

**HALIFAX**

**MUNICIPAL PLANNING  
STRATEGY**

**PLANNING DISTRICT 5  
(CHEBUCTO PENINSULA)**

**THIS COPY IS A  
REPRINT OF THE  
MUNICIPAL PLANNING STRATEGY  
WITH AMENDMENTS TO  
JUNE 29, 2019**

**MUNICIPAL PLANNING STRATEGY  
FOR  
PLANNING DISTRICT 5  
(CHEBUCTO PENINSULA)**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Planning District 5 which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 5th day of December, 1994, and approved with amendments by the Minister of Municipal Affairs on the 9th day of February, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 29<sup>th</sup> day of June, 2019.

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

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

**MUNICIPAL PLANNING STRATEGY  
FOR  
PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)**

**FEBRUARY 1995**

This document has been prepared for convenience only and incorporates amendments made by the Council of Halifax County Municipality on the 5th day of December, 1994 and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 9th day of February, 1995. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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## INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, R.S.N.S., c.346, 1989 and pursuant to Municipal Council's adoption of Municipal Development Plan Stage 2 Process in March of 1983. The Planning Strategy encompasses most of Municipal Electoral District 5 as well as a small portion of lands in Municipal Electoral District 4 on the western side of Moody Lake (page 3). A small portion of Municipal District 5, in the Long Lake Provincial Park, is included within the Planning District 4 Plan Area.

Pursuant to the Planning Act and Municipal Council's commitment to public participation, a Public Participation Committee (PPC) of area residents was formed. This Committee had representation on the Municipal Plan Committee of Council and held prime responsibility for the success of general public input and participation of the public during the planning process. The Public Participation Committee held over 85 regular and special public meetings and open houses, conducted surveys, and received representation from area residents in the formation of this community-based Planning Strategy.<sup>1</sup> Also, in keeping with the provisions of the Planning Act, this Municipal Planning Strategy was subject to a review conducted in 1994. In this case, public input was gathered through open house sessions and a public meeting held on May 19, 1994, by the Municipal Planning Advisory Committee.

This Municipal Planning Strategy is divided into four sections. Section I describes the Plan Area in its regional context and presents an overview of the area's communities including matters which are relevant to the direction of future community development. Section II contains policies relating to the environment and environmental health services, transportation, recreation and heritage resources, and community services. Section III describes 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.

The policies adopted by Municipal Council in this Strategy are prefaced by explanatory 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), the Transportation Map (Map 5) and the Herring Cove Water Service District Map (Map 6) shall constitute a legal part 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> A list of PPC members and alternate is attached as Appendix "A".

# SECTION I

## REGIONAL CONTEXT

As illustrated on the next two accompanying maps, the Chebucto Peninsula (Planning District 5) Plan Area is located along the southwest side of the entrance to Halifax Harbour, and is bounded by the Halifax City limits on the north; Municipal Electoral District 4 on the west; and by the Atlantic Ocean on the south and by the entrance to Halifax Harbour on the east.

The Plan Area has played a number of important roles in the development of the Halifax region, and its relationship with Metropolitan Halifax - Dartmouth is one that is continuing to evolve.

The area's rich heritage is characterized by its historical military role and dependence upon the inshore and Scotian Shelf fishing industry.

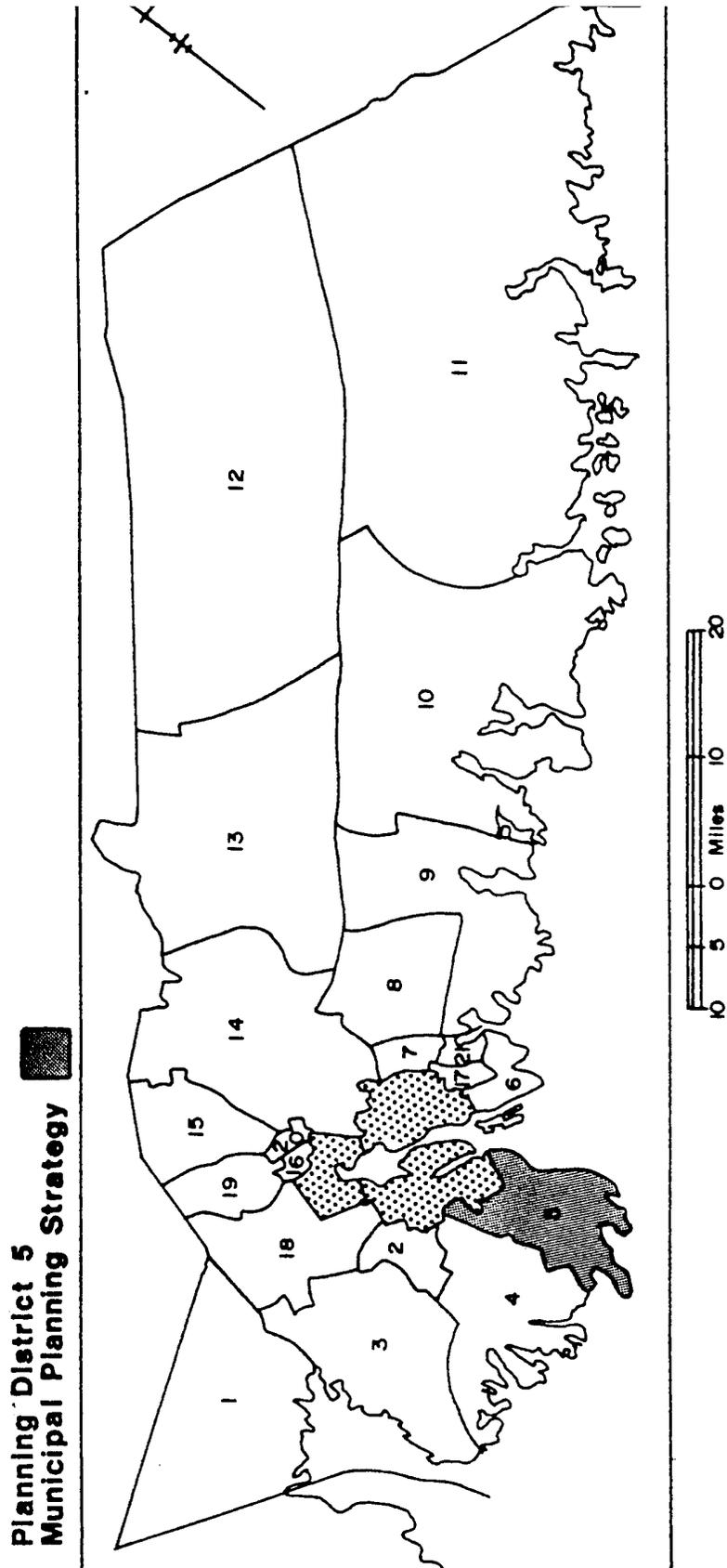
One of the earliest recorded references to the Plan Area was in 1711 when the French engineer De Labat conducted a survey of the Cap St. Sambre<sup>2</sup> (Sambro) area to determine a suitable location for a French fortress.

It was the British who recognized the area's military advantages and in 1793, when Britain declared war with France, the Plan Area's contribution to regional defence emerged. With the establishment of Fort York Redoubt by the British in 1798, protection was provided to the Citadel Fortress and to the budding town of Halifax against sea attacks. Located in Fergusons Cove (Historical Features Map, Map 2), York Redoubt continued to play an important national defence role even during the Second World War. Today, the Department of National Defence maintains its Damage Control School near the York Redoubt site, and the Fort is pre-eminent in the preservation of the area's military history. It is a designated National Historic Site.

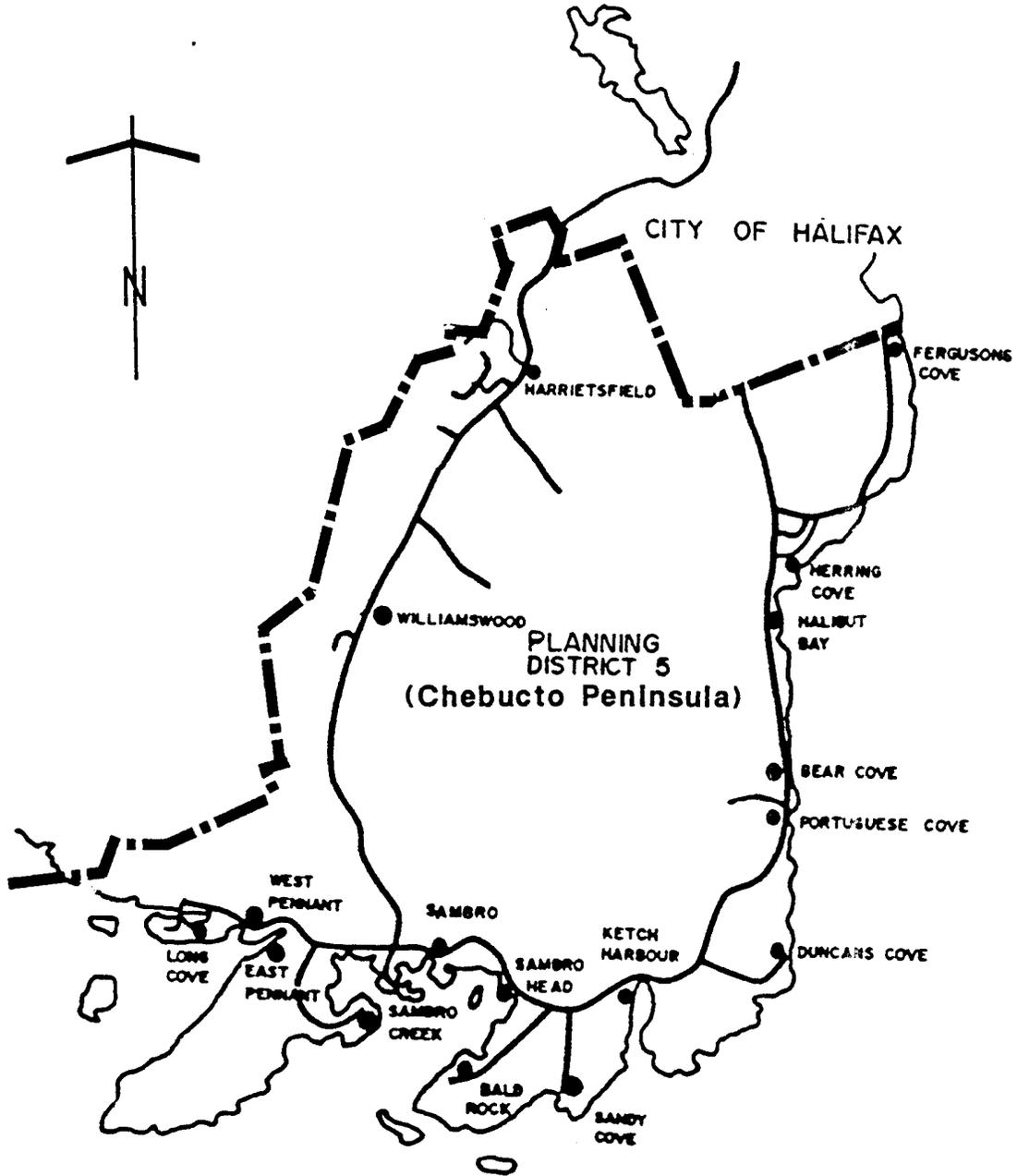
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<sup>2</sup> Thomas Raddall, Halifax: Warden of the North, 1970.

REGIONAL CONTEXT MAP



PLAN AREA MAP



The Plan Area has always played an important role in regional communications. Early military signal systems connected Sambro, Chebucto Head, Camperdown Hill and York Redoubt to the Halifax Citadel. In assisting the region's developing international sea trade, lighthouses along the Plan Area's shoreline served warnings of dangerous shoals and acted as beacons to Halifax Harbour. Nonetheless, the area's rugged coastline holds a legacy of marine tragedy. (Historical Features Map, Map 2).

Today, regional communications and marine protection continue to be important features of the Plan Area. The Teleglobe Canada signal station in Harrietsfield provides the greater Halifax region with a satellite link for radio and television signals. The Canadian Coast Guard maintains aids to navigation including unwatched lights, fixed buoys, lighthouses and the Sambro Lifeboat Station. Major Coast Guard transmitting and receiving facilities are located in East Pennant and in Ketch Harbour, while radio and remote radar operations at Chebucto Head assist ships entering and leaving Halifax Harbour. All Coast Guard facilities in the Plan Area are essential for the continued safety and security of mariners.

Of the seventeen communities identified in the Plan Area, only Harrietsfield and Williamswood are not located on the ocean. This long-standing association with the sea remains important to the Plan Area for a number of economic, environmental, and recreational reasons.

The development of fishing communities along the coast constituted the early settlement pattern for the Plan Area. Today, the coastal communities include Fergusons Cove, Herring Cove, Halibut Bay, Bear Cove, Portuguese Cove, Duncans Cove, Ketch Harbour, Sandy Cove, Bald Rock, Sambro Head, Sambro, Sambro Creek, East Pennant, West Pennant, and Long Cove.

The fishing trade was the economic mainstay of the coastal communities and they survived in earlier times by their close proximity to Halifax markets. The fishing trade is an important generator of local income and employment in the area and contributes significantly to the identity and character of the coastal communities. Map 3 identifies fishing berths along the coast line. Traditional fishing activities including fish processing are concentrated mainly in Sambro, and aquaculture operations have also been recently established in the Sambro area. The National Research Council of Canada operates its Aquaculture Research Station in Ketch Harbour, and is active in assisting the aquaculture industry.

The ability of traditional fishing communities to co-exist beside Atlantic Canada's largest urban centre can be attributed in part to the Plan Area's relative isolation. In the recent past, the lack of suitable road connections created problems for fishermen wishing to gain access to Halifax markets during inclement weather. Today, access into the Plan Area is by the Old Sambro Road, the Purcells Cove Road and the Herring Cove and Ketch Harbour Roads, all of which are relatively narrow and winding access highways.

The Plan Area's relative isolation has meant that any communities have been able to offer a quality of life that both long-established families and newer residents wish to see preserved. The tranquillity, sense of history, open space and village-like atmospheres in these communities are attractive qualities for both old and new residents alike.

The Plan Area has experienced increased residential development during the last decade due to the area's close proximity to metropolitan Halifax Dartmouth. The Nova Scotia Department of Housing and Consumer Affairs holds a land bank for future residential development at Kidston

Lake, which extends into the County and borders the City of Halifax. However, with the exception of new subdivisions in Herring Cove and Harrietsfield-Williamswood, there have been few large suburban-style developments in the Plan Area due to environmental restrictions and the expense of road construction. Rather, in recent years, new development has tended to follow the existing road system which loops around the perimeter of the Plan Area reflecting a linear extension of the traditional fishing villages along these main roads.

In many areas, residential development can be impeded by environmental constraints such as inadequate soils for septic disposal. On-site water services may also become contaminated by salt water intrusion in coastal areas or by iron, manganese or other heavy metal contaminants in some areas.

Action is required on several local and regional environmental issues in the area including: the need for solutions for malfunctioning septic fields; the need for continuing scientific research into the effects of uranium contaminated wells and radon which can be introduced into confined spaces from the granite bedrock, soil or water; the need to resolve the dumping of untreated wastes by the City of Halifax into Herring Cove and MacIntosh Runs.

There is a need to ensure the environmental quality of all watercourses in the Plan Area and to control the soil removal and dumping of construction and demolition debris from Halifax, which has occurred in the past.

Most commercial establishments in the Plan Area serve local residents. However, the larger urban market is served by a variety of cottage industries and small manufacturing pursuits as well as an industrial park and numerous garages and auto repair shops in the North Harrietsfield area.

There are several recreation sites and facilities within the Plan Area which are used by local residents and, increasingly, by residents of the larger metropolitan area as well. Foremost among these are Crystal Crescent Provincial Park, the Fort York Redoubt National Historic Site, and Long Lake Provincial Park on the Plan Area's border. Plans for these facilities are in the early stages and require public input.

## PLAN AREA PROFILE

### Introduction

The Plan Area Profile identifies in more detail the trends, concerns and issues within the Plan Area. Three of the area's communities - Herring Cove, Harrietsfield and Williamswood - have characteristics which distinguish them from other communities by virtue of their size, service needs, environmental concerns, and land use conflicts.

### Population

As Table 1 indicates, the population within the Plan Area experienced a moderate population increase in the late-seventies. The 1981 population was approximately 4,931, which represented a 3.7 percent increase over the five year period from 1976 to 1981. However, this rate of population growth within the Plan Area increased significantly throughout the eighties. Within the next two to five year census period 1981 to 1986 and 1986 to 1991, the population increased by 10.9 percent within each census period.

Table 1: POPULATION GROWTH (1976 - 1991)

YEAR	POPULATION	% OF GROWTH
1991	6,068	10.9
1986	5,468	10.9
1981	4,931	3.7
1976	4,756	----

Tables 2 and 3 compare the Plan Area's age profile and average household size with Halifax County Municipality and the Province. The average number of persons per household in the Plan Area than is identical to the Municipality but higher than in the Province. The Plan Area contains a relatively larger proportion of children (under 25) and middle-aged adult (25-44 years) than in the province. Conversely, there are proportionately fewer young adults and senior citizens in the Plan Area than in the province.

Table 2: AVERAGE HOUSEHOLD SIZE: PLAN AREA, HALIFAX-DARTMOUTH AND PROVINCE, 1986

	PLAN AREA	HALIFAX CO. MUNICIPALITY	NOVA SCOTIA
Average Number of Persons Per Private Household	3.0	3.0	2.7

SOURCE: Statistics Canada, 1981 Census of Canada.

Table 3: AGE COMPOSITION, 1991

HALIFAX COUNTY MUNICIPALITY

AGE GROUP	PLAN AREA %	HALIFAX COUNTY MUNICIPALITY %	NOVA SCOTIA %
0-14	23	23	20
15-24	13	14	15
25-44	38	38	33
45-64	19	18	19
65+	7	7	13
	100.0	100.00	100

Source: Statistics Canada, 1981 Census of Canada

These trends are typical of other fringe areas near major urban centres where population growth is stimulated by in-migration in addition to natural population increase. Migrants are attracted to the fringe area by cheaper land prices and other amenities such as open space, while remaining within commuting distance to centres of employment. Consequently, private households in the urban-rural fringe can be characterized as young families. Young adults have often left the fringe area and have sought educational and employment opportunities elsewhere, while the proportion of senior citizens is reduced as a result of the in-migration.

As the Plan Area's young population ages there will be new pressures brought to bear on services such as schools and demands for youth-oriented recreational opportunities. This also implies greater demand on school busing, most notably at the high school level, since the closest high school is the City of Halifax. As the Plan Area's middle-aged population grows older, there will be a greater proportion of senior citizens with corresponding need for improved transit and senior citizen housing.

Residential Land Use

Population growth translates directly into demands for residential space, and between 1983 and 1993, 770 lots were approved and 572 building permits were issued. As Table 4 demonstrates, single unit housing is the predominant type found in the Plan Area.

Table 4: HOUSING TYPE, DISTRICT 5, 1991

TYPE	NUMBER	%
Single Unit	1782	85
Two Unit	83	4
Multi-Unit	26	1
Mobile	206	10
(Total)	2096	100

SOURCE: Statistics Canada, Census of Canada, 1981.  
 Building Permit Data: 1981-November, 1991.

Successful requests for zoning in Herring Cove, Harrietsfield and Williamswood in the 1970s established an early commitment to single and two-unit housing. These requests were made in reaction to commercial and multi-unit land uses being proposed for these communities. The preference for single unit housing and the need to retain the "village-like" qualities of all communities have since been underlying concerns of many Plan Area residents. Previously much of the Chebucto Peninsula was unzoned.

Residential land development has been based solely upon private sector activity. However, the Nova Scotia Department of Housing and Consumer Affairs has assembled a 900 acre land bank at Kidston Lake, of which 650 acres lie in the north Harrietsfield area. Phase I of this housing development was developed within the City of Halifax. Although the District 5 portion of the land assembly is designated by the Province as a long term land bank, the prospect of urban residential development at this location is premature prior to a proper sewage treatment scheme which takes into account local and regional issues of pollution control.

Extension of the Plan Area's villages along the main highways has been estimated by previous subdivision requirements for public road frontage and by the cost of developing roads. This form of linear residential development can create certain safety and servicing problems which may become exacerbated over time with increasing development. As a consequence there is support for traditional land development practices, including controlled private road development and reductions in lot frontage requirements, in order to encourage development to locate off the main access highways.

The linear development pattern gives rise to a need for a predominant planning focus on the communities themselves: to consolidate residential development and community form; to address problems with potential land use conflicts; and, to give due attention to the provision of a range of municipal services in the villages. Encouraging environmentally-sound residential development is a key objective of this Planning Strategy.

#### Commercial, Resource, and Industrial Land Use

Most Plan Area residents work and shop in Halifax or Dartmouth. There are, however, several important employment and income generators within the Plan Area itself.

There are several general business uses located throughout the Plan Area. Herring Cove,

Harrietsfield, Sambro and Ketch Harbour each have a local convenience store, and a service station is located on the periphery of Herring Cove; and in North Harrietsfield, opposite Leiblin Park in the City of Halifax. A number of home occupations exist in the Plan Area and these are devoted to such varied pursuits as hairdressing, land development, auto repair, software development, arts and crafts, wood-cutting and paper making.

The fishing trade is the most important resource-based activity in the Plan Area and is a critically important aspect of community identity in Herring Cove, Portuguese Cove, Ketch Harbour, Sambro Head, and in Sambro.

In Herring Cove, Portuguese Cove and in Ketch Harbour, net fishing is pursued by 38 full-time and part-time fishermen (see Map 3, Community Features). There are no major fish processing facilities in these communities, with the exception of a packing operation in Portuguese Cove. In Sambro, fishing is a vital component of the local economy. The fishing trade here is based on trawling, and employs 133 full-time and part-time fishermen.<sup>3</sup> Employment is also generated by three processing plants in Sambro, with spinoff employment being created in baiting, trucking and dockyards. Boat building is provided in Sambro Head and the Sambro area is also the location of three aquafarming operations which are producing mussels and oysters.

North Harrietsfield is the other area of commercial interest in the Plan Area. A 38 acre industrial park is located here and is devoted mainly to warehousing. A window manufacturer is located in Harrietsfield which employs mainly a local labour force. A number of auto body and auto repair shops are located along the Old Sambro Road in Harrietsfield. The concentration of auto repair and general industrial uses in this area demands special consideration for planning policies which will support promotion of an industrial-commercial base in the Plan Area. The range and variety of commercial establishments in north Harrietsfield provides employment to an estimated 200 individuals.

Auto salvage yards exist in the Halibut Bay area and North Harrietsfield area and have on occasion created land use conflicts.

### Suburban-Rural Conflict

In terms of social impact, the traditional village structure has not escaped the metropolitan influences of in-migration and pressures brought about by increasing residential development. By virtue of its historically unsatisfactory sewage arrangement with the City of Halifax, Herring Cove has become the most "urbanized" village in the Plan Area. The City's trunk sewer makes it possible to develop on smaller lots in Herring Cove than that possible in other communities. However, new residential areas have been created in most communities and the social structure has experienced some conflict as a result.

In planning terms, this conflict relates to the loss of more traditional rural values together with the need to establish an appropriate level of services and land use control. Generally, newer residents demand a greater level of services and land use regulation than do long time residents. The Planning Strategy recognizes the need to accommodate the wishes of both groups by respecting traditional land rights and establishing land use regulations where appropriate.

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<sup>3</sup> Scotia-Fundy Region Fishing Community Profiles, Economic Branch, Department of Fisheries and Oceans, 1984.

## Environmental Considerations

The Planning Strategy addresses a number of environmental issues that were identified during the initial planning process and through the plan review process. Some areas of concern, such as the need to maintain the quality of watercourses and provide stormwater planning, are general to developing areas. However, two environmental issues in the Plan Area are unique in the Municipality and require more immediate attention.

In 1981, levels of uranium in excess of the standard Guidelines for Canadian Drinking Water Quality were discovered in wells along the Old Sambro Road. The subsequent announcement by the provincial government to suspend the use of suspected wells, and the need for research to determine whether this represented a health hazard, caused immediate water service implications and a general decline of real estate values in the Harrietsfield-Williamswood corridor. Research into the uranium question in Harrietsfield is the first of its kind in the world, was conducted through a provincial Uranium Task Force and involving the scientific community at the provincial and federal levels.

As development proceeded in Williamswood, a number of malfunctioning septic fields has occurred. Both problems raised demands for central water and sewer services by some area residents. The cost of providing central services was examined by the Municipality<sup>4</sup> and the Province<sup>5</sup>, and during the planning process, an independent assessment of alternative solutions was sought for both problems.<sup>6</sup>

The other major environmental issue is a regional problem which has its origins with the City of Halifax's annexation of Spryfield in 1969. Herring Cove remains the receptacle for untreated wastes emanating from the City's Mainland South District (Spryfield) via the 36 inch main trunk sewer which discharges into the Atlantic Ocean at Stonewall Road in Herring Cove. As Spryfield developed on outdated sewer services, the Princeton Avenue pumping system frequently reached capacity during heavy rainfalls and regularly overflowed into MacIntosh Runs and into Herring Cove itself. There exists continuing concerns with the City's practice in Herring Cove.

The Herring Cove sewage issue was also addressed during the initial planning process.<sup>7</sup> There has not been, however, the degree of regional co-operation required to resolve the matter. Instead, there have been serious confrontations between Herring Cove residents and the City, and political confrontations as well between the City and the Municipality. The Planning Strategy establishes policies and land use controls which are relevant to further serviced development in Herring Cove, Spryfield, Kidston Lake, and Harrietsfield, and supports the treatment of all sewage effluent for these areas to a secondary treatment level.

## Transportation

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<sup>4</sup> Preliminary Report - Harrietsfield Central Servicing, Municipality of the County of Halifax, April 1983.

<sup>5</sup> Halifax-Dartmouth Regional Development Plan Review, Water Supply, Sewerage and Storm Drainage Task Force Report, 1982.

<sup>6</sup> Harrietsfield-Williamswood Pollution Control Study, J. Phillip Vaughan Engineering Associates Ltd., 1987.

<sup>7</sup> Proposed Land Use and Environmental Policies: Herring Cove Sewage Disposal Problem, District 5 Public Participation Committee, January 1986.

Continued road improvements over the past few years have improved access throughout the area. Greater traffic volumes will result from more residential development and increases in seasonal traffic will also result from the development or promotion of the Plan Area's recreational sites. Such traffic pressures raise public safety concerns on the main highways. Most residential development exists on or very near to the Old Sambro Road, Ketch Harbour Road and Herring Cove Road and there is a need to encourage residential development to locate off of these relatively narrow and winding highways.

A proposed highway linking Municipal Districts 4 and 5 would improve police protection, access, and generate tourism, but the location and desirability of a connecting highway is of concern to many residents.

The automobile will remain the most important means of transportation in the Plan Area but with a growing population there is interest in extending transit services from the City of Halifax into Harrietsfield and Williamswood as well as preserving and expanding the existing transit service in Herring Cove and Fergusons Cove.

### Community Services

The Community Features Map (Map 3) shows the location of the area's schools, churches, fire stations, community halls and local recreation sites. With increasing residential development, full consideration of the level of community services is required, including public safety and protection services, education, local recreation needs, heritage preservation, library services and street lighting.

### Regional Recreation

The Plan Area's coastal scenery and extensive public land holdings means that several areas are presently used for recreational purposes. The sites holding potential for park development include Crystal Crescent Provincial Park, Fort York Redoubt National Historic Site, and nearby Long Lake Provincial Park.

Crystal Crescent Park is intensively used during the summer months and there exists an immediate need for the Department of Natural Resources to ensure that proper security and other capital improvements are initiated at this site.

# **SECTION II**

## ENVIRONMENTAL HEALTH SERVICES

A number of environmental concerns were identified during the initial planning process, including: uranium contamination of well-water in Harrietsfield and Williamswood; malfunctioning on-site sewage disposal systems, used in Williamswood; the City of Halifax's practice of dumping untreated water into Herring Cove and the Macintosh Runs; the need for appropriate stormwater planning and protection of watercourses; environmental degradation from uncontrolled topsoil and gravel operations and from the dumping of construction and demolition debris from Halifax; and, the protection of unique ecological areas and coastal areas.

This section addresses these concerns and establishes environmental policies for the Plan Area.

### Herring Cove Sewage Treatment

In the early 1960s, the Municipality developed a sewage disposal system to service the growing urban area of Spryfield, prior to Halifax's annexation of the area in 1969. In order to avoid a proposed outfall of this system into the Northwest Arm, 8 series of pumping stations were developed to bring effluent uphill from Spryfield to be dumped untreated into Herring Cove.

With the advent of federal and provincial environmental legislation and, importantly, funding for the development of municipal services, the Municipality subsequently developed sewage treatment facilities for its growing urban areas<sup>8</sup>, and has since maintained a commitment to treat waste produced by urban areas. It is likely that Halifax County would have provided a treatment facility for the Spryfield area, had it remained as part of the County. However, after the 1969 annexation to the City of Halifax, the City took over ownership and maintenance of the 36 inch trunk sewer which empties into Tribune Head in Herring Cove by provincial enactment. Following the annexation of Spryfield, the boundary between the City and the Municipality created a service area split between the two jurisdictions.

As growth continued in Spryfield on over-burdened services, significant overflow occurred into MacIntosh Run during heavy rains. This led to supporting planning policies being developed by the City<sup>9</sup> which recognized the lack of servicing capacity, establishment of development holding zones, and institution of an infiltration-reduction program. In 1985, the City committed itself to a partial upgrading of the system at Roaches Pond to permit partial primary treatment of any overflows and moved to control overflow into Macintosh Runs by putting in a retention tank. The City also initiated an examination of pollution, nuisance and aesthetic problems being created in Herring Cove by the Tribune Head outfall.<sup>10</sup>

With respect to the Plan Area, environmental, political and regional problems have been experienced and these are summarized as follows:

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<sup>8</sup> Sackville-Bedford Treatment Plant (1971); Eastern Passage-Cole Harbour Treatment Plant (1974); Timberlea Treatment Plant (1982).

<sup>9</sup> City of Halifax. Mainland South District Secondary Planning Strategy.

<sup>10</sup> Engineering studies examining pollution problems in Spryfield and Herring Cove have yet to be released. The Porter Dillon Report was completed in the fall of 1985 and revised in 1986. The final report was filed in April, but is not yet released.

- (a) The practice of dumping untreated wastes into Tribune Head is not satisfactory from the standpoint of environmental requirements for sewage treatment.
- (b) There are concerns with the kinds of wastes being dumped and aerosol spray created by onshore winds.
- (c) Herring Cove's fishing industry has been extensively damaged - berths and fishing grounds have been lost and nets have been fouled;
- (d) The provision of primary treatment for controlled overflows into MacIntosh Runs is not adequate for sewage disposal into fresh water systems.
- (e) Action is required to protect the long-term quality of the Macintosh Runs from sewage disposal and stormwater effects.
- (f) There will be continuing pressures for providing and extending sewer services within Herring Cove, in areas presently held for development in Spryfield, and at Kidston Lake, thus the flow volumes will continue to increase.
- (g) A regional inequity is created when the Municipality provides sewage treatment in all serviced areas whereas there is no treatment in Herring Cove and developing serviced areas adjacent to the Plan Area.
- (h) A basis of regional co-operation has not been established for resolving this matter which has led to political confrontations.

The Halifax Harbour Solutions Plan was adopted by Regional Council in 1998 following an extensive region-wide public process. The recommendations of this study were endorsed by the Herring Cove community through the Herring Cove Area Settlement and Servicing Strategy in 2000, and are reinforced through this planning strategy.

- E-1 The goal of the regional sewage system shall be to eliminate discharge of untreated waste to the Herring Cove area, directly to the ocean or indirectly through the MacIntosh Run. (RC-Feb 13/01; E-May 5/01)**
- E-2 HRM shall pursue a funding plan that reduces connection charges for existing dwellings to the equivalent of the provincial average cost for on-site installation. (RC-Feb 13/01; E-May 5/01)**
- E-3 HRM shall observe sewage treatment strategies outlined in the Halifax Harbour Solutions Plan (1998). (RC-Feb 13/01; E-May 5/01)**
- E-4 HRM shall carefully consider alternative sewage treatment plant sites for Mainland South in close consultation with the Herring Cove Community.” (RC-Feb 13/01; E-May 5/01)**
- E-5 It shall be the intention of Council to request that the Department of the Environment take steps to ensure the environmental integrity of the MacIntosh Runs river system.

As mentioned, demands for sewer service hookups are increasing in the Herring Cove service areas. While serviced development in this area is supported in the Planning Strategy, a conflict is created with the Municipality's commitment to provide sewage treatment since the Municipality has no jurisdiction over the Herring Cove sewer, its outfall, or level of treatment that may be provided. The Department of Housing and Consumer Affairs has begun Phase 1 of the Kidston Lake Land Assembly within the City of Halifax. Subsequent phases of the new Kidston Lake community

will also place demands for a new serviceable area or extension of services from the City, and need for sewage treatment in the area becomes all the more apparent.

E-6 It shall be the intention of Council to co-operate fully with the Nova Scotia Department of Housing and Consumer Affairs and provide water and sewerage services, including sewage treatment, in accordance with the provincial standards of effluent treatment established elsewhere for the Municipality, for the development of a serviced low density residential community at Kidston Lake. In establishing a new serviced area within the Municipality, Council shall consider the policies of the Comprehensive Development District Designation (Policy CDD-1), as well as a serviceable area boundary which takes into account servicing needs within the Industrial-Commercial Designation, the Birchlee Mobile Home Park, and Harrietsfield Village Centre Designation.

#### Harrietsfield-Williamswood Pollution Control Study

The decision to carry out a Pollution Control Study in the Harrietsfield-Williamswood area grew out of two identified community concerns: (1) Concerns with uranium concentrations in drinking water supplies. (The Nova Scotia Uranium Task Force included Harrietsfield-Williamswood in its study of uranium in drinking water. To date this report has not been released.) (2) Problems with malfunctioning on-site sewage disposal systems. The Nova Scotia Department of the Environment investigated the extent of on-site sewage system malfunction and bacteriological contamination in drinking water supplies. This report is available and its findings incorporated into the Pollution Control Study Report.

Using available data from previous studies, the goal of the Pollution Control Study was to identify the causes of existing problem areas and to develop options for resolving identified pollution projects. The formulation of an appropriate pollution control strategy involved investigation of alternatives to large-scale central systems previously investigated.

The scope of the original study changed when the Department of the Environment revised the recommended level of uranium concentration in drinking water from 0.02 mg/l to 0.1 mg/l. With this change in the recommended level, there was no longer a widespread incidence of wells exceeding the acceptable concentration. Therefore, the focus of the study shifted from the uranium issue to on-site sewage system malfunctions. The report reviewed the geology of the study area and existing development and analyzed the extent of existing problem areas, in coming up with its pollution control strategy options.

Findings were summarized in a series of conclusions which indicate the extent of servicing problems in the study area. There are several distinct areas which exhibit higher incidence of malfunctioning sewage systems, outside of which on-site systems are generally satisfactory. Nineteen per cent of the on-site sewage disposal systems are malfunctioning, while fifteen per cent of the drinking water supplies are experiencing some form of biological contamination. Approximately three per cent of drinking water supplies exhibited concentrations of uranium greater than the current limit of 0.1 mg/l.

In terms of solutions, it is suggested that up to fifty per cent of the malfunctioning on-site systems can be repaired. The report indicates that costs associated with central water and sewer services appear to be prohibitive at this time. As an alternative, the study explored alternative solutions to existing pollution control problems.

Study Recommendations: The following is a summary of the recommendations contained in the report:

1. that a Wastewater Management District (WMD) be established to develop a program of on-site sewage disposal system repair and replacement;
2. that the Moody Park Subdivision and the Mary Jean Blackman Subdivision be provided with a clustered large-scale on-site disposal system;
3. that the domestic water supplies which exceed the Department of the Environment Guidelines of 0.1 mg/l of uranium be treated or replaced;
4. that remedial work is required on approximately 35 wells;
5. that, in order to administer the recommended work, the Municipality begin steps to implement a Wastewater Management District (WMD); further that the first step should include a public information program;
6. that Williamswood retain rural in nature and that the considerable expense associated with central servicing be avoided;
7. that improvements and repairs in the Harrietsfield area allow for eventual incorporation into a regional servicing network;
8. that specific problem areas (e.g. Moody Park) be addressed as soon as possible to correct existing conditions;
9. that, if central servicing is the selected option, the Municipality should consider the vacuum sewer option;
10. that the Municipality review the Uranium Task Force report when it becomes available;
11. that the Municipality, in conjunction with the Department of the Environment, monitor radon and radium levels, as well as future research in this area.

E-7 It shall be the intention of Council to address the servicing issues identified in the Harrietsfield-Williamswood Pollution Control Study and to begin immediately to address the problems with a community process which will incorporate a public information program and a high degree of public consultation and input, through the established community associations.

E-8 In conjunction with Policy E-7, and in recognition of considerable public concern with the issues of uranium in drinking water supplies, and the public health hazards associated with radon and radium, it shall be the intention of Council, through the Board of Health, to determine ways of establishing a radon testing program, to recommend an appropriate testing program, and to monitor future research developments in this area. Further, it shall be the intention of Council to seek the full public release of the Nova Scotia Uranium Task Force Report, and to allow Council and the public to assess the implications of the report for the Plan Area.

In early 1993, municipal staff expressed concern to Council about the lack of clear policy direction with respect to development accessing only central municipal water services. Central water service from the Pockwock water system had been extended to a number of areas located outside of designated serviceable areas where both municipal water and sewer services are required. The primary motivation in extending central water to these areas was to resolve identified water quality or quality problems. However, the extension of trunk services to these areas also resulted in new development being able to access central water. The rapid rate of growth which central water seemed to encourage and the potential scale of development which could occur, coupled with the

general lack of policy direction, caused staff to bring the matter before Council. Engineering concerns related to overall water system capacity and the adequacy of internal system design were significant issues as were planning considerations related to development patterns and the adequacy and demand placed on other services.

In the fall of 1993, following public input concerning the issue of central water, Council approved the designation of several Water Service Districts in areas served by the Pockwock water system. These Water Service Districts included areas to which central water only had already been extended or committed as well as areas where it was anticipated that central water would be required to resolve a community based water quality or quantity problem. Within the Planning District 5 (Chebucto Peninsula) plan area, Water Service Districts include the Herring Cove area.

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

E-9 It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Water Service District Map (Map 6). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions located adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.

E-10 Notwithstanding Policy E-9, Council may consider amending this planning strategy and the Municipal Subdivision By-law to permit the expansion of existing or the establishment of new Water Service Districts. When considering new or expanded Water Service Districts, priority shall be given to:

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

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

- (a) the engineering and financial implications of such extensions as identified by the Master Infrastructure Plan, Implementation Plan, and Financial Plan carried out pursuant to Municipal Services General Specifications;
- (b) the potential scale of such development and the effects which this may have on existing and future levels of services, as well as the development pattern which is desired and deemed appropriate within this plan area as well as the larger

- Municipality; and
- (c) environmental considerations related to the long term integrity of on-site sewage disposal systems as well as natural water drainage systems.

### Stormwater Management and Protection of Watercourses.

While natural drainage courses comprise the main method of handling stormwater, there have been isolated problems of stormwater control in developing areas and increasing concerns with siltation and environmental degradation of watercourses throughout the Plan Area.

Since the Plan Area's lakes and rivers provide the emptying channels for large watershed areas (Watershed Map, Map 4), concerns with stormwater management and watercourse quality include developments inside and outside the Plan Area. These areas include Spryfield, the Macintosh Runs, Kidston Lake, Long Lake Provincial Park, Bayers Lake Industrial Park, the Atlantic Winter Fair Site, and development in parts of Municipal District 4, as well as ongoing development in Herring Cove, Harrietsfield and Williamswood. As the exit points for watercourses, the communities of Sambro, Herring Cove, Ketch Harbour, and the Pennants are concerned with the impact of all upstream developments upon natural watercourses.

Stormwater Management has recently assumed a higher priority in the Municipality following Council's adoption of a Stormwater Task Force Report<sup>11</sup>, development of stormwater design criteria, and with more engineering attention during the subdivision stage. The implementation of stormwater management policies, procedures, and the co-operation of adjacent areas and jurisdictions are important if impacts on the Plan Area's rivers and lakes are to be minimized.

The infilling of any water body can have detrimental effects on stormwater management and the maintenance of environmental quality. In addition, protection of lakes and rivers can be encouraged with adequate development setbacks and implementation of proper construction practices.

The Macintosh Runs, and the Governors Lake-Ocean Run river systems are two watershed areas largely untouched by development within the Municipality. As these are significant natural resources in the Plan Area, setbacks are supported along these systems for the purpose of environmental protection and provision of future stormwater management. As a further protective measure, Department of the Environment regulations are supported for lot development in areas adjacent to any watercourse.

- E-11 In recognition of the need to protect the Plan Area's lakes and rivers, it shall be the intention of Council to implement the Stormwater Policy and Design Criteria for types of development and portions of the Plan Area where it is determined to be appropriate and feasible, through necessary amendments to the Subdivision By-law.
- E-12 It shall be the intention of Council to prohibit the erection of structures within twenty-five feet of any freshwater watercourse. It shall be the intention of Council to support the maintenance of floodplains as natural storm channels, and where the flood plain can be identified, to prohibit the location of structures within the identified floodplain.

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<sup>11</sup> Report to the Province of Nova Scotia and Municipality of the County of Halifax: Recommendations and Stormwater Policy, 1982.

- E-13 It shall be the intention of Council to take steps to initiate mapping of the Pennant River system, the MacIntosh Runs river system and the Ocean Run river system, in order to identify floodplains and environmentally sensitive areas when mapping is complete, Council shall amend the Municipal Planning Strategy to designate floodplain areas and amend the land use by-law provisions with regard to setbacks from watercourses, to prevent development in the floodplains based on data collected.
- E-14 It shall be the intention of Council to monitor the provisions of the Planning Act, storm drainage aspects of developing areas in the City of Halifax which may have an impact upon the Plan Area, and to encourage the Department of the Environment to monitor water quality in all developing areas which are adjacent to the Plan Area.
- E-15 It shall be the intention of Council to encourage the City of Halifax to implement appropriate stormwater management and construction practices in developing areas adjacent to the Plan Area and to co-operate with the City of Halifax in maintaining the environmental quality of the MacIntosh Runs in accordance with the objectives of the City's Mainland South Secondary Planning Strategy.
- E-16 It shall be the intention of Council to request the Department of the Environment to address environmental concerns and establish regulations related to the installation of sewerage lines adjacent to watercourses.
- E-17 It shall be the intention of Council to encourage the Department of the Environment to prohibit the infilling of waterbodies and watercourses in the Plan Area.
- E-18 It shall be the intention of Council to encourage the Departments of Transportation and Communications and the Environment to enforce compliance and implement the Province of Nova Scotia Environments Construction Practice Specifications in the Plan Area.

### Topsoil and Gravel Removal

Devonian-aged granitic bedrock underlies most of the Plan Area; some small portions of Fergusons Cove are underlain by Ordovician-aged Megama quartzite. However, with the exception of borrow pits for topsoil and gravel extraction, no major extractive operations have located in Planning District 5. Topsoil removal activities in the Plan Area have been undertaken in the past without regard to the environment or site rehabilitation. This activity has led to the abandonment of several pits in developing residential areas, and has created eyesores and safety hazards, as well as environmental deterioration of certain lakes and streams.

Environmental and rehabilitative requirements for extractive uses, including topsoil and gravel extraction, are addressed in proposed provincial legislation and existing municipal by-laws. However, with the exception of the Blasting By-law, municipal controls on excavation activity are not applied in the Plan Area and provincial legislation has not yet been proclaimed.

The Planning Act gives the Municipality very little control over the location of activities fundamental to pit and quarry operations. In 1985, the Municipality, together with the Departments of Municipal Affairs and Mines and Energy, reviewed this matter and are seeking to establish ways in which the location of extractive uses can be controlled at the municipal level.

E-19 It shall be the intention of Council to request that the provincial government adopt the Department of the Environment's Proposed Pit and Quarry Regulations.

E-20 It shall be the intention of Council, in conjunction with the adoption of the planning strategy, to implement the following municipal by-laws within District 5:

- (a) A By-law Respecting Gravel Pits and Excavations;
- (b) A By-law Respecting the Regulation and Control of the Removal and Movement of Topsoil and Earth and the Alteration of the Grade of land; and

to enforce compliance with:

- (c) A By-law Respecting Blasting and Dangerous Materials.

E-21 It shall be the intention of Council, in co-operation with the Department of the Environment, to identify options with respect to the rehabilitation of topsoil and borrow pits in the Plan Area.

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

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

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

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

To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting<sup>12</sup> and source-separated composting<sup>13</sup>. Personal composting is intended to divert approximately 30 percent of the total residential organics while source-separated composting is intended to divert 60% of the total organics. Personal composting has been promoted by the Municipality through the subsidization and distribution of personal composters.

It is anticipated that composting operations will utilize either windrow<sup>14</sup> or in-vessel<sup>15</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-22 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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<sup>12</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>13</sup> "Source-Separated Composting" means a commercial/municipal/industrial solid waste management facility where compostable materials are separated at the source and the waste is processed using composting technology which may include physical turning, windrow, in vessel, static pile aeration or other mechanical handling of organic matter.

<sup>14</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>15</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-Feb 13/01;E-May 5/01)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 Industrial - Commercial Designation and pursuant to the following criteria:

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-10

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

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

### Site Plan Approval

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

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

### Existing C&D Operations

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

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

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

### Community Liaison Committee (CLC)

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

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

### **RDM Recycling Limited**

Since 1998, RDM Recycling Ltd. has operated a licensed C&D processing facility at 1275 Old Sambro Road, Harrietsfield. Prior to the current operation and the adoption of the Municipal Planning Strategy, the site was used as an industrial site by Nicholson's Salvage. RDM Recycling wants to establish a C&D facility that provides processing and disposal services. Due to the use of the site as an industrial use for a number of years, the operation is considered to be consistent with the intent of the C&D Waste Manage Strategy to locate C&D facilities in industrial areas. Also, the facility implements the intent of the C&D Waste Management Strategy to maximize the recycling of C&D materials while allowing for the proper disposal of those materials that can't be recycled. Thus, Council supports RDM proposal for a C&D disposal site at its current location at 1275 Old Sambro Road, Harrietsfield.

SW-13 Notwithstanding Policy SW-8 and RES-1, Council shall apply the CD-3 Zone to the RDM Recycling Ltd. property at 1275 Old Sambro Road (PID# 41056102), Harrietsfield to permit the processing and disposal of C&D materials only on that portion of the property situated between Shea's Lake and Old Sambro Road. (RC-Oct 8/02;E-Oct 8/02).

### **Herring Cove Service District**

The community of Herring Cove has strongly sought the provision of full municipal sewer and water service. Provision of these services would remedy water quality and quantity problems relative to use of well water, and deal with the inequity of not being able to have the same opportunity as residents of the Mainland South plan area for sewer service, given that trunk sewer facilities pass through Herring Cove. Pursuant to the recommendations of the Herring Cove Area Settlement and Servicing Strategy (2000), all privately owned lands within the defined Herring Cove community should be placed within a service district in anticipation of these services being provided.

### **Infrastructure Charges**

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

Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the

**Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

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

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

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

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

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

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

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

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be**

necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

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

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

### **Policy Statements**

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

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;

- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

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

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

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

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

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

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

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

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

**E-23 All land within the Herring Cove Community that is not designated Conservation as shown on the future land use map shall be included within the service district.**

**E-24 The entire water service district shall be provided with sewer and water.**

**E-25 Sewer and water service shall be installed concurrently in order to avoid problems with on-site disposal systems which can result through increased water usage where only central water service is provided.**

- E-26** Central sewer and water services shall be required for all new development in the service district, except for lots with no road frontage which are created pursuant to Policies ~~TR-8 and~~ TR-9 and TR-9A (RC-Jun 25/14;E-Oct 18/14), and except for lots subdivided with frontage on existing public streets prior to the installation of central sewer and water service by the municipality.
- E-27** Services, including laterals, shall not be extended beyond the service district; and the service boundary shall not be extended to include additional lands.
- E-28** Connection charges for existing dwellings shall be determined on a per dwelling unit basis.
- E-29** Developers of new buildings or subdivisions shall be responsible for installation and connection charges for central sewer and water in all new developments.
- E-30** Extension of sewer and water service to existing or proposed lots which are located on a private road, or which are created under lot frontage exemptions, shall be entirely at the expense of property owners on such roads.
- E-31** Siting of the Herring Cove water tower shall give consideration to reducing visual impact of the facility, while recognizing that minimizing cost is the chief factor in detailed design.

### **Environmental Protection in Herring Cove**

In addition to the above general policies which apply throughout the plan area, the Herring Cove Area Settlement and Servicing Strategy (2000) makes specific recommendations which should apply within the Herring Cove community. Based on the detailed mapping and physical inventory undertaken as background to the study, there is strong community support for ensuring a greater degree of protection is provided to watercourses and wetlands. This is in recognition that buffer zones can serve several key purposes, including protecting watercourses from erosion, sedimentation and contamination from adjacent development, ensuring existing natural systems remain in place to handle surface runoff, by providing passive recreation corridors, and by maintaining wildlife habitat and corridors. These goals can be achieved by implementing greater setbacks for structures, and by requiring substantial natural buffers to reasonably minimize the risk of water quality reduction which can be caused by erosion and sedimentation during construction and from use of land following development. Appropriate mechanisms should be used during the subdivision and permit review processes to provide additional development-specific information in each case.

- E-31** No infilling of watercourses, wetlands, or flood plains shall be permitted except where absolutely required for the purpose of road and utility access to development which is permitted by the land use By-law. A Conservation Zone shall be applied to all wetlands identified through the Herring Cove Area Settlement and Servicing Strategy, as shown on Map E-1 “Wetlands in Herring Cove”.
- E-32** Within the Herring Cove Community no development (including the erection of a structure, the clearing of vegetation or the alteration of existing grades) shall be

permitted within a buffer zone of undisturbed ground and vegetation that extends 100 feet from all watercourses and wetlands, including floodplains, except for required stream crossings or recreational uses. Provision shall be made for 50 feet buffer zones on lots in existence on the effective date of this policy that would be made unreasonably affected by the 100 feet requirement.

- E-33** Every effort shall be made to ensure that vegetation remains undisturbed on slopes 16% and greater.
- E-34** HRM shall seek preservation and protection of the MacIntosh Run as a fish habitat in cooperation with the provincial Department of Environment and the Federal Department of Fisheries and Oceans.
- E-35** HRM shall support continued public ownership of Crown lands within the MacIntosh Run watershed and encourage their use for conservation and parkland purposes.
- E-36** HRM shall seek ways to mitigate any negative impact of runoff and storm sewer from existing development on surface water resources in the MacIntosh Run watershed.
- E-37** No development shall be permitted within a 100 feet buffer zone of undisturbed ground and vegetation from coastline. Provision shall be made for a 50 feet buffer zone on existing lots that could not be developed with the 100 feet requirement.
- E-38** In the review and implementation of other municipal plans with lands in the MacIntosh Run watershed, the HRM shall give consideration to water quality and habitat issues that affect the Herring Cove area.”

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

## TRANSPORTATION

Continued highway improvements in Spryfield and in the Plan Area itself over the past decade have made the area's communities generally more accessible. Widening of the Herring Cove Road and construction of Dunbrack Street (Northwest Arm Drive) have contributed to increased development in the Plan Area. Improvements to the Whitehead Road and Fraser Road have opened up the interior of the Plan Area to some extent. All communities in the Plan Area became linked together on a "loop" road system (Old Sambro Road, Ketch Harbour Road and Herring Cove Road) when the Old Sambro Road was upgraded in the early 1970s (Map 5 - Transportation).

Greater traffic volumes will result from continued residential development in the Plan Area, particularly in the Williamswood-Harrietsfield-Kidston Lake corridor, and in the vicinity of Herring Cove. Increases in seasonal traffic may also result from any development, expansion, or promotion of the Plan Area's recreational sites.

Since the automobile will remain the most important means of transportation, future highway extensions, new access routes, and highway improvements should be approached carefully, particularly with regard to public safety. The present access highways are relatively narrow and winding roads and safety is of concern to area residents. Greater traffic volumes are of concern because a large proportion of the area's residential development has already located along or very near to these roads.

The distribution of crown lands in the area (Crown Land Map) will likely limit the possibility of cross-connecting routes between the Plan Area's communities. However, a new access route has been proposed to link Municipal Districts 4 and 5. Such a connection may improve access, stimulate tourism, improve emergency services including police protection and evacuate, if ever necessary, facilitate school busing, and provide more efficient transportation for the fishing industry. However, it will also increase traffic volumes on the Plan Area's highways. Thus, the location and desirability of another access route into the Plan Area is of concern to many area residents.

TR-1 It shall be the intention of Council to encourage the Nova Scotia Department of Transportation and Communications to consult with the Municipality and area residents, through their established community associations, on the location of all new access routes and highway extensions in the Plan Area. And further, it shall be the intention of Council to initiate a study to examine and identify a preferred highway route which links municipal Districts 4 and 5, in consultation with area residents.

TR-2 It shall be the intention of Council to encourage the Department of Transportation and Communications and the Department of Natural Resources to evaluate the feasibility of identifying a right-of-way for a future limited access highway in order to divert traffic from the existing road system.

Today's public road standards for local roads are not necessarily in character with coastal villages and rural subdivision roads, and there is consequently support for reduced right-of-way requirements for certain local roads. It is felt that such a reduction has an important role to play in encouraging residential subdivisions to locate off the main highways.

TR-3 It shall be the intention of Council to request the Department of Transportation and

Communications to reduce the standards for local road rights-of-way from 66 feet to 50 feet in order to encourage residential development to locate off the main highway.

As proposed, the Nova Scotia Department of Housing and Consumer Affairs Kidston Lake development will constitute a complete residential community within the Plan Area. Development of the Kidston Lake community will impose new transportation demands in the area and it is important that road networks are properly coordinated with adjacent communities.

TR-4 In conjunction with Policy CDD-1, it shall be the intention of Council to co-operate with the Nova Scotia Department of Transportation and Communications and the City of Halifax in co-ordinating the Kidston Lake road network with adjacent communities in the Plan Area.

**Subdivision on Private Roads Subsection deleted including preamble to Policy TR-5 and Policies TR-5, TR-6 and TR-7 (RC-Jun 27/06;E-Aug 26/06)**

In the coastal areas, the original land grants have left many narrow land parcels, and the requirement for public road frontage meant that many residents have been unable to subdivide or pass down land to family members. The land configurations, especially along the coast, and in the villages, are not always compatible with more modern subdivision developments. The Municipality's Subdivision By-law allows for a variety of lot frontage exemptions and these exemptions are supported for all properties existing on the effective date of this Planning Strategy. In addition, the Subdivision By-law provision for the creation of two lots (one lot plus a remainder) shall be increased to three lots (two plus a remainder) within the Plan Area. This increase will allow property owners to pass along portions of their lands to family members while maintaining reasonable control on the number of lots which may be created under this provision.

**TR-8 Deleted (RC-Jun 25/14;E-Oct 18/14)**

TR-9 In support of the social objectives for allowing lot frontage exemptions, it shall be the intention of Council to amend the Subdivision By-law to provide for the creation of a maximum of three lots (two plus a remainder) without road frontage on any area of land which was in existence on the effective date of this Municipal Planning Strategy. These lot frontage exemptions will not apply to any lands which are serviced by central water and or sewerage.

**TR-9A Notwithstanding the provisions of ~~TR-8~~ and (RC-Jun 25/14;E-Oct 18/14) TR-9, the extension of service laterals to lots created under the frontage exemptions of those policies will be permitted within the Herring Cove community. The design of such laterals must be in full conformance with municipal requirements, and all costs associated with servicing such lots shall be at the expense of the property owners. (RC-Feb 13/01;E-May 5/01)**

Transit

Public transit, has provided a valuable service to the communities of Herring Cove and Fergusons Cove. There has been a modest increase in ridership on the Herring Cove route over the past few years. With increased subdivision activity in Long Pond Developments, Churchill Estates, Pine Island Estates, and the Department of Housing and Consumer Affairs' senior citizens facility, ridership on the Herring Cove route should maintain its present level and increase in the future.

There is support for extending the transit service to cover the Herring Cove-Fergusons Cove loop. There is support for maintaining the Fergusons Cove service into the Fort York Redoubt turnaround point or on to Herring Cove.

Population increases in Harrietsfield and Williamswood have given rise to demands for transit services in these communities. The present service extends to the end of Lieblin Park Drive in Halifax. Many residents of Harrietsfield presently walk a lengthy distance along the Old Sambro Road to the City limits in order to reach the transit. With the development of the Kidston Lake land assembly, population will increase significantly, and support is given for extending transit services from Leiblin Park into Harrietsfield and Williamswood.

The Metropolitan Authority is in the process of preparing a long range plan for transit in the metro area. In addition to supporting transit service extensions in Herring Cove, Harrietsfield and Williamswood, it may be appropriate to consider the introduction of transit including alternate transit options for the Plan Area.

TR-10 It shall be the intention of Council to request the Metropolitan Authority and supporting jurisdictions to extend transit services into Harrietsfield and Williamswood and to extend the present service to cover the Herring Cove-Fergusons Cove loop.

TR-11 It shall be the intention of Council to explore the feasibility of providing transit services throughout the Plan Area, including alternative transit options such as privately operated van and bus services and park-and-ride facilities.

### Marine Transportation

The continued security and safety of all mariners is of utmost importance in the marine routes adjacent to the Plan Area's coast. While marine safety lies outside the Municipality's jurisdiction, the Municipality encourages the continued maintenance of facilities necessary for the security of mariners and fishing boat personnel along the Plan Area's coastline.

TR-12 It shall be the Intention of Council to encourage the Canadian Coast Guard and Federal Department of Fisheries to continue their maintenance of all coastal facilities required for marine safety.

**TR-13 HRM shall assist community efforts to maintain the government wharf at Herring Cove.**

**TR-14 HRM shall assist community efforts to repair and maintain the breakwater at Herring Cove.**

**TR-15 HRM shall assist community efforts to provide a boat launch facility at Herring Cove.**

### Transportation Issues in Herring Cove

**Through the Herring Cove Area Settlement and Servicing Strategy (2000), a number of transportation issues specific to the Herring Cove community arose. These included the**

impacts of closely spaced driveways along main roads, the status of private roads as municipal services are extended, and design specifications for new or extended streets.

- TR-16** Individual driveway access to collector or arterial roads within the Herring Cove Community shall be discouraged to the greatest possible extent. Individual driveway access shall be required to local streets where a lot has such frontage. The use of shared driveways shall be considered through the subdivision process for any new lots.
- TR-17** The HRM shall seek ways to remove direct driveway access points to collector roads from existing development as land uses change or as road improvements or reconstruction take place.
- TR-18** The HRM should provide for a street design standard that is similar in scale and character to traditional village roads, while addressing key design issues as addressed in the Municipal Service Specifications.
- TR-19** Further subdivision on existing private roads within the Herring Cove community may be permitted, provided that *the number of lots do not exceed 10.* (RC-Jun 15/14;E-Oct 18/14)
- TR-20** The HRM shall seek ways to maintain and improve Metro Transit service to Herring Cove as required.
- TR-21** HRM should encourage and promote alternative means of transportation to the car, including walking trails and bicycle routes.
- TR-22** Subdividers shall be required to provide sidewalks on all streets that serve as direct pedestrian routes to community facilities.
- TR-23** Subdividers shall be required to provide sidewalks on one side of all new streets except for cul-de-sacs or p-loops.
- TR-24** HRM shall work with the community to provide sidewalks on existing streets that provide direct pedestrian access to community facilities, including Hebridean Drive.
- TR-25** Signage to identify the Herring Cove community shall be placed at the borders along Herring Cove Road, Purcells Cove Road, and Ketch Harbour Road.”\_(RC-Feb 13/01;E-May 5/01).

## RECREATION

As the Plan Area's population has grown, demands for a range of recreation opportunities have increased. These demands are being met in part by the Municipality's Recreation Department, parkland dedications, the provincial government, Parks Canada, and a host of community organizations including local clubs, church groups, fire departments and schools.

In 1985, a planning survey was conducted and this made possible some assessment of recreational priorities in each community. During the planning process, a number of other recreational needs were also identified.

Table 5: DISTRICT 5: RECREATION PRIORITIES

	Herring Cove* Fergusons Cove	Portuguese Cove *	Ketch Harbour *	Sambro Head *
Natural Wilderness Areas	1	1	3	2
Federal-Provincial Parks	4	5	9	5
Local Subdivision Parks	11	8	-	8
Hiking-Ski Trails	3	2	4	4
Swimming-Skating Areas	2	3	2	4
Recreation or Youth Programs	4	5	1	3
Community Centre	5	6	7	1
Indoor Arena	9	9	12	9
Ball Field	6	4	6	9
Tennis Court	7	7	5	7
Picnic Area	8	8	11	4
Tot Lot	10	10	8	8
Off-Road Vehicle Trails	10	11	10	6
	n=80	n=38	n=25	n=16

\* Numbers in columns reflect order of priority assigned to each recreational facility by community; thus 1 is the highest priority and 12 is the lowest priority.

Table 5: DISTRICT 5: RECREATION PRIORITIES (CONTINUED)

	Sambro *	Williamswood *	Harrietsfield *	Plan Area *
Natural Wilderness Areas	5	2	3	1
Federal-Provincial Parks	3	8	4	6
Local Subdivision Parks	10	9	10	13
Hiking-Ski Trails	4	5	6	4
Swimming-Skating Areas	3	1	1	2
Recreation or Youth Programs	3	3	2	3
Community Centre	1	6	2	5
Indoor Arena	8	11	5	10
Ball Field	8	4	5	7
Tennis Court	7	7	9	8
Picnic Area	6	12	7	9
Tot Lot	9	10	8	11
Off-Road Vehicle Trails	3	11	9	12
	n=25	n=81	n=78	n=353

\* Numbers in columns reflect order of priority assigned to each recreational facility by community; thus 1 is the highest priority and 13 is the lowest priority.

Question: How do you feel about the development of additional recreation in your community?  
Select four areas where you would like to see improvement made.

Source: April 1985 District 5 Planning Survey, Halifax County Municipality.

The 1985 Planning Survey showed that most residents support as much as possible the retention of natural wilderness areas. This preference is translated into land use policies being developed for conserving open spaces and federal and provincial parks. The interest shown in outdoor activities, (hiking, skiing, skating and swimming areas), as well as recreational programming, was also evident in the survey results shown in Table 5.

The relative lack of interest shown in the development of local subdivision parks may have some bearing upon the Municipality's parkland dedication policies for the Plan Area. Generally, existing parkland dedications appear to have been under-utilized, or insufficient in size to meet community needs. Therefore, based on the survey results and community input into the planning process, it is felt that the Municipality's recreational policies need to be directed in a manner which better recognizes community recreational needs.

There is also a community concern with the manner in which the general parkland funds are collected and distributed throughout the Municipality. For the five year period January 1982 to December 1986, Municipal District 5 contributed \$8,915 to the general parkland fund and received \$2,500. Recent activity in 1987, however, has resulted in some additional general parkland fund dollars being spent in District 5.

- REC-1 It shall be the intention of Council to support, through the Municipality's Recreation Department, the continuation of recreational policies and programs in the Plan Area. Council shall continue its review of the parkland acquisition fund with the goal of ensuring a more equitable distribution of general parkland funds in District 5.
- REC-2 It shall be the intention of Council to acquire parkland which is consistent with current recreation department guidelines, including prime recreation lands and the acquisition of river, lake and ocean frontage in the Plan Area.
- REC-3 It shall be the intention of Council to attempt to acquire property and provide recreational facilities as outlined by the following:
- (a) identification and establishment of areas suitable for swimming and skating within the Plan Area;
  - (b) the rationalization of existing parkland dedications to establish a ball field or playing field in the Harrietsfield-Williamswood corridor; access and utilization of crown lands (LIMS #460170); utilization of Harrietsfield elementary school and Harrietsfield Fire Department lands; and, recreational needs of the Birchlee Mobile Home Park;
  - (c) the development of tennis courts, ball field and children's playground in Herring Cove and in the area of Long Pond Developments and Churchill Estates;
  - (d) immediate upgrading of the former government wharf in Fergusons Cove;
  - (e) establishment of a public right-of-way and public recreational lands on Portuguese Cove Lake, in Portuguese Cove, as well as the re-establishment and protection of a public right-of-way to Bear Cove;
  - (f) establishment of a tennis court and playground in Ketch Harbour;
  - (g) establishment of a community hall in Sambro.
- REC-4 In conjunction with Policy REC-2, it shall be the intention of Council to investigate the feasibility of acquiring lands made surplus by the Federal Department of Fisheries, Small Craft Harbours Branch, in order to retain boat launching areas and coastal open space. In addition, it shall be the intention of Council to encourage the preservation and maintenance of public slip ways owned by the Department of Fisheries.

#### Trail Development and Public Access

In 1978, the Provincial government adopted but did not proclaim An Act to Provide for a Network of Trails in the Province. This Act would enable trails and public rights-of-way to be established over private properties.

Three communities have identified private lands that have historically been used for hiking and other kinds of public use and there is interest in maintaining public access over certain lands. Both the MacIntosh Runs and Pennant River are used for swimming, hiking, fishing and hunting by residents of Herring Cove and Sambro respectively. Between Duncans Cove and Ketch Harbour, a spectacular trail follows the cost through crown lands and past World War II towers and military bunkers.

- REC-5 In conjunction with Policy REC-2, and with regard to lands along the Pennant River, LIMS #394072 and 397497, and lands along the Macintosh Runs, LIMS #40074924, it shall be the intention of Council to acquire, through the five per cent parkland requirement of the subdivision process, public open space along the Pennant River and Macintosh Runs, over lands which have historically been used as hiking trails, in the event that negotiations for crown land transfers (REC-7) are not successful.
- REC-6 It shall be the intention of Council to request that the provincial government proclaim the 1978 Act to Provide for a Network of Trails in the Province.
- REC-7 It shall be the intention of Council to request that the Department of Natural Resources negotiate crown land transfers, or establish public rights-of-way or develop trails, along or near the following properties and watercourses:
- |     |                               |  |
|-----|-------------------------------|--|
| (a) | <u>MacIntosh Runs</u>         | LIMS #40074924   |
| (b) | <u>Pennant River</u>          | LIMS #394072   |
| (c) | <u>Duncans Cove</u>           | LIMS #390807 / #390997<br>#390799 / #390948<br>#390781 |
| (d) | <u>Ocean Run River System</u> | LIMS #397497   |

**Recreation and Open Space in Herring Cove**

**Through the Herring Cove Area Settlement and Servicing Strategy conducted in 2000, much public comment was directed toward the planning of recreation facilities in the community. Issues included provision and development of adequate parkland in new or extended subdivisions, development of a trail system, access to historic sites and scenic lookoffs, and acquisition of certain sites.**

- REC-8 In order to ensure that adequate parkland is provided in new or extended developments, it is appropriate to require that 10 percent of lands being subdivided be dedicated for public parkland and recreation use pursuant to the Municipal Government Act. This will help offset deficiencies in existing recreation space, and ensure that there is sufficient land area provided within new development to meet a range of active and passive recreation needs for a community of varied needs and lifestyles.**
- REC-9 It is appropriate that given the level of concern over public use trails and access to various sites, that HRM work with the community to carry out an inventory of existing facilities, identify deficiencies and seek opportunities for improvements. This may include identifying additional lands for acquisition, or use of Crown land.**
- REC-10 The HRM shall work with the community to develop a recreation and open space plan providing for a variety of recreational opportunities and for open space linkages between community facilities and related land uses.**
- REC-11 The recreation and open space plan shall include existing parklands, trails, and swimming and skating places.**

- REC-12** The recreation and open space plan shall include pathways for access to recreational facilities including existing parklands, swimming and skating places, and wilderness trails.
- REC-13** The HRM shall initiate a trail study to identify public rights of way and traditional trails and shall work with the community to propose a trail system and means to provide community access to conservation and parklands.
- REC-14** HRM shall negotiate through the development agreement process to acquire use of the land at the north end of Long Pond as indicated on the Proposed Future Land Use map as parkland.
- REC-15** HRM shall negotiate to acquire formal access and use of the cove headlands adjacent to Herring Cove.
- REC-16** HRM shall monitor plans for the use of crown land in the Herring Cove area, and encourage the long-term retention of Crown lands for wilderness conservation.
- REC-17** HRM should designate crown lands for conservation use in Mainland South.
- REC-18** HRM shall prepare plans to improve or relocate swimming access to Long Pond.
- REC-19** HRM shall assist the community in its efforts to improve swimming access to Big Latter Pond.
- REC-20** HRM shall negotiate to acquire formal use of the village common area connecting the schools, Churchill Estates, Harrigan Road, and Village Road.
- REC-21** HRM shall support preparation of an open space plan for the Chebucto Corridor and MacIntosh Run to be developed in cooperation with the crown.
- REC-22** The HRM should negotiate to acquire coastal heritage sites (monuments) for use as park.” (RC-Feb 13/01;E-May 5/01).

## COMMUNITY AND SOCIAL SERVICES

The 1985 Planning Survey also examined the levels of satisfaction with community services, as shown in Table 6.

Table 6: DISTRICT 5: LEVEL OF COMMUNITY SERVICES

	Herring Cove Fergusons Cove		Portuguese Cove		Ketch Harbour		Sambro Road	
	a	b	a	b	a	b	a	b
Schools	89%	11%	89%	8%	84%	16%	67%	33%
Day Care	32%	68%	30%	70%	17%	83%	40%	60%
Medical/Dental	47%	52%	75%	33%	35%	65%	40%	60%
Library	59%	41%	63%	37%	65%	35%	47%	53%
Fire Protection	95%	5%	94%	6%	88%	12%	93%	7%
Police Protection	38%	62%	39%	61%	27%	73%	47%	53%
Public Transit	65%	35%	3%	97%	8%	92%	7%	93%
Parks and Rec.	20%	80%	26%	74%	15%	15%	13%	87%
	n=80	n=80	n=38	n=38	n=25	n=25	n=16	n=16

a=adequate

b=inadequate

Table 6: CONTINUED

	Sambro		Williamswood		Harrietsfield		Plan Area	
	a	b	a	b	a	b	a	b
Schools	96%	4%	73%	27%	90%	10%	84%	16%
Day Care	26%	79%	13%	87%	8%	92%	19%	81%
Medical/Dental	21%	79%	29%	69%	24%	76%	36%	64%
Library	41%	59%	40%	60%	30%	70%	48%	52%
Fire Protection	96%	4%	90%	10%	82%	18%	90%	10%
Police Protection	32%	68%	24%	76%	28%	72%	33%	67%
Public Transit		100%	4%	96%	1%	99%	18%	82%
Parks and Rec.	13%	87%	8%	92%	18%	89%	16%	84%
	n=25	n=25	n=81	n=81	n=69	n=69	n=353	n=353

a=adequate

b=inadequate

Question: How would you describe the present level of services available to you? (adequate or inadequate).

Source: 1985 District 5 Planning Survey, Halifax County Municipality.

While many community services are obtained in the City of Halifax, Table 6 is illustrative of the general level of satisfaction with all available services. Schools and fire protection services are generally regarded as quite adequate. However, school expansions and other community services may be required at some point in Harrietsfield and Williamswood and even sooner in Herring Cove, as these are the fastest growing communities in the Plan Area.

The survey indicates community concern with regard to the provision of transit, recreation services, police protection, day care, and medical services. Table 7 illustrates which services residents believe need most improvement.

Table 7: DISTRICT 5: PRIORITIES FOR COMMUNITY SERVICES

Priority

1	Transit
2	Police Protection
3	Parks and Recreation
4	Day Care
5	Medical/Dental
6	Schools
7	Water and/or Sewage Treatment
8	Roads (regulations, maintenance)
9	Fire Protection
10	Library; Commercial Services
11	Cable T.V.
12	Animal Control

Question: What service(s) do you most feel needs to be improved?

Source: 1985 District 5 Planning Survey, Halifax County Municipality

## POLICE SERVICES

There is a clear indication from the survey that police protection services require improvement.

- PS-1 It shall be the intention of Council to encourage the RCMP and Attorney General to identify problem areas in police protection in the Plan Area and to identify ways to improve police protection services, including regional policing, in consultation with the community.

## FIRE PROTECTION

Concerns have been expressed with regard to ensuring an accessible and continuous source of water for fire protection purposes.

- FP-1 It shall be the intention of Council, in consultation with local fire departments, to acquire rights-of-way to water sources for fire protection purposes.
- FP-2 It shall be the intention of Council, in the interest of improving the delivery of protection services, to take the necessary steps to ensure that every lot receiving subdivision approval be assigned a civic number, including lots approved on a private road.

## HERITAGE RESOURCES

The public participation process renewed an interest in the protection and reservation of District 5's rich history and heritage. A local heritage group emerged during the planning process and has been encouraged to work with the Nova Scotia Department of Tourism and Culture as well as the Municipality's Heritage Advisory Committee.

The conservation of historically or architecturally important buildings and sites is important to District 5 residents and is a goal which the Municipality and Province supports. In 1981, the Municipality adopted the Heritage Property By-law under the Heritage Property Act (1980), which allows the Municipality's Heritage Advisory Committee to identify and protect heritage properties. In 1983 the Municipality adopted the Heritage Properties Evaluation System and the Provincial government also funded heritage identification programs.

District 5's physical, military, and marine history is important to preserve as a contribution to regional culture and it will remain important for its educational, recreational, and tourism value. District 5's Municipal Planning Strategy suggests a broader and more active role by the Municipality in encouraging heritage conservation. In addition, a listing of historical features has been prepared for the Plan Area (Historical Features Map, Map 2) as well as the following policy recommendations.

- HR-1 It shall be the intention of Council to develop, in conjunction with local heritage groups, the Heritage Advisory Committee, and Nova Scotia Department of Tourism and Culture, an inventory of historically significant properties in the Plan Area, to include those properties identified on Map 2, and to evaluate these sites for registration with a municipal or provincial heritage designation.
- HR-2 It shall be the intention of Council to support the efforts of local heritage groups and provincial heritage programs and to pursue philanthropic and government funds to assist in the preservation of local heritage resources.
- HR-3 HRM should seek to provide formal public access and/or interpretation to heritage sites, including the Joe Cracker Memorial, and should consider such sites for acquisition as parkland. (RC-Feb 13/01;E-May 5/01)**

# **SECTION III**

## LAND USE INTENT

The Generalized Future Land Use Map (Map 1) identifies eight land use designations which are intended to direct the future pattern of land use and development in Planning District 5. These designations reflect the existing land use and village structure, the need for land use controls and review mechanisms in newly-developed areas, and the need for traditional land use rights in other areas. The eight land use designations are:

Residential	Industrial-Commercial
Conservation	Village Centre
Park	Rural "A"
Comprehensive Development District	Rural "B"
Preservation	

The Residential Designation has been applied to the developing residential corridors along the Old Sambro Road, Ketch Harbour and Herring Cove Road, and Purcells Cove Road, and includes lands within the communities of south Harrietsfield, Williamswood, Herring Cove, Fergusons Cove, Halibut Bay, Bear Cove, Portuguese Cove, and Sambro Head. The intention in the Residential Designation is to encourage and protect a low density residential environment in developed areas, as well as to promote such an environment in undeveloped areas included within the Designation.

The Village Centre Designation has been applied to the village centres of Harrietsfield, Sambro, Ketch Harbour and Herring Cove. The intention of the Village Centre Designation is to promote a community focus. Within the Designation, individual village centre zones have been established for each village, reflecting community differences between the distinct villages of the Plan Area. A wider range of uses is permitted within this Designation than in the surrounding Residential Designation. In Sambro, the fishing industry and traditional rights to most land uses are supported. The Herring Cove Designation focuses on the special character and heritage of the village, including its fishing tradition and architecture. In the Harrietsfield Village Centre, the development of a community and commercial service centre is supported. In Ketch Harbour, community and local commercial uses are supported.

The Rural "A" Designation has been applied to the outlying areas of Ketch Harbour, Long Cove and Sambro Creek, as well as in the area of Duncans Cove. While residential development is the primary form of land use, the Rural "A" Designation provides support for home occupations, small-scale resource uses and recreation uses. In addition, there are provisions within the designation to accommodate general business uses.

The Rural "B" Designation has been applied to undeveloped, privately-owned lands within the interior of the Plan Area. This designation is similar to the Rural "A" Designation in that it accommodates low density residential development, home occupations, recreation uses, and small-scale resource uses. However, unlike the Rural "A" Designation, there are no provisions for general commercial development.

The Industrial-Commercial Designation has been applied to the north Harrietsfield area where an existing industrial park and automotive services are located. It is felt that this area has potential for more general industrial-commercial activity, given its location and access to a good transportation network adjacent to the City of Halifax.

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 existing federal and provincial parks. Necessary improvements and capital investments are supported at Crystal Crescent Provincial Park and Fort York Redoubt. Smaller sites in Fergusons Cove, Herring Cove, and Duncans Cove are extensively used by the public and have also been placed in the Park Designation.

The Preservation Designation has been applied to ecologically significant sites in order to foster efforts to preserve the natural heritage of the Plan Area. This designation will be initially applied to the sites identified through the International Biological Program as being of exceptional value.

The Comprehensive Development District Designation has been applied to the Kidston Lake land assembly in north Harrietsfield. The Comprehensive Development District Designation is intended to encourage the development of a low density serviced residential community within the Plan Area, once local and regional sewage treatment issues have been satisfactorily resolved.

## RESIDENTIAL DESIGNATION

The Residential Designation has been applied to the majority of privately owned lands adjacent to the major collector roads (Old Sambro Road, Herring Cove Road, Ketch Harbour Road). In addition, it includes the communities of East Pennant and Fergusons Cove. The designation extends approximately half a mile back from the road network, except in areas where there are crown landholdings. Those areas adjacent to the major collector roads which have been excluded from the designation include lands between Duncan's Cove Road and Sambro Head, Sambro, and a large portion of Harrietsfield. The village centres of Herring Cove and Ketch Harbour are also excluded from the Residential Designation.

For the most part, new development in this designation has been concentrated in Williamswood, Harrietsfield, Herring Cove and, to a lesser extent, in the coastal area from Herring Cove to Portuguese Cove. This development is occurring through a continuation of the traditional individual lot pattern along existing roads, as well as in both new and well established residential subdivisions developed on local subdivision streets.

**As previously discussed in Section II - Environmental Health Services, it is anticipated that central sewer and water services will be extended generally to all public streets in the Herring Cove community. As such, the community requires adequate land use policy and implementation through zoning to ensure the community develops as envisaged in the Herring Cove Area Settlement and Servicing Strategy (2000). In general, the Residential Designation as applied to areas outside of the Village Centre will seek to maintain a low density environment that enhances community character. To achieve this, any development requiring new or extended streets must proceed through the development agreement process subject to various criteria. Exceptions are appropriate for infill development utilizing existing public street frontage, or for backlots created with reduced street frontage. (RC-Feb 13/01;E-May 5/01)**

The major land use within the developed portion of the designation consists of residential development. While there are a limited number of two unit and mobile dwellings, residential development is predominantly characterized by single unit residential development. (See Table 4 - Housing Type)

Within the Residential Designation, areas of existing residential development are recognized and supported. In addition, the designation includes extensive undeveloped areas where development of a residential environment is desired.

The desire to preserve existing residential environments, as well as to promote such development in other areas, will be achieved by restricting new development to residential uses. Two unit dwellings are supported throughout most of the designation in order to encourage a mixture of housing while at the same time preserving the low density environment. In order to maintain low density development in fully serviced areas, each unit of a two unit dwelling will be required to have minimum lot requirements similar to single unit dwellings. This will ensure that two unit development maintains a similar overall density as does single unit development. Support is also given for promoting and protecting strictly single unit dwelling environments in a limited number of areas where this is desired. Existing mobile dwellings will also be accommodated within the designation.

Community development in coastal areas has been shaped by proximity to the Atlantic Ocean. The fishery has been a valued traditional feature of life in these areas and therefore fishery activities associated with individual fishermen will be accommodated within the Residential Designation.

Home occupations, located both within the dwelling and in accessory buildings on residential properties, are scattered throughout the designation. They have provided both employment and personal services at the neighbourhood level. There exists a need to allow some level of entrepreneurship in residential areas, while ensuring that these activities do not interfere with the character and quality of the residential environment. Therefore, home occupations will be permitted, provided that they are in keeping with the surrounding residential environment. Controls on site design details such as maximum size, signage, outdoor storage and parking, as well as provisions that the occupation be conducted by a resident of the dwelling and be wholly contained within the dwelling, will be established in the land use by-law. These controls will help to ensure that no aspect of the home occupation will detract from the residential environment.

While, for the most part, home occupations will be restricted to a small area within the dwelling, it has been recognized that there are limited situations in which larger home occupation capabilities may be desired, either within the dwelling or in an accessory building. Expanded home occupation provisions will be permitted within the designation where it can be shown that more extensive home occupations can be accommodated without any infringement on surrounding residential areas. Such uses will be permitted through an amendment to the land use by-law. This review procedure is necessary because of the more intensive use of a residential lot which expanded home occupation capabilities provide.

With the adoption of appropriate development standards under the land use by-law, many types of larger home occupations can be accommodated in a residential environment without being obtrusive or a nuisance to neighbouring property owners. However, certain types of uses are more likely to detract from neighbourhood aesthetics or generate undesired levels of traffic. Such uses will be precluded from consideration as a home occupation.

Bed and breakfast outlets may also be accommodated within a residential environment without visual and traffic impact on neighbouring properties. These outlets provide desired business opportunities which are considered complementary to the residential use of the property. In order to ensure that undesired effects are not realized, however, the land use by-law will limit the maximum rental of bedrooms to three (3) rooms and establish restrictions on the use of signage, as provided for larger home occupations.

RES-1 It shall be the intention of Council to establish a Residential Designation as shown on the Generalized Future Land Use Map (Map 1). The Residential Designation is intended to support and protect existing residential areas as well as to promote a low density residential environment in undeveloped areas within the Designation.

RES-2 Within the Residential Designation, **outside of the Herring Cove community** shall be the intention of Council to establish a two unit residential zone which permits single and two unit dwellings, existing mobile dwellings, open space uses, fishery support uses, day care facilities and home occupations of a limited size contained within a dwelling and operated by a resident of the dwelling. Home occupations will be subject to controls on signage and the nature and scale of the business, as well as prohibition of outdoor storage

and display, in order to ensure that the home occupation is compatible with the residential environment.

**RES-2A** Within the Herring Cove portion of the Residential Designation, it shall be the intention of Council to establish a Herring Cove Residential Zone which encourages retention of the low density character of the area through appropriate lot sizes. The zone shall permit low density residential uses as well as limited home business uses, fishery support uses and open space uses. The zone shall include appropriate restrictions on all permitted uses. The zone shall also provide for uses as listed in Appendix B and Appendix C of the Land Use By-law.

**RES-2B** Within the HCR (Herring Cove Residential) Zone and F-1 (Fishing Village) Zone, the Subdivision By-law shall permit:

- (a) subdivision of lots which utilize existing public street or private road frontage; and
- (b) the subdivision of lots in existence on February 9, 1995 to a total of three (3) lots (two plus remainder) without the required road frontage provided that all lots meet minimum area requirements and that reasonable access to a public street is provided.

**RES-2C** Subdivisions which include new or extended public streets may only be considered by development agreement, where:

- (a) municipal sewer and water services are to be provided;
- (b) sewage treatment facilities are available, and
- (c) a public street is to be constructed.

**RES-2D** It shall be the intention of Council to encourage all new development under Policy RES-2C to meet certain basic design objectives as follows:

- (a) to reproduce the pre-development hydrological conditions;
- (b) confine development and construction activities to the least critical areas of the site and consider cluster development to minimize land disturbance; and that the subdivision design minimizes change to the existing landscape by matching new streets, services and lot grading to the existing topography as closely as possible.
- (c) allocate permitted density to those areas most suitable for development;
- (d) minimize changes to the existing topography;
- (e) preserve and utilize the natural drainage system to the greatest possible extent,
- (f) attempt to retain a minimum of 30% of the natural vegetation on the site in an undisturbed state; and
- (g) all shorelines shall be protected by a 100 foot wide buffer zone within which no vegetation or soil should be removed or altered except as required for utilities, trails or water access.

**RES-2E** In considering a development agreement proposal pursuant to Policies RES-2C and RES-2D, the following development criteria shall be addressed:

- (a) **That the maximum permissible density is 4 units per net developable acre based on HCR and F-1 zone requirements. The net developable area shall be calculated based on the gross land area less any designated wetland areas;**
- (b) **That only single unit dwellings, two unit dwellings and auxiliary dwellings may be considered. Individual lot frontages per dwelling may be reduced to 60 feet, and lot areas to 6,000 square feet provided that an area equivalent to the amount of lot area reduction for each lot is provided as contiguous common open space which shall be maintained permanently in a substantially natural state, in addition to the minimum 10 percent public parkland dedication as required by Policy REC-10;**
- (c) **That adequate erosion and sediment control plans and stormwater management plans are prepared;**
- (d) **That full consideration is given to use of a public road standard in keeping with that identified in Policy TR-18;**
- (e) **That there is adequate provision of public access to traditional trails and recreation areas and that adequate open space areas are provided, including substantial parkland areas and frontages on any lake to serve appropriate parkland functions; and**
- f) **The provisions of Policy IM-10. (RC-Feb 13/01;E-May 5/01).**

RES-3 Within the Residential Designation, it shall be the intention of Council to establish a single unit residential zone which permits single unit dwellings, existing two unit and mobile dwellings, open space uses, fishery support uses, day care facilities and certain limited home occupations of a limited size which are contained within the dwelling and operated by a resident of the dwelling, provided that controls are established on the scale of the business and that no signs, outdoor storage or display are permitted, in order to ensure that the home occupation is compatible with the residential environment.

RES-4 Within the Residential Designation, it shall be the intention of Council to establish a residential home occupation zone in the land use by-law which permits single and two unit dwellings, existing mobile dwellings, open space uses, fishery support uses, bed and breakfast outlets and the limited use of residential properties for home occupations and daycare facilities provided that controls are established on signage, open storage, and the size and nature of these uses. In order to address compatibility concerns, this zone shall also place limitations on size and the use of signage for bed and breakfast outlets. This zone shall be applied in areas where larger home business capabilities are desired. In considering amendments to the schedules of the land use by-law to a residential home occupation zone to permit larger home businesses, Council shall have regard to the following:

- (a) that the greater use of the dwelling or use of an accessory building for the home occupation is compatible with adjacent residential properties in terms of the size of the home occupation, parking areas, separation, and existing landscaping or buffering;
- (b) the adequacy of water and sewerage services;
- (c) the impact on the local residential area of any traffic being generated by the home occupation; and
- (d) the provisions of Policy IM-10.

There is some support in limited areas within the Residential Designation for the accommodation of small-scale resource activities, including agriculture and forestry related uses, as well as more intensive home business activities. This reflects the fact that some portions of the designation, including East Pennant and a number of individual properties, are more rural than suburban in nature.

RES-5 Within the Residential Designation, it shall be the intention of Council to recognize and support existing areas of rural residential development, existing resource uses and in particular the Associated use of residential properties for home business and small scale resource purposes, through the application of a rural residential zone (Policy RA-2).

### Birchlee Mobile Home Park

The Residential Designation includes the Birchlee Mobile Home Park in Harrietsfield. While the park's continuation is supported by the planning strategy and land use by-law, policy recommendations are required in order to encourage the desired significant upgrading of this park.

The Birchlee Mobile Home Park has experienced a variety of problems associated with maintaining an adequate level of services since its establishment in the 1960s. These have included problems with water supply, water quality, sewage disposal, storm drainage, road maintenance, emergency success, lack of recreation space, unsightly premises and related problems.

With the development agreement mechanism, the Municipality has the opportunity for guaranteeing a better provision and maintenance of service in mobile home parks. No future expansion of the Birchlee Mobile Home Park should be considered unless controls can be established to provide an acceptable level of services within the mobile home park.

With the Municipality's adoption of a new Mobile Home Park By-law in 1986, better standards have been established for mobile home park developments. While these standards would have application in any expansion to the Birchlee Mobile Home Park, there is a need to review any proposed expansion in relation to the need to upgrade the older sections of the park. Therefore, expansion of the Birchlee Mobile Home Park should only be considered after ensuring the upgrading and maintenance of services in the existing sections of the park.

RES-6 It shall be the intention of Council to provide, through the land use by-law, for the continuation of the Birchlee Mobile Home Park in the R-2 Zone to the extent which it exists at the time of the adoption of this Planning Strategy. Council may consider an expansion of the Birchlee Mobile Home Park according to the development agreement provisions of the Planning Act. When considering such a development agreement, Council shall have regard to the following:

- (a) maintenance of the development;
- (b) the adequacy and maintenance of all park services, including water and sewer systems, electrical systems, storm sewerage systems, garbage collection and street lighting in original sections of the park;
- (c) the effect which any extension would have upon the level or quality of services in the existing park;
- (d) the provision of adequate landscaped recreation and playground space;
- (e) the provision of landscaping within the park expansion and buffering, to protect

- adjacent properties;
- (f) the provision of a second emergency access road from Brunt Road;
- (g) the adequacy of the entire park layout and design of the internal street network;
- (h) the impact of the park expansion upon internal and external traffic circulation patterns;
- (i) the ability of education services and protection services and, in particular, fire services to adequately service the increased demands of the additional development, or to respond with the provision of additional services;
- (j) the requirements of the Mobile Home Park By-law; and
- (k) the provisions of Policy IM-10.

### Community Facility Development

As residential areas and communities develop over time, the need for community facilities including schools, day care centres, fire halls and senior citizen housing increases. While being supportive of such uses, the plan recognizes that a review mechanism is required for the future location of community uses in order to ensure compatibility with adjacent land uses. Thus, community and institutional land uses are supported within the Residential Designation by amendment to the land use by-law.

RES-7 Notwithstanding Policy RES-1, Council shall establish a community facility zone in the land use by-law which permits a range of community facility uses such as public and private institutional uses, service oriented commercial uses and open space uses, provided that controls are established on parking areas. This zone shall be applied to existing community facility uses. In considering amendments to the schedules of the land use by-law to a community facility zone within the Residential Designation, Council shall have regard to the following:

- (a) the compatibility of the community facility with adjacent and surrounding residential areas;
- (b) the adequacy of the parking area, its separation, landscaping or buffering as related to the protection of adjacent residential properties;
- (c) the effect on local traffic patterns, including ingress and egress, and impact of traffic on a residential area;
- (d) the adequacy of water and sewerage services; and
- (e) the provisions of Policy IM-10.

### Commercial and Industrial Uses in the Residential Designation

Within the Residential Designation, especially along portions of the Herring Cove and Ketch Harbour Roads, there is a mixture of residential, commercial and industrial uses. The area between the Halifax City limits and Davidson's First Pond in Herring Cove has a history of residential zoning, dating back to a 1974 decision of the Nova Scotia Planning Board. At the time this prior zoning was adopted, a number of existing business operations were given commercial zoning, while others became non-conforming uses through inclusion in the residentially zoned area. Since 1974, through amendments to Zoning By-law 24, a number of additional properties have been rezoned from residential to commercial, including Spryfield Lumber Mart at the City limits in Herring Cove.

In the Williamswood/South Harrietsfield area, there is also a history of residential zoning dating back to 1974. Within this portion of the Residential Designation, there is no existing commercial zoning. However, there are a number of small-scale service industrial uses, located on residential lots.

There are also portions of the Residential Designation which have no prior history of residential zoning. Within these areas, there are a number of long-standing commercial and industrial uses, including auto body shops, a service station, and salvage yards.

In the Herring Cove Road area, a number of existing commercial and industrial uses will be accommodated through the application of a general business zone. This zone will permit a range of commercial uses. It shall specifically permit the continuation and expansion of certain existing service stations, commercial entertainment uses and industrial uses, including auto body repair shops and salvage yards, as listed in Appendix "C" of the Land Use By-law, but shall not permit the establishment of any such uses in the future. In Williamswood/South Harrietsfield, a number of existing industrial operations which were established prior to the adoption of zoning in 1974 will be listed In Appendix "B" of the Land Use By-law and permitted to the extent they presently exist. In addition, a well drilling operation and food packaging and distribution outlet in Herring Cove will also be permitted to the extent they presently exist.

It is not the intention of the planning strategy to permit the zoning of additional properties in the Residential Designation for general commercial uses in the future. In addition, there are several service industrial uses in areas of prior residential zoning which are considered to be incompatible with respect to traffic, noise, aesthetics, adjacent land uses and suitable separation distances. Such uses, established in contravention of existing by-laws, present the potential for increasing land use conflicts as the area continues to develop and therefore shall not be accommodated in the land use by-law.

In addition to commercially zoned uses within the Residential Designation, there are a number of home-based commercial and service industrial uses located on residential lots. For the most part, these uses have gradually evolved from small part-time operations located on residential lots, or as an offshoot of a business operated elsewhere. A number of these uses are reasonable in terms of the services they provide and their acceptance in the community. In situations where these existing operations are considered acceptable due to the absence of serious land use conflict, but where there is a desire to limit the potential for other commercial development, existing uses will be accommodated through the application of a rural residential zone (Policy RA-4). This zone shall specifically permit the continuation and expansion of certain existing commercial/industrial operations, as identified in Appendix "C" of the Land Use By-law.

In Harrietsfield, Williamswood, Herring Cove and Halibut Bay, concerns have been expressed with the operation of auto salvage and auto body shops. While these operations provide a valuable service for the repair of motor vehicles or scrapping of derelict vehicles, there exist concerns with the creation of unsightly premises and traffic hazards on the major highways, as well as danger of leakage of hazardous materials into the Fish Brook-Ocean Run river system. The establishment of new auto body repair shops and auto salvage yards is not felt to be appropriate in the Residential Designation and these uses will not be permitted in the land use by-law. However, there is an expressed community interest in improved enforcement of existing regulations and by-laws with regard to established operations.

RES-8 Notwithstanding Policies RES-1 and RES-2, it shall be the intention of Council to accommodate a number of existing businesses in the Residential Designation through the application of a general business zone (Policy RA-4). This zone shall specifically permit existing commercial entertainment uses, service stations, and industrial uses, identified in Appendix "C" of the Land Use By-law, but shall not permit the establishment of such uses in the future. It shall not be the intention of Council to permit future rezoning to a general business zone within the Residential Designation.

Atlantic Auto Salvage which was formerly located at 230 Ketch Harbour Road has discontinued operations and shall be deleted from Appendix "C" of the Land Use By-law. However, in recognition of past development rights and the fact that this former salvage yard would have limited potential use for residential development, the general business zoning of this property shall be maintained.

RES-9 Notwithstanding Policy RES-1, it shall be the intention of Council to maintain the general business zoning on the former Atlantic Auto Salvage property, identified as LIMS No. 40059487.

**90 Club Road (PID 40072894) and a portion of PID 40072530 in Harrietsfield, described as the former Teleglobe Canada satellite receiving station, no longer makes use of electromagnetic signals. Within the Residential Designation, it is not the intention to permit new general commercial uses in the future. However, in recognition of the former use and that there is an existing commercial building on the site, it is appropriate to consider the adaptive reuse of the site. (RC-May 21/19;E-Jun 29/19)**

**RES-9A Notwithstanding Policy RES-1, it shall be the intention of Council to consider amendments to the Land Use By-law to allow the adaptive reuse of the former Teleglobe Canada satellite receiving station in Harrietsfield by applying the General Commercial Zone on approximately 3.2 acres of 90 Club Road (PID 40072894), where the former station was located, and applying the Two Unit Dwelling Zone to the remaining portion of 90 Club Road (PID 40072894) and PID 40072530, in accordance with Policy RES-2. (RC-May 21/19;E-Jun 29/19)**

By virtue of its location and size, Spryfield Lumber Mart represents a unique situation relative to other existing businesses accommodated within the general business zone. This site is located at the Halifax City limits and is servicing an expanding urban area. Prior to the adoption of the planning strategy, the business operations on the site had already exceeded the maximum floor area requirements of the general business zone, and at this particular location continuing expansion is warranted. In order to provide for the continued delivery of valued commercial services from the property of Spryfield Lumber Mart (LIMS No. 40074593), this property shall be exempted from the floor area requirements of the general business zone.

RES-10 Notwithstanding Policy RES-2, within the Residential Designation, it shall be the intention of Council to exempt the property of Spryfield Lumber Mart Limited on the Herring Cove Road, identified as LIMS No. 40074593, from the floor area requirements of the general business zone and to allow the conversion of this property to any commercial use(s) permitted in the zone.

RES-11 Notwithstanding Policy RES-8, in keeping with the intention to promote a residential

environment within the Residential Designation, it shall be the intention of Council to permit existing commercial structures within any general business zone (Policy RA-4) to be converted to a multi-unit residential dwelling, provided that there is no expansion of the existing structure and that a limit is established on the total number of units to be created.

RES-12 It shall be the intention of Council to request the Utility and Review Board to enforce licensing provisions for salvage yards to the Plan Area and the setback and screening provisions for salvage yards as contained in the Salvage Yard Licensing Act.

RES-13 It shall be the intention of Council to request the Department of Transportation and Communications and Utility and Review Board to enforce prohibitions with regard to storing of vehicles for auto repair or scrap within the road rights-of-way on all public roads in the Plan Area.

Although additional general commercial development will not be permitted within the Residential Designation, there is recognition that there may be a need in future to provide for neighbourhood commercial services such as corner stores or personal service outlets. Such local commercial services will be considered in the Residential Designation along the Herring Cove Road corridor between the Halifax City Limits and Halibut Bay. However, there is a need for a site specific review to evaluate both the suitability of the proposed site for the intended use and the effects on the local neighbourhood being served. Small scale local commercial uses will be considered through rezoning to a local commercial zone. Neighbourhood commercial centres in excess of 2,000 square feet will be considered by development agreement.

RES-14 Notwithstanding the provisions of Policy RES-1, within the Residential Designation, and **Village Centre Designation** in the Herring Cove Community, it shall be the intention of Council to establish a local business zone in the land use by-law which permits local commercial services to a maximum of 2,000 square feet. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. In addition, access controls are established on Lot LIMS Number 40055543 in order to address safety concerns at this location. In considering amendments to the schedules of the land use by-law to a local business zone, Council shall have regard to the following:

- (a) that the property is located between the Halifax City limits and Davidson's Brook in Halibut Bay;
- (b) that the use primarily serves local needs;
- (c) that the scale and appearance of the building is in keeping with surrounding land uses;
- (d) that any proposed signage or lighting is appropriate to the general area;
- (e) the potential impact upon any adjacent residential property and the protection of adjacent residential areas;
- (f) that the use is located on Herring Cove Road or Ketch Harbour Road and has adequate ingress and egress points;
- (g) that water and sewerage services are adequate; and
- (h) the provisions of Policy IM-10.

RES-15 Notwithstanding Policy RES-14, within the Residential Designation, it shall be the

intention of Council that local commercial centres in excess of 2,000 square feet, be considered by development agreement, in accordance with the development agreement provisions of the Planning Act. In considering any development proposal, Council shall, in addition to the provisions of Policy P-58, have regard for the following:

- (a) that the proposed development does not exceed 5,000 square feet and that no single use within the proposed development shall exceed 2,000 square feet;
- (b) that no outdoor storage or display be permitted;
- (c) that the architectural design of the building, its exterior finish, and the site design, including landscaping, are compatible with the surrounding residential area;
- (d) maintenance of the development;
- (e) provisions of Policy IM-10; and
- (f) that the total lot coverage of all structures not exceed 50%.

There is interest in supporting certain kinds of commercial recreation uses such as regulation-sized golf courses and racquet sports or fitness clubs in the Residential Designation. Although the potential for golf course development may be limited in the coastal area, there are older farming areas near Harrietsfield which may have more potential. A development agreement is supported to encourage a traditional architectural styling and assessment of environmental and traffic impacts.

RES-16 Notwithstanding Policies RES-1 and RES-2, Council may consider permitting regulation size golf courses, racquet sports or fitness clubs In the Residential Designation in accordance with the development agreement provisions of the Planning Act. When considering these commercial recreation uses, Council shall have regard for the following:

- (a) that the site and location are suitable for the proposed use;
- (b) protection of adjacent residential areas;
- (c) the impact of increased traffic generation in the area;
- (d) the layout and design of the proposed development, including the use of traditional materials or styling in any structure;
- (e) an assessment of environmental concerns related to the development, including potential effects on watercourses, based on a report from the appropriate Provincial or Federal government authority;
- (f) the location, maintenance and level of treatment where any sewage treatment plant is proposed, based on a report from the appropriate Provincial or Federal government authority;
- (g) the hours of operation; and
- (h) the provisions of Policy IM-10.

### Fishing Uses

The fishery has been a traditional feature of the coastal areas. Support is given for encouraging traditional fishing activities of individual fishermen by accommodating fishery support uses within residential zones (Policies RES-2 and RES-3). Such uses shall not require a development permit. In addition, the fish processing plant in Portuguese Cove will be accommodated through the application of a fishing industry zone. However, new fish processing plants shall not be permitted within the Residential Designation.

RES-17 Within the Residential Designation, it shall be the intention of Council to support the activities of individual fishermen, by permitting fishery support uses in all residential zones without requiring a development permit. The existing fish processing plant in Portuguese Cove will be permitted through the use of a fishing industry zone, as established in Policy VCC-4.

**The Keeping of Horses: Ferguson's Cove (RC-Mar 2/10;E-Apr 17/10)**

Within the community of Ferguson's Cove, there is general support for the ability to keep a limited number of horses on residential properties. The community is semi-rural in nature and it is felt that the keeping of up to two horses for personal use on the same lot as a dwelling is desirable, provided there is adequate lot area for the dwelling, horses and any associated stable or barn and that there is adequate setbacks of any stable or barn from adjacent dwellings, potable water supplies and watercourses. The creation of a new zone and the rezoning process on a case-by-case basis is the most appropriate method of allowing for horses on residential properties. However, it is recognized that the property at 145 Ferguson's Cove Road (PID # 40079840), due to its particular circumstances such as slope of land, water supply location and abutting land uses, may be exempted from some of the zone requirements.

RES-18 Within the Residential Designation, for that area of Ferguson's Cove to the east of Purcell's Cove Road, it shall be the intention of Council to establish a Residential Equine zone which permits uses found within the Residential Home Occupation zone as well as the keeping of up to two horses for personal use in conjunction with permitted dwellings. In order to address compatibility concerns, this zone shall require adequate lot sizes and setbacks of buildings which house animals from property lines and adjacent dwellings, potable water supplies and watercourses. In considering amendments to the schedules of the Land Use By-law to a Residential Equine zone, Council shall have regard to the following:

- (a) that any stable, barn or other building to be used for the keeping or sheltering of animals be adequately separated from adjacent residences, wells and watercourses;
- (b) that lots proposed to be used for the keeping of horses be of an adequate size so as to allow for a stable or barn and associated paddock area as well as residential uses on the same lot; and
- (c) the provisions of policy IM-10.

RES-19 Notwithstanding policy RES-18, due to the particular circumstances of the property at 145 Ferguson's Cove Road (PID # 40079840) such as slope of land, water supply location and abutting land uses, the minimum required side yard abutting non-residential uses and vacant lots shall be 2 feet and the minimum lot area shall be 40,000 square feet (3,716 sq.m.).

## VILLAGE CENTRE DESIGNATION

Early community development along the Plan Area's coastline was associated with the fishing trade. Today, community development is stimulated by the area's proximity to metropolitan Halifax-Dartmouth, which has contributed to the growth and evolution of the older villages, and the development of new communities such as Williamswood and Halibut Bay. Upgrading of the Old Sambro Road in the early 1970s created a circular road system, improving highway access to the Plan Area's largest communities, and further stimulating growth.

The prospect of continued residential growth in the Plan Area poses questions about the future physical form of developing communities and the relationship of the older villages to newly developing areas. There has been a long-standing concern with preserving the character of the fishing villages in particular and with maintaining the presence and viability of the fishing industry throughout the Plan Area.

A number of village centres have been recognised in order to promote and protect community identity in the Plan Area. Each village maintains separate desires and aspirations regarding future development and these differences have translated into separate goals and objectives regarding the type and level of control over land use.

The villages generally constitute focal points for the provision of local services, including neighbourhood convenience outlets, schools, churches, fire stations, postal services and recreation facilities. Protecting the Plan Area's village structure will, in some cases, be accomplished by reinforcing the villages as focal points for the provision of goods and services. However, preserving the fishery, heritage, and historical character is equally important in some cases.

### Harrietsfield Village Centre

The Harrietsfield Village centre contains a mixture of residential, community facility, and general commercial land uses, including the Harrietsfield Elementary School, Harrietsfield-Sambro Fire Station, local convenience stores, medical and veterinarian services, a used car lot, auto body shop and contracting and construction storage services.

It is intended that the Harrietsfield village centre develop as a service centre for the communities of Harrietsfield and Williamswood, providing both community and commercial services to the local residential sector.

The provision of greater opportunities for local convenience and service uses will enhance Harrietsfield's status as a service centre. There are, however, concerns with the scale of future commercial uses and the need for controls on open storage. Given objectives for industrial land uses in the northern sections of Harrietsfield, industrial uses will not be supported in the Harrietsfield village centre. Provisions shall be made for considering larger scale commercial developments by way of development agreement.

VCH-1 It shall be the intention of Council to establish a Village Centre Designation in Harrietsfield, as shown on the Generalized Future Land Use Map (Map 1). Within the Harrietsfield Village Centre Designation, it shall be the intention of Council to encourage the development of a community focus by providing for a range of community facility uses and commercial services, in addition to residential

development.

- VCH-2 Within the Harrietsfield Village Centre Designation, it shall be the intention of Council to establish a Harrietsfield Village Centre Zone which permits a range of commercial, service and office uses, as well as residential and community uses, and which establishes controls on parking, open storage, outdoor display, and the scale of such uses. This zone shall specifically permit existing industrial uses identified in Appendix "C" of the Land Use By-law but shall not permit the establishment of such uses in the future.
- VCH-3 Notwithstanding Policy VCH-2, Council may consider commercial uses permitted in the Harrietsfield Village Centre Zone (VCH-2) which are in excess of 2,000 square feet, in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:
- (a) the scale and proximity of adjacent uses;
  - (b) the adequacy of water and sewerage services;
  - (c) the adequacy of proposed parking areas and buffering of adjacent properties;
  - (d) pedestrian safety;
  - (e) the hours of operation; and
  - (f) the provisions of Policy IM-10.

### Herring Cove

There is a strongly expressed desire to preserve the historic character of the fishing village of Herring Cove. Given the potential for future serviced development subsequent to the provision of sewage treatment, Herring Cove's relationship with adjacent developing residential areas is an important one. Newly developing residential areas on the periphery of the village will increase the demands for more services and these demands can have an impact upon the fabric and character of the older sections of Herring Cove.

Herring Cove's history of zoning indicates that maintenance of the existing village atmosphere is highly regarded by both newcomers and older residents. Concerns have been expressed about preserving the physical character of the older sections of the village. There is interest in ensuring that planning in Herring Cove should enhance the co-existence of the village with adjacent developing residential areas while preserving at the same time the village's special character.

Herring Cove's property configuration demonstrates a history of land development practices over the course of two and a half centuries. The village's physical character is derived from its early development as a thriving fishing village. Fishing wharves, docks, storage buildings, sheds, and dwellings line both sides of the Cove on small lots. This area contains the waterfront activities related to the fishery and defines the picturesque nature of the village. The fishing industry zone established in this area in the mid 1970s shall be retained in order to provide continuing support for the fishery in Herring Cove.

The Cove area is surrounded by many older residences on large lots, but in irregular land configurations, along the Shore Road down the eastern side of the Cove, Purcells Cove Road, Village Road and Hebridean Drive. Many properties in these areas are serviced by private lanes. Beyond this older area, the property configuration shows the narrow land grants and the advent of public roads and public road frontage requirements with modern suburban dwellings located on

square and rectangular-shaped lots, such as those found on St. Paul's Avenue, the Flower Avenues, or in the new Churchill Estates.

Institutional facilities are well established in Herring Cove's village centre with St. Paul's Church, St. James Church, William Ring Elementary School, the Junior High School, and the Nova Scotia Department of Housing and Consumer Affairs' new senior citizen's facility. Commercial land uses include the fishery, home businesses, a machine shop, and Floyd's store and Post Office. Many homes and public facilities, by virtue of their architectural styling, contribute also to the special character of Herring Cove's village centre.

While the older sections of the village act as a focal point for the surrounding community, it is felt that the physical Character of the Cove would suffer if this area was to be considered as the principle service centre for adjacent residential developments. As a result, major commercial development will not be encouraged in Herring Cove. Only those land uses which are felt to complement and enhance the physical character of Herring Cove's village centre will be considered. These uses include fishery support uses, medical and dental services, public facilities, bed and breakfasts, and uses related to art and crafts shops.

Developmental change can have an impact on traditional fishing villages on two levels; i.e. changes in infrastructure, and land use changes. The first level includes capital improvements such as future road widenings, development of sidewalks or other services, street lighting, or even upgrading of church, school or senior citizen properties. The second tier includes site-specific land use changes.

Changes in land use in the Herring Cove village centre will be provided for through amendments to the Land Use By-law for community facility uses and uses serving to promote a local tourism industry. Controls on open storage, the scale of commercial structures, and signage shall be established in the Land Use By-law. Support is given for involving the Municipality's Heritage Advisory Committee for changes at both levels.

**VCC-1** It shall be the intention of Council to establish a Village Centre Designation in Herring Cove as shown on the Generalized Future Land Use Map (Map 1). Within the Herring Cove village centre, Council shall encourage the retention of the fishery and preservation of the physical character of Herring Cove.

**VCC-1A** The future land use map shall show the boundary for the Herring Cove community, based on the Herring Cove Area Settlement and Servicing Strategy (2000). (RC-Feb 13/01;E-May 5/01)

**VCC-2** Within the Herring Cove portion of the Village Centre designation, development of lots on any new or extended street shall only be permitted pursuant to the criteria of policies RES-2C, RES-2D and RES-2E. (RC-Feb 13/01;E-May 5/01)

**VCC-3** Within the Herring Cove portion of the Village Centre Designation, it shall be the intention of Council to consider local commercial and business uses as permitted by the C-1 (Local Business) Zone on properties which front on public streets by amendment to the land use By-law pursuant to the criteria of Policy RES-14. (RC-Feb 13/01;E-May 5/01)

VCC-4 Within the Herring Cove Village Centre Designation, it shall be the intention of Council to establish a fishing industry zone in keeping with the zoning established in 1974. **This zone shall permit fishery uses, marine related uses, residential uses as permitted under the Herring Cove Residential Zone, existing uses as identified in Appendix C of the Land Use By-law, and shall also include architectural requirements to encourage the maintenance of the fishing village character. (RC-Feb 13/01;E-May 5/01)**

In addition, this zone shall be applied to an existing fish processing plant within the Residential Designation, in Portuguese Cove.

VCC-5 Notwithstanding Policy VCC-2, Council may consider permitting restaurants in the Herring Cove Village Centre Designation in accordance with the development agreement provisions of the Planning Act. When considering such development agreements, Council shall have regard for the following:

- (a) that the site and location are suitable for the proposed use;
- (b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation, and littering;
- (c) the provision of landscaping from adjacent development, designed to reduce the impact of the proposed development;
- (d) that any proposed structure's exterior finish is composed of traditional materials and reflects traditional architectural character with respect to the finish, the type and slope of the roof, and the type and style of any related signage;
- (e) the impact on pedestrian safety, traffic circulation and in particular sighting distances and entrances and exits to the site;
- (f) that appropriate controls are established to address environmental concerns, including controls on runoff during construction, based on a report from the appropriate Provincial or Federal government authority;
- (g) general maintenance of the facility;
- (h) the provisions of Policy IM-10.

VCC-6 It shall be the intention of Council to involve the Municipality's Heritage Advisory Committee as a commenting and advisory agency with respect to capital improvements, by-law amendments, and development agreements made in the Herring Cove Village Centre.

**VCC-7 HRM should initiate a study of village character and produce architectural and site design guidelines which further its protection. The study shall give attention to architectural and village development form. (RC-Feb 13/01;E-May 5/01).**

### Ketch Harbour

The village of Ketch Harbour extends in a horseshoe-shaped manner around its relatively long, protected and picturesque harbour. Ketch Harbour, like the village of Herring Cove, is defined by its history as a fishing village, with traditionally-styled homes and irregular-shaped lots, often serviced by private lanes.

The village functions as the service centre for the south-east section of the Plan Area and includes fishery uses, Robinson's General Store, post office, fire hall, and St. Peter's Church and church hall. There are a number of home occupations including a small paper-making firm, as well as an auto-body shop, storage yard, and telephone switching unit in Ketch Harbour.

Concerns have been expressed by many Ketch Harbour residents about the need to preserve the character and village-like qualities of the community, while retaining the village's focus as a service centre. This is supported in the Plan by accommodating home businesses, local convenience stores, and local tourism related uses such as arts and crafts studios and bed and breakfasts. General industrial services will be limited to those presently existing.

The existing auto body shop is presently located on a small residential lot. The operator has expressed his intention to eventually relocate his operation to a larger adjacent lot, further removed from the Ketch Harbour Road.

VCK-1 It shall be the intention of Council to establish a Village Centre Designation in Ketch Harbour as shown on the Generalized Future Land Use Map (Map 1). Within the Ketch Harbour Village Centre Designation, Council shall encourage the retention of the fishery and community identity, as well as promote Ketch Harbour's role as a local service centre.

VCK-2 Within the Ketch Harbour Village Centre Designation, Council shall establish a Ketch Harbour Village Centre Zone which permits single and two unit dwellings, fishery uses, community facility uses, small-scale local convenience stores, local tourism related uses, the limited use of residential properties for business purposes, and existing industrial uses identified in Appendix "C" of the Land Use By-law. Controls on open storage, signage, and parking will be established to address compatibility concerns with surrounding development. Existing industrial uses which wish to relocate to larger lots will be considered by amendment to the Land Use by-law.

VCK-3 Notwithstanding Policies VCK-1 and VCK-2, Council may consider permitting restaurants in the Ketch Harbour Village Centre Designation, in accordance with the development agreement provisions of the Planning Act. When considering such developments, Council shall have regard for the provisions of Policy VCC-5.

### Sambro

The village of Sambro is the most active and successful fishing village in the Plan Area; it is also the largest sheltered harbour in the Plan Area. Sambro is further removed from the City and has not been influenced to the same extent by the metropolitan area as have other communities in the Plan Area. Consequently, the traditional rural character and identity of the community remain. Many of the original families - the Grays, Harts, Trumans, Smiths, Nickersons and McPhees - are still prominent in the community.

Sambro's character is derived from the strength of its fishing industry and the traditional values placed on self-reliance and self-sufficiency within the community. A wide range of land uses are supported in Sambro, with the exception of salvage yards, mobile home parks and heavy industrial uses.

- VCS-1 It shall be the intention of Council to establish a Sambro Village Centre Designation as shown on the Generalized Future Land Use Map (Map 1). Within the Sambro Village Centre, it shall be the intention of Council to retain the fishing industry and traditional rural character and lifestyle in the village including accommodation of a wide range of land uses.
- VCS-2 Within the Sambro Village Centre Designation, it shall be the intention of Council to establish a Sambro General Building Zone which permits all uses with the exception of salvage yards **and C&D Materials Transfer Stations, C&D Materials Processing Facilities and C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)**. In addition, it shall not permit mobile home parks. Controls will be established on permitted non-resource related industrial uses in order to provide some safeguards for adjacent non-industrial land uses. Permitted fishery support uses shall not require a development permit.

## INDUSTRIAL-COMMERCIAL DESIGNATION

The area along the Old Sambro Road from Fish Brook to Westmount Windows Limited in Harrietsfield contains a mixture of residential, commercial and industrial land uses. Particularly prominent in the north Harrietsfield area is Fancy's Industrial Leasing Park, where a variety of storage facilities and service industries are housed in some 22 buildings. A significant concentration of auto body shops, automotive service industries, construction services, and small manufacturing firms are also found in this area. Thus, the north Harrietsfield area already has an established industrial-commercial base and it also has locational advantages for its development in the future as an industrial-commercial area.

Interest has been expressed during the planning process in supporting a concentration of industrial and commercial land uses. The objective of such a land use policy is to curtail land use conflicts and to contribute to the overall economic benefits of job creation and generation of municipal revenues. Communities which are developing a more residential environment have experienced conflict with the nature and extent of commercial and industrial development and the degree to which it should be supported. Establishment of a commercial industrial designation shall minimize such conflicts.

The north Harrietsfield area has the advantage of close proximity to the urban market, as well as relatively good access to transportation routes connecting points beyond. Increased volumes of commercial traffic can be accommodated to the north Harrietsfield area, since the Old Sambro Road passes through Long Lake Provincial Park and connects with Dunbrack Street (Northwest Arm Drive), a major arterial route. A concentration of industrial and commercial development in this area need not increase truck or commercial traffic into the more southerly residential sections of the Old Sambro Road.

While the promotion of industrial and commercial development is central to the designation, concern exists with regard to general upgrading of the area and encouragement of infrastructure improvements. There are also environmental concerns related to the impact of any industrial operations requiring water-based processing and disposal; the area is adjacent to Spruce Hill Lake and is drained by Fish Brook. In addition, concern exists with unsightly premises and storage of vehicles along the Old Sambro Road.

Existing residential land uses within, and abutting, the Industrial-Commercial Designation require protection against potentially conflicting elements associated with industrial and commercial development to the north Harrietsfield area. Their protection will be addressed through the establishment of separation distance requirements from commercial and industrial uses.

In addition to existing residential uses, portions of the Commercial Industrial Designation are located adjacent to the Long Lake Provincial Park, residential areas within the City of Halifax, and the Department of Housing and Consumer Affairs Kidston Lake Land Assembly. In order to ensure compatibility, increased control will be established over commercial and industrial development within close proximity of these areas, through the development agreement mechanism. Through the use of development agreements, provisions will be established to address the potential effects of commercial and industrial development on adjacent residential and park uses.

- IC-1 It shall be the intention of Council to establish an Industrial-Commercial Designation, as shown on the Generalized Future Land Use Map (Map 1). Within this designation, it shall be the intention of Council to support a concentration of industrial and commercial land uses, while seeking ways to provide for long-term upgrading of the area.
- IC-2 Within the Industrial-Commercial Designation, it shall be the intention of Council to establish a Industrial-Commercial Mix Zone which permits general industrial, commercial, community facility and accessory residential uses, as well as the existing salvage yard. Controls on loading and parking, signage, the screening of open storage and outdoor display will address concerns with improved site development and will address compatibility concerns with surrounding development. Separation requirements from adjacent zones, watercourses, and residential and community facility uses shall be established. In addition, special access requirements shall be established for service stations.
- IC-3 It shall be the intention of Council that within the Commercial Industrial Designation, no commercial or industrial development shall be permitted within two hundred and fifty (250) feet of the boundary of the Long Lake Provincial Park or of the Old Sambro Road, located north of Fish Brook, excluding the existing Irving Oil station, LIMS Lot #40429763. Notwithstanding that no development is permitted, Council may consider commercial or industrial development consistent with the Commercial Industrial Mix Zone within this setback area in accordance with the development agreement provisions of the Planning Act. In considering any development proposal, Council shall have regard to the following:
- (a) the nature and scale of the proposed development, in terms of its potential effects on adjacent residential areas and the Long Lake Provincial Park;
  - (b) where feasible, the retention of existing tree cover, in order to screen the proposed development from adjacent residential/park areas;
  - (c) the provision of site design features such as landscaping, fencing, and/or buffering which serve to minimize any negative impacts resulting from the proposed development;
  - (d) that no open storage be permitted and that any industrial activity is conducted and wholly contained within a building;
  - (e) maintenance of the development;
  - (f) hours of operation; and
  - (g) the provisions of Policy IM-10.
- IC-4 Notwithstanding Policy E-12, in recognition of the wide range of uses permitted in the Commercial-Industrial Mix Zone, it shall be the intention of Council to prohibit the erection of structures or the location of open storage or parking spaces within twenty-five (25) feet of Fish Brook or within twenty-five (25) feet of Spruce Hill Lake, in order to provide additional protection for these watercourses.

It is recognized that there are a number of existing lots which may not be suitable for industrial or commercial development or which have been purchased for residential development. Therefore, any lot in existence on the effective date of this Strategy may be developed for residential purposes. However, no additional residential development shall be permitted in the designation.

IC-5 Notwithstanding Policy IC-1 and IC-2, in recognition of its intention to encourage the development of an industrial commercial concentration, Council shall limit new residential development in the Industrial-Commercial Mix Zone to lots in existence on the effective date of this Planning Strategy, unless such development is accessory to a permitted use.

One avenue for accommodating industrial-commercial development in the area is to support the development of industrial parks. With the encouragement of this development form comes the need to ensure the viability of the lot in terms of its parking, design of the internal street network, water and sewerage services, layout of buildings and fire protection services. Such development also provides the opportunity for upgrading of the area. For these reasons, a development agreement is supported to accommodate development of new industrial parks or the expansion of the existing industrial park. In addition, the location of more than one main industrial or commercial building on any lot shall only be considered by development agreement.

In the case of the existing industrial park, any additional main commercial or industrial structures shall be considered as an expansion and will therefore be subject to development agreement.

IC-6 Within the Industrial-Commercial Designation it shall be the intention of Council to permit the establishment of new industrial parks, the expansion of existing industrial parks, or the location of more than one main commercial or industrial building on a lot, in accordance with the development agreement provisions of the Planning Act. In considering such proposals, Council shall have regard to the following:

- (a) adequate layout and design of the access road or internal street system for emergency services and the co-ordination of proposed roads with the Old Sambro Road;
- (b) the ability of fire protection services to adequately service the increased demand resulting from the proposed development;
- (c) the potential for future subdivision of land or buildings, and the potential for expansion of the development;
- (d) the location of parking areas and loading facilities;
- (e) pedestrian safety;
- (f) the effect of the development upon existing on-site services;
- (g) the maintenance of an adequate setback from watercourses and provisions for management of stormwater;
- (h) ongoing maintenance of the development;
- (i) provisions for landscaping and buffering from adjacent land uses and the public road; and
- (j) provisions of Policy IM-10.

The Industrial-Commercial Designation in north Harrietsfield warrants some review within the context of economic development initiatives in the Municipality. General infrastructural improvements should be encouraged in the area and in the existing industrial park.

North Harrietsfield is presently unserviced and this limits industrial/commercial development potential, particularly for those activities where industrial processes or the size of the workforce place demands on on-site services. Although the Harrietsfield-Williamswood Pollution Control Study has identified options for this area, a key to any long-term future servicing of the Industrial-Commercial Designation will be the Municipality's commitment to a future serviceable area and

resolution of regional sewage issues.

- IC-7 As a component of municipal economic development, it shall be the intention of Council, through the Municipality's Industrial Commission, to identify and promote industrial and commercial development opportunities in the North Harrietsfield area, with the goal of upgrading the existing industrial/commercial facilities.
- IC-8 It shall be the intention of Council to initiate a study of the industrial/commercial area of North Harrietsfield, with the participation of owners and residents, to examine methods of improving access, traffic circulation, pedestrian safety, landscaping and aesthetics of the presently developed areas and to consider its integration with future development. In conjunction with such a study, Council shall establish infrastructure and service improvements in the North Harrietsfield area.

## RURAL "A" DESIGNATION

The Rural "A" Designation has been applied to the outlining coastal portions of the Plan Area, including Bald Rock, Sambro Creek, Duncan's Cove, Long Cove, West Pennant, and lands surrounding the village of Ketch Harbour and between Ketch Harbour and Sambro Head. The major use of developed land is residential and is likely to remain so in the future. In addition to residential development, fishery uses including aquaculture, boat building and repair form an important aspect of rural life in this designation. The main form of commercial activity is related to business uses located on residential lots. There are also a number of community facilities, commercial operations, and telecommunication stations scattered throughout the designation.

Residents in these areas generally maintain stronger views with respect to the traditional use and rights to the use of land. Additional flexibility with regard to land use shall be provided through the accommodation of home based business uses. Existing commercial, community facility and telecommunication uses shall be accommodated through the application of an appropriate zone.

While home businesses are expected to comprise the majority of commercial development, there is a need to accommodate additional commercial uses within the designation, in response to desires with regard to traditional land use rights, as well as the need to provide services to the fishing industry, the tourist trade, and the growing local population. The availability of significant amounts of undeveloped land makes it possible for some commercial development to be accommodated without creating major land use conflicts. The requirement for an amendment to the land use by-law is intended to provide the review procedure necessary to protect residential and community facility uses and reduce the potential for land use conflict.

RA-1 It shall be the intention of Council to establish a Rural "A" Designation as shown on the Generalized Future Land Use Map (Map 1). The Rural "A" Designation shall support a continuation of a rural residential environment characterized by low density residential development, community facility uses and fishery support uses. Commercial development serving the needs of the local market as well as the fishing and tourist trade shall also be accommodated.

RA-2 Within the Rural "A" Designation, it shall be the intention of Council to establish a Rural Residential Zone which permits single and two unit dwellings, existing mobile homes, bed and breakfast establishments, the limited use of residential properties for home business purposes including day care facilities, recreation and open space uses, fishery uses (which do not require a development permit) and small-scale resource uses. Controls on open storage, signs, the size and nature of the use, and parking will be established to address compatibility concerns with surrounding development. This zone shall also be applied to certain existing commercial and industrial uses in the Rural "A" Designation and the Residential Designation as identified in Appendix "C" of the Land Use By-law (Policy RES-5).

There are areas within the Rural "A" Designation which contain a number of mobile homes and where there exists an interest in providing an opportunity for mobile home development on individual lots in the future.

RA-3 Within the Rural "A" Designation, it shall be the intention of Council to establish a Rural Mixed Residential Zone which permits mobile homes on individual lots, in addition to all

those uses permitted in the Rural Residential Zone, and subject to the same controls as established in Policy RA-2.

RA-4 It shall be the intention of Council to establish a General Business Zone within the Land Use By-law which permits commercial uses to a maximum of 5,000 square feet and residential uses, as well as community facility uses. Controls on outdoor display as well as parking and loading areas will address compatibility concerns with adjacent development. This zone shall be applied to existing commercial uses in the Rural "A" Designation. In addition, it shall be applied to certain commercial and industrial uses in the Residential Designation subject to conditions established in Policy RES-8. When considering amendments to the schedules of the Land Use By-law to permit new commercial uses within the Rural "A" Designation, Council shall have regard to the following:

- (a) the compatibility of the use with any adjacent residential area;
- (b) the effect on local traffic patterns and adequacy of sighting distances and points of ingress and egress;
- (c) the adequacy and location of the parking area in relation to the separation or buffering of any adjacent residential areas;
- (d) the adequacy of on-site septic systems in relation to the land use or products being produced; and
- (e) the provisions of Policy IM-10.

RA-5 Within the Rural "A" Designation, it shall be the intention of Council to apply the Community Facility Zone (Policy RES-7) to existing community facility uses and to consider new community facility uses by amendment to the schedules of the Land Use By-law to a Community Facility Zone, with regard to the provisions of Policy RES-7.

The scenic and natural amenities of the Plan Area and its accessibility to the metropolitan area create a potential for the development of commercial recreation uses such as campgrounds, amusement centres, and golf courses. Such uses will be accommodated within the Rural "A" Designation.

The Planning Strategy seeks to ensure that such commercial recreation uses make a positive contribution to the Plan Area and the communities in which they may locate. Because of concerns with the potential for traffic generation, as well as the noise and litter often associated with such uses, there is a desire to establish a greater level of control over the site design and development of commercial recreation uses. It is the intention that such uses will be considered where it can be shown that a site has high commercial recreation potential which can be exploited without creating external impacts.

RA-6 Within the Rural "A" Designation, it shall be the intention of Council to consider commercial recreation uses according to the development agreement provisions of the Planning Act. In considering any such development agreement, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting adjacent residential and community facility

- development by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;
- (e) the impact on traffic circulation, pedestrian safety, are in particular sighting distances and entrances and exits to the site.
- (f) the layout and design of the facility;
- (g) general maintenance of the facility;
- (h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant, based on a report from the appropriate Provincial or Federal government authority;
- (i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;
- (j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses, based on a report from the appropriate Provincial or Federal government authority;
- (k) the requirement for any applicable provincial approvals;
- (l) hours of operation; and
- (m) the provisions of Policy IM-10.

## RURAL "B" DESIGNATION

The Rural "B" Designation has been applied to privately owned Lands in the interior of the Plan Area which are undeveloped and generally inaccessible to the public road network.

At present, this area and surrounding crown lands form an important recreation resource for Plan Area and City residents, as well as a safe habitat for wildlife. There is a strongly expressed desire that any development which does occur in these areas does not adversely affect the environment. As in the Rural "A" Designation, rural residential development and commercial uses including commercial recreation uses shall be supported.

- RB-1 It shall be the intention of Council to establish a Rural "B" Designation, as shown on the Generalized Future Land Use Map (Map 1). The Rural "B" Designation shall provide for rural residential development, including rural residential uses, home business uses and limited resource development. There shall be no provisions for accommodating general commercial or community facility development.
- RB-2 Within the Rural "B" Designation, it shall be the intention of Council to apply the Rural Residential Zone, as established in the Rural "A" Designation (Policy RA-2).
- RB-3 Notwithstanding Policies RB-1 and RB-2, within the Rural "B" Designation, it shall be the intention of Council to consider commercial recreation uses according to the development agreement provisions of the Planning Act. In considering any such development, Council shall have regard to the provisions of Policy RA-6.

## CONSERVATION DESIGNATION

An important aspect of the Planning District 5 Plan Area is the large amount of crown land adjacent to most communities. Crown lands and other publicly owned property accounts for about fifty per cent of the Plan Area, running down the centre of the area - the "Chebucto Corridor". Most of these properties are highly valued for their environmental, open space and aesthetic values, and also provide a recreation resource and important wildlife habitat.

The Plan Area's crown lands are best viewed as wilderness areas. When included with crown properties in the "Pennant Corridor", located to the west of the Plan Area in the Planning District 4 Plan Area (Crown Land Map), they form one of the largest freehold crown areas in the Province. Crown land leasing has not been predominant because of the area's generally poor forestry capability. Therefore, the land remains undeveloped, with its recreational, environmental, and aesthetic potential undiminished except where harmed by past forest fires.

This extensive and largely undeveloped public land base is significant given its proximity to a major urban centre. While there is wilderness and recreational potential associated with these crown land areas, they are also important from an environmental perspective.

The environmental integrity of ecosystems and watersheds within the Plan Area is enhanced by these crown properties. The area supports a variety of wildlife, including moose, deer, beaver, mink, and other species. Wildlife habitats have been kept relatively protected due to the existence of many shallow lakes, bogs, and a predominant rockland geology in the interior of the Plan Area. Certain areas have also been identified as having unique flora and have been recommended as ecological reserves by the United Nations' International Biological Programme. While acid rain has compounded the natural acidity of the granitic terrain, many lakes and rivers still have valuable fishing potential.

Support is given for retaining these crown lands in the "Chebucto Corridor" as wilderness areas in the future. This conservation measure will assist with environmental protection and will help to retain wildlife habitats and unique ecological areas.

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 policies of the Conservation Designation are considered foremost as land use controls to encourage environmental protection. However, the Conservation Designation also forms part of a development strategy which recognizes that retaining the natural landscape will be beneficial to future residents in the Plan Area. In this light, conservation and development objectives are viewed as being mutually compatible. However, as development takes place, new pressures will be placed on these wilderness areas and additional conservation initiatives will be required.

In addition to crown land administered by the Nova Scotia Department of Natural Resources, the Conservation Designation includes properties maintained by the Canadian Coast Guard, Teleglobe Canada and the National Research Council of Canada. These properties contain certain structures and facilities which require protection and conservation. At the Teleglobe Canada satellite receiving station in Harrietsfield, and at the Coast Guard radio stations in East Pennant, Ketch Harbour and Duncans Cove, there is a need to avoid conflict between development and electromagnetic signals. The National Research Council's marine lab in Sandy Cove and the Department of National Defence's water supply at East Pine Island Lake and MacIntosh Runs also

require careful environmental protection.

While conservation of wilderness areas is the primary focus of this Designation, it is reasonable to suggest that such an extensive public land base could be utilized, in part, as the future location for specialized uses such as research and telecommunication centres, as well as public uses such as schools, community centres or fire halls. However, a review mechanism is required to ensure that any special facility use is compatible with the intention of the Conservation Designation.

CON-1 It shall be the intention of Council to establish a Conservation Designation as shown on the Generalized Future Land Use Map (Map 1). This Designation shall be applied to crown lands. Council shall encourage the province to retain these lands in their natural state and conserved in the future as wilderness and conservation areas.

CON-2 Within the Conservation Designation, it shall be the intention of Council to establish a Conservation Zone which permits conservation and open space uses, as well as existing hunting and fishing camps.

**CON-2A Pursuant to Policy E-22, the Conservation Zone shall also be applied to all wetlands within the Herring Cove community as identified on Map E-1 “Herring Cove Wetlands”, for the purpose of providing long term protection against infilling and development which may affect natural drainage patterns and storm drainage handling. (RC-Feb 13/01;E-May 5/01).**

CON-3 Notwithstanding Policy CON-1, it shall be the intention of Council to establish a Special Facility Zone in the Land Use By-law which permits telecommunication and research facilities, accessory residential uses, conservation uses, educational institutions, fire and police stations, and community halls and existing dwellings. This zone shall be applied to existing facilities and uses. 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 any adjacent community;
- (b) that the proposed access road is compatible with the existing public road network;
- (c) that the site is environmentally compatible with respect to the provision of on-site services and storm drainage produced by the facility, based on a report from the appropriate Provincial or Federal government authority; and
- (d) the provisions of Policy IM-10.

### Crown Lands

The Plan Area's crown lands in the "Chebucto Corridor", together with crown lands within the "Pennant Corridor" of District 4, to the west of the Plan Area, represent a significant wilderness resource adjacent to Metropolitan Halifax-Dartmouth.

Many objectives relating to conserving these areas 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.

Policies respecting the future use of these crown lands are not well established. The Halifax-Dartmouth Regional Development Plan (1975) recognized the importance of wilderness areas near the Metropolitan area, and the Nova Scotia Deputy Minister's Committee on Land Use Policy<sup>16</sup> (1977) proposed extensive trail systems on crown properties in the Plan Area as one recreational possibility. Therefore, it is necessary to determine wilderness, recreational and ecological values in order to establish proper conservation and management objectives for these areas in the future.

CON-4 It shall be the intention of Council to request that the Nova Scotia Department of Natural Resources develop a management plan for the future management of crown lands within the "Chebucto Corridor" of the Plan Area and within the Pennant Corridor to the west of the Plan Area. Council shall request that the management plan incorporate a public consultation procedure and determine environmental management objectives, public access, wilderness and recreation potential.

There are certain limited situations in which crown land transfers are carried out in order to improve crown land holdings in a particular area in order to accommodate such transfers which are in the public interest, provisions for the establishment of residential zoning on lands which are transferred into private ownership as part of a crown land exchange shall be considered.

CON-5 Notwithstanding Policy CON-1, within the Conservation Designation, it shall be the intention of Council to Consider the application of a residential zone, by amendment to the schedules of the land use by-law. In considering any amendment, Council shall have regard for the following:

- (a) that the residential zone to be applied shall be the same zone as that of the nearest residentially zoned property within the Plan Area;
- (b) that the property to be rezoned is part of a crown land exchange within the Plan Area;
- (c) the potential impact of the crown land transfer on public land and/or facilities; and
- (d) the provisions of Policy IM-10.

Crown land transfers are administered by the Department of Natural Resources and are subject to approval by the Provincial Cabinet. While it is recognized that such transactions are intended to improve provincial holdings, there is a considerable amount of concern over the conveyance of these lands without public consultation. Such trades may impact locally valued trail systems, historical features and other natural features which may not be apparent without public input. The private acquisition of public land may also impose unnecessary pressure upon a community to accommodate land use activities which are locally unacceptable. In order to ensure that crown land transfers are consistent with the intent of this designation and the local public interest, the Department of Natural Resources is encouraged to consult with the public prior to conveyance crown land to private ownership.

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<sup>16</sup> Nova Scotia Deputy Minister's Committee on Land Use Policy, Use of Crown Lands in the Halifax-Dartmouth Metropolitan Region: 1977.

CON-6 It shall be the intention of Council to encourage the Department of Natural Resources to facilitate public input in its decisions concerning the disposition of crown land within the Plan Area.



## PARK DESIGNATION

As future development takes place in the Plan Area, the value of undeveloped areas along the coast and throughout the interior 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. The development of federal and provincial parks is one way of achieving these objectives, while contributing also to a greater inventory of recreational space and recreational opportunities in the region.

Significantly, the greatest opportunity for park development exists along the Plan Area's coastline and supports the goal of retaining coastal areas for future recreational use and for passive access by the public on foot.

Support is specifically given in this planning strategy to Canadian Parks Service and the Nova Scotia Department of Natural Resources for developing national and provincial parks in the Plan Area. Six sites have been designated as future park sites or park reserves: Connaught Battery and Fort York Redoubt in Fergusons Cove; Hayes Gardens and the Holy Stone in Herring Cove; Chebucto Head in Duncans Cove; and Crystal Crescent in East Pennant. While the Long Pond Provincial Park is partially within Municipal District 5, it is included within the Planning District 4 Plan Area.

PK-1 It shall be the Intention of Council to establish a Park Designation as shown on the Generalized Future Land Use Map (Map 1). Within the Park Designation, Council shall establish a park zone which permits conservation uses, open space uses and park uses which support the development of federal and provincial parks in the Plan Area.

Connaught Battery borders the City of Halifax and was built in 1912-17. It was the first major addition to the Halifax Defence Complex constructed by the Canadian government and is presently used for local recreation purposes.

Park space in Fergusons Cove is well represented by Fort York Redoubt, but given York Redoubt's national status, there is interest in encouraging smaller scale park development within the community as well. Connaught Battery - with its impressive and unobstructed views of Halifax, Dartmouth, and the harbour approaches - represents an excellent opportunity for encouraging picnicking and passive recreational use.

PK-2 It shall be the intention of Council to encourage the development of Connaught Battery as a day-use park and to encourage public consultation during the development of a master plan for the site.

Historic Port York Redoubt is situated on 175 acres of land owned and managed by Canadian Parks Service in Fergusons Cove. Fort York Redoubt and its structures represent three periods of military history during which accommodations were made to advances in armament technology from 1798 through to 1945. The Fort has played an important role in the evolution of the Halifax Defence Complex and it provides an opportunity to interpret these military periods at one location. York Redoubt was declared a National Historic Site in 1961 and is in the process of being designated a National Historic Park by Canadian Parks Service. A portion of the DND land to the south was recently transferred to Canadian Parks Service to incorporate additional World War I and II batteries, and the lands to the east of the old Herring Cove Road below the Fort and north

of the Damage Control School.

York Redoubt is presently a popular destination for sightseers and receives some 48,000 visitors per year.<sup>17</sup> There is a need, however, for pursuing the development of the site as a National Historic Park. A formal interpretive program should be developed for the park within the context of a management plan which establishes comprehensive long-term objectives. A need has also been identified for continued interim management and stabilization of structures within the Fort while Canadian Parks Service's resources are directed at completion of the Halifax Citadel.

PK-3 It shall be the intention of Council to support the development of Fort York Redoubt as a National Historic Park and to encourage Canadian Parks Service to provide for interim restorations and park management, as well as consultation with area residents during the development of a management plan for the site.

Department of National Defence holdings In the Plan Area have local characteristics which also warrant special consideration as future park sites.

The Department's Damage Control School adjacent to York Redoubt contains historic Sandwich Battery and associated gun emplacements. An undeveloped coastline south of the Fort to the Holy Stone presents an opportunity here for coastal trail development in conjunction with Fort York Redoubt.

PK-4 Notwithstanding Policy PK-1, it shall be the intention of Council to include Department of National Defence lands within the Park Designation. Further, it shall be the intention of Council to establish a DND Zone within the land use by-law which shall permit Canadian military installations. This zone shall be applied to the Department of National Defence Damage Control School and the associated lands at Sandwich Point.

PK-5 It shall be the intention of Council to request that the federal and provincial governments respect the intention of this municipal planning strategy regarding future park development on these lands, should they be released or declared surplus.

The Canadian Coast Guard established its marine traffic facility at Duncans Cove in 1972, although a lighthouse has been located on the site since 1872. The traffic regulating facility was moved in 1985 to the Bedford Basin. However, a remote radar facility, lighthouse and lighthouse keeper will be retained on the site, under the jurisdiction of the Coast Guard.

With increasing public use of Chebucto Head as a harbour and whale viewing area, there is interest in maintaining the site for recreational purposes in addition to accommodating the telecommunications facility.

PK-6 It shall be the intention of Council to include the Canadian Coast Guard property at Chebucto Head in the Park Designation and to apply the Special Facility Zone (Policy CON-3) to this property in order to permit telecommunications uses and accessory dwellings.

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<sup>17</sup> Parks Canada, 1985.

The Nova Scotia Department of Natural Resources has designated a 34 acre site in Herring Cove as a park reserve. Hayes' Gardens, as the area is locally known, provides an excellent vantage point for viewing the harbour approaches. With a proposed transit extension through Herring Cove, the site has capability for access by public transit and should be provided with facilities to promote views of the harbour approaches.

PK-7 It shall be the intention of Council to encourage the Nova Scotia Department of Natural Resources to maintain Hayes' Gardens as a park reserve and to provide adequate parking, negotiation of public access rights, and protection of adjacent properties, as well as consultation with area residents during the development of any plans or policies affecting the site.

Over the past ten years, the Department of Natural Resources has assembled lands at Pennant Point, the most southernly headland in the Plan Area, for future parkland purposes. While the assembly has yet to be fully completed, the site is currently about 1,230 acres in size. There are privately held parcels of land within the Crystal Crescent land assembly, as well as a small privately held parcel within the Hayes' Gardens assembly where the George Brown memorial stands on "The Heads", and consideration is given for residential development on these sites within the Park Designation.

PK-8 It shall be the intention of Council to support residential uses on privately owned land within the Park Designation until provincial land assemblies at Crystal Crescent and Hayes' Gardens can be completed, through the application of a Rural Residential Zone (Policy RA-2).

The development of Crystal Crescent Provincial Park as a day-use park is a priority of this municipal planning strategy and necessary in order to protect natural features, provide facilities and ensure public safety. The Department of Natural Resources provides only basic maintenance services at the Crystal Crescent site, despite heavy use of the area during summer months.

Some of the features of the site include Crystal Crescent Beach, Mackerel Cove and Beach, a limited dune system, foundations and ruins of the original community of Sambro at Mackerel Cove, and existing trails to Pennant Point and in the interior where the Arctic "bakeapple" berry can be found.

The site's popularity has increased in recent years, and conflicts have arisen with nearby landowners and local residents. The conflicts relate to a lack of adequate parking, public facilities and supervision on the site. Consequently there is a need for developing a park management plan and infrastructure which will provide for adequate public facilities, parking, access, protection of natural and historical features, and services relevant to the maintenance and supervision of the site in the interim.

PK-9 It shall be the intention of Council to strongly recommend that the Nova Scotia Department of Natural Resources give Crystal Crescent Provincial Park a higher priority for the expenditure of resources for park development purposes, including the acquisition of remaining private land holdings within the designated park site.

PK-10 Council shall encourage planning for the park to have regard to the provision of adequate parking, access, public facilities, protection of natural and historical features, and to

encourage consultation with area residents during the development of a master plan for the site.

- PK-11 Council shall encourage the Nova Scotia Department of Natural Resources to improve maintenance and control of the Crystal Crescent site prior to the park's development and to give priority to providing park supervision and lifeguards during peak use months.

#### Commercial Uses in Federal and Provincial Parks

Given greater levels of public use of Fort York Redoubt and Crystal Crescent Provincial Park, consideration is given for accommodating future commercial services in these parks only. Concern has been expressed about the scale and appearance of any permanent or seasonal commercial operations.

- PK-12 It shall be the intention of Council, where the appropriate Provincial or Federal authority agrees, to consider the establishment of commercial uses within Fort York Redoubt and Crystal Crescent Provincial Park according to the development agreement provisions of the Planning Act with regard to the following:
- (a) that the use is intended primarily to serve park users and serves to highlight the history and character of the park, and is not of itself a primary attraction;
  - (b) that any proposed structure's finish is composed of traditional materials and reflects traditional architectural character with respect to the finish, the type and slope of the roof, and the type and style of any related signage;
  - (c) that there is a minimum of environmental disruption to the site both during and after construction; and
  - (d) the provisions of Policy IM-10.

## PRESERVATION DESIGNATION

As development pressures continue, there is an ever present need to preserve samples of the typical and rare natural features of the Plan Area which are irreplaceable. The preservation of sites of ecological significance can serve as valued areas for research, education and posterity.

Efforts to preserve excellent samples of the world's ecosystems were undertaken through the International Biological Program (IBP) during the decade from 1964 to 1974. During this ten year research effort biologists from throughout the world focused on the selection of sites which would serve as bench marks from which to measure human intervention in the natural environment, enhance genetic diversity, and reserve unique and typical areas for educational and demonstration purposes.<sup>18</sup> The Plan Area contains three highly valued ecological sites, identified through this world renowned program, at Duncans Cove, Bear Cove and Kidston Lake.

The Duncans Cove site encompasses approximately 547 acres of private and publicly owned lands, located east of Highway 349, on the headland between Duncans Cove and Ketch Harbour. This site was chosen as an excellent example of a coastal barren ecosystem which supports a variety of plants, rare to Nova Scotia and North America.<sup>19</sup>

The Bear Cove site is comprised of approximately 19 acres of privately owned land, located on the west side of Highway 349, in Bear Cove. This small sphagnum bog was chosen since it supports a rich diversity of plants and is, according to the Canadian Committee For The International Biological Program, “a good example of the extreme coastal bogs found along the eastern sea board.”

The Kidston Lake site is comprised of approximately 134 acres which traverses the border between the City of Halifax and Halifax County, near Harrietsfield. This site was chosen since it supports a rare plant species found only in this vicinity in the Maritimes and since it is located in proximity to a large urban centre and of exceptional educational value.<sup>20</sup> It is owned entirely by the Department of Housing and Consumer Affairs and situated in the midst of the Kidston Lake land assembly wherein future development may only occur through the provisions of a comprehensive development agreement.

The Province of Nova Scotia acknowledged the responsibility for the preservation of important ecological sites with the enactment of the Special Places Protection Act, in 1980. Pursuant to this Act, the Minister of Natural Resources may designate areas of ecological significance as a protected site. Before doing so, however, the Act requires that field work be undertaken to delineate the ecological and legal boundaries of the site and to prepare an appropriate management plan for its protection. This Act also requires the consent of the private property owner to apply this designation and such consent must be by way of deed transfer, will, covenant, easement, or any other legal instrument, which would vest the rights to protect the property, in the interest of

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<sup>18</sup> Canadian Committee for the International Biological Program. Ecological Reserves In The Maritimes. June, 1974.

<sup>19</sup> Canadian Committee For the International Biological Program, Final Report - Part 1 - Region 7: Maritime Provinces, 1974, p.77.

<sup>20</sup> Ibid., p.73.

the public.

Although there has been considerable public interest expressed to preserve the IPB sites, these sites are currently unprotected by law. Part of the problem lies in the fact that there are limited public resources available to conduct the research necessary to delineate the exact ecological boundaries of these sites and to justify the public acquisition of private property located therein. Governments must, therefore, rely on private landowners and the general public to voluntarily preserve these lands at the present time.

The Preservation Designation shall be applied to the Plan Area IBP sites to identify and reflect the importance of these valued natural areas within the Plan Area and to foster efforts for preservation. It is not the intention of Council to apply prohibitive zoning since such zoning can not be justified without an accurate boundaries survey and until all private property within the affected area has been acquired.

PRS-1 It shall be the intention of Council to establish a Preservation Designation as shown on the Generalized Future Land Use Map (Map 1). This Designation shall be applied to the Duncans Cove, Bear Cove and Kidston Lake IBP sites and is intended to identify and reflect the ecological importance of these natural areas within the Plan Area and to foster continuing efforts for preservation.

PRS-2 Within the Preservation Designation, it shall be the intention of Council to apply the base zones established within the abutting designations, in order to reflect the private property rights vested within the Duncans Cove and Bear Cove sites and to allow for the protection of the crown land portion of the Duncans Cove site and the Kidston Lake site as provided for by policies CON-2 and CDD-1 respectively.

PRS-3 It shall be the intention of Council to encourage the Nova Scotia Department of Natural Resources to evaluate the Duncans Cove, Bear Cove and Kidston Lake IBP sites for designation under the Special Places Protection Act.

PRS-4 It shall be the intention of Council to encourage the Nova Scotia Department of Natural Resources to survey, identify and evaluate other unique ecological sites and special places within the Plan Area.

PRS-5 It shall be the intention of Council to encourage the Nova Scotia Department of Natural Resources to continue the monitoring, identification, and protection of wildlife in the Plan Area.

~~COMPREHENSIVE DEVELOPMENT DISTRICT DESIGNATION Deleted (RC-Jun 27/06;E-Aug 26/06)~~

# **SECTION IV**

## IMPLEMENTATION

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

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

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 Plan, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

- IM-1 This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Halifax County Charter and such other provincial statutes as may be applicable.
- IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Municipal Planning Advisory Committee.
- IM-3 It shall be the intention of Council to require amendments to the policies of this Planning Strategy or to the Generalized Future Land Use Map (Map 1) under the following circumstances:
  - (a) where any policy is to be changed; or
  - (b) where a request for an amendment to the land use by-law which is not permitted is made and subsequent studies show that the policies of this Plan should be amended.

Further, Council may consider amending this Plan where policies of future plan areas conflict with the policies of this Plan.

- IM-4 More specifically, Council may consider undertaking a plan review to determine if the land use designations are still appropriate, in the following instances:
  - (a) the introduction or extension of municipal sewer and water services within portions of the Plan Area; and
  - (b) the undertaking of major transportation projects, in particular any highway connection between Municipal Electoral Districts 4 and 5.
- IM-5 In accordance with the provisions of the Planning Act, this Planning Strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.

- 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 development agreements or amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1), except where commercial or industrial zones abut residential (R-1, R-2, R-2a) zones.
- 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 Plan provides that certain land uses shall be considered only as amendments to the Land Use By-law or in certain instances by development agreements, in accordance with the development agreement provisions of the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this Plan.
- IM-8 The following uses shall only be considered by amendment to the Land Use by-law:
- (a) Within the Residential Designation:
    - (i) larger scale home occupations in dwellings or in accessory buildings according to Policy RES-4;
    - (ii) community facility uses according to Policy RES-7;
    - (iii) local convenience commercial uses, between Davidsons Brook and the Halifax City limits, according to Policy RES-14; and
    - (iv) **the keeping of up to two horses for personal use in conjunction with permitted dwellings according to Policies RES-18 and RES-19. (RC-Mar 2/10;E-Apr 17/10)**
    - (v) **general commercial uses at 90 Club Road, Harrietsfield, according to Policy RES-9A. (RC-May 21/19;E-Jun 29/19)**
  - (b) Within the Village Centre Designation in Herring Cove:
    - (i) community facility uses, bed and breakfasts, arts and crafts studios, or home occupations according to Policy VCC-3.
  - (c) Within the Rural A Designation:
    - (i) community facility uses according to Policy RA-5; and
    - (ii) general commercial uses, according to Policy RA-4.
  - (d) Within the Conservation Designation:
    - (i) transmission towers and other special facilities, according to Policy CON-3;
    - (ii) residential uses according to Policy CON-5.
- IM-9 The following uses shall only be considered subject to the entering into of a development agreement, according to the development agreement provisions of the Planning Act:
- (a) Within the Residential Designation:
    - (i) golf courses, racquet sports and fitness clubs, according to Policy RES-16;
    - (ii) expansion of the Birchlee Mobile Home Park, according to Policy RES-7; and
    - (iii) local commercial centres in excess of two thousand (2,000) square feet according to Policy RES-15.
  - (b) Within the Village Centre Designation in Harrietsfield:

- (i) uses permitted in the Harrietsfield Village Centre Zone, which are in excess of two thousand (2,000) square feet, according to Policy VCH-3.
- (c) Within the Village Centre Designation in Herring Cove and Ketch Harbour:
  - (i) restaurants according to the provisions of Policies P-VCC-5 and VCK-3.
- (d) Within the Industrial Commercial Designation:
  - (i) industrial parks and the expansion of the Fancy Industrial Park, including the addition of any main commercial or industrial structure, according to Policy IC-6.
  - (ii) commercial and industrial development consistent with the Commercial Industrial Mix Zone within 250 feet of the Long Lake Provincial Park or the Old Sambro Road north of Fish Brook, according to Policy IC-3.
- (e) Within the Rural "A" and Rural "B" Designations:
  - (i) commercial recreation uses according to Policies RA-6 and RB-3.
- (f) Within the Park Designation:
  - (i) commercial uses within Fort York Redoubt and Crystal Crescent Provincial Park according to Policy PK-12.
- (g) **Deleted (RC-Jun 27/06;E-Aug 26/06)**

IM-10 In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other Community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development;
  - (v) pedestrian safety; and
  - (vi) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
  - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of 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-11 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-12 It shall be the intention of Council, in considering amendments to the Municipal Planning Strategy, to give notification to all known community groups and ratepayers associations in the area affected, to post notices in any post office, convenience store and fire hall within a two (2) mile radius of the lands proposed for amendment, and further, to hold a public participation session within the Municipal District 5, pursuant to the provisions of the Planning Act.
- IM-12A HRM shall continue to consult the Herring Cove community about changes to this Municipal Planning Strategy or to the Secondary Planning Strategy for Mainland South that affect the Herring Cove community, including the future use of crown land. (RC-Feb 13/01;E-May 5/01).**
- IM-13 It shall be the intention of Council, in considering development agreements or amendments to the Land Use By-law, to:
- (a) give notice of the amendment or agreement by posting the public hearing notice in any post office, convenience store and fire hall within a two (2) mile radius of the lands proposed for amendment or agreement within the Plan Area; and
  - (b) notify ratepayers organizations, churches and school boards of the public hearing by registered letter.
- IM-14 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:
- (a) the Building Code Act and Regulations and the Building By-law;
  - (b) the Unsightly Premises section of the Halifax County Charter;
  - (c) the Sewer Connection By-law;
  - (d) the Mobile Pome Park By-law;
  - (e) the Blasting and Dangerous Material By-law;
  - (f) the Topsoil By-law; and
  - (g) the Excavation By-law.
- IM-15 In accordance with the Planning Act, the Development Officer appointed by Council, or any other person appointed 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-16 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 subject to the requirements of the Land Use By-law.
- IM-17 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 Plan Area.

- IM-18 It shall be the intention of Council, in recognition of the importance of stormwater planning and the developing nature of the Plan Area, to amend the Subdivision By-law to require that the storm drainage requirements which are now applied in the serviced areas only, be applied where necessary in the Plan Area.
- IM-19 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-20 It shall be the intention of Council, in the interests of vehicular safety, to regulate, through the land use by-law, the height of any structures or landscaping, on corner lots where yards abut the street.
- IM-21 It shall be the intention of Council that the priority areas for future sidewalk construction shall be within the Village Centre Designations.
- IM-22 It shall be the intention of Council to establish controls over signs within the Plan Area in order to limit the potential for adverse negative effects on adjacent properties and the travelling public.

**Temporary Signage:**

**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-23 Further to Policy IM-22, the land use by-law shall not contain sign provisions for signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).**

APPENDIX "A": LIST OF PPC MEMBERS, PAST AND PRESENT  
PLANNING DISTRICT 5 (CHEBUCTO PENINSULA)

DAVID ANDREWS CHARLENE ASHE ROLAND ASHE RANDY BALL BRUCE BYRNES NINO CHIAROT CARMEN DARRAH HORST DEPPE NORM DRABBLE HERB EDWARDS GREG EVERT DOUG FENTON CHRIS FLEMMING EARLE FLEMMING PEGGY FLEMMING AUBREY GLADWIN JIM GLAZEBROOK VERNER GORDON ALAN GRAY DANNY GRAY ED HANRAHAN NICK HENNEBERRY PETER LAPIERRE GARY MACDONALD WAYNE MANSFIELD KEN MARTIN MYRTELLE MCDONALD PETER PELHAM	BEV POWER BOB POWER JOHN POWER PAUL PRIMEAU JIM PROWSE DAVID PURCELL MURRAY PURCELL PATRICK PURCELL JOHN RAE DON ROBINSON ALAN RUFFMAN JIM SCALLION DAVID SCARFE ELEANOR SCHNARE PETER SHACKLOCK BILL SMITH DOUG SMITH PAUL SMITH RICK SMITH DARLENE STONE DON SULLIVAN GRAHAM TAYLOR OLIVE TONE TOM WEST BOB WETMORE BOB ZEIDLER DAVE POWELL
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**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>Ministerial Approval</u>
1.	Section II,reference to Herring Cove Trunk Sewer and Service Area Map (deleted); Herring Cove Trunk Sewer and Service Map (deleted); 3 <sup>rd</sup> paragraph under Herring Cove Sewerage Treatment (deleted); Policy E-1 through E-4 (deleted); Policy E-1 to E-4 (added); Policy E-23 to E-38 (added); Policy TR-9A and TR-14 to TR-25(added); Policy REC-8 to REC-22 (added); Policy HR-3 (added); Section III , Residential Designation (amended); Policy RES-2 (amended); Policy RES-2A to RES-2E (added); Policy RES-14 (amended); Policy VCC-2 and Policy VCC-3 (deleted); Policy VCC-1A, 2, 3, and 7 (added); Policy VCC-4 (replaced); Policy CON-2A (added); Section IV, Policy IM-12A (added); Generalized Future Land Use Map (Map 1) (amended); Herring Cove Water Service District Map (Map 6) (amended)	Chebucto Peninsula (Case 00098)	Feb 13, 2001	May 5, 2001
2.	Section II, Infrastructure Charges (addition); Section IV Policy IM-10(e) (addition)	Capital Costs Contributions (Case 00423)	July 2, 2002	Aug 17, 2002
3.	Section II, RDM Recycling Limited (addition)	RDM Recycling	Oct 8, 2002	Oct 8, 2002
4.	Table of Contents (amended); Construction & Demolition Waste Management Strategy (addition); VCS-2 (amended)	C&D Waste Management Strategy	Sept 10, 2002	Nov 9, 2002
5.	Section II: Interim Growth Management (addition); Map 7 (addition)	Interim Growth Management (Case 00664)	April 13, 2004	April 22, 2004
6.	Deletion of Interim Growth (including Map 7); Deletion of Comprehensive Development District Designation; Deletion of subsection pertaining to Subdivision on Private Roads; Revision to Policy TR-19	Regional Plan	June 27, 2006	Aug 26, 2006
7.	Adding Policy IM-23 respecting temporary signage	Project 00327	Sep 26, 2006	Nov 18, 2006
8.	Adding Policies RES-18, RES-19 and IM-8 (a)(iv) Re: The keeping of horses: Ferguson's Cove	Case No. 01175	Mar 2, 2010	Apr 17, 2010
9.	<b>Repeal/Readopt</b> a portion of TR-19 <b>Amend</b> Policy E-26 and TR-9A <b>Delete</b> Policy TR-8	RP+5	Jun 25, 2014	Oct 18, 2014
10.	<b>Amend</b> Map 1, GFLUM, for 786 and 792 Old Sambro Road, Harrietsfield – to Industrial-Commercial Designation	Case 20072	Feb 16, 2016	Mar 26, 2016
11.	<b>Add</b> Pre-amble/Policy RES-9A – 90 Club Road, Harrietsfield; Policy IM-8,			

subsection (a)(v)

Case 20160

May 21, 2019

Jun 29, 2019