HALIFAX

MUNICIPAL PLANNING STRATEGY

COLE HARBOUR/WESTPHAL

THIS COPY IS A

REPRINT OF THE

MUNICIPAL PLANNING STRATEGY

FOR COLE HARBOUR/WESTPHAL

WITH AMENDMENTS TO

JUNE 05, 2021

MUNICIPAL PLANNING STRATEGY

FOR

COLE HARBOUR/WESTPHAL

THIS IS TO CERTIFY that this is a true copy of the Municipal Planning Strategy for Cole Harbour/Westphal which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 30th day of November 1992, and approved by the Minister of Municipal Affairs on the 3rd day of March 1993, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 05th day of June, 2021.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this ___ day of _____, 20____.

_____

Municipal Clerk

MUNICIPAL PLANNING STRATEGY
FOR
COLEHARBOUR/WESTPHAL

MARCH 1993

This document has been prepared for convenience only and incorporates amendments made by the Council of Halifax County Municipality on the 30th day of November, 1992, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 3rd day of March, 1993. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

Table of Contents

INTRODUCTION 1

SECTION I 2

REGIONAL CONTEXT 3

REGIONAL CONTEXT MAP 4

COMMUNITY PROFILE 6

Community Identity 6

Population 7

Table 1: Population Growth 7

Table 2: Age Composition, 1986 7

Residential and Commercial Growth 8

Table 3: Dwelling Unit Growth 8

Table 4: Residential Building Permit Activity 8

Table 5: Commercial Growth 9

Existing Land Use 9

ISSUES 11

Environmental Health Services 11

Community Development 11

Residential Development 11

Commercial Development 12

Environmental Protection and Heritage Conservation 12

Transportation 12

Parks and Open Space 12

SECTION II 14

ENVIRONMENTAL HEALTH SERVICES 15

Sanitary Sewerage 15

Regional Sewage Treatment 19

Water Services 19

On-Site Services 21

Stormwater Management 22

Setback Requirements from Watercourses 24

Floodplains 25

Solid Waste 25

CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT STRATEGY

(RC-Sep 10/02;E-Nov 9/02) 28
Existing C&D Operations 29
Site Plan Approval 30
INFRASTRUCTURE CHARGES (RC-Jul 2/02;E-Aug 17/02) 31
Objectives 32
Policy Statements 32
INTERIM GROWTH MANAGEMENT (Deleted: RC-Jun 27/06;E-Aug 26/06) 35
TRANSPORTATION 35
Roads 35
Pedestrian Systems 38
Transit 38
Utility Corridors 39
Reduced Lot Frontages (C-Dec 13/93;M-Dec 22/93) 40
HERITAGE CONSERVATION 41
RECREATION 42
EDUCATION 44
PROTECTION AND EMERGENCY SERVICES 46
SOCIAL HOUSING 48
SECTION III 49
LAND USE INTENT 50
URBAN RESIDENTIAL DESIGNATION 52
Housing Mixture 52
Two Unit Dwellings 53
Townhouse Dwelling Units 54
Multiple Unit Dwellings 55
Comprehensive Development Districts 57
Forest Hills Planned Unit Development (Deleted: RC-Jul 5/11;E-Oct 8/11) 58
Karen Drive Site (Replaced: RC-Jul 5/11;E-Oct 8/11) 58
Community Facility Uses 58
Neighbourhood Business Uses 59
Industrial Uses 60
Unserviced Areas 62
Mobile Homes 65
MORRIS-RUSSELL LAKE SECONDARY PLANNING STRATEGY (RC-Mar 22/05;E-Apr 23/05) 72

FUTURE DEVELOPMENT WITHIN THE MORRIS-RUSSELL LAKE AREA .. 73
Transportation 73
MAP 4: Morris-Russell Lake Secondary Plan, Watershed Boundaries 74
Map 5: Future Land Use and Transportation Plan 76
Central Services (Sewer & Water) 77
Infrastructure Charges 79
Future Land Uses 79
Density 80
Parkland and Open Space 80
Environmental Protection Mechanisms 81
Design and Development Controls 81
Public Awareness and Education Programs 83
Stormwater Management 83
Monitoring 84
Maintaining Water Levels on Morris Lake 85
RURAL RESIDENTIAL DESIGNATION 86
COMMUNITY COMMERCIAL DESIGNATION 88
HIGHWAY COMMERCIAL DESIGNATION 92
Comprehensive Commercial Developments 94
MIXED RESIDENTIAL DEVELOPMENT IN THE HIGHWAY COMMERCIAL DESIGNATION 95
COMMUNITY FACILITY DESIGNATION 96
PROVINCIAL PARK DESIGNATION 97
SPECIAL AREA DESIGNATION 99
WATERSHED DESIGNATION 101
IMPLEMENTATION 103
Temporary Signage (RC-Sep26/06;E-Nov18/06) 108
APPENDIX A: URBAN ROAD CLASSIFICATION SYSTEM 110
Schedule A:Mixed Residential Development in Highway (RC-Oct 7/14;E-Nov 8/14) . 114

MAP 1: Generalized Future Land Use Separate
MAP 2: Servicing Boundaries Separate
MAP 3: Transportation Separate

INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, RSNS 1989, c.346, and pursuant to Municipal Council's adoption of Policy Paper I: Municipal Development Plan Preparation for the Urban Areas in the Autumn of 1980. The planning strategy covers the area within the boundary of Municipal Districts 23, 24 and 25 and portions of Districts 7 and 8, being the communities of Cole Harbour and Westphal and intervening lands.

Instrumental in the original planning process was a Public Participation Committee of area residents. The Committee had representation on the Municipal Planning Strategy Committee of Council and held prime responsibility for the success of general public input and participation throughout the process. Committee discussions with individuals, regular meetings which were open to the public, publicity through local newsletters and other mailed information, and a number of general public meetings contributed to the development of a community based plan. Also, in keeping with the provisions of the Planning Act this Municipal Planning Strategy was subject to an extensive review conducted in the 1988-1992 period. In this case public input was gathered from a survey sent to every household in the community and through a number of public meetings and open houses.

The planning strategy is organized into four sections. Section I places the plan area within a regional context and presents an overview of the area's communities and of matters which are relevant to future community direction. Section II contains discussion and policies relating to environmental health services, transportation needs and the provision of community services. Section III contains policies and development control guidelines for general land use regulation. Section IV consolidates the various implementation measures of the planning strategy's policies as provided for within the document and through the Planning Act.

The policies adopted by Municipal Council in this planning strategy are prefaced by explanatory text which shall also be considered to be a legal part of the planning strategy. Of the maps which are included and specifically referred to, Map 1 - Generalized Future Land Use Map, Map 2 - Servicing Boundaries Map, **Map 2a - Water Service Districts (C-Aug 29/94;M-Oct 21/94)** and Map 3 - Transportation Map shall also constitute legal parts of this planning strategy.

SECTION I

REGIONAL CONTEXT

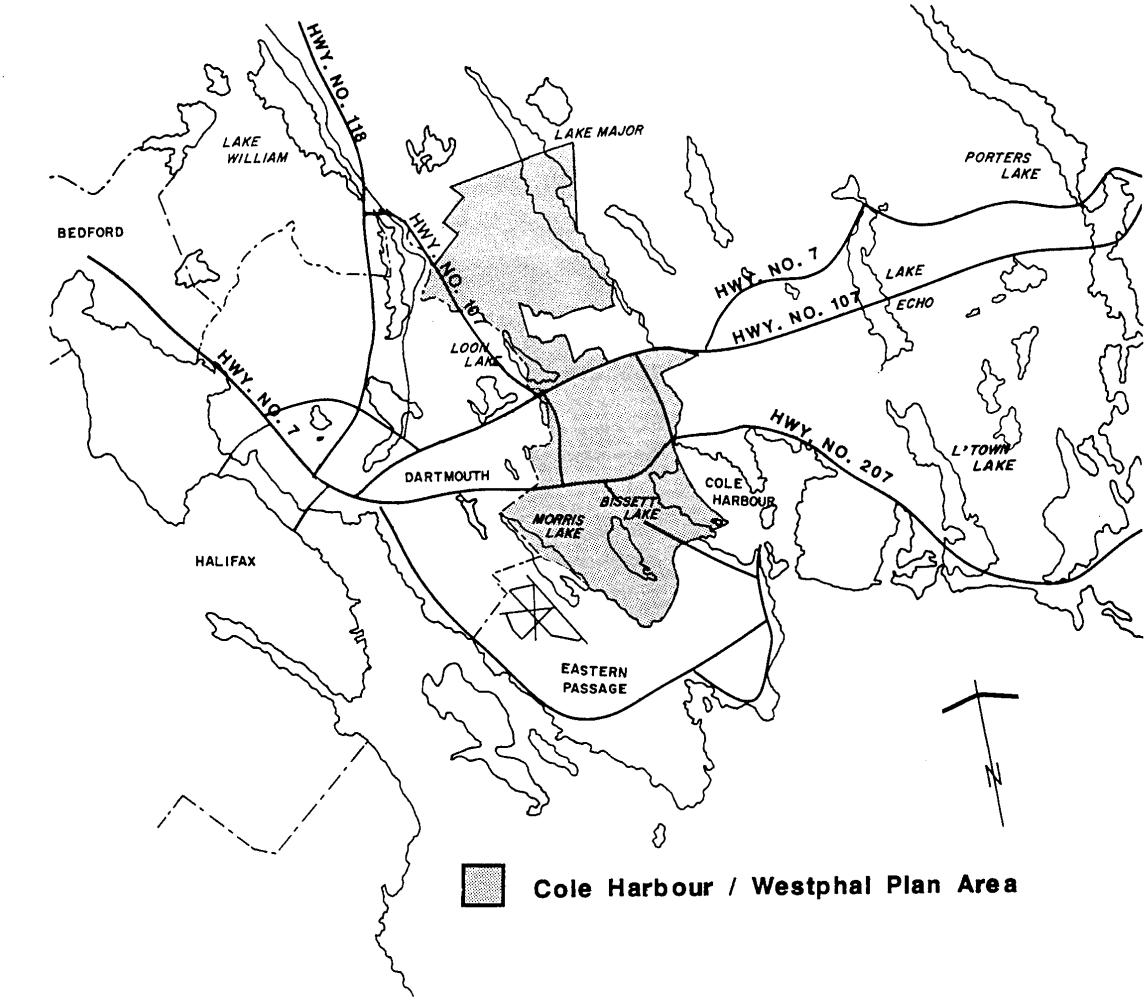
As shown on the accompanying map (overleaf), the Cole Harbour/Westphal plan area forms an arc along the eastern boundary of the City of Dartmouth. The area is principally suburban and had an estimated 1991 population of 23,000 out of the Halifax Census Metropolitan Area population of 320,501.

This suburban residential character is a recent development. Farming predominated until the 1960s. The change from an agricultural to a residential community was spurred by increased accessibility resulting from improvements to Highways No. 7 and 207 and by construction of the MacKay Bridge, and was supported by soil conditions favourable to the installation of piped sewer and water services. In response to increasing housing demand, the Nova Scotia Housing Commission and Clayton Developments Limited began land banking and municipal sewerage and water systems were installed in the early 1970s. Growth in the community has subsequently occurred at a rapid pace, with an annual population increase of approximately 19% between the years 1976-80. This growth rate slowed between 1981-1986 to a rate of 6.4% and to 2.3% between 1987-1991.

The 1975 Halifax-Dartmouth Regional Development Plan designates Cole Harbour/Westphal as a priority area for continuing residential development, and the Plan Area is expected to maintain this role in responding to regional housing demand. The Nova Scotia Department of Housing is presently developing the remaining two phases of the Forest Hills Planned Unit Development which are planned to accommodate an additional 1,400 people at relatively low density, as well as a commercial/multiple unit "town centre" phase adjacent to Cole Harbour Road. Planned improvements to transportation services, including realignment of Highway No. 107 will increase the area's accessibility, as will the expansion of public transit services to and within the communities.

In 1984, the province established a park system along the shores of Cole Harbour. The park supports the uniqueness of Cole Harbour as an internationally recognized biological site important to migratory Canada geese and black ducks which make use of the harbour and its salt marsh. The provincial acquisition of designated park lands within the plan area is almost complete although decisions have not been made regarding park development and maintenance.

REGIONAL CONTEXT MAP



The Cole Harbour-Lawrencetown Coastal Heritage Park is a valuable addition to regional facilities in the Plan Area, which presently include the Halifax County Rehabilitation Centre, the Nova Scotia Home for Colored Children and the Cole Harbour Rural Heritage Farm.

In addition to the environmentally sensitive lands around Cole Harbour, the Plan Area contains a portion of the Lake Major Watershed from which the majority of residents on the eastern side of Halifax Harbour are supplied with drinking water. An extensive study[1] prepared in conjunction with the preparation of the Municipal Planning Strategy for the Communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston indicates that protection of this watershed

[1] Lake Major Watershed Management Study, Montreal Engineering Company, Limited, February 1980.

and its potable water supply is essential. Public agencies now own the majority of lands within the watershed. The watershed was designated as a Protected Water Area pursuant to the Water Act in April, 1986.

COMMUNITY PROFILE

The first road was cut through to Cole harbour in 1754 by soldiers stationed in Halifax and by 1781 a number of settlers from lunenburg had been given grants in the area. Many place names still bear witness to those families including Bissett, Conrad and Morash and the later settlers such as Giles and Settle.

Although gold mining, forestry and fishing were evident, the economy of the area was based primarily upon market gardens which supplied produce to Halifax. After several attempts a large portion of Cole Harbour was dyked and made arable, producing a considerable acreage of salt hay in 1876. However, by 1917 the dyke had been destroyed and the sea reclaimed the land.

The Cole Harbour/Westphal area remained an agricultural community until after the Second World War when residential development began to occur. The completion of the Angus L. MacDonald bridge, linking the City of Halifax and the Town of Dartmouth, helped to make the area more accessible. A 1963 report[2] identified the community as suitable for continuing residential development and the Municipality's Official Town Plan of 1964 identified Cole Harbour for future sanitary servicing. Serviceable areas were established and trunk services installed in 1971. By that year, housing in Colby Village was already well under construction.

In 1972, the Nova Scotia Housing Commission began to assemble lands and in 1975 a Planned Unit Development Agreement was approved by the Municipality for the development of Forest Hills.

Community Identity

The Westphal, Cole Harbour and Area Service Commission was incorporated by an Act of the Legislature in 1953. This commission was comprised of ten elected ratepayers from the Westphal and Cole Harbour communities. It was empowered to procure and provide fire protection, street lighting, garbage collection and sidewalk construction and improvement services to the local area.

In 1990, a proposal was put forward to replace the commission with a community committee. This request was approved by a community plebiscite on May 5, 1990. Subsequently, on May 29, 1990, the Cole Harbour/Westphal Community Committee was created by County Council. The Westphal, Cole Harbour and Area Service Commission was then disbanded on June 19, 1990, by an Act of the Legislature.

The final step in this devolution of local decision making powers was the passing of the Halifax County Charter on June 30, 1992 by an Act of the Legislature. Under the Charter, a Community Council was established for Cole Harbour and Westphal with authority to establish capital and operating budgets and set area tax rates subject to approval by County Council. Furthermore, the Community Council has been given jurisdiction over rezoning and development agreement approvals subject to the provisions of the Planning Act.

The Cole Harbour/Westphal Community Council is composed of the four district councillors for Cole Harbour and Westphal. Under the Charter, the Community Council is required to appoint

[2] Halifax Region Housing Survey, H.S. Coblentz.

annually a Community Planning Advisory Committee that will perform the duties of an area advisory committee under the Planning Act.

Population

As a direct result of the construction of piped sewer and water services, population within the plan area has dramatically increased. According to Statistics Canada, Cole Harbour was among the nation's fastest growing communities between 1981 and 1986. Table 1 summarizes population growth from July 1981 to January 1991. Between 1981 and 1986 population grew by an average yearly rate of 6.4% and although the growth rate has since declined to 2.3%, it is still significantly high.

Table 1: Population Growth

ACTUAL[1] 1981	1986	Average Annual % Growth 81-86	Estimated[2] 1991	Average Annual % Growth 86-91
15,668	20,679	6.4%	23,100	2.3%

Sources: 1. Census of Canada, 1981 and 1986
2. Halifax County Assessment Roll, 1991

The population at the last census in 1986 was 20,679 of which an estimated 45% were less than twenty-five years of age and 2.4% were older than sixty-five. The average household size of 3.5 persons was larger than the provincial average. It is evident that the community is relatively young, with a greater than average proportion of school aged children compared to both the Halifax-Dartmouth area and the Province as a whole. Table 2 also shows that the Plan Area has an average proportion of young adults, more than average proportion of early middle aged persons and less than average proportion of late middle aged and senior citizens. This pattern is representative of newer suburban communities.

Table 2: Age Composition, 1986

AGE GROUP	PLAN AREA %	HALIFAX-DARTMOUTH %	NOVA SCOTIA %
0-14	29.3	16.5	21.5
15-24	16.1	20.0	17.6
25-34	20.2	20.5	17.1
35-44	20.5	12.9	13.9
45-64	11.5	18.8	18.1
65+	2.4	11.2	11.9
	100.0	99.9	100.1

Source: Census of Canada, 1986

Residential and Commercial Growth

Table 3 shows the growth in total dwelling units since 1981 and Table 4 gives the breakdown of major dwelling types and indicates housing trends since 1981 as reflected in residential building permit activity. There has been a slow down in residential development since the high point of the mid-1980s but the growth rate is still higher than for corresponding population growth; to put in another way, the Cole Harbour/Westphal area still attracts a significant proportion of new homeowners from the metro region. While single unit dwellings predominate there has been a marked increase in the number of multi unit dwellings since 1981 although this latter trend peaked in 1985.

Table 3: Dwelling Unit Growth

ACTUAL[1] 1981	1986	Average Annual % Growth 81-86	Estimated[2] 1991	Average Annual % Growth 86-91
4,240	5,835	7.5%	7,200	4.7%

Sources: 1. Census of Canada, 1981 and 1986
2. Halifax County Assessment Roll, 1991

Table 4: Residential Building Permit Activity

YEAR	NUMBER OF DWELLING UNITS				
	Single Unit	Two Unit	Multi Unit	Mobile	Total
1982	115	90	15	0	220
1983	179	12	138	0	239
1984	248	40	113	0	401
1985	209	72	239	1	521
1986	165	35	97	0	297
1987	189	36	0	0	225
1988	140	44	15	5	204
1989	82	15	0	2	99
1990	111	14	0	3	128
1991	113	24	0	0	137
TOTAL	1524	382	617	11	2524

Note: (a) data includes part of the Lake Major Plan Area within District 7
Source: Municipal Building Inspector's Monthly Reports

Commercial growth has shown a steady increase since 1982. Table 5 shows commercial and industrial growth from the perspective of development (building permit activity) and economic impact (taxable assessment). Building permit activity does not give the complete picture of activity

as only new developments are tabulated and not renovations or additions. The proportion of taxable commercial and industrial property to the total tax base gives a good indication of the impact of business in the community. As shown in Table 5, this impact is increasing overall but still makes up less than ten percent of the total taxable base of the community.

Table 5: Commercial Growth

YEAR	BUILDING	PERMITS[1]		TAXABLE	PROPERTY[2]
	Number of Comm/Ind Permits	Value of Comm/Ind ($'000)	Number of Business Occupancies	Total Assessed Value Comm ($'000)	% of Total Assessed Property
1982	1	264	111	11136	5.0
1983	1	90	110	10565	4.5
1984	2	95	112	16815	5.3
1985	5	1092	120	20148	5.9
1986	12	15800	136	21636	5.9
1987	13	1968	152	27284	5.4
1988	3	486	179	45126	8.3
1989	5	195	188	49693	8.9
1990	12	2641	197	60901	9.8
1991	14	1910	195	59587	9.4

Note: (a) includes part of the Lake Major Plan Area within District 7
(b) 1982-88 building permit data includes new structures only
(c) 1989-90 building permit data includes new structures, renovations and additions

Sources: 1. Municipal Building Inspector's Monthly Reports
2. Halifax County Assessment Rolls

Existing Land Use

In terms of residential growth single unit housing is the predominant form of development. Some townhouse and apartment development has also occurred. A mobile home park in the Westphal area accommodates approximately 110 units while the majority of mobile homes on individual lots are dispersed throughout the unserviced area.

Commercial uses are primarily located along Highway No. 7 and the Cole Harbour Road. However there is a noticeable difference between these two commercial areas. Highway No. 7 is the principal transportation route between the metropolitan area and the Eastern Shore and as such supports a variety of regional commercial highway uses, for example mobile home and recreational vehicle sales outlets, a large furniture store and several automotive sales and service operations. Businesses on the Cole Harbour Road provide goods and services more for the immediate community such as retail outlets, offices and restaurants.

Industrial development is limited to small local firms scattered along the Cole Harbour Road, the

Ross Road and Highway No. 7. A number of these uses, including two salvage yards, a construction yard, a trucking firm and a sand blasting operation are located along the eastern side of the Ross Road near its intersection with Highway No. 7.

Institutional uses and community facilities are located throughout the area. There are also two "community campus" areas. The first is located on Forest Hills Drive and contains two high schools, Cole Harbour Place, tennis courts and ball and playing fields. The second is located on Colby Drive in Colby Village and has a swimming pool, tennis courts, playing fields and a day care centre.

A number of area institutions are also important regional facilities, such as the Halifax County Rehabilitation Centre on the Bissett Road, the Nova Scotia Home for Colored Children's group home facility on Highway No. 7 and the Cole Harbour Heritage Museum near Settle Lake. In addition, the province is acquiring parkland along the shores of Cole Harbour. These lands form an integral part of the Cole Harbour/Lawrencetown coastal heritage park system.

ISSUES

Throughout the planning process, a number of specific issues were raised repeatedly as major concerns of residents.

Environmental Health Services

Rapid growth has created problems related to sewerage, water and storm drainage systems. Although the majority of these problems are currently being addressed by municipal or provincial agencies, residents' concerns over drainage problems and sewer surcharging are not entirely alleviated. The four basic issues which have arisen in respect to these environmental health services are:

(i) an inflow/infiltration problem which strains the existing sewer system and threatens to reduce the design capacity;
(ii) a lack of stormwater planning and management which has led to property damage;
(iii) a concern over the capability of soils in the unserviced area to absorb domestic wastes and the possibility that the failure of on-site systems will create public health problems; and
(iv) the capability of groundwater to provide an adequate and safe water supply in the unserviced area.

Community Development

During 1991 and 1992, the Planning Sub-Committee of the Community Committee reviewed the municipal planning strategy for Cole Harbour/Westphal and reached a consensus on the need to develop a new planning strategy that would support the physical and social needs to develop a new planning strategy that would support the physical and social needs of all groups within the community. The basic philosophy of such a strategy would be one based on providing positive direction for community growth and development rather than just reacting to the demands caused by continued growth. The Community Committee supported this recommendation in principle. Such a plan will require more detailed information on the demographic and social composition of the community than is available at the present time. When this information is available, proposals to develop any necessary physical infrastructure and provide more or different services can be reviewed and prioritized. The planning strategy and land use by-law may then be rewritten or amended to implement any proposals supported by the community.

Residential Development

The majority of residential development has taken place on large land holdings by a few major developers. One such developer is the Nova Scotia Department of Housing which, in 1974, initiated Forest Hills, a development which is intended to accommodate a population of approximately 29,000 through a mix of housing types. This development is controlled through a Planned Unit Development Agreement between the Municipality and the Department of Housing. The agreement includes a comprehensive master plan of subdivision design and land use.

Although residents have benefited from this comprehensive development approach, concern is being expressed regarding certain provisions of the master plan. This is particularly the case in regard to public concerns over the compatibility of multiple unit developments with existing lower density residential neighbourhoods. Although alterations to the development agreement are

beyond the purview of this Municipal planning strategy, residents feel there is a need for a substantial review of the agreement.

A second major developer is Clayton Development Limited whose major housing development at Colby Village is now substantially complete. Over 85% of the housing stock is composed of single unit dwellings, the remainder being approximately equal numbers of semi-detached dwellings and apartment dwellings. Concern has been expressed about the possibility of spot rezoning to higher density forms of housing. R-l zoned lots, however, were sold by the developer with restrictive covenants preventing their change of use.

Commercial Development

Commercial development on the Cole Harbour Road and Highway No, 7 in the past occurred largely in the absence of zoning controls. This has led to problems and community concern regarding standards for parking and access, outdoor storage and commercial signage. Although there is support for the growth of commercial services in the area, residents are concerned about the scale of new developments and their effects on neighbouring residential areas.

Environmental Protection and Heritage Conservation

The protection of the Cole Harbour salt marsh and the development of the Cole Harbour/Lawrencetown Coastal Heritage Park are major concerns of many local and metropolitan area residents and every effort should be made to protect the area as an environmental, recreational and cultural resource. Environmental protection is also a concern relative to the Lake Major Watershed. Although only a portion of the watershed falls within the Plan Area, residents are concerned that water quality be maintained in the Lake Major water supply.

There is active community support for heritage conservation and the Cole Harbour Rural Heritage Society has rehabilitated and maintains a number of historic landmarks. It has been clearly expressed by individuals and groups that heritage protection should be considered in planning for the area.

Transportation

The reduction of speed limits, control of truck traffic, extension of transit services, control of through traffic in residential areas and the provision of pedestrian access to community facilities are issues expressed by local residents. Also, the final resolution of an alignment for the extension of Highway No. 107, which may alter the present traffic volumes on Highway No. 7 by redirecting traffic from the Eastern Shore, is of interest to the community.

Parks and Open Space

With the rapid growth of new subdivisions in the area, the Municipality has acquired a number of park and walkway sites through public land dedication. However, no policy has been established regarding the treatment of these lands after acquisition, and public concern has developed relative to the ownership, maintenance and development of public lands. On a broader scale, there is a certain amount of public uncertainty which relates to the development of the Cole Harbour/Lawrencetown Coastal Heritage Park. Specific concerns lie with the completion of the

provincial land acquisition programme and the perceived need for continued public participation in the development and management of the park.

SECTION II

ENVIRONMENTAL HEALTH SERVICES

Sanitary Sewerage

As a result of the recommendations contained in the 1969 Halifax County Pollution Control Study[3], construction began on a municipal central sewerage system in the early 1970s. Cole Harbour was chosen for the disposal of treated effluent, however public objections led to a decision to re-route effluent through a pumping station at Bissett Lake to the Eastern Passage sewage treatment plant, for discharge into Halifax Harbour.

The Plan Area's services were designed and installed relative to a "serviceable area", which defines those lands from which the trunk sewerage system receives the majority of sewage flow by the force of gravity. In 1979, the Municipality's services were re-examined under the Regional Sewerage, Drainage and Water Supply Plan[4]. This study supported the established serviceable area. Minor adjustments appear in this more recent work to include certain "serviceable" lands to which limited municipal services had been previously extended to alleviate serious health problems.

Although municipal policy does not generally permit the extension of central services beyond the serviceable area, the Municipality and the Nova Scotia Department of Housing have contractually agreed that any development of Phases 10 and 11 of Forest Hills shall only proceed when municipal services are made available. In addition, service extensions in the general Westphal area are considered in the Municipal Planning Strategy for the Communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston.[5] Problems of maintaining a potable water supply have already led to the installation of central water services within the Cherry Brook community. Should an extended or additional municipal sewerage system be designed for this general area, portions of the Plan Area could be included within a new serviceable area.

As the availability of municipal services has major influences upon community form and levels of growth, any proposed extension of services beyond the established serviceable area must be carefully examined. This is particularly important in the case of potential servicing in the general Westphal area, given that the most immediate discharge point for sewage collected may be Cole Harbour, and given that protection of the sensitive wildlife habitat of the Cole Harbour salt marsh is essential.

The City of Dartmouth has recently installed a limited capacity sewer and water service along the Waverley Road in the Port Wallace area[6] as a response to health problems. This system is capable of accommodating limited infilling along existing roads. However, the City also has long term plans to install a larger trunk sewer system[7] to service its northeastern quadrant. This larger system could include within its Servicing Boundary some lands in the municipality along the Montague Road. Although the timing of this new trunk system is not known, the Municipality should review the appropriateness of apparent servicing plans for the area affected.

In 1986, municipal and provincial funding was approved for the expansion of the Eastern Passage

[3] Canadian Plant and Process Engineering Limited.
[4] Project Planning Consultants Limited.
[5] H.J. Porter & Associates Limited., adopted by Municipal Council in May 1980
[6] Design Report to the City of Dartmouth for Port Wallace Area Services, Project Planning Consultants Limited, March 1980.
[7] Pre-Design Report to the City of Dartmouth for Port Wallace Area Services, Project Planning Consultants Limited, February 1970.

Sewage Treatment Plant, which also serves Cole Harbour/Westphal. The expansion was completed in 1990 and will permit the full development of the original serviceable areas within Cole Harbour/Westphal and Eastern Passage, as well as the addition of approximately 570 acres. The additional capacity has been assigned equally between the two communities.

Among the areas included within this plan area's expanded Servicing Boundary are Humber Park/Lake Loon Crescent, the remaining undeveloped lands of the Forest Hills Planned Unit Development, and lands in the Caldwell Road/Atholea Drive area.

E-1 It shall be the intention of Council to provide direction for serviced development over the long term by establishing the municipal Servicing Boundary as shown on Map 1 - Servicing Boundaries Map. Lands within the Servicing Boundary shall only be developed when municipal central services are available.

E-2 In any proposal to extend sewer and/or water services it shall be the intention of Council to consider:

(a) the financial ability of the Municipality to absorb any costs relating to the extension;
(b) the amount of vacant land which is serviced by existing municipal services within the Servicing Boundary;
(c) the type, density and phasing of proposed land uses to be served, relative to their effects upon existing municipal infrastructure and general municipal and community services and facilities, and to the effects of any extension upon the natural environment; and
(d) existing drainage or pollution problems in the area under consideration.

E-3 It shall be the intention of Council to consider amending this planning strategy should any portion of the Plan Area beyond the Servicing Boundary become serviceable through the installation of trunk services in adjacent areas. Further, Council shall request that the City of Dartmouth consult with the Municipality prior to any decision regarding the installation of trunk services which may affect portions of the Plan Area.

E-4 With regard for Policies E-2 and E-3, it shall be the intention of Council to investigate the feasibility of providing central municipal sewer and water services to the general Westphal area. In such an investigation it shall be Council's priority to not permit effluent to be discharged into Cole Harbour.

The Plan Area's existing trunk system was originally designed for an ultimate population of 39,000 at a density of approximately 17 persons per acre on a total serviceable area of 2,200 acres. The serviceable area has since been expanded by 643 acres and the estimated population in January 1992 within the serviceable area was approximately 21,000 persons at a density of approximately 7.4 persons per acre. Although well beneath design capacity, problems of inflow and infiltration to the trunk have created a burden[8]. In wet weather, surcharging has occurred at both the Bissett Lake pumping station and the Eastern Passage sewage treatment plant. As a partial measure towards reducing these problems a holding tank has been constructed to reduce peak flows.

[8] Regional Sewerage, Drainage and Water Supply Plan, Project Planning Consultants Limited, 1979,

Although the expansion of the Eastern Passage sewage treatment plant, completed in 1990[9] will, in the short term reduce this problem, it is imperative that the Municipality actively maintain its inflow/infiltration program in order to ensure that the full development capacity of the sewerage system will be utilized. As a significant contributor to inflow problems is the occurrence of storm waters being improperly diverted into the trunk system, correction of the situation includes the review of the municipal Sewer Connection By-law.

E-5 It shall be the intention of Council to proceed with an inflow/ infiltration reduction programme or other effective measures in order to return the existing sewage collection system to an acceptable level of service and to safeguard the design capacity of the system.

E-6 Pursuant to good engineering and management practices, it shall be the intention of Council to upgrade and fully enforce the municipal Sewer Connection By-law.

In 1989, Council approved an expansion to the Plan Area's Servicing Boundary as well as the establishment of the Development Boundary. This decision was undertaken to accommodate an additional 73 acres of land adjacent to Colby Village in the Atholea Drive/Astral Drive area, known as Colby South. This expansion is possible because population densities and peak sewage flows discharging from the Colby Village area are substantially less than the design values used in estimating sewage flow from this area in the 1985 Pollution Control Study. Inclusion of these lands within the serviceable area will have a positive effect on community form, and will improve service and road connections between Astral Drive and the Atholea Drive area.

To ensure that the capacity of the overall sewerage system is not negatively affected by inclusion of additional lands, expansion of the services to Colby South is being approved in two phases. The first phase to be included in the serviceable area, consists of 50 acres. The second phase of 23 acres is included within the Development Boundary. Council may approve an extension of services within the Development Boundary subject to a number of conditions being met.

E-7 It shall be the intention of Council to establish a Development Boundary, as shown on Map 2, Servicing Boundaries. Notwithstanding Policy E-3 and in addition to Policy E-2, Council shall consider the extension of municipal services and the rezoning of Phase 2 of Colby South to R-l (Single Unit Dwelling) Zone within this Development Boundary, without requiring an amendment to the Servicing Boundary, subject to the following conditions:

(a) that regular flow monitoring be conducted by the developer to verify that flows from Phase 15, Colby Village and Phase 1 Colby South are within predicted performance levels as identified in the 'Colby Village Sewer Flow Gauging Study', prepared by UMA Engineering Ltd. for Clayton Development Ltd. in 1988;
(b) that there is a road connection between Astral Drive and Parkway Drive;
(c) consideration of a report or reports from the appropriate provincial or federal agency or agencies indicating:
    (i) whether there has been a significant negative effect on Bissett Lake and its outflows as a result of the development of phase 1, and
    (ii) whether there has been careful adherence to the Environmental Construction Practice Specifications for the Province of Nova Scotia, dated September, 1981.

[9] Westphal-Cole Harbour-Eastern Passage Pollution Control Study, Porter Dillon, 1985.

E-8 It shall be the intention of Council that no rezoning from R-l (Single Unit Dwelling) to a higher density residential zone shall be considered within either Phase 1 or Phase 2 of Colby South.

In early 1995 Municipal Council entered into a development agreement with Anahid Investments Limited to allow for a mixed residential development, known as Heritage Hills, in Eastern Passage. The agreement permitted a maximum of 618 dwelling units, serviced by municipal sewer and water systems. Anahid has projected that, if the sewer system is properly constructed, the sewage flow generated by this development will be less than that allocated to these lands on the basis of the average flow generation rate used for establishing the servicing boundary for this community. The company has, therefore, requested that any unallocated capacity realized by this development be transferred to another property that it wants to develop along the Caldwell Road adjacent to Morris Lake, which is outside of the Cole Harbour/Westphal Servicing Boundary. The company estimates that up to 120 dwelling units could be accommodated.

The Municipality has accepted this proposal on the condition that a sewage flow monitoring program be undertaken in both development areas to verify that the company's sewage flow projections will be achieved. To implement this intention, an amendment to the Heritage Hills agreement will be needed and a similar agreement mechanism established over the Morris Lake lands. A development agreement over these latter land holdings would also allow the Municipality to review the adequacy of the subdivision proposal in terms of municipal services, both on and off site, co-ordination with existing and future development in this vicinity, and environmental protection of Morris Lake.

E-8(b) It shall be the intention of Council to establish a CDD (Comprehensive Development District) zone over the lands of Anahid Investments Limited, LIMS No. 403659, located on the southwest of Caldwell Road between Astral Drive and Brookfield Avenue. Notwithstanding Policy E-2, consideration may be given to allow for the extension of municipal sewer and water services to this property to allow for a residential subdivision if a development agreement has been entered into with the Municipality. In considering approval of an agreement, Council shall have regard to the following matters:

- **(a) that amendments to the Heritage Hills development agreement have been approved which establish a sewage flow monitoring program and establish development limitations should combined actual sewage flows from the Heritage Hills and Morris Lake Estates development areas exceed anticipated levels;**
- **(b) that a sewage flow monitoring program is established for this development and that provisions are made for its phasing in relation to achieving sewage flow targets established by the monitoring program;**
- **(c) that the sewage flow monitoring program proposed by the developer for implementation under clauses (a) and (b) addresses, in a form acceptable to the Municipality, target sewage flows to be achieved in relation to development phasing and the method, duration, frequency and location of monitoring needed to verify that target sewage flows have been achieved;**
- **(d) that a maximum of 120 single unit dwellings will be permitted;**

(e) that the subdivision is designed to minimize the potential impact on the water quality of Morris Lake and that effective erosion and sedimentation control and stormwater management measures are established; and

(f) all relevant matters to be considered under the provisions of Policies UR-12 and IM-11. (MC-Aug 28/95;M-Sep 21/95)

Regional Sewage Treatment

Nearly all of the sewage wastes generated within the Plan Area are either treated by way of on-site septic disposal systems or treated at the Eastern Passage treatment plant before being discharged into Halifax Harbour. Although Plan Area residents will not be directly involved in or affected by proposals to improve the quality of the harbour, there is a strong degree of community support for such a program provided that no direct costs are borne by the community. As a long-term solution to improving the quality of water in Halifax Harbour, Council shall consider the feasibility of participating in a regional approach to the treatment of sewage wastes.

E-9 It shall be the intention of Council to monitor the possibility of participating in a regional approach to the treatment of sewage wastes as a long-term solution to improving the quality of Halifax Harbour.

Water Services

Piped water services in Cole Harbour/Westphal are owned and operated by the City of Dartmouth Water Utility. Water is supplied to the community through a 24 inch main from the Mount Edward Reservoir which is located within the City boundary at its intersection with Highway No. 7. Supply and storage capacity in the system is sufficient to 1991 and beyond. However, according to the Regional Sewerage Plan, a number of improvements are necessary to insure a continued high level of water service. These include establishing a second pressure zone by incorporating valves to reduce water pressure in portions of the Plan Area which have low elevation, and installing additional water mains to serve increasing development south of the Cole Harbour Road.

E-10 It shall be the intention of Council, in co-operation with the City of Dartmouth water utility to undertake the improvements to the water system in the Plan Area, as outlined in the Regional Sewage-Drainage and Water Supply Plan.

In early 1993, municipal staff expressed concern to Council about the lack of clear policy direction with respect to development accessing only central municipal water services. Central water service from the Pockwock water system had been extended to a number of areas located outside of designated serviceable areas where both municipal water and sewer services are required. The primary motivation in extending central water to these areas was to resolve identified water quality or quality problems. However, the extension of trunk services to these areas also resulted in new development being able to access central water. The rapid rate of growth which central water seemed to encourage and the potential scale of development which could occur, coupled with the general lack of policy direction, caused staff to bring the matter before Council. Engineering concerns related to overall water system capacity and the adequacy of internal system design were significant issues as were planning considerations related to development patterns and adequacy and demand placed on other services.

In the Fall of 1993, Council approved the designation of several Water Service Districts in areas served by the Pockwock water system and in early 1994 approved amendments to municipal planning strategies which recognized and supported these Water Service Districts. Council also directed that similar action be taken in those areas served by the Dartmouth Water Utility. As a result, several areas to which central water service had already been extended or where it was anticipated that central water would be required to resolve a water quality or quantity problem were recommended to the Dartmouth Water Utility for designation as Water Service Districts. Within the Cole Harbour/Westphal plan area, these Water Service Districts include lands along Bissett Road; Ross Road; Broom Road; Caldwell Road; Montague Road; the Cole Harbour Road/Ritcey Crescent area; and the Salmon River subdivision area (see Map 2a).

It is the intent of Council that central municipal water services will only be permitted within designated Water Service Districts. Council may, however, consider the expansion of existing Water Service Districts or the establishment of new ones when satisfied that all engineering, financial, and planning concerns have been properly addressed.

E-10(a) **It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Water Service District Map (Map 2a). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.**

E-10(b) **Notwithstanding Policy E-10(a), Council may consider amending this planning strategy and the Municipal Subdivision By-law to permit the expansion of existing or the establishment of new Water Service Districts. When considering new or expanded Water Service Districts, priority shall be given to:**

- **(1) areas identified as experiencing problems related to insufficient quality and/or poor quality of existing sources of water supply;**
- **(2) existing communities within a reasonable distance of the central water supply system where there is a demonstrated need and conditional upon the availability of water supply capacity; and**
- **(3) areas which would provide looping of existing infrastructure thereby enhancing reliability of the water system in the local area.**

In addition to the priority criteria outlined above, it shall also be the policy of Council when considering the establishment of new or expanded Water Service Districts, to have regard to the following:

- **(a) the engineering and financial implications of such extensions as identified by the Master Infrastructure Plan, Implementation Plan, and Financial Plan carried out pursuant to Municipal Services General Specifications;**

(b) the potential scale of such development and the effects which this may have on existing and future levels of services, as well as the development pattern which is desired and deemed appropriate within this plan area as well as the larger Municipality; and

(c) environmental considerations related to the long term integrity of on-site sewage disposal systems as well as natural water drainage systems. (C-Aug 29/94;M-Oct 21/94)

On-Site Services

Outside the serviceable area certain developments have occurred on private central systems. Experience with the eventual health and maintenance problems of these systems, which led to municipal expenditures, dictates that such services be prohibited in the future.

Humber Park subdivision is served by the City of Dartmouth Water Utility, and until recently by a private sewage treatment plant which was seriously over capacity during periods of wet weather. The Municipality has recently taken over this system and is upgrading it. The upgraded system will not support additional development. In 1987, Humber Park was included within the Servicing Boundary, the expansion of which was made possible by the proposed expansion to the Eastern Passage Sewage Treatment Plant. Upon the completion of the expansion in 1990, this area was connected to the municipal sewerage system.

The Westphal Mobile Home Park suffered from a shortage of potable water. Although a central water service has now been extended to serve the park, sewage is still handled by a private treatment plant.

In the Atholea Drive area, central municipal sewerage and water have been extended to replace malfunctioning private systems. There is some additional capacity in the system and development on existing lots can be accommodated.

E-11 In recognition of past problems and in the interests of the public health, it shall be the intention of Council to prohibit the installation of central private sewer and water systems.

Outside the Servicing Boundary, development will continue with on-site septic systems and private wells. In the past, the rate of growth in much of this area was controlled through limiting the numbers of lots and developments which could proceed in any one year through municipal subdivision regulations (1966) and by the Halifax-Dartmouth Regional Development Plan (1975). With the adoption of the initial planning strategy in 1982, and subsequently the Subdivision By-law in 1985, regulations aimed at controlling the rate of growth in the unserviced area were eliminated. The increased accessibility of the Plan Area and the rapid development which has occurred in the last decade, lead to concern about the effects of growth when new opportunities for unserviced development become suddenly available. There is a need to ensure that larger developments in particular can be accomplished without leading to the installation of municipal central services in response to future health problems.

While growth must necessarily be accommodated within the existing community, developments which open new areas should be encouraged to maintain a density which will limit demand on the septic absorption capability of soils and on available ground water. An emphasis should be placed on the assessment of the proposed development in relation to drainage concerns and other

environmental matters over the long term, and upon the general effects of large developments upon existing community form.

E-12 With reference to Policies RR-l and RR-2, it shall be the intention of Council to monitor development in the unserviced portion of the Plan Area and in the interests of maintaining public health and reducing long term servicing costs, it shall be the intention of Council to require a minimum lot area of eighty-thousand (80,000) square feet for development on lands which are outside the established community.

Stormwater Management

Stormwaters normally flow through drainage systems which include rivers, creeks, lakes, ponds, marshes and other natural features, In rural areas, there is generally little notice of the impact of these drainage systems, but in developing areas, it has become apparent that significant environmental and economic costs can arise as a result of changes in these systems.

Especially in more developed areas where additional surface runoff from the development and after effects of subdivisions can lead to erosion and sedimentation in rivers and lakes, and infilling to the loss of natural wetlands and water retention areas, there is a growing recognition of the need to protect watercourses. Stormwater management can provide a significant reduction in development associated drainage impacts and their consequent 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 enables the Municipality to enact its own controls over stormwater drainage. In addition, stormwater design criteria have been developed and additional attention paid to engineering considerations during the subdivision stage of a development. These features are to be incorporated into a by-law which controls 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 built up areas, stormwater runoff, although often overlooked, is also a cause of water pollution. Its proper management is, therefore, essential in order to maintain water quality.

E-13 It shall be the intention of Council to implement the Stormwater Policy and Design Criteria for types of development and in portions of the Plan Area where it is determined to be appropriate and feasible, through necessary amendments to the Subdivision By-law.

The infilling of any water body can have detrimental effects on stormwater and the maintenance of environmental quality. In some instances, in order to divert, infill or otherwise alter any watercourse or body of water, permission may be required from the federal Department of Transport (for navigable waters) or the provincial Departments of the Environment or Natural Resources. These requirements, unfortunately, are all too often ignored.

E-14 It shall be the intention of Council to request the federal Department of Transport and the provincial Departments of the Environment and Lands and Forests to improve enforcement of the regulations and guidelines governing infilling or other interference with watercourses within the Plan Area.

Poor construction practices, particularly in developing 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 federal and provincial governments. However, while such guidelines are widely distributed, there are no provisions for their enforcement.

E-15 It shall be the intention of Council to request the Nova Scotia Departments of Transportation and Communications and the Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

The Municipality has had experience with the results of a lack of stormwater management in conjunction with major developments. With the passage of the Halifax County Stormwater Drainage Act, the Municipality now has the opportunity to prepare stormwater management policies and plans including, as a priority, urban drainage master plans.

E-16 It shall be the intention of Council to adopt a comprehensive stormwater management system for the Cole Harbour/Westphal Plan Area. Preparatory to its adoption, Council, through the Engineering and Works Department, should undertake:

(a) the identification of watersheds, watercourses and waterbodies within the Plan Area;
(b) to identify areas within the Plan Area which have deficiencies in their existing storm drainage systems; and
(c) the preparation of urban drainage master plans appropriate to the Plan Area.

Subsequent to the preparation and adoption of the Municipality's Stormwater Drainage Act, the focus of efforts leading to the implementation of this legislation has been on amendments on the Subdivision By-law. It has become apparent, however, that drainage problems at the single, private lot level especially residential lots, represent the single most critical stormwater management issue in the Municipality. It is, therefore, appropriate for the Municipality to prepare and adopt storm drainage controls at the single lot as well as the subdivision level, in order to reduce the drainage problems associated with the improper grading of subdivisions and individual residential properties.

E-17 It shall be the intention of Council to prepare and adopt a Lot Grading and Drainage By-law to control the grading of subdivisions and individual lots in order to reduce erosion and sedimentation of watercourses which result from improper or inappropriate drainage practices.

Some of the storm drainage systems within the Plan Area have been established in conjunction with major developments undertaken by senior government agencies such as the Department of Housing and the Department of Transportation and Communications. There is concern that stormwater runoff from these developments may cause flooding or erosion problems or contribute to water quality problems such as siltation of lakes and watercourses within the Plan Area. Stormwater flows must be managed in order to correct any deficiencies which currently exist and new systems must be properly designed and integrated in order to prevent future problems, particularly where these systems are to be taken over by the Municipality.

E-18 It shall be the intention of Council, through the Department of Engineering and Works, to identify areas where deficiencies exist in the existing storm drainage system and to encourage provincial agencies undertaking major developments within the Plan Area to submit drainage plans to the Department of Engineering and Works prior to undertaking such projects.

Various lakes and their connected watercourses within the Plan Area are shared with the City of Dartmouth. Several of these water systems, including those of Settle and Cranberry Lakes, are surrounded by extensive residential developments such as the Department of Housing's Forest Hills development. Concerns have been expressed by residents that poor construction practices and a lack of effective storm drainage controls are contributing to a deterioration in water quality. A greater degree of consultation and cooperation between the City of Dartmouth and the Municipality is required where the storm drainage practices of either municipal unit may affect the quality of common lakes and watercourses.

E-19 It shall be the intention of Council to seek the cooperation of the City of Dartmouth in monitoring site construction and storm drainage practices within the watersheds of shared lakes and watercourses and to establish methods of improving storm drainage in order to improve the level of water quality.

Setback Requirements from Watercourses

The setback of buildings and structures from watercourses is a necessary feature of land use management system. Future development must be appropriately setback to protect structures from peak floods and to prevent siltation of waterbodies, destruction of habitat and the incidence of flooding on downstream developments. The land use by-law will, therefore, control the location of new buildings or structures relative to watercourses, except for those that require direct access to water such as boat sheds.

E-20 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 be setback a minimum of twenty-five (25) feet from watercourses and waterbodies within the Plan Area.

Although most of the watercourses and waterbodies throughout the Plan Area can be protected with the standard setback requirement of twenty-five feet, there are some systems which require increased setback due to the environmental sensitivity and significance of the waterbody. One such system is the Little Salmon River which flows directly into Cole Harbour by Lawlors Point.

The significance and sensitivity of these waterbodies was previously recognized in the Halifax-Dartmouth Regional Development Plan, which established increased setbacks to protect such environmentally sensitive areas. The Nova Scotia Department of Natural Resources and the Nova Scotia museum concur that it is important to maintain this protection. The land use by-law will, therefore, require an increased setback from specific waterbodies in order to ensure environmental protection of the Cole Harbour-Lawrencetown Coastal Heritage Park as well as affording greater protection to the watercourse itself.

A second water system requiring a greater degree of protection is the Lake Major Watershed. The watershed forms the potable water supply for the City of Dartmouth, and the communities of Cole Harbour, Westphal and Eastern Passage. The boundaries of the watershed were officially delimited

subsequent to the designation of the watershed as a protected water area under the provincial Water Act.

E-21 It shall be the intention of Council, through the land use by-law, to establish increased setback requirements for all new buildings and structures as follows:

(a) to a minimum of fifty (50) feet from the Little Salmon River;
(b) to a minimum of one hundred (100) feet from watercourses and waterbodies within the Lake Major Watershed; and
(c) to a minimum of two hundred and fifty (250) feet from Lake Major.

Floodplains

A significant matter of public and municipal concern relates to environmental controls and guidelines governing development in flood plains. The need for controls is particularly evident in the serviced portion of the Plan Area where urban stormwater creates flooding problems. One method which may be used to control development adjacent to watercourses is to designate flood plains. Although this designation is a municipal responsibility, adequate hydrological data is not available.

At the present time the federal and provincial governments are conducting a flood reduction programme for certain rivers in Nova Scotia, which includes the identification of flood plains. The anticipated continuation of development and the history of flooding in the area indicate that rivers within the Plan Area should be considered for inclusion in this programme.

E-22 It shall be the intention of Council in the interests of orderly development and public safety to encourage and co-operate with senior levels of government in the development of flood plain mapping for the Little Salmon, Bissett and Smelt Brook river systems. With reference to Policy E-17, upon completion of any flood plain mapping, Council shall review this Plan in order to implement more appropriate development controls.

Solid Waste

Solid waste collection is contracted to private firms on a weekly pick-up basis and is disposed at the regional sanitary landfill site operated by the Metropolitan Authority. The landfill site is located in Upper Sackville to the west of Highway No. 101 and extends back from the highway to the Sackville River. The site contains approximately 330 acres, 80 of which are actually used for the landfill. Operations began in November, 1977 and the site is scheduled to close in 1994. The Metropolitan Authority, therefore, started work on a "Solid Waste Master Plan" in August of 1989. The key to this plan is the concept of Integrated Waste Management. This concept recognizes that solid waste is a mixture of materials requiring a range of methods for disposal. Therefore, the recycling and reduction of waste will play a significant role in the Solid Waster Master Plan.

E-23 It shall be the intention of Council to request the Metropolitan Authority to investigate, in cooperation with other levels of government, programmes for reducing waste and for waste reclamation.

E-24 It shall be the intention of Council to support the public participation process established by the Metropolitan Authority in locating a new regional landfill site.

E-25 It shall be the intention of Council to support community based recycling efforts.

In August of 1989, the Metropolitan Authority initiated a process to find a new landfill site as the landfill in Upper Sackville was scheduled to close on June 30, 1994. As part of this process, the Metropolitan Authority prepared a solid waste management strategy which proposed the construction of a waste-to-energy plant (incinerator) and a landfill for residual ash. This proposal, however, was rejected by the Minister of the Environment which resulted in the Sackville landfill site remaining open after the June 30, 1995 deadline. On August 9, 1994, The Metropolitan Authority passed a resolution requesting Halifax County Municipality to assume responsibility for solid waste management.

On September 6, 1994, Halifax County Municipality assumed responsibility on behalf of the four metropolitan units for solid waste management, including the siting of the new landfill site. To help establish the overall waste management strategy and the siting of a new landfill, Halifax County established a community stakeholder committee (CSC) in October of 1994 to oversee the process. On March 25, 1995, the CSC adopted in principle, "An Integrated Resource Management Strategy", which was later adopted in principle by all four municipal units involved.

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

To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting[10] and source-separated composting[11]. 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[12] or in-vessel[13] composting approaches. Due to the high capital costs associated with in-vessel facilities,

---

[10] **"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.**

[11] **"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.**

[12] **"Windrow Composting" refers to the method of controlled, aerobic composting or 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.**

[13] **"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.**

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

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

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

E-26 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, agricultural, and mixed use) zones subject to compliance with provincial and municipal guidelines and regulations.
(MC-Feb 26/96;M-Mar 28/96)

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.

Operational and compatibility considerations related to C&D facilities require they not be located within residential, community facility, or environmentally sensitive designated areas.

SW-4 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility, or environmentally sensitive.

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.

SW-5 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.

To minimize compatibility concerns, HRM supports C&D facilities only in areas designated industrial, mixed use or resource, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Within the plan area, there are no areas designated industrial, mixed use, or resource. Consequently, new C&D operations are not permitted.

Existing C&D Operations

Within the plan area, there is one existing C&D operation (a transfer station located on 188 Ross Road - PID# 40485310). To recognize this existing operation, Council shall establish and apply applicable zoning to this property to reflect the use conducted on the property prior to the adoption of the amendments.

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.

SW-7 It shall be the intention of Council to recognize the existing C&D Transfer Stations on 188 Ross Road (PID# 40485310) by applying the CD-1 Zone to reflect its existing

functions.

SW-7A Notwithstanding Policy SW-4, an expansion to the existing C&D operation on Ross Road can be considered on lands that are zoned for Industrial use and within the Urban Residential Designation. Council may consider requests for the application of the CD-1 zone 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) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;**
- **(c) consideration shall be given to the extent and location of open storage with respect to abutting properties;**
- **(d) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;**
- **(e) 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;**
- **(f) 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;**
- **(g) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);**
- **(h) no portion of the operation shall be located within a floodplain (1:100 year event);**
- **(i) consideration shall be given to the adequacy of onsite or central services; and**
- **(j) provisions of Policy IM-11.**

(RC-Jul 30/19;E-Sep 14/19)

Site Plan Approval

In order to minimize associated land use concerns with the existing C&D operation, any expansion of the operation shall proceed through the Site Plan Approval process.

SW-8 Further to SW-6, any expansion of an existing transfer station 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.

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;**
- **(c) Drainage patterns and drainage requirements;**
- **(d) Water service requirements, including existing and proposed water service districts;**
- **(e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;**
- **(f) Land use and existing and future development;**
- **(g) Financial impacts on the Municipality;**
- **(h) Soil conditions and topography; and**
- **(i) Any other matter of relevant planning concern.**

IC-2 Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

IC-3 Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

IC-4 The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

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

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

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

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

IC-8 An infrastructure charge may only be used for the purpose for which it is collected.

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

TRANSPORTATION

Roads

As shown on the Transportation Map (Map 3), Cole Harbour/Westphal's road network is dominated by two provincial highways. Highway No. 7 serves as the principal link between Eastern Shore communities and the metropolitan area, while the Cole Harbour Road is a secondary highway (No. 207), which serves the Eastern Shore as far as Porters Lake.

Although both routes have four lanes through most of the Plan Area and carry roughly the same traffic volumes, traffic using the Cole Harbour Road is largely generated within the Plan Area, while vehicles using Highway No.7 generally come from outside Cole Harbour/Westphal[14].

In the past, the Plan Area's network of arterial, collector and local roads was based on a classification system established by the Department of Transportation and Communications, whereby roads are classified primarily according to their structural design and traffic service capabilities. Emphasis is placed on traffic movement, with little consideration given to the types of land uses associated with or adjacent to the various roadways. In order to establish more specific locational criteria upon which to evaluate developments and to prioritize municipal servicing programs, such as the installation of sidewalk services, it is desirable to establish a road classification system more appropriate to the needs of the Plan Area.

TR-1 It shall be the intention of Council to adopt the road classifications shown on Map 3 - Transportation Map.

By using the road classification system, Council will be better able to evaluate land use proposals in relation to road type. The road classification system uses a combination of factors to classify roadways; such as primary function, land use service, traffic volume, right-of-way width and road connections.

TR-2 It shall be the intention of Council to utilize the road classification system as a means of evaluating development proposals which require amendments to the land use by-law or which must be considered pursuant to the development agreement provisions of the Planning Act.

Traffic patterns are subject to change, either as new developments occur within the Plan Area or as new roads are constructed. Therefore, a change in one factor, may result in a road being reclassified to a higher (or lower) classification, even though the other factors have not changed. In addition, as the Plan Area grows, new roads will be constructed. The road classification system must also provide a framework for classifying new roads. The road classification system will also be applied to developing areas so that new developments occurring in the Plan Area may be evaluated on the basis of their relationship to the transportation network.

[14] Nova Scotia Annual Traffic Volume Books, Department of Transportation and Communications

TR-3 It shall be the intention of Council to utilize the road classification criteria in Appendix "A", as a basis on which to evaluate new and reclassify existing roadways in the Plan Area.

TR-4 It shall be in the intention of Council to cooperate with the Department of Transportation and Communications in maintaining and revising the road classification system as the road network changes in the Plan Area.

The road network in the Plan Area was developed in a relatively incremental manner, as the area developed over time. As a result, the road network is comprised mostly of a series of local streets with little recognition given to hierarchal design. To improve movement through the road network, particularly where new subdivisions are being considered, developers should be required to reserve rights-of-way and/or build higher order roadways in order to improve overall efficiency of the road network.

TR-5 It shall be the intention of Council to encourage the Department of Transportation and Communications to prepare conceptual plans showing the approximate location of future arterial and collector roads within the Plan Area, and to establish mechanisms which ensure that the necessary rights-of-way for these higher order roadways are provided for as development occurs. Furthermore, it shall be the intention of Council to request the Department of Transportation and Communications to establish an urban division within Halifax County to specifically deal with road development standards within the urban areas.

There are presently no designated truck routes in the community. With the continuation of residential development throughout the area it is important that through truck traffic be precluded from residential areas. In addition, the use of residential streets for the parking of commercial vehicles has increased resident concerns about congestion and safety. The Department of Transportation and Communications has recently begun to limit truck traffic on the Montague Road and although administration and enforcement of this measure is difficult, the effort is commendable. It would, therefore, be desirable to identify other area where restrictions on vehicular traffic and on-street parking should be applied.

TR-6 It shall be the intention of Council, in conjunction with the Cole Harbour/Westphal Community Council, to identify streets within the plan area where restrictions on vehicular traffic and on-street parking should be applied and administered, and to request the assistance of the Department of Transportation and Communications in applying and administering these restrictions.

There are a number of public rights-of-way in the area which are owned by the Department of Transportation and Communications but which are not presently maintained as public roads. In order to provide for future road needs, and given the anticipated growth in the community, these rights-of-way should be retained.

TR-7 It shall be the intention of Council, to request the Department of Transportation and Communications to reserve its existing public rights-of- way for use in the development of future roads.

There exists a concern that the portion of the Cole Harbour Road which has not been widened to

four lanes and in particular in the area of Long Hill, may be widened. Traffic volume figures on this section of the Cole Harbour Road indicate that this may not be required, however measures to improve general safety at the crest of Long Hill should be investigated.

TR-8 It shall be the intention of Council, to discourage any further widening of the present two lane section of the Cole Harbour Road, and to request the Department of Transportation and Communications to investigate vehicular and pedestrian safety in the vicinity of Long Hill.

Most development has occurred over a very short period of time and consequently speed limits and traffic control mechanisms, including signs and traffic lights, need examination with regard to the urbanizing nature of the community. Pedestrian safety in general should be examined in more detail, and particularly along Cole Harbour Road, Forest Hills Drive and the area in the vicinity of the Highway No. 7 and Forest Hills Drive intersection.

TR-9 It shall be the intention of Council, in conjunction with the Cole Harbour/Westphal Community Council, to encourage and co-operate with the Department of Transportation and Communications to consider reductions in speed limits on roads within the urbanizing area and to examine general traffic control elements. This examination should consider safety features such as boulevards, medians or service roads, and reducing the number of access points on both the Cole Harbour Road and Highway No. 7. In light of commercial development in the vicinity of Highway No. 7 and Forest Hills Drive, this intersection should be examined in terms of pedestrian and vehicular safety.

The Planning Act enables the Municipality to control the location, size and number of access points from a lot to a street. Since roads within the Plan Area are owned and maintained by the Department of Transportation and Communications, it is important that measures to control access be developed in co-operation with that department. However, it is appropriate for the Municipality to develop access control measures for commercial and higher density residential uses in order to reduce traffic in lower density residential areas as well as to promote traffic safety.

TR-10 It shall be the intention of Council in cooperation with the Department of Transportation and Communications to establish provisions in the land use by-law which regulate the location, size and number of access points from lots to abutting streets. In considering such measures, Council shall have regard to traffic patterns and volumes and to the maintenance of public safety.

As much commercial traffic as possible should be directed to the Cole Harbour Road and similar larger roads and away from the residential local streets. However, for reasons of safety, the provision of access to a local street may be a preferable course of action. Concern with residential environments will require greater control when these situations arise.

TR-11 It shall be the intention of Council to require commercial and high density residential uses within the C-2 Zone to access only onto the Cole Harbour Road, Cumberland Drive or Forest Hills Drive. Notwithstanding this, where a lot is to be developed for commercial or higher density residential use and it has been determined through standard engineering practices that access to the Cole Harbour Road, Cumberland Drive or Forest Hills Drive is undesirable, Council shall require any development for such uses with any accesses to any other road to be subject to a development agreement pursuant to the Planning Act.

In considering such an agreement Council shall have regard to the provisions of Policy IM-11 and to the most efficient and unobtrusive method of access and egress, for vehicles and pedestrians, and to the optimum design of on-site parking, aisles, signage and other traffic features, and to the orientation of buildings where these may affect traffic flow.

Of particular significance is the potential impact of the proposed extension of Highway No. 107 which would route traffic to and from the Eastern Shore around and away from the more settled portions of the community. Although a number of alignments have been considered, final decisions have not been made. While it is not the intention of this planning strategy to specify a preference for any of the alignments which are illustrated on the Transportation Map (Map 3), it is the intention to encourage the Province to review public opinion on this and similar matters.

TR-12 It shall be the intention of Council to encourage the Department of Transportation and Communications to resolve the alignment of the western extension of Highway No. 107 as soon as possible and in consultation with residents of the communities affected. Upon construction of any extension, Council shall review the Highway Commercial Designation of this planning strategy as to the effects which lowered traffic volumes using Highway No. 7 may have on the types of commercial development encouraged through the designation.

Pedestrian Systems

Within the serviced area, there are a large number of walkways which provide through block access for pedestrians. These walkways are necessary due to the long blocks created by the area's curvilinear street pattern. Many walkways are narrow and have problems which result from poor initial design and construction, and difficulties have arisen over responsibilities of ownership and maintenance. The resolution of these issues is a community priority.

TR-13 It shall be the intention of Council to establish standards for walkways which will ensure public safety and ease of maintenance. Furthermore, it shall be Council's intention to clarify ownership of the existing walkway system and to retain all designated public walkways in order to ensure public access between community facilities, parks and bus stops.

Sidewalks have generally been cost-shared and constructed by the Department of Transportation and Communications, the Municipality and area residents when a request for such service has been received. However, there are some locations, particularly near schools, where potential dangers exist for pedestrians due to the lack of sidewalks.

TR-14 It shall be the intention of Council in co-operation with the Department of Transportation and Communications and area residents to undertake a review of existing sidewalks, crosswalks and street lighting and to produce a priority list of future improvements including overhead walkways.

Transit

The Cole Harbour/Westphal area is one of the largest and fastest growing suburban areas within the Municipality. With increasing population and energy costs, the need for public transit is becoming more important. At present, the Metropolitan Authority operates four bus routes which

serve portions of Cole Harbour Road and Humber Park in Westphal. All buses terminate at either the Penhorn Mall or the City of Dartmouth's Ferry terminal where other connections may be made. If any extension of bus service is considered, emphasis should be given to residential areas adjacent to and located on Highway No. 7.

In 1988, the Metropolitan Authority undertook a comprehensive review of transit services within the metropolitan region. From the review, the Metropolitan Authority indicated the Transit service to Cole Harbour should be improved through the use of express routes to mayor transit terminals, terminals being upgraded, reduce the use of loop routes, and scheduling changes. At present, most of the improvements have been constructed or implemented. Although residents are generally satisfied with the level of commuter transit service provided by Metro Transit to areas outside of the community, there is a need for improved transit service to destination points within the community. The possibility of providing para-transit or mini-bus service within the community should be investigated.

TR-15 It shall be the intention of Council to support and encourage the continued provision of public transit services for the Cole Harbour/Westphal area and to request the Metropolitan Authority to consider the possibility of providing a para-transit or mini-bus service within the community.

TR-16 It shall be the intention of Council to encourage the Metropolitan Authority to implement all of the transit improvements proposed in the Metro Transit - Route Review Report (1988) and, in conjunction with the Cole Harbour/Westphal Community Counci, to monitor the adequacy of transit service within the community.

TR-17 It shall be the intention of Council to encourage the Metropolitan Authority to investigate the provision of additional transit services in the Westphal portion of the Plan Area, with particular regard for a Highway No.7 route.

TR-18 It shall be the intention of Council to encourage the Department of Transportation and Communications to coordinate the design of new road construction with the Metropolitan Authority in order to facilitate the provision of public transportation by encouraging adequate road rights-of-way and paved bus stop areas. Similarly, it shall be Council's intention to encourage subdivision design which facilitates the provision of public transit.

Utility Corridors

Utility corridors, such as pipe and power lines, can have detrimental impacts on the environmental and aesthetic qualities of communities. The siting of utility corridors should be subject to municipal review due to their effects upon scenic, recreational and residential areas of the Municipality and general development patterns.

TR-19 It shall be the intention of Council to request all utility companies to submit proposed plans of any utility corridors prior to construction. Furthermore, Council shall discourage the location of utility corridors through scenic, recreational and residential areas of the Municipality.

Reduced Lot Frontages (C-Dec 13/93;M-Dec 22/93)

In certain instances, the subdivision of existing properties has been hampered due to a lack of sufficient road frontage. The Municipal Subdivision By-law contains provisions which permit limited subdivision on the basis of reduced road frontage. The application of these provisions in the Plan Area would support the creation of new lots from larger areas of land which may have limited frontage on the public road network. These provisions are not, however, considered to be appropriate within areas served by central services or for uses of land which generate higher volumes of traffic, such as commercial, industrial or institutional developments.

TR-20 It shall be the intention of Council to permit the application of Part 14 of the Subdivision By-law except for the reduced lot frontage provisions contained in Section 14.1, which shall not apply in the following circumstances:

- **(a) where properties are located within the Service Boundary as shown on Map 2; and**
- **(b) where properties are zoned for commercial, industrial, or community facility purposes.**

TR-21 It shall be the intention of Council that development permits shall not be issued for commercial, industrial, or community facility uses for lots created pursuant to Section 14.1 of the Subdivision By-law.

HERITAGE CONSERVATION

Heritage conservation is a mayor community concern, as evidenced by the incorporation of the Cole Harbour Rural Heritage Society in 1974. Through extensive effort and the co-operation of the Nova Scotia Department of Housing, the Nova Scotia Museum and the Municipality, the Society has developed the Cole Harbour Heritage Farm and an associated conservation park area along a stream leading from Settle Lake to the Heritage Farm marsh.

The Heritage Farm complex incorporates the historic Giles and Harris and Settle homes, barns and other outbuildings and provides a range of educational and recreational opportunities, including a museum, an interpretative park and a setting for community events such as garden markets, craft exhibitions and concerts. The Society has also worked with the local United Church in the preservation of the Old Meeting House located near the crest of Long Hill.

In recognition of a growing general interest in heritage resources, heritage protection legislation has been proclaimed by the Province and the Municipality has adopted a Heritage Property By-law. In 1990, the cemetery at Lawlor's Point was designated as a Heritage Property.

H-1 It shall be the intention of Council to further the objectives of heritage preservation through the Municipality's Heritage Property By-law. Furthermore, it shall be Council's intention to encourage and cooperate with the Cole Harbour Rural Heritage Society in matters pertaining to heritage resources in the Plan Area.

RECREATION

The provision of recreational land is effected through the dedication of parkland in compliance with the Municipality's Subdivision Regulations and in the case of the Forest Hills area, under the terms of the Planned Unit Development Agreement. In the former, five per cent of the land subdivided or cash-in-lieu is accepted and the latter provides for ten per cent park lands. Substantial parcels of land including properties along Settle Lake, the community campus surrounding Cole Harbour Place and the Watercourse Park have been dedicated for public use. Also, monies have been accumulated through cash-in-lieu of land for the purchase of additional property.

Efforts should be made to ensure that future areas acquired for parkland purposes are use able for active or passive recreational purposes and are integrated with existing parks and community facilities. There is a need to establish site development standards and guidelines for the optimum amount and type of land necessary to satisfy community demands, in order to provide a more coordinated approach to the land acquisition process.

REC-1 It shall be the intention of Council to continue to acquire land or cash-in-lieu of land for public purposes as provided for by the Planning Act. In this regard, Council shall attempt to acquire property which:

(a) provides open space linkages between community facilities and related land uses;
(b) provides a variety of recreational and open space opportunities;
(c) complements existing public lands and facilities; and
(d) affords protection of watercourses and lakes.

REC-2 It shall be the intention of Council to establish guidelines in respect to the optimum amount and type of public lands necessary to meet the recreational and open space needs of the community and to set standards for the development of park sites. Further, it shall be the intention of Council to investigate the budgeting of funds for the purchase of lands beyond those acquired through the Planning Act.

REC-3 It shall be the intention of Council to prepare a recreational master plan for the Plan Area which includes consideration of:

(a) future acquisition and use of parks and open spaces;
(b) priorities for land and programme development;
(c) approaches to the resolution of social issues including vandalism;
(d) funding strategies based on a five year capital programme; and
(e) public participation in policy development.

A section of the former Dartmouth to Musquodoboit railway forms the southern boundary of the Plan Area and crosses Cole Harbour itself. After a long period of neglect, the rail line was closed by CN in 1981, and its tracks and ties were removed in 1985. The provincial Department of Natural Resources has expressed an interest in developing a public recreational trail along a section of the abandoned line which passes through the Coastal Heritage Park as a means of providing an alternative method of access to Lawrencetown Beach, while offering an interesting recreational experience as a trail within the park. There are benefits to such a concept, provided that an adequate level of maintenance and security can be provided. In addition, it may be desirable for the Municipality to acquire that section of the former railway which is outside the Coastal Heritage

Park or alternatively, to encourage the Province to reserve it as a nature trail.

REC-4 It shall be the intention of Council to encourage the provincial Department of Natural Resources to acquire, develop and maintain the section of the abandoned CN rail line which passes through the Cole Harbour-Lawrencetown Coastal Heritage Park for use as a public recreational trail.

REC-5 It shall be the intention of Council to investigate the feasibility of acquiring that portion of the abandoned CN rail line which is located outside the Cole Harbour-Lawrencetown Coastal Heritage Park within the plan area or to encourage the Province to reserve and maintain it as a nature trail if it is not available for Municipal acquisition.

EDUCATION

The rapid growth in population which has occurred in Cole Harbour/Westphal over the last decade has placed a particularly heavy burden on educational facilities. A number of schools within the urbanized area are overcrowded, while some schools in unserviced areas have suffered decreases in enrolment, leading to the closure of an elementary school. Extensive busing and other education matters have become issues within the area's communities.

The control and management of schools and programs in the municipality is the responsibility of the Halifax County-Bedford District School Board. 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 fifteen members, all of whom are elected.

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 three potential sites. The provincial Department of Education makes the final site selection. Monitoring of population growth and development trends are conducted jointly by the Halifax County-Bedford District School Board and municipal Planning and Development Department.

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 In shall be the intention of Council to request the Department of Education and the Halifax County-Bedford District School Board to investigate ways in which support and additional space can be provided, as part of new school construction and school expansion projects, to provide for after-hours day care for school aged children.

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 programmes. In addition to providing a broad range of educational and leisure programmes for all age groups, the programmes help to foster community development by providing a focus for a

wide range of community activities.

ED-6 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.

PROTECTION AND EMERGENCY SERVICES

Protection services include fire and police protection, ambulance services and an emergency measures organization. Fire protection services are the responsibility of the Municipality, while the emergency measures organization is shared between municipal and provincial authorities. Police and ambulance services are not under the control of the Municipality and are supervised respectively by federal and provincial authorities.

Fire protection services are provided by the Westphal-Cole Harbour Fire Department, except for the Richardson Subdivision area, which is serviced by the District 8 Fire Department from Lake Echo. Hydrants are accessible in most developments within the Plan Area, and unserviced areas are serviced by tanker trucks. A mutual aid system which involves standby and backup services is in place for both fire departments.

The Westphal-Cole Harbour Fire Department is staffed on a twenty-four hour basis by both paid fire fighters and volunteers and operates on a system in which paid staff are first to respond to calls with an automatic backup by the volunteer staff. Fire protection advisory services are also provided by the Municipality. The Fire Advisory Committee, which consists of Municipal Councillors and fire department personnel, acts in a resource and advisory capacity to Council and as a liaison between Council and individual fire departments. A full-time fire services coordinator has also been appointed.

PS-1 It shall be the intention of Council to encourage adequate fire protection in the following ways:

(a) supporting staffing practices involving the combination of paid and volunteer fire fighters;
(b) supporting the continuation and further development of fire prevention measures, such as general education and inspection programmes; and
(c) encouraging and supporting cooperation and collaboration between individual fire departments and the Municipality in order to encourage well-balanced and efficient provision of services and to facilitate long-term planning.

Police services are provided by a local Royal Canadian Mounted Police detachment. The strength of the detachment was significantly increased in the late 1970s to provide a level of service considered more appropriate to a predominantly suburban population that includes both Cole Harbour and adjacent communities. Ambulance services are provided by two private businesses operating out of Dartmouth. The service is subsidized by the province and provision is made for outside ambulance assistance, if needed. At the present time, an ambulance is available in Cole Harbour during peak traffic hours.

PS-2 It shall be the intention of Council to monitor the adequacy of police and ambulance services within the Plan Area.

The Municipality has an emergency operations plan (most recently updated in 1982), an Emergency Measures By-law, and an emergency measures coordinator to deal with civil emergencies. At present, a province-wide emergency calling system is being installed and the Municipality is considering a county-wide fire dispatch system to run in conjunction with it.

PS-3 It shall be the intention of Council to continue to encourage and support the activities of municipal and provincial emergency measures organizations and operations.

SOCIAL HOUSING

The Federal Government, through Canada Mortgage and Housing Corporation (CMHC), offers a non-profit housing program that provides financial assistance to housing cooperatives. Such programs provide an important housing option for those who would otherwise face significant problems in securing affordable housing. The municipality could further support this cooperative housing program by helping to target people in need and by providing administrative assistance to those involved in the establishment of coop housing groups.

One of the ways in which the Municipality could offer such support is the establish a permanent committee to deal with issues of social housing. This committee could be charged with reporting to Council on possible initiatives that might be undertaken with respect to providing this type of housing. Membership on the committee could include staff from the departments of Social Services, Planning and Development and Property Management and the Dartmouth-Halifax County Regional Housing Authority.

SH-1 It shall be the intention of Council to investigate methods by which the Municipality can offer non-financial assistance in promoting the establishment of cooperative housing groups, funded through the CMHC non-profit housing program.

SH-2 It shall be the intention of Council to establish a permanent committee to report to Council on matters relevant to social housing and to coordinate social housing efforts and programs within the municipality.

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 of the Generalized Future Land Use Map (Map 1) as follows:

Urban Residential
Rural Residential
Community Commercial
Highway Commercial
Community Facility
Provincial Park
Special Area FOR CONVENIENCE ONLY
Watershed

The Urban Residential Designation recognizes the Plan Area's established community and constitutes the priority area for continuing residential development. The intention is to recognize the existing residential environment while providing for a variety of housing types and densities as the community continues to grow and evolve.

The Rural Residential Designation is given to lands outside of the established community and which are not at this time accessible by public road. The designation is intended to encourage that developments maintain low densities and to provide a thorough examination of the potential suitability of lands for more intense development, particularly with regard to known health problems in the area and the effects of new developments on the form of established communities.

The intent of the Community Commercial Designation is to encourage the creation of a community focal area along the Cole Harbour Road. The designation supports a range of development in terms of goods and services, but limits the scale of commercial uses and discourages the use of outdoor storage and display. Provision is made for larger commercial uses and certain intensive uses such as fast food restaurants to be considered by specific agreements respecting their particular needs and effects on adjacent residential areas.

The intent of the Highway Commercial Designation is to provide for commercial uses which require extensive lands and which are not appropriate in the Community Commercial Designation by reason of outdoor storage and display or because of their scale. It is applied along Highway No. 7.

The Community Facility Designation is intended to recognize and protect major institutional and open space uses within the Plan Area.

The intent of the Provincial Park Designation is to recognize and support the Cole Harbour-Lawrencetown Coastal Heritage Park system. The designation is applied to lands along the western shore of Cole Harbour.

The Special Area Designation is given to lands adjacent to the Provincial Park Designation and is intended to protect the public views from Long Hill to the waters of Cole Harbour and the unique character of Lawlor's Point. The designation provides for new residential development by development agreement, the expansion of existing uses, and supports established parks and institutional zoning in the area. FOR CONVENIENCE ONLY

The Watershed Designation recognizes the necessity of protecting the area's potable water supply and supports the Municipal Planning Strategy for North Preston, Lake Mayor, Lake Loon/Cherry Brook and East Preston. The designation is applied to lands generally between the Montague Road and Lake Major which are part of the Lake Major Watershed.

URBAN RESIDENTIAL DESIGNATION

The rate of residential development in the Plan Area has been consistently among the highest in the metropolitan region for the past twenty years. Over six thousand residential building permits were issued over this period, approximately 68 per cent of which were for single unit dwellings. This rapid growth resulted from the installation of municipal water and sewer services and mayor land assembly and development protects by the Nova Scotia Department of Housing and Clayton Developments Limited. The majority of development has occurred within the serviced area.

In the period since the adoption of an initial planning strategy in 1982, building permits were issued for 1,369 single unit dwellings, accounting for just over 58 per cent of residential permits in the Plan Area. Two unit dwellings accounted for just under 15 per cent (352 units) and multiple unit dwellings and townhouses just over 6 per cent (617 units). In addition, permits were issued for 10 mobile dwellings located on individual lots outside the mobile home park.

The Urban Residential Designation is intended to recognize and support the existing single unit residential environment within both serviced and unserviced portions of the Plan Area, including the associated activities which are typical and appropriate to each. In the more urban serviced area where lot sizes are smaller, non-residential uses which may be accommodated within a dwelling are limited to offices and small day care facilities, while the larger lot areas of the unserviced portion may accommodate small businesses, given review and controls to eliminate conflict with adjacent uses. The designation also recognizes the growth and evolution of the Cole Harbour/Westphal residential area and is intended to accommodate a mixture of housing in response to varied population and economic needs in the future.

UR-1 In recognition of the established residential community and the need to provide for a variety of residential opportunities as the community continues to grow and evolve, it shall be the intention of Council to establish the Urban Residential Designation as shown on Map 1 - Generalized Future Land Use Map. This designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

UR-2 Within the Urban Residential Designation, it shall be the intention of Council to establish a residential zone which permits single unit dwellings and open space uses, and provides for the use of dwellings for limited day care facilities and limited "home businesses" wholly contained within a dwelling. In addition, the zone shall control parking and the number and size of signs, and open storage and outdoor display.

There are some residential areas where even the limited use of a dwelling for non-residential purposes is not desired by residents. Council recognizes and supports this desire.

UR-3 Within the Urban Residential Designation, it shall also be the intention of Council to establish a single unit dwelling zone which permits single unit dwellings and open space uses only.

Housing Mixture

This planning strategy, through its various policies, provides for the accommodation of a variety of housing types. The intention of the strategy is to establish a housing mix within the Plan Area

which meets the housing needs of all Plan Area residents. These needs change as economic conditions and factors such as age, family size and income change. The necessity to provide a housing mix is also recognized as an objective in the Halifax-Dartmouth Regional Development Plan.

Within the Urban Residential Designation, the intention is to maintain the single unit dwelling as the predominant type of housing. In providing for a mixture of housing types with emphasis on single unit development, the planning strategy sets out specific criteria and procedures for considering two unit dwellings, mobiles, townhouses and multiple unit dwellings. A ratio of low density (single unit) housing to higher density housing of 70:30 is established as a general target for an overall housing mix in the Plan Area, and is intended to provide a framework in considering applications for specific development proposals. This ratio maintains the existing mixture within the community.

UR-4 It shall be the intention of Council to establish a general objective of 70:30 as a housing mixture ratio between single unit dwellings and other types of residential dwelling units within the Plan Area.

Two Unit Dwellings

There are significant community concerns associated with the impact of two unit dwellings in primarily single unit neighbourhoods. These concerns exist both in the context of individual lot infill and with regard to subdivisions and portions of subdivisions proposed for two unit development, and are related both to the increase in density and to the visual impact of these generally larger structures on existing single unit neighbourhoods.

Two unit dwellings are not considered appropriate either in infill situations or for new subdivisions where such structures would immediately abut existing single unit dwellings or neighbourhoods. New two unit development may be considered for undeveloped lands, provided that adequate separation and buffering from single unit dwelling neighbourhoods is provided within the proposed development. In addition, increased minimum lot area and yard requirements will reduce the bulkier appearance of such dwelling types, as well as provide more space for parking and other amenities.

UR-5 Notwithstanding Policy UR-2, it shall be the intention of Council, within the Urban Residential Designation, to establish a residential zone which permits two unit dwellings in addition to all uses permitted in the single unit dwelling zone (Policy UR-2). Council shall only consider new two unit dwellings by amendment to the land use by-law and with regard to the following:

(a) that where a vacant lot or parcel of land to be rezoned abuts or is immediately adjacent to properties with single unit dwelling zoning, a buffer of single unit dwelling zoned lots, with information as would be shown on a tentative or final plan of subdivision, shall be maintained between existing and proposed development;

(b) that streets are not considered to constitute part of the buffer and, except for individual lot infill, parkland with an area of less than one (1) acre and a depth of less than one hundred (100) feet shall not constitute part of the buffer;

(c) that municipal central services are available and capable of supporting the development;
(d) the effect of the proposed development on the overall housing mixture in the community;
(e) where new roads are being proposed as part of the development, an evaluation of the proposed road layout and the impacts on traffic circulation in the surrounding area; and
(f) the provisions of Policy IM-11.

In 1992 the lands of Colby Golf Centre Limited, adjacent to the intersection of Cole Harbour and Bissett Roads were rezoned to permit proposed short term commercial recreation uses involving a golf driving range and a mini-golf course in conjunction with the main use. The owners sought the rezoning to a community facility zone in order to use the lands productively but did not want to lose their right to construct two unit dwellings. The planning strategy, therefore, provides for rezoning all the lands back to a two unit dwelling zone despite the conditions governing such rezoning on lands abutting or immediately adjacent to lands zoned for single unit dwellings.

UR-6 Notwithstanding Policies UR-2 and UR-5, in recognition of previous zoning rights, it shall be the intention of Council to permit the lands of Colby Golf Centre Limited, adjacent to the junction of Cole Harbour Road and Bissett Road (LRIS No. 403014) to be rezoned to permit two unit dwellings.

Townhouse Dwelling Units

Townhouse development will be accommodated through both the rezoning and development agreement processes. The rezoning process is most appropriate where each individual townhouse unit has direct frontage and driveway access onto a public street, while the development agreement mechanism provides an opportunity for individual units to have frontage and access onto an internal road access located within the area covered by the development agreement. Normal subdivision regulations which require direct frontage and access can be varied by the development agreement.

In considering a proposal for townhouse development, care must be taken to ensure that such units are properly integrated into the community. Characteristics of townhouse developments such as numerous closely spaced driveways, grouped dwelling units, and front yard parking, require that care be taken in siting townhouse development. Controls established in a townhouse zone or through a development agreement will address building and site design details in order to achieve compatibility with adjacent residential development.

UR-7 Notwithstanding Policy UR-2, it shall be the intention of Council, within the Urban Residential Designation, to establish a townhouse zone which permits townhouse dwellings where each dwelling unit is located on a separate lot and has direct access to a public street. Within the zone, there will be controls on parking areas, driveways and access locations, as well as controls on the maximum number of units per building. Council shall only permit new townhouse dwellings by amendment to the land use by-law and with regard to the following:

(a) that individual dwelling units do not have direct access to an arterial or mayor collector street, as defined on Map 3 - Transportation;

(b) that municipal central services are available and capable of supporting the development;
(c) the adequacy of separation distances from low density residential developments;
(d) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
(e) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes;
(f) the effect of the development on the overall housing mixture within the community; and
(g) the provisions of Policy IM-ll.

UR-8 Notwithstanding Policies UR-2 and UR-7, it shall be the intention of Council to consider townhouse developments within the Urban Residential Designation which do not provide direct access from each unit to a public street, according the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

(a) that each unit in the townhouse development be located on a separate lot with direct access to an internal private driveway serving all units and having access to a public street;
(b) that the development includes a minimum area of twenty thousand (20,000) square feet;
(c) that municipal central services are available and capable of supporting the development;
(d) the adequacy of separation distances from low density residential development;
(e) that site design features including landscaping, parking areas and driveways are of an adequate size and design to meet the needs of residents of the development and to address potential impacts on adjacent development;
(f) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent uses;
(g) general maintenance of the development;
(h) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes;
(i) the effect of the development on the overall housing mixture within the community; and
(j) the provisions of Policy IM-11.

Multiple Unit Dwellings

The demand for multiple unit dwellings is expected to continue in response to the diversified housing needs of the general population. In order to provide high quality multiple unit accommodation while avoiding significant impacts on existing land uses, such uses will be considered by both rezoning and development agreement. Smaller scale multiple unit developments up to six units will be considered by rezoning while larger scale multiple unit developments over six units will be considered by development agreement. The development agreement approach will provide site-specific control intended to ensure that community concerns with such matters as appropriate density and scale of development, landscaping, site design, and separation from low density residential development are adequately addressed.

UR-9 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a multiple unit dwelling zone which permits new multiple unit dwellings to a maximum of six units, all existing multiple unit dwellings and community facility uses. Controls on parking and amenity areas shall be established in the zone. Council shall only consider new multiple unit dwellings by amendment to the land use by-law and with regard to the following:

(a) the adequacy of separation distances from low density residential developments;
(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
(c) that municipal central services are available and capable of supporting the development;
(d) that the development has direct access to a minor or major collector as defined in Map 3 - Transportation;
(e) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site; and
(f) the effect of the development on the overall housing mixture within the community; and
(g) the provisions of Policy IM-11.

UR-10 Notwithstanding Policies UR-2 and UR-9, within the Urban Residential Designation, it shall be the intention of Council to consider multiple unit dwellings over six (6) 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) the adequacy of separation distances from low density residential developments;
(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
(c) that site design features, including landscaping, amenity areas, parking areas and driveways, are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residents of the development;
(d) preference for a site in close proximity to community facilities such as school, recreation areas and transit routes;
(e) that municipal central services are available and capable of supporting the development;
(f) that appropriate controls are established to address environmental concerns, including stormwater controls;
(g) that the development has direct access to a minor or major collector as defined on Map 3 - Transportation.
(h) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
(i) general maintenance of the development;
(j) the effect of the development on the overall housing mixture within the community; and
(k) the provisions of Policy IM-11.

Comprehensive Development Districts

In 1972, through the powers provided by special legislation, the Municipality adopted the Planned Unit Development By-law which enabled it to consider larger scale and/or mixed use development proposals and to establish, through separate legal agreements, site controls appropriate to the complexity of each development. The need to deal with such developments in a comprehensive and flexible manner could not be accommodated under the Municipality's previous zoning regulations.

With the adoption of the initial planning strategy in 1982, the Planned Unit Development By-law was replaced by Comprehensive Development Districts (CDD) provided for under the Planning Act. Within a comprehensive development district, development may only proceed by way of a development agreement.

Comprehensive development districts provide a regulatory mechanism whereby residential development on larger tracts of land may be planned and evaluated with regard to detailed consideration of topographic conditions, housing mix including any innovative housing forms, the scheduling of development, provision for public land dedication, road layout, sidewalks, the location of schools and other community facilities, provisions for storm drainage as well as the general effects of the development on the environment and adjacent uses. The development of residential areas through comprehensive development districts is in keeping with the intent of encouraging well planned residential neighbourhoods within the Plan Area.

UR-11 It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of **neighbourhood business (RC-May 11/99;E-Jun 26/99)** and community facility uses when in association with residential uses. Industrial and general commercial uses shall specifically be prohibited. When considering an amendment to the land use by-law to establish a comprehensive development district, Council shall have regard for the following:

(a) that the development is within the Urban Residential or Rural Residential Designations;
(b) that the development includes a minimum area of five (5) acres;
(c) that where the development provides for a mix of housing types, it does not detract from the general residential character of the community;
(d) that the development is capable of utilizing existing municipal sewer and water services; and
(e) that the development is consistent with the general policies of this Planning Strategy and furthers its intent.

UR-12 With reference to Policy UR-11, and as provided for by the Planning Act, the development of any comprehensive development district shall only be considered by Council through a development agreement or agreements which shall specify the following:

(a) the types of land uses to be included in the development;
(b) the general phasing of the development relative to the distribution of specific housing types or other uses;

(c) the distribution and function of proposed public lands and community facilities;
(d) any specific land use elements which characterize the development;
(e) matters relating to the provisions of central sewer and water services to the development;
(f) provisions for the proper handling of storm water and general drainage within and from the development; and
(g) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-11.

Forest Hills Planned Unit Development (Deleted: RC-Jul 5/11;E-Oct 8/11)

Karen Drive Site (Replaced: RC-Jul 5/11;E-Oct 8/11)

The Province of Nova Scotia owns a 3.1 acre site on Karen Drive (PID 40204133), in the Forest Hills development. The site is intended for either multiple unit housing or townhouses in order to address the need for seniors or affordable housing, to a maximum of 67 units. This plan supports the need to provide for such housing, and zoning will be put in place to recognize this intent. The development agreement process will be used by council to consider detailed plans for the site.

UR-13 The 3.1 acre site on Karen Drive is intended for residential development either in the form of townhouses or low rise multiple unit dwellings, in support of Provincial goals to provide seniors-oriented and/or affordable housing. Development on the site shall be consider through the development agreement process. Townhouse developments shall be considered pursuant to Policy UR-8. Multiple unit housing shall be considered pursuant to UR-10, notwithstanding that policy's normal requirement for frontage on a collector street. Residential care facilities shall be considered under Policy UR-15.

Community Facility Uses

Institutional and other community supporting uses may locate in residential neighbourhoods in order to facilitate the social and physical integration of the facility with the community. Such facilities can be designed, located and scaled to aid in this integration, and to respond to the difficulties of accepting high volume uses within residential areas.

In order to provide for the consideration of specific effects on residential neighbourhoods, most community facility uses may be considered by amendment to the land use by-law. The siting of residential care facilities will be accommodated through site-specific measures provided for in the development agreement process.

UR-14 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Residential Designations, it shall be the intention of Council to establish a community facility zone which permits a variety of community related uses such as schools, churches, hospitals, government offices, community centres and recreation uses. Council may consider permitting new community facility uses by amendment to the land use by-law and with regard to the provisions of Policy IM-11.

UR-15 Notwithstanding Policy UR-2, Council may only consider permitting residential care facilities within any designation according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

(a) the design and scale of buildings and structures relative to the surrounding residential neighbourhood;
(b) the guidelines of provincial licensing requirements; and
(c) the provisions of Policy IM-11.

While in most cases commercial recreation uses are not suited for residential areas, there are a limited number of cases where accommodations can be made to allow for such uses. For example, where commercial uses are intended as part of comprehensive residential developments or as part of recreational facilities operated by fraternal residential developments or as part of recreational facilities operated by fraternal clubs or similar community service organizations, provisions can be made to consider these uses. Given the priority for residential development within the designation, it is important that these uses be carefully reviewed through a development agreement process.

UR-16 Within the Urban Residential Designation, Council may consider permitting commercial and commercial recreation uses in conjunction with recreational facilities which are operated by fraternal or service clubs according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

(a) that the gross floor area of any commercial building does not exceed five thousand (5,000) square feet;
(b) that adequate provisions for storm drainage, both on and off the site, are included within the proposal;
(c) the adequacy of separation distances, landscaping and screening from adjacent residential uses;
(d) the overall design of the site and any structures including parking areas, landscaping and road access;
(e) maintenance of the development;
(f) hours of operation; and
(g) the provisions of Policy IM-11.

Neighbourhood Business Uses

Although general commercial development is not permitted in the Urban Residential Designation, neighbourhood business uses such as corner stores, personal service shops, professional offices, specialty retail and cafes/coffee shops can conveniently serve local residents from locations within their own neighbourhoods. However, such uses can create compatibility concerns with adjacent residential development relative to traffic generation on local streets, access controls, hours of operation, and visual effects related to site and building design. In light of these concerns, new neighbourhood business uses will only be considered by development agreement. Existing neighbourhood business zoning will be maintained. Where deemed appropriate, limitations may be placed on the range of uses permitted where there is expressed concern relative to increased traffic and impact on

adjacent residential uses.

UR-17 Notwithstanding Policy UR-2, in recognition and support of existing neighbourhood business uses, within the Urban Residential Designation, it shall be the intention of Council to establish a neighbourhood business zone which permits neighbourhood businesses along with single detached dwellings. It is the intention of Council that this zone shall be applied only to properties having a neighbourhood business zone on the effective date of the planning strategy. The range of uses permitted in a neighbourhood business zone may be limited on those properties where there is expressed concern over increased traffic and impact on adjacent residential uses.

UR-18 Notwithstanding Policies UR-2 and UR-17, within the Urban Residential Designation, it shall be the intention of Council to consider new neighbourhood business uses, and to provide for the expansion of, and/or consideration of additional uses, according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following: (Amended: RC-Sep 22/20;E-Nov 14/20)

- **(a) neighbourhood business uses shall be limited to uses that are primarily intended to serve the local neighbourhood;**
- **(b) the proposed development does not exceed a maximum gross floor area of two thousand (2,000) square feet, exclusive of any area devoted to an accessory dwelling unit;**
- **(c) the architectural design is compatible with the predominant roof styles, window styles and exterior materials used in the surrounding residential neighbourhood;**
- **(d) the height, bulk and lot coverage of any building is compatible with adjacent land uses and with the character of the surrounding residential neighbourhood;**
- **(e) open storage or outdoor display shall not be permitted;**
- **(f) site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;**
- **(g) there is direct access to a minor or major collector as identified on Map 3 - Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;**
- **(h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;**
- **(i) maintenance of the development;**
- **(j) hours of operation; and**
- **(k) the provisions of Policy IM-11.**

(RC-May 11/99;E-Jun 26/99)

Industrial Uses

Although the principal intent of the planning strategy is to provide protection and direction for continued suburban residential and commercial growth, existing industrial uses can for the most part, be supported within the Plan Area. A number of these uses are located on contiguous lots

along Ross Road, and essentially constitute a small industrial area apart from the major residential community. Another area containing industrial uses is located on Highway No. 7 near Salmon River Drive. Other uses are found in residential neighbourhoods and relate primarily to warehousing and small industrial service uses. The high standard at which these properties have been maintained has resulted in their being accepted in their neighbourhoods and, although such uses are not seen as generally appropriate to continuing development, provisions can be made for existing operations.

In keeping with the intention of this planning strategy to give priority to residential development, industrial zoning will not be extended where existing industrial operations are to be increased in area. In the event that an existing industrial operation is proposed to be expanded beyond its zoned area, it is reasonable to evaluate such requests on a case-by-case basis through the development agreement process.

UR-19 In support of existing light industrial uses within the Urban Residential Designation, particularly in the vicinity of the Ross Road, it shall be the intention of Council to establish a light industry zone. The zone shall permit the continued operation and expansion of existing uses and permit changes of use within appropriate limits. It shall be the intention of Council that this light industry zone shall not be extended to additional properties by amendment to the land use by-law.

Council may, however, consider any proposed expansion of such uses onto adjacent, non-industrially zoned properties in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

(a) that the proposed use is related to an existing industrial use;
(b) the extent and location of open storage and outdoor display with respect to abutting properties;
(c) the adequacy of separation distances, landscaping and screening from adjacent residential and community facility uses;
(d) the adequacy of transportation facilities serving the use, including entrance to and access from the site;
(e) an assessment of environmental concerns related to the proposed expansion and in particular, potential effects on watercourses;
(f) the compatibility of the proposed expansion with surrounding land uses by virtue of its nature, scale and hours of operation; and
(g) the provisions of Policy IM-11.

UR-20 Notwithstanding that industrial uses are not permitted within the Urban Residential Designation, it shall be the intention of Council to provide for the continuation of certain light industrial uses identified in Appendix "B" of the land use by-law, to the extent to which they were in existence at the time of adoption of this strategy. Council may consider the expansion of such uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regards to the following:

(a) that any expansion will not involve structural alterations or new buildings which will detract from the character of the surrounding residential neighbourhood by

reason of the architectural design and exterior material used in their construction;

(b) that any use will not be obnoxious or result in excessive noise, dust or traffic concerns;

(c) that adequate provision is made for buffering and screening from adjacent residential properties; and

(d) the provisions of Policy IM-11.

There are two licensed salvage yard operations in the vicinity of the Ross Road. While these uses are incompatible with the long term development of the area, they may be supported to the extent that they presently exist. No expansion of these operations will be permitted.

UR-21 Notwithstanding that salvage yards are not permitted in the Urban Residential Designation, it shall be the intention of Council that the existing licensed salvage yards identified in Appendix "C" of the land use by-law shall be permitted to the extent that they were in existence at the time of the adoption of this strategy. In addition, Council shall encourage the Board of Commissioners of Public Utilities to fully enforce its regulations respecting salvage yard licensing.

Resource industries such as extractive or livestock operations are incompatible with the environmental sensitivity and residential character of the Plan Area. However, existing operations may be accommodated.

UR-22 Notwithstanding that resource uses are not permitted in the Urban Residential Designation, it shall be the intention of Council to provide for the continuing operation of resource uses identified in Appendix "D" of the land use by-law, to the extent to which they were in existence at the time of the adoption of this strategy. Council may consider the expansion of such uses according to the development agreement provisions of the Planning Act and with regard to the provisions of Policy IM-11.

Unserviced Areas

Residential development within the unserviced portions of the Urban Residential Designation is generally located along or adjacent to the original highways serving the Plan Area. These areas, particularly along Highway No. 7 and Ross Road, are of a semi-rural character and have traditionally supported small business uses. However, it is generally accepted that business uses should be restricted to the dwelling and operated by a resident of the dwelling, in order to reduce conflict with adjacent residential development.

UR-23 In recognition of existing home business uses within the unserviced portions of the Urban Residential Designation, it shall be the intention of Council to establish a rural residential zone which permits single and two unit dwellings and open space uses, and provides for the use of dwellings for limited day care facilities and business uses operated by a resident of the dwelling. In addition, the zone shall control parking, the number and size of signs, and shall prohibit open storage and outdoor display. In considering the application of this zone to additional properties, by amendment to the land use by-law, Council shall have regard to the following:

(a) that the land to be rezoned is within the unserviced portion of the Urban

Residential Designation;

(b) the nature of the business use being proposed and its effect on surrounding properties; and

(c) the provisions of Policy IM-11.

Given the larger lot sizes in the area due to the use of on-site sewage disposal services, vestiges of the rural environment remain. In order to allow properties within the unserviced portion of the designation to more fully utilize their larger lots and to permit businesses to take advantage of the area's proximity to outlying rural areas, certain larger commercial uses may be considered by development agreement. The uses will be restricted to those that service the neighbouring semi-rural market and its resource base economy and includes those operations related to agriculture, fishing and hunting. Their location will be limited to the vicinity of the two major routes to the outlying rural areas, Cole Harbour Road and Highway No. 7.

UR-24 Notwithstanding Policies UR-2 and UR-18, Council may consider permitting larger scale commercial uses primarily intended to serve neighbouring semi-rural markets within those areas of the Urban Residential Designation that are outside of the serviceable area, according to the development agreement provisions of the Planning Act. In considering such agreements Council shall have regard to the following:

(a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;

(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses and in no case exceeds four thousand (4,000) square feet of gross floor area;

(c) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;

(d) that there is direct access to Cole Harbour Road or Highway No. 7;

(e) the impact on traffic circulation and, in particular, the suitability of access to and from the site;

(f) maintenance of the development;

(g) hours of operation; and

(h) the provisions of Policy IM-11.

Properties between Old Miller Lake Road and the Little Salmon River had greater residential and commercial development opportunities by right under previous commercial zoning that was established prior to 1982. It is reasonable to provide limited development opportunities to those properties that have direct access to Highway No. 7, subject to specific site controls to reduce conflict with adjacent residential areas.

UR-25 Notwithstanding Policies UR-2 and UR-18, in recognition of previous development rights, Council may consider general commercial uses and higher density residential uses on properties located along Highway No. 7 between Old Miller Road and the Little Salmon River according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

(a) that no commercial use shall be located more than two hundred (200) feet from the front lot line;

(b) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses and in no case exceeds four thousand (4,000) square feet of gross floor area;
(c) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
(d) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
(e) maintenance of the development;
(f) hours of operation; and
(g) the provisions of Policy IM-11.

In a like manner, in recognition of previous commercial zoning rights, **neighbourhood business (RC-May 11/99;E-Jun 26/99)** zoned properties within the serviced portion of the designation have limited general commercial development opportunities by development agreement.

UR-26 Notwithstanding Policies UR-2 and UR-18, within the Urban Residential Designation, it shall be the intention of Council to consider new garden markets and garden centres on lots having the C-1 (**Neighbourhood (RC-May 11/99;E-Jun 26/99)** Business) Zone on April 21, 1986 according to the development agreement provisions of the Planning Act, S.N.S. 1982. In considering such agreements, Council shall have regard to the following:

(a) that the lot coverage and the scale of such uses be in keeping with surrounding residential areas;
(b) that outdoor storage and display areas shall be fully screened from adjacent properties; and
(c) the provisions of Policy IM-11.

In 1988, when the Richardson's Drive/Salmon River Drive area was included in the Cole Harbour/Westphal plan area, area residents had reservations about the permitted uses in the available residential zones. The area is unserviced and has a number of home businesses.

However, the rural residential zone which permits these businesses also permits two unit dwellings, a fact which area residents felt would negatively affect the existing character of the area. These concerns could not be resolved using the existing zones, and a new zone is, therefore, established.

UR-27 In recognition of the particular character of the Richardson's Drive/Salmon River Drive area, it shall be the intention of Council to establish a rural residential single unit dwelling zone within the Urban Residential Designation which permits single unit dwellings, limited day care facilities, home business uses contained within the dwelling, existing two unit dwellings as well as park uses and open space uses.

In accordance with Policy UR-20 certain existing light industrial uses located within the Richardson Drive/Salmon River Drive area will be added to "Appendix "B" Existing Industrial Uses" of the land use by-law. The existing industrial uses located on properties abutting the No. 7 Highway, namely Quality Bakery and Atlantic Taxidermy, being in the vicinity of the Ross Road within the meaning of Policy UR-19, will be zoned Light Industrial (I-1).

The Jack Way property at the western corner of the intersection of Salmon River Drive and Highway No. 107 has in the past been considered for commercial development. The configuration of this property, and its proximity to a residential area, place limitations on the types of commercial uses that would be appropriate. Nevertheless, its location adjacent to Highway No. 107 does indicate some potential for commercial development.

Similarly, the 23 acre Bernard Rogers property located adjacent to Highway No. 107 and between the existing light industrial development and Chater Drive has some potential for commercial development. Access to the property and its proximity to the residential area place limitations on the extent to which commercial uses would be appropriate.

The intention, in both cases, is to provide for flexibility in the development of these properties while maintaining control over any proposed use.

UR-28 Notwithstanding Policy UR-27, Council may consider commercial development on the properties of Jack Way, LRIS No. 40168874 and Bernard Rogers, LRIS No. 40194383, according to the development agreement provisions of the Planning Act. In considering such a development agreement, Council shall have regard to the following:

(a) access to the development must be from Highway No. 107;
(b) the potential for the use to adversely affect neighbouring land uses;
(c) that adequate separation distances are maintained from low density residential developments and that landscaping is carried out to reduce the visual impact of the proposed use;
(d) the impact of the proposed use on the local road network, including traffic volumes, circulation, sight distances and entrances and exits from the site;
(e) that the scale and design of any building(s) is compatible with nearby uses;
(f) the general maintenance and hours of operation of the use;
(g) signage;
(h) the adequacy of parking; and
(i) the provisions of Policy IM-11.

Mobile Homes

Mobile home park development in the Plan Area is primarily concentrated in the Westphal Mobile Home Park, where health problems resulted in the extension of public water facilities. No extensions to the existing park should be considered until such time as central municipal sewer services are extended.

UR-29 Notwithstanding Policy UR-2, it shall be the intention of Council to provide for the continuation of the Westphal Mobile Home Park through the land use by-law to the extent to which it existed at the time of adoption of the initial planning strategy.

Single mobile home son individual lots provide an alternate form of housing in the Plan Area. However, because of the standard length of mobiles relative to normal urban serviced lots and consequent siting problems which negatively affect the urban streetscape, single mobiles should be considered only on unserviced lots.
UR-30 Notwithstanding Policy UR-2, in support of existing mobile dwellings within the Urban

Residential Designation, it shall be the intention of Council to establish a mobile dwelling zone which permits mobile dwellings, in addition to all uses permitted in the single unit residential zone (Policy UR-2). In considering amendments to the land use by-law to a mobile dwelling zone, Council shall have regard to the following:

(a) that the land to be rezoned is within the unserviced portion of the Urban Residential Designation; and
(b) the provisions of Policy IM-11.

Quonset Huts

Quonset huts are a type of prefabricated structure most commonly comprised of corrugated metal in a semicircular and arching shape. Quonset huts are primarily utilized as detached accessory structures, although they may also be used as a standalone, or addition to a, main building. While quonset huts may be appropriate within commercial, industrial, agricultural, and resource areas, they are not compatible with low and mixed density residential neighbourhoods serviced by municipal central sewer and water (Urban Service Area) or just municipal central water (Water Service Areas) within the plan area.

UR-31 In order to prevent compatibility issues involving quonset huts in residential neighbourhoods, the Land Use By-law shall contain provisions that define and restrict the development of new quonset huts, as accessory or main buildings, within any residential zone serviced with municipal central sewer or water in the plan area." *(RC-November 8, 2011; E – January 14, 2012)*

Former Nova Scotia Home for Colored Children

The property described as the former Nova Scotia Home for Colored Children (NSHCC or the former Home), located along Highway #7 in Westphal, has significant historical and cultural value, particularly within the African Nova Scotian community, as its legacy continues to impact the lives of many today. The opening of the Home in 1921 was a very important event for the African Nova Scotian community.

While the Home closed when two new group homes were built on the property in 1978/1979, several buildings associated with the history of the NSHCC still exist on the property today. These buildings include the former Home, a cottage where the superintendent of the Home lived, and the Henry G. Bauld Elementary School. The Henry Bauld School was converted to a community centre; however, the former Home and superintendent's cottage remained vacant for several years.

Since the adoption of the 2006 Regional Plan, most of the property has been reserved for future serviced development. In recognition of the unique and significant history of the Home, and the importance of the lands to the African Nova Scotian community, it is appropriate to create a new zone to enable the adaptive reuse of the former Home and development of a portion of the site toward Highway #7.

The Vision

The vision for the former Nova Scotia Home for Colored Children (NSHCC) site is to provide opportunities and services that benefit African Nova Scotian communities and the general society. The vision recognises the significance of the NSHCC and honours the historical purpose of the lands by enabling the adaptive reuse of the former Home building, various housing options, employment opportunities and activities that involve training and education, health promotion, intergenerational programs, social diversity, and heritage recognition. The vision for the entire property is to:

(a) **enable uses for the care, training, employment and education of African Nova Scotian communities and the general society;**

(b) **allow a range of land use opportunities including residential, commercial, institutional and community uses to serve the diverse needs of the community;**

(c) **ensure new development considers the context of adjacent neighbourhoods, in terms of density and scale, and is built to reflect an integrated approach to design, building form, and site development;**

(d) **develop a transportation network on the site that provides efficient access and traffic circulation within the site and that allocates adequate land for future connections to adjacent urban reserve lands;**

(e) **situate buildings in a manner to develop a safe, accessible and continuous active transportation network that connects uses on the site as well as new development with the Municipal active transportation network and transit services;**

(f) **provide safe, unobstructed private driveway accesses that can support the proposed uses, emergency and operational maintenance vehicles;**

(g) **allow for effective circulation of vehicles and safety of pedestrians/cyclists including within parking and loading facilities;**

(h) **locate off-street parking and loading areas in a manner to minimise their visual impact on surrounding roads and development;**

(i) **maximise retention of existing vegetation, protect natural features, and minimise impervious surface areas;**

(j) **establish standards for height, massing and design;**

(k) **minimise the visual impact of any new development on low-rise residential uses surrounding as well as within the site; and,**

(l) **provide access to common amenity areas, public spaces, goods and services, and recreational facilities both within the site and to the surrounding community.**

Implementing the Vision

Creating a new zone, that enables a range of uses on this site, recognises the historical intent of the former NSHCC, supports various housing options that meet the diverse needs of citizens, and provides economic and employment opportunities for the community. Land use compatibility concerns between new development, the former Home building, existing adjacent residential neighbourhoods, and Highway #7 shall be mitigated by establishing separation distances, building scale and design, and buffering controls. In addition, the lands have been divided into three sub areas. In order to minimise land use compatibility concerns and encourage unity among uses on the site, certain uses shall proceed through the site plan

approval process. Larger-scale residential developments that exceed the built form requirements of the zone shall be subject to the development agreement process. Although the three sub areas are different, they should be interconnected by regulating site layout, landscaping, vehicular circulation, and pedestrian access.

The Policies

UR-32 **Within the Urban Residential Designation, it shall be the intention of Council to establish the Mixed Opportunity District Zone. The Mixed Opportunity District Zone shall only apply to PID 40150559 and the portion of PID 40150567 designated Urban Residential on Map 1 – Generalized Future Land Use Map. The MOD Zone shall divide the lands into three sub areas that differ based on the proximity of the lands to the former NSHCC and existing neighbourhoods, permitted uses, and the planning processes in which permitted land uses are subject to.**

UR-32A **Within the Urban Residential Designation on lands zoned Mixed Opportunity District, Sub Area A shall be established as identified under the Land Use By-law. Sub Area A shall apply to lands containing and immediately surrounding the former NSHCC building. Sub Area A shall enable the adaptive reuse of the former Home building for commercial purposes, institutional and community uses, as well as residential care facilities and multiple unit dwellings. New commercial buildings, residential care facilities and multiple unit dwellings shall be considered through the site plan approval process.**

UR-32B **Within the Urban Residential Designation on lands zoned Mixed Opportunity District, Sub Area B shall be established as identified under the Land Use By-law. Sub Area B shall apply to lands further from the old Home building and along Highway #7. Sub Area B shall enable a range of residential, commercial, institutional, community and mixed use developments. Uses other than low-rise residential and community uses, such as recreational and open space uses, shall be considered by the site plan approval process. Multiple unit dwellings and mixed use buildings that exceed the built form requirements of the zone shall be considered by development agreement.**

UR-32C **Within the Urban Residential Designation on lands zoned Mixed Opportunity District, Sub Area C shall be established as identified under the Land Use By-law. Sub Area C shall apply to areas abutting existing residential neighbourhoods. Sub Area C shall enable residential and open space uses. Townhouse dwellings shall be considered through the site plan approval process. Residential care facilities and multiple unit dwellings, except for townhouse dwellings, shall be considered by development agreement.**

UR-32D **Notwithstanding Policy UR-16, within the Urban Residential Designation on lands zoned Mixed Opportunity District, commercial recreation uses shall be considered through the site plan approval process in Sub Areas A and B.**

UR-32E **Within the Urban Residential Designation on lands zoned Mixed Opportunity District, two studies shall be required. Firstly, a traffic impact study prepared by a Professional Engineer shall be required prior to development of any new structure or use within Sub Areas B and C. The traffic impact study shall meet the most current edition of the Municipal Design Guidelines and Municipal Traffic Impact Guidelines, as amended, and shall include an analysis of the following:**

- **(a) The proposed land uses and density for all lands zoned MOD;**
- **(b) The proposed transportation network on all lands zoned MOD including proposed public streets, private shared driveways, active transportation connections, and allowances for future connections;**
- **(c) Adequate road reserves are provided for future connections to adjacent lands;**
- **(d) Phasing for construction of proposed transportation network including when a second access to an existing public street will be constructed;**
- **(e) Site access including a sightline assessment, access dimensions and intersection controls like lane usage and traffic signals;**
- **(f) The conditions of the existing intersections adjacent to the site including the signalised intersection at Highway 7 and Westphal Way; and**
- **(g) If upgrades to existing public infrastructure are required, and when required upgrades will be undertaken.**

Secondly, where required in the land use by-law, a land suitability study prepared by a Qualified Professional shall be required that:

- **(a) identifies areas suitable for development;**
- **(b) identifies areas unsuitable for development, including access to the site, soil conditions, steepness of grades, geological conditions, locations of watercourses, on-site services, marshes or bogs, susceptibility to flooding and areas of significant cultural and historical value.**

UR-32F **For lands zoned Mixed Opportunity District, the Land Use By-law may increase the notification distance for a site plan approval application that is granted or refused by a Development Officer.**

UR-32G **Council may consider amendments to the Mixed Opportunity District Zone, and when considering such amendments, Council shall consider the vision and the following:**

- **(a) the provisions to mitigate the land use impacts on the former Nova Scotia Home for Colored Children building, and other uses permitted under the zone and adjacent land uses, in terms of separation distances, building scale and design, and buffering;**
- **(b) the location of structures on the lot, off-street parking and loading facilities, driveway accesses, walks or other means of pedestrian access,**

landscaping, planting or retention of trees, outdoor lighting, storage of solid waste, and signs;

(c) grading, sedimentation and erosion control, and stormwater management;

(d) the general maintenance of the development;

(e) the capability of servicing the development by municipal water and on-site septic services;

(f) the impact on the existing transportation network and traffic circulation including access entering and exiting the site as well as sighting distances; and

(g) the provisions of Policy IM-11.

UR-32H Within the Urban Residential Designation on lands zoned Mixed Opportunity District, it shall be the intention of Council to consider the following uses pursuant to the development agreement provisions of the HRM Charter:

(a) multiple unit dwellings, including townhouse dwellings, that exceed the built form requirements of the zone on lands within Sub Area A or Sub Area B;

(b) mixed use buildings, containing residential units and any one or more of the following: commercial, institutional or community uses, that exceed the built form requirements of the zone on lands within Sub Area B; or

(c) multiple unit dwellings, except for townhouse dwellings, that meet the built form requirements of the Mixed Opportunity District Zone within Sub Area C.

UR-32I Within the Urban Residential Designation on lands zoned Mixed Opportunity District, where a building, or access to a building, for a residential care facility or multiple unit dwelling, except for townhouse dwellings, is proposed on lands within both Sub Area B and Sub Area C, it shall be the intention of Council to consider the development pursuant to the development agreement provisions of the HRM Charter.

UR-32J In considering a development agreement subject to Policy UR-32H or UR-32I, Council shall consider the vision and the following matters:

(a) the land use impacts of the proposed development on the former Nova Scotia Home for Colored Children building, other uses permitted under the zone and adjacent land uses, in terms of separation distances, building scale, height and design, and buffering;

(b) private and common amenity needs of residents of the development;

(c) provisions for building design, height, bulk, lot coverage, and separation distances from low-rise residential uses;

(d) the location of structures on the lot, off-street parking and loading facilities, driveway accesses, landscaping, planting or retention of trees, outdoor lighting, storage of solid waste, and signs;

(e) walks or other means of pedestrian and bicycle connectivity within the building site and to the surrounding community;

(f) grading, sedimentation and erosion control, and stormwater management;

(g) the general maintenance of the development; and
(h) the provisions of Policy IM-11.

MORRIS-RUSSELL LAKE SECONDARY PLANNING STRATEGY (RC-Mar 22/05;E-Apr 23/05)

In 1997, Council retained Griffiths Muecke Associates to conduct a Watershed Management Study for Morris Lake. The purpose of the study was to establish a management framework by which to guide future development within the Morris Lake Watershed. The study focussed on determining the existing trophic status of Morris Lake as well as establishing criteria to control phosphorous and sediments from entering the lake and watershed. Although the terms of reference for the study focuses on Morris Lake, many of the recommendations refer to Russell Lake as well because water quality in Morris Lake is intimately linked to the nature of development activities in the Russell Lake sub-watershed. Therefore, recommendations should be considered applicable to the extended watershed that includes both lakes.

The study indicates that Morris Lake, while still in a relatively "healthy" condition, is in danger of becoming eutrophic if development in the watershed proceeds in an environmentally insensitive manner. To prevent Morris Lake from becoming eutrophic, the Morris Lake Watershed Management Plan recommended that a Master Plan be prepared for this area to ensure development occurs in an environmentally sensitive and comprehensive manner. The Master Plan was to address the key issues and constraints to future development within the area such as transportation, municipal services, land use, major recreation lands and linkages, potential school locations, environmental constraints and opportunities and so on.

To develop a Master Plan for the Morris-Russell Lake secondary plan area, property owners, local area residents, the Dartmouth Lakes Advisory Board, and the general public worked together and a public participation committee was established to coordinate and develop the Master Plan. This Committee or a Sub-Committee thereof, would also be responsible for the evaluation of the detailed CDD approval process.

To ensure development within the Morris-Russell Lake secondary plan area occurs in an environmentally sensitive and comprehensively planned manner, the Morris Lake Watershed Management Plan recommendations should be applied to all undeveloped lands within the area. To prevent the area from developing in an ad-hoc, uncoordinated fashion, a comprehensive development district (CDD) zone will be applied to all undeveloped lands within the Morris Lake watershed and to lands abutting the Highway 111 interchange, acquired by Clayton Developments Limited from Irving Oil Limited, where a new interchange is proposed.

ML-1 A Comprehensive Development District (CDD) Zone shall be applied to certain undeveloped lands within the Morris-Russell Lake secondary plan area and to a parcel of land abutting Highway 111, illustrated on Map 4, to ensure development proceeds in a comprehensive manner and to enable implementation of the Morris Lake Watershed Management policies.

Within the Cole Harbour/Westphal plan area, only the Native Reserve on Caldwell Road has unserviced development potential within the Morris Lake Watershed. However, Native Reserves are not required to adhere to municipal land use requirements, but Council should encourage the Reserve to adhere to the Morris Lake Watershed Study recommendations in

order to protect Morris Lake.

ML-2 It shall be the intention of Council to encourage the Native Reserve on Caldwell Road to consider all policies relevant to the protection of Morris Lake for any new development or re-development plans on the Reserve within the Morris Lake Watershed.

FUTURE DEVELOPMENT WITHIN THE MORRIS-RUSSELL LAKE AREA

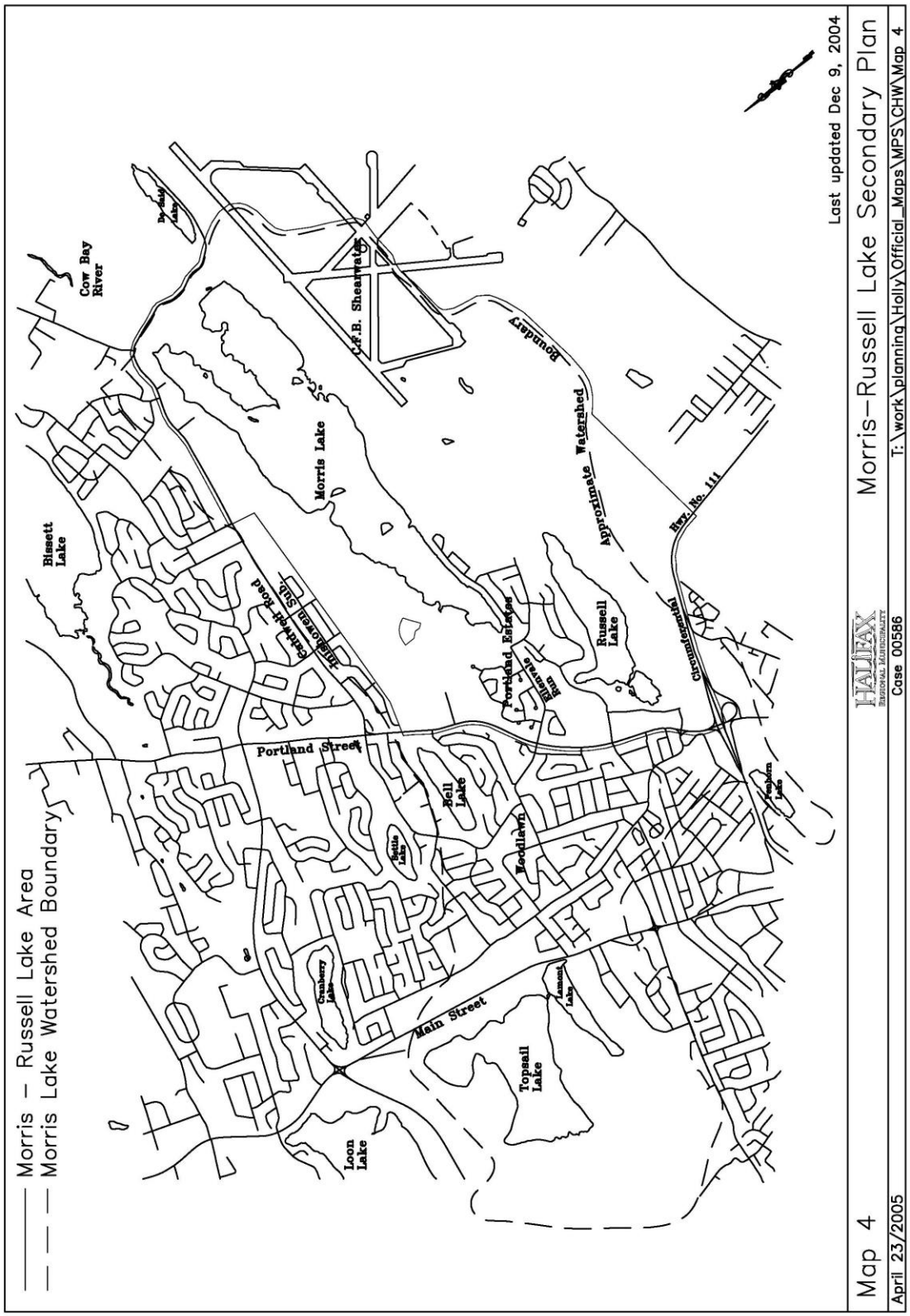
Most of the undeveloped parcels of land within the Morris-Russell secondary plan area could not be immediately developed given existing constraints in various infrastructure systems (transportation system, water distribution system, sanitary sewer system).

Through the Master Development Plan process, existing infrastructure deficiencies were investigated and alternatives proposed. Transportation, environmental protection, land use, and central services (sewer and water) were key issues to be addressed.

Transportation

To address existing and future transportation issues within the Morris-Russell Lake secondary plan area, the Master Development Plan process first identified the existing transportation issues/concerns and secondly, determined alternatives/solutions to improving the overall transportation network in the Morris-Russell Lake secondary plan area.

MAP 4: Morris-Russell Lake Secondary Plan, Watershed Boundaries



Without improvements to the area transportation network, Portland Street was at or near capacity. To allow for further development around Morris and Russell Lakes either Portland Street needed to be upgraded or modified to handle the additional traffic or alternative routes to the Circumferential Highway were required.

A Traffic Impact Study, conducted by Streetwise Traffic Engineering, for Clayton Developments Limited lands on the east side of Morris Lake concluded that "there are limited opportunities to increase capacity on Portland Street without a major impact on abutting residential and commercial development". Therefore, the long term development of these lands required alternative routes to Highway No. 111. The study recommended that a new interchange on Highway No. 111 (Circumferential) be established which is supported by Dartmouth's Municipal Planning Strategy.

In 2002, the Municipality identified the Highway 111 interchange as the highest priority for transportation infrastructure financing under the Canada-Nova Scotia Infrastructure Program. Funding was subsequently approved and a functional design study for the interchange undertaken[15]. The Province stipulated the interchange location to allow for access to both the Morris-Russell Lake lands and the Woodside Industrial Park via an extension of the Mount Hope Avenue (referenced in this document as "the Caldwell Road Connector").

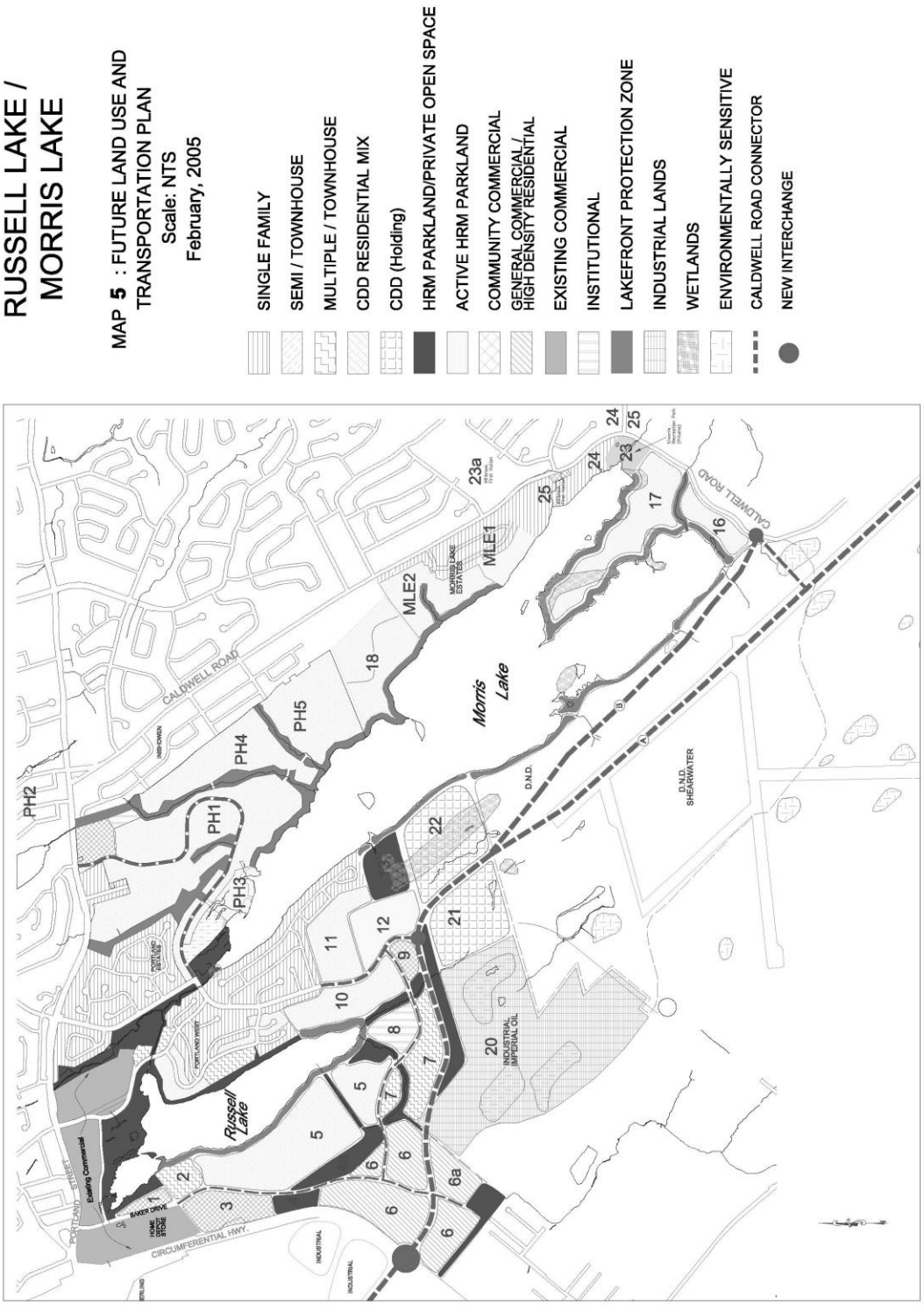
The study envisioned that, initially, the interchange would provide access from Highway 111 to Woodside Industrial Park and lands between the highway and Russell Lake by an extension of Baker Drive. Over the longer term, the Caldwell Road Connector would be extended eastward over portions of the Department of National Defense Shearwater Base to Caldwell Road, thereby providing an alternative access to Highway 111 for residential subdivisions around Caldwell Road, as well as residents of Eastern Passage.

A diamond interchange was deemed the most economic design for the Municipality but the consultant established estimates of the maximum traffic loading which could be accommodated while maintaining a satisfactory service level. The consultant stated that the number of vehicles using the interchange could be reduced substantially from typical expectations by including transportation demand reduction measures such as mixed land use developments, improved transit services and walking or bicycle trips.

ML-3 No development shall be permitted within the Morris-Russell Lake secondary plan area unless a new interchange is constructed on Highway 111 and Baker Drive is connected to the interchange or financing for these projects secured and a time frame for completion established. Over the longer term, the Municipality shall work with property owners to extend the Caldwell Road Connector from the new interchange to Caldwell Road. The locations of the interchange, Baker Drive extension and the Caldwell Road Connector shall be as generally shown on Map 5 Future Land Use and Transportation Plan.

[15] Atlantic Road & Traffic Management. *Final Report: Highway 111 - Cole Harbour Arterial Access Options Study.* July 2004. Prepared for Halifax Regional Municipality.

Map 5: Future Land Use and Transportation Plan



Cole Harbour/Westphal MPS

ML-4 The Municipality shall prepare a public transit routing plan for the secondary plan area which reflects the connection established between Baker Drive and the new interchange. The Municipality may require transit related facilities, such as bus bays and transit shelters, be provided on transit routes as a condition of development approvals. In accordance with the draft regional plan, the transit plan should consider establishing a transit hub in the vicinity of Baker Drive and the connector road proposed between Baker Drive and Portland Estated Boulevard West in consultation with the property owners.

ML-5 A series of trails for pedestrians and cyclists shall be established within the secondary plan area which link residents with commercial, employment and other activity centers and to public transit facilities and, where feasible, to regional trail systems which are developed or planned. Without limiting the foregoing, the Municipality shall establish a multi-use trail between the secondary plan area and the Woodside Ferry Terminal.

During the course of preparing the master plan, concerns were heard from area residents about excessive traffic levels on Portland Street and Caldwell Road, as well as short-cutting on local streets. In response, a road hierarchy and phasing plan has been developed and commitments made to undertake various studies.

ML-6 The following road classification shall be applied within the secondary plan area:

Arterials: Caldwell Road Connector (Hwy. 111 interchange to Caldwell Road)
Major Collectors: Caldwell Road from Atholea Drive to Caldwell Road Connector
Minor Collectors: Caldwell Road from Atholea Drive to Portland Street/Cole Harbour Road

ML-7 No street connection shall be established between Caldwell Road and the Portland Hills subdivision.

ML-8 Upon satisfying the requirements to allow for development stipulated under policy ML-2, development shall be permitted on parcels 1 to 13 (as shown on Map 5) except that no road connection shall be established with Portland Estates Boulevard West until the Caldwell Road Connector has been constructed to Caldwell Road. No further development shall be permitted within the Morris - Russell Lake Secondary Plan Area until the Caldwell Road Connector has been constructed to Caldwell Road unless a traffic study has been undertaken by a qualified consultant which demonstrates that the level of service on Portland Street and Caldwell Road conforms with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the road classification established under policy ML-6.

Central Services (Sewer & Water)

Many of the undeveloped parcels of land within the Morris-Russell Lake area are situated within a municipal servicing boundary, where development can only occur based upon central sewer and water services. The Morris Lake Watershed Management Study recommends that future development within the Morris-Russell Lake area should not

proceed by on-site septic systems due to the potential negative impact such systems can have on the lakes. Thus, all new development within the area should be connected to central services (water & sewer).

ML-9 Within the Morris-Russell Lake secondary plan area, it shall be the intention of Council not to consider any new development on lands zoned CDD unless serviced with both central sewer and water services. It shall be the intention of Council to include all undeveloped lands within the Morris-Russell Lake secondary plan area within a municipal development (service) boundary. Council shall also negotiate with the Native Reserve on native reserve on Caldwell Road to require unserviced lands of the Reserve be included within a municipal development (service) boundary.

Within the Morris-Russell Lake area, there are constraints in the existing sewer and water infrastructure systems, yet these deficiencies do not affect all of the undeveloped lands in the same manner. The Municipality is currently preparing a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed. Upon completion of this study and upgrades to the treatment plant, the Municipality should undertake a review of the sanitary sewer service boundary established for this sewershed, particularly in the vicinity of Caldwell Road.

In addition, the Water Commission has indicated that water can be provided to the existing serviceable areas at this time, but not to the entire Morris-Russell Lake area due to pressure levels and water line capacities. Thus, development should not proceed until the necessary upgrades are identified and completed.

The Municipality has undertaken an Integrated Servicing Strategy which identified servicing deficiencies, including central water and sewer services. The Strategy has also identified upgrades or modifications needed in the long term to develop the undeveloped lands within the Morris-Russell Lake secondary plan area. Until such new systems, upgrades or modifications are complete (water distribution system and sanitary sewer system) development within the area should be restricted.

ML-10 It shall be the intention of Council to restrict development on lands zoned CDD within the Morris - Russell Lake secondary plan area until all infrastructure deficiencies (i.e. water and sewer) are resolved and development can proceed without exceeding the capacity of municipal infrastructure.

ML-11 The Municipality shall prepare and implement a wastewater management plan for the sewersheds that contain Morris and Russell Lakes. Subject to the availability of funding, the plan shall:

- **(a) improve wastewater system operation and management including safety, regulatory compliance, system capacity both existing and future, physical condition, system reliability and optimization;**
- **(b) address specific issues of wastewater treatment plant capacity both existing and future, wet weather overflows, odour control, inflow/infiltration remediation, back up power systems, optimizing system performance and making maximum use of available capacity;**
- **(c) include a prioritized list of actions for implementation, having particular**

regard for health and safety concerns;

(d) consider the above recommendations within the context of existing standards, procedures, regulations and compliance requirements, projects, initiatives and priorities, including the regional plan.

ML-12 Commencing on May 25, 2000, new development which is to be served by the Caldwell Road water distribution system shall be limited to two hundred (200) new building lots until system upgrades to the Innishowen Subdivision have been completed. If upgrades are not completed by May 1, 2005, no further development served by the Caldwell Road water distribution system shall be permitted until the system upgrades have been completed.

ML-13 Upon completion of a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed and upgrades to the treatment plant, the Municipality shall undertake a review of the sanitary sewer service boundary established for this plant.

Infrastructure Charges

Following provincial adoption of legislation which allows for the impositions of infrastructure charges to recoup the costs of oversized infrastructure, the Municipality adopted a capital cost contribution policy. The policy applies to all new major areas in the Municipality proposed for new development and shall apply to lands within this secondary plan area.

ML-14 The Municipality shall implement infrastructure charges to this secondary plan area under the Subdivision By-law in accordance with the policies for infrastructure charges established under Section II of this Municipal Planning Strategy.

Future Land Uses

ML-15 The Future Land Use and Transportation Plan, presented as Map 5 shall provide overall guidance for land use allocation within this secondary plan area and the following guidelines shall be adhered to in any development agreement application:

(a) Parcels 18, MLE-1 and MLE-2: These parcels may be developed with a mixture of residential uses. Consideration is to be given to the steep grades over these lands when siting roads and development;

(b) Parcel 23: This parcel is owned by Kiwanis Club and is being developed for various recreational uses. A community centre is also proposed. The R-1 zone will be applied to this property which permits open space uses. Due to various site constraints, development of a community centre may only be considered by development agreement. Consideration will be given to the adequacy of central sewer and water services, potential for flooding, and the safety of driveway access;

(c) Parcel 24: A number of existing single unit dwellings are located on these lands. The R-1 (Single Unit Dwelling) Zone shall continue to be applied

to reflect these uses. No provisions for alternative uses shall be made; and

(d) Parce1 25: This property is owned by the First Nations Millbrook Band which is not subject to municipal regulations. In preparing any future development plans for these lands, the Municipality will encourage the Band to take into consideration the surrounding environment as envisioned by this secondary planning strategy. The CDD (Comprehensive Development District) Zone shall be applied to these lands.

Density

ML-16 A maximum density of eight residential units per acre shall be applied to the following aggregated parcels:

(a) Parcel 25; and
(b) Parcels MLE1, MLE2 and 18.

ML-17 Incentives may be introduced in support of affordable housing. Without limiting the generality of this statement, bonus densities might be considered for properties on transit routes and near employment centres provided that such incentive is voluntary and does not result in excessive concentration of housing or housing types in any area.

Parkland and Open Space

Lands are to be acquired for trail development, particularly along lake shores and watercourses. Lake shore buffer areas will be sought throughout the secondary plan area with emphasis placed on securing public ownership. The Municipality shall also encourage developers to assist in the development of active recreation parks by undertaking site preparation and installation of recreation equipment. In exchange, the normal land dedication requirements may be reduced.

ML-18 The Municipality shall acquire lands for public trails with emphasis on locations adjacent to lakes and watercourses. The following specific criterion shall be applied to any development agreement application:

(a) no more than 50 percent of the lakeshore within each development agreement application shall be privately owned;
(b) where private lakefront ownership is proposed, adequate alternative pedestrian links are provided from the publically-owned lake front buffer area through a street or walkway system and back to the lakefront;
(c) the determination of private versus public lake front ownership shall be negotiated through each development agreement application on a case-by-case basis;
(d) stormwater treatment facilities may be located on municipal lands but shall not be located on municipal parkland;
(e) lands which face severe topographical constraints or contain severe environmental characteristics may be considered for public parkland dedication in accordance with municipal parkland guidelines.

Environmental Protection Mechanisms

As development occurs within the Morris-Russell Lake secondary plan area, all new development must adhere to specific environmental protection measures if both Morris and Russell Lakes are to be protected. The Morris Lake Watershed Management Plan made a number of recommendations on a management framework by which to guide future development within the area. To ensure the recommendations are implemented, all new development must adhere to the following requirements.

Design and Development Controls

The design adopted for a subdivision fundamentally affects the hydrology of the site and the quality of the stormwater. Good environmental planning integrates site design and stormwater quality management into one process[16]. If environmentally responsible watershed policies are not supported by environmentally responsible design at a subdivision and site level, the whole endeavor may ultimately fail. The Morris Lake Watershed Management Plan recommends that all development adhere to environmental standards designed specifically to protect Morris Lake and its watershed.

ML-19 It shall be the intention of Council to encourage all new development within the Morris-Russell Lake secondary plan area to meet certain basic design objectives as follows:

- **(a) to reproduce the pre-development hydrological conditions;**
- **(b) confine development and construction activities to the least critical areas of the site and consider clustered development to minimize land disturbance;**
- **(c) maintain the overall desired density of development by allocating higher densities to areas most suitable for development;**
- **(d) minimize changes to the existing topography; and**
- **(e) and utilize the natural drainage system.**

ML-20 It shall be the intention of Council to require all new development situated on lands zoned CDD within the Morris-Russell Lake secondary plan area to incorporate specific design standards which maximize the protection of water quality in Morris and Russell Lakes. The following shall be used as guidelines:

- **(a) all lands with slopes of 15% or greater should not be developed unless additional environmental control measures are implemented to minimize the amount of erosion generated from the site;**
- **(b) all wetlands (as defined by the presence of characteristic wetland vegetation) should be excluded from development;**
- **(c) all shorelines should be protected by a 100 foot buffer zone except that the width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction. Within the buffer zone, no vegetation or soil shall be removed or altered unless under a management plan has been approved to provide for restoration of vegetation, shoreline access paths, view corridors, habitat**

[16] *Stormwater Management Practices Planning and Design Manual,* Ontario Ministry of Environment and Energy, 1994

management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement;

(d) all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered unless approved under a management plan approved pursuant to the provisions of clause (c). For wetlands, the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;

(e) the amount of impermeable surfaces created should not exceed 25% of the gross area of the proposed development. Minor increases in this figure may be considered provided the amount of proposed undisturbed land substantially exceeds the guideline described in clause (f) and such undisturbed lands are incorporated into the final drainage plan;

(f) a minimum of 25% of the natural vegetation on the site should be retained in an undisturbed state and incorporated into the final drainage plan;

(g) the public, landowners, developers and the Municipality are encouraged to maximize phosphorous reduction to the fullest extent possible through the use of best management practices as recommended by the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004); and

(h) no development shall be permitted on septic systems.

Erosion and sedimentation control is a critical element in good site design. In order to control the adverse effects of sediment (and attached phosphorus), it will be essential to strictly control erosion. This means that development will have to be designed and implemented with erosion minimization as a primary criterion.

ML-21 Within the Morris-Russell Lake secondary plan area, it shall be the intention of Council to require all developers to prepare and receive Municipal approval for an Erosion and Sediment Minimization Plan prior to any clearing or grubbing occurring on a site, and the plan shall contain the following:

(a) how ground disturbance will be restricted to areas where structures, roads etc. will exist when construction is complete;

(b) indicate which vegetation will be protected, marked, and preserved through construction techniques that minimize soil compaction and damage to tree roots;

(c) how the construction project will be phased to minimize the extent and length of soil exposure – this includes phasing by drainage area;

(d) how the opportunity for erosion will be limited through sequencing of construction activities; and

(e) indicate which erosion and sediment controls will be used, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized).

Public Awareness and Education Programs

If the recommendations contained within the Morris Lake Watershed Management Study are to be successfully implemented there needs to be active involvement of both individual land owners and the general public. The involvement of the public should not just be limited to the residents of Morris-Russell Lake area but to existing developed areas within the entire Morris Lake Watershed, such as the existing development throughout Woodlawn, Inishowen and lands abutting Caldwell Road.

ML-22 It shall be the intention of Council to establish a Public Awareness and Education program for the general public which emphasizes the protection of Morris and Russell Lakes. The programs should at least incorporate the following:

- **(a) information programs for land owners on buffer zone management and the use of fertilizers;**
- **(b) a program for local schools;**
- **(c) application of an Animal Defecation By-law throughout the entire watershed area and actively enforce it;**
- **(d) encourage local property owners to hold "Cleanup" days for litter collection in public areas; and**
- **(e) establish a stormwater wetland as an educational demonstration site on the importance of protecting lakes.**

Stormwater Management

As the Morris-Russell Lake area is developed, there will be a need for stormwater to be controlled to remove sediments and phosphorous. The Municipality commissioned a stormwater management plan for Morris and Russell Lakes[17]. The plan contained recommendations regarding structural and non-structural approaches for stormwater management and implementation strategies for both new and existing development.

ML-23 Any development agreement application within the Morris-Russell Lake secondary plan area shall adhere to the recommendations of the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004). All government works within the Morris Lake Watershed shall also adhere to the recommendations of this plan and, where feasible, the plan recommendations shall be applied to existing development within the watershed.

ML-24 Within the Morris Lake Watershed, as illustrated on Map 4, where applications are received for the expansion of existing or new commercial, institutional and multiple unit residential buildings, or for proposed grade alterations on such properties, it shall be the intention of Council to require the developer, where possible, to prepare and implement stormwater remediation measures to improve water quality entering the Morris Lake system.

ML-25 Where deemed appropriate, the Municipality shall undertake stormwater wetland projects in the waters of Ellenvale Run and at appropriate locations throughout the

[17] Jacques Whitford Environmental Ltd. & Associates. *Morris Lake Stormwater Management Plan: Final Report to Halifax Regional Municipality.* March 2004.

watershed area. Also, Council shall, through the CDD approval process, negotiate with applicable land owners to establish similar wetland projects at appropriate locations within the watershed.

ML-26 It shall be the intention of Council to undertake a review of the drainage channel that crosses the Native Reserve on Caldwell Road and in consultation with the Band Council, investigate and implement measures to provide stormwater detention and cleanup and investigate the opportunities to improve the cattail marsh that has developed at the shoreline.

Monitoring

The eutrophication process is gradual and takes place over many years. Its progress will be seen in the extension of vegetation in shallow areas and the seasonal occurrence of algae. In the Morris Lake Watershed Study, a Phosphorous Loading Model was used to determine the relationship of the lake phosphorous inputs to trophic status.

The Model determined that Morris Lake is currently mesotrophic and is within 10 to 15 percent of the eutrophic boundary. Thus, the amount of land developed within the watershed should be controlled to prevent Morris Lake from reaching a borderline eutrophic state. The actual amount of land that can be developed can only be determined by undertaking a well designed lake monitoring program and adopting a preset maximum permissible limit for total phosphorous. If the results indicate that Total Phosphorus continues to increase, the watershed management plan will have to be revised and development controls strengthened.

ML-27 A water quality monitoring program shall be undertaken for Morris and Russell Lakes to track the eutrophication process. The program is to be designed and undertaken by qualified persons financed in whole or in part by developers within the secondary plan area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Dartmouth Lakes Advisory Board. The monitoring program shall:

- **(a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development;**
- **(b) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);**
- **(c) establish eutrophication threshold levels for the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area;**
- **(d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.**

ML-28 Pursuant to policy ML-27, in the event the critical water quality threshold levels for Morris or Russell Lakes are reached, it shall be the intention of Council to immediately undertake a review of existing plan policies contained herein and determine an appropriate course of action respecting watershed management and future land use development in the area. Critical water quality thresholds shall be made available to the public.

ML-29 It shall be the intention of Council to undertake a study of habitats and species within the Morris-Russell Lake area.

Maintaining Water Levels on Morris Lake

The water level of Morris Lake should be maintained at a level sufficient for recreational use and to prevent development of excessive shoreline vegetation. In the near future, two possible events may take place that could negatively impact upon water levels on Morris Lake. The first is the decommissioning of Lamont and Topsail Lakes as a source of water supply and secondly, a change in the amount of water extracted from the lake by Imperial Oil.

Presently, Imperial Oil extracts water from Morris Lake to use in its refinery, in the amount of 3.27 billion liters per year which is 20% of its total surplus of water. In the future, Imperial Oil could either increase the amount of water extracted from the lake or the plant could close and no water would be removed. If Imperial Oil removes too much water, this would promote the development of shoreline vegetation which in turn speeds up the eutrophication process in the shallow parts of the lake. If pumping were stopped, the volume of water entering Cow Bay River on an annual basis would increase by 24%. In combination with the additional flow from Lamont and Topsail Lakes, this represents a significant change in hydrology from current conditions and has long term implications for the lake level, at the outlet and Cow Bay River. The impact of these changes are not clearly understood at present. Therefore, a study should be undertaken to determine the types of impacts the above scenarios may have on Morris Lake and Cow Bay River.

The impact of these changes are not clearly understood at present but there are implications for the culvert at Caldwell Road, the Kiwanis Park, and flood-prone areas along Cow Bay River. Until engineering studies have been completed on the impact of such changes any proposed building in potential flood prone areas, including the Kiwanis property at the lake outlet should be carefully examined. In the case of the Kiwanis property, the owners have been advised that the water level for Morris Lake may rise in the future and they are investigating measures to minimize the impact of such a change within their development.

ML-30 It shall be the intention of Council, in association with Imperial Oil Limited and the Provincial Department of the Environment, to undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) by Imperial Oil Limited on lake water quality and the impact on the hydrology of the lake and its inflow and outflow systems.

ML-31 Pursuant to Policy ML-30, until such time as the results of the study are determined, any proposed building construction on the Kiwanis property (LIMS#40110181) and other flood prone areas downstream, should incorporate floodproofing measures to minimize the potential impacts of a higher water level for Morris Lake.

ML-32 It shall be the intention of Council to monitor the water level of Morris Lake to maintain it at a level sufficient for recreational use and to prevent further eutrophication of the lake."

RURAL RESIDENTIAL DESIGNATION

There remain large areas of land within the Plan Area, which are not presently accessible by public road. As discussed in Section II, concern regarding development in these areas relates to the potential demand for central water and sewer services and to the influence of larger new developments upon existing community form.

RR-1 With regard to Policy E-12, it shall be the intention of Council to establish a Rural Residential Designation as shown on the Map 2 - Generalized Future Land Use Map. Lands within the Designation shall constitute a secondary area for residential development.

RR-2 Within the Rural Residential Designation, it shall be the intention of Council to establish a rural estate zone, which shall permit open space sues and single unit dwellings located on lots having a minimum area of eighty thousand (80,000) square feet and provide for the use of dwellings for limited day care facilities and businesses operated by the owner of the dwelling. In addition, the zone shall control parking and the number and size of signs, and prohibit open storage and outdoor display.

RR-3 Notwithstanding Policy RR-2, it shall be the intention of Council to consider permitting development on lots which have an area of less than eighty thousand (80,000) square feet, by amendment to the land use by-law. When considering such an amendment, Council shall have regard to the following:

(a) **Deleted - Ministerial Amendment - March 3, 1993**
(b) the effects of the development upon the existing on-site sewer and water systems of neighbouring lands;
(c) the adequacy of the potable water supply for the proposed uses within the development;
(d) the coordination of the proposed road system within the development of the existing and proposed road systems of neighbouring lands;
(e) the adequacy of setbacks for watercourses;
(f) the potential for expansion of the development in terms of available lands and their locations relative to the development and neighbouring lands;
(g) the adequacy of parklands or cash-in-lieu in terms of optimum community use;
(h) any additional information, and information relating to (a) through (f) above, as shown on a tentative plan of subdivision; and
(i) the provisions of Policy IM-11

Commercial developments which are unsuited or economically and physically unfeasible in serviced areas may be provided for within the Rural Residential Designation and the general unserviced area. Riding stables, golf courses and similar uses that require large areas of land can be accommodated by development agreement.

RR-4 Within the Rural Residential Designation and the unserviced portions of the Urban Residential Designation, Council may consider permitting certain private and commercial recreation facilities, 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 does not involve tracks for motorized vehicles when adjacent

to residential areas;

(b) that the development is not a drive-in theatre;

(c) that the site exhibits characteristics which make the location particularly suitable for the proposed use;

(d) 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;

(e) the means by which solid and liquid waste will be treated;

(f) that the architectural design and scale of any building(s) is compatible with nearby land uses;

(g) the potential for adversely affecting nearby residential development;

(h) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;

(i) the general maintenance and hours of operation of the development;

(j) the effects of the development on the natural environment and, in particular, the Little Salmon River and Cole Harbour;

(k) the effects of the development on heritage resources; and

(l) the provisions of Policy IM-11.

COMMUNITY COMMERCIAL DESIGNATION

As discussed previously in the Community Profile section of this planning strategy, the Cole Harbour Road has developed as a commercial area which principally serves the local community. As the population of the area is expected to continue to grow, provisions can be made for the future development of commercial and higher density residential uses which will provide a focus for the community.

The Community Commercial Designation extends along both sides of the Cole Harbour Road from the City of Dartmouth boundary to the intersection of the Bissett Road. Because the majority of the lands within this designation share rear lot lines with the existing residential neighbourhoods, larger commercial and multiple unit residential developments may be considered by means of development agreements so as to ensure that the size of the use is appropriate, adequate separation is maintained from the existing residential areas and buffering is provided between the commercial and residential uses. In addition, specific developments such as beverage rooms and fast food restaurants, which may result in conflicts with residential neighbourhoods, will be subject to specific controls. Furthermore, provisions will be made for retail gasoline outlets to be considered by means of development agreements so as to reduce the potential for conflict with residential uses.

There are a number of existing enterprises on the Cole Harbour Road which make extensive use of open storage and/or outdoor display. These uses include service stations and a building supply outlet. Although new uses of this type will not be encouraged, the existing uses will be accommodated.

CC-1 It shall be the intention of Council to encourage the growth of commercial and community developments which serve the local area and create a community focus, by establishing the Community Commercial Designation as shown on Map 1 - Generalized Future Land Use Map.

CC-2 Within the Community Commercial Designation, it shall be the intention of Council to create a general business zone which permits general commercial uses not exceeding ten thousand (10,000) square feet of gross floor area, and also permits existing dwellings, higher density residential uses containing no more than twelve (12) dwelling units, and community uses, including medical and day care centres. **The zone shall provide for screening of open storage for building supply outlets, refuse storage areas and parking spaces for multiple unit dwellings, shall generally prohibit open storage and outdoor display, and shall provide for the regulation of vehicular access, parking and loading areas, buffering, screening and separation from abutting residential areas, and landscaping of commercial properties. (RC-May 11/99;E-Jun 26/99)**

CC-3 Notwithstanding Policy CC-2, and with reference to Policy HC-5, within the Community Commercial Designation, Council may consider commercial retail service and office uses in excess of ten thousand (10,000) square feet of gross floor area to a maximum of twenty thousand (20,000) square feet, according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall have regard to the following:

(a) access;
(b) the provision and maintenance of buffered separation from abutting residential areas;
(c) site design including landscaping and parking and loading areas;
(d) the exterior finish of buildings; and
(e) the provisions of Policy IM-11.

CC-4 Notwithstanding Policy CC-2, Council may consider permitting multiple unit residential uses containing more than twelve dwelling units within the Community Commercial Designation in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard for the following;

(a) the effects of the proposed development upon the road network;
(b) separation distances from low density residential uses;
(c) the availability of useable open space;
(d) the location of on site amenity areas;
(e) the overall design of the site and structure, including landscaping, parking areas and access;
(f) the design of buildings, including roof pitch and finish materials; and
(g) the provisions of Policy IM-11.

CC-5 Notwithstanding that they may not generally be permitted within the Community Commercial Designation, the land use by-law shall provide for the continuation of certain existing commercial and residential uses within the general business zone.

Drive-in, take-out and other fast food restaurants, can have a negative effect on abutting resident neighbourhoods, particularly due to the generation of significant volumes of traffic beyond normal business hours. Specific development agreements may accommodate the needs and effects of such uses.

CC-6 Notwithstanding CC-2, within the Community Commercial Designation, it shall be the intention of Council to only consider permitting drive-in and take-out restaurants according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall have regard to the following:

(a) access;
(b) the provision and maintenance of buffered separation from abutting residential properties;
(c) site design, including drive-through service lanes, parking and loading areas, landscaping, and refuse storage areas;
(d) the exterior finish of buildings; and
(e) the provisions of Policy IM-11.

CC-7 In order to recognize and protect the primarily suburban residential character of the area, adult entertainment uses in the Community Commercial and Highway Commercial Designations shall only be considered in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the provisions of Policies HC-5 and IM-11.

While new service stations **(Deletion: RC-May 11/99;E-Jun 26/99)** are not permitted in the Community Commercial Designation, provision will be made for establishing retail gasoline outlets which do not include as one of their functions, the general repair of automobiles. Still, gasoline outlets could have a negative effect on abutting residential uses. Therefore, specific development agreements would address issues such as buffering, setbacks, commercial floor area and signage.

CC-8 Notwithstanding Policy CC-2, within the Community Commercial Designation, it shall be the intention of Council to consider permitting retail gasoline outlets, including accessory business uses, in accordance with the development agreement provisions of the Planning Act. In considering any such agreement, Council shall have regard to the following:

(a) that the requirements for a license from the Utilities Review Board can be met;
(b) that no outdoor display or open storage be permitted on the site;
(c) that no general repair of automobiles is permitted on the site;
(d) the impact on traffic circulation and, in particular, the adequacy of sighting distances and entrances to and exits from the site;
(e) that municipal services are available and capable of supporting the development;
(f) that site design features, such as landscaping, amenity areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments and to provide for the needs of the user of the development;
(g) that the external appearance and scale of any building, including signage, is compatible with adjacent commercial land uses;
(h) the maintenance of the development;
(i) hours of operation; and
(j) the provisions of Policy IM-11.

The Cole Harbour Shopping Centre complex at the corner of Cole Harbour Road and Forest Hills Parkway was built as a major commercial centre under the terms of the Forest Hills Planned Unit Development (PUD), which was approved in the mid-1970's. The site has been developed in stages, with several freestanding commercial units built, since that time. Some vacant land still exists on the site, and it is anticipated that both expansion and redevelopment will occur. This will be supported by this plan to maximize use of the space and provide a substantial commercial core within the community. Minor changes can be permitted as of right through the application of a Shopping Centre zone specific to this development rather than under the C-2 General Commercial Zone which is intended to apply to small scale development. However, given the goal of creating a more attractive and functional community commercial centre, and concerns with traffic access to the site, as well as on-site circulation and parking issues, any substantive redevelopment or additions including the provision of 2nd floor space, shall be considered only through the development agreement process. This process will also allow HRM to address the need for improvements on matters including pedestrian and bicycle access, landscaping, and building design. Policy CC-6 regarding drive in and drive through restaurants will apply in the Shopping Centre Zone.

Policy CC-9 It shall be the policy of Council to establish a C-3 Shopping Centre Zone. This zone will allow a range of larger commercial and service uses, similar to those under the C-2 Zone, and provide for renovations and alterations to existing buildings, where no additional gross floor area is proposed.

Policy CC-9a It shall be the intention of Council to consider expansions of any building in the C-3 Zone, beyond which is allowed under the C-3 Zone, only through the development agreement process. This includes subdivision of lots to create smaller commercial pads/sites. In considering any such proposal for expansion, Council shall have regard to the following:

- **(a) That any proposal is considered in the context of the entire mall site, and that the following are addressed:**
  - **(i) future building locations/extensions;**
  - **(ii) a comprehensive traffic management plan with appropriate site improvements that optimizes vehicular circulation, provides appropriate throat depth for driveways, clearly separates queuing lanes for drive through restaurants from driving aisles, and provides screened, efficient loading space;**
  - **(iii) a parking utilization & needs assessment to address the number of parking spaces required;**
  - **(iv) improved pedestrian connections in the form of dedicated sidewalks from street access points to storefronts; and**
  - **(v) several areas suitable for enhanced landscaping, both adjacent to streets and within the site, including trees and flower beds, with consideration for surface runoff to be directed through these to minimize overall peak runoff and provide more adequate watering for the vegetation;**
- **(b) the ability of the sanitary sewage system to accommodate additional wastewater generation that may be caused by expansions in floor area;**
- **(c) urban design goals including quality architecture, appropriate and attractive signage, active transportation use, and screening of areas such as loading bays, waste storage/collection, and mechanical equipment,**
- **(d) the requirements of general implementation policy IM-11.**

(RC-Jul 5/11;E-Oct 8/11)

HIGHWAY COMMERCIAL DESIGNATION

As previously discussed, lands along Highway No. 7 support uses which are dependant upon a more regional market than those on the Cole Harbour Road. Most of these uses make extensive use of land and consequently would be difficult to accommodate in the community and commercial focus on the Cole Harbour Road. In support of the development of more extensive commercial uses, the Highway Commercial Designation has been applied along Highway No.7.

HC-1 In the interests of providing for commercial uses which make extensive use of land and serve the travelling public, it shall be the intention of Council to establish the Highway Commercial Designation as shown on the Map 1 - Generalized Future Land Use Map.

HC-2 Within the Highway Commercial Designation, it shall be the intention of Council to create a highway commercial zone which permits general commercial uses not exceeding ten thousand (10,000) square feet of gross floor area, and also permits existing dwellings and community uses, including medical and day care centres. In addition, the zone shall provide for the screening of open storage and outdoor display areas.

While lands abutting the rear lot lines of properties along Highway No. 7 are not as intensely developed as the residential neighbourhoods along the Cole Harbour Road, there remains a concern that the scale of commercial uses in the Highway Commercial Designation may interfere with existing and future residential areas.

HC-3 Notwithstanding Policy HC-2, in order to accommodate adjacent commercial and residential uses, it shall be the intention of Council to only consider commercial uses in excess of ten thousand (10,000) square feet and to a maximum of fifty thousand (50,000) square feet of gross floor area, according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall regard to the following:

(a) vehicular access to the site;
(b) separation from residential uses;
(c) storm drainage;
(d) site design including open storage and outdoor display area parking and loading spaces and landscaping; and
(e) the provisions of Policy IM-11.

HC-4 Deleted (RC-Aug 14/18;E-Sep 15/18)

Continuation of existing industrial operations is generally supported within the Plan Area. However, there are several properties where such uses are not appropriate for future industrial development and were not given industrial zoning. Expansions to existing industrial operations have occurred through the development agreement process (UR-20). In the event that an existing industrial operation no longer exists, it is reasonable to evaluate the appropriate adaptive reuse of the property on a case-by-case basis relative to surrounding uses and the existing conditions of the site. (RC-Aug 14/18;E-Sep 15/18)

In the case of A. R. Hemmings Systems Ltd., a development agreement permitted expansion of an industrial operation at PID #00650689, where roof trusses and building supplies were manufactured. Highway commercial uses were also permitted at the property. A. R.

Hemmings Systems Ltd. no longer exists but the property is left with several large buildings occupied by various commercial uses. The existing buildings have service bays and warehouse space, which are ideal for light industrial and commercial uses including but not limited to storage and warehousing, sale of building supplies and automotive repair. It is reasonable to consider additional commercial uses at this site given the history of the property, while mitigating impacts to abutting residential uses. (RC-Aug 14/18;E-Sep 15/18)

HC-4A Notwithstanding Policy HC-2, within the Highway Commercial Designation, it shall be the intention of Council to permit additional commercial and warehouse uses on the former A.R. Hemmings Systems Limited site (PID #00650689) that are not generally permitted under the highway commercial zone and that exceed ten thousand (10,000) square feet of gross floor area. In addition, the zone shall include site specific provisions for screening from abutting residential properties. (RC-Aug 14/18;E-Sep 15/18)

Entertainment uses such as beverage rooms and amusement arcades, can benefit from locations in larger shopping centres where access and parking are readily controlled, and effects upon residential areas caused by these uses' extended hours of operation are minimized.

HC-5 Notwithstanding Policies CC-2 and HC-2, within the Community Commercial and Highway Designations, it shall be the intention of Council to permit beverage room and other entertainment uses only in commercial structures having greater than ten thousand (10,000) square feet, according to the development agreement provisions of the Planning Act. In considering such developments, Council shall have regard to the following:

(a) separations from residential uses;
(b) vehicular access and egress;
(c) the location and extent of open storage and/or display;
(d) the location of parking and loading areas;
(e) drainage both on and off the site;
(f) any landscaping of such uses; and
(g) the provisions of Policy IM-11.

In recent years there has been a trend towards specialization in the motor vehicle repair industry, with shops offering individual services in the replacement and repair of brakes, tires, glass or transmissions, or in customizing, paint and body work. Although motor vehicle repair establishments are appropriate to highway locations, they may involve extensive parking and outdoor storage and display which should be subject to specific control mechanisms.

HC-6 Notwithstanding Policy HC-2, within the Highway Commercial Designation it shall be the intention of Council to only consider permitting automotive repair outlets according to the development agreement provisions of the Planning Act. When considering such an agreement, Council shall have regard to the following:

(a) vehicular access to the site;
(b) the location and extent of outdoor storage and outdoor display;
(c) site design including parking and loading spaces and landscaping; and
(d) the provisions of Policy IM-11.

Comprehensive Commercial Developments

In providing for highway commercial development along Highway No. 7 and in encouraging the development of a community commercial area along the Cole Harbour Road, it is recognized that lands in each vicinity may have a potential for commercial developments beyond the scale permitted in either commercial designation. Pending the resolution of general economic uncertainties, there may be a need to respond to proposals for viable commercial developments which are larger than those foreseen or which include development concepts requiring greater flexibility than standard zoning allows. This need can be met within the underlying intent of both commercial designations - to encourage high quality development and to accommodate that development without negatively affecting nearby residential areas.

The use of comprehensive development districts for major residential projects has been specifically limited to prohibit general commercial development within the Urban Residential and Rural Residential Designations. However, where these designations abut either of the commercial designations, there is an opportunity to extend the district for general commercial development in accordance with the intent of this planning strategy. By including development within both residential and commercial designations under a single development agreement it is possible to afford flexibility to commercial uses and compatibility with residential uses.

HC-7 Notwithstanding Policy UR-11 where any comprehensive development district abuts a Community Commercial Designation or a Highway Commercial Designation, such district may be extended into the commercial designation for the purposes of developments which are larger than those permitted or which require a more flexible approach than that provided for in the land use by-law. Furthermore, it shall be Council's intention that the types of commercial uses within such a comprehensive development district shall be in conformity with the provisions of the appropriate commercial designation. When considering an amendment to the land use by-law to establish such a district, Council shall have regard to the following:

(a) that the commercial portion of the development shall be contained within the commercial designation;
(b) that the total development shall have a minimum of five (5) acres; and
(c) that the appropriate provisions of Policy UR-11 shall apply.

HC-8 Pursuant to Policy HC-7, amendments to the land use by-law shall specify the types of land use to be included in the development according to the provisions of Policy UR-12. Further, any development agreement as provided for under the development agreement provisions of the Planning Act shall specifically provide for the residential portion of any development to be included in the first phase of the development.

HC-9 It shall be the intention of Council that the portion of any agreement pertaining to residential uses within the development may be discharged upon completion of such phases. Upon discharging part of the agreement, Council shall zone the lands to reflect the intent of the agreement.

MIXED RESIDENTIAL DEVELOPMENT IN THE HIGHWAY COMMERCIAL DESIGNATION

Lands adjacent to Lake Loon present an opportunity for residential infill within the Highway Commercial Designation. The lands identified for future residential development are located to the rear of 613 and 667 Highway 7 (approximately 3.15 acres) and rear lands behind civic addresses 639 and 651 Highway 7. These sites are appropriate to be developed with a mixed of townhouse and multiple unit dwelling development at approximately 24 units per acre on each of the subject parcels. Development on these lands located within the Westphal Suburban Local Growth Centre, as referenced in the Regional Municipal Planning Strategy, should be clustered with regard to a reduced lot coverage and enhanced tree retention.

Development of the above noted lands should proceed in a manner sensitive to the issues of environment including protection of Lake Loon through appropriate stormwater management. In addition to watercourse protection, Council will have regards to matters of appropriate design, traffic access and egress, and impact mitigation from adjacent commercial land uses. In order to achieve this site development should only be permitted through the development agreement process. Any development agreement should also consider impacts to future residential development on adjacent lands.

HC-10 Notwithstanding Policy HC-2, it shall be the intention of Council to consider mixed residential development on lands in the Highway Commercial Designation as identified on "Schedule A - Mixed Residential Development in Highway Commercial Designation" of the Cole Harbour/Westphal Municipal Planning Strategy. Council may consider residential development on lands identified on Schedule A in accordance with the development agreement provisions on the Halifax Regional Municipality Charter. In considering such agreements, Council shall have regard to the following:

- **(a) exterior design, height, bulk and scale of the new residential development;**
- **(b) compatibility with adjacent residential development relative to building heights, lot coverage, dwelling unit density, unit type and mix;**
- **(c) measures to integrate and buffer the use relative to surrounding commercial land uses. Buffering shall refer to measures taken to mitigate impact from adjacent uses, such as the retention of existing vegetation, and the installation of suitable screening features such as vegetation and/or fencing;**
- **(d) measures to minimize disruption of the existing terrain, vegetation, and watercourses;**
- **(e) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;**
- **(f) pedestrian access from the proposed development to the street network;**
- **(g) environmental protection measures and erosion and sedimentation control mechanisms including the implementation of an effective storm water management plan;**
- **(h) minimizing vehicular access to Lake Loon; and,**
- **the provisions of Policy IM-11.**

(RC-Oct 7/14;E-Nov 8/14)

COMMUNITY FACILITY DESIGNATION

While it is not the intention of the Community Facility Designation to restrict the development of institutional uses to specific locations, there are a number of community facilities that are of a size or importance that they should be recognized. These include the Halifax County Rehabilitation Centre, the Cole Harbour Rural Heritage Farm, Cole Harbour Outdoor Pool and Tennis Complex and the Nova Scotia Home for Colored Children, which have been in place for several decades, and the more recent community campus area in Forest Hills, which is an important recreational and educational resource.

CF-1 It shall be the intention of Council to provide for the continued support and protection of major community facilities by establishing the Community Facility Designation as shown on Map 1 - Generalized Future Land Use Map.

CF-2 Within the Community Facility Designation, it shall be the intention of Council to create a community facility zone which permits institutional and open space uses. In support of institutional uses outside the Community Facility Designation, this zone may be applied within the Urban Residential and Rural Residential Designations.

CF-3 In support of the establishment and protection of public open space, it shall be the intention of Council to create an open space zone. This zone may also be applied within the Urban Residential and Rural Residential Designations.

PROVINCIAL PARK DESIGNATION

The Cole Harbour/Lawrencetown park site was one of seven areas designated for park development in the 1975 Regional Development Plan. Only a portion of the lands originally designated fall within the Plan Area. The park was officially established in 1984 as a Coastal Heritage Park.

The stated objective of the Regional Development Plan in designating regional park sites is, "to protect areas of unique natural significance against adverse effects and to reserve sufficient open space for recreational purposes". Application of this intent to the sensitive Cole Harbour salt marsh area is apt, although the lands designated for the park do not encompass the entire Cole Harbour shoreline.

While some difficulties have arisen relative to the provincial restriction of development within the park, it is important to note that the provincial acquisition programme has been active in the Cole Harbour/Lawrencetown area.

Community participation and interest in the refinement, development and management of the park site is evidenced by the "Porter Plan" and the "Revised Porter Plan" of 1977 and 1978, respectively. The former was prepared by H. J. Porter & Associates and the latter by the Porter Plan Advisory Committee which included public, municipal and provincial representation. The Municipality recognizes and commends the nature and amount of public input and participation in this document's preparation, and supports the Regional Plan designation, the recommendations of the Porter Plan Advisory Committee[18] and public concerns expressed through this planning process.

While the recommendations of the Revised Porter Plan reflect the environmental significance of park lands, they also indicate that attention must be paid to the concerns of property owners currently living within designated park sites. Provisions should be made to safeguard existing dwellings in terms of the rights of reasonable use or replacement which are afforded other residents.

PP-1 It shall be the intention of Council, in support of the intent of the Regional Development Plan and community interests in the unique environmental and historical importance of Cole Harbour, and in support of the on-going provincial acquisition programme, to establish a Provincial Park Designation as shown on Map 1 - Generalized Future Land Use.

PP-2 Within the Provincial Park Designation, it shall be the intention of Council to create a provincial park zone which permits park uses. In addition, this zone shall permit existing dwellings and recreational uses identified in Appendix "E" of the land use by-law, and the limited use of dwellings for business uses operated by the owner of the dwelling. The zone shall also control parking, the number and size of signs, and shall prohibit open storage and outdoor display. Provision shall also be made for the expansion and alteration of the identified uses and for the development of accessory uses.

Under the park acquisition programme, the Province has attempted to acquire land at "fair market value" without recourse to expropriation, and has made efforts to acquire primarily undeveloped lands, thereby leaving the existing community intact. These efforts are commendable and this

[18] The recommendations of the Advisory Committee resulted in the Revised Porter Plan of April 1978

conscientious approach seen in planning and acquisition is encouraged to continue through resolution of the issues of development, design, maintenance and the establishment of a park authority. Such matters should be addressed in the near future in order to reduce any remaining public uncertainty concerning the park.

PP-3 It shall be the intention of Council to encourage the provincial government to continue its purchase of designated park lands and to quickly work toward a resolution of ownership, development and management of the park. Furthermore, Council shall encourage the continued participation of the community in the development of the park and shall co-operate with other municipal units and the Province in park related decisions.

NOTE: THIS DESIGNATION HAS BEEN INCLUDED FOR CONVENIENCE ONLY AND DOES NOT FORM A LEGAL PART OF THIS DOCUMENT. FOR ACCURACY, REFERENCE SHOULD BE MADE TO THE DOCUMENT APPROVED BY THE MINISTER IN 1982

SPECIAL AREA DESIGNATION

The "Porter Plan" and the "Revised Porter Plan" recognized certain areas not contained within the regional park, where development may have negative environmental and aesthetic effects upon the sensitive Cole Harbour salt marsh. The Long Hill area is located adjacent to regional park lands at the Halifax County Rehabilitation Centre. Any development on Long Hill should be compatible with the adjacent regional park and with the intention of retaining the hill's panoramic views to and from Cole Harbour. In terms of view protection and environmental impact, Lawlor's Point also represents a key area for carefully controlling development.

SA-1 It shall be the intention of Council to recognize the importance of the views, the potential for development and the community interest in the unique historical and environmental character of the Long Hill and Lawlor's Point areas by establishing a Special Area Designation as shown on the Generalized Future Land Use Map (Map 1).

The Long Hills area has minimal development, including some residential and agricultural uses. The area's significant views to Cole Harbour and its proximity to the regional park could increase development pressures and there is a need for a flexible and sensitive approach to development and development control on these lands.

Recently the provincial government has purchased extensive property within the Long Hill portion of the Special Area Designation. It is reasonable that this property should be zoned to the regional park zone provided by previous policy respecting the Regional Park Designation. One effect of this recent acquisition has been to abut or surround two smaller private properties with regional parkland. Although these lands are currently developed, they are included within the Regional Park Designation of the Regional Development Plan which limits their development. In respect to the continued use and enjoyment of existing residential and recreation uses on these properties, it is the intent of this Municipal Development Plan to permit existing uses, including their expansion or alteration and the development of accessory uses.

In order to accommodate the development of remaining private land holdings on Long Hill, existing uses shall be permitted and contractual controls provided for future development. When considering development agreements within the Special Area Designation, attention can be given on a site specific basis to setbacks from Cole Harbour, protection of significant views, to proper drainage management and the provision of limited road construction.

SA-2 Within the Long Hill portion of the Special Area Designation, it shall be the intention of Council to establish the regional park zone as provided by Policy P-68. This zone shall be applied to provincially owned properties and to other holdings identified in Appendix "D" of the zoning by-law. The zone shall provide for the use, expansion and alteration of existing uses and for the development of accessory uses. In addition, Council shall establish a special area zone which shall permit existing residential and agricultural uses and the development of accessory uses on remaining private holdings within the Special Area Designation.

SA-3 Notwithstanding that they are not permitted within the Special Area Designation, Council may consider the development of new residential and agricultural uses on Long Hill according to the provisions of Sections 33(2)(b) and 34 of the Planning Act. In considering such developments, Council shall require that developments be more than two hundred

(200) feet from the shore of Cole Harbour and shall have regard to the provisions of Policy P-93 and to any negative effects which the development may have upon the sensitive environment of the area, the views to Cole Harbour or the future development of the regional park.

Lawlor's Point is the only area with waterfrontage on Cole Harbour and within the Plan Area which is not included in the Regional Plan's regional park designation. With the support of area residents, the Municipality has maintained a restrictive parks and institutional zoning on the ma~or portion of Lawlor's Point since 1974. It is the intention of the Special Area Designation to respond to continuing public concern and to uphold established Municipal policy by zoning these lands with a comparable zoning under the new zoning by-law. It is reasonable, however, to provide for the development of uses which are appropriate to environmental protection and public use in the area. In this regard, the community facility zone will allow for the development of recreational uses which are suited to the waterfront area in question.

SA-3 It shall be the intention of Council, in consideration of the Porter Plan Advisory Committee recommendations, continuing community concern and established municipal zoning, to zone Lawlor's Point to a community facility zone.

WATERSHED DESIGNATION

The Dartmouth Water Utility's piped water system which serves all urban and suburban areas on the eastern side of Halifax Harbour utilizes the Lake Major water system as its water supply. The protection of this water source is a matter of regional importance. On April 8, 1986, the Lake Major Watershed was designated a protected water area under the provincial Water Act and subsequently, the boundaries of the watershed were surveyed. Although only a portion of the Lake Major watershed falls within the Plan Area, it is also a matter of concern to residents that the quality of this water supply be retained.

The official study of the watershed[19], and the planning process for the Lake Major-Preston area[20] stress that the watershed area should be zoned in a manner which is consistent with watershed protection and that support should be given to the acquisition of watershed lands by the City of Dartmouth. These studies also recommended that an advisory body be established to address the broader aspects of watershed management and community development.

In 1988, the Lake Major Watershed Advisory Board was formed in order to provide a forum for future watershed management policy recommendations, as well as for government/local community discussions of watershed issues. The Advisory Board is comprised of local community and private landowner representation, as well as representatives of the Municipality, the City of Dartmouth, the Dartmouth Water Utility and the provincial Departments of the Environment, Health and Fitness, Municipal Affairs, and Lands and Forests. The designation of the watershed enables the Advisory Board to prepare regulations under the Water Act, governing activities such as boating, fishing, road construction, logging, clear cutting, and the use of fertilizers and pesticides within the watershed. In July of 1992, the Province enacted Regulations for the Lake Major Watershed.

In support of the need to protect water quality within the Lake Major watershed, a watershed designation will be applied to the lands which are situated within the boundaries of the watershed. It is recognized that the protection of a high quality public water supply is of paramount importance within this designation. However, it is also recognized that there is potential for residential development especially where there is access to the public road system. It is also acknowledged that limited residential development may proceed within the watershed without jeopardizing the Lake Major water supply. Therefore, new residential development will be permitted, subject to increased lot size requirements. Residential development on smaller lots shall only be considered after a thorough review of all potential effects has been considered.

W-1 It shall be the intention of Council to establish a Watershed Designation as shown on Map 1 - Generalized Future Land Use. In recognition of the importance of protecting the Lake Major potable water supply, the designation will support low density residential development and open space, conservation and watershed management uses which are compatible with water quality objectives for the watershed.

W-2 Within the Watershed Designation, it shall be the intention of Council to establish a conservation zone which permits single unit dwellings on lots having a minimum area of eighty thousand (80,000) square feet and open space uses, water distribution facilities and conservation related uses.

[19] Montreal Engineering Company Limited, "Lake Major Watershed Management Study", February, 1980.
[20] Adopted by Council in May, 1981, and officially reviewed 1987-1992

W-3 Notwithstanding Policy W-2, it shall be the intention of Council to consider permitting single unit dwellings development within the Watershed Designation on lots which have an area of less than eighty thousand (80,000) square feet, by amendment to the land use by-law and with regard to the following:

(a) an assessment of the potential effects which the proposed development may have on the Lake Major water supply;
(b) that adequate separation is maintained from tributaries within the watershed in order to maintain general water quality;
(c) provisions with regard to storm water management to ensure that no stormwater runoff is diverted directly to the water supply;
(d) any additional information which may help to determine potential effects on the Lake Major Water Supply, as would be shown on a tentative plan of subdivision;
(e) the provisions of Policy RR-3; and
(f) the provisions of Policy IM-11.

W-4 It shall be the intention of Council to support the work of the Lake Major Watershed Advisory Board, in particular the preparation of guidelines and regulations controlling activities within the watershed and to solicit the Board's comments on development proposals located within the watershed.

W-5 Notwithstanding Policy W-2 and in support of existing property rights within the Watershed Designation, it shall be the intention of Council to apply the appropriate zoning to existing uses.

IMPLEMENTATION

In accordance with the provisions of the Planning Act, the adoption of this municipal planning strategy does not commit Council to undertake any of the projects or actions contained, however, Council cannot take any action within the scope of this Plan 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 employing specific by-laws and regulations, Council may encourage certain administrative procedures in response to implementation of this planning strategy and the Plan Area in relation to the Municipality as a whole. Specifically, Council may investigate the cost and administration of the signs sections of the land use by-law, given their introduction as new controls within the urban areas of the municipality, and may consider a schedule of permit fees for commercial signage.

The following policies include the basic requirements for proper implementation based on the policies of the planning strategy and adoption of new subdivision regulations and subdivision by-law, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

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

IM-2 In addition to employing specific implementation measures it shall be the intention of Council to maintain an ongoing monitoring and planning process through its municipal Planning Advisory Committee and the Cole Harbour/Westphal Community Council and Community 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 to amend the land use by-law for a use which is not permitted is made and subsequent studies show that the policies of this planning strategy should be amended.

IM-4 More specifically, Council shall consider amending this planning strategy under the following instances:

(a) in order to implement appropriate zoning upon the completion of flood plain mapping for rivers within the Plan Area;
(b) upon the identification of any new serviceable area of the City of Dartmouth or the general Westphal and Cole Harbour areas, where lands within the Plan Area may be affected; or
(c) upon construction of the western extension of Highway No. 107.

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, the Cole Harbour/Westphal Community 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 use permitted within the abutting designation; or
(b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation.

IM-7 It is not intended that all land shall be prezoned for specific uses. Rather, in order to give the Cole Harbour/Westphal Community 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 the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within the planning strategy.

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

(a) Within the Urban Residential Designation, where municipal central services are available:
    (i) two unit dwellings according to Policies UR-5 and UR-6;
    (ii) townhouse dwellings according to Policy UR-7;
    (iii) multiple unit dwellings according to Policy UR-9;
    (iv) comprehensive development districts according to Policy UR-11; and
    (v) community facility uses according to Policy UR-14

Notwithstanding the above, and in conjunction with Policy E-8, no amendment to the land use by-law shall be considered in Colby South Phases 1 and 2 which would permit any residential use other than a single unit dwelling.

(b) Within the Urban Residential Designation, where municipal central services are not available:
    (i) community facility uses according to Policy UR-14;
    (ii) rural residential and small business uses located in dwellings according to Policy UR-23; and
    (iii) mobile dwellings according to Policy UR-30.
(c) Within the Rural Residential Designation:
    (i) dwellings on lots having an area of less than eighty thousand (80,000) square feet according to Policy RR-3;
    (ii) community facility uses according to Policy UR-14; and
    (iii) comprehensive development districts according to Policy UR-11.
(d) Within the Community Commercial Designation:
    (i) comprehensive development districts according to Policy HC-7.
(e) Within the Highway Commercial Designation:

(i) comprehensive development districts according to Policy HC-7.

(f) Within the Watershed Designation:

(i) dwellings on lots having less than eighty thousand (80,000) square feet according to Policy W-3.

IM-9 The following uses shall only be considered subject to the entering into of a development agreement.

(a) Within the Urban Residential Designation:

(i) townhouse dwellings where all units do not have access to a public street according to Policy UR-8;

(ii) multiple units dwellings containing more than six (6) dwelling units according to Policy UR-10;

(iii) commercial and commercial recreation uses in conjunction with recreational facilities operated by fraternal or service clubs, according to Policy UR-16;

(iv) **neighbourhood business (Reg.Council-May11/99, Effective-June26/99)** uses according to Policy UR-18;

(v) the expansion of existing light industrial uses onto abutting properties according to Policy UR-19;

(vi) the expansion of existing light industrial uses according to Policy UR-21;

(vii) the expansion of existing resource uses according to Policy UR-22;

(viii) larger scale commercial uses within unserviced areas according to Policy UR-25;

(ix) general commercial and higher density residential uses on certain properties located along Highway No. 7 according to Policy UR-26

(x) garden markets and garden centres on lots which were zoned C-l (**Neighbourhood Business (RC-May 11/99;E-Jun 26/99))** on April 21, 1986, according to Policy UR-26;

(xi) certain commercial development on the lands of Jack Way and Bernard Rogers in the Salmon River Drive/Richardson Drive area, according to Policy UR-28; and

(**xii) certain private and commercial recreation uses on unserviced lands according to Policy RR-4.**

(xiii) multiple unit dwellings, including townhouse dwellings, that exceed the built form requirements of the MOD Zone on lands within Sub Area A or Sub Area B as identified on Schedule E;

(xiv) mixed use buildings, containing residential units and any one or more of the following: commercial, institutional or community uses, that exceed the built form requirements of the MOD Zone on lands within Sub Area B as identified on Schedule E;

(xi) multiple unit dwellings, except for townhouse dwellings, and residential care facilities on lands within Sub Area C of any MOD Zone as identified on Schedule E. (RC-May4/21; E-June 5/21)

(b) Within the Rural Residential Designation:

(i) certain private and commercial recreation uses according to Policy RR-4.

(c) Within the Community Commercial Designation:

(i) commercial retail and office uses in excess of ten thousand (10,000) but no more than twenty thousand (20,000) square feet of gross floor area, according to Policy CC-3;
(ii) multiple unit residential uses exceeding twelve (12) dwelling units, according to Policy CC-4;
(iii) drive-in or take-out restaurants according to Policy CC-6;
(iv) adult entertainment uses according to Policy CC-7;
(v) retail gasoline outlets according to Policy CC-8;
(vi) beverage rooms and other entertainment uses located within buildings greater than ten thousand (10,000) square feet of gross floor area, according to Policy HC-5;
(vii) access to commercial and multiple unit residential uses other than to Cole Harbour Road, Cumberland Drive and Forest Hills Drive according to Policy TR-ll.

(d) Within the Highway Commercial Designation:
(i) commercial uses with greater than ten thousand (10,000) but not greater than fifty thousand (50,000) square feet of gross floor area, according to Policy HC-3;
(ii) Deleted ((RC-Aug 14/18;E-Sep 15/18)
(iii) beverage rooms and other entertainment uses located within buildings greater than ten thousand (10,000) square feet of gross floor area, according to Policy HC-5;
(iv) automotive repair outlets according to Policy HC-6; and (v) adult entertainment uses according to Policy CC-7.
(v) residential development on lands as shown on "Schedule A - Mixed Residential Development in Highway Commercial Designation" according to Policy HC-10. (RC-Oct 7/14;E-Nov 8/14)

(e) Within the Special Area Designation:
(i) residential and agricultural uses in the Long Hill area, according to Policy SA-3

(f) Within any designation:
(i) residential care facilities, according to Policy UR-15.

IM-10 Within the Urban and Rural Residential Designations, according to Policies UR-11 and UR-12, Comprehensive Development Districts for mixed residential and **neighbourhood business (RC-May 11/99;E-Jun 26/99)** and community facility uses shall only be considered subject to the entering into of a development agreement or agreements, according to the Planning Act. Furthermore, where the Urban or Rural Residential Designation abuts any commercial designation, a Comprehensive Development District may be extended from the residential designation to the commercial designation, according to Policies HC-7 and HC-8.

IM-11 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community 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 sewer and water services;
    (iii) the adequacy or proximity of school, recreation and other community facilities;
    (iv) the adequacy of road networks leading or adjacent to or within the development; and
    (v) the potential for damage to or 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 in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, 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-12 In considering amendments to the land use by-law or development agreements, Cole Harbour/Westphal Community Council shall hold a Public Hearing according to the Planning Act.

IM-13 It shall be the intention of Council to refer all proposed amendments to the Municipal Planning Strategy and/or the standards of the Land Use By-law for Cole Harbour/Westphal, to the Cole Harbour/Westphal Community Council for comment.

IM-14 It shall be the intention of the Cole Harbour/Westphal Community Council to post a notice of public hearing for any rezoning or development agreement application being considered under the provisions of this planning strategy. The notice shall be posted on the property under consideration and all expenses incurred shall be debited from an advertising deposit made by the applicant.

IM-15 It shall be the intention of Council to post notice of public hearing for any amendments being considered to this planning strategy or the standards of the land use by-law in a prominent location at Cole Harbour Place and any other place so directed by resolution of Council.

IM-16 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-17 It shall be the intention of Council, through the Subdivision By-law, to provide specifications for determining the availability of central water and sewer services within the Servicing Boundary.

IM-18 Where central services are available, it shall be the intention of Council to permit residential development to take place on lots which have less than the minimum frontage or area required by the land use by-law where such lots are created for the purposes of infilling.

IM-19 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:

(a) the Building By-law
(b) the Unsightly Premises section of the Halifax County Charter;
(c) the Topsoil Bylaw;
(d) the Excavation Bylaw;
(e) the Blasting and Dangerous Materials By-law;
(f) the Sewer Connection By-law;
(g) the Mobile Home Park By-law;
(h) the Occupancy Permit By-law; and
(i) the Subdivision By-law.

IM-20 In accordance with the Planning Act, the Development Officer appointed by Council shall administer the land use by-law and the Subdivision By-law and grant development permits.

IM-21 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.

Temporary Signage (RC-Sep26/06;E-Nov18/06)

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-22 The land use by-law shall not contain sign provisions for those signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).

APPENDIX A: URBAN ROAD CLASSIFICATION SYSTEM

ARTERIAL ROADS

Primary Function:	To move traffic on an interregional scale. (Traffic Service)
Land Use Service:	Does not generally provide access to either commercial or residential lots.
Traffic Volume:	Greater than 20,000 vehicles per day.
Right of Way:	100 to 125 feet.
Connections:	Connects to freeways, other arterial and major collectors

MAJOR COLLECTOR ROADS

Primary function:	To move traffic between communities and to provide access to commercial services. (Traffic Service)
Land Use Service:	Tends to provide access to commercial lots primarily, but residential lots do have access.
Traffic Volume:	Between 12,000 and 20,000 vehicles per day.[21]
Right of Way:	66 feet.
Connections:	Connects to arterials and other major collectors, and minor collectors.

MINOR COLLECTOR ROADS

Primary Function:	To provide access and to move traffic from neighbourhoods onto major collectors.
Land Use Service:	Tends to provide access to residential lots and community related non-residential services.
Traffic Volume:	Between 3000 and 12,000 vehicles per day.
Right of Way:	66 feet.

[21] 1. Traffic volume benchmarks were taken from the City of Halifax Subdivision By-law

Connections:	Connects to major collectors, other minor collectors and local roads.

LOCAL ROADS

Primary Function:	To provide access to residential lots.
Land Use Service:	Tends to provide access to residential lots only.
Traffic Volume:	Up to 3000 vehicles per day.
Right of Way:	66 feet.[1]
Connections:	Connects to minor collectors and other local roads

[1] Right-of-way width may be reduced to 50 feet in the case of a cul-de-sac which does not have the potential to be extended.

MUNICIPAL PLANNING STRATEGY - COLE HARBOUR/WESTPHAL AMENDMENT INDEX

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	TR-20, TR-21	Reduced lot frontages in unserviced areas	December 13, 1993	December 22, 1993
2	Map 2a, E-10(a), E-10(b)	Water service districts (PA-CHW-04-94)	August 29, 1994	October 21, 1994
3	E-8(b)	Lands within the servicing boundary (Morris Lake / Heritage Hills) (PA-CHW-04-95)	August 28, 1995	September 21, 1995
4	E-26	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
5	UR-11, UR-17, UR-18, UR-26, CC-2, IM-9(iv)(x), IM-10	Neighbourhood business uses	May 11, 1999	June 26, 1999
6	ML-1 - ML-17 (new chapter)	Morris - Russell Lake Area (Project No. 00087)	January 12, 1999	June 26, 1999
7	IC-1 to IC-8, IM-11(f)	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
8	SW-1 to SW-8	Construction and Demolition Waste Management (Project No. 00082)	September 10, 2002	November 9, 2002
9	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
10	Replace Morris - Russell Lake Area	Morris - Russell Lake Secondary Planning Strategy (Case 00586)	March 22, 2005	April 23, 2005
11	Deleting Interim Growth section inc. Map 4	Regional Plan Amendments	June 27, 2006	August 26, 2006
12	Adding preamble and Policy IM-22	Case No. 00327	RC - September 26, 2006	E - November 18, 2006
13	UR13, UR12, UR18, CC9	FOREST HILLS 15940	RC - July 5, 2011	E - October 8, 2011

14	Added Policy UR-31	Quonset Huts	RC – November 8, 2011	E – January 14, 2012
15	**Add** Schedule A – Mixed Residential Development in Hwy Commercial Designation; Policy HC-10; IM-9(d)(v).	Case 18288/18684	RC-October 7, 2014	E – November 8, 2014
16	**Amend** Map 1 – GFLUM to redesignate a portion of PID 00650689 from Urban Residential to Highway Commercial; **Delete** – Policy HC-4; **Add** – Policy HC-4A.	Case 21168	RC-August 14, 2018	E-September 15, 2018
17	**Add** Policy SW-7A to Section II (C&D Waste Management Strategy)	Case 21440	RC-July 30, 2019	E-September 14, 2019
18	**Amend:** Policy UR-18 deleted text referencing 272 Auburn Dr.	Case 22367	RC – September 11, 2020	E – November 14, 2020
19	**Amend –** Map 1 GLUM; Policy IM-9 **Insert –** after Policy UR-31 "Former Nova Scotia Home for Colored Children" Policy/Vision	Case 21875	RC – May 4, 2021	E – June 05, 2021UR-1

Schedule A: Mixed Residential Development in Highway (RC-Oct 7/14;E-Nov 8/14)

