



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 14.1.8**  
**Halifax Regional Council**  
**August 15, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Brad Anguish, A/Chief Administrative Officer

**DATE:** July 21, 2017

**SUBJECT:** Case 20160: MPS Amendments for 90 Club Road, Harrietsfield

**ORIGIN**

Application by Civtech Engineering, on behalf of James, Leo and Ann Hallal and Mike Faddoul, to rezone 90 Club Rd., Harrietsfield to allow the development of commercial and residential uses.

**LEGISLATIVE AUTHORITY**

See Attachment A.

**RECOMMENDATION**

It is recommended that Regional Council direct staff to:

1. Initiate a process to consider amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula) to enable the commercial conversion of a former satellite receiving station to a commercial use located at 90 Club Road, Harrietsfield; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

## **BACKGROUND**

Civtech Engineering on behalf of James, Leo and Ann Hallal and Mike Faddoul is applying to rezone 90 Club Rd., Harrietsfield to allow the development of commercial and residential uses. The commercial component of this proposal cannot be considered under existing Municipal Planning Strategy (MPS) policies and, therefore, the applicant is seeking amendments to the MPS for Planning District 5 (Chebucto Peninsula) to enable the proposal.

|   |  |
|---|--|
| <b>Subject Site</b>                       | 90 Club Road (PID # 40072894), Harrietsfield   |
| <b>Location</b>                           | The western end of Club Road on the northern edge of Run Lake  |
| <b>Regional Plan Designation</b>          | Rural Commuter   |
| <b>Community Plan Designation (Map 1)</b> | Residential under the MPS for Planning District 5 (Chebucto Peninsula)   |
| <b>Zoning (Map 2)</b>                     | P-5 (Special Facility) under the Land Use By-law (LUB) for Planning District 5 (Chebucto Peninsula)  |
| <b>Size of Site</b>                       | 4.09 hectares (10.1 acres)   |
| <b>Street Frontage</b>                    | 307 meters (1,006 feet)  |
| <b>Current Land Use(s)</b>                | The former satellite receiving station   |
| <b>Surrounding Use(s)</b>                 | <b>North and West:</b> undeveloped Provincial land zoned PA (Protected Area) and designated Conservation<br><b>South:</b> watercourse: Run Lake<br><b>East:</b> undeveloped privately owned land |

### **Proposal Details**

The applicant proposes to rezone the subject site to permit the operation of two business within the existing building on the site, A-Plus Garbage Removal Limited and James Hallal Signs and Displays Limited, and subdivide the remainder of the subject site for residential purposes. The major aspects of the proposal are as follows:

- The reuse of the existing 4,000 square foot building; and
- The ability to create four (4) residential lots.

### **MPS and LUB Context**

The subject site is situated within the Planning District 5 Plan area. It is designated Residential which is intended to encourage and protect a low density residential environment in developed areas, as well as promote such an environment in undeveloped areas. The portion of the request that involves the development of residential lots can be considered by rezoning by Community Council through existing MPS Policy RES-2 with no MPS amendments required. The portion of the request involving adding commercial uses to the existing building on the site would, however, require approval of an MPS amendment.

The MPS for Planning District 5 established the Special Facility (P-5) Zone to be applied to existing, primarily governmental, facilities. Some of these facilities, including the satellite receiving station which was located on the subject site, make use of electromagnetic frequencies. As such, there was an intention to avoid conflict between these facilities and other forms of development. The P-5 Zone permits a limited range of uses: telecommunication and research facilities; conservation uses; educational institutions; fire and police stations; community halls; and existing and accessory dwellings. Commercial uses are not permitted within the P-5 Zone and no policy exists within the MPS to allow the consideration of commercial uses.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. While the MPS provides broad direction, Regional Council may consider

MPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed.

### **Applicant Rationale**

The applicant has provided the following rationale in support of the proposed amendment(s):

- Suitable locations for the proposed businesses are becoming more rare and costly;
- The existing building is well suited for commercial purposes; and
- A presence on Club Road would curtail illegal dumping that has occurred in the past.

Attachment B contains the applicant's application letter.

### **Review**

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses. Staff advise that there is merit to the request as a special facility is no longer located at the subject site and the MPS does not provide redevelopment options for buildings which were formerly used for special facility purposes. In this instance, it is reasonable to consider new policy to allow for the adaptive reuse of existing privately owned buildings which are otherwise unable to be utilized.

A full review would consider the following:

- The scope and appropriateness of different planning tools, such as zoning, development agreements or site plan approvals;
- The feedback received through community engagement initiatives; and
- A review of the other properties zoned P-5 within the Plan area to determine if a change in policy would also be warranted in other locations.

### **Conclusion**

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. Therefore, staff recommend that Regional Council initiate the MPS amendment application process.

## **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which outlines the process to be undertaken for proposed MPS amendments which are considered to be local in nature. This requires a public meeting to be held, at a minimum, and any other measures deemed necessary to obtain public opinion.

The proposed level of community engagement is consultation, achieved through a public meeting early in the review process, as well as a public hearing, before Regional Council can consider approval of any amendments.

Amendments to the MPS for Planning District 5 will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations, business owners, other HRM business units, and other levels of government.

## **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2017/18 operating budget for C310 Urban and Rural Planning Applications.

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified at this time.

## **ALTERNATIVES**

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process. A decision of Council not to initiate a process to consider amending the Municipal Planning Strategy for Planning District 5 is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.

## **ATTACHMENTS**

|               |  |
|---------------|--|
| Map 1:        | Generalized Future Land Use  |
| Map 2:        | Zoning   |
| Attachment A: | Legislative Authority  |
| Attachment B: | Applicant Letter of Rationale  |
| Attachment C: | Preliminary Site Plan  |
| Attachment D: | Excerpt from the Municipal Planning Strategy for Planning District 5 (MPS) |
| Attachment E: | Excerpt from the Land Use By-law for Planning District 5 (LUB)             |

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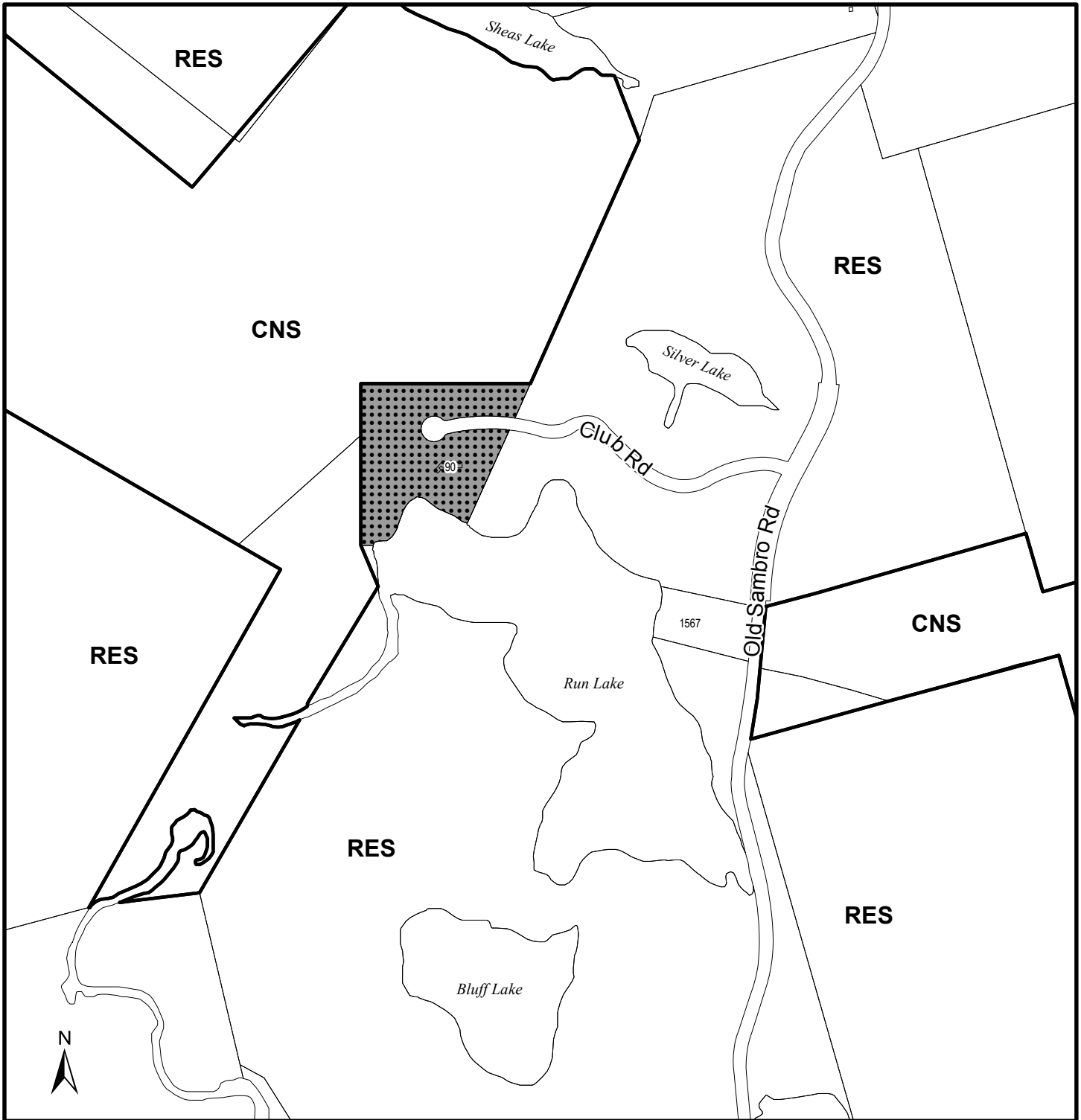
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jacqueline Belisle, Planner II, 902.490.3970

Report Approved by: Original Signed  
Kelly Denty, Manager, Current Planning, 902.490.4800

Report Approved by: Original Signed  
Bob Bjerke, Chief Planner & Director, Planning and Development, 902.490.1627

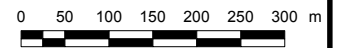
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


### Map 1 - Generalized Future Land Use

**HALIFAX**

90 Club Road,  
Harrietsfield



 Subject Property

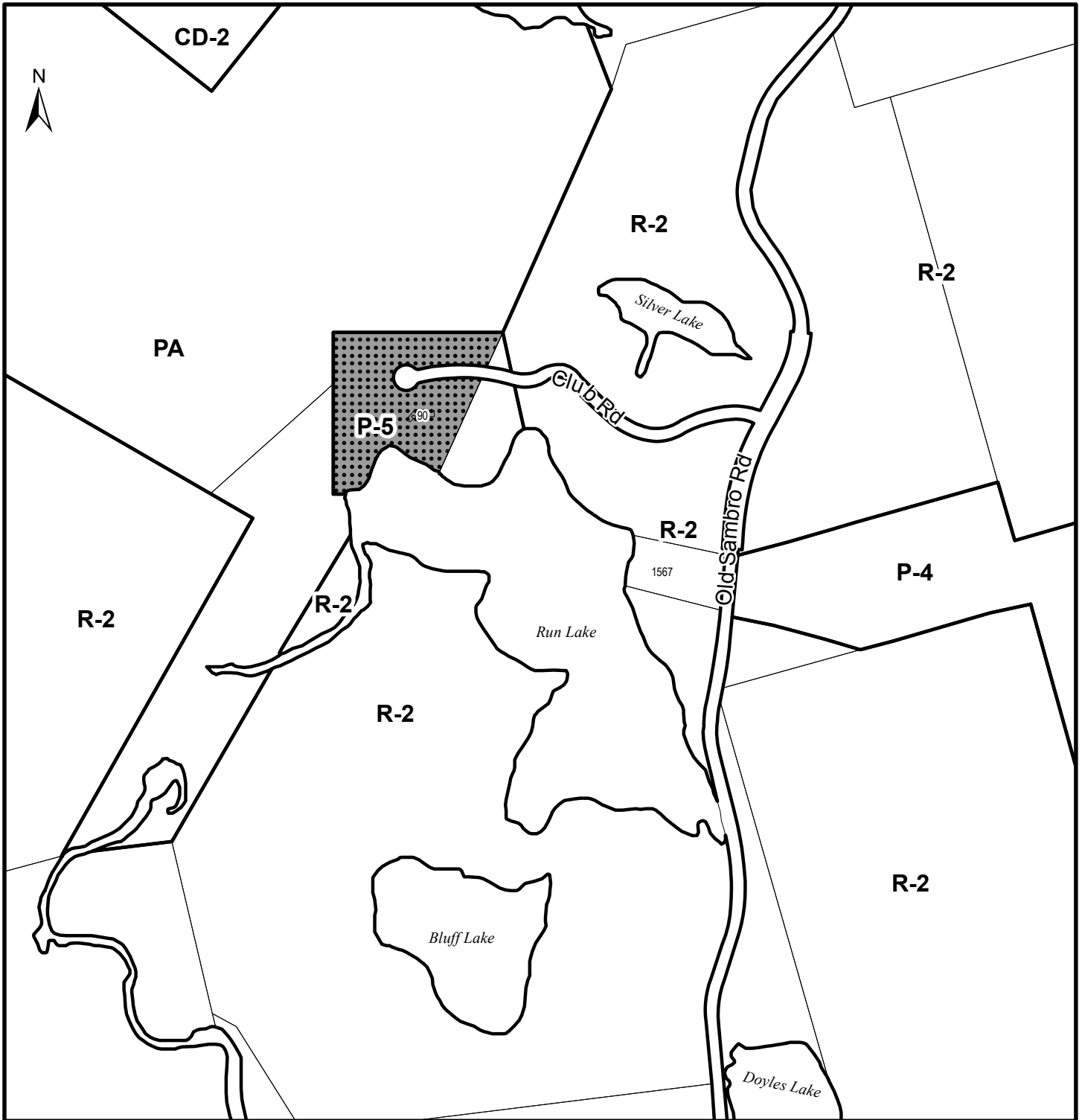
**Designation**

RES Residential  
CNS Conservation

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.


Planning District 5  
(Chebucto Peninsula) Plan Area



**Map 2 - Zoning**

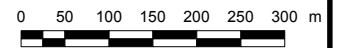
90 Club Road,  
Harrietsfield

**HALIFAX**

 Subject Property

**Zones**

- R-2 Two Unit Dwelling
- P-4 Conservation
- PA Protected Area
- CD-2 C&D Materials Processing Facilities



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning District 5  
(Chebucto Peninsula) Plan Area

## **Attachment A – Legislative Authority**

### **Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council**

*Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:*

#### **Planning documents reasonably consistent**

- 214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

#### **Planning advisory committee**

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

#### **Public participation program**

- 219 (1)** The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- (2)** The Council may adopt different public participation programs for different types of planning documents.
- (3)** The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.
- 220 (1)** The Council shall adopt, by by-law, planning documents.
- (4)** The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

#### **Purpose of municipal planning strategy**

- 228** The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish
- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
  - (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
  - (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
  - (d) specify programs and actions necessary for implementing the municipal planning strategy.

#### **Statements of policy in planning strategy**

- 229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:
- (a) the goals and objectives of the Municipality for its future;
  - (b) the physical, economic and social environment of the Municipality;
  - (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
  - (i) land-use by-law matters,
  - (ii) amendment of the land-use by-law,
  - (iii) the acceptance and use of cash-in-lieu of required parking,
  - (iv) the use of development agreements,
  - (v) the establishment of comprehensive development districts,
  - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
  - (vii) the establishment of transportation reserves,
  - (viii) the use of infrastructure charges,
  - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

**No action inconsistent with planning strategy**

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

**Adoption of land-use by-law or amendment**

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

**Content of land-use by-law**

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.



- (2) A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
  - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
  - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
  - (c) regulate the maximum area of the ground that a structure may cover;
  - (d) regulate the location of a structure on a lot;
  - (e) regulate the height of structures;
  - (f) regulate the percentage of land that may be built upon;
  - (g) regulate the size, or other requirements, relating to yards;
  - (h) regulate the density of dwelling units;
  - (i) require and regulate the establishment and location of off-street parking and loading facilities;
  - (j) regulate the location of developments adjacent to pits and quarries;
  - (k) regulate the period of time for which temporary developments may be permitted;
  - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
  - (m) regulate the floor area ratio of a building;
  - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5) Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
  - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
  - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
  - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
  - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
  - (f) regulate the location of disposal sites for any waste material;
  - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
  - (h) regulate or prohibit the removal of topsoil;
  - (i) regulate the external appearance of structures;
  - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
  - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
  - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
  - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
  - (n) prohibit development or certain classes of development where, in the opinion of the

Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
- (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
  - (i) is subject to flooding or subsidence,
  - (ii) has steep slopes,
  - (iii) is low-lying, marshy, or unstable,
  - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
  - (v) is known to be contaminated within the meaning of the *Environment Act*, or
  - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

**No appeal permitted**

**263** The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.

## Attachment B

November 12, 2014

re: Rezoning Application for 90 Club Road, Harrietsfield NS

To Whom It May Concern,

Please find the following correspondence providing an overview of the rationale of our rezoning application at 90 Club Road, Harrietsfield NS. The proposed rezoning has two components: one commercial and the other residential.

Essentially, the main purpose of us purchasing the property was to provide a home for two locally owned and operated small businesses: the first being A-Plus Garbage Removal Limited, the other James Hallal Signs and Displays Limited. As most people in the commercial real estate market know, suitable locations for these types of businesses are becoming both increasingly rare and increasingly costly on the Halifax Peninsula, almost to the point of being out of reach due to the associated costs. This spring, my brother, Leo Hallal, his partner, Mike Faddoul and myself began investigating the possibility of finding a single property that could satisfy the current and future requirements of both our businesses. This search led us to many places, the most suitable of which was 90 Club Road.

The property at Club Road consists of two parts: there is a 4000 square foot commercial building on approximately 1.5 acres of cleared, graded land. The building is located by itself on a cul-de-sac at the end of Club Road. (this is the only building on Club Road) The yard is completely enclosed by a high quality chain link type fence. The remaining 9 (approx.) acres is comprised of ungraded, forested land on either side of Club Road. Our lot extends about 400 feet back up Club Road on both sides of the street from the end of the cul-de-sac.

The commercial building and the graded yard, as they sit now, would satisfy both the current and future requirements of both our businesses. This leaves the 9+ acres of forested, ungraded land that comprises the remainder of the lot outside our fenced yard. We feel that the most suitable use for this is as residential (house) lots. There is a lake that forms one boundary of our property, we feel that this would offer several exceptional home sites.

As I stated earlier, there are 2 components to our rezoning request. Currently, the entire lot is zoned P-5. This zoning allows a narrow range of uses that include a communications facility, a research facility or a cemetery. The commercial building was uniquely built to satisfy the requirements of a communications provider that operated various satellite dishes on the property. For the past 5 years the building has been essentially vacant as this provider slowly decommissioned the facility. I am not certain if this was due to changing technology or some condition within their marketplace, in any case we were able to acquire the property. P-5 is a special HRM zoning formulated for this type of facility, and severely restrictive of most uses that would be thought of as "commercial". However, looking at the building, one would immediately classify it as a "commercial" building without knowing the specific property zoning. Because of this asset (the building, the fenced yard, etc.), we purchased the property. We did not purchase the property as investors; rather we have a direct personal need for this building: to house our two businesses as an owner / occupied scenario as opposed to paying rent elsewhere. We are seeking a commercial zoning for this portion of the property. This leaves the remaining land outside our fenced yard. Our rationale for this area is as follows: since all the adjacent land to 90 Club Road is zoned R-2, the portion of 90 Club Road that would never be used by us should share that common zoning as well.

November 12, 2014

re: Rezoning Application for 90 Club Road, Harrietsfield NS (cont.)

A-Plus Garbage and James Hallal Signs and Displays would be sharing use of the existing building and fenced yard. A-Plus would be primarily using the building as an area to park their 3 work vehicles, an administrative office, and a shop to manufacture / repair their garbage bins. To be clear, no garbage of any type would be stored onsite. James Hallal Signs would be using the property primarily as a printing facility, an area to park company vehicles, an administrative office, and a workshop to fabricate / assemble signage. All work by both companies is to be done during normal daylight operating hours and well within all workplace standards. The total workforce within the building at any one time may number 2 - 3 people.

As I stated earlier, 90 Club Road is the only building or occupied property on Club Road. The roadway is maintained by NSDOT. About 5 months ago, they erected a gate at the corner of Old Sambro Road and Club Road. This gate remains locked and only property owners of Club Road, NSDOT, NSP, etc have a key for access, even though Club Road is a public roadway. This is due to the fact that no one was ever around, and Club Road became an illegal dump for garbage, furniture and even abandoned vehicles. This was all due to a lack of anyone's presence either commercially in the daytime or residentially at nighttime. Prior to the erection of the gate, NSDOT conducted a massive cleanup of the roadway. The garbage that was removed was undoubtedly an eyesore and a major source of complaint for the vast majority of residents that wished to use Club Road for genuine purposes: access to Moody Lake, access to various streams and walking trails on the properties adjacent to Club Road, or as a serene area just to enjoy nature.

Club Road deserves a presence, now and for the future. I thank you in advance for your consideration.

Best Regards

James Hallal

cc: Leo Hallal  
Ann Hallal  
Mike Faddoul

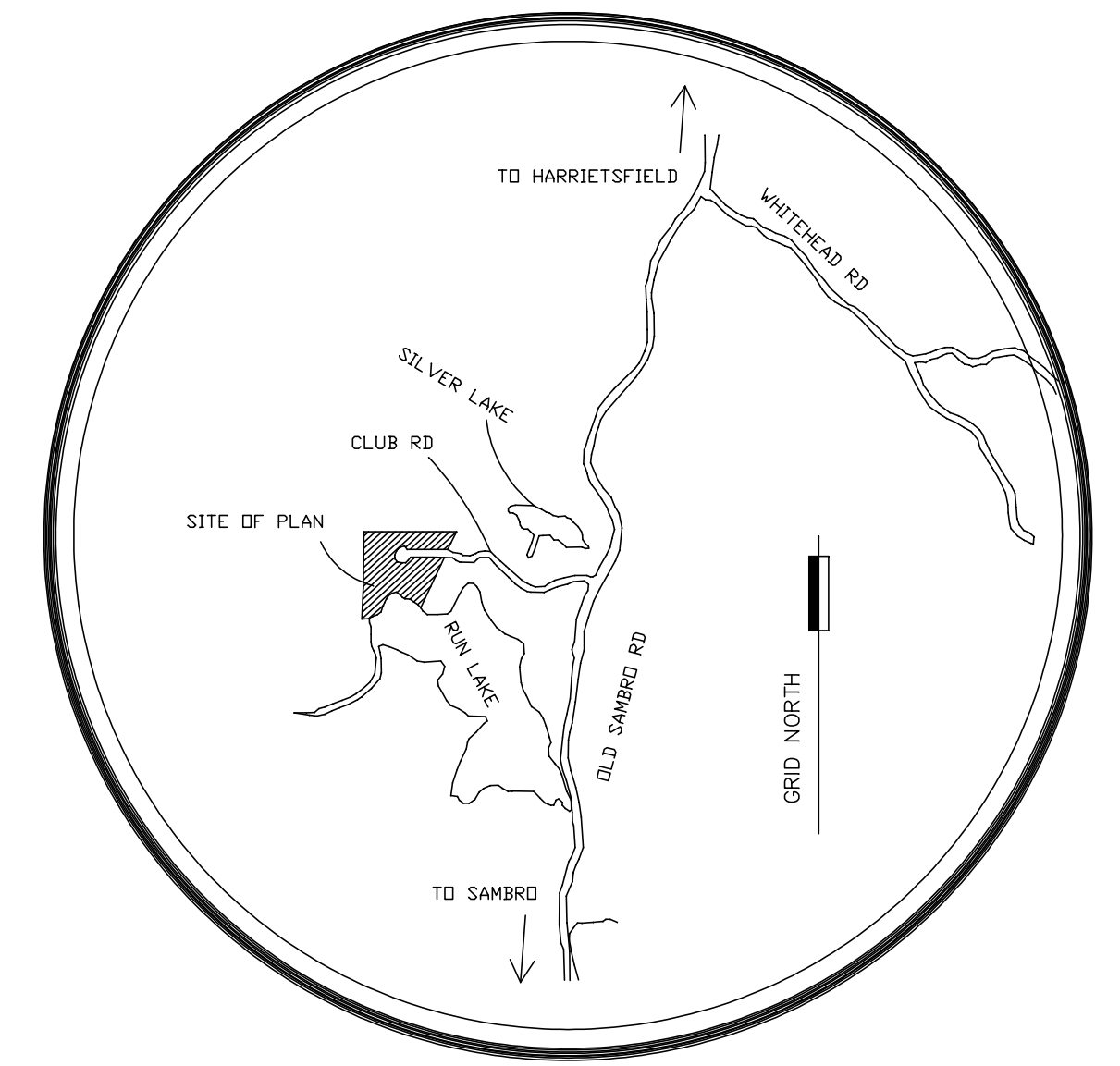
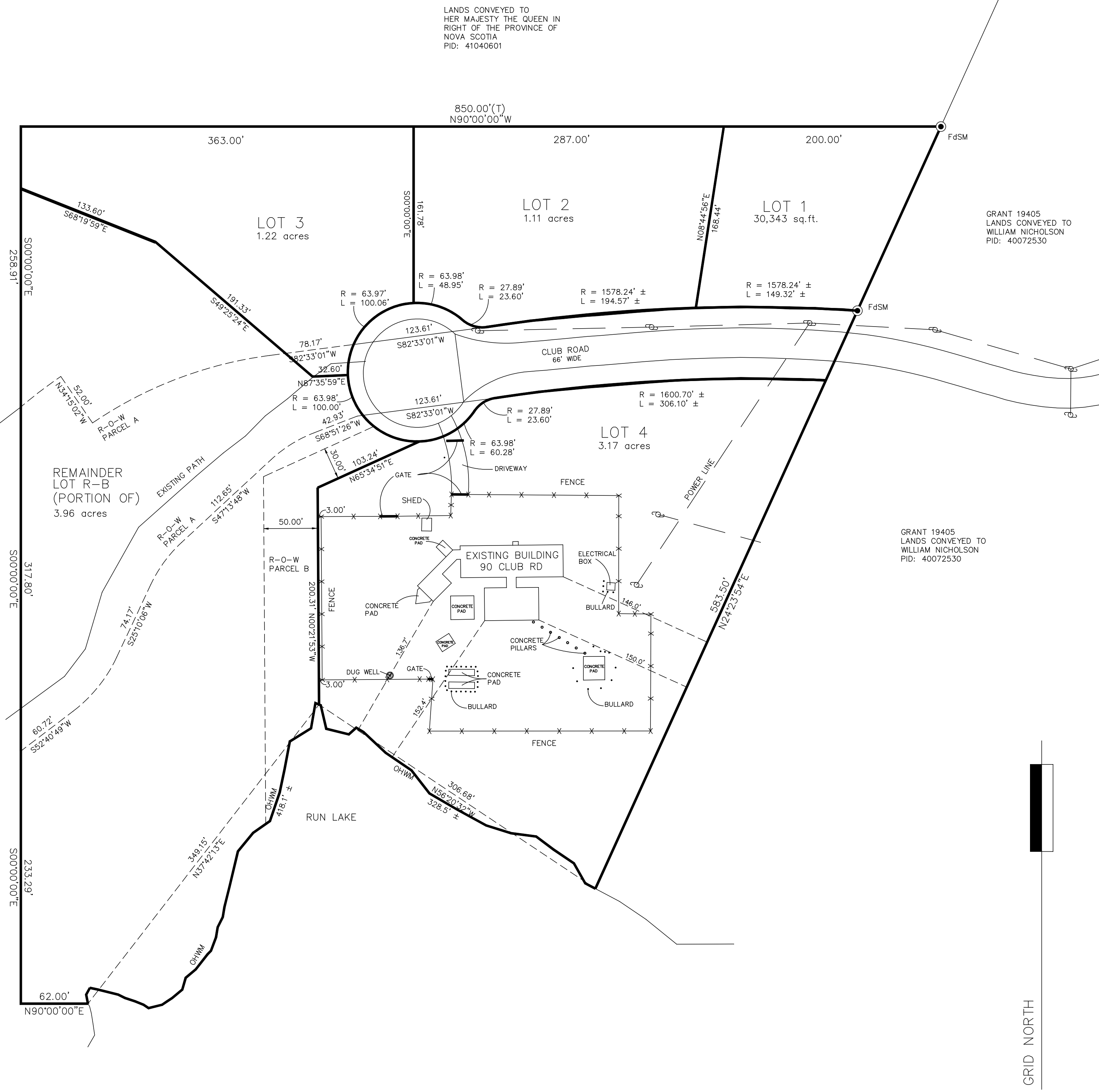
**Attachment C**

PLAN REFERENCE:

1. PLAN SHOWING RIGHT-OF-WAY EASEMENT PARCEL A, PARCELS B&C (LANDS CONVEYED TO N.S. DEPT. OF TRANSPORTATION) LANDS OF TELESAT CANADA, DATED JUNE 23rd 1992. PREPARED BY CIVTECH ENGINEERING & SURVEYING LIMITED

DEED REFERENCE:

1. LOT B (PORTION OF) LANDS CONVEYED TO 3282159 NOVA SCOTIA LIMITED RECORDED IN A 2014 DEED AS DOCUMENT # 105530613 AT THE HALIFAX COUNTY REGISTRY OF DEEDS PID 40072894



KEY PLAN  
SCALE: NTS

LEGEND:

- LANDS DEALT WITH BY THIS SURVEY
- NOVA SCOTIA CO-ORDINATE MONUMENT △ N.S.C.M.
- SURVEY MARKER ● S.M.
- UNMONUMENTED POINT ○ U.P.
- ROCK POST ● R.P.
- IRON BAR ○ I.B.
- IRON PIPE ⊙ I.P.
- WOOD POST, WOOD STAKE □ W.P. □ W.S.
- FOUND, WITNESS, NOT TO SCALE Fd., Wit. (N.T.S.)
- PLAN, DEED (P), (D)
- CALCULATED FROM FIELD MEASUREMENTS calc.
- TIE LINE, TOTAL (T/L) (T)
- BEGINNING OF CURVE, END OF CURVE B.C., E.C.
- POINT OF COMMON CURVATURE, POINT OF REVERSE CURVATURE P.C.C., P.R.C.
- RADIUS, ARC, CHORD R, L, C
- ORDINARY HIGH WATER MARK O.W.H.M.
- POWER POLE ⚡

NOTES:

1. LOTS 1-3 AND REMAINDER LOT R-B (PORTION OF) TO APPLY FOR RE-ZONING TO RESIDENTIAL R1/R2 UPON APPROVAL OF THE SUBDIVISION APPLICATION. LOT 4 TO OPEN A DEVELOPMENT AGREEMENT.

PRELIMINARY PLAN SHOWING PROPOSED  
LOTS 1-4 INCLUSIVE AND REMAINDER  
LOT R-B (PORTION OF)

LANDS CONVEYED TO  
3282159 NOVA SCOTIA LIMITED  
CLUB ROAD, HARRIETSFIELD  
HALIFAX COUNTY, NOVA SCOTIA

**Original Signed**  
T. GIOVANNETTI  
598  
DATED: AUGUST 4, 2015

CIVTECH ENGINEERING & SURVEYING LIMITED  
P.O. Box 3237, D.E.P.S., DARTMOUTH  
NOVA SCOTIA, B2W 5G2, 434-4600

| No. | REVISION/REMARKS | DATE | SCALE:   |
|-----|------------------|------|----------|
| 1   |                  |      | 1" = 60' |

DRAWN BY : A.S. & D.E. CHECKED BY : T. GIOVANNETTI 14159

## **Attachment D**

### **Excerpts from the Municipal Planning Strategy for Planning District 5 (MPS)**

#### LAND USE INTENT

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

\*\*\*

#### RESIDENTIAL DESIGNATION

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

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

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

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

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

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

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

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### CONSERVATION DESIGNATION

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

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

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CON-3 Notwithstanding Policy CON-1, it shall be the intention of Council to establish a Special Facility Zone in the Land Use By-law which permits telecommunication and research facilities, accessory residential uses, conservation uses, educational institutions, fire and police stations, and community halls and existing dwellings. This zone shall be applied to existing facilities and uses. In considering amendments to the schedules of the Land Use By-law to permit new facilities within the Conservation Designation, Council shall have regard to the following:

- (a) that the location of the site is compatible with adjacent lands and with any adjacent community;
- (b) that the proposed access road is compatible with the existing public road network;

- (c) that the site is environmentally compatible with respect to the provision of on-site services and storm drainage produced by the facility, based on a report from the appropriate Provincial or Federal government authority; and
- (d) the provisions of Policy IM-10.



**Attachment E**  
**Excerpts from the Land Use By-law for Planning District 5 (LUB)**

PART 7: R-2 (TWO UNIT DWELLING) ZONE

7.1 R-2 USES PERMITTED

No development permit shall be issued in any R-2 (Two Unit Dwelling) Zone except for the following:

Single unit dwellings;  
Two unit dwellings;  
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings except in two unit dwellings where each unit is held under separate title;  
Home occupations in conjunction with permitted dwellings;  
Open space uses;  
Fishery support uses;  
Existing mobile dwellings.

7.2 R-2 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-2 Zone, no development permit shall be issued except in conformity with the following:

|  |  |
|--|--|
| Minimum Lot Area:                        |  |
| central sewer and water services         | 6,000 square feet (557.4 m <sup>2</sup> )<br>per dwelling unit |
| central sewer services/<br>on-site water | 10,000 square feet (929 m <sup>2</sup> )<br>per dwelling unit  |
| on-site services                         | 20,000 square feet (1858 m <sup>2</sup> )                      |
| Minimum Frontage:                        |  |
| central sewer and water services         | 60 feet (18.3 m) per dwelling unit                             |
| central sewer services/<br>on-site water | 75 feet (23 m) per dwelling unit                               |
| on-site services                         | 100 feet (32.84 m)   |
| Minimum Front or Flankage Yard           | 20 feet (6.1 m)  |
| Minimum Rear or Side Yard                | 8 feet (2.4 m)   |
| Maximum Lot Coverage                     | 35 per cent  |
| Maximum Height of Main Building          | 35 feet (10.7 m)   |

7.3 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any R-2 Zone, the following shall apply:

|                                |                 |
|--------------------------------|-----------------|
| Minimum Front or Flankage Yard | 30 feet (9.1 m) |
| Minimum Rear or Side Yard      | 30 feet (9.1 m) |

7.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

- (a) Where fishery support uses are permitted in any R-2 Zone, the following shall apply:  
Minimum Side Yard 8 feet (2.4 m)
- (b) Notwithstanding the provisions of Section 4.1, where uses are permitted as fishery support uses in an R-2 Zone, no development permit shall be required.

7.5 OTHER REQUIREMENTS: HOME OCCUPATIONS

Where home occupations are permitted in any R-2 Zone, the following shall apply:

- (a) Any home occupation shall be wholly contained within the dwelling which is the principal residence of the owner of the home occupation.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area shall be devoted to any home occupation.
- (c) No open storage or outdoor display shall be permitted.
- (d) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (e) One (1) facial wall sign, not exceeding two (2) square feet (.2 m<sup>2</sup>) in size, shall be permitted to advertise the home occupation and shall be constructed of wood.
- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any home occupation. No portion of any parking space shall be located in any required side yard.

7.6 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-2 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling which is the principle residence of the operator of the dwelling.
- (b) No open storage or display shall be permitted.
- (c) One (1) facial wall sign, not exceeding two (2) square feet (.2 m<sup>2</sup>) in size, shall be permitted to advertise the day care facility and shall be constructed of wood.
- (d) One off-street parking space, other than that required for the dwelling, shall be provided.

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PART 23: P-5 (SPECIAL FACILITY) ZONE

23.1 P-5 USES PERMITTED

No development permit shall be issued in any P-5 (Special Facility) Zone except for the following:

Special Facility Uses

Telecommunication stations and facilities;  
Research facilities;  
Existing dwelling units;  
Dwelling units accessory to permitted uses;  
Educational institutions and uses;  
Fire and police stations;  
Community centres and halls.

Conservation Uses

Conservation related uses;  
Public parks, trails and playgrounds;  
Cemeteries;  
Historic sites and monuments;  
Navigational aids.

23.2 P-5 ZONE REQUIREMENTS

|                                |   |
|--------------------------------|---|
| Minimum Lot Area               | 20,000 square feet (1858 m <sup>2</sup> ) |
| Minimum Frontage               | 100 feet (30.5 m)                         |
| Minimum Front or Flankage Yard | 30 feet (9.1 m)                           |
| Minimum Rear or Side Yard      | ½ the height of the main building         |
| Maximum Lot Coverage           | 50 per cent                               |

23.3 OTHER REQUIREMENTS: RESIDENTIAL USES

Where dwelling units are permitted in any P-5 Zone, the provisions of Part 6 (R-1 Zone) shall apply.