



# **MUNICIPAL PLANNING STRATEGY**

**BEAVER BANK, HAMMONDS  
PLAINS AND  
UPPER SACKVILLE**

**THIS COPY IS A  
REPRINT OF THE  
BEAVER BANK, HAMMONDS PLAINS  
AND UPPER SACKVILLE  
MUNICIPAL PLANNING STRATEGY  
WITH AMENDMENTS TO  
NOVEMBER 16, 2022**

**MUNICIPAL PLANNING STRATEGY  
FOR  
BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville which was passed by a majority vote of the Regional Council at a duly called meeting held on the 9<sup>th</sup> day of November, 1999, and approved by the Minister of Municipal Affairs on the 4<sup>th</sup> day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 16<sup>th</sup> day of November, 2022.

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

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

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## INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Municipal Government Act, Chapter 18, SNS 1998 and pursuant to Municipal Council's adoption of Municipal Development Plan, Stage 2 Process, 1983 in March of 1983. The Strategy covers the areas generally known as Beaver Bank, Hammonds Plains and Upper Sackville.

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

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

The policies adopted by Municipal Council in this Strategy are prefaced by explanatory and supporting text which shall be considered as a legal part of the Strategy. Of the maps which are included and specifically referred to, the Generalized Future Land Use (Maps 1A, 1B, 1C, 1D, 1E), Transportation Map (Map 2), Springfield Lake Service Boundary Map (Map 3), Lucasville Hammonds Plains Water Service District (Map 4) and Beaver Bank Servicing Boundaries (Map 5) shall also constitute legal parts of this Strategy. The Generalized Future Land Use Map shall direct the preparation and amendment of the zoning map for the Plan Area.

This Municipal Planning Strategy replaces the original Municipal Planning Strategy adopted in 1987. The changes from the original strategy were made as a result of a review under the direction of a former Municipal Planning Advisory Committee, prior to amalgamation, and, after amalgamation, an Area Advisory Committee and North West Planning Advisory Committee. The former Municipal Planning Advisory Committee distributed information door-to-door throughout the Plan Area and provided recommendations on a number of issues identified by the public. The Area Advisory Committee continued the review of the issues after amalgamation. The Area Advisory Committee held regular and special meetings and received representation from area residents. Open Houses were also held to receive widespread public input at various stages in the process. As a result of this process, the revised planning documents were adopted in 1999 and some amendments were made to the policies and provisions of the Municipal Planning Strategy and Land Use By-law, including Section II and Section IV of the Plan. Section I has also been updated to reflect the changed circumstances of the Plan Area since amalgamation.

Halifax Regional Municipality, at the time of the review of the previous planning strategy, had initiated a regional visioning exercise. It is anticipated that further to this regional visioning process, the Municipality will consider strategic region wide policies relating to the achievement of efficient, economically viable and environmentally sound communities.

Section III of this document contains policies that have regional impact: Environmental Health Services, Transportation and Utilities, Recreation, Education and Protection Services. Thus, in light of the anticipated regional visioning exercise, Section III of this document was not revised except for the references to Planning Districts, community names, policy renumbering and reference to the former Planning Act. It was recommended that these policies not be amended until a regional context was established. Section III is therefore identified for future review, once the regional policies as part of the Regional Planning exercise are in place.

Although no revisions have been made to Section III, a number of transportation and environmental issues were identified by the AAC for review under future regional visioning/planning initiatives.

With regard to transportation, the AAC recommended that a transportation study be undertaken within the Hammonds Plains area. Of specific concern were the eventual development of the Halifax By-pass and the pedestrian/vehicular concerns at the intersection of the Hammonds Plains Road and Pockwock Road. The AAC recommended that Halifax Regional Municipality work with the Province and in consultation with the public to undertake a detailed evaluation of a preferred road alignment through the Plan Area for the Halifax By-pass. With regard to the Hammonds Plains Road/Pockwock Road intersection, the AAC recommended that the Province work with the community to resolve the problems at this intersection. Thus, these identified concerns must be taken into consideration as part of a Transportation Strategy for the region.

With regard to the Environment, the AAC was especially concerned with the numerous wetlands, watercourses, steep slopes and floodplains and their identification and protection within the Plan Area. These environmental features can be placed under pressure as a result of the development of lands. As such, the AAC identified the need to address these issues in the Plan Area as part of any subsequent Regional Planning process.

# **SECTION I**



## REGIONAL CONTEXT

The former municipalities of the City of Halifax, City of Dartmouth, Town of Bedford and the County of Halifax amalgamated into Halifax Regional Municipality (HRM) on April 1st, 1996. The Plan Area consists of the areas generally known as Beaver Bank, Hammonds Plains and Upper Sackville.

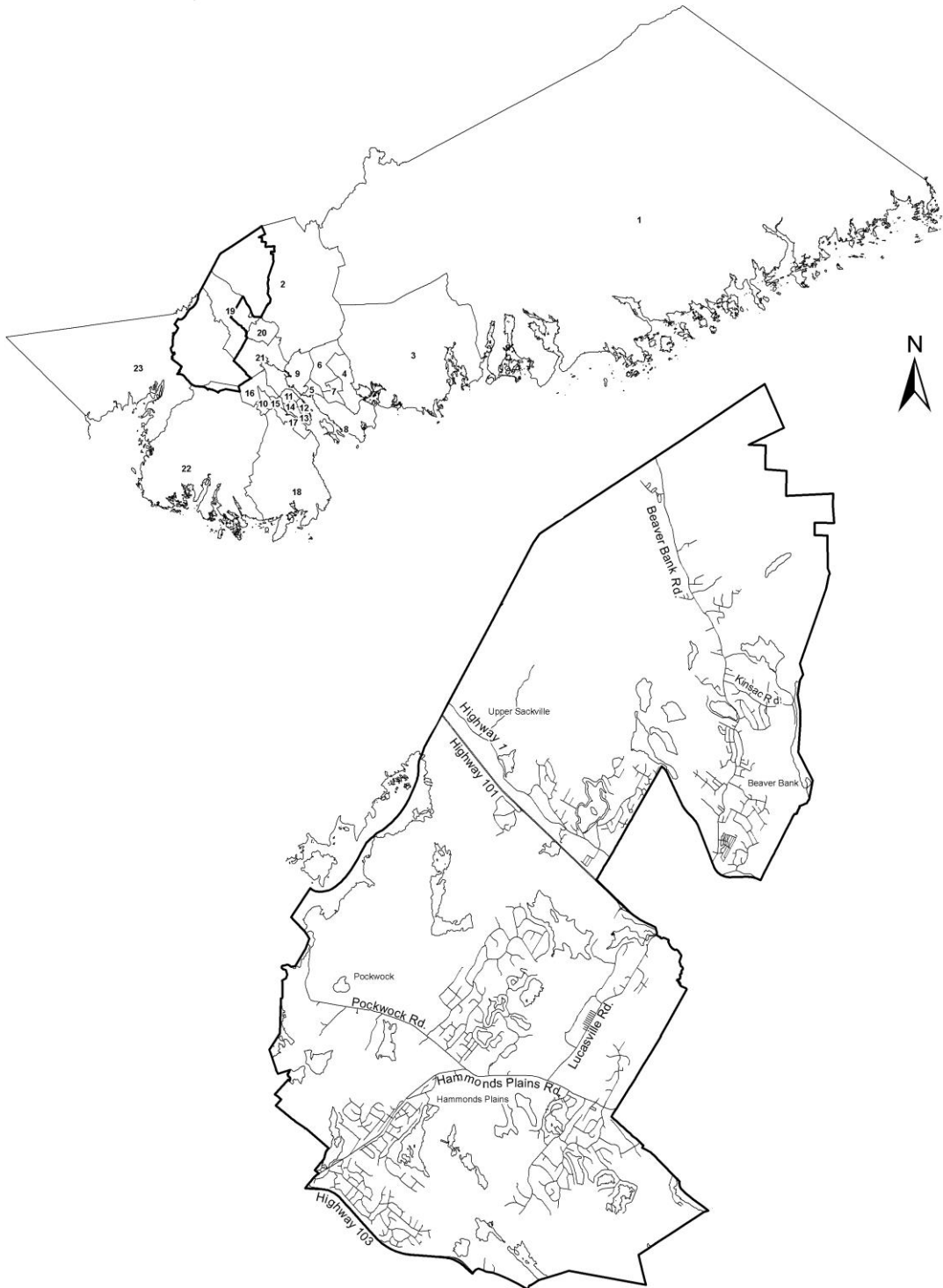
As shown on the accompanying map, the Plan Area lies to the north and west of the urbanized metropolitan area, with Sackville, the former Town of Bedford and the former City of Halifax forming its southerly boundaries. The Plan Area extends north from these urban areas to the Hants County line.

The Plan Area's communities stretch along three collector highways which extend from the metropolitan area to the Annapolis Valley, the South Shore and Yarmouth. These roads have historically been main routes channelling traffic to and from the provincial capital to the rest of Nova Scotia. As a result of this road network, the Plan Area has three quite separate and distinct areas the communities located on the Hammonds Plains and Upper Hammonds Plains Roads; the Upper Sackville communities which stretch along Highway No. 1 (Old Windsor Highway); and the communities of Beaver Bank and Kinsac which straddle the Beaver Bank and Kinsac Roads. The Lucasville Road, along which the community of Lucasville is located, connects Highway No. 1 with the Hammonds Plains Road.

The population of HRM was 342,965 in 1996<sup>1</sup>, which represented a population increase of approximately 4 % from 1991. The population of the Plan Area increased by approximately 26%, with a 1996 population of 14,890. The Plan Area continues to be a rapidly suburbanizing area.

## REGIONAL CONTEXT MAP

### Regional Context Map



Long time residents, who can trace their ancestors back to the first settlers, have been joined by an influx of newer residents, many of whom are employed in the cities of Halifax and Dartmouth. They are attracted to the Plan Area because of its easy access to places of employment, its availability of land, and its scenic value. This growth as a residential area for those with urban employment is expected to continue.

In addition to the three collector highways, access to urban areas is provided by two limited access highways. The accessibility provided by these roads is a significant factor in the area's growth. Highway 103 in the west provides a direct route into the city for residents at the western end of the Hammonds Plains Road. Highway 101 serves residents of Upper Sackville and Beaver Bank.

Two rail lines also run through the Plan Area. The Dominion Atlantic Railway (DAR) is owned by Canadian Pacific and runs from Windsor Junction to Yarmouth. The Canadian National line runs from Halifax through Kinsac and on to Truro.

With the exception of a very small portion of the Hammonds Plains Road and most of the Lucasville Road, the Plan Area lies outside the regional development boundary of the provincial Halifax-Dartmouth Metropolitan Regional Development Plan. From adoption of this plan in 1975 until its 1985 amendment, development within much of the Plan Area had been restricted by limits placed on the rate of development of individual land holdings in any one year. With the amendment of the Regional Development Plan to remove annual permit restrictions, the suburban and exurban areas of the region experienced increased subdivision activity and residential growth. Under the Municipal Government Act, the Halifax-Dartmouth Metropolitan Regional Development Plan is to be repealed by the Province on April 1, 2000.

Facilities of regional significance are located in the Plan Area. The most important of these are the Halifax Regional Water Commission Water Distribution Plant and Pockwock Lake Watershed.

Pockwock Lake is located north of Upper Hammonds Plains. This water system serves the former City of Halifax, the former Town of Bedford, and the communities of Lower Sackville, Timberlea, Lakeside, Beechville, and the village of Uplands Park. The treatment plant and water distribution system are owned and managed by the Halifax Regional Water Commission while the watershed lands are owned by the Department of Natural Resources and managed by a committee with representatives from the Departments of the Environment, Natural Resources, and the Halifax Regional Water Commission.

The former Highway 101 Sanitary Landfill Site is located in Upper Sackville. It began operation in November, 1977, and ceased operations on December 31, 1996. Based on a commitment made by the former Halifax County Council, the site of the new landfill is located outside of the Plan Area at Otter Lake.

Beaver Bank Villa, in North Beaver Bank, contains a large "home for special care" facility which includes both a nursing home and an adult residential centre. It is privately owned, and located on the site of a former RCAF radar station. This regional facility caters primarily to residents from the Halifax-Dartmouth metropolitan area and Hants County, but also receives residents from the rest of the Province.

The Woodbine Mobile Home Park is located in Beaver Bank. In addition to this park, there are two other mobile home parks, one on the Lucasville Road, and one in Upper Sackville. These

parks, which provide housing for a significant portion of the Plan Area residents, are an important type of alternate housing accommodation.

## PLAN AREA PROFILE

Much information on early settlement in the area is sketchy and a large part of what is available originates with church records.

The communities of Hammonds Plains, Upper Sackville and Beaver Bank all trace the dates of their early settlement to the turn of the 19th century. There is some evidence that a number of families settled in the Beaver Bank area after the War of 1812. In 1827, there were ten families in the settlement and the 1838 census shows a population of 108.

Early settlers to Middle Sackville arrived around 1785 bearing names which are familiar today, such as Fenerty or Hefler, who established the first sawmill in the area, and Webber, after whom Webber's Lake is named. These early settlers were joined soon after by a group of Maroons from Jamaica. However, many of these people returned to their homeland after a few years. The Lewis Lake area was largely unpopulated with only one house in 1870.

The first land grants were issued in Hammonds Plains in 1786, one of which is simply recorded as being given to an "Englishman". Between 1816 and 1817, a group of 504 black refugees from the War of 1812 arrived in Hammonds Plains. They were later joined by a group of thirty blacks who settled in Pockwock in 1834.

A record of the establishment of the first schools and churches provides the earliest indication of the evolution of permanent settlements. While there is mention of a school master in the "negro district" of Hammonds Plains in 1828, the first school houses in the Plan Area were built between 1850 and 1865. In 1850 the settlement of Beaver Bank was "laid off" as a school district.

A Baptist Church, built in 1821 in Hammonds Plains, is the first known church in the Plan Area, although there is mention of a missionary preacher in the Hammonds Plains area in 1811. The Anglican Church of the Good Shepherd, built in 1886, was the first church in Beaver Bank. Prior to this, Anglican church services were first held in 1870 in the locally famous Grove home, which served as a finishing school for girls from "country districts". By 1839, a Baptist congregation was organized in Lucasville. A Baptist meeting house was erected in Upper Sackville in 1832. One of the smallest churches in Nova Scotia, the United Baptist Church, was built in Yankeetown in 1897.

There is evidence to suggest that the forest industry was important for most communities in the early days of settlement. Beaver Bank had two sawmills in 1892, as well as a box factory. Logging and milling are also mentioned in the early accounts of Upper Sackville. At Pockwock, there was a mill for manufacturing barrels. The Kinsac Lumber Company used the early Intercontinental Railway to transport its finished products to market. In addition to lumbering, the Beaver Bank area had extensive slate quarries in 1892.

Roads in the area have had a long history as important thoroughfares. Yankeetown and the settlements on Stillwater Lake were located on the old road to Lunenburg. The first stage coach travelled along the Old Windsor Highway in 1816. Inns were developed along the route at Springfield Lake and Lewis Lake to service this coach traffic. Halfway House on the Sackville River, beyond Lewis Lake, marked a halfway point where tired horses were exchanged for fresh ones.

Low growth rates continued until the early 1960s keeping the Plan Area, with its small settlements, predominantly rural. The land resource itself continued to provide employment opportunities for a

large number of residents. However, the relatively recent movement of people to suburban areas has begun to alter the Plan Area's character. Between 1976 and 1981, nearly forty per cent of households newly arrived in the Plan Area had previously resided in the Halifax Dartmouth metropolitan area. Newer residents, who are no longer dependent on the land for their livelihood, commute to the cities for their employment.

The original pattern of settlement, characterized by large parcels and scattered linear development, is being altered. Large land grants have been subdivided into building lots. Smaller lots have been created along the highways, changing the development pattern from scattered to continuous in some areas. This is especially true of the Beaver Bank Road. Large residential subdivisions now extend from the collector highways into backlands. The lots in these subdivisions are relatively small in relation to older lots in the area and in some cases the population of newer subdivisions is greater than the population of the older communities. These subdivisions have a "suburban" rather than "rural" character.

### Population

The 1996 and 1991 population figures and percentage change for the Plan Area and Halifax Regional Municipality are shown in Table 1:

**TABLE 1: POPULATION AND PERCENT CHANGE: 1991-96**

Source: Statistics Canada, 1991 and 1996 Censuses of Canada

	<b>1991</b>	<b>1996</b>	<b>% Change, 1991-96</b>
<b>Beaver Bank</b>	5925	6155	3.9 %
<b>Hammonds Plains</b>	3630	6275	72.9 %
<b>Upper Sackville</b>	2275	2460	8.1 %
<b>HRM</b>	330845	342965	3.7 %

In the Plan Area, the population of the Hammonds Plains community increased the most in 1996 with 6,275 persons, an increase of approximately 72.9% from 1991.

In terms of its age structure, each district has a similar percentage of school-aged, elderly and working-age residents. As shown in Table 2, the Plan Area has a higher proportion of young families (0-14)(25-34) than HRM. There are noticeably lower numbers of the elderly (65+) in the Plan Area.

**TABLE 2: AGE DISTRIBUTION BY PERCENTAGE: 1991-96**

Source: Statistics Canada, 1991 and 1996 Censuses of Canada

	1991				1996				Percent Change % 1991-96			
	B.B.	H.P.	U.S.	HRM	B.B.	H.P.	U.S.	HRM	B.B.	H.P.	U.S.	HRM
<b>0-19</b>	2090	1145	740	88030	1335	1950	780	89395	-36	70.3	5.4	1.6
<b>20-64</b>	3640	2260	1440	210805	4170	3995	1555	218365	14.6	76.8	8	3.6
<b>65+</b>	195	225	95	32015	670	350	110	35210	244	55.6	15.8	10
<b>Total</b>	5925	3630	2275	330845	6155	6275	2460	342965	3.9	72.9	8.1	3.7

As a major share of the Area's growth has occurred in the past 20 years, and as development and in-migration of young couples and families continues, it is reasonable to assume that even with a number of young adults leaving the area in search of education and employment, there will be increases in the teenage population in the relatively near future.

The Plan Area and Municipal population figures have important implications in terms of services and facilities which will be desired in the Plan Area. Not only are there immediate demands for specific facilities, particularly schools, to serve the largest age group in the area, but it is expected that a developing interest in youth programs and other services for young adults will increase. Road capacities are also an issue with the increasing numbers of people moving into the area. Of importance is the pressure to provide these facilities to the Plan Area relative to equal pressures from other parts of the Municipality which are experiencing similar demographic conditions.

### Major Land Uses

Most of the Plan Area consists of forested land. In developed areas, residential land use is the predominant form of development with single unit dwellings comprising the majority of the housing stock. Mobile homes also represent a significant component of the housing stock, particularly within mobile home parks. Apartments are almost non-existent. Beaver Bank Villa, site of the former Royal Canadian Air Force (RCAF) radar station does, however, contain a concentration of semi-detached units which were originally built to serve the staff of the RCAF station.

**TABLE 3: TOTAL NUMBER OF OCCUPIED PRIVATE DWELLINGS BY TYPE, %  
Change: 1991-96**

Source: Statistics Canada, 1991 and 1996 Censuses of Canada

	1991				1996				Percent Change % 1991-96			
	B.B.	H.P.	U.S.	HRM	B.B.	H.P.	U.S.	HRM	B.B.	H.P.	U.S.	HRM
Total	1870	1190	740	122120	2020	2075	795	131525	8	74.4	7.4	7.7
Sing. Det.	1115	895	545	61200	1295	1770	590	67195	16.1	97.8	8.3	9.8
Semi Det.	110	5	5	8325	95	0	0	9800	-14	-100	-100	17.7
Row	15	0	0	4570	0	0	0	5075	-100	-	-	11.1
Apt., Det. Dup.	35	35	15	6060	10	35	25	6070	-71	0	66.7	0.2
Apt., ≥5 st.	0	0	0	11765	0	0	0	11115	-	-	-	-5.5
Apt., <5 st.	0	5	0	25830	35	15	0	27830	-	200	-	7.7
Other Sing. Att.	0	5	0	360	0	20	0	435	-	300	-	20.8
Mov. Dwg.	585	240	175	4005	600	245	175	4005	2.6	2.1	0	0

There is a limited amount of commercial and service industrial development within the Plan Area, much of which is home-based and serves a local market. Home-based service industries are distributed throughout the Plan Area and consist primarily of vehicle and machine repair establishments, trucking operations, and small contractors. They represent an important component of the rural economy.

No real commercial core can be identified in the Plan Area. Most major and specialized shopping needs are being met in metropolitan shopping centres. The majority of commercial development not associated with a residential property is located in the Hammonds Plains area. There are also several commercial recreation facilities which serve a larger market, including campgrounds, golf courses, and an amusement park.

#### Resource Based Activity

Forestry is the main resource industry. Forested lands supply the raw materials for pulp companies, local sawmills and wood fuel businesses. Several sawmills and lumber yards are located in or directly adjacent to the Plan Area. The rise in energy prices and recent conversions to wood stoves



in the metropolitan area has created the potential for the establishment of additional wood fuel businesses. Such activity is evident in the Plan Area.

Relatively high quality deposits of quartzite, shale and gravel, combined with increased building activity in the greater metropolitan area, will continue to support extractive operations in the Plan Area.

There are few agricultural operations of any size. Exceptions to this are the several small horse stables in the Lucasville and Beaver Bank areas.

### General Considerations

Through the process of public participation, a number of general considerations have been raised:

#### Suburban/Rural Conflicts

Community growth in the Plan Area, with its pockets of suburban residential development occurring within a traditionally rural mixed use environment, creates conflicting needs and demands. This conflict relates to both the level of services to be provided and the perceived need for land use regulation. Newer residents generally favour a higher level of services and more land use regulations than do long time residents. The challenge of the Strategy is to respond to both groups, providing protection where it is required as well as maintaining the ability of property owners to use their properties in a more varied manner in areas where this has traditionally occurred.

#### Environmental Considerations

The many factors which make the Plan Area an attractive place to live also contribute to the potential for environmental problems. For the most part, development is serviced by individual wells and on-site sewage disposal systems. However, the Area in general has poor soil capability for on-site services. This is an important consideration in responding to future growth, and points to the need for measures to alleviate problems created by extensive development with on-site servicing.

The community of Springfield Lake, which was the subject of a pollution control study<sup>1</sup>, provides an example of the potential for serious problems associated with on-site development. Development around the lake, which serves both water supply and recreation functions, created pollution as a result of malfunctioning sewage disposal systems. Central servicing was the only effective way to resolve the problem, and as such, central sewer servicing was installed in the late 1980s. There are still ongoing concerns, however, with the lakewater quality.

While Springfield Lake is the most notable example of an environmental problem, the Plan Area is well endowed with lakes where, without proper protection, similar pollution problems could also occur. The issues involved in protection of this natural resource must be addressed.

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<sup>1</sup>Municipality of the County of Halifax Springfield Lake Pollution Control Study. Porter Dillon Ltd., January, 1985.

## Mobile Home Development

As was previously stated, the Plan Area has three mobile home parks which comprise twenty-five per cent of the total housing stock. Woodbine Mobile Home Park, located in Beaver Bank, is the largest in Atlantic Canada. The development and expansion of these parks, as well as the possibility of new parks within the Plan Area, are of concern to residents. In particular, an adequate level of services must be provided within mobile home parks and parks must be properly integrated with the existing community.

## Highway 101 Sanitary Landfill Site

This regional facility, which opened in 1977, ceased operations on December 31, 1996. The landfill site is now located at Otter Lake, situated on a 200 acre site off exit 3 on Highway 103, outside the Plan Area. There is an interest in the rehabilitation and conversion of the former landfill site into a regional recreation facility.

## Transportation

Transportation concerns in the Plan Area centre on the Beaver Bank and Hammonds Plains Roads, both of which are subject to considerable traffic which is aggravated by a high volume of truck traffic. Non-local truck traffic has not been permitted on the Hammonds Plains Road since April of 1989.

Residential development, with the resulting increase in the number of access points onto the highway, compounds current problems with existing winding and hilly roads. Although there are proposals at present to upgrade and widen the Beaver Bank Road, residents feel that, in the long term, other improvements will be necessary including a by-pass route. The Department of Transportation and Halifax Regional Municipality are identifying a future corridor for such a route.

The Department of Transportation and HRM are presently involved in selecting the by-pass alignment for the Hammonds Plains Road, which will channel through traffic off of this highway. The location and impact of this by-pass is a source of concern for area residents, especially residents of the newly developed Maplewood subdivision, which is located in close proximity to one proposed alignment.

The Department of Transportation, in consultation with the public, is planning an alignment for a connector road between Highway 102 and Highway 103, south of Hammonds Plains Road through the Plan Area. This will have an impact on traffic on the Hammonds Plains Road. It is anticipated that this connector road will be constructed in 2008-2013 by the Province.

## **SECTION II**

## LAND USE INTENT

The Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E) illustrates **twelve (RC-Feb 9/10;E-Apr 3/10)** land use designations which are intended to direct the pattern of future development within the Plan Area. These designations reflect both existing development and the potential for a transition of uses. The eleven designations are:

Mixed Use A

Mixed Use B

Mixed Use C

Residential

Upper Hammonds Plains

**Hammonds Plains Commercial Designation (RC-Feb 9/10;E-Apr 3/10)**

Rural Resource

Watershed

Former Regional Sanitary Landfill Site

Provincial Park

Springfield Lake

Flood Plain

Three Mixed Use Designations recognize the semi-rural development characteristics, particularly a traditional mix of low density residential, home business and resource uses. Each designation provides for community uses and facilities. Establishing three separate designations reflects community differences among three distinct mixed use portions of the Plan Area and provides a mechanism to respond in a flexible way to attempts by each area to shape its own community. In very general terms, the Mixed Use A Designation covers Beaver Bank, Mixed Use B covers Hammonds Plains, and Mixed Use C covers Upper Sackville. While Mixed Use A and B provide for a limited amount of commercial and industrial development, the Mixed Use C Designation, with its focus on job creation, encourages a more significant non-residential component.

The Residential Designation has been applied, for the most part, to larger subdivisions which have been developed on local subdivision streets. While a number of these areas are in the very early stages of development, others are established residential neighbourhoods, in which development is almost complete. This designation is predominantly characterized by single unit dwellings with a very limited number of community facilities. The designation contains provisions to maintain and protect these residential environments from incompatible land uses.

The Upper Hammonds Plains Designation covers the community of Upper Hammonds Plains and recognizes that the primary intent of the community is not the development of detailed land use regulation. It supports a wide variety of activities while establishing a number of requirements aimed at reducing the major sources of land use incompatibility.

**The Hammonds Plains Commercial Designation has been applied to several parcels of land near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run. The designation encourages commercially focused development that is comprehensive, cohesive, and designed to provide a range of services within a centralized location. The designation supports a variety of activities, including the potential for residential uses above the main floor of commercial use buildings, while establishing a number of requirements aimed at reducing land use incompatibility. (RC-Feb 9/10;E-Apr 3/10)**

The Rural Resource Designation has been applied to the "backlands" of the Plan Area, which are generally undeveloped and without public road access. At present, the major use of these lands is for resource activities, and the designation establishes resource uses and resource industries as the priority. Major residential development may expand into this area but will be monitored in terms of its effect on resource development and its impact on the existing communities and their infrastructure.

The Watershed Designation is located on lands within the Pockwock and Tomahawk Lakes watersheds. All of the Pockwock Lake watershed and a major share of the Tomahawk Lake watershed are owned by the Department of Natural Resources or the Halifax Regional Water Commission. While the designation permits limited residential development in recognition of private land holdings, the primary focus is the protection of the watershed area as a regional water supply.

The Former Regional Sanitary Landfill Site Designation addressed the safe operation of the former facility to minimize negative effects on adjacent areas. This site ceased operations on December 31, 1996. This Designation gives direction and support for the conversion of the site into a regional recreation facility for the greater Sackville area. To date, no recommendations have been made regarding the rehabilitation of this site. Public consultation must be undertaken to determine the future of this site.

The Provincial Park Designation recognizes crown land at Cox Lake in Hammonds Plains which the Department of Natural Resources has designated as "Park Reserve", and indicates Council's support for the development of the park.

The Springfield Lake Designation covers the primarily developed lands surrounding Springfield Lake. It is similar to the Residential Designation but was created to recognize the need for special interim measures prior to central sewerage services being installed in order to address the potentially serious pollution problem in the area, with the goal of preventing future deterioration of the lake. Central sewer was installed in the late 1980s to rectify the pollution problem. However, water quality monitoring continues to be an issue.

The Floodplain Designation has been applied to lands along the Sackville River and McCabe and Webber Lakes which have been identified in floodplain mapping prepared under the joint Canada - Nova Scotia Flood Damage Reduction Program. The intention of the designation is to minimize the consequences of flooding while providing environmental protection for the identified watercourses.

## RESIDENTIAL GROWTH MANAGEMENT

The communities of Hammonds Plains, Upper Sackville and Beaver Bank have experienced a considerable amount of residential growth since the early 1980's. Much of this growth is the result of expansions to existing subdivisions such as Haliburton Heights, Highland Park West, Sackville Acres and Caribou Wilds and the creation of newer subdivisions such as Kingswood, Queenswood and Blue Mountain Estates. Parts of the Plan Area are under significant development pressure. For example, there are now a large number of subdivision developments proposed for the Hammonds Plains, Upper Sackville and Beaver Bank areas consisting of approximately 4900 lots overall.

These newer subdivisions have led to a significant increase in population in the Plan Area. The original linear development pattern that was once confined to the main highway systems has also been altered. Many of these subdivisions extend back from the highway system in the form of large country estate lots in a natural forest setting. They are developing near major road intersections and extending a great distance into the backland areas with few connections between the subdivisions. These new subdivisions have given a >suburban= feel to parts of the Planning Area, where residents generally expect stricter land use controls than those associated with a more traditional mix of uses. Residents may also expect increased levels of service in terms of roads, central servicing, community facilities, etc.

There are concerns in the community associated with residential subdivision development with regard to the provision of services (schools, roads, transit), groundwater, soils and the cost of infrastructure to sustain it. Thus, there is a desire for managed residential growth, that is, growth that is phased in accordance with the provision of services and infrastructure to ensure that it keeps up with development. There is also a desire by the community to retain the traditional rural community form of pasture and woodlands, scenic lakes and wetlands and large country estate lots that are serviced by on-site septic and well systems.

Residential development has environmental impacts. This is particularly true in the Plan Area because for the most part, the subdivisions are unserviced and require both a well for drinking water and an on-site septic system for sewage disposal. This has impact on groundwater and soils in the area. In the past, high water tables, impermeable soils in the area and improper maintenance have led to malfunctioning on-site septic systems. This is a common problem throughout Nova Scotia and has led the N.S. Department of the Environment to revise its regulations for on-site septic regulations by increasing the minimum lot size requirements and requiring higher system design standards.

Water quality is an issue in some portions of the Plan area where residents have experienced high concentrations of iron in their well water supplies. This causes discoloration and odor problems as well as high costs to maintain household fixtures, pumps and filtering systems. Drilled wells in areas high in quartzite, as is the case in many areas throughout the Municipality, are also susceptible to high levels of arsenic, manganese and hydrogen sulphide. Some residents within the Plan Area have also experienced shortages in water supply and have had to explore alternate methods such as the use of cisterns, the drilling of deeper wells or to request the Municipality to extend central water.

School capacity is another issue throughout the Planning Area. Many of the schools are at or over capacity. For example, Hammonds Plains Consolidated School currently has nine portables. The Municipality does not decide which schools get built or where or when they are built. Rather, the provision of schools is a Provincial responsibility. While it is difficult to determine how many school age children originate from a proposed subdivision, the Plan Area is already saturated in

terms of enrollment, especially in the Hammonds Plains and Upper Sackville areas. The construction of two elementary schools and one junior high school to service the Plan Area has been announced; however, it is expected that they will be at capacity once opened because of the current overflow situation. Residential growth must therefore be managed in order to ensure that school capacity keeps up with residential development.

Continued residential development will also impact the level of service of roads in the Plan Area and adjacent areas. Parts of the road system, in particular, Hammonds Plains Road, sections of the Beaver Bank Road and sections of the Old Windsor Highway, are in danger of decrease in the level of service provided to motorists during peak periods. This decreased level of service will occur as a result of more and more subdivisions being developed with access off the main collector roads. A number of these roads are currently operating at less than their desired efficiency.

**P-1 Deleted (RC-Jun 27/06;E-Aug 26/06)**

**P-2 Deleted (RC-Jun 27/06;E-Aug 26/06)**

**P-3 It shall be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed and breakfasts. This zone may be applied to those lands for which an application for rezoning was submitted prior to the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality. It will also be retained on those lands that were previously zoned CDD where an application for a development agreement was submitted prior to the first notice. When considering applications for rezoning submitted prior to first notice, Council shall have regard for the following: (RC-Jun 25/14;E-Oct 18/14)**

- (a) that the development is within the Mixed Use A, Mixed Use B, Mixed Use C, Residential, Upper Hammonds Plains Community, Resource and/or Springfield Lake designations;
- (b) that the development is contiguous to a final approved residential subdivision that has a minimum of 10 lots that is serviced by its own internal road network;
- (c) that a traffic impact study, where determined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works, is submitted by the applicant to demonstrate that the proposed development will not reduce the Alevel of service@ of the external transportation network below an acceptable Alevel of service@ as defined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works;
- (d) that there are sufficient school, recreation or community facilities and services to support the development; and
- (e) the provisions of Policy P-137.

**P-4 An application for development within any CDD Zone that was established before the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality or was rezoned pursuant to Policy P-3, shall only be considered by Council through a development agreement, which shall specify: (RC-Jun 25/14;E-Oct 18/14)**

- (a) the types of land uses to be included within the development;

- (b) the phasing of the development to ensure that there are sufficient road capacity, school, recreation and community facilities and services to support the development in accordance with the financial capability of the Municipality to absorb any related costs;
- (c) that the proposed development suits the natural terrain and minimizes the negative impacts on the natural environment;
- (d) that the subdivision plan makes provision to retain existing significant natural features such as wetlands, floodplains, and watercourses through site design that guides development away from these areas;
- (e) that useable open space lands are adequately distributed throughout the neighbourhood(s) to meet the needs of the residents and to facilitate convenient access;
- (f) that the layout, design and hierarchy of roads and pedestrian facilities is adequate to service the proposed development and minimizes through traffic along on local streets within the proposed and adjacent subdivisions;
- (g) measures to minimize the impact on local streets within existing adjacent subdivisions during the construction phase of the proposed development;
- (h) provisions for the proper handling of stormwater and general drainage within and from the development;
- (i) the provision of landscaping and the retention of natural vegetation;
- (j) controls on the use of a temporary rock crusher in the construction of the residential subdivision in terms of hours of operation, minimum setbacks and buffering to provide a dust, wind and noise barrier; and
- (k) any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy P-137.

**P-5 Deleted (RC-Jun 27/06;E-Aug 26/06)**

**P-6 Deleted (RC-Jun 27/06;E-Aug 26/06)**



## MIXED USE DESIGNATIONS

The Mixed Use Designations have been applied to the majority of developed land within the Plan Area, excluding large residential subdivisions developed on subdivision streets. While the major land use is residential, there is also a significant non-residential component. This mixture of land uses is a product of the Plan Area's historical development pattern, the functions it serves within the metropolitan region, and a rural economic base characterized by a degree of economic self-sufficiency.

Rural residential development in the designations, characterized by low density residential development and associated business uses on residential lots, is interspersed with stretches of undeveloped land and a mixture of scattered commercial, light industrial and resource uses. The majority of development within the designations is located close to the main highways. Backlands are used primarily for traditional forestry and extractive activities.

A significant number of dwellings are mobile homes; the vast majority located in mobile home parks. In addition to mobile home parks and suburban-type subdivisions, a continuation of the traditional individual lot pattern along existing roads is expected to continue. Older homes on large lots are spread along the collector highway system which dates back to the turn of the century. A few scattered farms and sawmills remain as important reminders of the resource base of early settlements. Resource activities have, however, declined as the economic mainstay of the Plan Area and those which remain are primarily related to forestry.

The Plan Area's function within the region is evident within the Mixed Use Designations. Proximity to the Metro area plus the availability of undeveloped land and resources combine to attract varied land uses. Commercial recreation uses - amusement centres, campgrounds, golf courses - are a good example of land uses which have developed to serve a regional as well as a local population. Auto repair is another example, as is the extraction of aggregate materials to support the building activity of the growing region.

A significant element within the Mixed Use Designations is the use of residential properties for business activities. This traditional characteristic reflects the history of self-sufficiency found in such areas. Home businesses provide the main source of income or supplement incomes from jobs in the city. Examples of this type of activity include auto repair establishments, appliance repair, small contractors' yards, wood yards, craft industries, small trucking and excavating services, and personal service shops. These businesses, many of which provide a service to city dwellers, are often unable to locate on residential lots in more urban areas and they contribute to a lifestyle which residents wish to protect.

While there is a desire to permit a greater diversity of land uses in the Mixed Use Designations than in other parts of the Plan Area, there is also recognition of the fact that this diversity increases the potential for land use conflicts. The challenge is to accommodate this diversity in a harmonious fashion.

A desire to permit the traditional variety of land uses to continue within the Mixed Use Designations is tempered by the realization that close proximity and ease of access to the urban areas will inevitably result in a change in community form. This has been occurring primarily through the development of relatively large residential subdivisions extending back from the collector highways. There is an acceptance of this transition as development pressures which have been felt for the last twenty years continue. Such residential development is usually less tolerant of a wide

variety of land uses and will require some measure of protection. Residential activity is also expected to continue to bring with it the need for additional community facilities and local commercial services. As such, in order to regulate the rate of subdivision activity in accordance with the availability of services, provisions are made under the Subdivision By-law to permit a maximum of 20 lots per 4 year period to be subdivided. Larger scale subdivisions would be required for the lots under a CDD development agreement.

While lands within the Mixed Use Designations display many similarities, there is a need to establish three distinct designations in order to reflect certain community differences which are found in the existing as well as in desired future development patterns. The Mixed Use A Designation falls within Beaver Bank. The Mixed Use B Designation is situated within Hammonds Plains and includes lands along the Hammonds Plains Road and the Lucasville Road. The Mixed Use C Designation falls within Upper Sackville excluding that area south of Orchard Drive which is included within the Sackville Municipal Planning Strategy. Similarities between designations will be reflected in common policies and zones. Differences which exist will be specified in separate policies and zones.

### Mixed Use A Designation

The Mixed Use A Designation encompasses lands along the Beaver Bank and Kinsac Roads, as well as a portion of the Beaver Bank/Windsor Junction Cross Road, excluding most residential subdivisions which have access to local streets. These subdivisions are set back from the highway system and are therefore not readily visible from the Beaver Bank Road. This development pattern has helped to maintain the scenic rural atmosphere of the community and is a development characteristic valued by area residents.

From its early days as a farming and lumbering area, the area has been slowly evolving into predominantly rural residential and suburban environments. As described previously, rural residential development is characterized by a significant amount of business and resource related activity operated in conjunction with a residential lot. Pockets of suburban residential development are characterized solely by residential uses.

Non-residential development within the Mixed Use A Designation is less prominent than in the Mixed Use B and C Designations and is at a smaller scale. Commercial outlets generally serve only a local market, while the small-scale resource uses, which include farms and wood yards, add to the rural character. There are also a number of scattered auto and machine repair establishments, trucking and excavating operations, and small wood product manufacturing operations, the majority of which are located in conjunction with a dwelling. The Beaver Bank/Windsor Junction Cross Road has several industrial sites. This location, close to a main rail line, may have some potential for additional industrial development. Community uses such as schools, churches, and community halls are also found within the area.

Within the Mixed Use A Designation, there is a desire to encourage a continuation of this evolution towards primarily rural residential and suburban residential environment, in a manner that takes into account the availability of roads and school and other services through phasing under a CDD development agreement. This does not include new mobile home parks, which are felt by the community to be inappropriate to this type of growth. Commercial and community facility uses serving a local market, as well as continuation of resource activities, are encouraged.

In addition, it is felt that a limited amount of light or service industrial development may be accommodated without adversely affecting residential development, due to the availability of substantial amounts of undeveloped land and locational characteristics, such as accessibility to major transportation routes and rail line access. Industrial operations which may be considered within the designation do not include salvage yards.

### Mixed Use B Designation

The Mixed Use B Designation follows the Hammonds Plains, Upper Hammonds Plains and Lucasville Roads and, as with Beaver Bank, it excludes the larger residential subdivisions developed on local streets. Within the designation, there is an attachment, shared by both new and longer term residents of the Hammonds Plains area, to the reminders of the earlier days of the community. These reminders include the older homesteads, churches and cemeteries, as well as remaining farms and sawmills. Of the lands which are presently developed, the major land use is low density residential. Interspersed with this are several business, industrial, resource and community facility uses, many of which are small scale or are located on a residential lot. At the present time, one major constraint on development is the limited access portion of the Hammonds Plains Road, between English Corner and Highway No. 103, as shown on Map 2 - Transportation.

Although residential development is the predominant land use, the Mixed Use B Designation has a more marked mixed use development pattern than does the Mixed Use A Designation and fulfils more of a regional function within the Plan Area. Manufacturing operations, commercial recreation uses and sawmills of significant scale are located within this area. The majority of these are scattered uniformly throughout the unlimited access portion of the Hammonds Plains Road and have been readily accepted by area residents. The largest industrial site is involved in two separate operations, one of which assembles electrical cable for aircraft and the other which assembles plastic components. These industries are located on the Hammonds Plains Road across from Highland Park. They provide employment to the communities and are generally looked upon as good neighbours.

There are similarities between the Mixed Use A and B Designations in terms of desired future development, including encouraging rural residential and community facility development and smaller commercial operations which serve the growing residential areas. Light industrial and resource related development may also be considered. Again, access to major transportation routes and available land may attract such operations to the area.

The differences which do exist with regard to desired future development relate mainly to mobile home development, where the Mixed Use A Designation is much less permissive. (Policies P-18, P-19, P-20). In addition, while the basic philosophy of development is similar, it is expected that commercial development within the Mixed Use B Designation, while not large scale, will serve regional as well as local markets, due to its location on an important commuter highway.

### Mixed Use C Designation

The Mixed Use C Designation follows Highway No. 1, and the Patton Road, again excluding the residential subdivisions developed with access to local streets. There is less extensive residential development in this designation than in the Mixed Use A and B Designations and a higher proportion of non-residential development, primarily related to auto and machine repair establishments and industrial services such as welding, trucking and excavating. Local commercial

uses, commercial recreation uses, and small resource uses add to the non-residential component. There are also large parcels of undeveloped land.

The area has provided an important opportunity for small businesses and industries to start up in the past. As a result, there is significant local employment in home business and service industrial activities. Close proximity to Sackville and the larger metropolitan area, combined with the fact that such services would be more difficult to locate in these urban areas without the creation of land use conflicts, add further strength to this regional function.

The emphasis within the Mixed Use C Designation will be on continued job creation. This leads to a philosophy of development which encourages business and industry to locate in the designation.

### Land Use Policies

In keeping with the low density nature of development, one and two unit dwellings will be permitted in the Mixed Use A, B and C Designations. Given the concern with on-site sewage disposal and the desire for a low density environment, it is felt that, except for **shared housing and special care (RC-Aug 9/22;E Sep 15/22)**, which is recognized as fulfilling a special need, multi-unit development should not be permitted due to the absence of municipal water and sewer services.

The existence of general business use in conjunction with a residential lot is accepted. However, there is concern with the potentially intrusive aspects of such operations, which include scale, noise, smell, outdoor storage, environmental problems and traffic generation. Therefore, businesses will generally be permitted to the extent that they do not take away from the enjoyment of adjacent residential properties. Zone requirements within the land use by-law will address compatibility concerns by controlling maximum floor area related to business use as well as signage, open storage, screening of outdoor display, and parking.

In addition to home business, small scale commercial operations on individual lots will be accommodated in the Mixed Use A, B and C Designations. As with home business, zone standards will be applied to such uses in order to reduce the possibility of land use conflicts.

Given the traditional resource base of the local economy, agricultural uses and activities related to the forest resource are permitted, as are the retail functions related to such uses. However, while these activities have traditionally located in these areas and enhance the rural quality of the communities, the potential for conflict from characteristics such as noise, odour and outdoor storage exists. Therefore, separation distances and limits on the size and type of resource operations will be established. Intensive agriculture operations, such as mushroom farms, feed lots and slaughterhouses, will not be permitted.

A variety of institutional uses such as schools, churches, community centres and fire departments are scattered throughout the Mixed Use A, B and C Designations, providing an important community focus. With few exceptions, institutional uses are not considered to create undue land use conflicts in the mixed use environment and will be encouraged. However, in the Mixed Use A and B designations, fire and police stations will be subject to a site specific review provided through the zoning amendment procedure (See Policy P-22).

P-7 It shall be the intention of Council to establish the Mixed Use A and B Designations as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within these designations, it shall be the intention of Council to support the continuation of the existing

semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses, often located on residential lots. It shall further be the intention of Council to reflect certain community differences regarding future development within its policies for each designation.

- P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, **shared housing uses (RC-Aug 9/22;E Sep 15/22)** and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.
- P-9 Notwithstanding Policy P-8, existing mobile home parks and commercial recreation uses shall be permitted within the MU-1(Mixed Use 1) Zone to the extent that they exist at the time of the adoption of the original Strategy in December 1987. Any proposed expansion shall be subject to the provisions of Policies P-19 and P-27.

Within the Mixed Use C Designation, in addition to single and two unit dwellings, and shared housing uses and guest houses, mobile dwellings will also be permitted. They are considered to be an important and necessary component to the housing stock of the area. **(RC-Aug 9/22;E Sep 15/22)**

Most commercial, service, and light industrial operations of a limited size will be permitted to locate without review procedures in the Mixed Use C designation. Larger scale commercial, service and light industrial uses will also be permitted, subject to zone standards designed to ensure compatibility with surrounding land uses. Among these standards will be a requirement for direct access to Highway No. 1, increased lot size, frontage, setback, and separation distance requirements, as well as maximum building size and lot coverage and outdoor storage provisions. Special access requirements shall be established for service stations. In addition, industrial uses requiring process water treatment are felt to be more appropriate in fully serviced industrial parks and specialized industrial sites. Only those uses which can be serviced with an on-site sewage disposal systems will be considered in the designation.

- P-10 It shall be the intention of Council to establish a Mixed Use C designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within this designation, it shall be the intention of Council to recognize and encourage a mixed use development pattern characterized by low density residential development, community facilities and a significant concentration of general business uses and in particular service industrial uses. In establishing this designation, it shall be the intention of Council to recognize the primary importance placed on opportunities for job creation and the provision of services to adjacent urban areas.
- P-11 Within the Mixed Use C Designation, it shall be the intention of Council to establish a MU-2 (Mixed Use 2) Zone which permits single and two unit dwellings, mobile dwellings, **shared housing uses (RC-Aug 9/22;E Sep 15/22)**, bed and breakfasts, the use of residential properties for business purposes, institutional uses, small scale commercial and



industrial activities, resource uses, and existing salvage yard operations. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agriculture operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements. Larger commercial and industrial uses to a maximum of 10,000 square feet shall also be permitted provided that they have direct access to Highway No. 1 and are subject to increased yard, frontage and lot size requirements as well as separation distances from watercourses and R-1(Single Unit Dwelling) and R-2(Two Unit Dwelling) Zones.

- P-12 Notwithstanding Policy P-11, the existing mobile home park and commercial recreation use shall be permitted within the MU-2(Mixed Use 2) Zone to the extent that they exist at the time of adoption of this Strategy. Any proposed expansion shall be subject to the provisions of Policies P-18, P-19, and P-27.

#### Rural Residential Development - Mixed Use A, B and C Designations

Within the Mixed Use A, B and C Designations, there are existing pockets of development which have evolved a primarily rural residential environment, as well as undeveloped areas where a rural residential environment is desired. Existing rural residential environments are characterized by contiguous residential development occurring on lots which are relatively small in comparison to surrounding undeveloped parcels. Unlike areas of "suburban" type growth, these areas are not located on local subdivision streets and have a wider range of home based business activities.

Non-residential development in both existing and undeveloped areas will be limited to the use of residential properties for small-scale home business and resource activities. A greater degree of protection from non-residential development than is provided in areas of mixed use development will be provided through the creation of a rural residential zone. Development of these areas for industrial or highway commercial uses would be contrary to the intention of providing protection for these areas. Therefore, no rezoning for such purposes shall be considered in areas zoned as rural residential (Policies P-24 and P-28).

Within the Mixed Use A Designation, there is an existing service industrial operation located within an area of rural residential development. Because of its establishment prior to any zoning regulations, this existing use will be recognized but no expansion will be permitted.

- P-13 Within the Mixed Use A, B and C Designations, it shall be the intention of Council to establish a R-6(Rural Residential) Zone within the land use by-law which permits single and two unit dwellings and the limited use of residential properties for business purposes, including day care facilities, as well as small-scale resource uses. This zone shall be applied to existing rural residential areas as well as undeveloped areas where a rural residential environment is desired. Council may consider applying the R-6(Rural Residential) Zone to other areas subject to the following conditions:

- (a) the provisions of Policy P-137;
- (b) the effect on existing non-residential development within or adjacent to the area to be rezoned; and
- (c) the suitability of the area to be rezoned for non-residential development in terms of road access, location, and adjacent land uses.

P-14 Notwithstanding Policy P-13, existing businesses shall be permitted to the extent they are in existence at the time of adoption of this Strategy.

Residential Subdivision Development - Mixed Use A, B and C Designations

All existing areas of suburban residential development are included within the Residential Designation (Policy P-33). Based on past and ongoing residential subdivision activity within the Plan Area, and its location within the metropolitan region, it is also reasonable to assume that pockets of this development will continue to occur in the Mixed Use Designations. Their specific locations will be determined by market forces and suitable soil conditions for on-site sewage disposal and are thus not identifiable at the present time. In the Mixed Use Designations, areas may, in the future, desire or benefit from a zone designed to protect the suburban residential environment. (See Residential Designation, Policy P-34).

Such residential areas differ significantly from areas of rural residential development. They are most often located on backlands off the main highways and have lot access to local subdivision streets. Development generally consists of single unit dwellings with very limited business uses, which are contained within the dwelling.

The Mixed Use A, B, and C Designations support the transition of areas within the designations into a predominantly residential environment subject to the subdivision rate of 20 lots per 4 year period or by CDD development agreement in a manner that takes into account the availability of roads, schools and other services through phasing. However, there is also an expressed desire to support an environment which encourages a variety of land uses and the employment which this creates. Lands with direct access to the collector highways are often more appropriate for non-residential uses and in most cases shall be maintained for a variety of land uses. Future suburban residential development will therefore be encouraged to locate on local streets off the main highways. This has been the general pattern for existing residential development.

There is also a desire to prevent the creation of small scattered residential zones and the premature rezoning of land before capability for development with on-site services has been assessed by the Department of the Environment.

Separation requirements from residential zones to major industrial uses and commercial entertainment uses will be established to further ensure that protection is provided for residential environments. In addition, as with the rural residential zone, no rezoning for commercial or industrial purposes shall be considered in areas zoned as residential (Policy P-24 and P-28).

P-15 It shall be the intention of Council to recognize and support the continuation of residential subdivision activity and the resulting transition of portions of the Mixed Use Designations from a mixed use to a suburban residential environment, through the application of a R-1(Single Unit Dwelling) Zone to be applied in the Mixed Use A, B and C Designations. (Residential Designation, Policy P-34). Council may consider applying this residential zone subject to the following conditions:

- (a) lands to be rezoned contain a maximum of 20 lots per 4 year period shown on an approved tentative plan of subdivision;
- (b) lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets or shall be adjacent to an existing R-1(Single Unit Dwelling) Zone;
- (c) the effect on commercial or industrial development within the area to be rezoned; and

- (d) the provisions of Policy P-137.

Prior to the original date of adoption of this Planning Strategy in December 1987, there were lands located within the Mixed Use C Designation in the vicinity of Springfield Lake, which were zoned R-2 (Two Family Dwelling). Residents living along Highway No. 1 and a portion of the Patton Road north of Lakeview Avenue who had this zoning expressed a clear desire to maintain a similar zoning in order to protect and preserve the residential character of their neighbourhood.

P-16 Within the Mixed Use C Designation, it shall be the intention of Council to establish a R-2 (Two Unit Dwelling) Zone, which permits single and two unit dwellings, existing home businesses, open space uses and offices and day care facilities contained within a dwelling and operated by a resident of the dwelling. It is Council's intention that this zone be applied only to properties located on the east side of Highway No. 1 north of Lakeview Avenue and a portion of the Patton Road extending approximately 1,700 feet north of the Highway No. 1 intersection.

#### Auxiliary Dwelling Units - Mixed Use A, B and C Designations

There is an interest in the community to provide apartment units within single unit dwellings either at the time of construction or through conversion. These units may be built to accommodate family members, but are also used to supplement household income.

Although the impact of auxiliary units on adjacent properties is generally minimal, there are concerns that their inclusion will detract from the surrounding neighbourhood. These concerns include number, unit size, parking spaces, the location of external entrances and appearance.

P-17 It shall be the intention of Council to create an Auxiliary Dwelling Unit (R-1A) Zone which permits auxiliary dwelling units in addition to all uses permitted in the R-1 (Single Unit Dwelling) Zone. This zone shall control maximum gross floor area of the auxiliary unit, parking and the number of entrances along the front wall of the dwelling. In considering amendments to the Land Use By-law to an R-1A Zone, Council shall have regard to the following:

- (a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling;
- (b) there shall be no more than one (1) entrance along the front wall of the dwelling;
- (c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the building;
- (d) one off-street parking space shall be provided for any single unit dwelling unit containing an auxiliary dwelling unit; and
- (e) the provisions of Policy P-137.

#### Monarch and Rivendale Subdivisions

**The Rivendale subdivision was developed following an as-of-right subdivision approval process in the early 1990s while the majority of the Monarch Estates subdivision was developed since 2001 under the terms of a development agreement. The homeowners in both subdivisions have experienced water shortages and on March 2, 2010, Regional Council approved an extension of water services to the area to address this issue. However, the Monarch development agreement specifies that the subdivision is to have on-site wells. To**



**allow the water service the development agreement must be discharged from the completed phases and a zone placed on the lands.**

**Further, the Monarch and Rivendale subdivisions contain several zones including the development agreement. Therefore, staff surveyed the public and it was determined the residents wanted to maintain the land use rights they currently have but enhance home businesses provisions and restrict the potential to erect mobile dwellings. As there was no zone that would match what the community wanted, a new zone was required that would permit larger home businesses, auxiliary dwelling units and recognize existing lots with reduced frontage requirements.**

**P-17A It shall be the intention of Council to create an Auxiliary Dwelling Unit with Home Business (R-1B) Zone which permits auxiliary dwelling units, expanded home business uses and home daycare uses in addition to all uses permitted in the R-1A (Auxiliary Dwelling) Zone. This zone shall control maximum gross floor area of the auxiliary unit, parking and the number of entrances along the front wall of the dwelling. It shall allow existing flag lots, but new lots will have to meet a larger frontage requirement. This zone will be applied to the lands in the Monarch and Rivendale subdivisions as shown on Schedule P-17A.**

**(RC-Sep 13/11;E-Oct 29/11)**

#### Mobile Home Parks

One exception to low-density residential environments within the Mixed Use Designations is found in the three existing mobile home parks. There are approximately 20 persons per acre in the mobile home parks compared to a density of approximately 7 persons per acre in surrounding developed areas. The mobile home parks provide accommodation for approximately one-quarter of the Plan Area population. This fact, together with the size and density of mobile home park development in a primarily low density area, has raised a number of community concerns.

#### Mobile Home Parks - Mixed Use A Designation

The Woodbine Mobile Home Park is located in south Beaver Bank. Because of its size and density, the addition of another park within the Mixed Use A Designation would not be in keeping with the desire to protect the existing low density rural residential environment. However, it is recognized that an expansion to Woodbine may be reasonable provided that certain concerns are addressed, concerns which relate both to the external and internal consequences of such an expansion.

Unlike the more gradual rate of growth in the surrounding community, mobile home park development has a more immediate impact which must be assessed. Because of the high demand for mobile home spaces and the immediate occupancy possible, there is very little lead time to expand services.

External concerns include the effect of any expansion upon existing municipal and community services, particularly education and recreation. The localized effect of traffic increases on the Beaver Bank Road is also an identified community concern which should be addressed in any expansion proposal. Beaver Bank Road carries a large volume of both commuter and truck traffic for its design. Especially at peak travel times, the amount of traffic generated from Woodbine has a significant localized effect on traffic circulation and any expansion to the park will increase the amount of traffic feeding into two access points on this road.

In 1994, in response to significant environmental and health risks attributed to both the capacity and performance of the private sewage treatment plant servicing the Woodbine mobile home park, the Municipality entered into an agreement with the park's owner to permit the park to be connected to the Sackville sanitary sewerage system. Servicing the park involves the installation of a trunk sewer service line along the Beaver Bank Road to the park's entrance.

In order to reduce the impact on the overall sanitary system, as well as to ensure that all costs associated with connecting Woodbine to the system are borne by the park owner, a number of conditions were included in the servicing agreement. These include: provisions towards sharing in the costs of extending the trunk service to the park; installation at the owner's expense of a sewage transfer system consisting of a pumping station, a storage/retention tank, control, inspection and monitoring devices and other necessary equipment and facilities; and provisions to limit the level of future development within the park based on an assigned level of daily sewage flow.

Internal concerns centre upon the effects which any expansion might have on the existing park. The size factor alone requires that a very close look be taken at any plans to expand the park since it already places great demands on the park management structure to provide a reasonable level of service to a mobile home community with the population of a small town. Evidence that the existing level of services to park residents is adequate and will not be adversely affected by any expansion will be an important consideration. The existing sewage treatment plant is now at or over capacity and no expansion can be considered until this capacity problem has been resolved.

P-18 Within the Mixed Use A Designation, it shall be the intention of Council to establish a R-3a (Mobile Home Park) Zone, which permits Woodbine mobile home park. Within the mobile home park zone, Council may consider permitting an expansion of the existing mobile home park, by development agreement and according to the provisions of the Municipal Government Act and with regard to the following:

- (a) the adequacy of existing park services including sewer and water systems, recreation facilities, road and general park maintenance, garbage collection and street lighting;
- (b) the effect which any extension would have upon the level or quality of services in the existing park;
- (c) the ability of education facilities, protection services, and recreation facilities to adequately service the increased demands of the additional development, or to respond with the provision of additional services;
- (d) the provision of landscaping or buffering from adjacent land uses in order to protect the privacy, reasonable use and enjoyment of those properties;
- (e) the provision of landscaping or buffering from the public road to which it has access;
- (f) stormwater planning;
- (g) the impact of the extension on internal and external traffic circulation patterns;
- (h) park layout and design including the design of the internal road network and separation distances from maintenance buildings and sewage treatment plants;
- (i) where any new sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;
- (j) the provisions of the Mobile Home Park By-law;
- (k) the provisions of Policies P-91 and P-137; and
- (l) that the total number of mobile dwellings permitted within the park shall not exceed the maximum number of units capable of being serviced by the sewage flows assigned to the park's sewage transfer system under the servicing agreement signed in 1994.

## Mobile Home Parks - Mixed Use B and C Designations

Within the Mixed Use B and C Designations, expansion of existing parks or new mobile home park development is considered an appropriate land use where external effects are minimal and where a positive living environment is provided to tenants.

At the present time there are two mobile home parks within these Mixed Use Designations, Timber Trails on the Lucasville Road and Springfield Estates in Upper Sackville. Timber Trails, often praised as one of the best parks in Halifax Regional Municipality, has recently expanded and contains approximately 250 mobile homes. The Springfield Estates Mobile Home Park contains 160 mobile homes. The sewage treatment plant servicing this park is presently experiencing difficulties and there is some evidence to suggest that the capacity of the plant is insufficient to adequately treat the volume of effluent it receives. There are also problems with the park's water distribution system, especially with regard to water quality.

Due to their relatively high density and the physical appearance of the units themselves, there is a desire to maintain an adequate separation distance between mobile home parks and more conventional residential development in order to encourage a harmonious relationship between the two. In addition, maintaining adequate separation from highway commercial and industrial uses to mobile home park development will help to ensure a higher quality residential environment for park residents.

P-19 Within the Mixed Use B and C Designations, it shall be the intention of Council to consider permitting new mobile home parks as well as expansions to existing parks, by development agreement and according to the provisions of the Municipal Government Act. In considering such uses Council shall, in addition to the considerations identified in Policy P-18, have regard to the following:

- (a) that the proposed development not be located within two hundred feet of a R-1(Single Unit Dwelling), C-4(Highway Commercial), I-1 (Mixed Industrial) or I-4 (Sanitary Landfill Site) Zone;
- (b) that the mobile home park shall not require access through a R-1(Single Unit Dwelling) zone; and
- (c) the provisions of Policy P-137.

## Mobile Homes on Individual Lots

Response from residents in the existing mobile home parks indicates an interest in mobile home development on individual lots. The Mixed Use C Designation has accommodated this demand by permitting individual mobile homes "by right" (P-11).

Within the Mixed Use B Designation, the demand for mobile homes on individual lots will be accommodated within mobile home subdivisions. While there is support for such development, there is also community concern that mobile home subdivisions be developed in such a way that they are in keeping with the surrounding community and existing residential development and do not interfere with its existing semi-rural character.

Within the Mixed Use A Designation, the demand for mobile homes on individual lots will be accommodated within the less developed portion of the designation, located north of the Beaver

Bank River and along the Windsor Junction Beaver Bank Cross Road. In order to ensure that the introduction of these units will be compatible, their location will be subject to the rezoning procedure.

In keeping with most existing residential subdivisions, and with considerations for the development of new subdivisions (P-15), access to mobile homes within mobile home subdivisions will be limited to local subdivision streets.

In support of the possibility for mobile dwellings to be replaced by conventional housing over time, conventional single and two unit dwellings will also be permitted within these subdivisions.

P-20 It shall be the intention of Council to establish a R-3(Mobile Dwelling) Zone within the land use by-law which permits mobile dwellings as well as single and two unit dwellings. In considering an amendment to the schedules of the land use by-law to a R-3 (Mobile Dwelling) Zone, within the Mixed Use B Designation, Council shall have regard to the following:

- (a) lands to be rezoned shall contain a maximum of twenty lots per four year period shown on an approved tentative plan of subdivision;
- (b) lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets;
- (c) the subdivision street shall not require access through a residentially zoned (R-1) area; and
- (d) the provisions of Policy P-137.

P-21 Within the Mixed Use A Designation, it shall be the intention of Council to consider permitting mobile homes on individual lots by amendment to the schedules of the land use by-law to a R-3 (Mobile Dwelling) Zone (Policy P-20), subject to the following considerations:

- (a) that no amendment to the land use by-law to a R-3(Mobile Dwelling) Zone shall be considered in the area south of the Beaver Bank River, except for lands along the Windsor Junction Beaver Bank Cross Road; and
- (b) the provisions of Policy P-137.

#### Community Facility Development - Mixed Use A and B Designations

While most community facilities will be encouraged within the three Mixed Use Designations, there is a desire to establish some control over the location of police and fire stations within the Mixed Use A and B Designations. It is recognized that considerable study is associated with the location of both facilities and that locational factors such as response time often dictate the best location for such facilities. However, there is an expressed desire for the general community to be part of the site selection process through the zone amendment procedure. Community concerns with regard to traffic generation combined with the potential for noise generation and hours of operation, are the major factors in establishing a site specific review for the above uses.

Community halls and centres are considered as community facilities and shall be encouraged. Fraternal centres, however, are considered to resemble more closely a commercial club than do traditional community centres located throughout the Plan Area. Such uses are more likely to have

longer and more regular hours of operation as well as a regular clientele and will be considered through an amendment to the land use by-law to a C-4 (Highway Commercial) Zone (P-24).

P-22 Within the Mixed Use A and B Designations, it shall be the intention of Council to apply the P-2(Community Facility) Zone (Policy P-38) to existing fire stations and to consider new fire and police stations by amendment to the schedules of the land use by-law to a community facility zone, and with regard to the following:

- (a) the potential for adversely affecting adjacent residential development;
- (b) the impact of the proposed use on traffic volume and traffic circulation, sighting distances and the access and egress of the site; and
- (c) the provisions of Policy P-137.

**40 Sandy Lake Road in Beaver Bank (PID 40256273) is a 4.11 acre property which was previously used commercially as a bus depot. The Beaver Bank Kinsac Lions Club acquired the property in 2007 to establish a fraternal centre. The property is ineligible for the consideration of the Highway Commercial Zone under Policy P-24 as it does not have direct access to a collector highway. However, the property does have many features that would make it a suitable location for a fraternal centre including its large size, proximity to the Beaver Bank Road, and mature vegetation.**

**P-22A It shall be the intention of Council to consider permitting a fraternal centre by development agreement on the property known as 40 Sandy Lake Road (PID #40256273), in accordance with the *Halifax Regional Municipality Charter*, and having regard to the following:**

- (a) the potential for adversely affecting surrounding residential development;**
- (b) the retention of mature vegetation to serve as a buffer between abutting properties;**
- (c) the hours of operation; and**
- (d) the provisions of Policy P-137.**

**(RC-Mar 5/13;E-Apr 20/13)**

#### Commercial Development - Mixed Use A and B Designations

As has been previously discussed, commercial development is interspersed with residential development in the Mixed Use Designations. While home business and commercial operations of a limited scale comprise most existing commercial development and will be permitted "by right" within the Mixed Use A and B Designations, there is also a need to accommodate a small number of larger existing developments as well as to provide an opportunity for new commercial uses, which serve a growing local market. As well, there is a limited regional market capable of being met within the Mixed Use B Designation.

Although the designations provide for the protection of existing and future residential environments, the availability of a significant amount of undeveloped land makes it possible for residential and some commercial development to be accommodated without creating major land use conflicts. The requirement for an amendment to the land use by-law is intended to provide the review procedure necessary to protect residential and community facility uses and reduce the potential for land use conflict.

Aspects of commercial developments such as lot size, separation distances, highway access, location of parking areas, setbacks from the highway, limits on outdoor storage and display and signage will be addressed in the land use by-law through the use of zone standards. Through attention to such development details, it is possible to accommodate commercial uses without unduly interfering with the suburban and rural residential environments as well as associated community facilities.

In order to provide more flexibility in accommodating commercial development while protecting residential development, there is a need to distinguish between two types of commercial uses. One type of commercial operation involves no outdoor storage or display and is wholly contained in one building. Examples include retail stores and personal service shops. Other types of commercial uses, by the nature of their operation, involve outdoor activities, storage and display and may require numerous accessory buildings or extensive parking areas. Examples include car lots, building supply operations, and garden centres. Such uses will have more significant impacts on the surrounding areas than will the more limited commercial uses. While one site may be appropriate for the more limited range of commercial uses, it may not be suitable for the more intensive commercial uses. These two types of commercial uses will be accommodated through the creation of two commercial zones, with varying zone standards regulating outdoor storage and display, lot coverage, lot size and signage.

Although there are, at present, no identifiable concentrations of commercial development within the Mixed Use A and B Designations, this is a development form which shall be encouraged. It is premature to predesignate land for a commercial core, the concentration of commercial uses will be encouraged through the rezoning process. A reduction in abutting yard requirements will serve as a development bonus for commercial operations proposed to locate adjacent to existing commercial development.

Within the Mixed Use B Designation, construction of a Hammonds Plains by-pass will significantly affect the potential for commercial development serving a regional market. (See Transportation and Utilities). Although the alignment of the Hammonds Plains by-pass is not finalized, it will intersect with the Hammonds Plains Road in the general area of English Corner. This intersection will create a potential commercial focus for the general Hammonds Plains area and this focus shall be encouraged. At the same time, commercial potential along the Hammonds Plains Road from Bedford to this point will be reduced with the reduction in commuter traffic.

A site that has become a commercial centre for the larger area of Hammonds Plains/St. Margaret Bay is located in District 23 just outside the Plan Area, at the intersection of Highway 103 and the Hammonds Plains Road and known as Tantallon Centre. This development serves many shopping needs of residents from the communities along the limited access portion of the Hammonds Plains Road, from English Corner to Highway 103, thereby reducing the need for commercial outlets within this portion of the Plan Area.

The Department of Transportation & Public Works discourages major commercial development along this limited access portion of the Hammonds Plains Road, because of the proposed access points to the Hammonds Plains Road (Highway 213). The Department of Transportation and has established a Route 213 Road Access Location Policy Plan which identifies six permanent access locations along the Hammonds Plains Road from English Corner to the Highway 103 intersection, as shown on Map 2, Transportation. All future development of lands adjacent to this highway must gain access through one of these proposed access points. Traffic safety concerns related to



commercial development at these points reduce their suitability for larger scale commercial development.

For the most part, specialized shopping needs for the entire Plan Area will continue to be met in the urban areas of Sackville, Bedford and Halifax / Dartmouth. **Standalone (RC-Apr 26/16;E-Jun 25/16)** commercial entertainment uses such as taverns, nightclubs and cabarets will not be permitted in the Mixed Use A and B Designations. The public has identified, through community surveys and public meetings, that they are not in keeping with the character of their communities. They are felt to be more appropriately located in more urban areas closer to their major market.

**In 2016, Regional Council reviewed the restriction on commercial entertainment uses in response to a request from an established restaurant. In recognition of changing community attitudes and an evolution in the nature of commercial entertainment uses, an exception was made for small scale commercial entertainment proposals that are associated with a full service restaurant. Such small scale commercial entertainment uses will only be considered through site specific requests to amend the Land Use By-law to ensure the location is appropriate and to provide an opportunity for community consultation. (RC-Apr 26/16;E-Jun 25/16)**

P-23 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-2(General Business) Zone in the land use by-law which permits commercial uses and accessory residential uses to a maximum of 5,000 square feet, which do not involve any outdoor storage or display and are wholly contained in one building. The zone shall not include commercial entertainment uses.

This zone shall be applied to existing commercial uses. When considering amendments to the schedules of the land use by-law to permit new commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (d) the impact of the commercial use on traffic circulation and, in particular, sighting distances and entrance to and exit from the site;
- (e) in areas of heavy traffic, preference for a site which is provided with sidewalks or adequate pedestrian walkways as well as street lighting; and
- (f) the provisions of Policy P-137.

P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) preference for a location adjacent to or in close proximity to other commercial uses;
- (b) the potential for adversely affecting adjacent residential and community facility uses;
- (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
- (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
- (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
- (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and
- (g) the provisions of Policy P-137.

**P-24A Notwithstanding the provisions of Policy P-23 and P-24, it shall be the intention of Council to consider amendments to the Land Use Bylaw to permit small scale commercial entertainment uses associated with full service restaurants on sites located in the C-2 (General Business) and C-4 (Highway Commercial) Zones. When considering such site specific proposals, Council shall have regard to the following:**

- (a) that the proposal is compatible with surrounding uses; and**
- (b) the provisions of Policy P-137.**

**(RC-Apr 26/16;E-Jun 25/16)**

#### Commercial Development - Mixed Use C Designation

The Mixed Use C Designation permits most small scale commercial operations. Larger commercial activities are permitted where there is direct access to Highway No. 1 and subject to increased lot and frontage requirements (Policy P-11). Although these conditions are preferred, there may be certain situations in which a suitable site can be found where no direct access is available or where the proposed use cannot meet the increased requirements of the MU-2(Mixed Use 2) Zone (Policy P-11). This designation, with its focus on encouraging commercial development, will not preclude all such development from occurring. However, in cases where there is no direct access to Highway No. 1 the focus shifts from promoting commercial development to protecting the rural residential environment on existing and future local roads. In this situation, and where a proposed commercial use cannot meet increased lot and frontage requirements, the increased control available through this rezoning process provides the opportunity for a site specific evaluation of the proposed site.

P-25 Notwithstanding Policies P-11, within the Mixed Use C Designation, it shall be the intention of Council to consider larger scale commercial uses which do not have direct access to Highway No. 1 or which cannot meet the increased lot and frontage requirements of the MU-2(Mixed Use 2) Zone by amendment to the schedules of the land use by-law to a C-2(General Business) Zone (P-23) or a C-4(Highway Commercial) Zone (P-24) and with regard to the following provisions:

- (a) the impact of the volume and type of traffic upon surrounding properties and the local road network in general;
- (b) evidence of identifiable site characteristics which make it particularly suitable for the proposed use; and



- (c) the provisions of Policy P-23 where the proposed amendment is to a C-2(General Business) Zone;
- (d) the provisions of Policy P-24 where the proposed amendment is to a C-4(Highway Commercial) Zone; and
- (e) the provisions of Policy P-137.

Unlike the Mixed Use A and B Designations, commercial entertainment uses may be considered within the Mixed Use C Designation by amendment to the land use by-law.

P-26 Within the Mixed Use C Designation it shall be the intention of Council to establish a C-6 (Commercial Entertainment) Zone in the land use by-law which permits taverns, night clubs, cabarets and other similar commercial entertainment uses, subject to controls on parking and outdoor display. In considering an amendment to the schedules of the land use by-law for a commercial entertainment use, Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent residential and community facility uses;
- (b) direct access to Highway No. 1;
- (c) the impact of the entertainment use on traffic circulation and in particular sighting distances and entrance and exit to the site;
- (d) that the architectural design, including its scale, exterior finish and signage, is in keeping with the surrounding area, as may be more particularly described in the Land Use By-law;
- (e) proximity to a residential environment;
- (f) the proposed development shall not be considered within 500 feet of a R-1(Single Unit Dwelling), R-2(Two Unit Dwelling), Zone or dwelling; and
- (g) the provisions of Policy P-137.

### **Kennels - Mixed Use A, B and C Designations**

**While there is an intention to permit some commercial uses Aby right@ in the Mixed Use Designations there is also a need to accommodate other uses which, by nature of their size or characteristics, require additional scrutiny and site evaluation through the development agreement process.**

**It is expected that the demand for kennel facilities will increase along with the growing residential population within the plan area. However, the potential land use impacts associated with kennels, such as noise, traffic and the collection and storage of animal waste are most appropriately considered on a detailed and site specific manner. In order to accommodate the existing and future demand for dog care services in the plan area while minimizing the potential for associated land use impacts, proposals for kennels will be considered by development agreement.**

**P-26A Within the Mixed Use A, B and C Designations, it shall be the intention of Council to consider permitting kennels by development agreement in accordance with the applicable provisions of the Municipal Government Act and having regard to the following:**

- (a) the subject property is not located within a residential zone;**

- (b) the size and appearance of all buildings or structures related to the use are compatible with the surrounding area in terms of scale, design, materials and signage;
- (c) that limits are placed on the maximum number of dogs permitted on the property where appropriate;
- (d) that sufficient off-street parking is provided;
- (e) that all outdoor areas for dog play/socialization and waste are completely fenced and setback a minimum of 20 feet (6 metres) from any property line;
- (f) the hours of operation, including limitations on outdoor dog play/socialization;
- (g) provisions related to the collection, storage and disposal of animal waste;
- (h) the impact of the proposed development on traffic circulation and the road network;
- (i) general maintenance of the facility;
- (j) the provisions of Policy P-137.

(RC-Sep 16/08;E-Oct 4/08)

#### Commercial Recreation Uses - Mixed Use A, B and C Designations

As previously indicated, there are a number of existing commercial recreation activities within the mixed use designations. The potential exists for more of these due to the scenic and natural amenities of the Plan Area and its easy accessibility to the metropolitan area. Such activities include campgrounds, amusement parks, golf courses, race tracks, drive-in theatres and associated food outlets.

The Strategy seeks to ensure that all commercial recreation uses make a positive contribution not only to the regional markets which they serve but also to the local community itself.

While there is support for this type of commercial development, there is concern with the potential for greatly increased amounts of traffic, as well as the noise and garbage often associated with the wide range of commercial recreation activities. Residents seek assurance that such activities will not detract from the existing character of the communities and the enjoyment of property. It is not the intention of the designations to permit any such use where it can be demonstrated that the proposed use will cause a significant reduction in the enjoyment of properties in the immediate area. It is the intention that such uses will be considered where it can be shown that a site has high commercial recreation potential which can be exploited without creating negative external impacts.

An additional concern with commercial recreation operations such as campgrounds is often the requirement for installation of a sewage treatment plant. While the Province has jurisdiction over the design and construction of such facilities, there are serious problems with ongoing maintenance which can effect adjacent properties and the quality of nearby watercourses.

Golf courses also raise environmental questions, related to the extensive use of fertilizer and its effect on watercourses. This impact can be assessed through site evaluation. The layout of club houses and greens can be designed in such a way that the impact on watercourses and adjacent development is minimized, including hazards resulting from stray golf balls.

P-27 Within the Mixed Use A, B and C Designations, it shall be the intention of Council through the land use by-law to provide for the continued use of commercial recreation uses to the extent they presently exist (Policy P-9 and P-12). Further, Council may consider any proposed expansion of existing commercial recreation uses as well as the development of

new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;
- (e) the impact on traffic circulation and in particular sighting distances and entrances and exits to the site.
- (f) the layout and design of the facility;
- (g) general maintenance of the facility;
- (h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;
- (i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;
- (j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses;
- (k) the requirement for any applicable provincial approvals; and
- (l) hours of operation; and
- (m) the provisions of Policy P-137.

#### Industrial Development - Mixed Use A and B Designations

It is not the intention to encourage and promote a general industrial character in the Mixed Use A and B Designations. However, it is recognized that, given large areas of undeveloped land, the main rail line and limited access highways, and proximity to the metropolitan area, there are probably locations within these designations which can be developed for industrial uses in a manner which is compatible with residential and community facility uses. The types of industrial uses generally considered appropriate are non-obnoxious service and light industrial manufacturing operations as well as certain resource related industries.

To minimize potential land use conflicts, zone requirements addressing outdoor storage and display, parking and loading areas, and separation from adjacent land uses and watercourses will be established as well as maximum lot coverage provisions in order to ensure that larger industrial activities will be required to locate on a larger lot. The establishment of separation distances from R-1 (Single Unit Dwelling), Zone will provide additional protection for residential environments.

Industrial uses requiring process water treatment are felt to be more appropriate in fully serviced industrial parks and specialized industrial sites and, therefore, will not be permitted. Only those uses which can be serviced with an on-site sewage disposal system<sup>2</sup> will be considered in the

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<sup>2</sup> A system approved under the Regulations Respecting On-Site Sewage Disposal System. Department of the Environment.

designations. In addition, any industrial use involving dangerous chemicals shall not be permitted within the designations.

P-28 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a I-1(Mixed Industrial) Zone in the land use by-law which permits light industrial and service industries, resource uses, limited scale general commercial uses, and residential uses in association with industrial and resource related uses. The zone shall establish controls on site design details such as outdoor storage and display, parking and loading areas. Any obnoxious operation which produces wastes which cannot be treated by an on-site sewage disposal system, or involves hazardous materials, shall not be permitted within the zone. This zone shall be applied to existing industrial uses. In considering amendments to the schedules of the land use by-law to permit new industrial uses in the Mixed Use A and B Designations, Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent residential and community facility development by virtue of either the nature or scale of the proposed industrial operation;
- (b) that the use is not obnoxious and does not create a nuisance for adjacent residential or community facility development by virtue of noise, dust or smell;
- (c) the impact of the industrial use on traffic circulation and in particular sighting distances and entrance and exit to the site;
- (d) that the use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals;
- (e) that the industrial operation shall not require access through a R-1(Single Unit Dwelling) or R-2(Two Unit Dwelling) Zone;
- (f) that no rezoning from a R-1(Single Unit Dwelling) Zone or a R-6(Rural Residential) Zone to a I-1(Mixed Industrial) Zone shall be considered; and
- (g) the provisions of Policy P-137.

#### Industrial Development - Mixed Use C Designation

The Mixed Use C Designation permits most small scale light and service industrial operations. Larger industrial uses, to a maximum of 10,000 square feet are permitted where there is direct access to Highway No. 1 and subject to increased lot, yard, and frontage requirements (Policy P-11). Where these requirements can be met, it is felt that sufficient protection is provided for adjacent residential development.

In cases where a proposed industrial operation cannot meet the requirements with regard to access, lot, frontage, or yard size a rezoning to a mixed industrial zone, which contains less stringent zone requirements, may be considered (P-28). The increased control available through this rezoning process provides the opportunity for a site specific evaluation.

Lands which do not have direct access to the collector highway system are generally considered as secondary areas for larger industrial operations. In keeping with the approach to commercial development, (Policy P-25) the focus in these areas shifts from promoting industrial development to protecting rural residential development. In addition, as with the Mixed Use A and B designations, only those industries which are not obnoxious, can be serviced by an on-site sewage

disposal system<sup>3</sup>, and do not involve the use of dangerous chemicals will be permitted. Any operations which are characterized by high levels of noise, particularly at irregular hours, or by odour, are not considered to be appropriate within the designation. Also in keeping with the Mixed Use A and B Designations, those areas which are zoned R-1(Single Unit Dwelling) Zone or R-6 (Rural Residential) Zone are not considered as appropriate locations for industrial development. Therefore no rezoning from these zones to I-1(Mixed Industrial) Zone shall be considered.

P-29 Notwithstanding Policy P-11, within the Mixed Use C Designation, it shall be the intention of Council to consider larger industrial uses which do not have direct access to Highway No. 1 or which cannot meet the increased lot, frontage and yard requirements of the MU-2(Mixed Use 2) Zone, by amendment to the schedules of the land use by-law to the I-1(Mixed Industrial) Zone (Policy P-28). In considering such amendment, Council shall have regard to the following:

- (a) the provisions of Policy P-28;
- (b) the impact of the use on traffic volume and a change in the type of vehicles using the access road to the proposed site;
- (c) evidence of identifiable site characteristics which make it particularly suitable for the proposed use; and
- (d) the provisions of Policy P-137.

#### Scrap Yards and Salvage Operations

Scrap yards and salvage operations will not be permitted within the Mixed Use A or Mixed Use B Designations as they are not in keeping with the desired future development pattern, and in particular, the evolution to a primarily rural residential and suburban residential environment. The general thrust of the Mixed Use C Designation, however, is to support and encourage commercial and industrial development as there is less extensive residential development in this designation and large parcels of undeveloped land. Thus, the MU-2 zoning permits a wide variety of commercial and industrial operations as of right. Salvage yards, because of their nature, however, require special consideration. They cause concerns with regard to increased truck and general traffic as well as the potential for nuisances as a result of noise and outdoor storage. Another concern relates to environmental hazards resulting from runoff, a concern which can be addressed by establishing increased setbacks from watercourses.

While it is recognized that such operations are necessary, there is a desire to evaluate any proposed salvage yard in order to ensure that protection is provided for adjacent residential areas. Salvage yards will therefore only be considered by development agreement. Controls will be placed on the operation regarding screening, outdoor storage, setbacks from residential uses, community facilities and watercourses, hours of operation relative to noise, maintenance, impact on adjacent residential uses, traffic and applicable provincial approvals. Expansions to existing salvage yards not located within the GU-1 (General Use) Zone will also be considered by development agreement.

Salvage yards are regulated by the Department of the Environment under the Salvage Yard Licensing Act, which requires all salvage yards to be licensed.

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<sup>3</sup> A system approved under the Regulations Respecting On-Site Sewage Disposal Systems. Department of the Environment.

P-30 Within the Mixed Use C Designation, Council may consider permitting salvage yards and accessory uses such as auto body shops, gas and oil related operations and dwelling units as well as expansions to existing salvage yards not located within the GU-1 (General Use) Zone by development agreement. In considering such an agreement, Council shall have regard for the following:

- (a) any materials associated with the salvage yard or accessory use shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provides a visual and physical barrier;
- (b) no outdoor storage shall be located within any required front or side yard;
- (c) no salvage yard or accessory use shall be located within five (500) feet of a community facility use or a residentially zoned property;
- (d) no outdoor storage or building or use of land associated with a salvage yard or autobody shop or a used car lot shall be located within three hundred (300) feet of a watercourse;
- (e) hours of operation;
- (f) general maintenance of the development;
- (g) impact of the operation on traffic volume and traffic circulation;
- (h) the requirement for any applicable provincial permits or approvals;
- (i) the affect of the proposed operation on any residential uses in the general vicinity of the proposed development; and
- (j) the provisions of P-137.

#### Facilities Associated With Extractive Operations - Mixed Use A, B and C Designations

Extractive operations such as pits and quarries provide commodities such as sand, gravel and crushed rock essential for general construction and road building. Because of the large quantities involved, transportation costs are a major portion of total costs. Thus, extractive operations generally locate close to the building site in order to reduce costs. Because building activity is largely urban centred, pits and quarries are located close to urban areas. In addition, some sites are more economically feasible to excavate than others because high quality deposits are only found in certain areas.

The Plan Area has large areas of quartzite, granite and slate; in particular, portions of the Mixed Use A, B and C Designations contain significant areas of quartzite. Resource development does not have priority in the Mixed Use A, B and C Designations. However, the presence of high quality deposits in these designations and the large undeveloped nature of the area makes it attractive for extractive operations. Conflict arises when deposits are located close to rapidly growing residential areas such as Hammonds Plains.

Jurisdiction over extractive operations through the Municipal Planning Strategy and Land Use By-law is limited (See Rural Resource Designation). The Municipal Government Act enables a municipality to protect pits and quarries but not to prohibit them. Municipalities have no authority to regulate or to prohibit facilities that are fundamental to the operation of the pit or quarry, for example, a stockpile. A municipality may, however, regulate the location of developments adjacent to pits and quarries, that is, their accessory uses.

The nature of extractive operations and their impact on the surrounding community means that they do not make the most welcome of neighbours. There is significant community concern with the location of pits and quarries in the Plan Area because of the potential impacts they would have not



only on the adjacent community but also on the greater area. These concerns include truck traffic, noise, blasting, dust and the environmental impacts generated from these sites. Some of these concerns are presently addressed through Provincial legislation and Municipal By-laws (See Rural Resource Designation).

Resource development does not have priority in the Mixed Use A, B and C Designations. However, the occurrence of areas of high quality aggregate deposits within the Designations (as yet unidentified), combined with large, undeveloped areas, provides justification for the consideration of facilities associated with extractive operations. However, it is evident that the ongoing conflict can be expected to continue because of the proximity of these uses to the rapidly expanding residential communities within the Plan Area. Thus, in order to minimize the potential conflict between residential and institutional uses and extractive operations, a minimum separation distance shall be stipulated.

Municipalities can influence the location of pits and quarries by permitting their accessory uses, for example a rock crusher, warehouse or office only in certain designations by development agreement. The development agreement process will be used to mitigate the potential impacts a pit or quarry may cause by putting controls on accessory uses such as site access, required setbacks, buffering, and site rehabilitation, among other things. Thus, in order to provide for the adequate consideration of these community concerns, it is appropriate to consider such uses by development agreement to ensure that potential land use conflicts and environmental hazards are minimized.

P-31 Notwithstanding the provisions of Policies P-8 and P-11, it shall be the intention of Council to consider permitting new or expanded facilities associated with extractive operations within the Mixed Use A, B and C Designations by development agreement and according to the provisions of the Municipal Government Act and having regard to the following:

- (a) that the proposed facility shall not require access over a local road on which the abutting properties are zoned R-1(Single Unit Dwelling), R-2(Two Unit Dwelling) or R-3(Mobile Dwelling) Zone or a local road that provides access to a residential subdivision;
- (b) that the proposed facility associated with a quarry operation or a pit operation incorporating a rock crusher is not located within 800m [0.5 mile] of a R-1(Single Unit Dwelling), R-2(Two Unit Dwelling), R-3(Mobile Dwelling), R-6 (Rural Residential) or R-3a(Mobile Home Park) Zone, or 800 m (.5 mile) from the foundation of a residential dwelling in the MU-1 (Mixed Use 1) or MU-2 (Mixed Use 2) Zone, and/or institutional uses except fire and police stations, public works, cemeteries, historical sites and monuments and recreational trails;
- (c) that the proposed facility associated with a pit operation not incorporating a rock crusher is not located within 300 feet [90m] of a R-1(Single Unit Dwelling), R-2(Two Unit Dwelling), R-3(Mobile Dwelling), R-6 (Rural Residential) or R-3a (Mobile Home Park) Zone, residential dwelling in the MU-1 (Mixed Use 1) or MU-2 (Mixed Use 2) Zone, and/or institutional uses except fire and police stations, public works, cemeteries, historical sites and monuments and recreational trails;
- (d) that any building, structure, plant or product stockpile shall not be located within three hundred (300) feet of a watercourse;
- (e) that separation distances from lot lines and adjacent development as well as controls on runoff be incorporated in the development agreement;
- (f) the provision of a treed, bermed or landscaped buffer strip designed to provide a dust and wind break, noise buffer and visual barrier;

- (g) hours of operation;
- (h) the effects of the use on the natural environment as contained in a report from the appropriate provincial or federal government authority;
- (i) provisions for site rehabilitation; and
- (j) provisions of Policy P-137.

### Beaver Bank Villa

The Beaver Bank Villa, site of a former Royal Canadian Air Force (RCAF) radar station, is located in north Beaver Bank, within the Mixed Use A Designation. The site, originally part of the Pine Tree line radar defense system, became obsolete as technology improved and was subsequently declared a surplus crown asset. It is now in private ownership.

The living quarters of the RCAF staff consisted of duplexes. In addition, the site includes a **nursing home, adult residential care facility (RC-Jul 8/03;E-Aug 16/03)**, an elementary school, fire station, church, post office, variety store, mobile dwelling, nursing home and adult residential centre, rental office and playing fields.

Several of these facilities serve the population of the larger community of Beaver Bank. All of these facilities are under one ownership. **However, the aging buildings have presented many maintenance challenges over the years. The decreasing quality of housing has resulted in increased vacancy levels with less than one-third of the 120 housing units currently being occupied. The 165-bed adult residential centre was closed in late 2002 and the support services (eg: convenience store, gymnasium) have also closed due to decreased sales and support. (RC-Jul 8/03;E-Aug 16/03)**

The nursing home and adult residential centre provide care for residents from Halifax Regional Municipality, Hants County and a small number from other parts of the province. The nursing home accommodates individuals requiring specialized nursing care. The adult residential centre, which provides supervisory care to special needs residents, has a mandate to encourage the social, educational and vocational development of its residents and their integration into the community as self-sufficient individuals. In light of this objective to integrate residents into the community, the lack of public transportation to service this isolated community is a significant concern (See Transportation and Utilities).

All development at the Beaver Bank Villa is situated on approximately 67 acres of the 225 acre parcel. The internal road network is privately owned and maintained, as are the central sewer and water systems which were constructed when the site was originally developed. The water, which is obtained from drilled wells, is highly corrosive due to the presence of iron bacteria, iron and manganese. While these elements do not cause health problems, they do cause staining and it is likely that over time they will clog the water distribution lines and result in blockages and major breaks in these lines. The problems with water quality have been long term and are the result of inadequate water treatment and insufficient long term maintenance of the water system. **Consequently, in 1995 a 35,000 gallon underground reservoir and a water treatment plant were constructed. The capacity of the water system is 40,000 gallons per day and the capacity can be increased by reinstating existing wells or drilling additional wells. (RC-Jul 8/03;E-Aug 16/03)**

Despite the design and capacity of the sewage treatment plant being adequate, its age and inconsistent maintenance may lead to problems in the not too distant future. **Consequently, a state-**



**of-the-art sewage treatment plant was constructed in 1995. The sewage treatment plant operates on the principle of solar aquatics and has a capacity of 80,000 gallons per day. (RC-Jul 8/03;E-Aug 16/03)**

It is recognized that the Beaver Bank Villa contains important facilities for both Beaver Bank and the rest of the Municipality. Existing development will be permitted to continue through the creation of a special area zone. Existing commercial and institutional structures will be permitted to expand or convert to similar uses of a commercial or institutional nature, subject to controls on open storage and display designed to provide protection for existing residential uses. **Due to fundamental structural deficiencies of the housing units, economic strain on the complex due to the closer of the 165-bed Adult Residential Care facility, and the relatively recent construction of a new water servicing system and a state-of-the-arts solar aquatic sewage treatment plan re-development to replace the existing housing stock with a less expensive housing form is encouraged. (RC-Jul 8/03;E-Aug 16/03)**

Any additional development on the larger undeveloped portion of the property will be required to conform to the requirements of the MU-1(Mixed Use 1) Zone. The desire to encourage and promote semi-rural low density development, as well as concerns with existing servicing problems and long term maintenance issues, preclude any consideration of the extension of these systems to service new development. Therefore, lot sizes in the undeveloped portion will be based on the provision of on-site sewage disposal systems and individual wells.

Continued operation and maintenance of the private sewer and water services and roads is vital to the long term viability of the community. Due to its remote location close to the Hants County border, any municipal involvement in the operation of these private systems would be difficult to efficiently deliver and should not be seen as a long term solution to any potential servicing problems.

P-32(a) It shall be the intention of Council to recognize and support the continuation of existing development at the Beaver Bank Villa, through the creation of a R-8 (Special Area) Zone. Existing residential, commercial and institutional uses will be permitted, as well as the expansion of existing commercial, **shared housing with special care (RC-Aug 9/22;E Sep 15/22)** and institutional uses, and their conversion to other institutional uses and commercial uses permitted in the C-2 (General Business) and C-4 (Highway Commercial) Zones as established in Policies P-23 and P-24. **Redevelopment of the housing site is permitted as a mobile home park. Additional (RC-Jul 8/03;E-Aug 16/03)** new development will be permitted according to the provisions of the MU-1 (Mixed Use 1) Zone, established in Policy P-8.

P-32(b) **Within the Mixed Use A Designation, it shall be the intention of Council to recognize the economic strain being placed on the Beaver Bank Villa Complex and support the re-development of the existing housing stock with a less expensive housing form such as mobile homes. Council may consider permitting an expansion of the mobile home park or permitting innovative forms of housing or design (for the former housing site or future expansion) which is not permitted in accordance with the Mobile Home Park Bylaw, by development agreement and according to the provisions of the Municipal Government Act and Council shall give regard to the following:**

- (a) the proposal in compatible with adjacent uses and the existing development form in the neighbourhood in terms of use, bulk and scale of the proposal;**
- (b) the adequacy of existing park services including sewer and water systems, recreation facilities, road and general park maintenance, garbage collection and street lighting;**
- (c) the effect which any extension or modification would have upon the level or quality of services in the existing park;**
- (d) the ability of education facilities, protection services, and recreation facilities to adequately service the increased demands of the additional development, or to respond with the provision of additional services;**
- (e) the provision of landscaping or buffering from adjacent land uses in order to protect the privacy, reasonable use and enjoyment of those properties;**
- (f) the provision of landscaping or buffering from the public road to which it has access;**
- (g) stormwater planning;**
- (h) the impact of the extension or modification has on internal and external traffic circulation patterns;**
- (i) park layout and design including the design of the internal road network and separation distances from maintenance buildings and sewage treatment plants;**
- (j) that the total number of mobile dwellings permitted within the entire park shall not exceed 300;**
- (k) the provisions of the Mobile Home Park By-law; and**
- (l) the provisions of P-137.**

**(RC-Jul 8/03;E-Aug 16/03)**

## RESIDENTIAL DESIGNATION

The Residential Designation has been applied to the larger suburban-type residential subdivisions on local subdivision roads which extend back from the highway system.

While there are a limited number of two-unit and mobile dwellings located within it, the Residential Designation is predominantly characterized by single unit residential development. Existing subdivisions are generally located in well landscaped, attractive surroundings and most are situated in close proximity to lakes. Given the close proximity to the urban areas of the region, there is a strong likelihood that more subdivisions will be developed in the future. Thus, in order to reduce the impact of new subdivisions on the availability of schools, roads and other community services, subdivision activity will occur at a rate of 20 lots per 4 year period. Larger scale subdivisions would require a rezoning to CDD to control the phasing of the lots in accordance with the availability of these services.

With one exception, development within the Residential Designation is serviced by means of individual on-site sewage disposal systems. As is discussed in the Environmental Health Section, this raises a number of concerns. Uplands Park is serviced by the central Pockwock water distribution system and a central sewage treatment plant. This plant is owned and operated by the Municipality (see Environmental Health Services).

Development within the Residential Designation is at a higher density than residential development in the surrounding portions of the Plan Area. While density is higher, lot sizes are consistent with other developed parts of the Plan Area. The average lot size in newer subdivisions and new phases of older subdivisions are larger than lot sizes approved prior to 1980. The Regulations Respecting On-Site Sewage Disposal Systems require a minimum of 29,064 square feet of lot area which can be increased depending on soil quality. The application of these regulations in most portions of the Plan Area has resulted in larger lot sizes in the last few years. This is especially true in the Beaver Bank area.

These subdivisions have led to a significant increase in the population of the Plan Area and have altered its original linear development pattern. This influx of population can lead to a conflict between the expectations and desires of newcomers and those of established residents, particularly with regard to the desire of subdivision residents for more stringent land use control to protect their homes and properties.

Home businesses, primarily located within the dwelling, are few in number and scattered throughout the designation. The major business consists of office space used by the resident of the dwelling. Because of their non-obtrusive nature, it is probable that a significant number of these have not been detected in field surveys and they do not detract from the overall residential environment. In addition to offices, there are a small number of other businesses including a day care centre, appliance repair and hair dressing shops.

### Land Use Policies

The Residential Designation recognizes and supports the predominantly suburban residential character of these subdivision areas and supports their protection from non-residential land uses.

The desire to preserve and protect the low density environment will be achieved by restricting new residential development to single unit dwellings. Existing two unit dwellings and mobile dwellings will also be considered as permitted uses within the Designation.

Given the concern with on-site sewage disposal and the desire for a low density environment, multi-unit dwellings will not generally be permitted. It is felt that multi-unit development is more appropriate in urban areas where municipal services are available. The one exception is **shared housing with special care (RC-Aug 9/22;E Sep 15/22)**, which fills a special community need (Policy P-39).

It is reasonable to consider that the use of a dwelling includes certain rights of the occupant to use that dwelling for purposes which are, in fact, accessory to its main use as the occupant's residence. Although the primary objective is to protect the residential environment, resident-operated business activities of a limited size which require office space or involve the teaching and practice of traditional arts and crafts activities and domestic arts, as well as day care facilities and bed and breakfasts, will be permitted. Activities devoted to retail sale or personal service uses, the employment of individuals not living in the dwelling, or the use of mechanical equipment not normally found in a dwelling are not considered to be accessory to the residential use and, therefore, will not be permitted. In addition, controls will be established on the parking of commercial motor vehicles.

Offices and day care facilities shall be permitted, but shall have no signs, outdoor storage or display, and shall be entirely contained within the dwelling. The above conditions are designed to ensure that no aspect of the use will detract from the residential environment.

Bed & Breakfast operations may also be accommodated within a residential environment without visual and traffic impact to the neighbourhood. As such, small scale bed & breakfasts shall be permitted as of right within the R-1 (Single Unit Dwelling), R-1A(Auxiliary Dwelling Unit) and R-2 (Two Unit Dwelling) Zone. In order to ensure that these operations remain complementary to the surrounding residential neighbourhood, the zone will have the following limits: the maximum number of rooms to be let is limited to three, the operation is limited to one sign of a maximum of two square feet and one parking space per room must be provided. The Bed & Breakfast must also be operator occupied.

There are a number of existing home businesses within the Residential Designation which do not meet these standards and which will be permitted to the extent that they presently exist. However, an existing printing press business operated within a dwelling shall remain a non-conforming use but, given the size of the lot on which it is located, shall be permitted some expansion capabilities. In addition, it shall be permitted to rebuild if destroyed or commence operation if discontinued for a period of less than one year.

P-33 It shall be the intention of Council to establish a Residential Designation as shown on the Generalized Future Land Use Maps. Within this designation, it shall be the intention of Council to support and protect the existing low density residential environment.

P-34 Within the Residential Designation, it shall be the intention of Council to establish a residential zone which permits single unit dwellings, existing two unit and mobile dwellings, open space uses, offices and day care facilities operated by a resident of the dwelling, bed & breakfasts, as well as activities related to traditional arts and crafts and domestic arts, provided that controls are established on the scale of the business and that no

**outdoor storage or display are permitted and signs are regulated through provisions of the Land Use By-law (RC-Jun 30/09;E-Sep 5/09)**, in order to ensure that the external appearance is compatible with the residential environment.

- P-35 Notwithstanding Policy P-34, existing home businesses which do not meet the requirements of the residential zone shall be permitted to the extent that they existed at the time of the date of adoption of the previous Strategy on December 9, 1987.
- P-36 Notwithstanding Policies P-34, P-35, and P-147, it shall be the intention of Council, pursuant to the Municipal Government Act, to allow for limited expansion of the non-conforming printing press operation on the lot identified by LIC Number 501965.

As in the Mixed Use Designations, auxiliary dwelling units may also locate within the Residential Designation. There is concern, however, of the potential impacts of these units on the existing suburban residential environment in terms of appearance, parking, size and number. Thus, an amendment to the Land Use By-law will be required for auxiliary dwelling units to ensure compatibility with the surrounding neighbourhood.

- P-37 Within the Residential Designation, it shall be the intention of Council to consider permitting auxiliary dwelling units by rezoning to the Auxiliary Dwelling Unit (R-1A) Zone with regard to the following:
- (a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed forty (40) percent of the gross floor area of the dwelling;
  - (b) there shall be no more than one (1) entrance along the front wall of the dwelling;
  - (c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the building;
  - (d) one off-street parking space shall be provided for any single unit dwelling containing an auxiliary dwelling unit; and
  - (e) the provisions of Policy P-137.

Certain institutional uses may also locate within the Residential Designation. A limited number of such uses have located in the larger suburban subdivisions in the past and have been a positive element in the community. However, because of the traffic generated by such uses, the necessity of extensive parking areas and noticeable differences in appearance and scale, an amendment to the land use by-law will be required for institutional and community facility uses including schools, churches, medical clinics, residential care and day care facilities and libraries.

Residential care facilities of a limited size have an important role to play in accommodating individuals requiring personal and supervisory care in their own community. These facilities are regulated through the provincial Department of Social Services pursuant to the Homes for Special Care Act to ensure that they are adequately designed and operated and provide good care to their residents. A restriction on size as well as the requirement that any dwelling used for this purpose be the principle residence of the facility operator will be established in the land use by-law to ensure their compatibility with surrounding residential development.

- P-38 It shall be the intention of Council to establish a P-2(Community Facility) Zone in the land use by-law which permits a variety of community related uses such as elementary schools, churches, medical clinics, libraries, community centres and **shared housing with special care uses (RC-Aug 9/22;E Sep 15/22)** and day care facilities which provide a local

community service. Landscaping requirements will be established in the zone to help ensure compatibility with adjacent residential development. This zone shall be applied to existing community facility uses. In considering any amendments to the schedules of the land use by-law to permit new community facility uses within the Residential Designation, Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent residential development;
- (b) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;
- (c) preference for a site which is provided with sidewalks, or adequate pedestrian walkways, as well as street lighting;
- (d) that the facility provide a local community service;
- (e) that the architectural design, including the scale of any building and its exterior finish are compatible with adjacent land uses, as may be more particularly described in the Land Use By-law;
- (f) that the lot meets the lot standards of the P-2 (Community Facility) Zone; and
- (g) the provisions of Policy P-137.

**Shared Housing with Special Care (RC-Aug 9/22;E Sep 15/22)** provides much needed accommodation for community residents. The Department of Housing selected a site in Uplands Park, to serve the Hammonds Plains area and the Municipality approved the required zoning to allow the project to proceed. Sites in other communities may be needed in the future. However, because of the more intensive residential use such facilities entail, there is a need to ensure that the design, scale, layout, and maintenance of such facilities is compatible with the surrounding lower density neighbourhoods.

**P-39A Council supports the development of complete communities with housing resources that are appropriate and adequate for current and future residents. Developing shared housing with special care projects will support diversity and inclusion, aging in place or community and housing choice. Within the Residential Designation, it shall be the intention of Council to consider, by development agreement, permitting shared housing with special care at larger scale than would be permitted in the underlying zone. In considering a development agreement, Council shall have regard for the following:**

- (a) the provisions to mitigate the land use impacts on adjacent land uses, in terms of setbacks, building scale and design, and buffering;
- (b) the location of off-street parking and loading facilities, driveway accesses, walkways 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) that open space, outdoor amenities and parking areas incorporate design features which provides accessibility for all abilities, such as wide walkways or the use of non-slip surfaces;
- (e) proximity of the site to commercial and community facilities, where such facilities are available in the immediate area, or consideration of the provision of such services on the site of the development;
- (f) proximity of the site to public transit, where the service is provided;
- (g) that there is sufficient indoor and outdoor common amenity space for



- residents;
- (h) the general maintenance of the development;
- (i) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (j) the adequacy of wastewater facilities and water systems;
- (k) the housing needs of the local community;
- (l) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses and wetlands and susceptibility to flooding; and
- (m) the provisions of Policy P-137.

**P-39B In addition to Policy 39A, where a shared housing with special care use is to be provided in multiple buildings on one lot:**

- (a) the development must be designed in a campus-style form and provide indoor common shared space for residents; and
- (b) a minimum of 10 shared housing bedrooms must be provided in each building. (RC-Aug 9/22;E Sep 15/22)

**P-39 Deleted (RC-Aug 9/22;E Sep 15/22)**

**P-40** Notwithstanding Policies P-34 and P-39, within the Residential Designation, it shall be the intention of Council to specifically include the **shared housing with special care (RC-Aug 9/22;E Sep 15/22)** project proposed for Uplands Park on LIC Number 420927 as a permitted use within the R-l(Single Unit Dwelling) Zone.

Model homes and sales offices have been associated with the development of residential subdivisions elsewhere in the region. Although this has not been the general practice in the Plan Area, there may be a demand for such facilities which can form a valid part of the development phase of a growing subdivision. Such facilities are often phased out as the development nears completion. Model homes, including office uses within such homes, will be considered within the Residential Designation by development agreement in order to establish a level of control designed to ensure compatibility with adjacent residential communities.

**P-41** Within the Residential Designation, it shall be the intention of Council to consider permitting model homes and office uses in conjunction with model homes, by development agreement and according to the provisions of the Municipal Government Act. In considering a development agreement, Council shall have regard to the following:

- (a) that the lot has frontage on a collector highway;
- (b) that the architectural design, including the scale of any building and its exterior finish, and site design including landscaping, are compatible with adjacent land uses;
- (c) that no exterior alteration to the model home shall be permitted which would alter its residential appearance;
- (d) that any use permitted in conjunction with the model home be wholly contained within the model home;
- (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) that the model home be associated with development of the subdivision in which it is located;
- (g) the potential for adversely affecting adjacent residential development;
- (h) hours of operation; and
- (i) that upon discharge of the development agreement, the property be subject to the requirements of the single unit dwelling zone.

## **THE GLEN ARBOUR INTEGRATED GOLF COURSE AND RESIDENTIAL COMMUNITY** **(RC-Apr 24/01;E-Jun 9/01)**

The Glen Arbour Integrated Golf Course and Residential community is a 550 acre development located north of the communities of English Corner and Hammonds Plains, and is immediately adjacent to three existing subdivisions: Beaver Lake Estates, Maplewood-on-the-Lakes and Halfway Lake Estates. It is centered around three lakes located within the property known as Beaver, Bottle, and Sandy Lakes.

The focal point of the development is an 18 hole Aworld class@ championship golf course and club house facility covering an area of approximately 150 aces. The course provides special playing privileges to Glen Arbour residents.

The blending of the golf course, lakes and residential subdivision has fostered a high quality residential development with strong market appeal. To date, all 5 Phases of development including Glen Arbour Way, Thompson Run, Club House Lane and Sandy Run, have been completed, providing approximately 200 lots.

Recently, there has been a growing interest among retirees and professional couples for smaller, more carefree style of housing in the Glen Arbour development, including two-unit dwellings, townhouses and apartment style units. The housing market is demanding this broader range of housing as they do not want or cannot maintain houses on large lots, but would like to enjoy the attributes of the Asemi-rural@ lifestyle offered in Glen Arbour.

To date, only single unit residential uses have been permitted within the Glen Arbour development. The exclusion of other forms of housing has been intentional. Since the inception of the Municipal Plan for the Beaver Bank, Hammonds Plains, and Upper Sackville, housing types have been restricted to only single unit dwellings.

The exclusion of higher intensity residential uses is primarily attributable to the perception that townhouses and apartments generally conflict with the low density rural environment, whereas single units are considered to best convey the low density character. For instance, the sheer bulk and scale of higher intensity uses are typically viewed to be somewhat exaggerated and often disproportionate to the size of lots. Further, townhouses and apartments are often considered to be uncomplimentary to the overall rural context of the Plan area. Further, there is a strong opinion that little consideration is often provided in siting apartment and townhouse buildings in that a significant amount of open space is consumed and the state of environmentally sensitive areas is often compromised in order to accommodate large buildings.

Despite these strong perceptions, there are benefits associated with higher intensity housing types. For instance, high intensity uses tend to foster positive visual neighbourhoods, as well as provide a balanced market and economic mix. These housing types typically generate fewer school children and lower traffic generation per unit, and lower the overall demand for public services, particularly recreational and transportation facilities. It is also acknowledged that higher intensity housing enables the same density to be achieved on less land, thereby reducing the overall suburban sprawl occurring throughout the region.

In recognition of the benefits of higher intensity uses, two units, townhouses and multiple dwellings may be permitted in the plan area, however, these use will be limited to Blocks A,

**B C and D of the Glen Arbour development. These uses shall be limited to only these lands to ensure the introduction of higher intensity housing is slowly and sensitively integrated into the existing neighbourhood context. From the community=s perspective, the proposed high intensity uses represent a fundamental departure from the current planning context, therefore, in order to garner local acceptance of the new housing forms the higher intensity uses need to be well controlled.**

**Plan policy requires all development be regulated by way of development agreement. The development agreement process is preferred in that it provides the public an opportunity to participate in the planning process as well as provides a greater level of control respecting the various components of development on each Block. Further, in recognition that the single unit dwelling form is considered to be synonymous with low density rural character, plan policy will continue to enable the application of such uses, but on a limited basis.**

**The primary intent of the development agreement is to minimize incompatibilities between new and existing residential uses by ensuring all higher intensity housing fosters and preserves a low density rural appearance. Specifically, the development agreement will control the bulk and scale of all buildings and include provisions for architectural details, landscape and parking controls to ensure the streetscape and architectural vernacular conveys a Arural@ appearance. The agreement will also ensure adequate provisions are in place for retaining significant portions of natural open space by way of limiting the minimum lot size on which such uses may occur, and by limiting the maximum density and lot coverage for each Block.**

**Policy P-41(a) It shall be the intention of Council to consider higher intensity residential uses on parcels of land of no less than 20 acres in size identified as Block A, B, C and D of the Glen Arbour Integrated Golf Course and Residential Community (PID# Parcel A- portions of 40845232, 40821555,40883118; Parcel B-portions of 40883118, 40821555; Parcel C-portions of 4082155, 40845232, 40883126; Parcel D-portion of 40821555, 628974) within the Residential, Mixed Use B and Rural Resource Designations of the Beaver Bank, Hammonds Plains, and Upper Sackville Plan area. Council shall require such uses to be considered by development agreement. Permitted uses shall include townhouses, small multiple unit dwellings, clusters of two unit attached dwellings, clusters of single detached dwelling units, parks and recreation uses. However, no greater than 20% of the total number of units per each Block shall be single or two unit dwellings. The maximum density of each Block shall be limited to 1 building unit per acre.**

**Policy P-41(b) It shall be the intention of Council to require a comprehensive site plan for Block A, B, C and D demonstrating the location of all new buildings and associated parking. Buildings shall be sited to create safe, wide open vistas of open space from varying points, to protect large areas of existing pasture and woodlands, scenic lakes and wetlands, and to provide landscaped separation buffers between existing dwellings and country estates. Buildings shall be grouped and limited to a total gross lot coverage of 20% of each Block.**

**Policy P-41(c) It shall be the intention of Council to require architectural design features for all two unit, townhouse and multiple dwelling uses. Design details shall**

be incorporated to minimize the perception of high intensity and to resemble single unit dwellings. Townhouse projects shall be limited to a maximum building footprint of 10,000 square feet and shall not exceed 2 habitable storeys, excluding walkout basements. One storey Townhouse buildings shall not exceed a maximum footprint of 12,000 square feet. All multiple Dwellings buildings shall be a maximum footprint of 12,000 square feet and 3 storeys, excluding ground storey basement area. Consideration shall be given to architectural features including roof styles and slopes, door and window trim, detailing, and exterior materials.

Another primary reason for excluding higher intensity uses from the Municipal Plan Area is due to the absence of municipal sewer services in the Glen Arbour area. Traditionally, residential development in the area has been serviced by way of on-site septic systems. However, given the history of failed systems in the area, the community is somewhat apprehensive about permitting higher intensity uses for fear of exacerbating problems related to failing sewage systems.

The primary cause of most on-site septic system failure can be attributed to poor design, installation, and maintenance. At present, the Nova Scotia Department of Environment (DOE) regulates siting, design and installation of on-site systems, but does not regulate long-term maintenance.

Further, on-site sewage system problems tend to be directly correlated to conventionally designed single unit subdivisions. This type of subdivision has perpetuated long, contiguous rows of single lots. This design pattern demonstrates little regard for soil type, and as a result, much of the housing throughout the Plan area has developed on soils only marginally capable of accommodating on-site sewers. Further, small systems versus larger systems are considered not to be as technically proficient in that large common systems promote greater exchanges of carbon dioxide and atmospheric oxygen and provide additional absorption capacity.

In recognition of the foregoing factors, in consideration of two units, townhouses and multiple dwelling uses, it is important to ensure that high quality soils is available and capable of supporting the uses. Further, in order to ensure the best quality of soils is utilized a degree of flexibility in siting the systems is required. Therefore, clustered or alternative development patterns will be encouraged to ensure flexibility is achieved. In addition, given the technical benefits of larger on-site systems individual on-site sewer systems will be discouraged.

Given the importance of long term maintenance of on-site systems, development on each Block shall be permitted where there is one owner, such as a condominium corporation. A Condominium Corporation would establish a set of by-laws to enact a user charge system to ensure adequate revenues are generated for maintaining a fund to finance, operate, maintain and repair and/or replace the system.

**Policy P-41(d)** Large common on-site sewage system(s) shall be required to service Blocks A through D. The systems shall be operated and maintained by a single legal entity, such as a condominium corporation. Certified operators shall be retained to ensure regular on-site maintenance and monitoring is performed. In siting the systems consideration shall be given to soil conditions, surface drainage, groundwater table, and topography.

The quantity of groundwater has also become a major issue in some portions of the Plan area. Most residential uses throughout the plan area are serviced by on-site wells. Over the past number of years, however, residents have noticed an increased occurrence of water shortages in individual wells.

The water quantity problems can be attributed to a number of sources. One major consideration is the amount of subdivision activity that has occurred throughout the area. It is well recognized that the amount of traditional subdivision development has contributed to the groundwater supply's inability to store water and to react swiftly to rainfall, or flooding, as would a natural forested landscaped or otherwise undeveloped watershed. Moreover, traditionally designed low density subdivisions have caused significant reductions to the baseflow of streams during dry weather, which have been especially severe when they interfere with the recharging of groundwater aquifers.

In addition to the quantity, the quality of groundwater is also an issue in some portions of the Plan area. Almost every watershed is affected by some form of water pollution, usually propagated by discharging waste water into a watershed from identifiable or non-identifiable locations. The impact of non-point source pollutants is almost instantaneous; behaving very similarly to precipitation falling directly into a watercourse. Urban runoff generally contains a wide variety of contaminants, such as, bacteria, heavy metals, road salts, chemical sediments, and a wide variety of organic compounds including petroleum hydrocarbons. Consequently, as a watershed becomes increasingly more developed, the amount of runoff increases, thereby magnifying its impact.

Soil erosion also greatly contributes to impacting the quality of water. Although erosion is a natural phenomena, when earth is altered for purposes of development erosion, can be devastating. As soil is stripped of its vegetation it becomes increasingly more susceptible to an accelerated rate of soil erosion. Ensuing this accelerated erosional rate is an increased deposition of sedimentation in water bodies. Increased sedimentation will possibly cause fish and plant life to die and water to become more and more polluted.

For these reasons, stormwater management and erosion and sedimentation controls must be utilized. The primary intent of such measures will be to preserve significant areas of each Block in its natural state. Focus should be on stabilizing slopes, reducing the amount of erosion, and reducing the amount of sediment runoff. In addition, stormwater management techniques should ensure water quality and temperature is maintained. The retention of natural vegetation will also help to maintain stream flows by reducing peak and potential flooding, and aid in intercepting rain which will eventually evaporate back into the atmosphere, or percolate through the soil.

**Policy P-41(e)** In consideration of all new housing on Blocks A through D Council shall determine whether there is an adequate quantity and quality of water to support all new residential development on each Block. It shall be the intention of Council to minimize the impact on water quality through the provision of stormwater management and erosion and sedimentation controls. Council shall give consideration to the effects of development on the water supply and quality in abutting residential subdivisions.

**School capacity is another issue throughout the Planning Area. Many of the schools are at or over capacity. In fact, although a new school has been recently constructed in Hammonds Plains area, this has only temporarily relieved the demand.**

**There are many factors which contribute to the growing school age population, however, one important consideration is housing type. The single unit dwelling housing type, which dominates the Plan area, typically generates more school age children than any other housing types. Based on the Halifax School Board=s assumption of a generation rate of .6 children per single unit dwelling in comparison to a .16 children per multiple unit dwelling, a subdivision of 100 unit single unit dwellings would generate 60 children versus a total of 16 children from a 100 unit multiple or townhouse dwelling project.**

**Clearly, alternative housing to single unit dwellings within the Glen Arbour development will lessen the overall impact of a burgeoning school age population. Despite this understanding it is difficult to accurately anticipate the exact number of children that would be generated from the townhouse or multiple dwelling projects. Therefore, where necessary, new Townhouse and Multiple Dwelling uses shall be phased to ensure school capacity reflects the level of residential development on Block A, B, C and D.**

**Policy P-41(f) In consideration of residential development on Blocks A, B, C, and D of the Glen Arbour development, Council shall determine the proposal is not premature or inappropriate by reason of the adequacy or proximity of schools.**

**Another concern of the local community is that the number of public recreation opportunities appears to be disproportionate to the amount of residential development occurring within the Plan area. Clearly, the golf course offers an important recreational opportunity for residents in the Plan area, however, the facility caters to a specific clientele, and does not satisfy the demands of the general resident population for passive and active recreational needs.**

**In recognition of the lack of passive and active recreation opportunities, high intensity residential uses on Blocks A through D will only be considered where significant areas of open space is provided for both passive and active recreation opportunities. Further, these areas will not be subdivided to ensure designated open space are available in perpetuity of the development. Specifically, open space shall be deed restricted to prohibit future subdivision or development.**

**Passive recreation opportunities for the general public, such as walking and hiking trails, will also be provided in conjunction with Blocks A, B, and C. Priority shall be placed on areas which facilitate a continuous pedestrian trail system throughout the Plan area, and where important natural environmental features, such as Thompson Run, are protected.**

**Policy P-41(g) It shall be the intention of Council to require a comprehensive site plans depicting areas of open space. Not less than 80% of the gross area of each Block shall be allocated to and shall remain in common open space in perpetuity. Private passive and private active recreation opportunities may be provided within the open space area on each Block. Public areas of open space shall be provided along Thompson Run. A public trail system may be developed by HRM on the dedicated public parkland abutting Thompson Run and shall provide a continuous pedestrian system to connect abutting**

**residential neighbourhoods and provide a natural buffer along significant environmental features.**

**The design of the transportation system is an essential element in consideration of higher intensity land uses. Continued residential development in the Plan Area will impact the level of service of roads and adjacent areas. Parts of the road system, in particular, the Hammonds Plains Road, is in danger of decreasing the level of service provided to motorists during peak periods. This decreased level of service will occur as a result of more and more subdivisions being developed with access off Hammonds Plains Road. As such, a traffic impact study should be provided at each phase of the development, in order to evaluate its impact on the Glen Arbour/ Hammonds Plains Road intersection.**

**Policy P-41(h) In consideration of the proposed Townhouse or Multiple Dwelling uses, a traffic impact study, where determined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works, shall be submitted by the applicant to demonstrate the proposed development will not reduce the Alevel of service@ of the external transportation network below an acceptable Alevel of service@ as defined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works.**



## **Background**

In 2002, Regional Council directed that a master planning study be undertaken on lands on the west side of the Bicentennial Highway, in the vicinity of Hammonds Plains Road and Kearney Lake Road. The study was initiated in response to requests from two property owners to allow for development on municipal sewer and water services. Annapolis Group Ltd. owned approximately 1,200 acres and proposed to develop a comprehensively planned community while several family members requested municipal approvals to allow for a further 40 acre expansion of Peerless Subdivision with single unit dwellings.

In 2003, Council approved a study area boundary, study terms of reference and a public participation program<sup>4</sup>. The study area boundaries, encompassing a total area of approximately 2,600 acres, are illustrated on Schedule BW-1. The terms of reference were to prepare conceptual community plans which:

- ☐ anticipate future community needs having regard for trends in demographics, housing affordability, building technologies, economics and social issues with specific consideration given to how the community proposed could fulfill a role in responding to needs within a regional context;
- ☐ integrate design with established neighbouring communities in terms of the natural and man made environment;
- ☐ reduce travel time and energy requirements, encourage the use of public transit, pedestrian and cycling facilities and enhance public safety through innovative integration of land use components with the transportation and open space systems;
- ☐ preserve sensitive environmental areas and unique cultural features and respond to the opportunities and constraints imposed by the environment;
- ☐ maintain adequate service levels for municipal infrastructure (sanitary sewer, storm drainage, potable water and road systems) both within the area of new development and off-site while minimizing costs to all parties;
- ☐ allow for design flexibility in recognition of future changes to external circumstances/market conditions;
- ☐ minimize future demands on the Municipality=s fiscal resources (capital and operating budgets) and provide fair and predictable cost-sharing of community infrastructure costs between the Municipality and individual property owners in terms of division and timing in accordance with the Municipality=s Capital Cost Contribution Policy;
- ☐ provide policy guidance for more detailed negotiations with property owners/developers with specific consideration given to phasing of development with associated community infrastructure and the responsibilities of each party (property owners/developers and the Municipality).

A public participation committee was appointed with citizen representatives from Bedford, Hammonds Plains, and Prince=s Lodge/Clayton Park. The committee=s mandate was to ensure the public had opportunities to express opinions; collaborate with staff and developers

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<sup>4</sup> Details can be found in a staff report re: Bedford West Master Plan (Project 00382), dated January 17, 2003 and presented at the February 25, 2003 session of Regional Council.

in preparation of a plan; provide advice on policy and regulatory documents proposed; and confer with the Regional Planning Advisory Committee (the RPC).

The Bedford West master planning study was undertaken while a regional planning program that was being prepared under the supervision of the RPC. This secondary planning strategy has therefore been prepared in accordance with the master plan study terms of reference established by Council and in conformity with all relevant regional plan policies being proposed.

## **Environmental Protection**

### **Lakes and Watercourses**

A vast majority of the study area is within Paper Mill Lake watershed which includes Washmill Lake, Quarry Lake and Suzie Lake. Dam structures control water elevations at the outlets of Paper Mill Lake, Kearney Lake and Quarry Lake. The dams which remain under the ownership of Annapolis Group have historically been used for power generation at a turbine on Moirs Mills. Today, the lakes are used for various recreational activities such as swimming, fishing and boating - activities which are highly valued by the surrounding communities and which are dependent upon maintenance of the dams.

Annapolis Group has entered into negotiations with the Province pertaining to the upgrading of the dams and has proposed that control gates be introduced for flood control and storm water management purposes. Two studies: *Bedford Dams Comprehensive Review* (SGE Acres, October 2003) and *Bedford West Stormwater Management Pre-Design Brief* (SGE Acres, March 2004) were submitted by Annapolis to the Province in support of this proposal.

The Municipality supports preservation of the dams and the introduction of flow control mechanisms which reduce flood risks and which further good stormwater management practices provided that lake levels are maintained within ranges needed to sustain recreation activities and maintain shoreline aesthetic. The Municipality also supports an ownership plan to ensure proper long term operation and maintenance of the dams.

Annapolis Group also had two further studies prepared in support of its development proposal: *Water Quality Assessment of Water Bodies Contained in the Bedford West Planning Area Using a Phosphorous Loading Model Approach* (Dalhousie University Centre for Water Resource Studies, April 2004) and *Bedford West Planning Area: Subwatershed Management Plan* (Jacques Whitford, May 2004).

The first study concluded that best management practices may be needed both during development and afterward to maintain a water quality in the lakes that is satisfactory for recreational activities. Leaching from septic fields from existing development in adjacent areas may also contribute to phosphorous loading and mitigative measures may be needed over the long term. The study recommended that a monitoring program be established on lakes throughout the watershed.

The Jacques Whitford study examined the characteristics of the watershed and the proposed development and prepared guidance for more detailed stormwater management plans.

## **Objectives:**

- ☐ to undertake storm water management planning on a watershed basis with community design based on natural drainage patterns;
- ☐ to prevent flooding of properties and safeguard flood plains;
- ☐ to preserve the water quality of lakes and rivers;
- ☐ to preserve groundwater flows;
- ☐ to support regional initiatives in solid waste recovery, Halifax Harbour remediation and watershed management.

## **Policy BW-1:**

**No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall:**

- (a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures;**
- (b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments;**
- (c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and**
- (d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.**

## **Policy BW-2:**

**No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.**

## **Policy BW-3:**

**A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall:**

- (a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-**

- construction phase);
- (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 physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted;
- (d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.

**Policy BW-4:**

Where the Community Council is satisfied that a development agreement application has been made for a development proposal which could not be reasonably expected to impact the quality of water within the Paper Mill Lake watershed, the requirements of policy BW-3 may be waived.

The Community Council shall seek the advice of the Bedford Watershed Advisory Board before granting any waiver.

**Policy BW-5:**

In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.

**Policy BW-6:**

No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.

**Policy BW-7:**

No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.

## **Preservation of Trees and Environmentally Significant Features:**

### **Objectives:**

- ☐ to identify, preserve and maintain significant environmental features;
- ☐ to protect riparian buffer areas around lakes and watercourses;
- ☐ to minimize site disturbance, maximize tree retention and to restore trees over area which have been disturbed by development activities

### **Policy BW-8:**

**No development agreement shall be entered into over lands on which trees have been removed except:**

- (a) as may be required for a bonafide land survey;**
- (b) to satisfy any provincial or federal requirements; or**
- (c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.**

### **Policy BW-9:**

**Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat 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.**

### **Policy BW-10:**

**Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.**

### **Policy BW-11:**

**A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.**

### **Policy BW-12:**

**Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.**

## **Policy BW-13:**

**The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.**

### **Municipal Services**

**The feasibility of servicing the Bedford West area was examined and compared to ten other potential development areas around the metropolitan area under the regional planning program. A study concluded that Bedford West was one of two study areas with minimal constraints to development and had low servicing costs per acre<sup>5</sup>.**

**Servicing costs were deemed low because there was already considerable infrastructure in the area which could be utilized for new development. The transmission main from the Pockwock Lake water supply to Halifax extends along Kearney Lake Road making a potable water supply readily available. Halifax Regional Water Commission had previously commissioned a study to determine infrastructure needed to service this area<sup>6</sup>.**

**Traffic from Bedford West is easily accessible to the Bicentennial Highway - a principle arterial road for the region - via interchanges at the Hammonds Plains Road and Kearney Lake Road and from a future interchange proposed with Larry Uteck Boulevard. Annapolis Group Ltd., the major land owner within the Bedford West study area, prepared a transportation plan which concluded that minimal investment in transportation infrastructure would be required by the Municipality to facilitate development of this area<sup>7</sup>. The study identified transportation upgrades needed and a phasing plan.**

**Through the regional planning program, the Municipality has sought to encourage alternative transportation modes to the automobile. Bedford West is well situated to integrate with regional transit and trail systems and consideration was given to how the community could be designed to take advantage of these attributes.**

**Bedford West could be connected to either the municipal sanitary collection sewer system which is discharged to Mill Cove treatment plant or to the system which will discharge to the new Halifax treatment plant. In both instances, sewage would have to be pumped to existing gravity mains in the Hammonds Plains Road (discharging to Mill Cove) or in Kearney Lake Road (Halifax system). Careful consideration was given to available capacities for new development when allocating sewage flow from Bedford West to each of these systems.**

**A development phasing plan has been developed which integrates various servicing needs and, in accordance with the Municipality's capital cost contribution policy, an infrastructure**

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<sup>5</sup> CBCL Ltd. & Marshall Macklin Monaghan. *Final Report: Greenfield Areas Servicing Analysis Report*. Prepared for Halifax Regional Municipality. July 2004.

<sup>6</sup> CBCL Ltd. *Birch Cove North/Bedford West Water Infrastructure Master Plan*. Prepared for Halifax Regional Water Commission. February 1999.

<sup>7</sup>MRC Delphi. *Bedford West Master Plan: Transportation Study*. February 2004.



charge area will be established under the subdivision by-law to recover the costs of infrastructure needed to accommodate new development.

**Objectives:**

- ☐ to ensure that the municipal servicing systems are designed to satisfy the ultimate demands anticipated from this community and that services are phased with development to provide satisfactory service levels at all times;
- ☐ to employ service standards that are economical and innovative, and that achieve municipal objectives and policies, including public safety, healthy lifestyles and environmental protection;
- ☐ to safeguard the capacity of the Halifax and Mill Cove sewage treatment plants;
- ☐ to facilitate the safe and convenient movement of pedestrians and cyclists within the community and to surrounding neighbourhoods;
- ☐ to allow for a convenient and cost efficient public transit system that can provide a high level of service to residents in the community and which can integrate with the regional public transit system;
- ☐ to encourage synergy between land uses, lifestyle needs and transportation modes;
- ☐ to minimize motor vehicle traffic impacts on the regional transportation system;
- ☐ to preclude excessive traffic levels in residential neighbourhoods;
- ☐ to allow for efficient access to places of commerce and employment in the community;
- ☐ to recover the cost of new infrastructure needed to service development within the secondary plan areas in accordance with the capital cost contribution policy adopted by the Municipality.

**Water and Sanitary Sewer Systems:**

**Policy BW-14:**

The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.

**Policy BW-15:**

The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35 persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses<sup>8</sup>.

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<sup>8</sup> For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.



#### **Policy BW-16:**

**Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions:**

- (a) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 7 and 8 as illustrated on schedule BW-7;**
- (b) For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and**
- (c) the temporary pumping station and forcemain, illustrated as APS (TEMP)@ and AFORCEMAIN (TEMP)@ on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4). This requirement may be waived if:**
  - (i) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and**
  - (ii) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.**

**In the event that any Sub-Area is not developed to the maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.**

#### **Transportation:**

#### **Policy BW-17:**

**A community street and trail system shall be developed in substantial conformity with the designations and alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied:**

- (a) the connector road from Kearney Lake Road to the Larry Uteck Drive interchange shall be designed with a right-of-way width sufficient to allow for two lanes of through traffic with turning lanes at intersections. Direct driveway access shall be restricted to commercial developments in the vicinity of the interchange and all other access shall be restricted to street intersections. The need for sidewalks will be determined at the time a street plan is submitted in association with a development agreement for Sub-Area 9 as illustrated on Schedule BW-6;**
- (b) the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments**

- comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted;
- (c) community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community; and
  - (d) phasing of transportation system upgrades shall be undertaken in accordance with the recommendations of the Transportation Plan (MRC Delphi, February 2004) unless otherwise agreed to by the Municipality and the Province.

**Policy BW-18:**

The Municipality shall prohibit motorized conveyances on all trails, except maintenance, emergency or patrol vehicles, and except electric wheelchairs or similar devices required for mobility by persons with disabilities.

**Policy BW-19:**

Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada=s AA New Vision for Urban Transportation@ or any other guidelines or policies acceptable to the Municipality. Consideration shall be given to the objectives and policies established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.

**Development Phasing and Cost Recovery**

**Policy BW-20:**

A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply:

- (a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems;
- (b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area;
- (c) no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon;

**Policy BW-21:**

In accordance with the provisions and requirements of the Municipality=s Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area

**governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.**

#### **Land Use**

**The following development guidelines are based on Schedule BW-6: Development Phasing.**

**The Community Concept Plan (Sub-Areas 2, 3, 4, 6, 7, and 8)**

**A Community Concept Plan has been prepared over lands owned by Annapolis Group Inc. - the major land owner within the master plan study area, as well as a 50 acre parcel owned by the Municipality adjacent to the Hammonds Plains Road/Bicentennial Highway interchange. The Plan, presented as Schedule BW-7, illustrates the main land use and transportation elements proposed.**

**The design principles incorporated into the plan are highlighted as follows:**

- ☐ **Lands needed for daily living activities - housing, shops, workplaces, schools, parks, and civic facilities - are integrated within the community;**
- ☐ **The community collector streets facilitate efficient public transit routes which can provide a high level of service to the residential neighbourhoods and activity centres within the community and which conveniently connect with the regional transit system;**
- ☐ **Lands bordering Kearney Lake and Kearney Lake Run which are valued by the community for their aesthetics and recreational potential have been reserved for public uses;**
- ☐ **A sidewalk and trail system extends throughout the community which connects residents to the park system, commercial and other activity centres, and a future regional trail system which would extend from Clayton Park to Jacks Lake;**
- ☐ **The street system has been designed to prevent external traffic from traveling on local streets while accommodating pedestrians and cyclists throughout the community;**
- ☐ **The residential neighbourhoods encompass lands of varying topography allowing for differing identities and a range of housing opportunities within each;**
- ☐ **Lands have been allocated for a mixed use business campus adjacent to the Hammonds Plains Road/Bicentennial Highway which can potentially provide employment opportunities for residents of Bedford West and the surrounding community without introducing additional traffic on local residential streets.**

**The Community Concept Plan provides guidance for the overall development of this community. More detailed objectives and policies for each element are presented in the following sections.**

#### **Policy BW-22:**

**The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the**

Province for a highway, then the lands may be used for development permitted within the abutting land use designation.

**Policy BW-23:**

To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Municipal Planning Strategy and Land Use By-law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.

If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved. (RC-May 20/14;E-Jun 14/14)

**Parks and Open Space**

The Open Space Designation encompasses lands around the major watercourses traversing the study area - Kearney Lake, Kearney Lake Run and Black Duck Brook - as well as smaller watercourses. These lands offer opportunities for recreational activities, environmental protection and preservation of areas which are highly valued for their aesthetics. Within these areas, paths for pedestrians and cyclists are proposed as well as facilities for passive recreational activities.

Areas for active playgrounds are more centrally located. Four sites have been reserved for schools along the community collector road where sports fields and playgrounds would be suitably located. Neighbourhood parks are to be integrated within residential areas.

**Policy BW-24:**

The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide:

- enhanced protection of environmentally sensitive site features;
- more opportunity for preservation of significant aesthetic features;
- more suitable lands for recreational uses; or
- a more functional trail system for pedestrians and cyclists.

The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-law requirements for parkland dedication.

**Policy BW-25:**

Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.

**Policy BW-26:**

No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.

**Policy BW-27:**

In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.

**Policy BW-28:**

The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.

**Policy BW-29:**

Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.

**Policy BW-30:**

Community parks are intended to be located on lands reserved for schools within the Institutional/Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.

**Residential Neighbourhoods**

The following objectives have been identified for residential development within this community:

- ☐ to plan neighbourhood development on a comprehensive basis;
- ☐ to support and integrate housing opportunities for a variety of income levels, lifestyles and age groups;
- ☐ to foster individual neighbourhood identities with attractive streetscapes and distinctive architectural and landscaping themes;
- ☐ to preserve natural drainage systems and areas of unique or sensitive terrain and vegetation and to encourage development designed to suit the natural terrain and reduce negative impacts on the natural environment;
- ☐ to provide attractive, comfortable and convenient routes for pedestrians and cyclists that connect with the community trail system, local commercial and community facilities and public transit stops;

- ☐ to provide neighbourhood parks at convenient locations that are comfortable, visible and conform with the principles of crime prevention through environmental design (CPTED);
- ☐ to encourage innovative design within clearly defined performance criterion;
- ☐ to provide an effective integration with established neighbourhoods and to provide for adequate buffers from abutting commercial and industrial developments.

**Policy BW-31:**

**The following matters shall be considered for all development agreement applications within a Residential Neighbourhood Designation shown on Schedule BW-7:**

- (a) the density of housing units shall not exceed six units per acre per Sub-Area except that if the maximum density permitted in one development Sub-Area is not achieved, the Municipality may consider transferring the difference between the maximum permitted and actual number of housing units to another development Sub-Area provided all policy criterion can be satisfied and the housing density does not exceed seven units per acre in any development Sub-Area;**
- (b) community facilities such as schools, churches and day care centres and businesses that provide goods and services at a neighbourhood level, such as convenience stores, may be permitted within a residential neighbourhood. Convenience stores shall be encouraged to locate at intersections with a Community Collector Street and at transit stops;**
- (c) sidewalks and pathways facilitate comfortable and convenient pedestrian travel to transit stops on the Community Collector Street System, the Community Trail System and to community services;**
- (d) the design of neighbourhood streets facilitate shared use by cyclists and encourage safe vehicular speeds and discourage short-cutting and excessive speeds by automobiles while enabling direct routes for pedestrians and cyclists;**
- (e) a variety of housing types is provided within each Sub-Area and distributed so as to avoid a congested appearance of streetscapes;**
- (f) the allocation of housing and the massing and placement of buildings contributes to a sense of community vitality, energy conservation, surveillance of public spaces and provides an effective integration with established neighbourhoods;**
- (g) building locations, height, scale, site and architectural design, landscaping, and streetscape elements reinforce the themes of neighbourhood identity, pedestrian safety and compatibility with the natural environment;**
- (h) single unit dwelling lots have a minimum street frontage of 40 feet, a minimum area of 4,000 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings;**
- (i) natural vegetation, landscaping or screening is employed around parking areas for institutional and multiple unit buildings to provide screening from streets and, for buildings containing forty-eight or more housing units, provision of underground parking or a structure allowing for stacked parking shall be a mandatory component of the on-site parking supply;**
- (j) Vegetation is maintained or landscaping measures, a fence or other physical barrier provided so as to provide a buffer between new developments and commercial or industrial developments which is effective in ensuring public safety and mitigating visual or noise impacts;**
- (k) all open space dedications proposed conform with the objectives and policies adopted**



- for open space under this secondary planning strategy and any administrative guidelines adopted by the Municipality; and
- (l) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

**Policy BW-31A (RC-May 20/14;E-Jun 14/14):**

Notwithstanding clause (h) of policy BW-31, within Sub-Areas 7 and 8 of Schedule BW-6, single unit dwelling lots may be permitted on lots with a minimum street frontage of 34 feet, a minimum area of 3,400 square feet, a minimum side yard of 4 feet, and a minimum separation of 12 feet between buildings provided that each dwelling contains on-site parking for two vehicles with one being an enclosed parking space within the dwelling and consideration is given to policy BW-23.

**The Community Commercial Centre**

The Community Centre Designation envisions a built form with a diverse range of commercial, civic and residential activities. The following objectives are intended:

- ☐ to provide a focus for pedestrian oriented community and commercial activities with the community;
- ☐ to create a built form reminiscent of a town square or main street;
- ☐ to foster activities for all ages and a wide range of lifestyles in a safe and secure environment;
- ☐ to encourage innovative design and comprehensive planning;
- ☐ to support public transit.

**Policy BW-32:**

A range of community commercial, higher density residential, institutional, and recreational uses may be permitted within the Community Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters:

- preference is given to limiting parking or loading areas between a building and the Kearney Lake Road or the Community Collector Road and any buildings with commercial occupancies should be located in close proximity to the street line;
- natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve;
- sidewalks and plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods;
- provisions are made for the storage of bicycles;
- exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment;
- the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets;
- the massing and height of buildings are consistent with and contribute to an pedestrian oriented environment;



- the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.

The need to provide for the needs of residents of Bedford West is key to the Commercial Designation, further to this; the need to provide for the sale of gasoline to residents of Bedford West has been identified.

**Policy BW-32A (RC-May 20/14;E-Jun 14/14):**

Within the Community Commercial area it shall be the intention to enable the sale of gasoline at gas bars located proximate to the commercial and transportation core of Bedford West. Further, the establishment of other Highway Commercial uses such as automotive service uses shall not be considered as they are more appropriate in the General Commercial area. Council may consider the establishment of design, architectural and aesthetic guidelines for gas bars within the Community Commercial area to ensure that gas bars are designed appropriately. Regulations shall be established through the Bedford Land Use By-law to limit the permitted location of gas bars as follows:

- i) Gas bars shall be permitted in Sub-Area 8;
- ii) Where permitted, gas bars shall be located within 180 metres (590 feet) of Kearney Lake Road and have driveway access to Kearney Lake Road or the community collector road; and
- iii) Within Sub-Area 8, gas bars shall be located to the north of the community collector road.

The Community Commercial Centre Designation might also be ideally located for public transit and park and ride facilities which could be utilized by residents of neighbouring subdivisions, such as Kingswood and Blue Mountain, where direct transit provision is not feasible.

**Policy BW-33:**

The Municipality may enter into an agreement to lease or purchase lands within the Community Commercial Centre Designation for public transit and park-and-ride facilities on either a temporary or permanent basis. Site preference will be given to lands directly abutting a Community Collector Road and from which access from Kearney Lake Road or the Community Collector Road could be conveniently and safely secured. Such facilities may include parking structures.

**Institutional**

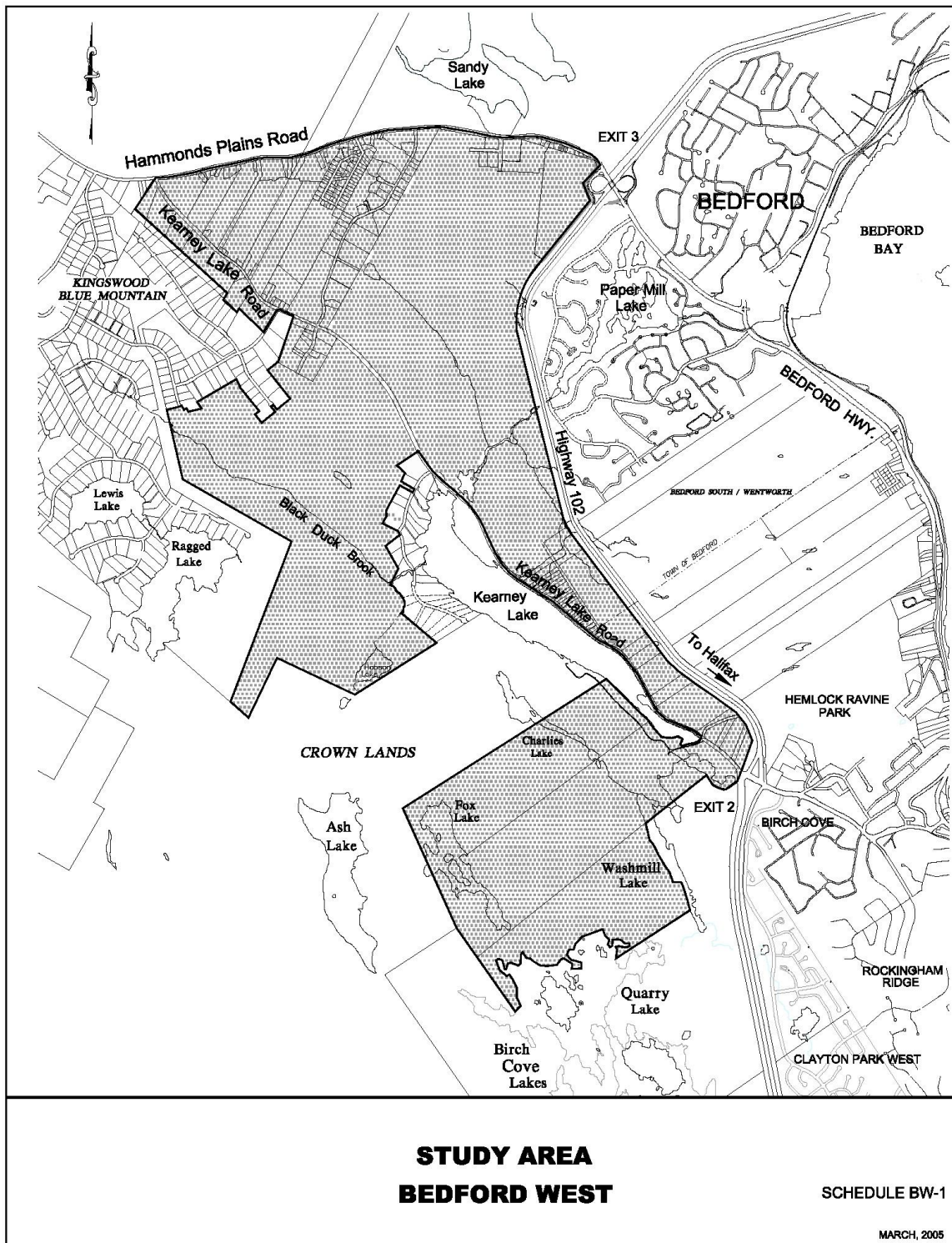
Sites have been reserved along the Community Collector Roads for schools or other civic buildings and parks. In the event that they are not needed for institutional purposes, the sites may be developed with residential uses.

**Policy BW-34:**

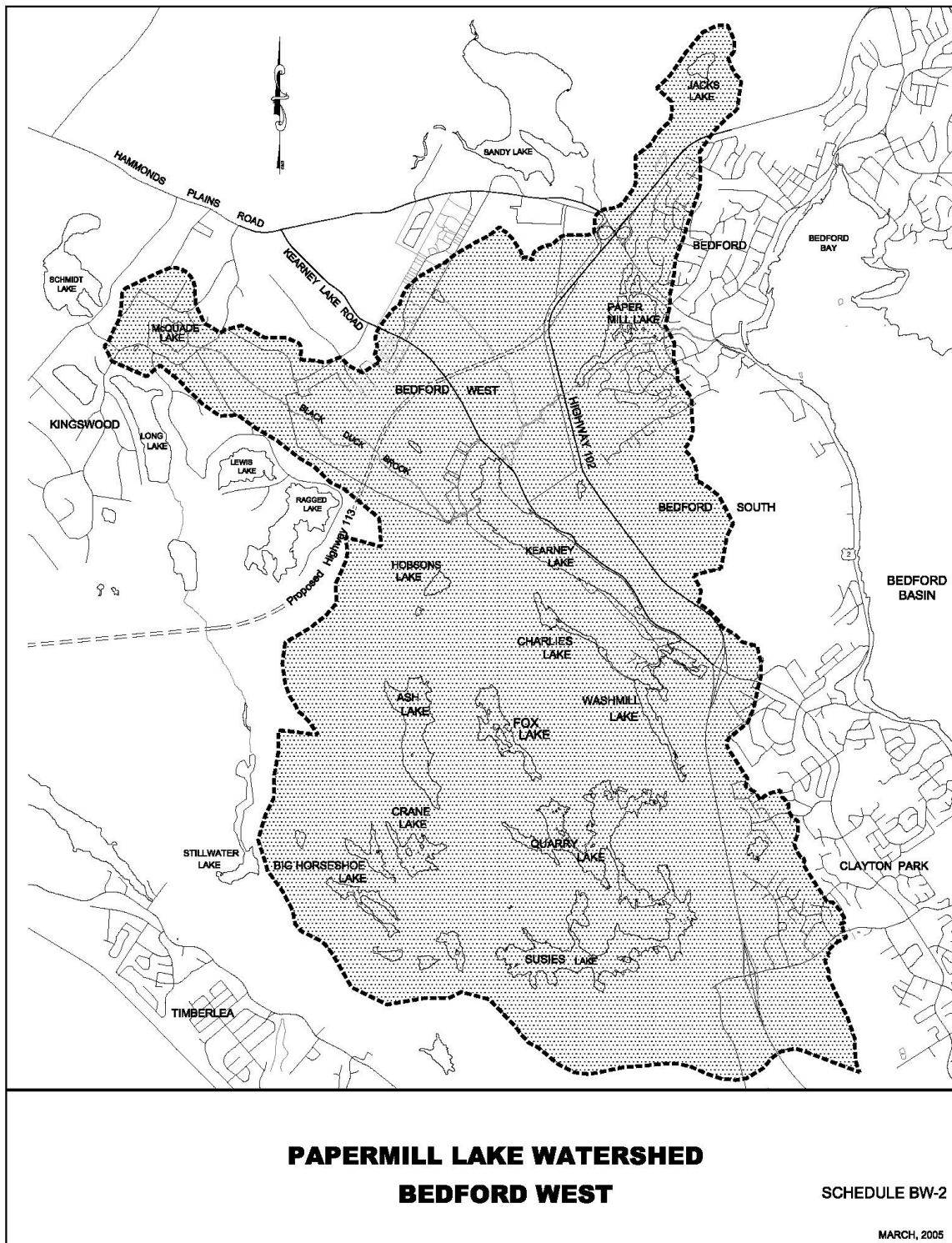
Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as libraries or churches, which could benefit from being located on

**a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-30 and BW-31. (RC-Jun 20/06;E-Jul 29/06)**

SCHEDULE BW-1: BEDFORD WEST STUDY AREA (RC-Jun 20/06;E-Jul 29/06)

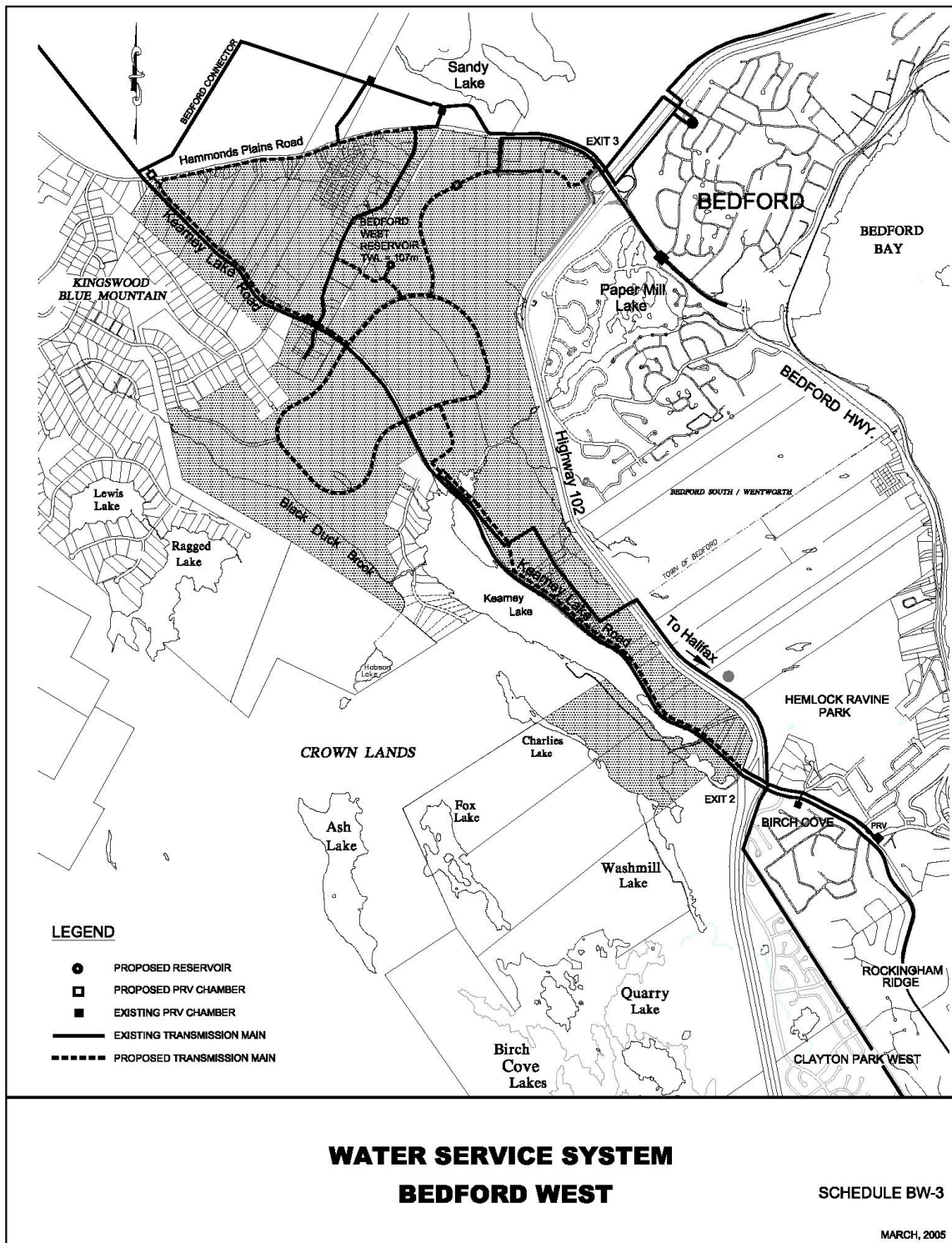


SCHEDULE BW-2: BEDFORD WEST PAPER MILL LAKE WATERSHED (RC-Jun 20/06;E-Jul 29/06)

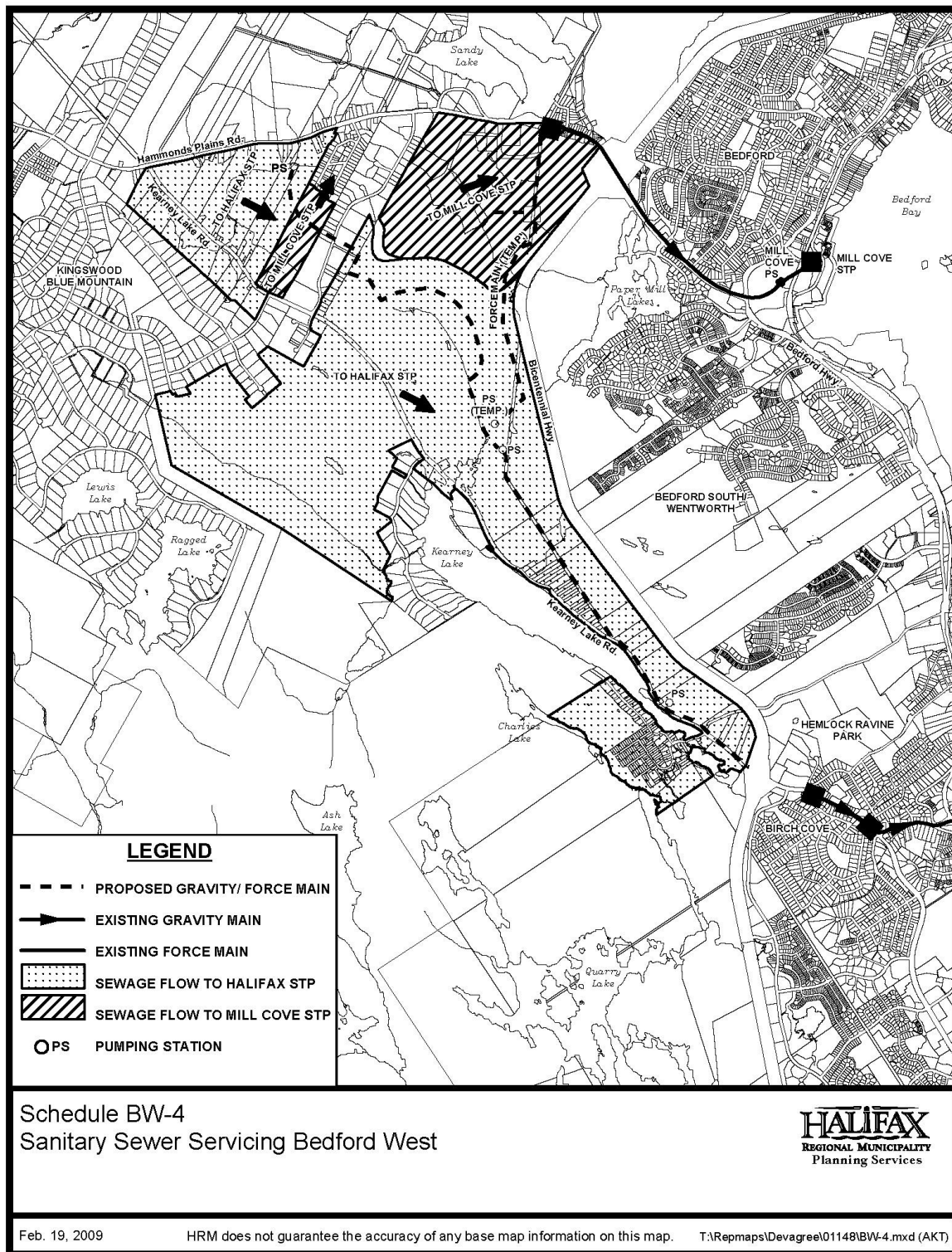




# SCHEDULE BW-3: BEDFORD WEST WATER SERVICE SYSTEM (RC-Jun 20/06;E-Jul 29/06)

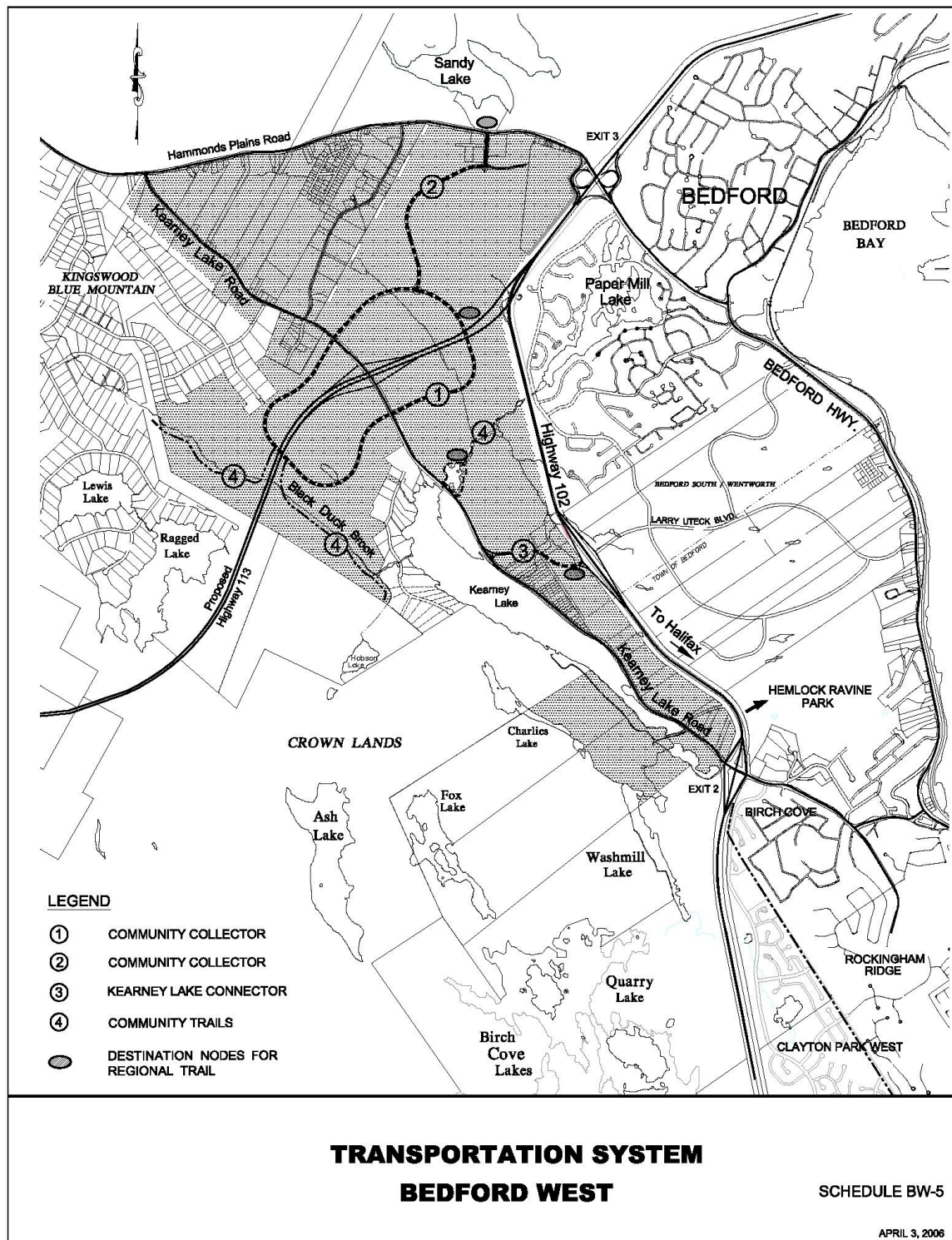


SCHEDULE BW-4: BEDFORD WEST SANITARY SEWER SERVICING (RC-Jun 20/06;E-Jul 29/06)



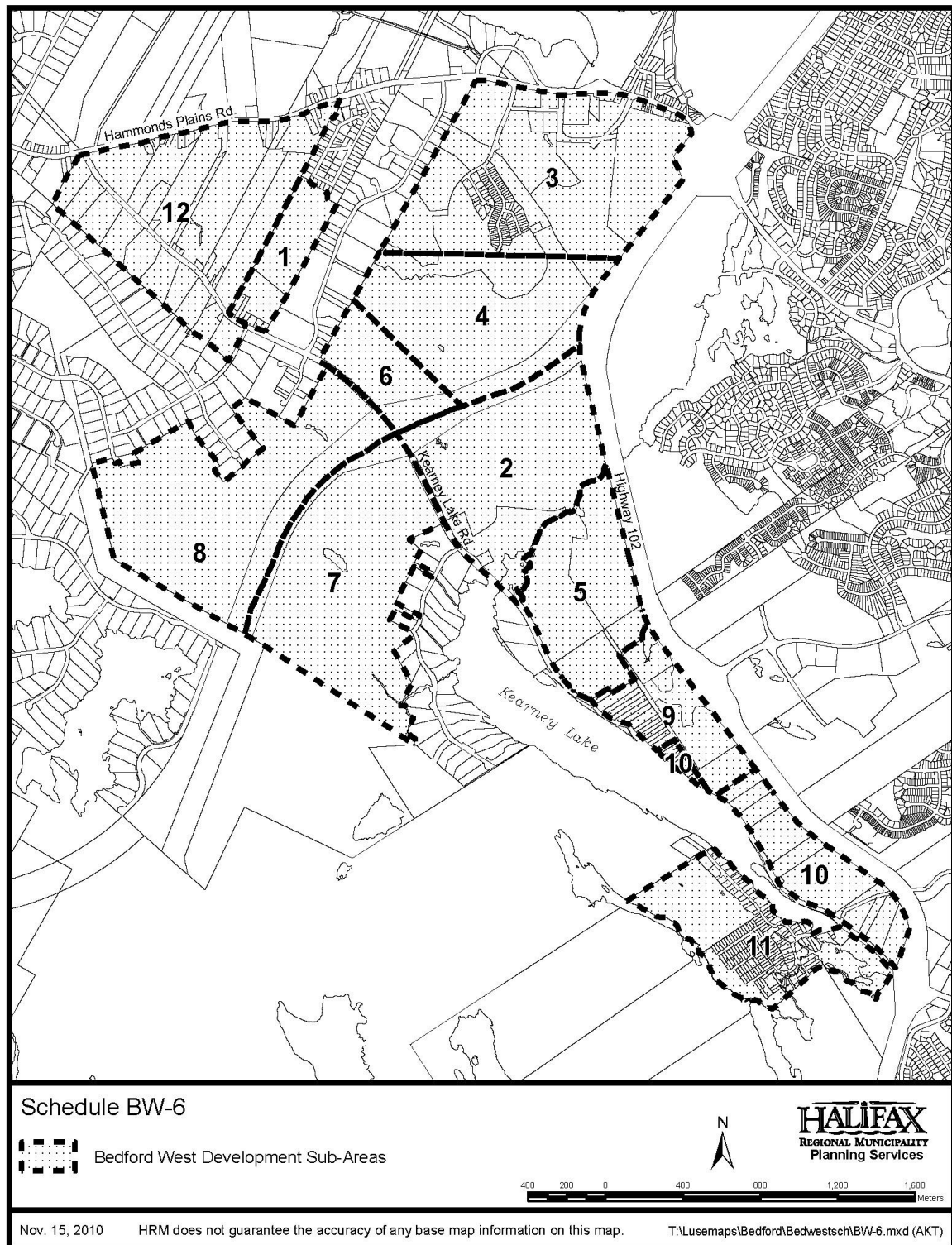


SCHEDULE BW-5: BEDFORD WEST TRANSPORTATION SYSTEM (RC-Jun 20/06;E-Jul 29/06)

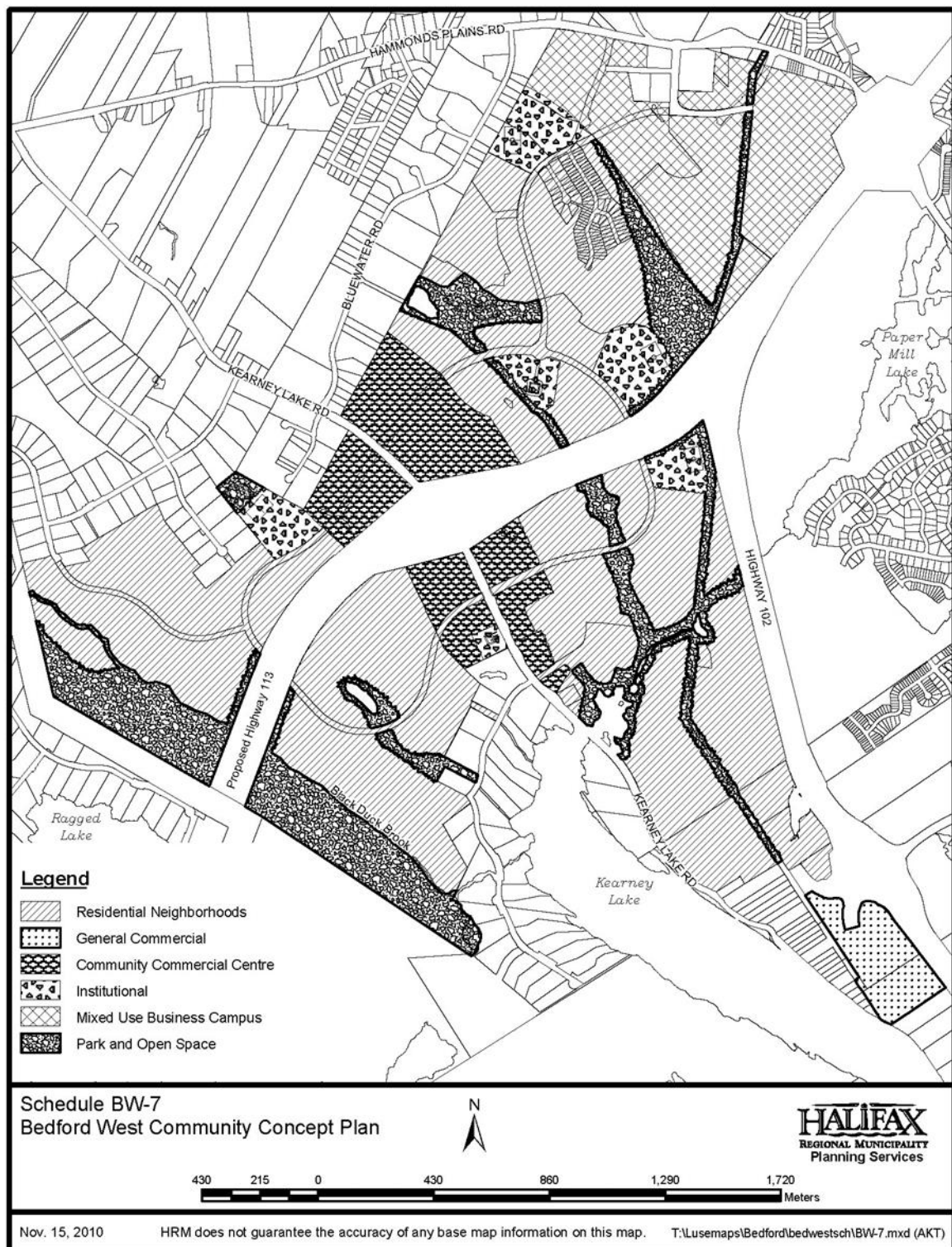




SCHEDULE BW-6: BEDFORD WEST DEVELOPMENT SUB-AREAS (RC-Jun 20/06;E-Jul 29/06) (RC-Mar 15/11;E-May 28/11)



**SCHEDULE BW-7: BEDFORD WEST COMMUNITY CONCEPT PLAN** (RC-Jun 20/06;E-Jul 29/06)





MAP 3: LANDS TO BE DESIGNATED BEDFORD WEST SECONDARY PLANNING STRATEGY



## UPPER HAMMONDS PLAINS DESIGNATION

The community of Upper Hammonds Plains is located within the Hammonds Plains area and includes lands along the Upper Hammonds Plains Road, located within the Upper Hammonds Plains Fire District, between Maplewood and the Pockwock Lake watershed lands. The Upper Hammonds Plains Designation includes the entire community of Upper Hammonds Plains. (See Section 1, Plan Area Profile, for a brief account of the history of the area.)

As with the Mixed Use Designations, this designation has a semi-rural environment characterized by low density residential development on relatively large lots, some traditional agriculture and forestry activities, a small number of service industrial operations, and a scrap yard. The church and community centre provide an important focus for community life. There is also a significant amount of undeveloped land. Unlike the Mixed Use Designations, however, there is no commercial development and there has been no extensive suburban-type residential subdivision activity within the community.

Historically, the community relied on activities related to the agricultural and the forestry resources, including farms, sawmills and barrel factories. Although at a much reduced scale, some local employment and income is still derived from the community's woodland and agricultural operations.

In the past, Upper Hammonds Plains has been somewhat isolated. This isolation is lessening as subdivision activity and outside development interests move closer to the community. There is a strongly expressed interest in protecting and improving the existing character of the community and a desire to provide improved housing, community services, and local employment opportunities for present and future generations.

### Land Use Policies

The community's priority and the focus of the designation are not the development of detailed land use regulation. The primary objectives are: to encourage and actively promote locally based labour intensive activities which create jobs for local residents; to provide a wide range of housing types, sizes, prices and tenure arrangements; and to provide adequate community services and facilities to keep existing residents and attract those who have left the community.

In keeping with these objectives, the designation permits a variety of uses which have traditionally occurred in the community as well as most uses which will provide job opportunities, housing or community services for its residents. All uses will be permitted in the designation except sanitary landfill sites and dumps **Construction and Demolition Materials Operations (RC-Sep 10/02;E-Nov 9/02)** which are not considered to be appropriate or suitable in any location in the community.

Certain uses will be considered through an amendment to the land use by-law or by development agreements in order to establish an increased level of control. These procedures will help to ensure that such uses make a positive contribution to the area rather than negatively affect its overall character.

Mobile Home Parks - There are no existing mobile home parks in the designation. However, mobile home parks have the potential to form an important component of the housing stock in the area provided that there is an adequate living environment for park residents and that the mobile home park makes a positive contribution to community development. Aspects of mobile home park

development which requires close attention involve the overall park design, sewer and water services, transportation concerns, and open space provisions as well as the provision of buffering to reduce the impact on the surrounding community. In keeping with the approach taken in the Mixed Use Designations (P-18 and P-19), such development will be permitted only by development agreement.

Commercial Entertainment Uses - Commercial entertainment uses such as taverns, night clubs and pool halls have the potential to significantly affect the existing character of the community and to have a detrimental impact on adjacent residential uses, if not suitably located. Therefore, such entertainment uses shall only be permitted by amendment to the land use by-law.

Larger Industrial Uses - Concern with larger industrial operations in excess of 10,000 square feet creates the necessity to establish a greater degree of control over such land uses. Therefore, they will only be considered through an amendment to the land use by-law. The amendment procedure will provide the opportunity to assess the impact of the proposed use on adjacent development, the environment and the transportation network.

Controls over the development details of certain other uses will be established through the use of performance standards in the land use by-law. These performance standards are intended to minimize potential conflict with adjacent land uses. They apply to livestock operations, auto salvage yards and industrial uses and include the use of setbacks from highways and watercourses, requirements for fencing or buffering of outdoor storage, and provisions for increased separation distances from adjacent dwellings and community facilities.

Livestock Operations - There are a number of expressed community concerns with respect to livestock operations. These relate primarily to health hazards and problems of smell, thus adversely affecting the enjoyment of neighbouring properties. Therefore, separation distances will be established for all new livestock operations as well as for the expansion of existing operations.

Salvage Yards - Salvage yards are recognized as legitimate operations providing employment and a necessary service. However, there are several concerns related to appearance, noise, traffic generation and environmental hazards associated with runoff. Performance standards will include the establishment of setbacks from highways and watercourses, separation distances from adjacent dwellings and the requirement for fencing of outdoor storage.

Industrial Uses Under 10,000 Square Feet - Smaller scale, locally based industrial uses are more likely to result in maximize benefits in local employment and complement the existing character of the community. Small and medium sized industrial operations under 10,000 square feet which are not obnoxious and relate primarily to warehousing, storage, light manufacturing, service uses and the forest resource will be permitted in the designation. Performance standards regulating outdoor storage will help to minimize any negative effects from such industrial operations.

P-42 It shall be the intention of Council to establish the Upper Hammonds Plains Community Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within this designation, it shall be the intention of Council to support measures to protect and improve the existing character of the community. In keeping with this intention, Council shall support the objectives of the community to encourage and promote locally based labour intensive developments; to encourage a wide range of housing types; and to provide improved community services and facilities.

- P-43 Within the Upper Hammonds Plains Community Designation, it shall be the intention of Council to establish a GU-1(General Use) Zone which permits all uses with the exception of mobile home parks; commercial entertainment uses, industrial uses in excess of 10,000 square feet, and sanitary landfill sites, **C&D Materials Operations, (RC-Sep 10/02;E-Nov 9/02)** and dumps. Performance standards to be applied to certain land uses include separation distances for livestock operations, as well as buffering, separation and outdoor storage requirements for auto salvage and industrial operations.
- P-44 Notwithstanding Policy P-43 within the Upper Hammonds Plains Community Development Designation, it shall be the intention of Council to consider permitting mobile home parks by development agreement and according to the provisions of the Municipal Government Act. In considering such agreements, Council shall have regard to the following:
- (a) the adequacy of proposed park services including sewer and water systems, recreation facilities, and street lighting;
  - (b) the ability of education facilities, protection services, and recreation facilities to adequately service the increased demands of the additional development or to respond with the provision of additional services;
  - (c) the provision of landscaping or buffering from adjacent land uses and the public road to which it has access;
  - (d) stormwater planning;
  - (e) the impact of the development on external traffic circulation patterns;
  - (f) park layout and design including the design of the internal road network and separation distances from maintenance buildings and sewage treatment plants;
  - (g) the location and level of treatment of the sewage treatment plant;
  - (h) the provisions of the Mobile Home Park By-law; and
  - (i) the provisions of Policy P-137.
- P-45 Notwithstanding Policy P-43, within the Upper Hammonds Plains Community Designation it shall be the intention of Council to consider permitting C-6 (Commercial entertainment uses by amendment to the schedules of the land use by-law to a commercial entertainment zone (Policy P-26) and with regard to the following:
- (a) the potential for adversely affecting adjacent residential and community facility development;
  - (b) the impact of the entertainment use on traffic circulation and in particular sighting distances and entrance and exit to the site;
  - (c) that the architectural design including its scale, exterior finish and signage, is in keeping with the surrounding area, as may be more particularly described in the Land Use By-law;
  - (d) proximity to a residential environment; and
  - (e) the provisions of Policy P-137.
- P-46 Notwithstanding Policy P-43, within the Upper Hammonds Plains Community Designation it shall be the intention of Council to consider permitting industrial uses in excess of 10,000 square feet by amendment to the schedules of the land use by-law to a I-1(Mixed Industrial) Zone (Policy P-28) and with regard to the following:

- (a) that the industry is not obnoxious and does not create a nuisance for adjacent residential or community facility development by either the nature or scale of the proposed industrial operation, and in particular by virtue of noise, dust or smell.
- (b) that the use can be serviced by an on-site sewage disposal system and does not involve the use of dangerous chemicals;
- (c) the impact of the industrial use on traffic circulation and in particular sighting distances and entrance and exit to the site; and
- (d) the provisions of Policy P-137.

As the community of Upper Hammonds Plains continues to grow and evolve, there may be a need to establish a more detailed system of land use control. In particular, some areas will develop a rural residential environment, characterized by contiguous low density residential development and the use of residential properties for small scale home business and resource activities. Any evolution to more strictly residential environments will be accommodated within the designation through the application of a rural residential zone with a more restrictive range of permitted uses than are found elsewhere within the community.

P-47 Within the Upper Hammonds Plains Community Designation, it shall be the intention of Council to consider applying a R-1 (Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13), by amendment to the schedules of the land use by-law and with regard to the following:

- (a) the provisions of Policy P-137;
- (b) the provisions of Policy P-13 where the proposed amendment is to a R-6 (Rural Residential) Zone; and
- (c) the lands to be rezoned contain a maximum of 20 lots per 4 year period shown on an approved tentative plan of subdivision.



## **HAMMONDS PLAINS COMMERCIAL DESIGNATION** (RC-Feb 9/10;E-Apr 3/10)

In 1991, the first phase of the Kingswood subdivision was approved, which included a new public street. The connection of this street (Kingswood Drive) to Hammonds Plains Road created a AT@ intersection.

Throughout the 1990s the Kingswood subdivision expanded, and a commercial strip mall was constructed at the southeastern corner of the AT@ intersection.

In 2005, the first phase of the Kingswood North subdivision was approved, which included three new public streets (Gatehouse Run, Majesty Court, and Tradewind Court). The connection of Gatehouse Run to Hammonds Plains Road converted the AT@ intersection to a four-way intersection, while the connection of Majesty Court to Hammonds Plains Road created another four-way intersection.

By 2009, nearly 1,500 lots had been created within Kingswood and the neighbouring subdivisions of Voyager Lakes, Blue Mountain, and Kingswood North, with certain subdivisions having the potential to expand further.

The amount of residential growth near the intersection of Hammonds Plains Road and Kingswood Drive/Gatehouse Run has created demand for commercial services, while the scattering of existing commercial services along Hammonds Plains Road has left the growing community without a commercial node.

To address the need for a commercial node in Hammonds Plains, the Hammonds Plains Commercial (HPC) Designation will be created. The HPC designation will create a new zone designed to encourage commercially focused development, and regulate site development through the Site Plan Approval process.

**P-47(a)** It shall be the intention of Council to establish the Hammonds Plains Commercial Designation as shown on the Generalized Future Land Use Maps (Map 1E). Within the designation, it shall be the intention of Council to encourage a commercially focused node that is comprehensive, cohesive, and designed to compliment the community. Commercial, institutional, residential, and public uses shall be considered through land use by-law requirements and the site plan approval process.

**P-47(b)** Within the Hammonds Plains Commercial Designation, it shall be the intention of Council to establish a Hammonds Plains Commercial (C-5) Zone. The zone shall permit commercial, institutional, residential and public uses, subject to appropriate land use by-law requirements, and site plan approval. To ensure development compliments the community and is built to reflect an integrated approach to design, building form, and site development, controls related to architecture, landscaping, driveway access, parking, bicycle parking, outdoor storage and display, signage, and accessory buildings shall be established in the land use by-law. In addition, controls shall be established to ensure service stations are secondary land uses within the C-5 Zone and compatible with development in the area. Further, where a service station is permitted on PID 41185133, a drive-up window may be permitted as an accessory function, provided appropriate controls are established in the C-5 Zone. Multi-unit residential of a limited density

shall be permitted within a commercial use building, provided commercial uses are the primary focus.

- P-47(c)** For lands zoned C-5, the Site Plan Approval notification distance required by the Halifax Regional Municipality Charter shall be expanded through the land use by-law.
- P-47(d)** It shall be the intention of Council to support the creation of a public corridor between the Uplands Park subdivision (in the area of Woodlyn Drive and Belmont Avenue) and Kingswood Drive by establishing specific site plan approval criteria.@

## RURAL RESOURCE DESIGNATION

The Rural Resource Designation has generally been applied to the backlands within each of the three polling districts of the Plan Area. The area covered by the designation is primarily forested, interspersed with numerous lakes and streams. These largely undeveloped lands, which for the most part have no access to public roads, strongly contribute to the rural nature of the Plan Area. A network of private woods roads crosses large portions of the designation.

The forests are the most important natural resource in the designation. The forested land contributes a valuable resource to local lumber companies and wood fuel businesses, as well as to major pulp companies in the province.

In addition to the forestry resource, aggregate deposits contribute to the resource base of the designation. These aggregates have an important role to play in supplying building materials for the metropolitan region. A number of shale and gravel pits are located in this area. It is probable that, given the geology of the area, extractive activity will continue and increase in the future.

Agricultural activity is minimal and is not expected to significantly increase in the future.

Lands within the designation can also be considered as a high quality resource area in terms of recreation and open space potential. It is this open space aspect of the designation which contributes so significantly to the rural nature of the Plan Area and which is highly valued by both residents of the Plan Area and the larger region.

With the exception of a limited number of isolated hunting and fishing camps, the Rural Resource Designation does not include any lands developed for residential purposes. Any new development has the potential to significantly affect the highly valued characteristics of the area and, with its numerous lakes and streams, to create an environmentally sensitive situation. Therefore, all development will be encouraged to proceed in an environmentally sensitive manner, subject to the regulations and guidelines of all applicable departments and agencies.

### Land Use Policies

The first priority of the Rural Resource Designation is to encourage and support resource development and resource-based economic growth. Industrial development related to the natural resources will be permitted within the designation. Resource-related uses include operations such as sawmills and related forest industries, gravel pits, quarries and crushers, kennels, greenhouses and intensive agriculture operations.

The support for resource-related development in the designation is matched by support for measures to provide a high degree of environmental protection. A minimum separation distance between industrial operations and adjacent watercourses shall be established in the land use by-law. Enforcement of existing provincial and federal regulations related to environmental protection are also encouraged and fully supported.

In addition to environmental concerns, there is concern that a buffer be established between industrial development in the Rural Resource Designation and residential development in the abutting designations.

This concern is addressed through the establishment of separation distance requirements in the land use by-law between non-residential development in the Rural Resource Designation and residential (R-1 and R-6) zones in the abutting designations. As a further measure to protect residential development from negative impacts associated with resource industries, access to industrial operations will not be permitted through residential zones, except where no other access can be granted by the Department of Transportation.

In terms of extractive operations, the Municipal Government Act gives the Municipality very little control over activities fundamental to pit and quarry operations. However, structures related to rock crushers and bulk storage of aggregates and minerals are not regarded as fundamental to actual extraction.

Although there are no rock crushers operating on a regular or permanent basis in the Plan Area, the development of rock crushing operations is a real possibility, given the area's geology, particularly the widespread occurrence of quartzite. The characteristics of this bedrock are particularly suitable for aggregate extraction.

This designation gives a high priority to the development of local natural resources. However, there are concerns with possible damage to the natural environment, especially the water system, and of negative impacts on adjacent communities presented by the establishment of a rock crushing operation. In the case of land adjacent to the regional landfill site, an additional concern regarding the effects of blasting on leachate must be weighed against locational and natural resource features which make these lands suitable for extractive facilities.

Given community concerns and potentially harmful effects resulting from extractive operations, facilities related to such operations shall be subject to the greater level of control which is provided through the development agreement mechanism. Such controls will address specific locational and design details in order to minimize potential land use conflicts and environmental hazards.

Operators of asphalt and concrete plants may wish to locate in conjunction with extractive facilities, due to the availability of the resources used in these manufacturing processes. As such, they will also be considered within the Rural Resource Designation through the development agreement mechanism.

In addition to the requirement for a development agreement, the Department of the Environment possesses additional expertise and jurisdiction which can provide safeguards from extractive facilities. The proposed pit and quarry regulations contain provisions for rehabilitation and controls over environmental contamination. Provincial enactment of these proposed regulations would help to ensure that such extractive operations are operated in an environmentally sound manner. Requiring that industrial waste permits be issued by the Department of the Environment for all extractive operations would help to ensure the Department's involvement in protecting environmental interests. This provincial involvement, through the permit system, is an appropriate additional measure to address concerns with the effects of blasting on leachate at the landfill site.

The Municipality would also benefit from Provincial land use policies that provide guidance and protection for this resource, that is, knowing where the high quality deposits are located within the Plan Area so that controls could be placed around these areas to protect both the excavation operation and surrounding development. To this end, it is the intention of Council to request that the Province identify areas of high quality gravel and other deposits and to enact statements of Provincial interest to protect them.

Environmental issues are concerns in pit and quarry operations in terms of erosion, sedimentation, dust and acid run-off. The Province requires that those pits and quarries larger than four (4) hectares undergo an environmental impact assessment. An environmental impact assessment could be required for pits and quarries smaller than four (4) hectares at the Minister's discretion. Given this discretionary ability, it is recognized that even pits and quarries smaller than four (4) hectares could have an impact on the environment. In addition, acid run-off is a significant concern to well water, the watershed and the surrounding environment. To this end, it is the intention of Council to request that the Province identify areas underlain with acid-producing slates within the Plan Area and require that an environmental impact assessment be completed for all pits and quarries underlain with these slates.

In addition to municipal involvement through land use by-laws, municipal Topsoil, Excavation and Blasting By-laws require permits for most instances of excavation activity. Conditions under which these permits will be issued include a range of terms addressing days and hours of operation, disposal of waste material, separation distances, site rehabilitation and performance bonds. These By-laws are intended to mitigate potential negative impacts such as noise, blasting, vibration and other public safety concerns.

However, there have been difficulties with enforcement of the by-laws. In many cases, the fact that a pit even exists is made known only upon complaint. Municipal requirements often are applied after some negative effects have already resulted. Limited staff resources and modest penalty provisions contribute to enforcement problems. Improved enforcement is necessary if these by-laws are to have the desired effect.

Recreation uses, parks and open space uses are compatible with resource activity and are supported by the high recreation potential in the designation. Recreation uses, excluding commercial recreation uses such as commercial campgrounds, golf courses and amusement centres, shall be permitted by right in the designation. (See Policy P-56 with regard to commercial recreation uses.)

As was previously mentioned, there is very limited residential development in the Designation, largely because the area is not accessible from public roads. However, given the proximity of the Plan Area to growing urban areas, it is probable that, over time, residential subdivision activity which is occurring in the Mixed Use and Residential Designations will expand into the Rural Resource Designation. Should residential development occur, it shall proceed at a maximum rate of 20 lots per 4 year period. Subdivisions of a greater size would require a rezoning to a CDD Zone to control the phasing of the lots in accordance with the availability of schools, roads and other services.

Single unit dwellings and mobile dwellings shall be permitted, although on larger lots than required for residential areas. The larger minimum lot size requirement is in keeping with existing parcels in the designation, the majority of which are in excess of 100 acres. This increased minimum lot size also serves to promote and protect the valued rural aspects of the area. It will aid in creating compatibility between resource and residential development and recognizes the first priority of the area as resource development.

P-48 It shall be the intention of Council to establish the Rural Resource Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within the designation, it shall be the intention of Council to recognize the area as a priority for resource development. The designation shall encourage and support resource

development, resource based economic growth and recreation uses while supporting measures to protect the natural environment.

- P-49 Within the Rural Resource Designation, it shall be the intention of Council to establish a MR-1 (Mixed Resource) Zone which permits continued resource use, resource industries, recreation uses, and communication transmission stations, and reflects the intent of the designation in ensuring low density development by permitting development of single unit dwellings, mobile dwellings and business activities in association with residential uses on lots which have a minimum area of eighty thousand (80,000) square feet. Further, it shall be the intention of Council that separation distances from industrial development in a MR-1 (Mixed Resource) Zone to abutting R-1 (Single Unit Dwelling) or R-6 (Rural Residential) Zones be established, that a visual and physical buffer be provided within the required separation distance, and that access through R-1 (Single Unit Dwelling) Zone be restricted except where no other access can be granted by the Department of Transportation or Halifax Regional Municipality.
- P-50 Notwithstanding Policy P-49, it shall be the intention of Council to consider permitting new or expanded facilities associated with extractive operations, as well as asphalt and concrete plants within the Rural Resource Designation, by development agreement and according to the provisions of the Municipal Government Act and having regard for the considerations listed in Policy P-31.
- P-51 It shall be the intention of Council to request the Province to adopt the Department of the Environment proposed Regulations Regarding Pits and Quarries and to take the necessary steps to ensure that an industrial waste permit be required for all extractive facilities. In addition, it shall be the intention of Council to take the necessary steps to improve enforcement of the existing municipal Excavation, Topsoil, and Blasting By-laws.
- P-52 It shall be the intention of Council to request that the Province identify areas of high quality gravel and other deposits in order to assist the Municipality to develop policies respecting extractive resources and the location of pits and quarries. Further, it shall be the intention of Council to request that the Province enact Provincial land use policies to protect these identified extractive resources.
- P-53 It shall be the intention of Council to request that the Province identify areas underlain with acid-producing slates within the Plan Area and require that an environmental impact assessment be completed for all pits and quarries underlain with these slates.

Although it is not the intention to promote non-resource based industry in the Rural Resource Designation, it is recognized that given fewer residential pressures in this area, there may be locations which can be developed for industrial uses without the creation of significant land use conflicts. Also, non-resource based industrial operations may be attracted by resource industries. Although some light industrial development will be permitted within the designation, it is considered a secondary priority.

As with resource industries, there is concern that industrial development be located so that its impact on development in abutting designations is minimized. Due to the absence of good road access into the designation these locations will be few in number. As with the mixed use designations, industrial uses requiring process water treatment are felt to be more appropriate in fully serviced industrial parks. Therefore, only those industrial uses which can be serviced with an



on-site sewage disposal system may be considered in the designation. In addition, no operations involving the use of dangerous chemicals shall be permitted.

P-54 Notwithstanding the provisions of Policy P-49, it shall be the intention of Council to consider permitting non-resource related light and service industrial uses within the Rural Resource Designation, by amendment to the schedules of the land use by-law to a I-1 (Mixed Industrial) Zone (Policy P-28) subject to the following considerations:

- (a) that the industrial operation shall not require access through a residential (R-1) zone;
- (b) the potential for adversely affecting adjacent development by either the nature or scale of the proposed industrial operation;
- (c) that the use can be treated with an on-site sewage disposal system and does not involve the use of dangerous chemicals;
- (d) the impact of the use on traffic volume and a change in the type of vehicles using the access road to the proposed site;
- (e) consideration of the compatibility and potential linkage of the proposed development with resource activities in the designation; and
- (f) the provisions of Policy P-137.

By specifying that industrial development not require access through residential zones, heavy truck traffic on local streets will be controlled. Although not a problem at present, due to the limited amount of residential zoning, increases in this zoning over time could result in problems of access to highways and a reduction in the potential for industrial development in resource areas. This situation should be monitored to ensure that suitable access is maintained, especially in the area to the west of Middle Beaver Bank. Future collector roads or additional interchanges may provide sufficient access, eliminating this need to ensure access to existing collector highways. (See Transportation and Utilities).

P-55 It shall be the intention of Council, during the plan review process, to evaluate the extent of residential zoning along the main highways. The purpose of this evaluation is to assess the effect of such zoning on the potential for industrial development in the Rural Resource Designation, as a result of controls on access through residential zones. Further, it shall be the intention of Council to monitor this situation prior to the plan review process.

Commercial recreation uses such as campgrounds, golf courses and amusement parks may be considered within the designation by development agreement. Such uses may have significant environmental effects, resulting from the use of private sewage treatment plants. The influx of people from such an operation and associated noise, traffic, and garbage may also have a significant impact in this designation. Measures will be taken to ensure that developments are designed, constructed and operated in a manner which is compatible with the rural nature of the area and with a minimum of environmental degradation.

P-56 Notwithstanding Policy P-49, within the Rural Resource Designation, it shall be the intention of Council to consider permitting commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act and having regard to the following:

- (a) the potential impact of the proposed development on the environment and in particular, potential effects on watercourses;



- (b) the potential for adversely affecting adjacent development by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the layout and design of the facility;
- (d) general maintenance of the facility;
- (e) the location and level of treatment of any proposed sewage treatment plant;
- (f) the requirement for any applicable provincial approvals;
- (g) hours of operation; and
- (h) the provisions of Policy P-137.

It is recognized that there may be future pressures for continued residential development within the Rural Resource Designation, as subdivisions in the Residential and Mixed Use Designations extend toward the abutting Rural Resource Designation. In recognition of this potential pressure, provisions will be made for residential development on smaller lots evaluated through the rezoning process subject to the requirements of the Subdivision By-law, in particular, a maximum rate of 20 lots per 4 year period. This evaluation will be made within the overall context of the designation to encourage and support resource development and maintain its valued rural character. Therefore, there is a need to assess the potential effects of significant residential development, especially with regard to effects on community form, resource activity, the transportation network and environmental concerns.

A requirement that any parcel to be rezoned contain a minimum of ten acres will help to prevent small scattered residential pockets in the resource area. It is hoped that by concentrating areas where residential development can occur on smaller lots, impediments to resource activities and overall effects on this undeveloped area will be reduced. No parcels will be precluded from consideration, since all existing parcels are in excess of ten acres.

Transportation concerns centre on how well any proposed road network co-ordinates with the existing road system as well as the impact of the proposed development on existing collector highways, their capacities and constraints. (See Transportation and Utilities). Environmental concerns in these undeveloped areas relate to the suitability of the entire development parcel for on-site sewage disposal, as well as the quality and quantity of groundwater, and the adequacy of storm drainage plans to reduce negative impacts on the natural drainage system.

P-57 Notwithstanding Policy P-49, it shall be the intention of Council, to consider permitting residential development within the Rural Resource Designation on lots which have an area of less than eighty thousand (80,000) square feet, through application of a residential zone (Policies P-34 and P-13). In considering an amendment to the land use by-law to an R-1 or R-6 Zone, Council shall have regard to the following:

- (a) the potential effects of the development proposal on community services such as fire, police, recreation and education;
- (b) the effect of the proposed development on existing and potential resource development;
- (c) the proposed road network in terms of co-ordination with the existing road network and impact on the capacity of existing collector highways;
- (d) environmental considerations including an overall report from the Department of Health assessing the suitability of the entire parcel for on-site sewage disposal systems;
- (e) comments from the Department of the Environment on the quality and quantity of groundwater; and an evaluation of the adequacy of storm drainage plans;

- (f) the area to be rezoned shall either contain a minimum of ten (10) acres or, if less than ten (10) acres, shall be a lot in existence on the effective date of this Strategy; and
- (g) the provisions of Policy P-137.

## WATERSHED DESIGNATION

The protection of the watershed is a matter of regional importance. The Pockwock water transmission and distribution system, owned by the Halifax Regional Water Commission, serves the former City of Halifax, Town of Bedford, Sackville, Waverley/Windsor Junction, and Lakeside/Timberlea.

The Pockwock Lake watershed lands were acquired by the Province of Nova Scotia in the early 1970s. They have been managed since 1976-77 by a Watershed Management Committee consisting of members from the Nova Scotia Department of the Environment, Department of Natural Resources and the Halifax Regional Water Commission. In December 1994, the Pockwock Watershed was designated as a Protected area under the Provincial Environment Act.

Within the Pockwock watershed, forestry operations are carried out under a management agreement in conformity with watershed management plans prepared by the Department of Natural Resources in consultation with the Halifax Regional Water Commission. Overly mature trees have a more detrimental effect in terms of watershed protection than selective cutting, which helps ensure the health of the forests. Therefore, forestry activity is considered as necessary for good management of the watershed and will be considered as a necessary watershed management use. All work is carried out to ensure that forest activities enhance the ability of the watershed to produce the highest quality water for potable water production.

At present, the Public Service Commission obtains all of its water directly from Pockwock Lake. However, Tomahawk Lake, to the south, has been identified as an additional source. As the long term capacity of Pockwock Lake is approached, water would be pumped from Tomahawk Lake into Pockwock. The Strategy supports the Tomahawk Lake watershed as a public watershed area in recognition of long term plans to use the lake as a supplementary supply.

The majority of the Tomahawk watershed is owned by the Halifax Regional Water Commission and includes all lands with lakeshore frontage on Tomahawk Lake. There is less interest in acquiring the three non-waterfront properties within the watershed, and it is possible that these lands may remain in private ownership. These lands are undeveloped and fairly inaccessible and are used primarily for wood lot purposes.

It is important to ensure that although reasonable use is permitted of watershed lands, they should be used in a manner which will not threaten water quality. Limited residential development will be permitted within the Watershed Designation subject to zone requirements established to ensure that water quality is protected.

- P-58 In recognition of the importance of protecting the Pockwock Lake potable water supply, it shall be the intention of Council to establish the Watershed Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E).
- P-59 Within the Watershed Designation, it shall be the intention of Council to create a P-4 (Conservation) Zone which permits water distribution uses and resource uses compatible with watershed management. It shall also provide for limited residential development on lots which have a minimum area of 80,000 square feet. Further, the land use by-law shall provide that no dwelling shall be located within one hundred (100) feet of any watercourse or within two hundred and fifty (250) feet of Tomahawk Lake, Beaver Lake or Pockwock Lake.

## The "Melvin Tract"

A large landholding within the Tomahawk Lake watershed, known as the 'Melvin Tract', is owned by the community of Upper Hammonds Plains and overseen by the Melvin Land Tract Protection Society. This parcel consists of approximately one thousand acres and was granted to the community's first settlers by the King of England in the early 1800s. These lands have traditionally been used for woodlot purposes by community residents and are viewed as an important community resource. Because the 'Melvin Tract' has no frontage on Tomahawk Lake, the Halifax Regional Water Commission has minimal interest to pursue acquisition of this parcel, except for a wetland area south of Beaver Lake.

There are several problems which have the potential to interfere with the use of this parcel for community benefit. There is no access to this land from the public road system, although there are woods roads which have traditionally been used by the community. In addition, this parcel has not been surveyed since it was originally granted. Therefore, accurate boundary surveys are needed, but costs associated with such a survey are considered prohibitive.

The most recent problem relates to the Tract's location in the Tomahawk Lake watershed and the implications this has in terms of land use restrictions. However, the acquisition plans of the Public Service Commission do not appear to be a factor in traditional community use of these lands for woodlot purposes, due to the Public Service Commission's expressed intention not to pursue the acquisition of these lands unless the community is interested in selling.

There are two options which have been identified as possible solutions to the problems described above. The first option relates to developing the land for its forestry resource. Financial and technical assistance can be obtained through the Department of Natural Resources under its Forest Management Plan program, which includes financial assistance for boundary line surveys, as well as funds to employ workers in silviculture. In addition, woods roads construction costs may also be funded.

This program could be useful in providing a long term solution to protecting and utilizing the Melvin Lands while creating local employment and upgrading the value of the forest resource. A critical positive factor relates to the compatibility of forestry activities with watershed management.

A second option available to the community is a property exchange with the Department of Natural Resources. This provincial department has a policy of considering exchanges of crown and private lands when such a trade serves to benefit an identified community interest. Under such an arrangement, the Province would be in a position to facilitate acquisition of the Tomahawk Lake watershed. This option would require that a suitable alternative crown land parcel could be identified which would be acceptable to the residents of Upper Hammonds Plains and the Melvin Land Tract Protection Society.

P-60 It shall be the intention of Council, in consultation with the community of Upper Hammonds Plains and the Department of Natural Resources, to provide support in identifying measures to resolve problems which exist with the community use of the Melvin Tract Lands. In particular, Council shall assist the community in investigating the establishment of a Forest Management Plan for these lands or a crown land transfer to obtain community land outside of the Tomahawk Lake watershed.

## FORMER REGIONAL SANITARY LANDFILL SITE DESIGNATION

The former Highway 101 Sanitary Landfill Site Designation is located in Upper Sackville to the west of the limited access Highway No. 101 and extends back from the highway to the Sackville River. The site contains approximately 330 acres, 80 of which were actually used for landfill use. Operations began in November, 1977 and ceased December 31, 1996. At the time the site was originally selected, its life expectancy was estimated to be 10 - 12 years. The sanitary landfill is now located outside the Plan Area at Otter Lake.

The regional landfill operation was owned and operated by the Province, managed by the Metropolitan Authority and served the cities of Dartmouth and Halifax, the town of Bedford, and most of the Municipality. Members of the Upper Sackville community were involved in serving a "watchdog role in the site's management.

Problems for residents living in proximity to the former landfill site are primarily related to odour, resulting from leachate produced by decomposing garbage. After approximately seven years of operation, the Metropolitan Authority began to investigate responses to the problem. As a result, a major treatment facility was constructed to handle the leachate. This treatment was expected to alleviate most odour problems.

The recreation potential of a completed landfill site was extensively promoted in the process of selecting the Highway 101 site. There was some initial investigation of this option, with identification of the eventual use of the site as a golf course. However, the possibility of recreational reuse has not been actively pursued.

In the past, the issue of life expectancy, as well as jurisdiction and ownership problems have made it difficult to prepare for the conversion of the site to recreation use. The Province owns the site, but has no commitment to financing or operating a future recreation facility. A "right of first refusal granted to the previous owner of the site may affect its future sale upon completion of the landfill. However, the Province has indicated a willingness to overcome this obstacle. One option is negotiation of a long term lease of the property for purposes of operating a recreation facility.

The Metropolitan Authority was not empowered to develop and operate recreational facilities. However, as the former manager of the site, it had an interest and a key role to play in preparing for an identified future use by its day-to-day filling and grading to produce appropriate final contours.

Previously, the lack of a firm life expectancy and unclear responsibility for operation of a future recreation facility were the main stumbling blocks to conversion of the site once it had ceased operation as a landfill. In addition, the physical instability of the land for many years subsequent to a landfill operation severely limits the range of facilities which may be reasonably considered.

### Land Use Policies

From a municipal and regional perspective, the landfill site was an extremely valuable resource. From the local perspective of Upper Sackville residents, it was a serious liability. The issues identified with regard to the ongoing landfill operation were two-fold. Firstly, to encourage measures to control and reduce negative external effects of the existing operation. This involved four specific areas of concern: leachate treatment and the adequacy of that treatment over the life of the site; day-to-day operation in an environmentally sound manner and in conformity with

current environmental standards; effective resident participation incorporated into the management structure of the landfill site; and hours of operation, which led to the use of nearby woods roads as garbage dumps.

The second issue surrounding the landfill is to facilitate a decision-making process which contributed to its eventual use as a high quality regional recreational facility. There is an expressed community interest in making progress on the design and development of this facility. In spite of the major stumbling blocks discussed previously, positive steps are currently being taken. As the former manager of the facility, the Metropolitan Authority has been requested by Municipal Council to carry out an engineering study to produce a contour design for a recreation facility, and terms of reference are being prepared for the study. It is intended that the design will include a golf course while exploring other possible recreation uses such as a mini ski hill and soccer fields. It is intended that the engineering study will be carried out in consultation with interested community groups.

The study is intended to address the necessary contouring work to be carried out incrementally as portions of the site became available. In addition, it will include a phasing plan, addressing the potential for developing portions of the site for identified recreation uses while the landfill operation was ongoing. In order to maintain the original contour design as the site settles, the study must address subsequent work related to maintenance, reconstruction, and reseeded. It was intended that responsibility for this work will be assigned to the operating staff of the facility.

The financial implications to complete and operate the recommended recreation facility should also be included in the terms of reference for the study. It is hoped that this financial analysis will provide useful and necessary information to assist the department, group, or agency which accepts responsibility for managing a recreation facility in Upper Sackville.

To assure the community of Sackville that the landfill in its community closed, the former Halifax County and Metro Authority entered into an agreement that required compensation be paid to the community if the landfill site was not closed by December 31, 1996. The agreement also specified that neither the County nor the Metropolitan Authority would select or authorize the selection of any site, including the former landfill site, for the operation of a new solid waste landfill within the boundaries of the community of Sackville unless such a site was proposed by the Sackville Community Council. Upon both parties signing the agreement, the former Sackville Community Council passed a resolution, dated December 13, 1994, that no future landfill would be considered in the Upper Sackville area without the approval of the majority of the residents within a 3.5 km radius from the perimeter of the site.

P-61 It shall be the intention of Council to establish the Former Regional Sanitary Landfill Site Designation, as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within the designation, it shall be the intention of Council to recognize the former landfill operation and to support and encourage measures, by other agencies and departments, to closely monitor the landfill site operation. This monitoring was intended to help ensure that the site was being operated in an environmentally sound manner in keeping with environmental standards and with the goal of decreasing negative effects on adjacent landowners.

P-62 Within the Former Regional Sanitary Landfill Site Designation, it shall be the intention of Council to establish a I-4(Former Sanitary Landfill Site) Zone, which permits the former



sanitary landfill operation at the site, as well as recreation uses compatible with an ongoing landfill operation as land becomes available.

- P-63 It shall be the intention of Council, through its membership in the Metropolitan Authority, to take steps to incorporate active resident participation in the management structure of the landfill site. Further, it shall be the intention of Council to provide support to the resident committee in its liaison role with the community of Upper Sackville.
- P-64 It shall be the intention of Council, further to its request to the former Metropolitan Authority to provide an the engineering study, to take the necessary action to ensure that the terms of reference are finalized and the study completed, in consultation with area groups. This study should include a contour plan for a site design which incorporates various recreation uses, a phasing plan and financial information with regard to operating such a facility. In addition, it is the intention of Council to monitor implementation of the engineering study.
- P-65 It shall be the intention of Council not to consider any future sanitary landfill sites within the community of Upper Sackville without the approval of the majority of the residents within 3.5 km radius from the perimeter of the site.

## PROVINCIAL PARK DESIGNATION

The Department of Natural Resources, through its Parks and Recreation branch, has identified a parcel of crown land at Cox Lake in Hammonds Plains as a "park reserve. This classification reflects the presence of mature stands of hemlock and pine which make the site important to natural history, its high recreation potential due to its location adjacent to Cox Lake, and its strategic location in close proximity and with easy access to urban centres.

Active development of the land as a provincial park is not a high provincial priority at the present time. However, routine silviculture work is carried out with a view toward preparation of the site for its eventual park use.

While the land has been identified as park reserve, it has not been formally designated as park land under the Provincial Parks Act. This fact is significant. Once a parcel of land is given a park designation, any change in status requires an Order in Council, but no such protection exists with the present method of identification. Further, it has been suggested that there may be competition for this prime stand of timber from the forest industry.

The Strategy supports the designation of this area as a provincial park through the application of a Provincial Park Designation. In addition to applying this municipal designation, steps should be taken to encourage the Province to establish it as parkland under the Provincial Parks Act.

Because of its location in proximity to the communities, and due to the mature stands of hemlock and pine, it is recommended that this area be developed as a day use park. Nature trails, picnic areas and public recreation facilities would make a positive contribution to the community and provide a service which is presently unavailable.

P-66 It shall be the intention of Council, in support of the identification of an area of crown land at Cox Lake as a park reserve and in support of its future designation as a provincial park, to establish a Provincial Park Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within this designation, Council shall establish a provincial park zone in the land use by-law which permits recreation and park uses. This zone shall be applied to the existing park reserve.

P-67 In conjunction with Policy P-66, it shall be the intention of Council to request the provincial government to designate this land as parkland under the Provincial Parks Act.

## SPRINGFIELD LAKE DESIGNATION

The Springfield Lake Designation has been applied to the general area surrounding Springfield Lake. Development in this area is similar to development within the Residential Designation, consisting of single unit dwellings, a limited number of two unit dwellings, small home businesses and a community hall. The majority of development in this attractive residential community is clustered around the lake. One exception is in the Fenerty Road area, located to the southeast of the lake. There is also a portion of the lakeshore which is undeveloped at present. The lake is the focal point of the community and highly utilized for recreational activities.

The area was originally developed as cottage country, but as suburban areas grew and accessibility to the cities improved, there has been a move toward construction of permanent residences, as well as the conversion of seasonal dwellings to permanent homes.

The road network in the area consists of two main roads extending from Highway No. 1, both of which follow the lakeshore and terminate with dead ends. Lakeview Avenue, following the north shore of the lake, is a rather narrow and winding road, extending in from Highway No. 1 for approximately 2.2 miles. It serves the majority of development within the designation.

Development along the south shore is served by Springfield Lake Road and Fenerty Road. Springfield Lake Road was originally developed as a private road. A portion of it, extending north from Fenerty Road is currently under negotiation for provincial takeover. As a condition of provincial takeover and resulting public status, no extension of this substandard road will be considered.

New development at present is occurring on roads which extend off Lakeview Avenue and Fenerty Road. Future development of the undeveloped portion of the lakeshore will result in the eventual joining of Lakeview Avenue in the north, with a public road serving new development along the eastern shore at the lake, thus looping the road network.

In 1983, the Municipality commissioned a pollution control study for the Springfield Lake area which was undertaken through funding arranged by the Nova Scotia Department of the Environment<sup>9</sup>. The impetus for this study was a growing awareness by both Department of Health officials and area residents of widespread on-site sewage disposal system malfunction, and unsuccessful attempts by property owners to upgrade their systems.

There was also a growing concern with the potential and real effects of septic malfunctions in their progressive impact on the quality of lake water. These concerns were increased because of the lake's value as a recreation resource for residents of Middle and Upper Sackville, who use the lake for swimming. The lake is a source of drinking water for a small number of Springfield Lake residents, as well as being an aesthetic resource for the entire community.

The primary objectives of the pollution control study related to identifying the extent of malfunctioning systems, selecting an alternate wastewater disposal method and recommending a phased program of implementation. The study's findings identified poor natural soil conditions, poor surface drainage, a high groundwater table, steep slopes, small lots and development close to the lake as being the major causes of malfunctioning systems. Over fifty per cent of systems were

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Municipality of the County of Halifax Springfield Lake Pollution Control Study. Porter Dillon Ltd., January, 1985.

malfunctioning and these were not limited to the older, smaller cottage lots but were distributed evenly throughout all developed parts of the community. Development located immediately adjacent to the lake, combined with soil and groundwater characteristics, was identified as having particularly detrimental effects upon the lake.

The study examined a number of options aimed at eliminating the pollution problem, including both a central sewerage collection and treatment system and alternate on-site systems. Alternative on-site systems were ruled out, primarily due to the unsuitability of the area for on-site systems. The study recommended installation of the central system and that this system be phased, commencing with development on the northwestern shore of the lake, where there is a concentration of malfunctioning septic tanks. The proposed site for the sewage treatment plant was located on the northeast shore of the lake.

The original collection and treatment design is based on servicing the existing developed portions only. However, the potential existed for the servicing of additional lands within the community beyond infilling on existing lots. The Pollution Control Study recommended accommodating some additional development beyond infilling, through a consideration of increasing the capacity of the central system, thereby improving overall costs. It is estimated that an undeveloped area equal to that of existing development could be serviced.

Council accepted the study's recommendation and tenders were let to Porter Dillon Limited for the design and construction of the treatment system. The new system was designed primarily to accommodate the existing community population of approximately 1,050 persons, distributed among approximately 320 dwellings. In addition, the system is also capable of accommodating some additional development. It is anticipated that the ultimate capacity of this system is approximately 570 dwellings.

### Land Use Policies

In order to effectively address servicing and development concerns, and to provide protection for the lake as a recreation and aesthetic resource in the interim period, prior to installation of central sewerage services, new development in the immediate area of Springfield Lake was prohibited by the application of a RR-1 (Restricted Residential) Zone which only permitted the existing residential uses, accessory uses, offices in conjunction with the permitted uses and open space uses.

This zone encompassed the developed area within close proximity of Springfield Lake. It was intended that at such time as central sewerage services were installed, it would be the intention of Council to review the zoning in the Springfield Lake Designation, and to consider the following amendments: rezoning the lands within this area to a R-1 (Single Unit Dwelling) Zone with the following exceptions: the community centre to P-2 (Community Facility) Zone; and commercial and industrial uses with direct access to Highway No. 1 to MU-2 (Mixed Use 2) Zone. It shall further be the intention of Council to consider applying the R-1 (Single Unit Dwelling) Zone (Policy P-34) to areas within the Springfield Lake Designation, located beyond the Restricted Residential Zone. The affected lands were rezoned at the time of installation of central sewer.

P-68 It shall be the intention of Council to establish the Springfield Lake Designation, as shown on the Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E). Within the designation it shall be the intention of Council to recognize the environmentally sensitive situation which exists at Springfield Lake.

- P-69 In order to provide direction for future development on central sewer in the community of Springfield Lake, it shall be the intention of Council to establish a Service Boundary as shown on the Springfield Lake Service Boundary Map (Map 3). Lands within the Service Boundary shall only be developed on municipal sewer services.

Springfield Lake is especially susceptible to changes in stormwater runoff characteristics because it is a headwater lake which is dependant on surface runoff and groundwater recharge. Therefore, stormwater management has been identified as a crucial element in significantly reducing the negative effects of additional development within the watershed. Alteration in natural runoff can result in a deterioration in the quality of stormwater reaching the lake. Stormwater runoff can transport contaminants, producing biological and aesthetic side effects resulting in a loss of lake water clarity.

Natural bogs and wetlands have an important role to play in assisting in the control of stormwater discharge rates and also serve as natural filters, which help to maintain the rate and quality of runoff reaching the lake.

In order to adequately address stormwater problems related to new development, it is necessary to establish effective procedures for stormwater management. The Subdivision By-law provides for the implementation of stormwater management. In addition, in 1982 Council adopted a "Task Force Report on Stormwater Policies and Design Criteria," and subsequently directed municipal personnel to proceed with its recommendations. The Task Force recommended that storm drainage concerns be identified in municipal strategies.

- P-70 Deleted

- P-71 With regard to the environmental sensitivity of Springfield Lake, it shall be the intention of Council to take additional measures to protect the lake by establishing the watershed of Springfield Lake as a priority area for storm drainage master planning as outlined in Appendix PA of the "Province of Nova Scotia, Municipality of the County of Halifax Recommendations and Stormwater Policy" prepared by Halifax County Storm Drainage Task Force. In order to minimize the impact of stormwater upon the natural and manmade environment until such time as the Master Plan is prepared, it shall be the intention of Council to require storm drainage information and design for subdivision and development within the designation, to ensure compliance with municipal policies and criteria.

- P-72 It shall be the intention of Council to encourage and support provincial Department of the Environment regulations and guidelines concerned with the protection of any natural systems such as wetlands, bogs, swamps, and streams, within the Springfield Lake Designation.

Final measures which the consultant has identified as part of an overall strategy to provide long term protection for Springfield Lake are the establishment of water quality standards for the lake and an on-going water quality monitoring program.

- P-73 It shall be the intention of Council to request that the Department of Environment take immediate steps to assemble baseline water quality data for Springfield Lake, as a reference point for future quantification of change in lake quality and to establish objective water quality standards for the lake based on the need to preserve the lake for water contact sports and aesthetic quality.

- P-74 It shall be the intention of Council to monitor the condition of the lake on a three year rotation and to assess the effect of development as measured against the objective standards established for water quality. As established water quality standards pursuant to Policy P-73 are approached, it shall be the intention of Council to redevelopment controls within the Springfield Lake Designation.



## FLOODPLAIN DESIGNATION

The identification and control of development on lands which are located adjacent to rivers and streams and which are subject to flooding during storms is premised upon the assumption that such areas are unsuitable for most developments. Limiting development on these lands, thereby maintaining natural stormwater drainage patterns, will alleviate the need for costly structural approaches to flood control such as channels, reservoirs, and dykes, as well as for providing flood damage compensation to individual property owners, both of which are normally borne by society-at-large. In an effort to reduce these costs, the federal and provincial governments agreed to map the flood risk areas of selected rivers within the Province and to designate them as unsuitable for certain undertakings. The Sackville River and McCabe and Webber Lakes were included among these watercourses, and a hydrotechnical study of these waterways was completed in 1981, under the joint Canada-Nova Scotia Flood Damage Reduction Program.

The study identified two floodrisk areas, one for the 1:20 year storm and another for the 1:100 year storm. The recommendation of the study was that there be no development permitted within the 1:20 year flood area, and that flood proofing measures for structures located within the 1:100 year area be required.

Development pressure on lands adjacent to these watercourses has been relatively low. Adoption of protective measures prior to any increase in such pressure will serve to protect the quality of the lakes and river as well as to help prevent serious flooding problems such as occur in parts of Sackville. Within the Plan Area, the amount of land included within the floodplain is very small. The majority of identified floodrisk lands are located outside the Plan Area, along the Sackville and Little Sackville Rivers.

The Sackville Municipal Planning Strategy has implemented floodplain protection measures along the Sackville River through a FP (Floodplain) Zone. The strategy's policy encourages that future planning strategies and land use by-laws encompassing the remaining portions of the identified floodplains contain appropriate policies and regulations.

- P-75 In recognition of the need to minimize the consequences of flooding along the Sackville River system and in recognition of the environmental importance of the river and its role in the natural storm drainage system, and consistent with the policies of the Sackville municipal planning strategy, it shall be the intention of Council to establish a Floodplain Designation as shown on the Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E). This Designation shall encompass the 1:20 and the 1:100 floodplains as defined through detailed floodplain mapping.
- P-76 Within the Floodplain Designation it shall be the intention of Council to establish a FP (Floodplain) Zone, encompassing the 1:20 year floodplain, in which conservation related uses, resource activities, recreation uses, and public and private parks and playgrounds shall be permitted. Notwithstanding that these uses shall be permitted, any structures intended for human habitation, whether permanent or temporary, shall be prohibited.
- P-77 Within the Floodplain Designation it shall be the intention of Council to apply the MU-2(Mixed Use 2) Zone established by Policy P-11 to those lands beyond the 1:20 year floodplain but within the 1:100 year floodplain. Notwithstanding the provisions of Policy P-11 and with the exception of buildings permitted in the floodplain zone, Council may only consider permitting buildings within the 1:100 year floodplain by development

agreement and according to the provisions of the Municipal Government Act. In considering any such agreement, Council shall have regard to the following:

- (a) that adequate flood proofing measures are undertaken for any building;
- (b) that the type of residential development is consistent with that permitted by the zone within which the lands are located and that the minimum standards for such developments are no less than those required by the zone unless necessary for reasons of safety; and
- (c) the environmental protection of the watercourse with respect to proper storm drainage.

P-78 In order to minimize the effects upon natural stormwater flows it shall be the intention of Council to exercise control over the placement and stabilization of fill necessary for the floodproofing of structures permitted within the Floodplain Designation. Further, through the review of subdivision applications, it shall be the intention of Council to co-operate with the Department of Transportation to ensure that any roadways proposed within the Floodplain Designation meet the requirements of the Halifax County Storm Drainage Task Force.

#### Floodrisk Areas

As discussed above, most of the Sackville River and McCabe and Webber Lakes have been included within the federal/provincial flood reduction program. The anticipated continuation of development and the occurrence of flooding in the Beaver Bank area indicate that additional watercourses should be considered for inclusion in this program.

P-79 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 floodplain mapping for the Beaver Bank River. Upon completion of any floodplain mapping, Council shall review this Plan in order to implement more appropriate development controls.

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mapping, Council shall review this Plan in order to implement more appropriate development controls.

## **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.

**P-79A.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.

**P-79A.2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**P-79A.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.

**P-79A.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.

**P-79A.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.

**P-79A.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.

**P-79A.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.



**P-79A.8 An infrastructure charge may only be used for the purpose for which it is collected.**

## **INTERIM GROWTH MANAGEMENT** (RC-Apr 13/04;E-Apr 22/04)

### **Background**

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

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

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

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

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

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

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

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is

likely that some level of subdivision and development restrictions may be required in order to further regional objectives. It is anticipated that such measures will be included in the Regional Plan when it is adopted at some time in the near future. However, in the period of time leading to completion of regional planning policy, there is a substantial risk that significant levels of as-of-right subdivision growth and development may undermine Regional Council=s ability to consider a broad range of policy options and adopt appropriate growth management options in conjunction with regional planning.

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

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

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

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

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

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

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

The intent of Interim Growth Management policies is to prevent accelerated unserved<sup>10</sup> residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its

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<sup>10</sup> Unserved means a lot which is serviced with an on-site septic system and well.

options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

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

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

**P-79B.2** The intent of the Interim Growth Management policies is to prevent pre-emptive growth of unserved residential development while ensuring a broad range of policy options are available to Regional Council in the preparation of a Regional Plan.

Under the Ministerial Order, an individual can submit a subdivision application to create new unserved lots from parcels of land existing prior to January 22, 2004, on existing roads<sup>11</sup>. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

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<sup>11</sup> **Existing Road:** a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

**P-79B.3 It shall be the intention of Council to limit the number of development permits issued for subdivision applications received during the between January 22, 2004, and the date this policy was adopted which are inconsistent with the Interim Growth Management policies.**

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

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

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

**P-79B.4 It shall be the intention of Council to apply Interim Growth Management regulations to all unserved areas of land illustrated on Map 6 as AInterim Growth Management Area@.**

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

**P-79B.5 Notwithstanding Policy P-79B.4, it shall be a policy of Regional Council that Interim Growth Management policies not apply to unserved areas within the Interim Growth Management area that are subject to growth management policies and regulations that Council considers adequate Interim Growth Management controls which includes, but not limited to, those designations referenced by Policy P-2 to P4, inclusive.**

### **Development Options**

**Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.**

- P-79B.6** It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.
- P-79B.7** Further to P-79B.6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserviced residential development within the Interim Growth Management area.
- P-79B.8** Further to P-79B.6, residential subdivision activity, within the Interim Growth Management area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004, or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.

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

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

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

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

- P-79B.9** Within the Interim Growth Management area, Council shall limit the number of flag lots which can be subdivided from an area of land which existed prior to March 13, 2004.

#### **Subdivision Activity**

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004, were permitted to proceed through the subdivision process (ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.



**P-79B.10** It shall be the intention of Council to permit completed tentative and final subdivision applications submitted prior to January 22, 2004, to proceed through the subdivision process under the provisions that existed on January 21, 2004.

**P-79B.11** Further to P-79B.10, roads shown on completed tentative and final subdivision applications filed by January 22, 2004, shall be considered existing roads.

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

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

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

**P-79B.12** Notwithstanding P-79B.6 to P-79B.8 inclusive, Council shall permit completed Concept subdivision applications submitted prior to January 22, 2004, to continue through the subdivision process but subject to limitations on the number of lots that can be created and the amount of road constructed.

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

**P-79B.13** It shall be the intention of Council to permit completed preliminary subdivision applications showing flag lots submitted between May 20, 1997, and March 13, 2004, to continue through the subdivision process under the provisions that existed within the Subdivision By-law on March 12, 2004.

### **Water Issues**

A concern commonly associated with extensive subdivision development in areas not serviced by centralized sewer and water services relates to potential impacts on groundwater water supply. Experience has shown that the natural conditions and geography of HRM are not conducive to the long term sustainability of developments which rely on individual groundwater supplies and on-site sewage disposal services. This can lead to demands by property owners for the Municipality to extend central water and/or sewer services, in order to resolve environmental and public health risks.

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

Until the mid 1980's, the provincial Department of the Environment required hydro-geological assessments to be conducted before recommending subdivision approval. To address water issues in new unserviced residential development, HRM could require developers to conduct hydro-geological assessments to determine whether or not the water supply can support the proposed development. However, the Municipal Government Act does not enable Municipalities to require such an assessment at this time. Thus, Council should request the Province to amend the Act to enable such authority.

**P-79B.14** It shall be the intention of Council to request the Provincial government to amend the Municipal Government Act to give municipalities the authority to require hydro-geological assessments for new unserviced residential development within HRM.

**P-79B.15** Further to P-79B.14, upon receiving the requested amendment to the Municipal Government Act Council may consider amendments to the Subdivision By-law to require a hydro-geological assessments for residential development on unserviced lots.

#### **Discretionary Planning Approvals**

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

**P-79B.16** Notwithstanding P-137, any development agreement or rezoning application (excluding applications under policy P-3 and P-4) within the Interim Growth Management area for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

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

**P-79B.17** It shall be the intention of Council to exempt all approved development agreements and completed development agreement applications received prior to the effective date of this policy for unserviced residential development from the Interim Growth Management policies.

### **Annual Monitoring**

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

**P-79B.18 Council shall be provided with a semi-annual report that indicates the impact of the Interim Growth Management policies are having on residential development activity within the municipality.**

# **SECTION III**

## ENVIRONMENTAL HEALTH SERVICES

Environmental health services include sewerage disposal, water supply and storm drainage. The majority of development in the Plan Area is serviced by means of on-site sewage disposal systems and individual wells. There are however a number of specific developments, which are serviced by private or public central sewerage and water systems. Stormwater systems consist exclusively of ditches and natural drainage systems.

Continuing growth in the area, resulting from the relative ease of road access to the metropolitan centre and the attractive environment the Plan Area offers, has at times burdened the local environment. In the past, there have been inadequacies in the quality and quantity of some water supplies as well as in the proper functioning of on-site sewage disposal systems. In the case of Springfield Lake, malfunctioning sewage disposal systems were identified in a pollution control study which has recommended a new municipal central sewerage collection and treatment system (See Policies P-68 to P-71). There have also been problems with private central sewer and water systems in the Plan Area.

### Central Sewerage and Water Systems

Central sewerage and water systems service the three mobile home parks, the Beaver Bank Villa and Uplands Park. In addition, Woodhaven Campground and the Hammonds Plains School are serviced by sewage treatment plants. All systems except those of the school and Uplands Park are privately owned and operated.

The Uplands Park sewage treatment system, which until recently was located on privately-owned land, is now owned by the Village Service Commission and operated by the Municipality. When first developed, Uplands Park was also serviced by a private central water system. Extensive problems with this system led to an extension of the Pockwock water system, through the Bedford connector.

As discussed in the Mixed Use Designations, there are significant problems with most privately operated central services. These problems are primarily related to inadequate maintenance, although in some cases poor design and installation have contributed. In general, long-term performance records have been poor.

In the Springfield Estates and Woodbine mobile home parks there have been problems with both the central water and sewerage systems. Through the involvement of the Board of Health, it was determined that problems with the private water system in Woodbine could only be alleviated by means of connection to the public water system. A private water line, extending from Sackville to Woodbine, has recently been installed. The Board of Health is also currently investigating solutions to problems at Springfield Estates. The private systems servicing the Beaver Bank Villa have also experienced problems.

In Uplands Park, the situation was improved with municipal involvement in the operation of the sewerage system. Extension of the Pockwock water system eliminated all water problems. The central services provided in the Timber Trails mobile home park have a history of satisfactory operation which can be attributed to proper daily maintenance on a long-term basis.

Private central systems which have been installed to serve a number of residential lots in small scattered subdivisions have, in the past, resulted in a burden to the Municipality. Upon completion

of these developments, the ownership of the systems has often reverted to the residents. As most residents are ill-prepared to deal with central water and sewerage system maintenance, these systems have slowly become municipal responsibilities, as was the case in Uplands Park. Adequate municipal maintenance of scattered systems is costly and as a result the Municipality has a long standing policy to discourage new private central systems.

Under certain circumstances, however, there are situations in which new private central services may have an important positive role to play in serving new development in the Municipality. In the case of developments located on one lot, such as a mobile home park or a campground, the owner maintains responsibility for the on-going maintenance of the system.

Therefore, pressures for municipal takeover are not generally as severe. There is evidence, supported by the Timber Trails mobile home park that, if properly designed and maintained, these private systems are capable of providing adequate service with few environmental hazards.

New central water and sewerage systems should be designed and installed to meet appropriate standards of effluent treatment as well as provide an adequate water supply in terms of both quality and quantity. At present, the Departments of Health and the Environment jointly regulate the design and construction of central water and sewerage systems. Approval of plans and specifications and issuance of a joint certificate from these provincial departments is required for all new or expanded central systems.

In addition to system design, a key factor in satisfactory central services relates to ongoing maintenance by qualified personnel. The Departments of Health and the Environment have been concerned with the level of maintenance of private central systems and in particular with sewage treatment plants. The Department of the Environment has recently established a training course for sewerage treatment plant operators and is considering regulations to require that all plant operators be licensed. Such a provincial requirement would address existing problems and would contribute substantially to an upgraded level of maintenance for such facilities.

P-82 It shall be the intention of Council to discourage both the expansion of existing privately operated systems and the construction of new central privately operated water and sewerage collection and treatment systems.

P-83 Notwithstanding Policy P-82, mobile home parks and commercial recreation uses serviced by private central sewerage collection and treatment systems and/or water systems may be considered, in conformity with Policies P-18 and P-27.

P-84 It shall be the intention of Council to request the Department of the Environment to initiate the appropriate provincial legislation to establish requirements for licensing of all sewerage treatment plant operators.

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, following public input concerning the issue of central water, Council approved the designation of several Water Service Districts in areas served by the Pockwock water system. These Water Service Districts included areas to which central water only had already been extended or committed as well as areas where it was anticipated that central water would be required to resolve a community based water quality or quantity problem. Within the plan area, Water Service Districts included Beaver Bank; the Lucasville Road; the Hammonds Plains Road between English Corner and the Town of Bedford; and a portion of the Kingswood and Blue Mountain development areas located west of Uplands Park (see Maps 4 and 5).

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.

P-85 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 Maps (Maps 4 and 5). 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.

P-86 Notwithstanding Policy P-85, 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.

### Uplands Park

Although ownership of the sewage treatment plant remains with the Uplands Park Village Commission, operation of the system was taken over by the Municipality as a result of concerns on the part of the Village Service Commission about the level of maintenance at the plant. In addition, the Municipality recently acquired ownership of the land on which the sewage treatment plant is located. With the exception of infilling along existing sections of the sewerage lines, no new connections to the system had been permitted since the Municipality began to operate the system. The municipal Department of Engineering and Works had, until recently, taken the position that the system was at capacity, due primarily to heavy inflow/infiltration problems.

However, as a result of Department of Housing plans to construct a 15 unit senior citizens apartment to be connected to the central sewerage system in Uplands Park, the Department of Engineering and Works undertook an assessment of the sewage treatment plant to determine its capacity. The findings of this show a capacity to service the senior citizens project and an additional six lots.

P-87 It shall be the intention of Council to obtain ownership of the Uplands Park sewage treatment plant from the Uplands Park Village Service Commission.

### On-Site Sewage Disposal System

Development with on-site services should be able, with reasonable maintenance, to permanently exist on those services. In consideration of continuing development pressures, population growth and the protection of surface water quality, the importance of adequate maintenance of on-site services is increasingly critical.

A study, prepared jointly by the Nova Scotia Department of Municipal Affairs, Health and the Environment<sup>12</sup> identifies inadequate maintenance as the primary cause of private septic tank and disposal field failure.

Although the provincial Department of Health regulates both the design and installation of sewage disposal systems, there is no regular inspection or maintenance program. Many individual home owners are not aware of the maintenance requirements of a septic tank and disposal field, including regular inspection, and the removal by pumping of the accumulated solids in the tank.

In order to improve public awareness of septic system maintenance requirements, it may be useful to institute a public information program which, in addition to acquainting residents with septic maintenance requirements, could also be used to disperse public information on a wide range of environmental and public health matters. The recently adopted Board of Health by-law requiring the licensing of all septic tank installers will also help to ensure the proper functioning of these systems.

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<sup>12</sup>Wastewater Management Districts. An Alternative for Sewage Disposal in Small Communities. Nova Scotia Departments of Municipal Affairs, Health and the Environment, 1983.

P-88 In order to improve public awareness of septic system maintenance requirements and other matters of environmental and public health concern, it shall be the intention of Council, in co-operation with senior government departments, to investigate methods of public education and information dispersal.

There are areas within all three electoral districts of the Plan Area where residents have complained of septic system failures. While Springfield Lake provides the most pressing problem area at present (Policies P-68 to P-71), it is not a unique or isolated case. For the most part, those areas experiencing extensive septic system failures have been developed under previous regulations respecting on-site sewage disposal systems or prior to the enactment of any regulations.

The traditional response to sewage pollution has been the installation of central municipal systems. In the past, these systems were built with as much as eighty per cent of the capital costs funded by senior levels of government. However, both senior governments have recently altered this funding. As a result, both system users and the Municipality would be forced to pay a much larger proportion of the capital costs of new central systems.

In addition to the cost factor, central servicing has direct and wide ranging effects on a valued rural environment and life style and its associated privacy and reduced need for strict land use controls. In questionnaires delivered throughout the Plan Area, residents clearly identified concerns with septic system failures and water quality and quantity problems, as well as a desire to protect their "country atmosphere". Solutions to existing servicing problems should where possible, involve measures which will not interfere with large lots, low density, privacy and open space which these people value.

Any response to problems of septic system failure which do arise should first take into consideration the benefits of alternatives to central servicing. Among the alternatives are the replacement of individual tanks, the drilling of community wells and the identification of local wastewater management areas. These on-site solutions are intended to respond primarily to specific problems and are not intended to extend beyond problem areas.

However, this focus on-site solutions should not preclude servicing of areas such as Springfield Lake, where a thorough review has identified central services as the best solution.

P-89 It shall be the intention of Council, in co-operation with the Department of Health, to seek solutions to the provision of adequate sewerage disposal systems and/or water supplies in areas of known septic system failure or inadequate water supplies. In this regard, Council shall give priority to on-site alternatives to municipal central servicing.

P-90 In conformity with Policy P-69, it shall be the intention of Council to establish a Service Boundary as shown on the Springfield Lake Service Boundary Map (Map 3).

#### Woodbine Mobile Home Park

In 1994, in response to significant environmental and health risks attributed to both the capacity and performance of the private sewage treatment plant servicing the Woodbine mobile home park, the Municipality entered into an agreement with the park's owner to permit the park to be connected to the Sackville sewerage servicing system. Servicing the park involves the installation of a trunk sewer service line along the Beaver Bank Road to the park's entrance. In addition to Woodbine,

properties fronting on the Beaver Bank Road along the trunk service line, would also be accessible to municipal central services.

Since there is a need to resolve the environmental problems associated with Woodbine, it is considered appropriate to connect the park to the Sackville servicing system at this time. In order to define the area to which municipal central services may be extended in the future, the existing mobile home park will be included in a Service Boundary. Properties which are directly accessible to the trunk service line will also be included within the Service Boundary in order to permit them to connect into the servicing system.

In addition to the Woodbine Mobile Home Park, the expanded boundary will also include areas of the larger Beaver Bank community which have been identified as experiencing problems with on-site disposal systems and for which the need for central sewer services has been identified. Until such time as trunk services are extended, development may continue on the basis of on-site services.

P-91 In recognition of the need to resolve the environmental problems associated with inadequate sewage treatment at the Woodbine mobile home park, it shall be the intention of Council to permit the park to be connected to the Sackville trunk sewer system. Properties located along the trunk line, installed along the Beaver Bank Road, shall also be permitted to connect into the municipal service system. In order to provide direction for future development on central services, it shall be the intention of Council to establish a Service Boundary as shown on the Beaver Bank Service Boundary Map (Map 5). Lands within the Service Boundary shall only be developed on municipal central services.

P-92 In recognition of the need and intention to provide central services to the larger Beaver Bank community, particularly those areas already experiencing problems, it shall be the intention of Council to also include these areas within the Service Boundary. Until such time as trunk services have been extended, these areas shall be identified as unserved land and shall be permitted to continue to develop with on-site services.

### Storm Water Management

In the past, stormwater management was given insufficient attention. However, a recent report containing stormwater policies, supported by a stormwater design criteria manual, has substantially altered the Municipality's attitude in this regard. The Task Force which prepared the report and manual was composed of representatives of the Municipality, the Town of Bedford, and the Nova Scotia Departments of Health, the Environment, Transportation and Municipal Affairs. Council adopted the Task Force report in 1982 and has subsequently employed a municipal storm water engineer and technician. In addition, in serviced areas, the recently adopted Subdivision By-law provides for the implementation of stormwater management measures at the initial stage of development. The implementation of stormwater management procedures is important if the impact of development on the area's lakes and rivers is to be minimized.

P-93 In recognition of the need to protect the lakes and rivers within the Plan Area, it shall be the intention of Council that the Stormwater Policy and Design Criteria shall become effective within the Plan Area through necessary amendments to the Subdivision By-law.

## Watercourse Protection

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

P-94 It shall be the intention of Council to encourage the provincial Department of the Environment to improve enforcement of regulations and guidelines concerned with the infilling of watercourses within the Plan Area.

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

P-95 It shall be the intention of Council to encourage the Departments of Transportation and Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

Through the land use by-law, setbacks from watercourses shall be required in order to provide further environmental protection for watercourses within the Plan Area.

P-96 It shall be the intention of Council, through the land use by-law, to establish requirements for setbacks from watercourses within the Plan Area.

## Solid Waste Management

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

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

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

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

To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting<sup>13</sup> and source-separated composting<sup>14</sup>. Personal composting is intended to divert approximately 30 percent of the total residential organics while source-separated composting is intended to divert 60% of the total organics. Personal composting has been promoted by the Municipality through the subsidization and distribution of personal composters.

It is anticipated that composting operations will utilize either windrow<sup>15</sup> or in-vessel<sup>16</sup> composting approaches. Due to the high capital costs associated with in-vessel facilities, windrow composting is the most utilized approach for neighbourhood or small community composting operations. However, the type of composting approach utilized for large populations or areas would depend on a number of factors such as land prices, transportation costs, and the quantity of material to be processed. Therefore, both windrow and in-vessel composting should be permitted equally within the Plan Area. The strategy recommends that there be multiple composting sites and be located close to the centres of generation.

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

In order to support the waste management strategy, composting operations will be permitted in a number of zones throughout the plan area subject to locational criteria contained within the land use by-law and compliance with provincial guidelines. However, composting operations will not be permitted in the I-4 (Sanitary Landfill Site) Zone, applied only to the Sackville Landfill property, in order to recognize area residents concerns with the Sackville Landfill operation.

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<sup>13</sup>"Personal (backyard) Composting" means the composting of organic solid waste, such as grass clippings, leaves or food waste, at a residential dwelling site where the waste is generated by the residents of the dwelling and/or neighbourhood units, provided that the annual production of the compost does not exceed 60 cubic metres.

<sup>14</sup>"Source-Separated Composting" means a commercial/municipal/industrial solid waste management facility where compostable materials are separated at the source and the waste is processed using composting technology which may include physical turning, windrow, in vessel, static pile aeration or other mechanical handling of organic matter.

<sup>15</sup>"Windrow Composting" refers to the method of controlled, aerobic composting of organics in which piles of material are aligned in long rows and turned on a regular basis by mobile equipment. Windrow composting can be conducted in buildings or out-of-door.

<sup>16</sup>"In-Vessel Composting" refers to the method of aerobic composting of organics which is conducted in vessels, under cover, where the movement of air, the movement of material, and the monitoring of environmental parameters are mechanically controlled.



- P-97 It shall be the intention of Council, in support of the Integrated Waste Management Strategy adopted in June 1995, to support the location of composting operations in (industrial, resource, and mixed use) zones, except for the Sanitary Landfill Site zone, subject to compliance with provincial and municipal guidelines and regulations.

## **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, should be reused or recycled, it is necessary for some of this material to be buried.

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

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

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

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

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

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

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

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

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

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

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

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

process for considering new operations. Further, the site plan approval process will be used for all C&D operations to address compatibility issues on a site specific basis.

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

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-11.

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

## **C&D Disposal Facilities**

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

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

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

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

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

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

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

considered where such operations are within the Rural Resource Designation and pursuant to the following criteria:

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

### **Site Plan Approval**

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

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

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

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

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

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

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

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

**SW-12** Council shall recommend to the N.S. Department of the Environment and Labour that a Community Liaison Committee be established for all C&D disposal operations within HRM. (RC-Sep 10/02; E-Nov 9/02)



## TRANSPORTATION AND UTILITIES

The Transportation Map (Map 2) identifies the existing transportation network of roads and rail lines.

The road network is dominated by two arterial highways of regional and provincial significance. Highway 101 bisects the Plan Area, serving communities in the Halifax, Windsor and the Annapolis Valley corridor. Highway 103 forms part of the western boundary of the Plan Area and channels traffic to and from the metropolitan centre of Halifax-Dartmouth to the South Shore and intervening communities.

The Area is also served by three collector highways: the Beaver Bank Road (Highway 354); the Hammonds Plains Road (Highway 213); and the Old Windsor Highway (Highway No. 1). These highways were established with the early settlements. The communities have developed in a linear fashion, stretched out along the three roads.

In addition to the above, there are three local roads of some significance in the Plan Area's road network. The Lucasville Road joins the community of Sackville with the Hammonds Plains Road and is used extensively by trucks as a shortcut from Sackville to Highway 103. The Beaver Bank / Windsor Junction Cross Road joins Beaver Bank and Sackville with the Windsor Junction area. In contrast to the other routes, these two roads do not provide north/south access to the metropolitan centre, but rather provide east/west linkage between communities within the Municipality. Finally, the Pockwock Road, an eight kilometre dead-end road serves the community of Upper Hammonds Plains and terminates at the regional Pockwock water supply.

Present traffic volumes on the arterial and collector highways are within acceptable limits prescribed by the Department of Transportation.<sup>17</sup> However, most routes have been subject to substantial traffic volume increases in the past ten to fifteen years. The one exception is Highway No. 1 which has seen a 46 per cent traffic decrease since 1970, primarily as a result of the increased use of the parallel Highway 101, which was completed in 1972.

While traffic volumes are within acceptable limits, portions of these older roads are very narrow and contain numerous curves and hills which are considered to be hazardous. The number of accidents involving trucks on the Hammonds Plains Road has increased<sup>18</sup>, primarily as a result of a road design which is not capable of carrying the truck traffic now using this route. Much of the commercial traffic travelling to and from the South Shore, including large trucks, uses this route to shorten distances and lower trucking costs.

The Department of Transportation is currently involved in looking at possible routes for a Hammonds Plains by-pass, to reroute truck traffic. This by-pass would start at some point on the Bicentennial Highway and would connect with the Hammonds Plains Road at English Corner. To date, five possible alignments have been identified. However, no final decision has yet been reached.

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<sup>17</sup> 1981 Traffic Volume Book. N.S. Department of Transportation, "Geometric Design Standards for Canadian Roads and Streets", Roads and Transportation Association of Canada, 1979.

<sup>1</sup> Royal Canadian Mounted Police.

Although individual concerns have been raised concerning each of these alignments, the community as a whole has identified the speedy construction of a by-pass as the most important single planning issue in the district.

From English Corner, where the proposed by-pass would intersect, to Highway 103, the Hammonds Plains Road is a limited access highway. The Department of Transportation Route 213 Road Access Location Policy Plan identifies six permanent access locations, as identified in Map 2. Four of the six access points presently exist. In addition, the road access plan identifies twelve temporary access points, as well as rights of way for existing and future service roads. The future service roads are located on both existing and future rights-of-way. Over the long term, as service roads are built and permanent access points become available, the temporary access points will be eliminated.

The Beaver Bank Road, Lucasville Road and Pockwock Road also have a number of hazardous areas, as identified in Map 2, which are of concern to residents. These concerns were identified through community surveys and public meetings. On the Beaver Bank and Lucasville Roads, truck traffic aggravates the existing problem. Recent upgrading of a portion of the Beaver Bank road, including the installation of a sidewalk, has improved the situation considerably.

### General Policies

Despite the limited jurisdiction of the Municipality in transportation matters, transportation remains a fundamental planning concern, given the interdependence between transportation, land use and community development. A questionnaire distributed to area residents has indicated that a high proportion of concerns relate directly to transportation matters. This concern must be seen in the context of a growing area. Increased development in recent years and the resulting increase in driveways, and vehicle and pedestrian traffic has put pressure on a road network originally designed for sparsely populated rural areas.

The most pressing transportation issue in the Plan Area relates to a speedy resolution of the alignment of the Hammonds Plains by-pass and its subsequent construction. In addition, there is an expressed community request that the Department of Transportation improve its consultative and public information role with the Municipality and the affected communities in the siting of major roads, especially in the early planning stages.

A less immediate, but equally important transportation concern, relates to the development of a long-term plan to provide an additional arterial highway, which would by-pass the entire length of the Hammonds Plains Road, and intersect with Highway 103. This would alleviate substantial traffic and the resulting concerns about safety on the limited access portion of the Hammonds Plains Road.

The development of plans for an alternative collector road designed to channel increasing commuter traffic off the Beaver Bank Road and into the metropolitan centre has also been identified as an important long term priority in the Plan Area. In this situation, as with the Hammonds Plains by-pass, there is a need for improved public consultation.

Highway 101 has interchanges at Sackville and Mount Uniacke. Residents of communities between these two interchanges travel along Highway No. 1. Traffic to the regional landfill site from Halifax/Dartmouth is forced to travel beyond the site to Mount Uniacke and turn back down Highway 101, to the landfill. With the probable extension of the landfill's life expectancy and its

eventual conversion to a regional recreation facility, there is a need to consider the provision of an interchange at the landfill site. This interchange would serve to open up lands which presently have no access to the public road system and in addition would serve the community of Upper Sackville/Lewis Lake.

P-98 It shall be the intention of Council to request that the Department of Transportation, in consultation with local residents and the Municipality, proceed with the following:

- (a) as a high priority, to finalize an alignment and begin construction of the Hammonds Plains by-pass designed to remove truck traffic from the Hammonds Plains Road;
- (b) a study to examine the development of an alternative collector highway designed to channel traffic off of the Beaver Bank Road, thereby providing a more direct access to and from the metropolitan centre;
- (c) in consultation with the Metropolitan Authority, a study of an additional interchange at Highway 101, providing access to the regional sanitary landfill site, adjacent lands and the community of Upper Sackville / Lewis Lake; and
- (d) a study to examine the development of an additional arterial highway by-passing the Hammonds Plains Road and intersecting with Highway 103.

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

Although not all inclusive, the following areas, as identified in Map 2, have been identified as requiring measures to improve safety: the entrance to Highland Park; the eastern entrance to Haliburton Hills; numerous points along the Pockwock Road; the Lucasville Road; the Beaver Bank Road, especially from Kinsac Road to Hants County; and the intersection of the Beaver Bank / Windsor Junction Road and the Beaver Bank Road. In the case of the Lucasville Road, safety concerns relate to the truck traffic using the road and can be addressed through sidewalk construction and reduced speed limits.

P-99 It shall be the intention of Council to encourage and co-operate with the Department of Transportation to investigate vehicular and pedestrian safety and to examine the installation of general traffic control elements, in particular in the areas identified in Map 2. This examination should consider safety features such as hazard signs and flashing lights, reduced speed limits and guard rails.

The majority of new roads in the Plan Area are local streets which are constructed during the development of residential subdivisions. There is a desire to encourage the development of a rational and efficient local road system which adequately serves local neighbourhoods and limits the amount of non-local traffic. There is also an expressed interest in encouraging access from residential development to streets, thereby limiting the number of driveways with access to collector highways (Policy P-15). Safety and traffic flow concerns related to the intersection of new local streets with existing collector roads are also important.

At several locations within the Plan Area a residential subdivision or community is located on a long, dead-end road or is served with only one access point to the collector highway. The communities of Springfield Lake and Upper Hammonds Plains, as well as the Caribou Wilds/Sackville Acres and Green.

Forest subdivisions each have a single access to the highway system. Further development should be encouraged to locate in such a way that additional access points are provided.

P-100 It shall be the intention of Council to encourage and co-operate with the Department of Transportation in placing a priority on the looping of streets, completion of existing street patterns and the provision of more than one access point to the collector highway system.

### Pedestrian Safety

There are many locations in the Plan Area where potential dangers exist for pedestrians due to a lack of sidewalks, crosswalks and street lights. With the exception of a portion of the Beaver Bank Road, sidewalks are lacking. Such facilities should be encouraged to develop in conjunction with community facilities such as schools and recreational areas as well as along busy roads such as collector highways. Lucasville Road, the Beaver Bank Road to Kinsac, and the unlimited access portion of the Hammonds Plains Road have been identified as areas for special consideration regarding sidewalks.

The Municipality shares its control over sidewalks with the Sackville Advisory Board, a local body which is active in the review of area rate expenditures relative to sidewalk construction in Beaver Bank and Upper Sackville. Any assessment of required future improvement with regard to the provision of sidewalks in these polling districts will therefore involve this advisory group.

P-101 It shall be the intention of Council, in co-operation with the Department of Transportation and area residents, and where applicable, with the Sackville Advisory Board, to undertake a review of existing sidewalks, crosswalks and street lighting and to produce a priority list of future improvements. The priority list for sidewalks should include Lucasville Road, the Beaver Bank Road to Kinsac, and the unlimited access portion of the Hammonds Plains Road.

### Public Transit

Although the Plan Area is growing quickly, population densities are not presently considered sufficient to support conventional public transit. In spite of this fact, a questionnaire delivered to area residents indicated that the provision of public transit was one service most often perceived as a serious need within the Plan Area. This was especially true of Uplands Park, the Lucasville area and south Beaver Bank.

A pilot project is currently underway in Beaver Bank which will provide a private bus service at peak travel periods from the Beaver Bank Villa to downtown Sackville. This and similar projects which provide alternative bus services, including van pooling, mini-buses and the use of school buses in off-hours, should be investigated to address an identified need in these growing suburban areas. In some cases, an initial subsidy and/or grant may provide the impetus to establish such a local service.

P-102 It shall be the intention of Council, in co-operation with other levels of government and other authorities, to encourage the provision of public transportation facilities adequate to meet the needs of residents of the Plan Area.

## Rail

The Plan Area is served by two rail lines as shown in Map 2. The Dominion Atlantic Railway (DAR) is owned by Canadian Pacific Railway and runs from Windsor Junction to Yarmouth. The Canadian National Railway line runs from Halifax through Kinsac and on to Truro. This line provides limited passenger service within the Plan Area with one passenger stop at Beaver Bank, and has the potential to be developed as a commuter line serving Beaver Bank and Sackville. The rail lines also have the potential to attract and serve industrial development in the area.

P-103 It shall be the intention of Council to encourage the continued use and maintenance of existing railway facilities and further to encourage the railway companies and the provincial Department of Transportation to investigate the feasibility of a rail commuter service to serve the Beaver Bank and Sackville communities.

P-104 It shall be the intention of Council to provide for ease of access to rail facilities through the land use by-law.

## Utility Corridors

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. To date, utility corridors have consisted almost exclusively of power lines. In addition, the main water distribution line from Pockwock runs through Hammonds Plains. However, in the future the potential exists for the construction of gas and oil utility corridors.

P-105 It shall be the intention of Council to request the Nova Scotia Power Corporation and any other applicable agencies or departments 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.

## **Private Road Development: Deleted (RC-Jun 27/06;E-Aug 26/06)**

**P-106 Deleted (RC-Jun 27/06;E-Aug 26/06)**

**P-107 Deleted (RC-Jun 27/06;E-Aug 26/06)**

## Subdivision on Existing Private Roads

As previously mentioned, there are a number of existing substandard private roads scattered throughout the Plan Area. At the present time, no subdivision is permitted along these roads. In many cases, existing access problems on these roads do not warrant further subdivision activity. However, there may be instances where additional subdivision would not create any significant, problems and would provide a reasonable development opportunity.

P-108 It shall be the intention of Council to consider taking the necessary steps, through negotiation with the Department of Transportation and through an amendment to the Subdivision By-law, to permit the subdivision of land in cases where a private road presently exists and which:

- (a) cannot meet the Department of Transportation standards;
- (b) is not capable of being upgraded to Department of Transportation standards;
- (c) has land fronting on an existing length of private road capable of being subdivided;
- (d) provides access to an existing dwelling(s) on the private road; and
- (e) is capable of providing adequate access to lands proposed to be subdivided.

#### Reduced Lot Frontage Requirements

The Subdivision By-law contains provisions which allow limited subdivision on a right-of-way or with reduced road frontage. These provisions shall be applied in most areas within the Plan Area. However, there are certain types of uses and areas in which they are not appropriate. They are not in keeping with the established development pattern in suburban type residential subdivisions nor are they appropriate for major commercial, industrial or institutional uses.

P-109 It shall be the intention of Council to apply the reduced road frontage provisions of the subdivision by-law, with the following exceptions: properties zoned R-1(Single Unit Dwelling), P-2(Community Facility), C-2(General Business), C-4(Highway Commercial) I-1(Mixed Industrial), or I-4(Former Sanitary Landfill Site); and properties serviced by central sewerage and/or water services.



## RECREATION

Recreation needs are being met in a variety of ways. In the past, when the Plan Area was largely rural in nature, government involvement was minimal, with large amounts of undeveloped land providing most recreational opportunities. In addition, there have traditionally been a large number of volunteer organizations involved in providing recreation services. As the Plan Area continues to grow and evolve, demands for recreation land and facilities increases at a significant rate.

In 1974, in response to a growing interest in increased recreation opportunities, the municipal Recreation Department was established, to complement and work with the large network of local recreation associations. Its primary focus, when first established, was the development of recreation programming. Until recently, the development and maintenance of public land was carried out by volunteer organizations. However, the Recreation Department has formed a Parks and Grounds Division, and although still supplementing local efforts, is becoming more active in land development and maintenance.

The Lake District Recreation Association (LDRA) is the primary volunteer group involved with recreation development in the Sackville/Beaver Bank area, including, and the community of Lucasville. LDRA's focus is the development of capital facilities. In response to a need for recreation programming, LDRA established Sackville Recreation as an adjunct to its operation and the two organizations share a staff person. The Beaver Bank Kinsac Sports Association is also involved in meeting the recreation needs of Beaver Bank/Kinsac.

These groups are engaged in a variety of activities in the Sackville area. Sackville Recreation is involved in the Plan Area, where its activities are limited to recreation programming, including swimming programs at Tucker Lake, Kinsac Lake, and Springfield Lake, as well as playground supervision. This group also works in conjunction with the Community School Program to provide recreation programs in the Sackville and Beaver Bank schools. In terms of property development, Sackville Recreation has an informal agreement with the Municipality to cut grass at the Beaver Bank Villa and Beaver Bank/Kinsac recreation areas.

The Lake District Recreation Association commissioned a recreation master plan, completed in 1980, which still forms the basis for recreation activities in the area under its jurisdiction.

In the Hammonds Plains area there are a variety of community and ratepayers groups involved in recreation planning in Uplands Park, Highland Park, Maplewood and Upper Hammonds Plains.

Generally, there are three main components to recreation infrastructure - open space used primarily for passive recreation; parks equipped for active recreation such as ball fields and playgrounds; and major built facilities such as rinks. Recreation land and facilities are provided in several ways:

- Through the Municipal Government Act and the Municipality's Subdivision By-law, as part of the land subdivision process, up to five percent of the area subdivided can be acquired for public purposes, or five percent of the assessed value taken as cash-in-lieu. Municipal policies cover the acquisition and management of these lands.
- All education facilities are used as community schools and as such, form an important component of recreation facilities and programs.

- Direct municipal purchase using funds provided through the subdivision approval process, area rates, municipal budgeting and funding by senior levels of government, provide a third mechanism by which land and/or facilities are acquired. The ball field in Beaver Bank was obtained through direct municipal purchase.
- The Provincial Park system, which provides picnic, camping and swimming facilities, also adds to recreation facilities in the Plan Area. (See Policies P-66 and P-67).
- The fifth means, which has been previously discussed, is through the vast array of previously established volunteer organizations such as Lake District Recreation Association. In many cases, residential subdivisions add to this network forming their own organizations to develop recreation facilities.

### Policy Intent

In order to effectively respond to growing recreation demands in the Plan Area, it is necessary to establish priorities in terms of land and facilities and to clearly identify community needs. The Municipality has taken steps to respond in both of these areas.

### Municipal Parkland and Open Space Acquisition and Development

In 1980, the Municipality adopted policies regarding the acquisition of public open space and cash-in-lieu. Where the Municipality, through the involvement of the Recreation and Engineering Departments, determines that no suitable land is available or where there is sufficient parkland in the general area, cash-in-lieu is taken. Policies outlining the acquisition of land specify that only land which can meet the one or more of the following criteria should be acquired:

1. the land can be utilized for active or passive recreation purposes;
2. the land will protect an environmentally sensitive area or significant natural feature;
3. the land will enhance an existing or proposed public open space area or public oriented facility;
4. development of the land will not create a nuisance for adjacent property owners; and
5. the acquisition of the land is not premature or inappropriate in terms of the Municipality's capability to absorb costs relating to subsequent development.

In addition to these guidelines, area residents have identified the following parkland and recreation needs through the municipal planning process:

1. Improvements in the maintenance and development of existing municipal recreation lands. (As previously stated, this activity is presently undertaken jointly by area recreation groups and the recently formed Parks and Grounds Division.)
2. The provision of public access to lake shores and the development and upgrading of swimming areas including the development of a beach area and boat launch at Barrett Lake and municipal purchase of a safer swim area at Tucker Lake.
3. The provision of improved, centrally located playground facilities and playing fields in all three polling districts with specific reference to playground equipment, ball fields, tennis and badminton courts and picnic areas.
4. The provision of improved recreation facilities in the Woodbine and Springfield Estates Mobile Home Parks.
5. The provision of buffer areas between parkland and adjacent residential areas.
6. Encourage methods for greater resident involvement in the use of recreation areas through groups such as local recreation associations.

## Capital Facilities and Programming

Residents of Beaver Bank, Upper Sackville and the community of Lucasville utilize capital facilities provided in Sackville. However, the community of Beaver Bank/Kinsac is pursuing plans to develop its own recreation facilities. The Lake District Recreation Association will continue to be the principle local organization involved in the provision and management of such facilities.

In District 18, a long-term campaign to raise funds for a community rink at the intersection of Highway 103 and Highway 213 continues. This will provide an important addition to recreation facilities in the area. In addition, education facilities will continue to provide a critical component of the recreation structure in the Plan Area.

One area of recreation programming, which has repeatedly been identified as lacking in the Plan Area, relates to recreation opportunities for teenagers. It is an area which area residents feel must be addressed, and an area in which the Municipality is becoming more involved.

## Provincial Parks

Service to the Plan Area in terms of the provincial park system is very limited. As discussed in the Provincial Park Designation, the development of a provincial park at Cox Lake in Hammonds Plains is encouraged. (See Policies P-66 to P-67). In addition to lands identified at Cox Lake, there is some information to suggest that crown land in the vicinity of Beaver Bank Lake also exhibits high recreation potential. At present, there are no provincial or regional parks in the Beaver Bank area to help meet the recreational needs of its residents. The availability of public land which may have high recreation potential, combined with the lack of any such facility in the community, points to the need for further investigation of the suitability of these lands for eventual park use.

In Upper Sackville, the potential exists for the development of a regional recreation facility at the present landfill site (see policies P-61 to P-64).

P-110 It shall be the intention of Council to continue to acquire public lands or cash-in-lieu for public purposes, as provided for by the Municipal Government Act. In this regard, Council shall attempt to acquire property which meets the conditions of its "Policies Regarding the Acquisition of Public Open Space and Cash in Lieu". Further, it shall be the intention of Council to encourage that, wherever possible, land be obtained, through a flexible site selection process which aims to achieve a compromise between community interests and the interests of the subdivider. In this regard, it shall be the intention of Council to attempt to acquire property which:

- (a) provides swimming areas and public access to lake shores;
- (b) provides new centrally located playground facilities as well as improvements and additions to existing facilities and playing fields including ball fields, tennis and badminton courts, playground equipment and picnic areas; and
- (c) provides buffer areas between park land and adjacent residential areas.

P-111 It shall be the intention of Council, in conjunction with local recreation groups such as Sackville Recreation and the Beaver Bank Kinsac Sports Association, to take steps to improve the maintenance and development of existing public park lands.

- P-112 It shall be the intention of Council, in conjunction with local recreation groups, such as Sackville Recreation and the Beaver Bank Kinsac Sports Association, to take further steps to develop programs addressing the recreation needs of teenagers.
- P-113 It shall be the intention of Council to support the policies of the Lake District Recreation Association's Recreation Master Plan. Furthermore, it shall be the intention of Council, in co-operation with the School Board, to support Sackville Recreation Associations efforts to develop a coordinated community school programme in addition to the use of school facilities and lands after school hours.
- P-114 It shall be the intention of Council to continue to grant funds to support local recreation groups.
- P-115 It shall be the intention of Council to support community efforts to establish a community rink/centre in Tantallon to serve the recreation needs of the Hammonds Plains/St Margaret's Bay area. In addition, it shall be the intention of Council to support community efforts to provide recreation facilities, such as a community recreation centre, in Beaver Bank.
- P-116 It shall be the intention of Council to request the provincial government, through the Department of Natural Resources, to investigate the recreational potential of crown land in the Beaver Bank Lake area and subject to the results of this investigation, to designate a portion of the parcel as Parkland under the Provincial Parks Act.
- P-117 It shall be the intention of Council in conformity with Policies P-61 to P-64, to take the necessary steps to encourage and support the establishment of a regional recreation facility at the former regional sanitary landfill site.

## EDUCATION

Students are served by twelve schools, including five elementary, four junior high and three high schools. Three elementary schools and one junior high school are located within the Plan Area.

<u>DISTRICT 15</u>  Elementary P-1 2-6 Junior High School High School	  *Beaver Bank Villa *Beaver Bank/Kinsac *Harold T. Barrett Sackville High School
<u>DISTRICT 18</u>  Elementary  Junior High School  High School	  *Hammonds Plains Consolidated Sackville Heights Elementary Tantallon Junior High Bedford Junior High Sackville Heights Junior High John A. MacDonald (Five Island Lake) Charles P. Allen (Bedford) Sackville High
<u>DISTRICT 19</u>  Elementary Junior High School High School *Schools located within the Plan Area.	  Harry Hamilton School Sackville Heights Sackville High School

The age structure of the Plan Area, with its significant percentage of young families and school-age children, has exerted significant pressures on the school system. At the elementary level, both Hammonds Plains and Upper Sackville are adequately served by the existing schools, which are capable of accommodating moderate growth in their catchment areas. In Beaver Bank, the two elementary schools, which are administered as one school by a single principal, face severe overcrowding problems. At the Beaver Bank Villa school, this overcrowding problem is compounded by an aging facility which lacks many amenities.

At the high school level, serious overcrowding problems exist at the Sackville High School which receives students from Beaver Bank and Upper Sackville and a portion of Hammonds Plains, in addition to the community of Sackville. Portable classrooms have been in use at this school for some time but additional measures such as split shifts are currently being investigated to respond to increasing overcrowding. There has been a growing community outcry over this school issue and a provincial commitment to construct a new high school in the community is being sought.

Education concerns of Beaver Bank/Kinsac residents were somewhat reduced with construction of the new Harold T. Barrett Junior High School in 1985. Increasing pressures for a new elementary school have brought a provincial commitment to construct a new school serving the elementary

school population. Following a lengthy selection process, a suitable site has recently been identified in the Majestic Avenue area.

Elementary school children from Hammonds Plains Consolidated School go in three different directions to junior high school-Tantallon Junior High, Bedford Junior High and Sackville Heights. The main education issue which has been identified relates to this separation of elementary students at the junior high level.

A review of subdivision activity in the area, primarily intended for single unit development, indicates that development will continue at a moderate rate in the Hammonds Plains area, with a resulting increase in the school age population. It is important for the Halifax County-Bedford District School Board to monitor population and development trends to ensure a well planned program of school development. If and when the point is reached where a new junior high school is being considered to service the Hammonds Plains area, efforts should be made to maintain some continuity for elementary school children through a site selection which will serve all areas presently in the Hammonds Plains Consolidated School catchment area.

At the present time, all schools in the Plan Area are involved in the community school program and, therefore, serve not just the school age population but also the overall community. This provides an important community focus and the program is supported and encouraged. (See Recreation Section.)

The location of new schools is the responsibility of the Halifax County/Bedford District School Board, in co-operation with the provincial Department of Education. The location and design of schools and school sites is important for the entire population of the areas serviced by the education facilities.

- P-118 It shall be the intention of Council to request the Halifax County/Bedford District School Board and the Department of Education to undertake the following capital projects: to finalize the site selection process and begin construction of a new elementary school to serve the community of Beaver Bank/Kinsac; to allocate funds and proceed immediately with the provision of a new high school in the Millwood/Beaver Bank area; to allocate funds and proceed immediately to provide additional school capacity at the elementary school level in Hammonds Plains, in order to alleviate the problem with insufficient school capacity.
- P-119 It shall be the intention of Council to encourage the Halifax County/Bedford District School Board to closely monitor population and development, especially in the Hammonds Plains area, in order to provide a planned response to school construction projects. Further, it shall be the intention of Council, when the need arises, to request the Halifax County/Bedford District School Board and Department of Education to consider, through its school site selection process, the location of new junior high school which would serve the entire catchment area of the Hammonds Plains Consolidated School.
- P-120 It shall be the intention of Council, when considering new school sites in co-operation with the Halifax County/Bedford District School Board, to encourage that schools are located such that safe pedestrian and vehicular approaches are provided. Further, new school sites should be encouraged adjacent to existing or proposed park, open space and community facilities.



P-121 It shall be the intention of Council to encourage the continued use of school facilities as Community Schools, in order to meet a range of community needs.

## PROTECTION SERVICES

Protection services include fire protection, police protection and an emergency measures organization.

Fire protection is provided by the Sackville, Beaver Bank, Hammonds Plains and Upper Hammonds Plains Fire Departments. In addition, a new station is being constructed in Beaver Bank, at the corner of the Beaver Bank and Kinsac Roads. A system of mutual aid, which involves standby and back-up assistance, is in place for all fire departments in the Plan Area. A dispatch centre operating from Sackville covers eight fire departments including those within the Plan Area.

All departments are staffed by volunteer fire fighters. In addition, the Sackville station has 34 paid employees, out of a total of 57 paid employees in the Municipality as a whole. As part of its fire protection service, the Sackville Fire Department has a Fire Prevention Division which provides courses, public lectures, and fire safety inspections.

Both the Municipality and individual fire departments are involved in the provision of fire protection services. The Fire Advisory Committee, which consists of municipal Councillors and fire department personnel, has responsibility for acting in a resource and advisory capacity to Council, and as a liaison between Council and individual fire departments.

P-122 It shall be the intention of Council to encourage adequate fire protection by:

- (a) supporting volunteer fire protection services;
- (b) supporting the adoption of fire prevention measures such as a general education and inspection program;
- (c) supporting cooperation and collaboration between individual fire departments, the Municipality and other fire departments with the goal of encouraging more economical and efficient provision of fire protection services, including long-term planning.

Police services for the majority of the Plan Area are provided by the Royal Canadian Mounted Police detachment located on Cobequid Road in Sackville. In addition, a portion of Hammonds Plains is served by a mobile unit operating out of the Oxford Street headquarters in the City of Halifax. Concerns have arisen, particularly in the Sackville area, with regard to the force's manpower, in light of population increases in the Bedford, Sackville and Beaver Bank.

P-123 It shall be the intention of Council to encourage senior levels of government to investigate the adequacy of existing police services in the Plan Area and to take appropriate action to address any identified problem areas.

The Municipality has an emergency operations plan, updated in November 1982, an Emergency Measures By-Law and an emergency measures coordinator, to deal with civil emergencies.

P-124 It shall be the intention of Council to continue to encourage and support the activities and planning of the Emergency Measures Organization.

In conjunction with the above services, the provision of emergency services would be enhanced through the establishment of an emergency calling system.

- P-125 It shall be the intention of Council to encourage regional co-operation in investigating the establishment of an emergency calling system for the region, with the goal of providing access to all emergency services through a central phone number.

## **Introduction**

**While heritage means different things to people, it is seen to include not just historic buildings, but also traditional streetscapes, a traditional rural atmosphere based on small scale development, important public views, community culture, and natural history.**

**The desire to protect what is important, is balanced against the objective of encouraging new development which blends into the community. However, the physical and aesthetic condition of heritage properties is a major concern. Given that preservation of most heritage properties by the public sector is not possible, the responsibility to maintain these properties is in the public domain.**

## **Policies**

### **Heritage Properties**

**As of January 2002 there is only one registered heritage property in this plan area, the Hallisey Hotel. This property is located at 991 Beaver Bank Windsor Junction Cross Road. Formally used as an inn, church, train station and post office, the property had fallen into disrepair by the late 1990's. The property has been recently acquired and redeveloped into a full service licensed restaurant and miniature golf course putting course.**

**The registration of individual properties under the provincial Heritage Property Act remains as an important tool in encouraging the retention and rehabilitation of such properties. In conjunction with registration of individual properties, there is a need to develop financial or other appropriate incentives which increase the feasibility of retaining significant properties. Providing for increased re-use opportunities is one means by which this can be accomplished, provided that adjacent and nearby properties are protected from inappropriate uses or building additions or site conditions.**

**P-125(a) Council should encourage the reuse, restoration and retention of municipally registered heritage properties. One means through which this will be encouraged is by allowing for an increase in development rights for municipally registered heritage properties. For municipally registered heritage properties Council may consider land uses which are not otherwise permitted in the existing zone by development agreement, in accordance with Policy CH-7A of the Halifax Regional Municipal Planning Strategy (RC-Oct 11/22;E-Nov 16/22).**

# **SECTION IV**

## IMPLEMENTATION

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

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

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

- P-126      This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- P-127      In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.
- P-128      It shall be the intention of Council to require amendments to the policies of this Strategy or to the Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E) under the following circumstances:
- (a)    where any policy is to be changed; or
  - (b)    where a request for an amendment to the land use by-law which is not permitted is made and subsequent studies show that the policies of this Strategy should be amended.

Further, Council may consider amending this Strategy where policies of future plan areas conflict with the policies of this Strategy.

- P-129      More specifically, Council may consider undertaking a review to determine if the land use designations are still appropriate, in the following instances:
- (a)    where central municipal sewer and water services are extended to service lands within the Plan Area; or
  - (b)    where major transportation projects are undertaken, in particular, construction of the Hammonds Plains By-Pass, and a Beaver Bank Collector.
- P-130      In accordance with the Municipal Government Act, this Strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.



- P-131 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider development agreements or amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Maps (Maps 1A, 1B, 1C, 1D, 1E).
- P-131(a) Notwithstanding Policy P-131, no C-5 (Hammonds Plains Commercial) Zone shall be considered by amendment to the land use by-law for lands outside the Hammonds Plains Commercial Designation. (RC-Feb 9/10;E-Apr 3/10)**
- P-132 Notwithstanding Policy P-131, no commercial or industrial zone shall be considered by amendment to the land use by-law within the Residential or Springfield Lake Designations.
- P-133 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the Strategy provides that certain land 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 Municipal Government Act. Such amendments and agreements shall be considered only if they meet the policies found within this Strategy.
- P-134 The following uses shall only be considered by amendment to the land use by-law:
- (a) within the Mixed Use A Designation:
    - (i) fire and police stations according to Policy P-22;
    - (ii) general commercial uses with a gross floor area in excess of two thousand (2,000) square feet according to Policies P-23 and P-24;
    - (iii) resource industrial uses with a gross floor area in excess, of two thousand square feet and light industrial uses, according to Policy P-28;
    - (iv) mobile homes on individual lots according to Policy P-21; and
    - (v) auxiliary dwelling units, according to Policy P-17.
    - (vi) commercial entertainment uses, according to Policy P-24A. (RC-Apr 26/16;E-Jun 25/16)**
  - (b) within the Mixed Use B Designation:
    - (i) mobile home subdivisions according to Policy P-20;
    - (ii) fire and police stations according to Policy P-22;
    - (iii) general commercial uses with a gross floor area in excess of two thousand (2,000) square feet according to Policies P-23 and P-24;
    - (iv) resource industrial uses with a gross floor area in excess of two thousand (2,000) square feet and light industrial uses, according to Policy P-28; and
    - (v) auxiliary dwelling units, according to Policy P-17.
    - (vi) commercial entertainment uses, according to Policy P-24A. (RC-Apr 26/16;E-Jun 25/16)**
  - (c) within the Mixed Use C Designation:
    - (i) where there is no access to Highway No. 1, commercial uses in excess of two thousand (2,000) square feet in accordance with Policy P-25;
    - (ii) commercial entertainment uses according to Policy P-26;

- (iii) where there is no access to Highway No. 1, light and resource industrial uses in excess of two thousand (2,000) square feet in accordance with Policy P-29; and
  - (iv) auxiliary dwelling units, according to Policy P-17.
- (d) within the Residential Designation:
  - (i) community facility uses according to Policy P-38; and
  - (ii) auxiliary dwelling units, according to Policy P-17.
- (e) within the Upper Hammonds Plains Designation:
  - (i) commercial entertainment uses according to Policy P-45;
  - (ii) industrial uses with a gross floor area in excess of ten thousand (10,000) square feet according to Policy P-46; and
  - (iii) residential (R-1, R-6) zones according to Policy P-47.
- (f) within the Rural Resource Designation:
  - (i) non-resource related light industrial uses according to Policy P-54;
  - (ii) residential uses on lots smaller than 80,000 square feet according to Policy P-57.
- (g) within the Springfield Lake Designation:
  - (i) community facility uses according to Policy P-38, at such time as central sewerage services are installed;

P-135 The following uses shall only be considered subject to the entering into of a development agreement according to the provisions of the Municipal Government Act:

- (a) Within the Mixed Use A, B and C Designations:
  - (i) mobile home parks and expansions to mobile home parks according to Policies P-18 and P-19;
  - (ii) facilities associated with extractive operations and expansions to such facilities according to Policy P-31;
  - (iii) commercial recreation uses and expansions to commercial recreation uses according to Policy P-27; and
  - (iv) **two Unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-41a to P-41h. (RC-Apr 24/01/E-Jun 9/01)**
  - (v) **expansion of the mobile home park or permit innovative forms of housing or design (for the former housing site or future expansion) which is not permitted in accordance with the Mobile Home Park Bylaw for the former housing site of the Beaver Bank Villa according to Policy P-32b. (RC-Jul 8/03;E-Aug 16/03)**
  - (vi) **kennels and expansions to existing kennels according to Policy P-26A (RC-Sep 16/08;E-Oct 4/08)**
  - (vii) **a Fraternal Centre at 40 Sandy Lake Road according to policy P-22A (RC-MAR 5/13; E-APR 20/13)**
- (b) Within the Mixed Use C Designation:
  - (i) salvage yards and accessory uses according to Policy P-30.
- (c) Within the Upper Hammonds Plains Designation:
  - (i) mobile home parks according to Policy P-44.
- (d) Within the Rural Resource Designation:
  - (i) commercial recreation uses and expansions to commercial recreation uses according to Policy P-56;

- (ii) facilities associated with extractive operations and expansions to such facilities according to Policy P-50; and
- (iii) **two unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-41a to P-41h. (RC-Apr 24/01;E-Jun 9/01)**
- (e) Within the Residential Designation:
  - (i) **Shared housing with special care at a larger scale than permitted in the underlying zone according to Policy P-39A and P39B; (RC-Aug 9/22;E Sep 15/22)**
  - (ii) model homes and office uses according to Policy P-41; and
  - (iii) **two Unit, townhouse and multiple dwelling uses on the lands known as Blocks A through D of the Glen Arbour Integrated Golf Course and Residential Community according to Policy P-41a to P-41h. (RC-Apr 24/01;E-Jun 9/01)**
- (f) Within the Floodplain Designation:
  - (i) structures according to Policy P-77.
- (g) **Within any Designation**
  - (i) **within the property of a municipally registered heritage property, uses not otherwise permitted in the zone according to Policy P-125a. (RC-Mar 26/02;E-Apr 25/02)**

**P-136 Deleted (RC-Jun 27/06;E-Aug 26/06)**

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan 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 central or on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that 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 the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) **Within any designation, where a holding zone has been established pursuant to AInfrastructure Charges - Policy P-81@, 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 AInfrastructure Charges@ Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**

- P-138 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Municipal Government Act.
- P-139 It shall be the intention of Council to establish controls over signs within the Plan Area in order to limit the potential for adverse negative effects on adjacent properties and the travelling public.
- P-140 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:
- (a) the Subdivision By-law;
  - (b) the Building By-law;
  - (c) the Unsightly Premises By-law;
  - (d) the Sewer Connection By-law;
  - (e) the Mobile Home Park By-law;
  - (f) the Blasting and Dangerous Material By-law;
  - (g) the Topsoil By-law;
  - (h) the Excavation By-law; and
  - (i) the Occupancy Permit By-law.
- P-141 In accordance with the Municipal Government Act, the development officer appointed by Council or any other person to act in the development officer's stead shall administer the land use by-law and the subdivision by-law and grant development permits.
- P-142 It shall be the intention of Council, in considering amendments to the Municipal Planning Strategy, to give notification to community groups and ratepayers associations in the area affected and further, to hold a public participation session within the polling district for which the amendment is proposed, pursuant to the Municipal Government Act.
- P-143 It shall be the intention of Council, in considering amendments to the land use by-law or Municipal Planning Strategy, to give notification to the Halifax County - Halifax Mainland Waters Advisory Board, and other relevant groups including the Sackville Rivers Association or the Shubenacadie Lakes Advisory Board, for any proposed amendment adjacent to a watercourse within the Sackville River or Shubenacadie Lake systems.
- P-144 It shall be the intention of Council to consider that uses permitted as existing uses are conforming uses and, unless otherwise limited by the land use by-law, can expand to the extent of their property holdings.

- P-145 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the municipality.
- P-146 It shall be the intention of Council, in recognition of the importance of stormwater planning and the developing nature of the Plan Area, to amend the subdivision by-law to require that the storm drainage requirements which are now applied in the serviced areas only, be applied where necessary in the Plan Area.
- P-147 It shall be the intention of Council to provide, through the land use by-law, for the expansion or structural alteration of non-conforming uses, provided that the expansion or alteration does not result in an increase in the space devoted to the non-conforming use.
- P-148 It shall be the intention of Council, in the interests of vehicular safety, to regulate, through the land use by-law, the height of any structures or landscaping, on corner lots where yards abut the street.
- P-149 It shall be the intention of Council to recognize the following list of priorities in the Plan Area established through the Municipal Planning Strategy:
- (a) Transportation
    - (i) construction of the Hammonds Plains by-pass;
    - (ii) construction of an interchange on Highway 101, as shown on Map 2;
    - (iii) initiation of required planning to identify and reserve land for a Beaver Bank Collector;
    - (iv) installation of traffic control elements in areas identified on Map 2;
    - (v) initiation of required planning to identify a route for an arterial highway by-passing Hammonds Plains Road, intersecting with Highway 103.
  - (b) Environmental Health Services
    - (i) initiation of an engineering study to determine the capacity of the Uplands Park sewage treatment plant;
    - (ii) stormwater master planning for Springfield Lake.
  - (c) Recreation
    - (i) initiation of an engineering study designed to produce contours for a recreation facility at the former regional sanitary landfill site;
    - (ii) development of a provincial park at Cox Lake;
    - (iii) improved public access to lakes and the development of improved swimming areas.
  - (d) Education
    - (i) construction of an elementary school in Beaver Bank;
    - (ii) construction of a high school in the Sackville area.

As part of the Plan Review process, submissions were received from the public for review, discussion and recommendation by the Area Advisory Committee. As outlined in the Terms of Reference, the Committee reviewed plan area wide issues first, community issues second and individual requests last. The Terms of Reference also stipulated that those issues not dealt with by the Committee within the review time frame be identified in the Municipal Planning Strategy as items for future consideration. The end of the Committee's term was reached prior to dealing with all the identified issues. As a result, the following issues have been identified as items for future

review: the protection of lakewater quality and more restrictive zones and designations in the Hammonds Plains and Upper Sackville areas.

P-150 It is the intention of Council to examine with the following issues as part of a future policy review for this Plan Area: the protection of lake water quality, and more restrictive zones and designations in the Hammonds Plains and Upper Sackville areas.

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

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

P-151 Further to Policy P-139, the land use by-law shall not contain sign provisions for signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).

P-152 Where there is enabling policy to consider the development, by development agreement, of a multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law.

P-153 Notwithstanding Policies P-39A and P-39B, applications for non-substantive amendments to development agreements that now meet the definition of shared housing with special care in the land use by-law that were in effect on the coming in force of Policies P-39A, and P-39B, shall be considered under the policies in effect at the time the development agreement was approved, provided that the proposed amendments were identified in the agreement as non-substantive.

P-154 Complete applications for development agreements on file with the Municipality located in this plan area, which were received on or before INSERT FIRST READING DATE, shall continue to be considered under the policies in effect on immediately prior to that date. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By-law. Applications that have not proceeded to public hearing within 36 months of INSERT FIRST READING DATE shall be subject to all applicable requirements of this Plan and the Land Use By-Law. (RC-Aug 9/22;E Sep 15/22)



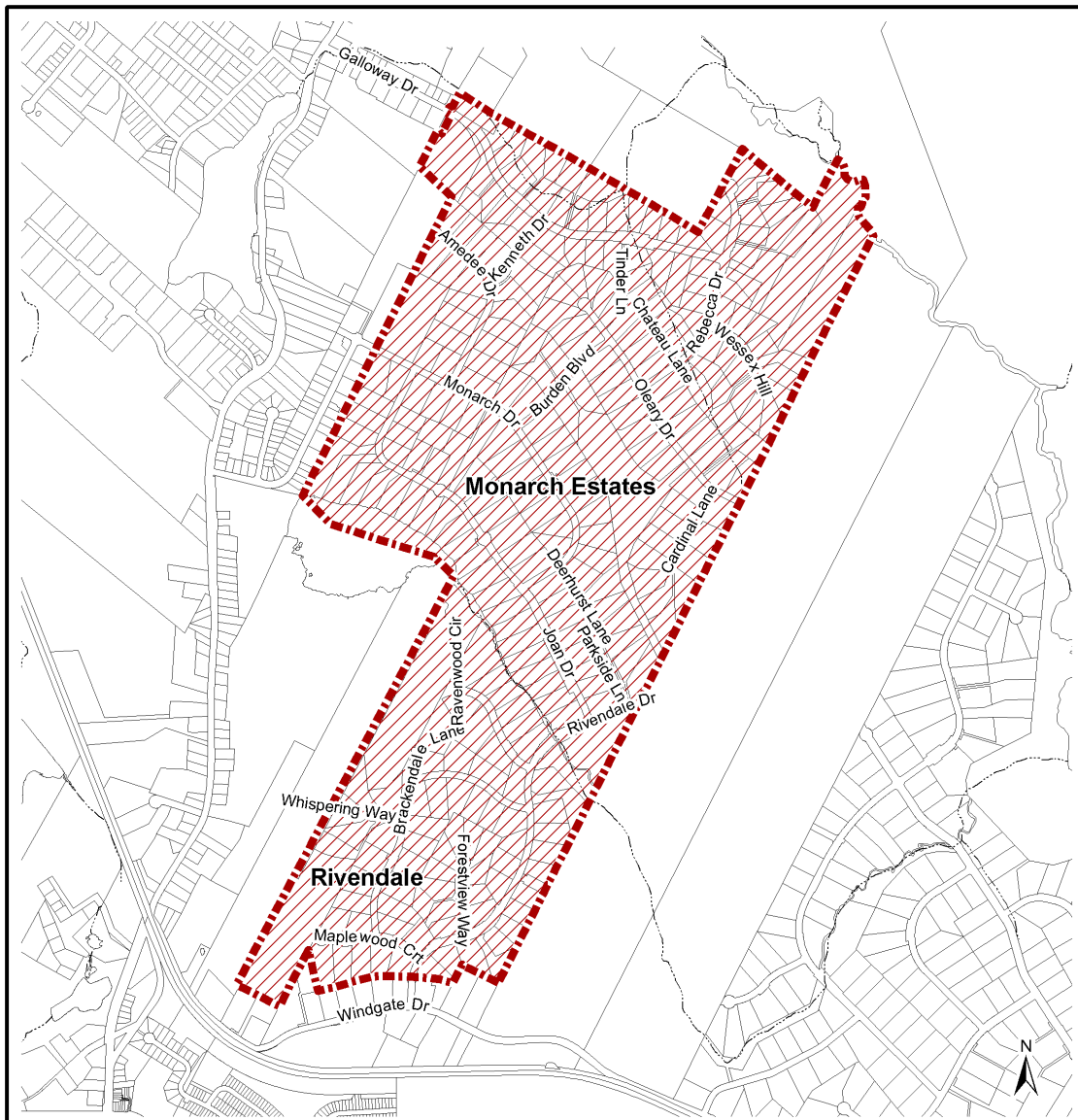
**MUNICIPAL PLANNING STRATEGY  
AMENDMENTS - BEAVER BANK,  
HAMMONDS PLAINS, UPPER SACKVILLE**

<b><u>Amendment Number</u></b>	<b><u>Policies/Maps</u></b>	<b><u>Subject</u></b>	<b><u>Council Adoption</u></b>	<b><u>Effective Date</u></b>
1	The Glen Arbour Integrated Golf Course and Residential Community; deleting preamble to Policy P-1; adding to Policy P-135(a)(iv); adding to Policy P-135(d)(iii); adding to Policy P-135(e)(iii).	Case No. 00071	RC - April 24, 2001	E - June 9, 2001
2	Request by Annapolis Basin Limited to enter into a development agreement to allow for high intensity residential uses (two units, townhouses and small scale multiple unit dwellings) serviced by oversized on-site sewage system on Blocks A through D within the Glen Arbour Integrated Golf Course and residential community	Case No. 00071	RC - April 24, 2001	E - June 9, 2001
3	Application by Steve Fairbairn to amend the MPS for Beaver Bank, Hammonds Plains and Upper Sackville to allow a commercial entertainment use at 991 Beaver Bank Windsor Junction Cross Road. (Add Plan policy on Heritage; and amend Policy 135).	Case No. 00404	RC - March 26, 2002	E - April 25, 2002
4	Amendments to include Capital Cost Contributions - add AInfrastructure Charges@ after Policy P-81; add Subsection (e) following P-137(d).	Project No. 00423	RC - July 2, 2002	E - August 17, 2002
5	Amendments to include Construction and Demolition Waste; add after Policy P-97 AConstruction and Demolition Waste Management Strategy@; amend policy P-43; and amend AUpper Hammonds Plains Designation@.	Project No. 00082	RC - September 10, 2002	E - November 9, 2002
6	Amendments to Beaver Bank Villa; and Policy 135(a)(v) was added (expansion of mobile home park or permit innovative forms of housing or design).	Case No. 00398	RC - July 8, 2003	E - August 16, 2003

7	Amended by inserting Interim Growth Management section immediately following the Infrastructure Charges section	Project No. 00664	RC - April 13, 2004	E - April 22, 2004
8	Amended by inserting The Bedford West Secondary Planning Strategy section immediately following The Glen Arbour Integrated Golf Course and Residential Community; GFLUM amended to include Bedford West.	Case No. 00382	RC - June 20, 2006	E - July 29, 2006
9	Delete Policy P-1 and paragraph 9 before it; delete paragraphs 1 to 6 before P-2; delete P-2, P-5 and P-6; amend P-3 and P-4; delete P-136; and delete subsection on APrivate Road Development and P-106 and P-107.	Regional Plan	RC - June 27, 2006	E - August 26, 2006
10	Add pre-amble and Policy P-151: Temporary Signage.	Project No. 00327	RC - September 26, 2006	E - November 18, 2006
11	Add pre-amble and Policy P-26A and Policy P-135(a)(vi), re: Kennels.	Case No. 01076	RC - September 16, 2008	E - October 4, 2008
12	Replaced Schedule BW-4 of the Bedford West SPS re: Bedford West Charge Area	Case No. 01148	RC - June 2, 2009	E - June 27, 2009
13	Replace wording in Policy P-34 regarding signs	Case No. 01201	RC - June 30, 2009	E- September 5, 2009
14	Add AHammonds Plans Commercial Designation@ to Section II; Add P-131(a) to Section IV re Hammonds Plains Commercial Designation.	Case No. 01186	RC - February 9, 2010	E - April 3, 2010
15	Amend Map 5, Beaver Bank Service Boundary, to include land in the Water Service District	Case No. 01281	RC - March 2, 2010	E - May 1, 2010
16	Replaced Maps BW-6 (Bedford West Development Sub-Areas) and BW-7 (Bedford West Community Concept Plan)	Case No. 16104/16106	RC – March 15, 2011	E – May 28, 2011
17	Amend GFLUM 1D: allocate areas in Westwood Hills, Upper Tantallon, to Planning Districts 1 and 3	Case No. 15894	RC – June 21, 2011	E – September 3, 2011

18	Add Policy P-17A, Monarch and Rivendale Subdivisions; Add Schedule P-17A, land in the Monarch and Rivendale Subdivisions	Case No. 16423	RC – September 13, 2011	E – October 29, 2011
19	Added Policy P-22A - 40 Sandy Lake Rd, Beaver Bank – Fraternal Centre; Added P-135(vii).	Case No. 17531	RC – March 5, 2013	E – April 20, 2013
20	Added text to Policy BW-23; Added Policy BW-31A; Added Policy BW-32A.	Case No. 18423	RC – May 20, 2014	E – June 14, 2014
21	<b>Repeal/Readopt</b> Policy P-3, P-4.	RP+5	RC-June 25, 2014	E-October 18, 2014
22	<b>Add</b> text to Commercial Development – Mixed Use A and B Designation section; Policy P-24A; Policy P-134(a)(vi), P-134(b)(vi).	Case 19627	RC-April 26, 2016	E-June 25, 2016
23	<b>Amended</b> Section I, Regional Context, Section II, subsection Mixed Use Designations – Land Use Policy, Policy P-8, Policy 11, Policy P-32(a), Policy P-38, Policy P-40, Policy P-135(e); <b>Added</b> Section IV, P-152 – P-154.	Case RP16-16 (Shared Housing)	RC – August 9, 2022	E – September 15, 2022
24	<b>Amended</b> Section III, Heritage Properties - Policy 125(a)	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022

# SCHEDULE P-17A: LANDS OF THE R-1b ZONE (MONARCH/RIVENDALE SUBDIVISION) (RC-Sep 13/11;E-Oct 19/11)



**Schedule P-17A**  
**Lands of the R-1b Zone (Auxilliary Dwelling with Home Business)**  
 Monarch/Rivendale



Beaver Bank/Hammonds Plains/Upper Sackville  
 Plan Area

**HALIFAX**  
 REGIONAL MUNICIPALITY  
 REGIONAL AND COMMUNITY  
 PLANNING SERVICES

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HRM does not guarantee the accuracy of any  
 representation on this plan.

May 17, 2011

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