



P.O. Box 1749  
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**Item No. 15.1.1**  
**Halifax Regional Council**  
**January 28, 2020**

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

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** November 19, 2019

**SUBJECT:** **Case 22547: Municipal Planning Strategy and Land Use By-law  
Amendments for Winslow Drive, Upper Tantallon**

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**ORIGIN**

Application by ZZap Consulting Inc. on behalf of Ramar Construction Ltd.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 (St. Margarets Bay) and Beaver Bank, Hammonds Plains and Upper Sackville to realign plan area boundaries to permit commercial development on Winslow Drive Upper Tantallon; and
2. Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

## **BACKGROUND**

ZZap Consulting Inc. on behalf of Ramar Construction Ltd. is applying to realign plan area boundaries at the intersection of the Hammonds Plains Road and Winslow Drive to apply the Mixed Use Designation and MU-1 zone to permit commercial development of the subject site. This proposal cannot be considered under the existing policies of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). Therefore, the applicant is seeking amendments to both the MPS for Beaver Bank, Hammonds Plains and Upper Sackville and the MPS for Planning Districts 1 and 3 and associated Land Use By-laws to enable the proposal.

<b>Subject Site</b>	<p>Consists of three properties:</p> <ul style="list-style-type: none"> <li>• 445 Winslow Drive (Lot 4A – PID 41277765)</li> <li>• Lot 4B (PID 41277773)</li> <li>• Lot 3 (PID 41249681)</li> </ul> <p>See Map 1 and 2 for lot configuration.</p>
<b>Location</b>	The site is located on the north side of the intersection of the Hammonds Plains Road and Winslow Drive
<b>Regional Plan Designation</b>	Rural Commuter, within the Upper Tantallon Rural Growth Centre
<b>Community Plan Designation (Map 1)</b>	Residential under the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville (MPS)
<b>Zoning (Map 2)</b>	R-1 (Single Unit Dwelling) Zone under the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (LUB)
<b>Size of Site</b>	<p>The total area of the properties which comprise the subject site is 1.35 hectares (3.33 acres) exclusive of the Winslow Drive street right-of-way</p> <ul style="list-style-type: none"> <li>• 445 Winslow Drive (Lot 4A / PID 41277765) is 4,186 square meters (45,059 square feet)</li> <li>• Lot 4B (PID 41277773) is 3,716 square meters (40,004 square feet)</li> <li>• Lot 3 (PID 41249681) is 5,569 square meters (59,942 square feet)</li> </ul>
<b>Street Frontage</b>	<p>445 Winslow Drive (Lot 4A / PID 41277765)</p> <ul style="list-style-type: none"> <li>• 43.66 m (143.24 feet) on Hammonds Plain Road</li> <li>• 48.74 m (159.91 feet) on Winslow Drive</li> </ul> <p>Lot 4B (PID 41277773)</p> <ul style="list-style-type: none"> <li>• 38.71 m (127.00 feet) on Hammonds Plains Road</li> <li>• 126.28 m (414.30 feet) on Winslow Drive</li> </ul> <p>Lot 3 (PID 41249681)</p> <ul style="list-style-type: none"> <li>• 69.35 m (227.51 feet) on Hammonds Plains Road</li> <li>• 135.62 m (444.95 feet) on Winslow Drive and Earl Retson Drive</li> </ul>
<b>Current Land Use(s)</b>	Vacant
<b>Surrounding Use(s)</b>	<p>Land uses surrounding the site include:</p> <ul style="list-style-type: none"> <li>• North/ East: NS Power transmission line, low density residential lots, and a watercourse (Stillwater Lake)</li> <li>• South (opposite the Hammonds Plains Road): NS Power transmission line and low density residential development fronting on Flat Lake Drive</li> <li>• West: NS Power transmission line; Commercial Development including a service station (Petro-Canada), restaurant (Dairy Queen), the Upper Tantallon Sobeys plaza; and, a Multi-District Recreational Facility (the St Margaret's Centre)</li> </ul>

### **Proposal Details**

The applicant proposes to construct three commercial buildings on the three separate properties that comprise the subject site. Attachments A and B contain the application letter and proposed site plan. The major aspects of the proposal are as follows:

- Three two-storey buildings on separate lots;
- Accessed via shared private driveway off Winslow Drive; and
- Onsite water and sanitary.

### **MPS and LUB Context**

#### Community Plan

The subject site is located within the Residential Designation of the Beaver Bank, Hammonds Plains and Upper Sackville plan area. The Residential Designation is intended to support and protect the existing low-density residential environment. The subject site is zoned R-1 under the Beaver Bank, Hammonds Plains and Upper Sackville LUB, which permits limited commercial use (daycares for not more than 7 children, offices in conjunction with permitted dwelling and bed & breakfasts) but does not permit a commercial development on the scale requested by the applicant. Further, plan policies do not exist which would enable such commercial development through other planning mechanisms (rezoning development agreement, site plan approval).

The adjacent properties to the west located within the Planning District 1 and 3 are designated Mixed Use A under the MPS and zoned MU-1 under the LUB. The Mixed Use A Designation recognizes the semi-rural nature of large parts of the Plan Area and supports a wide range of residential, commercial, institutional and resource use. The MU-1 zone is a permissive zone which permits a variety of uses with certain exceptions and limitations. Most commercial uses are permitted within the MU-1 zone with the exception of Commercial Entertainment uses, Campgrounds, Marinas and all commercial development larger than 697 square meters (7,500 square feet). A copy of the MU-1 zone is attached as Attachment C.

#### Regional Plan

The subject site, and surrounding area, is designated Rural Commuter under the Regional Municipal Planning Strategy (RMPS). The intention of the Rural Commuter designation is to support the delivery of commercial and community services to the surrounding settlement areas. The site is also located at the edge of the Upper Tantallon Rural Growth Centre. The intention of the RMPS is to focus rural growth within the rural growth centres and facilitate this growth through a secondary planning process. To date, no secondary planning process has commenced for this centre.

### **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):

- The proposed plan area boundary alteration would enable a development scenario on the subject property that is consistent with its surrounding context as the site currently abuts properties that are zoned MU-1 within the district 1&3 plan area and commercial uses such as service stations, fast-food restaurants and retail stores have been developed.

- The presence of a Nova Scotia Power easement encumbers the portion of the site abutting single unit dwelling development assuring significant separation and buffering from the proposed commercial use.

Attachment A 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 due to the site configuration in relation to the existing street right-of-ways and Nova Scotia Power infrastructure. As the lots have frontage on both the Hammonds Plains Road and Winslow Drive, which acts as a secondary access to the Westwood Hills Subdivision, the impact of traffic (noise, headlights, privacy etc.) would make the development of the site for residential purposes undesirable. It is staff's opinion that it is reasonable to consider the land use policies of the adjacent properties to the west, which would enable mixed use development rather than only residential development.

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 specific types of commercial uses that would be appropriate for the site circumstances;
- the feedback received though community engagement initiatives; and
- the feedback received from other HRM departments and teams.

### **Conclusion**

Staff have reviewed the proposed MPS amendment and advise that there is merit to the request. Regional Council is under no obligation to consider such a request, however it is staff opinion there has been a reasonable change to the circumstances (development pattern in the area) since the MPS was adopted, or last reviewed. Further, there is no policy within the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law to consider commercial development at the subject site and residential development at this location would be undesirable. 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 Municipal Planning Strategies and Land Use By-laws will potentially impact the following stakeholders: area residents, landowners (including Her Majesty), Nova Scotia Power, and businesses.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2019-2020 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 Strategies and Land Use By-laws for Planning Districts 1 and 3 (St. Margarets Bay) and Beaver Bank, Hammonds Plains and Upper Sackville 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:	Application Letter
Attachment B:	Proposed Site Plan
Attachment C:	Excerpt from the Land Use By-law for Planning Districts 1 and 3

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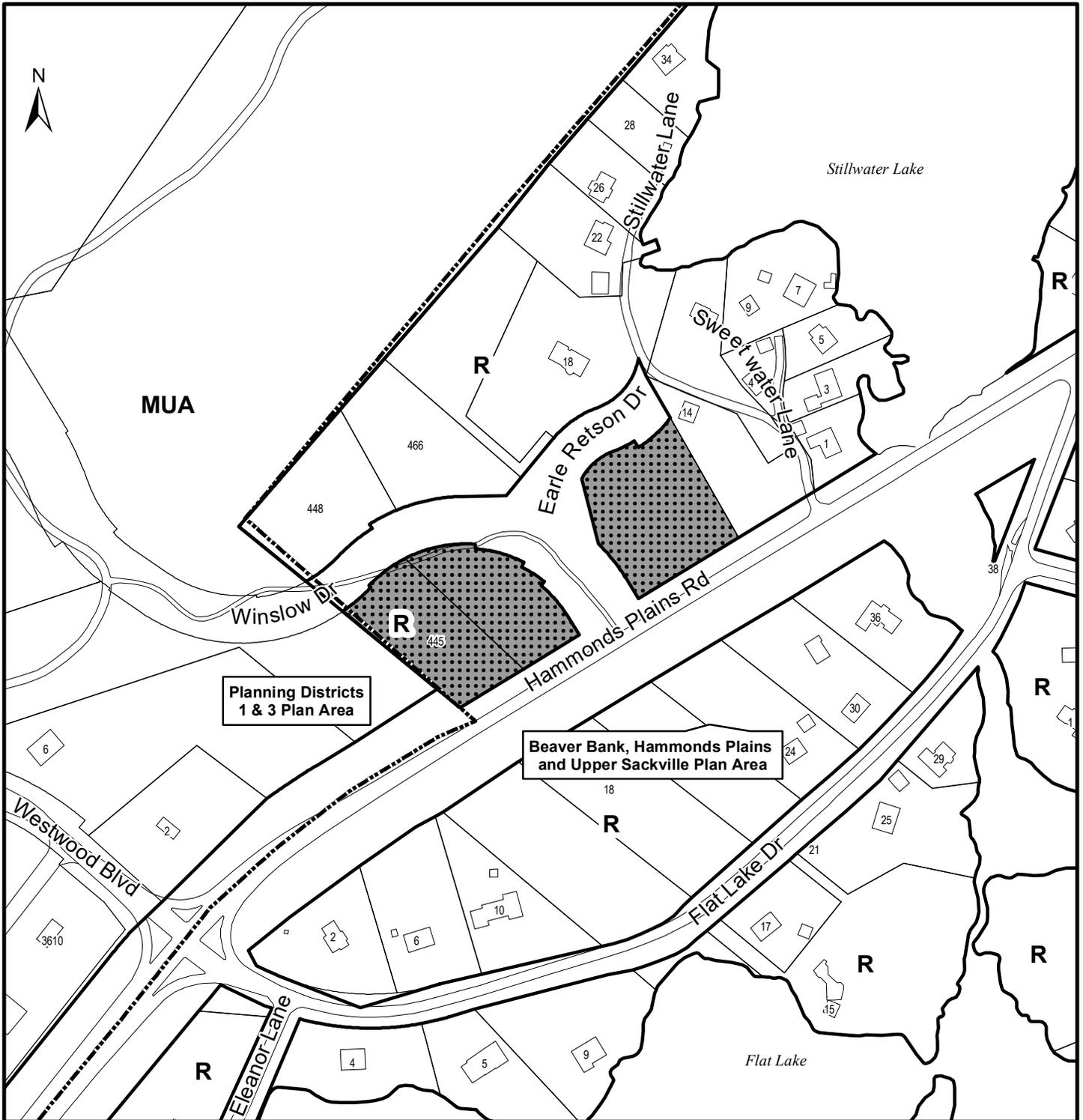
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jacqueline Belisle, Planner II, Rural Policy & Applications, 902.490.3970

Report Approved by: Steven Higgins, Manager, Current Planning, 902.490.4382

Financial Approval by: Jane Fraser, Director of Finance, Asset Management & ICT, 902.490.6308

Report Approved by: Kelly Denty, Director of Planning and Development, 902.490.4800



**Map 1 - Generalized Future Land Use**

445 Winslow Dr.  
Upper Tantalton

**HALIFAX**

 Subject Property

**Designation**

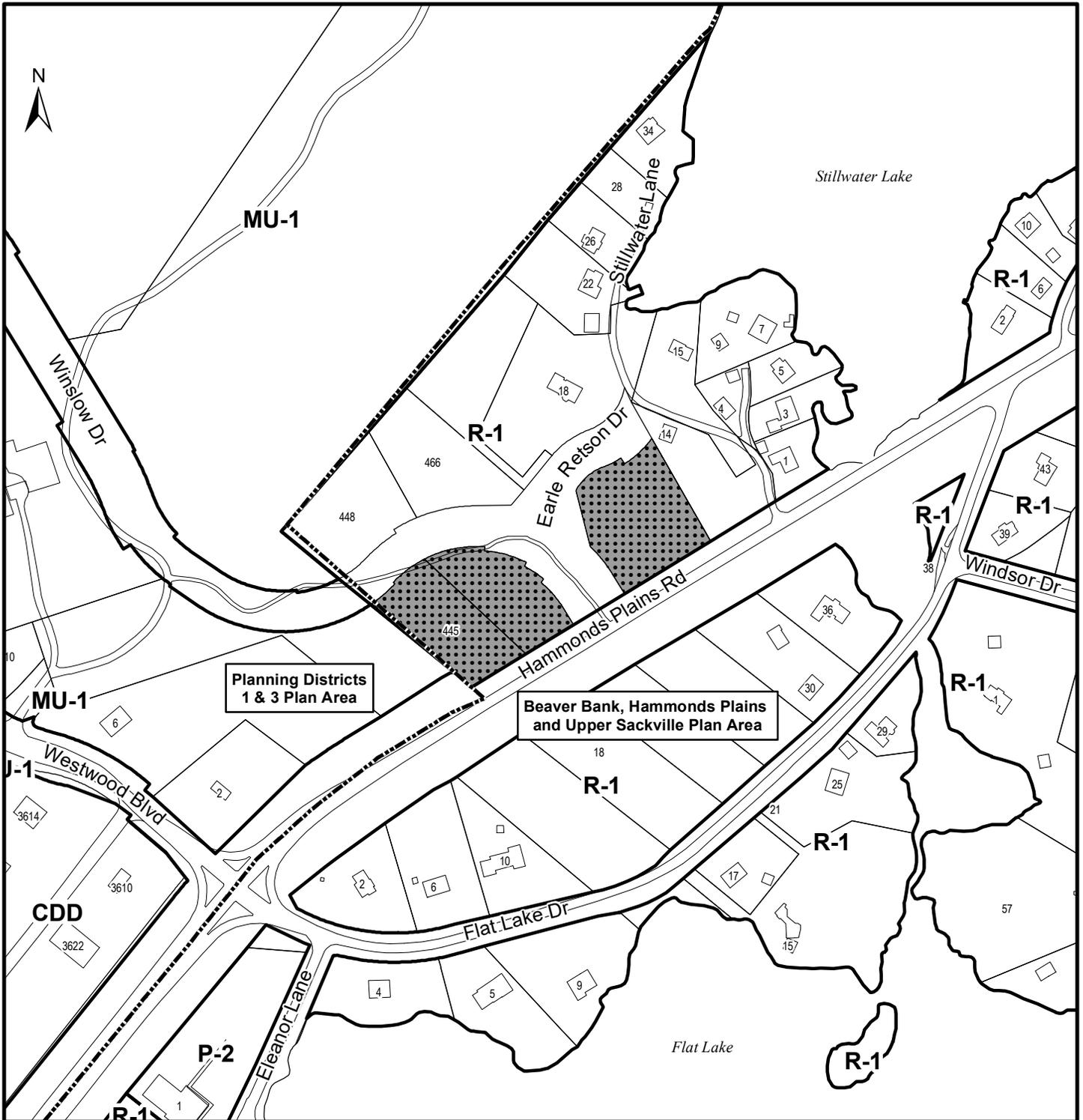
HPSBB	R	Residential
SMB	MUA	Mixed Use A



Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-Law Area,  
Planning Districts 1 & 3 Land Use By-Law Area

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.



### Map 2 - Zoning

445 Winslow Dr.  
Upper Tantallon

Subject Property

Area of Notification

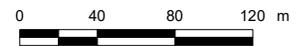
Beaver Bank, Hammonds Plains and Upper Sackville  
Land Use By-Law Area,  
Planning Districts 1 & 3 Land Use By-Law Area

#### Zone

HPSBB P-2 Community Facility  
R-1 Single Unit Dwelling

SMB CDD Comprehensive Development District  
MU-1 Mixed Use 1

**HALIFAX**



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.



Zwicker Zareski Architecture + Planning

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September 11, 2019

Thea Langille  
Principal Planner – Rural Policy & Applications  
Planning & Development  
Halifax Regional Municipality  
40 Alderney Drive  
Halifax, NS B3J 3A5

**Re: Application for Municipal Plan Area Boundary Alterations and Municipal Planning Strategy Amendments and Land Use By-law Amendments, Winslow Drive Upper Tantallon, NS (PIDs: 41277765, 41277773 & 41249681)**

Thea,

On behalf of our client, Ramar Construction Ltd., ZZap Consulting Inc. (ZZap) is pleased to submit an application for a Municipal Plan Area Boundary Alteration and Municipal Planning Strategy (MPS) amendments and Land Use By-law (LUB) amendments for a proposed commercial development located off Winslow Drive in Upper Tantallon (PIDs: 41277765, 41277773 & 41249681). To support this application submission, the following materials are included:

- Completed Planning Application Form
- Appendix A: Preliminary Site Plan

**1.0 Site Description and Location**

The subject site is located within the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area and has direct frontage on Hammonds Plains Road (Route 213) and Winslow Drive. The site consists of three properties, PIDs: 41277765, 41277773 & 41249681, and has a total area of approximately 113,395 ft.<sup>2</sup> (2.6 acres). All three properties are currently vacant and have not yet been developed.

The subject properties are designated 'Residential' within the Beaver Bank, Hammonds Plains and Upper Sackville MPS and is zoned R-1 (Single Unit Dwelling) within the Beaver Bank, Hammonds Plains and Upper Sackville

LUB. The subject properties also directly abut the Districts 1 & 3 (St. Margaret's Bay) Plan Area to the southwest. Abutting properties to the southwest are designated MU-A (Mixed-Use A) within the Districts 1 & 3 (St. Margaret's Bay) MPS and zoned MU-1 (Mixed-Use 1) within the Districts 1 & 3 (St. Margaret's Bay) LUB.



Figure 1: Subject Site

**2.0 Summary of Development Proposal**

Ramar is seeking to develop commercial buildings on the subject properties. The proposed buildings, as illustrated in Appendix A, provide a total of approximately 22,500 ft.<sup>2</sup> of commercial space and 132 surface parking spaces. The commercial buildings are proposed to be accessed via private driveways off Winslow Drive.

**3.0 Application Request**

This application is requesting the following:

1. Amend the Districts 1 & 3 Plan Area Boundary to include the subject properties.
2. Amend 'Map 1 - Generalized Future Land Use' of the Districts 1 & 3 Plan Area to designate the subject properties as MU-A (Mixed-Use A)
3. Amend 'Schedule A – Zoning' of the Districts 1 & 3 Plan Area to zone the subject properties as MU-1 (Mixed-Use 1)
4. Amend the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area boundary to exclude the subject properties.
5. Amend 'Map 1D – Generalized Future Land Use' of the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area by removing the subject properties
6. Amend 'Zoning Schedule 1-D' of the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area by removing the subject properties.

#### 4.0 Rationale for Application Request

The proposed Plan Area boundary alteration and MPS amendments would enable a development scenario on the subject property that is consistent with its surrounding context. The properties currently straddle the Districts 1 & 3 plan area boundary where abutting properties are zoned MU-1 within the Districts 1 & 3 LUB and commercial uses such as service stations, fast-food restaurants and retail stores have been developed on those lands. To the east, the subject properties abut a small cluster of single-family homes that were developed under the R-1 zone within the Beaver Bank, Hammonds Plains and Upper Sackville LUB. The easternmost of the subject properties (PID: 41249681) is encumbered by a Nova Scotia Power easement on the eastern and northern portions of the property (See Figure 2). Commercial uses cannot be developed within this easement and therefore will be oriented southwestern corner of the lot, creating significant separation and buffering from the single-family homes to the east.

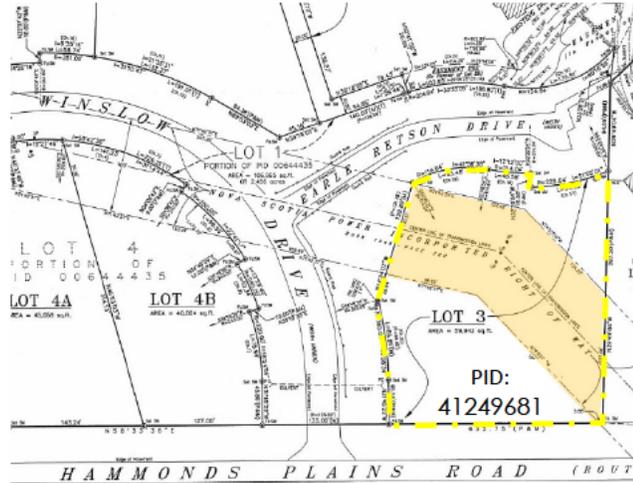


Figure 2: Nova Scotia Power Easement

#### Alignment with Regional Municipal Planning Strategy

The Regional Plan (RMPS) designates the subject properties as 'Rural Commuter'. The Rural Commuter designation encompasses areas within commuting distance of the Regional Centre that are heavily influenced by low-density residential development. The intent for this designation is to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as well as support the delivery of convenience services to the surrounding settlement area.

Further to their 'Rural Commuter' designation, the subject properties are located within the 'Upper Tantallon Rural District Growth Centre'. The RMPS chapter on settlement and housing includes objectives that focus new growth in centres where supporting services and infrastructure are already available. The objectives also aim to design communities that support complete neighbourhoods that are diverse and include a mix of uses. Rural District Growth Centres within the RMP call for a mix of low to medium density residential, commercial, institutional and recreation uses.

This amendment application proposes to develop underutilized vacant sites with commercial uses that are compatible and supportive to their surrounding context. The proposed MU-1 zone allows for a variety of commercial uses, as well as lot design and screening requirements minimize conflict between these uses, associated parking areas and abutting properties.

### Impact on local community and broader region

The proposed MPS amendment will only impact development rights on the subject properties. The amendment will have a minimal impact on the local community and the broader region as it is minor in nature and is limited to a small geographical area.

We believe that the proposed amendment is an appropriate tool and process to enable a context sensitive development of existing underutilized vacant lands that will have a positive contribution to the local community and broader region.

### Why current plan area boundaries and zoning boundaries are no longer appropriate

The MPS and LUB for both Districts 1 & 3 and Beaver Bank, Hammonds Plains and Upper Sackville are several decades old. Since that time, there have been several amendments to these documents in response to a variety of factors and subsequent applications. Past amendments have ranged from enabling new uses on certain lands, to altering boundaries. These past amendments were considered by staff, and ultimately approved by council because they involved a change that was appropriate for a particular area, and the change was not anticipated or relevant when the planning documents were first created and adopted.

The proposed amendments within this application are similar to past amendments that have been considered and approved. When these documents were first created, the subject properties were designated Residential and zoned R-1 with the intent of future development being in the form of single-family homes. Since that time, the Hammonds Plains Road has become a busier thoroughfare and the Upper Tantallon Area has continually grown as a commercial node that provides everyday services to surrounding residents. Additionally, Winslow Drive has become a prominent secondary access into the Westwood Hills Subdivision, a portion of which was enabled through an amendment to the Generalized Future Land Use Map of the Districts 1 & 3 Plan Area. This secondary access point that intersects with a prominent transportation route, has created a condition on the subject properties where commercial uses are more appropriate and desirable.

Based on these factors, we request that Regional Council enable the proposed plan amendments outlined in this letter to enable the proposed development on the subject properties.

## 5.0 Closing

We trust that the enclosed materials satisfy the application requirements, and we look forward to working with Staff, the public and Council throughout the application process. Should you have any questions, comments or concerns with regards to this application, please do not hesitate to contact the undersigned.

Sincerely,

**Original Signed**

Connor Wallace, MCIP, LPP  
Urban Planner  
ZZap Consulting Inc.  
connor@zzap.ca  
902-266-5481



**Attachment C:**  
**Excerpt from the Land Use By-law for Planning Districts 1 and 3**

**PART 12: MU-1 (MIXED USE 1) ZONE**

**12.1 MU-1 USES PERMITTED**

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

**Residential Uses Not Permitted**

Mobile home parks  
Multi-unit dwellings  
Senior citizen housing over 20 units

**Commercial Uses Not Permitted**

Commercial entertainment uses  
Campgrounds  
Marinas  
**All commercial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC -Feb 24/09;E-Apr 25/09)**

**Resource Uses Not Permitted**

Agricultural uses, Intensive  
Extractive facilities  
Sawmills and industrial mills related to forestry over 3,000 square feet

**Industrial Uses Not Permitted**

Industrial uses but excepting traditional uses and service industries **and** cannabis production facilities **(RC-Sep18/18; E-Nov 3/18)**  
Salvage yards  
**All industrial development or expansions with a combined gross floor area greater than 697 square metres (7500 square feet). (RC-Feb 24/09;E-Apr 25/09)**

**Construction and Demolition Materials Operations Not Permitted**

**C&D Materials Transfer Stations**  
**C&D Materials Processing Facilities**  
**C&D Materials Disposal Sites (RC-Sep 10/02;E-Nov 9/02)**

**12.2 MU-1 ZONE REQUIREMENTS**

**EXCEPT AS OTHERWISE PROVIDED FOR IN THIS PART**, no development permit shall be issued in any MU-1 Zone except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 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)

12.3    OTHER REQUIREMENTS: COMMERCIAL USES INCLUDING COMMERCIAL USES ASSOCIATED WITH A RESIDENTIAL USE.

Where uses are permitted as Commercial Uses in any MU-1 Zone, the following shall apply:

- (a)    No portion of any lot shall be used for the collection and storage of refuse unless the refuse containers are screened.
- (b)    No portion of any parking space within the MU-1 Zone shall be permitted within any required side or rear yard, except where a fence or other visual and physical barrier is erected.

12.4    OTHER REQUIREMENTS: OPEN STORAGE AND OUTDOOR DISPLAY

Notwithstanding the provisions of 12.2, where any portion of any lot in any MU-1 Zone is to be used for open storage or outdoor display, the following shall apply:

- (a)    Any area devoted to open storage shall not exceed fifty (50) per cent of the lot area.
- (b)    No open storage shall be permitted within any required front yard.
- (c)    No outdoor storage or outdoor display shall be permitted within any yard in an MU-1 Zone where such yard abuts any residential or institutional use, except where a fence or other visual and physical barrier is provided within the abutting yard.

12.5    OTHER REQUIREMENTS: SERVICE STATIONS

Notwithstanding the provisions of Section 12.2, where any service station is erected in any MU-1 Zone the following shall apply:

- (a)    Minimum Lot Area                                      30,000 square feet (2,787 m<sup>2</sup>)
- (b)    Minimum Frontage                                      150 feet (45.7 m)
- (c)    No portion of any pump island shall be located closer than ten (10) feet (3 m) from any street line.
- (d)    No portion of any canopy shall be located closer than five (5) feet (1.5 m) from any street line.
- (e)    The minimum distance between ramps or driveways shall not be less than thirty (30) feet (9.1 m).
- (f)    The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (15 m).
- (g)    The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees.
- (h)    The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m).

12.6    OTHER REQUIREMENTS: AGRICULTURAL USES

In any MU-1 Zone where agricultural uses are permitted, and where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected, no such structure shall:

- (a)    Be less than twenty five (25) feet (7.6 m) from any side lot line;
- (b)    Be less than three hundred (300) feet (91.5 m) from potable water supply except a supply on the same lot or directly related to the agricultural use;

- (c) Be less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (d) Be less than three hundred (300) feet (91.5 m) from any watercourse or water body.

12.7 OTHER REQUIREMENTS: FORESTRY USES

In any MU-1 Zone where forestry uses are permitted, the following shall apply:

- (a) No more than three thousand (3,000) square feet (278.7 m<sup>2</sup>) of gross floor area of all structures on any lot shall be used for a sawmill or other industrial mill related to forestry.
- (b) No sawmill or other industrial mill related to forestry shall be located less than twenty five (25) feet (7.6 m) from any lot line nor less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

12.8 OTHER REQUIREMENTS: INSTITUTIONAL USES:

In any MU-1 Zone where uses are permitted as Institutional Uses, no development permit shall be issued except in conformity with the following:

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	The greater of ½ height of the main building or 15 feet (4.6 m)
Maximum Lot Coverage	50 per cent

12.9 OTHER REQUIREMENTS: SERVICE INDUSTRIES, TRANSPORTATION FACILITIES AND MAINTENANCE AND CONSTRUCTION YARDS

Notwithstanding the provisions of Section 12.2 where uses are permitted as service industries, transportation facilities and maintenance and construction yards in any MU-1 Zone, the following shall apply:

Minimum Front Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	25 feet (7.6 m) except where any such use abuts another such use or a commercial use in which case the abutting side or rear yard requirement shall be fifteen (15) feet (4.6 m).
Minimum Separation Distance Between Accessory Buildings	15 feet (4.6 m)

12.10 OTHER REQUIREMENTS: OPEN SPACE USES

In any MU-1 Zone where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

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

Minimum Rear or Side Yard                      30 feet (9.1 m)

12.11 EXEMPTION OPEN SPACE USES

Notwithstanding the provision of Section 4.1(a) where uses are permitted as Open Space Uses, and where such uses involve no buildings or structures, no development permit shall be required.

12.12 MARINA

Notwithstanding Section 12.1, a marina shall be permitted within the MU-1 Zone on properties in Hacketts Cove identified by LIMS Property Numbers 513150, 513143, 513135, 513127, 513085, 513119, and 40034688.

12.13 REDUCED AREA AND FRONTAGE REQUIREMENT

The lot area and frontage requirements of this Section 12.2 shall not apply to those parcels of land located off the Station Road in Hubbards identified as LIMS Numbers 4023830, 40024671, 40024788, 40235756, 40024689, 40024838, 40024911, 40235749, 40235731, and 40024663, but for the purposes of this Section, the minimum lot dimensions shall be as determined by the Department of Health, and there shall be no frontage required.

12.14 OTHER REQUIREMENTS: RECYCLING DEPOTS

In any MU-1 Zone, where recycling depots are permitted, no open storage related to the operation of a recycling depot shall be permitted.

**12.15 OTHER REQUIREMENTS: CANNABIS PRODUCTION FACILITIES (RC-Sep18/18; E-Nov 3/18)**

- (a) Where a lot containing a cannabis production facility abuts a lot**
  - (i) zoned or used for residential purposes, or**
  - (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,****such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.**