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Item No. 15.1.1
Halifax Regional Council
June 18, 2024

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY:

Cathie O'Toole, Chief Administrative Officer

DATE:

May 21, 2024

SUBJECT:

MPSA-2024-00338: Amendment to Municipal Planning Strategy and Land Use By-law Planning District 4 (Prospect) for lands at 1540 Prospect Road and PID 00656074, Hatchet Lake

ORIGIN

Application by Zzap Consulting on behalf of Jeff Jollimore.

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 Strategy and Land Use By-law for Planning District 4 (Prospect) to enable light industrial use, including a vehicle and machinery maintenance and repair use, an accessory office use, and outdoor storage on lands at 1540 Prospect Road and PID 00656074 in the Residential B Designation, Hatchet Lake by development agreement; and
2. Follow Administrative Order 2023-002-ADM *Respecting Public Participation for Planning Documents, Certain Planning Applications, and Engagement with Abutting Municipalities* for the required public participation program and as outlined in this report.

BACKGROUND

Zzap Consulting on behalf of Jeff Jollimore, has applied to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect) to enter into a development agreement to enable the development of a light industrial use on PID 00656074 in Hatchet Lake. The request is to allow a vehicle and machinery maintenance and repair use, an accessory office use, and outdoor storage in support of the property owners' main trucking and excavation business operations. It is not the intention to have the main trucking and excavation business relocated on the subject properties. Driveway access is proposed through the adjacent parcel, 1540 Prospect Road (PID 40841116), from Prospect Road via a 20m wide portion of the property adjacent to an existing industrial zoned parcel. The lands are commonly owned, however, this proposal cannot be considered under existing MPS policies.

Subject Site	Comprised of two properties: <ul style="list-style-type: none"> • PID 00656074 - 28.9 ha (71.45 acres) - principal site • 1540 Prospect Road (PID 40841116 - 4.9 ha (12.2 Acres) - access
Location	North of Brookside in Hatchet Lake on the east side of Highway 333 (Prospect Road) and within close proximity to the Terrence Bay Wilderness Area to the south.
Regional Plan Designation	RC (Rural Commuter)
Community Plan Designation (Map 1)	RB (Residential B) under the Municipal Planning Strategy for Planning District 4 (Prospect)
Zoning (Map 2)	RB-1 (Residential B-1) under the Land Use By-law for Planning District 4 (Prospect)
Size of Site	As described above
Street Frontage	The site currently has frontage and access from Prospect Road via driveways over 1540 Prospect Road (PID 40841116) and PID 00656074. These driveway accesses may be discontinued through the planning process.
Current Land Use(s)	Vacant
Surrounding Use(s)	Residential dwellings, commercial business and a light industrial auto sales and repair.

Proposal Details

The applicant proposes to develop a low intensity industrial operation on the subject properties in support of the property owners' main trucking and excavation business. These uses would be comprised of a vehicle and machinery maintenance and repair use, an accessory office use, and outdoor storage primarily on PID 00656074 while utilizing a small portion of 1540 Prospect Road (PID 40841116) for driveway access from Highway 333 (Prospect Road) (Attachments A and B). The principal business of trucking and excavation, S. Jollimore and Sons Ltd. is currently located on another site and is not proposed to relocate as part of this application.

The major aspects of the proposal are as follows:

- Vehicle and machinery maintenance and repair: one building is proposed to be constructed on PID 00656074 for the purpose of vehicle and machinery maintenance and repair and would also contain an accessory office use for the owner and one staff member. All maintenance and repair activities will be contained indoors.
- Outdoor storage: a large area of land is proposed to be established as a new lay down area on PID 00656074. This area would provide a location for the outdoor storage of materials including items such as fill, sand and gravel, as associated with an excavation and trucking company.
- Access to PID 00656074 is proposed from the adjacent property, 1540 Prospect Road (PID 40841116), which fronts Prospect Road and is also owned by Mr. Jollimore. The new driveway is proposed to be located on a 20m wide strip of frontage which appears to contain sufficient space

for the driveway access and a landscape buffer. A landscape buffer is proposed to be located between the proposed access and the adjacent residential use.

History and Site Context

Historically, it appears that the site has remained vacant. A review of the municipal permit history shows that the construction of a baseball field was contemplated. Prior to its current ownership, the site was used for the outdoor storage of roofing tiles. The site contains a wetland but it does not appear to be contiguous with a watercourse.

The surrounding area is comprised of several existing residential houses as well as industrial, institutional and commercial uses. Business operations include an automotive repair business, personal service uses (hair stylist, physio and massage therapy), a childcare centre, a church, and an automotive parts store.

MPS and LUB Context

The subject properties are designated Residential B (RB) under the Planning District 4 (Prospect) and zoned Residential B-1 (RB-1) under the Planning District 4 (Prospect) LUB. The Residential B designation is intended to protect the low-density residential environment and its associated facilities while allowing for the development of small-scale business uses from a residential property. The RB-1 zone allows for the limited development of businesses within a single unit dwelling or associated accessory structure with limited outdoor storage and no outdoor display.

Within the Hatchet Lake area, industrial and commercial uses have been in existence prior to the adoption of Planning District 4 (Prospect) MPS and LUB in 1994. The adoption of the RB-1 zone established that industrial development was considered incompatible with the residential and conservation-related designations within the MPS. The MPS further establishes that new industrial development proposals could be considered on a case-by-case basis, subject to an amendment to the MPS and LUB. If a given property receives such an amendment, Policy IU-4 specifies that proposals for industrial development should be considered through the provisions of a development agreement. Through this mechanism, impacts can be studied to determine if mitigation is sufficient to minimize impacts such as noise, odour, dust, and traffic to more sensitive surrounding uses.

Policy IU-4 states an intention to only consider future industrial operations through the provisions of a development agreement. This allows for greater control over the types of industrial land uses that may be permitted, the hours of operation, and requirements for buffering to ensure that the proposed uses are adequately separated from non-industrial uses.

Attachment C contains excerpts from the applicable planning documents.

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 only be 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

Zzap Consulting has submitted the following rationale in support of the request to amend the MPS and LUB for Planning District 4 (Prospect):

- Industrial employment lands play an integral part of Halifax's economic development potential and accommodate a significant share of the Municipality's businesses and employment;

- The permissive nature of many of HRM's industrial zones has resulted in commercial land uses outcompeting industrial uses resulting in less industrial land availability;
- Many urban industrial areas are becoming more scarce and therefore land prices are increasing;
- The Regional Municipal Planning Strategy (RMPS) contains policy that directs rural businesses to locations within designated growth centres and between centres where appropriate (Attachment C);
- The surrounding area is comprised of a variety of several existing uses including industrial, institutional, residential, and commercial. Business operations include an automotive repair business, personal service uses (i.e., hair stylist, physio and massage therapy), a childcare centre, a church, and an automotive parts store; and,
- As the range of land uses in the area is not exclusively residential, the addition of a low intensity industrial use is not anticipated to disrupt the community in a significant way.

Attachment A contains the applicant's rationale letter.

Review

Staff have reviewed the submitted rationale in the context of site circumstances and surrounding land uses and enabling planning policies. Staff advise there is merit to consider amendments to the MPS and LUB for Planning District 4 (Prospect) to allow the development of a light industrial use including an accessory office use and outdoor storage at 1540 Prospect Road and PID 00656074 through the development .

The surrounding area is comprised of a variety of existing uses including industrial, institutional, residential, and commercial. PID 00656074 is situated behind existing residential and commercial parcels fronting onto Prospect Road which provides an existing separation distance from the road. The bulk of the industrial operation is proposed to function on the larger parcel on PID 00656074 with the driveway access proposed to be located on the adjacent property, 1540 Prospect Road (PID 40841116) (Attachment B). There is potentially an option to consider future consolidation of both properties into one, or a portion of the existing 1540 Prospect Road parcel with PID 00656074. This option will be explored through the planning process.

A full review would consider the following:

- Scale, design and appropriateness of the development;
- Impact of the proposed development on the wetland and the consideration of separation distances;
- Impacts of traffic generation and suitability of access and egress;
- Feedback received through community engagement initiatives; and,
- Mitigation of impacts from the proposed use to residential dwellings within proximity including controls on the hours of operation.

It should be noted that the introduction of an industrial use on the subject properties could potentially impact local residents and commercial businesses if not adequately buffered and/ or separated. This will be further reviewed following the submission of a complete application.

Conclusion

Staff has reviewed the proposed MPS amendments and advise that there is merit to the request. The MPS for Planning District 4 (Prospect) contemplates the consideration of industrial development through an amendment to the plan and the provisions of a development agreement, such as controls on hours of operation which are required but cannot be regulated under the provisions of a zone. A development agreement also allows the Municipality to require buffering and setbacks from residential development that would be designed to minimize conflict between industrial and residential uses. Therefore, staff recommend that Regional Council initiate the MPS amendment application process to consider industrial operations at 1540 Prospect Road (PID 40841116) and PID 00656074 through the provisions of a development agreement.

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 June of 2023, Regional Council approved the Public Participation Administrative Order (2023-002-ADM), which staff are proposing to follow. The proposed level of community engagement is consultation, achieved through HRM's website and through a public information meeting early in the review process prior to Regional Council considering approval of any proposed amendments. Planning Staff will be available via telephone and email for one-on-one discussions with members of the community who have concerns or questions about the proposed amendments. The community will have further opportunity to engage with Regional Council at the required public hearing.

Amendments to the Municipal Planning Strategy (MPS) for Planning District 4 (Prospect) will potentially impact the following stakeholders: residential and commercial residents within proximity to the subject property.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2024-2025 operating budget for Planning and Development.

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

A large area of PID 00656074 appears to be a wetland. As stated earlier, a review of municipal permits and reporting from the applicant has indicated that the site was used for outdoor storage in the past. Consequently, there may be issues of onsite contamination. Staff will request a report to determine the status of the presumed wetlands to establish impacts relative to the proposed land uses.

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 4 (Prospect) is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

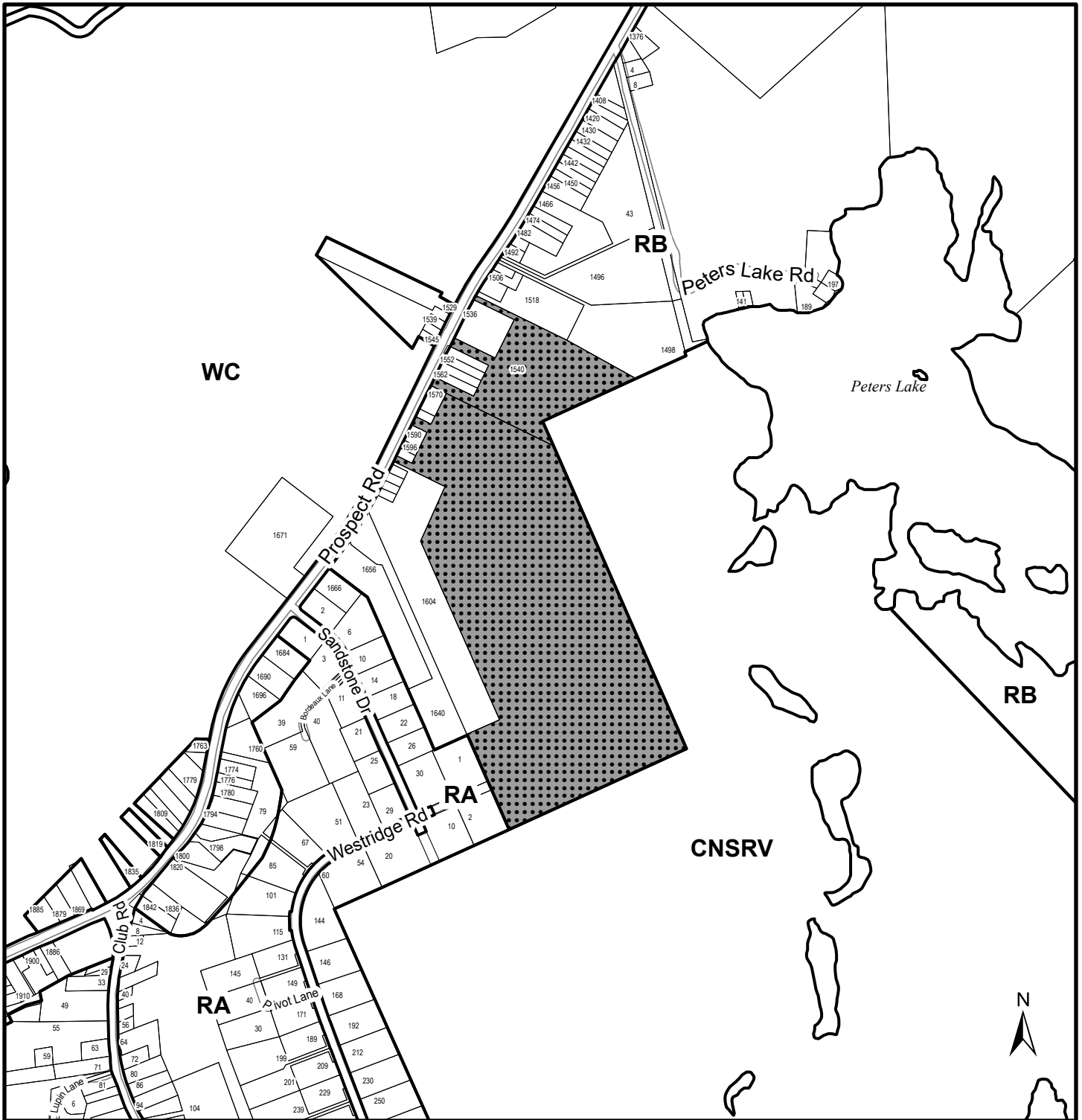
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning

Attachment A: Application Letter
Attachment B: Site Plan
Attachment C: Excerpts from the RMPS, MPS and LUB for Planning District 4 (Prospect)

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

Report Prepared by: Shayne Vipond, Planner III, Rural Policy and Applications, 902-237-5395



Map 1 - Generalized Future Land Use

PID 40841116 and 00656074,
Hatchet Lake

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 Subject Properties

Designation

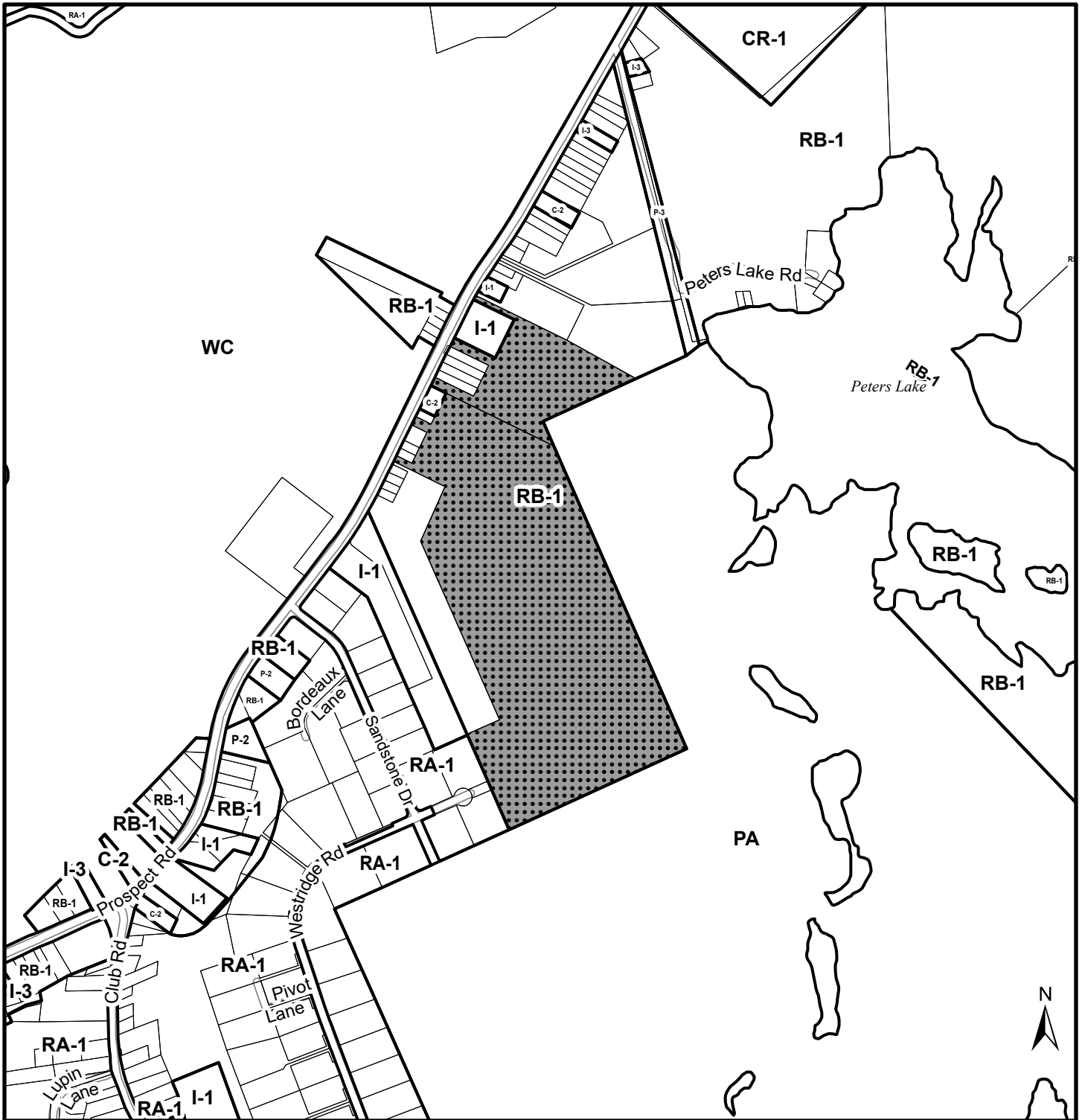
- CNSRV Conservation
- RA Residential A
- RB Residential B
- WC Western Common



Planning District 4
(Prospect) Plan 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

PID 40841116 and 00656074,
Hatchet Lake

 Subject Properties

Planning District 4
Land Use By-Law

Zone

- C-2 General Business
- CR-1 Commercial Recreation 1
- I-1 Light Industry
- I-3 Local Service
- RA-1 Residential A-1
- RB-1 Residential B-1
- P-2 Community Facility
- P-3 Conservation
- PA Protected Area
- WC Western Common

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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.



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Attachment A - Application Letter

Halifax Regional Municipality
Planning & Development

Re: Application for Municipal Planning Strategy Amendment, Lot H, Prospect Road & 1540 Prospect Road, Hatchet Lake, Nova Scotia (PIDs: 00656074 & 40841116)

On behalf of our client, Jeff Jollimore, zzap Consulting Inc. (zzap) is pleased to submit a site-specific Municipal Planning Strategy (MPS) amendment and Development Agreement application for an industrial use within the Planning District 4 Plan Area at Lot H, Prospect Road and 1540 Prospect Road (PIDs: 00656074 & 40841116). To support this application submission, the following materials are included:

- Plan Amendment Rationale Letter
- Appendix A: Site Plan

Many of the supporting documents included with our application reflect discussions we have had with various HRM planning staff. We remain open to further revisions and improvements to the development plan as we move forward in a collaborative manner with you and your colleagues.

We respectfully request that you provide us with an anticipated schedule for the plan amendment and development agreement process.

Please advise if you require any further information at this time in order to prepare the initiation report for this project.

Kind Regards,


|

Connor Wallace MCIP, LPP
Principal
ZZap Consulting

Plan Amendment Rationale

1.0 Site Description and Location

Located within the Planning District 4 Secondary Municipal Planning Strategy plan area, the subject property is designated Residential B and zoned RB-1 in the Land Use Bylaw. The site totals 28.7 ha (71 acres) and fronts onto Prospect Road (Highway 333) (See Figure 1). This irregular shaped lot includes two frontages onto Prospect Road separated by three RB-1 lots, as shown in Figure 2. The RB-1 zone permits residential, open space, commercial, and resource (fishery, aquaculture, agricultural) uses. Existing business uses are also permitted.



Figure 1: Site Location

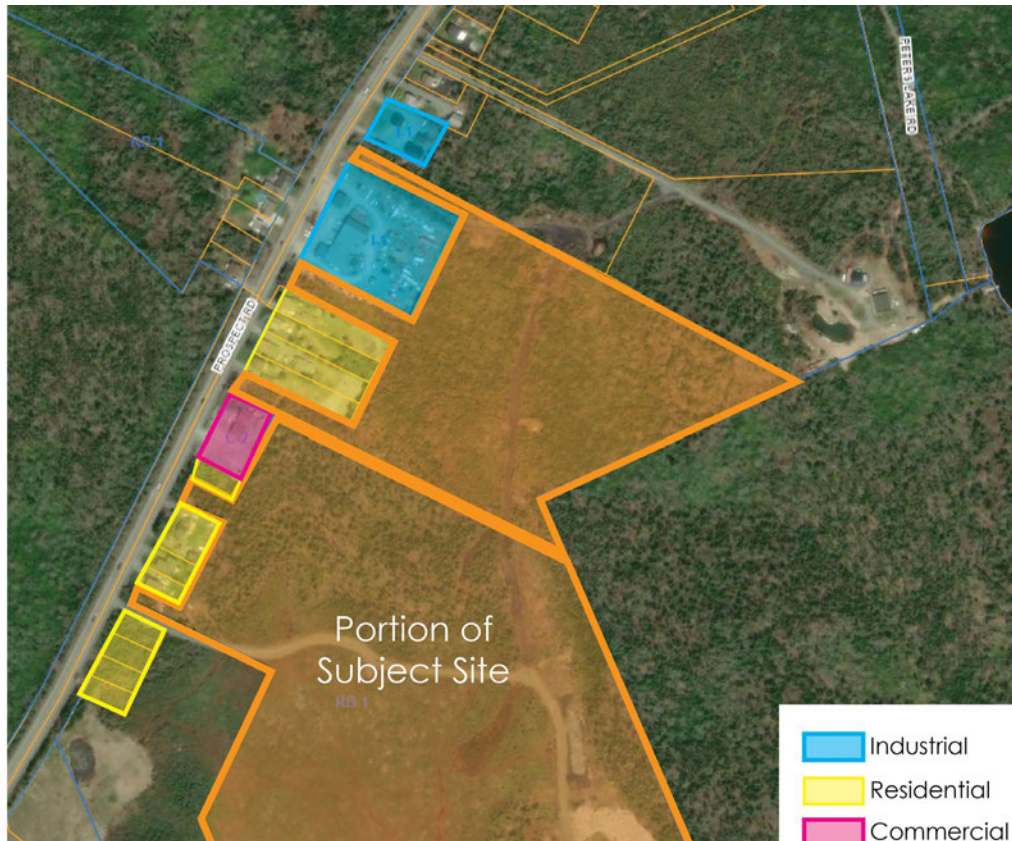


Figure 2: Surrounding Zones

1.1 Site Context

Prospect Road (Highway 333) is the main transportation corridor connecting the communities of Goodwood, Hatchet Lake Shad Bay. The subject property is situated between Goodwood and Hatchet Lake. This area of Planning District 4 is largely rural in character; residential development is mainly clustered along Prospect Road (apart from the larger residential communities around McGrath and Hatchet Lakes), along with small commercial and industrial lots interspersed throughout. The Western Common, extending westward from Prospect Road makes up a significant land area within Planning District 4. The Western Common designation and zone permits open space, conservation and recreational uses.

2.0 Summary of Development Proposal

Our client is seeking a Secondary Municipal Planning Strategy amendment and Development Agreement as per enabling Policy IU-4 of the Planning District 4 SMPS to permit a new industrial use on PID: 00656074. Our client owns and operates a trucking and excavating business. The industrial use proposed is for the repair and maintenance of the business' equipment. The proposed industrial use would utilize the property's

large land area for a new lay down and storage area, and one building for vehicle maintenance and repair. This building would also contain an accessory office use for the owner and one staff member. All maintenance and repair activities will be contained indoors. The site plan includes a 30-metre setback from an assumed wetland. All activities on site will be outside of the 30-metre buffer.

2.1 Access

Access to the site is proposed from the adjacent property (PID 40841116), which is also owned by our client. Between the properties located at 1568 and 1562 Prospect Road (PIDs 00654673 and 00655878), a portion of the site extends to the road right-of-way and provides approximately 20m of frontage (see Figure 3). This frontage is wide enough for a new driveway access and landscape buffer.

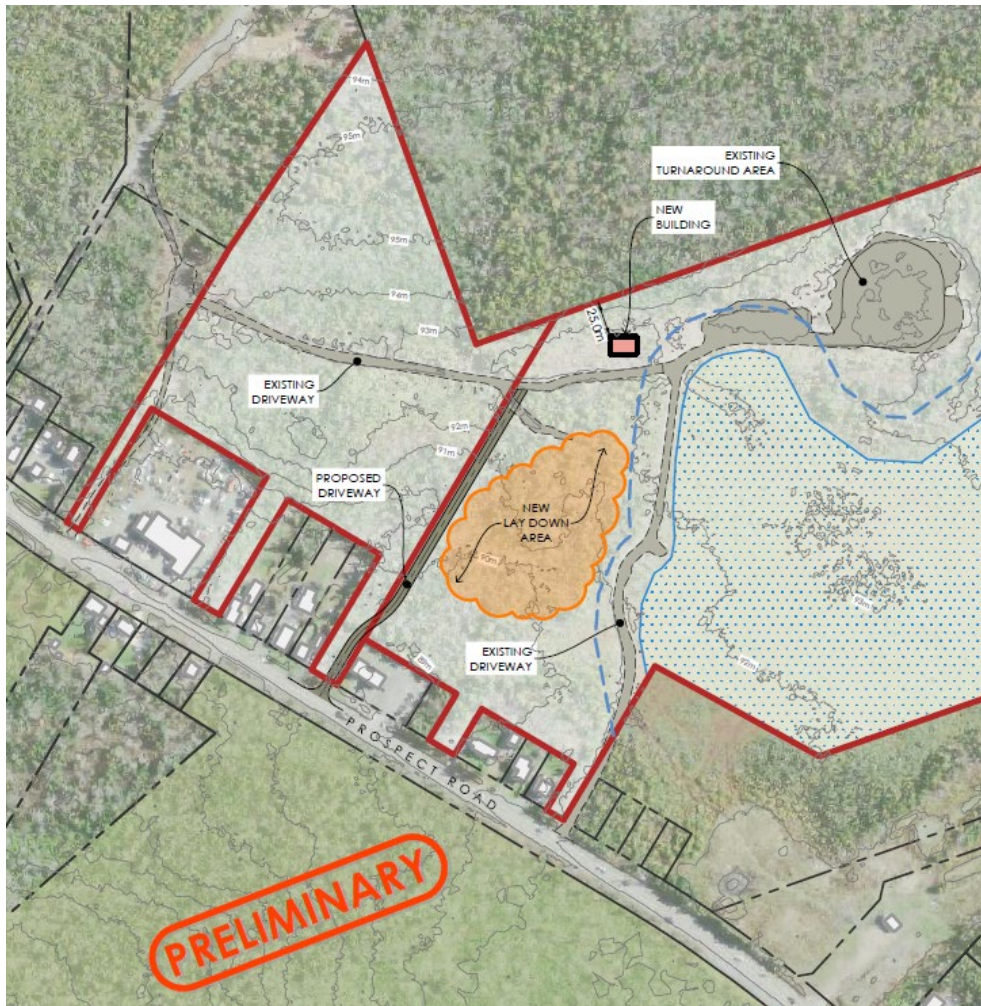


Figure 3: Driveway Access



2.2 Materials

The development proposal includes the storage of materials within the proposed laydown area. Materials would include items such as fill, sand and gravel, as associated with our client's excavation and trucking company.

3.0 Planning Background

Planning District 4 SMPS was adopted over three decades ago. Historically, the local economy within the district was based around forestry and fishing with industry supporting this relatively isolated region of HRM. At the time of plan adoption, the planning area was developing in a mostly suburban development pattern along the main transportation corridor of Highway 333. The Rural Residential B designation was applied to lands that contained an existing mix of low density residential, commercial, industrial, resource and community facility uses. The SMPS recognizes the existence and valuable function of industrial uses in the plan area. However, it also speaks to the reluctance of residents and Council to see an increase in large scale industrial uses in their communities where a potential for land use conflict could arise.

4.0 Rationale for Applicant Request

4.1 Economic Development and Pressures on Industrial Lands

HRM's Corporate Real Estate Division (CRE) released the Industrial Employment Lands Strategy in 2020. This document examined the current state of industrial lands in HRM as well as a long-term review of industrial employment land needs within the municipality. The findings and data contained in this analysis demonstrates a trend seen in industrial employment lands that was also captured in the 2008 Business Parks Functional Plan: industrial land may become scarce if policy measures are not taken to protect it. Population growth and the associated conversion of industrial land to commercial or residential can threaten a region's economic foundation.

Halifax occupies an extremely important strategic location within the Atlantic Region, nationally and internationally. A major marine container port on Canada's east coast, Halifax goods movement and distribution networks facilitate connections to 150 countries and major North American cities.¹ This strategic position and role create a vitally important employment base where employment lands within the HRM contribute to a strong economic foundation. In particular, "*industrial* employment lands play an integral part of Halifax's economic development potential and accommodate a significant share of the Municipality's businesses and employment."²

Employment Lands are understood as areas zoned for industrial, commercial, institutional and office uses but do not allow housing. Industrial employment, as a

¹ Industrial Employment Lands Strategy, 2020. WSP and Watson & Associates LTD.

² *Ibid.*

foundational sector of a local economy not only create high paying employment opportunities and require a skilled labour force but also generate “strong economic multipliers”.³ For the local economy to thrive, industrial employment lands ought to be protected. The 2020 Industrial Lands Strategy examined the state of industrial employment lands in HRM. Two important conclusions that are relevant to this application are as follows:

1. The permissive nature of many of HRM's industrial zones has resulted in commercial uses outcompeting industrial ones. The result is less industrial land availability.
2. Many urban industrial areas are approaching build-out, meaning land available for industrial uses will become scarcer and more unaffordable for smaller-scale business needs. Scarcity drives up prices.

The Industrial Employment Land Strategy was released prior to the dramatic impacts of the Covid-19 Pandemic were known or understood. HRM has seen unprecedented population growth, amplifying the land pressures already being felt across the region and across the spectrum of land uses.

Industrial land pressures discussed here were not foreseen when the Planning District 4 SMPS was adopted. The availability, cost and location of industrial employment lands has changed significantly, and we believe, affirms that a substantial change in circumstance has occurred that warrants support for a Municipal Planning Strategy amendment.

4.2 Rural Economic Development

The Regional Municipal Planning Strategy (RMPS) supports the economic viability of rural communities within HRM. Policy EC-15 of the RMPS outlines the specific strategies to implement the policy goals. Policy EC-15(g) states that “consideration shall be given to creating opportunities, including appropriate zoning, to direct rural businesses to locations within designated growth centres and between centres where appropriate.” The draft Regional Plan also speaks to the importance of rural industry. Policy HC-9(b) states that the draft RMPS supports “working landscapes, including those supporting agriculture, forestry, fishing and rural industries.” Given the enabling policy contained in the SMPS (referenced above in Section 2.0), and these specific regional policy considerations, we believe, that the location and nature of the industrial use proposed can be supported through an SMPS amendment.

4.3 Amendment Criteria and Site-Specific Conditions

Surrounding the site are several existing industrial, institutional and commercial parcels. Business operations include automotive repair, personal services (hair stylist, physio and massage therapy), a childcare centre, a church, and an automotive parts store. This

³ *ibid.*

range of land uses demonstrates that the area is not exclusively residential and the addition of a small-scale industrial use would not disrupt the community in a significant way. A distinctive element related to this site is that it was used to store roof shingle waste; we understand that a large section of the land may be contaminated from this waste and it is therefore not currently suitable for residential development. Our access to historical property records is limited; we are unable to provide further detail on property's history and prior ownership.

Planning District 4 SMPS includes evaluation criteria that Council shall use when considering SMPS amendments. The table below provides our response to these criteria.

Planning District 4 Enabling Policy IU-4	
Criteria	Response
The proposal will not adversely affect nearby land uses by virtue of noise, traffic generation, dust smoke odor, and/or vibration.	The proposed use will not generate excessive noise, traffic generation, dust, smoke, odors or vibration. All noise-generating operations will be conducted indoors. Our client indicates that there will be one other staff person onsite during business hours which will not generate significant amounts of employee traffic.
The use is adequately separated and screened from any nearby residential and community facility uses or lands which could become potentially developed for residential or community facility purposes.	The site is over 70 acres. The building where operations are proposed is approximately 250 metres away from the nearest residential lot line. An adjacent automotive repair business located at 1536 Prospect Rd is less than 50 metres away from the nearest residential lot. The existing tree cover that separates the proposed industrial operation from the residential lots will be maintained.
The scale and appearance of the development be consistent with the surrounding area.	The operation will not be visible from Prospect Road due to the existing tree cover and the distance the buildings and lay down will be set back from the road. The proposed use is not an intense or obnoxious industrial use and will only involve maintenance and repair of company machinery and vehicles.
The industrial operation shall not require access through a residential area.	As mentioned above, the site is surrounded by multiple zones including residential, industrial and commercial. Site access is proposed adjacent to a

	<p>commercially zoned property located at 1568 Prospect Road. The ~20m frontage at this location will allow for a substantial buffer between the driveway and the residential lot to the north at 1562 Prospect Road to mitigate any impact. We believe that this access scenario provides a reasonable balance between allowing our client to access the property for his business's operational needs and mitigating impacts on the surrounding property owners.</p>
<p>The use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals or produce wastes that can contaminate soils, watercourses, or ground water resources.</p>	<p>An on-site sewage disposal system will be utilized. Any use of chemical and waste will be properly contained and disposed of as per applicable guidelines.</p>
<p>The impact of the industrial use on the existing road network in terms of traffic generation and vehicular and pedestrian safety.</p>	<p>This proposed industrial use would generate a low volume of traffic (less than 10 vehicle trips per day) and there is minimal pedestrian infrastructure surrounding the site. We do not believe this proposal would have a significant impact on the road network or pedestrian safety.</p>
<p>The hours of operation of the facility.</p>	<p>The hours of operation would be from 7AM to 6PM, Monday to Friday.</p>

5.0 Impact on Local Community and the Broader Region

We believe the location of the proposed industrial use would not cause significant disruption or change in the community. The range of commercial, industrial, and institutional uses surrounding the site already contribute to the non-residential business activity occurring in this area. Our client operates a business that offers a valuable and in-demand service with HRM's construction industry. His business, however, requires a facility that can accommodate maintenance and repair of larger vehicles and machinery. The operational requirements do not necessarily require serviced industrial land, and the rural setting is suitable for the nature of the work. Enabling a small-scale industrial use at this location will support the rural economy and bolster the regional economy by permitting our client to continue to operate his business within the region.

6.0 Conclusion



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The Planning Area 4 SMPS contemplates future industrial uses in the Residential B land use designation if an appropriate location and use would not cause undue conflict with existing residential uses. We believe that this proposal meets the criteria set out in Enabling Policy IU-4; a small-scale industrial operation that includes storage as well as vehicle and machinery maintenance and repair will not cause excessive noise, fumes, or disruption to the surrounding community. All maintenance and repair operations will occur inside of a building therefore any potential impact will be contained within the proposed building.

Pressures on the full spectrum of land uses have dramatically changed since the adoption of the SMPS. The 2020 Industrial Employment Lands Strategy demonstrates that industrial land availability and therefore costs are impacted by a multitude regional factors including permissive industrial zoning and near build out of existing serviced industrial lands. We believe this change in circumstance as well as the various items discussed above provide a strong rationale for an SMPS Amendment and Development Agreement.

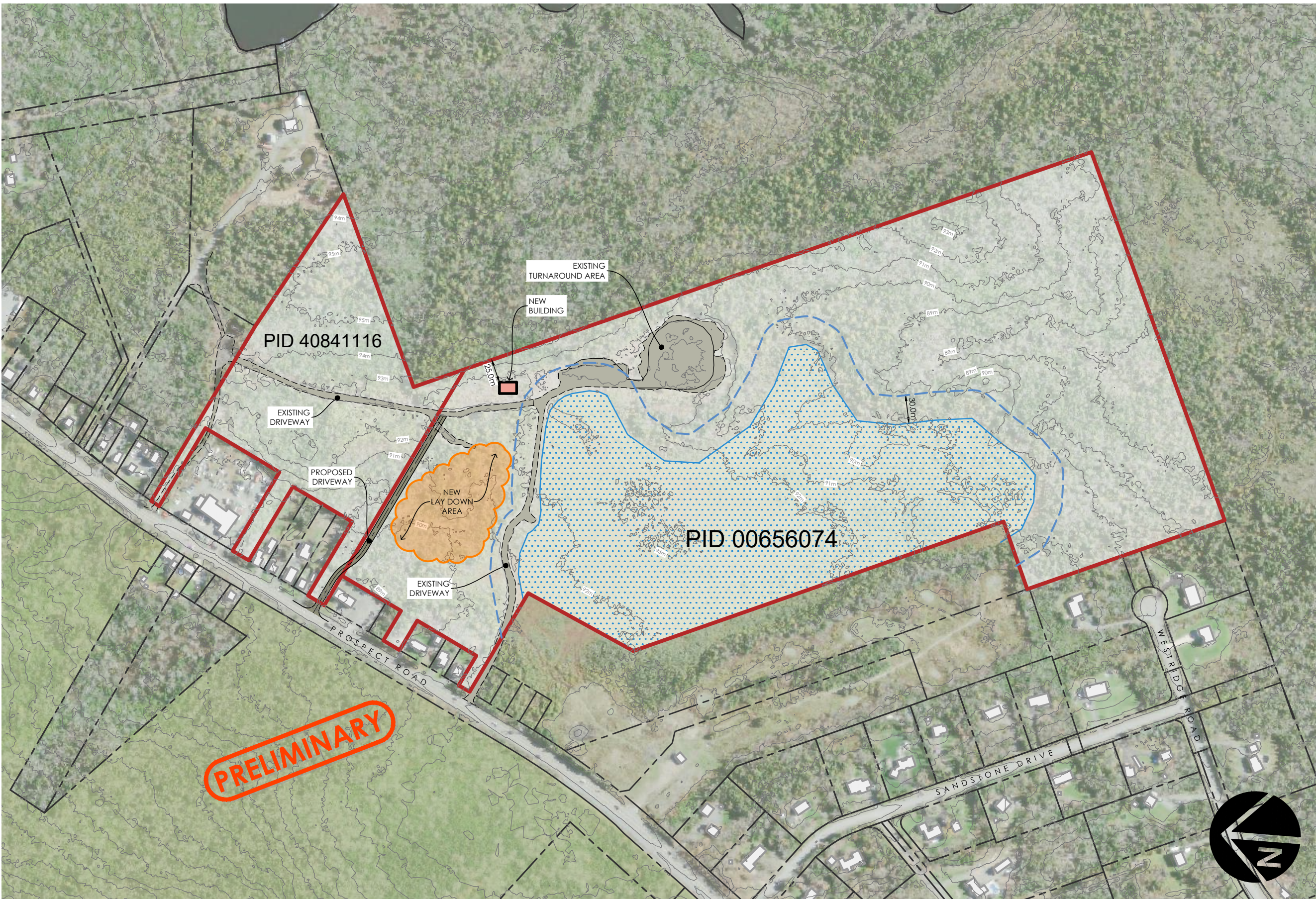
We trust the enclosed materials satisfy the application requirements and we look forward to working with Staff, Council and members of the public throughout the application process. Should you have any questions, require clarification or have comments regarding this application, please do not hesitate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

Sincerely,



Connor Wallace, MCIP, LPP
Principal
Zap consulting Inc.
connor@zap.ca
902-266-5481

FILE: C:\Users\Ken.Zwicker\Zareski Architecture & Planning\Projects - 2023\Projects\23-125 Jollimore Hatcher Lake V4_Planning\1-DWG\23-125-SITE PLAN-103.dwg SHEET: 11x17



PRELIMINARY

LEGEND

- Site Boundary
- - - Adjacent Property Boundary
- Wetland
- - - 30m Wetland / Watercourse Buffer

SITE SUMMARY:

- PID: 00656074 289,150 sm / 71.45 Ac.
- PID: 40841116 50,668 sm / 12.52 Ac.
- Total Land Area: 339,818 sm / 83.97 Ac.
- Existing Zone: RB-1

NOTES:

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

Attachment - B Site Plan

SOURCES:

- Adjacent property lines and topographic features are from provincial mapping
- Plan based on SDMM file: '37890 P#13-3345-0 Proposed Site 2023 May 18.dwg'

SCALE:

1 : 4,000



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Attachment C
Excerpts from the RMPS, MPS and LUB
Planning District 4

Regional Municipal Planning Strategy

5.3.5 Rural HRM

HRM recognizes the value and significance of a vibrant rural economy. Economic opportunities have traditionally come from natural resource development, tourism and the service economy. Advanced telecommunications has also created new opportunities for both home based businesses and retirees which are attracted to the distinctive character of rural communities. The challenge lies in ensuring supporting services and infrastructure are available to realize these opportunities.

EC-15 HRM shall, in collaboration with the Province and other partners, work to ensure that the economic viability of rural communities is included as an integral aim of regional economic growth strategies and their implementation. Consideration shall be given to:

- (a) cooperating with senior government levels to collaboratively work with rural communities, business owners and citizens, in community economic development planning and projects, and facilitate partnerships for successful implementation;
- (b) working with relevant authorities to encourage the provision of good communication linkages in the rural areas - including road improvements, active transportation facilities and telecommunications;
- (c) making strategic infrastructure investments where deficiencies have consistently hindered economic viability;
- (d) promoting rural industrial parks in accordance with the Business Park Functional Plan;
- (e) supporting agriculture and other traditional rural resource industries including forestry, fishing and resource extraction and investigate measures by which these industries can be protected from encroachment by incompatible uses;
- (f) supporting services to those individuals establishing or maintaining businesses in the rural areas;
- (g) *creating opportunities, including appropriate zoning, to direct rural businesses to locations within designated growth centres, and between centres where appropriate;*
- (h) facilitating and integrating rural community-based transit in partnership with the Province;
- (i) improving the attractiveness of the port at Sheet Harbour to shippers, and seeking opportunities for processing and shipping value-added goods through the port; and
- (j) seeking measures to address land title issues in the communities of North Preston, East Preston and Cherry Brook.

Municipal Planning Strategy Planning District 4 (Prospect)

RESIDENTIAL B DESIGNATION

The Residential B Designation encompasses lands along Highway No. 333, which form part of the Goodwood, Hatchet Lake, Shad Bay, Bayside, McGraths Cove and East Dover communities. While the predominant land use within these areas is residential, there is also a significant non-residential component. This mixture of land uses is a product of the Plan Area's historical development pattern, the function it serves to the surrounding communities and the high desire among the residents of Planning District 4 for economic self-efficiency.

Development along Highway No. 333 was relatively sparse until highway services were improved in 1951. Up until that time, the residents relied heavily on their established communities for the provision of goods

and services. Once the cities of Halifax and Dartmouth became more accessible as places of employment, development radiated from self-contained communities, along this main road.

Historically, these communities have supported a mix of development activities which were directly related to the availability of natural resources. Within the coastal areas of Shad Bay and Bayside, the main economic source was based primarily on mixed farming and fishing and some lumbering. Within Bayside, historical accounts report that this community once supported many industries which included a bleach plant, shipbuilding yard, sawmill, tourist hotel and blacksmithing operation, as well as farming and fishing.

Within the Goodwood and Hatchet Lake communities, the economic mainstay was based primarily on farming and lumbering. Historical accounts also reveal that these communities traditionally provided services to travellers enroute to Halifax. According to the Planning District 4 Community School Directory, the "Straw House", which was located near the current day Holts Take Out, began to serve as a stage coach depot in the 1920s. Residents throughout these communities also provided refreshments and resting places for travellers.

Today these communities support a mix of land use activities, which are interspersed among low density residential uses. Within the Bayside and Shad Bay communities, non-residential development tends to be comprised primarily of commercial operations which retail goods and services to the travelling public and the local market.

The fishing industry is also evident within these communities. These sheltered bays have also supported the development of past aquaculture operations and it is expected that this form of development will continue, given recent declines in fish stocks in the Atlantic Fishery.

The land use activities within the Hatchet Lake and Goodwood communities tend to be more diverse, which is in part due to the proximity of this area to the urban market. Within these communities, numerous businesses, which include automotive service industries, manufacturing operations, retail outlets, etc. are interspersed among residential uses. The largest concentration of non-residential development is found within the north west section of the Goodwood community, in the Gerald Mills Industrial Park. This park is approximately 42 acres in size and it accommodates a variety of storage related facilities and service industries.

These communities also have great potential for the development of tourism related industries, given the number of persons who are attracted to the natural beauty of ocean views. The most common types of tourist industries developed today are craft shops and **short-term bedroom rentals such as, but not limited to, (RC-Feb 21/23;E-Sep 1/23)** bed and breakfast establishments. These tourism facilities are either operated in conjunction with residential dwellings or independently. In both cases, however, these uses contribute to a valued tradition of providing service to the travelling public and will, therefore, be encouraged to develop within the Residential B Designation.

A significant number of dwellings, within this designation, are also used for home business purposes. Commercial and service industrial operations located in the home or in accessory buildings are characteristic of these communities with its history of self-reliance and entrepreneurship. In some cases, these home businesses provide the sole source of income for the owner while, in others, the business is used to supplement income from other jobs or is seen primarily as a hobby. Examples of this type of activity include automotive repair establishments, appliance repair, small contractors' yards, wood yards, craft industries, small trucking and excavating services and personal service shops. These businesses are often unable to locate on residential lots in more urban areas and they contribute to a lifestyle which residents wish to protect.

Land Use Policies

While there is a desire to permit a greater diversity of land uses in the Residential B Designation, it is also recognized that this diversity increases the potential for land use conflicts. Over the past fifteen years, these communities have been transforming into more solid residential areas with the development of large

scale residential subdivisions directly off of Highway No. 333. Non-residential development has also been increasing in size and intensity due to the proximity of these communities to the expanding urban market. It is, therefore, the desire of the residents to place controls on the type and scale of non-residential uses, in order to minimize future land use conflicts.

The primary intent of the Residential B Designation is to support the low density residential environment and its associated facilities, while allowing for the continued development of a variety of business uses. To achieve this objective, business uses shall be confined to small scale operations which can be conducted from a home and/or from an accessory building. Although no restrictions will be placed on the types of businesses which may develop, land use conflicts will be minimized by placing controls on size, outdoor storage and display, signage, parking and the use of mechanical equipment. The designation shall also provide for the development of fishing and aquaculture operations, since it encompasses the coastal communities of Shad Bay and Bayside.

Given the service function which these communities provide to the surrounding area, provision will be made for the gradual integration of commercial development activities under controlled conditions. Larger scale industrial operations which require numerous accessory buildings and/or extensive storage areas for industrial equipment and supplies will be prohibited from developing within the Residential B Designation. Although such operations have the potential to conflict with the future style of development which is occurring throughout these areas, it is recognized that there are numerous existing commercial and industrial operations scattered throughout the designation, which must be accommodated. Provision will, therefore, be made to permit these existing commercial and industrial operations to expand and flourish, in recognition of past investments which have been made.

RB-1 It shall be the intention of Council to establish the Residential B Designation, as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to encourage the development of a low density semi-rural residential environment with its associated home business, natural resource and tourist related activities, while recognizing the service function which developments along Highway No. 333 provide.

RB-2 Within the Residential B Designation, it shall be the intention of Council to create a residential B-1 zone which generally applies to Goodwood, Hatchet Lake, Shad Bay and to the Highway No. 333 road frontage lands within the McGraths Cove and East Dover communities. This zone shall permit the development of single unit dwellings, open space uses, craft shops, **short-term bedroom rentals (RC-Feb 21/23;E-Sep 1/23)**, home businesses, limited fishery support and aquaculture support uses, limited agricultural uses and all existing business uses and all existing dwellings. In order to address compatibility concerns, provisions of this zone will place controls on the location and size of non-residential uses, as well as on signage, open storage and the use of mechanical equipment and parking for home business activities. The zone will also specify that outdoor display shall be prohibited for home business activities and that the businesses must be operated by a resident of the dwelling.

EXISTING INDUSTRIAL USES

While it is the intention of this Planning Strategy to make provision to accommodate existing industrial operations, new industrial ventures shall be prohibited from developing within most residential, resource, islands, conservation and park designations. These designations are generally intended to either support the low density residential environment or to preserve the natural environment. Large scale industrial operations which generate heavy truck traffic, require numerous accessory buildings, extensive outdoor storage areas for bulk equipment and may require waste facilities for lubricants, resins and oils, are generally viewed as being incompatible with the environments these designations are intended to support.

Given the vast amounts of vacant land situated within these designations, it is conceivable that industrial operations could be developed with minimal impact on the surrounding environment. Without a specific development proposal, however, it is difficult to identify specific areas where industry may be accommodated. It is also the desire of area residents to have input at a local public meeting, when such

proposals are advanced. It shall, therefore, be the intention of Council to consider amending the Planning Strategy to permit the future development of industry by development agreement when more specific development proposals are submitted.

- IU-3 It shall not be the intention of Council to designate any particular area for future industrial development on Map 1 - Generalized Future land Use.
- IU-4 Council may consider amending the planning strategy to permit new industrial uses by development agreement and the following conditions shall be considered by Council for inclusion in any such plan amendment:
- (a) that the proposal will not adversely affect nearby land uses by virtue of noise, traffic generation, dust, smoke, odour, and/or vibration;
 - (b) that the use is adequately separated and screened from any nearby residential and community facility uses or lands which could become potentially developed for residential or community facility purposes;
 - (c) that the scale and appearance of the development be consistent with the surrounding area;
 - (d) that the industrial operation shall not require access through a residential area;
 - (e) that the use can be serviced with an on-site sewage disposal system and does not involve the use of dangerous chemicals or produce wastes that can contaminate soils, watercourses or ground water resources;
 - (f) the impact of the industrial use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;
 - (g) the hours of operation of the facility; and
 - (h) the provisions of Policy IM-11.

Land Use By-law

PART 10: RB-1 (RESIDENTIAL B-1) ZONE

10.1 RB-1 USES PERMITTED

No development permit shall be issued in any RB-1 (Residential B-1) Zone except for the following:

Residential Uses

Single unit dwellings
Home business uses

Community uses

Open space uses

Commercial Uses

Craft shops
Bed and breakfast outlets

Resource Uses

Fishery support uses
Aquaculture support uses
Agricultural uses

Other Uses

Existing business uses

All existing dwellings

Denominational uses at 797 Prospect Road, Goodwood (RC-Feb 26/19;E-Apr 20/19)

10.2 RB-1 ZONE REQUIREMENT

In any RB-1 Zone, where uses are permitted in accordance with Section 10.1, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear Yard or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

10.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any RB-1 Zone the following shall apply:

- (a) Any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principal residence of the operator of the home business.
- (b) No more than one thousand (1,000) square feet (92.9 m²) of the combined gross floor area of any structure shall be devoted to a home business use.
- (c) No materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust.
- (d) All outdoor storage of materials, goods, supplies, or equipment related to the operation of the business shall not exceed ten (10) percent of the gross floor area of the home business and must be effectively screened by a vegetative cover.
- (e) No outdoor display shall be permitted.
- (f) No more than one (1) sign shall be permitted for any home business and no such sign shall exceed three (3) square feet (0.3 m²) in area.
- (g) One (1) off-street parking space other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any home business.

10.4 OTHER REQUIREMENTS: CRAFT SHOPS

Where uses are permitted as craft shops in any RB-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet (185.8 m²) of the gross floor area of all combined structures shall be used for any craft shop.
- (b) No materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust.
- (c) All outdoor storage or materials, goods, supplies or equipment related to the operation of a craft shop shall be limited to an area of three hundred (300) square feet (27.9 m²) and shall be screened from any adjacent residential uses.
- (d) All outdoor display shall be limited to one hundred (100) square feet (30.5 m²).
- (e) No more than one (1) sign shall be permitted for any craft shop and no such sign shall exceed sixteen (16) square feet (1.5 m²) of sign area on a single face or thirty-two (32) square feet (3.0 m²) for both faces combined.

10.5 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the rear and side yard set back requirements of Section 10.2, where fishery support uses are permitted in any RB-1 Zone, the following shall apply:

- (a) The combined gross floor area of all buildings directly related to the fishery support use shall not exceed three thousand (3,000) square feet (278.7 m²).
- (b) All fish and boat sheds shall be set back a minimum of eight (8) feet (2.4 m) from the rear and side lot lines, unless the lot line corresponds to the high water mark.
- (c) All fish and boat sheds may be built to the lot line which corresponds to the high water mark.

10.6 OTHER REQUIREMENTS: AQUACULTURE SUPPORT USES

Notwithstanding the rear and side yard set back requirements of Section 10.2, where aquaculture support uses are permitted in any RB-1 Zone, the following shall apply:

- (a) The combined gross floor area of all fish sheds, boat sheds, hatcheries, tanks, vats and pounds directly related to the aquaculture support use shall not exceed three thousand (3,000) square feet (278.7 m²).
- (b) All fish sheds, boat sheds, hatcheries, tanks, vats and pounds shall be set back a minimum of eight (8) feet (2.4 m) from the rear and side lot lines, unless the lot line corresponds to the high water mark.
- (c) All fish sheds, boat sheds, hatcheries, tanks, vats and pounds may be built to the lot line which corresponds to the high water mark.

10.7 OTHER REQUIREMENTS: AGRICULTURAL USES (Goodwood, Hatchet Lake, Shad Bay)

In any RB-1 Zone, in the Communities of Goodwood, Hatchet Lake and Shad Bay 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 erected on any lot having less than twenty-five thousand (25,000) square feet (2322.6 m²);
- (b) Exceed five hundred (500) square feet (46.4 m²);
- (c) Be less than eight (8) feet (2.4 m) from any lot line;
- (d) Be less than one hundred (100) feet (30.5 m) from a potable water supply except a supply on the same lot or directly related to the agricultural use;
- (e) Be less than sixteen (16) feet (4.9 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (f) Be less than twenty-five (25) feet (7.6 m) from any watercourse or water body.

10.8 OTHER REQUIREMENTS: AGRICULTURAL USES (McGraths Cove, East Dover)

In any RB-1 Zone, in the Communities of McGraths Cove and East Dover, where agricultural uses are permitted, and where any barn, stable or other building intended for the keeping of more than 20 domestic fowl or 10 other animals is erected, no such structure shall:

- (a) Be erected on any lot having less than 20,000 square feet (1858.1 m²);
- (b) Exceed 800 square feet (74.3 m²);
- (c) Be less than 8 feet (2.4 m) from any side lot line;
- (d) Be less than 100 feet (30.5 m) from a potable water supply except a supply on the same lot or directly related to the agricultural use;
- (e) Be less than 32 feet (9.7 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
- (f) Be less than 25 feet (7.6 m) from any watercourse or water body.

10.9 OTHER REQUIREMENTS: DENOMINATIONAL USES at 797 Prospect Road, Goodwood (RC-Feb 26/19;E-Apr 20/19)

Where denominational uses are permitted at 797 Prospect Road, Goodwood, no development permit shall be issued except in conformity with the requirements under Section 30.2 except for minimum lot area and frontage requirements.