



# **MUNICIPAL PLANNING STRATEGY**

## **PLANNING DISTRICT 4 (PROSPECT)**

**THIS COPY IS A  
REPRINT OF THE  
PLANNING DISTRICT 4  
MUNICIPAL PLANNING STRATEGY  
WITH AMENDMENTS TO  
FEBRUARY 3, 2023**

**MUNICIPAL PLANNING STRATEGY  
FOR  
PLANNING DISTRICT 4**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Planning District 4 which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 12th day of December 1994, and approved with amendments by the Minister of Municipal Affairs on the 3rd day of March, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 3<sup>rd</sup> day of February, 2023.

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

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

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Map 1: Generalized Future Land Use Map

Separate

## INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, R.S., c.346, 1989 and pursuant to Municipal Council's adoption of Municipal Development Plan, Stage 2 Process in March of 1983. The Strategy covers the area within Municipal Electoral District 4. Although the boundaries of this district coincide in most instances with the planning boundary, any shift in an electoral boundary will not affect the application of this strategy without a specific amendment to also alter the planning boundary.

Pursuant to the Planning Act and Municipal Council's 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<sup>1</sup> 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 statistical profile. Section II contains discussion and policies relating to environmental health services, transportation needs and the provision of community services. Section III contains land use policies and development control guidelines respecting future land use decisions. Finally, Section IV consolidates the various implementation measures provided in the Planning Strategy through the Planning Act and other statutes and actions of Municipal Council.

The policies adopted by Municipal Council in this Strategy are prefaced by explanatory and supporting text which shall be considered as a legal part of the Strategy. Of the maps which are included and specifically referred to, the Generalized Future Land Use (Map 1) and the Transportation Map (Map 2) 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.

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<sup>1</sup> In 1993 the committee structure of Council was revised such that all responsibilities of the Municipal Plan Committee were assumed by the Municipal Planning Advisory Committee.

# SECTION I

## REGIONAL CONTEXT

Planning District 4 is located southwest of the City of Halifax. It is bounded by the City of Halifax to the north, Planning District 5 to the east, Planning Districts 1 and 3 to the west and the Atlantic Ocean to the south. Planning District 4 contains thirteen communities which include Goodwood, Hatchet Lake-Brookside, Whites Lake, Terence Bay, Lower Prospect, Prospect Village, Prospect Bay, Shad Bay, Bayside, Blind Bay, McGraths Cover, East Dover and West Dover.

There are many features which attract people to Planning District 4 from throughout the region. Among the most significant are the Atlantic Winter Fair Site and the natural scenic beauty of the area. **In the future, there will also be other potential attractions such as the Long Lake Provincial Park and the wilderness park proposed on lands surrounding Big Indian and Nichols Lakes. (RC-Jul 4/00;E-Aug 5/00)**

The Atlantic Winter Fair Site is located on the east side of Highway No. 333, just directly north of the Goodwood community. This facility hosts a number of events which attract people from not only the metropolitan area but from many regions throughout Nova Scotia. Some of the major events which have been held at this facility include car shows, boat shows, home renovation shows, craft fairs and agriculture fairs.

Tourists are attracted to Planning District 4 from many parts of the province, Canada and from other countries. This is, in part, due to the natural scenic beauty of the area and the fact that it forms part of the loop road system comprising the Lighthouse Route. This route is dotted with numerous tourist attractions including the quaint villages of Terence Bay, Prospect and the Dover Communities. At the western periphery of the Plan Area boundary lies Peggys Cove. It is estimated by the Nova Scotia Department of Tourism that there are approximately 200,000 visitors attracted to this community annually. As a result, many tourist related businesses have been established throughout Planning District 4 to service tourist demand.

The Long Lake Provincial Park has been designated by an Act of the Legislature to serve as a recreation area for the Metropolitan Region. Approximately 4000 acres of this 5000 acre park is located within Planning District 4. As funding becomes available, the Provincial Government intends to develop recreation facilities to accommodate both day and overnight uses.

**The plan area also encompasses a large tract of land, owned by the Municipality which extends westward from the Prospect Road, in the vicinity of Big Indian and Nichols Lakes, to the Nine Mile River. A large portion of these lands were originally acquired by Public Service Commission of Halifax for a protected watershed area when Big Indian Lake served as a backup potable water supply for the City. With the commissioning of the Pockwock Water Supply system in the 1970s, the lands were no longer needed for this purpose and ownership was transferred to the Municipality. Additional lands were also acquired by the Municipality around the Regional solid Waste Disposal Facility at Otter Lake.**

**In 1998, the Municipality initiated a planning study to determine how these lands could be best utilized to benefit the surrounding communities and the region (during the exercise, these lands became known as “the Western Common”). The study recommendations have been adopted under this plan, as well as under the planning documents for the abutting plan areas of Halifax and Timberlea/Lakeside/Beechville as a framework for decisions regarding**

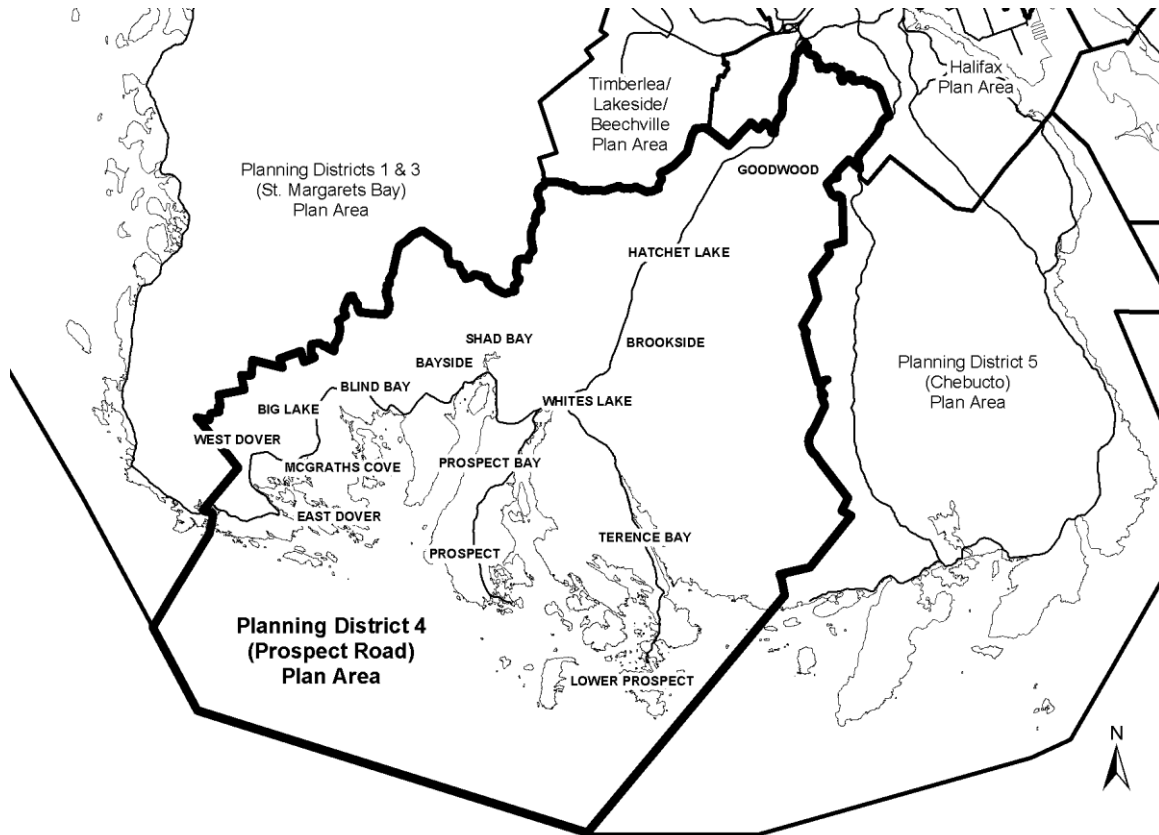


**planning and development.<sup>2</sup>” (RC-Jul 4/00;E-Aug 5/00)**

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<sup>2</sup>Planning for the Western Common. Prepared by EDM (Environmental Design and Management) for the Western Region Needs Assessment Committee. February 1999.

## REGIONAL CONTEXT MAP



## PLAN AREA PROFILE

### Historical Background

Many of the original settlers of the coastal areas of Planning District 4 immigrated from a variety of nations, including Germany, England, Ireland and Russia. These coastal areas include Prospect, Lower Prospect, Terence Bay, West Dover, East Dover and McGraths Cove. By 1827, forty-four families were recorded to be living in Prospect. In the same year, there were eight families residing in the "Dovers" and by about the mid 1800's, settlers came to McGraths Cove and Terence Bay.<sup>3</sup> Communities relied heavily on the fishing and farming industry as their economic mainstay.

With settlement came the establishment of schools, churches and postal services. As far back as 1794, the Mount Carmel Roman Catholic Church was built in Prospect. This church was later extensively used by the Sisters of Charity in 1876 for community work and education. Education services in Terence Bay and East Dover date back to 1859 and 1857, respectively. Postal offices were constructed in Terence Bay in 1856 and in Prospect in 1870.<sup>4</sup>

The inland communities, such as Goodwood, Hatchet Lake, Whites Lake, Shad Bay and Bayside, were settled primarily by discharged Royal Naval Soldiers. These people were granted land as far back as 1773 and many of the families today bear their names such as Drysdale, Umlah, Yeadon and Coolen.<sup>5</sup>

Many of the land ownership patterns today still reflect early settlement along long narrow strips. Land was granted in this form to provide access to the sea for fishing and to provide land for pasturage in the backland areas. Many of these lots are now being consolidated to provide the necessary land area for subdivision development.

Like the coastal areas, the settlement of the inland areas was followed by the provision of community services. These communities became largely dependent on manufacturing and lumbering industries as the communities grew in size. Around the communities of Hatchet Lake and Brookside, the main occupation was farming and lumbering. In Bayside, there was an abundance of industries including a bleach plant, a ship building plant, a sawmill and a tourist hotel.<sup>6</sup>

Travel to neighbouring communities was limited in the early 1800's because of the lack of a transportation network. As a result, the communities became self-reliant and this gave way to the growth of local commercial centres. By 1951, the main roads (Highway No. 333 and Prospect Bay Road) were upgraded and paved from Halifax to Shad Bay. This provided the impetus for the development of a mix of land use activities along these roads between the existing communities.

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<sup>3</sup> <sup>1</sup> District 4 Community School Directory, 1986.

<sup>4</sup> <sup>2</sup> Ibid.

<sup>5</sup> <sup>3</sup> Ibid.

<sup>6</sup> <sup>1</sup> District 4 Community School Directory, 1986.

Since the 1950s, a more suburban form of residential development has been occurring in the backland areas in the subdivisions of Brookside, Club Road, Seligs Road, Brennans Road, Stoney Beach Road, Alderwood Acres, Bayview Estates, MacDonald Lake Estates and Drysdale Estates. Within these subdivisions, development is devoted almost exclusively to a suburban style of residential development with some small home based businesses contained within the dwelling units.

Coastal communities, such as Terence Bay, Prospect, McGraths Cove, East Dover and West Dover, have developed in a cluster fashion around a community core. Land use activities are very mixed in the communities of Terence Bay and West Dover, but almost exclusively residential in the communities of Prospect, East Dover and McGraths Cove. The traditional fishing industry continues strong in Terence Bay and West Dover. There are two fish processing plants in Terence Bay, and one in West Dover. As well, there are numerous fish stages and wharves located along the shores of West Dover and in some parts of Terence Bay. There is some fishing activity carried out within the Prospect, McGraths Cove and East Dover communities, but to a lesser extent than in West Dover or Terence Bay.

### Population

Table 1 shows the growth in population from 1971 to 1991. In 1991, the Plan Area population was approximately 7,200. This represents a yearly average growth rate of 3 percent which is slightly below the rate for neighbouring districts. District 5 has a yearly average growth rate of 4.4 percent while District 3 has a rate of 6.3 percent.

TABLE 1: POPULATION GROWTH - PLANNING DISTRICT 4

YEAR	POPULATION (to nearest '00)	% GROWTH
1971	4,500	----
1976	5,200	15.5
1981	5,800	11.5
1986	6,500	12
1991	7,200	10.7

Source: Census of Canada, 1971 - 1991

### Age Structure

Table 2 shows the distribution of population by age comparing Planning District 4 with the City of Halifax and the Province. This table illustrates that the population of Planning District 4 is very young compared to the City of Halifax. Approximately 23.7 percent of the population of Planning District 4 is below the age of 14 whereas only 16.3 percent of the population of the City of Halifax is within this age category. This has implications on the provision of educational services within the district because the majority of this age group is comprised of school aged

children.

When compared to Planning District 4, the City of Halifax tends to have an aging population with 12.5 percent of the population over the age of 65. Within Planning District 4, only 6.6 percent of the population is over the age of 65. This is partly due to the recent growth of first time home buyers (25 to 44) within Planning District 4. As well, it is in part due to the availability of senior citizen complexes, transit services and hospitals within the City of Halifax.

TABLE 2: POPULATION BY AGE GROUPS (1991)

AGE GROUP	PLANNING DISTRICT 4 PLAN AREA %	HALIFAX - DARTMOUTH %	NOVA SCOTIA %
0 - 14	23.7	16.3	20.5
15 - 24	12.3	16.4	14.9
25 - 34	21.0	21.5	17.4
35 - 44	18.8	14.8	15.6
45 - 64	17.6	18.5	19.0
65 +	6.6	12.5	12.6

Source: Census of Canada, 1991

### Housing Type

Table 3 shows the number of private dwellings by type for Planning District 4, in 1991. In 1991, the majority of the areas housing units within the Plan Area were comprised of single detached dwellings (92.5 percent). This is, in part, due to the fact that on-site septic and well systems are required to accommodate housing development. The developer must, therefore, provide large amounts of land to develop these units or provide private central treatment systems to accommodate larger housing complexes. This makes the development of duplexes or multiple unit complexes less feasible than the development of the more popular single unit dwelling.

TABLE 3: OCCUPIED PRIVATE DWELLINGS BY TYPE PLANNING DISTRICT 4 (1991)

TYPE	NUMBER	%
Single Detached	2180	93.0
Movable Dwelling	25	1.0
Others	150	6.0
TOTAL	2350	100.0

Source: Census of Canada, 1991.

## SECTION II

## ENVIRONMENTAL CONCERNS

### On-Site Sewage Disposal Systems

At present, there are approximately 2,350 on-site sewage disposal systems in operation within the Plan Area. This number, and the potential for a large increase in such units as residential development continues, is a cause for concern considering the potential for septic system malfunctions. Areas identified by the N.S. Department of the Environment as being at risk for on-site system malfunctions include Goodwood and Brookside Road where the presence of impervious clay silt soils disrupts the proper flow of effluent.<sup>7</sup> The presence of bedrock is another concern for on-site system malfunctions. The communities of McGraths Cove, East Dover, West Dover, Terence Bay and Prospect Village are areas where bedrock is close to or at the surface. In these areas, the presence of bedrock precludes the installation of on-site systems in many locations.

Also, there are concerns throughout the district with the capacity of the soil to sustain on-site systems. Many areas along Highway No. 333 have a high water table and a low depth of permeable soil. However, since approximately 1980, there have been fewer incidents of on-site system malfunctions which is attributed to larger lot sizes, lower densities and improved septic system technology.

Many malfunctions of on-site systems are due to improper or inadequate maintenance which, if left untreated, may result in groundwater contamination. This may also contaminate marine life near shorelines and leave beaches unsightly. There are no regulations requiring regular maintenance and many homeowners are unaware that periodic removal of solids from the septic tanks is necessary. In some cases, effluent is not processed through a septic disposal system but is allowed to drain directly into the soil, open ditches, or to a water source. Presently, there is no system in place to encourage residents to upgrade to a modern septic system. With continuing residential development, the importance of adequate and well maintained on-site services will become more critical. One approach to addressing the problem is through a public information program which would outline the type and frequency of maintenance required for septic systems. Information of this nature could be made available in various public places such as the three municipal buildings in Halifax County where it could be attained when applying for a building permit.

- E-1 In order to increase public awareness of on-site sewage disposal systems, maintenance requirements and other related matters of environmental health concern, it shall be the intention of Council, in cooperation with provincial and federal government departments, to develop and implement a public education program dealing with such matters.
- E-2 It shall be the intention of Council, in cooperation with the N.S. Department of the Environment to investigate, through the Board of Health, the feasibility of introducing an on-site sewage disposal system maintenance program.
- E-3 It shall be the intention of Council, in cooperation with the Nova Scotia Department of the Environment to investigate, through the Board of Health, the feasibility of residents upgrading antiquated septic systems to modern septic systems.

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<sup>7</sup> 1 On-site Sewage Disposal System Malfunctions, Survey and Report, Department of Health and Department of Municipal Affairs, 1980.

## Potable Water

Planning District 4, at the present time, does not have any severe problems with drinking water although there are some areas which have problems which are common throughout the Municipality. Bad well construction and location can cause infiltration of road salt, bacteria and coliforms from surface runoff. Drilled wells in areas high in quartzite are susceptible to contamination by unacceptable levels of arsenic, iron, manganese, hydrogen sulphide and reduced Ph levels. Wells drilled in granitic bedrock have had, in some cases, high concentrations of uranium and radon gas. In some cases, wells drilled near the ocean have problems with saltwater intrusion. Little is known about the extent of uranium in drinking water because this is not a required test to be undertaken by a home builder. One study which did address the issue was a study carried out by the Nova Scotia Uranium Task Force during the 1980s. The findings within this study, however, were never officially released. One area identified by the Nova Scotia Department of the Environment as being at risk for high concentrations of uranium is Brookside Road. The uranium found in well water within this area, however, was generally within acceptable drinking water guidelines. Areas which are likely to have higher concentrations of arsenic include Brookside Road, Prospect Bay and Seligs Road.

For the immediate future, it seems that Planning District 4 will continue to grow without the benefit of central municipal water. It is important in areas susceptible to groundwater contamination for residents to be informed about possible health problems.

- E-4      It shall be the intention of Council, in cooperation with the N.S. Departments of Health and Environment, to identify and inform future residents of potential areas of groundwater contamination and to encourage the use of alternative water sources in such areas.

## Stormwater Management

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

There is a growing concern of the need to protect waterbodies. With a clearer understanding of the problems caused by stormwater runoff, stormwater management can provide a significant reduction in development associated drainage problems and their subsequent costs.

Stormwater management has assumed a higher priority in the Municipality since Council's adoption of the Stormwater Task Force Report. This led to the passage of the Halifax County Stormwater Drainage Act in 1988, which is now consolidated with other special Acts into the Halifax County Charter. The County Charter enables the Municipality to enact its own controls over stormwater drainage. In addition, stormwater design criteria has been developed with additional attention given to engineering considerations during the subdivision stage of a development.



These features are to be incorporated into a by-law to control the infilling, diversion and removal of natural stormwater systems and to require adequate stormwater drainage systems for both subdivisions and individual lots.

While interest in stormwater management was initiated largely due to problems and concerns with the flooding of developed areas, stormwater runoff, although often overlooked, is also a cause of water pollution. Proper management is, therefore, essential in order to maintain water quality.

E-5 In recognition of the need to protect the salt and fresh water in the Plan Area, it shall be the intention of Council to amend the Subdivision By-law, to implement the applicable provisions of the Stormwater Policy and Design Criteria Manual, within the Plan Area.

E-6 It shall be the intention of Council to encourage the Department of the Environment to stringently enforce their erosion and sedimentation guidelines for construction sites.

#### Protection of Watercourses

The provincial Department of the Environment has primary jurisdiction with regard to the protection of watercourses. The infilling, dredging, diversion, or alteration of any waterbody or watercourse requires a permit from this department. Unnecessary watercourse alterations can cause unforeseen problems such as flooding, erosion and siltation which may damage fish and wildlife habitat. The federal Department of Fisheries and Oceans currently reviews development proposals to gauge their impact on fish habitats.

E-7 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 and alteration of watercourses within the Plan Area.

E-8 It shall be the intention of Council to encourage the federal department of Fisheries and Oceans to continue to review development proposals in the Plan Area with regard to their impact on fish habitats.

#### General Setback Requirements from Watercourses

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

E-9 It shall be the intention of Council, through the land use by-law, to require all new buildings and structures, except those requiring direct access to water to be setback a minimum of twenty-five (25) feet from watercourses and waterbodies within the Plan Area.

E-10 It shall be the intention of Council to encourage people not to cut trees within twenty-five (25) feet of watercourses.

## Nine Mile River

Water quality of the Nine Mile River and its connecting lakes are matters of concern for local residents. Environmental health problems in Timberlea, Lakeside and Beechville resulted in the installation of central water and sewer services in 1983. Effluent being treated in the Timberlea Sewage Treatment Plant is discharged into the Nine Mile River.

The treatment plant presently serves approximately 6,047 people. With upgrading, it has the potential to serve over 30,000 people. The treatment plant itself is equipped as an enhanced secondary treatment facility and recent samples taken by the Department of the Environment indicate that the plant is meeting its design criteria.

Residents of Shad Bay are concerned over shellfish fishery in Shad Bay. According to Environment Canada, recent shellfish closures are due to the quality of effluent discharging from residential on-site septic systems in the Shad Bay area. Residents, however, are also concerned with possible contamination of the Nine Mile River by the sewage treatment plant in Timberlea. To help alleviate any concerns over the quality of water in the Nine Mile River and Shad Bay, the federal departments of Fisheries and Environment Canada indicated a willingness to hold public meetings in communities where shellfish closures occur to explain the reasons for their closures.

- E-11 It shall be the intention of Council to encourage the Departments of the Environment and Health to continue to monitor water quality in the Nine Mile River and to do so at two (2) mile intervals as far as Shad Bay.
- E-12 It shall be the intention of Council to encourage the federal Departments of Fisheries and Oceans and Environment Canada to hold public information meetings to explain shellfish closures when they occur.

## Solid Waste

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

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

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

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

- E-13 It shall be the intention of Council to make available to the general public and all residents of Planning District 4 all information and details related to the development of the Halifax metropolitan region's next solid waste management strategy and landfill and to encourage the participation by all stakeholders in the consultative process which forms the basis for the Municipality's acceptance of responsibility for solid waste management.
- E-14 It shall be the intention of Council to request the Metropolitan Authority to investigate, in cooperation with other levels of government, programs for reducing waste and for waste reclamation.
- E-15 It shall be the intention of Council to support community based waste recycling, reduction and reclamation efforts and to initiate public education campaigns on these matters.
- E-16 It shall be the intention of Council to either organize an annual domestic hazardous waste pick-up or to request the Metro Authority to do so.

**On March 25, 1995, the community stakeholder committee (CSC) adopted in principle, "An Integrated Resource Management Strategy", which was later adopted in principle by all four municipal units involved. The Waste Management Strategy establishes goals for the diversion of solid waste from the new landfill site. The goal of the strategy is to reduce the amount of solid waste disposed of at the new landfill site from 97 percent of total waste generated to approximately 12 percent. The Waste Management Strategy is made up of a number of components which must be implemented together in order to achieve its objectives. A significant increase in composting activity is considered essential to meeting or exceeding waste diversion targets as well as ensuring that organic wastes are not disposed of at the new regional landfill site.**

**To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting<sup>8</sup> and source-separated composting<sup>9</sup>. Personal composting is intended to divert approximately 30**

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<sup>8</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>9</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

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>10</sup> or *in-vessel*<sup>11</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.

**E-16A** It shall be the intention of Council, in support of the Integrated Waste Management Strategy adopted in June 1995, to support the location of composting operations in (industrial, resource, and mixed use) zones subject to compliance with provincial and municipal guidelines and regulations. (MC-Feb 26/96;E-Mar 28/96)

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or other mechanical handling of organic matter.

<sup>10</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>11</sup> "In-Vessel Composting" refers to the method of aerobic composting of organics which is conducted in vessels, under cover, where the movement of air, the movement of material, and the monitoring of environmental parameters are mechanically controlled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-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 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 “rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives.
- (b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial “Construction and Demolition Debris Disposal Site Guidelines”, to address the design and operational requirements.

Any C&D disposal operation is required to comply with the provisions of HRM’s C&D Licensing By-law. The By-law prohibits disposal of materials which can be recycled or reused and will significantly minimize the number of such disposal operations. Neither the C&D License By-law nor provincial regulations prohibit the use of inert materials as fill on individual properties.

Consequently, the regulation of C&D disposal facilities through municipal planning documents should focus on land use compatibility issues and locational criteria.

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

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



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

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

### **Site Plan Approval**

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

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

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

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

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

**SW-10A** Notwithstanding Policy SW-7, it shall be the intention of Council to allow a modest expansion of the existing C&D transfer and processing facility at 16 Mills Drive in Goodwood by applying the CD-2 Zone to a portion of land located immediately west of the existing operation, as shown on the attached Schedule A. (RC-Jun 10/14;E-Jul 26/14)

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

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

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

**committee to provide information on municipal approvals, requirements, and enforcement issues.**

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

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

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

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

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

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

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

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

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays, may be imposed in the Subdivision By-law to recover all, or part, of the capital costs**

incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

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

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

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

### **Objectives**

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

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) 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-laws and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.
- IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.
- Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.
- IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.
- IC-7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and

capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**IC-8     An infrastructure charge may only be used for the purpose for which it is collected.  
(RC-Jul 2/02;E-Aug 17/02)**

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

## TRANSPORTATION

The road network of Planning District 4 consists mainly of Highway No. 333 and the roads connecting to it. These include the Brookside Road, Terence Bay Road, Prospect Bay Road, McGraths Cove Road, and East Dover Road. Before Highway No. 333 was constructed, settlement was limited to coastal fishing communities but the highway encouraged inland settlement in connection with farming and lumbering activities. Recent years have seen the development of residential subdivisions, especially in the Goodwood to Whites Lake areas. The greatly increased traffic volumes together with the narrow and winding nature of the existing highways have brought into question safety for both travelling public and residents.

A number of traffic safety problems have been identified by the R.C.M.P. and residents. These include the intersections of Highway No. 333 and Club Road, Prospect Bay Road, Brookside Road, Terence Bay road, Middle Village Road and the crosswalk at the intersection of Brookside Road and Highway No. 333. Installing hazard signs, flashing lights or reduced speed limits may help to alleviate problems with these intersections.

With respect to other transportation concerns such as local road improvements, and driveways located on curves, the Municipality has no jurisdiction. These matters, however, remain a fundamental local planning concern. The residents of District 4, therefore, strongly urge the Department of Transportation and Communications to involve the community in the decision making process regarding any road construction or widening. Another concern is the increase of bicycle traffic on highways during the summer season. Residents would like to see the feasibility of a bicycle path adjacent to the Highway No. 333 travel way studied.

T-1      It shall be the intention of Council to encourage the Department of Transportation and Communications to include community participation in decisions regarding future road and safety improvements.

An increase in the number of signs along Highway No. 333 in recent years has raised the concerns of area residents. In some locations, the number of signs has become a visual irritation because of the high concentration of signs in a relatively short distance along the highway.

T-2      It shall be the intention of Council to encourage the Department of Transportation and Communications to enforce its regulations with respect to signs which are within the road right-of-way.

### New Roads and Road Improvements

Residents are interested in better access at the eastern end of the Plan Area. One such access is a connection between Pennant and Terence Bay. A link between the two roads would improve access, stimulate tourism, improve emergency services including police protection and evacuation if ever necessary, and would facilitate school bussing.

T-3      It shall be the intention of Council to encourage the Department of Transportation and Communications to complete the highway between Terence Bay and Pennant and to upgrade Highway No. 333.

Highway No. 333 is the main arterial route through Planning District 4 and, therefore, considerable attention is given to it. Most residents depend on the highway for an efficient means of travelling to work in the Halifax region. Since it is the only direct route to the Halifax area, it remains important that the highway remain in top condition. Driveways connecting to the highway on sharp curves has remained a safety concern because of the increased potential for accidents. The roadbeds in some locations need upgrading and safety for pedestrians along this highway remains a concern. Areas such as Goodwood, Brookside and Whites Lake are areas of concern for pedestrians walking along the travelled way because of the higher concentration of development along with the narrow right-of-way. Sidewalks in these areas would help to alleviate many of the pedestrian safety concerns.

#### Subdivision on Existing Private Roads

A number of private roads exist in the Plan Area. In some cases there is no record of a right-of-way easement for residents using the roads while in the majority of cases no legal survey of the right-of-way has ever been made.

In many cases existing and non-rectifiable problems with the existing right-of-way do not warrant any further subdivision. However, there may be instances where a further subdivision would not create significant new problems and would provide a reasonable development opportunity. It is also felt that any such subdivision activity should provide for possible upgrading of the road to provincial standards and thus no buildings or structures should be permitted within the area that might eventually be required for this purpose.

- T-4      It shall be the intention of Council, through negotiation with the Nova Scotia Department of Transportation and Communications and by amendment to the Subdivision By-law, to permit the subdivision of land on existing private right-of-ways within the Plan Area which are not capable of meeting Department of Transportation and Communications standards for new private road development and provided that:
- (a)      there is an area of land with frontage on the private road capable of being subdivided; and
  - (b)      new buildings or structures shall not be permitted within sixty-three (63) feet of the centre line of the private road.

#### Private Road Development

With the adoption of the Planning Act in 1983 and the ensuing Municipal Subdivision By-law in 1985, the subdivision of land fronting on private roads became possible. However, in order to be classified as a private road on which subdivision can take place, the road must be capable of meeting the width, alignment and gradient specifications of the Department of Transportation.

In the past, private road development has caused problems. For example, such roads do not receive municipal services and, in instances there have been requests to have the Province take them over. In other instances, owners have attempted on their own to upgrade them to Department of Transportation and Communications' standards for eventual take over. However, in some cases these roads were not physically capable of meeting the required standard.



The standards that the Subdivision By-law now imposes on such roads will prevent these problems from occurring. The width, alignment and gradient specifications will ensure that the road, in the future, can be brought up to Department of Transportation and Communications' standards, at the expense of the owner.

#### **~~Deletion of Policy T-5 and its preamble (RC-Jun 27/06;E-Aug 26/06)~~**

T-6 It shall be the intention of Council to ensure that the upgrading of private roads in the Plan Area shall not be at the expense of the Municipality.

#### **Reduced Lot Frontages**

The Subdivision By-law of 1985 also introduced a number of provisions for reduced lot frontages in certain situations. These provisions have a number of advantages for an area like Planning District 4 **particularly in the coastal villages where the development pattern is in the form of irregular shaped lots clustered around the granite coves and inlets. It is difficult to construct standard subdivision developments in these communities without destruction to the natural environment and the historic character of the village. There is also a desire to subdivide one or two lots from a larger parcel to allow some infill development or to give a parcel of land to a family member or use it for farming or forestry purposes. (RC-Sep 8/15;E-Nov 7/15)**

**In order to allow for some limit infill development within Planning District 4 with minimal impact on the historical pattern of lot development and the natural environment, this Plan will continue to provide opportunities for the creation of a limited number of lots on land without road frontage or with reduced lot frontage which are not zoned for commercial, industrial or institutional purposes. In order to limit the application of lot frontage exemptions, these provisions may be applied to any parcel of land if the parcel was created on or before August 1, 1987. Parcels registered on or before November 28, 2014 may be subdivided using the provisions for lot frontage exemption within the Mixed Use Designation of this Municipal Planning Strategy if they are not zoned for commercial, industrial or institutional purposes. (RC-Sep 8/15;E-Nov 7/15)**

T-7 It shall be the intention of Council to permit the application of certain sections of the Subdivision By-law as specified therein, except for the reduced lot frontage provisions shall not apply where properties are zoned, used or proposed to be used for industrial, commercial or institutional purposes. Furthermore, it shall be the intention of Council that development permits shall not be issued for commercial, industrial, institutional uses on lots created pursuant to the Subdivision By-law. **(RC-Sep 8/15;E-Nov 7/15)**

T-8 It shall also be the intention of Council to amend the Subdivision By-law to allow the creation of a maximum of three lots having a minimum road frontage of twenty feet, from an area of land existing on the effective date of this planning strategy.

#### **Fish and Boat Sheds**

Within the coastal areas of Planning District 4, there are numerous fish and boat sheds located along the shores, which is a reflection of the traditional fishing activities which have been conducted in this area since the late 1700s. Throughout the years, fishing activities have been

conducted cooperatively from a single property by family, friends and persons who were simply associated by a common economic interest. In some instances different members of these cooperative units constructed fish and boat sheds with the permission of the property owner. The land supporting these structures however was never conveyed to the respective owner of the building.

Although there may be some interest by property owners to convey small parcels of land to the owners of these respective structures, the property owner is prevented from doing so due to the current requirements contained within the Subdivision By-law. In accordance with this by-law, all lots which are not serviced by a central sanitary sewerage system and are within seventy-five feet of a watercourse, must have a minimum lot area of forty thousand square feet. This minimum land area is deemed necessary by the Nova Scotia Department of the Environment, to support any on-site septic disposal system which may be installed to service the development. The land area required to support an existing fish and/or boat shed may be substantially less however since these structures can exist without the support of on-site sanitary services.

The residents of Planning District 4 recognize that the current requirements contained within the Subdivision By-law present a difficult situation for local people involved in the fishing industry. On the one hand, people involved in the fishing industry may need to upgrade these structures to respond to the demands of a modern fishery but cannot due to the lack of security associated with land ownership. Support is therefore provided to amend the Subdivision By-law, to permit the creation of smaller lots for fish and boat sheds. This provision however will be limited to existing fish and boat sheds to ensure that the scale of the future development of fishery and aquaculture support uses are compatible local residential uses. As well, any plans of subdivision creating undersized lots for existing fish and boat sheds, shall contain information to make future buyers aware that these lots can only be used for the operation of a fishery or aquaculture support use.

T-9 It shall be the intention of Council to amend the Subdivision By-law to permit the creation of lots of an unspecified area, width or length, for the accommodation of existing fish and boat sheds subject to the following conditions:

- (a) the lots shall only be created on lands designated Residential B, Rural Residential A, Rural Residential B, Rural Residential C, Rural Residential D, Rural Residential E, and the Mixed Use Designation.
- (b) the lots shall only be created to accommodate fish and boat sheds which were in existence at the date of the first publication of the notice of the intention to adopt the Land Use By-law For Planning District 4; and
- (c) the lot created shall not contain an on-site sewage disposal system or any part thereof.

T-10 It shall be the intention of Council to amend the Subdivision By-law so that where an undersized lot is approved for the accommodation of an existing fish and/or boat shed, the following words shall be written or stamped on any FINAL plan of subdivision which is endorsed as applicable:

"Lots \_\_\_\_\_ can only be used for the purposes of aquaculture support and/or fishery support uses as permitted in accordance with the applicable zone established within Parts 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of the Land Use By-law for Planning District 4."

## RECREATION

The five year period between 1986 and 1991 saw the population of Planning District 4 grow by 10 percent leading to a present population of approximately 7,300. It is likely that this trend will continue as more people move from the Halifax-Dartmouth Metropolitan Region to residential subdivisions within the Plan Area. As can be seen in Table 1, there are approximately 58 acres of municipal parkland of which around 15 percent are developed. In addition, there are other areas of developed parkland owned by the province and the Halifax-Bedford District School Board as summarized in Table 2. With continued growth leading to greater pressure on these facilities, there is a corresponding need to develop a priority list to guide future acquisition and development of parklands.

REC-1 It shall be the intention of Council in conjunction with the Department of Parks and Recreation and local community recreation groups to identify and seek ways to raise funds for the development of undeveloped parkland within Planning District 4.

With large amounts of land available for parkland in the district and a population which is expected to grow at a substantial rate, a coordinated approach to recreational planning is seen as the best method to determine the recreational needs of the Plan Area. This approach could help to identify local recreational needs and priorities and identify high potential sites and opportunities before they are lost. It would help to create recreational goals and standards which are specific to the community and assist in allocating human, physical and financial resources to areas of greatest need. Finally, it would outline the scheduling and implementing mechanisms for achieving recreational planning goals.

REC-2 It shall be the intention of Council to prepare a recreation master plan for the Plan Area which includes consideration of:

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

The Municipality presently acquires land through provisions made in the Planning Act. The Planning Act enables the Municipality, through its Subdivision By-law, to acquire 5 percent of land subdivided or cash-in-lieu. Where no suitable land is available or where there is sufficient parkland in the general area, cash-in-lieu is taken.

TABLE 1: MUNICIPAL PARKLAND

LOCATION	SIZE (ACRES)	DESCRIPTION
<u>OWNED</u>		
Brookside (Campbell) Brookside Mews	6.2	Recreation area, swimming area
Yeadon Green Subdivision Brookside	4.5	Playground, nature trail
Hatchet Lake	0.12	Undeveloped, has water access
Lynwood Village		Undeveloped, has water access
Hatchet Lake Lynwood Village Walton Club Estates	12.33	Undeveloped
Prospect Cedar Court Subdivision	2.65	Playground, tennis court, 2 basketball courts
Prospect Bay Pinedale Park	0.69	Undeveloped
Shad Bay Alderhill Subdivision	0.62	Ballfield
Terence Bay Margaret Umlah Subdivision	1.3	Boat launch
Terence Bay Netha Slaunwhite Subdivision	0.45	Archaeological site
Whites Lake Bayview Park	0.27	Undeveloped, has water access
Whites Lake May Lillian Colp Subdivision	0.34	Undeveloped, has water access
Whites Lake Merle H. Harrie Subdivision	3.4	
Total	32.87	
<u>LEASED</u>		
Terence Bay (River Road) White Rock Beach	25	Swimming area, picnic tables

TABLE 2: OTHER PARKLAND

LOCATION	SIZE (ACRES)	DESCRIPTION
<u>PROVINCIAL</u>		
West Dover	3.82	Ballfield
<u>SCHOOL BOARD</u>		
Brookside Jr. High (Gym)	---	Playground, 2 ballfields
Terence Bay Elementary School	---	Basketball court, playground, ballfield
Atlantic Memorial (Gym) Elementary School, Shad Bay	---	Playground, ballfield, basketball court, soccer field
Prospect Road Elementary (Gym)	---	Playground, ballfield, basketball court, soccer pitch

Source: Department of Planning and Development, Halifax County Municipality, 1993.

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

REC-3 It shall be the intention of Council to continue to acquire land or cash-in-lieu of land for public purposes as provided for by the Planning Act. In this regard, Council shall attempt to acquire property which:

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

REC-4 It shall be the intention of Council to investigate the budgeting of funds for the purchase of lands beyond those acquired through the Planning Act.

## EDUCATION

The control and management of schools and programs in the Municipality is the responsibility of the Halifax County-Bedford District School Board. The provincial government cost-shares various items related to the operation of the School Board and is fully responsible for the costs of new school construction. The Halifax County-Bedford District School Board consists of ten members.

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

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

Planning District 4 is served by seven schools including 4 schools in the Plan Area and 3 schools outside. Inside the Plan Area, there are 3 elementary schools and one Junior High School. Elementary students from West Dover and Middle Village go to East St. Margarets Consolidated Elementary School in Indian Harbour, which is in Planning District 3. Junior High School students from West Dover go to Tantallon Junior High in Planning District 3 and Senior High school students go to Sir John A. MacDonald High School in Five Island Lake, which is also in Planning District 3.

Enrolment at the Atlantic Memorial Elementary School and Prospect Road Elementary School generally increased up to 1989. After 1989, Grade 6 students were transferred to Brookside Jr. High, which accounts for the drop in enrolment at these schools and the large increase from 1989 to 1990 at Brookside Junior High. The decline in enrolment at Atlantic Memorial Elementary School from 1992 to 1993 cannot be attributed to any one factor, but the general economic conditions as they now stand may have caused families to relocate to other areas for employment. The increase in enrolment from 1992 to 1993 at Prospect Road Elementary School is associated with new families moving to the newer subdivisions located in the school catchment area. The Terence Bay Elementary School has declined in enrolment from 1989 to 1994 with a decline of 14 students from 1992 to 1993. This is primarily due to the slow population growth and the aging of the population living in the school catchment area. There is also the general trend of families to have fewer children.

While the enrolments within the majority of schools within the Plan Area have been in decline, enrolments in the Tantallon Junior High School have been increasing. Concern has been raised over the over-crowding situation at this school, which now serves all of Districts 1, 2 and 3, part of District 18, and the areas of West Dover and Middle Village. This school is now using portable classrooms and this problem is expected to continue as residential subdivision development increases in the service area.

Some residents feel that this problem could be rectified by transferring the West Dover and Middle Village students to the Brookside Junior High School. This school currently has a vacancy of 54 seats and bussing the students from these areas to Brookside Junior High may appear to be a highly effective means of resolving the problem. The West Dover and Middle Village students, however, are automatically sent to Tantallon Junior High, in order to maintain social contact with fellow students from East St. Margarets Consolidated Elementary. The transference of these students into an entirely different school area, at this late stage in their education could, therefore, be very socially disruptive.

Careful consideration must be devoted to this problem in order to ensure that the social implications of any potential solutions are minimized. There are a variety of options which may be explored ranging from maintaining the present system to the transference of all West Dover and Middle Village students into the District 4 school facilities. All options, however, must be evaluated with community involvement to ensure that any future solutions are locally supported. The Halifax County-Bedford District School Board is, therefore, encouraged to investigate alternative means of rectifying this situation, in consultation with the residents of West Dover and Middle Village.

The following table shows enrolment from 1989 to 1994 for all schools serving the Plan Area.

TABLE 1: SCHOOL ENROLMENTS

SCHOOL	GRADES	CAPACITY <sup>1</sup>	ENROLMENT					
			94	93	92	91	90	89
Atlantic Memorial Elementary School	P-6 <sup>2</sup>	360	325	326	347	341	345	366
Terence Bay Elementary School	P-6	240	64	70	84	87	89	95
Prospect Road Elementary School	P-6 <sup>3</sup>	330	277	272	249	253	253	313
East St. Margarets Consolidated Elementary	P-6 <sup>2</sup>	270	118	116	N/A	112	107	97
Tantallon Junior High School	7-9	540 <sup>6</sup>	546	539	N/A	478	479	459
Brookside Junior High School	7-9	480	426	410	411	397	381	281
Sir John A. MacDonald High School	10-12 <sup>5</sup>	1050	939	934	872	825	914	905



1. Capacity is based on a maximum of 30 students per classroom.
  2. East St. Margarets Consolidated Elementary serves part of Districts 3 and 4.
  3. In September of 1990, Grade 6 students from Atlantic Memorial and Prospect Road Elementary Schools transferred to Brookside Junior High School.
  4. Tantallon Junior High School serves Districts 1, 2, 3 and part of District 18 and the Middle Village and West Dover areas of District 4.
  5. Sir John A. MacDonald High School serves Districts 1, 2, 3 and 4.
  6. Includes the use of two portable classrooms.
- ED-1 It shall be the intention of Council to request the Halifax County-Bedford District School Board to investigate options for the resolution of the over-crowding situation at the Tantallon Junior High School in consultation with the residents of West Dover and Middle Village.
- ED-2 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue to consult with the community and the Municipality prior to altering the functions, or the physical plant of any school or constructing any new school.
- ED-3 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to closely monitor population and development within the Plan Area. Furthermore, it shall be the intention of Council to make strong representation to the provincial government to provide a planned response to the needs for new schools or expansion of existing schools.
- ED-4 It shall be the intention of Council, when new school sites are being considered, to encourage the provincial government and the Halifax County-Bedford District school Board to locate the schools so that pedestrian and vehicular safety is the primary consideration. Furthermore, it shall be the intention of Council to encourage the location of new schools on property adjacent to existing or proposed parks, open space and community facilities.
- ED-5 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue applying standard site criteria, including minimum site requirements, for each type of school.
- ED-6 It shall be the intention of Council to request the Department of Education and the Halifax County-Bedford District School Board to investigate ways in which support and additional space can be provided, as part of new school construction and school expansion projects, to provide for after-hours day care for school aged children.
- ED-7 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to support the continued use of school facilities as community schools in order to provide for a range of individual educational needs and to help foster community social and cultural development.



## PROTECTION AND EMERGENCY SERVICES

Protection services include fire and police protection, ambulance services and an emergency measures organization. Fire protection services are the responsibility of the Municipality. Police and ambulance services are provided by federal and provincial authorities, respectively. The Halifax County Emergency Measures Organization develops emergency plans at the County level.

Fire protection services are provided by the Planning District 4 Fire Department which operates 3 stations in the Plan Area (Station 1 - Terence Bay, Station 2 - Hatchet Lake, Station 3 - Shad Bay).

There are 4 paid and 54 volunteer firefighters in Planning District 4. Fire protection advisory services are also provided by the Municipality. The Service Standards Committee which consists of Municipal Councillors and fire department personnel, acts in a resource and advisory capacity to Council and as a liaison between Council and individual fire departments. A full-time fire services coordinator has also been appointed.

- PS-1 It shall be the intention of Council to encourage adequate fire protection in the following ways:
- (a) supporting staffing practices involving the combination of paid and volunteer fire fighters;
  - (b) supporting the continuation and further development of fire prevention measures, such as general education and inspection programs; and
  - (c) encouraging and supporting cooperation and collaboration between individual fire departments and the Municipality in order to encourage well-balanced and efficient provision of services and to facilitate long-term planning.

Police services are presently served by the Royal Canadian Mounted Police detachment in Tantallon. Ambulance services are provided by the Victoria General Hospital, Walkers Ambulance company and Metro and District Ambulance company.

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

The Municipality has an emergency operations plan (most recently updated in 1992), an Emergency Measures By-law, and an emergency measures coordinator to deal with civil emergencies. At present, a province-wide emergency calling system is being installed and the Municipality is considering a county-wide fire dispatch system to run in conjunction with it.

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

## UTILITY CORRIDORS

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

- UC-1     It shall be the intention of Council to request all utility companies to submit a proposed plan 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.

## SECTION III

## LAND USE INTENT

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

Residential A	Mixed Use
Residential B	Islands
Rural Residential A	Resource
Rural Residential B	Conservation
Rural Residential C	Park
Rural Residential D	<b>Western Common</b>
Rural Residential E	

The Residential A Designation has generally been applied to the Brookside and Whites Lake communities and to the larger scale residential subdivisions which are developing off of Highway No. 333. Land use within this designation is comprised primarily of single unit dwellings which this designation is intended to support.

The Residential B Designation has generally been applied to the communities of Goodwood, Hatchet Lake, Shad Bay and Bayside and to the lands fronting on Highway No. 333 in the vicinity of McGraths Cove and East Dover. These areas contain an existing mix of low density residential, commercial, industrial, resource and community facility uses and have been gradually accommodating a more suburban style of residential development in recent years. This designation is intended to support this continuing residential development while providing support for the traditional mix of land use activities which has occurred. This designation also recognizes the service function which developments located along Highway No. 333 have traditionally delivered and makes provision for the continued development of commercial services in a controlled manner.

The Rural Residential A Designation has been generally applied to the McGraths Cove and East Dover communities. It is intended to support the low density environment but will permit a different mix of residential, marine resource and open space uses and will ensure that home business uses are much more limited in scale. This designation will also support the gradual integration of alternative forms of housing, small scale commercial uses, community facility uses, larger scale fishery support uses and agriculture.

The Rural Residential B Designation has been applied to the Prospect Peninsula which contains the communities of Prospect and Prospect Bay. This designation is intended to support low density residential, home business, marine resource and open space uses. This designation will also support the gradual integration of alternative forms of housing, small scale commercial outlets, marinas, community facility uses and larger scale marine resource activities.

The Rural Residential C Designation generally applies to the community of Blind Bay. This designation is intended to support the low density residential environment and will provide for the gradual integration of community facility uses and **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)**.

The Rural Residential D Designation has been generally applied to the community of West Dover. This designation is primarily intended to support the traditional mix of residential, home business,

local commercial and resource uses and at the same time support the development of small scale tourist related uses. It is also intended to support the integration of larger scale resource uses, and tourist/travel related facilities.

The Rural Residential E Designation has been generally applied to the portion of the community of Bayside which forms part of the Atlantic Coast. This designation is primarily intended to support the low density residential environment with its associated home business, marine resource and community facility uses. This designation also supports the gradual development of small scale commercial uses designed to service the local area and larger scale tourist related commercial uses which serve the travelling public and larger scale marine resource uses.

The Mixed Use Designation has been generally applied to the community of Terence Bay. This designation is intended to support the traditional pattern of residential, home business, local commercial and resource uses which has occurred throughout this community. It is also designed to support the gradual integration of a wide range of small commercial and light industrial uses as well as mobile home parks, larger scale marine resource activities and community facility uses.

The Islands Designation has been applied to the privately owned islands located off the mainland of Planning District 4. This designation is primarily intended to protect the natural environment of these islands and to prevent impact on the neighbouring coastal communities by limiting the type and scale of development.

The 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 Conservation Designation has been applied to the Plan Area's crown lands to support open space and environmental objectives. Aside from recreation uses and certain specialized government facilities, development is not supported on the Plan Area's crown lands.

The Park Designation has been applied to the Long Lake Provincial Park and is designed to protect and support the future development of this near urban park system.

**The Western Common Designation has been applied to lands owned by the Municipality which extend westward from the Prospect Road in the vicinity of Big Indian and Nichols Lakes to the Nine Mile River. The designation supports a wilderness park over a majority of the lands, as well as a community park along Nichols Lake and unserviced residential development on lands bordering the Prospect Road. (RC-Jul 4/00;E-Aug 5/00)**

## RESIDENTIAL A DESIGNATION

The Residential A Designation has been applied to the communities of Whites Lake and Brookside and to other large scale subdivision developments located off of Highway No. 333. The Whites Lake community is located within the hub of Planning District 4, around the intersection of the Terence Bay and Prospect Bay Roads, with Highway No. 333. Brookside is located to the northeast of Whites Lake, along the Brookside and Club Roads.

The communities of Brookside and Whites Lake have experienced large scale growth since the late 1950s. Brookside grew in an incremental fashion as landowners began to subdivide large estate lots to accommodate the emerging demand for housing. The Whites Lake community grew in a similar fashion, but development consisted primarily of the infill of residential dwelling units along Highway No. 333. In recent years, larger scale subdivision activity has been occurring in the backland areas of Whites Lake.

These communities are predominantly residential, although some of the residential uses tend to have small businesses associated with them. These businesses are normally confined to individual dwelling units and do not involve outdoor storage and display. There are exceptions, however, where businesses are located in accessory garages and may involve outdoor storage and/or display. Within the Whites Lake community, there are also a few commercial operations located along Highway No. 333. The largest concentration can be found around the Terence Bay Road and Highway No. 333 intersection.

### Land Use Policies

The Residential A Designation is designed to support the single unit dwelling environment with its associated home business occupations and open space uses. Home businesses which do not involve any outdoor storage or display, which are limited in size and wholly contained within a dwelling, shall be permitted. These conditions will ensure that home businesses remain compatible with the residential environment. Although it is not the intention of this designation to permit the development of more extensive home businesses, commercial and industrial operations which were in existence at the time of the adoption of the Planning Strategy will be permitted within the Residential A Designation.

- RA-1 It shall be the intention of Council to establish the Residential A Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the single unit dwelling environment and its associated home business uses and open space needs.
- RA-2 Within the Residential A Designation, it shall be the intention of Council to create a residential A-1 zone which applies to the Brookside community and surrounding area and a residential A-3 zone which applies to the Whites Lake community and surrounding area. These zones will permit single unit dwellings, open space uses, home businesses, and all existing business uses and all existing dwellings. To minimize the effect on adjacent land uses and to ensure compatibility with the surrounding residential environment, home business uses shall be wholly contained within the dwelling and restrictions shall be placed on size, outdoor storage and display, the use of mechanical equipment and parking. Within the residential A-1 zone, signage for home business shall be prohibited and within the residential A-3 zone it shall be limited in size.

Provisions will also be incorporated within the zones to ensure that these home businesses are operated by a resident of the dwelling.

The construction of basement apartments within single unit dwellings, to accommodate relatives or to supplement mortgage payments, has become a common occurrence within residential areas. While these uses are generally supported, there are concerns with respect to parking and density. This designation will, therefore, only permit these units by amendment to the land use by-law.

RA-3 Within the Residential A Designation, it shall be the intention of Council to create a residential A-2 zone which applies to the Brookside community and surrounding area and a residential A-4 zone which applies to the Whites Lake community and surrounding area. These zones will permit single unit dwellings, auxiliary dwelling units, open space uses and home business uses, and all existing business uses and all existing dwellings. To minimize the effect on adjacent land uses and to ensure compatibility with the surrounding residential environment, home business uses shall be wholly contained within the dwelling and restrictions shall be placed on size, outdoor storage and display, the use of mechanical equipment and parking. Within the residential A-2 zone, signage for home business shall be prohibited and within the residential A-4 zone it shall be limited in size. Provisions will also be incorporated within the zone to ensure that these home businesses are operated by a resident of the dwelling. These zones may be applied initially to existing auxiliary dwelling unit developments and to new developments by amendment to the land use by-law and with regard to Policy IM-11.

RA-4 For ease of implementation, it shall be the intention of Council to delineate the boundaries of the area wherein the residential A-1 zone applies and the residential A-2 zone may apply on Appendix "A" and the area wherein the residential A-3 zone applies and the residential A-4 zone may apply on Appendix "B".

Due to the concern with on-site sewage disposal and the desire for a low density environment, new multiple unit developments shall not be permitted throughout the Plan Area except for **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)**. The residents feel that this type of development is more appropriately located within urban areas which are intended to accommodate more intensive developments.

**shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Residential A Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

**RA-5 Deleted (RC-Aug 9/15;E-Sep 15/22)**

**RA-5A 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. Notwithstanding Policy RA-2, within the Residential A 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 IM-11.**

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

**RA-5B In addition to Policy RA-5A, 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)**

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are also important. Unlike open space uses, however, these facilities can have a greater impact on surrounding neighbourhoods in terms of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area, in terms of site design, size, location, hours of operation and maintenance, they will only be considered by development agreement, excluding proposals submitted by the Municipality.

**RA-6 Notwithstanding Policy RA-2, within the Residential A Designation, Council may consider permitting institutional uses, including fraternal halls and centres, and excluding**



uses proposed by the Municipality in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and/or littering;
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the general maintenance of the facility;
- (f) the means by which solid and liquid wastes will be treated;
- (g) the hours of operation;
- (h) the potential impact of the proposed development on the natural environment and, in particular, the potential effects on watercourses; and
- (i) the provisions of Policy IM-11.

**~~Deletion of policies and preamble relating to Comprehensive Development Districts including the two paragraphs preceding Policy RA-7 and Policies RA-7 and RA-8. (RC-Jun 27/06;E-Aug 26/06)~~**

While it is not the intention to permit the future development of commercial uses throughout the Residential A Designation, there is one particular property where the future development of a shopping centre is desired by residents. This is on the lands of Food City Limited which is situated east of the Stoney Beach Road Subdivision, in Whites Lake. This land is highly visible and accessible to all communities situated throughout the Plan Area and the residents welcome the high degree of convenience which will be enjoyed with the provision of a full service grocery store and other retail services from the site. In order to ensure that such a centre is architecturally compatible with the surrounding area, appropriately landscaped and traffic and storm drainage effects are minimized, Council will only consider this development through the development agreement provisions of the Planning Act.

RA-9 Notwithstanding Policy RA-2, within the Residential A Designation, Council may consider permitting the development of a shopping centre on the lands of Food City Limited (LIMS No. 40471286) in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the architectural design (external appearance) and scale of any structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments;
- (c) the provision of landscaping and screening from any adjacent residential development;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;

- (e) the means by which solid and liquid waste will be treated;
- (f) the effects of the development on the natural environment and the means for handling stormwater runoff;
- (g) the general maintenance of the development;
- (h) the hours of operation; and
- (i) the provisions of Policy IM-11.

## RESIDENTIAL B DESIGNATION

The Residential B Designation encompasses lands along Highway No. 333, which form part of the Goodwood, Hatchet Lake, Shad Bay, Bayside, McGraths Cove and East Dover communities. While the predominant land use within these areas 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 function it serves to the surrounding communities and the high desire among the residents of Planning District 4 for economic self-efficiency.

Development along Highway No. 333 was relatively sparse until highway services were improved in 1951. Up until that time, the residents relied heavily on their established communities for the provision of goods and services. Once the cities of Halifax and Dartmouth became more accessible as places of employment, development radiated from self-contained communities, along this main road.

Historically, these communities have supported a mix of development activities which were directly related to the availability of natural resources. Within the coastal areas of Shad Bay and Bayside, the main economic source was based primarily on mixed farming and fishing and some lumbering. Within Bayside, historical accounts report that this community once supported many industries which included a bleach plant, shipbuilding yard, sawmill, tourist hotel and blacksmithing operation, as well as farming and fishing.

Within the Goodwood and Hatchet Lake communities, the economic mainstay was based primarily on farming and lumbering. Historical accounts also reveal that these communities traditionally provided services to travellers enroute to Halifax. According to the Planning District 4 Community School Directory, the "Straw House", which was located near the current day Holts Take Out, began to serve as a stage coach depot in the 1920s. Residents throughout these communities also provided refreshments and resting places for travellers.

Today these communities support a mix of land use activities, which are interspersed among low density residential uses. Within the Bayside and Shad Bay communities, non-residential development tends to be comprised primarily of commercial operations which retail goods and services to the travelling public and the local market.

The fishing industry is also evident within these communities. These sheltered bays have also supported the development of past aquaculture operations and it is expected that this form of development will continue, given recent declines in fish stocks in the Atlantic Fishery.

The land use activities within the Hatchet Lake and Goodwood communities tend to be more diverse, which is in part due to the proximity of this area to the urban market. Within these communities, numerous businesses, which include automotive service industries, manufacturing operations, retail outlets, etc. are interspersed among residential uses. The largest concentration of non-residential development is found within the north west section of the Goodwood community, in the Gerald Mills Industrial Park. This park is approximately 42 acres in size and it accommodates a variety of storage related facilities and service industries.

These communities also have great potential for the development of tourism related industries, given the number of persons who are attracted to the natural beauty of ocean views. The most common types of tourist industries developed today are craft shops and bed and breakfast

establishments. These tourism facilities are either operated in conjunction with residential dwellings or independently. In both cases, however, these uses contribute to a valued tradition of providing service to the travelling public and will, therefore, be encouraged to develop within the Residential B Designation.

A significant number of dwellings, within this designation, are also used for home business purposes. Commercial and service industrial operations located in the home or in accessory buildings are characteristic of these communities with its history of self-reliance and entrepreneurship. In some cases, these home businesses provide the sole source of income for the owner while, in others, the business is used to supplement income from other jobs or is seen primarily as a hobby. Examples of this type of activity include automotive repair establishments, appliance repair, small contractors' yards, wood yards, craft industries, small trucking and excavating services and personal service shops. These businesses are often unable to locate on residential lots in more urban areas and they contribute to a lifestyle which residents wish to protect.

### Land Use Policies

While there is a desire to permit a greater diversity of land uses in the Residential B Designation, it is also recognized that this diversity increases the potential for land use conflicts. Over the past fifteen years, these communities have been transforming into more solid residential areas with the development of large scale residential subdivisions directly off of Highway No. 333. Non-residential development has also been increasing in size and intensity due to the proximity of these communities to the expanding urban market. It is, therefore, the desire of the residents to place controls on the type and scale of non-residential uses, in order to minimize future land use conflicts.

The primary intent of the Residential B Designation is to support the low density residential environment and its associated facilities, while allowing for the continued development of a variety of business uses. To achieve this objective, business uses shall be confined to small scale operations which can be conducted from a home and/or from an accessory building. Although no restrictions will be placed on the types of businesses which may develop, land use conflicts will be minimized by placing controls on size, outdoor storage and display, signage, parking and the use of mechanical equipment. The designation shall also provide for the development of fishing and aquaculture operations, since it encompasses the coastal communities of Shad Bay and Bayside.

Given the service function which these communities provide to the surrounding area, provision will be made for the gradual integration of commercial development activities under controlled conditions. Larger scale industrial operations which require numerous accessory buildings and/or extensive storage areas for industrial equipment and supplies will be prohibited from developing within the Residential B Designation. Although such operations have the potential to conflict with the future style of development which is occurring throughout these areas, it is recognized that there are numerous existing commercial and industrial operations scattered throughout the designation, which must be accommodated. Provision will, therefore, be made to permit these existing commercial and industrial operations to expand and flourish, in recognition of past investments which have been made.

RB-1 It shall be the intention of Council to establish the Residential B Designation, as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the

intention of Council to encourage the development of a low density semi-rural residential environment with its associated home business, natural resource and tourist related activities, while recognizing the service function which developments along Highway No. 333 provide.

- RB-2 Within the Residential B Designation, it shall be the intention of Council to create a residential B-1 zone which generally applies to Goodwood, Hatchet Lake, Shad Bay and to the Highway No. 333 road frontage lands within the McGraths Cove and East Dover communities. This zone shall permit the development of single unit dwellings, open space uses, craft shops, bed and breakfast establishments, home businesses, limited fishery support and aquaculture support uses, limited agricultural uses and all existing business uses and all existing dwellings. In order to address compatibility concerns, provisions of this zone will place controls on the location and size of non-residential uses, as well as on signage, open storage and the use of mechanical equipment and parking for home business activities. The zone will also specify that outdoor display shall be prohibited for home business activities and that the businesses must be operated by a resident of the dwelling.

Although the majority of the residential development is currently comprised of single unit dwellings, it is the desire of the residents to provide for the gradual mix of more affordable forms of housing, such as two unit dwellings and auxiliary dwelling units. In order to ensure that these dwellings are compatible with surrounding uses, two unit dwellings and auxiliary dwelling units may be considered by amendment to the land use by-law.

- RB-3 Within the Residential B Designation, it shall be the intention of Council to establish a residential B-2 zone which shall apply to the Goodwood, Hatchet Lake and Shad Bay communities and to the Highway No. 333 road frontage lands, within the McGraths Cove and East Dover communities. This zone will permit two unit dwellings, which includes auxiliary dwelling units and all of those uses permitted in the residential B-1 zone and under the same conditions. It will initially apply to existing two unit developments and to new two unit developments by amendment to the land use by-law. In considering amendments to a residential B-2 zone, Council shall have regard to Policy IM-11.

While the Bayside residents support the development objectives of the Residential B Designation, there is a desire to provide a wider degree of flexibility for the accommodation of home business activities. Separate zoning will therefore be created in order to implement the unique objectives of this community.

- RB-4 Within the Residential B Designation, it shall be the intention of Council to create a residential B-3 zone which generally applies to the Bayside community. This zone shall permit all uses under the same provisions of the residential B-1 zone, except for the size limitations for home business uses. Within this zone, larger home businesses shall be permitted.
- RB-5 Within the Residential B Designation, it shall be the intention of Council to establish a residential B-4 zone which shall apply to the community of Bayside, west of the Nine Mile River and the north side of Highway No. 333. This zone will permit two unit dwellings, which includes auxiliary dwelling units and all of those uses permitted in the residential B-3 zone and under the same conditions. It shall be applied initially to

existing two unit developments and to new two unit developments by amendment to the land use by-law. In considering amendments to a residential B-4 zone, Council shall have regard to Policy IM-11.

**Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Residential B Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

**RB-6 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**RB-6A 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. Notwithstanding Policy RB-2, within the Residential B 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 IM-11.

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

**RB-6B In addition to Policy RB-6A, 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)**

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are also important. Unlike open space uses, however, these facilities can have a greater impact on surrounding neighbourhoods by virtue of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area, community facility uses will only be considered by amendment to the land use by-law.

**RB-7 Within the Residential B Designation, it shall be the intention of Council to establish a community facility zone which permits institutional uses except fraternal halls and centres. This zone shall also be applied to all existing community facility uses and all lands which have been dedicated to the Municipality for parkland purposes located throughout Planning District 4. In considering amendments to the land use by-law to a community facility zone, Council shall have regard to the following:**

- (a) that the site exhibits characteristics which make the location suitable for the proposed use;**
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and/or littering;**
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;**
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;**
- (e) the general maintenance of the facility;**
- (f) the means by which solid and liquid wastes will be treated;**
- (g) the hours of operation;**
- (h) the potential impact of the proposed development on the natural environment and, in particular, potential effects on watercourses; and**
- (i) the provisions of Policy IM-II.**

Fraternal halls and centres are also an acceptable form of development which can facilitate social cohesion within a community. An establishment as such, however, can also adversely affect the community which it is serving, due to increased traffic and noise. While it is the desire of the residents to permit such developments in the future, the community would like to have some assurance that site-specific problems can be resolved. These developments will, therefore, be only considered through the development agreement process pursuant to the Planning Act.

**RB-7A Notwithstanding Policy RB-7, within the Residential B Designation, it shall be the intention of Council to permit denominational uses at 797 Prospect Road, Goodwood (PID 00404723) in accordance with the community facility zone, except for**



**minimum area and frontage requirements. (RC-Feb 26/19;E-Apr 20/19)**

- RB-8 Notwithstanding Policy RB-2 or Policy RB-4, Council may consider permitting fraternal halls and centres in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:
- (a) that the site exhibits characteristics which make the location suitable for the proposed use;
  - (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and / or littering;
  - (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
  - (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
  - (e) the general maintenance of the facility;
  - (f) the means by which solid and liquid wastes will be treated;
  - (g) the hours of operation; and
  - (h) the provisions of Policy IM-11.

At present, there are numerous commercial outlets located along Highway No. 333 which supply goods and services to residents throughout Planning District 4. This main transportation artery provides convenient access to commuters who travel this route daily. While it is the desire of the residents to provide for the continued development of commercial outlets within the Residential B Designation, it is also recognized that these developments must co-exist with the existing and future residential land uses. In order to minimize future land use conflicts, new commercial developments which are limited in size and type may be considered by amendment to the land use by-law. Existing commercial outlets which have been operating with minimal conflict with adjacent or nearby land uses shall be permitted to extend throughout the entirety of existing structures located on properties identified within the land use by-law, should the floor area exceed the present size limitation.

- RB-9 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, it shall be the intention of Council to establish a general business zone which permits the development of general commercial uses, excluding service stations, motels and entertainment uses, up to a maximum floor area of ten (10) percent of the lot area. In order to address compatibility concerns, this zone shall place controls on open storage and outdoor display, the location and screening of refuse containers, parking and signage and require screening from existing and future residential developments. This zone shall be applied to existing commercial uses located throughout all of Planning District 4 and special provisions will be made to permit the increased use of existing structures located on lots listed in Sections 26.5 and 26.6 of the land use by-law. In considering amendments to the land use by-law, for new commercial uses, within the Residential B Designation, Council shall have regard to the following:
- (a) that the architectural design (external appearance) and scale of any building is compatible with nearby land uses;
  - (b) the impact of the proposed use on the existing road network in terms of traffic



- (c) generation and vehicular and pedestrian safety; and the provisions of Policy IM-11.

It is also recognized that larger scale general commercial operations, service stations, motels, and commercial entertainment uses may be suitably located along Highway No. 333 with minimal impact on the surrounding community. Such operations are required to provide the necessary services to expanding communities and also contribute to the growing tourist industry which is highly valued within Planning District 4. These larger scale activities, however, will have a greater degree of impact on the surrounding area in terms of traffic generation, draw on ground water resources, noise, litter and aesthetics. In order to ensure that these uses are properly integrated within the community, commercial operations which exceed ten percent of the lot area, service stations, motels and commercial entertainment uses shall only be considered by development agreement pursuant to the Planning Act.

RB-10 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, Council may consider permitting uses permitted in the general business zone, which are in excess of ten (10) percent of lot area, service stations, motels and entertainment uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the architectural design (external appearance) and scale of any structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments;
- (c) the provision of landscaping and screening from any adjacent residential development;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the means by which solid and liquid waste will be treated;
- (f) the effects of the development on the natural environment and the means for handling stormwater runoff;
- (g) the general maintenance of the development;
- (h) the hours of operation; and
- (i) the provision of Policy IM-11.

Given the vast amount of undeveloped land situated throughout the Residential B Designation, commercial recreation activities, may be suitably located within this designation. These operations, however, can also impact on the surrounding community in terms of noise, dust, litter, traffic and visibility. Given the size and potential impact of such facilities on the surrounding area, these uses will only be permitted by development agreement.

RB-11 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, Council may consider permitting commercial recreation uses in accordance with the development agreement provisions of the Planning Act and having regard to the following:

- (a) the potential impact of the proposed development on the natural environment and in particular, potential effects on watercourses;
- (b) that the proposal will not adversely affect nearby residential or community facility

- (c) development by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) that any rifle ranges, amusement parks, vehicle or animal racing track shall not be located within one thousand six hundred forty (1,640) feet of the nearest residence;
- (e) the layout and design of the facility;
- (f) the general maintenance of the facility;
- (g) the location and level of treatment of any proposed sewage treatment plant;
- (h) the requirement for any applicable provincial approvals;
- (i) the hours of operation; and
- (j) the provisions of Policy IM-11.

Although it is the desire of the residents to permit the future development of commercial recreation uses by development agreement, there are two existing commercial recreation uses and one commercial recreation use which is in the process of being constructed, which the residents wish to accommodate. These include the existing Exhibition Park, Granite Springs Golf Course and the golf course facilities being constructed by Barry MacDonald, in the Long Bog area. In order to accommodate these existing uses, two separate zones will be established which permit the future development of complementary uses.

RB-12 Notwithstanding Policy RB-2 or Policy RB-9, within the Residential B Designation, it shall be the intention of Council to create a commercial recreation 1 zone and a commercial recreation 2 zone within the land use bylaw. The commercial recreation 1 zone will permit the development of golf courses and miniature golf courses, tennis clubs, lawn bowling clubs and accessory uses. This zone shall be only applied to the Granite Springs Golf Course (LIMS Nos. 40063936, 40064750 and 654590) and the lands of Barry MacDonald (LIMS No. 40306730). The commercial recreation 2 zone will permit the development of exhibition parks, animal and vehicle racing tracks, rifle ranges, amusement parks, drive-in theatres, bowling allies and accessory uses. This zone shall only be applied to the existing Exhibition Park (LIMS Nos. 40600728 and 40600736)

It is anticipated that recycling depots will become a common community feature in the future and must be conveniently located to provide service to their users. Like fraternal halls and centres and commercial recreation activities, these facilities have the potential to adversely affect the community in which they serve and will, therefore, only be considered through the development agreement process pursuant to the Planning Act.

RB-13 Notwithstanding Policy RB-2 or Policy RB-4, within the Residential B Designation, Council may consider permitting recycling depots in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location suitable for the proposed use;
- (b) that the proposal will not adversely affect nearby land uses by virtue of noise, visual intrusion, traffic generation and/or litter;
- (c) that the use is wholly contained within a structure and that there is no open storage or outdoor display;

- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the hours of operation and general maintenance of the facility; and
- (f) the provisions of Policy IM-11.

Over time, certain portions of Planning District 4 have developed into more suburbanized areas with the strict separation of residential uses from other forms of development. It is expected that certain areas within the Residential B Designation will also develop in this fashion. Any evolution to a more strictly residential environment will be accommodated through the application of either a residential A-1 or residential A-3 zone which only permits a more restrictive range of permitted uses than are found elsewhere within this designation.

RB-14 Notwithstanding Policy RB-2, it shall be the intention of Council to consider permitting more restrictive residential uses within the Residential B Designation by amendment to the Land Use By-law, the RA-1 (Residential A-1) or RA-3 (Residential A-3) Zone. In considering such amendments, Council shall have regard to the following:

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

Fishing and aquaculture support uses are also a valued form of future land use development within the Residential B Designation. In recognition of past practices and the future demands on the fishing industry, small scale fishery support and aquaculture support uses, which are consistent with the low density residential environments, are permitted as of right. Larger scale operations, however, have the potential to impact upon the surrounding environment in terms of appearance, noise, truck traffic, odour and litter and a higher degree of control is, therefore, needed to address the site specific aspects of these developments.

RB-15 Notwithstanding Policy RB-2 and RB-4, within the Residential B Designation, Council may consider permitting larger scale fishery support and aquaculture support uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and/or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the requirement for any applicable provincial or federal approvals;
- (g) hours of operation; and
- (h) the provisions of Policy IM-11.\_

## RURAL RESIDENTIAL A DESIGNATION

The Rural Residential A Designation has been applied to the coastal communities of McGraths Cove and East Dover, which are located in the southwestern region of the Plan Area. The built up portion of these communities is concentrated around the various coves and inlets, which in many cases bear the names of the original settlers to this peninsula. These include McGraths Cove, Kileys Cove, Leary Cove, Wistlers Cove and Scotts Branch.

Although these communities are served by separate public road systems, there are many ties that bind them. The St. Thomas Roman Catholic Church, located in East Dover for example, has been serving both these communities since the turn of the century. Residents also gather for social and recreation functions at the East Dover Church Hall, which has been serving these communities since 1948. These facilities together with a common economic heritage created a high degree of cohesion between these communities.

Development within these communities is characterized by a mix of low density residential uses in association with resource uses, small scale home business activities and community facility uses. The predominant form of residential development is comprised of single unit dwellings which for the most part are located on large lots. These lots may also support the development of fishing activities, home business uses and in a limited number of cases may be used for the keeping of livestock. This is a reflection of the historical dependency on the natural resource industry which has supported McGraths Cove and East Dover since the turn of the century.

While these communities have become dependent upon the metropolitan area for employment to a great extent, the historical reliance upon the fishing industry is still very prevalent. Within the McGraths Cove Community there are a total of fourteen (14) fisherman and a total of fifteen (15) within East Dover.<sup>12</sup> These operations are very small scale activities which are consistent with local residential uses and are, therefore, supported within this designation.

Aquaculture activities, however, are unacceptable forms of development within the Residential A Designation, due to their potential for conflict with surrounding land uses. These activities may produce higher volumes of fish and shellfish, at more frequent intervals, than traditional fishing practices and may also use land more intensively for the storage of equipment and for the location of tanks, vats and buildings. This intensive use of land can impose significant impacts on the surrounding community in terms of the generation of heavy truck traffic, noise and odour. Given the limited availability of land within the coastal areas of these communities and the fact that they are serviced by narrow winding roads, aquaculture developments shall be prohibited.

### Land Use Policies

The primary intent of the Rural Residential A Designation is to support the low density residential environment with its associated home business activities, small scale fishery support uses and open space uses. The Rural Residential A Designation shall also provide support for the gradual integration of small scale convenience commercial and tourist-related commercial uses as well as institutional uses, **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** and larger scale fishery support uses.

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<sup>12</sup>Department of Fisheries and Oceans, Licensing Unit, 1992.

RRA-1 It shall be the intention of Council to establish the Rural Residential A Designation as shown on Map 1 - Generalized Future Land Use. This designation is intended to support the continued development of the low density residential environment with its associated home business activities, small scale fishery support and agricultural uses and open space uses.

RRA-2 Within the Rural Residential A Designation, it shall be the intention of Council to create a rural residential A-1 zone which permits the development of single unit dwellings, two unit dwellings, limited fishery support uses, limited agricultural uses, home business uses, open space uses and all existing businesses and all existing dwellings. In order to address compatibility concerns, provisions within the rural residential A-1 zone will be established to place controls on the size and location of fishery support and agricultural uses and to place controls on the size, location, open storage and outdoor display, use of mechanical equipment, signage and parking for home business uses. Provisions within this zone will also stipulate that home business uses must be operated by a resident of the dwelling.

In light of historical levels of population growth, further residential subdivision development on minimum sized lots can be expected in all parts of the Plan Area. The main buyers of these lots are city dwellers looking for more affordable land and a semi-rural environment. However, these new residents often expect a level of land use control greater than that afforded under the rural residential designations.

The need to provide an appropriate degree of protection for these areas is accepted by residents in general. However, strict residential zoning applied to dispersed individual lots is perceived by residents to be inconsistent with the more varied use supported by the rural residential designation. Support is therefore given to restrictive residential zoning only where this suburban type of residential development is more extensive than several lots.

RRA-3 Notwithstanding Policy RRA-2, it shall be the intention of Council to consider permitting more restrictive residential uses within the Rural Residential A Designation, by amendment to the schedules of the land use by-law to a residential A-1 and/or residential A-2 zone subject to the following conditions.

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

In order to preserve the low density rural environment, general commercial development will not be permitted within the Rural Residential A Designation. There is a need, however, to provide for the future consideration of some commercial developments which are supportive of this environment. Small scale commercial operations which provide local services to the area and services to tourists will be considered through an amendment to the land use by-law.

RRA-4 Notwithstanding Policy RRA-2, within the Rural Residential A Designation, it shall be the intention of Council to establish a rural residential A commercial zone which permits the development of all uses permitted within the rural residential A-1 zone, convenience stores, craft shops, bed and breakfast outlets and day care facilities which are too

extensive to be considered as a home business. In order to address compatibility concerns, provisions will be established to place controls on size, open storage and outdoor display, parking and signage of all commercial uses. All uses permitted as rural residential A-1 uses, shall be regulated in accordance with the provisions established within that zone. In considering amendments to the schedules of the land use by-law to a rural residential A commercial zone, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location suitable for the proposed use;
- (b) that the scale and appearance of the building is compatible with surrounding land uses;
- (c) the potential for impact upon any adjacent uses in terms of traffic generation, visual intrusion and/or litter;
- (d) that water and sewerage services are adequate to service the development;
- (e) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety; and
- (f) the provisions of Policy IM-11.

**Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Rural Residential A Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

#### **RRA-5 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**RRA-5A 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. Notwithstanding Policy RRA-2, within the Rural Residential A 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 IM-11.

(RC-Aug 9/22;E-Sep 15/22)

**RRA-5B** In addition to Policy RRA-5A, 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)

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are important to a residential area. Unlike open space uses, however, these facilities can have greater impacts on the surrounding area in terms of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area, in terms of site design, size, location, hours of operation and maintenance, they will only be considered by development agreement excluding proposals submitted by the Municipality.

**RRA-6** Notwithstanding Policy RRA-2, within the Rural Residential A Designation, Council may consider permitting institutional uses, including fraternal halls and centres and excluding uses proposed by the Municipality in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and / or littering;
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the general maintenance of the facility;
- (f) the means by which solid and liquid wastes will be treated;
- (g) the hours of operation;

- (h) the potential impact of the proposed development on soil, vegetation, natural features, and, in particular, potential effects on watercourses; and
- (i) the provisions of Policy IM-11.

Larger scale fishing activities are also a valued form of land use development within the Rural Residential A Designation. Larger scale operations, however, have the potential to impact upon the surrounding environment in terms of appearance, noise, truck traffic, odour and litter and a higher degree of control is, therefore, required to address the site specific aspects of these developments.

RRA-7 Notwithstanding Policy RRA-2, within the Rural Residential A Designation, Council may consider permitting larger scale fishery support uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and / or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the requirement for any applicable provincial or federal approvals;
- (g) hours of operation; and
- (h) the provisions of Policy IM-11.

In keeping with the traditional resource based activities, small scale agricultural uses are supported within the designation. Included among these are non-intensive agricultural operations such as hobby or small mixed farms. While these uses are generally supported, a potential exists for larger scale agricultural uses that may negatively impact upon the surrounding residential environment. In order to address compatibility concerns, these uses shall only be considered by development agreement.

RRA-8 Notwithstanding Policy RRA-2, within the Rural Residential A Designation, Council shall only consider intensive agricultural uses according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) the ability of the proposed larger scale agricultural uses to meet all the criteria of all appropriate licensing agencies;
- (b) the potential for adversely affecting nearby residential, commercial and community facility uses by virtue of noise, odour, visual intrusion or the scale of the proposed agricultural uses;
- (c) the adequacy of screening and setbacks from nearby uses; and
- (d) the provisions of Policy IM-11.



## RURAL RESIDENTIAL B DESIGNATION

The Rural Residential B Designation has been applied to the Prospect Peninsula which encompasses the communities of Prospect and Prospect Bay.

The Prospect Peninsula was settled by European immigrants in the mid 1700s. These settlers took advantage of the protection provided by the sheltered coves and inlets to maintain a livelihood based primarily on fishing and farming. By 1863, the village of Prospect was operating as a port-of-call for the North Atlantic Fishing Fleet. This brought hundreds of fishing vessels to the village in search of supplies to sustain their voyage to and from the Grand Banks. This gave rise to a thriving population of 1,400 persons who were engaged primarily in the business of providing supplies and services to this fleet.<sup>13</sup>

Today, Prospect supports a population of only a few hundred but the high density effects of past developments are evident in the lot configurations, lot sizes and the coverage of buildings throughout the village. Many of the lots are comprised of irregular shapes which reflects the long history of land conveyance. The majority of these lots also range in size from one thousand to six thousand square feet and in some cases are almost completely covered by the buildings which occupy them.

Development within the village is characterized by a mix of single unit dwellings, home based businesses and small scale fishing activities. The village also supports the Our Lady of Mount Carmel Church which was originally constructed in 1794 and a small scale industry which manufactures clothing.<sup>14</sup> These developments are serviced by narrow private lanes and is dispersed throughout the village in a fashion which is almost as irregular as the coastline itself. This contributes to the natural beauty of this area which is staged against the backdrop of the Atlantic Ocean.

Development throughout the remainder of the peninsula, within the Prospect Bay area, reflects the current day practices of subdivision development, with modern suburban dwellings located on square and rectangular-shaped lots. Within this area, development is comprised primarily of single unit dwellings which have developed in a linear fashion along the Prospect Bay Road. Since the 1970's, landowners began to cluster larger scale residential subdivision developments in the backlands of the peninsula, away from the main collector road. This has given rise to several neighbourhoods which include Seligs Road, Brennans Road and Pinedale Park.

Like the village, the Prospect Bay community also supports the development of small scale home business activities, community facility uses and to a lesser extent small scale fishing activities. Within the Pindale Subdivision and at the intersection of Pinedale Drive with the Prospect Bay Road, there are three commercial outlets which provide retail and entertainment services to residents throughout Planning District 4. These include a building supply outlet, convenience store and daycare and the Bay Landing which is a private night club.

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<sup>13</sup> <sup>1</sup> Perry Margaret, "The Intriguing Homes of Prospect", The Atlantic Advocate. Vol. 69, No. 6, February 1979.

<sup>14</sup> <sup>2</sup> District 4 Community School Directory, 1986.

## Land Use Policies

The primary intent of the Rural Residential B Designation is to support the low density residential environment with its associated home business, small scale resource, open space uses and bed and breakfast outlets. Within this designation, provision will also be made for the gradual integration of a wider variety of housing types, commercial activities intended to service the surrounding area, community facility uses and resource uses which are compatible with this coastal environment.

RRB-1 It shall be the intention of Council to establish the Rural Residential B Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the growth of the low density residential environment, with its associated home businesses, limited resource uses, open space uses and bed and breakfast outlets.

RRB-2 Within the Rural Residential B Designation, it shall be the intention of Council to establish a rural residential B-1 zone which permits the development of single unit dwellings, home businesses, limited fishery support and aquaculture uses, limited agricultural uses, bed and breakfast outlets, open space uses and all existing businesses including the existing kennel of William and Donna Giles (LIMS No. 40309932) and all existing dwellings. In order to address compatibility concerns, provisions within the zone will place controls on the size and location of fishery support, aquaculture support and limited agricultural uses and on the size, location, parking, signage, outdoor display, the use of mechanical equipment and the open storage aspects of home business uses. Provisions within the zone will also stipulate that home business uses and bed and breakfast outlets must be operated by a resident of the dwelling.

In light of the historical levels of population growth, further residential subdivision development on minimum sized lots can be expected in all parts of the Plan Area. The main buyers of these lots are city dwellers looking for more affordable land and a semi-rural environment. However, these new residents often expect a level of land use control greater than that afforded under the rural residential designations.

The need to provide an appropriate degree of protection for these areas is accepted by residents in general. However, strict residential zoning applied to dispersed individual lots is perceived by residents to be inconsistent with the more varied use supported by the rural residential designation. Support is therefore given to restrictive residential zoning only where this suburban type of residential development is more extensive than several lots.

RRB-3 Notwithstanding Policy RRB-2, it shall be the intention of Council to consider permitting more restrictive residential uses within the Rural Residential B Designation, by amendment to the Land Use By-law, the RA-1 (Residential A-1) or RA-3 (Residential A-3) Zone. In considering such amendments, Council shall have regard to the following:

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

Although it is the intention of the Rural Residential B Designation to support the development of the single unit dwelling environment, the gradual mix of more affordable forms of housing will be facilitated. Specifically, the accommodation of auxiliary dwelling units and two unit dwellings may be considered by amendment to the land use by-law.

RRB-4 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, it shall be the intention of Council to establish a rural residential B-2 zone which permits the development of all uses permitted within the rural residential B-1 zone, auxiliary dwelling units and two unit dwellings. In considering amendments to the schedules of the land use by-law to a rural residential B-2 zone, Council shall have regard to Policy IM-11.

Given the objective to support the growth of the residential environment, general commercial development will not be permitted within the Rural Residential B Designation. It is recognized, however, that there will be a need to provide consideration for the development of local commercial uses which include convenience stores and daycares.

RRB-5 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, it shall be the intention of Council to establish a rural residential B commercial zone which permits the development of all uses permitted within the rural residential B-1 zone, convenience stores and day care facilities which are too extensive to be considered as a home business. In order to address compatibility concerns, provisions will be established to place controls on size, open storage and outdoor display, parking and signage of all commercial uses. In considering amendments to the schedules of the land use by-law to a rural residential B commercial zone, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) that the scale and appearance of the building is compatible with surrounding land uses;
- (c) the potential for impact upon any adjacent uses in terms of traffic generation, visual intrusion and/or litter;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety; and
- (e) the provisions of Policy IM-11.

Craft shops are another form of retail which provides a valuable attraction to tourists. Given the relatively higher density of existing development within the village and the expanding residential development in Prospect Bay, these shops can have a high degree of impact upon these established communities in terms of scale, traffic generation and hours of operation. In particular, traffic generation could become an acute problem in the village of Prospect which is served by narrow public and private roads and where parking opportunities are limited. In order to facilitate the integration of craft shops within the community and to address site specific issues, these uses shall only be considered by development agreement.

RRB-6 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, Council may consider permitting craft shops in accordance with the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the scale and architectural design (external appearance) of the building is compatible with surrounding land uses;
- (b) the potential impact upon any adjacent residential or community facility uses in terms of noise, traffic generation, and / or visual intrusion;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) the hours of operation and maintenance of the development; and
- (e) the provisions of Policy IM-11.

While it is not the intention of Council to support the future development of general commercial and industrial operations within the Rural Residential B Designation, an exception has been made for the lands of Leo Miles, LIMS No. 40039265. This property currently supports the development of a convenience store, daycare and a private nightclub. Like other existing commercial and industrial operations situated throughout Planning District 4, this property has been zoned general commercial to permit the continued operation and expansion of these uses. This property, however, has been historically used both for entertainment uses and light industrial operations which may be suitably located on this property in the future. In order to minimize the effects of excessive truck traffic, lengthy hours of operation, visual intrusion, and impact on the natural environment, such uses may only be considered by development agreement.

RRB-7 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, Council may consider permitting a restaurant, lounge and/or light industrial uses on the lands of Leo Miles, LIMS No. 40039265 in accordance with the development agreement provisions of the Planning Act and having regard the following:

- (a) that any restaurant or lounge shall only occupy the lands upon which the existing private entertainment facility is located;
- (b) that the external appearance of any addition or any new structure is compatible with adjacent uses;
- (c) that all refuse containers are screened;
- (d) that the proposal will not adversely affect nearby land uses by virtue of noise, traffic generation, dust, smoke, odour, and/or vibration;
- (e) that the use is adequately separated and screened from any nearby residential and community facility uses or lands which could become potentially developed for residential or community facility purposes;
- (f) that the scale and appearance of the development be consistent with the surrounding area;
- (g) that the use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals or produce wastes that can contaminate soils, surface or ground water resources;
- (h) the impact of any proposed industrial use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (i) the maintenance of the development; and
- (j) the provisions of Policy IM-11.

**Shared housing with Special Care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Rural Residential B Designation, locational and environmental

concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

**RRB-8 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**RRB-8A 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. Notwithstanding Policy RRB-2, within the Rural Residential B 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 IM-11.

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

**RRB-8B In addition to Policy RRB-8A, 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)**

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are important to a residential area. Unlike open space uses, however, these facilities can have greater impacts on the surrounding area in terms of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area, excluding uses proposed by the Municipality.

RRB-9 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, Council may consider permitting institutional uses, including fraternal halls and centres, excluding uses proposed by the Municipality, in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and/or littering;
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the general maintenance of the facility;
- (f) the means by which solid and liquid wastes will be treated;
- (g) the hours of operation;
- (h) the potential impact of the proposed development on soil, vegetation, natural features, and, in particular, potential effects on watercourses; and
- (i) the provisions of Policy IM-11.

Larger scale fishing and aquaculture support uses are also a valued form of future land use development within the Rural Residential B Designation. Such operations, however, have the potential to impact upon the surrounding environment in terms of appearance, noise, truck traffic, odour and litter and a higher degree of control is, therefore, needed to address the site specific aspects of these developments. In order to address these concerns on a site specific basis, larger scale, fishing and aquaculture uses shall only be considered by development agreement.

RRB-10 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, Council may consider permitting larger scale fishery support and aquaculture support uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

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



- (g) hours of operation; and
- (h) the provisions of Policy IM-11.

Marinas can also find potentially desirable locations to operate within the designation, given the sheltered coves and inlets which surround the Prospect Peninsula. Such activities, however, may potentially impact upon the surrounding residential area by virtue of noise, traffic generation, and visual intrusion. In order to ensure that these uses are properly integrated within the community and to ensure that all site specific concerns are addressed marinas may only be considered by development agreement.

RRB-11 Notwithstanding Policy RRB-2, within the Rural Residential B Designation, Council may consider permitting marinas according to the development agreement provisions of the Planning Act and having regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting nearby residential and community facility development in the area by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) the layout and design of the facility;
- (e) general maintenance of the facility;
- (f) the means by which solid and liquid waste will be treated;
- (g) the effects of the use on the natural environment as contained in a report from the appropriate provincial or federal government authority;
- (h) the appearance of all buildings and structures related to the use and their relation to nearby uses;
- (i) the requirement for any applicable provincial approvals;
- (j) hours of operation relating to retail and entertainment uses; and
- (k) the provisions of Policy IM-11.

## RURAL RESIDENTIAL C DESIGNATION

The Rural Residential C Designation has been applied to the community of Blind Bay which is located in the western portion of the Planning District 4, extending from the western half of the Shad End Peninsula, in the east, to Scotts River, in the west.

The majority of the land within this designation is currently undeveloped. The Blind Bay community is sparsely populated with only thirteen dwelling units located along this 3.9 kilometre section of Highway No. 333. The remaining area is heavily forested which contributes to the rural environment which is enjoyed by the residents of Blind Bay. The only commercial operation in existence is a craft retail outlet (Jennifers of Nova Scotia) located at the entrance to Blind Bay, from Bayside.

### Land Use Policies

The Rural Residential C Designation is intended to support the predominantly low density residential environment along with its associated home business and open space uses. This designation shall also support the development of **shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** and institutional uses but only under controlled conditions and with public input.

RRC-1 It shall be the intention of Council to establish the Rural Residential C Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the growth of the low density residential environment and associated open space and home business uses.

RRC-2 Within the Rural Residential C Designation, it shall be the intention of Council to establish a rural residential C-1 zone which permits single unit dwellings, auxiliary dwelling units, limited agricultural uses, open space uses, home business uses and all existing businesses and all existing dwellings. In order to address compatibility concerns, provisions within the zone will be established to place controls on size, location, the use of mechanical equipment, signage and parking and to prohibit outdoor storage and outdoor display. Provisions within the zone will stipulate that home business uses must be operated by a resident of the dwelling.

In light of historical levels of population growth, further residential subdivision development on minimum sized lots can be expected in all parts of the Plan Area. The main buyers of these lots are city dwellers looking for more affordable land and a semi-rural environment. However, these new residents often expect a level of land use control greater than that afforded under the rural residential designations.

The need to provide an appropriate degree of protection for these areas is accepted by residents in general. However, strict residential zoning applied to dispersed individual lots is perceived by residents to be inconsistent with the more varied use supported by the rural residential designation. Support is therefore given to restrictive residential zoning only where this suburban type of residential development is more extensive than several lots.

RRC-3 Notwithstanding Policy RRC-2, it shall be the intention of Council to consider permitting a more restrictive form of residential development within the Rural Residential C



Designation by amendment to the land use by-law to either a RA-1 (Residential A-1) or RA-3 (Residential A-3) Zone. In considering such amendments, Council shall have regard to the following:

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

**Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Rural Residential C Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

#### **RRC-4 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**RRC-4A 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. Notwithstanding Policy RRC-1, within the Rural Residential C 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 IM-11.**
- (RC-Aug 9/22;E-Sep 15/22)**

**RRC-4B In addition to Policy RRC-4A, 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)**

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are important to the residential area. Unlike open space uses, however, these facilities can have greater impacts on surrounding neighbourhoods in terms of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area in terms of site design, size, location, hours of operation and maintenance, they will only be considered by development agreement excluding uses proposed by the Municipality.

**RRC-5** Notwithstanding Policy RRC-2, within the Rural Residential C Designation, Council may consider permitting institutional uses, including fraternal halls and centres excluding uses proposed by the Municipality, in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;**
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and/or littering;**
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help reduce the visual effects of the proposed use;**
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;**
- (e) the general maintenance of the facility;**
- (f) the means by which solid and liquid wastes will be treated;**
- (g) the hours of operation;**
- (h) the potential impact of the proposed development on soil, vegetation, natural features, and, in particular, potential effects on watercourses; and**
- (i) the provisions of Policy IM-11.**

## RURAL RESIDENTIAL D DESIGNATION

The Rural Residential D Designation has been applied to the built up portion of the community of West Dover and the surrounding undeveloped lands to the north east. The built up portion of this community is located along the western coast of the bay of Dover Soi. On this side of the bay, development has occurred in a linear fashion along Highway No. 333 and Cleveland Road which runs parallel with the shoreline.

West Dover has not been influenced by the metropolitan area to the same degree as have other communities throughout the Plan Area. Development within West Dover is comprised of a more extensive mix of low density residential uses together with small scale masonry companies, a trucking and excavation company, a blacksmithing operation, bed and breakfast outlets, a convenience store and takeout, a church and the numerous fish stages and wharves which line the shores. This mixed development pattern contributes to the charm and natural beauty of this fishing village which is located on Nova Scotia's acclaimed Lighthouse Route.

West Dover's rural character is derived from the strength of its fishing industry and the traditional values which it places on self-sufficiency. West Dover is one of the most active fishing villages within the Plan Area and many of the residents are able to live and work within the community as a result of this industry. Today West Dover is reported to have sixty-eight licensed fisherman operating from its shores.<sup>15</sup> With the recent decline in fish stocks, however, there is an ever present fear that future growth in this industry may not generate a sufficient amount of employment to sustain future generations. There is, therefore, a desire to encourage the development of new employment opportunities, especially in the tourism sector. However, residents also wish to protect the traditional character of the community.

### Land Use Policies

The primary intent of the Rural Residential D Designation is to support the low density residential environment with its associated home business, marine resource and community facility uses. Given the advantageous location of the community just outside the Peggys Cove Preservation Area, the designation will also support the development of uses which serve tourists. In addition, larger scale resource uses may be considered subject to specific controls and public review.

RRD-1 It shall be the intention of Council to establish the Rural Residential D Designation as shown on Map 1 - Generalized Future Land Use. The intent of the designation is to support continued development of low density residential uses and associated business and community uses and provide for small scale resource and tourist-related uses.

RRD-2 Within the RRD Designation, it shall be the intention of Council to create a rural residential D-1 zone which permits single unit dwellings, mobile dwellings, auxiliary dwelling units, two unit dwellings, businesses operated by the owner of the dwelling, craft shops, convenience stores, limited day care facilities, open space uses, **shared housing with special care uses (RC-Aug 9/22;E-Sep 15/22)**, community centres, limited fishing and aquaculture support uses, limited agricultural uses, day camps, bed and breakfast outlets and all existing uses including the small scale fish processing plant of Cecil Herriott (LIMS No. 40522583) and the existing kennel of Lloyd Corney (LIMS

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<sup>15</sup> 1 Department of Fisheries and Oceans, Licensing Unit, 1992.

No. 40067811). In order to address compatibility concerns, controls will be placed on the size and location of fishery and aquaculture support uses and on the size of buildings and numbers of animals for agricultural uses. Controls will also be placed on size, open storage and outdoor display, signage and parking for home business uses and craft shops. With respect to the existing business of Cecil Herritt, this fish processing plant shall be limited to the size restrictions of a fishery support use.

In light of the projected levels of population growth, further residential subdivision development on minimum sized lots can be expected in all parts of the Plan Area. The main buyers of these lots are city dwellers looking for more affordable land and a semi-rural environment. However, these new residents often expect a level of land use control greater than that afforded under the rural residential designations.

The need to provide an appropriate degree of protection for these areas is accepted by residents in general. However, strict residential zoning applied to dispersed individual lots is perceived by residents to be inconsistent with the more varied use supported by the rural residential designation. Support is therefore given to restrictive residential zoning only where this suburban type of residential development is more extensive than several lots.

RRD-3 Notwithstanding Policy RRD-2, it shall be the intention of Council to consider permitting a more restrictive form of residential development within the Rural Residential D Designation by amendment to the land use by-law to either a RA-1 (Residential A-1) or RA-3 (Residential A-3) Zone. In considering such amendments, Council shall have regard to the following:

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

In order to protect the traditional low density residential resource oriented land use pattern, general commercial and light industrial development will be permitted under controlled conditions. The effects of restaurant development and larger scale day cares may be adequately controlled under the predefined conditions of zone standards, and may be permitted by amendment to the land use by-law. A wider variety of small scale general commercial and industrial uses may also be permitted but only by development agreement. This is necessary since the community of West Dover is densely populated and the development of a wide range of commercial and industrial land uses may produce undesired effects if not properly integrated. Development agreements can be used to ensure that these developments are constructed as proposed and may be used to control hours of operation and maintenance. This is the level of control which is desired within this fishing village.

RRD-4 Within the Rural Residential D Designation, it shall be the intention of Council to establish a rural residential D commercial zone, which permits restaurants, larger day care facilities and all uses permitted in the rural residential D zone. Uses permitted as rural residential D uses shall be regulated by the same conditions established within that zone. Controls on size, open storage and outdoor display, and signage for restaurants will also be established in the zone. Council shall only consider new commercial uses by amendment to the land use by-law and with regard to the following:

- (a) that the site exhibits characteristics which make the location suitable for the proposed use;
- (b) that the scale and appearance of any building is compatible with surrounding land uses;
- (c) the impact of the proposed use on the existing roads in terms of vehicular and pedestrian safety; and
- (d) the provisions of Policy IM-11.

RRD-5 Notwithstanding Policy RRD-2, within the Rural Residential D Designation, Council may consider permitting uses permitted within the general business, the light industrial and the local service zones which do not exceed 2000 square feet in floor area, in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the architectural design (external appearance) and scale of any structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments;
- (c) the provision of landscaping and screening from any adjacent residential development;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the means by which solid and liquid waste will be treated;
- (f) the effects of the development on the natural environment and the means for handling stormwater runoff;
- (g) the general maintenance of the development;
- (h) the hours of operation; and
- (i) the provision of Policy IM-11.

The development of service stations, motels and tourist cottages, commercial entertainment uses and marinas and commercial recreation uses will support and enhance the sector of the tourism industry focused on Peggys Cove. These uses, however, can produce negative impacts on the surrounding area in terms of traffic, noise, litter and other visual effects. In order to ensure their proper integration within the neighbourhood and community, these uses may only be considered by development agreement.

RRD-6 Notwithstanding Policy RRD-2, within the Rural Residential D Designation, Council may consider permitting service stations, motels and tourist cottages, and commercial entertainment uses and commercial recreation uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the architectural design (external appearance) and scale of any structures are compatible with nearby land uses;
- (b) that adequate separation distances are maintained from low density residential developments;
- (c) the provision of landscaping and screening from any adjacent residential development;

- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) the means by which solid and liquid waste will be treated;
- (f) the effects of the development on soil, vegetation, natural features and the means for handling stormwater runoff;
- (g) the general maintenance of the development;
- (h) the hours of operation; and
- (i) the provision of Policy IM-11.

RRD-7 Notwithstanding Policy RRD-2, within the Rural Residential D Designation, Council may consider permitting marinas according to the development agreement provisions of the Planning Act and having regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting nearby residential and community facility development in the area by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) the layout and design of the facility;
- (e) general maintenance of the facility;
- (f) the means by which solid and liquid waste will be treated;
- (g) the appearance of all buildings and structures related to the use and their relation to nearby uses;
- (h) the requirement for any applicable provincial approvals;
- (i) hours of operation relating to retail and entertainment uses; and
- (j) the provisions of Policy IM-11.

Fishing and aquaculture related activities are an essential part of the community's present and future source of income and employment. These activities, however, have a significant impact upon both human and natural environments. Small scale operations are provided for by right but larger scale operations and fish processing require prior consideration of potential disruptive effects such as appearance, noise, truck traffic, odour, litter and disruption of present fishing related activities. In order to address these concerns, such uses may only be considered by development agreement.

RRD-8 Notwithstanding Policy RRD-2, Council may only consider permitting fish processing plants, larger scale fishery support uses and aquaculture support uses in accordance with the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and / or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;



- (f) the requirement for any applicable provincial or federal approvals;
- (g) hours of operation; and
- (h) the provisions of Policy IM-11.

Prior to 1990, a lobster packaging plant, known as Skipper Sea Foods was in operation at the end of Cleveland's Road. This building which is approximately 4000 square feet in size is now vacant and it is the desire of the community to see this complex used again for the generation of local employment. Given the recent declines in the Atlantic Fishery, it is likely that this former fish plant may be converted to an alternative industrial or commercial use. Access to this plant, however, is derived through a residential area and the residents fear that future industrial operations may produce undesired effects. In order to ensure that future developments on this site are adequately maintained, that the hours of operation are reasonable, and that traffic, noise, glare, odour and other environmental effects are minimized, the conversion of this plant may only be considered by development agreement.

RRD-9 Notwithstanding Policy RRD-2, within the Residential D Designation, Council may consider the conversion of the former McCains fish processing plant located on the property identified by LIMS No. 40067886 to an alternative industrial or commercial operation, in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (b) the means by which solid and liquid waste will be treated;
- (c) the effects of the development on the natural environment and the means for handling stormwater runoff;
- (d) the general maintenance of the development;
- (e) the hours of operation; and
- (f) the provision of Policy IM-11.

In terms of extractive operations, the Planning Act gives the Municipality very little control over activities fundamental to pit and quarry operations, since the extraction of aggregate resources are considered to be a consumption rather than a use of land. The construction of structures, storage of equipment or the bulk storage of aggregates, however, are not considered to be fundamental to the extraction operation and may be controlled.

While the mineral resource potential does not appear high, residents wish to allow developments to take place if commercially feasible. 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 extractive operations. In order to minimize effects on the natural environment and adjacent communities, facilities related to such operations shall only be considered in accordance with the development agreement provisions of the Planning Act. Such agreements shall ensure that these operations are conducted during reasonable hours and will address specific locational and design details to minimize potential land use conflicts and environmental hazards.

Small pit and quarry operations have operated sporadically in this portion of the Plan Area. There are no commercially significant deposits of sand or gravel or rock outcropping. Beryllium has been located near Middle Village Road. While the mineral resource potential does not appear



high, residents wish to allow developments to take place if commercially feasible. However, due to the major disruptive impacts of extractive operations in general, such uses may only be considered by development agreement.

RRD-10 Notwithstanding Policy RRD-2, within the Rural Residential D Designation, Council may consider permitting facilities associated with extractive operations according to the development agreement provisions of the Planning Act and having regard for the following:

- (a) that the proposed facility associated with a quarry operation as defined in accordance with the Nova Scotia Department of Environment Pit And Quarry Guidelines is not located within one half (0.5) mile of any adjacent residential or mixed use zone;
- (b) that the proposed facility associated with a pit operation as defined in accordance with the Nova Scotia Department of Environment Pit And Quarry Guidelines is not located within three hundred (300) feet of any adjacent residential or mixed use zone;
- (c) that any building, structure, plant or product stockpile shall not be located within three hundred (300) feet of a watercourse;
- (d) that separation distances from lot lines and adjacent development as well as controls on runoff be incorporated in the development agreement;
- (e) the provision of a treed, landscaped buffer strip designed to provide a dust and wind break, noise buffer and visual barrier;
- (f) provisions for the ongoing rehabilitation and ultimate reuse of the lands;
- (g) the effect of the proposed use on surrounding traffic patterns and general public safety;
- (h) provisions for limiting public access to the site;
- (i) hours of operations; and
- (j) provisions of Policy IM-11.

## RURAL RESIDENTIAL E DESIGNATION

The Rural Residential E Designation has been applied to the eastern half of the Shag End Peninsula which encompasses a developed portion of the Bayside community. Within this area, development is concentrated along Highway No. 333 and along Faders and Balcombs Roads.

This development is characterized by a mixture of resource and commercial activities which are interspersed among residential uses. Although commercial activities are continuing to evolve, some of the present day examples include a bottle exchange, marine supply outlet, beauty salon, youth camp and fish sales outlet.

While some of the above mentioned commercial activities are larger scale operations which operate independently of residential uses, there are a significant number of businesses which operate from residential properties. This is a common practice as many residents use their respective dwellings and/or accessory buildings to conduct businesses which may involve furniture refinishing, machining, appliance repair or businesses which simply require office space. These smaller scale operations can be operated from a residential property, with minimal effect on neighbouring uses and are highly valued by the residents of this area.

This coastal community has also traditionally supported fishing activities, although the dependency on this industry has declined throughout the years. The residents still value this form of economic development and wish to provide for its continuance. Provision will, therefore, be made to accommodate fishery support and aquaculture support uses.

### Land Use Policies

The primary intent of the Rural Residential E Designation is to support the low density residential environment with its associated home business, resource and community facility uses. Given the advantageous location of this community along a portion of the Lighthouse Route (Highway No. 333), the Rural Residential E Designation shall also support the future development of land uses which service the tourist travelling through the area and local residents. In order to minimize impact on the surrounding area, however, these land use activities may only be considered under controlled conditions and with input from the public.

RRE-1 It shall be the intention of Council to establish the Rural Residential E Designation as shown on Map 1 - Generalized Future Land Use. This designation shall provide for the continuation of the low density rural residential environment by providing for a mix of low density residential, resource, home business and community facility uses.

RRE-2 Within the Rural Residential E Designation, it shall be the intention of Council to create a rural residential E-1 zone which permits the development of single unit dwellings, limited fishery support and aquaculture support uses, limited agricultural uses, institutional uses, home business uses and all existing businesses and all existing dwellings. In order to address compatibility concerns, provisions within the zone will place controls on the size and location of fishery support and aquaculture support and agriculture uses and on the size, location, outdoor display, use of signage, use of mechanical equipment and outdoor storage aspects of home business activities. Provisions within the zone will also stipulate that home business uses must be conducted by a resident of the dwelling.

**RRE-2A Notwithstanding Policy RRE-2, within the Rural Residential E Designation, it shall be the intention of Council to apply the Rural Residential E-1 zone on PID 40064875 (the former Bayside Youth Camp) despite the parcel having the minimum frontage requirements for an RRE-1 Zone. (RC-Jan 10/23;E-Feb 3/23)**

In light of historical levels of population growth, further residential subdivision development on minimum sized lots can be expected in all parts of the Plan Area. The main buyers of these lots are city dwellers looking for more affordable land and a semi-rural environment. However, these new residents often expect a level of land use control greater than that afforded under the rural residential designations.

The need to provide an appropriate degree of protection for these areas is accepted by residents in general. However, strict residential zoning applied to dispersed individual lots is perceived by residents to be inconsistent with the more varied use supported by the rural residential designation. Support is therefore given to restrictive residential zoning only where this suburban type of residential development is more extensive than several lots.

RRE-3 Notwithstanding Policy RRE-2, it shall be the intention of Council to consider permitting more restrictive residential uses within the Rural Residential E Designation, by amendment to the schedules of the land use by-law to a residential A-1 and/or residential A-2 zone subject to the following conditions.

- (a) that the lands to be rezoned contain a minimum of ten (10) approved lots or ten (10) lots as shown on a plan containing information as would be shown on a tentative or final plan of subdivision.
- (b) the provisions of Policy IM-11.

Although general commercial development will not be permitted within the Rural Residential E Designation, it is recognized that small scale commercial outlets which include convenience stores and craft shops would be highly complementary to the area, if suitably located. In order to ensure that such uses are compatible with the surrounding area and that they do not impact on adjacent residential uses in terms of traffic generation or visual intrusion, these uses shall only be considered by amendment to the land use by-law.

RRE-4 Within the Rural Residential E Designation, it shall be the intention of Council to establish a rural residential E commercial zone which permits the development of all uses permitted within the rural residential E zone, convenience stores and craft shops. In order to address compatibility concerns, this zone shall place controls on the size, parking and signage of all commercial uses. All uses permitted as rural residential zone uses, shall be regulated in accordance with the provisions established within that zone. In considering amendments to the schedules of the land use by-law to a rural residential commercial zone, Council shall have regard to the following:

- (a) that the scale and appearance of the building is in keeping with surrounding land uses;
- (b) the potential impact upon any adjacent uses in terms of traffic generation or visual intrusion; and
- (c) the provisions of Policy IM-11.

The development of motels and restaurants can enhance the tourist-related industry which is

evolving along the scenic Lighthouse Route. These uses, however, have the potential to generate unwanted impacts on the surrounding area in terms of traffic generation, noise and litter. In order to address these concerns on a site specific basis and to ensure that these uses are properly integrated within the community, motels and restaurants shall only be considered by development agreement.

RRE-5 Notwithstanding Policy RRE-2, within the Rural Residential E Designation, Council may consider permitting motels and restaurants in accordance with the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting existing residential and community facility development in the area by virtue of noise, visual intrusion, traffic generation and/or litter;
- (c) the provision of landscaping or buffering from adjacent developments;
- (d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (e) that all parking areas are adequate to meet the needs of the proposed development;
- (f) the means by which solid and liquid waste will be treated;
- (g) the ability to meet any applicable Provincial requirements;
- (h) the general maintenance of the development and hours of operation; and
- (i) the provisions of Policy IM-11.

Given the vast amount of undeveloped land situated throughout the Rural Residential E Designation, larger scale commercial recreation activities, may be suitably located within this designation. Operations such as golf courses, drive-in theatres, amusement parks and vehicle racing tracks, however, can also impact on the surrounding community in terms of noise, dust, litter, traffic and visibility. Given this size and potential impact of such facilities on the surrounding area, these uses will only be permitted by development agreement.

RRE-6 Notwithstanding Policy RRE-2, within the Rural Residential E Designation, Council may consider permitting commercial recreation uses according to the development agreement provisions of the Planning 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) that the proposal will not adversely affect nearby residential or community facility development by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic and vehicular and pedestrian safety;
- (d) that any rifle ranges, amusement parks, vehicle or animal racing track shall not be located within one thousand six hundred and forty (1,640) feet of the nearest residence;
- (e) the layout and design of the facility;
- (f) the general maintenance of the facility;
- (g) the location and level of treatment of any proposed sewage treatment plant;
- (h) the requirement for any applicable provincial approvals; and



- (i) the hours of operation;
- (j) the provisions of Policy IM-11.

**Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Residential A Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within all the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

**RRE-7 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**RRE-7A 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. Notwithstanding Policy RRE-2, within the Rural Residential E 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 IM-11.

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

**RRE-7B In addition to Policy RRE-7A, 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)**

Larger scale fishing and aquaculture support uses are also a valued form of future land use development within the Rural Residential E Designation. Such operations, however, have the potential to impact upon the surrounding environment in terms of appearance, noise, truck traffic, odour and litter and a higher degree of control is, therefore, needed to address the site specific aspects of these developments. In order to address these concerns on a site specific basis, larger scale fishing and aquaculture uses shall only be considered by development agreement.

RRE-8 Notwithstanding Policy RRE-2, within the Rural Residential E Designation, Council may consider permitting larger scale fishery support and aquaculture support uses in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and/or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the requirement for any applicable provincial or federal approvals;
- (g) the hours of operation; and
- (h) the provisions of Policy IM-11.



## MIXED USE DESIGNATION

The Mixed Use Designation has been applied to the Terence Bay and Lower Prospect communities which form the southeastern boundary of Planning District 4. These communities are located along the coastline and along the Terence Bay Road which provides access to Highway No. 333. They extend from Back Bay to the west, along the tip of Meaghers Island to the south and as far north east as the Terence Bay River encompassing Sandy Point and the waterway known as the Gut.

Settlement within these communities dates back to the mid 1800s and like other coastal communities was based primarily on fishing and farming. Development within these communities traditionally occurred in a clustered fashion near the wharves and around the numerous community facilities located within the village of Terence Bay. As development opportunities became limited within the villages, development began to radiate in a linear fashion along the Terence Bay Road.

These Communities support a diversity of land use activities which include residential uses, resource uses, small scale commercial and industrial operations and community facility uses. These commercial, industrial, community facility and resource uses tend to be interspersed among the low density residential uses.

Residential development is comprised primarily of single unit dwellings, although there are a few mobile homes located on individual lots. Industrial activities tend to be operated from residential lots as home business activities. These include the use of the lot for the storage of tools and materials of persons engaged in a special trade such as carpentry, electrical and tile setting and for the parking of heavy machinery related to trucking and excavation companies. Commercial operations include convenience stores and takeouts.

The fishing industry is also very prevalent within these communities. At present, there are numerous fish stages, jetties and two Federal Government wharves located along this rugged coast. These facilities support the operations of 58 full-time and part-time fishermen.<sup>16</sup> There are also two fish plants located within the Terence Bay community which include Northland and Terence Bay Fisheries.

### Land Use Policies

The primary intent of the Mixed Use Designation is to provide support for the continued growth of a diversity of residential, resource, and home business uses and small scale commercial outlets. To this extent, this designation will support the development of a wider mix of low density residential land uses, fishery uses which support the activities of the individual fisherman, limited agricultural uses, home business uses which can be operated from a dwelling unit or accessory building and small scale commercial outlets which provide goods and services to the local residents and tourists. This designation shall also provide for the consideration of a wide variety of non-residential land use activities through either a development agreement or rezoning process and with public input.

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<sup>16</sup> 1 Department of Fisheries and Oceans, Licensing Unit, 1992.

MU-1 It shall be the intention of Council to establish the Mixed Use Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the development of a diversity of residential, resource, home business uses and a limited range of small scale commercial outlets.

MU-2 Within the Mixed Use Designation, it shall be the intention of Council to create the mixed use 1 zone which permits the development of single unit dwellings, two unit dwellings, craft shops, bed and breakfast outlets, convenience stores, limited fishery support uses, limited agricultural uses, home business uses and all existing businesses and all existing dwellings. In order to address compatibility concerns, provisions within the zone will establish controls on the size and location of fishery support, agricultural support and existing aquaculture support uses and existing fish processing plants and on the size, location, open storage and outdoor display, signage and parking for craft shops, bed and breakfast outlets, convenience stores and home business uses. In addition, provisions within the zone will place controls on the use of mechanical equipment for home business uses and require that homes businesses and bed and breakfast outlets be operated by a resident of the dwelling.

The location of mobile homes on individual lots are an affordable form of housing which is supported by the residents of Terence Bay and Lower Prospect. This form of housing, however, can be somewhat out of character with the style of residential units located throughout the community. In order to properly integrate these units within the surrounding community, these units may be considered by amendment to the land use by-law.

MU-3 Notwithstanding Policy MU-2, it shall be the intention of Council to create the mixed use 2 zone which permits all uses permitted within the mixed use 1 zone and mobile homes located on individual lots. All uses permitted in the mixed use 1 zone shall be permitted in accordance with the same provisions of that zone. Proposals for the location on new mobile homes on individual lots may be considered by amendment to the land use by-law. In considering amendments to the land use by-law to a mixed use 2 zone, Council shall have regard to Policy IM-11.

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 order to address these concerns and to ensure that this use is properly integrated within the communities, such development will be permitted only by development agreement.

MU-4 Notwithstanding Policy MU-1, within the Mixed Use Designation, Council may consider permitting mobile home parks according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

- (a) the adequacy of proposed park services including the provision of a potable water supply, the disposal of sewage, recreation facilities and street lighting;
- (b) the ability of education facilities, 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;
- (d) stormwater planning;
- (e) the impact of the proposed development on this existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (f) park layout and design including the design of the internal road network and separation distances from maintenance buildings;
- (g) the provisions of the Mobile Home Park By-law;
- (h) the provisions of Policy IM-11.

A wider range of small scale commercial developments and small scale service and light industrial uses may also provide valued services to the communities while creating local employment opportunities. Given the low density character of the area and the potential for impact on surrounding uses, these developments shall only be considered by development agreement.

MU-5 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting small scale commercial developments, which do not exceed two thousand (2,000) square feet and small scale service and light industrial operations, which do not exceed two thousand (2,000) square feet according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the use does not adversely impact upon any nearby residential or community facility land uses by virtue of noise, traffic generation, litter and/or visual intrusion;
- (b) the provision of landscaping and buffering from any residential developments;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) the adequacy of on-site septic systems to service the proposed development;
- (e) hours of operation and the general maintenance of the proposed development; and
- (f) the provisions of Policy IM-11.

Although it is the desire of the communities to permit the continuing development of fishing activities, fish processing plants and larger scale fishery support uses can have an undesired impact on adjacent properties. These operations have the potential to adversely impact on the surrounding environment in terms of scale, noise, traffic generation, odour and litter and higher degree of site specific control. Accommodation will be made within the land use by-law for existing fish processing plants but new ones may only be considered through the development agreement provisions of the Planning Act.

The development of the aquaculture industry is also an desired form of development within Terence Bay and Lower Prospect. These uses, however, may have an adverse impact on surrounding land uses in terms of litter, odour and increased traffic, as well as conflict with access to the numerous wharves which line the shores. In order to address the site specific issues pertaining to these developments, aquaculture operations shall only be considered through development agreement.

Accommodation will be made within the land use by-law for all existing aquaculture operations.

MU-6 Notwithstanding Policy MU-2, Council may only consider permitting fish processing plants, larger scale fishery support uses and aquaculture support uses in accordance with the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard to the following:

- (a) that the site will not adversely affect nearby land uses by virtue of traffic generation, visual intrusion, odour, smoke, noise and/or litter;
- (b) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (c) the layout and design of all structures and outdoor storage areas;
- (d) the general maintenance of the development;
- (e) the means by which solid and liquid wastes will be treated;
- (f) the requirement for any applicable provincial or federal approvals;
- (g) hours of operation; and
- (h) the provisions of Policy IM-11.

**Shared housing with special care (RC-Aug 9/22;E-Sep 15/22)** is a form of accommodation which is valued throughout the Plan Area. These facilities provide an opportunity for aging members of society to remain within their respective communities. While these facilities are encouraged to develop within the Mixed Use Designation, locational and environmental concerns must be addressed to ensure that they are properly integrated within the communities. These facilities will, therefore, be considered by development agreement, to address these special requirements.

**Subsequent to the adoption of this Municipal Planning Strategy in 1995, the fish plant of Northland Fisheries was closed due to imposition of the inshore fishing moratorium, resulting in a loss of employment opportunities within the Terence Bay community. The fish plant was then purchased by Coastal Communities Economic Development Co-operative Limited, an organization comprised of local community and business groups, which has a mandate of creating sustainable economic and employment opportunities throughout the area.**

**A tourism strategy undertaken for the St. Margaret's Bay Area identified Terence Bay as a high priority opportunity for enhanced attractions and activities<sup>17</sup>. Among the projects identified to achieve this objective was development of the abandoned fish plant property.**

**After holding community consultations, a two phased approach for this project was developed. Initially, the existing building would be renovated with provisions made for a range of commercial and community related projects. Any further expansion in the form of additions to the existing building or construction of new permanent buildings, however, would require further community consultation and Council approval.**

**MU-6a Notwithstanding Policy MU-2, within the Mixed Use Designation, Council shall**

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<sup>17</sup>1 The Economic Planning Group of Canada in association with Impact Management Services. A Tourism Strategy for St. Margaret's Bay (Final Report). December 1998.

consider commercial, community and resource related uses which are supportive of the tourist industry and the surrounding community on the former Northland Fisheries property (LIMS Nos. 384834 and 40501124) according to the development agreement provisions of the Municipal Government Act. When deciding whether to enter into an agreement, consideration shall be given to the following matters:

- a) that the proposed uses will not have any unreasonable adverse impact upon nearby residential or community facility land uses by virtue of noise, traffic generation, and visual intrusion;
- b) that the existing building is not removed from the property, and no additions to the existing building are made other than decks, awnings and canopies, a cupola, and any alterations or expansions which may be required for service requirements or in order to comply with the National Building Code;
- c) that no new buildings are constructed on the property, other than kiosks , gazebos, or small accessory buildings, none of which are located within any required parking, driveway, or loading area, nor shall any of the small accessory buildings be located within any area designated for open space purposes;
- d) that a minimum of 5.5 parking spaces are provided for every 1,000 square feet of leasable floor area within the existing building, a minimum of 3 parking spaces are provided for the mobility disabled, and a minimum of 2 parking spaces and 1 drop-off area are provided for buses;
- e) that no more than one ground sign is erected on the property which shall not exceed a height of 25 feet, and shall not exceed 50 square feet of sign area on a single face or 100 square feet of sign area for both faces combined. On the ground sign, an additional 20 square feet of sign area on a single face shall be permitted for read-o-graph purposes only, or 40 square feet of sign area for both faces combined for read-o-graph purposes only. That all signage otherwise conforms with the requirements of Part 5 of the Land Use By-Law for District 4, and that any display areas are set back a minimum of 10 feet from the street line;
- f) that any area devoted to refuse storage is enclosed by an effective visual screen so as not to be visible from the highway and from adjacent properties;
- g) that any open space is attractively landscaped;
- h) the requirements for any applicable provincial or federal approvals; and
- i) the provisions of Policy IM-11.

**MU-6b** Council may consider expansion of the existing building or new permanent buildings on the property for further commercial, community and resource related uses according to the development agreement provisions of the Municipal Government Act. When deciding whether to approve an amending development agreement, consideration shall be given to the following matters:

- a) that the uses established under Policy MU-6a have not had any unreasonable adverse impact upon nearby residential or community facility land uses by virtue of noise, traffic generation, and visual intrusion

- and that the proposed expansion will not have unreasonable adverse impact by virtue of noise and/or uses intended;
- b) that the height and architectural design (external appearance) of all new buildings and structures are compatible with the existing development and sympathetic to nearby land uses;
  - c) that adequate separation distances are maintained from low density residential developments and that landscaping or other architectural measures are provided to reduce the visual effects of the intended development;
  - d) the impact of the proposed use on the existing road network in terms of traffic generation, access to and egress from the site, and parking;
  - e) that adequate parking is provided according to the requirements contained in Part 4 of the Land Use By-Law for Planning District 4;
  - f) that open space and parking areas are adequate and attractively landscaped;
  - g) that any area devoted to refuse storage is enclosed by an effective visual screen so as not to be visible from the highway and from adjacent properties;
  - h) that no more than one ground sign is erected on the property which shall not exceed a height of 25 feet, and shall not exceed 50 square feet of sign area on a single face or 100 square feet of sign area for both faces combined. On the ground sign, an additional 20 square feet of sign area on a single face shall be permitted for read-o-graph purposes only, or 40 square feet of sign area for both faces combined for read-o-graph purposes only. That all signage otherwise conforms with the requirements of Part 5 of the Land Use By-Law for District 4, and that any display areas are set back a minimum of 10 feet from the street line;
  - i) the requirements for any applicable provincial or federal approvals; and
  - j) the provisions of Policy IM-11. (RC-May 22/01;E-Jun 23/01)

**MU-7 Deleted (RC-Aug 9/22;E-Sep 15/22)**

**MU-7A 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. Notwithstanding Policy MU-2, within the Mixed Use 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 IM-11.

(RC-Aug 9/22;E-Sep 15/22)

**MU-7B** In addition to Policy MU-7A, 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)

The provision of institutional uses such as schools, churches, day care facilities, fire and police stations, medical clinics, libraries, community centres and recreation uses are important to the residential area. Unlike open space uses, however, these facilities can have greater impacts on surrounding neighbourhoods in terms of traffic, parking and noise. In order to ensure that these facilities are properly integrated with the surrounding area in terms of site design, size, location, hours of operation and maintenance, they will only be considered by development agreement excluding uses proposed by the Municipality.

**MU-8** Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting institutional uses, including fraternal halls and centres and excluding uses proposed by the Municipality in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) that the proposal will not adversely affect nearby residential development by virtue of traffic generation, noise, visual intrusion, and/or littering;
- (c) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help to reduce the visual effects of the proposed use;
- (d) the impact of the proposed use on the existing road network in terms of traffic



- generation and vehicular and pedestrian safety;
- (e) the general maintenance of the facility;
- (f) the means by which solid and liquid wastes will be treated;
- (g) the hours of operation;
- (h) the potential impact of the proposed development on soil, vegetation, natural features, and, in particular, potential effects on watercourses; and
- (i) the provisions of Policy IM-11.

Given the vast amount of undeveloped land situated throughout the Mixed Use Designation, larger scale commercial recreation activities, may be suitably located within this designation. Operations such as golf courses, drive-in theatres, amusement parks and vehicle racing tracks, however, can also impact on the surrounding community in terms of noise, dust, litter, traffic and visibility. Given this size and potential impact of such facilities on the surrounding area, these uses will only be permitted by development agreement.

MU-9 Notwithstanding Policy MU-2, within the Mixed Use Designation, Council may consider permitting commercial recreation uses according to the development agreement provisions of the Planning Act and having regard to the following:

- (a) the potential impact of the proposed development on the natural environment and, in particular, potential effects on watercourses;
- (b) that the proposal will not adversely affect nearby residential or community facility development by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) that any rifle ranges, amusement parks, vehicle or animal racing track shall not be located within one thousand six hundred forty (1,640) feet of the nearest residence;
- (e) the layout and design of the facility;
- (f) the general maintenance of the facility;
- (g) the location and level of treatment of any proposed sewage treatment plant;
- (h) the requirement for any applicable provincial approvals; and
- (i) the hours of operation;
- (j) the provisions of Policy IM-11.

## ISLANDS DESIGNATION

The Islands Designation encompasses all of the privately owned islands located off the coast of Planning District 4. These islands are uninhabited by people with the exception of Ryans Island, located south of Lower Prospect, and Cochranes Island, located in Shad Bay. Ryans Island contains one single unit dwelling and Cochranes Island contains a few cottages. For the most part, these islands have been used for anchorage and shelter, berry picking, hiking, bird watching, picnicking, swimming, fishing and in some cases duck hunting.

The Islands are entirely underlain by granite which is covered by a very thin till, and in many areas, the bedrock is exposed. These limited soils together with the direct exposure to ocean winds creates a difficult environment for the establishment of vegetation. Forest cover is sparse and limited to stunted White Spruce in areas exposed to ocean winds and spray. Some islands which are sheltered, support a greater abundance of White Spruce, Larch and Balsam Fir.<sup>18</sup> Typically, the islands provide habitat for fragile species of cranberry, foxberry, blueberry, raspberry, black crowberry, juniper, beach pea, vetch and wild irises. The granite outcrops also support the growth of lichens and the islands are interspersed with small bogs which support the growth of sedges and sphagnum moss.<sup>19</sup>

In accordance with the Canada Land Inventory, Land Capability for Wildlife Waterfowl, the islands located in Blind Bay, Shad Bay and Prospect Bay are classified as important areas for the migration or wintering of waterfowl and other species of birds.<sup>20</sup> Some of the more commonly seen species include loons, the great blue heron, osprey and cormorants. These species thrive in the protective cover provided by the more sheltered islands, located within these bays, and are highly sensitive to the disturbances which large scale development could create.

### Land Use Policies

The Islands Designation is primarily intended to preserve this highly valued and sensitive natural environment and to protect the coastal communities of Planning District 4, by limiting the type and density of future development. The islands are considered incapable of supporting intensive development due to the limited soil cover and lack of freshwater supply. Intensive development can also generate excessive traffic and parking demands in the coastal communities which are serviced by narrow private lanes and contain limited vacant land areas. Such development can also destroy the delicate natural environment upon which many valued species of wildlife depend. The Islands Designation will, therefore, limit future development to single unit dwellings located on a minimum lot area of three acres, aids to marine navigation and all existing uses.

- I-1 It shall be the intention of Council to establish the Islands Designation as shown on Map 1- Generalized Future Land Use. It shall be the intention of this designation to preserve the natural environment of this area and to protect the coastal communities of Planning

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<sup>18</sup> <sup>1</sup> Maritime Resource Management Service and Griffiths. Muecke Associates. Natural History of Nova Scotia: Volume One Theme Regions. Halifax: Nova Scotia Department of Lands and Forests and Nova Scotia Department of Education, 1983.

<sup>19</sup> <sup>2</sup> Ibid.

<sup>20</sup> <sup>3</sup> Department of Regional Economic Expansion. "Land Capability of Wildlife - Waterfowl", Canada Land Inventory Halifax 11D. Ottawa: Queen's Printer, 1970.

District 4 by limiting the type and density of future development.

- I-2 Within the Islands Designation, it shall be the intention of Council to create an islands zone which permits single unit dwellings on lots no less than three (3) acres in size, aids to marine navigation and all existing uses.

These undeveloped islands also contribute to the maintenance of the rural environment which is highly valued by local residents and the thousands of tourists who visit Planning District 4 annually. This in addition to the inherent natural value which these islands provide for wildlife, make these lands suitable for public acquisition. The Department of Natural Resource is, therefore, encouraged to acquire these privately owned islands for public purposes through a crown land exchange or any other means possible.

- I-3 It shall be the intention of Council to request the Nova Scotia Department of Natural Resources to acquire the privately owned islands located off the coast of Planning District 4.

## RESOURCE DESIGNATION

The Resource Designation has generally been applied to the "backlands" of the Plan Area, which are undeveloped and without public road access. These lands are primarily forested, interspersed with numerous lakes and streams and intermittent bogs. Within those areas, there are also large expanses of open area which supports a growth of low lying brush.

Lands within this designation are considered to be a high quality resource area in terms of recreation and open space potential. There are numerous intermittent trails which provide access to these lands for hiking, snowmobiling, hunting, fishing and portaging. These lands are highly valued by area residents and support is therefore provided for the continued use of these lands for recreation purposes.

The various fresh water lakes located throughout the Resource Designation may also be used for the future development of aquaculture. It is not known at this point whether these lakes contain a sufficient depth, surface area or quality to sustain the commercial production of aquaculture. It is desirable, however, to locate this natural resource industry away from the developed community and support will therefore be provided to accommodate this industry in the backland areas, subject to the approval of the Nova Scotia Department of Fisheries.

Another potential resource use of these lands may be in the extraction sector. Given the large deposits of granite along the western and eastern regions of the Plan Area, those aggregate deposits may be regarded as an important supply of building materials for the metropolitan region.

According to the Canada Land Inventory, Land Capability for Forestry Mapping, all of the lands within the Resource Designation have limited potential for the production of commercial forests.<sup>21</sup> The lands within this designation are classified as having severe limitations to growth or severe limitations which preclude growth due to excessive drainage or, an excess of soil moisture, shallowness to bedrock, low natural fertility, toxic levels of soluble salts, and extremes of climate exposure.

Although much of the forest is stunted and much of the land supports only a growth of brush, it is conceivable that area residents may use this resource for firewood production. Forestry activities are, therefore, supported within this designation to develop to the extent which the forest resource will provide.

Agriculture like forestry has limited potential within the Resource Designation. According to the Canada Land Inventory, Soil Capability for Agriculture Mapping, all of the soils within the Resource Designation have "no capability for arable culture or permanent pasture due to the shallowness to bedrock or the stoniness of the soil."<sup>22</sup>

Although the area generally may not be considered suitable for agriculture, there are pockets of soil which may be nurtured to produce field crops and many of the natural bogs and barrens may

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<sup>21</sup> <sup>1</sup> Environment Canada. "Land Capability for Forestry", Lands Directorate Halifax 11D. Ottawa: Queen's Printer, 1971.

<sup>22</sup> <sup>1</sup> Department of Agriculture and Rural Development. "Soil Capability for Agriculture, Canada Land Inventory Truro - 11E". Ottawa: Queen's Printer, 1967.

be used for the commercial harvesting of indigenous berries. The terrain may also support the raising of livestock which are not dependent upon permanent pasturage. Given the relative isolation of the designation and the possibility that some area maybe found productive for certain types of agriculture, such uses will be supported.

With the exception of a few isolated hunting and fishing camps, the Resource Designation does not include any lands developed for residential purposes, largely because the area is not accessible from public roads. Given the proximity and accessibility of the Plan Area to the expanding urban areas, it is probable that these lands could become absorbed for a more suburban style of residential subdivision development as is occurring within the Residential A or Residential B Designations.

### Land Use Policies

The Resource Designation is that area in which resource development shall be supported and encouraged. Resource uses shall include hunting and fishing lodges, sawmills and related forest industries, agricultural activities and aquaculture 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 between some resource industries 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, it is also important to ensure that adequate separation is maintained between any existing residential development in adjacent designations and resource development within this Designation. Therefore, the land use by-law shall establish separation distances between non-residential development in the Resource Designation and residential uses within abutting designations.

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.

As was previously mentioned, there is no residential development activity occurring within the Designation, largely because the area is not accessible from public roads. It is probable that this land will eventually become absorbed for a suburban style of residential development, as is occurring elsewhere throughout Planning District 4. This form of residential development, however, is not expected to occur within the immediate future (the next 5 years or so) since these inaccessible backlands are located an average distance of one mile from any public road.

In the interim some form of residential development may occur in association with resource development or independently for seasonal residence. Single unit dwellings, which may include a seasonal residence, shall be permitted to develop within this Designation. In order to ensure that the valued rural aspects of this Designation are protected, larger minimum lot sizes of eighty thousand square feet shall be required to support residential development.

RES-1 It shall be the intention of Council to establish the Resource Designation as shown on Map 1 - Generalized Future Land Use. 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 the development of resource based economic growth and recreation uses while supporting measures to protect the natural environment.

- RES-2 Within the Rural Resource Designation, it shall be the intention of Council to establish a resource zone which permits resource industries, recreation uses, and low density single unit 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 to incorporate provisions within the land use by-law to ensure that resource based industries are adequately separated from abutting residential zones, residential uses permitted within the resource zone and watercourses.

In terms of extractive operations, the Planning Act gives the Municipality very little control over activities fundamental to pit and quarry operations, since the extraction of aggregate resources are considered to be a consumption rather than a use of land. The construction of structures, storage of equipment or the bulk storage of aggregates, however, are not considered to be fundamental to the extraction operation and may be controlled.

While this Designation gives a high priority to the development of local natural resources, there are concerns with possible damage to the natural environmental, especially the water system, and of negative impacts on adjacent communities presented by the establishment of extractive operations. In order to minimize effects on the natural environment and adjacent communities, facilities related to such operations shall only be considered in accordance with the development agreement provisions of the Planning Act. Such agreements shall ensure that these operations are conducted during reasonable hours and will address specific locational and design details to minimize potential land use conflicts and environmental hazards.

- RES-3 Notwithstanding Policy RES-2, within the Resource Designation, Council may consider permitting facilities associated with extractive operations according to the development agreement provisions of the Planning Act and having regard for the following:

- (a) that the proposed facility associated with a quarry operation as defined in accordance with the Nova Scotia Department of Environment, Pit And Quarry Guidelines is not located within one half a (0.5) mile of any adjacent residential or mixed use zone;
- (b) that the proposed facility associated with a pit operation as defined in accordance with the Nova Scotia Department of Environment, Pit And Quarry Guidelines is not located within three hundred (300) feet of any adjacent residential or mixed use zone;
- (c) that any building, structure, plant or product stockpile shall not be located within three hundred (300) feet of a watercourse;
- (d) the effects of the use on the natural environment as contained in any report from the appropriate provincial or federal government authority;
- (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, landscaped buffer strip designed to provide a dust and wind break, noise buffer and visual barrier;
- (g) provisions for the ongoing rehabilitation and ultimate reuse of the lands;

- (h) the effect of the proposed use on surrounding traffic patterns and general public safety;
- (i) provisions for limiting public access to the site;
- (j) hours of operations;
- (k) provisions of Policy IM-11.

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.

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.

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.

RES-4 It shall be the intention of Council to request the Province to adopt the Department of 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 adopt the following municipal by-laws within Planning District 4:

- (a) the Excavation By-law;
- (b) the Topsoil Removal By-law; and
- (c) the Blasting and Dangerous Materials By-law.

By virtue of its large areas and natural features, the Resource Designation is an attractive area for recreational activities. Although some recreational activities, such as hiking trails, do not cause land use conflicts and, in fact, are well-suited to areas such as the Resource Designation, larger scale commercial operations such as golf courses, campgrounds and amusement parks could have significant effects upon the natural environment. The attraction of large number or people to such activities and the associated noise and traffic could also have a negative effect on the Designation. Therefore, such uses will only be permitted by development agreement, which will help to ensure that any commercial recreation development remains compatible with the area.

RES-5 Notwithstanding Policy RES-2, within the Resource Designation, Council may consider permitting commercial recreation uses according to the development agreement provisions of the Planning Act and having regard to the following:



- (a) the potential impact of the proposed development on the natural environment, and in particular, potential effects on watercourses;
- (b) that the proposal will not adversely affect nearby residential or community facility development by virtue of noise, visual intrusion, traffic generation and/or littering;
- (c) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (d) that any rifle ranges, amusement parks, vehicle or animal racing track shall not be located within one thousand six hundred forty (1,640) feet of the nearest residence;
- (e) the layout and design of the facility;
- (f) the general maintenance of the facility;
- (g) the location and level of treatment of any proposed sewage treatment plant;
- (h) the requirement for any applicable provincial approvals; and
- (i) the hours of operation;
- (j) the provisions of Policy IM-11.

It is recognized that there may be future pressures for continued residential development within the Resource Designation, as subdivisions in the Residential A or Residential B Designations extend toward the backlands. In recognition of this potential pressure, provisions will be made for residential development on smaller lots evaluated through the rezoning process. 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. 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.

RES-6 Notwithstanding Policy RES-1, it shall be the intention of Council, to consider permitting residential development within the Resource Designation on lots which have an area of less than eighty thousand (80,000) square feet, through application of either a residential A-1, B-1 or B-3 zones. In considering an amendment to schedules of the land use by-law to either a RA-1, RB-1 or RB-3 zone, Council shall have regard to the following:

- (a) that the area to be rezoned shall contain a minimum of ten (10) acres;
- (b) that the RA-1 zone shall be applied to resource lands located in the Pennant Corridor;
- (c) that the RB-1 zone shall be applied to resource lands located east of the Nine Mile River and west of Whites Lake;
- (d) that the RB-3 zone shall be applied to resource lands located west of the Nine Mile

River;

- (e) the potential effects of the development proposal on community services such as fire, police, recreation and education;
- (f) the effect of the proposed development on existing and potential resource development;
- (g) the impact of the proposed development on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (h) environmental considerations including an overall report from the Department of the Environment assessing the suitability of the entire parcel for on-site sewage disposal systems; comments from the Department of the Environment on the quality and quantity of groundwater; and an evaluation of the adequacy of storm drainage plans; and
- (i) the provisions of Policy IM-11.

## CONSERVATION DESIGNATION

The Conservation Designation has been applied to the Plan Area's crown lands, in order to establish policies for their conservation and future management. The Conservation Designation is primarily intended to maintain these lands for wilderness recreation and open space purposes and to preserve sites which are of significant ecological and archaeological value. This designation shall also support the development of low impact land uses which are mutually compatible with the objectives for conservation.

This extensive and undeveloped public land base is significant, given the proximity of this vast wilderness resource to urban development. Provincial crown lands comprise approximately 23,040 acres or fifty percent of the land area within Planning District 4. When combined with the adjacent crown land properties in Planning District 5 (Chebucto Corridor), these lands form one of the largest freehold crown areas in the Province (37,060 acres). Since these lands have not been leased for any form of development, they remain undiminished and provide an important recreational resource and wildlife reserve area.

One of the larger holdings within the Plan Area is known as the Pennant Corridor. This 13,000 acre parcel of land is situated to the east of Highway No. 333, extending from the southern boundary of the Long Lake Provincial Park down to the Atlantic Ocean. In addition to the numerous lakes, these lands provide public access to approximately 15 miles of the Atlantic Coast line which is a rapidly diminishing public resource within Nova Scotia. This Corridor is traversed by numerous trails extending from the undeveloped Long Lake Provincial Park in the north to the Atlantic Ocean in the south. These trails provide great opportunity for back country wilderness hiking and are highly complementary to the future development of the Long Lake Provincial Park.

Planning District 4 also contains several other large parcels of crown land which provide significant value for the retention of open space, protection of heritage resources and the preservation of scenic areas having high wilderness potential.

These include lands north of the Whites Lake and Shad Bay communities, lands along the Prospect Peninsula, numerous islands and lands within the western region of Planning District 4. These lands contribute to the maintenance of a rural community which is highly valued within the coastal areas of Planning District 4 and provide recreational opportunities which will be needed to support long term future growth.

The environmental integrity of the lands within Planning District 4 have also been protected due to the presence of this vast amount of undeveloped crown land. As a result, these lands provide important habitat for a wide variety of wildlife which include deer, moose, beaver, mink, osprey, bald eagle and many other species. The various lakes also have valuable fishing potential despite the general destruction by acid rain on Nova Scotia lakes and waterways. These are valuable features which are highly unique within a growing metropolitan area and should be preserved for present and future generations.

The crown lands also support an area which has been recognized for its significant ecological value to Nova Scotia. This site of ecological interest is situated on the south side of the West Dover community. This undeveloped 450 acre parcel of land was identified by the United Nations'

International Biological Program (IBP)<sup>23</sup> as an ecosystem of dry heath barrens and bogs which are worthy of international attention. According to this group of biologists, the site contains relic arctic alpine species which are rarely experienced in the southern regions of Canada. At present approximately seventy-five per cent of this site is owned by the province of Nova Scotia. The remaining twenty-five per cent of the West Dover IBP site is owned by private individuals.

Another coastal barrens system which is of particular importance to the residents of Planning District 4 is located on the western side of the Prospect Peninsula, extending from Indian Point in the south up to but excluding the Seligs Road development. This land area is commonly referred to by the community as Prospect High Head. According to the Prospect Peninsula Residents Association (PPRA), the area is comprised of, "a complex of small bogs and crowberry barrens, glacial erratics and granite outcrops", which are highly sensitive to disturbance. This area also provides an, "important migratory stop-over for Wimbrel, a nesting ground for willet and blue heron, a feeding area for osprey and an overwintering area for many other bird species."<sup>24</sup>

Prospect High Head also contains features which are of historical and cultural significance to the area. Specifically, the site supports some old granite stone foundations and walls which provide insight into how the early settlers of Prospect lived. The magnificent rocky shores also stand in testimony to the various shipwrecks which were encountered along this southern coast of Nova Scotia during the 19th century. One in particular, which is often recounted by local residents and historians throughout Nova Scotia is the shipwreck of the HMS Fantome which sunk off of Prospect High Head in 1814. These features together with the ecological significance and sensitivity of these barrens, make this site worthy for inclusion within the Conservation Designation. This is not possible for the entire site, however, since approximately fifty per cent of the lands are privately owned.

In addition to sites of significant ecological interest, the Conservation Designation also supports one of the most significant archaeological sites within the Province of Nova Scotia. This site is located within the Bayview Subdivision, upon lands which were acquired by the Municipality to provide protection. It supports an Indian burial mound which has been dated as being 2300 to 2400 years old. This site has provided insight into the burial ritualism practised by the Adena related culture which originated from the Ohio Valley.

To date, this ancient indian burial site is only the second site found within the Northeastern portion of North America, which depicts the type of burial practised by the Adena related culture. The first site was discovered in New Brunswick (The Augustine Site) which has been declared a National Historic Site by the National Historic Sites and Monuments Board. This site has been assigned protective status in accordance with the Nova Scotia Special Places Protection Act which will be later discussed. The agency responsible for the protection of this site, the Nova Scotia Museum, plans to eventually erect a granite stone monument in recognition of the historical value

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<sup>23</sup> <sup>1</sup> The United Nation's International Biological Program (I.B.P.) was established in the early 1970s to identify unique ecological sites, preserve samples of the world's ecosystems, maintain biological and genetic diversity, measure man-made changes in ecosystems, and to reserve unique areas for educational and demonstration purposes.

<sup>24</sup> <sup>2</sup> Sue Browne, Submission made to the Nova Scotia Museum requesting designation of Prospect High Head as an ecological reserve in accordance with the Special Places Protection Act, on behalf of the Prospect Peninsula Residents Association, August 9, 1992.

of this burial mound.

- CONS-1 It shall be the intention of Council to establish a Conservation Designation as shown on Map 1 - Generalized Future Land Use. Council shall encourage the province to retain these lands for wilderness recreation and open space purposes and for the preservation of sites which are of significant ecological and archaeological value and for the development of low impact uses which are mutually compatible.
- CONS-2 Within the Conservation Designation, it shall be the intention of Council to establish a conservation zone which permits the development of hiking trails, public parks, historic sites and monuments, aids to marine navigation and existing hunting and fishing camps and existing cemeteries.

While the conservation zone has been designed to generally conserve large tracts of public land for wilderness recreation, some of the uses permitted within this zone are not consistent with the degree of protection which is required to preserve sites which have significant ecological and archaeological value. Such sites may be highly sensitive to human activities and much care must be taken to avoid destruction. A special zone will, therefore, be established for application to the publicly owned portions of the sites which have significant ecological and archaeological value to the province of Nova Scotia and to the residents of Planning District 4.

- CONS-3 Within the Conservation Designation, it shall be the intention of Council to create a preservation zone which permits the development of interpretive signs and monuments on sites which contribute significant ecological and/or archaeological value to the province of Nova Scotia and to the residents of Planning District 4. This zone shall be initially applied to the archaeological site located in the Bayview Subdivision, and to the publicly owned portions of the West Dover IBP site and Prospect High Head. Should additional portions of the IPB site or Prospect High Head become transferred to the crown, it shall be the intention of Council to apply the preservation zone to these lands by amendment to the land use by-law.

Although the preservation of lands having significant ecological and archaeological value is a primary objective of this designation, such actions are only complementary to the senior government agency having specific responsibility for the protection of such sites. With the enactment of the Special Places Protection Act (1980) the Province acknowledged responsibility for the preservation of important ecological, archaeological, and palaeontological sites.

In accordance with the Act, archaeological sites are automatically protected. Ecological sites, however, only receive protection upon designation by the Minister and only after the boundaries have been surveyed and a management plan has been prepared. The site of ecological interest located within the West Dover community has been listed as a candidate site for designation in accordance with the Act. At this point, however, the exact boundaries of the site have not been delineated nor has the necessary management plan been prepared.

- CONS-4 It shall be the intention of Council to encourage the Nova Scotia Museum to evaluate the West Dover I.B.P. site for designation under the Special Places Protection Act.

Many objectives relating to conserving lands for public purposes depend upon the provincial government's policies respecting crown land disposal and leasing. These practices can have a

direct bearing upon the environment and future land use patterns within the Plan Area. They will also have a bearing upon any broader objectives which may be established for crown lands in the greater metropolitan area.

Throughout Planning District 4, there are numerous sites which have high ecological value and which would complement the valuable crown land resource which are found within the Plan Area. Three such areas include: the remaining private lands located within the West Dover IBP site (LIMS Nos.: 40067274, 40067605, 40067670, 40068108 and 480780); the private lands located within the Prospect High Head Coastal system (LIMS Nos.: 573881, 573899, 573683, 573675, 40043259, 40043267, 40043291, 40043283, 40043275 and 40043242); and the remaining private lands located within the Pennant Corridor between Lake Frederick and Ragged Lake (LIMS Nos.: 385393, 385088, 385401, 647784, 40301996, 40302002, 385013, 385054, 385005, 647313, 650101 and 40033888). The sites located in West Dover and along Prospect High Head are of great importance for reasons previously discussed. The acquisition of the Pennant Corridor site is desired, in order to complement the significant crown land holdings located in this corridor. The Department of Natural Resources is, therefore, encouraged to acquire these lands for public purposes through a crown land exchange.

CONS-5 It shall be the intention of Council to request the Nova Scotia Department of Natural Resources to acquire the remaining privately owned land located within the West Dover IBP site, the privately owned land located within the Prospect High Head site and the privately owned land located west of Lake Frederick and west of Ragged Lake within the Pennant Corridor.

In 1990 the provincial government initiated a systems planning process<sup>25</sup> to compile a comprehensive inventory and to conduct an evaluation of natural areas within Nova Scotia. The primary purpose of this program is to identify areas worthy of protection in accordance with the Provincial Parks Act and the Special Places Protection Act. Through this program the provincial government intends to conduct resource inventories and to prepare plans to guide the future direction of any natural areas which become a protected park or ecological reserve (wildlife park, natural environmental protection zone, resource conservation zone).

CONS-6 It shall be the intention of Council to request the Nova Scotia Department of Natural Resources to include the crown lands within Planning District 4 for consideration as a protected wildland park in the systems planning process and to develop management plans necessary for the preservation of this valuable asset to Nova Scotia's natural history.<sup>26</sup> Council shall request that the management plan incorporate a public consultation procedure to develop objectives for environmental management, public access and wilderness and recreation potential.

CONS-7 It shall also be the intention of Council to request the Nova Scotia Department of Natural Resources to include Prospect High Head for protection in accordance with

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<sup>25</sup> <sup>1</sup> Nova Scotia Department of Lands and Forests, Systems Planning For Protection - Oriented Provincial Parks in Nova Scotia, 1990.

<sup>26</sup> The Pennant Corridor, consisting of undeveloped crown lands extending from the southern boundary of the Long Lake Provincial Park to Terence Bay (excluding crown lands south of Terence Bay Road), is now proposed as a candidate site for wilderness preservation and management under the systems planning process.



either the Provincial Parks Act or the Special Places Protection Act through the systems planning process.

There are certain limited situations in which crown land transfers are carried out in order to improve crown land holdings in a particular area or where crown land is leased for resource development purposes. In order to accommodate such transfers which are in the public interest, provisions for the establishment of residential or mixed use or resource zoning on lands which are transferred into private ownership as part of a crown land exchange shall be considered. Provisions will also be made for the application of a resource zone to lands which have been leased for resource development purposes and for the application of a conservation or preservation zone to lands which are transferred into public ownership.

CONS-8 Notwithstanding Policy CONS-2, within the Conservation Designation, it shall be the intention of Council to consider the application of a residential, mixed use or resource zone, by amendment to the schedules or the land use by-law. In considering any amendment, Council shall have regard for the following:

- (a) that the residential or mixed use zone to be applied shall be the same zone as that of the nearest residentially or mixed use zoned property within the Plan Area;
- (b) that the resource zone to be applied does not abut any residential or mixed use zoned property within the Plan Area;
- (c) that the property to be rezoned is part of a crown land exchange within the Plan Area or has been leased by the province for resource development purposes;
- (d) the potential impact of the crown land transfer or lease on habitat and the overall integrity of the entire crown land holding; and
- (e) the provisions of Policy IM-11.

It is reasonable to suggest that the extensive public land base of Planning District 4 could be utilized for the future location of public uses such as schools, community centres or fire halls. In order to ensure that such uses are compatible with the Conservation Designation and do not affect the integrity of the wilderness area, such uses may only be considered by amendment to the land use by-law.

CONS-9 Notwithstanding Policy CONS-2, it shall be the intention of Council to establish a special facility zone in the land use by-law which permits conservation uses, educational institutions, fire and police stations, playgrounds, cemeteries and community halls. In considering amendments to the schedules of the land use by-law to permit new facilities within the Conservation Designation, Council shall have regard to the following:

- (a) that the location of the site is compatible with adjacent lands and with and adjacent community;
- (b) that the proposed zone must abut an existing residential, mixed use, special facility or community facility zone;
- (c) the impact of the proposed use on the existing transportation network in terms of traffic generation and vehicular and pedestrian safety;
- (d) the means by which solid and liquid waste will be treated;
- (e) the provisions for controlling storm drainage effects during construction and



- (f) operation; and  
the provisions of Policy IM-11.

## PARK DESIGNATION

As future development takes place in the Plan Area, the value of undeveloped areas increase in significance. The retention of open space, protection of heritage resources, and the preservation of areas with scenic value and wilderness potential are important objectives of this Planning Strategy as was expressed within the Conservation Designation. The development of provincial parks is also another way of achieving these objectives.

The Provincial Park Designation has been applied to the Long Lake Provincial Park in order to establish policy for its future development. This Park is located east of Highway No. 333, north of the Spruce Hill Lake System, south of Highway No. 103 and west of Planning District 5 (see Map 1). Approximately 4000 acres of this 4600 acre park is located within Planning District 4, extending south from the southern boundary of Long Lake. The remaining portion of the park is situated within the City of Halifax.

This park is one of five provincial parks which were set aside in accordance with the Halifax-Dartmouth Regional Development Plan to serve the long term recreational needs of the residents of the Metropolitan Area. The park covers a portion of the Old Halifax Water Commission supply area which was rendered surplus when the Pockwock Water Supply System was constructed in 1977. Given the high degree of protection afforded to this land as a former water supply area, the Provincial Government acquired these lands for future recreational development.

Although not developed as the day use park for which it was intended, it currently serves the needs of the residents of Planning District 4 for wilderness recreation purposes. It contains two large lakes which according to the Nova Scotia Department of Natural Resources are in good condition for recreation purposes. As well the presence of this large publicly owned wilderness area amidst an expanding urban population is of great value to the residents of Planning District 4 and support is therefore provided for the future development of this near urban park.

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

The Long Lake Provincial Park was originally chosen as an area of high recreational value due to the presence of high quality fresh water lakes. The Long Lake and Spruce Hill Lake systems offer major recreational opportunities to the expanding urban areas as other freshwater lakes located in the City of Halifax continue to diminish in quality. Water quality in Long Lake, however, is continually threatened by surrounding development and according to a recent study prepared by students from the School of Resource and Environmental Studies (SRES), there has been a marked decline in quality since 1987.<sup>27</sup> Some of the sources of contamination identified by this study are: the Atlantic Winter Fair Grounds; the Bayers Lake Industrial Park and Bayers Brook diversion dam and channel; the Department of Transportation and Communications salt domes; Ragged Lake Research and Business Park; and the Northwest Arm Drive.

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<sup>27</sup> <sup>1</sup> School for Resource and Environmental Studies, Dalhousie University. Long Lake Provincial Park: A Forgotten Gem, student paper prepared for the Spryfield Long Lake Provincial Park Association and toward the completion of Joint Project (ES5002), June 1992.

In addition to the marked decline in water quality, the SRES study revealed that the land resources of the Park have been subjected to vandalism and abuse. Along some of the trail systems, various areas throughout the Park have become littered with old car wrecks, old appliances, broken glass and other debris. Two of the bridges situated within the Park (Spruce Hill Dam Bridge and Beaverdam Brook Bridge) are in poor condition and must be rehabilitated. This unmanaged park is also used extensively by hunters and all terrain vehicles, of which both activities are highly incompatible with a near urban wilderness park.

In accordance with Section 37(i)(a) of the Provincial Parks Act, the Minister of Natural Resources has powers through the Governor in Council to "make regulations for the care, preservation, improvement, control and management of parks."<sup>28</sup> This Act also gives authority to enact regulations which would prohibit undesirable activities from occurring within the Park and which will preserve and manage areas adjacent to the Park. In order to preserve this Park for the purpose for which it was intended, the Department of Natural Resources is encouraged to exercise its authority provided by the Provincial Parks Act.

PK-2 It shall be the intention of Council to request the Department of Natural Resources to develop management plans necessary for the preservation of the Long Lake Provincial Park. As part of this management plan, the Department of Natural Resources is also requested to monitor the water quality of Long Lake and to enact regulations to protect this lake from adjacent uses should its recreational value become seriously threatened.

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<sup>28</sup> <sup>2</sup> Provincial Parks Act, S.N.S., c.18.

## **WESTERN COMMON DESIGNATION (RC-Jul 4/00;E-Aug 5/00)**

The Western Common Designation encompasses significant lands acquired by the Municipality which extend westward from the Prospect Road in the vicinity of Big Indian and Nichols Lakes to the Nine Mile River. Municipal lands also extend beyond this plan area into the abutting plan areas of Halifax and Timberlea/lakeside/ Beechville. A planning study undertaken by the Municipality forms the basis for planning decisions within this designation.

- WC-1** The Western Common Conceptual Land Use Plan, presented as Map 2, shall be adopted by Council as the framework for planning and regulatory decisions within the Western Common Designation.
- WC-2** The Western Common Zone shall be established under the Land Use By-law and initially applied to all lands within the Western Common Designation. The Zone shall permit the following uses: conservation related uses, trails, picnic areas, wilderness campsites, public and private parks and playgrounds, historic sites and monuments, recreation uses (excepting commercial recreation uses), cemeteries and churches. Related uses may be considered by an amendment to the zone provisions but no provisions shall be made to consider a rezoning or development agreement application in areas designated as Wilderness Common or Park on Map 2.
- WC-3** Notwithstanding the general zoning provisions adopted under policy WC-2, an exception shall be made to permit the Indian Lake Golf Course, located on lands adjacent to the Big Indian Lake, to expand on to the Western Common Zone. When negotiating the sale of municipal land to allow for the expansion to occur, the Municipality shall ensure that the trail abutting the east side of the existing golf course property is maintained for public use and that any provincial approvals required for the alteration of a watercourse are secured by the proponent.
- WC-4** Within the area designated for unserviced residential development on Map 2, lands may be rezoned to the residential A-1 or residential A-2 zone. In considering any such rezoning application, Council shall have regard to the following:
- (a) that concerns pertaining to excessive traffic volumes and safety on the Prospect Road have been satisfactorily resolved;
  - (b) that the subdivision is designed so as to not allow direct driveway access to the Prospect Road;
  - (c) that the Municipality retains a visual buffer of vegetation between the highway and residential property lines; and
  - (d) that separation distances are maintained by the Municipality between residential lots and watercourses in order to preserve water quality and to allow for public trail systems. (RC-Jul 4/00;E-Aug 5/00)

## EXISTING INDUSTRIAL USES

As previously mentioned, there are numerous industrial operations scattered throughout the Plan Area, along the collector highway systems. These include a wide range of operations which include manufacturing operations, warehousing, trucking and excavating companies, general contractors construction storage yards, salvage yards and numerous industries involving a specialized trade which may be conducted from a residential property. In many instances, these industrial operations have grown from a home business activity into a larger scale establishment which provides industrial services to consumers throughout the Halifax-Dartmouth Metropolitan Area and beyond. Since these operations have grown beyond what can be considered a home business activity in most designations, industrial zoning shall be created for application to existing industrial operations located within all residentially designated areas and within the Mixed Use Designation. In order to minimize future land use conflicts, these industrial operations shall be either zoned light industrial or local service industrial, depending on the type and size of the existing establishment.

Although it is not the intention of the Planning Strategy to support the future development of industrial uses within the Residential B Designation, there are a few parcels of land where future industrial development is considered acceptable by residents. These include a 2 acre parcel of land located within the Butler Brothers Subdivision in Hatchet Lake (Lands of Alvin MacDonald) (LIMS # 40544348) and an 11 acre parcel of land which is a portion of a 36 acre parcel of land located on the north side of Drysdale Estates Subdivision (Lands of Double D. Construction) (LIMS # 655399). By special request, these landowners have advanced proposals for the future development of industrial uses which will have minimal impact on surrounding lands. In the case of the lands of Alvin MacDonald, Mr. MacDonald proposed to use this small parcel of land for the storage of heavy equipment. This area is surrounded by existing industrial developments and the future storage of heavy equipment will not be incompatible with the local area.

Double D. Construction intends to use its lands for the future development of a shopping centre and warehousing facilities. This parcel of land is separated from surrounding lands by a dense buffer of trees which will screen future development, while providing for the development of services which will benefit the entirety of Planning District 4. The lands of Alvin MacDonald and Double D. Construction will, therefore, be zoned light industrial in accordance with Policy RB-15.

IU-1 Notwithstanding Policies RA-2, RB-2, RB-3, RRA-2, RRB-2, RRC-2, RRD-2, RRE-2 or MU-2, within any rural residential, or Mixed Use designation, it shall be the intention of Council to recognize and support the continuation of existing industrial operations through the creation of a local service zone. The local service zone shall be applied to existing industrial uses which involve a special trade or contracting services, trucking, landscaping, excavating and paving, automobile body or engine repair, machine shops, service shops, wholesale bakeries, laundromats, boat shops, or existing salvage yards. In order to address compatibility concerns, provisions within this zone will establish controls on size, outdoor storage and display and specify that no materials or mechanical equipment which is obnoxious can be used. It shall not be the intention of Council to permit the extension of this zone to additional lands within these designations.

IU-2 Notwithstanding Policies RA-2, RB-2, RB-3, RRA-2, RRB-2, RRC-2, RRD-2, RRE-2, MU-2, within any rural residential, or the Mixed Use designation, it shall be the intention

of Council to create a light industrial zone. This zone shall be applied to existing industrial uses which involve manufacturing, warehousing, wholesaling and research activities as well as postal and courier outlets, recycling and transportation depots, maintenance yards, parking lots, general contracting and storage yards and communication stations. In order to address compatibility concerns, provisions within the zone will establish controls to require screening from existing and future residential uses, approval from senior government agencies for expansion, or changes in use to any other light industrial use. This zoning shall also specify that the use shall not be obnoxious. It shall not be the intention of Council to permit the extension of this zone to additional lands.

While it is the intention of this Planning Strategy to make provision to accommodate existing industrial operations, new industrial ventures shall be prohibited from developing within most residential, resource, islands, conservation and park designations. These designations are generally intended to either support the low density residential environment or to preserve the natural environment. Large scale industrial operations which generate heavy truck traffic, require numerous accessory buildings, extensive outdoor storage areas for bulk equipment and may require waste facilities for lubricants, resins and oils, are generally viewed as being incompatible with the environments these designations are intended to support.

Given the vast amounts of vacant land situated within these designations, it is conceivable that industrial operations could be developed with minimal impact on the surrounding environment. Without a specific development proposal, however, it is difficult to identify specific areas where industry may be accommodated. It is also the desire of area residents to have input at a local public meeting, when such proposals are advanced. It shall, therefore, be the intention of Council to consider amending the Planning Strategy to permit the future development of industry by development agreement when more specific development proposals are submitted.

IU-3 It shall not be the intention of Council to designate any particular area for future industrial development on Map 1 - Generalized Future land Use.

IU-4 Council may consider amending the planning strategy to permit new industrial uses by development agreement and the following conditions shall be considered by Council for inclusion in any such plan amendment:

- (a) that the proposal will not adversely affect nearby land uses by virtue of noise, traffic generation, dust, smoke, odour, and/or vibration;
- (b) that the use is adequately separated and screened from any nearby residential and community facility uses or lands which could become potentially developed for residential or community facility purposes;
- (c) that the scale and appearance of the development be consistent with the surrounding area;
- (d) that the industrial operation shall not require access through a residential area;
- (e) that the use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals or produce wastes that can contaminate soils, watercourses or ground water resources;
- (f) the impact of the industrial use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
- (g) the hours of operation of the facility; and

- (h) the provisions of Policy IM-11.



# SECTION IV

## IMPLEMENTATION

In accordance with Section 45 of the Planning Act, the adoption of this Municipal Planning Strategy does not commit Council to undertake any of the projects or actions contained herein. However, Council cannot take any action within the scope of this Planning Strategy which would, in any manner, be inconsistent with the Planning Strategy or at variance with it.

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

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

- IM-1 This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Halifax County Charter, and such other provincial statutes as may be applicable.
- IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee and Western Region Community Committee.
- IM-3 It shall be the intention of Council to require amendments to the policies of this Planning Strategy or to Map 1 - Generalized Future Land Use under the following circumstances:
  - (a) where any policy is to be changed; or
  - (b) where a request for an amendment to the land use by-law for a use which is not permitted is made and subsequent studies show that the policies of this Planning Strategy should be amended.
- IM-4 More specifically, Council may consider undertaking a review to determine if the land use designations are still appropriate, in the following instances:
  - (a) where central municipal sewer and water services are extended to service lands within the Plan Area;
  - (b) where major transportation projects are undertaken; and/or
  - (c) where new industrial uses are proposed.
- IM-5 In accordance with the Planning Act, this Planning Strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.
- IM-6 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following amendments to the land use by-law, for lands which are located where any land use designations abut one another, as shown on Map 1 - Generalized Future Land Use:

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

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

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

- (a) within the Residential A Designation:
  - (i) auxiliary dwelling units according to Policies RA-3 and RA-4.
- (b) within the Residential B Designation:
  - (i) two unit dwellings within Goodwood, Hatchet Lake and Shad Bay according to Policy RB-3;
  - (ii) two unit dwellings within Bayside according to Policy RB-5 ;
  - (iii) institutional uses except fraternal halls and centres according to Policy RB-7;
  - (iv) general commercial uses which do not exceed ten (10) percent of the lot area according to Policy RB-9; and
  - (v) residential A-1 or A-3 zones which permit only the development of low density residential uses and limited home business uses according to Policy RB-14.
- (c) within the Rural Residential A Designation:
  - (i) convenience stores, craft shops, bed and breakfast outlets and day care facilities according to Policy RRA-4.
- (d) within the Rural Residential B Designation:
  - (i) two unit dwellings and auxiliary dwelling units according to Policy RRB-4; and
  - (ii) convenience stores and day care facilities according to Policy RRB-5.
- (e) within the Rural Residential D Designation:
  - (i) convenience store, restaurants and larger day care facilities according to Policy RRD-4.
- (f) within the Rural Residential E Designation:
  - (i) convenience stores and craft shops according to Policy RRE-3.
- (g) within all Rural Residential Designations:
  - (i) residential RA-1 or RA-2 zones according to Policies RRA-3, RRC-3, and RRE-3 and RA-1 or RA-3 zones according to Policies RRB-3 and RRD-3.
- (h) within the Mixed Use Designation:
  - (i) mobile homes on individual lots according to Policy MU-3.
- (i) within the Resource Designation:
  - (i) residential RA-1, RB-1 or RB-3 zones which permit the development of

- residential uses on less than 80, 000 square foot lots according to Policy RES-6.
- (j) within the Conservation Designation:
  - (i) the preservation of the West Dover IPB and Prospect High Head lands according to Policy CONS-9;
  - (ii) educational institutions, fire halls, police stations, playgrounds and cemeteries and community halls according to Policy CONS-8; and
  - (iii) residential, mixed use or resource zones according to Policy CONS-8.
- (k) **Within the Western Common Designation:**
  - (i) **the residential A-1 or A-2 zone in accordance with policy WC-4. (RC-Jul 4/00;E-Aug 5/00)**

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

- (a) within the Residential A Designation:
  - (i) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RA-5A and RA-5B; (RC-Aug 9/22;E-Sep 15/22)**
  - (ii) institutional uses according to Policy RA-6; and
  - (iii) shopping centre on the Lands of Food City Limited (LIMS 40471286) according to Policy RA-9.
- (b) within the Residential B Designation:
  - (i) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RB 6A and RB-6B; (RC-Aug 9/22;E-Sep 15/22)**
  - (ii) fraternal halls and centres according to Policy RB-8;
  - (iii) commercial recreation uses according to Policy RB-11;
  - (iv) recycling depots according to Policy RB-13;
  - (v) general commercial uses exceeding ten (10) percent of the lot area, service stations, commercial entertainment uses and motels according to Policy RB-10; and
  - (vi) larger scale fishery support and aquaculture support uses according to Policy RB-15.
- (c) within the Rural Residential A Designation;
  - (i) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RRA-5A and RRA-5B; (RC-Aug 9/22;E-Sep 15/22)**
  - (ii) institutional uses according to Policy RRA-6;
  - (iii) larger scale fishery support uses according to Policy RRA-7; and
  - (iv) larger scale agricultural uses according to Policy RRA-8.
- (d) within the Rural Residential B Designation:
  - (i) craft shops according to Policy RRB-6;
  - (ii) a restaurant and lounge and light industrial uses on the lands of Leo Miles (LIMS No. 40039265) according to Policy RRB-7;
  - (iii) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RRB-8A and RRB-8B; (RC-Aug 9/22;E-Sep 15/22)**
  - (iv) institutional uses according to Policy RRB-9;

- (v) larger scale fishery support and aquaculture support uses according to Policy RRB-10; and
  - (vi) marinas according to Policy RRB-11.
- (e) within the Rural Residential C Designation:
  - (i) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RRC-4A and RRC-4B; (RC-Aug 9/22;E-Sep 15/22)** and
  - (ii) institutional uses according to Policy RRC-5.
- (f) within the Rural Residential D Designation:
  - (i) small scale general business, light industrial and local service uses according to Policy RRD-5;
  - (ii) service stations, motels and tourist cottages, and commercial entertainment uses according to Policy RRD-6;
  - (iii) fish processing plants, larger scale fishery support uses and aquaculture support uses according to Policy RRD-8;
  - (iv) marinas according to Policy RRD-7;
  - (v) conversion of the former McCain fish processing plant (LIMS No. 40067886) to an industrial or commercial use according to Policy RRD-9; and
  - (vi) extractive facilities according to Policy RRD-10.
- (g) within the Rural Residential E Designation:
  - (i) motels and restaurants according to Policy RRE-5;
  - (ii) commercial recreation uses according to Policy RRE-6;
  - (iii) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies RRE-7A and RRE-7B; (RC-Aug 9/22;E-Sep 15/22)** and
  - (iv) larger scale fishery support and aquaculture support uses according to Policy RRE-8.
- (h) within the Mixed Use Designation:
  - (i) mobile home parks according to Policy MU-4;
  - (ii) small scale commercial, service industrial and light industrial uses according to Policy MU-5;
  - (iii) fish processing plants, larger scale fishery support uses and aquaculture support uses according to Policy MU-6;
  - (iv) **shared housing with special care at a larger scale than permitted in the underlying zone** according to **Policies MU-7A and MU-7B; (RC-Aug 9/22;E-Sep 15/22)**
  - (v) institutional uses according to Policy MU-8; and
  - (vi) commercial recreation uses according to Policy MU-9.
  - (vii) **commercial, community and resource related uses which are supportive of the tourist industry and the surrounding community on the lands of Coastal Communities Economic Development Co-operative Limited (PID Nos. 00384834 and 40501124) according to Policies MU-6a and MU-6b. (RC-May 22/01;E-Jun 23/01)**
- (i) within the Resource Designation:
  - (i) extractive facilities according to Policy RES-3; and
  - (ii) commercial recreation uses according to Policy RES-5.

**IM-10 Deleted (RC-Jun 27/06;E-Aug 26/06)**

- IM-11 In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Municipality to absorb any costs relating to the development;
    - (ii) the adequacy of on-site sewerage and water services;
    - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
    - (iv) the adequacy of road networks leading to or within the development; and
    - (v) the potential for damage to or for destruction of designated historic buildings and sites.
  - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) traffic generation, access to and egress from the site, and parking;
    - (iv) open storage;
    - (v) signs; and
    - (vi) any other relevant matter of planning concern.
  - (d) that the proposed development 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 “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**
- IM-12 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Planning Act.
- IM-13 It shall be the intention of Council to refer all proposed amendments to the Municipal Planning and/or the standards of the Land Use By-law for Planning District 4, to the Western Region Community Committee.
- IM-14 It shall be the intention of Council to post a notice of public hearing for any rezoning or development agreement application being considered under the provisions of this Planning Strategy. The notice shall be posted on the property under consideration and all expenses incurred shall be debited from an advertising deposit made by the applicant.
- IM-15 It shall be the intention of Council to post notice of public hearing for any amendments being considered to this planning strategy or standards of this by-law in a prominent

location so directed by resolution of Council.

- IM-16 It shall be the intention of Council to notify all assessed property owners, based on LIMS records, located within five hundred (500) feet of the property boundary of the proposed site by ordinary mail, of any public hearing for any rezoning or development agreement application being considered under the provisions of this planning strategy.
- IM-17 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 Planning District 4, pursuant to the Planning Act.
- IM-18 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:
- (a) the Subdivision By-law;
  - (b) the Building By-law;
  - (c) the Unsightly Premises section of the Halifax County Charter;
  - (d) the Mobile Home Park By-law;
  - (e) the Blasting and Dangerous Materials By-law;
  - (f) the Topsoil By-law; and
  - (g) the Excavation By-law.
- IM-19 In accordance with the Planning Act, the Development Officer appointed by Council or any other person to act in the development officer's stead shall administer the land use by-law and the subdivision by-law and grant development permits.
- IM-20 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the Municipality.
- IM-21 It shall be the intention of Council, in recognition of the importance of stormwater planning and the development nature of the Plan Area, to amend the subdivisions by-law to require that the storm drainage requirements which are now applied in the services areas only, be applied where necessary in the Plan Area.
- IM-22 It shall be the intention of Council to 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.
- IM-23 Where uses exist which would be non-conforming with respect to the Planning Act, and which are unlikely to become conforming and further, where such uses do not interfere with adjacent uses, such uses may be zoned to permit the existing use of the property.
- IM-24 It shall be the intention of Council to consider that uses permitted as existing uses are conforming uses and, unless otherwise limited by the land use by-law, can expand to the extent of the subject property which was in existence at the publication of the first notice of the intention to adopt this planning strategy.



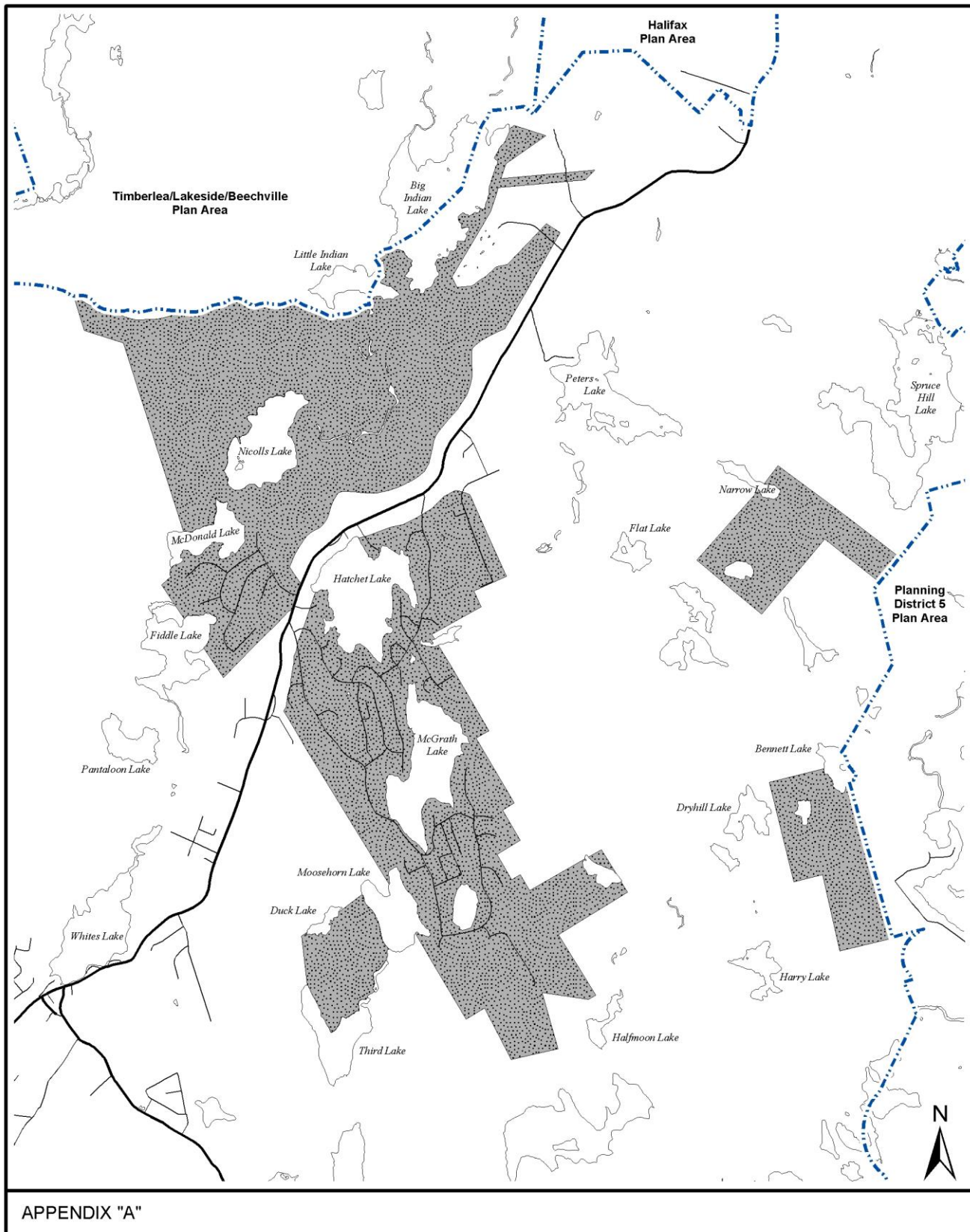
- IM-25 It shall be the intention of Council, in the interests of vehicular safety, to regulate, through the land use by-law, the height of any structures and the landscaping on corner lots, where yards abut the street.
- IM-26 It shall be the intention of Council to provide for the temporary use of land or structures which is accessory to and necessary for the construction of a development for which a development permit has been issued.
- IM-27 It shall be the intention of Council to incorporate provisions within the land use by-law which facilitates development on lots which do not conform to the lot area and setback requirements of the zone, if such lots are in existence of the effective date of this by-law.

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

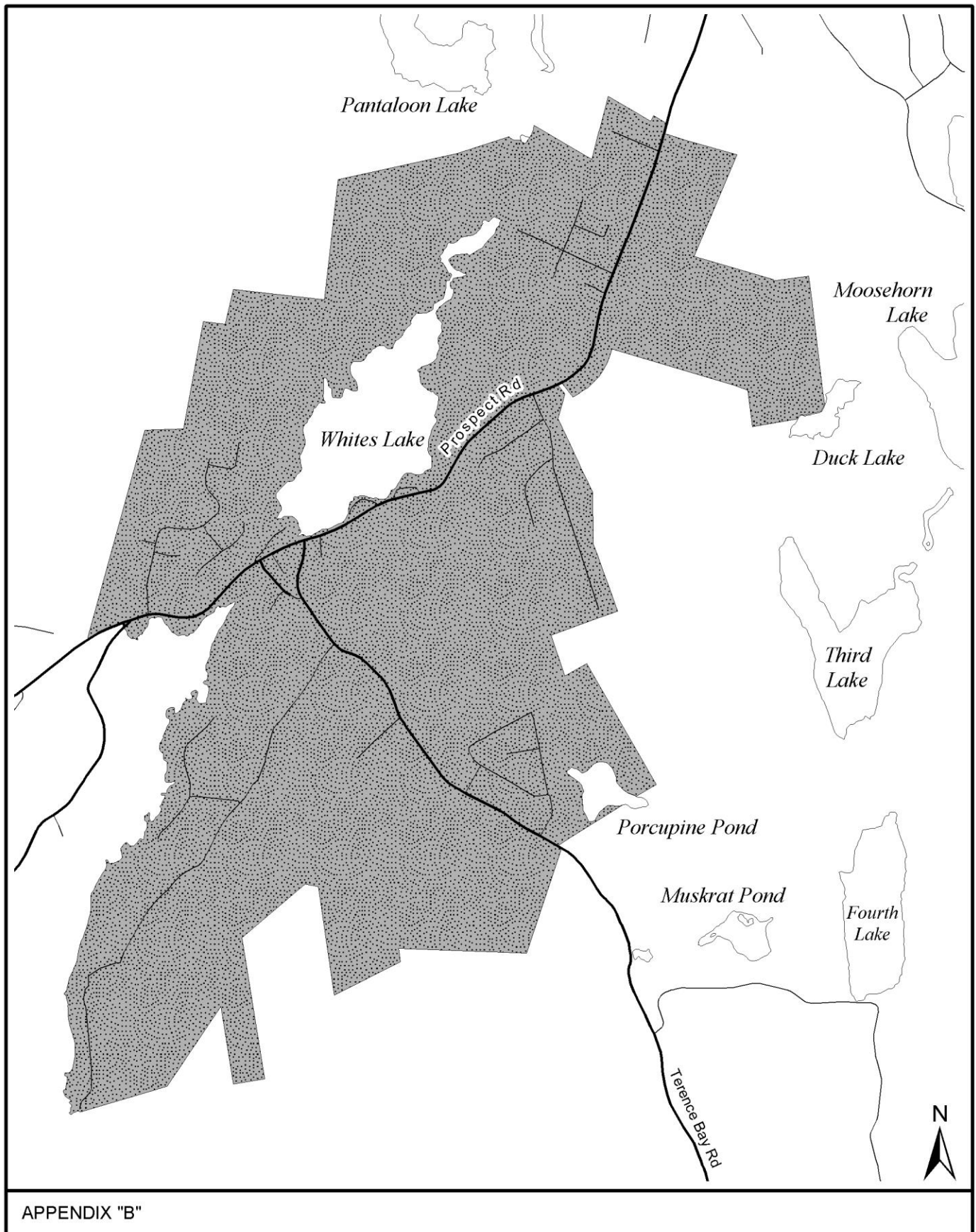
In recent years, HRM has received a number of complaints regarding signage throughout the region, especially along major transportation routes. Most of the concerns raised with signage deal with the location, number, and maintenance of mobile signs, sandwich boards, posters, inflatable signs, planter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

- IM-28** The land use by-law shall only contain sign provisions for those signs not regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).
- IM-29** Where there is enabling policy to consider, by development agreement, the development 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.
- IM-30** Notwithstanding Policies RA-5A, RA-5B, RB-6A, RB-6B, RRA-5A, RRA-5B, RRB-8A, RRB-8B, RRC-4A, RRC-4B, RRE-7A, RRE-7B, MU-7A and MU-7B applications for non-substantive amendments to approved development agreements that now meet the definition of shared housing with special care in the land use by-law 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.
- IM-31** In addition to Policy IM-30, complete applications for development agreements on file with the Municipality located in this plan area, which were received on or before July 12, 2022, 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 July 12, 2022, shall be subject to all applicable requirements of this Plan and the Land Use By-Law.

## Appendix A

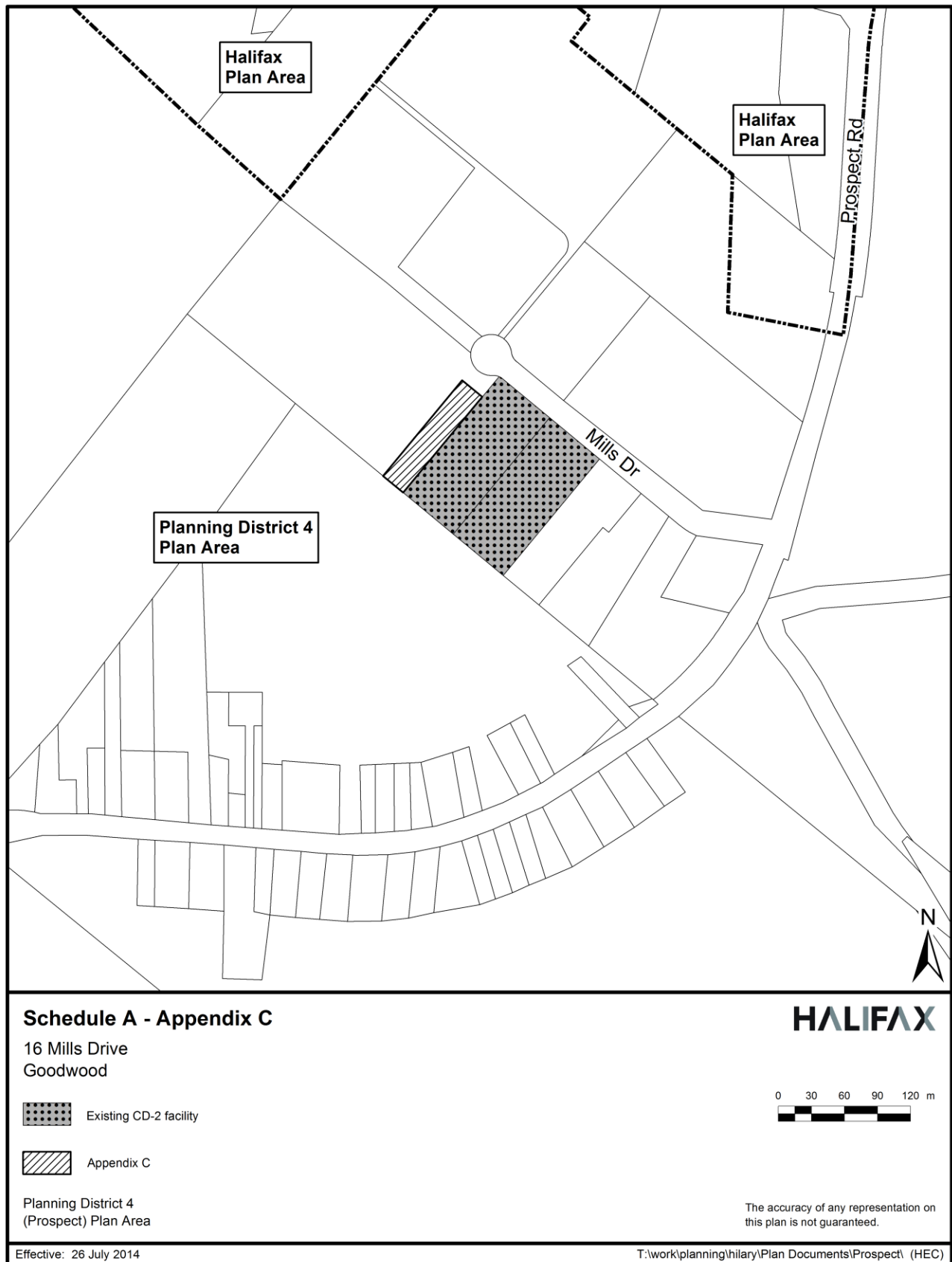


## Appendix B



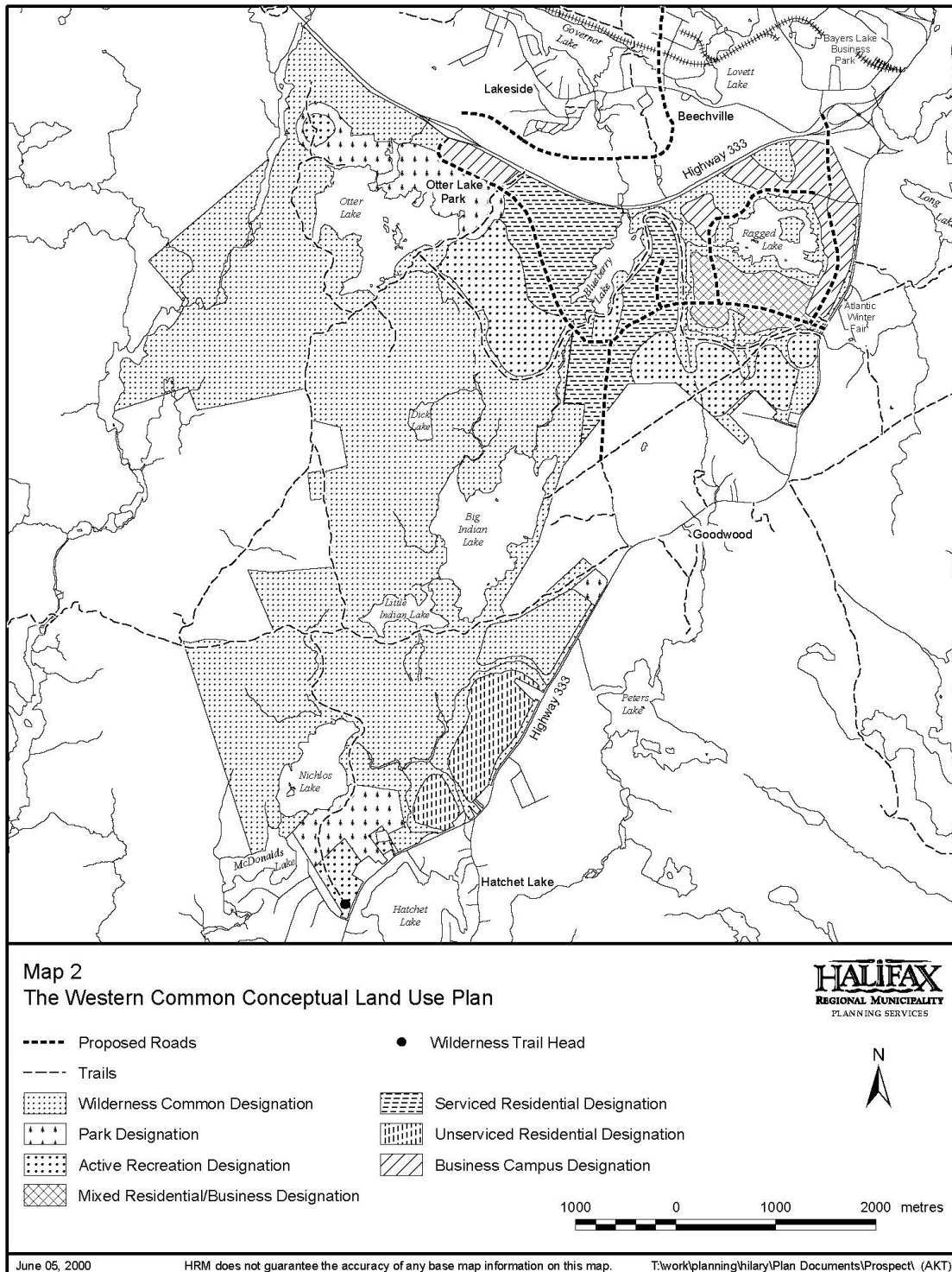


## Appendix C



## Map 2: The Western Common Conceptual Land Use Plan

Schedule PD4-A1



## MUNICIPAL PLANNING STRATEGY AMENDMENTS IN CHRONOLOGICAL ORDER OF MINISTERIAL APPROVAL

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective Date</u>
1.	Section II - E-16 - E-16A (addition)	Composting Operations	Feb 26/96	Mar 28/96
2.	Section I - Regional Context (amended) Section III - Addition of Western Common Designation Section IV - Policy IM-8 addition of clause (k) Addition of Map 2 Generalized Future Land Use map (amended)	Western Common Master Plan (Project 00112)	July 4/00	Aug 5/00
3.	Section III - Policy MU-6 (amended); Section III - Policy MU-6a , MU-6b (addition); Section IV - Policy IM-9(h) vii (added)	Terence Bay (Case 00208)	May 22/01	Jun 23/01
4.	Infrastructure Charges (addition) IM-11(e) (addition) (Case 00423)	Capital Cost Cont.	Jul 2/02	Aug 17/02
5.	Table of Contents (amended); Construction & Demolition (added); Policy E-17 (deleted)	Construction & Demolition Waste (Project 00082)	Sep 10/02	Nov 9/02
6.	Interim Growth Management (added); Map 3 (added)	Interim Growth Management (Project 00664)	Apr 13/04	Apr 22/04
7.	Delete Interim Growth Management, including Map 3; policies related to CDDs; and a portion of private road development.	Regional Plan	Jun 27/06	Aug 26/06
8.	Adding IM-28 relative to temporary signage	Project 00327	Sep 26/06	Nov 18/06
9.	Amend Map 1, GFLUM, to include the subject lands, Drysdale Bog, Goodwood, in PD 4 Plan Area and apply Residential B designation to said lands; Amend Regional Context Map to include subject lands, Drysdale Bog, Goodwood, in the PD 4 Plan Area.	Case 01213	Aug 9/11	Oct 8/11
10.	Add Policy SW-10A within Construction and Demolition Waste Management Strategy Section.	Case 17413	Jun 10/14	Jul 26/14
11.	<b>Amend</b> Policy T-7 – Reduced Lot Frontages	Case 19413	Sep 8/15	Nov 7/15
12.	<b>Add</b> Policy RB-7A: Denominational Uses at 797 Prospect Rd, Goodwood	Case 21379	Feb 26/19	Apr 20/19
13.	<b>Amended</b> Section III, Land Use Intent, Residential A Designation, Residential B Designation, Rural Residential A Designation, Rural Residential B Designation, Rural Residential C Designation, Rural Residential D Designation, Policy RRD-2; Rural Residential E Designation; Mixed Use Designation; Implementation, Policy IM-9(a)(i), IM-9(b)(i), IM-9(c)(i), IM-9(d)(iii), IM-9(e)(i), IM-9(g)(iii), IM-9(h)(iv). <b>Deleted</b> Section III, Residential A Designation, Policy RA-5; Residential B Designation, Policy RB-6; Rural Residential A Designation, Policy RRA-5; Rural Residential B Designation, Policy RRB-8; Rural Residential C Designation, Policy RRC-4; Rural Residential E Designation, Policy RRE-7; Mixed Use Designation, Policy MU-7. <b>Add</b> Section III, Residential A Designation, Policy RA-5A, RA-5B; Residential B Designation, RB-6A, RB-6B; RRA-5A, RRA-5B, Rural Residential B Designation, Policy RRB-8A, RRB-8B; Rural Residential C Designation, Policy RRC-4A, RRC-4B; Rural Residential E Designation, Policy RRE-7A, RRE-7B; Mixed Use Designation, Policy MU-7A, MU-7B; Implementation IM-29, IM-30, IM-31.	Case RP16-16 (Shared Housing)	Aug 9/22	Sep 15/22



14.	<b>Added</b> Policy RRE-2A – PID 40064875 (Former Bayside Youth Camp)	Case 24239	Jan 10/23	Feb 3/23
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