HALIFAX

MUNICIPAL PLANNING STRATEGY FOR EASTERN PASSAGE/COW BAY

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REPRINT OF THE
MUNICIPAL PLANNING STRATEGY
FOREASTERN PASSAGE/COW BAY
WITH AMENDMENTS TO
May 27, 2026

MUNICIPAL PLANNING STRATEGY

FOR

EASTERN PASSAGE/COW BAY

THIS IS TO CERTIFY that this is a true copy of the Municipal Planning Strategy for Eastern Passage/Cow Bay which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 22nd day of June, 1992, and approved with amendments by the Minister of Municipal Affairs on the 5th day of October, 1992, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 27th day of May, 2026.

GIVEN UNDER THE HAND of the Municipal Clerk and under the seal of Halifax Regional Municipality this _____ day of _____, 20___.

_____

Municipal Clerk

MUNICIPAL PLANNING STRATEGY
FOR
EASTERN PASSAGE/COW BAY

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on the 22nd day of June, 1992, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on the 5th of October, 1992. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

OCTOBER 1992

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INTRODUCTION

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, RSNS 1989, c. 346, and pursuant to Municipal Council's adoption of Policy Paper I: Municipal Development Plan Preparation for the Urban Areas in the autumn of 1980. The planning strategy covers the area within the boundary of Municipal Electoral District 5, being the communities of Eastern Passage and Cow Bay and intervening lands.

Instrumental in the planning process were Public Participation Committees from the two communities affected. These Committees had representation on the Municipal Planning Strategy Committee of Council and held prime responsibility for the success of general public input and participation throughout the process. A survey, newsletter and other mailed information, as well as individual interviews and general public meetings contributed to the development of a community-based planning strategy. Also, in keeping with the provisions of the Planning Act, this Municipal Planning Strategy was subjected to an extensive review conducted in the 1988-1992 period. In this case, public input was gathered from a survey sent to every household in the Plan Area and through a number of public meetings held by the Plan Review Committee of Council.

The planning strategy is organized into four sections. Section I places the Plan Area within a regional context and contains an outline of basic considerations which have affected the development of policies for future land use. The second section discusses the status of environmental health services, transportation facilities and the provision of services within the Plan Area. Section III contains policies and development control guidelines for general land use regulation. The final section consolidates the various implementation measures of the strategy's land use policies 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 the maps which are included and specifically referred to, Map 1- Generalized Future Land Use Map (RC-Jan 27/98;M-Apr 27/98) , Map 2 - Trunk Sewerage System, **Map 2a - Water Service Districts (C-Aug 29/94;M-Oct 21/94),** Map 3 - Transportation and **Map 4 - Environmental Constraints (RC-Jan 27/98;M-Apr 27/98)** shall also constitute legal parts of this strategy. Map 1 shall direct the preparation and amendment of the zoning map for the Plan Area.

SECTION I

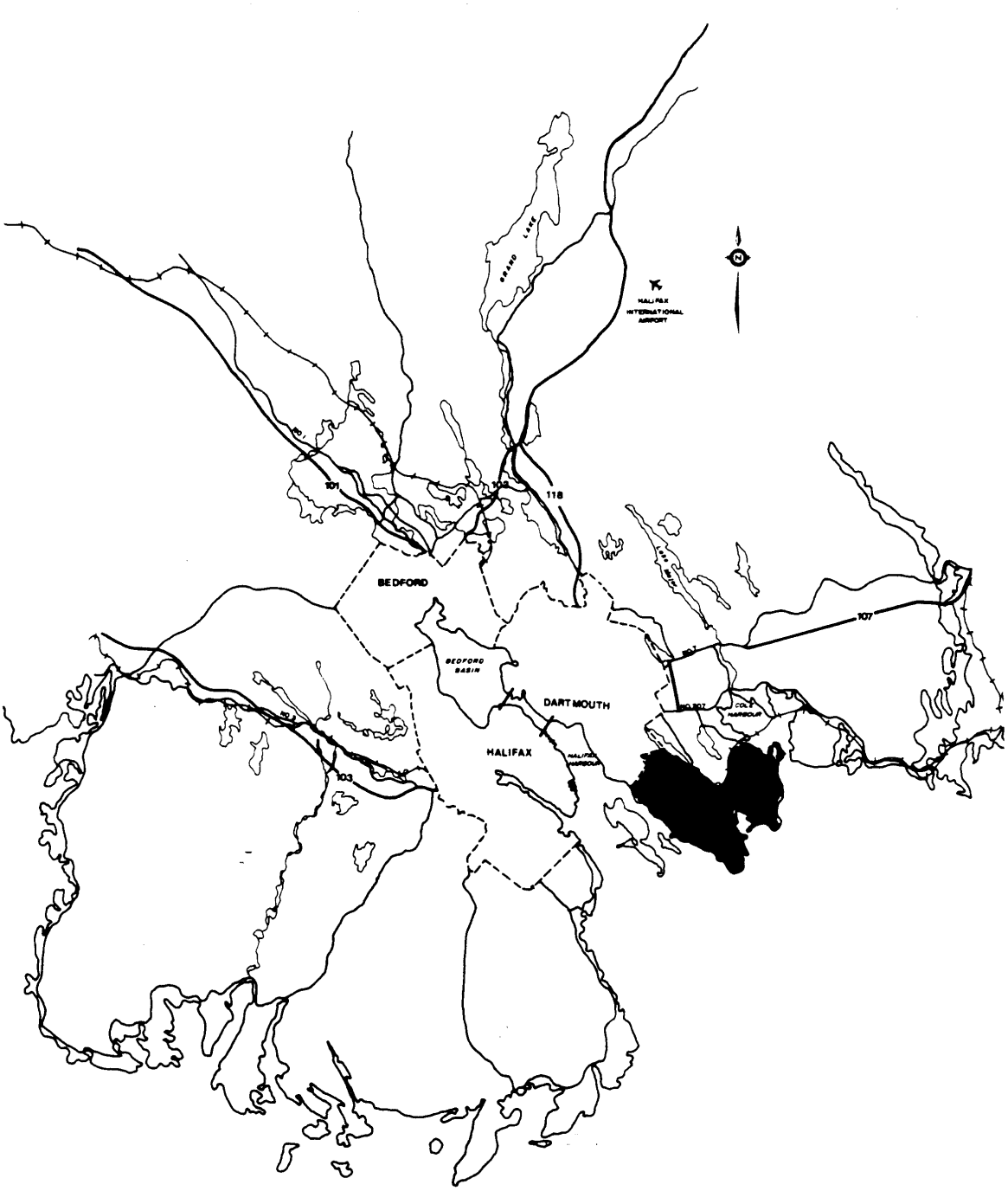
PLAN AREA PROFILE

Regional Context

As shown on the accompanying map (overleaf), the Plan Area is located at the southeast entrance to Halifax Harbour and includes the only urban waterfront within the Municipality of the County of Halifax. This harbour mouth location initiated and continues to support its interest to the department of National Defense, which is a significant participant in the metropolitan area generally. Extensive DND holdings, including major military air and seaports and quarters for some 1,400 people, define the northern and southern boundaries of the community of Eastern Passage and command the southernmost point of Cow Bay. In particular, the Canadian Forces Base Shearwater has had both physical and political influences upon the Plan Area and will continue to play an important role in its future.

Although the Plan Area is beyond the administrative boundary of the Port of Halifax, it contributes major waterfront activity to the region. In addition to the longstanding operations of CFB Shearwater, the traditional fishing industry is still very much in evidence, despite its disappearance elsewhere on Halifax Harbour. More recent industrial developments include Ultramar Canada's oil refinery and bulk storage installation and Canadian National's Autoport - a vehicle storage and distribution facility of national significance.

REGIONAL CONTEXT MAP



McNab's Island is also a landmark of regional significance within the metropolitan area. It consists of over nine hundred acres of land which contains many historical and natural features which are of importance to the region. Over the years, regional interest has been centred on the potential use of the island for park, industrial and port development. Most recently, the Halifax Harbour Cleanup Crown Corporation have identified McNab's Island as a potential location for the proposed regional sewerage treatment plant. McNab's is actually designated by the provincial government, through the 1975 Halifax-Dartmouth Regional Development Plan, for use as a provincial park. Its identification as one of five possible sites for the location of a regional sewage treatment plant has prompted concerns from local residents about the possible effects that such a facility would have on Eastern Passage and on the development of a park site. However, no decisions have yet been made to date regarding the development and maintenance of any park site, with or without considerations for a regional treatment facility.

The Regional Plan also designates provincial park lands along the shore of Cole Harbour, which defines the eastern boundary of the Plan Area and the community of Cow Bay. The Cole Harbour salt marsh is environmentally sensitive and an internationally recognized wildlife habitat. Provincial acquisition of properties within the Cole Harbour/Lawrencetown area for the development of a Coastal Heritage Park has been active and of the total park, the majority of lands which fall within the Plan Area are now owned by the Province of Nova Scotia. Again, decisions have not been made regarding development of the Coastal Heritage Park.

In terms of accepting its share of regional population growth on the eastern side of Halifax Harbour, the Plan Area has experienced medium population growth. While population in the City of Dartmouth has remained stable, population growth within the Plan Area has increased by 21% from the period of 1976 to 1986. The community of Cole Harbour experienced the most significant increase in regional population growth, increasing by 95% during this same period. This increase was brought about to a large degree by the provincial land assembly projects in this community.

The provincial housing priorities placed on other suburban centres may have contributed to the settlements of Eastern Passage and Cow Bay remaining relatively small and very distinct communities within the metropolitan region. This separate identity is geographically reinforced by the presence of CFB Shearwater between the communities and the City of Dartmouth, and by limited road access serving both the general public and major industries. The regional distinctiveness of the communities is also reinforced perceptually, by the expectations and attitudes of residents and by a longstanding interpretation of the area by an essentially rural form of municipal government. It appears, therefore, that significant decisions made on a regional basis may be the deciding factor in any dramatic alteration of the Plan Area in terms of population, development capability or community characteristics.

Population

Although the rate of population growth in the Plan Area has not been as dramatic as that experienced in the nearby community of Cole Harbour, its rate of growth has been steady since the early 1970s, when central services were installed within the community of Eastern Passage. Table 1 summarizes population growth from July 1981 to January 1990. Between 1981 and 1986, the population level increased by an average annual rate of 2.3% and between 1986 and 1990 by 8.5%.

Table 1: Population Growth

ACTUAL[1] 1981	1986	Average Annual % Growth 81-86	Estimated[2] 1990	Average Annual % Growth 86-90
6,020	6,709	2.3%	9,000	8.5%

Sources: 1. Census of Canada, 1981 and 1986
2. Halifax County Assessment Roll, 1990

The population at the last census in 1986 was reported to be 6,709, with an average household size of 3.2 persons per household. Table 2 illustrates that the Plan Area has a relatively young population compared to the cities of Halifax/Dartmouth, and Nova Scotia as a whole. Specifically, the proportion of the Plan Area population below the age of 24 comprised 41.3% of the total population in 1986. This is higher than the proportion of the population within this age category within the cities of Halifax/Dartmouth (36.5%) and the province (39.1%). This trend was also reflected in early middle aged category (25-44) among these areas. Within the late middle aged and senior citizens age category (45 years and older), the proportion of the population within the cities of Halifax/Dartmouth (30.0%) and the province (30.0%) was reported to be higher than that of the Plan Area (21.0%). This pattern is representative of the newer suburban plan areas surrounding the cities of Halifax and Dartmouth.

Table 2: Age Composition, 1986

AGE GROUP	PLAN AREA %	HALIFAX-DARTMOUTH %	NOVA SCOTIA %
0 - 24	41.3	36.5	39.1
25 - 44	37.7	33.4	31.0
45+	21.0	30.0	30.0
	100.0	99.9	100.1

Source: Census of Canada, 1986.

Residential Growth

Table 3 indicates growth in total dwelling units and Table 4 provides a breakdown of major dwelling types and indicates housing trends since 1981, as reflected in residential building permit activity. As shown on Table 3, the average annual rate of growth between 1986 and 1990 was higher than the previous five-year period. The peak in residential development activity occurred in 1987, when 326 new dwelling units were established (Table 4). The majority of the new residential development from 1981 to 1990 has been comprised of two unit dwellings (57%). Single unit dwellings constituted 24% of the total housing stock over this period. The remaining 15% and 4% were comprised of mobile homes and multiple unit dwellings, respectively.

Table 3: Dwelling Unit Growth

ACTUAL[1] 1981	1986	Average Annual % Growth 81-86	Estimated[2] 1990	Average Annual % Growth 86-91
1,580	1,968	4.9%	2,664	6.2%

Sources: 1. Census of Canada, 1981 and 1986
2. Halifax County Assessment Roll, December 31, 1990

Table 4: Residential Building Permit Activity

Year	Number of Dwelling Units				
	Single Unit	Two Unit	Multi Unit	Mobile	Total
1982	21	0	0	1	22
1983	41	0	0	1	42
1984	46	40	0	4	90
1985	72	174	0	3	249
1986	50	216	0	14	280
1987	32	134	52	108	326
1988	16	92	0	20	128
1989	15	58	0	12	85
1990	19	30	0	32	81
TOTAL	312	744	52	195	1303

Source: Municipal Building Inspector's Monthly Reports

Commercial and Industrial Growth

Industrial and commercial growth in the Plan Area has been steady since 1982. Table 5 indicates commercial and industrial growth from the perspective of development (building permit activity) and economic impact (taxable assessment). Building permit activity does not provide a complete picture of activity as only new developments are tabulated and the figures exclude renovations or additions. However, the proportion of taxable commercial and industrial property to the total tax base is a good indication of the impact of business development on the local tax base. As shown in Table 5, this proportion has been steadily decreasing since 1982 with the increased construction of new housing, but commercial and industrial assessment still comprises over 20% of the local tax base.

Table 5: Commercial Growth

Year	Building Permits[1]		Taxable Property[2]		
	Number of Comm/Ind Permits	Value of Comm/Ind ($'000)	Number of Business Occupancies	Total Assessed Value Comm ($'000)	% of Total Assessed Property
1982	3	69	48	24771	37.6
1983	2	160	50	24698	37.5
1984	2	680	48	28886	35.0
1985	1	1540	52	31223	34.4
1986	4	1177	53	31656	30.3
1987	4	3045	47	37380	24.7
1988	2	240	47	39195	23.4
1989	1	190	67	41212	23.2
1990	5	162	68	44641	22.6
1991	-	-	70	45147	22.4

Sources: 1. Municipal Building Inspector's Monthly Reports
2. Halifax County Assessment Rolls

Existing Land Use

In terms of residential growth, single and two unit dwellings have been the predominant form of development which has occurred in the Plan Area since 1981. Some apartment development has also occurred, along with approximately 175 additional mobile homes. A majority of the mobile home development which has occurred since 1981 has taken place in the Greenridge, Birchhill and Oceanview Estates mobile home parks. As of 1990, there were 218 mobile dwellings in the Plan Area' s mobile home parks plus an additional 44 privately owned and occupied lots adjacent to the Oceanview Estates Mobile Home Park.

Commercial development has occurred primarily along Shore Drive in Eastern Passage and in the vicinity of Quigley's Corner. The Shore Drive/Cow Bay Road is the principal transportation route between the two Plan Area communities. Commercial development in this area provides goods and services primarily to the immediate community in the form of retail outlets, offices and restaurants.

Major industrial and defense installations comprise the northern portion of the Plan Area. In addition to the major industries, there are several local firms scattered along the Hines and Caldwell Roads. These include salvage, construction and service uses which support the oil industry.

Major community facilities in the Plan Area include the Oceanview Manor seniors complex, elementary and junior high schools, a fire station, along with recreational and open space uses associated with existing schools, Cow Bay and McNab's Island.

General Considerations

Throughout the planning process, a number of specific issues were raised repeatedly as major

concerns of residents. In developing policy related to future community form and land use regulation, the Plan Area's land ownership characteristics, environmental considerations, community identities and land use concerns emerge as considerations which go beyond the physical aspects of this planning strategy and which will continue to be important to policy development from both municipal and regional perspectives.

Land Ownership

Eastern Passage, in particular, is affected by its land ownership patterns. On the one hand, many parcels still reflect early land settlement on long, narrow strips running back from the shore. In times past this afforded direct access to the water for fishing, lowland areas for buildings and gardens, and backlands for woodlots and pasturage. In modern times, this pattern results in the need for major consolidations prior to many improvements and makes the development of new roads and subdivisions difficult. Consequently, much of the community's lands are underutilized and the significant investment required to provide access and services often defeats local entrepreneurship and diminishes outside interest in local development.

On the other hand, the Plan Area has a number of major landholdings retained by owners with narrow development interests. The Department of National Defense commands over two thousand acres in the area. Large industrial concerns hold another six hundred acres and the Municipality itself owns a significant acreage central to Eastern Passage. McNab's and Lawlor's Islands are held by provincial and federal interests, as is the major portion of the shore of Cole Harbour.

The effects of these large holdings are twofold. Firstly, significant areas are blocked off into major uses which overshadow those adjacent to them and restrict the direction in which the community may grow. Shearwater, Autoport and Ultramar combined, constitute an area equal to or greater than the rest of the community of Eastern Passage and define its northern boundary, leaving many homes surrounded by industrial and defense activities. Secondly, the landowners themselves, in being governmental or established with government aid, including expropriation actions, have prompted valid concern regarding their accountability to local residents in future decisions with respect to new land developments. The eventual use of McNab's Island for example, will have significant effects on Eastern Passage, for access to the Island may necessarily be from the centre of the community, regardless of the type of use which is finally chosen for the site. However, the decisions of the senior levels of government which have acquired the island are traditionally viewed in isolation. This leads to uncertainty and limits the Municipality's ability to respond to residents' concern and to plan for contingencies.

Environmental Considerations

The Plan Area is bounded on three sides by salt water, the shores of which include salt marshes, natural beaches and other typically sensitive features. Both island and inland areas contain stillwaters, marshes, rivers and bogs which are habitat for many forms of wildlife and which form an essential part of natural water supply and drainage systems. While these features make the area an attractive place to live, they also pose constraints to development in some locations and generally contribute to difficult building conditions and questionable soil suitability for on-site sewage disposal.

These environmental elements are important to both of the Plan Area's communities and to areas considered for future growth. In Eastern Passage, where development is serviced by municipal

central water and sewer, the careful consideration of environmental constraints in terms of stormwater run-off, shoreline protection and the provision of suitable building lots is important. Within the unserviced community of Cow Bay, the availability of potable groundwater and the capability of the soil to accept continuing development without necessitating the installation of municipal systems are essential to considerations of future community form.

Plan Area residents have repeatedly expressed concerns about the ongoing operation of the Municipality's sewage treatment plant in Eastern Passage. Although recent improvements to the plant should alleviate concerns about odours and untreated discharges of effluent into the harbour, residents are concerned about perceived inequities in the distribution of the plant's treatment capacity between the communities of Cole Harbour and Eastern Passage, particularly given the relatively rapid rate of growth which is occurring in Cole Harbour. Residents have expressed an interest in participating in any future decision-making process that may involve the siting of a regional sewage treatment plant within or in close proximity to the Plan Area.

Residential Development

A majority of the residential development which has occurred in the Plan Area since 1982 has been in the form of semi-detached dwellings which have been constructed primarily throughout the Eastern Passage community. Unlike most other plan areas where the development of two unit dwellings has occurred through site-specific rezoning requests, this form of housing has developed throughout Eastern Passage on an as-of-right basis. Residents have expressed serious concerns about the compatibility of semi-detached dwellings with existing lower density neighbourhoods as well as about large areas of the Eastern Passage community being developed extensively for two unit dwellings. One of the objectives of this planning strategy is to establish an appropriate housing mix within the Plan Area while providing standards for the development of a variety of housing forms which meet the needs of the community's residents.

The Communities

Long before urban development led to the description of the Plan Area as part of the "suburban area", Eastern Passage and Cow Bay were very distinct communities. They have remained as such notwithstanding industrial expansions and the residential booms of adjacent areas. This is not to say that events have not changed the face of the Plan Area, for the growth of industry and other developments have resulted in considerable instability within Eastern Passage and in potential growth pressures on Cow Bay. Residents, however, still view the communities as being separate from the general metropolitan area.

In planning for future land use, the age of the communities and the traditional development and social perceptions which colour them must be respected, including the differences of Eastern Passage and Cow Bay relative to each other. Past and future development within the Plan Area may have been, and may be affected as much by the individualities of the two communities as by their close relationships and the characteristics which set them apart from the general suburban area of the Municipality.

It is the goal of this strategy to combine an understanding of the characteristics of two established and distinct communities, with the realities of development demands placed upon the Plan Area as a whole. In this regard, direction will be given to rationalizing the distribution of industrial use in

Eastern Passage and providing support for the growth of a solid residential and business community, separate from industrial locations. In Cow Bay, the needs of a semi-rural community which is being drawn into a suburban area will be respected, and the strategy will attempt to lay the framework for the maintenance of positive community form as the community continues to grow and evolve.

SECTION II

ENVIRONMENTAL HEALTH SERVICES

Sanitary Sewerage

In 1970, the community of Eastern Passage was identified as a priority area for the installation of a central sewerage system under the Halifax County Pollution Control Study.[1] A trunk system, serving both Eastern Passage and Cole Harbour, was completed by the autumn of 1974, with all flows terminating at Eastern Passage for treatment before discharge into Halifax Harbour. The treatment plant was initially designed to accommodate a population of 22,600 for both communities by 1983, with provisions for future expansions.

The Plan Area's services were designed and installed on the basis of a 'serviceable area", which identifies those lands from which the trunk sewerage system received the majority of sewage flow by the force of gravity. In 1979, the Municipality's sanitary services were re-examined under the Regional Sewerage, Drainage and Water Supply Plan.[2] With one exception, this study supported the established serviceable area of the trunk system, within which connections rely on gravity flow and do not require major expenditures for pumping and other facilities. The exception to this identified 110 acres in the vicinity of the Hines and Caldwell Roads, which can apparently be served by existing trunk. However, as the report recognizes, the lands affected are industrial holdings of Ultramar Canada, which utilizes on-site services for its entire operation at present and may be an unlikely customer for future hookup.

In 1986, municipal and provincial funding was approved for the expansion of the Eastern Passage sewage treatment plant. This expansion permitted the full development of the original serviceable areas within Cole Harbour/Westphal and Eastern Passage/Cow Bay, as well as the addition of approximately 570 acres. The additional capacity was assigned equally between the two communities.

Among the areas included within the Plan Area's expanded Service Boundary are approximately 200 acres of land along Cow Bay Road and sixty-five acres along Shore Drive. As significant financial arrangements must be made before municipal trunk sewer can be extended, the timing of the project is unknown. Therefore, development with on-site services will be permitted within these two areas until such time as the trunk is available. Elsewhere within the serviceable area, development may only proceed on central services.

Occasionally, the Municipality receives requests from individual developers to permit the extension of services beyond the serviceable area, primarily for the purposes of residential development. However, in terms of responding to the area's foreseeable housing needs, the existing boundary encompasses enough vacant acreage in the vicinity of established residential areas to accommodate approximately double the population currently using the system without increasing the community's low density. An exception to this may lie in the area of existing mobile home parks.

Although the numbers of mobile dwellings entering the area have been low in recent years and although there is some available acreage remaining in the existing serviced parks, the planning strategy provides for the unserviced Oceanview Estates park in Cow Bay to be phased out by subdividing the existing park spaces. Conceivably, many current residents may not wish nor be able

[1] Canadian Plant and Process Engineering Ltd.
[2] Project Planning Consultants Limited.

to purchase the lands on which their units are located and may be seeking rental accommodation elsewhere in the Plan Area. Pending the decisions of mobile home park owners in Eastern Passage to accept additional units from this park, there may be a need to extend municipal services beyond the Service Boundary to permit mobile home park expansions on private central treatment systems.

E-l It shall be the intention of Council to reaffirm municipal policy regarding the provision of central sewer and water services within the existing serviceable area by establishing the Service Boundary shown on Map 2 - Trunk Sewerage System. Within this Boundary, development should proceed on municipal water and sewer services except for the holdings of Ultramar Canada and those areas identified on Map 2 as unserviced land, where development may proceed with on-site sewage disposal and water systems.

E-2 Notwithstanding Policy E-l and with specific reference to Policy UR-14, it shall be the intention of Council to consider permitting certain extensions of municipal services beyond the Service Boundary, where such services are required in order to permit the expansion of existing serviced mobile home parks, and without requiring the amendment of the Service Boundary to reflect such extensions. Before extending these services, Council shall have regard to the amount of vacant land existing within the Plan Area's mobile home parks, to the effects of any extension upon the Municipality's expenditures for central services and treatment facilities and to the provisions of Policy UR-11.

An important element of the Regional Sewerage, drainage and Water Supply Plan was the assessment of excess capacity in the trunk sewerage system under both dry and wet weather conditions. A flow monitoring program, carried out in 1977-78, indicated that the operation of the Eastern Passage treatment plant is so severely affected during periods of wet weather, due to the amounts of grit and mud contained in the sewage, that occasionally the total flow must by-pass treatment to keep dirt from collecting in the system. This mud content is indicative of significant infiltration of the system, a problem which is compounded during wet weather by storm waters being improperly diverted into the trunk. According to the Regional Sewerage Plan, the collection portion of the Eastern Passage trunk system is adequate to serve the ultimate population for which it was designed, even with high infiltration rates, however, an inflow/infiltration reduction program is essential if the system's pumping stations and treatment plant are expected to accommodate the degree of development for which they were intended. Given the interrelationships of the Eastern Passage and Cole Harbour systems, any program to relieve pressure on the treatment plant must be comprehensive. The higher concentration of residential development in Cole Harbour, and the rate at which it continues to be developed may be contributing substantially to inflow/infiltration waters in the connecting trunk to Eastern Passage.

E-3 It shall be the intention of Council to proceed with an inflow/ infiltration reduction program or other effective measures to safeguard the design capacities of the Eastern Passage sewerage system and treatment plant.

E-4 Pursuant to good engineering and management practices, it shall be the intention of Council to upgrade and fully enforce the Municipal Sewer Connection By-law.

Regional Sewage Treatment

Nearly all of the sewage wastes generated within the Plan Area are either treated by way of on-site septic disposal systems or treated at the Eastern Passage treatment plan before being discharged into Halifax Harbour. Although Plan Area residents will not be directly involved in or affected by proposals to improve the quality of the harbour, there is a strong degree of community support for such a program, provided that no direct costs are borne by the community.

E-5 It shall be the intention of Council to monitor the possibility of participating in a regional approach to the treatment of sewage wastes as a long-term solution to improving the quality of Halifax Harbour.

The Municipality's pollution control plants at Eastern Passage and Mill Cove are presently treating waste from a combined population of approximately 45,000. However, this treated waste is discharged to and circulates in the same body of water as do untreated wastes from the cities of Halifax and Dartmouth, with a combined population of about 185,000. Certain economic and environmental inequities are obvious.

E-6 Given the Municipality's commitment to continue treating domestic waste from its serviced areas, it shall be the intention of Council to request that the federal and provincial governments investigate water quality in Halifax Harbour relative to certain environmental and economic inequities in sewage disposal by the region's municipal units.

Central Water

Upon completion of the central water system for Eastern Passage, services were turned over to the City of Dartmouth Water Utility, which utilizes the Lake Major supply area. Water is piped to the community via a single transmission main which runs from Dartmouth along the Eastern Passage Road. Although a number of reservoirs have been constructed by military and industrial interests, none of these is ordinarily used in conjunction with the municipal water system.

Recently, certain improvements were made to the sizing and routing of the transmission main, however, a deficiency remains in that all of the community's water flows from a single line which travels almost three miles before part of the system is looped. A break within this distance would result in the entire community being without water. The need to ensure a domestic supply is augmented by the location of major industry on the northern end of the transmission main. Although industrial operations are required to provide adequate supplies for fire fighting purposes, the Municipality is responsible for the protection of properties which surround them. In the event of an emergency, an adequate fire supply is required, without jeopardizing domestic water for the community. A reservoir located at CFB Shearwater could be made available in an emergency situation, however this is an unreliable source in terms of overall community need.

E-7 It shall be the intention of Council to encourage and co-operate with the Dartmouth Water Utility and the Department of National Defense to identify and carry out necessary improvements to the water system at Eastern Passage, including the looping of the system in the Caldwell-Hines Roads area and the construction or incorporation of reservoirs to guarantee a reliable supply.

In early 1993, municipal staff expressed concern to Council about the lack of clear policy direction with respect to development accessing only central municipal water services. Central water service from the Pockwock water system had been extended to a number of areas located outside of designated serviceable areas where both municipal water and sewer services are required. The primary motivation in extending central water to these areas was to resolve identified water quality or quality problems. However, the extension of trunk services to these areas also resulted in new development being able to access central water. The rapid rate of growth which central water seemed to encourage and the potential scale of development which could occur, coupled with the general lack of policy direction, caused staff to bring the matter before Council. Engineering concerns related to overall water system capacity and the adequacy of internal system design were significant issues as were planning considerations related to development patterns and adequacy and demand placed on other services.

In the fall of 1993, Council approved the designation of several Water Service Districts in areas served by the Pockwock water system and in early 1994 approved amendments to municipal planning strategies which recognized and supported these Water Service Districts. Council also directed that similar action be taken in those areas served by the Dartmouth Water Utility. As a result, several areas to which central water service had already been extended or where it was anticipated that central water would be required to resolve a water quality or quantity problem were recommended to the Dartmouth Water Utility for designation as Water Service Districts. Within the Eastern Passage/Cow Bay plan area, the Water Service Districts include lands in the Caldwell Road/Hines Road area and along Caldwell Road near Morris Lake (see Map 2a).

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

E-7(a) It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Water Service District Map (Map 2a). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.

E-7(b) Notwithstanding Policy E-7(a), Council may consider amending this planning strategy and the Municipal Subdivision By-law to permit the expansion of existing or the establishment of new Water Service Districts. When considering new or expanded Water Service Districts, priority shall be given to:

- **(1) areas identified as experiencing problems related to insufficient quality and/or poor quality of existing sources of water supply;**
- **(2) existing communities within a reasonable distance of the central water supply system where there is a demonstrated need and conditional upon the availability of water supply capacity; and**

(3) areas which would provide looping of existing infrastructure thereby enhancing reliability of the water system in the local area.

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

(a) the engineering and financial implications of such extensions as identified by the Master Infrastructure Plan, Implementation Plan, and Financial Plan carried out pursuant to Municipal Services General Specifications;
(b) the potential scale of such development and the effects which this may have on existing and future levels of services, as well as the development pattern which is desired and deemed appropriate within this plan area as well as the larger Municipality; and
(c) environmental considerations related to the long term integrity of on-site sewage disposal systems as well as natural water drainage systems.
(C-Aug 29/94;M-Oct 21/94)

Stormwater Management

Stormwaters normally flow through drainage systems which include rivers, creeks, lakes, ponds, marshes and other natural features. In rural areas, there is generally little notice of the impact of these drainage systems, but in developing areas, it has become apparent that significant environmental and economic costs can arise as a result of changes in these systems.

Especially in more developed areas where additional surface runoff from the development and after effects of subdivisions can lead to erosion and sedimentation in rivers and lakes, and infilling to the loss of natural wetlands and water retention areas, there is a growing recognition of the need to protect watercourses. Stormwater management can provide a significant reduction in development associated drainage impacts and their consequent costs.

Stormwater management has assumed a higher priority in the Municipality since Council's adoption of the Stormwater Task Force Report. This led to the passage of the Halifax County Stormwater Drainage Act in 1988, which enables the Municipality to enact its own controls over stormwater drainage. In addition, stormwater design criteria have been developed and additional attention paid to engineering considerations during the subdivision stage of a development. These features are to be incorporated into a by-law to control the infilling, diversion and removal of natural stormwater systems and requires adequate stormwater drainage systems for both subdivisions and individual lots.

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

E-8 It shall be the intention of Council to implement the Stormwater Policy and Design Criteria for various types of development and in portions of the Plan Area where it is determined to be appropriate and feasible, through necessary amendments to the Subdivision By-law.

The infilling of any water body can have detrimental effects on the flow of stormwater and subsequently the maintenance of environmental quality. In some instances, in order to divert, infill or otherwise alter any watercourse or body of water, permission may be required from the federal Department of Transport (for navigable waters) or the provincial Departments of the Environment or Natural Resources. These requirements, unfortunately, are all too often ignored.

E-9 It shall be the intention of Council to request the federal Department of Transport and the provincial Departments of the Environment and Natural Resources to improve enforcement of the regulations and guidelines governing infilling or other interference with watercourses within the Plan Area.

Poor construction practices, particularly in developing areas, can also result in damage to watercourses or bodies of water. A prime example is careless excavation which leads to increased siltation from uncontrolled runoff. 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.

E-10 It shall be the intention of Council to request the Nova Scotia Departments of Transportation and Communications and the Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

The Municipality has had experience with the results of a lack of stormwater management in conjunction with major developments. With the passage of the Halifax County Stormwater Drainage Act, the Municipality now has the opportunity to prepare stormwater management policies and plans including, as a priority, urban drainage master plans.

E-11 It shall be the intention of Council to adopt a comprehensive stormwater management system for the Eastern Passage/Cow Bay Plan Area. Preparatory to its adoption, Council, through the Engineering and Works Department, should undertake:

(a) the identification of watersheds, watercourses and waterbodies within the Plan Area;
(b) to identify areas within the Plan Area which have deficiencies in their existing storm drainage systems; and
(c) the preparation of urban drainage master plans appropriate to the Plan Area.

Subsequent to the preparation and adoption of the Municipality's Stormwater Drainage Act, the focus of efforts leading to the implementation of this legislation has been on amendments on the Subdivision By-law. It has become apparent, however, that drainage problems at the single, private lot level - especially residential - represent the single most critical stormwater management issue in the Municipality. It is, therefore, appropriate for the Municipality to prepare and adopt storm drainage controls at the single lot as well as the subdivision level, in order to reduce the drainage problems associated with the improper grading of subdivisions and individual residential properties.

E-12 It shall be the intention of Council to prepare and adopt a Lot Grading and Drainage By-law to control the grading of subdivisions and individual lots in order to reduce erosion and sedimentation of watercourses which result from improper or inappropriate drainage practices.

The protection of the natural drainage systems in the Plan Area can, in some instances, also provide opportunities for active recreational and natural open spaces. While storm drainage land is often available through the subdivision process, its potential for recreational purposes is not always examined. Through their respective roles in the subdivision process, the Municipality's Departments of Recreation, Planning and Engineering and Works can while protecting, make available for recreation purposes, appropriate storm drainage areas.

E-13 It shall be the intention of Council to involve the Engineering and Works, Recreation and Planning Departments to review the capability of stormwater drainage systems to support recreational activities.

General Setback Requirements / Floodplains - deleted (RC-Jan 27/98;M-Apr 27/98)

Solid Waste Disposal

Solid waste collection is contracted to private firms on a weekly pick-up basis and is disposed at the regional sanitary landfill site, operated by the Metropolitan Authority. The landfill site is located in Upper Sackville to the west of Highway No. 101 and extends back from the highway to the Sackville River. The site contains approximately 330 acres, 80 of which are actually used for the landfill. Operations began in November, 1977 and the site is scheduled to close in 1994. The Metropolitan Authority, therefore, started work on a "Solid Waste Master Plan" in August of 1989. The key to this plan is the concept of Integrated Waste Management. This concept recognizes that solid waste is a mixture of materials requiring a range of methods for disposal. Therefore, the recycling and reduction of waste will play a significant role in the Solid Waste Master Plan.

E-17 It shall be the intention of Council to request the Metropolitan Authority to investigate, in cooperation with other levels of government, programs for reducing waste and for waste reclamation.

E-18 It shall be the intention of Council to support the public participation process established by the Metropolitan Authority in locating a new regional landfill site.

E-19 It shall be the intention of Council to provide non-financial support for community based recycling efforts.

In 1994, 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[3] and source-separated composting[4]. 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[5] or in-vessel[6] 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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[3] **"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.**

[4] **"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.**

[5] **"Windrow Composting" refers to the method of controlled, aerobic composting or 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.**

[6] **"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.

E-19A It shall be the intention of Council, in support of the Integrated Waste Management Strategy adopted in June 1995, to support the location of composting operations in (industrial, resource, and mixed use) zones subject to compliance with provincial and municipal guidelines and regulations.
(MC-Feb 26/96;M-Mar 28/96)

Services Budgeting

Municipal financial resources are limited, whether to provide adequate stormwater management, to respond to the problems of inflow and infiltration of trunk systems or to take advantage of new industrial opportunities through servicing. In turn, the provincial funding upon which the Municipality has become reliant for the provision of environmental health services is limited, while municipal demands for funding and services are not.

The recognition of existing and future health services needs, and of present economic uncertainties, demands that environmental planning be extended from design criteria and development control to considerations of financial planning.

E-20 In light of both problems and opportunities presented by existing municipal sewerage and water systems, and in recognition of current funding limitations by senior levels of government, it shall be the intention of Council to reassess its five year capital budget for environmental health services and works.

The poor soil and water quality characteristics, which have been previously discussed, led to the installation of a private central water system by the developer of the Silver Sands Mobile Home Park in 1974. An important element of that system was, and is, a required treatment facility for manganese. At the present time the water system serves approximately forty-three mobile homes, six of which are on individual lots adjacent to the mobile home park. The extent to which pipes may have been laid to serve additional lands is not known. All mobile homes are served by individual septic tanks and disposal fields.

Community concern regarding the installation of central water and/or sewerage facilities has been discussed at length and the disadvantage, to the Municipality, of creating pockets of "serviced" development is clear. It has been a longstanding policy of the Municipality not to permit the installation of any central service outside of the Service Boundary. However, the existence of the water system for the Silver Sands park cannot be denied. It is rational to recognize the water system and is of benefit to the park residents and the community as a whole, to have it upgraded and properly maintained.

In 1983 the developer of the mobile home park indicated a desire to subdivide the park, based on its initial design of dwellings located on park spaces or "pads" of 15,000 square feet in area. The standards of the land use by-law require 20,000 square foot lots, thus, some of the existing homes, septic tanks and disposal fields, would be displaced should this requirement be enforced.

Although all of the concerns of the community and the Municipality remain with respect to environmental health services in general, it is felt that ownership of the lands of an existing development should not alter the situation of Oceanview Estates Mobile Home Park and that subdivision of the existing portion should be allowed to proceed without disruption to individual dwellings. In this, three conditions should be made clear: the number of homes utilizing the water system will not increase; the Municipality will not assume ownership of the water system; and no additional lands are to be used for a mobile home park in Cow Bay.

E-23 Notwithstanding the provisions of Policy E-22, it shall be the intention of Council to permit the existing private central water system servicing the Oceanview Estates Mobile Home Park and adjacent properties to the extent that it serves existing homes within the park and on six lots located along the Cow Bay Road. This system shall not be recognized as a central water system to serve further development of lands beyond those identified as presently being serviced by the Silver Sands Private Water System on October 15, 1984.

E-24 It shall be the intention of Council to require that the existing private water system serving the Oceanview Estates Mobile Home Park be upgraded to design standards and that any other measures be taken which are necessary to respond to water quality problems, in particular to manganese content, to the satisfaction of the Departments of Health and the Environment. This Water System shall be upgraded prior to the approval of a subdivision resulting in lots which have a minimum of 15,000 square feet in area. In addition and with reference to Policy E-21, it shall be the intention of Council to require a general evaluation of existing septic systems in the park relative to the effects of permitting its subdivision according to Policy UR-11.

ENVIRONMENTAL PROTECTION - (RC-Jan 27/98;M-Apr 27/98)

There is general consensus in the Eastern Passage/Cow Bay community that the Municipality must exercise greater authority regarding environmental matters in the plan area, as provided for by provincial legislation. Therefore, the purpose of this section is to ensure that clear and effective policies and regulations are incorporated in the planning documents to meet the environmental protection needs of the communities.

Recent provincial environmental initiatives, such as the Task Force On Clean Water, 1991, and the Round Table on Environment and Economy, 1992, made numerous recommendations respecting environmental protection, the encouragement of greater municipal involvement in watershed and water resource management and sustainable development. The Nova Scotia Planning Act enables municipalities to provide environmental protection through the prohibition of development and related activities on specified lands by several means. The Environment Act, 1994-95, states that its purpose is to promote protection and prudent use of the environment and includes a goal of maintaining the principles of sustainable development, such as ecological value, the precautionary principle, and pollution prevention. Further, the Environment Act states that a municipal by-law is not inconsistent or in conflict with the Act, by reason that it imposes stricter provisions respecting protection of the environment.

The establishment of an Environmental Constraints Map provides a basis on which to establish appropriate zoning standards to protect environmentally sensitive and significant features such as wetlands, watercourses and floodplains. No rezoning applications should be considered which would result in the loss or alteration of such features, unless it is clearly demonstrated that areas have been inappropriately included.

EP-1 It shall be the intention of Council to establish Map 4 - Environmental Constraints in the MPS. Lands included on the map are known watercourses, wetlands, floodplains and areas of steep slopes. This map shall show areas which are unsuitable or pose unusual difficulties or risks for development. With respect to floodplains, Council will encourage the development of floodplain mapping to identify the 1/20 and 1/100 year floodplains for Cow Bay River and Smelt Brook and incorporate appropriate development policy in the MPS for each.

EP-2 It shall be the intention of Council not to consider any rezoning application which will result in the development, excavation, infilling or alteration of any wetland, watercourse, water resource or floodplain, unless it is clearly demonstrated by detailed study that any such area, in whole or in part, does not meet any definition or fulfill such natural functions, as described in this planning strategy, or is otherwise not hazardous for development.

Wetlands Protection

A wetland is defined as "lands commonly referred to as marshes, swamps, fens, bogs and shallow water areas that are saturated with water long enough to promote wetland or aquatic processes which are indicated by poorly drained soil, vegetation and various kinds of biological activity which are adapted to a wet environment" (Regulations Respecting On-Site Sewage Disposal Systems, N.S. Environment Act).

A significant function of wetlands is the retention, storage and filtration of water from surface runoff, allowing sediments, contaminants and excessive nutrients to be drawn up by vegetation or settle out naturally before entering any streams or other receiving body of water. The importance of maintaining adequate levels of retention and filtration are amplified by the presence of sensitive receiving waters such as Cow Bay Lake and Cole Harbour. Watercourses and wetlands are a vital part of the hydrological cycle and affect the quality and quantity of groundwater supplies by allowing surface water opportunity to filter down into the water table. This process helps offset the use of groundwater for domestic and commercial use and reduces the risk of wells running dry. In addition, wetlands provide for wildlife habitat, fish habitats, research and educational sites and add to the overall aesthetics of a community. The destruction, infilling or alteration of wetlands is a waste of a vital natural resource, with potential cost impacts for the Municipality and residents, in addition to more general environmental and aesthetic impacts.

The placement of buildings in wetlands may present problems. Soil conditions are such that buildings may be unstable and lead to hazardous conditions. It is sometimes difficult to build permanent foundations and buildings may sink and foundations crack.

Wetlands within the plan area have been identified using the Nova Scotia Wetlands Atlas (Wetlands Protection Mapping) which was prepared for Environment Canada in 1988 and updated in 1991, with more definitive boundaries established through interpretation of air photos dated 1992. One of the intents of the Wetlands Protection Mapping program was to identify and articulate the values of these individual areas and to encourage municipalities to consider them in future land use decisions. These identified areas merit protection through the establishment of a conservation zone which will ensure long term protection of a valuable public and private resource.

EP-3 It shall be the intention of Council to establish an Environmental Conservation (EC) Zone in the Land Use By-Law. The zone is applied to the wetland areas identified on Map 4 - Environmental Constraints and is subject to policy EP-2. It shall further be the intention of Council to prohibit excavation, infilling, or any other alterations within this zone, including the removal of trees or other vegetation. Developments are limited to the placement of boardwalks and walkways and historic sites and monuments. A minimum twenty-five (25) foot setback for buildings from an EC zone shall be included in the LUB.

Watercourse Setbacks and Buffers

There are numerous small streams within the plan area which provide for surface water drainage and require protection primarily in terms of maintaining water quality, but also in maintaining the aesthetics and overall natural appearance of the area. As previously discussed, one part of the protection of watercourses will be achieved through the protection of wetlands which are an integral part of the natural drainage process. Another protection method is to establish development setbacks to provide adequate natural buffers.

The function of buffer areas is to provide protection for both the natural environment and the built environment. The establishment of a buffer width should consider key attributes, such

as soil type, soil erodibility and vegetation. The majority of the land area in Eastern Passage and Cow Bay contains Mahone, Bridgewater, Hantsport, Peat and Wolfville type soils (Soil Survey of Halifax County, 1963). These soils range from moderate susceptibility to erosion to high susceptibility erosion (City of Dartmouth Lake Study, 1974). Buffer areas should be left in their natural state, as the removal of existing vegetation and/or any other disturbances increases eroded soil, nutrients and pollutants into adjacent waters and reduces their capacity to function as filtration areas. Buffers also assist in the prevention of damage to structures from potential peek flooding and erosion, and can serve as wildlife corridors to a number of species. The best means to avoid high levels of suspended solids and silt from reaching watercourses is to establish an effective setback for development.

The planning strategy establishes a setback/buffer requirement for structures, within which no alteration to the natural vegetation or grades of the land may occur. All known streams will be identified on Map 4 - Environmental Constraints, and the land use bylaw will require a buffer of 100 feet on each side of all streams, with provision for a reduction to 50 feet for existing lots which would be made undevelopable with the 100 foot requirement. Any other streams identified by detailed study and/or upon any development application will also be subject to Policy EP-4.

Watercourses were identified using topographic mapping (1:10 000 scale) produced by the Department of Housing and Municipal Affairs, NTS series mapping (1:50 000) and interpretation of air photos dated 1992.

EP-4 It shall be the intention of Council to establish setback and buffer requirements for all watercourses within the plan area, including but not limited to those as generally shown on Map 4 - Environmental Constraints. No structure, excavation, infilling or grade alteration shall be permitted to occur within one hundred (100) feet of any watercourse. The retention of natural vegetation within the setback/buffer area shall be part of these requirements. The land use bylaw shall contain provisions to reduce this requirement to fifty (50) feet for lots in existence on the effective date of this planning strategy where otherwise development would be prohibitive.

Floodplains

The riparian zone, the adjoining land area which is affected by lakes and streams, may extend for a considerable distance from the water and the width of the zone should be related to such factors as slope, soil type, vegetation type and the activity taking place beyond it (Nova Scotia Wildlife Habitat Conservation Manual, 1995). These areas generally exhibit floodplain characteristics, such as a gently sloping surface usually bounded by valley walls or terraces; a relatively high water table, poor drainage; vegetation consisting of species adapted to wet and flooded soil conditions; and occasional inundation by water (Environmental Analysis for Land Use and Site Planning, 1978).

Cow Bay River

A significant extent of lands adjacent to Cow Bay River exhibit floodplain characteristics. The western side of Cow Bay River, extending from Morris Lake to Cow Bay Pond and westerly for about 800 feet (to the 30 metre contour), is about a 2 percent grade, includes poorly drained

peat and aspotogan soils (Soil Survey of Halifax County, 1963) and a series of large and small wetlands. A general characteristic of lands between 0 - 3 percent slope which abut watercourses is that of swamps, marshy areas and floodplains and are generally considered unbuildable (City Of Dartmouth Lake Study, 1974). A portion of the eastern side of the river, adjacent Cow Bay Pond, exhibits similar characteristics. The remaining southerly portion of the river exhibits a smaller riparian zone, a slightly greater slope (4%) and more stable, better drained Bridgewater type soils.

Cow Bay River flows from Morris Lake and Bissett Lake to Cow Bay Lake, a distance of about three miles. There is concern over the long term potential for increased peak flows in the river from continuing upstream urban development in Cole Harbour, particularly around Morris and Bissett Lakes. This may present future flooding problems of a larger scale than are now experienced. Therefore, the floodplain area described above reflects a need to assist in the protection of development from potential hazards, as well as protection for the natural functions of the river and Cow Bay Lake (Map 4 - Environmental Constraints). The floodplain is presently not developed and it is appropriate to establish and apply a floodplain zone

Smelt Brook

Smelt Brook flows southerly from DeSaid Lake, which receives water from Morris Lake, for a distance of about 2.5 miles and empties into Cow Bay Lake. A portion of the lands on the western side of the brook, between Hines Road and Cow Bay Road and east of Caldwell Road, also exhibits characteristics of a floodplain with a 2 percent slope and a large area of peat soils. This soil type is usually formed in depressional areas, such as old lake beds and ponds, is saturated with water and exhibits poor drainage (Soil Survey of Halifax County, 1963). The eastern side exhibits a much smaller riparian zone. The portion of the brook between Cow Bay Road and Cow Bay Lake contains a relatively large wetland which assists in storing and filtering water during peak flow periods.

Smelt Brook is surrounded by soils high in clay content, which are highly erodible once tree cover and grades are altered. Clay also remains suspended in water for long periods of time and does not settle out easily, making standard sedimentation control techniques inadequate. The risk of environmental damage is increased in the plan area due to the fact that the brook empties into environmentally sensitive Cow Bay Lake. This area is valued not only for its natural beauty, but for high wildlife capability as shown by the presence of species such as osprey and herons. These birds, and others which nest in the area, rely heavily on the presence of a healthy fish population which can be severely impacted by the presence of high amounts of siltation and suspended solids.

Similar concerns exist respecting development adjacent Smelt Brook as they do with Cow Bay River. Therefore, the floodplain and buffer established along the brook reflects a need to assist in the protection of development from potential hazards, as well as protection for its natural functions.

EP-5 It shall be the intention of Council to establish a Floodplain Zone for application to the identified floodplains of the Cow Bay River and Smelt Brook. Permitted uses include forestry and agricultural uses (excluding buildings), passive and active recreation uses and conservation uses. No excavation, infilling or grade alteration shall be permitted

to occur within one hundred (100) feet of Cow Bay River and within one hundred (100) feet of Smelt Brook and the retention of natural vegetation within these areas shall be required. These restrictions shall also apply to areas beyond the one hundred (100) feet that are within twenty-five (25) feet of wetlands as shown on Map 4 - Environmental Constraints.

Drainage Basin Study

Given the impact of development in the Cole Harbour plan area on the hydrology of the Eastern Passage/Cow Bay area, it is necessary to also address these issues on the basis of drainage basins rather than political boundaries. This planning strategy will therefore encourage an examination of the wetlands, watercourses and storm flows within the Cole Harbour/Westphal areas as well, where the drainage patterns are linked with those of this area.

EP-6 It shall be the intention of Council to examine the drainage area of the community of Cole Harbour which contributes to flows into the Cow Bay River. Appropriate policies and regulations are to be considered for inclusion within the Cole Harbour/Westphal MPS which address storm water quantity and quality and the potential downstream impacts on the Cow Bay River and Cow Bay Lake.

Coastal Lands

Certain coastal lands within the plan area contain environmentally sensitive areas, such as salt marshes, steep slopes and rock cliffs, as shown on Map 4. A portion of the coastal area around Osborne Head exhibits 25%> slopes. Further, the coastal lands outside of the sheltered area of Halifax Harbour are under constant pressure from ocean wave and wind action and are continually eroding. These areas present a hazard to development which is located too close to the water/land interface or the top of shoreline cliffs. Therefore, the primary objective of establishing a setback along the coast line is to provide increased protection for structures from these hazards. This will help to lessen the costs to homeowners and the Municipality to spend future money to fortify the shoreline against the effects of coastal erosion.

Cow Bay Lake and Barrier Ponds form part of the buffer system for the Cole Harbour-Lawrencetown Coastal Heritage Park. Portions of the shoreline in these areas are also subject to potential erosion due to their minimal shelter from heavy wave action. The significance and sensitivity of these waterbodies was previously recognized in the Halifax-Dartmouth Regional Development Plan, which established increased setbacks to protect these environmentally sensitive areas. The Nova Scotia Department of Natural Resources and the Nova Scotia Museum concur that it is important to maintain this protection. The Revised Porter Plan, 1978, recommended a 200 foot setback from Cow Bay Lake and Barrier Pond. These ponds are highly visible from the coastal highway and are of unique natural beauty. In addition to the sensitive nature of these areas, the increasing importance of tourism within the area and the expressed desire to preserve areas of natural vistas are also important considerations. It is therefore appropriate to require greater setbacks from these bodies of water.

EP-7 It shall be the intention of Council, through the land use by-law, to establish a building setback and buffer of two hundred (200) feet for those coastal lands as shown on Map 4 - Environmental Constraints. No structure, excavation, infilling or grade alteration

shall be permitted to occur within the setback/buffer area and the retention of natural vegetation within the area shall be part of these requirements. The land use bylaw shall contain provisions to reduce this requirement to one hundred (100) feet for those lots in existence on the effective date of this planning strategy and if otherwise development would be prohibitive.

Municipal Stormwater Management

In addition to the previously expressed concerns pertaining to private development, municipal practices can have a detrimental impact on lakes, watercourses and wetlands. The traditional technique of simply piping or ditching stormwater to empty into the nearest waterbody should be reconsidered in light of more progressive approaches.

EP-8 It shall be the intention of Council to encourage the use of innovative stormwater management systems which reduce the degree of impact on the natural environment. The use of stormwater retention/detention ponds, infiltration trenches, and velocity breaks and other similar techniques are therefore to be encouraged in any new development and in upgrades of existing systems where appropriate.

TRANSPORTATION SERVICES

The Plan Area has air, sea, rail and road facilities, making it unique within the region and affecting its development.

The airport located at Canadian Forces Base Shearwater is essentially military and one of the busiest in the country. Handling Canadian and other military craft, government flights and general cargo, the facility is capable of accommodating the largest planes in the event of an emergency.

The airport's major impact in terms of general development has been relative to the restriction of residential use within its noise zones where the Canada Mortgage and Housing Corporation's lending policies make developers ineligible for federal assistance. In addition to concerns about increasing residential development, which leads to conflict over noise and hours of airport operation, Shearwater representatives express concern regarding the location of flight paths relative to industrial developments which may emit smoke or ash or attract birds to disposal and scrap areas. However, given the frequent incompatibility of dwellings and airport use, it is often desirable to provide for commercial or industrial operations. Zoning regulations and development review procedures should be designed to accommodate the needs of both airport and other users.

TR-1 With reference to Policy IMD-1, it shall be the intention of Council, through zoning and other development control procedures, to recognize and accommodate the effects of the airport at CFB Shearwater.

Prior to 1981, railway services were provided from Dartmouth to the Musquodoboit Valley. This line was closed from Eastern Passage to Musquodoboit in 1981 and the tracks were subsequently removed by 1985. The railway has been maintained from Dartmouth to the intersection of Caldwell and Hines Road, as shown on Map 3 - Transportation Plan. This line provides access to the major industries located within the Industrial Designation.

TR-2 In recognition of general industrial facilities, supporting commercial uses and transportation uses within the Industrial Designation (Policy IND-l), it shall be the intention of Council to encourage Canadian National Railways to continue to provide rail services to lands within the designation as shown on Map 3 Transportation Plan.

Canadian National has also maintained a dead end section of track east of the Caldwell Road. The Caldwell Road crossing, connecting this track to the remainder of the rail system, was removed in 1985 since it was not providing access to industry. This track traverses the Industrial Mix Designation which is intended to support the future development of light industrial uses in accordance with Policy IMD-l. Although lands within the vicinity of this track remain vacant, future development may depend upon the provision of rail service.

TR-3 It shall be the intention of Council to request Canadian National Railways to retain the section of track located east of the Caldwell Road, as shown on Map 3 - Transportation Plan, for future industrial purposes and to request Transport Canada and Canadian National Railways to extend rail service to this area as it becomes required.

As previously mentioned, the Plan Area contains the only urban waterfront within the Municipality, and wharves have been established to serve military, industrial and fishing operations. The Municipality has insignificant jurisdiction regarding the direct use of the harbour, however, development on abutting lands should be controlled in terms of its general contributions to the efficiencies of waterfront use.

TR-4 With reference to Policy COM-6, it shall be the intention of Council to recognize the importance of and the opportunities offered by the Plan Area's waterfront.

The Plan Area's two communities have developed around what are essentially two loop-roads: the Cow Bay/Dyke Road and the Hines/Caldwell/Shore/Eastern Passage Roads. Although entry may be gained to the area from three access points, the predominant link to the metropolitan centre and beyond for both industrial and residential traffic, is the Eastern Passage Road (Highway 322) which extends from Dartmouth. After several years of neglect, this road has been widened and upgraded, as is its extension from Quigley's Corner to Cow Bay. In addition, upgrading is planned for the Caldwell Road which, along with the Bissett Road, provides access to Eastern Passage and Cow Bay from the Cole Harbour area.

In the past, the Plan Area's network of arterial, collector and local roads was based on a classification system established by the Department of Transportation and Communications, whereby roads are classified primarily according to their structural design and traffic service capabilities. Emphasis is placed on traffic movement, with little consideration given to the types of land uses associated with or adjacent to the various roadways. In order to establish more specific locational criteria upon which to evaluate developments and to prioritize municipal servicing programs, such as the installation of sidewalk services, it is desirable to establish a road classification system more appropriate to the needs of the Plan Area.

TR-5 It shall be the intention of Council to adopt the road classifications shown on Map 3 - Transportation Plan.

By using the road classification system, Council will be better able to evaluate land use proposals in relation to road type. The road classification system uses a combination of factors to classify roadways; such as primary function, land use service, traffic volume, right-of-way width and road connections.

TR-6 It shall be the intention of Council to utilize the road classification system as a means of evaluating development proposals which require amendments to the land use by-law or which must be considered pursuant to the development agreement provisions of the Planning Act.

Traffic patterns are subject to change, either as new developments occur within the Plan Area or as new roads are constructed. Therefore, a change in one factor, may result in a road being reclassified to a higher (or lower) classification, even though the other factors have not changed. In addition, as the Plan Area grows, new roads will be constructed. The road classification system must also provide a framework for classifying new roads. The road classification system will also be applied to developing areas so that new developments occurring in the Plan Area may be evaluated on the basis of their relationship to the transportation network.

TR-7 It shall be the intention of Council to utilize the road classification criteria in Appendix "A", as a basis on which to evaluate (and reclassify existing or new) roadways in the Plan Area.

TR-8 It shall be in the intention of Council to co-operate with the Department of Transportation and Communications in maintaining and revising the road classification system as the road network changes in the Plan Area.

The road network in the Plan Area was developed in a relatively incremental manner, as the area developed over time. As a result, the road network is comprised mostly of a series of local streets with little recognition given to hierarchal design. To improve movement through the road network, particularly where new subdivisions are being considered, developers should be required to reserve rights-of-way and/or build higher order roadways in order to improve overall efficiency of the road network.

TR-9 It shall be the intention of Council to encourage the Department of Transportation and Communications to prepare conceptual plans showing the approximate location of future arterial and collector roads within the Plan Area, and to establish mechanisms which ensure that the necessary rights-of-way for these higher order roadways are provided for as development occurs.

These improvements should rectify previous inefficiencies associated with the concentration of industrial and residential traffic on older roads, however they should also be complemented by the reasonable distribution of future traffic to take full advantage of upgraded facilities. In this regard, and given the relative amount of industrial traffic in the community of Eastern Passage, truck routes should be established.

TR-10 It shall be the intention of Council to encourage and co-operate with the Department of Transportation and Communications to establish the following roads as truck routes within the Plan Area and to proceed with any improvements necessary to accommodate such vehicles in a safe and efficient manner:

(a) Hines Road;
(b) Caldwell Road (from Cow Bay Road through to Hines Road);
(c) Cow Bay Road (from Caldwell Road to Highway 322); and
(d) Highway 322 (Eastern Passage Road).

As a result of recent and imminent transportation improvements on major roads, the priorities placed on future transportation planning should turn to the needs of internal circulation in communities which have a limited road network. This includes specific actions such as identifying truck routes and incorporating upgraded private lanes into the road system, and extends to broader considerations such as the design and coordination of an internal road network in Cow Bay, where the first new streets off of the existing loop-road are tentatively planned with new subdivisions.

TR-11 With reference to Policies TR-10, TR-13 and RR-3, it shall be the intention of Council to encourage and co-operate with the Department of Transportation and Communications in placing a priority on the development of a coordinated internal road network within the Plan Area's communities.

Notwithstanding that recent improvements have relieved problems of access to Eastern Passage and Cow Bay, and that the municipal priority relates to the development of internal road patterns, it is recognized that provincial priorities may alter dramatically in response to major development considerations, such as the possible use of McNab's Island by industry. Given this potential, the effects of road access through the community, and from the community to the island, are of considerable concern to residents and to the Municipality.

TR-12 It shall be the intention of Council to support public consultation as an essential element in the siting of any major access road to or through the Plan Area. Further, Council shall request the Department of Transportation and Communications to provide the Municipality with information as to alternative access to McNab's Island, given its potential use for industrial development and/or as a provincial park site.

Existing Private Roads

In 1983, the Municipality renegotiated a standing agreement with the provincial Department of Transportation and Communications whereby subdivision of lands abutting identified private roads could be approved, but these roads would not be listed as public roadways until all provincial standards and specifications were met and the required rights of way were deeded to the Province. The procedure requires a petition by residents and supported by the Municipality, to be presented to the Department of Transportation and Communications. The agreement further stipulates that the Province bears no responsibility for the cost of upgrading. Although no upgrading or take over of private roads in Eastern Passage has occurred since the adoption of the planning strategy, approximately fifty (50) new building lots have been subdivided along serviced private roads in Eastern Passage.

Corresponding to its historic land ownership pattern of long, narrow lots, older portions of Eastern Passage have developed on narrow private lanes. Municipal sewer and water systems were installed along some of these lanes and residents were required to pay frontage charges for trunk lines serving their properties. In the past, property owners were generally unable to recoup part of this expenditure by subdividing and selling lots from these lands. However, the indexing of these serviced lanes in the Municipal Subdivision By-law has enabled a limited amount of subdivision to occur and it is intended that this method of subdivision will be continued.

Although the Municipality and the Department of Transportation and Communications have established a mechanism for the take-over of private roads, it has certain limitations in Eastern Passage. Written consent is required from owners of a majority of lands before any action can be taken, and more than once a single resident who controls a large property has thwarted the efforts of others living on the road. Although private lanes in Eastern Passage have been adequately handling residential traffic for years, they do not meet the minimum width requirement for roads which are to be taken over by the Department of Transportation and Communications. In order to support and implement many of the objectives of this planning strategy, the basic question of proper access is important, particularly in areas of the community where commercial and industrial development is to be encouraged.

TR-13 It shall be the intention of Council to increase its efforts toward facilitating the upgrading and provincial take-over of private lanes which are serviced with municipal sewerage and water services in the community of Eastern Passage. Such efforts shall include the investigation

of the expropriation of lands necessary to complete required rights-of-way and of reductions in the current widths required for rural roadways by the Department of Transportation and Communications.

TR-14 It shall be the intention of Council to permit the subdivision of lands abutting private lanes which have municipal sewer and water services in Eastern Passage. In this regard and with reference to Policy TR-11, Council shall index these private lanes in the Subdivision By-law and establish a schedule of priorities in co-ordinating the subdivision and development of lands on private lanes with the road improvements necessary to provide a reasonable level of service to existing and future residents and land users.

Reduced Lot Frontages

In certain instances, the subdivision of existing properties has been hampered due to a lack of sufficient road frontage. The Municipal Subdivision By-law contains provisions which permit limited subdivision on the basis of reduced road frontage. The application of these provisions in the Plan Area would support the creation of new lots from larger areas of land which may have limited frontage on the public road network. These provisions are not, however, considered to be appropriate within areas served by central services or for uses of land which generate higher volumes of traffic, such as commercial, industrial or institutional developments.

TR-15 It shall be the intention of Council to permit the application of Part 14 of the Subdivision By-law except for the reduced lot frontage provisions contained in Section 14.1, which shall not apply in the following circumstances:

(a) where properties are located within the Service Boundary as shown on Map 2; and
(b) where properties are zoned for commercial, industrial, or community facility purposes.

TR-16 It shall be the intention of Council that development permits shall not be issued for commercial, industrial, or community facility uses for lots created pursuant to Section 14.1 of the Subdivision By-law.

Pedestrian Systems

Long standing resident concerns about pedestrian safety led to the construction of a new sidewalk along portions of Shore Road and other major streets in the Plan Area. Sidewalks have generally been cost-shared and constructed by the Department of Transportation and Communications, the Municipality and area residents when a request for such service has been received. However, there are some locations, particularly near schools, where potential dangers exist for pedestrians due to the lack of sidewalks.

TR-17 It shall be the intention of Council in co-operation with the Department of Transportation and Communications and area residents to undertake a review of existing sidewalks, crosswalks and street lighting and to produce a priority list of future improvements including overhead walkways.

Transit Services

Notwithstanding employment opportunities offered in major industrial and national defense in the Plan Area, the Eastern Passage/Cow Bay area also relies heavily on the cities of Halifax and Dartmouth for employment, shopping and other goods and services. With an expanding population base and with ever increasing energy costs, the need for public transit becomes more apparent and necessary.

At present, the Metropolitan Authority operates one bus route which serves portions of Eastern Passage. All buses terminate at the Woodside Ferry terminal where other connections may be made. Any extension of this service should be considered with particular emphasis given to residential areas adjacent to and located on Cow Bay Road and Shore Road.

In 1988, the Metropolitan Authority reviewed its Transit Routes. From the review, the Metropolitan Authority indicated that transit service would be improved in all areas of metro through changes in scheduling and a reduction in the use of loop routes. At present, not all of the proposed improvements have been implemented.

TR-18 It shall be the intention of Council to support and encourage the continued provision of public transit services for the Eastern Passage and Cow Bay areas.

TR-19 It shall be the intention of Council to encourage the Metropolitan Authority to implement all of the transit improvements proposed in the "Metro Transit-Route Review Report (1988)."

Utility Corridors

The siting of utility corridors should be subject to municipal review due to their effects upon scenic, recreational and residential areas of the Municipality and general development patterns.

TR-20 It shall be the intention of Council to request the utility companies to submit proposed plans of any utility corridors prior to construction. Furthermore, Council shall discourage the location of utility corridors through scenic, recreational and residential areas of the Municipality.

RECREATION

The provision of recreational land is affected through the dedication of parkland in compliance with the Municipality's Subdivision By-law. Under the By-law, five percent of the land subdivided or cash-in-lieu is accepted for parkland purposes. Also, monies have been accumulated through cash-in-lieu of land for the purchase of additional property.

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

REC-1 As provided for in the Planning Act, Council shall continue to acquire public lands or cash-in-lieu of land for public purposes. In this regard, it shall be the intention of Council to give support to the maintenance of lands within the Community Facility Designation as areas of community use. Specifically, the lands at Elkins Barracks (A23) shall be considered as an institutional and recreational focus within the Plan Area and whenever appropriate, public lands shall be acquired in locations which complement these properties or ensure access to them. In general, Council intends that public lands acquired according to the Planning Act shall, whenever possible:

(a) provide open space linkages between community facilities and related land uses and complement such facilities and other public lands;
(b) provide for a variety of recreational and open space opportunities within each of the Plan Area's communities; and
(c) afford the protection of watercourses and waterbodies and of the coastline and areas near to the shore, including the Cow Bay River and Cow Bay Pond, Morris Lake, Smelt Brook and the coast of South East Passage.

REC-2 It shall be the intention of Council to establish guidelines in respect to the optimum amount and type of public lands necessary to meet the recreational and open space needs of the community and to set standards for the development of park sites. Further, it shall be the intention of Council to investigate the budgeting of funds for the purchase of lands beyond those acquired through the Planning Act.

REC-3 It shall be the intention of Council to prepare a recreational master plan for the Plan Area which includes consideration of:

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

EDUCATION

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

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

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

ED-1 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue to consult with the community and the Municipality prior to altering the functions of any school or constructing any new school.

ED-2 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to closely monitor population and development within the Plan Area. Furthermore, it shall be the intention of Council to make strong representation to the provincial government to provide a planned response to the needs for new schools or expansion of existing schools.

ED-3 It shall be the intention of Council, when new school sites are being considered, to encourage the provincial government and the Halifax County-Bedford District school Board to locate the schools so that pedestrian and vehicular safety is 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.

ED-4 It shall be the intention of Council to encourage the provincial government and the Halifax County-Bedford District School Board to consider the lands at Elkins Barracks (A23) as the priority area for the siting of a high school at such time when this facility is warranted.

ED-5 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to continue applying standard site criteria, including minimum site requirements, for each type of school.

ED-6 In shall be the intention of Council to request the Department of Education and the Halifax County-Bedford District School Board to investigate ways in which support and additional space can be provided, as part of new school construction and school expansion projects, to provide for after-hours day care for school aged children.

ED-7 It shall be the intention of Council to encourage the Halifax County-Bedford District School Board to support the continued use of school facilities as community schools in order to provide for a range of individual educational needs and to help foster community social and cultural development.

PROTECTION AND EMERGENCY SERVICES

Protection services include fire and police protection, ambulance services and an emergency measures organization. Fire protection services are the responsibility of the Municipality, while the emergency measures organization is shared between municipal and provincial authorities. Police and ambulance services are not under the control of the Municipality and are supervised respectively by federal and provincial authorities.

Fire protection services are provided by the Eastern Passage Fire Department, with backup service provided by the Westphal-Cole Harbour Fire Department. Hydrants are accessible in most developments within those parts of the Plan Area which are serviced by central water systems. Unserviced areas are serviced by tanker trucks. A mutual aid system which involves standby and backup services is in place for both fire departments.

The Fire Department is staffed on a twenty-four hour basis by both paid fire fighters and volunteers and operates on a system in which paid staff are first to respond to calls with an automatic backup by the volunteer staff. Fire protection advisory 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 as a liaison between Council and individual fire departments. A full-time fire services coordinator has also been appointed.

PS-1 It shall be the intention of Council to encourage adequate fire protection in the following ways:

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

Police services are provided by a Royal Canadian Mounted Police detachment located in Cole Harbour. The strength of the detachment was significantly increased in the late 1980s to provide a level of service considered more appropriate to a predominantly suburban population that includes both Eastern Passage and adjacent communities. Ambulance services are provided by two private businesses operating out of Dartmouth. The service is subsidized by the province and provision is made for outside ambulance assistance, if needed.

PS-2 It shall be the intention of Council to continue to study and recommend improvements to police and ambulance services within the Plan Area.

The Municipality has an emergency operations plan (most recently updated in 1982), an Emergency Measures By-law, and an emergency measures coordinator to deal with civil emergencies. At present, a province-wide emergency calling system is being installed and the Municipality is considering a county-wide fire dispatch system to run in conjunction with it.

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

SOCIAL HOUSING AND REHABILITATION

The Federal Government, through CMHC, offers a non-profit housing program that provides financial assistance to housing cooperatives. Such programs provide an important housing option for those who would otherwise face significant problems in securing affordable housing. The Municipality could further support this cooperative housing program by helping to target people in need and by providing administrative assistance to those involved in the establishment of coop housing groups.

One of the ways in which the Municipality could offer such support is the establish a permanent committee to deal with issues of social housing. This committee could be charged with reporting to Council on possible initiatives that might be undertaken with respect to providing this type of housing. Membership on the committee could include staff from the Social Services Department, Planning, Property Management and the Dartmouth-Halifax County Regional Housing Authority.

SH-1 It shall be the intention of Council to investigate methods by which the Municipality can offer non-financial assistance in promoting the establishment of cooperative housing groups, funded through the CMHC non-profit housing program.

SH-2 It shall be the intention of Council to establish a permanent committee to report to Council on matters relevant to social housing and to coordinate social housing efforts and programs within the Municipality.

In terms of the age, variety and quality of housing stock, the condition of units within the Plan Area varies greatly. With the exception of newer subdivisions and mobile home parks, in both serviced and unserviced areas, the residential appearance of most streets includes a mixture of dwelling styles and circumstances. Although considerable effort has been made by residents in maintaining general quality, some parts of the residential areas are weakening to the pressures of age or industrial and commercial development. The communities recognize a need to set adequate standards for general housing and to provide opportunities for upgrading and rehabilitation.

SH-3 It shall be the intention of Council to participate in programs leading to the rehabilitation and general upgrading of housing stock, or which respond to specific needs in housing for groups such as the elderly or which promote broad social and economic objectives such as energy conservation.

SH-4 It shall be the intention of Council that new mobile homes locating on individual lots within the Plan Area be placed on a permanent foundation and satisfy the standards of the Canadian Standards Association which are comparable to those for conventional housing, as determined by the Canada Mortgage and Housing Corporation.

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

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

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

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

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

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

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

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

SW-1 It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.

SW-2 It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.

SW-3 Further to Policy SW-2, Council shall encourage provincial and federal agencies working within HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

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

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

SW-4 It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.

SW-5 It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility, or environmentally sensitive.

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

Transfer Stations and Processing Facilities

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

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

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

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

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

C&D Disposal Facilities

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

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

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

(a) Facilities which dispose of only inert C&D materials for which Ministerial approval and a permit from the Department of the Environment are not required. Inert materials are defined as "rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives.

(b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial "Construction and Demolition Debris Disposal Site Guidelines", to address the design and operational requirements.

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

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

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

following criteria.

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

Site Plan Approval

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

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

Existing C&D Operations

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

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

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

Community Liaison Committee (CLC)

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

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

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.

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

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

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

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

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

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

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

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

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

IC-8 An infrastructure charge may only be used for the purpose for which it is collected.

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

Background

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

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

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

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

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

Present Context for Regional Planning

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

Goals and Objectives for the Regional Planning process, adopted in principle by Regional Council, recognize that the status quo is not a viable option for managed growth and it is likely that some level of subdivision and development restrictions may be required in order to further

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

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

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

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

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

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

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

Intent of Interim Growth Management

The intent of Interim Growth Management policies is to prevent accelerated unserviced[7] residential subdivision activity (e.g. pre-emptive growth) and to ensure Council keeps its options open while preparing the Regional Plan. Without Interim Growth Management, there is a substantial risk that:

[7] Unserviced means a lot which is serviced with an on-site septic system and well.

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

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

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

Under the Ministerial Order, an individual can submit a subdivision application to create new unserviced lots from parcels of land existing prior to January 22, 2004 on existing roads[8]. To discourage a rush on applications (pre-emptive growth) which are inconsistent with Interim Growth Management policies, Council intends to limit the number of permits issued per year for such subdivision applications.

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

[8] Existing Road: a road (either public or private) that existed or under construction on January 22, 2004 and those roads shown on completed tentative and final applications.

Scope of Interim Growth Management

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

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

Policy IGM-4 **It shall be the intention of Council to apply Interim Growth Management regulations to all unserviced areas of land illustrated on Map 5 as "Interim Growth Management Area".**

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

Within Eastern Passage/Cow Bay, lands outside the Development Boundary can be developed on on-site septic and well systems. However, lands zoned Rural Area only permit the creation of one lot per year which is more restrictive than Interim Growth Management measures. Therefore, Interim Growth Management measures will not apply to areas outside the Development Boundary and zoned Rural Area.

Policy IGM-5 **Notwithstanding Policy IGM-4, Council shall not apply Interim Growth Management policies to unserviced areas within the Interim Growth Management Area that are subject to growth management policies and regulations that Council considers adequate which includes, but not limited to, those parcels of land located outside the Development Boundary and zoned RA.**

Development Options

Within the Interim Growth Management area, subdivision activity will be permitted to continue as long as pre-emptive growth is prevented and development is consistent with the Provincial Statement of Interest on Infrastructure. To achieve this balance, Interim Growth Management shall encourage the infilling of existing developments to prevent development from leaping

frogging over existing areas where services (excluding sewer & water) are already applied. Therefore, subdivision activity will only be supported along existing roads.

Policy IGM-6 **It shall be a policy of Regional Council to prohibit any new public or private roads, excluding those roads shown on completed tentative and final applications, to avoid pre-emptive growth and leap frogging of development over existing developed areas.**

Policy IGM-7 **Further to Policy IGM-6, Council shall encourage infilling on existing roads to maximize existing infrastructure and minimize the cost of delivering services to unserviced residential development within the Interim Growth Management Area**

Policy IGM-8 **Further to Policy IGM-6, residential subdivision activity, within the Interim Growth Management Area shall be limited to parcels of land that abut or have access to a road (either public or private) that existed or was under construction on January 22, 2004 or any road shown on completed tentative and final applications for subdivision filed by January 22, 2004.**

Subdivision Lots Having Limited Frontage

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

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

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

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

Subdivision Activity

Under the Ministerial Order, completed tentative and final subdivision applications submitted to HRM prior to January 22, 2004 were permitted to proceed through the subdivision process

(ie grand-fathered). These applications shall be continued to be grand-fathered during the Interim Growth Management period to honour commitments applicants undertook as part of their subdivision applications. Permitting these applications to proceed will enable new roads to be constructed which will be considered as existing roads and lots subdivided along these roads will be approved and permitted under the Land Use By-law.

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

Policy IGM-11 Further to Policy IGM-10, roads shown on completed tentative and subdivision applications filed by January 22, 2004, shall be considered existing roads.

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

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

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

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

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

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

Water Issues

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

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

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

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

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

Discretionary Planning Approvals

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

Policy IGM -16 Notwithstanding Policy IM-11, any development agreement or rezoning application within the Interim Growth Management area, for unserviced residential development shall only be permitted on an area of land that abut or have access to an existing road.

Under the Ministerial Order, development agreements approved prior to January 22, 2004 for unserviced residential development were not subject to the Order. These agreements shall be

grand-fathered during the Interim Growth Management period. Further, HRM received completed development agreement applications prior to the Order which are being evaluated under policies and criteria that existed prior to the adoption of Interim Growth Management policies. In recognition of the work required to make an application, these applications shall be exempt from the Interim Growth Management policies.

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

Annual Monitoring

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

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

LAND USE INTENT

Future land uses within the Plan Area will be guided by land use policies and, more specifically, by land use designations which are intended to direct the pattern of future development. These designations are illustrated on Map 1 Generalized Future Land Use, as follows:

Urban Residential	Industrial
Rural Area	Community Facility
Commercial	Special Area
Industrial Mix	Plan Amendment

The Urban Residential Designation recognizes the major portion of the communities' established residential areas as having priority for continued residential development. The designation is intended to support the growth of a more solid residential area in Eastern Passage, apart from and in response to industrial locations, and to provide the total land use policy base for the developed community of Cow Bay, while recognizing its rural characteristics.

The Rural Area Designation has been applied to the area surrounding Eastern Passage and Cow Bay, where lands are generally undeveloped and without road access. The designation is intended to provide a priority area for resource development and to provide for major residential development expanding into this area to be monitored in terms of its effect upon community form and its implications for municipal investment in future environmental health services.

The Commercial Designation identifies the Plan Area's historic business district at Eastern Passage and includes adjacent lands which could undergo a transition from residential use. The designation is intended to support a broad range of development in terms of goods and services, and of a scale which is in keeping with the character of a small village core. The designation also recognizes that residential use is appropriate within local commercial areas and that higher density dwellings in particular are more suited to these locations when being introduced into an older residential community.

The Industrial Mix Designation is located on lands which border Eastern Passage, and is intended to accommodate the possible development of light and service industrial uses and commercial uses which are out of scale with the local business area. The designation has been applied to primarily vacant lands which are accessible without substantially increasing traffic in residential and commercial neighbourhoods.

The Industrial Designation reflects locations of existing heavy and service industry in the north end of Eastern Passage, and is intended to provide for their expansion and for the development of complementary industrial and commercial operations. The designation defines a future industrial area and limits further industrial intrusion into the residential community. Where the growth of heavy industry has substantially altered the character of certain portions of the community, opportunities for resident's alternative use of properties are maximized.

The Community Facility Designation has been applied to lands at Eastern Passage which are currently used for, and/or have a potential for the development of major institutional and other community-supporting facilities. Although it is not the intention that all public uses be restricted to locations within the designation, the lands identified significantly affect the area's development pattern and

should not be lost, piecemeal, to other uses which may inhibit direct community benefits.

The Special Area Designation has been applied to certain lands within both communities which, for one reason or another, should be protected from indiscriminate development. The designation is intended to recognize that these are sensitive areas, which may provide a focus to the communities and beyond, and which are environmentally and historically significant.

The Plan Amendment Designation recognizes extensive land holdings and developments within the Plan Area which are controlled by the Department of National Defense, whose actions are beyond municipal jurisdiction. The designation provides for future planning and regulation in the event that these lands become available to private interests, and calls for co-operation by senior levels of government in respect to the policies of this planning strategy.

URBAN RESIDENTIAL DESIGNATION

The rate of residential development in the Plan Area has been significantly high since 1974 when central services were installed in Eastern Passage. In 1976, there were 1,115 occupied dwellings and by 1981, this number increased to 1,580. There are approximately 2,664 occupied dwellings in the Plan Area at the present time (1990).

In the period since the adoption of an initial planning strategy in 1982, building permits have been issued for 303 single unit dwellings, accounting for approximately 24% of residential dwelling units in the Plan Area. Two unit dwellings accounted for nearly 58% (732 units) and mobile dwellings accounted for nearly 14% (175 units). In addition, permits were issued for 52 apartment units representing approximately 4% of new housing units.

The extensive residential development which has occurred in the Plan Area since 1982 has resulted in a redistribution of the housing mix as indicated in Table 6. In 1981, single unit dwellings comprised 74% of the Plan Area's housing stock. By 1990, the proportion of single unit dwellings to other forms of housing comprised only 52%. During this same period, the proportion of two unit dwellings increased from 9% to 30%.

Table 6: Housing Distribution By Dwelling Type

DWELLING TYPE	YEAR		
	1981[1]	1986[1]	1990[2]
Single Unit	74%	69%	52%
Two Unit	9%	17%	30%
Multi-Unit	2%	2%	3%
Mobile	15%	12%	15%
TOTAL NUMBER OF UNITS	1580	1970	2664[3]

Sources:
1. Census of Canada, 1981 and 1986
2. Estimated Distribution - Municipal Building Inspector's Monthly Reports
3. Halifax County Assessment Roll, 1990

The growth in two unit dwellings since 1982 has occurred primarily within the serviced portion of the Urban Residential Designation. This growth has been greater than was originally anticipated through the application of a two unit dwelling base zone, which was intended to safeguard the low density residential environment, while providing for the development of basement apartments. Instead, there has been a proliferation in the development of new semi-detached dwellings. This has contributed to a lowering in the ratio of single unit dwellings to higher density housing.

The Urban Residential Designation has been applied to those lands which constitute the major residential portions of the communities of Eastern Passage and Cow Bay. Although the types of dwellings which may be desired in Eastern Passage/Cow Bay are similar, the extent to which non-

residential uses may be desired varies between the two communities. Although the designation is intended to safeguard the low density of the Plan Area as a whole, differences between the communities are respected. In Eastern Passage, the development of a more solid residential community is encouraged. In this area, support is given for the development of a desired mix of residential uses, limited home businesses and community uses. In Cow Bay, support is given for the development of a mix of residential, business, resource and community uses.

UR-1 In recognition of the established residential community and the need to provide for a variety of residential opportunities as the communities continue to grow and evolve, it shall be the intention of Council to establish the Urban Residential Designation as shown on Map 1 - Generalized Future Land Use. The designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.

UR-2 Within the Urban Residential Designation, it shall be the intention of Council to establish a single unit dwelling zone which permits single unit dwellings and open space uses and provides for the use of dwellings for limited day care facilities and home business uses. In addition, the zone shall control parking of commercial vehicles and the number and size of signs as well as open storage and display.

Development within the unserviced portions of the Urban Residential Designation is generally located along or adjacent to the Cow Bay Road. Relatively large unserviced lots afford opportunities for more varied use, without infringing on the enjoyment of abutting properties. In this area, small businesses and resource uses have traditionally operated in conjunction with individual dwellings.

UR-3 Notwithstanding Policy UR-2, within the unserviced portion of the Urban Residential Designation, it shall be the intention of Council to establish a rural residential zone on unserviced lands, which permits single unit dwellings, mobile and two unit dwellings, **shared housing uses (RC-Aug 9/22;E-Sep 15/22)**, limited day care facilities and businesses in con~unction with permitted dwellings, as well as resource uses, open space uses and institutional uses. Larger day care facilities, medical clinics, fraternal centres and halls will not be permitted within this zone. Business uses shall be limited in size and may be contained either within the dwelling which is the principal residence of the operator, or within an accessory building. Provisions in the land use by-law shall ensure that no aspect of the accessory use will detract from the residential nature of the designation. In addition special requirements will be established in the land use by-law for the safe operation of resource uses with respect to setbacks from watercourses, property lines, and residential uses.

Within the serviceable portion of the Urban Residential Designation, there are a number of properties located along the Cow Bay Road which were formerly situated beyond the Service Boundary. Consequently, some of these properties were developed according to land use and development standards intended for more rural residential environments. In recognition of the existing rural residential use of certain properties within the Urban Residential Designation, existing rural residential zoning will be retained.

UR-4 Notwithstanding Policy UR-l, it shall be the intention of Council to retain existing rural residential zoning on certain properties within the serviceable portion of the Urban Residential Designation in recognition of the existing use of these properties for rural residential purposes.

Housing Accelerator Fund (RC-May 23/24;E-Jun 13/24)

In response to rapid population growth, housing shortage and declining affordability, the Municipality has prioritized removing barriers to housing within the Urban Service Boundary.

To support the goal of creating new opportunities for housing, the Municipality shall allow at least 4 dwelling units on all residentially zoned properties in the Urban Service Area as set under the Regional Subdivision By-law to foster development of missing middle housing forms.

UR-4ANotwithstanding Policies UR-2 to UR-5, and RA-2, at least 4 dwelling units per lot shall be permitted in all residential zones within the Urban Service Area as defined in Schedule B of the Regional Subdivision By-law.

Housing Mixture (Repealed: RC-May 23/24;E-Jun 13/24)

Auxiliary Dwelling Units

There has been a growing trend in the housing market to provide independent apartment units within single unit dwellings, either at the time of construction or through conversion. Many such auxiliary dwelling units are built with family members in mind, but are also used for income purposes by homeowners. This increasing interest in providing independent accommodation to family or non-family members within a conventional single unit dwelling has resulted in the illegal conversion of an unknown number of dwellings in recent years.

Although the impact of an auxiliary unit on adjacent dwellings is generally minimal, there are concerns that the appearance of such units will detract from the surrounding area. Specific concerns relate to the size of such units, provisions for parking spaces and the location of external entrances. There are also concerns that the uncontrolled proliferation of auxiliary dwelling units might change the character of existing neighbourhoods. Research in other jurisdictions indicates that at any one time between ten and twenty percent of single unit dwellings contain an auxiliary dwelling unit. Such a housing mix is considered to be acceptable in this Plan Area.

UR-6 Notwithstanding Policy UR-2, in support of existing auxiliary dwelling units within the Urban Residential Designation, it shall be the intention of Council to create an auxiliary dwelling unit zone, which permits auxiliary dwelling units in addition to all uses permitted in the single unit dwelling zone. Also, the zone shall control parking, maximum gross floor area of the auxiliary unit, and the number of entrances along the front wall of the dwelling. In considering amendments to the land use by-law to an auxiliary dwelling unit zone, Council shall have regard to the following:

(a) that the scale and appearance of the dwelling is in keeping with the surrounding area; and
(b) the provisions of Policy IM-11.

Two Unit Dwellings

There are significant community concerns associated with the impact of two unit dwellings on

neighbourhoods which consist primarily of single unit dwellings. These concerns exist both in the context of individual lot infill and with regard to subdivisions and portions of subdivisions proposed for two unit development. These concerns are related both to the increases in density resulting from two unit development, and to the visual impact of these generally larger structures on existing single unit neighbourhoods.

In the past, the R-2 (Two Unit Dwelling) Zone was applied as the base zone to all lands within the Urban Residential Designation. This zone was intended to safeguard the low density residential environment while allowing for the development of basement apartments. This has led to an unprecedented growth of two unit dwellings throughout the Plan Area. While it is the intention of Council to maintain this zone on all existing two unit developments and to those lands which are affected by a completed tentative or final plan of subdivision, submitted prior to the first notice of the intention to adopt the land use by-law, to continue to be developed on the basis of the 1982 R-2 Zone standards, those lands which are vacant and unaffected by completed plans of subdivision will be rezoned to an R-1 (Single Unit Dwelling) Zone. This will protect the low density residential environment, as was originally intended for this designation.

New two unit dwellings are not considered appropriate either for infill situations or for new subdivisions immediately adjacent to primarily single unit dwelling neighbourhoods on adjacent properties. Therefore, in order to provide protection for single unit properties, any vacant parcel or existing structure which abuts or is immediately adjacent to an R-1 (Single Unit Dwelling) zoned property, will not be considered for rezoning to an R-2 (Two Unit Dwelling) Zone.

New two unit development may be considered for undeveloped lands, provided that adequate separation and buffering from single unit dwelling neighbourhoods is provided within the proposed development. Provisions will be established within the land use by-law to increase the minimum lot area and yard requirements for these new developments. This is intended to reduce the bulkier appearance of such dwelling types and to provide more space for parking and other amenities.

UR-7 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to establish a two unit dwelling zone which permits new two unit dwellings in addition to all uses permitted in the single unit dwelling zone (Policy UR-2), under revised zone standards. This zone shall be applied to all existing two unit dwellings and to those lands which are affected by approved plans of subdivision. Provisions will also be established within the land use by-law to permit these existing developments to proceed based on the previous two unit dwelling zone standards. Council shall only consider permitting new two unit dwellings, under revised standards by amendment to the land use by-law and with regard to the following:

(a) that where a vacant lot or parcel of land to be rezoned abuts or is immediately adjacent to properties with single unit dwelling zoning, a buffer of R-l zoned lots shall be maintained between existing and proposed development;
(b) that streets are not considered to constitute part of the buffer and, except for individual lot infill, parkland with an area of less than one acre and a depth of less than one hundred (100) feet shall not constitute part of the buffer;
(c) that municipal central services are available and capable of supporting the development;
(d) where new roads are being proposed as part of the development, an evaluation of the proposed road layout and the impacts on traffic circulation in the surrounding area; and

(e) the provisions of Policy IM-11.

Multiple Unit Dwellings

In terms of higher density residential uses, multiple unit dwellings provide an alternative form of housing which contributes to the overall housing mix in the plan area. Given the low density character of residential development within the Urban Residential Designation, multiple unit developments should be small scale which is in keeping with the surrounding area. In addition, central water and sewer services must be available. In order to properly integrate these units into the community, such development shall only be considered by development agreement.

UR-7(a) Repealed (RC-May 23/24;E-Jun 13/24)

UR-8 Notwithstanding Policy UR-2, it shall be the intention of Council to consider permitting multiple unit dwellings within the Urban Residential Designation, according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

(a) repealed (RC-May 23/24;E-Jun 13/24);
(b) the adequacy of separation distances from low density residential developments;
(c) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
(d) that site design features, including landscaping, amenity areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent development and to provide for the needs of residents of the development;
(e) that municipal central services are available and capable of supporting the development;
(f) that appropriate controls are established to address environmental concerns, including stormwater controls based on a report from the appropriate municipal, provincial or federal government authority;
(g) that the development has direct access to a minor or major collector road as defined on Map 3 - Transportation;
(h) the impact on traffic circulation and, in particular, the adequacy of sighting distances and entrances and exits to the site;
(i) the general maintenance of the development;
(j) the provisions of Policy IM-11**;**
(k) that the building height does not exceed 6 storeys not including a penthouse, where a penthouse is comprised of mechanical equipment or amenity areas and occupies a maximum of 30% of a rooftop area; (RC-May 23/24;E-Jun 13/24)
(l) that the development provides a mix of dwelling units; (RC-May 23/24;E-Jun 13/24)
(m) that the ground floor of the streetwall facing a minor or major collector road as defined in Map 3 is occupied by either a neighbourhood commercial use or ground-related dwelling units. (RC-May 23/24;E-Jun 13/24)

Townhouse Dwelling Units

The townhouse form of multiple unit dwellings may also be compatible with the general appearance

of existing low-rise development, in serviced portions of Eastern Passage. Townhouse development will be accommodated through both the rezoning and development agreement processes. The rezoning process is most appropriate where individual townhouse units do not have frontage and driveway access onto a major collector road. The development agreement process is most appropriate where individual townhouse units have frontage and driveway access onto an internal street located within the area covered by the development agreement. Normal subdivision regulations which require direct frontage and access can be varied by the development agreement.

In considering a proposal for townhouse development, care must be taken to ensure that such units are properly integrated into the community. Characteristics of townhouse developments such as numerous closely spaced driveways, grouped dwelling units, and front yard parking, require that care be taken in siting townhouse development. Controls established in a townhouse zone or through a development agreement will address building and site design details in order to achieve compatibility with adjacent residential development.

UR-9 Notwithstanding Policy UR-2, it shall be the intention of Council, within the Urban Residential Designation, to establish a townhouse dwelling zone which permits townhouse dwellings, where each dwelling unit is located on a separate lot and has direct access to a public street. Within the zone, there will be controls on parking areas, driveways and access locations, as well as controls on the maximum number of units per building. In considering amendments to the land use by-law to a townhouse dwelling zone, Council shall have regard to the following:

(a) that individual dwelling units do not have direct access to a major collector street, as defined on Map 3 - Transportation;
(b) that municipal central services are available and capable of supporting the development;
(c) the adequacy of separation distances from low density residential developments;
(d) the impact on traffic circulation and, in particular, sighting distances and entrances and exits to the site;
(e) preference for a site in close proximity to community facilities such as schools, recreation areas and transit routes; and
(f) the provisions of Policy IM-11.

UR-10 Notwithstanding Policies UR-2, it shall be the intention of Council to consider townhouse developments within the Urban Residential Designation which do not provide direct access from each unit to a public street, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

(a) repealed (RC-May 23/24;E-Jun 13/24);
(b) that the development includes a minimum area of 20,000 square feet, with access provided to a public street;
(c) that municipal central services are available and capable of supporting the development;
(d) the adequacy of separation distances from low density residential development;
(e) that site design features including landscaping, parking areas and driveways are of an adequate size and design to meet the needs of residents of the development and to address potential impacts on adjacent development;
(f) that the height, bulk, lot coverage and appearance of any building is compatible with

adjacent uses;

(g) the general maintenance of the development;

(h) preference for a site in close proximity to community facilities such as schools, recreation areas and bus routes; and

(i) the provisions of Policy IM-11.

Mobile Homes

The Plan Area has accepted the largest proportion of mobile homes, relative to total housing stock, of any of the suburban areas. Of the three major mobile home parks, two have municipal sewer and water services. Although the expansion of these serviced parks is reasonable, the low numbers of units coming into the area in recent years, and the vacant acreages remaining in the serviced parks do not warrant consideration of encouraging new mobile home parks to locate in Eastern Passage.

The three mobile home parks within the plan area, Greenridge, Birchhill, and Oceanview Estates, presently accommodate approximately 205 individual units. An amendment to this Plan in 1984 designated the Oceanview Estates mobile home park as a Comprehensive Development District (CDD) and permits the subdivision and sale of individual lots within it, a fact which will increase the pressure for alternative rental sites. While it is not the intention of this strategy to permit new mobile home parks, consideration may be given to the expansion of existing parks by development agreement where municipal water and sewer services are available.

With respect to the Oceanview Estates mobile home park which has been developed without the required municipal services, no expansion can be accommodated. In fact, the developer has indicated a desire to phase out the park, by subdividing the lands into lots, based on the park's initial layout. As it is not the intention of the strategy to permit mobile home parks in unserviced areas, and as the matter of ownership of the land should not affect the physical nature of the development nor its impact upon the community, it is rational to recognize this existing development and provide for its subdivision. However, in light of the relative density of this development, the limitations of its private central water system and the nature of its current house type, it is reasonable to place some limitations on future land use. The broad range of non-residential uses envisaged elsewhere in Cow Bay is not appropriate to this development. Particularly, home industrial uses permitted in the community may pose an increased fire threat to a subdivision of mobile homes. Obviously, the questionable capability of the water system to support increasing densities over time requires that residential uses be limited to single dwelling units, whether mobile or permanent.

The Greenridge and Birchhill mobile home parks, although connected to municipal central services, are located either entirely or partially outside of the Service Boundary. Notwithstanding Policy E-l of this strategy, which limits the extension of municipal services beyond this boundary, expansion of these mobile home parks may be accommodated where considered appropriate.

UR-11 It shall be the intention of Council, through the land use by-law, to provide for the continuation of mobile home parks, to the extent to which they are in existence at the time of adoption of this strategy. Notwithstanding Policy E-l, Council may consider permitting the expansion of such parks, where municipal sewer and water services are available, according to the development agreement provisions of the Planning Act and with regard to the following:

(a) the adequacy of existing park services, including sewerage and water systems, recreation facilities, road and general park maintenance, garbage collection and street lighting;
(b) the capability of existing park services to accommodate the proposed expansion;
(c) the ability of existing municipal services, including education facilities, protection services, recreation facilities, and water and sewer facilities to accommodate the proposed expansion or to respond with the provision of additional services;
(d) the provision of landscaping or buffering from adjacent land uses;
(e) stormwater planning;
(f) the effect of the expansion upon internal and external traffic patterns;
(g) layout and design including the design of the internal road network and separation distances from maintenance buildings;
(h) the guidelines of the Mobile Home Park By-law; and
(i) the provisions of Policy IM-11.

Single mobile homes on individual lots provide an alternative form of housing in the Plan Area. In the community of Cow Bay, mobile homes have not been restricted previously and the larger lot sizes within the unserviced part of the Urban Residential Designation afford siting alternatives without inhibiting the overall use of a property. In the serviced area, however, the standard length of a mobile home as compared to an urban serviced lot can present siting problems. It is recognized, however, that there are several mobile homes located on individual lots within the serviced area and it is the intention of Council to accommodate these existing uses.

UR-12 Notwithstanding Policy UR-2, in recognition of existing mobile homes located on serviced lots, within the Urban Residential Designation, it shall be the intention of Council to establish a mobile dwelling zone which permits mobile dwellings, in addition to all uses permitted in the single unit dwelling zone. It shall not be the intention of Council, however, to permit the extension of this zone to additional lands.

Comprehensive Development Districts

Comprehensive development districts provide a regulatory mechanism whereby residential development on larger tracts of land may be planned and evaluated with regard to detailed consideration of topographic conditions, housing mix, including any innovative housing forms, the scheduling of development, provision for public land dedication, road layout, sidewalks, the location of schools and other community facilities, provisions for storm drainage, as well as the general effects of the development on the environment and adjacent uses. The development of residential neighbourhoods through comprehensive development districts is in keeping with the intent of encouraging the development of a more solid residential sector in Eastern Passage.

UR-13 It shall be the intention of Council to establish a comprehensive development district within the land use by-law which permits any residential use and the development of local commercial and community facility uses when in association with residential uses. Industrial and general commercial uses shall be prohibited. When considering an amendment to the schedules of the land use by-law to establish a comprehensive development district, Council shall regard to the following:

(a) that the proposal is within the Urban Residential Designation;

(b) that the development is capable of utilizing existing municipal sewer and water services;
(c) that the development includes a minimum land area of five acres;
(d) that, where the development provides for a mix of housing types, it does not detract from the general residential character of the community;
(e) that adequate and useable lands for community facilities are provided; and
(f) that the development is consistent with the general policies of this planning strategy and furthers its intent.

Although the concept of comprehensive development districts is primarily intended to carry out the objectives for the serviced community of Eastern Passage, and although it is not the intention that this mechanism be extended to implement general development in the unserviced portions of the Plan Area, there exists a mobile home park in the community of Cow Bay to which the development district has been applied. In order to fully assess and respond to the many considerations required in permitting subdivision of the Ocean View Estates mobile home park particularly in relation to general environmental matters in the community of Cow Bay, it is of benefit to deal with this development in a comprehensive manner. In accommodating subdivision of the existing park, it is not Council's intention that any additional lands in the Cow Bay community be developed as a mobile home park.

UR-14 Notwithstanding that municipal sewerage and water services are not available, Council may also consider establishing a comprehensive development district, according to Policy UR-13, on lands shown by Appendix D" of the land use by-law. In addition to the provisions of Policy UR-13, Council shall have regard to the following:

(a) that residential uses shall be limited to single dwelling units, whether mobile or permanent;
(b) that commercial uses considered in conjunction with residential uses shall be limited to small operations of a retail, office, personal service or traditional crafts nature and that service industrial type uses shall be specifically prohibited;
(c) that limitations are placed relative to commercial motor vehicles in consistency with land use by-law provisions for all zones; and
(d) that any parkland dedicated is appropriate in terms of the needs of residents and is in conformity with the provisions of Policy REC-l.

UR-15 Pursuant to Policies UR-13 and UR-14, and as provided for by the development agreement provisions of the Planning Act, the development of any district shall only be considered by Council through an agreement which shall specify;

(a) the types of land uses to be included in the development;
(b) the general phasing of the development relative to the distribution of specific housing types or other uses;
(c) the distribution and function of proposed public lands;
(d) any specific land use elements which characterize the development; and
(e) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-11.

UR-15(a) Further to Policy UR-15, Council shall require all new development within the Morris-Russell Lake area to address the Morris Lake Watershed Management policies as contained in Policies ML-1 and ML-24, inclusive, and as applicable.

(RC-Jan 12/99;E-Jun 26/99)

Furthermore, the elements of (a) through (e) and other matters related to the provision of central services and the proper handling of stormwater and general drainage shall additionally be considered by Council according to the development agreement provisions of the Planning Act.

UR-16 It shall be the intention of Council that any agreement made pursuant to Policies UR-13 and UR-15 may be discharged according to the provisions of the Planning Act upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreements Council shall zone the lands to reflect the intent of the agreement. It shall not be the intention that any agreement made pursuant to Policy UR-14 shall be discharged.

Community Facility Uses

Institutional and other community supporting uses can be located in residential neighbourhoods in order to facilitate their social and physical integration within the overall community. Such facilities can be designed, located and scaled to aid in this integration, and to respond to the difficulties of accepting high volume uses within residential areas.

In order to provide for the consideration of specific effects on residential neighbourhoods, most community facility uses may be considered by amendment to the land use by-law. However, in the instance of **shared housing with special care uses (RC-Aug 9/22;E-Sep 15/22)**, medical clinics, day care facilities, fraternal halls and centres and community halls and centres, additional considerations may be required and will, therefore, be subject to the site-specific controls available through the development agreement process.

UR-17 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Area Designations, it shall be the intention of Council to establish a community facility 1 zone which permits a variety of community related uses, such as schools, churches, **shared housing with special care uses (RC-Aug 9/22;E-Sep 15/22)**, fire and police stations, hospitals, public libraries, museums, galleries, open space uses, government offices and public works. Medical clinics, daycare facilities, fraternal halls and centres, community halls and centres, transportation maintenance yards and crematoriums will not be permitted within this zone. Council may consider permitting new community facility 1 uses, within these designations, by amendment to the land use by-law and with regard to the provisions of Policy IM-11.

Medical clinics and larger day care facilities can be appropriately located within the Urban and Rural Area Designations, in proximity to the residents they are intended to serve. However, such uses have the potential to generate compatibility concerns. Particular attention must be given to limiting the potential for traffic generation on local streets, as well as to parking and access considerations. In addition, site design details such as landscaping and buffering, and the scale and appearance of the proposed structures in relation to adjacent residential neighbourhoods must be considered. Such locational and site-specific controls are best achieved through the development agreement process.

UR-18 Notwithstanding Policy UR-17, within the Urban and Rural Area Designations, Council may consider medical clinics up to four (4) practitioners and day care facilities for four (4)

children or more, according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:

(a) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
(b) that site design features, including landscaping, outdoor play space where required, parking areas and driveways, are of an adequate size and design to provide for the needs of users of the facility, as well as to address potential impacts on adjacent development;
(c) that controls on signage are established which are appropriate with the surrounding area;
(d) that sites shall have direct access onto either a minor or major collector road as defined on Map 3 - Transportation;
(e) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
(f) the guidelines of any provincial licensing agency;
(g) general maintenance of the development; and
(h) the provisions of Policy IM-11.

UR-19 Deleted (RC-Aug 9/22;E-Sep 15/22)

UR-19A Council supports the development of complete communities with housing resources that are appropriate and adequate for current and future residents. Developing shared housing with special care projects will support diversity and inclusion, aging in place or community and housing choice. Within the Residential Designation, it shall be the intention of Council to consider, by development agreement, permitting shared housing with special care at larger scale than would be permitted in the underlying zone. In considering a development agreement, Council shall have regard for the following:

(a) the provisions to mitigate the land use impacts on adjacent land uses, in terms of setbacks, building scale and design, and buffering;
(b) the location of off-street parking and loading facilities, driveway accesses, walkways or other means of pedestrian access, landscaping, planting or retention of trees, outdoor lighting, storage of solid waste, and signs;
(c) grading, sedimentation and erosion control, and stormwater management;
(d) that open space, outdoor amenities and parking areas incorporate design features which provides accessibility for all abilities, such as wide walkways or the use of non-slip surfaces;
(e) proximity of the site to commercial and community facilities, where such facilities are available in the immediate area, or consideration of the provision of such services on the site of the development;
(f) proximity of the site to public transit, where the service is provided;
(g) that there is sufficient indoor and outdoor common amenity space for residents;
(h) the general maintenance of the development;
(i) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
(j) the adequacy of wastewater facilities and water systems;
(k) the housing needs of the local community;

(l) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses and wetlands and susceptibility to flooding; and

(m) the provisions of Policy IM-11.

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

UR-19B In addition to Policy UR-19A, where a shared housing with special care use is to be provided in multiple buildings on one lot:

(a) the development must be designed in a campus-style form and provide indoor common shared space for residents; and

(b) a minimum of 10 shared housing bedrooms must be provided in each building.

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

Fraternal halls and community centres are a valued component of the community. These facilities, however, can also adversely impact upon the community which it serves in terms of noise and traffic generation. In order to provide for the proper integration of these facilities within the community, such developments shall only be considered by development agreement.

UR-20 Notwithstanding Policy UR-17, within the Urban Residential and Rural Residential Designations, Council may consider fraternal halls and centres and community halls and centres, according to the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

(a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
(b) the potential for adversely affecting nearby residential development in the area by virtue of noise, visual intrusion, traffic generation and littering;
(c) the effect of the proposed use on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
(d) the general maintenance of the development;
(e) the hours of operation; and
(f) the provisions of Policy IM-11.

Local Commercial Uses

Although general commercial development is not permitted in the Urban Residential Designation, neighbourhood commercial services such as corner stores and personal service shops can conveniently serve the public from locations in the general residential area. However, as with medical clinics and larger day care facilities, such uses have the potential to create compatibility concerns with adjacent residential development relative to traffic generation on local streets, access controls, hours of operation, and visual effects related to site and building design. In light of these concerns, zoning for existing local commercial uses will be maintained, but new local commercial uses will only be considered by development agreement.

UR-21 Notwithstanding Policy UR-2, within the Urban Residential Designation, it shall be the intention of Council to consider new local commercial uses according to the development agreement provisions of the Planning Act. In considering any such agreement, Council shall

have regard to the following:

(a) that commercial uses be limited to service and personal service uses, local convenience outlets, and an accessory dwelling unit;
(b) that the proposed development does not exceed a maximum gross floor area of two thousand (2,000) square feet, exclusive of any area devoted to an accessory dwelling unit;
(c) that the use is primarily intended to serve the local neighbourhood;
(d) that the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
(e) that no open storage or outdoor display shall be permitted;
(f) that site design features, including signage, landscaping, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
(g) that there is direct access to a minor or major collector as identified on Map 3, Transportation, with preference given to commercial sites which are located at the intersection of major and minor collectors;

(h) the impact on traffic circulation and, in particular, the suitability of access to and from the site;
(i) maintenance of the development;
(j) hours of operation; and
(k) the provisions of Policy IM-11.

UR-22 Notwithstanding Policy UR-21, in recognition of existing local commercial uses within the Urban Residential Designation, it shall be the intention of Council to establish a local business zone which will permit variety stores and food stores of up to 2,000 square feet in gross floor area, in addition to single unit dwellings. It is the intention of Council that this zone shall only be applied to existing local commercial uses.

Commercial and Industrial Uses in Residential Areas

Portions of the Urban Residential Designation and all of the Rural Area Designation are located outside of the serviceable area boundary within the community of Cow Bay. In these areas, relatively large lots provide an opportunity for the accommodation of more extensive businesses in association with residential uses, without impinging on the enjoyment of abutting properties. Within these unserviced areas, residents have traditionally operated small local service industries from an accessory building and local acceptance of this practice continues. It is recognized, however, that community acceptance of these local service uses is dependant upon whether it remains small and unobtrusive to neighbouring properties. Development control mechanisms will, therefore, be put in place to maintain reasonable limits on these business activities. As well, future development of these business activities shall be considered through an amendment to the land use by-law, in order to provide an opportunity for public input.

UR-23 Notwithstanding Policies UR-2 and RR-2, it shall be the intention of Council to establish a local service zone to accommodate new business uses in association with residential uses, within the unserviced portion of the Urban Residential Designation and all of the Rural Area Designation. This zone shall be applied to existing commercial or industrial uses which

involve significant outdoor storage of materials and equipment. This zone shall contain limitations on size, provisions for screening, and provisions requiring that no mechanical equipment which is a nuisance can be used. New businesses, in association with a residential use, can be considered by amendment to the land use by-law. When considering amendments to the land use by-law to permit new local service uses, Council shall have regard to the following:

(a) that the total floor area of all buildings and structures related to the business use shall not exceed two thousand (2,000) square feet;
(b) that visibility of the operation and of the storage of materials is minimized;
(c) that a dwelling shall be located on the lot to be zoned and that the lot has an area of not less than 40,000 square feet; and
(d) the provisions of Policy IM-11.

MORRIS-RUSSELL LAKE SECONDARY PLANNING STRATEGY

In 1997, Council retained Griffiths Muecke Associates to conduct a Watershed Management Study for Morris Lake. The purpose of the study was to establish a management framework by which to guide future development within the Morris Lake Watershed. The study focussed on determining the existing trophic status of Morris Lake as well as establishing criteria to control phosphorous and sediments from entering the lake and watershed. Although the terms of reference for the study focuses on Morris Lake, many of the recommendations refer to Russell Lake as well because water quality in Morris Lake is intimately linked to the nature of development activities in the Russell Lake sub-watershed. Therefore, recommendations should be considered applicable to the extended watershed that includes both lakes.

The study indicates that Morris Lake, while still in a relatively "healthy" condition, is in danger of becoming eutrophic if development in the watershed proceeds in an environmentally insensitive manner. To prevent Morris Lake from becoming eutrophic, the Morris Lake Watershed Management Plan recommended that a Master Plan be prepared for this area to ensure development occurs in an environmentally sensitive and comprehensive manner. The Master Plan was to address the key issues and constraints to future development within the area such as transportation, municipal services, land use, major recreation lands and linkages, potential school locations, environmental constraints and opportunities and so on.

To develop a Master Plan for the Morris-Russell Lake secondary plan area, property owners, local area residents, the Dartmouth Lakes Advisory Board, and the general public worked together and a public participation committee was established to coordinate and develop the Master Plan. This Committee or a Sub-Committee thereof, would also be responsible for the evaluation of the detailed CDD approval process.

To ensure development within the Morris-Russell Lake secondary plan area occurs in an environmentally sensitive and comprehensively planned manner, the Morris Lake Watershed Management Plan recommendations should be applied to all undeveloped lands within the area. To prevent the area from developing in an ad-hoc, uncoordinated fashion, a comprehensive development district (CDD) zone will be applied to all undeveloped lands within the Morris Lake watershed and to lands abutting the Highway 111 interchange, acquired by Clayton Developments Limited from Irving Oil Limited, where a new interchange is proposed.

ML-1 A Comprehensive Development District (CDD) Zone shall be applied to certain undeveloped lands within the Morris-Russell Lake secondary plan area and to a parcel of land abutting Highway 111, illustrated on Map 5, to ensure development proceeds in a comprehensive manner and to enable implementation of the Morris Lake Watershed Management policies.

Future Development Within The Morris-Russell Lake Area

Most of the undeveloped parcels of land within the Morris-Russell area could not be immediately developed given existing constraints in various infrastructure systems (transportation system, water distribution system, sanitary sewer system).

Through the Master Development Plan process, existing infrastructure deficiencies were

investigated and alternatives proposed. Transportation, environmental protection, land use, and central services (sewer and water) were key issues to be addressed.

Transportation

To address existing and future transportation issues within the Morris-Russell Lake area, the Master Development Plan process first identified the existing transportation issues/concerns and secondly, determined alternatives/solutions to improving the overall transportation network in the Morris-Russell Lake area.

Without improvements to the area transportation network, Portland Street was at or near capacity. To allow for further development around Morris and Russell Lakes either Portland Street needed to be upgraded or modified to handle the additional traffic or alternative routes to the Circumferential Highway were required.

A Traffic Impact Study, conducted by Streetwise Traffic Engineering, for Clayton Developments Limited lands on the east side of Morris Lake concluded that "there are limited opportunities to increase capacity on Portland Street without a major impact on abutting residential and commercial development". Therefore, the long term development of these lands required alternative routes to Highway No. 111. The study recommended that a new interchange on Highway No. 111 (Circumferential) be established which is supported by Dartmouth's Municipal Planning Strategy. Policy T-6 supports the identification and protection of a right-of-way for an interchange off the Circumferential connecting it with the Russell Lake area.

In 2002, the Municipality identified the Highway 111 interchange as the highest priority for transportation infrastructure financing under the Canada-Nova Scotia Infrastructure Program. Funding was subsequently approved and a functional design study for the interchange undertaken[9]. The Province stipulated the interchange location to allow for access to both the Morris-Russell Lake lands and the Woodside Industrial Park via an extension of the Mount Hope Avenue (referenced in this document as "the Caldwell Road Connector").

The study envisioned that, initially, the interchange would provide access from Highway 111 to Woodside Industrial Park and lands between the highway and Russell Lake by an extension of Baker Drive. Over the longer term, the Caldwell Road Connector would be extended eastward over portions of the Department of National Defense Shearwater Base to Caldwell Road, thereby providing an alternative access to Highway 111 for residential subdivisions around Caldwell Road, as well as residents of Eastern Passage.

A diamond interchange was deemed the most economic design for the Municipality but the consultant established estimates of the maximum traffic loading which could be accommodated while maintaining a satisfactory service level. The consultant stated that the number of vehicles using the interchange could be reduced substantially from typical expectations by including transportation demand reduction measures such as mixed land use developments, improved transit services and walking or bicycle trips.

[9]Atlantic Road & Traffic Management. *Final Report: Highway 111 - Cole Harbour Arterial Access Options Study.* July 2004. Prepared for Halifax Regional Municipality.

ML-2 **No development shall be permitted within the Morris-Russell Lake secondary plan area unless a new interchange is constructed on Highway 111 and Baker Drive is connected to the interchange or financing for these projects secured and a time frame for completion established. Over the longer term, the Municipality shall work with property owners to extend the Caldwell Road Connector from the new interchange to Caldwell Road. The locations of the interchange, Baker Drive extension and the Caldwell Road Connector shall be as generally shown on Map 6: Future Land Use and Transportation Plan.**

ML-3 **The Municipality shall prepare a public transit routing plan for the secondary plan area which reflects the connection established between Baker Drive and the new interchange. The Municipality may require transit related facilities, such as bus bays and transit shelters, be provided on transit routes as a condition of development approvals. In accordance with the draft regional plan, the transit plan should consider establishing a transit hub in the vicinity of Baker Drive and the connector road proposed between Baker Drive and Portland Estated Boulevard West in consultation with the property owners.**

ML-4 **A series of trails for pedestrians and cyclists shall be established within the secondary plan area which link residents with commercial, employment and other activity centers and to public transit facilities and, where feasible, to regional trail systems which are developed or planned. Without limiting the foregoing, the Municipality shall establish a multi-use trail between the secondary plan area and the Woodside Ferry Terminal.**

During the course of preparing the master plan, concerns were heard from area residents about excessive traffic levels on Portland Street and Caldwell Road, as well as short-cutting on local streets. In response, a road hierarchy and phasing plan has been developed and commitments made to undertake various studies.

ML-5 **The following road classification shall be applied within the secondary plan area:**

Arterials: Caldwell Road Connector (Hwy. 111 interchange to Caldwell Road)
Major Collectors: Atholea Drive to Caldwell Road Connector

ML-6 **Upon satisfying the requirements to allow for development stipulated under policy ML-2, development shall be permitted on parcels 1 to 13 (as shown on Map 6) except that no road connection shall be established with Portland Estates Boulevard West until the Caldwell Road Connector has been constructed to Caldwell Road. No further development shall be permitted within the Morris - Russell Lake Secondary Plan Area until the Caldwell Road Connector has been constructed to Caldwell Road unless a traffic study has been undertaken by a qualified consultant which demonstrates that the level of service on Portland Street and Caldwell Road conforms with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the road classification established under policy ML-5.**

In 2022, during a review of the Regional Municipal Planning Strategy (Regional Plan), the Municipality identified the need for additional housing to support recent population growth. Remaining vacant lands within the Morris-Russell Lake secondary plan area are within the

Regional Plan's Urban Settlement designation and within the Urban Service Area where municipal water and wastewater services are available. Therefore, these lands provide an opportunity to accommodate new housing for the region's growing population.

The Integrated Mobility Plan (IMP), adopted by Regional Council in December 2017, provides a region-wide vision for mobility, directing future investment in transportation demand management, transit, active transportation, and the roadway network. The IMP represents a meaningful shift in the Municipality's approach to transportation and focuses on moving people and goods instead of private vehicles. Planning for improved mobility in suburban areas requires that consideration is given to active transportation and access to transit, rather than just movement of vehicles. Neighbourhoods should be designed with walking, bicycling and transit in mind to provide mobility for people of all ages and abilities.

ML-6A Notwithstanding Policy ML-6, Council may consider development on Parcels MLE2 and 18 in accordance with the Future Land Use and Transportation Plan (as shown on Map 5) by development agreement. In considering any such agreement, in addition to the policies of this plan and the Regional Plan, Council shall consider the following:

- **a) That the development's transportation network prioritizes walking, the easy use of mobility devices, cycling and transit and where possible strengthens connections to surrounding neighbourhoods; and**
- **b) Requiring off-site improvements that are necessary to support the development or accepting the payment of money in lieu of such improvements, respecting transit service and active transportation connections to nearby transit facilities such as the Portland Hills Terminal and Woodside Ferry Terminal.**

(RC-Oct 11/22;E-Nov 16/22)

Central Services (Sewer & Water)

Many of the undeveloped parcels of land within the Morris-Russell Lake area are situated within a municipal servicing boundary, where development can only occur based upon central sewer and water services. The Morris Lake Watershed Management Study recommends that future development within the Morris-Russell Lake area should not proceed by on-site septic systems due to the potential negative impact such systems can have on the lakes. Thus, all new development within the area should be connected to central services (water & sewer).

ML-7 Within the Morris-Russell Lake secondary plan area, it shall be the intention of Council not to consider any new development on lands zoned CDD unless serviced with both central sewer and water services. It shall be the intention of Council to include all undeveloped lands within the Morris-Russell Lake secondary plan area within a municipal development (service) boundary.

Within the Morris-Russell Lake area, there are constraints in the existing sewer and water infrastructure systems, yet these deficiencies do not affect all of the undeveloped lands in the same manner. The undeveloped lands on the west side of Morris Lake and the lands adjacent to Russell Lake, are situated within the existing Dartmouth Development Boundary. Lands on the east side of Morris Lake have been included within the Dartmouth Plan Area and Development Boundary as development of these lands can proceed by means of gravity flow to

the Dartmouth sanitary sewer system.

The Municipality is currently preparing a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed. Upon completion of this study and upgrades to the treatment plant, the Municipality should undertake a review of the sanitary sewer service boundary established for this sewershed, particularly in the vicinity of Caldwell Road.

In addition, the Water Commission has indicated that water can be provided to the existing serviceable areas at this time, but not to the entire Morris-Russell Lake area due to pressure levels and water line capacities. Thus, development should not proceed until the necessary upgrades are identified and completed.

The Municipality has undertaken an Integrated Servicing Strategy which identified servicing deficiencies, including central water and sewer services. The Strategy has also identified upgrades or modifications needed in the long term to develop the undeveloped lands within the Morris-Russell Lake secondary plan area. Until such new systems, upgrades or modifications are complete (water distribution system and sanitary sewer system) development within the area should be restricted.

ML-8 It shall be the intention of Council to restrict development on lands zoned CDD within the Morris - Russell Lake secondary plan area (shown on Map 9M) until all infrastructure deficiencies (i.e. water and sewer) are resolved and development can proceed without exceeding the capacity of municipal infrastructure.

ML-9 The Municipality shall prepare and implement a wastewater management plan for the sewersheds that contain Morris and Russell Lakes. Subject to the availability of funding, the plan shall:

- **(a) improve wastewater system operation and management including safety, regulatory compliance, system capacity both existing and future, physical condition, system reliability and optimization;**
- **(b) address specific issues of wastewater treatment plant capacity both existing and future, wet weather overflows, odour control, inflow/infiltration remediation, back up power systems, optimizing system performance and making maximum use of available capacity;**
- **(c) include a prioritized list of actions for implementation, having particular regard for health and safety concerns;**
- **(d) consider the above recommendations within the context of existing standards, procedures, regulations and compliance requirements, projects, initiatives and priorities, including the regional plan.**

ML-10 Commencing on May 25, 2000, new development which is to be served by the Caldwell Road water distribution system shall be limited to two hundred (200) new building lots until system upgrades to the Innishowen Subdivision have been completed. If upgrades are not completed by May 1, 2005, no further development served by the Caldwell Road water distribution system shall be permitted until system upgrades have been completed.

ML-11 Upon completion of a wastewater management plan for the Eastern Passage

Wastewater Treatment Plant Sewershed and upgrades to the treatment plant, the Municipality shall undertake a review of the sanitary sewer service boundary established for this plant.

Infrastructure Charges

Following provincial adoption of legislation which allows for the impositions of infrastructure charges to recoup the costs of oversized infrastructure, the Municipality adopted a capital cost contribution policy. The policy applies to all new major areas in the Municipality proposed for new development and shall apply to lands within this secondary plan area.

ML-12 The Municipality shall implement infrastructure charges to this secondary plan area under the Subdivision By-law in accordance with the policies for infrastructure charges established under the infrastructure charges subsection of section II of this Municipal Planning Strategy.

Future Land Uses

ML-13 The Future Land Use and Transportation Plan, presented as Map 6, shall provide overall guidance for land use allocation within this secondary plan area and the following guidelines shall be adhered to in any development agreement application:

(a) Parcels 16 and 17: Development of these parcels will be restricted to single unit dwellings on central sewer and water services due to the environmental sensitivity of these lands;

(b) Parcel 23: This parcel is owned by Kiwanis Club and is being developed for various recreational uses. A community centre is also proposed. The R-1 zone will be applied to this property which permits open space uses. Due to various site constraints, development of a community centre may only be considered by development agreement. Consideration will be given to the adequacy of central sewer and water services, potential for flooding, and the safety of driveway access.

Density

ML-14 A density limitation of eight units per acre shall be applied to parcels 16 and 17.

ML-15 Incentives may be introduced in support of affordable housing. Without limiting the generality of this statement, bonus densities might be considered for properties on transit routes and near employment centres provided that such incentive is voluntary and does not result in excessive concentration of housing or housing types in any area.

Parkland and Open Space

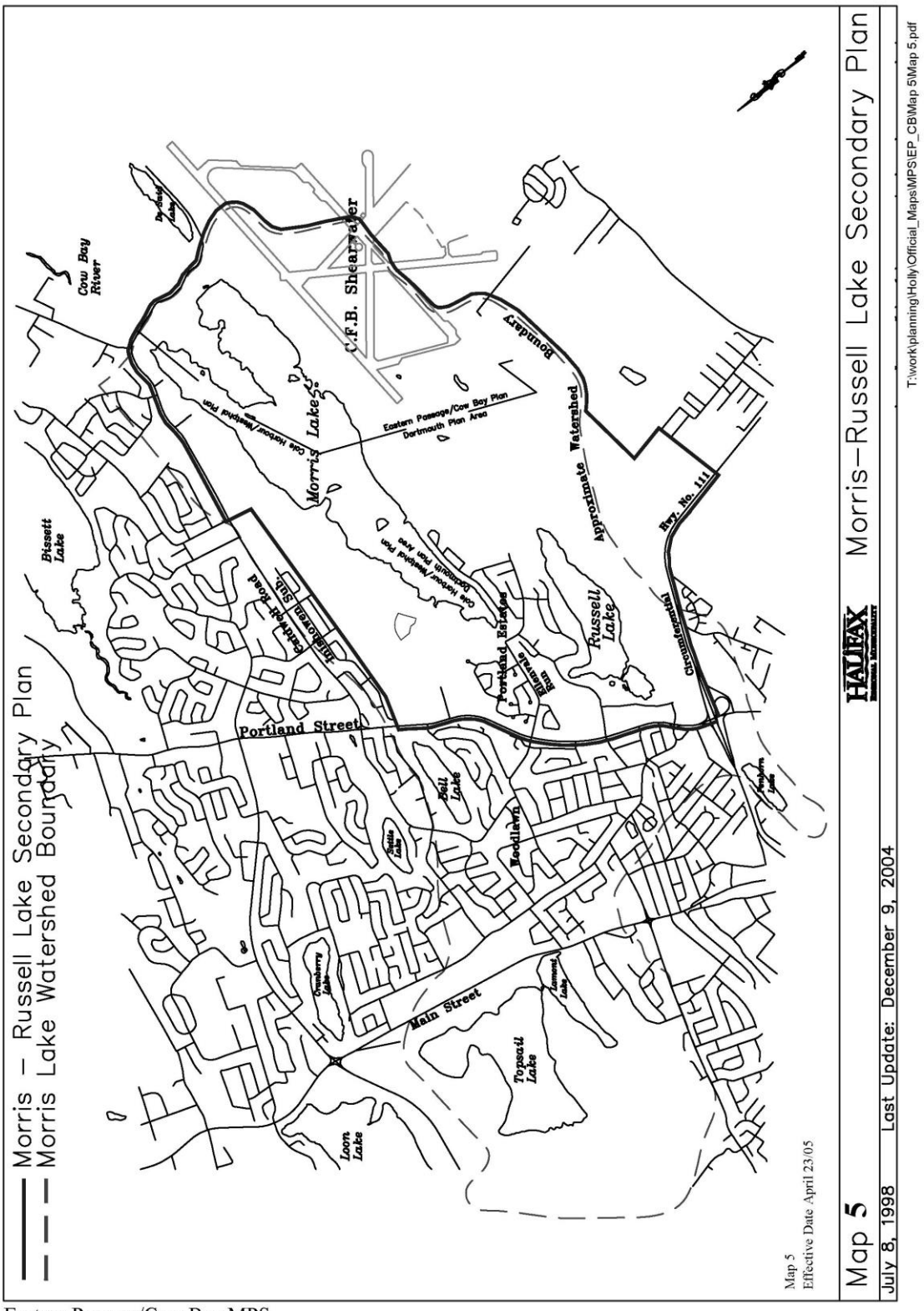
Lands are to be acquired for trail development, particularly along lake shores and watercourses. Lake shore buffer areas will be sought throughout the secondary plan area with emphasis placed on securing public ownership. The Municipality shall also encourage developers to assist in the development of active recreation parks by undertaking site

preparation and installation of recreation equipment. In exchange, the normal land dedication requirements may be reduced.

ML-16 The Municipality shall acquire lands for public trails with emphasis on locations adjacent to lakes and watercourses. The following specific criterion shall be applied to any development agreement application:

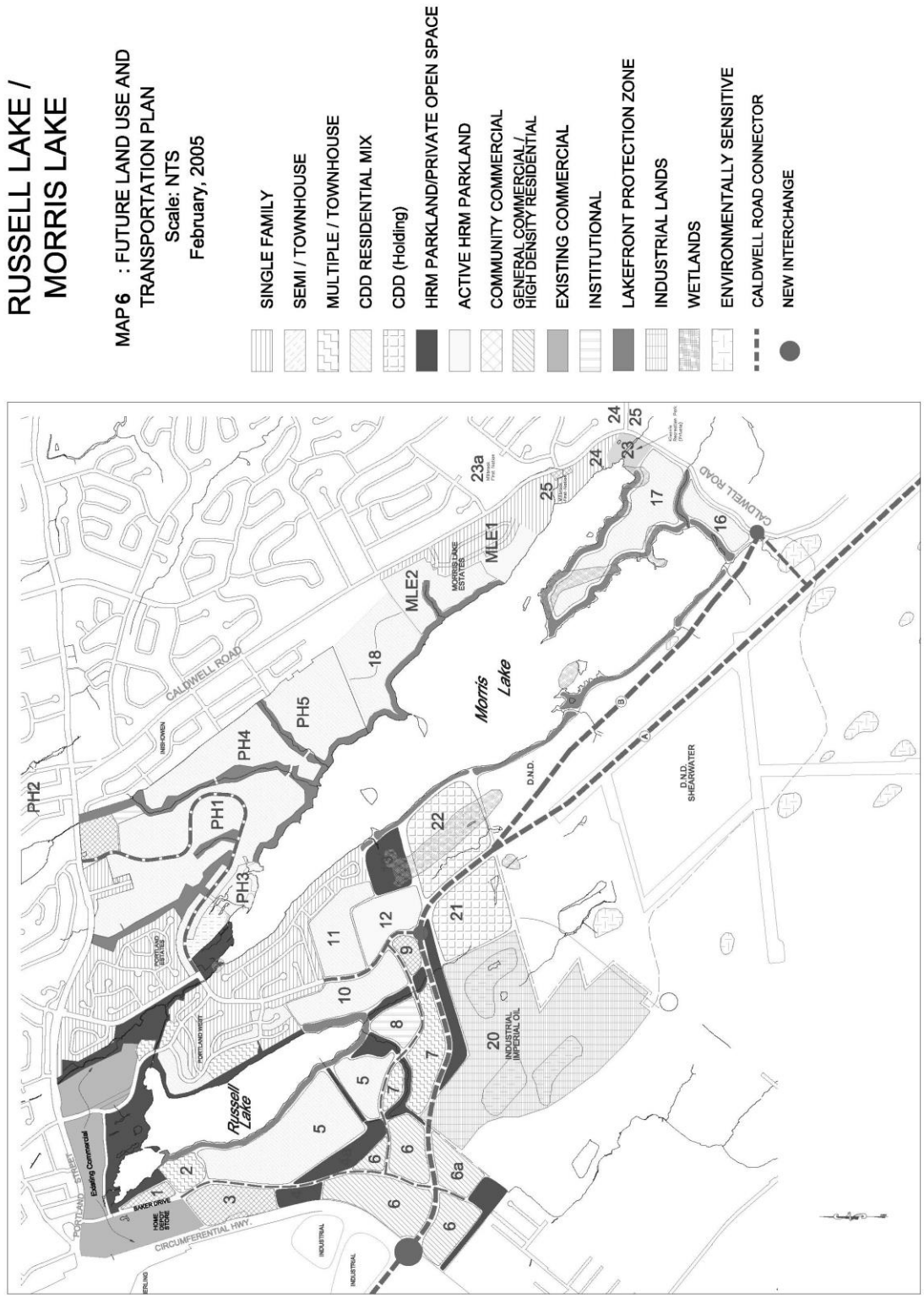
- **(a) no more than 50 percent of the lakeshore within each development agreement application shall be privately owned;**
- **(b) where private lakefront ownership is proposed, adequate alternative pedestrian links are provided from the publically-owned lake front buffer area through a street or walkway system and back to the lakefront;**
- **(c) the determination of private versus public lake front ownership shall be negotiated through each development agreement application on a case-by-case basis;**
- **(d) stormwater treatment facilities may be located on municipal lands but shall not be located on municipal parkland;**
- **(e) lands which face severe topographical constraints or contain severe environmental characteristics may be considered for public parkland dedication in accordance with municipal parkland guidelines.**

Map 5: Morris-Russell Lake Secondary Plan



Eastern Passage/Cow Bay MPS

Map 6: Future Land Use and Transportation Plan



Eastern Passage/Cow Bay MPS

ENVIRONMENTAL PROTECTION MECHANISMS (RC-Mar 22/05;E-Apr 23/05)

As development occurs within the Morris-Russell Lake secondary plan area, all new development must adhere to specific environmental protection measures if both Morris and Russell Lakes are to be protected. The Morris Lake Watershed Management Plan made a number of recommendations on a management framework by which to guide future development within the area. To ensure the recommendations are implemented, all new development must adhere to the following requirements.

Design and Development Controls

The design adopted for a subdivision fundamentally affects the hydrology of the site and the quality of the stormwater. Good environmental planning integrates site design and stormwater quality management into one process[10]. If environmentally responsible watershed policies are not supported by environmentally responsible design at a subdivision and site level, the whole endeavor may ultimately fail. The Morris Lake Watershed Management Plan recommends that all development adhere to environmental standards designed specifically to protect Morris Lake and its watershed.

ML-17 It shall be the intention of Council to encourage all new development within the Morris-Russell Lake secondary plan area to meet certain basic design objectives as follows:

- **(a) to reproduce the pre-development hydrological conditions;**
- **(b) confine development and construction activities to the least critical areas of the site and consider clustered development to minimize land disturbance;**
- **(c) maintain the overall desired density of development by allocating higher densities to areas most suitable for development;**
- **(d) minimize changes to the existing topography; and**
- **(e) preserve and utilize the natural drainage system.**

ML-18 It shall be the intention of Council to require all new development situated on lands zoned CDD within the Morris-Russell Lake secondary plan area to incorporate specific design standards which maximize the protection of water quality in Morris and Russell Lakes. The following shall be used as guidelines:

- **(a) all lands with slopes of 15% or greater should not be developed unless additional environmental control measures are implemented to minimize the amount of erosion generated from the site;**
- **(b) all wetlands (as defined by the presence of characteristic wetland vegetation) should be excluded from development;**
- **(c) all shorelines should be protected by a 100 foot buffer zone except that the width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction. Within the buffer zone, no vegetation or soil shall be removed or altered unless under a management plan has been approved to provide for restoration of vegetation,**

[10] *Stormwater Management Practices Planning and Design Manual,* Ontario Ministry of Environment and Energy, 1994

shoreline access paths, view corridors, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement;

(d) all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered unless approved under a management plan approved pursuant to the provisions of clause (c). For wetlands, the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;

(e) the amount of impermeable surfaces created should not exceed 25% of the gross area of the proposed development. Minor increases in this figure may be considered provided the amount of proposed undisturbed land substantially exceeds the guideline described in section ML-11(f) and such undisturbed lands are incorporated into the final drainage plan;

(f) a minimum of 25% of the natural vegetation on the site should be retained in an undisturbed state and incorporated into the final drainage plan;

(g) the public, landowners, developers and the Municipality are encouraged to maximize phosphorous reduction to the fullest extent possible through the use of best management practices as recommended by the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004); and

(h) no development shall be permitted on septic systems.

Erosion and sedimentation control is a critical element in good site design. In order to control the adverse effects of sediment (and attached phosphorus), it will be essential to strictly control erosion. This means that development will have to be designed and implemented with erosion minimization as a primary criterion.

ML-19 Within the Morris-Russell Lake secondary plan area, it shall be the intention of Council to require all developers to prepare and receive Municipal approval for an Erosion and Sediment Minimization Plan prior to any clearing or grubbing occurring on a site, and the plan shall contain the following:

(a) how ground disturbance will be restricted to areas where structures, roads etc. will exist when construction is complete;

(b) indicate which vegetation will be protected, marked, and preserved through construction techniques that minimize soil compaction and damage to tree roots;

(c) how the construction project will be phased to minimize the extent and length of soil exposure – this includes phasing by drainage area;

(d) how the opportunity for erosion will be limited through sequencing of construction activities; and

(e) indicate which erosion and sediment controls will be used, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized).

Public Awareness and Education Programs

If the recommendations contained within the Morris Lake Watershed Management Study are to be successfully implemented there needs to be active involvement of both individual land owners and the general public. The involvement of the public should not just be limited to the residents of Morris-Russell Lake area but to existing developed areas within the entire Morris Lake Watershed, such as the existing development throughout Woodlawn.

ML-20 It shall be the intention of Council to establish a Public Awareness and Education program for the general public which emphasizes the protection of Morris and Russell Lakes. The programs should at least incorporate the following:

- **(a) information programs for land owners on buffer zone management and the use of fertilizers;**
- **(b) a program for local schools;**
- **(c) application of an Animal Defecation By-law throughout the entire watershed area and actively enforce it;**
- **(d) encourage local property owners to hold "Cleanup" days for litter collection in public areas; and**
- **(e) establish a stormwater wetland as an educational demonstration site on the importance of protecting lakes.**

Stormwater Management

As the Morris-Russell Lake area is developed, there will be a need for stormwater to be controlled to remove sediments and phosphorous. The Municipality commissioned a stormwater management plan for Morris and Russell Lakes[11]. The plan contained recommendations regarding structural and non-structural approaches for stormwater management and implementation strategies for both new and existing development.

ML-21 Any development agreement application within the Morris-Russell Lake secondary plan area shall adhere to the recommendations of the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004). All government works within the Morris Lake Watershed shall also adhere to the recommendations of this plan and, where feasible, the plan recommendations shall be applied to existing development within the watershed.

ML-22 Within the Morris Lake Watershed, as illustrated on Map 6, where applications are received for the expansion of existing or new commercial, institutional and multiple unit residential buildings, or for proposed grade alterations on such properties, it shall be the intention of Council to require the developer, where possible, to prepare and implement stormwater remediation measures to improve water quality entering the Morris Lake system.

Recently, the Department of National Defense (DND) has been assessing its future land needs for CFB Shearwater. If portions of Shearwater are considered surplus, the redevelopment of

[11] Jacques Whitford Environmental Ltd. & Associates. *Morris Lake Stormwater Management Plan: Final Report to Halifax Regional Municipality.* March 2004.

those lands adjacent to Morris Lake will impact upon the lake. The lands adjacent to Morris Lake are relatively flat and drain into the lake. Re-development of these lands should only be permitted in accordance with the Morris Lake Watershed Study recommendations. However, DND is not required to adhere to municipal requirements on their own land, but Council should encourage DND to adhere to the Morris Lake Watershed Study recommendations in order to protect Morris Lake.

In addition, alternative ways to limit the impact of development on Morris Lake should be investigated. Some alternatives are to alter the grade of the land on portions of Shearwater lands so surface water flows towards Halifax Harbour, establish engineered wetlands to enhanced stormwater treatment, and lower stormwater manholes to a point that water can flow towards the Harbour. A study should be under taken to determine the feasibility and the environmental impact of changing the direction of surface water towards Halifax Harbour.

ML-23 It shall be the intention of Council to encourage the Department of National Defense, or subsequent land owners, to consider all policies relevant to the protection of Morris Lake for any re-development plan for lands of CFB Shearwater within the Morris Lake Watershed.

ML-24 Further to Policy ML-23, it shall be the intention of Council to request DND, and any subsequent land owners of CFB Shearwater, to investigate and implement alternative methods for stormwater management on those lands that presently drain to Morris Lake. Such investigation should include the re-directing of surface runoff to the Halifax Harbour watershed and the construction of engineered wetlands to improve the quality of stormwater entering the lakes.

Within the Morris Lake Watershed, there are two contaminated sites on CFB Shearwater that drain into Morris Lake. One site was formerly used as a landfill, adjacent to MacDonald Lake and the other site is an old underground fuel tank site. At present, there is no evidence that indicates either site is contaminating Morris Lake. Prior to these lands being re-developed, both sites must be remediated to prevent any future environmental concerns.

ML-25 It shall be the intention of Council to limit the re-development of surplus lands on CFB Shearwater until all contaminated sites within the Morris-Russell Lake sub-watershed are properly remediated.

Monitoring

The eutrophication process is gradual and takes place over many years. Its progress will be seen in the extension of vegetation in shallow areas and the seasonal occurrence of algae. In the Morris Lake Watershed Study, a Phosphorous Loading Model was used to determine the relationship of the lake phosphorous inputs to trophic status.

The Model determined that Morris Lake is currently mesotrophic and is within 10 to 15 percent of the eutrophic boundary. Thus, the amount of land developed within the watershed should be controlled to prevent Morris Lake from reaching a borderline eutrophic state. The actual amount of land that can be developed can only be determined by undertaking a well designed lake monitoring program and adopting a preset maximum permissible limit for total phosphorous. If the results indicate that Total Phosphorus continues to increase, the watershed management plan will have to be revised and development controls strengthened.

ML-26 A water quality monitoring program shall be undertaken for Morris and Russell Lakes to track the eutrophication process. The program is to be designed and undertaken by qualified persons financed in whole or in part by developers within the secondary plan area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Dartmouth Lakes Advisory Board. The monitoring program shall:

- **(g) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development;**
- **(h) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);**
- **(i) establish eutrophication threshold levels for the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area;**
- **(j) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.**

ML-27 Pursuant to policy ML-26, in the event the critical water quality threshold levels for Morris or Russell Lakes are reached, it shall be the intention of Council to immediately undertake a review of existing plan policies contained herein and determine an appropriate course of action respecting watershed management and future land use development in the area. Critical water quality thresholds shall be made available to the public.

ML-28 It shall be the intention of Council to undertake a study of habitats and species within the Morris-Russell Lake area.

Maintaining Water Levels on Morris Lake

The water level of Morris Lake should be maintained at a level sufficient for recreational use and to prevent development of excessive shoreline vegetation. In the near future, two possible events may take place that could negatively impact upon water levels on Morris Lake. The

first is the decommissioning of Lamont and Topsail Lakes as a source of water supply and secondly, a change in the amount of water extracted from the lake by Imperial Oil.

Presently, Imperial Oil extracts water from Morris Lake to use in its refinery, in the amount of 3.27 billion liters per year which is 20% of its total surplus of water. In the future, Imperial Oil could either increase the amount of water extracted from the lake or the plant could close and no water would be removed. If Imperial Oil removes too much water, this would promote the development of shoreline vegetation which in turn speeds up the eutrophication process in the shallow parts of the lake. If pumping were stopped, the volume of water entering Cow Bay River on an annual basis would increase by 24%. In combination with the additional flow from Lamont and Topsail Lakes, this represents a significant change in hydrology from current conditions and has long term implications for the lake level, at the outlet and Cow Bay River. The impact of these changes are not clearly understood at present. Therefore, a study should be undertaken to determine the types of impacts the above scenarios may have on Morris Lake and Cow Bay River.

The impact of these changes are not clearly understood at present but there are implications for the culvert at Caldwell Road, the Kiwanis Park, and flood-prone areas along Cow Bay River. Until engineering studies have been completed on the impact of such changes, any proposed building in potential flood prone areas, including the Kiwanis property at the lake outlet, should be carefully examined. In the case of the Kiwanis property, the owners have been advised that the water level for Morris Lake may rise in the future and they are investigating measures to minimize the impact of such a change within their development.

ML-29 It shall be the intention of Council, in association with Imperial Oil Limited and the Provincial Department of the Environment, to undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) by Imperial Oil Limited on lake water quality and the impact on the hydrology of the lake and its inflow and outflow systems.

ML-30 Pursuant to Policy ML-29, until such time as the results of the study are determined, any proposed building construction on the Kiwanis property (LIMS#40110181) and other flood prone areas downstream, should incorporate floodproofing measures to minimize the potential impacts of a higher water level for Morris Lake.

ML-31 It shall be the intention of Council to monitor the water level of Morris Lake to maintain it at a level sufficient for recreational use and to prevent further eutrophication of the lake.

RURAL AREA DESIGNATION (RC-Jan 27/98;M-Apr 27/98)

Community of Cow Bay

As discussed in Section I, the community of Cow Bay is seen as being distinct from Eastern Passage. The community is perceived as being rural in character due to large tracts of undeveloped land, extensive forest cover, and the absence of municipal sewer and water service, despite the development of a number of residential subdivision developments over the past decade. The majority of the landholdings are large parcels of land with no or very limited road frontage, and date back to the original crown grants in the area.

Previous land use regulations in the community allowed unlimited subdivision development within this largely rural community. That approach raised two significant concerns in terms of potential impacts. First, the traditional community form was that of ribbon-style development along the three main roads, and the large scale extension of new local roads into the backland areas has begun to significantly alter the basic nature of the community, which has greatly increased the population of the area. Maintaining the rural character of the area is a goal of the community, and the continued development of subdivisions is inconsistent with that goal. Second, serious environmental concerns have also been expressed (as discussed in the Environmental Protection section), due to the presence of poorly drained and highly erodible soils, the proximity of many sensitive wetlands and small streams, the quality of groundwater, and the protection of groundwater recharge areas. Linked with the environmental concerns is an expressed desire to ensure that the urban services of municipal sewer and water are not extended into the community. Such services may well become necessary in the long term to address problems if large subdivisions continue to develop. There is therefore the need to balance large scale subdivision development against these significant concerns.

From a municipal perspective, there are also concerns about growth in the area. Allowing large scale subdivision development encourages urban/suburban sprawl which has broad impacts in terms of the provision and cost of municipal services. Because of high municipal expenditures for services in the more central areas, it is logical to encourage most growth to take place where those services already exist or can be more efficiently and economically provided. It is therefore appropriate to place limitations on the rate of subdivision development which can occur in the majority of the backland areas, to address both the community and municipal concerns. Allowing the subdivision of one lot per year per area of land, however, would provide landowners with some development potential, in addition to certain "as of right" uses. This approach is consistent with that which was recommended in the Revised Porter Plan in 1978.

Community of Eastern Passage

The unserviced portions of Eastern Passage are very similar to Cow Bay in terms of the presence of large tracts of undeveloped land. However, the community has not expressed a desire to maintain rural character, and it is anticipated that in the long term these lands will be developed largely for residential subdivision purposes. However, the form of development within this area is a concern, in terms of large unserviced lots versus serviced lots.

As discussed relative to the community of Cow Bay, there are significant cost implications for the Municipality relative to road maintenance costs, and ensuring the efficient utilization of

existing infrastructure such as the Eastern Passage sewage treatment plant. It is likely that these areas of the community will develop as an urban community in the long term, due to their proximity to the existing serviced areas of both Eastern Passage and Cole Harbour. Allowing development of unserviced subdivisions in the short term does not reduce the likelihood that central services will at some point be extended. The extension of such services where development has already occurred on the basis of wells and septic systems is extremely inefficient, with major cost implications for both the municipality and individual property owners. It is therefore appropriate to limit growth until such time as central sewer and water services are extended. This will permit an efficient and orderly expansion of the serviced area to accommodate future urban growth.

The establishment of a Rural Area Designation for both communities, along with a Rural Area Zone, will seek to address the various concerns.

RA-1 It shall be the intention of Council to establish the Rural Area Designation, as shown on Map 1 - Generalized Future Land Use. This designation will encourage the maintenance of a high degree of rural character within the Cow Bay area, and discourage subdivision development in those unserviced areas of Eastern Passage until such time as municipal services may be efficiently provided.

RA-2 It shall be the intention of Council to establish a Rural Area Zone for lands within the Rural Area Designation which permits single unit dwellings, home businesses, agriculture uses, forestry uses, and fishing related uses in certain areas. The zone will establish minimum lot sizes requirements of 50,000 square feet in area and 200 feet of road frontage for new lots. The zone shall place restrictions on non-residential uses. It shall further be the intention of Council not to consider any rezoning or zone amendment applications which could result in lesser lot sizes or frontages than the Rural Area Zone requires.

RA-3 It shall be the intention of Council, through the Subdivision Bylaw, to limit the rate of new subdivision development which may occur within the Rural Area Designation to one lot per year per parcel of land.

Tourist Accommodation (RC-May15/01;E-Jun 23/01)

Given the proximity of the plan area to the metropolitan area, the availability of outdoor recreation and sightseeing opportunities, and the success of the Fisherman's Cove project as a tourism destination, there is a need to provide a broad range of accommodation options for tourists and the travelling public. While small scale short-term bedroom rentals such as, but not limited to, (RC-Feb 21/23;E-Sep 1/23) bed and breakfast operations are allowed throughout the communities, there is also a demand for campground facilities and tourist cottages (RC-May 15/01;E-Jun 23/01). Due to potential concerns over large scale tree clearing, traffic, noise, visual intrusion, scale of the development, and environmental matters, such uses would best be permitted only through the development agreement process. While tourist cottages are a generally acceptable use, there are community concerns relative to the location of such developments, the potential number of rental units, and the potential for their conversion to permanent dwellings. These concerns must be addressed, in addition to other issues which are also applicable to campgrounds. (RC-May 15/01;E-Jun 23/01)

RA-4 It shall be the intention of Council to consider permitting campgrounds which contain a maximum of 100 campsites within the Rural Area, Commercial, Industrial and Plan Amendment Designations according to the development agreement provisions of the Planning Act. In considering any such application, Council shall have regard to the following:

- **(a) the provision of visual and acoustic barriers between the proposed development and nearby residential uses, through the use of an effective combination of extensive setbacks, retention of trees, new vegetation plantings, and opaque fencing;**
- **(b) the location of vehicular and pedestrian access points to the development in terms of suitability and safety implications;**
- **(c) the means by which waste water will be treated;**
- **(d) the location off campfire pits;**
- **(e) the overall design and layout of the campground in terms of tree retention, size of campsites, ease of vehicle movement, and pedestrian security;**
- **(f) prohibitions on the permanent location of campers, trailers, motor homes and recreational vehicles;**
- **(g) potential impacts on the natural environment;**
- **(h) the provisions of Policy IM-11.**

RA-4a It shall be the intention of Council to consider permitting tourist cottage developments outside of the serviceable area, and only on Dyke Road, Cow Bay Road, Bissett Road and Old Dyke Road (Rainbow Haven Lane) pursuant to the development agreement provisions of the Municipal Government Act. In considering any such proposal, Council shall have regard to the following:

- **(a) that the development agreement precludes the use of tourist cottages as permanent dwellings, precludes subdivision other than that allowed pursuant to Policies RA-2 and RA-3, and that appropriate restrictions are considered to limit the season(s) of operation**;
- **(b) that for every tourist cottage proposed there is an available lot area of three acres, exclusive of lot area which is devoted to dwellings or other permitted uses (except open space uses); except that Council may consider an alternative density for the former Rainbow Haven camp, based on its existing buildings and existing private service systems;**
- **(c) that the proposed cottages are located so as to reduce their visibility from roads, parks and other public places to the greatest reasonable extent;**
- **(d) the design and appearance of the cottages;**
- **(e) that natural vegetation is retained to the greatest possible extent, and that extensive landscaping is provided on disturbed areas;**
- **(f) the means by which liquid waste will be treated, and the capability of the site to sustain appropriate treatment in the long term;**
- **(g) the source of water supply for the cottages, including the potential for impacts on nearby wells;**

(h) that no cottage may be located within a natural buffer as required under the land use by-law, except that the required buffers may be reduced by 50 percent where it is clearly demonstrated that no negative environmental or aesthetic impacts will result from such a reduction. However, no reduction in setbacks or buffers shall be permitted along open coastal shores which are subject to erosion by wave action;

(i) that adequate erosion and sedimentation control plans have been submitted and that any development agreement contains appropriate measures in terms of penalties and bonding requirements to ensure compliance with these plans; and

(j) the provisions of Policy IM-11.

(RC-May 15/01;E-Jun 23/01)

Golf Courses

The construction of new golf courses is becoming common throughout the region, as the sport grows in popularity. With the accessible location of the plan area, the availability of large tracts of undeveloped land, and the natural beauty of the area, it is possible that there could be demand for such a use within the area. There is support in the communities for allowing such a use. However, golf courses can generate negative impacts not just on nearby properties but in terms of increased traffic, increased stormwater runoff, degradation of groundwater and watercourses, and loss of significant wildlife habitat. Allowing the development of such uses only though the development agreement process will ensure that any negative impacts are minimized. In addition, the development agreement process will allow Council to consider on a site by site basis the need for publicly accessible recreation facilities such as water access points and trails. Such facilities are important to the social and economic fabric of the community. Care must therefore be taken to ensure that public access points to waterfront areas are provided and maintained, and that opportunities for facilities such as publicly accessible trails are fully examined. (RC-May 15/01;E-Jun 23/01)

RA-5 It shall be the intention of Council to consider permitting golf courses and accessory uses outside the serviceable area (RC-May 15/01;E-Jun 23/01) according to the development agreement provisions of the Municipal Government Act (RC-May 15/01; E-Jun 23/01). In considering any such application, Council shall have regard to the following:

(a) the potential for adversely affecting nearby uses in terms of visual intrusion, noise generation, traffic generation, and stray golf balls;

(b) the means by which waste water will be treated;

(c) the source of water for both clubhouse use and irrigation and the potential impact on natural watercourses and groundwater;

(d) the overall design and layout of the golf course in terms of tree retention, minimal alteration of grades, protection of wildlife habitat and corridors;

(e) that a detailed site evaluation has been undertaken in terms of baseline water quality testing, slopes, drainage, soils and geology, and flora and fauna; and that the design of the golf course has been undertaken to ensure that the potential for negative impacts from the construction and operation of a golf course are reduced to the greatest possible extent, with particular (RC-May 15/01;E-Jun 23/01) consideration of the Audobon Societies Guidelines for Golf Courses and an Integrated Turf Management System to protect groundwater, wetlands and watercourses;

(f) the size and hours of operation of any accessory uses such as restaurants and lounges, driving ranges, and pro shops;

(g) that where any portion of a golf course or its associated facilities is proposed to be located within a natural buffer as required under the land use by-law, it is clearly demonstrated that no negative environmental or aesthetic impacts will result from such a reduction in buffers. However, no reduction in setbacks or buffers shall be permitted along open coastal shores which are subject to erosion by ocean wave action;

(h) that adequate, detailed erosion and sedimentation control plans have been submitted and that any development agreement contains appropriate measures such as bonding to ensure compliance with these plans; which shall also include the designation of non-site disturbance areas to preserve natural vegetation and features to the greatest possible extent;

(i) that provision is made for public pedestrian access to watercourses; and that consideration is given to the provision of publicly accessible recreation facilities such as trails, including the potential for winter uses such as cross-country skiing, and (RC-May 15/01;E-Jun 23/01)

(j) the provisions of Policy IM-11.

COMMERCIAL DESIGNATION

As with residential development, the Plan Area's two communities require different perspectives relative to future commercial use. In Cow Bay, there is the desire to maintain its current residential character, and to limit commercial development to resource related operations and small scale, home-based businesses. General commercial development is therefore limited to the C-2 (General Business) Zone in Eastern Passage.

In Eastern Passage, there is the desire to maintain the traditional character that exists in the community's commercial centre, commonly known as Quigley's Corner. This commercial centre is reminiscent of many small coastal villages, developing from its strong ties with the fishing industry, then expanding along the waterfront to offer basic banking, postal, medical, gas, and grocery services. The scale and scope of the commercial core was small and compact, responding to the pedestrian-oriented nature of the village. Since then, the commercial designation has been applied to approximately 122 acres, and a mix of commercial, residential and community uses has emerged. Although the extent of the commercially designated land is large, there is the desire to maintain small scale commercial development, as well as the traditional architecture for the area.

In addition, there are new pressures being placed on the commercial area. Recently, there has been an increase in the population base in Eastern Passage and Cow Bay. As a result, there are desires to broaden both commercial uses and store size permitted within the C-2 Zone. This will encourage a scale of development desired by the community, and will restrict larger scale commercial activities from the C-2 Zone. Streetscape elements such as setbacks, scale of buildings, parking, signage, landscaping and architectural features are required to complement the traditional character of this community. To accommodate the larger scale commercial developments to service Eastern Passage/Cow Bay, the community has suggested that such activities be located on either the Ultramar or Shearwater lands should they become available.

The fishing industry still holds a strong presence in Eastern Passage, a factor that recently attracted a tourism development called Fisherman's Cove. Located on the waterfront, Fisherman's Cove replicates the flavour and character of a working fishing village, and has spurred the local tourist industry. Although the existing designation of Special Area has been granted, the types of uses permitted within the applied MR-2 (Fishing Industry) Zone should be considered for all waterfront lands within the commercial zone. As such, the community commercial designation and the C-2 (General Business) Zone should be applied to this portion of the special area designation. The permitted uses for the C-2 (General Business) Zone should be expanded to include both new tourist related activities and marine related uses.

COM-1 It shall be the intention of Council to establish a Community Commercial Designation, as shown on Map 1 - Generalized Future Land Uses and to encourage that lands within the designation be developed in a manner appropriate to the growth of a local business and service focus for the Plan Area.

COM-2 It shall be the intention of Council to establish a C-2 (General Business) Zone within the Land Use By-Law and apply it to the Community Commercial Designation. The C-2 (General Business) Zone shall permit general commercial uses, as well as residential and community uses. The permitted uses shall reflect the traditional waterfront uses and promote tourist related activities. Development shall be subject to specific size, scale,

building placement, building design and construction, landscaping, signage and parking controls, and all commercial uses and multiple residential unit dwellings must have direct access to either Main, Cow Bay or Shore Roads.

COM-2.1 Notwithstanding Policy COM-2 it shall be the intension of Council to restrict residential uses and commercial uses that are considered incompatible with the operation and promotion of tourist and marine related activities in Fisherman's Cove. (RC-Sep 12/06;E-Jan 8/07)

Detailed Planning Exercise (RC-Apr 28/98;M-Jul 15/98)

The community has expressed concerns relating to issues that require review from a broad group of experts. The concerns include, but are not limited to, pedestrian safety within the commercial zone, traffic flows along Main, Cow Bay and Shore Roads, the lack of parking within the commercial zone, and the integration of Quigley's Corner, Fisherman's Cove and the Marshland Boardwalk within the commercial zone. A detailed planning exercise is warranted to examine these issues.

COM-3 It shall be the intention of Council to direct staff to undertake a detailed planning and urban design exercise for the area designated Community Commercial within Eastern Passage. The planning exercise will examine such issues as pedestrian circulation, parking, tree planting, and other streetscape elements to integrate Quigley's Corner, Fisherman's Cove and the Marshland Boardwalk.

COM-4 Deleted in its entirety (RC-Jan 20/98;M-Feb 19/98)

COM-5 Deleted in its entirety (RC-Apr 28/98;M-July 15/98)

COM-6 Deleted in its entirety (RC-Apr 28/98;M-July 15/98)

Commercial and Industrial Uses Outside of the Commercial Designation

General commercial development in both communities reflects the character of an older suburban area and the influences of industry. The types of use are often those which cannot or will not be accepted by urban centres. Resource related uses such as sawmills, lobster pounds, gravel pits, kennels and greenhouses are found. Automobile related uses are common, including several scrap and salvage operations, autobody shops and maintenance yards. The industrial services of welders, truckers, excavators and jobbers are frequently available from residential properties.

Although the provisions of the local service zone (Policy UR-23) will accommodate some uses within the unserviced portions of the Urban Residential and also within the Rural Area Designations, more intensive commercial, local service or resource-related land uses which are currently found within residential areas may be accommodated by provisions for development agreements. However, it is not intended that new businesses, other than local service uses, be generally admitted to these areas in the future.

COM-7 It shall be the intention of Council to permit kennels within the general business zone of the Commercial Designation and the mixed use zone of the Industrial Designation and to

provide for the continuation of existing kennels as identified in Appendix "B" of the land use by-law. Council may also consider permitting kennels according to the development agreement provisions of the Planning Act within any designation, and with regard to the provisions of Policy IM-ll.

COM-8 Notwithstanding Policies UR-2 and RR-2, it shall be the intention of Council to permit certain existing businesses and to provide for a change of use on these properties notwithstanding that they are beyond the Commercial Designation. In this regard, Council may consider that lots be dual zoned to provide for a change of use on existing business properties provided that the zones in question may be considered within the designation in which the property is located. Notwithstanding this, the lands of Francis Horne, LRIS Index No. 373456 may be zoned to permit general commercial uses.

Further, where any legally existing business is identified in Appendix "B" of the land use by-law, Council may consider the expansion of the use or a change of use according to the development agreement provisions of the Planning Act. In considering amendments, Council shall have regard to the provisions of Policy IM-ll and shall only consider a change of use to commercial uses which conform to uses permitted within the Commercial Designation and which can be accommodated without negatively affecting surrounding residential areas.

COM-9 It shall be the intention of Council to provide for the continuation of legally existing scrap or salvage operations identified in Appendix "Ba" of the land use by-law. Council may consider the expansion of such operations according to the development agreement provisions of the Planning Act with regard to the provisions of Policy IM-11 and the following:

(a) that there is adequate lot area to provide for all yards to be a minimum of twenty-five (25) feet in width or depth, as the case may be;
(b) that the visual buffering or screening of the total operation may be considered under the terms of any development agreement; and
(c) the provisions of Policy IM-11.

In addition, Council may consider a development agreement to permit the development of a salvage operation on the Lands of Wilmer and Mary Charbonneau, Hines Road, as identified in Appendix "B" of the land use by-law.

COM-10 Within any designation, it shall be the intention of Council that extractive facilities and the bulk storage of aggregates or minerals shall only be considered according to the development agreement provisions of the Planning Act and with regard to the provisions of Policy IM-ll. In considering such uses, Council shall encourage that they be a minimum of three hundred (300) feet from any watercourse or waterbody and one hundred (100) feet from any lot line.

While it is not the intention of the planning strategy to permit the development of local service uses within the serviced portion of the Urban Residential Designation, an exception will be made for the lands of Archibald Pye, LRIS No. 40081523. This property was historically used for commercial purposes prior to the adoption of the planning strategy in 1982. In 1982, all existing businesses were accommodated within the land use by-law but the commercial operation at this site, a war surplus

store, was undetected at that time. The planning strategy will, therefore, permit the development of local service uses at this property through the provisions of the land use by-law.

COM-11 Notwithstanding Policy UR-2 and with reference to Policy UR-23, it shall be the intention of Council to apply the local service zone to the lands of Archibald Pye LRIS No. 40081523.

Multiple Unit Dwellings in the Commercial Designation

Opportunities for multiple unit dwellings are needed to meet the demand for diversified housing in the community and are supported by the Regional MPS which designates the community as a Local Growth Centre. Small scale multiple unit dwellings are to be permitted on an as of right basis within the Commercial Designation and the C-2 Zone shall contain standards that help ensure these developments complement community character. Larger scale development will be considered in the Commercial Designation by development agreement with the goal of increasing housing choice while integrating such projects into the community. Lands on the harbour side of Main and Shore Roads will be excluded from consideration in order to encourage retention of the traditional character of this area.

Notwithstanding the foregoing, in support of housing need, the following larger scale multiple unit dwellings are to be permitted in the C-2 zone on an as of right basis, and otherwise in accordance with C-2 zone standards:

i) Site #1 (PID 00374710) to a maximum of 32 units and maximum height of 3 storeys; and

ii) Site #2 (PIDs 00374728 and 00471698) to a maximum of 24 units. (RC-April 28/26;E-May 27/26)

COM-12 Excluding lands on the harbour side of Main and Shore Roads and those lands fronting on Government Wharf Road, multiple unit dwellings with more than 12 dwelling units shall be considered within the Community Commercial Designation by development agreement. In considering any such agreement, Council shall have regard to the following:

(a) The lot shall be a minimum lot area of 1,858 square metres (20,000 sq ft);
(b) The lot shall have frontage on a public street;
(c) Access shall be from a public street unless another access is deemed to be acceptable by the Municipal Engineer;

(d) Buildings shall be a maximum height of 4 storeys and a penthouse, where a penthouse is comprised of mechanical equipment or amenity areas and occupies a maximum of 30% of a rooftop area;
(e) Buildings shall have a minimum setback from interior lot lines a distance that is equal to half the height of the building, exclusive of penthouses, with greater setbacks and the use of measures such vegetation, fences, and building massing and design to address impacts on adjacent residential uses;

(f) Buildings shall be of a design that is complementary to the surrounding area;
(g) There shall be a mixture of dwelling unit types and sizes;
(h) There shall be a maximum density of 36 units per acre;
(i) There shall be sufficient parking for residents and other uses and the majority of such parking shall be below-grade;
(j) Areas that are not occupied by buildings or parking shall be comprised of landscaping;
(k) There shall be sufficient common landscaped open space and amenity areas;
(l) Properties that are within the vicinity of the intersection of Main Road, Shore Road, and Cow Bay Road, with sufficient frontage on these roads, shall have buildings with ground floor commercial uses that are consistent with the character of this area, including having buildings situated close to an oriented to these roads, and in such instances consideration shall be given to reducing the setback provisions of (e); and
(m) The provisions of Policy IM-11."
(RC-Aug9/16;E-Sep 10/16)

INDUSTRIAL MIX DESIGNATION

The Plan Area contains no large commercial uses and the extent of processing, manufacturing and other light industrial developments is limited. Although there is a desire to encourage larger commercial and light industrial operations to locate in the area, the scale of existing development does not permit their being easily accommodated.

The Industrial Mix Designation has been applied to primarily vacant lands which border the community of Eastern Passage and which could accept larger commercial or industrial uses in the event that a location is required in the future. Poor soil conditions and proximity to the runways of Shearwater airport have restricted general residential development and although a portion of the properties in question is owned by heavy industrial interests, no development intentions have been revealed.

Direct access to lands within the Designation is provided from Eastern Passage and beyond the Plan Area by a 60-80 km/hr road. There is also a dead end section of track located in this area and it shall be the intention of Council to request the Canadian National Railway and Transport Canada to re-establish this service as it becomes required.

IMD-1 It shall be the intention of Council to establish an Industrial Mix Designation, as shown on Map 1 - Generalized Future Land Use. Within this Designation, Council shall establish a light industrial zone which reflects the intent of the Designation in providing for developments which may require extensive outdoor space, including commercial and for industrial developments which are not obnoxious and relate primarily to warehousing, storage and light manufacturing and service uses. This zone shall also permit community facility 2 zone uses and will contain requirements for increased separation and buffering from any adjacent residential land uses. As well, the zone will also provide for the exemption of rear or side yard requirements when such yards impede the accessibility of transportation related uses.

IMD-2 Notwithstanding Policy IMD-1, Council shall zone all existing residential uses within the Industrial Mix Designation to an appropriate residential zone or to otherwise provide for their continuation.

INDUSTRIAL DESIGNATION

Although the southeastern side of Halifax Harbour was becoming industrialized at the turn of the century, the Plan Area remained dependent on its natural resources until relatively recently, except for the various industrial activities of the military in operating air and seaport facilities. Fishing was the economic mainstay, supplemented by limited agriculture and forestry, and a gold mine was operating in Cow Bay.

Albeit resource use, particularly that related to the fishery, is still important within the area and colours the local way of life, major heavy and service industrial developments have changed the face of Eastern Passage over the last twenty years. Texaco Canada was assembling lands in the early 1960's and by 1964 had established its refinery, bulk station and marine terminal. In 1990, Texaco's assets were acquired by Ultramar Canada Inc., and the refinery commenced operations after a brief shutdown. A range of fuels are produced at the site and the installation serves markets throughout Atlantic Canada. Canadian National established Autoport in 1971 and major expansions during 1974-76 resulted in this facility's becoming one of the largest vehicle storage and distribution centres in Canada.

Combined, Ultramar and Autoport have acquired approximately six hundred acres of land and provide employment for some three hundred people, including many local residents. The two companies remain among the largest single employers within the Municipality, overshadowed only by Halifax International Airport.

Notwithstanding the many contributions of industrial development to the area and to the Municipality, its introduction into Eastern Passage has also resulted in certain negative affects in terms of the character and stability of the community. In addition, there are understandable concerns on the part of residents that major expansions will further reduce the remaining residential and community business area.

Government involvement in industrial development contributes significantly to residents' distrust and misgivings about the community's future. Both the refinery and Autoport facilities were established with government aid, including expropriation activities. Some of the lands for Autoport were lands in municipal ownership, previously acquired when declared surplus by the Department of National Defense. The Municipality also provided land and facilities from previous DND property to two light industrial operations at Elkins Barracks, a property which has become an important institutional and recreational focus for the Plan Area.

That the northern portion of Eastern Passage is now under the command of major industry is a major factor in planning for the community's future. With this comes certain responsibilities for providing stability within the remaining community, where the potentials for continuing residential growth and supporting commercial developments are evident. This is not to say that homes and small businesses which are still found in the industrial area should not be given the protection available to other parts of the community, however, most decisions about the future of these uses should be left to the individual property owner's choice.

The Industrial Designation has been applied to those lands which define the major industries at the present time and those which are reasonable areas of expansion. Although the Designation is intended to support industrial development, it is also meant to establish a barrier to future intrusion into the

community. For this reason, the extension of general industrial zoning will not be permitted outside of the Designation.

IND-1 It shall be the intention of Council to establish an Industrial Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the Designation shall constitute the priority area for the development of general industrial facilities and supporting commercial and transportation uses.

IND-2 Within the Industrial Designation, it shall be the intention of Council to establish a general industry zone which permits the development of heavy industrial and industrial related uses. Controls on separation distances, buffering, parking and signage will be established to address compatibility concerns. The zone will also provide for the exemption of rear or side yard requirements when such yards impede the accessibility of transportation related uses.

IND-3 In recognition of existing industrial use and the potential transition of residential use within the Industrial Designation, Council shall also establish a light industrial zone which permits the development of light and service industrial, commercial and community facility 2 zone uses, as provided for within Policy IMD-1.

Within the Designation, opportunities for a transition to industrial use are recognized, particularly as regards the development of smaller uses which are supportive of the major industries. On lands which follow the main highway, the Designation provides for a free mixing of residential, commercial and industrial developments. The desires of residents in established neighbourhoods which have become surrounded by industrial development must, however, be respected, and these areas will be afforded the same protective rights as are other residential areas of the community.

IND-4 Notwithstanding Policy IND-2, in support of increasing development opportunities within the Industrial Designation, it shall be the intention of Council to establish a mixed use zone which will permit residential and community facility 2 zone uses, and industrial and commercial uses, except commercial entertainment uses. This zone shall be applied to lands abutting the Eastern Passage and Autoport Roads. Controls on size, open storage and outdoor display, separation distances, parking and signage will be established to address compatibility concerns. Council may consider applying this zone to additional lands within the Industrial Designation by amendment to the schedules of the land use by-law. In considering such amendments, Council shall have regard to the following:

(a) the potential for adversely affecting adjacent residential and community facility development;
(b) the impact on traffic circulation and, in particular, sighting distances and entrances to and exits from the site;
(c) the availability of municipal sewerage services; and
(d) the provisions of Policy IM-11.

IND-5 With reference to Policy IND-4, within the Industrial Designation, it shall be the intention of Council to consider permitting entertainment uses by amendment to the land use by-law through the application of a commercial entertainment zone. Controls on outdoor display and parking established within the zone, will address compatibility concerns. When considering amendments to the land use by-law to permit commercial entertainment uses, Council shall have regard to the provisions of Policy COM-4.

IND-6 In recognition of existing residential development within the Industrial Designation, Council shall zone the lands abutting essentially residential streets to the appropriate residential zone.

IND-7 It shall be the intention of Council that, where the general or light industry zone abuts any other zone, except an industrial zone, no development within the general or light industry zone shall be less than fifty (50) feet from the abutting zone, and no bulk fuel storage tank within the general industry zone shall be less than one hundred (100) feet from the abutting zone.

IND-8 Notwithstanding the provisions of Policy IM-6, no industrial zone permitting general industry shall be considered by amendment to the land use by-law except within the Industrial Designation.

COMMUNITY FACILITY DESIGNATION

There are a wide range of community related facilities which are important to the residents of any community. Facilities such as schools, churches, parks and community centres are just a few of the institutions which promote a healthy community spirit which is so prevalent within Eastern Passage and Cow Bay. The value which is placed on community facilities by these residents is evident in their participation in annual community events such as the Summer Carnival and their voluntarism in local organizations which provide the necessary social support services to the community at large.

The planning strategy supports the growth of community uses throughout the Plan Area under various development control mechanisms. Within the Urban and Rural Area Designations, certain community facility uses may be considered by amendment to the land use by-laws while other more intensive uses such as fraternal halls may be considered by development agreement. These public approval processes are deemed necessary in order to ensure that these facilities are property integrated within the community without impact upon neighbouring residential uses. Within the Industrial and Commercial Designations, all types of community facility uses are permitted as of right within some of the zones for these areas.

Although it is not the intention of the planning strategy to confine institutional uses to predefined locations, there are two areas which have been specifically designated to safeguard existing and future community use. The first area includes the lands of the Roman Catholic Episcopal Corporation and Ultramar Canada located directly north of Quigley's Corner between the Caldwell and Cow Bay Road. This is a narrow strip of land which forms an effective barrier between heavy industrial operations to the north and the built up residential area to the south. At present, these lands remain largely undeveloped but are occupied by a cemetery, convent, school, senior citizen complex and playing field.

CF-1 It shall be the intention of Council to establish a Community Facility Designation, as shown on Map 1 - Generalized Future Land Use. Within this Designation, Council shall establish a community facility 2 zone which permits a variety of community related uses, such as schools, churches, **shared housing with special care uses (RC-Aug 9/22;E-Sep 15/22)**, fire and police stations, hospitals and medical clinics, day care facilities and single unit dwellings in conjunction with such facilities, public libraries, museums, galleries, open space uses, fraternal halls and centres, community halls and centres, existing residential care facilities, government offices and public works, except transportation maintenance yards and crematoriums. In addition to other areas, this zone shall be applied to existing community facility uses located within the Urban and Rural Area Designations.

CF-2 Notwithstanding Policy CF-1, Council may consider permitting certain industrial uses within the Designation, subject to the development agreement provisions of the Planning Act and with regard to following:

(a) that the nature of the use does not inhibit, and the use can be accommodated in such a manner so as not to inhibit, the use and enjoyment of abutting lands within the Designation for general community purposes;
(b) that the use is similar in nature to, or is supportive of existing industrial uses;

(c) that, where the use may involve structures for the bulk storage of oil or fuel, such structures shall be located so as to provide the maximum separation distance which is reasonable from other developments, but in any case shall not be less than two hundred (200) feet from any dwelling or any institutional use; and
(d) the provisions of Policy IM-11.

CF-3 It shall be the intention of Council, that, where any industrial use is being considered under a lease with the Municipality, all of the provisions of Policy CF-2 shall apply and shall be included in any lease or other agreement.

It is recognized that crematoriums provide a valued community service and that they are commonly developed in association with cemeteries. There is concern, however, that any form of an incinerator may produce unwanted environmental impacts on the surrounding community. In order to ensure that these uses are properly sited, installed and maintained, they will be considered in accordance with the provisions of a development agreement pursuant to the Planning Act.

CF-4 Notwithstanding Policies UR-2, RR-2, COM-2, IMD-1 and CF-1, within the Urban Residential, Rural Area, Commercial, Industrial and Community Facility Designations, Council may consider permitting the development of crematoriums in conjunction with cemeteries, according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

(a) provisions pertaining to the ongoing maintenance of the development;
(b) that the crematorium is sited so as to reduce visual impact on any adjacent residential land uses;
(c) that the site design features, including parking and driveways, are of an adequate size and design to service the development;
(d) that the development does not impose a traffic impact on surrounding land uses;
(e) hours of operation; and
(f) the provisions of Policy IM-11.

SPECIAL AREA DESIGNATION

The Plan Area contains several areas which are environmentally and historically significant and which should be protected from indiscriminate development. These include both public and private lands which are both developed and undeveloped. A Special Area Designation has been applied to lands within the Plan Area which are environmentally significant and which provide a focus to the Plan Area's communities and beyond.

Provincial Parks

The 1975 Halifax-Dartmouth Regional Development Plan identified seven provincial parks, of which the McNab's-Lawlor Island park and a portion of the Cole Harbour-Lawrencetown Coastal Heritage Park are located within the Plan Area. The provincial acquisition of parklands is nearly complete.

In identifying acquisition priorities, the provincial government undertook a planning process in the Cole Harbour-Lawrencetown area which resulted in the Revised Porter Plan. Although this document was not officially adopted as an amendment to the regional parks policies established in the Regional Plan, its acquisition priorities and certain development control recommendations have been generally implemented by provincial authorities. The document contains specific recommendations for lands outside of the Coastal Heritage Park boundary in the Cow Bay area, including a 200 foot setback for all developments from waterbodies forming the buffer/conservation zone to the park. The implementation of this setback cannot be carried through in standard municipal zoning without being overly prohibitive of development. However, an increased setback of 100 feet is required from the Cow Bay and Barrier Ponds in order to protect these systems (Policy E-15).

McNab's Island is comprised of 974.45 acres of which fifty-nine (59) percent is owned by the provincial government; thirty-six (36) percent by the federal government and the remaining five (5) percent is held in private ownership.[12] Lawlor's Island is comprised of 143 acres which is owned entirely by the federal government.

While the ultimate design of the parks remain unresolved, the Province has supported the construction of a small restaurant by a tour operator providing commercial ferry service to McNab's Island. This business is exemplary of commercial activities which could benefit from the development of recreational uses, provide services to tourists or otherwise complement government initiatives to attract people to the Island. Craft and souvenir shops, "lobster suppers" and guest homes are among those small businesses which could be accommodated in existing buildings or in new buildings constructed for permanent or seasonal purposes.

Fort McNab, which is located on the south side of McNab's Island was declared as a National Historic Site by the Historic Sites and Monuments Board of Canada in 1961. This Fort has played an important defense role in the past and it provides an opportunity to interpret the evolution of coastal defense technology extending from the 1890s through to the 1950s. Canadian Parks Service is in the process of preparing a management plan for the stabilization of structures and the installation of interpretive signs within this historical fort over the next 10 to 15 years. This agency anticipates that it will be forwarding its final management plan for ministerial approval sometime in the remaining months of 1992.

[12] Nova Scotia Department of Natural Resources, Report on Property Ownership on McNab's Island, Halifax Harbour, Revised as of 1988.

Central Waterfront

The central waterfront of the community of Eastern Passage is not only the site of the area's major resource industry, but also provides an important focus to the community and beyond.

The importance of the fishery has been sustained in the area, despite the disappearance of fishing communities elsewhere on Halifax Harbour, and about fifty independent fishermen now operate from the waterfront at Quigley's Corner. Except for one government wharf, all mooring and maintenance facilities are privately owned. Herring is the primary catch, seconded by groundfish, and there are small facilities in the area for direct sales of both fish and lobster. Adjacent to the fishing area is a provincial beach, which has steadily declined as an attraction with growing pollution in the harbour and the development of recreation areas elsewhere.

Although traditional fishing areas have often fallen prey to the restoration efforts of tourism promotion, the singular limitation placed upon planning efforts in this area relates to safety and the general public health. In the Eastern Passage area, every attempt should be made to support the development of the fishing area and general central waterfront in a manner which takes advantage of the opportunities offered to resource industry.

Private Lands

Although privately owned, Silver Sands Beach was a highly popular summer attraction until much of the area's sand was removed and sold by the owner. Residents report that the beach is slowly being re-established and, with the recent development of a new road, use of the facility is expected to increase. The area is also adjacent to the Cow Bay Moose, a statue which is a local landmark.

The Silver Sands Beach contributes to the generally sensitive environment of Cow Bay Pond, which is an important habitat, particularly for larger birds such as osprey. Given an emphasis placed on provincial acquisition of other sensitive areas, such as the Cole Harbour salt marsh which forms part of the Coastal Heritage Park, consideration should be extended to include protective purchase in the Cow Bay Pond area.

SA-1 It shall be the intention of Council to establish the Special Area Designation, as shown on Map 1 - Generalized Future Land Use in recognition of certain lands within the Plan Area which are environmentally and historically important and which provide a focus to the Area's communities and beyond.

SA-2 Within the Special Area Designation, Council shall establish a provincial park zone, which permits recreational and park uses and which shall be applied to McNab's and Lawlor Islands and to the lands of the Cole Harbour-Lawrencetown Coastal Heritage Park. The zone shall permit existing residential uses within the Designation.

SA-3 It shall be the intention of Council to request that, in making decisions on the future development of McNab's Island as a provincial park, the provincial government have regard to the policies of this strategy relating to the development of the community of Eastern Passage and place an emphasis upon public consultation in consideration of any access which is to be provided to the park site. Further, Council shall encourage the provincial government

to work toward a resolution of ownership, development and maintenance of the park, including provisions for municipal and regional representation in all matters.

SA-4 Notwithstanding Policy SA-2, Council may consider permitting commercial uses on Lawlor's, McNab's and Devil's Islands according to the development agreement provisions of the Planning Act and with regard to the following:

(a) that the use is intended primarily to serve park users and serves to highlight the history and character of the park, and is not of itself a primary attraction;
(b) that any proposed structure's exterior finish is composed of traditional materials and reflects traditional architectural character with respect to the finish, the type and slope of the roof, and the type and style of any related signage;
(c) that the structure is no larger than 3,000 square feet;
(d) that provisions are made for the temporary storage and disposal of refuse;
(e) that there is a minimum of environmental disruption to the site both during and after construction; and
(f) the provisions of Policy IM-11.

SA-5 In recognition of the Province of Nova Scotia as the land owner in most agreements entered pursuant to Policy SA-4, it shall be the intention of Council to request that the provisions of such agreements are incorporated into any lease entered between the Province and a private business owner.

SA-6 It shall be the intention of Council, wherever possible through its consideration of development proposals to have regard to the recommendations of the Revised Porter Plan as they effect environmental protection in the Cow Bay area.

SA-7 Within the Special Area Designation, Council shall establish a fishing industry zone, which shall encourage commercial and industrial uses related to the fishery, along with single unit dwellings and variety and food stores, on the central waterfront of Eastern Passage.

SA-8 With reference to Policy COM-6, it shall be the intention of Council to have regard to the importance of the fishing area in Eastern Passage in all matters of waterfront development.

SA-9 It shall be the intention of Council to request the provincial government to upgrade McCormack's Beach at Eastern Passage, and to proceed with measures to reduce shoreline erosion at Noonan's Beach.

SA-10 Within the Special Area Designation, Council shall zone lands which are held in private ownership for the purposes of permitting low density residential development community uses and facilities.

SA-11 It shall be the intention of Council to request the provincial government to recognize the environmental significance of Cow Bay Pond and to consider the purchase of property in its vicinity, specifically in the area of the Silver Sands Beach.

PLAN AMENDMENT DESIGNATION

Given the considerable investment of the Federal Government in Canadian Forces Base Shearwater and supporting facilities at Hartlen Point, it is unlikely that these properties will be declared surplus to the requirements of the Department of National Defense in the near future. However, federal holdings within the Plan Area have become available in the past and it is reasonable to provide for such an occurrence. With a combined acreage of over two thousand acres, these lands have defined the boundaries of Eastern Passage throughout its development, and future alterations in their use could significantly affect the Plan Area.

PA-1 It shall be the intention of Council to establish the Plan Amendment Designation on lands of the Department of National Defense, as shown on Map 1 - Generalized Future Land Use. 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 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 planning strategy. In any such amendment, public consultation shall be undertaken as a priority of Council.

PA-2 Within the Plan Amendment Designation it shall be the intention of Council to establish a DND zone which permits the continuation of Department of National Defense military and support activities at Canadian Forces Base Shearwater.

PA-3 Within the Plan Amendment Designation, it shall also be the intention of Council to apply a rural estate zone to the Hartlen's Point golf Course pursuant to Policy RR-2. This zone will permit this recreation use and provide direction for the desired form of future development should these lands ever become surplus to the requirements of the Department of National Defense.

IMPLEMENTATION

In accordance with the provisions of the Planning Act, the adoption of this municipal planning strategy does not commit Council to undertake any of the projects or actions contained, however, Council cannot take any action within the scope of this planning 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 employing specific by-laws and regulations, Council may encourage certain administrative procedures in response to implementation of this strategy and the Plan Area in relation to the Municipality as a whole. Specifically, Council may investigate the cost and administration of the signs sections of the land use by-law, given their introduction as new controls within the urban areas of the Municipality, and may consider a schedule of permit fees for commercial signage.

The following policies include the basic requirements for proper implementation based on the policies of the strategy and adoption of regulations under the Subdivision By-law, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

IM-1 This municipal planning strategy shall be implemented by means of powers conferred upon Council by the Planning Act, and such other provincial statutes as may be applicable.

IM-2 In addition to employing specific implementation measures it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

IM-3 It shall be the intention of Council to require amendments to the policies of this planning strategy or to Map 1 - Generalized Future Land Use under the following circumstances:

(a) where any policy is to be changed; or
(b) where a request to amend the land use by-law for a use which is not permitted is made and subsequent studies show that the policies of this planning strategy should be amended.

IM-4 More specifically, Council shall amend this strategy if lands located within the Plan Amendment Designation should become declared surplus to the needs of the Department of National Defense.

IM-5 In accordance with the Planning Act, this planning strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.

IM-6 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following amendments to the land use by-law, for lands which are located where any land use designations abut one another, as shown on Map 1 - Generalized Future Land Use.

(a) amendments within a designation to provide for the development of uses which are use permitted within the abutting designation; or
(b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation.

IM-7 Notwithstanding Policy IM-6, and pursuant to Policy IND-8, no zone which permits the development of general industrial uses shall be considered by amendment to the land use by-law except within the Industrial Designation.

IM-8 It is not intended that all lands shall be prezoned for specific uses. Rather, in order to give Council a greater degree of control, the planning strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreements as provided for by the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this planning strategy.

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

(a) within the Urban Residential Designation where municipal central services are available:
  (i) auxiliary dwelling units according to Policy UR-6;
  (ii) two unit dwellings according to Policy UR-7;
  (iii) townhouse dwellings according to Policy UR-9;
  (iv) mobile dwellings according to Policy UR-12;
  (v) comprehensive development districts according to Policy UR-13; and
  (vi) community facility uses according to Policy UR-17.
(b) within the Urban Residential Designation, where municipal central services are not available:
  (i) auxiliary dwelling units according to Policy UR-6;
  (ii) comprehensive development districts according to Policy UR-14;
  (iii) community facility uses according to Policy UR-17; and
  (iv) local service uses according to Policy UR-23.
(c) within the Rural Area Designation:
  (i) community facility uses according to Policy UR-17;
  (ii) local service uses according to Policy UR-23.
(d) within the Commercial Designation:
  (i) **Deleted (RC-Jan 20/98;M-Feb 19/98)** and;
  (ii) **Deleted (RC-Apr 28/98;M-Jul 15/98)**
(e) within the Industrial Designation:
  (i) residential, commercial, industrial, community facility uses, according to Policy IND-4; and
  (ii) commercial entertainment uses according to Policy IND-5.

IM-9 The following uses shall only be considered subject to the entering into of a development agreement pursuant to the provisions of the Planning Act:

(a) within the Urban Residential Designation:
  (i) multiple unit dwellings according to Policy UR-8;

(ii) townhouse developments according to Policy UR-10;
(iii) comprehensive development district uses according to Policies UR-13 and UR-15; and
(iv) local commercial uses according to Policy UR-21.
(v) repealed (RC-May 23/24;E-Jun 13/24)

(b) within the Urban or Rural Area Designations:
(i) medical clinics and day care facilities according to Policy UR-18;
(ii) fraternal halls and centres and community halls and centres according to Policy UR-20;
(iii) campgrounds according to Policy RA-4; and
(iv) golf courses according to Policy RA-5.

(c) within the Commercial Designation:
(i) **Deleted (RC-Apr 28/98;M-Jul 15/98)**
(ii) Larger scale multiple unit dwellings according to Policy COM-12" (RC-Aug9/16;E-Sep 10/16)

(d) within the Community Facility Designation:
(i) certain industrial uses directly related to or supportive of existing industrial uses according to Policy CF-2.

(e) within the Urban Residential, Rural Area, Commercial, Industrial and Community Facility Designations:
(i) crematoriums according to Policy CF-4.

(f) within any Designation:
(i) expansions of existing mobile home parks where municipal central sewer and water services are available according to Policy UR-11;
(ii) **Shared housing with special care at a larger scale than permitted in the underlying zone (RC-Aug 9/22;E-Sep 15/22)** according to Polic**ies** UR-19**A and UR-19B (RC-Aug 9/22;E-Sep 15/22)**;
(iii) changes of use or expansions to existing uses on commercial properties identified in Appendix "B" of the land use by-law according to Policy COM-8;
(iv) extensions of scrap or salvage yards which are legally in existence at the time of adoption of this planning strategy according to Policy COM-9;
(v) kennels according to Policy COM-7; and
(vi) extractive facilities and bulk storage of aggregates according to Policy COM-10.

IM-10 In addition, within the Urban Residential Designation, where municipal central services are available, Council may consider the following uses according to Policy UR-13, by amendment to the land use by-law through the application of a comprehensive development district and subject to the entering into of a development agreement according to the provisions of the Planning Act:

(a) residential uses; and
(b) local commercial uses and/or community facility uses in association with residential uses.

Furthermore, on lands shown by Appendix "D' of the land use by-law, where municipal central services are not available, Council may consider the following uses according to Policy UR-14 and by the application of a comprehensive development district:

(c) single dwelling units, certain commercial uses in conjunction with dwellings and public parks and playgrounds.

IM-11 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have appropriate regard to the following matters:

(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;
(b) that the proposal is not premature or inappropriate by reason of:
    (i) the financial capability of the Municipality to absorb any costs relating to the development;
    (ii) the adequacy of sewerage and water services;
    (iii) the adequacy or proximity of school, recreation or other community facilities;
    (iv) the adequacy of road networks leading or adjacent to or within the development; and
    (v) the potential for damage to or for destruction of designated historic buildings and sites.
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
    (i) type of use;
    (ii) height, bulk and lot coverage of any proposed building;
    (iii) traffic generation, access to and egress from the site, and parking;
    (iv) open storage;
    (v) signs; and
    (vi) any other relevant matter of planning concern.
(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

IM-12 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the Planning Act.

IM-13 Where uses exist which would be non-conforming with respect to the Planning Act, and which are unlikely to become conforming and further, where such uses do not interfere with adjacent uses, such uses may be zoned to permit the existing use of the property.

IM-14 It shall be the intention of Council, through the Subdivision By-law, to provide specifications for determining the availability of central water and sewer services within the Service Boundary.

IM-15 Where central services are available, it shall be the intention of Council to permit residential development to take place on lots which have less than the minimum frontage or area required

by the land use by-law where such lots are created for the purposes of infilling.

IM-16 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:

(a) the Building By-law;
(b) the Unsightly Premises section of the Halifax County Charter;
(c) the Topsoil Bylaw;
(d) the Excavation Bylaw;
(e) the Blasting and Dangerous Materials By-law;
(f) the Sewer Connection By-law;
(g) the Mobile Home Park By-law;
(h) the Occupancy Permit By-law; and
(i) the Subdivision By-law.

IM-17 In accordance with 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.

IM-18 It shall be the intention of Council to provide for the temporary use of land or structures which is accessory to and necessary for the construction of a development for which a development permit has been issued.

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

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

IM-19 The land use by-law shall not contain sign provisions for those signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).

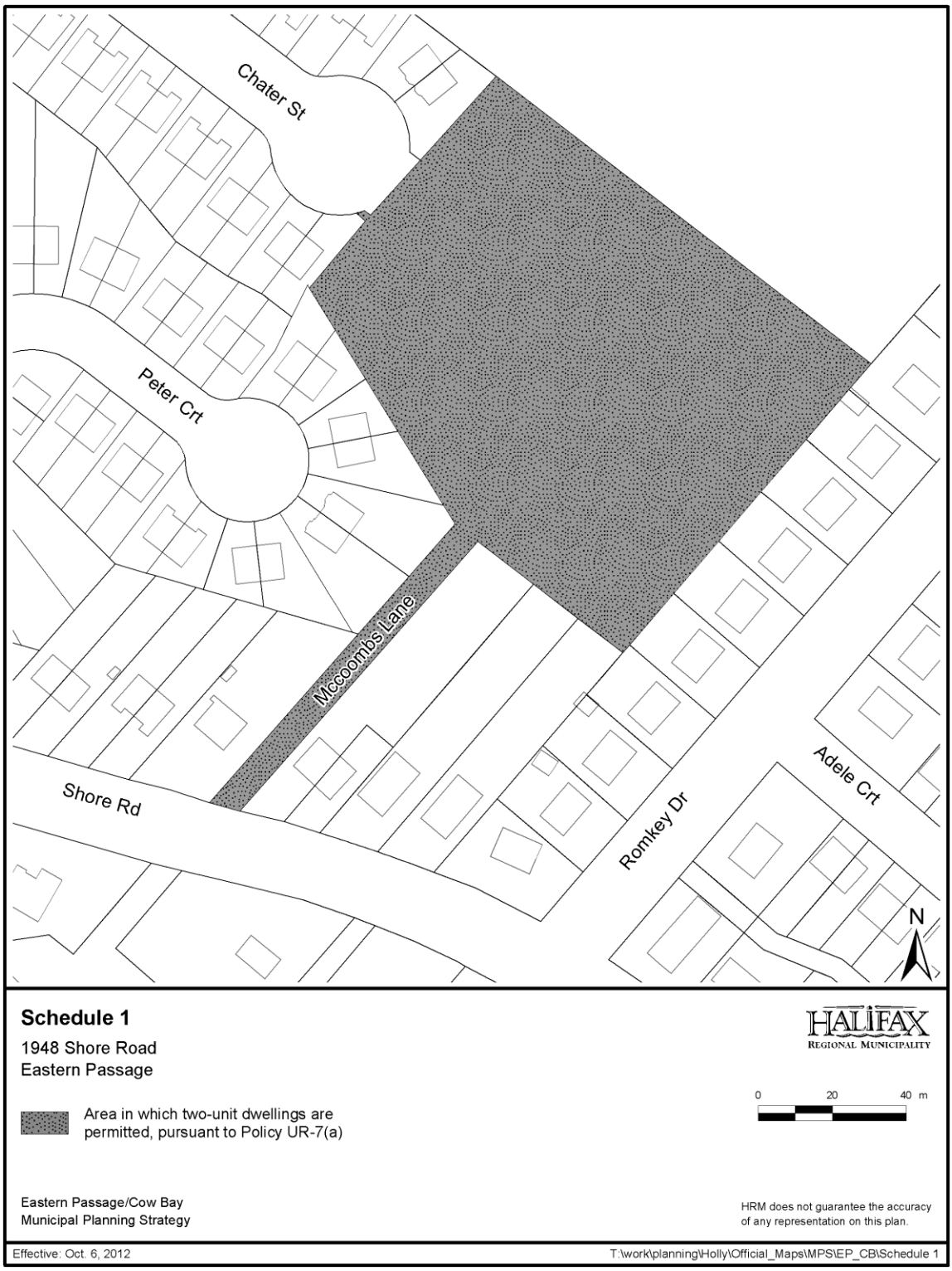
IM-20 Where there is enabling policy to consider the development, by development agreement, of a multiple unit dwellings or the expansion of existing multiple unit dwellings, such policy may be used to consider the development of shared housing uses at a larger scale than what is permitted by the Land Use By-law. (RC-Aug 9/22;E-Sep 15/22)

IM-21 Notwithstanding Policies UR-19A and UR-19B, applications for non-substantive amendments to development agreements that now meet the definition of shared housing with special care in the land use by-law that were in effect on the coming in force of policies UR-19A and UR-19B shall be considered under the policies in effect at the time the development agreement was approved, provided that the proposed amendments

were identified in the agreement as non-substantive. (RC-Aug 9/22;E-Sep 15/22)

IM-22 In addition to Policy IM-21, complete applications for development agreements on file with the Municipality located in this plan area, which were received on or before July 12, 2022, shall continue to be considered under the policies in effect on immediately prior to that date. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By- law. Applications that have not proceeded to public hearing within 36 months of July 12, 2022 shall be subject to all applicable requirements of this Plan and the Land Use By-Law. (RC-Aug 9/22;E-Sep 15/22)

Schedule 1: 1948 Shore Road (RC-Sep 11/12; E-Oct 6/12)



APPENDIX A: URBAN ROAD CLASSIFICATION SYSTEM

-i-

ARTERIAL ROADS

Primary Function: (Traffic Service) To move traffic on an inter-regional scale.

Land Use Service: Does not generally provide access to either commercial or residential lots.

Traffic Volume: Greater than 20,000 vehicles per day.[13]

Right of Way: 100 to 125 feet.

Connections: Connects to freeways, other arterial and major collectors.

MAJOR COLLECTOR ROADS

Primary function: To move traffic between communities and to provide access to commercial services.

(Traffic Service)

Land Use Service: Tends to provide access to commercial lots primarily, but residential lots do have access.

Traffic Volume: Between 12,000 and 20,000 vehicles per day.[14]

Right of Way: 66 feet

Connections: Connects to arterials and other major collectors, and minor collectors.

MINOR COLLECTOR ROADS

Primary Function: To provide access and to move traffic from neighbourhoods onto major collectors.

Land Use Service: Tends to provide access to residential lots and community related non-residential services.

Traffic Volume: Between 3000 and 12,000 vehicles per day.

Right of Way: 66 feet

Connections: Connects to major collectors, other minor collectors and local roads.

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[13] Traffic volume benchmarks were taken from the City of Halifax Subdivision By-law.

[14] In the past, the Nova Scotia Department of Transportation and Communications required that roads be a minimum width of 50 feet.

LOCAL ROADS

Primary Function:	To provide access to residential lots.
Land Use Service:	Tends to provide access to residential lots only.
Traffic Volume:	Up to 3000 vehicles per day.
Right of Way:	66 feet
Connections:	Connects to minor collectors and other local roads.

MUNICIPAL PLANNING STRATEGY - EASTERN PASSAGE/COW BAY AMENDMENTS

Amendment Number	Policies/Maps	Subject	Council Adoption	Effective
1	E-7(a), E-7(b)	Water service districts (PA-EPCB-04-94)	August 29, 1994	October 21, 1994
2	E-19A	Permit additional opportunities for the establishment of composting operations (ZA-ALL-31-95)	February 26, 1996	March 28, 1996
3	COM-4 (deleted) IM-8(d)(i) deleted IM-8(d)(ii) deleted IM-9(c)(i) deleted	Policy Review	January 20, 1998	February 19, 1998
4	Map 1 - GFLUM Map 4 New - Environmental Protection New - Rural Area Designation	Policy Review	January 27, 1998	April 27, 1998
5	E-14 - E-16 (deleted)	Policy Review	January 27, 1998	April 27, 1998
6	COM-3 COM-5 (deleted) COM-6 (deleted)	Policy Review	April 28, 1998	July 15, 1998
7	UR-15(a) New - Morris-Russell Lake Area	Morris - Russell Lake Area	January 12, 1999	June 26, 1999
8	Tourist Accommodation, Golf Courses, RA-5(c)(i)	Allow golf courses and tourist cottages in unserviced portions (Case No. 00283)	May 15, 2001	June 23, 2001
9	IC-1 to IC-8, IM-11(e)	Infrastructure Charges	July 2, 2002	August 17, 2002
10	SW-1 to SW-12	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
11	GFLUM	Tallahassee School, 86 Cow Bay Road (Case No. 00479)	November 18, 2003	December 16, 2003
12	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
13	Add Policy COM-2.1 after COM-2	Case 00788 Fisherman's Cove	RC-September 12, 2006	E-January 8, 2007
14	Add temporary signage after Policy IM-18; Add Policy IM-19	Case 00327	RC-September 26, 2006	E-November 18, 2006
15	Amended Schedule A and Schedule B	Case 01224	RC-June 2, 2009	E-July 25, 2009
16	Added Preamble and Policy UR-7(a) and Added Policy IM-9(a)(v)	Case 17224	RC – September 11, 2012	E – October 6, 2012

17	Added Commercial Designation following COM-11; added section IM-9 (c) (ii)	Case 18599	RC – August 9, 2016	E – September 10, 2016
18	**Amended** Section II, Urban Residential Designation – Policy UR-3, UR-17, Community Facility Designation – Policy CF-1, Implementation – Policy IM-9(f)(ii) **Deleted** Section II, Urban Residential Designation – Policy UR-19 **Added** Section II, Urban Residential Designation – Policy UR-19A, UR-19B, Implementation – Policy IM-20, IM-21, IM-22	Case RP16-16 (Shared Housing	RC - August 9, 2022	E – September 15, 2022
19	**Added** Morris-Russell Lake Secondary SPS, Transportation – Pre-amble and Policy ML-6A	Case 22257 (Regional Plan – Phase 3)	RC – October 11, 2022	E – November 16, 2022
20	**Amended** Section II, Rural Area Designation, Tourist Accommodations	Case 24526 (Short Term Rentals)	RC – February 21, 2023	E – September 1, 2023
21	**Amended** Policy UR-8 **Added** Section II, Subsection 12, Housing Accelerator Fund & Policy UR-4A; Policy UR-8(k)(l)(m) **Repealed** Policy UR-5; UR-7(a) & preamble; Policy UR-8(a); Policy UR-10(a); Policy IM-9(v)	MINORREV 2023-01065 (Housing Accelerator Fund (HAF))	RC – May 23, 2024	E – June 13, 2024
22	**Added** Section 2, under Multiple Unit Dwellings in the Commercial Designation	MINORREV 2025-00728	RC – April 28, 2026	E – May 27, 2026