

**HALIFAX REGIONAL  
MUNICIPALITY**

**MUNICIPAL PLANNING  
STRATEGY**

**PLANNING DISTRICTS  
8 & 9  
(LAKE ECHO/PORTERS LAKE)**

**THIS COPY IS A  
REPRINT OF THE  
MUNICIPAL PLANNING STRATEGY  
FOR PLANNING DISTRICTS 8 & 9  
WITH AMENDMENTS TO  
18 NOVEMBER 2006**

**MUNICIPAL PLANNING STRATEGY  
FOR  
PLANNING DISTRICTS 8 & 9**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Planning Districts 8 & 9 which was passed by a majority vote of the former Halifax County Municipality on the 20<sup>th</sup> of December, 1988, and approved with amendments by the Minister of Municipal Affairs on the 10<sup>th</sup> day of March, 1989, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 18<sup>th</sup> day of November, 2006.

**GIVEN UNDER THE HAND** of the Municipal Clerk and under the seal of Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**MUNICIPAL PLANNING STRATEGY  
FOR  
PLANNING DISTRICTS 8 & 9**

**MARCH 1989**

**This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 20<sup>th</sup> day of December 1988, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 10<sup>th</sup> of March, 1989. 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, Chapter 9, Acts of 1983 and pursuant to Municipal Council's adoption of Municipal Development Plan, Stage 2 Process, 1983 in March of 1983. The Strategy covers the area within Municipal Electoral District 9, excluding the Lawrencetown Plan Area, as well as the areas of Municipal Electoral District 8 not covered by the North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston Municipal Development Plan and the Cole Harbour/Westphal Municipal Development Plan.

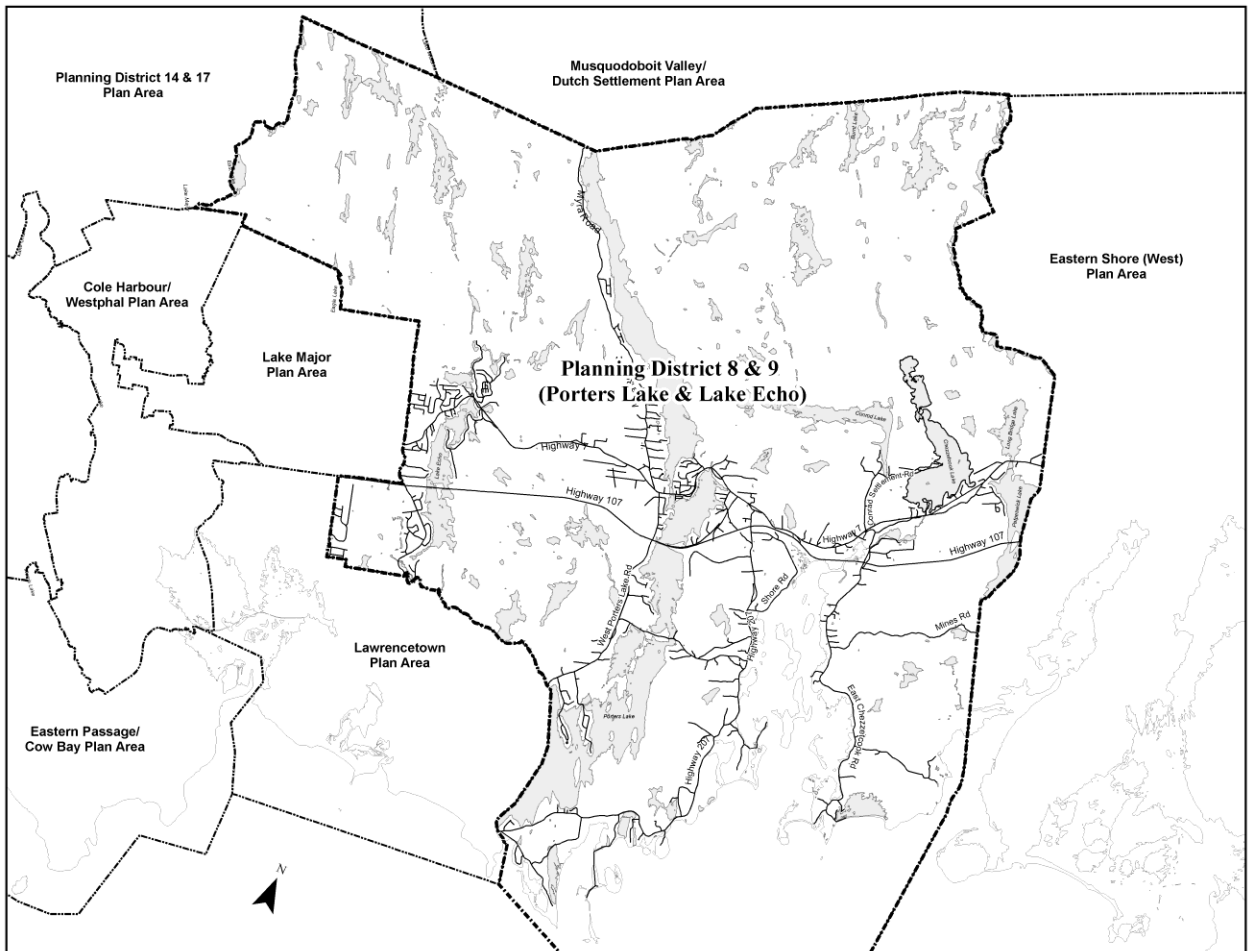
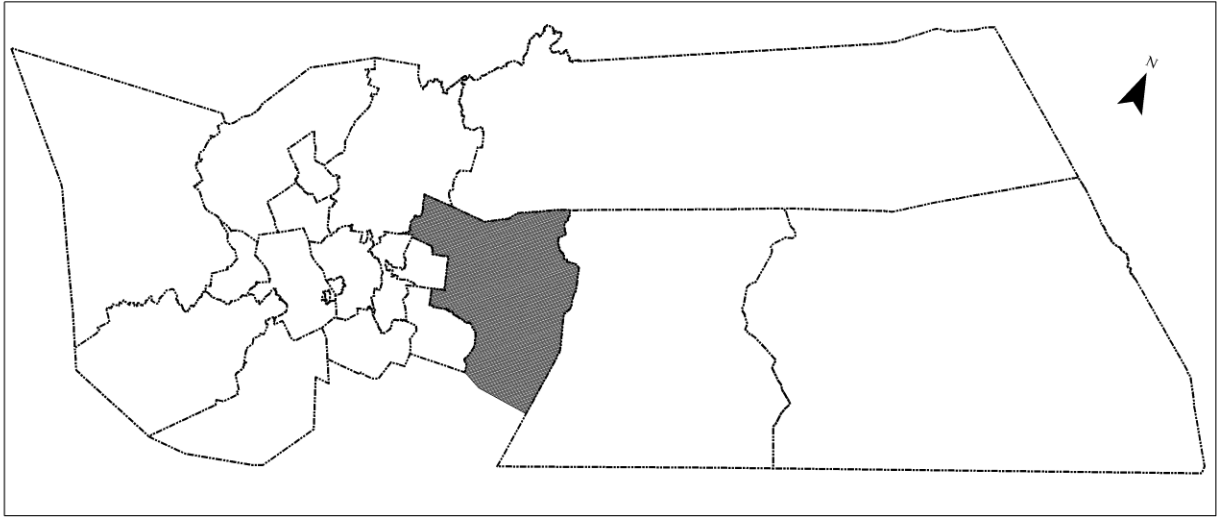
Pursuant to the Planning Act, Municipal Council's commitment to public participation, and instrumental to the planning process, a Public Participation Committee composed of land owners and residents representing the area's communities was formed. This Committee had representation on the Municipal Plan Committee of Council and held prime responsibility for general public input and participation throughout the process. The Public Participation Committee held regular and special meetings and open houses, received written and oral representation from residents, conducted two surveys, distributed information door-to-door throughout the Plan Area and submitted articles to local newspapers.

The Strategy is organized into four sections. Section I places the Plan Area within a regional context, provides a profile of the historical, demographic and development characteristics of the area, and summarizes the major issues. Section II discusses the status of, and provides the policy base for, environmental protection and environmental health, land development, and other matters of concern to residents. Section III contains policies with respect to land use control. Section IV, the final section, consolidates the various means by which the strategy is implemented as provided for within the document and 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 maps which are included and specifically referred to, the Generalized Future Land Use Map (Map 1) and the Transportation Map (Map 2) shall also constitute legal parts of this Strategy. The Generalized Future Land Use Map shall direct the preparation and amendment of the zoning map for the Plan Area.

REGIONAL CONTEXT MAP

**Planning District 8 & 9 (Porters Lake & Lake Echo)**



## REGIONAL CONTEXT

As shown on the Regional Context Map, the Plan Area is situated at the interface of two significant and contrasting regions; on the one side it includes the western periphery of the Eastern Shore, and on the other the eastern fringe of the Halifax-Dartmouth metropolitan area. The Eastern Shore heritage, the product of two hundred years of permanent settlement, is the dominant regional influence on the outlook of Plan Area residents. However, in recent years metropolitan growth centred in Halifax and Dartmouth has introduced another regional influence which promises to challenge the primacy of the Eastern Shore heritage.

Permanent settlement in the Plan Area was established in a series of separate and minor waves of immigration beginning in the mid 18th century. Although Micmac Indians and Europeans frequented the area, permanent settlement was not recorded until 1754 when the Township of Lawrencetown was established and a road cut from Dartmouth to the site of present day Upper Lawrencetown. The initial settlement lasted only a few years but re-settlement took place soon after with farming as the main activity. At the same time as settlement was occurring in the western part of the area, the Acadians were returning to Nova Scotia after their expulsion. Chezzetcook was one of the first areas settled by the returnees but it is probable that a small Acadian settlement existed prior to the expulsion. The centre of the re-settlement was in the vicinity of Grand Desert and today the communities of Grand Desert and West Chezzetcook proudly retain many aspects of Acadian culture.

After the return of the Acadians, other groups of immigrant pioneers, including Scots, Irish, Germans and Loyalists, settled in the Plan Area. While the present day family names in all communities reflect these origins, a more important development has been the evolution of a common regional identity which contrasts sharply with the metropolitan character of the areas to the west. It is difficult to describe this Eastern Shore identity but important elements are a pioneer spirit and an affinity with the economic opportunities provided by natural resources.

Recently, the region has applied the pioneer tradition of self-help to encourage economic development and has established a development commission to foster community economic development opportunities. One result of this initiative within the Plan Area has been the construction by the provincial government of an industrial park at East Chezzetcook. In a radical departure from traditional resource-based activities, the first tenant of the park was a textile plant. Although this plant subsequently closed down, more non-resource industries may be expected in the future in light of long term expectations of increased regional economic activity resulting from the continued search for and production of offshore natural gas and oil.

A related factor in the Eastern Shore upsurge of interest in economic development is the provincial highway construction programme primarily designed to make the region more accessible thereby enhancing economic opportunity. The most important element of this programme is the construction of a controlled access highway to Musquodoboit Harbour. At the present time the highway has been completed from Portobello to Porters Lake and design and construction work is taking place for the rest of the project. A second project has extended and upgraded the Myra Road to the end of Porters Lake. Eventually the road will be extended to Halifax International Airport. The completion of Highway No. 7 to Porters Lake has already had a significant effect on development patterns in the Plan Area and its continuation to Musquodoboit Harbour and the proposed extension of the Myra Road to the International Airport will extend this effect to a considerable portion of the Plan Area.



In sharp contrast with the more traditional rural Eastern Shore character of the Plan Area is the urbanizing influence of the metropolitan area. Improved accessibility has brought all parts of the Plan Area within commuting range of the metropolitan area. Good road accessibility has encouraged the development of suburban-type subdivisions and country estates, often in areas possessing such natural amenities as lakes. Additionally, existing summer cottages have been converted for year-round use.

The importance of the metropolitan influence can be seen from a comparison of recent population growth for the four municipal electoral districts located along Highway 7. Table 1 shows that the closer the districts generally are to the metropolitan core the greater the rate of population growth. Furthermore, the district furthest away shows a marked decline in population during the period, a fact which reflects the lack of economic opportunity experienced in the heart of the Eastern Shore in recent years.

TABLE 1: EASTERN SHORE POPULATION GROWTH, 1976 - 1986

Municipal District	% Population Change
8	25.6
9	30.2
10	6.0
11	-6.1

Source: Census of Canada, 1976, 1986

Another type of impact caused by the expansion of the metropolitan area is an increased demand for recreational land. In addition to the Porters Lake Provincial Park, the Plan Area offers many types of informal recreational opportunities in lake, forest, and coastal environments. With continued metropolitan growth, more recreation-related development pressures can be expected to appear.

The estimated population of the Plan Area at the last census was approximately 7,700 which represents an average annual growth rate of 2.2 per cent since 1976.

TABLE 2: PLAN AREA POPULATION GROWTH, 1976 - 1986

Year	Estimated Population	% Increase
1976	6,300	---
1981	6,900	9.5
1986	7,700	11.6

Source: Census of Canada, 1976, 1981, 1986.

As indicated in Table 2, population growth has been fairly constant during this ten year period and is above average for unserviced areas of the Municipality. The level of residential building activity in Municipal Districts 8 and 9 has also been fairly constant since 1976. The number of

building permits issued peaked in both 1979 and 1985 at combined districts totals of 154 and 187 respectively. A combination of metropolitan growth and availability of approved lots at competitive prices suggests the continuation of these population growth rates.

## PLAN AREA PROFILE

### Population

The Plan Area population can be described as a young population. The age structure has a distinctive pattern which varies considerably from that of the Cities of Halifax and Dartmouth and from the province as a whole. Table 3 shows that the Plan Area has a greater than average proportion of school age children and the early middle aged but a less than average proportion of young adults, the late middle aged and senior citizens.

TABLE 3: AGE COMPOSITION, 1986

Age Group	Plan Area %	Halifax-Dartmouth %	Nova Scotia %
0-14	26.9	16.5	21.5
15-24	13.9	20.0	17.6
25-34	20.4	20.5	17.1
35-44	16.5	12.9	13.9
45-64	15.2	18.8	18.1
65+	6.9	11.2	11.9
	100.0	100.0	100.0

Source: Census of Canada, 1986.

This pattern, one shared with the other areas adjacent to the metropolitan area, reflects the general population shifts along the Eastern Shore referred to earlier which involve migration both to and from the region. In the Plan Area, the dominant movement has been into the area and a large proportion of those involved are families with school age children. 1986 census data confirms that these movers came primarily from urban areas, with over half of this number coming from the Halifax-Dartmouth region. Their choice of location is probably largely due to the lower costs of land or relatively lower housing prices but the presence of natural amenities and the rural character cannot be discounted as positive inducements to live outside the adjacent urban and suburban areas. The below average proportion of young adults is explained by the out-migration of this age group in search of post-secondary education and employment opportunities.

### The Communities

Most of the communities in the Plan Area have long established roots. As noted earlier, Chezzetcook was among the earliest settled area in the region. Some of the communities have, over time, developed strong identities which reflect their Acadian and Loyalist-British heritage. The influence of the former is most evident in West Chezzetcook and Grand Desert, while the remaining communities were basically established by Loyalist and, later on, British settlers. Community-oriented facilities such as churches and schools have long been established in nearly all the communities, but there has been comparatively little development of commercial facilities in many of the communities.

After the initial settlement, the subsequent pattern of development tended to be dispersed, and the communities now often merge imperceptibly with their neighbours. Recently, urban

development pressures have resulted in more concentrated residential and commercial development along Highway 7, especially in Lake Echo and Porters Lake. Lake Echo, for example, has more than quadrupled in size since 1971 and was classed in 1976 as an urban area by Statistics Canada for census purposes. Head of Chezzetcook and Gaetz Brook also show significant population growth over the last ten years. The remaining communities have grown relatively little or remained fairly stable during this period. The communities within the Plan Area have been identified by the census and are listed in Table 4 below along with their 1986 population.

TABLE 4: UNINCORPORATED PLACES, 1986

Conrad Settlement	112
East Chezzetcook	530
Gaetz Brook	393
Grand Desert	324
Head of Chezzetcook	563
Lake Echo	1,881
Lower East Chezzetcook	193
Middle Porters Lake	123
Porters Lake	1,390
Seaforth	267
Three Fathom Harbour	148
West Chezzetcook	670

Source: Census of Canada, 1986.

### Economic Activity

The traditional resource-oriented economy of the region is still much in evidence in the Plan Area. Fishing, woodcutting, and farming remain the characteristic activities, although today few residents make their livelihood solely from these activities. According to the 1981 Census, approximately 3 percent of those employed were engaged in such industries although not necessarily within the Plan Area.

While in-shore fishing is the most characteristic regional activity, it is less prominent in the Plan Area than elsewhere along the Eastern Shore due in part to both the greater local employment opportunities resulting from proximity to the metropolitan area and the opportunities provided in the cities themselves. The major wharf facilities are located at Three Fathom Harbour where the Fisherman's Reserve serves primarily as a summer fishing camp for the communities along Highway 207. At the present time there are 38 licensed fishing boats in the Plan Area only half of which are engaged in full-time fishing. The main catches are lobster, herring, and mackerel. In addition, clam digging is an important year-round activity in Chezzetcook Inlet and there are approximately 10 full-time commercial clam operations. The catch is sold fresh to the Halifax-Dartmouth market.

Small scale farming is carried on at several locations and the 1981 Census of Agriculture counted 23 farms in the Plan Area. The largest concentration of farms is along the western shore of Chezzetcook Inlet where soil conditions are generally more favourable to farming than elsewhere.

Most farming is mixed, with the emphasis on the production of forage crops. Some vegetables and flowers are raised for the urban market, and this activity also includes several greenhouse operations. Woodcutting, the third traditional resource-based activity, is relatively unimportant and existing operations are small scale and oriented to the local market.

There are a large number of pits and quarries in the area, but most are only operated sporadically. The most active area is around Head of Chezzetcook. Recently there has been a renewal of interest in gold mining around the Lake Catcha area.

Tourism, as a resource-based industry, is a relative newcomer to the region. The provincial government has designated Highway 207 as part of the Marine Drive Travelway, and the development of the Cole Harbour-Lawrencetown Provincial Park should attract a greater number of tourists to the Plan Area. Apart from this park and another small provincial park at Porters Lake, there have been few other attempts to persuade tourists to either stay in the area or to visit other natural or man made attractions.

At the present time there is little development of industries related to the processing or manufacturing of natural resources. Most of these local resource products are sold in an unprocessed state to the nearby urban market. Resource based industry is limited to a sawmill at the Head of Chezzetcook. In addition, there are several small light manufacturing establishments including woodworking and construction-related which utilize some local resources but import most of their raw material from outside the area.

The overall level of commercial activity in the Plan Area is below that which might be expected based on the size of the population. This relative lack of commercial activity can be explained by the attraction and accessibility of the nearby metropolitan shopping centres. Various retail and service establishments are distributed throughout the settled areas and tend to be located beside the main highways. There is a significant concentration of commercial facilities in Porters Lake which serves the communities in the eastern half of the Plan Area. In some respects this concentration of facilities is comparable to the community shopping centres found in large cities which provide for many of the daily and weekly needs of residents.

Finally, a significant proportion of overall commercial activity is carried out in residences. This form of commercial activity is characteristic of rural regions in general and has a wide degree of acceptance in the Plan Area. In some cases the business activity is conducted on a part time or seasonal basis and often provides a necessary supplement to income gained from employment elsewhere.

## ISSUES

### Development and Conservation

One of the major concerns of the Plan Area is economic development and opportunities for such development are generally welcomed. As well as encouraging new development, residents are at the same time anxious to maintain their more traditional resource-based activities which are an integral part of their lifestyle.

In contrast to the pro-economic development attitude, but not necessarily opposed to it, is a marked conservationist one. The traditional values of Plan Area residents have always included a fundamental respect for land and sea. One aspect of this respect is a desire to use wisely the resource opportunities which are presented. The idea of wise use of resources involves both effective economic development and the preservation of human and natural environments to the greatest degree possible.

While there is almost unanimous agreement on the need for conservation, there are two basic schools of thought concerning how this can best be accomplished. Firstly, due to historical precedence, are those whose roots go deep into the land and whose ancestors have contributed to a large degree to the regional distinctiveness of the Eastern Shore. This group desires to maintain this distinctive identity which means both a continued reliance on local natural resources and the development of non-traditional means of employment in order to ensure the viability of their communities. Secondly are those who, while supporting the unique regional character, are not tied economically to the area. Although the need for traditional and non-traditional forms of economic development is understood by this group, it is nevertheless motivated equally by a desire to preserve natural environmental systems from exploitation and irreparable damage.

The issue at its simplest level is the determination of the difference between conservation and exploitation. Therefore this strategy seeks to support development but not at the expense of the proper functioning of existing human and natural environmental systems.

### Environmental Protection

Although the conservationist attitude of residents helps to prevent unnecessary destruction of the natural environment, the need for more specific measures to protect valued environments is widely accepted. One area requiring special protection is the portion of the Lake Major Watershed which is located in the north west corner of the Plan Area.

In addition to this special situation there is wide agreement on the desirability of protecting the water quality of the many lakes and rivers. Steady residential development in the western part of the Plan Area means that attention must be paid to protecting the water quality of Lake Echo and Porters Lake. Other areas of concern are the Chezzetcook marshes which are impacted by the construction of Highway 107 and the headwaters of Porters Lake and Lake Echo, threatened by the extension of the Myra Road to the Halifax International Airport.

While residents are not opposed in principle either to development in general or to the specific developments just described, they are concerned with unnecessary damage to or destruction of natural environments. However, resident input into such development proposals and provincial requirements for environmental impact studies should lead to an adequate degree of environmental

protection.

### Environmental Health

The nature and scale of development over most of the Plan Area is generally well within the capability of the natural environment to handle on-site water supply and sewage disposal systems. However, the Lake Echo area is experiencing problems with reference to both water supply and sewage disposal. There is evidence of arsenic contamination in the ground water and a growing concern over pollution of the lake.

Although there are isolated problems elsewhere with both water quality and septic system malfunctions, Lake Echo is the only community that is facing potentially serious problems at the present time. However, the inexorable growth of the Halifax-Dartmouth metropolitan area will result in new residential and other urban related developments in other parts of the Plan Area, placing greater pressure on the capability of the environment to safely accommodate development.

# SECTION II



## ENVIRONMENTAL CONCERNS

### Introduction

The protection of the natural environment is a high priority with residents of the Plan Area. Proper protection will result in the continued use of renewable resources and enjoyment of the relatively unspoiled natural environment. The latter also contributes to the economic welfare of residents through development of the tourist trade. Conversely, a polluted environment would detract from both the livelihood of many residents and a highly valued characteristic of their community.

While land use controls can help to protect the natural environment by prohibiting or restricting potentially damaging activities, they cannot prevent accidental pollution. Furthermore, the cumulative impact over the long term of otherwise acceptable residential, commercial, and resource industry growth is not always known.

Up to the present, environmental problems have been relatively minor and localized. However, good accessibility to the metropolitan area, the availability of relatively cheap land, and the attractions of the natural environment will result in continued growth. Increased waste is an inevitable result of such growth and the manner of its collection and disposal is a critical factor in the maintenance of natural environmental systems. In particular, the maintenance of water quality is of paramount importance for both natural and human environments.

Residents, therefore, understandably wish to eliminate or greatly reduce the chance of any major environmental problems occurring. In addition, there is a strong desire to maintain as much as possible the existing quality of the natural environment. Although well-conceived land use controls provide one means of achieving these goals, other actions are also necessary. These involve the proper disposal of sewage and other wastes, the control of activities resulting in the wholesale removal of vegetation or changes in watercourses, and stormwater management.

### On-Site Sewage Disposal Systems

Apart from two mobile home parks and one elementary school, sewage is disposed of by means of on-site systems. In general, residents believe the provincial regulations governing the design and installation of on-site sewage disposal systems are adequate. However, there are widespread concerns over the possible malfunctioning of existing and future systems. Specific evidence of this problem was indicated in the Lake Echo area by a 1977 investigation made by the Nova Scotia Department of Health. A second investigation in 1984 did not find any direct evidence, but did not discount the possibility that a number of systems had malfunctioned.

There is much evidence that many malfunctions of on-site systems are due to improper or inadequate maintenance.<sup>1</sup> There are no regulations requiring such maintenance and many homeowners are unaware that periodic removal of solids from the septic tanks is even necessary. The availability of guidelines dealing with the maintenance of on-site sewage disposal systems, combined with a public education programme, would help to rectify the problem.

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<sup>1</sup> <sup>1</sup> Government of Nova Scotia. Wastewater Management Districts, 1983.

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

### Central Sewerage Systems

At present, central sewerage systems service the two mobile home parks. An effluent treatment facility was constructed for the industrial park at East Chezzetcook and a sewage treatment plant for Lakeview School at Porters Lake.

The mobile home park systems are privately owned, but the others are owned and operated by government bodies. A full description of the services in the industrial park is found under the Industrial Designation.

Both mobile home park systems have malfunctioned in recent years and in both cases the problem was traced to improper operation or maintenance of the treatment plant. As the malfunctions resulted in bacteriological pollution of parts of major lakes, there has consequently been widespread concern about both the reliability of existing systems and the possible introduction of new ones. These concerns are founded on the potential negative effects to the natural environment and to potable water supplies. In general, residents feel uneasy with the idea of treated effluent being released in lakes or streams within the Plan Area. As a result, there is little support for permitting new developments on central sewerage systems whether publicly or privately owned.

- P-3 It shall be the intention of Council to discourage the construction of new public or private central sewerage services except for institutional uses and industrial uses within the Industrial Designation. Furthermore, it shall be the intention of Council to permit the replacement of central sewerage services in existing mobile home parks and the construction of any central sewerage system necessary to remedy environmental health problems.

### Potable Water Contamination

Much of the bedrock adjacent to and south of Highway 7 is composed of strata of the Halifax and Goldenville Formations of the Meguma Group. Wells drilled into these formations can be contaminated by unacceptable levels of arsenic. While most of the wells in the Plan Area do not encounter these problems, a number of contaminated wells in Lake Echo have been identified.

There is little support for providing costly municipal central services in order to deal with this problem, especially as the majority of residents are satisfied with the quantity and quality of their water. However, given continuing residential development in areas where arsenic contamination is possible, potential residents should be informed and ways of mitigating problems should be explored.

- P-4 It shall be the intention of Council, in cooperation with the Nova Scotia Departments of Health and the Environment, to identify and provide information on potential areas of arsenic contamination and on ways in which potable water can be obtained.

### Water Supply and Quality

Although water shortages are not a major or widespread problem in the Plan Area at present, there is a perception that increased development and particularly residential development will lead to such problems in the future. The capacity of the land for residential or other developments relative to water supply cannot be readily ascertained. The controls exercised by provincial and federal authorities are considered adequate at this time. However, proper management of water resources is given a high priority by residents and a number of practical steps can be taken by the Municipality.

Activities which unnecessarily remove the vegetation cover or divert surface water need to be carefully scrutinized. In addition to affecting the potable water supply, damage to fresh water systems due to increased siltation and pollution and an increased risk of flooding can result.

Although the elimination or significant reduction of the problems related to water supply described above requires a concerted effort by all levels of government, some control can be exercised by the Municipality. The land use by-law will control the location of new buildings or structures relative to watercourses except for those that require direct access to water such as marinas and fish and boat sheds.

- P-5 It shall be the intention of Council to require all new buildings and structures except those requiring direct access to water to be set back from watercourses within the Plan Area.

The water supply is further protected by the application of the Topsoil By-law. This by-law was adopted by Council in 1976, but municipal Districts 8 and 9 were exempted from its provisions at that time. Although District 8 was subsequently included at the request of the residents of East Preston, North Preston and Lake Echo, there is less acceptance of such controls in District 8 outside these communities, with the exception of the communities of Seaforth and Three Fathom Harbour.

- P-6 It shall be the intention of Council to amend the Top Soil By-Law so that the provisions of the Topsoil By-law shall apply only to lands within the Lake Echo Community Designation, and the communities of Seaforth and Three Fathom Harbour.

Stormwater management in the Municipality was initiated largely due to problems and concerns with flooding in built-up areas. Stormwater run-off is often overlooked, however, as a cause of water pollution. Its proper management is therefore essential in order to maintain water quality in rural areas. The Municipality has had stormwater policies and design criteria in place since 1985 and supervisory and technical staff have been employed to implement the policies. However, only development within the serviceable areas of the Municipality is subject to the policies and design criteria. Under the recent

Halifax County Stormwater Drainage Act, stormwater drainage policies may be applied through a new municipal by-law to any part of the Municipality. As with topsoil removal, there is less acceptance of new regulations affecting land development in the more rural areas, especially as storm water drainage is not perceived as a general problem. Residents and property owners, therefore, wish to be directly involved with the formulation of any new policies and design criteria.

P-7 It shall be the intention of Council to adopt a new municipal by-law in accordance with the Halifax County Stormwater Drainage Act so that appropriate stormwater drainage provisions and design criteria shall be applied within the Plan Area. Furthermore, it shall be the intention of Council to consult with residents and property owners of the Plan Area prior to the adoption of any stormwater drainage by-law applying to any portion of the Plan Area. As part of the consultation process, public meetings shall be held within the Plan Area and shall be advertised in accordance with the provisions of Policy P-83(a) and (b).

In order to divert, infill or otherwise alter any watercourse or body of water, permission must be obtained from the federal Department of Transport and the provincial Departments of Environment and Lands and Forests. This requirement is all too often ignored, and problems with enforcement have been acknowledged by both provincial departments.

P-8 It shall be the intention of Council to request the Nova Scotia Departments of Environment and Lands and Forests to improve enforcement of the regulations and guidelines governing the infilling or otherwise interfering with watercourses in the Plan Area.

Poor construction practices can also result in damage to watercourses or bodies of water. A prime example is careless excavation where siltation from uncontrolled runoff is greatly increased. Proper construction practice guidelines have been jointly prepared by federal and provincial governments.

However, while such guidelines are widely distributed, there are no provisions for their enforcement.

P-9 It shall be the intention of Council to request the Nova Scotia Departments of Transportation and Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

### Pits and Quarries

There are a number of pits and quarries located throughout the Plan Area and there is every likelihood that more will be established. Some operations have resulted in unnecessary damage to the environment or end up as eyesores in the view of many residents. Municipalities have no jurisdiction under the Planning Act over activities at the actual extraction site, but can control operations and reclamation through the Municipal Excavations By-law. The provincial government also has approved regulations under the Environmental Protection Act, but has yet to proclaim them. These regulations are intended to ensure that extractive activities are environmentally safe and that sites are reclaimed once the operation has ceased. Both municipal and provincial regulations complement each other as the thrust of provincial enforcement is directed towards major developments, leaving the municipal level to look after the smaller areas.

P-10 It shall be the intention of Council to request the Province of Nova Scotia to proclaim the Pit and Quarry Regulations.

P-11 It shall be the intention of Council to amend the Excavations By-law so that the provisions of the Excavations By-law apply within the Plan Area.

#### Increased Setbacks and Separation Distances

P-11A Concern with environmental quality is an ever present and highly important theme in this planning strategy. This is a particular concern in the case of watercourses because of the ease by which they can be spoiled and polluted by inappropriate development being located too close to a shore line. In recognition of this concern, Council intends to apply a larger than normal setback requirement from watercourses for certain non-residential uses in the RE, MR, RA, R-6 and I-2 zones. This setback will apply to agricultural uses including intensive agricultural uses, sawmills and other woodworking mills, extractive facilities, fish processing plants and salvage yards. In addition, because of the nuisance effect these potentially offensive types of uses can have on adjacent residential uses, Council shall also require that larger than normal separation distances be maintained between these uses and residential zones and dwellings including appurtenant wells except dwellings located on the same lot as the potentially offensive use.

#### Solid Waste Management (RC-Feb 26/96;E-Mar 28/96)

**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>2</sup> and source-separated composting<sup>3</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>4</sup> or in-vessel<sup>5</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.**

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<sup>2</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>3</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>4</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>5</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.

**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.**

**P-11B 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.**

## DEVELOPMENT CONCERNS

### Introduction

In many parts of the Plan Area, traditional approaches to land ownership have resulted in the creation of numerous long narrow strips of land. These often extend back miles from ocean or lake to the boundary of the original land grant with many having insufficient road frontage to permit subdivision under current regulations. Many are still owned by the descendants of the original grantees who wish to continue the custom of giving a piece of the backland to family members to build homes on. In addition, with the development opportunities created by the outward growth of the Halifax-Dartmouth metropolitan region, income can be supplemented by selling a few lots.

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

### Reduced Frontage Requirements

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

- P-12        It shall be the intention of Council to apply the lot frontage exemptions of Part 14 of the Subdivision By-law within the Plan Area.
- P-13        It shall be the intention of Council to amend the Subdivision By-law to allow, within the Mixed Use Designation, the creation of a maximum of three lots having a minimum road frontage of twenty feet, from an area of land existing on the effective date of this planning strategy.

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

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



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

P-14 It shall be the intention of Council to amend the Subdivision By-law so that where more than one main building exists on a lot or parcel of land on the effective date of this planning strategy, the lot or parcel may be subdivided to create up to the same number of lots as there are main buildings and a remainder lot provided that the remainder lot meets the requirements of the Subdivision By-law.

P-15 It shall be the intention of Council, where a proposed lot or remainder lot cannot be subdivided without encroaching upon the required yard for an accessory building, to provide for a reduction to any such required yard through the land use by-law.

### **Development on New Private Roads - (Deleted RC-Jun 27/06;E-Aug 27/06)**

#### **Subdivision on Existing Private Roads**

A large number of private roads exist in the Plan Area. In some cases there is no record of a right-of-way easement for residents using the road while in the majority of cases no legal survey of the right-of-way has ever been made. At present no further subdivision is permitted along these roads unless the roads are listed in the Subdivision By-law. However, the By-law does provide for the creation of an additional lot where the original parcel of land existed before 1950 and where the lot is served by a minimum right-of-way of twenty-six feet.

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

P-18 It shall be the intention of Council, through negotiation with the Nova Scotia Department of Transportation and by amendment to the Subdivision By-law, to permit the subdivision of land on existing private rights-of-way within the Mixed Use Designation which are not capable of meeting Department of Transportation standards for new private road development and provided that:

- (a) there is an area of land with frontage on the private road capable of being subdivided; and
- (b) new buildings or structures shall not be permitted within sixty-three (63) feet of the centre line of the private road.

P-19 With reference to Policy P-18, it shall be the intention of Council to initiate as soon as possible negotiations with the Nova Scotia Department of Transportation concerning the existing unapproved private roads identified on Map 2 (Transportation).

## Road Standards

- P-20 It shall be the intention of Council to request the Department of Transportation to study the feasibility of reducing design and construction standards for local roads.
- P-21 It shall be the intention of Council to study the feasibility of setting minimum standards and requirements regarding the design and construction of private roads in accordance with Section 91(2)(ca) of the Planning Act.

## Fish and Boat Shed Lots

One use of land requires special consideration - boat and fish sheds. Although the number of licensed fishermen is not large, a considerable number of residents fish for more recreational purposes. The Fishermen's Reserve at Three Fathom Harbour provides facilities for local fishermen but many desire a more convenient location for landing catches, storing equipment and pulling out boats. Many waterfront properties are already used for such purposes.

Residents support the use of lots of unrestricted minimum size for these purposes but consider it appropriate only for areas on or having direct access to the ocean. These include Chezzetcook Inlet and Porters Lake south of Canterbury Bridge, Middle Porters Lake Road, and the proposed development standards will open up the use of numerous existing undersized lots and lands located between the high water mark and public roads running alongside the shoreline.

The creation of the fish and boat shed lots described in the Mixed Use Designation requires an amendment of the Subdivision By-law. It is felt necessary to indicate to buyers of the fish and boat shed lots that they are approved for this purpose only and not for any residential or other purposes.

- P-22 It shall be the intention of Council to amend the Subdivision By-law to permit the creation of fish and boat shed lots subject to the following conditions:
- (a) fish and boat shed lots shall only be created on lands zoned RE (Rural Enterprise) and MR (Mixed Resource) and having water frontage on the Atlantic Ocean proper, inlets of the Atlantic Ocean or Porters Lake south of Middle Porters Lake Road;
  - (b) the area of any fish and boat shed lots shall not be greater than five thousand and five (5,005) square feet, but there shall be no required minimum area, width or length.
- P-23 It shall be the intention of Council to amend the Subdivision By-law so that where any fish and boat shed lot is approved, the following words shall be written or stamped on any FINAL subdivision plan which is endorsed: "Lots can be used only for the purposes of storing or repairing boats and fishing equipment as provided for in Sections 14.4 and 14.5 of the Land Use By-law for Halifax County Planning Districts 8 and 9."

## OTHER DEVELOPMENT CONCERNS

### Disposal of Canadian National Right-of-Way

The abandonment of the Canadian National railway line to Upper Musquodoboit in 1985 and the subsequent removal of the rails is a matter of concern to residents for several reasons. In the first place, many residents who had family land expropriated when the line was built and whose properties remain divided by the right-of-way would like the opportunity to re-acquire it. In the second place, the right-of-way is now used as a trail by recreational vehicles with the consequent introduction of noise at unaccustomed times and places. Ownership of the land by residents would help to bring this problem under control.

In order for the right-of-way to be acquired by abutting landowners, it would first have to be declared surplus to the needs of all levels of government. The right-of-way can then be put to public tender. There is no guarantee, however, that abutting landowners would be able to purchase the portion of the right-of-way abutting their property.

P-24 It shall be the intention of Council to seek ways to allow landowners abutting the Canadian National right-of-way to acquire the portion of the right-of-way abutting their property where the right-of-way is not required for any public purpose. Furthermore, it shall be the intention of Council to seek ways to allow the descendants of the original landowners to have the right of first refusal for the whole of the right-of-way abutting their property.

### Kennels

A specific use which residents would like to see controlled is kennels. It is felt that the noise associated with such operations can be kept to an acceptable level by the proper soundproofing of facilities. Lakeview Kennels of Porters Lake is considered to meet community expectations in this regard. Current building regulations in the Municipality do not deal with the soundproofing of any buildings or structures, and the Planning Act does not permit control of building standards.

P-25 In order to mitigate the nuisance resulting from the inadequate soundproofing of kennels, it shall be the intention of Council to request the provincial government to amend the Building Code Act with respect to the soundproofing of kennels.

### Outdoor Amusement Places

The traditional pattern of commercial development in the Plan Area has seen a significant change in recent years. The greatly increased accessibility of the area afforded by the completion of Highway No. 107 to Porters Lake in 1974 and a rapidly expanding suburban population to the east of Dartmouth, has provided the impetus for the development of more regionally oriented commercial activities. Furthermore, with the development of the Lawrencetown-Cole Harbour Coastal Heritage Park, a general increase in tourism in the area can be expected.

At the present time, there are no commercial activities within the Plan Area which residents find unacceptable. However, while they support commercial development in general, residents feel uneasy about unrestricted business development oriented to the regional and/or tourist markets. In particular, they are concerned with the greatly increased amounts of traffic and noise associated

with certain entertainment and commercial recreation activities and seek assurance that such activities will not detract from the existing character of the communities and the enjoyment of property. Of particular concern are seasonal and year-round activities involving motor vehicle and animal racing, and activities involving outdoor lights for night-time operation.

Uses creating these problems are not permitted in Lake Echo and it is the wish of residents elsewhere to require that proposals for such activities be subject to public scrutiny before commencing operations. A provincial license is required for their operation under the Theatre and Amusements Act (1969)<sup>6</sup> and the current practice of the government is to seek approval or disapproval from the municipality involved before a license is granted or refused. Residents feel that this procedure provides a satisfactory forum to voice their concerns or objections.

P-26 Within the Mixed Use Designation, it shall be the intention of Council, upon receiving notification from the Amusements Regulation Division of the Nova Scotia Department of Consumer Affairs of a license application for a place of amusement operating seasonally or year-round and involving motor vehicle or animal racing or the use of outdoor lights for night-time operation, to hold a public meeting for all interested people before informing the Amusements Regulation Division of its approval or disapproval of the proposed operation.

#### Special Industrial and Institutional Uses

A number of industrial and institutional uses are also strongly opposed by almost all residents. These uses are considered major threats to both the natural environment, especially the many lakes and streams, and the residential environment. Included are nuclear power plants, hazardous waste storage and disposal sites, sanitary landfill sites and correctional institutions including detention facilities within hospitals.

P-27 It shall be the intention of Council to strongly urge the provincial government not to locate within the Plan Area nuclear power plants, hazardous waste management facilities, sanitary landfill sites and correctional institutions including detention facilities contained within hospitals.

#### Hunting Regulations

The use of public and private land for private recreational purposes is an important part of the lifestyle within the Plan Area. Such activities are not limited to residents however. An increasing number of non-residents are using the area for recreational purposes, including traditional pursuits such as hunting, fishing and camping, and new ones involving the off-road operation of recreational vehicles.

The continuing popularity of hunting has seen an increase in the number of incidents involving the illegal discharge of guns. While this is a general problem, specific complaints have been received from residents of Lower Three Fathom Harbour, a popular spot for duck hunting. In addition to the discharge of guns from the highway or too near to dwellings, the shooting of protected species has been noted.

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<sup>6</sup> <sup>1</sup> Theatre and Amusements Act, R.S.N.S. 1967, c.304, as amended.

P-28

It shall be the intention of Council to request the Nova Scotia Department of Lands and Forests to enforce hunting regulations at Lower Three Fathom Harbour and to review the appropriateness of current hunting regulations with respect to the discharge of firearms near dwellings.

## TRANSPORTATION

Existing arterial and collector highways and the Nova Scotia Power Corporation power line are shown in the Transportation Map (Map 2). In addition, the stretch of the Canadian National right-of-way between Seaforth and Porters Lake, upon which the construction of a local road has been recommended, is also identified.

The major feature of the transportation network is the limited access highway (Highway 107) which cuts across the centre of the Plan Area. Work has recently begun on the construction of the West Chezzetcook - Musquodoboit Harbour section. Upon completion of this Highway, Highway No. 7 will become a collector highway from Porters Lake to Musquodoboit Harbour. The other collector highway is the coastal highway (Highway 207) which connects the coastal communities from Three Fathom Harbour to West Chezzetcook. The remaining collector roads generally run north and south from Highways 107 and 7 with the exception of Middle Porters Lake Road which connects West Porters Lake Road (Crowell Road) with Highway 207 at West Chezzetcook. The extension of the Myra Road to the International Airport has reached the northern boundary of the Plan Area. Work on this special project is dependent upon the availability of funds from the regular Department of Transportation budget. No completion date has been given but the provincial government has made a commitment to complete the project in the near future.

### Proposed New Road

The problems of further residential or other development in the backlands described earlier are not easily resolved by adjusting subdivision standards. A more practical approach and long-term solution includes the consolidation of lots and the construction of access roads running parallel with the existing highways. A practical opportunity for the latter is afforded by the abandonment of the Canadian National Railway to Upper Musquodoboit in 1985. Construction of a public road on the stretch running up the side of Porters Lake would open up the backlands of Seaforth, Grand Desert and West Chezzetcook.

P-29 Notwithstanding Policy P-24, it shall be the intention of Council to ask the Nova Scotia Department of Transportation to study the feasibility of acquiring the Canadian National right-of-way between Seaforth and West Chezzetcook and constructing a public road.

### Vehicular and Pedestrian Safety

Present traffic volumes and arterial on collector highways are well within the design capacity of such roads. However, with the increasing volume of traffic resulting from continued development, residents are concerned with safety on the older portions of the collector highways which are often narrow and contain numerous curves and hills. There are similar concerns with traffic on local roads which serve several communities such as West Porters Lake Road (Crowell Road) and East Chezzetcook Road.

Although the jurisdiction of the Municipality in transportation matters is limited, the interdependence of transportation, land use and community development makes it a fundamental planning concern. The expected development trends noted earlier in Section I will result in increased pedestrian and vehicular traffic thereby increasing the problems associated with older

roads. Matters of great concern are pedestrian and vehicular safety resulting from blind crests, steep curves, dangerous intersections and narrow roads. The major areas of concern are in Lake Echo at numerous points on Highway 7, Ponderosa Drive and Bell Street; along the older part of the Myra Road; and on Highway 7 adjacent to the Lakeview Shopping Centre at Porters Lake.

P-30 It shall be the intention of Council to encourage and co-operate with the Department of Transportation to investigate vehicular and pedestrian safety and to examine the installation of general traffic control elements, in particular in the areas identified in Map 2. This examination should consider safety features such as hazard signs and flashing lights, reduced speed limits and guard rails.

There are many locations in the Plan Area where potential dangers exist for pedestrians due to a lack of sidewalks, cross walks and street lights. At present, there are no sidewalks within the Plan Area. The construction of such facilities in conjunction with community facilities such as schools and recreational area should be encouraged. High priority areas for sidewalks have been identified along Highway 7 through Lake Echo and along Bell Street.

P-31 It shall be the intention of Council, in cooperation with the Department of Transportation and area residents, to undertake a review of pedestrian use of the highway, and existing crosswalks and street lighting within the Lake Echo Community Designation and to produce a priority list of future improvements including sidewalks. The priority list for sidewalks shall include Highway No. 7 and Bell Street. Council shall also ensure that any area tax rate for sidewalks and street lighting in Lake Echo apply only to property owners within the Lake Echo Community Designation.

### Public Transit

Steady population growth and an increasing proportion of residents working in the nearby urban areas have increased the level of interest in public transit. At present, population densities are not considered sufficient to support conventional public transit. However, alternative methods should be investigated including van pooling, mini-buses, and the use of school buses in off-hours. In some cases an initial subsidy or grant may provide the impetus to establish a local service.

P-32 It shall be the intention of Council, in cooperation with other levels of government and other authorities, to encourage the provision of public transportation facilities adequate to meet the needs of residents within the Plan Area.

### Utility Corridors

The alignment of utility corridors should be subject to municipal review due to their effects upon scenic, recreational and existing residential areas and upon general development patterns. Although there is only one existing corridor - the power line - the possibility of future gas and oil pipeline construction exists.

P-33 It shall be the intention of Council to request all applicable agencies or departments to submit proposed plans of any utility corridor prior to construction. Furthermore, Council shall discourage the location of utility corridors through scenic, recreational and residential areas of the Plan Area.

## RECREATION

Until recently, the Municipality's involvement in providing recreation facilities and services in the Plan Area was minimal. This was due in part to the ready availability of undeveloped private and crown land for traditional recreational activities such as hunting, fishing and hiking, and in part to the well established custom of individuals and communities providing for their own leisure needs. However, as the population of the Plan Area has grown and new attitudes towards the use of leisure time have evolved, demands for both more recreation land and for more specialized facilities have significantly increased.

In response to a growing interest in increased recreation opportunities, the municipal Recreation Department was established in 1974. Its primary goal was the development of recreation programming but the department is becoming more involved in facility development and maintenance. The department works closely with local volunteer groups in providing recreation facilities and programmes. The major recreation groups include the Lake Echo Recreation Association, the Porters Lake Community Services Association, and the Chezzetcook Recreation Association. There are also two other more narrowly focused private groups, the Orenda Aquatic Club (Lake Echo) and the Kinap Athletic Club (Middle Porters Lake) which provide additional facilities and programmes for residents.

Recreation areas and facilities are identified in the Community Facilities Map (Map 3). They are composed of three elements: open spaces used primarily for passive recreation such as walking trails and picnic grounds, parks equipped for active recreation such as ball fields and playgrounds; and major built facilities such as recreation/community centres.

There are three recreation/community centres in the Plan Area. The ones at Porters Lake and Seaforth are owned and operated by volunteer community associations. The Municipality recently agreed to take over the operation and maintenance of the Lake Echo Recreation Centre. Residents hope to see their share of operating costs paid for from user fees and not through the levying of an area tax.

New parkland and recreational facilities may be provided in a number of ways: (a) through the subdivision process; (b) through direct purchase or construction by the Municipality; (c) through development of school facilities; (d) through the efforts of volunteer groups assisted by donations and grants; and (e) through development of the provincial or national park system.

### Recreation Planning and Development

In order to respond effectively to recreation needs in the Plan Area, it is necessary to identify community needs and establish priorities for land acquisition, facility development and programming. The Municipality has taken steps to respond to the general need for recreation land and the identification of community needs has been addressed by the municipal planning process. In addition, the Lake Echo Recreation Association commissioned a recreation survey for Lake Echo in 1982.

The main way in which recreation land is acquired by the Municipality is through the subdivision process. Municipal guidelines adopted in 1980 in accordance with the Planning Act specify that only land which meets the following criteria should be acquired: (a) it can be utilized for active or passive recreation purposes; (b) it will protect an environmentally sensitive area or significant



natural features; (c) it will enhance an existing or proposed public open space or public facility; (d) its development will not create a nuisance for adjacent property owners; and (e) its acquisition is not premature or inappropriate in terms of the Municipality's capability to absorb costs relating to subsequent development.

In addition to these guidelines, residents have identified the following parkland and recreation facility needs through the municipal planning process: (a) improvements in the maintenance and development of existing municipal recreation lands including a playground adjacent to the Lake Echo Recreation Centre (b) the provision of swimming areas and public access to lake shores; (c) the development of a recreation area located off Mineville Road south of Highway 107, including a playing field, ball field, playground and tennis courts; and (d) the provision of buffer areas between parkland and adjacent residential areas.

P-34 It shall be the intention of Council to continue to acquire public lands or cash-in-lieu for public purposes, as provided for by Section 91 of the Planning Act. In this regard, the acquisition of land shall be governed by the guidelines approved for this purpose. In addition to these guidelines, it shall be the intention of Council to encourage the acquisition of lands which provide swimming areas and public access to lake shores and swimming areas, and buffer areas between parkland and adjacent residential areas.

P-35 With reference to Policy P-34, where cash-in-lieu is required within the Plan Area in accordance with Section 91(e) of the Planning Act, it shall be the intention of Council to continue to provide for such payments at the time any lot subject to this provision is endorsed.

P-36 It shall be the intention of Council in conjunction with local recreation groups, to improve the maintenance of and further develop existing public parklands.

P-37 It shall be the intention of Council to encourage the formulation of a Recreation Master Plan for Lake Echo. The plan shall specifically provide for the recreation needs of young people, senior citizens and handicapped persons and priority shall be given to the development of a playground adjacent to the Lake Echo Recreation Centre and recreation facilities off Mineville Road south of Highway 107 including a playing field, ball field, playground and tennis courts. Council shall also ensure that any area tax rate for recreation purposes in Lake Echo apply only to property owners within the Lake Echo Community Designation.

P-38 It shall be the intention of Council to support and encourage the after school use of school facilities and lands for recreation purposes.

P-39 It shall be the intention of Council to continue to grant funds to support local recreation groups.

## EDUCATION

Students are served by the Eastern Suburban and Musquodoboit Harbour Subsystems of the Halifax County/Bedford District school system. The Lake Echo, Seaforth and Three Fathom Harbour areas are served by the former and the remainder of the Plan Area by the latter. Some of the schools attended by students are outside the Plan Area. Map 3 (Community Facilities) shows the location of schools within the Plan Area. Details of all schools attended are as follows:

### Eastern Suburban Sub-System

Bell Park Academic Centre	P-6*
Atlantic View (West Lawrencetown)	P-4
Ross Road	P-9
Cole Harbour District High	10-12

### Musquodoboit-Sheet Harbour Sub-System

#### Musquodoboit Harbour Section

West Chezzetcook	P-3*
St. Therese (Grand Desert)	4-6*
Head of Chezzetcook/Lakeview (Porters Lake)	P/1-6*
Gaetz Brook	7-9*
Eastern Shore District High (Musquodoboit Harbour)	10-12

\* Located within the Plan Area.

As indicated in Table 3, there is a significantly greater proportion of school age children in the Plan Area compared to both Halifax and Dartmouth and Nova Scotia as a whole. At present, there are sufficient schools and facilities to handle the projected enrolment over the next few years. However, if population grows at the same rates as over the past ten years there will be a need for either a new elementary school or substantial expansion of existing ones within five years. A review of recent subdivision activity suggests that residential development will be strongly concentrated in the Lake Echo and Porters Lake areas.

The location of new schools is the responsibility of the provincial Department of Education, in cooperation with the district school board. It is important therefore that the district school board monitor population and development trends to ensure a well planned programme of school development. Apart from meeting educational goals, the major practical benefits of such an approach should be the reduction of time spent travelling to school, particularly by those of elementary school age.

P-40 It shall be the intention of Council to encourage the Halifax County/ Bedford District School Board to closely monitor population and development within the Plan Area. Furthermore, it shall be the intention of Council to make strong representation to the provincial government to provide a planned response to the needs for new schools or expansion of existing schools, with special reference to the Lake Echo and Porters Lake areas.

P-41 It shall be the intention of Council, when new school sites are being considered, to encourage the provincial government and district school board to locate the schools so that pedestrian and vehicular safety is enhanced. Furthermore, it shall be the intention of Council to encourage the location of new schools adjacent to existing or proposed parks, open space and community facilities.

At present, all schools in the Plan Area are used for the community school programme. In addition to providing a broad range of educational and leisure use programmes for all age groups, the programme helps to foster community development by acting as a focus for a wide range of community activities.

P-42 It shall be the intention of Council to encourage and support the continued use of school facilities as community schools in order to provide for individual educational needs and to help foster community social and cultural development. Furthermore, it shall be the intention of Council to encourage the district school board to set the lowest user fee possible for such uses.

## PROTECTION SERVICES

Protection services include fire and police protection and an emergency measures organization. Fire protection is provided by the District 8, Chezzetcook, and District 9A Fire Departments. Fire stations of the former two departments are located within the Plan Area (see Map 3), the latter is located in West Lawrencetown. A system of mutual aid, which involves standby and back-up assistance, is in place for all fire departments serving the Plan Area.

All departments are primarily staffed by volunteer fire fighters but there are paid fire fighters at all three departments including three at Lake Echo, two at the Head of Chezzetcook, and one at West Lawrencetown. In addition, the Chezzetcook Fire Department operates an ambulance service manned by volunteers.

Fire protection services are also provided by the Municipality. The Fire Advisory Committee, which consists of municipal Councillors and fire department personnel, acts in a resource and advisory capacity to Council, and liaises between Council and individual fire departments. A full time fire services coordinator has also been hired.

- P-43        It shall be the intention of Council to encourage adequate fire protection in the following ways:
- (a)        supporting volunteer fire protection services;
  - (b)        encouraging the adoption of fire prevention measures such as a general education and inspection programmes; and
  - (c)        encouraging and supporting cooperation and collaboration between individual fire departments and with the Municipality in order to encourage more economical and efficient provision of services and to facilitate long-term planning.

Police services are provided by the Royal Canadian Mounted Police and the Plan Area is serviced by the Cole Harbour and Musquodoboit Harbour detachments, the former covering the western half of the Plan Area and the latter the eastern half. The strength of the Cole Harbour Detachment was recently increased to provide a level of service considered more appropriate for a predominantly suburban population. Land has been acquired on Mineville Road for a new police station if and when further residential growth in the area call for the expansion or redeployment of the present police detachments.

- P-44        It shall be the intention of Council to monitor the adequacy of police services in the Plan Area and particularly in the Lake Echo area.

The Municipality has an emergency operations plan (most recently updated in November 1982), an Emergency Measures By-law, and an emergency measures coordinator to deal with civil emergencies. In conjunction with these, the accessibility of emergency services would be improved through the establishment of an emergency calling system. The ultimate objective would be public access to all emergency services through a single phone number.

- P-45        It shall be the intention of Council to continue to encourage and support the activities of municipal and provincial emergency measures organizations and operations.

P-46

It shall be the intention of Council to request the establishment of a unified emergency telephone calling system for the region including a programme for educating the general public on its use.

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

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

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

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

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

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

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

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

**P-46A** 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.

**P-46B** 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.

**P-46C** Further to Policy P-46B, 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 or mixed use, where the density of residential development, types of uses permitted, and potential for land use conflicts is minimized. Further, as the potential impact of C&D operations on adjacent lands depends, to a degree, on the type of C&D operation, the Land Use By-law provisions will recognize individual characteristics of the three forms of C&D operations.

**P-46D** 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.

**P-46E** 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.

**P-46F** 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 and Mixed Use Designations and pursuant to the following criteria:

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy P-89.

**P-46G** 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 and Mixed Use



Designations, and pursuant to criteria of Policy P-46F.

### **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.

**P-46H** 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 and Mixed Use Designations 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 P-46F.

### **Site Plan Approval**

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

**P-46I** Further to Policies P-46F to P-46H, inclusive, 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.

**P-46J** It shall be the intention of Council to recognize existing C&D operations by applying the applicable zone to reflect their existing use.

**P-46K** Further to Policy P-46J, 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.

**P-46L** 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.

# SECTION III

## LAND USE INTENT

Future land use within the Plan Area will be directed by land use policy and more specifically by land use designations. These designations are set out on Map 1 (Generalized Future Land Use) and are as follows:

Mixed Use  
Lake Echo Community  
Industrial  
Watershed  
Provincial Park  
Plan Amendment

The Mixed Use Designation reflects the rural nature and orientation of the major portion of the Plan Area. Support for the development of the rural economy is emphasized. However, it is recognized that the quality of the environment can be better maintained if industrial and commercial developments are directed away from the unsettled areas towards the settled areas. The transition towards suburban-type residential development, characteristic of the rural-urban fringe, is also provided for.

The Lake Echo Community Designation has been applied to the area surrounding Lake Echo where residential subdivisions are well established. The designation has been designed to protect this environment. Support is given to continued residential development. Provisions are made for general community uses and facilities and for the types of community business and services which are appropriate for the level of growth. The continuation and expansion of traditional resource activities are also permitted.

The Industrial Designation reflects the existence of an industrial park at East Chezzetcook. The designation supports most industrial uses, and any activities requiring process water treatment are required to locate within the Designation. The future expansion of the industrial area is also provided for.

The Watershed Designation identifies certain lands in the Lake Major Watershed which need special protection.

The Provincial Park Designation recognizes the lands of Porters Lake Provincial Park and provides for its present and future use.

The Plan Amendment Designation identifies lands which are either owned or leased for military purposes by the Department of National Defence, whose actions are beyond municipal jurisdiction. The designation provides for future planning and regulation in the event that these lands become available to the Municipality or private interests.

## MIXED USE DESIGNATION

Most of the lands within the Plan Area are located within the Mixed Use Designation. A distinction is made, however, between the settled and unsettled areas. This is based both on existing land use patterns and the type and intensity of development generally desired for the future. It also reflects a practical approach to dealing with the conflicting underlying issues of development and conservation.

The settled areas are located adjacent to the provincial highways. Traditional practices of land ownership over many generations have typically resulted in narrow properties running several miles back from the highway to the original land grant boundaries. This situation has created problems for effective development. Some of the development problems have already been addressed by changes in the requirements for subdivision. In terms of land use control, residents wish to see the least amount of restriction placed on development. It is felt that as market conditions will effectively determine the size and location of most such development there is, therefore, no need to predetermine such matters in the planning strategy. However, there is uncertainty about the degree to which suburban style residential development should be encouraged as such developments on a large scale are seen as interfering with the working and growth of the rural economy.

The unsettled lands are found in two separate locations: north of Highway 7 and west of the West Porters Lake Road. Although there has been some subdivision of land into strips, most landholdings are in large rectangular parcels. A large part of the lands to the north of Highway 7 are public. In contrast to the settled areas, residents accept more restriction on the uses permitted. However, as there is no clear agreement upon the boundaries between settled and unsettled lands, the application of such land use control is seen as a voluntary act upon the part of individual land owners at this time.

In general, while resource and low density residential uses and development are fully supported throughout the designation, it is considered more appropriate to locate commercial and industrial activities in the settled areas. This accomplishes two interrelated objectives: on the one hand it encourages development of the large amount of unused land in and adjacent to the communities and on the other hand, it reinforces the conservation of the natural environment in the unsettled areas.

### Settled Areas

Much of the area adjacent to Highways 7 and 207 has been continuously settled for several hundred years. During this time, engagement in resource-based activities have been a prominent characteristic of the local economy. Although approximately 60 per cent of employed residents work in nearby Halifax and Dartmouth according to the 1981 Census, a significant number supplement their income locally by in-shore fishing, small scale farming, market gardening, clam digging and woodcutting.

In addition to the seasonal or part-time employment provided by local natural resources, the orientation to resource-based activities also reflects a deep rooted attachment to the traditional regional lifestyle. Despite the wide range of employment opportunities provided by the nearby metropolitan area, the majority of residents still wish to retain close ties with their land. Although resource capability is not high, residents wish to take advantage of every available

development opportunity unless it is shown that this would be detrimental to the surrounding natural environment, the community or the resource itself. It is felt that existing provincial environmental and resource use regulations and controls are sufficient to protect both the natural environment and resources from abuse or misuse.

Clean water is required for both domestic and agricultural purposes, and is highly desirable for many recreational activities including such popular local activities as fishing and swimming in lakes and rivers and clam digging on beaches and tidal flats. Residents are, therefore, less certain about the appropriateness of non-resource based industrial activities, especially those producing liquid wastes requiring treatment. As these can locate in the nearby East Chezzetcook Industrial Park which has facilities for waste water treatment under provincial supervision, it is not felt necessary to accommodate them within the designation. Two other industrial activities are also considered inappropriate for either environmental reasons or for the detraction from community character created by increased truck traffic, odour, noise, or vibration. These include fish waste processing plants and salvage yards.

Commercial entertainment uses which cater to the adult population and operate primarily during the evening and early morning hours such as cabarets and massage parlours are also considered inappropriate. The presence of such establishments, it is felt, would create a nuisance to the communities by reason of late night and early morning operation, intrusive signs and other outside advertising. In addition, as such uses are strictly curtailed in the nearby suburban areas, the volume of traffic in and through the communities generated by such establishments would be proportionately greater. The idea of a neighbourhood or community pub, however, has received widespread support. As long as their size and visual appearance is in keeping with the character of the community, they are acceptable anywhere.

The affinity residents feel with their land is complemented by a marked attachment to their community. Eleven of the twelve Plan Area communities are located within the designation. They are characterized by a mixture of single unit dwellings including mobile homes, wide ranging home businesses and small scale farming, general stores and service stations, and usually several community facilities. The communities are typically spread out along the highway and there is often no clear visual break between one community and the next. Small suburban style subdivisions have been developed adjacent to many of the communities. This trend is especially noticeable around the west bank of Porters Lake.

Residents have a strong attachment to the form of their community and feel the introduction of large public institutional facilities and high density housing would be detrimental. Such developments would also require sewage treatment facilities and residents are concerned about the long term consequences on the receiving waters. In addition, high density residential developments would lead to fundamental and rapid changes in the character of the communities. The former problem is exemplified by Marina Trailer Park on Porters Lake. Problems in the past with sewage treatment have resulted in pollution of the lake.

The park, including sewage treatment facilities, has recently been upgraded. It cannot expand, however, unless abutting lake front property is consolidated with the trailer park. Residents do not support its expansion along the lake front or the construction of any new parks within the designation.

There is support however, for new multi-unit dwellings serviced by on-site sewage disposal systems. It is felt that current provincial health requirements guarantee sufficient environmental protection and provide for adequate separation of such developments from neighbouring properties. In addition, it is felt that the low financial return on such dwellings will preclude their development on a large scale. Support is also given to senior citizen accommodation serviced by either central or on-site sewage systems.

An underlying concern of most residents is their right to continue using their property as has been customary. They wish to see clear support given to all existing uses and, with the exception of the one mobile home park, to their expansion or further development. Given the continuing migration of urban dwellers into the more accessible rural areas of the Plan Area, conflicts between rural and urban or suburban values are inevitable. Within the Mixed Use Designation, recognition of the prior rights of existing uses and establishment of appropriate separation distances between conflicting uses should help to reduce conflict between rural and urban neighbours. In this regard, any new development is considered a potential nuisance to an existing use and separation requirements reflect this view of development rights.

While resource-based activity constitutes a vital and continuing base for the economy of the area, local employment opportunities are largely concerned with the provision of services for the local market. These include auto repair, home repair and renovation, and personal professional and retail services. A significant number are conducted from a dwelling or accessory building. In general, there has been little individual or community dissension arising from their presence as residents readily accept the need for neighbours to earn their living as best they can. Another important reason for this ready acceptance is that businesses have remained small and fairly responsive to local needs and concerns.

Given the marked desire of residents to maintain both traditional development rights, the existing character of the communities, and the integrity of the natural environment, it is the intent of the Mixed Use Designation to allow for a fairly complete range of uses but to restrict certain types of residential, commercial and industrial uses which will detract from the character of the community or be detrimental to the natural environment.

P-47 It shall be the intention of Council to establish the Mixed Use Designation, as shown on the Generalized Future Land Use Map (Map 1). Lands within the Designation shall constitute the priority area for employment creating development but low density residential development and general community services and facilities shall be encouraged.

P-48 Within the Mixed Use Designation, it shall be the intention of Council to create a Rural Enterprise Zone which permits all residential uses except mobile home parks, all community uses, all industrial uses except salvage yards and any uses which produce waste that cannot be treated by an approved on-site sewage disposal system, all resource uses except the processing of fish waste, and all commercial uses except adult entertainment uses or large beverage rooms and lounges. **In addition, a Rural Enterprise Zone shall not permit any construction and demolition material operations. (RC-Sep 10/02;E-Nov 9/02)**

In addition, the zone shall control parking and open storage and outdoor display, and, depending on the nature of the use, provide for the adequate separation and screening of certain

non-residential uses from residential uses and from watercourses.

### Unsettled Areas

Due to a combination of adverse climactic and geological conditions, the unsettled areas have low potential for the development of traditional resource activities such as agriculture and forestry. The soil capability of the area for such activities is generally rated low according to surveys conducted by the Federal Government<sup>7</sup>. However, the lands do provide residents with firewood and timber for non-industrial purposes. While there have been no commercially significant discoveries of metallic minerals, a deposit of diatomite has been identified north of Conrod Settlement.<sup>8</sup> In addition, there is widespread occurrence of quartzite of the Goldenville Formation which is particularly suitable for aggregate extraction.

The main value of these lands at the present is in the enjoyment of their relatively undisturbed state. The natural amenities are used by both residents of the Plan Area and visitors from the nearby urban areas. In this sense recreation is a form of resource industry. The lands possess a moderate to low level capability for passive recreational activities such as hiking, canoeing and fishing. As most of these activities can be conducted on public lands there is little need to acquire or reserve private land for this purpose. Indeed, private land owners can be encouraged to enhance or develop recreational opportunities in harmony with the natural environment. While there are no permanent dwellings, there are a number of cottages and hunting and fishing camps within the area which, given historic trends, may be gradually converted to permanent dwellings.

Although the intent of the Mixed Use Designation is to maintain traditional development rights with respect to the rural economy, residents do not wish to see intensive non-resource development in the unsettled areas. There is concern with the effects that unrestricted commercial and industrial development might have on the water quality of the various lakes and watercourses. Furthermore, residents living around Lake Echo and Porters Lake are particularly concerned about possible further reduction in the quality of their lake water by pollution upstream.

There is much less concern with resource related development. Given the level of existing development and the low potential for future resource related development, it is not considered necessary, at this time, to provide special watershed protection as is the case for the Lake Major Watershed. Instead, the emphasis will be on the use of sound resource management practices which will minimize unwarranted changes in the quality of water in lakes and streams.

P-49 Within the Mixed Use Designation, it shall be the intention of Council to create a Mixed Resource Zone which permits resource uses including fish and boat sheds, riding arenas, kennels, hunting and fishing lodges, and telecommunication transmission facilities. The zone shall also reflect the intent of the designation in support of low density residential development and permit single and two unit dwellings, mobile homes, and open space uses and provide for the use of dwellings for accommodation or daycare and for business uses which are limited in size to not more than fifty (50) per cent of the

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<sup>7</sup> <sup>1</sup> Canada Land Inventory, Soil Capability of Agriculture, Halifax - 11D, Ottawa, Lands Directorate, Department of the Environment, Soil Capability for Forestry, Halifax 11D, (Ottawa, 1972).

<sup>8</sup> <sup>2</sup> Nova Scotia Department of Mines and Energy, Industrial Mineral Commodities Map 85-1, (Halifax, 1985).



gross floor area for the combined dwelling and any accessory buildings. In addition, the zone shall control parking, open storage and outdoor display, and, depending on the nature of the use, provide for the adequate separation and screening of certain non-residential uses from residential uses and watercourses.

### Salvage Yards

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

It is also realized that salvage yards are a necessary fact of life and that they require relatively cheap land in order to be economically feasible. Furthermore, some residents support such operations as they provide a source of income, as well as local employment opportunities. Most residents, however, do not wish their communities or neighbourhoods to be perceived as a convenient dumping ground for the discarded, if partially recyclable, materials of the metropolitan area. Some control is thus considered necessary over the number and location of salvage yards. Furthermore, residents wish to maintain the same level of control that existed before the adoption of this planning strategy.

P-50 Notwithstanding Policy P-48, within the Mixed Use Designation, it shall be the intention of Council to create a Salvage Yard Zone which permits only salvage yards and accessory auto repair shops. In addition, the zone shall restrict access for salvage yards to collector highways as determined by the Department of Transportation and Communications and provide for the adequate separation and screening of salvage yards and accessory uses from abutting residential properties and increased separation from watercourses.

Council shall only consider new salvage yards by amendment to the land use by-law. When considering such an amendment, Council shall have regard to the effects of the proposed operation on any adjacent residential and rural residential areas and the provisions of Policy P-88.

### Residential Development

Given the levels of population growth projected for the rural-urban fringe,<sup>9</sup> growth within the designation is expected to remain steady over the next five and ten year periods. Examination of 1981 census data for place of work and mobility indicates that much of the growth of the previous five years was composed of former urban residents. This trend can be expected to continue as relatively cheap land and a semi-rural environment continues to attract city dwellers.

While it is the primary intent of the Mixed Use Designation to support the rural character of this area, residents prefer to allow the market to determine the pattern of development. This means

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<sup>9</sup> <sup>1</sup> See Municipality of Halifax County, Department of Planning and Development, Population Growth in the Rural-Urban Fringe, Discussion Paper No. 2 (Halifax, 1982).

that more suburban-style subdivisions and rural estates will inevitably emerge. Associated with such developments will be demands by developers and residents for the protection offered by strict residential land use controls.

Prior to the adoption of this plan, three areas had already requested and received residential zoning - James Roy Drive, Capri Drive/Greenough Drive and Roma Drive. In addition, a number of residential subdivisions exercise land use control by means of restrictive deed covenants.

Residential areas requiring land use control can be classed into two broad types. One has slowly evolved as a residential area and is likely to have a mixture of housing types in terms of age and style and a variety of home businesses; the other was created as an 'instant' suburban-style subdivision and has, typically, a homogeneous architectural style and much less business conducted from the property.

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

P-51 Within the Mixed Use Designation, in recognition of the need to protect existing and developing residential areas, it shall also be the intention of Council to create a Residential A Zone which permits single unit and two unit dwellings, and open space and community uses and provides for the use of dwellings for accommodation or day care and for business uses, except kennels, which are limited in size to not more than fifty (50) per cent of the gross floor area for the combined dwelling and any accessory buildings and which do not involve obnoxious uses. The zone shall also permit the continuation and development of agricultural uses, fishery uses except fish and fish waste processing plants, and smaller-scale forestry uses. In addition, the zone shall control parking, open storage and outdoor display and signs and provide for the adequate separation of non-residential uses from residential uses. In considering an amendment to the land use by-law to a Residential A Zone, Council shall have regard to the provisions of Policy P-89 and provided that the lot or parcel to be rezoned:

- (a) abuts or is immediately adjacent to an existing residential zone; or
- (b) contains a minimum of five (5) lots or five (5) lots as shown on an approved tentative plan of subdivision and in either case the lots abut or are immediately adjacent to one another.

P-52 Within the Mixed Use Designation, in order to protect existing and developing residential areas, it shall also be the intention of Council to create a Residential B Zone which permits single unit dwellings, senior citizen housing and open space uses and the use of dwellings for day care and for business uses, except kennels, which are limited in size to not more than twenty-five (25)

percent of the gross floor area for the combined dwelling any accessory buildings and which do not involve obnoxious uses. In addition, the zone shall control parking, open storage and outdoor display, and signs and provide for the adequate separation of

non-residential uses from residential uses. In considering an amendment to the land use by-law to a Residential B

Zone, Council shall have regard to the provisions of Policy P-89 and provided that the lot or parcel to be rezoned:

- (a) abuts or is immediately adjacent to a residential zone; or
- (b) contains a minimum of five (5) lots or five (5) lots as shown on an approved tentative plan of subdivision and in either case the lots abut or are immediately adjacent to one another.

The conversion of single unit dwellings to include a dependent apartment unit is a growing trend. In addition, an apartment unit is an integral feature of many new dwellings. Although their impact on adjacent dwellings is generally minimal, there is concern that lack of control over the number and size might change the character of existing single unit dwelling neighbourhoods.

P-53 With reference to Policy P-52, in support of existing uses within the Mixed Use Designation, it shall be the intention of Council to create an Auxiliary Dwelling Unit (R-BA) Zone which permits auxiliary dwelling units in addition to all uses permitted in the Residential B Zone. Council shall only consider new auxiliary dwelling units by amendment to the land use by-law. When considering such an amendment, Council shall also have regard to the provisions of Policy P-89, and provided that the lot or parcel to be rezoned:

- (a) is zoned R-B (Residential B); or
- (b) abuts or is immediately adjacent to a residential zone; or
- (c) contains a minimum of five (5) lots or five (5) lots as shown on an approved tentative plan of subdivision and in either case the lots abut or are immediately adjacent to one another.

A request for residential zoning is often made on the expectation of selling residential lots right away. In some cases, this expectation is not met, and other uses for the land may appear more economically attractive. Rezoning a lot back for commercial and industrial uses, however, will almost inevitably result in conflict with owners of the remaining residential lots due to the potential intrusive effects. Such conflict is also likely, even if no dwellings have actually been constructed.

The intrusive effects are related to both the use of a lot and access to it by commercial traffic. The intrusive effects caused by many commercial and industrial uses can be reduced by requiring a larger sized lot, but problems with commercial traffic can only be effectively controlled by restricting commercial uses which require access along residential roads. On lots where restrictive residential zoning has been applied, or is along roads intended only to serve residential lots, residents want no commercial and industrial uses to be considered by rezoning. However, where access to a lot is by a road intended to serve both residential and non-residential uses, rezoning to permit industrial and commercial uses may be considered on a larger sized lot.

P-54 It shall be the intention of Council not to allow lands zoned R-B (Residential B) or R-BA (Auxiliary Dwelling Unit) to be rezoned except that lands zoned R-B (Residential B) may be rezoned to R-BA (Auxiliary Dwelling Unit) in accordance with Policy P-53.

P-55 Notwithstanding Policies P-48 and P-49, Council may consider permitting commercial and industrial uses on lands zoned R-A (Residential A), by amendment to the land use by-law and with regard to the provisions of Policy P-89 and provided that:

- (a) the lot or parcel of land shall not be less than one (1) acre; and
- (b) access to the lot shall not be over any part of a road intended only to serve a residentially zoned area.

## LAKE ECHO COMMUNITY DESIGNATION

The Lake Echo Community Designation has been applied to the land surrounding the lake of the same name and Martin Lake. The developed areas are primarily suburban in nature. A major exception is along Bell Street which retains a more rural character. The lands on the eastern side of Lake Echo south of Ponderosa Drive, to the west of Mineville Road, and north west of Martin Lake are either undeveloped or used as wood lots.

### Residential Development

Permanent settlement in the area was first recorded in 1818 but it was not until the late 1960s and early 1970s that residential development became marked. The 1981 Census and municipal building permit records establish that most of the dwellings were built in this period with the peak years occurring in the mid 1970s. Development has slowed down since then but has nevertheless remained steady.

Of the estimated 800 dwellings within the Designation, approximately 75 per cent are conventional detached houses. Nearly all the remaining dwellings are mobile homes. Most of the latter are located in Wonderland Mobile Home Park but there is a minor concentration on individual lots along Bell Street. Multiple unit dwellings are limited to two four unit, one storey row houses on Highway No. 7 to the east of the community and a four unit apartment building off Martins Lake Drive.

An increasing interest in providing independent accommodation to family or non-family members within a single unit dwelling has resulted in the conversion of an unknown number of dwellings in recent years. In addition, the construction of an apartment unit is an integral feature of many new dwellings. Although the impact on adjacent dwellings is generally minimal, there is concern that their uncontrolled proliferation might change the character of existing neighbourhoods.

Although the preference for conventional site-built single unit homes is widespread and visibly evident, alternative types of dwellings are not precluded. Mobile homes located on individual lots and two unit dwellings are an acceptable form of housing in many neighbourhoods.

In the case of mobile homes, residents feel that their dispersion throughout the community would detract from the existing visual residential character. Support is therefore given to their concentration in subdivisions rather than on single lots.

The reverse conditions apply to two unit dwellings such as semi-detached and duplex dwellings. It is felt that their concentration would detract from the general existing residential character of the community. There is however widespread acceptance for such dwellings, especially the conversion of a single unit dwelling, if they are dispersed.

The problems experienced with the quality of water in the lakes have been described in Section II. While the major and immediate problem has been rectified, it is questionable whether or not the soil capability of the lands surrounding the lakes can support high density residential development without permanent damage to the receiving waters. Provincial health regulations are generally considered as providing adequate long term environmental protection from low density residential development but not a sufficient long term guarantee against high density developments serviced by either central or on-site systems.

For these reasons, high density residential development including new mobile home parks and multiple unit dwellings is not supported within the Designation. There is support however for senior citizen accommodation in conventional row or apartment housing. Although the population is a young population, there is recognition of the long term need to provide for those senior citizens capable of living on their own in housing specifically designed for their needs. There is widespread support for such developments provided that their size and number is in proportion with the scale of the neighbourhood.

A vital aspect of the rural lifestyle is the freedom to make maximum use of property for both residential and business purposes. Most Lake Echo residents, although commuting to the nearby cities, subscribe nevertheless to the regional values of self reliance and self-sufficiency. Many supplement their income by operating businesses from their homes on an annual or seasonal basis. The range of business activity is wide; professional offices are often located next to service or cottage industries. In general, residents are willing to accept activities on a neighbouring property which do not create a nuisance.

The development of open space uses and community facilities is considered essential for the healthy growth of the community. A number of facilities, mainly churches, have already located along the highways. The designation supports this general location for such uses as it minimizes potential intrusive effects such as increased traffic and late night and weekend operation. An exception is made, however, for senior citizen housing which is acceptable in any location as it is felt that it does not create such problems.

P-56 It shall be the intention of Council to establish the Lake Echo Community Designation as shown on the Generalized Future Land Use Map (Map 1). Lands within the designation shall constitute the area in which low density residential development and uses which support such a residential environment are pre-eminent. In establishing the Lake Echo Community Designation, it shall be the intention of Council to recognize the transition from a rural to a suburban community and the extent to which rural activities are compatible with such an environment.

P-57 Within the Lake Echo Community Designation, it shall be the intention of Council to create a Single Unit Dwelling Zone which permits single unit dwellings, senior citizen housing, open space uses and provides for the use of a dwelling for day care and for business uses, except kennels, which are limited in size and which do not involve obnoxious uses. In addition, the zone shall control parking and the number and size of signs and prohibit permanent open storage and outdoor display.

Although natural resource capability is not high within the Designation, traditional attitudes to the use of land and the large tracts of undeveloped land support the continuation and development of agricultural and forestry uses. The intent is to allow resource uses which can co-exist with a primarily residential environment. Uses which involve a high level of potential nuisance effects such as noise and odour are not compatible with a developing residential community and will not be permitted. These include such uses as intensive livestock operations, mushroom cultivation, slaughter houses, large sawmills and pulp mills.

There is also concern over the possible intrusive effects of resource activities on adjacent residential areas. Agricultural and forestry uses are not considered appropriate within conventional residential subdivisions or on minimum sized individual lots. It is felt that such

uses require a minimum of several acres to be both economically and practically feasible. This requirement would also serve to minimize intrusion into neighbouring properties. An exception is made for greenhouses and smokehouses which are considered to create minimal intrusive effects.

In like manner, the tradition of full use of a residential lot for business purposes is recognized. There is widespread support for the greater use of a dwelling and lot for business than is generally acceptable in a conventional residential suburb. It is felt, therefore, that a larger than minimum sized residential lot will provide an appropriate opportunity for such business use while minimizing intrusive effects on abutting properties.

While such traditional resource and business uses are acceptable in a general sense throughout the designation, some restrictions upon their specific location are considered necessary. It is felt that they are incompatible within a residential subdivision where most, if not all, lots are of minimum size. On the other hand, as residential development in the Plan Area is by nature somewhat speculative, it is accepted that land owners may wish to have a greater range of uses available. Residents therefore accept the fairness of rezoning lands adjacent to established residential subdivisions for such purposes.

P-58 Within the Lake Echo Community Designation, it shall also be the intention of Council to create a Rural Residential Zone which permits the continuation and development of agricultural uses, fishery uses except fish and fish waste processing plants, and smaller-scale forestry operations, and the use of dwellings for the purposes of providing accommodation or day care and for business uses, except kennels, in conjunction with a dwelling which are limited in size to not more than fifty (50) per cent of the gross floor area for the combined dwelling and any accessory buildings and which do not involve obnoxious uses. The zone shall also reflect the intent of the designation in support of low density residential development and permit single unit and two unit dwellings, senior citizen housing and open space uses. In addition, the zone shall control parking and the number and size of signs, and provide for the adequate separation of non-residential uses from certain residential uses.

P-59 With reference to Policy P-58, it shall be the intention of Council to consider permitting new resource uses by amendment to the land use by-law and with regard to the provisions of Policy P-89 and provided that the lands to be rezoned:

- (a) do not abut or are not immediately adjacent to, on any part of two or more sides, lands zoned for residential uses only; or
- (b) have frontage on Highway No. 7, Bell Street, Mineville Road or Old Lake Echo Road.

P-60 Notwithstanding Policies P-56 and P-57 and with reference to Policy P-58, in support of existing uses within the Lake Echo Community Designation, it shall be the intention of Council to create an Auxiliary Dwelling Unit (R-1A) Zone which permits auxiliary dwelling units in addition to all uses permitted in the Single Unit Dwelling Zone. Council shall only consider new auxiliary dwelling units by amendment to the land use by-law and with regard to the provisions of Policy P-89.

P-61 Notwithstanding Policies P-57 and P-58, in support of existing uses within the Lake Echo Community Designation, it shall be the intention of Council to create a Two Unit Dwelling Zone which permits two unit dwellings in addition to all uses permitted in the Single Unit Dwelling Zone. Council shall only consider new two unit dwellings by amendment to the land use by-law and with regard to the provisions of Policy P-89.

### Mobile Home Subdivisions

Residents of the existing mobile home park have expressed interest in the availability of individual lots for mobile homes in the community. While there is general community support for such development, there is a corresponding concern that it be in keeping with the existing residential single family homes located in subdivisions. Residents therefore support the development of mobile homes if they are concentrated in one location rather than dispersed over a wide area.

Another element of the existing residential environment, with the exception of Bell Street, is the presence of conventional homes abutting the collector highway system. It is strongly felt that a concentration of mobile homes along the highway would detract from the existing visual character. There is, therefore, support for the development of mobile homes only if they are located back from the highway.

Mobile homes within the designation will therefore be accommodated within mobile home subdivisions. In view of the possibility of mobile homes being replaced by site-built houses over time, conventional single unit dwellings will also be permitted within these subdivisions.

P-62 Notwithstanding Policies P-57 and P-58, in support of existing uses within the Lake Echo Community Designation, it shall be the intention of Council to create a Mobile Home Subdivision Zone which permits mobile dwellings in addition to all uses permitted in the Single Unit Dwelling Zone. Council shall only consider new mobile dwellings by amendment to the land use by-law. In considering an amendment Council shall have regard to the provisions of Policy P-89 and the following:

- (a) that the size of the proposed subdivision is compatible with the level of other types of residential growth in the community;
- (b) that the parcel to be rezoned shall contain a minimum of ten (10) lots as shown on a preliminary plan of subdivision;
- (c) that the development does not detract from the visual character of existing neighbourhoods;
- (d) that the lots abut or are immediately adjacent to one another; and
- (e) that no driveway shall have access to any collector highway.

However, as many mobile dwellings may remain as permanent dwellings, their placement on permanent foundations is desirable for safety reasons as well as encouraging the upgrading of the exterior appearance of mobile dwellings in a potentially mixed single unit and mobile dwelling neighbourhood.

P-63 It shall be the intention of Council, to request the provincial government to amend the Building Code Act in order that all new mobile dwellings within the Lake Echo Community Designation be placed on foundations which meet CSA Standard CAN



3-2240.10.0 M86 Recommended Practice for Site Preparation, Foundation and Anchorage of Mobile Homes.

Wonderland Mobile Home Park

Wonderland Mobile Home Park was established in 1972 and expansion of the park by approximately one hundred spaces has recently been approved by the Municipality. At the present time the park accounts for approximately twenty-two per cent of the dwellings in the community and it is felt that this proportion is sufficiently high for this type of residential development. The Designation, therefore, does not support any new mobile home parks. However, in recognition of existing development rights and community concerns, the Designation provides for expansion of the park by development agreement, subject to the capacity of the existing **sewage treatment plant** servicing the park. **(deleted C-Mar 25/91;E-Apr 11/91)**

There is a strong feeling in the community that any permitted expansion should be in proportion to the overall growth of the community. Park expansion is relatively rapid compared with the type of residential development historically experienced in the area over the past ten years. This rapid growth may overload municipal service systems and of particular concern is the possible overcrowding of Bell Park Academic centre leading to the extended use of portable classrooms.

Conditions within mobile home parks have been examined by the Municipality recently in connection with the adoption of the new Mobile Home Park By-law. In general, most existing parks including Wonderland fall short of the new standards. It seems reasonable therefore that any expansion of Wonderland Mobile Home Park should be evaluated relative to conditions in the existing park.

Conditions in the park have also had an impact on the community as a whole. In 1985 high bacteriological counts in Lake Echo were traced to improper sewage treatment in the park. It is strongly felt that more control is needed over the operation and maintenance of private sewage treatment facilities.

Furthermore, there are concerns over the potential short term effects of park expansion on the provision and quality of other services such as education, recreation, and fire and police protection.

P-64 It shall be the intention of Council to permit the continuation of the Wonderland Mobile Home Park and Mountain View Mobile Home Park to the extent to which they were in existence at the time of adoption of this strategy. Council may consider permitting expansion of the parks in order to further utilize the capacity of the existing sewage treatment plant according to the provisions of Sections 55, 66, and 67 of the Planning Act. When considering such a development agreement, Council shall have regard to the provisions of Policy P-89, and the following:

- (a) **that the total number of mobile dwelling spaces to be serviced does not exceed the design capacity of the existing sewage treatment plant approved by the Departments of Health and Fitness and the Environment on a Joint Certificate of April, 1990; (C-Mar 25/91, M-Apr11/91)**
- (b) the adequacy of existing park services including sewerage and water distribution systems, recreation space or facilities, streets, garbage collection,

- (c) street lighting and general park maintenance;
- (c) the effects of the expansion upon the existing level or quality of park services;
- (d) the capacity of highways, education facilities, fire and police protection services, and community recreation facilities to handle the increased demands;
- (e) the planning of stormwater drainage;
- (f) the quality of the park layout and design including the design of the internal road network;
- (g) the proper separation distance of maintenance buildings and sewage treatment facilities from dwellings; and
- (h) the requirements of the Mobile Home Park By-law.

### Commercial Development

Residential growth within the Lake Echo Community Designation has not been matched by a level of commercial growth which might have been expected in a community of this size. Many residents satisfy their shopping and personal service needs in the nearby urban and suburban shopping centres. Three general stores located along Highway 7 serve the day to day needs of those who are not able or do not wish to travel outside the community for this purpose. There are also a number of general and special trades contractors offering services to both local and regional markets. The materials, equipment and vehicles required by the activity are often stored on property containing the residence of the operator.

While a need for more commercial development is not generally felt, it is accepted as an inevitable part of community development. Residents are prepared to accommodate local and small general commercial and industrial service activities which primarily serve the community but it is also felt that such activities are best located on a highway rather than a local street. There are concerns, however, for pedestrian safety and over the potential intrusive effects of commercial development given that much of the land adjacent to the highways has already been developed for residential purposes. In order to help mitigate such concerns, access to commercially zoned lands shall only be from a collector highway and any main buildings are to be restricted to within a specified distance of the highway in order to protect the residential environment of the area. Similar restrictions are also considered appropriate for community facilities.

P-65 It shall be the intention of Council, in support of community-oriented commercial development within the Lake Echo Community Designation, to create a Community Commercial Zone which permits local and general commercial and industrial service uses which are limited in size, and also permits residential and community uses. The zone shall be applied only to lands abutting Highway No. 7, Mineville Road, Bell Street or Old Lake Echo Road and access for non-residential uses shall only be from these highways. The zone shall provide for increased separation distances and screening for commercial, industrial service and institutional uses from residential uses. In addition, the zone shall control open storage and outdoor display, parking and parking lots, driveways, and signs. This zone shall not include beverage rooms and lounges.

The need to encourage the development of local employment opportunities is also recognized. Support is therefore given to the development of general commercial and light industrial uses. The areas adjacent to Highway No. 107 and having access to Mineville Road are considered the most appropriate locations for these types of activities as the resulting increased traffic movement through the community should be minimal. As with commercial development along the

highways, regulation of the potential intrusive effects on abutting residential properties is considered essential.

Activities which are considered appropriate include those serving the shopping and entertainment needs of the surrounding area as well as the community, those serving the travelling public, and a limited range of light industrial activities including manufacturing, assembly and warehousing operations. Although the number of light industrial uses permitted is limited, there is support for the addition of further uses if there is an opportunity for public review of specific proposals. Appropriate uses are considered to be those which are clean and threaten neither the safety of the community nor the quality of the natural environment.

**In addition to providing for community commercial development at desired locations within the Lake Echo Community Designation, there is also a need to provide an opportunity for small businesses to expand. It is also considered appropriate that larger commercial uses also be given consideration. It is recognized, however, that the development of larger scale commercial uses within the designation could result in land use conflicts. Therefore, provision will be made for these developments subject to specific controls established through development agreements. These developments will also be subject to the same locational considerations required for the application of the community commercial zone.**

**P-65A Notwithstanding Policy P-57, within the Lake Echo Community Designation, it shall be the intention of Council to consider new or expanded community commercial uses in excess of two thousand (2,000) square feet of floor area according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:**

- (a) the locational and access criteria established under Policy P-65;**
- (b) the provision and maintenance of an adequate buffered separation from abutting residential areas;**
- (c) site design, including landscaping and parking and loading areas;**
- (d) hours of operation;**
- (e) signage and the exterior finish of buildings; and**
- (f) the provisions of Policy P-89. (MC-Aug9/93, M-Sept20/93)**

P-66 It shall be the intention of Council, in support of general commercial development within the Lake Echo Community Designation, to create a General Business Zone which is restricted to lands located within one thousand five hundred (1,500) feet of the centre line of Highway No. 107 and having access only to Mineville Road or to local roads designed only to serve non-residential uses. The zone shall permit general commercial and limited light industrial uses, in addition to all commercial uses permitted in the Community Commercial Zone, as well as institutional and open space uses, and shall control open storage and outdoor display, parking and parking lots, driveways, and signs. It shall be the intention of Council not to allow lands zoned General Business to be rezoned for residential purposes.

P-67 In recognition of the need to encourage job creating opportunities, it shall be the intention of Council to consider adding new individual light industrial uses including manufacturing as permitted uses within the General Business Zone by amendment to the

land use by-law. In considering an amendment, Council shall have regard to the following:

- (a) that no emission of liquid or gaseous wastes nor the storage of hazardous wastes are involved; and
- (b) that no nuisance is created by reason of noise, vibration, glare or odour.

The need to encourage job creating opportunities has been previously identified as an important issue. Tourism is a vital industry in this regard as the community is situated in close proximity to both a provincial coastal heritage park and the largest metropolitan centre in Atlantic Canada. The Designation while supporting the development of general commercial activities, restricts them to a location at the intersection of Highway No. 107 and Mineville Road 80 as to minimize potential intrusive effects on the residential areas of Lake Echo.

An exception is made for hotels, motels and motor inns as it is felt that businesses serving the accommodation and food needs of tourists and other members of the travelling public will benefit from having a greater choice of location. Control over the location and intrusive effects of such activities will be effectively controlled by a development agreement.

P-68 It shall be the intention of Council, within the Lake Echo Community Designation, to only consider permitting hotels, motels and motor inns on lands abutting Highway No. 7 or Old Lake Echo Road according to the provisions of Sections 55, 66 and 67 of the Planning Act. When considering such a development agreement, Council shall have regard to the Provisions of Policy P-89 and the following:

- (a) the capacity of highways to handle the increased demands;
- (b) the provision of landscaping or buffering from abutting lands in order to protect the privacy, reasonable use and enjoyment of those properties;
- (c) the provision of landscaping or buffering from the public road to which it has access;
- (d) the location of access points;
- (e) the planning of stormwater drainage;
- (f) the control of signs; and
- (g) the regulation of the hours of operation of accessory uses.

### General Commercial and Industrial Development

As this planning strategy is the first for the area, many long held private plans for development within the designation may have to be substantially altered. Provision has been made for properties abutting any designation to be rezoned to permit development of similar uses. This provision is intended to apply to relatively small properties rather than large ones. Of concern here are the large undeveloped properties along the border of the Lake Echo Community Designation. Although most landowners have indicated plans for residential development, some wish to retain general commercial and industrial land use rights. Appropriate zoning can be applied to all or part of such properties provided that such action does not create an intrusion into lands set aside for future residential development.

P-69 Within the Lake Echo Community Designation, it shall be the intention of Council to consider rezoning to an RE (Rural Enterprise), MR (Mixed Resource), or I-2 (Salvage

Yard) Zone, all or part of any property abutting the Mixed Use Designation, provided that there are no existing or proposed residential developments or community facilities on any property abutting the lands to be rezoned.

## INDUSTRIAL DESIGNATION

Until the opening of a textile plant at East Chezzetcook in 1983, industrial activity in the Plan Area remained largely tied to local resources. Prominent among early industries were sawmills at Conrod's Settlement and Porters Lake, paper making and gold mining at Minesville, and gold mining at Head of Chezzetcook and East Chezzetcook. With the exception of a sawmill at Head of Chezzetcook and renewed interest in gold mining at Lake Catcha, those industries are now only a memory of an age when small scale resource industries could compete successfully in local and provincial markets.

In an attempt to develop new employment opportunities the provincial government, with the support of the Eastern Shore Development Commission, established the 123 acre Eastern Shore Industrial Park at East Chezzetcook. The park was opened to its first tenant in 1982 and, although it is presently occupied by only one small clothing manufacturer, both Industrial Estates Limited which operates the park and the Eastern Shore Development Commission remain optimistic about the chances of attracting other new industries to the park. The ability of the park to attract industry will be improved by the completion of the limited access highway to Musquodoboit Harbour. Construction of the stretch abutting the southern boundary of the park began in the fall of 1986.

The location of the park and its availability to any type of industrial activity drew some opposition initially from residents of the communities situated around Chezzetcook Inlet. The main concern was with the possibility of contamination of the marshes and clam beds. While this remains a concern, the existence of the park is now an accepted fact of life. Given the considerable investment of the provincial government in its development and in the construction of an effluent treatment plant, its continued availability to a full range of industries is essential in the public interest. However, there is widespread opposition to any lands being used for storing or processing hazardous wastes.

At the present time, Industrial Estates Limited owns and operates an effluent treatment facility and water utility within the park. The former is located in the south east corner of the park and was designed solely to accommodate the first tenant. The latter pumps untreated water from the Chezzetcook River into a twelve inch water main serving the north part of the park. Future servicing needs will be dealt with on an individual basis. In addition, small industries requiring sewage treatment only may be able to use an on site sewage disposal system and individual well.

The park is now seen as the best place to locate any industries requiring process water treatment or involving obnoxious operations. In order to maintain sufficient room in the future for such industrial activity and to support general commercial development in the rest of the Plan Area, it is felt that all non-industrial activities should be prohibited within the designation other than those which are accessory to the industrial use.

P-70 In order to accommodate industries that produce waste water that cannot be treated by an approved on-site sewage disposal system, it shall be the intention of Council to establish the Industrial Designation as shown on the Generalized Future Land Use Map (Map 1). Within the designation any industry requiring process water treatment shall be encouraged to use a treatment facility owned and operated by either the Municipality or by Industrial Estates Limited.

P-71 Within the Industrial Designation, it shall be the intention of Council to create a General Industry Zone which permits all industrial uses and permits accessory uses in conjunction with permitted industrial uses which are limited in size to not more than fifty (50) per cent of the gross floor area. The zone shall also provide for the adequate separation and screening of industrial uses from abutting residential properties and from watercourses, and shall control open storage areas.

Given the size of the Eastern Shore Industrial Park and its minimal development at present, there is no need to expand it beyond its present boundaries and there are no plans to this effect. However, in the event that more land is required for industrial purposes, lands abutting the park may be considered for this.

P-72 It shall be the intention of Council, in support of industrial development, to consider the expansion of the Industrial Designation on lands abutting the Eastern Shore Industrial Park when the lands within the Industrial Designation are more than eighty (80) per cent developed.

It is still too early to evaluate the social, economic and environmental consequences of the development of larger scale and non-traditional industry in the Plan Area. While such industries provide new jobs for residents, they also introduce new industrial processes and products to the area. This is of special concern to both East Chezzetcook residents whose property abuts the Industrial Designation and to residents living around Chezzetcook Inlet in general. The concerns of the former, who have almost overnight found themselves residing adjacent to an industrial park, must be respected and these areas given some protection through adequate buffering. The latter are concerned about the possibility of an accidental spill contaminating the waters of Chezzetcook Inlet and seek reassurance as to the effectiveness of the effluent disposal system.

P-73 It shall be the intention of Council to request the provincial Department of Environment to continue to monitor the quality of effluent entering the Chezzetcook River and to request that Industrial Estates Limited provide periodic reports on the operation of their effluent treatment facilities.

## WATERSHED DESIGNATION

The Dartmouth Water Utility's piped water system which serves all urban and suburban areas on the eastern side of Halifax Harbour, utilizes the Lake Major system for its water supply requirements. The protection of this water source is a matter of regional importance and although only a small portion of the Lake Major watershed falls within the Plan Area, it is a matter of concern to residents that the quality of this water supply be retained.

The official study of the watershed<sup>10</sup>, the Municipal Development Plan for the Lake Major area<sup>11</sup>, and the recommendations of the Lake Major Watershed Working Committee, stress that the watershed area should be zoned in a manner which is consistent with watershed protection. In addition, support is given to the acquisition of watershed lands by the City of Dartmouth.

The land within the Watershed Designation is Nova Scotia non-granted land and it is the intention of the provincial government to preserve these lands in their natural state.

P-74 In recognition of the importance of protecting the Lake Major potable water supply, it shall be the intention of Council to establish the Watershed Designation as shown on the Generalized Future Land Use Map (Map 1). Within this Designation, Council shall create a Conservation Zone which permits only water distribution and management uses and open space uses compatible with watershed management.

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<sup>10</sup> <sup>1</sup>Montreal Engineering Company Limited, Lake Major Watershed Management Study, (Halifax, 1980).

<sup>11</sup> <sup>2</sup>Municipality of the County of Halifax, Municipal Development Plan for the Communities of North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston, (Halifax, 1981).



## PROVINCIAL PARK DESIGNATION

The Porters Lake Provincial Park was established in 1972 and is located on 216 acres of land between West Porters Lake Road and Porters Lake. The park is primarily designed for recreational camping and there are no plans for expanding or changing this type of activity. However, some upgrading of facilities is scheduled for the near future.

P-75 It shall be the intention of Council to establish a Provincial Park Designation, as shown on the Generalized Future Land Use Map (Map 1), in recognition and support of the existing Porters Lake Provincial Park. Within the designation, Council shall create a Provincial Park Zone which permits all park uses including accessory commercial uses.

## PLAN AMENDMENT DESIGNATION

In 1984, the Department of National Defense declared the Chezzetcook Air Weapons Range surplus to its requirements. The range, including associated buildings and structures, utilized three parcels of land in addition to the waters of Chezzetcook Inlet. One parcel, at Grand Desert Beach, was originally leased from the Municipality in 1962. Before this parcel can revert back to the control of the Municipality it must receive a Range Clearance Certificate. The process of clearing the ranges has been initiated by the Department of National Defense but it may be many years before the area is clear from the dangers presented by unexploded ordinance.

Although the lands owned or leased by the DND may not be available, it is reasonable to provide for such an occurrence. The lands are located on or near salt water and would become valuable for either residential or recreational purposes. The Department of National Defense has decided at this time to land bank its property at Grand Desert, but the other property on Petpeswick Inlet and the municipally-owned land may become available in time.

- P-76 It shall be the intention of Council to establish the Plan Amendment Designation on lands owned and leased by the Department of National Defense, as shown on the Generalized Future Land Use Map (Map 1). In the event that lands within this Designation should be released from federal jurisdiction to provincial jurisdiction, Council shall request that the Province respect the concerns of the Municipality and the residents of the Plan Area and support an amendment of this Municipal Planning Strategy to establish policy related to the future use of the lands in question. Furthermore, in the event that these lands should be released to persons accountable to the policies and regulations of the Municipality, it shall be the intention of Council to immediately pursue an amendment of this Municipal Planning Strategy. In any such amendment, public consultation shall be undertaken as a priority of Council;
- P-77 In the event that lands leased by the Department of National Defense from the Municipality should receive a Range Clearance Certificate, it shall be the intention of Council to request the Department to terminate the lease. Furthermore, in the event that these lands be returned to the full control of the Municipality, it shall be the intention of Council to immediately consider an amendment to the Municipal Planning Strategy and Land Use By-law. In any such amendment, public consultation shall be undertaken as a priority of Council.
- P-78 Within the Plan Amendment Designation, it shall be the intention of Council to create a DND Zone which permits only Canadian military and military support activities and facilities related to the exploration and use of space.

## EXISTING USES

Prior to the adoption of the land use by-law authorized under this planning strategy, land use within Planning Districts 8 and 9 was regulated by Zoning By-law No. 24. Most of the area was either unzoned or given a General Building Zone. In both cases, most uses were permitted by right. The exceptions were for mobile home parks and salvage yards over the whole plan area and for industrial uses within the District 8 portion. In addition, a number of residential subdivisions applied for and received more restrictive residential zoning.

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

The right to expand any existing use, whether or not it is specifically permitted in a zone, is generally supported. In most cases, expansion of the use will be subject to the requirements of the zone in which it is located. However, within the Mixed Use Designation, provision to expand beyond the requirements of the zone will be established in certain situations. These situations occur where commercial and industrial uses are operating within predominantly residential areas, and where the application of residential zoning restricts their expansion. Provision will be made for the expansion of such uses according to the requirements of a less restrictive zone, where it is determined that it is compatible with surrounding residential development. At the time of adoption of this strategy, only one such use had been identified.

P-79 With reference to Policy P-97, within the Mixed Use Designation, it shall be the intention of Council to provide for the expansion of the industrial use identified in Appendix "A" beyond the requirements of the zone in which it is located. Council may consider amending Appendix "A" to include additional existing uses where the use is compatible with the surrounding residential area.

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

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

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

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

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

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

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

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

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

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

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

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

### **Objectives**

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

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

### **Policy Statements**

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

administrative practices and procedures.

**P-79A** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

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

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

**P-79C** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**P-79D** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**P-79E** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

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

**P-79F** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**P-79G Council shall be guided by the Municipality’s Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

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

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

# SECTION IV



## IMPLEMENTATION

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

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

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

- P-80 This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Municipal Act and such other provincial statutes as may be applicable.
- P-81 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.
- P-82 It shall be the intention of Council to require amendments to the policies of this 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 strategy should be amended.
- P-83 It shall be the intention of Council, in considering amendments to the Municipal Planning Strategy, to:
- (a) notify ratepayers associations and known community groups including churches by letter of the public hearing;
  - (b) post a notice of the public hearing in any post office, community hall and fire hall located within the Plan Area; and
  - (c) where the proposed amendment is applicable only to Planning Districts 8 & 9, hold a public participation session within the Plan Area in accordance with Sections 34 and 50 of the Planning Act.
- P-84 In accordance with Section 49 of the Planning Act, this Strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.
- P-85 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 amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone or development agreement on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1).

- P-86 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreements as provided for by Sections 55, 66 and 67 of the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this strategy.
- P-87 The following uses and zones shall only be considered by amendment to the land use by-law:
- (a) Within the Mixed Use Designation:
    - (i) Salvage Yard Zone according to Policy P-50;
    - (ii) Residential A Zone according to Policy P-51;
    - (iii) Residential B Zone according to Policy P-52;
    - (iv) Auxiliary Dwelling Unit (R-BA) Zone according to Policy P-53 .
  - (b) Within the Lake Echo Community Designation:
    - (i) New resource uses according to Policy P-59;
    - (ii) Auxiliary dwelling units according to Policy P-60;
    - (iii) Two unit dwellings according to Policy P-61;
    - (iv) Mobile home subdivisions according to Policy P-62;
    - (v) Community commercial and industrial service uses according to Policy P-65;
    - (vi) General commercial uses and light industrial uses according to Policy P-66 and Policy P-67;
- P-88 The following uses shall only be considered subject to the entering into of a development agreement according to the provisions of Sections 55, 66 and 67 of the Planning Act.
- (a) Within the Lake Echo Community Designation:
    - (i) expansion to existing mobile home parks according to Policy P-64;
    - (ii) hotels, motels and motor inns on lands abutting Highway No. 7 and Old Lake Echo Road according to Policy P-68.
    - (iii) **New or expanded community commercial uses in excess of 2,000 square feet of floor area according to Policy P-65A. (MC-Aug 9/93;M-Sep 20/93)**
- P-89 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Municipality to absorb any costs relating to

- the development;
  - (ii) the adequacy of central or on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
- (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage; and
  - (v) signs.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-79F”, 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)**

P-90 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.

P-91 It shall be the intention of Council, in considering development agreements or amendments to the Land Use By-law to:

- (a) notify ratepayers associations and known community groups including churches by letter of the public hearing;
- (b) post a notice of the public hearing in any post office, community hall or fire hall located within a two (2) mile radius of the proposed amendment or development agreement; and
- (c) where a major amendment applying only to the Planning Districts 8 and 9 Land Use By-law is proposed, with the exception of an amendment to the schedules of the Land Use By-law, ask the Planning Advisory Committee to hold a public meeting within the Plan Area prior to the Public Hearing.

P-92 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:

- (a) the Subdivision By-law;
- (b) the Building Code Act and Regulations of the Building By-law;
- (c) the Dangerous and Unsightly Premises By-law;

- (d) the Mobile Home Park By-law;
  - (e) the Blasting and Dangerous Material By-law;
  - (f) the Topsoil By-law; and
  - (g) the Excavations By-law.
- P-93 In accordance with Sections 77 and 95 of the Planning Act, the development officer appointed by Council shall administer the land use by-law and the subdivision by-law and grant development permits.
- P-94 It shall be the intention of Council to provide for the relaxation of any required lot area and frontage in accordance with Section 98 of the Planning Act.
- P-95 It shall be the intention of Council to continue to allow any lot or lots shown on a completed application for tentative subdivision received before the effective date of this planning strategy, to receive final approval under the Subdivision By-law.
- P-96 It shall be the intention of Council to request any provincial departments and agencies authorized to review subdivision applications not to apply any new regulations made after the submission of any completed application for tentative to the final plan of subdivision. Furthermore, it shall be the intention of Council to strongly urge that such provincial departments or agencies inform the Municipality at least ninety (90) days before the implementation of any new policy adopted in accordance with any applicable regulations.
- P-97 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 said by-law.
- P-98 In order to enable the reasonable development of existing undersized lots, it shall be the intention of Council to encourage the application of Section 79 of the Planning Act wherever necessary.
- P-99 It shall be the intention of Council to amend the Regulations of the Building By-law in order to permit, on lands zoned RE (Rural Enterprise) and MR (Mixed Resource) only, the erection of two dwellings on one lot. Furthermore, where more than one dwelling is to be located on a lot, the land use by-law shall establish requirements for a preliminary plan of subdivision and a plot plan, in order to ensure that the requirements of the Subdivision and Land Use By-laws are capable of being met.
- P-100 It shall be the intention of Council, in order to limit potential adverse effects on adjacent properties and to assist the travelling public, to:
- (a) restrict and regulate signs within the Plan Area;
  - (b) regulate parking spaces including parking spaces for the mobility disabled and parking lots;
  - (c) regulate the number of commercial vehicles parked in residentially zoned lands;
  - (d) regulate the period of time for which temporary rock crushing operations may be permitted; and
  - (e) regulate access to service stations.

P-101 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the Municipality.

## **TEMPORARY SIGNAGE (RC-Sep 26/06; E-Nov 18/06)**

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

**Policy P-102 Further to Policy P-100(a), the land use by-law shall not contain sign provisions for signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).**

**MUNICIPAL PLANNING STRATEGY  
PLANNING DISTRICTS 8 AND 9  
AMENDMENTS**

<b>Amendment Number</b>	<b>Policies/Maps</b>	<b>Subject</b>	<b>Council Adoption Date</b>	<b>Effective Date</b>
1	Lake Echo Community Designation - deletion, P-64(a)	Expand Wonderland and Mountainview Mobile Home Parks (PA-8&9-31-90)	March 25, 1992	April 11, 1991
2	P-65A, P-88(a)(iii)	New or expanded community commercial uses in excess of 2000 square feet (PA-8&9-05-93)	August 9, 1993	September 20, 1993
3	P-11B	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
4	P-79A to P-79H, P-89(f)	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
5	P-46A to P-46L	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
6	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
7	Interim Growth Management: Policy P-79H(A).6, P-79H(A).7, P-79H(A).8, P-79H(A).8a, P-79H(A).8b, P-79H(A).12, P-79H(A).13, P-79H(A).16, P-79H(A).16a, and P-79H(A).17.	Interim Growth Management (Project No. 00667)	May 4, 2004	July 24, 2004

8	Delete Section P-79H(a).1 to P-79(A).18 including preamble/policies and Map 4 (Interim Growth) Delete Subsection P-16 and P-17 including preamble and policies (New Private Roads) and Delete preamble to Policies P-20 and P-21.	Regional Plan Amendments	June 27, 2006	August 26, 2006
9	Add pre-amble: temporary signage P-102	Case 00327	RC-September 26, 2006	E-November 18, 2006