

Attachment C

Excerpts from the Cole Harbour/ Westphal MPS and LUB

Excerpts from the MPS

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.

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

HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

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

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

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

SW-5 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.

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

Existing C&D Operations

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

SW-6 A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses.

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

Site Plan Approval

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

SW-8 Further to SW-6, any expansion of an existing transfer station shall be regulated under a Site Plan Approval Process in order to minimize land use impacts. Siting standards shall be set out in the Land Use By-law to address such items as, but not limited to, screening, access, outdoor storage, maintenance, stormwater management, lighting, signage, and landscaping measures.

Excerpts from the LUB

PART 24A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE
(RC-Sep 10/02;E-Nov 9/02)

24A.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

Construction and Demolition Materials Transfer Stations
Uses accessory to permitted use

24A.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	3,716 square metres (40,000 square feet) - central services 11,148 square metres (120,000 square feet) - on-site services
Minimum Frontage	15 metres (49.2 feet) - central services 30 metres (98.4 feet) - on-site services
Minimum Front Yard	25 metres (82.0 feet)
Minimum Side Yard	30 metres (98.4 feet)
Minimum Rear Yard	30 metres (98.4 feet)
Maximum Lot Coverage	50 %
Maximum Height	11 metres (36.0 feet)

24A.3 OTHER REQUIREMENTS: C&D MATERIALS TRANSFER STATIONS

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

- (a) any building or structure shall meet the following separation distances:
 - (i) from any property line 30 metres (98.4 feet)
 - (ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
 - (iii) from a watercourse 30 metres (98.4 feet)
- (b) notwithstanding Section 24A.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).
- (c) notwithstanding Section 24A.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

24A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

- (a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:
 - (i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;
 - (ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant; or
 - (iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.
- (b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

- (c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;
- (d) notwithstanding Section 24A.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;
- (e) no portion of the operation shall be located within any side, rear, or front yard setback;
- (f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-1, R-1A, R-2, R-3, and R-6) or community use (P-2, P-3, P-4, and FP); and
- (g) no portion of the operation shall be located within a 1:100 year floodplain.

24A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- (a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;
- (b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;
- (c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;
- (d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;
- (e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;
- (f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;
- (g) all solid waste storage containers shall be screened from adjacent properties and streets;
- (h) impact of the location, number and size of signs;
- (i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and
- (j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.