases of a PUD agreement have been completed, to release those portions of the agreement and apply appropriate zoning. This reduces any uncertainty that residents may have concerning the ongoing status of their properties.

- MU-4 It shall be the intention of Council, upon completion of particular phases of the development, to release these areas from the PUD and zone them in a manner which is consistent with the PUD Agreement by applying appropriate zoning or by creating a specific zone for the area which incorporates the uses provided for under the PUD Agreement, as well as the provisions of the Planning Act.

#### Commercial Recreational Uses

Within the Plan Area there are a number of commercial recreational uses which serve both local and regional markets such as River Oaks Golf and Country Club in Meaghers Grant. As a result of the attractive natural environment, accessibility, and relatively lower land prices, pressures may exist for additional commercial recreation proposals. Given the substantial number of lakes within the Plan Area, there is considerable potential for the development of water based recreational facilities.

While new commercial recreational uses can provide both local and regional benefits, the planning strategy seeks to ensure that such uses do not negatively affect either the natural or residential environments in which they may locate. Due to concerns with the potential for traffic generation, as well as the noise and litter often associated with such uses, there is a desire to establish a greater level of control over the site design and development of commercial recreational uses. Therefore, such uses should only be permitted by development agreement, in order to minimize the impact commercial recreational development may have on its surrounding environment.

- MU-5 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting commercial recreation uses according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the potential impact of the proposed development on the natural environment and, in particular, potential effects on watercourses;
- (b) that the proposal will not adversely affect nearby residential or community facility development by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic

- generation and vehicular and pedestrian safety;
- (d) that any rifle or gun ranges, amusement parks, vehicle or animal racing tracks shall not be located within one thousand three hundred and twenty (1,320) feet of the nearest residence;
- (e) the layout and design of the development;
- (f) the general maintenance of the development;
- (g) the provision of on-site services (water and sewage disposal system) for the proposed use;
- (h) the requirement for any applicable federal or provincial approvals or requirements;
- (i) the hours of operation; and
- (j) the provisions of Policy IM-10.

### Salvage Yards

The general thrust of the Mixed Use Designation is to support and encourage development of the rural economy. In this regard, non-residential uses considered suitable for the area are relatively wide ranging and allowed by right throughout the designation. Salvage yards are considered a significant exception to this general rule. They are seen as creating potential safety hazards to adjacent residential areas as well as potential threats to natural environmental systems such as lakes and rivers. In addition, most operations are viewed as potentially detrimental to the visual appearance of existing communities and residential areas.

Salvage yards are regulated by the Department of the Environment under the Salvage Yard Licensing Act which requires all salvage yards to be licensed. Usually associated with most salvage yard operations are autobody repair shops and/or used car lots which benefit from inexpensive automotive parts.

It is recognized that salvage yards are an essential component within the Plan Area and that they require relatively inexpensive land in order to be economically feasible. Furthermore, some residents support such operations as they provide a source of income, as well as local employment opportunities. Most residents, however, do not wish their communities or areas to be perceived as a convenient dumping ground for the discarded, if partially recyclable, materials of the metropolitan area. Some control is considered necessary over the location of salvage yards.

MU-6 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting salvage yards and accessory uses such as autobody shops and/or used car lots in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) any materials associated with the salvage yard or autobody shop shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provides a visual and physical barrier;
- (b) no outdoor storage shall be located within any required front or side yard;
- (c) no salvage yard or autobody shop shall be located within five (500) feet of a community facility use or a restrictive residentially zoned property;
- (d) no outdoor storage or building or use of land associated with a salvage yard or autobody shop or a used car lot shall be located within one hundred and fifty (150) feet of a watercourse;

- (e) hours of operation;
- (f) general maintenance of the development;
- (g) impact of the operation on traffic volume and traffic circulation;
- (h) the requirement for any applicable provincial permits or approvals;
- (i) the affect of the proposed operation on any residential uses in the general vicinity of the proposed development; and
- (j) the provisions of Policy IM-10.

#### Aquaculture Support Uses

With the collapse of the in-shore and off-shore fishery in Atlantic Canada, the establishment of water or land based aquaculture operations should be considered as a possible land use within the near future. Within the Plan Area, there are a number of waterbodies (ie: lakes and rivers) and undeveloped tracks of land that can conceivably be used for aquaculture uses. Aquaculture uses, however, have the potential to negatively impact upon their surrounding environment in terms of appearance, water consumption, truck traffic, odour and litter. To ensure such operations do not have a negative impact on their surrounding environment, a development agreement should be required to address specific operational characteristics of aquaculture operations.

MU-7 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting aquaculture support uses according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and/or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the requirement for any applicable provincial or federal approvals;
- (g) hours of operation; and
- (h) the provisions of Policy IM-10.

#### Industrial Uses

Prior to the adoption of the land use by-law authorized under this planning strategy, the Plan Area was regulated by Zoning By-law No. 24. Under Zoning By-law No. 24, industrial uses were permitted as-of-right throughout the Plan area, except for that portion of the Plan Area previously included within old electoral District 13. Within old electoral District 13, industrial uses were only permitted by rezoning due to concerns over the potential negative impact such uses may have upon their surrounding environment. Residents, however, no longer concede that all industrial uses must be permitted by rezoning. Certain light industrial uses such as general contracting services and service industries should be permitted subject to specific zone requirements that address land compatibility concerns. Residents still acknowledge that heavy industrial and manufacturing operations should not be permitted as-of-right and obnoxious commercial and industrial uses should be prohibited within the Plan Area.

MU-8 It shall be the intention of Council to create a heavy industrial (I-3) zone which permits

all commercial uses permitted under the Mixed use zone and all industrial and manufacturing uses which are not obnoxious and permits accessory uses in conjunction with permitted industrial and manufacturing uses which are limited in size to not more than fifty (50) percent of the gross lot area. The zone shall contain provisions that provide for adequate separation and screening of industrial uses from abutting residential properties, public roadways, and from watercourses, and shall control open storage and display areas.

MU-9 It shall be the intention of Council to consider new heavy industrial (I-3) zone uses according to the land use by-law amendment provisions of the Planning Act. In considering these uses, Council shall have regard to the following:

- (a) that site design details, including landscaping, buffering, outdoor storage areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent residential development, and to provide for the needs of users of the development;
- (b) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior appearance and signage;
- (c) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to and from the site;
- (d) that municipal central services or, in unserved areas, on-site services, are capable of supporting the development;
- (e) the potential impact of the development on the natural environment, such as watercourses and adjacent wells;
- (f) that the proposed development is not located within five hundred (500) feet of any Village (VIL) Zone or Rural Residential (RR-1) Zone; and
- (g) the provisions of Policy IM-10.

#### Residential Subdivision Development

The western portion of the Plan Area is in close proximity to Lantz, Elmsdale, and Enfield, which have grown significantly in recent years due to their proximity to Highway No. 102 and an increase in the number of former urban residents desiring a more rural lifestyle. Based on past residential subdivision activity within the Plan Area, and its location to Highway No. 102 (connecting to Halifax and Truro) it is not unreasonable to assume that pockets of this type of development may occur within the designation.

While the primary intent of the Mixed Use Designation is to support the rural character of this area, residents prefer to allow the market to determine the pattern of development. This means that suburban-style subdivisions will inevitably emerge. Associated with such developments may be demands by developers and residents for the protection offered by more restrictive residential land use controls.

Residential areas requiring land use controls can be classified into two broad types. One has slowly evolved as a residential area and is likely to have a mixture of housing types in terms of age and style as well as a variety of home businesses; the other was created as an "instant" suburban-style subdivision and has, typically, a homogeneous architectural style and fewer home businesses being conducted from such properties.

The need to provide an appropriate degree of protection for both types of residential areas are accepted by most residents. However, residential zoning applied to dispersed individual lots is perceived to inhibit the potential development of the rural economy by controlling to some degree non-residential uses on abutting property. Support is, therefore, given to restrictive residential zoning only where such residential development is relatively concentrated.

MU-10 It shall be the intention of Council to establish a rural residential (RR-1) zone which permits single and two unit dwellings, existing mobile dwellings, community facility uses and limited use of residential properties for business purposes, including daycare facilities, bed and breakfasts, and the keeping of hooved animals. This zone shall also be applied to existing commercial and resources uses intermixed with residential areas.

MU-11 In recognition of Council's intent to support the continuation of residential subdivision activity and the resulting transition of certain areas to a more residential environment, Council may consider the application of the rural residential (RR-1) zone in order to accommodate such uses. In considering these uses, Council shall have regard to the following:

- (a) that the area to be rezoned shall either contain a minimum of ten (10) acres or if less than ten (10) acres, shall be a lot in existence on the effective date of this strategy or be adjacent to an existing rural residential (RR-1) Zone;
- (b) the potential effects of the proposed development on community services such as fire, police, recreation and education;
- (c) impact on proposed road network in terms of coordination with the existing road network;
- (d) quantity and quality of ground water;
- (e) evaluation of the adequacy of storm water drainage plans; and
- (f) the provisions of Policy IM-10.

Halifax County, like most counties throughout Nova Scotia, contains an exhibition park where agricultural and forestry products and produce are displayed. The Halifax County Exhibition lands are located within the community of Middle Musquodoboit. The exhibition lands are situated on a large parcel of land containing a number of structures, barns, stables, and viewing areas.

#### Exhibition Grounds

At present, there is no intention to relocate or establish a second exhibition park within the County or Plan Area. If a new or second exhibition park is required, such a facility should be located within the Mixed Use Designation due to the exhibition park requiring large tracts of land for structures, parking, display, and camping. However, exhibition parks have the potential to have a negative impact upon surrounding man-made and natural environments. Therefore, new exhibition parks should be permitted by rezoning.

MU-12 Notwithstanding Policy MU-2, within the Mixed Use Designation, it shall be the intention of Council to consider applying the exhibition (EX) Zone (Policy VIL-13), to permit the establishment of exhibition parks according to the land use by-law amendment provisions of the Planning Act. In considering such amendments to the

land use by-law, Council shall have regard to the following:

- (a) the potential impact of the proposed expansion on abutting residential or community facility uses, as well as the natural environment such watercourses and wells;
- (b) the impact of the proposed expansion on traffic generation and access and egress from the site;
- (c) the adequacy of parking area;
- (d) the provision of buffering or screening of buildings or uses of land associated with any permitted uses from abutting residential area; and
- (e) the provisions of Policy IM-10.

## VILLAGE DESIGNATION

Within the Plan Area, there are a number of communities ranging in size and population from Mooseland to Middle Musquodoboit. The location and prominence of most communities is reflective of the Plan Area's historical tie to its natural environment (forestry, farming, resource extraction), changes in transportation, and the proximity of the area to Metropolitan Halifax.

Of the various communities within the Plan Area, residents generally feel that those communities that provide more than a basic level of services to their immediate area should be recognized and supported. In addition, it is felt that in the more populated communities, additional requirements are needed to minimize land use conflicts due to the density of development.

Of the communities in the Plan Area, the Village Designation was applied to four communities: Dutch Settlement, Middle Musquodoboit, Meaghers Grant, and Upper Musquodoboit. Although each community has a unique character and identity, it is felt that the unique circumstances within each community can be adequately addressed under one designation at this time. In addition, residents of the four communities agree that a similar degree of land use control should be applied throughout the designation.

Like the Mixed Use Designation, the development pattern within the Village Designation can be best described as a mix of residential, commercial, institutional, industrial, and resource uses. This pattern of development is found in all four communities and residents have generally enjoyed such a mix of uses.

Within the Village Designation, residential development consists of a variety of housing types and styles which are either inter-mixed or in close proximity to other uses. The housing stock consists of new and older dwellings which is reflective of its long history.

Significant numbers of dwellings are used for business purposes which are conducted from a dwelling or accessory building. Commercial operations located in the home or in an accessory building are characteristic of the Plan Area with its history of self-reliance and entrepreneurship. In general, most residents support home businesses. There are, however, concerns with parking requirements and signage. To minimize future conflicts, home business uses will be subject to additional requirements.

At the same time, residents support the establishment of larger businesses and limited light industrial uses within the designation. Like home business uses, residents feel that additional requirements are also needed to minimize the effects of such uses on the natural and residential environments.

Within the Village Designation, there are a number of traditional resource activities such as forestry and agriculture uses which many residents have become accustomed to. However, it is felt that certain resource uses should be restricted or prohibited within the designation due to the density of development, small lot sizes, and the reliance on on-site wells.

At present, there are a number of existing uses within the communities that would not be permitted under the designation. Residents generally support the continuation of these uses as well as their future development subject to setback and screening provisions to minimize future conflicts.

In terms of land use control, residents wish to permit a wide range of uses as currently permitted under Zoning By-law No. 24 to avoid businesses from locating outside the designation. By providing for a wide range of uses within the Village designation this planning strategy supports the designated communities as focal points for the provision of community goods and services. However, residents are generally not willing to permit all development opportunities within the designation due to potential effects on the natural environment and the community.

Within the designation, there is a strong desire to protect the natural environment as most people rely on on-site wells for their water. There is concern with the affects that unrestricted commercial, industrial, and resource development might have on the water quality and watercourses. Given that residents of Middle Musquodoboit received central services after their wells became unusable, it is considered essential that provisions be established to protect watercourses and the potable water supply.

#### Land Use Intent

Like the Mixed Use Designation, residents wish to maintain traditional development rights, the existing character of their communities, and the integrity of the natural environment. Therefore, it is the intent of the Village Designation to support and encourage a broad range of uses. Due to the desire for a mix of land uses, it is felt that land use regulations should be established to minimize the impact of such diversity on the natural and built environments. Consequently, certain types of uses are either restricted or not permitted at all such as new forest processing operations, intensive livestock operations, or commercial recreational uses.

Within the Village designation, residential development is the dominant land use. The majority of the residential development consists of single unit dwellings, with a scattering of mobile homes, two unit dwellings, and multi-unit dwellings. The continued development of such uses within the designation will be supported.

It is, also, recognized that large multi-unit dwellings (four or more units) and senior citizen housing could be developed out of context with surrounding uses or place strain on local services or the environment (on-site sewage disposal system). Therefore, both uses shall not be permitted by right.

There is generally no objection to people operating a business in conjunction with their home. In fact, this activity has always played an important role in the economy of the area. However, not all uses are considered appropriate for a home business use. Any use not traditionally operated in conjunction with residences in the area will not be permitted.

Due to the wide range of uses operated as a home business, there is some concern about the possible negative effects such uses can have on adjacent residential uses. Therefore, such uses will be subject to requirements on screening, parking and signage in order to minimize future land use conflicts.

Within the designation, the majority of the larger businesses are situated on a main highway and are located on individual lots. The designation will permit a wide range of businesses such as retail uses, office uses, service shops, etc. To ensure such uses do not adversely affect adjacent residential properties, the land use by-law shall contain additional requirements for setbacks and buffering. Given the wide range of commercial uses that might establish within the designation

and the fact that the market place will dictate the type and size of business developed, no specific size requirements will be placed on such uses at this time. Heavy industrial and manufacturing operations will not be permitted in the designation due to potential for future land use conflicts.

Within the Village Designation, like the Mixed Use Designation, it is not uncommon for a commercial business to provide, more than one good or service such as the Co-op store in Middle Musquodoboit. This type of commercial business is considered to be in keeping with the character of the area, as well as economically essential to the survival of most commercial businesses in the area. However, residents do have concerns with the establishment of a shopping centre or plaza relative to the hours of operation, traffic, parking, signage, scale and appearance. Therefore, shopping centres or plazas will be distinguished from other commercial businesses and shall not be permitted within the designation by right.

In addition to commercial uses, a limited range of light industrial uses such as automotive repair outlets, contracting services, and limited manufacturing and processing operations shall be permitted in the designation. However, it is generally felt that large industrial operations should not locate within the designation in order to minimize land use conflicts. To ensure that large industrial uses do not create land use conflicts, such uses will not be permitted in the designation and light industrial uses will be subject to specific zone requirements that address land use concerns such as setbacks, screening and size of the operation.

Within the designation, traditional resource-related based activities have played an important part in the local economy of the four communities over the years. However, certain types of resource activities have operational aspects that can cause land use conflicts such as forest processing operations and intensive livestock operations. Therefore, the land use by-law shall not permit all resource uses and contain additional requirements for these uses, such as increased setback requirements from adjacent uses and watercourses, to address the impact these uses have on both the residential and natural environments.

Within the Plan Area, geological conditions are such that the establishment of new extractive facilities as well as the expansion of existing operations is potentially high. At present, there are no resource extractive operations within the Village Designation. Due to the density of development within the designation, such uses are considered to be an inappropriate use of land within the designation. Therefore, facilities associated with extractive facilities shall not be permitted within the Village Designation.

Open space uses and most institutional uses, such as schools, churches and fire stations provide important services to the communities in which they are situated. These uses will be encouraged to locate within the Village Designation to ensure community services are financially feasible and viable. Certain institutional uses will not be permitted due to land use compatibility concerns.

In spite of the intent of the Village Designation to permit a variety of land uses, there is some support for more restrictive zoning controls in areas where residential development dominates. Due to the diversity and density of land uses within the designation, an exclusive residential zone such as applied in more urban areas would not be in keeping with the rural character of the area. Also, such a zone would be difficult to apply and would not be supported by residents as non-residential uses would be overly restricted. Therefore, a more rural residential zone will be permitted by rezoning to permit a variety of land uses consistent with the rural character of the

area.

- VIL-1 It shall be the intention of Council to establish a Village Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the continuation of the existing mix of rural land uses, characterized by low density residential development, community facility uses and a mixture of light industrial, limited resource uses, and commercial uses. It shall further be the intention of Council to encourage a commercial and service focus for the communities within the designation.
- VIL-2 Within the Village Designation, it shall be the intention of Council to create the village (VIL) zone which permits single and two unit dwellings, multiple unit dwellings up to three units, mobile dwellings, boarding and rooming houses, bed and breakfast establishments, the limited use of residential properties for home business uses, community facility uses, and light industrial uses. The village (VIL) zone shall, also, permit a wide range of commercial uses except for adult entertainment uses. In order to address compatibility concerns, provisions within the zone shall establish controls on open storage, parking, outdoor display, and screening. Forestry and agricultural uses, with the exception of intensive agricultural operations, shall be permitted subject to requirements that compatibility concerns with surrounding land uses.

#### Recycling Depots

In recent years, there has been a growing awareness and interest of residents in recycling waste materials rather than burying such materials in a landfill. The Halifax County Waste Management Strategy encourages sites for recycling of materials by residents and, consequently, sites where recyclable materials can be delivered, stored and shipped from the site for reprocessing. Due to the wide range of materials which can be recycled, and the interest in the proper and safe handling of recyclable material, such uses shall only be considered by development agreement.

- VIL-3 Notwithstanding Policy VIL-2, within the Village Designation, it shall be the intention of Council to consider recycling depots in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:
- (a) that the site exhibits characteristics which makes the location suitable for the proposed use;
  - (b) that the proposal will not adversely affect nearby land uses by virtue of noise, visual intrusion, traffic generation, and litter;
  - (c) that the use is wholly contained within a structure and that there is no open storage or outdoor display;
  - (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
  - (e) hours of operation;
  - (f) that the proposed use is adequately maintained and general maintenance of the facility is conducted; and
  - (g) the provisions of Policy IM-10.

### Multiple Unit Dwellings

Within the Plan Area, the vast majority of the residential development is single unit dwellings. Residents are generally supportive of providing a mix of housing types to address the overall housing needs. Multiple unit dwellings provide an alternative form of housing which contributes to the overall housing mix in the Plan Area.

Given the low density character of residential development within the Village Designation, multiple unit development must, therefore, be in keeping with the scale of the development in the surrounding area. It is also recognized that there are certain locational, design, and traffic concerns that must be addressed to properly integrate such uses within a community. In areas where central sewer and water services are not available, the potential for a negative environmental impact by multi-unit dwellings is much higher. In order to properly integrate multi-unit dwellings into a community, such uses shall only be considered by development agreement.

VIL-4 Notwithstanding Policy VIL-2, within the Village Designation, it shall be the intention of Council to consider multiple unit dwellings in excess of three (3) dwelling units, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the development will not involve a building of greater than two (2) storeys in height or a density of no greater than twelve (12) units per net acre;
- (b) impact on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (c) that the use has direct access to a public highway;
- (d) that there will be adequate on-site outdoor amenity space;
- (e) adequacy of parking spaces and driveway access;
- (f) the adequacy of storm drainage plans;
- (g) that the scale and design of the proposed development will be compatible with that of the surrounding development; and
- (h) the provisions of Policy IM-10.

### Senior Citizen Housing

In 1991, the number of senior citizens within the Plan Area was double the County average which raises concerns relative to the housing needs for senior citizens. Residents are generally supportive of senior citizen housing. These facilities provide an opportunity for older residents, who no longer are able to or wish to live in their own homes, to remain within their respective communities and in close contact with family members. However, residents are aware that such housing cannot be located in every community, therefore, senior citizen housing should be encouraged to locate within the village designation due to the range of goods and services offered.

At the same time, it is also recognized that senior citizen housing, like multi-unit dwellings must be developed in context with surrounding land uses and should not put undue strain on local services or the environment (on-site sewage disposal system). Therefore, such uses shall only be permitted by development agreement.

VIL-5 Notwithstanding Policy VIL-2, within the Village Designation, Council may consider permitting senior citizen housing which is constructed and maintained by either a public housing authority or fraternal organization in accordance with the development

agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the appropriate conditions as follows:

- (a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the preference for, but not restricted to, a site which has access to commercial and community facility uses;
- (f) the general maintenance of the development;
- (g) the means by which solid and liquid waste will be treated;
- (h) the effects of the development on the natural environment;
- (i) the preference for a development which serves a regional community need; and
- (j) the provisions of Policy IM-10.

#### Autobody Shops

Within the automotive repair industry there are certain activities, such as the painting of or body work on automotive vehicles, that raise concerns relative to their potential impact on their surrounding environment (natural and residential). Therefore, the land use by-law distinguishes between automotive repair uses and autobody shops. Automotive repair uses are considered to be a suitable use within the designation while autobody repair shops are not due to concerns with exhaust ventilation, derelict vehicles and a potential threat to the surrounding environment. Also, most operations are viewed as potentially detrimental to the visual appearance of the existing community and residential uses.

Autobody shops, like salvage yards, are also recognized as an essential component within the Plan Area and are an important source of income and local employment opportunities. To ensure that resident's concerns with autobody shops are properly addressed, such uses shall only be permitted by development agreement.

VIL-6 Notwithstanding Policy VIL-2, within the Village Designation, it shall be the intention of Council to consider autobody shops in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) traffic generation and circulation;
- (b) the location and extent of outdoor storage and outdoor display;
- (c) site design, including parking and loading spaces, and landscaping provisions;
- (d) hours of operation;
- (e) the affect of the proposed operation on any residential uses in the general vicinity of the proposed development in terms of noise, waste disposal, odour, and outdoor storage;
- (f) the provision of adequate landscaping and screening from any residential

- development and public or private roadway;
- (g) the provision of safety measures;
- (h) general maintenance of the development; and
- (i) the provisions of Policy IM-10.

### Crematorium

Within the funeral service industry, the cremation of bodies is becoming more widely performed than in the past few decades. It is generally recognized that there may be demand for the location and operation of a crematorium within the Plan Area. While it is recognized that such facilities would provide a valuable community service, there is concern that such operations may be used for the incineration of biomedical material and could have a negative impact on surrounding development and communities due to smoke and odour. In order to ensure that crematoriums are properly sited, developed, operated, and maintained, they will only be considered by development agreement.

VIL-7 Notwithstanding Policy VIL-2, within the Village Designation, Council may consider permitting crematoriums in conjunction with funeral establishments or cemeteries according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the use does not adversely impact upon any nearby residential or community facility land use by virtue of noise, visual intrusion, odour, and smoke;
- (b) the requirement for any applicable provincial or federal approvals;
- (c) hours of operation;
- (d) the general maintenance of the development;
- (e) the impact of the proposed use on traffic circulation and vehicular and pedestrian safety;
- (f) the provisions of Policy IM-10.

### Shopping Centres

Within the Plan Area, it is not uncommon for a commercial building to be owned by a single proprietor, providing more than one main function or service to its customers. In most cases, the provision of more than one function or service is considered to be economically essential to the survival of most commercial businesses within the Plan Area due to the small population base within the Plan Area. Such businesses are considered by many residents to be in keeping with the rural character of the Plan Area. Furthermore, some residents support such operations as they provide a source of income and employment opportunities to residents that would not otherwise occur if only single purpose commercial businesses were permitted. However, residents do have concerns with the establishment of a suburban style shopping centre or plaza which also provides more than one function or service within a single commercial building. Due to concerns with the potential for traffic generation, as well as the noise and litter often associated with such uses, there is a desire to distinguish between the two types of commercial uses and to establish a greater level of control over the site design and development of shopping centres/plazas. To ensure that shopping centres/ plazas are compatible with their surrounding area, such uses shall only be permitted by development agreement.

VIL-8 Notwithstanding Policy VIL-2, within the Village Designation, Council may consider

permitting shopping centres according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (b) site design, including landscaping, outdoor storage, and parking and loading areas;
- (c) hours of operation;
- (d) signage and exterior finish of the building;
- (e) the general maintenance of the development;
- (f) the provision of adequate buffering from abutting residential areas; and
- (g) the provisions of Policy IM-10.

#### Forest Processing Operations

Within the Plan Area, there are a number of forest processing operations due to the abundance of trees in the area and its location to markets. These operations have provided an important source of income and local employment opportunities. This planning strategy recognizes the importance of such operations by permitting forest processing operations throughout the Plan Area. However, there are concerns with the location of forest processing operations within those communities (Middle Musquodoboit, Upper Musquodoboit, Meaghers Grant, and Dutch Settlement) situated within the Village Designation. Therefore, new forest processing operations will be permitted within the designations subject to more restrictive regulations than those applied within the Mixed Use Designation in order to minimize land use conflicts.

Presently, there are two existing forest processing operations within the designation, Taylor's Lumber in Middle Musquodoboit and Isnor's Lumber in Dutch Settlement. Residents of Dutch Settlement and Middle Musquodoboit have recognized that for both operations to continue and to grow in the future, they must be able to modernize their facilities and expand. Some residents have expressed concern that a large increase in storage area, or floor area by either operations may negatively affect adjacent residential areas. To ensure any large expansion of either operation does not decrease the existing level of land use compatibility with surrounding properties, such expansions shall only be permitted by development agreement.

VIL-9 Notwithstanding Policy VIL-2, within the Village Designation, Council may consider permitting existing forest processing operations to expand by more than thirty (30) percent<sup>101</sup> according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the impact the proposed expansion will have on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (b) site design, including buffering, outdoor storage, and parking and loading areas;
- (c) hours of operation;

---

<sup>101</sup> Taylor Lumber Limited is in the process of relocating a planer mill from its Chaswood Operation (LIMS No. 540542) to its sawmill in Middle Musquodoboit (LIMS Nos. 535518 and 539239). The existing gross floor area of all the buildings and structures for Taylor Lumber Limited sawmill in Middle Musquodoboit shall include the floor area of the planer mill currently located at its Chaswood sawmill.

- (d) that the proposed expansion does not adversely impact upon any nearby residential or community facility land use by virtue of noise, visual intrusion, odour, and smoke;
- (e) the general maintenance of the development;
- (f) the provision of adequate buffering from abutting residential areas; and
- (g) the provisions of Policy IM-10.

In addition to Taylor Lumber in Middle Musquodoboit, there is one other forest operation which is Conform Limited located off Highway No. 224. Conform Limited is a forest co-op which manages and sells forest products from its members' woodlots. The Conform Limited property in Middle Musquodoboit is the company's head office for the Musquodoboit Region.

Of the work conducted by Conform Limited the vast majority of its work is conducted off-site on its members' woodlots. On-site, Conform Limited stores equipment and occasionally logs are brought to the site which are cut, split, stored, and sold on site.

Within the Village Designation, forestry processing operations are uses are permitted subject to restrictive regulations on lot area and setback requirements from property lines and watercourses. Conform Limited is considering operating a de-barking process on its site in Middle Musquodoboit. However, a forest processing operation would not be permitted as the site would not be able to meet the restrictive provisions of the village zone.

This planning strategy recognizes the importance of forestry uses to the local and regional economy, as well as the potential negative impacts such uses may have in the natural and residential environments. Due to site constraints and the potential for negative impact, especially on the adjacent brook, Conform Limited will only be permitted on its existing site to establish a forest processing operation through the development agreement process.

VIL-10 Notwithstanding Policy VIL-2, within the Village Designation, Conform Limited is permitted to establish a forest processing operation on their property, which consists of three (3) parcels of land (LIMS Nos. 535500, 40326530, and 40326548), in Middle Musquodoboit according to the development agreement provisions of the Planning Act. When considering such agreements, Council shall have regard for the provisions contained in Policy VIL-9.

#### Entertainment Uses

The idea of a community pub or lounge has generally received widespread support. However, entertainment uses have the potential to negatively affect the existing character of the community if not suitably located. Due to concerns with increased traffic and noise levels, adequacy of parking areas, and hours of operation, entertainment uses should not be permitted to establish as-of-right within the Village Designation. In order to ensure that these concerns are addressed and the public have the opportunity for input into the location of entertainment uses, such uses shall only be permitted to proceed through the provisions of a development agreement.

VIL-11 Notwithstanding Policy VIL-2, within the Village Designation, Council shall only consider permitting new entertainment uses to a maximum of 2,000 square feet<sup>11</sup>

---

<sup>11</sup> The Maximum Floor Area requirement for an Entertainment Use does not include any portion of the building which is not directly used for the consumption of alcohol such as the food and drink preparation areas, office

according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the potential for adversely affecting nearby residential and community facility development;
- (b) the impact of the entertainment use on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
- (d) the provision of landscaping or buffering from adjacent development;
- (c) the general maintenance of the developments;
- (d) the location and extent of open storage and/or display;
- (e) the adequacy and location of parking and loading areas; and
- (f) the provisions of Policy P-81.

Within the Village Designation, there is only one golf course, Fish Pond Golf Course, which is located in Upper Musquodoboit. The owners of the course wish to upgrade their development by establishing and providing a full range of golf course facilities and services, including a dining room and lounge area. Traditionally, a dining room and bar area have been considered an accessory function to a golf course. Therefore, the Fish Pond Golf course will be permitted to establish an entertainment use accessory to the golf course as-of-right. In order to be consistent with the requirements for entertainment uses within the designation, the maximum floor area of the entertainment use for the golf course shall be restricted to 2,000 square feet, as specified in Policy VIL-11.

VIL-12 Notwithstanding Policy VIL-11, within the Village Designation, it shall be the intention of Council to permit an entertainment use accessory to the Fish Pond Golf Course as-of-right, to a maximum floor area of two thousand (2,000) square feet as specified in Policy VIL-11 for such uses.

#### Commercial Recreational Uses

Within the Village Designation, commercial recreational uses are considered an inappropriate use of land due to the extent of land usually required, the potential traffic generation, as well as the noise and litter often associated with such uses. Therefore, no commercial recreational uses will be permitted within the designation.

Within the Village Designation, there are two (2) existing commercial recreational uses and they are the Exhibition Grounds in Middle Musquodoboit (LIMS Nos: 539031; 539056; and 539049) and the Fish Pond Golf Course in Upper Musquodoboit (LIMS Nos: 563957; 563882; 563924; 563320; 563320; 563908; 40285769; 40263832; and 40599409). This planning strategy recognizes and supports the continuation of both operations as they provide both a local and regional benefit to its communities. However, both recreational uses have the potential to have a negative impact upon surrounding land uses due to concerns with noise, traffic generation, litter, etc. Therefore, future as-of-right expansion of either use beyond its existing boundaries shall be restricted in order to minimize land use compatibility concerns.

The Exhibition Grounds in Middle Musquodoboit consist of a number of buildings and structures which are used for various activities associated with the Musquodoboit Valley Exhibition. Due to the variety of uses and buildings on the exhibition grounds, the village (VIL) zone does not

---

area, storage areas, heating or electrical room, washrooms, coat check area, etc.

adequately reflect the activities and requirements of the exhibition. Therefore, the Municipality shall establish and apply a zone to the exhibition park that reflects the types of uses and activities conducted at the park.

VIL-13 Within the Village Designation, it shall be the intention of Council to recognize and support the Musquodoboit Exhibition grounds in Middle Musquodoboit through the establishment of an exhibition (EX) zone which permits arenas, campgrounds, fairgrounds, exhibition centres, temporary retail uses, recreational uses, livestock barns, and buildings accessory to permitted uses. Within the designation, this zone shall only be applied to the lands of the Musquodoboit Valley Exhibition. In considering any amendments to the land use by-law to permit the expansion of the Musquodoboit Valley Exhibition to adjacent properties, Council shall have regard for the following:

- (a) the potential impact of the proposed expansion on abutting residential or community facility uses, as well as the natural environment such watercourses and wells;
- (b) the impact of the proposed expansion on traffic generation and access and egress from the site;
- (c) the adequacy of parking area;
- (d) the provision of buffering or screening of buildings or uses of land associated with any permitted uses from abutting residential area; and
- (e) the provisions of Policy IM-10.

The Fish Pond Golf Course, in Upper Musquodoboit, is situated near the intersection of Highway No. 224 and Watsons Hill Road. The golf course consists of nine holes, a pro-shop, a parking lot, and maintenance buildings. The owners of the Fish Pond Golf Course have expressed interest in expanding the course to 18 holes in the future. To establish an additional nine holes, the owners will have to expand beyond the existing boundaries and onto additional lands. To ensure that any future expansion of the course beyond its existing property boundaries has a minimal impact on surrounding properties in terms of safety, noise, litter, and the contamination of wells and watercourses, such an expansion shall only be permitted by development agreement.

VIL-14 It shall be the intention of Council to provide, through the land use by-law, for the continuation of the Fish Pond Golf Course in Upper Musquodoboit to the extent to which it exists at the time of the adoption of this planning strategy. Council may consider an expansion of the Fish Pond Golf Course beyond its existing site according to the development agreement provisions of the Planning Act. In considering such a development agreement, Council shall have regard to the following:

- (a) the affect any expansion would have on adjacent residential properties or community facility uses;
- (b) hours of operation;
- (c) the maintenance of the development;
- (d) the affect of the expansion on adjacent wells and the establishment of the appropriate control to address runoff during and after construction;
- (e) the impact of the proposed expansion on traffic generation and access and egress to and from the site;

- (f) the adequacy of parking areas;
- (g) the provision of landscaping and buffering from adjacent residential or community facility uses; and
- (h) the provision of Policy IM-10.

#### Restrictive Residential Development

Within the Village Designation, residential development is the dominant land use. In areas where residential uses dominate, there is some support for more restrictive zoning due to the diversity and density of development. However, it is generally felt that urban style residential zoning is not necessary or in keeping with the rural character of the Plan Area. Therefore, residents are generally supportive of a more rural residential zoning approach which permits, in addition to residential uses, limited business uses, keeping of animals, institutional and open space uses as well as existing commercial and agriculture uses. Due to the diversity and density of land uses within the designation, residents cannot agree upon, at this time, where such a zone should be applied, if at all. Therefore, residents who wish to apply the rural residential zone to a area shall require an amendment to the land use by-law.

VIL-15 Within the Village Designation, it shall be the intention of Council to apply the Rural Residential (RR-1) Zone (Policy MU-10) to areas of the designation where property owners desire a more restrictive residential zoning. It shall be the intention of Council to consider the application of this zone to additional lands according to the land use by-law amendment provisions of the Planning Act. When considering such amendments, Council shall have regard to the provisions contained in Policy MU-11.

#### Intensive Livestock Operations

Within the Village Designation, intensive livestock operations are considered an inappropriate use of land due to the population density and the potential for environmental and land use conflicts. Therefore, no new intensive livestock operations will be permitted within the designation.

At present, there are a number of existing intensive livestock operations within the Village Designation. This planning strategy recognizes and supports the continuation of these operations as they provide a local and regional benefit to its communities. However, such uses have the potential to have a negative impact upon surrounding land uses and the natural environment (watercourses and wells). Therefore, future development of these operations shall be restricted to its existing boundaries in order to minimize future conflicts.

Within the community of Middle Musquodoboit, residents recognize that the property identified as LIMS No. 538702 (known as Kaulback Farm) has a long tradition of raising beef and dairy cattle. The existing livestock operation conducted on the property is significantly less intensive than in the past. Concerns have been raised over the potential for the operation to increase in intensity (ie: number of animals) and for a change in the types of livestock raised (ie: establishment of a piggery) in the future. The concerns raised by residents are due to the location of the property in the centre of Middle Musquodoboit. Therefore, a change in intensity or the type of livestock raised on this property shall only be permitted by development agreement in order to minimize future land use conflicts.

VIL-16 It shall be the intention of Council to provide, through the land use by-law, for the continuation and expansion of existing intensive livestock operations to the limits of

its existing boundaries as-of-right, except for the property identified as LIMS No. 538702 (known as the Kaulback Farm) in Middle Musquodoboit which shall be permitted to the extent that presently exists and is only permitted to raise commercially, either beef or dairy cattle. Council may consider an expansion or a change in the type of livestock raised (except for beef or dairy cattle) on the property identified as LIMS No. 538702 in accordance with the development agreement provisions of the Planning Act. In considering such a development agreement, Council shall have regard to the following:

- (a) the affect any expansion would have on adjacent residential properties or community facility uses;
- (b) maintenance of the development;
- (c) hours of operation;
- (d) affect of the expansion on adjacent wells and watercourses;
- (e) impact of the proposed expansion on the traffic network and access and egress to and from the site;
- (f) the provisions of Policy IM-10.

## PARK DESIGNATION

Within the Plan Area, there are three provincial parks which vary in terms of size and range of facilities and services offered as outlined below:

Dollar Lake Provincial Park is located in Wyse Corner, 27 kilometres north of Musquodoboit Harbour. The park offers picnic areas, hiking trails, camping sites, a beach, changing rooms, canteen and washroom facilities, etc.

Musquodoboit Valley Provincial Park is located on Highway No. 224, east of Middle Musquodoboit and is situated in an old farmer's field along the Musquodoboit River. The park is used as a picnic area which consist of picnic tables and washroom facilities.

Moose River Provincial Park is located within the community of Moose River which is situated south-west of Middle Musquodoboit. This small park provides parking and access to the historical Moose River Gold Mines rescue site.

In addition to these three provincial parks, the provincial government is in the process of establishing a new park near Mount William near Middle Musquodoboit. The province has also established a water access park for Musquodoboit River near the community of Elderbank.

The parks within the Plan Area enhance the overall economy of the district by attracting non-residents to the area, of which the majority are from the metropolitan Halifax. Thereby, ensuring that both residents and non-residents have access to natural amenities and the history of Nova Scotia that may not otherwise be available.

PK-1        It shall be the intention of Council to establish a Park Designation which is intended to protect provincial and municipal parks for future and present generations. Within the Park Designation, Council shall establish a park zone which permits the development of trails, picnic areas, campsites, museums, interpretive centres and buildings associated with park development and maintenance and historic sites and monuments.

PK-2        It shall be the intention of Council to apply the park zone to all public parks within the Plan Area including the proposed Mount William Provincial Park.

### Protected Areas

In the spring of 1994, the provincial Department of Natural Resources released a plan for the establishment of a comprehensive system of parks and protected areas in Nova Scotia. The proposed plan was based on a three year inventory and evaluation of crown land that remain intact as significant natural areas. As part of this process, important natural sites and features within existing designated parks and reserves were also documented, and new candidate areas on crown lands proposed. The proposed plan also recommends priority actions to guide implementation.

Ultimately, the systems plan for Nova Scotia's parks and protected areas would incorporate representative examples of the province's typical natural landscapes and ecosystems, include unique, rare or outstanding natural features and processes, and offer quality opportunities for wilderness recreation.

Under the proposed plan, thirty-one (31) new sites have been identified as candidates for protection. These sites encompass 287,000 hectares (700,000 acres) of Nova Scotia's most outstanding natural areas. Combined with the 45 protected sites in existing parks, ecological reserves and wildlife management areas, the sites proposed in the plan would increase the area of protected spaces in Nova Scotia to approximately eight (8) percent of the province. Of the candidate sites, three of the sites are located within the Plan Area and they are as follows:

#### White Lake

The White Lake site is approximately 11,263 acres (4,558 ha) and is situated north of the community of Musquodoboit Harbour, east of the Musquodoboit River. The site features large exposed granite ridges and provides outstanding wilderness travel opportunities associated with the interconnecting lakes. The White Lake area is presently used as a canoeing and fishing area.

#### Clattenburg Brook

The Clattenburg Brook site is approximately 4,546 acres (1,840 ha) and is situated in the south-west corner of the Plan Area with the majority of the area being located within Planning Districts 14 (near Waverley Game Sanctuary) and 8 (north of North Preston). The site features outstanding geologic features associated with folding of Meguma strata.

#### Waverley-Salmon River Long Lake

The Waverley-Salmon River Long Lake is approximately 22,926 acres (9,278 ha) and is situated, like the Clattenburg Brook site, in the south-west corner of the Plan Area and the majority of the site is situated within Planning District 14. The site features a unique granite ridge landscape in addition to the growth of a hemlock, pine, and spruce forest. The site would provide for an excellent wilderness canoe and hiking opportunities due to pristine lakes and high granite ridges.

Of the acreage to be protected within the three sites, only a small portion of each site is located within the Plan Area especially the Waverley-Salmon River Long Lake site where only a few acres of land are within the Plan Area. Regardless of the acreage of land within the Plan Area, residents feel that these significant natural environments should be recognized and protected by the Municipality. At present, the Department of Natural Resources is in the process of determining the boundaries of these protected sites.

PK-3        In recognition of Council's intent to support existing and future parks, it shall be the intention of Council to apply the Park Designation to those portions of White Lake, Clattenburg Brook, and Waverley-Salmon River Long Lake protected areas, as designated by the Department of Natural Resources, within the Plan Area after the boundaries of the site have been clearly established and to zone these lands park (P-4) zone.

#### Abandoned Rail Line - Eastern Passage-Upper Musquodoboit

In 1981, Canadian National Railways received approval to abandon the Eastern Passage-Upper Musquodoboit rail line. In November, 1991, the provincial government approved the transfer of the administration and control of the abandoned line, from Caldwell Road (Eastern Passage) to Upper Musquodoboit in Halifax County, to the Department of Natural Resources. This abandoned corridor is approximately 100 kilometres in length and comprises about 300 hectares.

The Eastern Passage-Upper Musquodoboit corridor, represents an outstanding trail resource. Originating in the Metro area and extending some 100 kilometres eastward and northward along the Eastern Shore and up the Musquodoboit River Valley, it effectively links centres of recreational demand, scenic recreational and natural history resources, and established elements of the parks and outdoor recreational infrastructure.

The Department of Natural Resources has established management policy in order to provide direction with regard to the establishment of a public recreational trail along the abandoned rail corridor. The primary objective of the management policy is the maintenance of the integrity of the corridor as a public right-of-way.

Based on prior commitments made during the negotiation process which followed the decision to abandon the rail line, two section of the line are not under the control of the Department of Natural Resources. The two exceptions are noted as follows: a 4-kilometre segment at the Head of Chezzetcook Marsh which has been utilized in the development of Highway 107 and the 40 kilometre segment north of Gibraltar Rock which was turned over to the Farm Loan Board for eventual transfer to adjacent farm properties except for four small sections of the rail line. The four sections of the rail line retained by the province are the lands adjacent to Mount William and Musquodoboit Valley Provincial Parks, lands from the proposed Mount William provincial park to the train switching yard in Upper Musquodoboit, and a thin parcel of land adjacent to Wyse Road in Meaghers Grant.

Of the four small sections of the old CNR line retained by the Province, only those sections adjacent to the proposed Mount William Provincial Park and the Musquodoboit Valley Provincial Park will be utilized as a park. The remaining two sections are not currently intended to be sued for a provincial park at this time.

PK-4        It shall be the intention of Council to apply the park zone to those portions of the old CNR lines retained by the Province adjacent to the proposed Mount William Provincial Park and the Musquodoboit Valley Provincial Park. Furthermore, Council shall zone the remaining lands of the old CNR line retained by the Department of Natural Resources the same as adjacent, privately owned lands.

The balance of the corridor, approximately 60 kilometres, will be retained by the Department of Natural Resources, primarily for management as a potential public trail resource. Of the 60 kilometres of continuous trail, only that portion of the trail located between Gibraltar Rock and the southern boundary line of the Plan Area is under the control of this planning strategy. Within this small area, the character of the surrounding landscape changes abruptly. From Musquodoboit Harbour, north to Gibraltar Rock, the corridor closely parallels the eastern bank of the Musquodoboit River, being coincident with the river bank at several locations and bisecting associated freshwater wetlands. Controlled by the rugged granite topography which characterizes this landscape unit, the alignment of the abandoned rail corridor parallels and interconnects with both Highway No. 357 and the Musquodoboit River to form a truly integrated linear travel corridor. After Gibraltar Rock, the landscape changes from a granite-controlled landscape to the flat fertile soils of the Musquodoboit Valley.

Within the Gibraltar Rock Area, the Department of Natural Resources own large parcels of land

which they have expressed interest in establishing a new provincial park in the future. The majority of the lands owned by the Department of Natural Resources are situated in Gibraltar Rock, south of Crawford Crossing<sup>12</sup>. Therefore, the portion of the rail line south of Crawford Crossing should be protected for future public use.

PK-5        In recognition of this unique opportunity to establish a public recreation trail from Eastern Passage to Gibraltar Rock on the Old Canadian National Railway line, it shall be the intention of Council to encourage the provincial government to utilize this portion of the railway line as a public recreational trail or a new provincial park. In addition, Council shall designate the portion of the Old Canadian National Railway line between Crawford Crossing and the southern boundary line of the Plan Area.

The portion of the old CNR rail line, retained by the province, north of Crawford Crossing extends for a short distance before ending near the community of Meaghers Grant. Most of the properties abutting this portion of the rail line are privately owned. Some of the abutting property owners have complained that a number of the individuals using the line often trespass across their properties. To resolve their problem, the abutting property owners petitioned the Municipality in 1985 to encourage the province to erect a barrier across the CNR line north of Crawford Crossing. The Department of Natural Resources erected a barrier across the line which resolved the problem. However, the barrier was recently removed. Consequently, the abutting property owners want the province to re-establish a barrier across the rail line at Crawford Crossing.

PK-6        It shall be the intention of Council to encourage the provincial Department of Natural Resources to re-establish a barrier across the old C.N.R. rail line immediately to the north of Crawford Crossing.

---

<sup>12</sup> Crawford Crossing is the point where the Old Canadian National Railway line and Highway No. 357 cross south of Meaghers Grant.

## 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 cannot take any action within the scope of this Planning Strategy which would, in any manner, be inconsistent with the Planning Strategy or at variance with it.

The measures which Council may investigate to implement the Planning 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 of this 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.

- IM-1      This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Halifax County Charter, and such other provincial statutes as may be applicable.
- IM-2      In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.
- IM-3      It shall be the intention of Council to require amendments to the policies of this Planning Strategy or to Map 1 - Generalized Future Land Use under the following circumstances:
  - (a)      where any policy is to be changed; or
  - (b)      where a request for an amendment to 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.
- IM-4      More specifically, Council may consider undertaking a review to determine if the land use designations are still appropriate, in the following instances:
  - (a)      where central municipal sewer and water services are extended to service lands within the Plan Area; or
  - (b)      where major transportation projects are undertaken.
- IM-5      In accordance with 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.
- IM-6      Providing 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 the following amendments to the land use by-law, for lands which

are located where any land use designations abut one another, as shown on Map 1 - Generalized Future Land Use:

- (a) amendments within a designation to provide for the development of uses which are permitted within the abutting designation by rezoning or development agreement, in accordance with the same conditions prescribed within that abutting designation; or
- (b) amendments within a designation to provide for the development of uses which are permitted within the zone on the abutting property.

IM-7 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the 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 provisions of the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this Planning Strategy.

IM-8 The following uses shall only be considered by amendment to the land use by-law:

- (a) within the Mixed Use Designation
  - (i) restrictive residential zone according to Policy MU-11;
  - (ii) heavy industrial uses according to Policy MU-9; and
  - (iii) an exhibition park according to Policy VIL-13.
- (b) within the Village Designation
  - (i) restrictive residential zone according to Policy VIL-15; and
  - (ii) an exhibition park according to Policy VIL-13.

IM-9 The following uses shall only be considered subject to the entering into a development agreement in accordance with the provisions of the Planning Act.

- (a) within the Mixed Use Designation:
  - (i) commercial recreation uses according to Policy MU-5;
  - (ii) salvage yards according to Policy MU-6;
  - (iii) mobile home parks according to Policy MU-3; and
  - (iv) aquaculture uses according to Policy MU-7.
- (b) within the Village Designation:
  - (i) recycling depots according to Policy VIL-3;
  - (ii) multi-unit dwellings according to Policy VIL-4;
  - (iii) senior citizen housing according to Policy VIL-5;
  - (iv) autobody shops according to Policy VIL-6;
  - (v) crematoriums according to Policy VIL-7;
  - (vi) expansion of existing forest processing operations according to Policy VIL-9;
  - (vii) shopping centres according to Policy VIL-8;
  - (viii) entertainment uses according to Policy VIL-11;
  - (ix) establishment of a forest processing operation on the lands of Conform Ltd (LIMS Nos. 535500, 40326530, and 40326548) according to Policy VIL-10;

- (x) expansion of the Fish Pond Golf Course in Upper Musquodoboit according to Policy VIL-14; and
- (xi) expansion or a change of the type of use of the existing intensive livestock operation located on the property identified as LIMS No. 538702 according to Policy VIL-16.

IM-10 In considering development agreements or amendments to the land use bylaw, 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 Planning 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 proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
  - (iv) the adequacy of road networks leading to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that 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)**

IM-11 It shall be the intention of Council, in considering amendments to the Municipal Planning Strategy, to give notifications to community groups and ratepayers associations in the area affected and further, to hold a public participation session within the Plan Area, pursuant to the Planning Act.

- IM-12 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 Subdivision By-law;
  - (b) the Building By-law;
  - (c) the Unsightly Premises section of the Halifax County Charter;
  - (d) the Mobile Home Park By-law;
  - (e) the Blasting and Dangerous Materials By-law; and
  - (f) the Occupancy Permit By-law.
- IM-13 In accordance with 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.
- IM-14 Where uses exist which would be non-conforming with respect to the Planning Act, and which are unlikely to become conforming and further, where such uses do not interfere with adjacent uses, such uses may be zoned to permit the existing use of the property.
- IM-15 It shall be the intention of Council to consider that uses permitted as existing uses are conforming uses and, unless otherwise limited by the land use by-law, can expand to the extent of the subject property which was in existence at the publication of the first notice of the intention to adopt this planning strategy.
- IM-16 It shall be the intention of Council, in the interests of vehicular safety, to regulate, through the land use by-law, the height of any structures and the landscaping on corner lots, where yards abut the street.
- IM-17 It shall be the intention of Council to provide for the temporary use of land or structures which is accessory to and necessary for the construction of a development for which a development permit has been issued.
- IM-18 It shall be the intention of Council to notify all assessed property owners, based on LIMS records, located within five hundred (500) feet of the property boundary of the proposed site by ordinary mail, of any public hearing for any rezoning or development agreement application being considered under the provisions of this planning strategy. In serviced areas, Council shall notify all assessed property owners based on LIMS records, within two hundred fifty (250) feet of the property boundary of the proposed site.
- IM-19 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Planning Act.
- IM-20 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the Municipality.

- IM-21 It shall be the intention of Council, in recognition of the importance of stormwater planning and the development nature of the Plan Area, to amend the subdivisions by-law to require that the storm drainage requirements which are now applied in the services areas only, be applied where necessary in the Plan Area.
- IM-22 It shall be the intention of Council to incorporate provisions within the land use by-law which facilitates development on lots which do not conform to the lot area and setback requirements of the zone, if such lots are in existence of the effective date of this by-law.
- IM-23 As provided for under the Planning Act, a minor variance from the requirements of the land use by-law may be granted in accordance with Section 86 of the Act and the planning strategy and/or land use by-law may be amended, at any time, as provided for in Sections 50 and 51 of the Act.
- IM-24 It shall be the intention of Council, in order to limit potential adverse effects on adjacent properties, to restrict and regulate signage.

#### **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.**

- IM-25 Further to Policy IM-24, 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  
MUSQUODOBOIT VALLEY-DUTCH SETTLEMENT  
AMENDMENTS**

<b>Amendment Number</b>	<b>Policies/Maps</b>	<b>Subject</b>	<b>Council Adoption</b>	<b>Effective</b>
1	Policy EC-18	Composting Operations (PA-ALL-31-95)	C - February 26, 1996	E - May 3, 1996
2	Subdivision of Land, SB-1a	Increase the number of lots than can be created without road frontage (PA-MUS-02-97)	C - January 13, 1998	E - March 19, 1998
3	IC-1 to IC-9, IM-10(e)	Infrastructure Charges	C - July 2, 2002	E - August 17, 2002
4	SW-1 to SW-12 Deletion - EC-17	Construction and Demolition Waste Management Strategy (Project No. 00082)	C - September 10, 2002	E - November 9, 2002
5	SW-13	Construction and Demolition Waste Management Strategy (Project No. 00082)	C - October 8, 2002	E - November 9, 2002
6	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	C - April 13, 2004	E - April 22, 2004
7	IGM- 6 to IGM - 17	Interim Growth Management (Project No. 00667)	C - May 4, 2004	E - July 24, 2004
8	Deleting preamble and policies T-2, T-3 & T-5 and amending policy T-4.	Regional Plan Amendments	C - June 27, 2006	E - August 26, 2006
9	Add preamble and Policy IM-25.	Case No. 00327	RC - September 26, 2006	E - November 18, 2006
10	Policies EC-6 and EC-7 was amended by replacing reference to Map 2 to Schedule B Regional Sub-division By-law  Deleted Map 2 - Service Boundry	Case No. 01263	RC- October 27, 2009	E-December 5, 2009
11	<b>Repeal/Readopt</b> Policy T-4.	RP+5	RC-June 25, 2014	E-October 18, 2014

12	<b>Amending</b> subsection entitled “Reduced Lot Frontages”	Case 20589	RC – October 2, 20187	E-November 24, 2018
----	--	------------	-----------------------	------------------------