

**HALIFAX**

**MUNICIPAL PLANNING  
STRATEGY  
FOR  
EASTERN SHORE  
(WEST)**

**THIS COPY IS A  
REPRINT OF THE  
MUNICIPAL PLANNING STRATEGY  
FOR EASTERN SHORE (WEST)  
WITH AMENDMENTS TO  
18 NOVEMBER 2006**

**MUNICIPAL PLANNING STRATEGY  
FOR  
EASTERN SHORE (WEST)**

**THIS IS TO CERTIFY** that this is a true copy of the Municipal Planning Strategy for Eastern Shore (West) which was passed by a majority vote of the former Halifax County Municipality at a duly called meeting held on the 4<sup>th</sup> day of March, 1996, and approved by the Minister of Municipal Affairs on the 29<sup>th</sup> day of March, 1996, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 18<sup>th</sup> day of November, 2006.

**GIVEN UNDER THE HAND** of the Municipal Clerk and under the seal of the former Halifax County Municipality this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

**MUNICIPAL PLANNING STRATEGY  
FOR  
EASTERN SHORE (WEST)  
(PLANNING DISTRICT 10)**

This document has been prepared for convenience only and incorporates amendments made by the Council of the former Halifax County Municipality on March 4, 1996, and includes the Ministerial modifications which accompanied the approval of the Minister of Municipal Affairs on March 29, 1996. Amendments made after this approval date may not necessarily be included and for accurate reference, recourse should be made to the original documents.

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## **INTRODUCTION**

This Municipal Planning Strategy has been prepared according to the provisions of the Planning Act, Chapter 9, Acts of 1983 and pursuant to a resolution of Municipal Council dated September 18, 1990. The Strategy covers the area as described in Appendix "A".

Pursuant to the Planning Act, Municipal Council's commitment to public participation, and instrumental to the planning process, a Public Participation Committee composed of land owners and residents representing the area's communities were formed. This Committee held prime responsibility for general public input and participation throughout the process. The Public Participation Committees held regular and special meetings and open houses, received written and oral representation from residents, conducted resident surveys, distributed information door-to-door throughout the Plan Area and submitted articles to local newspapers.

The Strategy is organized into four sections. Section I places the Plan Area within a regional context and provides a profile of demographic and development characteristics for the area. Section II discusses the status of, and provides the policy base for, environmental protection, environmental health, transportation, protection services and education related concerns. Section III contains the policies with respect to land use control. Section IV, the final section, consolidates the various means by which the strategy is implemented as provided for within the document and through the Planning Act.

The policies adopted by Municipal Council in this Strategy are prefaced by explanatory text which shall be considered as a legal part of the Strategy. The map which is included and specifically referred as the Generalized Future Land Use Map (Map 1), shall also constitute a legal part of this Strategy. The Generalized Future Land Use Map shall direct the preparation and amendment of the zoning map for the Plan Area.



# SECTION I

## **REGIONAL CONTEXT**

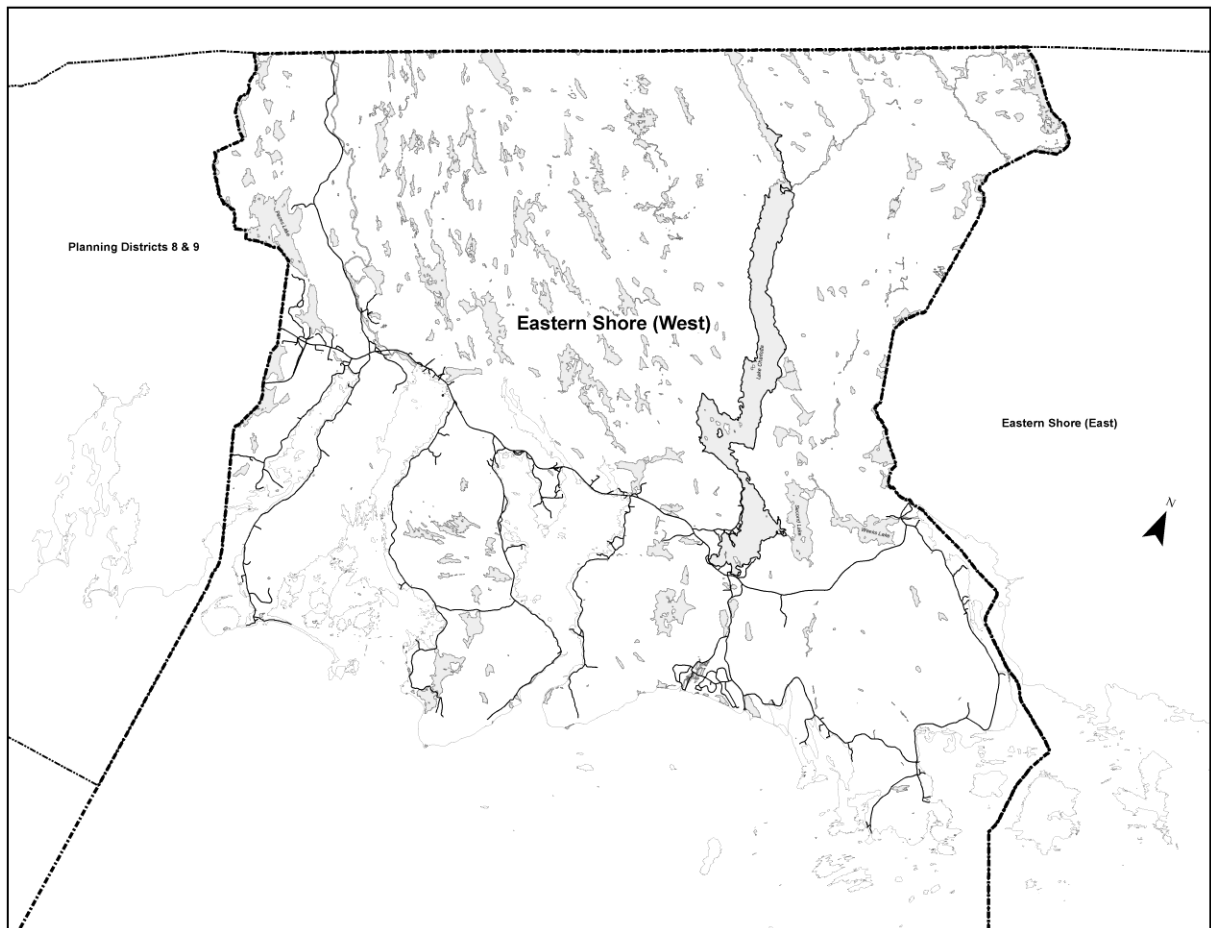
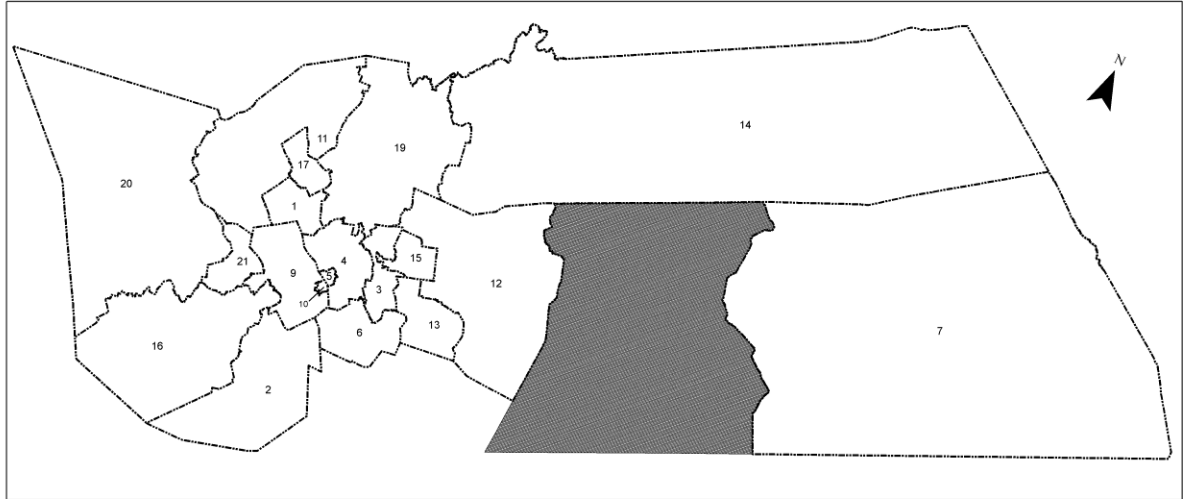
As shown on the Regional Context Map, the Plan Area is situated in the eastern region of Halifax County Municipality and extends along the coast from West Petpeswick to the Head of Ship Harbour. The Plan Area is bounded on the west by Planning District 9 and on the north by the Musquodoboit Valley - Dutch Settlement Plan Area, while the Eastern Shore (East) Plan Area serves as the eastern boundary. The Atlantic Ocean borders the Plan Area to the south.

The total area, consisting of approximately 264 square miles (683 km<sup>2</sup>), had a 1981 population of approximately 4,026. The Plan Area population increased by only 2 percent between 1981 and 1986. During the same period, Halifax County Municipality grew by 14.3 percent. The population for 1991 was recorded at 4,384 which represents a 7 percent increase since 1986.

With a population density of approximately 17 persons per square mile, the Plan Area is quite rural in nature. Virtually all of the area's communities stretch along Highway No. 7 and most of the settlements which dot the coastline areas have fewer than 100 residents. Musquodoboit Harbour is the largest settlement in the Plan Area.

Highway No. 7 is the main transportation route through the Plan Area. In addition to providing the primary link between many of the area's communities, this highway serves as an alternative route for trips from Metro-Halifax to Antigonish or Cape Breton. Highway No. 357, which extends from Musquodoboit Harbour to Meaghers Grant, links the Plan Area with the interior of the province.

## Eastern Shore (West)



## Population

Based on information from Census Canada data, the Plan Area had a 1981 population of approximately 4,026 persons and a 1986 population of 4,093. An increase in population to 4,384 persons was recorded in 1991. (source: 1981, 1986 and 1991 Census of Canada)

Based on available building permit data and the number of assessed dwellings, the estimated 1994 Plan Area population was 4,509. (source: Department of Planning and Development and Province of Nova Scotia Assessment Department)

In terms of age structure, Table 1 illustrates the 1991 population by age group. As shown in Table 1, the Plan Area has a smaller proportion of school-aged children than the County as a whole and a greater percentage of senior citizens. The proportions of young adults and older adults are less than that of the whole County. This trend seems to illustrate fewer young families and children, and an increase in the number of senior citizens.

TABLE 1: AGE STRUCTURE 1991

Total Population	County 136,882	Plan Area 4,384
Age Groups	%	%
0-14	24.5	17.7
15-24	14.1	11.2
25-34	19.4	13.9
35-44	18.5	13.3
45-64	17.2	21.5
65+	6.2	12.2

## Economic Activity

The traditional resource-oriented economy of the Eastern Shore is still very much evident in the Plan Area. Fishing and forestry remain the primary resource activities, although few residents today make their livelihood solely from these activities. Development related to the processing or manufacturing of natural resources is very limited in the Plan Area, and most of the local resource products are sold in an unprocessed state to the nearby urban market.

The aquaculture sector is becoming an increasingly important part of the local economy. The clean water and the many lakes and coastal inlets make the area ideally suited for aquaculture. With the establishment of the Nova Scotia Department of Fisheries Aquaculture Demonstration Centre at Ship Harbour, services are now available to aquaculture firms in the area to encourage the development of molluscan and finfish aquaculture.

A number and variety of retail and service establishments are distributed throughout the settled

areas and tend to be located along the main highway. The greatest concentration of commercial facilities is situated in the Musquodoboit Harbour and Smith Settlement areas. These commercial areas service many of the smaller communities in the Plan Area, however, many residents rely on the Halifax/Dartmouth area to fulfil many of their shopping and entertainment needs.

With some of the province's best beaches and coastal scenery, the Plan Area also supports a growing tourism industry. A number of motels, bed and breakfasts, campgrounds, restaurants, and shops and services compliment the areas' natural attractions.

# SECTION II

## ENVIRONMENT

### Sewage Disposal

The vast majority of development in the Plan Area is served by on-site septic tank and field disposal systems. Each building lot must be inspected by the Provincial Department of the Environment before the lot is approved for development purposes.

The provincial regulations respecting subdivision govern lot sizes. These regulations allow a provincial health inspector to require a range of lot sizes from twenty thousand (20,000) square feet (1,858 m<sup>2</sup>) to one hundred thousand (100,000) square feet (9,290 m<sup>2</sup>) according to the soil condition in an area.

A mapping survey of septic tank disposal system malfunctions in the province was carried out in 1978 by the Nova Scotia Department of Health and Fitness and the Department of Municipal Affairs. The survey showed that septic tank malfunctions occurred along Highway No. 7 in the Musquodoboit Harbour and Jeddore Oyster Pond areas. (source: On-site Sewage Disposal Systems Malfunctions, Survey and Report, Department of Health and Department of Municipal Affairs, 1980) The malfunctions occurred due to problems associated with bedrock, slow percolation and soil saturation. While septic tank malfunctions have not been reported in other areas of the Plan Area, this does not necessarily mean these areas have no limitations. A review of the map entitled, "Limitations for Septic Tank Absorption Fields for Nova Scotia" shows that all areas of the Plan Area have some limitation.

With continuing development in the Plan Area, the importance of adequate and well-maintained on-site services will become even more critical. One means of addressing this issue is through a public information program which outlines the maintenance requirements for on-site sewage disposal systems. By undertaking rural residential development only on lands which are suitable for on-site sewage disposal systems, and improving the design and maintenance of these systems potential health hazards will be reduced.

E-1 It shall be the intention of Council, in cooperation with senior government departments, to investigate and implement methods of public information and information dissemination relative to improving public awareness of on-site sewage disposal system maintenance requirements and other matters of environmental and public health concern.

### Alternate Systems

Innovations in sewage disposal technology may be appropriate in the Plan Area. In areas where standard septic tank applications would be expensive and likely to malfunction, consideration should be given to alternate methods of ensuring that development rights and public health maintenance do not conflict.

Such alternatives as clustered septic tanks with a single jointly managed disposal field or humus toilets should be examined as alternatives to conventional on-site septic disposal systems.

E-2 It shall be the intention of Council, in cooperation with the provincial Department of the Environment, to investigate the use of alternative on-site sewage disposal systems where

appropriate in the Plan Area.

### Water Supply

An adequate supply of potable water is essential to all human settlements. In the rural areas of Halifax County the majority of residents obtain water from private wells located on-site.

There are; however, problems associated with wells. Depending on soils and bedrock type, water composition and depth flows may be limited. Also, wells are affected by mineral contamination in the ground water supply. Uranium and arsenic which are dangerous to the public health, have been found in well water samples in some areas. Iron and manganese which affect water quality are prevalent. In coastal areas, salt water may intrude into wells and bacterial contamination may occur if wells are not properly constructed or are too close to septic systems.

The Provincial Department of the Environment maintains separation distances between wells and septic systems. Wells may be inspected by staff of the department at a property owner's request, however, there are no regulations affecting the type of water source used. In addition, areas where mineral contamination may occur have not been delineated. New lots can be approved without reference to any guidelines on a useable water supply.

E-3 It shall be the intention of Council, in cooperation with senior government departments in investigate areas where water quality or water quantity problems exist.

### Storm Water Management

Storm water normally flows through drainage systems which include rivers, creeks, lakes, ponds, marshes and other natural features. In rural areas, there is generally little notice of the impact of these drainage systems, but when development occurs, significant environmental and economic costs can arise as a result of changes in these systems. In developing areas, additional surface runoff from development can lead to erosion and sedimentation in rivers and lakes, and infilling of natural wetland and water retention areas. There is a growing recognition of the need to protect watercourses. Storm water management can provide a significant reduction in development associated drainage impacts and their consequent costs.

Storm water management has assumed a higher priority in the Municipality since Council's adoption of the Storm Water Task Force Report. This led to the passage of the Halifax County Storm Water Drainage Act in 1988, which is now consolidated with other special Acts under the Halifax County Charter. The County Charter enables the Municipality to enact its own controls over storm water drainage. In addition, storm water design criteria have been developed with additional attention given to engineering considerations during the subdivision stage of a development. These features are to be incorporated into a by-law which controls infilling, diversion and removal of natural storm water systems and requires adequate storm water drainage systems for both subdivisions and individual lots.

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



- E-4 It shall be the intention of Council to implement the Storm Water Policy and Design Criteria for types of development and in portions of the Plan Area where it is determined to be appropriate and feasible, through necessary amendments to the Subdivision By-law.

#### Protection of Watercourses

The provincial Department of the Environment has primary jurisdiction with regard to the protection of watercourses. The infilling, dredging, diversion, or alteration of any waterbody or watercourse requires a permit from this department. Unnecessary watercourse alterations can cause unforeseen problems such as flooding, erosion and siltation which may damage fish and wildlife habitat. In some instances, in order to divert, infill, or otherwise alter any watercourse or body of water, permission may be required from the federal Department of Transport (for navigable waters). These requirements, unfortunately, are all too often ignored.

- E-5 It shall be the intention of Council to strongly encourage the federal Department of Transport and the provincial Department of the Environment to enforce their regulations and guidelines governing infilling or other interference with watercourses within the Plan Area.

Poor construction practices, particularly in developing areas, can also result in damage to watercourses or bodies of water. A prime example is careless excavation which leads to increased siltation from uncontrolled runoff. Proper construction practice guidelines have been jointly prepared by the federal and provincial governments. However, while such guidelines are widely distributed, there are no provisions for their enforcement.

- E-6 It shall be the intention of Council to encourage the provincial Departments of Transportation and Communications and the Environment to enforce compliance with the Province of Nova Scotia Environmental Construction Practice Specifications.

The setback of buildings and structures from watercourses is necessary when development takes place in these areas because of the potential to damage the natural environment. Inappropriate and careless development near watercourses, including unnecessary and excessive removal of vegetation and mature trees can cause erosion, sedimentation, flooding and other detrimental side effects. In order to alleviate these problems, the land use by-law will establish setbacks from watercourses to provide appropriate buffer zone protection for watercourses and water bodies. Those uses which require direct access to the water, such as fish and boat sheds, will be exempt.

- E-7 It shall be the intention of Council, through the land use by-law, to establish requirements for setbacks from watercourses within the Plan Area which are appropriate to the environmental sensitivity of particular areas.

- E-8 It shall be the intention of Council to discourage the removal of trees and other vegetation within the setback areas established pursuant to Policy E-7, and to encourage all property owners, when developing property bordering watercourses, to maintain a natural woodland buffer within setback areas.

## Solid Waste Management

In most areas of the municipality, solid waste collection is contracted to private firms on a weekly pick up basis. Waste is then transferred to the regional waste disposal facility located in Upper Sackville.

Within the Plan Area, municipal waste collection is provided by a private firm on contract with the Municipality. Waste is disposed of in the regional facility. Up until April 1992, collection services were provided privately and household waste was disposed of in private dumps near Bayers Lake north of Musquodoboit Harbour, and near Lake Charlotte off the No. 7 Highway. These facilities were, however, ordered closed by the provincial Department of the Environment in accordance with new regulations respecting waste disposal sites.

With the impending closure of the regional waste disposal facility, the Metropolitan Authority initiated a process to find a future landfill site in August of 1989. As part of this process, the Metropolitan Authority prepared a solid waste management strategy which proposed the construction of a waste-to-energy plant (incinerator) and a landfill for residual ash. This proposal, however, was rejected by the Minister of the Environment and an alternative strategy and landfill site must now be developed before the closing of the Upper Sackville facility on December 31, 1996.

On August 9, 1994, the Metropolitan Authority passed a resolution requesting Halifax County Municipality to assume responsibility for solid waste management. By resolution dated September 6, 1994, Municipal Council accepted responsibility for solid waste management on behalf of the four metropolitan Halifax region municipal units. Acceptance is on the basis of certain principles which form the basis for the Municipality's position on solid waste management.

An underlying principle of the Municipality's position is to make available to the general public and all interested parties all information and details relevant to the development of the next waste management strategy, including the siting of a landfill. This is to be ensured through a consultative process which forms part of the Municipality's position. This process has been recognized by the Provincial Round Table on the Environment as a preferred method of public participation and is consistent with Planning Act objectives aimed at ensuring public consultation and participation into decisions which affect community development. It is an open, non-adversarial approach to decision-making in which all stakeholders are provided with equal representation.

- E-9 It shall be the intention of Council to make available to the general public and all residents of the Plan Area, all information and details related to the development of the Halifax metropolitan region's next solid waste management strategy and landfill and to encourage the participation by all stakeholders in the consultative process which forms the basis for the Municipality's acceptance of responsibility for solid waste management.
- E-10 It shall be the intention of Council to investigate, in cooperation with other levels of government, programs for reducing waste and for waste reclamation.
- E-11 It shall be the intention of Council to support community based recycling, reduction and reclamation efforts and to initiate public education campaigns on these matters.

E-12 It shall be the intention of Council to support annual domestic hazardous waste collection.

In the Lake Charlotte area there is an existing salvage depot and recycling facility. The site is situated to the south west of the intersection of Highway No. 7 and the Clam Bay Road. Prior to 1992, Lake Charlotte Sanitation also operated a waste disposal facility, collecting household and commercial refuse for disposal on-site.

There is support in the community for the continued operation of this existing facility. In addition, a need has been identified for a community based transfer facility, where refuse would be stored temporarily prior to transfer to a regional waste disposal facility.

E-13 It shall be the intention of Council to recognize Lake Charlotte Sanitation as an existing salvage depot and recycling facility and to permit this facility to continue to operate. Further, it shall be the intention of Council to investigate the location of a community based waste transfer facility within the Plan Area as a component of the region's next solid waste management strategy.

On March 25, 1995, the community stakeholder committee (CSC) adopted in principle, "An Integrated Resource Management Strategy", which was later adopted in principle by all four municipal units involved. The Waste Management Strategy establishes goals for the diversion of solid waste from the new landfill site. The goal of the strategy is to reduce the amount of solid waste disposed of at the new landfill site from 97 percent of total waste generated to approximately 12 percent. The Waste Management Strategy is made up of a number of components which must be implemented together in order to achieve its objectives. A significant increase in composting activity is considered essential to meeting or exceeding waste diversion targets as well as ensuring that organic wastes are not disposed of at the new regional landfill site.

To achieve the desired diversion target, the strategy focuses on the diversion of organic matter from the waste stream through personal (backyard) composting<sup>1</sup> and source-separated composting<sup>2</sup>. Personal composting is intended to divert approximately 30 percent of the total residential organics while source-separated composting is intended to divert 60% of the total organics. Personal composting has been promoted by the Municipality through the subsidization and distribution of personal composters.

E-14 It shall be the intention of Council, in support of the Integrated Waste Management Strategy adopted in June 1995, to support the location of composting operations in the MU (Mixed Use) Zone and I-1 (Business Industry) Zone subject to compliance with provincial and municipal guidelines and regulations.

**(Deletion: RC-Sep 10/02;E-Nov 9/02)**

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<sup>1</sup> "Personal (backyard) Composting" means the composting of organic solid waste, such as grass clippings, leaves or food waste, at a residential dwelling site where the waste is generated by the residents of the dwelling and/or neighbourhood units, provided that the annual production of the compost does not exceed 60 cubic metres.

<sup>2</sup> "Source-Separated Composting" means a commercial/municipal/industrial solid waste management facility where compostable materials are separated at the source and the waste is processed using composting technology which may include physical turning, windrow, in vessel, static pile aeration or other mechanical handling of organic matter.

### Environmentally Sensitive Areas

Environmentally sensitive areas can be protected through the use of conservation zoning. At this time there are no scientific studies which identify specific environmentally sensitive areas in the Plan Area. However, should such areas be identified, amendments to the land use by-law will be considered to establish the necessary protection by including these areas within the Coastal Conservation Zone.

- E-16 It shall be the intention of Council to encourage the necessary scientific studies to identify environmentally sensitive areas requiring specific protection, and to consider amending the land use by-law by applying coastal conservation zoning in such areas.

The acquisition of environmentally sensitive areas by government agencies is one mechanism by which some level of long term protection can be provided. However, this approach is simply not an option in many circumstances. It is necessary, therefore, to find other ways to preserve these areas while they remain in private ownership. Protection through private land stewardship initiatives offers an alternative to public acquisition.

- E-17 It shall be the intention of Council to investigate opportunities for providing greater protection of environmentally sensitive areas through private land stewardship initiatives.

### Resource Extraction

Extractive operations are recognized as an important land use from an economic perspective, as these types of operations provide employment opportunities. However, extractive operations can potentially create harmful effects on the natural environment and cause nuisance to surrounding development.

- E-18 It shall be the intention of Council to strongly encourage the provincial Department of the Environment to adopt regulations for pits and quarries under the new Environment Act.
- E-19 It shall be the intention of Council to adopt Municipal By-law 42 (Blasting and Dangerous Materials By-law) within the Plan Area.

### Forestry

The Municipality has limited jurisdiction with respect to forestry activities. It must therefore rely on senior levels of government to properly manage the forest resource and ensure that adequate protection is provided for wildlife and wildlife habitat, and watercourses.

- E-20 It shall be the intention of Council to strongly encourage the provincial Department of Natural Resources to implement and strictly enforce the Forest and Wildlife Guidelines and Standards for Nova Scotia for all forest harvesting programs within the Plan Area

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

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

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

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

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

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

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

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

- SW-1** It shall be the intention of Council to initiate an education and public awareness program for builders, home renovators and developers describing best practices for maximizing the amount of C&D materials recycled, reused and/or diverted from municipal landfill.
- SW-2** It shall be the intent of Council to review its construction and procurement practices to ensure that C&D debris materials resulting from municipal construction projects are diverted to appropriate reuse and recycling facilities.
- SW-3** Further to Policy SW-2, Council shall encourage provincial and federal agencies working within HRM to also review their construction and procurement practices to support recycling / reuse of C&D materials.

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

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

- SW-4** It shall be the intention of Council to provide a consistent approach to permitting C&D operations throughout HRM. Further, the Land Use By-law shall clearly define each type of operation and implement measures to minimize the impact of C&D operations on surrounding land uses and watercourses.
- SW-5** It shall be the intention of Council to prohibit C&D operations from establishing in areas designated residential, community facility, or environmentally sensitive.

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

### **Transfer Stations And Processing Facilities**

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

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

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

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;
- (c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (d) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (f) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (g) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (h) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (i) no portion of the operation shall be located within a floodplain (1:100 year event);
- (j) consideration shall be given to the adequacy of onsite or central services; and
- (k) provisions of Policy IM-10

**SW-7** A CD-2 (C&D Recycling Operations) Zone shall be established in the land use by-law. The zone shall permit C&D recycling operations and CD-1 zone uses, excluding disposal, and shall establish controls on setbacks from adjacent uses, provide buffering and screening, landscaping measures, regulate access and outdoor storage in order to minimize impact on adjacent uses. Amendments to

the schedules of the land use by-law to permit new CD-2 Zone uses shall only be considered where such operations are within the Industrial Park and Mixed Use Designations, and pursuant to criteria of Policy SW-6.

### C & D Disposal Facilities

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

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

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

- (a) Facilities which dispose of only inert C&D materials<sup>3</sup> for which Ministerial approval and a permit from the Department of the Environment are not required.
- (b) Facilities which dispose of all types of C&D materials (inert and non-inert) for which Ministerial approval is required. These operations require a permit from the Department of the Environment and Labour in accordance with Provincial “Construction and Demolition Debris Disposal Site Guidelines”, to address the design and operational requirements.

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

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

**SW-8 A CD-3 (C&D Disposal) Zone shall be established in the land use by-law. The zone**

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<sup>3</sup> **Inert materials** are defined as “rock (excluding sulphide bearing rock), aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, milled wood that is free of adhesives, coatings or preservatives”.



shall permit C&D disposal operations, CD-2 zone uses and establish controls relative to setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impact on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D disposal operations shall be considered where such operations are within the Industrial Park and Mixed Use Designations and pursuant to the following criteria:

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

### Site Plan Approval

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

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

### Existing C&D Operations

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

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

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

### Community Liaison Committee (CLC)

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

**SW-12** Council shall recommend to the N.S. Department of the Environment and Labour

**that a Community Liaison Committee be established for all C&D disposal operations within HRM**

## **INFRASTRUCTURE CHARGES (RC-Jul 2/02;E-Aug 17/02)**

Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs. This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.

Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.

Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.

The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal

planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

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

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

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

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

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

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

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

**IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of

**Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

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

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

## **INTERIM GROWTH MANAGEMENT (Deleted: RC-Jun 27/06;E-Aug 26/06)**

### **TRANSPORTATION**

#### Roads

The road network within the Plan Area is dominated by Highway No. 7 which runs east-west along the coast. Highway No. 7, which extends from Dartmouth through Musquodoboit Harbour, Ship Harbour and beyond, is part of the Marine Drive Travelway as identified by the Nova Scotia Department of Tourism. Route No. 7 is the only truck highway in the Plan Area. It is classified as a Type "C" Arterial Highway.

Highway 357 runs from Musquodoboit Harbour to Meaghers Grant (in the Musquodoboit Valley - Dutch Settlement Plan Area). This collector road runs through an essentially unsettled portion of the Plan Area and serves as an important link with the interior of the province. Highway 357 is classified as a Type "F" Collector Highway.

Another important feature of the transportation network is Highway No. 107, which will eventually extend throughout the Plan Area. In November of 1991, the extension of Highway No. 107 to Musquodoboit Harbour was completed. The completion of this section now provides a one hundred series highway link or Type "B" Freeway between Dartmouth and Musquodoboit Harbour.

The extension of Highway No. 107 through the Plan Area is recognized as a key component in the future development of the Plan Area. While a future transportation corridor is under consideration for the extension of Highway No. 107, no firm alignments or start up dates have been identified.

With respect to transportation matters, such as the future alignment of the Highway No. 107 extension, the Municipality has very limited jurisdiction. The future alignment of Highway No. 107, however, is a fundamental component of local planning. In May of 1992, the provincial Department of Transportation and Communications held an open house in the community in order to review options for the next phase of Highway No. 107. Planners from the Department sought input from the residents as to their preferred location for a connector road between the Highway No. 107 extension and Highway No. 7. Many of the residents who attended felt the open house was an important and positive first step in involving community participation in the decision making process. The residents of the Plan Area strongly urge the province to continue to seek community consultation regarding the future alignment and development of Highway No. 107.

T-1 It shall be the intention of Council to strongly urge the provincial Department of Transportation and Communications to involve community participation in the decision making process regarding the future alignment of Highway No. 107.

### **Private Road Development (Deleted: RC-Jun 27/06;E-Aug 26/06)**

### Road Frontage Requirements

The road network within the Plan Area was originally designed for a sparsely populated rural area. However, in recent years an increase in development has resulted in more driveways and more traffic. Highway No. 7 has been especially affected by increased development, as a growing number of accesses is beginning to detrimentally affect both public safety and the flow of traffic, thereby increasing travel time.

Increased frontage requirements will be established for new lots located along collector routes in order to minimize the number of accesses and to promote the rural character of the Plan Area without restricting the development rights of landowners. Provision will be made to prevent undue hardship to landowners by providing some opportunity to subdivide existing properties with limited frontage.

- T-3 It shall be the intention of Council, through the Land Use By-law for the Plan Area, to establish minimum road frontage requirements along Highway No. 7 and Highway No. 357 of one hundred and fifty (150) feet (45.7 m).
- T-4 Notwithstanding Policy T-3 (above), it shall be the intention of Council, through the Land Use By-law for the Plan Area, to permit the subdivision of any lot, in existence at the time of adoption of the planning strategy, into no more than two (2) lots or one (1) lot and a remainder, provided that each lot has a minimum frontage of one hundred (100) feet (30.5 m).

### Canadian National Railway Right-of-Way

Although the Municipality has limited jurisdiction over the future development or reuse of the abandoned Canadian National Railway right-of-way, the planning strategy advocates the future establishment of a non-motorized recreation corridor on these lands.

The Nova Scotia Department of Natural Resources has recently completed an evaluation of the abandoned right-of-way and other adjacent provincially owned lands. It is the Province's intention to develop the right-of-way as a linear or corridor park system with access points for sport fishing, canoeing and other related recreational activities.

While some residents in Musquodoboit Harbour are concerned that there may be negative impacts associated with developing the right-of-way for public recreation purposes in areas where it passes in close proximity to their properties, it is generally felt that all options for the future reuse of the right-of-way must be carefully examined before any decisions are made with respect to disposing of any sections.

- T-5 It shall be the intention of Council to encourage the provincial Department of Natural Resources to retain ownership of the abandoned railway right-of-way in the area of the right-of-way which transverses the Plan Area in order that the long term opportunities for developing the right-of-way as a non-motorized recreation corridor can be fully examined.



## Utility Corridors

Utility corridors, such as pipe and power lines, can have detrimental impacts on the environmental and aesthetic qualities of communities. The siting of utility corridors should, therefore, be subject to municipal review due to the effects upon scenic, recreational, residential and environmentally sensitive areas of the Municipality and to general development patterns.

T-6 It shall be the intention of Council to require all utility companies to submit proposed plans of any utility corridors prior to approval of construction. Furthermore, Council shall prohibit the location of utility corridors through scenic, recreational, residential and environmentally sensitive areas of the Municipality.

# SECTION III

## **SUBDIVISION OF LAND**

### **Reduced Frontage Requirements**

In many parts of the Plan Area, traditional approaches to landownership have resulted in the creation of numerous long narrow strips of land. These often extend back miles from the ocean or a lake to the boundary of the original land grant with many having insufficient road frontage to permit subdivision under current regulations. Many are still owned by the descendants of the original grantees who wish to continue the custom of giving a piece of the backland to family members to build upon.

While consolidation of these strips is the logical and preferable solution to many of the development problems, it is recognized that this is not always practical. In many cases, financial or other hardship may be incurred if subdivision is not permitted. In order to allow reasonable use and development of strip lots, some reduction of subdivision standards is justifiable.

The Subdivision By-law contains provisions which are designed in part to ease the development problems of these narrow strips of land. Those provisions permit the creation of an additional lot which does not have the required minimum frontage on a public road. There is support in the more rural areas to allow for the creation of additional lots. There is no wish, however, to create a large number of lots with narrow frontage as this is seen as creating potential traffic hazards due to the increased number of accesses onto local streets or highways.

- L-1 It shall be the intention of Council to apply the lot frontage exemptions of Part 14 of the Subdivision By-law within the Plan Area.
  
- L-2 It shall be the intention of Council to amend the Subdivision By-law to allow, within the MU (Mixed Use), R-6 (Rural Residential), FI (Fishing Industry) and FV (Fishing Village) Zones, the creation of a maximum of three lots having a minimum road frontage of twenty (20) feet (6.1 m), from an area of land existing on the effective date of this planning strategy. This provision shall not apply to Highway No. 7 and Highway No. 357.

### **Subdivision of Lots With More Than One Main Building**

The former practice of family members constructing more than one home or other building on the family property has also led to problems with subdivision. The problem often arises when it becomes necessary to provide legal proof of ownership of the land when selling or arranging a mortgage for one of the properties. The Subdivision By-law offers only limited relief in these cases and it is felt that more flexible regulations with respect to required frontage and area, such as are contained in the provincial regulations, should generally apply.

An additional problem in resolving boundary lines in such cases is that many of the buildings or structures were built prior to the adoption by the Municipality of modern building standards. This has resulted in main and accessory buildings being located closer to each other than current regulations allow. As it is often impossible to subdivide without encroaching into a required side yard, it is felt that reduced yard requirements for accessory buildings and structures be allowed in such cases.

- L-3 It shall be the intention of Council to amend the Subdivision By-law so that where more than one main building exists on a lot or parcel of land on the effective date of this planning strategy, the lot or parcel may be subdivided to create up to the same number of lots as there are main buildings and a remainder lot provided that the remainder lot meets the requirements of the Subdivision By-law.
- L-4 It shall be the intention of Council, where a proposed lot or remainder lot cannot be subdivided without encroaching upon the required yard for an accessory building, to provide for a reduction to any such required yard through the land use by-law.

### Lot Area Requirements

The larger lot sizes required for developments utilizing on-site services create a less concentrated community environment than do those found in more urban areas. This larger lot size and resultant lower density has become attractive to additional development. It is important, therefore, that the character which results from this density be supported by maintaining an emphasis on on-site servicing and encouraging new development on the basis of larger minimum lot sizes within the Plan Area.

- L-5 It shall be the intention of Council to support the continued development of a low density rural environment by encouraging new development on the basis of a larger minimum lot size.
- L-6 It shall be the intention of Council to establish a minimum lot size of forty thousand (40,000) square feet (3716 m<sup>2</sup>).

It is recognized that introducing a larger minimum lot size of 40,000 square feet (3716 m<sup>2</sup>) would exceed the minimum size required by the provincial Department of the Environment. It is also recognized that this larger lot size requirement may cause hardship to some landowners who wish to subdivide existing properties with limited overall area. Some flexibility will, therefore, be provided to prevent undue hardship.

- L-7 It shall be the intention of Council to amend the Subdivision By-law to allow, within the MU (Mixed Use), R-6 (Rural Residential), FI (Fishing Industry) and FV (Fishing Village) Zones, the creation of a maximum of three (3) lots having a minimum lot area of twenty thousand (20,000) square feet (1,858 m<sup>2</sup>), from an area of land existing on the effective date of this planning strategy.

### Access by Water Lots

Prior to adopting the Subdivision By-law in 1985, the subdivision of land on the basis of access by a navigable watercourse was permitted. This provision allowed subdivision to occur where no road access existed. Lots were required to be provided with a suitable parking area and boat launching facilities with access from a public street of highway or a private road.

The provisions to allow the creation of access by water lots were removed from the Subdivision By-law primarily due to past problems experienced with the provisions. The main problem being experienced had been the misuse of the provisions where certain landowners were able to create

lots on the basis of access by water only and then provided road access. The road access was not maintained and in turn, the subsequent purchasers of these lots who had never intended to access them by water requested that County Council upgrade the road. Council refused on the basis that the road access was not only private, but that the purchasers had in fact purchased lots which were to be accessed by water, not by road.

In the Plan Area, there are a number of opportunities where allowing the creation of access by water lots could be beneficial. In reintroducing the provisions, however, care has been taken to design the provisions in such a way as to limit future misuse. The primary consideration in creating the new provisions was to ensure that no road access was available. This has been achieved by requiring that any proposed lot be a minimum of one and one quarter (1.25) miles (2 kms) from any public or private road. The number of lots which may be created under this provision would be limited to six (6) or five (5) lots and a remainder lot.

L-8 It shall be the intention of Council to amend the Subdivision By-law to allow, within the MU (Mixed Use) Zone, the creation of a maximum of six (6) access by water lots or five (5) access by water lots and a remainder lot from an area of land existing on the effective date of this planning strategy subject to the following conditions:

- (a) that each proposed lot has frontage on a navigable watercourse;
- (b) that each proposed lot is located at least one and one quarter (1.25) linear miles (2 kms) measured over land from any public street or highway or private road;
- (c) that each proposed lot has a minimum lot area of fifty thousand (50,000) square feet (4645 m<sup>2</sup>);
- (d) that each proposed lot has a minimum water frontage of one hundred and fifty (150) feet (45.7 m) measured in a straight line from where the side lot lines meet the watercourse; and
- (e) that each proposed lot has a minimum lot width of one hundred (100) feet (30.1 m) measured between the side lot lines.

### Waterfront Lots

The Plan Area's natural coastline and many freshwater lakes offer many attractive opportunities for waterfront development. The attraction of these areas is evidenced by the demand for waterfront property and increase in waterfront development.

The provincial Department of the Environment requires that any lot created within seventy-five (75) feet (22.9 m) of a watercourse must have a minimum lot area of forty thousand (40,000) square feet (3716 m<sup>2</sup>). In addition, an on-site septic disposal system must be a minimum of one hundred (100) feet (30.5 m) from a watercourse. However, there is currently no minimum lot width required at the point where the lot lines meet the watercourse. Because no minimum lot width is required at the water, the potential exists for lots to be created with very narrow "water frontage".

The effect of a large number of lots with water frontage is cumulative and may lead to the disruption of the natural aquatic environment. As development occurs, the vegetation along the shoreline is often removed. In addition, property owners make other "improvements" to their piece of the waterfront with the construction of wharves, man-made beaches and retaining walls.

While it may take many years for the effect of over-development to become obvious, the end result is inevitable. When a freshwater shoreline or coastal area is over-developed, the combined effects of pollutants and other pressures will cause a degraded environment from both an ecological and aesthetic point of view.

Two primary objectives of this planning process were to preserve the rural character of the Plan Area and to protect the natural environment. However, it is also recognized that some level of development must be permitted to occur along the lakeshores and coastal areas of the Plan Area. In order to balance these objectives it is deemed appropriate to establish a minimum lot width (to be measured) at the waterfront. To include such a standard should help to mitigate the impact of waterfront development by reducing the number of lots which could be created directly on the waterfront thereby lowering the overall density of development and offering some degree of protection to lakeshores and coastal areas.

L-9 It shall be the intention of Council, through the land use by-law for the Plan Area, to establish a minimum lot width requirement of one hundred (100) feet (30.5 m) to be measured in a straight line where the side lot lines meet the watercourse for any lot created with frontage on a watercourse or coastal area.

As is the case with introducing a larger minimum lot size requirement (Policy L-6), it is also recognized that requiring a minimum lot width for lots which have water frontage may cause hardship to some landowners who wish to subdivide existing properties. Some flexibility will, therefore, be provided to prevent undue hardship.

L-10 It shall be the intention of Council to amend the Subdivision By-law to allow, within the MU (Mixed Use), R-6 (Rural Residential), FI (Fishing Industry) and FV (Fishing Village) Zones, the creation of a maximum of three (3) lots having a minimum lot width (as described in Policy L-10) of twenty (20) feet (6.1 m), from an area of land existing on the effective date of this planning strategy.

### Fish and Boat Shed Lots

The use of land for fish and boat sheds deserves special attention in this Plan Area where there are not only a number of licensed fisherman, but also a considerable number of residents who fish and boat for recreational purposes. While public boat launching facilities are provided in some areas, many residents desire a more convenient location for launching and hauling out boats, as well as for landing catches, storing equipment and carrying out routine boat maintenance.

The creation of smaller lots for fish and boat sheds requires an amendment to the Subdivision By-law. It is also necessary to indicate to the buyers of the fish and boat shed lots that these types of lots are approved for this purpose only and are not for any residential or other use.

L-11 It shall be the intention of Council to amend the Subdivision By-law to permit the creation of fish and boat shed lots subject to the following conditions:

- (a) that fish and boat shed lots shall only be created on lands zoned MU (Mixed Use), FI (Fishing Industry) and FV (Fishing Village) and having water frontage on a navigable watercourse; and

- (b) that the area of any fish and boat shed lots shall not be greater than five thousand (5,000) square feet (464.5 m<sup>2</sup>), but there shall be no required minimum area, width or length.

L-12 It shall be the intention of Council to amend the Subdivision By-law so that where any fish and boat shed lot is approved, the following words shall be written or stamped on any FINAL subdivision plan which is endorsed: "Lots \_\_\_\_ and \_\_\_\_ can be used only for the purposes of storing or repairing boats and fishing equipment as provided for in Sections \_\_\_\_ and \_\_\_\_ of the Land Use By-law for \_\_\_\_\_ (the Plan Area)".

## **SPECIALIZED HOUSING**

### **Garden Suites**

A garden suite is a detached housing unit which is placed in the yard of an existing single unit dwelling. It is intended to provide housing accommodation for the elderly relative(s) of the occupants of the principal dwelling.

With the cost of care for the elderly increasing, and the availability of affordable housing options decreasing, the garden suite offers an attractive housing alternative. However, there are several issues which must be addressed in order to accommodate and successfully integrate garden suites into existing residential areas. These include servicing, access, maintenance, scale and site design.

Another issue which arises is how to control the occupancy of the garden suite. While the principle behind garden suites is to provide a form of affordable housing for elderly relatives, the Planning Act does not provide the authority to regulate who occupies the unit. It is recognized, therefore, that while garden suites would be permitted in the Plan Area, the occupancy of the unit could not be regulated.

SH-1 In recognition of the contribution that garden suites can make towards providing affordable housing for the elderly residents of the Plan Area, it shall be the intention of Council to permit garden suites within the MU (Mixed Use), R-6 (Rural Residential), FI (Fishing Industry), FV (Fishing Village) and RE (Rural Resource) Zones subject to specific performance standards to address matters of servicing, access, maintenance, scale and site design.



## **SIGNAGE**

Signage along Highway No. 7 is a growing concern of many residents, particularly those interested in promoting the area as a tourist destination. In some locations, the proliferation of signs has become a visual and aesthetic problem. This situation is particularly bad where Highway No. 7 meets Highway No. 107. Concerns have also been expressed regarding the physical appearance and general quality of signage used within the Plan Area.

- S-1 It shall be the intention of Council to include signage regulations within the land use by-law and to strictly enforce such regulations.
- S-2 It shall be the intention of Council to encourage the provincial Department of Transportation and Communications to strictly enforce its regulations pertaining to signage within its highway rights-of-way.
- S-3 It shall be the intention of Council to encourage the provincial Department of Transportation and Communications to establish uniform directional type signage along Highway No. 7 at the entrances to local roads, an example of which is illustrated in Appendix "B".

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

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

**Policy S-4 Further to Policy S-1, the land use by-law shall not contain sign provisions for signs regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs).**

## RECREATION

### General Parkland Acquisition

The acquisition of recreational land is generally accomplished through the parkland dedication or cash-in-lieu provisions of the Municipality's Subdivision By-law. In addition, community groups are involved in the provision of recreational facilities such as ball fields and neighbourhood parks.

R-1 It shall be the intention of Council to continue to accept land or cash-in-lieu for public park and recreational purposes as provided for by the Subdivision By-law. In this regard, Council shall attempt to acquire property which:

- (a) complements existing and proposed public lands and facilities;
- (b) provides a variety of recreational and open space opportunities;
- (c) helps to provide a focus for the community.

R-2 It shall be the intention of Council to encourage and support local community groups in the provision and development of recreational opportunities.

### Protecting Areas of Traditional Water Access

As the development of coastal areas and lakeshores occurs within the Plan Area, lands that have been traditionally used by local residents as points of access to the water may disappear. The loss of these areas may come about as a result of new development or access may become blocked due to changes in land ownership.

In order to protect areas of traditional water access, it is important that local communities with the assistance of the Municipality identify these areas and pursue efforts to protect and ultimately acquire important waterfront lands.

In the pursuit of acquisition of such areas, it may be appropriate to seek the cooperation of the Province. Since a large percentage of the land within the Plan Area is Crown Land, it may be possible to exchange crown land for privately owned lands which offer key points of access to coastal areas and lakeshores.

R-3 In support of the desire to protect areas of traditional water access to the Plan Area's coastline and lakeshore areas, it shall be the intention of Council to cooperate with local ratepayers, recreation and heritage groups, in identifying, protecting and ultimately acquiring key waterfront lands. Furthermore, Council shall cooperate with and encourage the Province to investigate the exchange of crown lands for privately owned lands as a means to acquire traditional areas of water access which are important to local communities.

### Improving Public Access to Government Wharves

The existing government wharves located at Petpeswick Harbour, Jeddore Harbour, Little Harbour and Owls Head provide some opportunity for the public to gain access to the water. However, these facilities are used primarily by the local fishermen, and generally do not have adequate

launching facilities for use by the general public.

An interest has been expressed by the residents of the Plan Area to investigate the upgrading of the existing government wharf areas in order to provide for improved public access. Necessary improvements would include the provision of public parking areas and launching facilities for use by the general public.

R-4 It shall be the intention of Council, in cooperation with the Small Craft Harbours Branch of the federal Department of Fisheries and Oceans, to investigate the upgrading and improvement of the existing government wharf facilities within the Plan Area. Improvements to be investigated should include the provision of public parking areas and boat launching facilities for general public use.

## **HERITAGE PRESERVATION**

The preservation of sites and structures of historical significance within the Plan Area is an important community concern.

HP-1 It shall be the intention of Council to further the objectives of heritage preservation within the Plan Area through the Municipality's Heritage Property By-law. Furthermore, Council shall cooperate with local heritage groups in matters pertaining to heritage resources in the Plan Area.

## **EXISTING USES**

Prior to the adoption of this planning strategy, the Plan Area fell under the provisions of Zoning By-law No. 24. For the most part, the area was zoned "General Building". Under the General Building Zone most uses were permitted by right.

There were, however, two exceptions to this general rule, in that mobile home parks and salvage yards could only proceed subject to receiving the appropriate zone. The appropriate zone could only be applied following a public hearing process.

The limited zoning controls that were in effect have resulted in a mixed land use pattern, with residential, community facility, resource, and commercial uses standing side by side. This interspersed development pattern has not caused any apparent problems, and conflicts between the various land uses have been few in number. The general feeling is that since these uses were established according to the rules of the day and have usually caused no problems, the vast majority should be recognized and permitted to continue as existing uses with some expansion rights.

Therefore, the vast majority of existing uses will be given an appropriate zone. This will allow them all the rights of the zone and the ability to expand up to the limits imposed by the zone. However, there may be instances where a use may have been missed or does not fall into a specific zone. For example, new uses of a certain type must proceed by development agreement and thus there is no specific zone for them. Therefore, a general provision in the by-law will recognize those uses not specifically permitted in the zone in which they are located, and offer them some by right expansion capability based on the nature of the use.

EX-1 It shall be the intention of Council to treat existing uses, not otherwise permitted in the zone in which they are located, as existing permitted uses. In addition, such uses will be afforded the development rights of the zone in which they are permitted or based on the nature of the use, to the development rights contained in the general provisions of the land use by-law.

# SECTION IV

## **LAND USE INTENT**

Future land use within the Plan Area will be directed by land use policy and more specifically by land use designations. These designations are set out in the Generalized Future Land Use Map (Map 1) and are as follows:

Mixed Use Designation  
Fishing Industry Designation  
Industrial Park Designation  
Coastal Designation

The Mixed Use Designation recognizes the rural character and traditional land use pattern of the Plan Area. The designation has been applied to existing settlement areas along the transportation routes and to much of the backland and coastal areas surrounding existing communities. Support is given to continued rural mixed development.

The Fishing Industry Designation recognizes the fishing communities along the coastal areas of Jeddore Harbour and Little Harbour. The designation supports the continuation of the fishing industry and those activities directly related to the industry. Support is also given to continued residential, commercial and resource development and community uses.

The Industrial Park Designation recognizes the industrial park in Musquodoboit Harbour. The designation supports a range of light industrial and commercial uses, and activities normally associated with industrial and commercial development.

The Coastal Designation recognizes the coastal park areas and other publically and crown owned lands and islands located along the coast of the Plan Area. The designation supports only those uses consistent with long term park objectives and overall coastal protection.

## **MIXED USE DESIGNATION**

A majority of the lands within the Plan Area are located within the Mixed Use Designation. The designation supports the continuation of the existing land use pattern, providing for a wide range of residential, commercial, resource, traditional and community facility uses.

The settled areas of the Mixed Use Designation are typically spread out along the highway. There is often no clear visual break between one community and the next. The communities are characterized by a mixture of single unit dwellings including mobile dwellings, wide ranging home businesses, small scale resource-based activities, general stores, service stations and community facilities like churches, schools and meeting halls. It is felt that as market conditions will effectively determine the size and location of most development, there is no need to predetermine such matters in the planning strategy.

- MU-1 It shall be the intention of Council to establish the Mixed Use Designation as shown on Map 1. This designation shall recognize the existing rural character of the area and support the continuation of a mixed land use pattern.
- MU-2 Within the Mixed Use Designation, it shall be the intention of Council to establish a MU (Mixed Use) Zone which permits a wide range of residential uses, commercial uses, resource and traditional uses, and community facilities. All existing uses shall also be supported. The MU Zone shall regulate the size of commercial buildings and the scale of buildings and structures associated with resource uses. In addition, the zone shall include performance standards to address matters of outdoor storage and display, parking, and shall provide appropriate separation distances from residential uses, potable water supplies and watercourses for specific uses.

### **Residential Development**

The development of senior citizen housing in the form of small apartment complexes or townhouses is supported within the Mixed Use Designation to encourage this form of housing in the district. Other forms of higher density residential development, however, will be subject to a site-by-site review process to ensure that proper safeguards are established to protect overall community form and the natural environment.

It is recognized that there may be a future demand to provide for multiple unit dwellings or mobile home parks within this designation. Multiple unit dwellings and mobile home parks will only be considered by development agreement. This method of development will ensure that matters relating to scale, transportation, servicing and the protection of the natural environment are adequately addressed.

- MU-3 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting multiple unit dwellings in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:
- (a) that the architectural design and scale of the building is compatible with nearby uses;



- (b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) that open space and parking areas are adequate to meet the needs of residents;
- (d) the means by which solid and liquid wastes will be treated;
- (e) the impact of the proposed use on traffic volume and the local road network, and the adequacy of sighting distances from the entrance and exit of the site; and
- (f) the provisions of Policy IM-10.

MU-4 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting mobile home parks in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the adequacy of park services including sewer, water and storm water systems, recreation facilities, roads, park maintenance, garbage collection and street lighting;
- (b) the ability of education facilities, protection services and community recreation facilities to adequately meet increased demands of the development or to respond with the provision of additional services;
- (c) the provision of landscaping or buffering from nearby land uses in order to protect the privacy, reasonable use and enjoyment of these properties;
- (d) the provision of landscaping or buffering from the public road to which it has access;
- (e) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sight distances, and the entrance to and exit from the site;
- (f) the means by which solid and liquid waste will be treated;
- (g) the park layout and design, including the design of the internal road network and separation distances from maintenance buildings and any sewage treatment plants;
- (h) the guidelines of the Mobile Home Park By-law; and
- (i) the provisions of Policy IM-10.

While the primary objective of the Mixed Use Designation is to support a mix of land uses and the rural character of the area, it is recognized that there are areas where more residential development is taking place. In areas where there is a move towards a more residential environment, appropriate levels of protection will be provided so as to maintain greater uniformity within these residential areas and prevent an intrusion of non-residential uses.

MU-5 Notwithstanding Policy MU-2, it shall be the intention of Council to support the development of certain areas to a more residential environment through the application of an R-6 (Rural Residential) Zone. In considering amendments to the land use by-law, Council shall have regard to the following:

- (a) the land to be rezoned contains a minimum of ten (10) contiguous acres or ten (10) lots;
- (b) the effect of the proposed amendment on overall community form;

- (c) the effect upon the future use of any lands which may be accessed through the area to be rezoned;
- (d) that the existing use of surrounding lands is compatible with such a residential environment; and
- (e) the provisions of Policy IM-10.

### Home Based Businesses

Home based businesses play a vital role in rural areas in the provision of local goods and services. As such, the Plan Area supports a multitude of home based businesses which are scattered throughout the Mixed Use Designation. In most instances these activities are not intrusive and consequently do not adversely affect the communities within which they are located. Home based businesses will, therefore, be permitted by right in all areas of the Mixed Use Designation. The Land Use By-law shall place restrictions on these businesses in order to reduce conflicts with adjacent uses.

The scale of home based businesses will, however, be limited to a maximum floor area of one thousand (1,000) square feet (92.9 m<sup>2</sup>). Any home based business which exceeds this floor area limit may, however, be considered by development agreement which will enable specific development standards to be tailored to the site to ensure an appropriate level of compatibility with neighbouring uses.

MU-6 It shall be the intention of Council to consider permitting larger scale home based businesses in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that no more than thirty-five (35) percent of the total gross floor area of the dwelling shall be devoted to the home business use;
- (b) that the provisions outlined in Section 7.5(a), (c), (d), (e), (f), (g) and (h) of the Land Use By-law can be met; and
- (c) the provisions of Policy IM-10.

### Commercial Development

The Mixed Use Designation supports a wide range of commercial uses designed to meet the needs of local residents and the travelling public. The scale of commercial uses will be limited to a building footprint no greater than five thousand (5,000) square feet. Other performance standards will provide controls on outdoor storage and display, parking areas, buffering and landscaping.

It is recognized, however, that larger scale commercial uses may be appropriate in certain situations where adequate protection is provided to adjacent residential properties and concerns related to environmental matters, traffic generation, architectural design, outdoor storage and display and hours of operation are addressed. Larger scale commercial uses may therefore be considered by development agreement.

MU-7 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting commercial uses with a building footprint greater than five thousand (5,000) square feet in accordance with the development agreement provisions of the Planning Act. In

considering such an agreement, Council shall have regard to the following:

- (a) that the architectural design and scale of any building is compatible with nearby uses;
- (b) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances, and the entrance to and exit from the site;
- (c) the means by which solid and liquid wastes are treated;
- (d) the overall layout and design of the site, including all buildings, parking areas, landscaped areas, refuse collection areas and signage; and
- (e) the provisions of Policy IM-10.

### Commercial Recreation Uses And Marinas

The natural beauty and physical geography of the Plan Area offers many opportunities for tourism related development. Commercial recreation uses such as campgrounds and golf courses are the types of uses which could find a number of attractive locations within the Mixed Use Designation. These uses can, however, bring with them potential negative side effects if they are not developed in a manner which minimizes disruption to neighbouring uses.

In order to ensure there is an opportunity for community input in addressing concerns regarding scale, environmental protection and the general operation and maintenance of such developments, commercial recreation uses shall only be considered by development agreement.

MU-8 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting commercial recreation uses in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the site allows for the reasonable separation of the proposed development from surrounding residential development;
- (b) that the site of the proposed development is not located on environmentally sensitive land;
- (c) that the scale and appearance of the proposed development is reasonably consistent with surrounding development and would not detract from or adversely affect surrounding developments;
- (d) that safe access to and from the site of the proposed development can be obtained from the abutting street or highway and that the development will not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (e) that the proposed site layout, including landscaping, parking areas, signage and outdoor storage or display areas, is appropriate having regard to the other provisions of this Policy;
- (f) that adequate buffering and screening measures are provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (g) that adequate measures are taken to protect the natural environment;
- (h) that adequate provision is made to ensure that the site of the development and of buildings and other structures on the site are properly maintained on an on-going basis;

- (i) that the proposed agreement provides for appropriate hours of operation having regard to uses in the surrounding areas and the other provisions of this Policy;
- (j) that the proposed agreement provides for the establishment of an acceptable method of on-site sewage disposal and water supply;
- (k) that the proposed agreement makes provision for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and
- (l) the provisions of Policy IM-10.

Small scale marinas will be permitted by right in most areas of the Mixed Use Designation, with the exception of areas zoned Rural Residential. Larger scale marinas, however, will be treated in the same fashion as commercial recreation uses in order that matters such as overall scale, protection of the natural environment, and the general maintenance and operation of the marina facility can be addressed.

MU-9 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting marinas in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) the provisions of Policy MU-8;
- (b) that adequate sewage pump-out facilities are provided for marine craft; and
- (d) the provisions of Policy IM-10.

### Recycling Depots And Facilities

It is recognized that recycling depots and recycling facilities are an important component in waste reduction. The development of these facilities can, however, generate concerns within the community with regard to appearance, noise, odour, and the overall protection of the natural environment. It is, therefore, felt appropriate that the development of such facilities be controlled through a development agreement process where community concerns can be addressed and an opportunity provided for community input.

MU-10 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting recycling facilities in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the site allows for the reasonable separation of the proposed recycling facility from surrounding residential development;
- (b) that the site of the proposed recycling facility is not located on environmentally sensitive land;
- (c) that the scale and appearance of the proposed recycling facility would not detract from or adversely affect surrounding developments;
- (d) that safe access to and from the site of the proposed recycling facility can be obtained from the abutting street or highway and that the development will not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (e) that the proposed site layout, including landscaping, parking areas, signage and outdoor storage or display areas, is appropriate having regard to the other

- provisions of this Policy;
- (f) that adequate buffering and screening measures are provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
  - (g) that adequate measures are taken to protect the natural environment;
  - (h) that adequate provision is made to ensure that the site of the recycling facility and of buildings and other structures on the site are properly maintained on an on-going basis;
  - (i) that the proposed agreement provides for appropriate hours of operation having regard to uses in the surrounding areas and the other provisions of this Policy;
  - (j) that the proposed agreement provides for the establishment of an acceptable method of on-site sewage disposal and water supply;
  - (k) that the proposed agreement makes provision for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and
  - (l) the provisions of Policy IM-10.

### Kennels

One expressed concern of area residents is with respect to commercial kennels. This concern relates primarily to the potential for such operations to generate odour and noise and the fear that the right to develop and/or expand in an uncontrollable fashion could result in conflict with residential land use. Other concerns relate to the handling and disposal of animal wastes which could impact on the natural environment. Given these concerns, commercial kennel operations will only be considered by development agreement. Existing operations are recognized and will be permitted to the extent to which they existed on the effective date of this planning strategy. Expansions to these existing operations will, however, only be considered by development agreement in order that any concerns related to the existing operation can be properly addressed.

MU-11 Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting kennels in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- a) that the site allows for the reasonable separation of the proposed development from surrounding residential development;
- b) that the scale and appearance of the proposed development would not detract from or adversely affect surrounding development;
- (c) that safe access to and from the site of the proposed development can be obtained from the abutting street or highway and that the development will not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (d) that the proposed site layout, including landscaping, parking areas, signage and outdoor storage is appropriate having regard to the provisions of this Policy;
- (e) that adequate landscaping, including the use of berms, opaque fencing and vegetation is used to protect adjacent properties;
- (f) that adequate measures are taken to protect the natural environment;
- (g) that adequate provision is made to ensure that the site of the development and of buildings and other structures on the site are properly maintained on an on-going basis;
- (h) that the agreement provides for appropriate hours of operation having regard to

- uses in the surrounding areas and the other provisions of this Policy;
- (i) that the agreement specifically requires that all dogs be removed from any outdoor run or exercise area by 11:00 p.m. each evening;
- (j) that sound levels from the kennel facility not exceed an equivalent sound level of 65 decibels measured at any point on the property line between 7:00 a.m. and 7:00 p.m., and further that sound levels not exceed 50 decibels at any point on the property line between 7:00 p.m. and 7:00 a.m.;
- (k) that the agreement makes provisions for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and
- (l) the provisions of Policy IM-10.

MU-12 It shall be the intention of Council to consider existing kennels as permitted uses to the extent that they existed on the effective date of this planning strategy. Further, it shall be the intention of Council to permit existing kennels to re-commence operation if discontinued or to rebuild in accordance with the provisions of the MU (Mixed Use) Zone in the event the kennel is temporarily closed, destroyed or damaged provided such recommencement or reconstruction is completed within twelve (12) months of the date of closure or the date of the damage/destruction.

MU-13 It shall be the intention of Council to only consider the expansion of existing kennels in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the provisions of Policy MU-11.

### Salvage Yards

The general thrust of the Mixed Use Designation is to support and encourage development of the rural economy. In this regard, non-residential uses considered suitable for the area are relatively wide ranging and allowed to develop as-of-right. Salvage yards, however, are considered a significant exception to this general rule. They are seen as creating potential safety hazards to adjacent residential areas and as potential threats to natural environmental systems such as lakes and rivers. In addition, most operations are viewed as potentially detrimental to the visual appearance of existing communities and residential areas.

It is realized, however, that salvage yards are a necessary fact of life and that they require relatively inexpensive land in order to be economically feasible. Furthermore, such operations provide a source of income, as well as local employment opportunities. Most residents, however, do not wish to have their communities or neighbourhoods perceived as a convenient dumping ground for the discarded, partially recyclable, materials of the metropolitan area. Some control is therefore considered necessary over the number and location of salvage yards. Furthermore, residents wish to maintain a similar level of control as existed before the adoption of this planning strategy.

MU-14 Notwithstanding Policy MU-2, it shall be the intention of Council to consider salvage yards in accordance with the development agreement provisions of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (a) that the site allows for the reasonable separation of the proposed salvage yard from surrounding residential development;

- (b) that the site of the proposed salvage yard is not located on environmentally sensitive land;
- (c) that the scale and appearance of the proposed salvage yard would not detract from or adversely affect surrounding developments;
- (d) that safe access to and from the site of the proposed salvage yard can be obtained from the abutting street or highway and that the development will not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (e) that the proposed site layout, including landscaping, parking areas, signage and outdoor storage or display areas, is appropriate having regard to the other provisions of this Policy;
- (f) that adequate buffering and screening measures are provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (g) that adequate measures are taken to protect the natural environment;
- (h) that adequate provision is made to ensure that the site of the salvage yard and of buildings and other structures on the site are properly maintained on an on-going basis;
- (i) that the proposed agreement provides for appropriate hours of operation having regard to uses in the surrounding areas and the other provisions of this Policy;
- (j) that the proposed agreement provides for the establishment of an acceptable method of on-site sewage disposal and water supply;
- (k) that the proposed agreement makes provision for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and
- (l) the provisions of Policy IM-10.

### Fishing Village Areas

The existing fishing community in the East Petpeswick area is comprised of only five/six individual fishermen. However, the wharves and fish sheds used by these fishermen are spread out along the East Petpeswick Road. Unlike the larger scale fishing industry areas of Jeddore Harbour and Little Harbour, the fishing community of East Petpeswick is being subjected to increasing pressure from residential development which over time has the potential to threaten a way of life which has existed in this area for many years.

While the other areas of the East Petpeswick Road, to the north and south of the fishing area, will be included within a residential zone, there is a strong desire to provide special recognition to that area which contains the remaining fishing related activities of Petpeswick Harbour.

As such, the area located between the government wharf and Mouse Island will be zoned to recognize the fishing related activities which presently exist and to allow for the continuation and expansion of these uses. Recognizing also, that this area contains a number of residential properties and home based businesses, the zoning will also support these uses.

MU-15 Notwithstanding Policy MU-2, it shall be the intention of Council to support the existing fishing community located in East Petpeswick through the application of a FV (Fishing Village) Zone which permits fishing related uses, as well as the residential uses, limited commercial uses, resource and traditional uses, and community facility uses permitted in the R-6 (Rural Residential) Zone.

### Additional Commercial and Community Facility Uses to be Considered Along the East and West Petpeswick Roads and The Clamshell Road

The East and West Petpeswick Roads and the Clamshell Road support a predominantly residential environment. Existing commercial development consists mainly of small local service type businesses and businesses designed to serve tourists. In support of this primarily residential environment, an R-6 (Rural Residential) Zone has been applied to the upper and lower reaches of the East Petpeswick Road, as well as the upper reaches of the West Petpeswick Road. All properties along the Clamshell Road have also been included in the rural residential zone, while the remainder of the East Petpeswick Road has been included in the fishing village zone.

It is recognized, however, that it may be appropriate to permit the development of certain additional commercial uses and community facility uses in the Petpeswick area provided there is an opportunity for the local residents to have input. Provisions will, therefore, be made to allow certain commercial and community facility uses through a development agreement process.

MU-16 It shall be the intention of Council to consider permitting convenience stores, garden centers, medical and veterinary clinics, offices, bed and breakfast establishments with more than five (5) rooms to let, commercial uses permitted in the R-6 Zone and FV Zone (excluding existing kennels) where the floor area is greater than two thousand (2,000) square feet, institutional uses, and recreation uses in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the architectural design and scale of the building is compatible with nearby uses;
- (b) that adequate separation distances are maintained from abutting residential development and that landscaping measures are carried out to reduce the visual effects of the proposed use;
- (c) that parking areas are adequate to meet the needs of the proposed use;
- (d) the means by which solid and liquid wastes will be treated;
- (e) the impact of the proposed use on traffic volume and the local road network, and the adequacy of sighting distances from the entrance and exit of the site; and
- (f) the provisions of Policy IM-10.

### Resource Related Development

Resource related industry has longed played an important role in the areas included within the Mixed Use Designation. In keeping with this traditional reliance on the resource base, most such activities are permitted in the designation.

However, there are certain resource related industries which by their nature can be considered intrusive when they develop to a larger scale. There is no wish to completely exclude these activities and it is recognized that the resource itself dictates the location of the activity. At the same time, communities do not wish to be adversely affected by large scale resource related industries.

Although smaller scale forestry operations, agricultural uses and extractive facilities will be



permitted by right, larger scale resource related industries will only be accommodated through the use of development agreements. In all cases, there are concerns with respect to noise emanating from these types of operations and the possibility of detrimental effects to the environment. In the case of intensive agricultural uses, there is the added concern with the odour associated with such uses, while in the case of extractive facilities, dust and overall appearance could create problems for neighbouring uses.

MU-17 Notwithstanding Policy MU-2, it shall be the intention of Council to consider larger scale forestry uses, intensive agricultural uses, and larger scale extractive facilities in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to following:

- (a) that the site has a particular locational advantage in terms of the availability of the resource over other areas;
- (b) that adequate buffering and screening measures are provided as a means to reduce any visual, noise and /or odour intrusion to surrounding development;
- (c) that adequate measures are taken to protect the natural environment;
- (d) that the proposed agreement makes provision for obtaining and maintaining all permits and licenses necessary to carry on the proposed use; and
- (e) the provisions of Policy IM-10.

## **FISHING INDUSTRY DESIGNATION**

Early community development along the coast of the Plan Area of was associated primarily with the fishing trade. Today, community development is stimulated by the area's proximity to metropolitan Halifax-Dartmouth, and it is expected that improved highway access to the Plan Area will stimulate further growth.

The prospect of continued growth poses many questions about the future physical form and character of the Plan Area, and the relationship of established rural communities to newly developing areas. This raises particular concern with respect to preserving the character of the fishing areas and with maintaining the presence and viability of the fishing industry throughout the district.

The Fishing Industry Designation recognizes the two primary fishing areas within the Plan Area in order to promote and protect their identity. Within the designation, a fishing industry zone has been established to provide continuing support for the fishery in the fishing areas of Jeddore Harbour and Little Harbour.

- FI-1 It shall be the intention of Council to establish a Fishing Industry Designation as shown on Map 1. Lands within the designation shall be recognized as the primary fishing industry areas in the Plan Area.
- FI-2 It shall be the intention of Council to establish a fishing industry zone in the areas of Jeddore Harbour and Little Harbour. This zone shall permit a wide range of fishing industry uses as well as the residential, commercial, resource, traditional and community facility uses permitted in the mixed use zone. Performance standards shall be included within the zone to address matters of compatibility among the differing land uses and to protect overall community form. A maximum building footprint of five thousand (5,000) square feet (464.5 m<sup>2</sup>) shall be established for fishing industry uses.
- FI-3 Notwithstanding Policy FI-2, it shall be the intention of Council to consider the expansion of existing fishing industry uses and the establishment of new fishing industry uses where the floor area would exceed that permitted by the fishing industry zone in accordance with the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:
- (a) That the proposed development meets all the criteria of all appropriate licensing agencies;
  - (b) The potential for adversely affecting nearby residential, commercial and community facility uses by virtue of noise, odour, scale and visual intrusion;
  - (c) The adequacy of screening and setbacks from adjacent uses; and
  - (d) The provisions of Policy IM-10.

### **Fishing Support Uses**

While the fishing areas of Jeddore Harbour and Little Harbour are recognized as the two primary areas where activities related to the fishing industry occur, it is also recognized that there are numerous other areas where individual fisherman have wharves, fish sheds and boats. While

most of the fish caught by these fisherman is off-loaded to the fish processing plants, some salting and limited processing may occur at the fisherman's own wharf and shed.

In keeping with the community's desire to protect the fishing industry, these smaller scale fishing related uses will be supported and permitted as-of-right throughout much of the Plan Area. Limits will, however, be placed on the scale of these fishing related uses and the extent to which fish processing may take place on-site, as it is preferred that all fish processing related activities take place within the actual fishing industry zone.

FI-4 It shall be the intention of Council to recognize the role which individual fisherman play in supporting the overall fishing industry within the Plan Area and to permit fishing support uses throughout all areas included within the MU (Mixed Use) Zone. It shall further be the intention of Council to establish a floor area limit for such uses in keeping with the scale of other uses permitted in that zone.

It is also recognized that there may be circumstances where larger scale fishing support uses are appropriate in areas outside the Fishing Industry Designation. Provision will, therefore, be made to consider larger scale fishing support uses through a development agreement process which would allow for an opportunity for input from the local community.

FI-5 Notwithstanding Policy FI-4, it shall be the intention of Council to consider the expansion of existing fishing support uses and the establishment of new fishing support uses where the floor area would exceed that permitted by the MU (Mixed Use) Zone in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the provisions of Policy FI-3.

#### Fish Reduction Plants And Fish Composting Operations

While the Fishing Industry Designation is intended to fully support and protect the activities of the local fishermen, there is desire to evaluate the establishment of certain large scale operations on an individual basis, these being fish reduction plants and fish composting operations. Fish reduction plants and fish composting operations will, therefore, only be considered by development agreement.

FI-6 Notwithstanding Policy FI-2 within the Fishing Industry Designation, it shall be the intention of Council to only consider the establishment of fish reduction plants and fish composting operations in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the provisions of Policy FI-3.

## **INDUSTRIAL PARK DESIGNATION**

The Industrial Park Designation has been applied to the Musquodoboit Harbour Industrial Park. The 100 acre (40.5 ha) park is situated approximately .75 miles (1.2 kms) east of the intersection of Highway No. 107 and Highway No. 7. Development of the Park began in 1980 with the construction of the Eastern Shore Industrial Mall. The mall, completed in 1981, offers 16,000 square feet (1486 m<sup>2</sup>) of office and light manufacturing space. Rental rates within the mall are subsidized by the Province to encourage new companies to launch operations within the region. Other uses in the Park include a Municipal school bus depot and garage, a building supply and lumber sales outlet, and a ready mix plant.

At the present time, the Musquodoboit Harbour Industrial Park is owned and administered by the Nova Scotia Department of Supply and Services. However, negotiations are currently underway which could see the ownership and administration of the industrial parks, like the one in Musquodoboit Harbour, assumed by the Municipality.

Within the Industrial Park Designation, a mix of general industrial and commercial uses will be permitted.

- I-1 It shall be the intention of Council to establish the Industrial Park Designation as shown on Map 1. Lands within the designation shall constitute a priority area for commercial and general industrial development.
- I-2 Within the Industrial Park Designation, it shall be the intention of Council to establish an I-1 (Business Industry) Zone which permits general industrial and commercial uses.

While no lands adjacent to the existing park boundaries have been included within the Industrial Park Designation, provision will be made for the expansion of industrial park uses onto adjacent lands by development agreement. Development agreements shall be used as a mechanism to ensure that matters relating to the separation and screening of industrial uses from adjacent residential properties and watercourses, as well as overall site design are addressed.

- I-3 It shall be the intention of Council to allow for the expansion of the Musquodoboit Harbour Industrial Park onto adjacent lands in the event that more land is required for industrial park uses in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:
  - (a) that adequate separation distances are maintained from existing and proposed residential development and watercourses, and that adequate screening/buffering measures are carried out to minimize the effects of the proposed use on adjacent residential development and watercourses;
  - (b) the means by which solid and liquid wastes will be treated; and
  - (c) the provisions of Policy IM-10.

- I-4 Further to Policy I-3, it shall be the intention of Council to monitor the level of industrial park development which occurs by development agreement adjacent to the existing park boundaries with a view to formally expanding the Industrial Park Designation and Business Park Zone in the future.

## COASTAL DESIGNATION

The Coastal Designation recognizes the existing coastal park areas and other publically and crown owned coastal lands and islands located within the Plan Area. The designation is intended to support only those uses which are consistent with long term park objectives and to provide overall coastal protection of coastal lands including islands.

- C-1 It shall be the intention of Council to establish the Coastal Designation as shown on Map 1. This designation shall recognize and support existing coastal park areas and other publically and crown owned coastal lands and islands located within the Plan Area.
- C-2 It shall be the intention of Council to establish a P-3 (Coastal Conservation) Zone. This zone shall be applied to crown lands and other publically owned coastal lands within the Coastal Designation.

### Eastern Shore Seaside Park System

In 1972, the Provincial and Federal Governments signed a memorandum of intent regarding the establishment of a national park on the Eastern Shore. The memorandum produced wide-spread public opposition. In response, the provincial government re-examined the whole question of a national park, as well as its overall land use policy for the area. As an alternative, the province announced in December 1973, its intention to establish the Eastern Shore Seaside Park System.

The provincial alternative differed substantially from the national park concept. No permanent residents were to be displaced from their homes, while disruption to cottage owners and seasonal residents was to be minimized.

In response to the high level of public interest, a citizen advisory committee was established. Following an intense review, the citizens' committee accepted the park concept in principle. The proposal which resulted, incorporated a variety of park sites and backcountry recreational opportunities linked through roads, trails and waterways to form an integrated "system". At both ends of the system, the proposal provided for overnight camping and day use beach activities. The proposal also identified several scenic coastal parks and an inland resource and management area.

The Seaside Park System extends eastward from Lake Charlotte to Taylor Head, a distance of approximately 19 miles (30 kms). In a north-south direction it extends approximately 12 miles (20 kms) inland from the coast.

Much of the facility development associated with the Seaside Park System has now been completed in the Plan Area, with the exception of the Lake Charlotte campground proposal intended to form the western anchor of the system. While much of the land necessary for the campground has been acquired, no activity is contemplated in the near future as the province reassesses its role in the provision of camping facilities in Nova Scotia.

### Clam Harbour Beach and Martinique Beach

The Provincial Park at Clam Harbour Beach was established in 1975 as the main ocean beach

component of the Eastern Shore Seaside Park System. Since its establishment, the 500 acre (200 ha) site has been developed as an outdoor recreation park with emphasis on beach use and associated beach facilities and services. A major focus of this park is the beach centre which contains washrooms, showers, change rooms, a food outlet and interpretative centre.

Clam Harbour Beach has traditionally been a popular destination for residents of the Metro area and Halifax County. Located approximately 53 miles (85 kms) east of Dartmouth, the beach is visited by hundreds of swimmers, sunbathers, picnickers and beachcombers.

The park is centered on a peninsula in Clam Bay, which is formed by a wide barrier beach of fine white sand extending approximately one mile (1.6 kms), connecting Burnt Island to the mainland. The beach and the surrounding area of the park provide an environment with excellent opportunities for nature study and environmental interpretation.

The Provincial Park at Martinique Beach was established in 1971. Situated at the end of the East Petpeswick Road, it is another popular outdoor recreation beach. At almost three miles (4.5 kms) in length, Martinique Beach is the longest natural sand beach in Nova Scotia. Facilities found at Martinique Beach include parking, boardwalks and a small boat launching area. To the north of Martinique Beach is the Martinique Beach Game Sanctuary which provides a refuge and feeding area for birds in the fall and winter months.

The Coastal Designation recognizes the Provincial Parks at Martinique Beach and Clam Harbour Beach. Only development which is consistent with the long term objectives for these parks shall be permitted.

C-3 Within the Coastal Designation, it shall be the intention of Council to establish a P-4 (Provincial Park) Zone to recognize and support the Plan Area's provincial parks and protected areas. The zone shall only permit uses consistent with the long term park objectives.

C-4 It shall be the intention of Council to include the Martinique Beach and Clam Harbour Beach Provincial Parks within the P-4 (Provincial Park) Zone.

### Parks and Protected Areas

In the spring of 1994, the provincial Department of Natural Resources released a plan for the establishment of a comprehensive system of parks and protected areas in Nova Scotia. The proposed plan was based on a three year inventory and evaluation of crown lands that remain intact as significant natural areas.

As part of this inventory and evaluation process, important natural sites and features within existing designated parks and reserves were also documented, and new candidate areas on crown lands were proposed. The proposed plan also recommended priority actions to guide the implementation of the plan.

Ultimately, the systems plan for Nova Scotia's parks and protected areas will incorporate representative examples of the province's typical natural landscapes and ecosystems, include unique, rare or outstanding natural features and processes, and offer quality opportunities for

wilderness recreation.

Under the proposed plan, thirty-one (31) new sites have been identified as candidates for protection. These sites encompass 287,000 hectares (700,000 acres) of Nova Scotia's most outstanding natural areas. Combined with the 45 protected sites in existing parks, ecological reserves and wildlife management areas, the 31 sites proposed in the plan would increase the area of protected spaces in Nova Scotia to approximately 8 percent of the province.

The White Lake site is situated north of the community of Musquodoboit Harbour, east of the Musquodoboit River. This 11,263 acre (4,558 ha) site features large exposed granite ridges and provides outstanding wilderness travel opportunities associated with the interconnecting lakes. The White Lake area is presently used as a canoeing and fishing area.

- C-5 It shall be the intention of Council to include the White Lake site, as identified in the Systems Plan for Parks and Protected Areas in Nova Scotia, within the P-4 (Provincial Park) Zone. Further, it shall be the intention of Council to encourage the provincial Department of Natural Resources to formally designate this site under the Parks Act, develop a management plan for its preservation and protection, and incorporate a public consultation process in developing objectives for its environmental management, public access, and wilderness and recreation potential.

#### Abandoned Railway Right-of-Way

Policy T-5 (Transportation Section) supports the development of the abandoned railway right-of-way, which runs through Musquodoboit Harbour to the Plan Area boundary to the north, as a non-motorized recreation corridor. While the provincial Department of Natural Resources has conducted a preliminary evaluation of the corridor with respect to its recreation potential, no further action has been taken to date towards the development of a recreation trail. Given the significance of this recreational resource, it is appropriate to include all lands within the abandoned railway right-of-way within the provincial park zone until such time as the Province has determined the future and best use for the lands. If, in the future, the Province determines that certain portions of the railway right-of-way are not required for recreational purposes, the affected lands may then be removed from the provincial park zone and zoned for alternative uses.

- C-6 It shall be the intention of Council to include the abandoned railway right-of-way, where it traverses the Plan Area, within the P-4 (Provincial Park) Zone.

- C-7 It shall be the intention of Council to consider rezoning lands within the railway right-of-way to a MU (Mixed Use) Zone where it has been determined by the Province that the affected lands are no longer required for recreational purposes.

#### Beaches Protected Under the Beaches Act

The provincial Department of Natural Resources, under the provisions of the Beaches Act, R.S.N.S., 1989, may designate an area of land as a "protected beach". Once designated, any development of the lands within the protected area is subject to the Act and its regulations. A protected beach includes all shoreline areas below the mean high water mark, and may include adjacent beach and dune systems. A designated beach may include both private and public lands.



At the present time, there are no beaches within the Plan Area which have been designated under the Beaches Act. It is important, however, that should a beach(s) become designated in the future, that appropriate protective zoning be applied to recognize the protected beach(s) at the Municipal level.

C-8 It shall be the intention of Council to amend the land use by-law by applying a P-3 (Coastal Conservation) Zone to any beach designated under the Beaches Act within the Plan Area.

# SECTION V

## **IMPLEMENTATION**

In accordance with Section 45 of the Planning Act, the adoption of this Municipal Planning Strategy does not commit Council to undertake any of the projects or actions contained herein. However, Council cannot take any action within the scope of this Strategy which would, in any manner, be inconsistent with the Strategy or at variance with it.

The measures which Council may investigate to implement the Strategy are not restricted to those which are specified. In addition to specific by-laws and regulations, Council may encourage the adoption of administrative procedures in order to more effectively implement the policies of the Strategy.

The following policies include the basic requirements for proper implementation, including the development of a land use by-law based on the policies of this Strategy, and the full and consistent enforcement of general by-laws and regulations of the Municipality.

- IM-1 This Municipal Planning Strategy shall be implemented by means of powers conferred upon Council by the Planning Act, the Halifax County Charter and such other provincial statutes as may be applicable.
- IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.
- IM-3 It shall be the intention of Council to require amendments to the policies of this strategy or to the Generalized Future Land Use Map (Map 1) under the following circumstances:
- (a) where any policy is to be changed; or
  - (b) where a request for an amendment to the land use by-law which is not permitted is made and subsequent studies show that the policies of this strategy should be amended.
- IM-4 It shall be the intention of Council, in considering amendments to the Municipal Planning Strategy, to:
- (a) notify ratepayers associations and known community groups by letter of the public hearing;
  - (b) post a notice of the public hearing in any post office, community hall and fire hall located within the Plan Area; and
  - (c) consider holding a public participation session within the Plan Area in accordance with Sections 34 and 50 of the Planning Act.
- IM-5 In accordance with Section 49 of the Planning Act, this Strategy may be reviewed when the Minister of Municipal Affairs or Council deems it necessary, but in any case not later than five years from the date of its coming into force or from the date of its last review.
- IM-6 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one

another, consider amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone or development agreement on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1).

- IM-7 It is not intended that all lands shall be rezoned for specific uses. Rather, in order to give Council a greater degree of control, the strategy provides that certain land uses shall be considered only as amendments to the land use by-law or in certain instances by development agreements as provided for by Sections 55, 66 and 67 of the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this strategy.
- IM-8 The following uses and zones shall only be considered by amendment to the land use by-law:
- (a) Within the Mixed Use Designation:
    - (i) Rural Residential Zone according to Policy MU-5;
    - (ii) Mixed Use Zone according to Policy C-7; and
    - (iii) Coastal Conservation Zone according to Policy C-8.
- IM-9 The following uses shall only be considered subject to the entering into of a development agreement according to the provisions of Sections 55, 66 and 67 of the Planning Act.
- (a) Within the Mixed Use Designation:
    - (i) Expansion of existing multiple unit dwellings or new multiple unit dwellings according to Policy MU-3;
    - (ii) Mobile home parks according to Policy MU-4;
    - (iii) Larger scale home businesses according to Policy MU-6;
    - (iv) Commercial uses where the building footprint is greater than five thousand (5,000) square feet (464.5 m<sup>2</sup>) of floor area according to Policy MU-7;
    - (v) Additional commercial uses and community facility uses along the East and West Petpeswick Roads and the Clamshell Road according to Policy MU-8;
    - (vi) Commercial recreation uses according to Policy MU-9;
    - (vii) Larger scale marinas according to Policy MU-10;
    - (viii) Recycling depots and recycling facilities according to Policy MU-11;
    - (ix) Expansions to existing kennels and new kennels according to Policies MU-12 and MU-14;
    - (x) Salvage yards according to Policy MU-15;
    - (xi) Larger scale forestry uses, intensive agricultural uses and larger scale extractive facilities according to Policy MU-17;
    - (xii) Larger scale fishing support uses according to Policy FI-5; and
    - (xiii) Industrial park uses beyond the actual boundaries of the Musquodoboit Harbour Industrial Park according to Policy I-3.
  - (b) Within the Fishing Industry Designation:
    - (i) Expansions to existing fishing industry uses and new fishing industry uses where the building footprint is greater than five thousand (5,000) square feet (464.5 m<sup>2</sup>) of floor area according to Policy FI-3; and

- (ii) Fish reduction plants and fish composting operations according to Policy FI-6.

IM-10 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:

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

IM-11 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of the Planning Act.

IM-12 It shall be the intention of Council to provide for the notification of affected property owners of any public hearing to consider amendments to the zoning schedule of the by-law, proposed development agreements or amendments thereof.

IM-13 It shall be the intention of Council to provide further controls over development within the Plan Area by fully enforcing the following by-laws:

- (a) the Building By-law;

- (b) the Subdivision By-law;
- (c) the Building Code Act and Regulations of the Building By-law;
- (d) the Unightly Premises section of the Halifax County Charter;
- (e) the Mobile Home Park By-law;
- (f) the Blasting and Dangerous Materials By-law;
- (g) the Topsoil By-law;
- (h) the Excavations By-law; and
- (i) the Occupancy Permit By-law.

- IM-14 In accordance with Sections 77 and 95 of the Planning Act, the development officer appointed by Council shall administer the land use by-law and the subdivision by-law and grant development permits.
- IM-15 It shall be the intention of Council to provide for the relaxation of any required lot area and frontage in accordance with Section 98 of the Planning Act.
- IM-16 It shall be the intention of Council to continue to allow any lot or lots shown on a completed application for tentative subdivision received before the effective date of this planning strategy, to receive final approval under the Subdivision By-law.
- IM-17 It shall be the intention of Council to request any provincial departments and agencies authorized to review subdivision applications not to apply any new regulations made after the submission of any completed application for tentative to the final plan of subdivision. Furthermore, it shall be the intention of Council to strongly urge that such provincial departments or agencies inform the Municipality at least ninety (90) days before the implementation of any new policy adopted in accordance with any applicable regulations.
- IM-18 It shall be the intention of Council to consider that uses permitted as existing uses are conforming uses and, unless otherwise limited by the land use by-law, can expand subject to the requirements of the said by-law.
- IM-19 In order to enable the reasonable development of existing undersized lots, it shall be the intention of Council to encourage the application of Section 79 of the Planning Act wherever necessary.
- IM-20 It shall be the intention of Council to amend the Regulations of the Building By-law in order to permit, on lands zoned MU (Mixed Use), FI (Fishing Industry), FV (Fishing Village) or R-6 (Rural Residential), the erection of a garden suite in conjunction with a main dwelling on one lot. Furthermore, where the floor area of a garden suite is greater than six hundred and fifty (650) square feet (60.4 m<sup>2</sup>), the land use by-law shall establish requirements for a preliminary plan of subdivision and a plot plan, in order to ensure that the requirements of the Subdivision By-law and Land Use By-law are capable of being met.
- IM-21 It shall be the intention of Council, in order to limit potential adverse effects on adjacent properties, to:
- (a) restrict and regulate signage;

- (b) regulate the number of parking spaces in association with all land uses, including parking spaces for the mobility disabled and parking lots;
- (c) regulate the number of commercial vehicles parked in residentially zoned areas;
- (d) restrict and regulate the keeping of derelict vehicles;

IM-22 It shall be the intention of Council to encourage the federal and provincial governments to comply with municipal by-laws and regulations with respect to their landholdings within the Municipality.

IM-23 It shall be the intention of Council to provide for the temporary use of land or structures which is accessory to and necessary for the construction of a development for which a development permit has been issued.

**APPENDIX "A" - DESCRIPTION  
EASTERN SHORE (WEST) PLAN AREA**

BEGINNING at a point on the western shore of Gibraltar Lake where the said western shore is intersected by the base line between the Eastern Shore Districts and the Musquodoboit Valley Districts;

THENCE due east along said line unto a point in the waters of the northern end of the northern arm of Scraggy Lake;

THENCE by a line through Scraggy Lake the several courses thereof southwardly to and through the narrows to the outlet flowing into Dreadnought Lake and down the said stream to and through Dreadnought Lake unto the southern end thereof and thence by a straight line southwardly passing through Cranberry Lake Dam unto the northern end of Lake Dam and through Lake Dam unto the southern end thereof;

THENCE by a straight line southwardly unto the north branch of Little River and down the said River through First Lake into the Head of Ship Harbour;

THENCE down the said Harbour by the channel and passing between Wolf Island and Cable Island and seaward of Black Ledge

THENCE southwestwardly and westwardly and passing to seaward of Egg Island, Jeddore Rock and Petpeswick Inlet to the Entrance of Petpeswick Inlet;

THENCE northwardly and northwestwardly through Petpeswick Inlet to Whalens Point on the western shore of Petpeswick Inlet;

THENCE in a straight line northwardly one hundred and fifty (150) chains, more or less, to the most southwardly point of Petpewick Lake;

THENCE to run by the western and northern shores of Petpeswick Lake the several courses thereof in a northwardly and then eastwardly direction to a point on the northern shore of Petpeswick Lake, said point being one hundred and sixty (160) chains south eight (8) degrees west from a point on the southwestern shore of Pace Lake, which is fifty (50) chains, measured northwestwardly in a straight line from that point at which Little Run flows into Scotch Pond;

THENCE north eight (8) degrees east in a straight line to said point on the southwestern shore of Pace Lake;

THENCE by the southern shore of Pace Lake the several courses thereof northwestwardly to the extreme western end of Pace Lake at the outlet from Farquhars Lake;

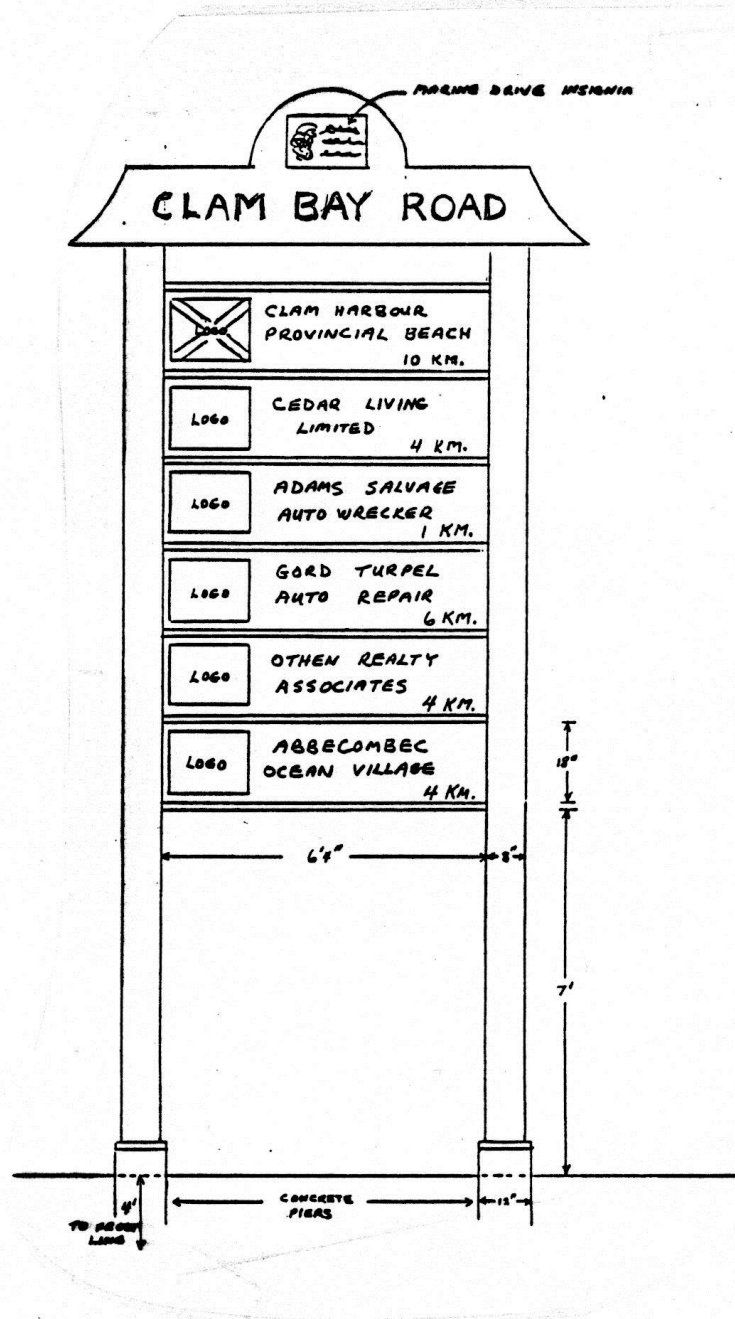
THENCE northwestwardly through said outlet and Farquhars Lake to the northern end of Farquhars Lake;

THENCE by a straight line northwardly unto the dam at the southern end of Moose Lake;



THENCE northwardly through Moose Lake into Gibraltar Lake and northwardly by the western shore of Gibraltar Lake to the place of beginning.

**APPENDIX "B" - SUGGESTED CORNER STANDARD (SIGNAGE) FOR REGISTERED BUSINESSES AND TOURIST ATTRACTIONS**



**MUNICIPAL PLANNING STRATEGY - EASTERN SHORE (WEST)  
AMENDMENT INDEXX**

<u>Amendment Number</u>	<u>Policies/Maps</u>	<u>Subject</u>	<u>Council Adoption</u>	<u>Effective</u>
1	IC-1 to IC-8, IM-10(f)	Infrastructure Charges (Project No. 00423)	July 2, 2002	August 17, 2002
2	SW-1 to SW-12	Construction and Demolition Waste Management Strategy (Project No. 00082)	September 10, 2002	November 9, 2002
3	IGM-1 to IGM-18	Interim Growth Management (Project No. 00664)	April 13, 2004	April 22, 2004
4	Delete Policies IGM -1 to IGM-18 including preamble . Delete Private Road Section Policy T-2 & Preamble.	Regional Plan Amendments	June 27, 2006	August 26, 2006
5	Adding Policy S-4	Case No. 00327	RC - September 26, 2006	E - November 18, 2006