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**Item No. 13.1.2**  
**North West Community Council**  
**April 12, 2021**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** - Original Signed -  
Kelly Denty, Executive Director of Planning and Development

**DATE:** February 17, 2021

**SUBJECT:** **Case 23111: Amendment to the MU-1 (Mixed Use) Zone of the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville**

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**ORIGIN**

Application by Brighter Community Planning & Consulting, on behalf of the property owner.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By law for Beaver Bank, Hammonds Plains and Upper Sackville as set out in Attachment A, to add a School Bus Yard to the list of permitted uses in the MU-1 (Mixed Use) Zone, and schedule a public hearing;
2. Adopt the amendment to the Land Use By law for Beaver Bank, Hammonds Plains and Upper Sackville, as set out in Attachment A.

## **BACKGROUND**

Brighter Community Planning & Consulting, on behalf of the property owner, is applying to add “School Bus Yard” to the list of permitted use within the MU-1 (Mixed Use) Zone of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law. The amendment to the MU-1 Zone is requested to legalize an existing School Bus Yard operation at 1155 Lucasville Road, Lucasville. The existing School Bus Yard has been in existence in contravention of zoning for approximately fifteen (15) years and has expanded over time. In order to bring the property into compliance, the current use must be ceased or the by-law must be altered to add the School Bus Yard as a permitted use in the zone.

<b>Subject Site</b>	1155 Lucasville Road, Lucasville
<b>Location</b>	North side of Lucasville Road immediately east of the Timber Trails Mobile Home Park
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Mixed Use B (MUB) in the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
<b>Zoning (Map 2)</b>	MU-1 (Mixed Use) Zone in the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
<b>Size of Site</b>	3.3 Hectares (8.3 Acres)
<b>Street Frontage</b>	150 metres (500 ft)
<b>Current Land Use(s)</b>	School Bus Yard and storage of tools and machines for Timber Trails Mobile Home Park
<b>Surrounding Use(s)</b>	Timber Trails lands to the North and east, Lucasville Road and landscaping business to the south, and vacant lands to the west

### **Proposal Details**

The applicant proposes to add “School Bus Yard” as a permitted land use within the MU-1 (Mixed Use) Zone of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law to legalize an existing School Bus Yard operation at 1155 Lucasville Road, Lucasville.

Initially, the application proposed to rezone the subject property from MU-1 (Mixed Use 1) to I-1 (Mixed Industrial) zone. This would permit the existing School Bus Yard but would also allow a range of industrial uses not currently permitted on the site. Through the public engagement process associated with that application, the community identified significant concern about the compatibility of the permitted land uses in the proposed I-1 Zone and their potential impacts on the Timber Trails mobile home park. Most residents who responded indicated a preference for continuing the School Bus Yard operation in the MU-1 Zone. As a result of the engagement process the application was modified to consider a School Bus Yard operation within the existing MU-1 Zone.

### **Enabling Policy and LUB Context**

The property is designated Mixed Use B (MUB) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS). Given the rural nature of the MUB Designation, there is an intention to provide flexibility to encourage business, institutional and industrial uses. MPS policy P-7 identifies the broad range of uses contemplated for the MUB Designation. The MU-1 Zone is applied in order to support the continuation of the existing semi-rural mixed-use environment. Policy P-8 establishes the MU-1 Zone, the list of suitable lands uses, and the relative scale of development within the MU-1 Zone.

The lands within proximity to 1155 Lucasville Road, Lucasville are characterized by low density residential development, community facilities and a mixture of light industrial, resource and small-scale commercial uses. The application of the MU-1 Zone is prevalent throughout the Plan area and along many major road networks.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and information letters mailed to property owners within the notification area. A total of 464 information letters were mailed with 9 emails, and 6 calls received in response. Additionally, there were 101 unique views of the planning webpage having an average of 2.5 minutes. A summary of the engagement feedback is provided in Attachment D.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact residents, property owners and the Halifax Board of Education.

### **North West Planning Advisory Committee**

On December 2, 2020, the North West Planning Advisory Committee (PAC) recommended the application be approved by Community Council. It was the recommendation of the NWPAC that a 60 metre (200 foot) distance separation requirement be imposed. NWPAC also supported adding the School Bus Yard to the list of permitted uses in the MU-1 Zone. A report from the NWPAC to Community Council will be provided under separate cover.

## **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Policies P-7 and P-8 establish the MU-1 Zone within the MUB Designation and support the continuation of the existing semi-rural mixed-use environment. These policies provide for both the inclusion of the use in the zone as well as the establishment of mitigation measures to address compatibility with surrounding residential development (such as controls on open storage and siting of parking).

A School Bus Yard as a land use is a specialized commercial parking area that is dedicated to a single end user's function (Halifax Regional Centre for Education operations). By virtue of this specialized relationship, staff considers this activity to be appropriately classified as a private commercial parking lot within the context of MPS policies P-7 and P-8 including impact mitigation criteria which can moderate the intensity of the use and increase land use compatibility.

Attachment A contains the proposed land use by-law amendment that would add "School Bus Yard" to the list of permitted uses in the MU-1 Zone and establish appropriate mitigation criteria to contribute to land use compatibility.

### **LUB Amendment Review**

Attachment B provides an evaluation of the land use by-law amendment in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

#### **School Bus Yard as a specialized small-scale commercial parking area**

The public's general acceptance of existing School Bus Yard operations as well as the community's general rejection of the originally proposed I-1 Zone prompted staff to consider if a zoning amendment to the MU-1 Zone to permit the use would meet the intent of the MUB designation. A School Bus Yard is a parking area that is used for overnight and daytime storage of school busses whose operations are dictated by pre-

established schedules based on school board requirements. Staff noted (through research and site visit) that the access and egress from the property were in off peak hours from 6-7 am and returning at 3-4 pm. Morning preparations for departure from the site were not overly loud and were buffered by existing road noise along Lucasville Road.

Review of existing policies and land use by-law to ensure compatibility with existing permitted land uses in the MU-I Zone

MUB policies contemplate a range of land uses in the MU-1 Zone. The intention behind the MUB Designation is to provide flexibility in land use to facilitate employment opportunity in a semi-rural environment while establishing provisions to mitigate impacts on more sensitive land uses. To achieve this, the MU-I Zone contains a range of lands uses with varying degrees of intensity as shown below:

*Land Uses Permitted in the Mixed-Use Zone*

<ul style="list-style-type: none"><li>• Single, two unit dwellings</li><li>• Boarding and rooming houses</li><li>• Bed and Breakfast</li><li>• Senior citizens housing</li><li>• Existing mobile dwellings</li><li>• Existing multiple unit dwellings</li><li>• Day care facilities fourteen(14) children max.</li><li>• Business uses in conjunction with permitted dwellings</li></ul>	<ul style="list-style-type: none"><li>• Institutional uses, except fire and police stations</li><li>• Open space uses</li><li>• Commercial uses permitted in the C-2 (General Business) Zone</li><li>• <i>Trucking and landscaping</i></li><li>• <i>Agriculture uses</i></li><li>• <i>Forestry uses and wooden furniture manufacturing</i></li><li>• Composting operations (see section 4.29)</li></ul>
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Of the more impactful land uses, trucking and landscaping are subject to moderate setback provisions to mitigate impact. Agricultural and forestry uses require distance separation to residential uses. Trucking and landscaping uses require a single detached dwelling to occupy the same lot with no other limitations on scale of the operation. This means there is no limitation on the size or number of trucks that can operate at a given location, nor are there limitations on the hours of operation. Based on these factors, staff have determined that the School Bus Yard use is *no more intensive* than trucking and landscaping operations (one of which operates directly across from the bus yard site at 1155 Lucasville Road). Further, in order to ensure that the School Bus Yard is consistent with the intent of the MUB Designation for the MU-1 Zone, additional mitigative measures are recommended.

Introducing mitigation measures to ensure consistency with the intent of MPS policy

Mitigation criteria is intended to reduce impact through distance separation from sensitive residential land uses and to lower the intensity of the proposed use. For a School Bus Yard, the following are considerations:

- The location of the proposed land use relative to adjacent residential land uses;
- The intensity/activity of the use on the lands; and
- Establishing limits on the ancillary support uses that have the potential to create impacts.

Accordingly, the following mitigation measures are proposed and outlined in Attachment B:

- A 60 metre(200ft) setback requirement from School Bus Yards adjacent residential uses (not on the same lot);
- Restricting the maximum amount of lot coverage permitted for a School Bus Yard on a given property to 25% coverage; and
- Restricting any maintenance and refuelling of busses on the School Bus Yard property.

The comprehensive application of the School Bus Yard Use to the MU-1 Zone

Should Council choose to allow School Bus Yards as a permitted use in the MU-1 Zone, this means that any MU-1 zoned property has the potential to contain a School Bus Yard. However, given the narrow scope of the defined use in the by-law, and noting the above referenced mitigative measures, staff advise the risk of negative impacts related to the potential for proliferation of this use throughout the zone is extremely small. This is due to several factors including limitations placed on the intensity of use (a maximum of 25% lot coverage for the School Bus Yard) and a proposed setback requirement of 60 metres (200 feet) to a residential use (not on the same lot). These measures and the limited market for a School Bus Yard are likely to result in reducing the demand for the land use on other MU-1 zoned properties throughout the Plan area.

#### A School Bus Yard at 1155 Lucasville Rd (subject property)

The subject property is 3.3 Ha (8.3 acres) in area and therefore of sufficient size to accommodate a School Bus Yard. Even with the 25% maximum useable space requirement, there is adequate operational space (area excludes employee parking). In addition, it is anticipated the 60 metre (200 feet) setback requirement will mitigate impacts of noise and dust to Timber Trails residents. Further, it is anticipated that the existing access can still be used subject to the acquisition of all necessary municipal permits.

#### **Proposed Amendments to the Land Use By-law**

- Adding the School Bus Yard definition to the land use for Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law;
- Adding School Bus Yard as a land use to the list of permitted use in the MU-1 (Mixed Use) Zone;
- Require that school busses not be permitted within 60 metres (200 feet) of a residential use except where a residential use is located on the same lot, exclusive of employee parking;
- Require that not more than 25% of a lot may be used for a School Bus Yard use, exclusive of employee parking; and,
- Require that maintenance of school busses and fueling of school busses is not permitted on the same site.

#### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is reasonably consistent with the intent of the MPS. Staff note that School Bus Yards are less intensive than the permitted Trucking and Landscaping use and therefore consistent with the general intent of the MUB Designation. Further, defining the School Bus Yard and providing adequate impact mitigation measures ensures that the introduction of this land use in the MU-1 Zone is consistent with the intent of the MUB Designation. Staff recommend that the North West Community Council approve the proposed LUB amendments.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2021-2022 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 may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

## **ALTERNATIVES**

1. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. North West Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

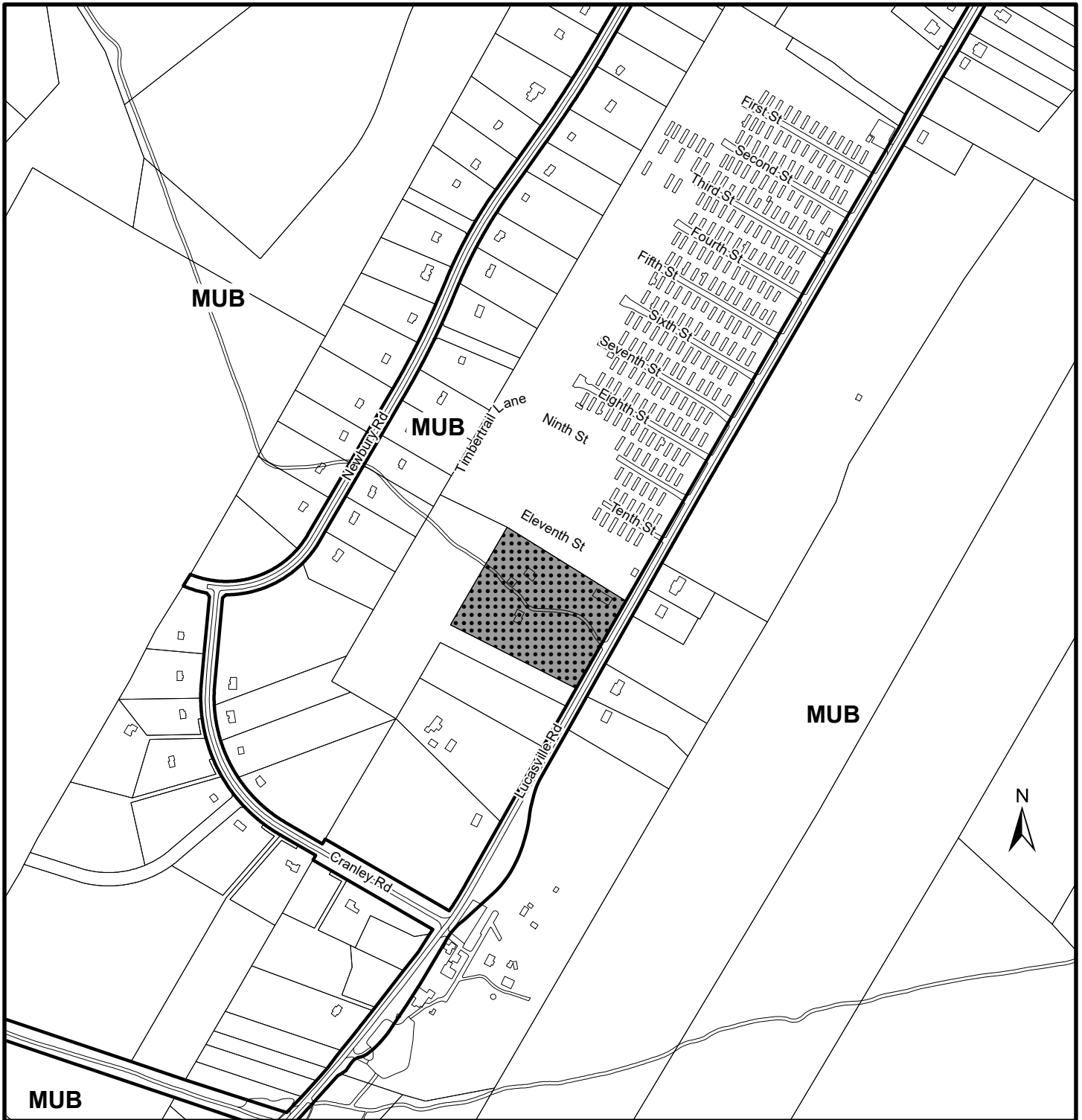
## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendments
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Excerpts from the MPS and LUB
Attachment D:	Summary of Public Engagement

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A copy of this report can be obtained online by contacting the Office of the Municipal Clerk at 902.490.4210.


Report Prepared by: Shayne Vipond, Planner III, Rural Policy and Planning Applications,  
902.237.5395



MUB

### Map 1 - Generalized Future Land Use

1155 Lucasville Road,  
Lucasville

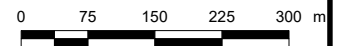
 Subject Property

#### Designation

MUB Mixed Use B

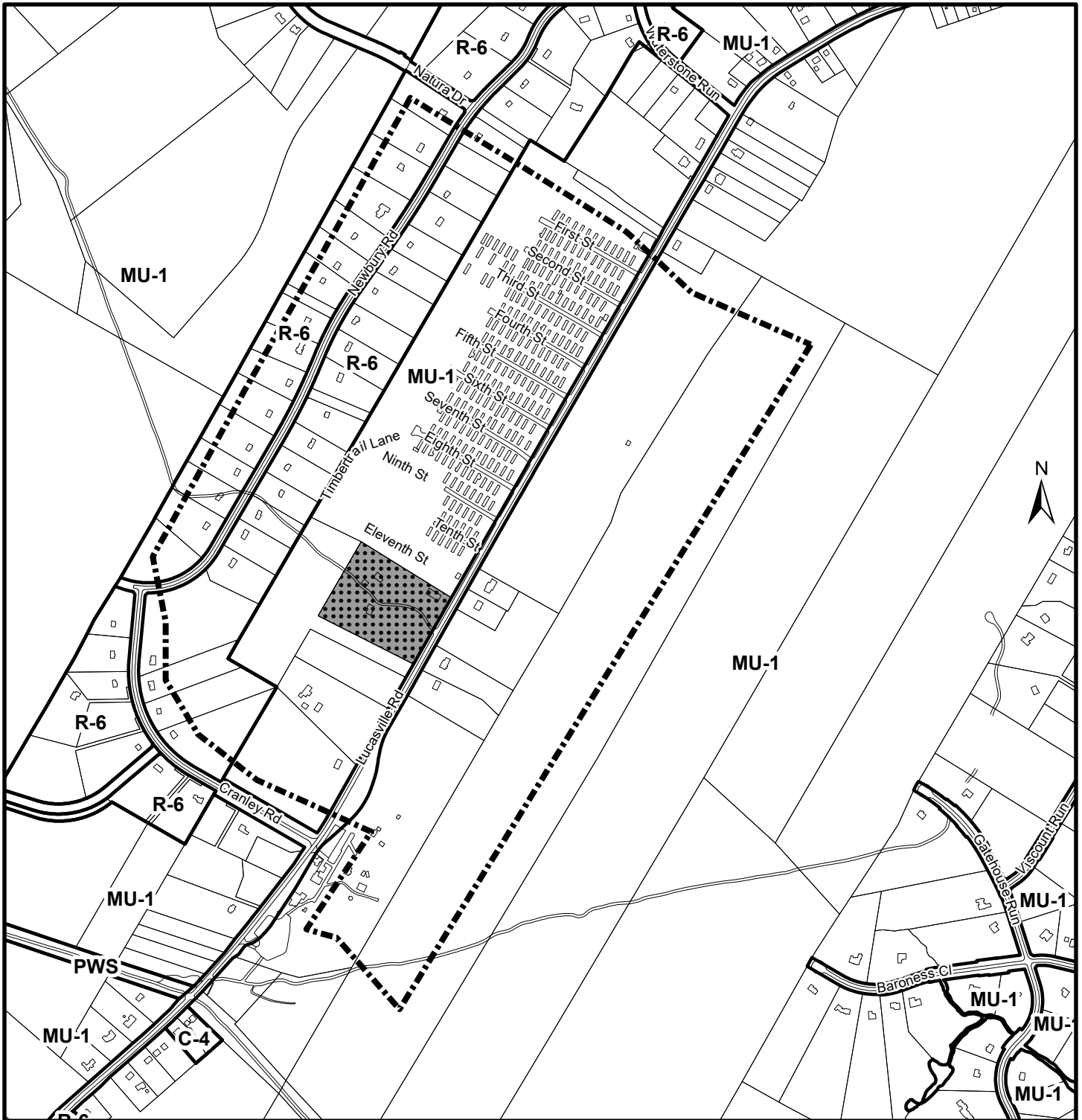
Beaver Bank, Hammonds Plains  
and Upper Sackville By-Law Area

**HALIFAX**



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 and Location

1155 Lucasville Road,  
Lucasville

# HALIFAX

 Subject Property

### Zone

 Notification Area

R-6 Rural Residential

MU-1 Mixed Use 1

C-4 Highway Commercial

PWS Protected Water Supply



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.

Beaver Bank, Hammonds Plains  
and Upper Sackville By-Law Area



## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Amending Part 2: Definitions by adding the following definition in **bold** between the definition 2.68 Salvage Yard and 2.69 Senior Citizens Housing:

**2.68A SCHOOL BUS YARD means a parking area that is used exclusively for the storage of school busses intended to transport students.**

2. Amending Part 13 MU-1 (Mixed Use) 1 Zone Section 13.1 MU-1 Uses Permitted by adding the following shown in **bold** to immediately following the words "Composting operations (see section 4.29)" under Other Uses:

#### **School Bus Yard**

3. Amending PART 13 MU-1 (Mixed Use) 1 Zone by adding the following shown in **bold** to immediately following subsection 13.9:

#### **13.9.1 OTHER REQUIREMENTS: SCHOOL BUS YARD**

**Where School Bus Yards are permitted in a MU-1 Zone, the following shall apply:**

- (a) **Any area devoted to the parking and use of school busses shall not be permitted within 60 metres (200 feet) of a residential use except where a residential use is located on the same lot, exclusive of employee parking.**
- (b) **Not more than 25% of a lot may be used for a school bus yard use, exclusive of employee parking.**
- (c) **Maintenance and fuelling of school busses shall not be permitted on any lot that contains a School Bus Yard.**
- (d) **Derelict school busses shall not be permitted on any lot that contains a School Bus Yard.**

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above -noted by-law was passed at a meeting of the North West Community Council on the \*\*\* day of \*\*\*\*\*, 2021.

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Iain MacLean  
Municipal Clerk

## Attachment B

### Review of Relevant MPS Policies Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy

<b>Mixed Use B Designation</b>	<b>Staff Comment</b>
<p><i>P-7 It shall be the intention of Council to establish the Mixed Use A and B Designations as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within these designations, it shall be the intention of Council to support the continuation of the existing semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses, often located on residential lots. It shall further be the intention of Council to reflect certain community differences regarding future development within its policies for each designation.</i></p>	<p>The proposed land use (a School Bus Yard) is a specialized small scale commercial parking area that is dedicated to a single end user function (school board operations). By virtue of this specialized relationship, it inherently contains limitations in its hours of operations. Staff considers it appropriately classified as small scale private commercial parking lot within the context of MPS policies P-7 and P-8 provided impact mitigation criteris can limit intensity of the use to ensure land use compatibility with the surrounding residential environment. Staff conclude that School Bus Yards are less intensive than the permitted Trucking and Landscaping use and therefore consistent with the general intent of the MUB Designation. Further, by defining a School Bus Yard and providing adequate impact mitigation measures ensures that the introduction of this land use in the MU-1 zone is consistent with the intent of the MUB Designation and carries out the intent of MUB Designation.</p>
<p><i>P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.</i></p>	<p>The proposed LUB amendments introduce the following impact mitigation measures to ensure land use compatibility:</p> <ol style="list-style-type: none"> <li>a. A 60 metre(200ft) setback requirement from the SBY use to adjacent residential land use (not on the same lot).</li> <li>b. Restricting the maximum amount of space permitted for the SBY use on a given property to 25%.</li> <li>c. Restricting any maintenance and refuelling of busses on a SBY property.</li> </ol>

**Attachment C**  
**Excerpts from the MPS and LUB**  
**Beave Bank, Hammonds Plains, Upper Sackville**

**Municipal Planning Strategy**

- P-7 It shall be the intention of Council to establish the Mixed Use A and B Designations as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within these designations, it shall be the intention of Council to support the continuation of the existing semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses, often located on residential lots. It shall further be the intention of Council to reflect certain community differences regarding future development within its policies for each designation.
- P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.

**Land Use By-law**

**PART 13: MU-1 (MIXED USE) 1 ZONE**

**13.1 MU-1 USES PERMITTED**

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

Boarding and rooming houses

Bed and Breakfast

Senior citizens housing

Existing mobile dwellings

Existing multiple unit dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations

Open space uses

Commercial uses permitted in the C-2 (General Business) Zone

Trucking, landscaping, excavating and paving services

Agriculture uses

Forestry uses and wooden furniture manufacturing

Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

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

Minimum Lot Area	29,064 square feet (2700 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		15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage		50 per cent
Maximum Height of Main Building		35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
  - (i) within 10 feet of the front lot line or within the required side yard;
  - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
  - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

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

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, 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 in any MU-1 Zone, no structure shall:
  - (i) be less than fifty (50) feet from any side lot line;
  - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
  - (iii) be less than three hundred (300) feet from any watercourse or water body;
  - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

**ATTACHMENT D: Summary of Public Engagement****Summary of Feedback for Planning Application # 23111:  
Amendment to the MU-1 (Mixed Use) Zone of the Land Use By-law for Beaver  
Bank, Hammonds Plains and Upper Sackville**

Public Engagement was conducted by way of a mailout (November 6 – November 27, 2020). The intention of the mailout was to share information about the proposed rezoning to the I-1 (Mixed Industrial) zone and receive feedback from area residents and other stakeholders. A factsheet was also enclosed with the mailout which included a list of the permitted uses of both the I-1 (Mixed Industrial) zone and the MU-1 (Mixed Use) zone (that currently applies to the site). The public was provided an opportunity to provide feedback by phone, mail or email within a three-week timeframe. Information on the proposal can be found on the HRM Planning Application [website](#).

The following is a summary of the comments provided (9 emails and 6 phone calls):

Several residents of Timber Trails stated the following:

- Do not support the proposal to rezone to the I-1 (Mixed Industrial) zone based on the list of permitted uses in the zone.
- Concern with the potential for impact that I-1 (Mixed Industrial) land uses might have on their homes.
- Shared support of the ongoing use of the site for the school bus yard.
- Residents asked if the school bus yard could continue under the existing zone.
- One caller expressed concern about the existing operation Bus Yard operation.

In considering the residents' concerns, staff determined that a better approach would be to establishing impact mitigation measures within the MU-1 (Mixed Use 1) zone rather than rezone to I-1 (Mixed Industrial). To ensure the intent of MPS policy is met, recommendations for mitigation measures such as distance separation requirements from the School Bus Yard to residential land uses and limiting the scale of operations on a given lot are provided in the proposed amendments to the MU-1 (Mixed Use 1) Zone.