



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

**Item No. 14.3.1**  
**Halifax Regional Council**  
**January 12, 2016**

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

Original Signed

**SUBMITTED BY:**

*for* \_\_\_\_\_  
Councillor Steve Adams, Chair, Halifax and West Community Council

**DATE:** December 18, 2015

**SUBJECT:** Case 20072: Amendments to Municipal Planning Strategy and Land Use By-law for Planning District 5, 786 and 792 Old Sambro Road, Harrietsfield

---

**ORIGIN**

Item 14.1.1, December 16, 2015 Halifax and West Community Council meeting

**LEGISLATIVE AUTHORITY**

HRM Charter, Part 1, Clause 25(c) – “The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 as set out in Attachments A and B of the report dated November 24, 2015 and schedule a public hearing;
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 as set out in Attachments A and B of the report dated November 24, 2015.

### **BACKGROUND**

A staff report dated November 24, 2015 was before Halifax and West Community Council at their December 16, 2015 meeting.

### **DISCUSSION**

The Halifax and West Community Council passed a motion to approve the staff recommendation, forwarding the recommendation to Regional Council. There was no further discussion.

### **FINANCIAL IMPLICATIONS**

As outlined in the November 24, 2015 report.

### **COMMUNITY ENGAGEMENT**

The Halifax and West Community Council consists of six duly elected members of Regional Council. Meetings are open to the public; agendas and reports are posted online in advance of the meeting.

### **ENVIRONMENTAL IMPLICATIONS**

Not applicable.

### **ALTERNATIVES**

As outlined in the November 24, 2015 report.

### **ATTACHMENTS**

Attachment 1 – Staff recommendation report dated November 24, 2015

---

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andrew Reid, Legislative Assistant, 902-490-5934

---

## Attachment 1

# HALIFAX

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

**Item No. 14.1.1**  
**Halifax and West Community Council**  
**December 16, 2015**

**TO:** Chair and Members of the Halifax and West Community Council  
Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** November 24, 2015

**SUBJECT:** **Case 20072: Amendments to Municipal Planning Strategy and Land Use By-law for Planning District 5, 786 and 792 Old Sambro Road, Harrietsfield**

---

### ORIGIN

- Application by KVM Consultants
- September 22, 2015, Regional Council initiation of the MPS amendment process

### LEGISLATIVE AUTHORITY

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

### RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 as set out in Attachments A and B of this report and schedule a public hearing;
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 5 as set out in Attachments A and B of this report.

**BACKGROUND**

The applicant, KVM Consultants on behalf of the property owner Steel-n-Motion Inc., have submitted an application to develop a mobile welding business at 786 and 792 Old Sambro Road, Harrietsfield. This proposal cannot be considered under the existing policy and zoning of the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 5 and therefore, the applicant is seeking an amendment to the MPS and LUB.

**Subject Properties**

<b>Location</b>	786 and 792 Old Sambro Road, Harrietsfield
<b>Area</b>	4,065.6 square metres (43, 762 square feet)
<b>Community Plan Designation</b>	Residential - See Map 1
<b>Current Zoning</b>	R-2 (Two Unit Dwelling) – See Map 2
<b>Current Use of Subject Property</b>	792 Old Sambro Road is developed with a single unit dwelling; 786 Old Sambro Road is currently undeveloped
<b>Surrounding Uses</b>	<p>The surrounding area is comprised of a mix of commercial, industrial, and residential uses which include:</p> <ul style="list-style-type: none"> <li>• a construction office, located at 780 Old Sambro Road;</li> <li>• the Harrietsfield Industrial Park located across Old Sambro Road;</li> <li>• several auto repair shops, located at 793, 801 and 806 Old Sambro Road;</li> <li>• two non-conforming residential properties that are zoned C-5, located at 789 and 800 Old Sambro Road; and</li> <li>• residential properties zoned R-2 on the east side of Duggen Lane (Map 2) which, including the subject properties, form part of a cluster of residentially designated and zoned properties in the area (25 properties in total), with the majority of the these properties located to the north ( Maps 1 and 2).</li> </ul> <p>The subject properties also abut the southern shore of Weavers North Lake.</p>

**Existing Planning Policies and Zoning Context**

The subject properties are located at the edge of the Residential designation and abut the Industrial-Commercial designation. In 1988, the former County of Halifax adopted the MPS and LUB for Planning District 5. The northwest portion of the plan area was designated Industrial-Commercial with the intention to concentrate industrial and larger commercial uses in one location. In the planning documents approved by Council, a cluster of residential properties located in this area was designated Industrial-Commercial within the MPS but zoned R-2 in the LUB, to respect the existing residential uses developed on the lands. However, in response to public opposition, the designation of these same properties was changed to Residential by the Province as part of their approval of the MPS. The designation boundaries have not changed since 1988 and were included in the re-adopted MPS and LUB that was approved in 1995.

The intent of the Residential designation is to support existing residential areas, as well as promoting new, low density residential development throughout the designation. It further supports those uses associated with residential uses such as day cares and home based business and fishery uses which are considered traditional to the area.

The Industrial-Commercial designation supports the concentration of industrial and commercial lands to curtail land use conflicts with other types of uses while supporting the economic benefit of commercial and industrial uses. Policy IC-2 considers the creation of the C-5 Zone which is to be applied to properties within the Industrial-Commercial designation and is considered the base zone for the plan area.

### **Proposal**

The applicant is now requesting that the MPS designation for the subject properties be changed from Residential to Industrial-Commercial Designation and further, be rezoned from the R-2 Zone to the C-5 Zone to allow for the development of a mobile welding business. It is anticipated that the main activities on the subject properties would include training, indoor vehicle storage and office operations with 2 to 3 staff.

Although the request has centred on the applicant's intention to develop the lands with a mobile welding business, if the proposal is approved all uses within the the C-5 Zone would be permitted on the subject properties. The C-5 Zone permits a mix of commercial and industrial uses as shown on Attachment D.

## **DISCUSSION**

### **Evaluation of Proposed MPS and LUB Amendments**

Staff has reviewed the request and advise that the proposed amendments to the MPS and LUB are appropriate. Attachment E provides an evaluation of the proposal in relation to the industrial-commercial policies of the MPS. The following outlines matters that have been identified for more detailed discussion.

#### **Compatibility with the Existing Industrial – Commercial Area**

The subject properties are mainly surrounded by existing industrial and commercial uses, including a construction office located at 780 Old Sambro Road. There are several properties located across Duggen Road and Old Sambro Road that are developed with auto repair uses. Further, the subject properties are located adjacent to the Harrietsfield Industrial Park, which is located on the opposite side of Old Sambro Road and contains a variety of industrial uses.

As noted in the Background section of this report, the subject properties are part of a cluster of residentially zoned properties. However, the majority of these properties are located to the north. Other residential uses in the area are understood to be non-conforming uses and can be re-developed for industrial and commercial uses in the future.

As the subject properties are situated at the edge of the Residential Designation, and located near a number of industrial and commercial uses and zones, staff advises that the proposal is compatible with the commercial-industrial nature of the area.

#### **Adjacent Residential Uses**

The subject properties abut a residential property at 34 Duggen Lane that is zoned R-2 and developed with a single unit dwelling. However, the dwelling is located approximately 23 metres (75 feet) from the subject properties and the C-5 Zone requires ample separation distances where industrial or commercial uses abut residential uses. The zone also requires that no open storage or outdoor display is permitted in any yard which abuts a residential uses except where a visual barrier is provided. It is anticipated that this combination of physical separation and buffering would mitigate against any potential land use conflicts.

#### Proximity to Weavers North Lake

During the June 25, 2015 public information meeting for Case 19894, concerns were raised about the potential impact to Weaver North Lake, which abuts the subject properties to the east. As per the requirements of the Land Use By-law no building is permitted to be located within 18.3 metres (60 feet) of the lake. Nova Scotia Environment has also indicated that prior to any site work, the property owner will need to obtain any provincial necessary approvals to ensure lot development does not result in erosion and siltation into the watercourse.

#### **Conclusion**

The requested MPS and LUB amendments are consistent with the overall intent of the MPS to consolidate industrial-commercial uses in this area. Although the subject properties abut a residential property, the existing provisions in the C-5 Zone are sufficient to reduce potential land use conflicts. Therefore, staff recommends that Regional Council approve the proposed MPS and LUB amendments as contained in Attachments A and B.

#### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning & Applications.

#### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the Public Participation Program described in the August 28, 2015 MPS amendment initiation report. In addition to the June 25, 2015 public meeting held for Case 19894 (see Attachment C), further public participation was achieved through information notices posted on the website and mailed to residents within the notification area as shown on Map 2.

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

Amendments to the MPS and LUB would potentially impact the following stakeholders: local residents, property owners, business owners.

#### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns have been identified beyond those raised in this report.

#### **ALTERNATIVES**

Halifax and West Community Council may choose to recommend that:

1. Regional Council approve the proposed MPS and LUB amendments subject to modifications. This may necessitate further negotiation with the applicant and the preparation of a supplementary staff report.
2. Regional Council refuse the proposed MPS and LUB amendments. A decision of Regional Council to refuse the proposed MPS and LUB amendments is not appealable as per section 262 of the *HRM Charter*.

**ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning and Notification Map
Attachment A	Proposed Amendment to the Municipal Planning Strategy for Planning District 5
Attachment B	Proposed Amendment to the Land Use Bylaw for Planning District 5
Attachment C	Minutes of Public Information Meeting (Case 19894)
Attachment D	Excerpt from the Land Use Bylaw for Planning District 5
Attachment E	Review of Relevant Policies of the Municipal Planning Strategy for Planning District 5

---

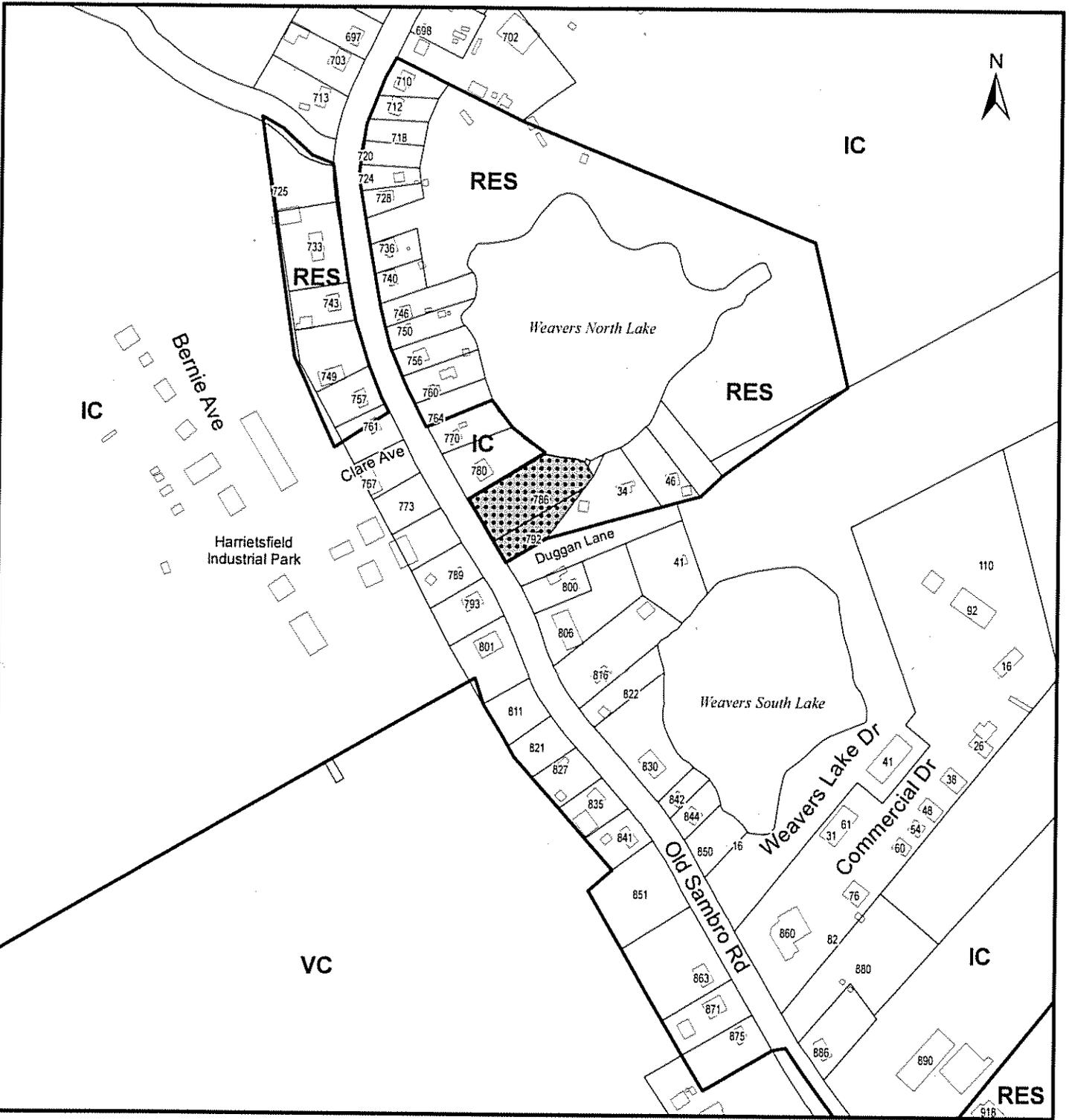
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902-490-4210, or Fax 902-490-4208.

Report Prepared by: Jillian MacLellan, Planner, Development Approvals, 902-490-4423

*Original Signed*

Report Approved by: \_\_\_\_\_  
Kelly Denty, Manager of Development Approvals, 902-490-4800

---



**Map 1 - Generalized Future Land Use**

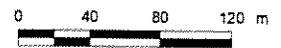
786 and 792 Old Sambro Road  
Harrietsfield

**HALIFAX**

 Subject Properties

**Designations**

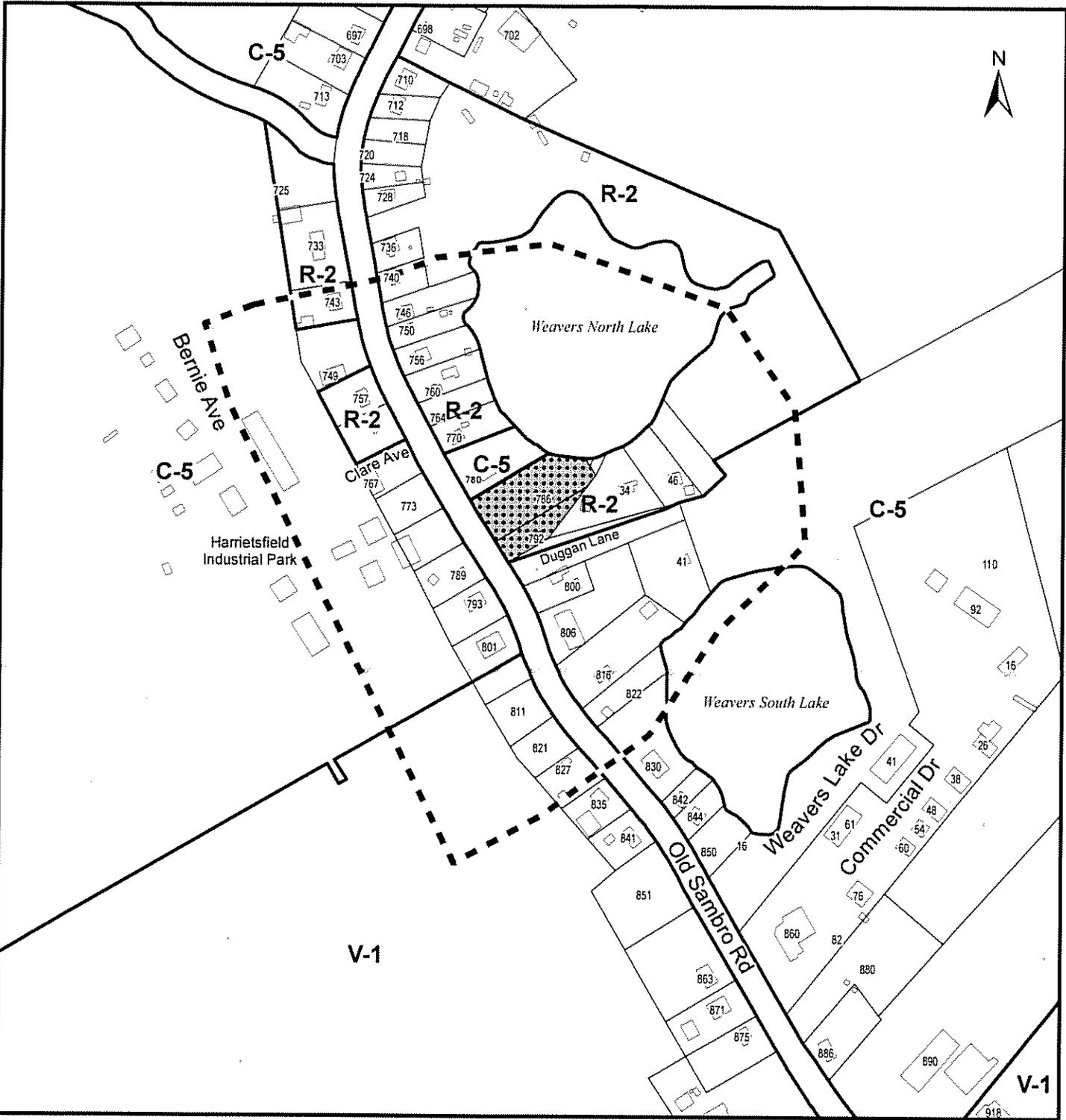
- IC Industrial Commercial
- VC Village Centre
- RES Residential



Planning District 5  
(Chebucto Peninsula) Plan Area

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

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



**Map 2 - Zoning and Notification**

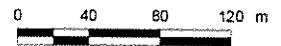
786 and 792 Old Sambro Road  
Harrietsfield

**HALIFAX**

 Subject Properties

**Zones**

- R-2 Two Unit Dwelling
- C-5 Industrial Commercial Mix
- V-1 Harrietsfield Village Centre



 Area of notification

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

Planning District 5  
(Chebucto Peninsula) Land Use By-Law

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

**ATTACHMENT A**

**Proposed Amendment to the Municipal Planning Strategy for Planning District 5**

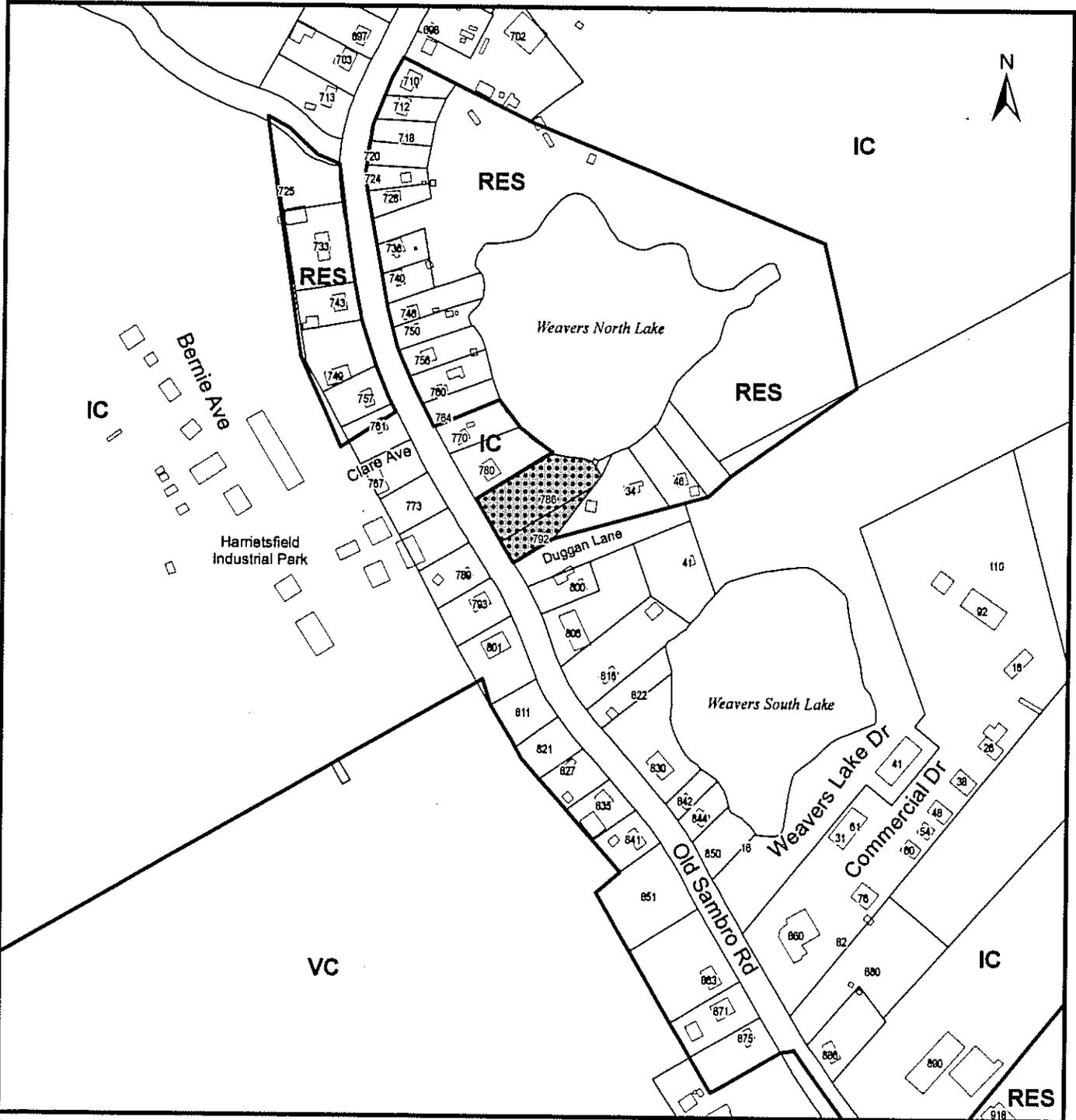
**BE IT ENACTED** by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 5 is hereby further amended as follows:

1. Amend Map 1 of the Municipal Planning Strategy for Planning District 5, by changing the Generalized Future Land Use for the properties identified as 786 and 792 Old Sambro Road, Harrietsfield, from the Residential Designation to the Industrial – Commercial Designation as illustrated on Schedule “A” of this attachment.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Regional Council of Halifax Regional Municipality held on the \_\_ day of the \_\_\_\_\_, A.D., 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_ day of the \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Municipal Clerk



**Schedule A**

786 and 792 Old Sambro Road  
Harrietsfield

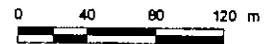
**HALIFAX**



Area to be redesignated  
from RES (Residential) to  
IC (Industrial Commercial)

**Designations**

- IC Industrial Commercial
- VC Village Centre
- RES Residential



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

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

Planning District 5  
(Chebucto Peninsula) Plan Area

**ATTACHMENT B**  
**Proposed Amendment to the Land Use By-law for Planning District 5**

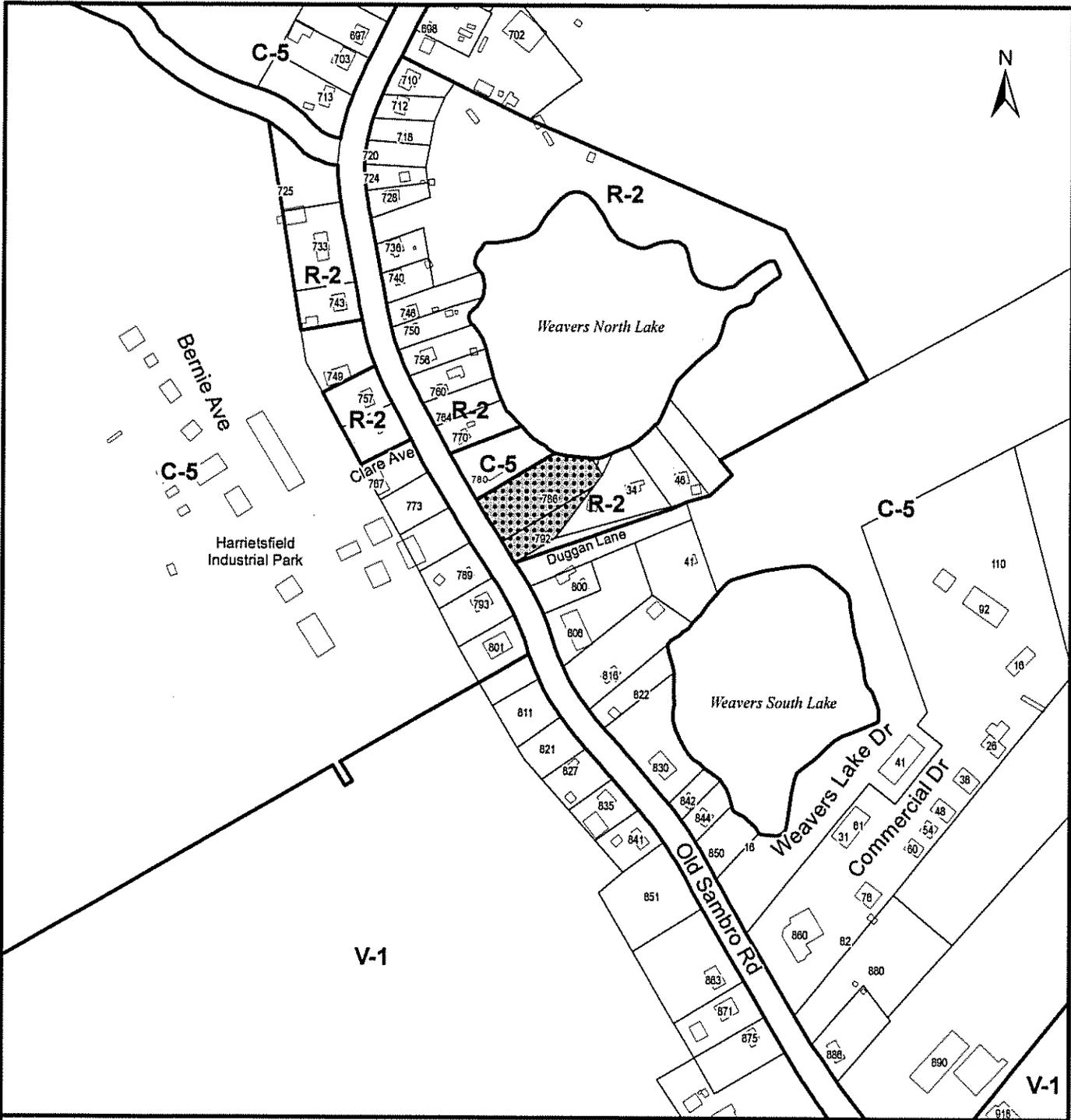
**BE IT ENACTED** by Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 is hereby further amended as follows:

1. Amend Schedule A of the Land Use By-law for Planning District 5, by rezoning the properties identified as 786 and 792 Old Sambro Road, Harrietsfield, from the R-2 (Two Unit Dwelling) Zone to the C-5 (Industrial – Commercial) Zone, as illustrated in Schedule "B" of this attachment.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the \_\_\_ day of the \_\_\_\_\_, A.D., 20\_\_.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this \_\_\_ day of the \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Municipal Clerk

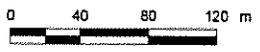


**Schedule B**  
 786 and 792 Old Sambro Road  
 Harrietsfield

**HALIFAX**

 Area to be rezoned  
 from R-2 (Two Unit Dwelling) to  
 C-5 (Industrial Commercial Mix)

- Zones**
- R-2 Two Unit Dwelling
  - C-5 Industrial Commercial Mix
  - V-1 Harrietsfield Village Centre



Planning District 5  
 (Chebucto Peninsula) Land Use By-Law

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

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

**Attachment C:  
Minutes of Public Information Meeting (Case 19894)**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 19894**

---

**Monday, June 25, 2015  
7:00 p.m.**

**Captain William Spry Centre (Kidston Activity Room)**

**STAFF IN**

**ATTENDANCE:** Jillian MacLellan, Planner, HRM Development Approvals  
Alden Thurston, Development Technician, HRM Development Approvals  
Cara McFarlane, Planning Controller, HRM Development Approvals

**ALSO IN**

**ATTENDANCE:** Trevor Adams, KVM Consultants Limited  
Eirik Larsen, Steel-In-Motion Inc., Property Owner

**REGRETS:** Councillor Stephen Adams, District 11

**PUBLIC IN**

**ATTENDANCE:** Approximately 7

---

The meeting commenced at approximately 7:00 p.m.

**1. Call to order, purpose of meeting – Jillian MacLellan**

**Ms. MacLellan** introduced herself as the Planner facilitating this application through the planning process; Alden Thurston and Cara McFarlane, HRM Development Approvals; Trevor Adams, KVM Consultant Limited; Eirik Larsen, Steel-In-Motion Inc.; Councillor Stephen Adams, District 11, sent his regrets.

Case 19894 is a proposed rezoning at 786 to 792 Old Sambro Road in Harrietsfield.

The Public Information Meeting (PIM) Agenda was reviewed.

The purpose of the PIM is to identify that an application has been received, give some background on the proposal and receive feedback from the public. This is purely for information exchange and no decisions will be made at this PIM.

**2. Overview of planning process – Jillian MacLellan**

The planning process: HRM receives an application; A PIM is held; HRM Staff performs a detailed review (Department of Transportation, Department of Environment (DOE), Development Services, etc.); Staff will draft a report along with a recommendation advising North West Community Council (NWCC) whether or not the rezoning is appropriate for this site; NWCC will schedule a public hearing where they would render a decision to approve or reject the proposal; and If approved, a two-week appeal period would follow.

### 3. Presentation of Proposal – Jillian MacLellan

KVM Consultants, on behalf of Steel-In-Motion Inc., is proposing to rezone the subject properties from the R-2 (Two Unit Dwelling) Zone to the C-5 (Industrial Commercial Mix) Zone to enable a development for a mobile welding business.

The properties (one houses a single unit dwelling and the other is vacant) are located along Old Sambro Road at the corner of Duggan Lane and across the street from the Harrietsfield Industrial Park. Beside the property is a construction office and there are some residential properties in the area.

Photos of the properties were shown.

The subject properties are designated Industrial Commercial in the Municipal Planning Strategy (MPS) for Planning District 5 which anticipates the concentration of all heavy industrial and commercial uses to be located in one area. The base zone for this area is the C-5 Zone.

When the plan was implemented in 1996, some properties with residential uses on them were designated residential and zoned R-2. The Policy that implements the C-5 Zone does not allow for residential uses; therefore, to ensure residents could continue to live in the area, do home renovations or build accessory buildings, the R-2 Zone was applied.

The R-2 Zone allows for residential uses, daycares, home occupations, open space uses and fishery support uses with a height requirement of 35 feet, lot coverage of 35% and setbacks of 20 feet from the front yard and 8 feet from the rear and side yards.

The C-5 Zone allows for a wide range of commercial and industrial uses, community facility uses and buildings that are accessory to one of these uses. Similar to the R-2 Zone there is a height requirement of 35 feet, lot coverage of 35% and setbacks of 30 feet from front yard and 15 feet from the rear and side yards. These yard requirements are larger if you are abutting a residential use, park or open space.

### Presentation of Proposal – Eirik Larsen, Steel-In-Motion Inc.

The proposal is to build a 100' x 60' steel commercial building to house a mobile welding business. The building would be constructed to the proper standards and the existing house demolished.

### 4. Questions and Comments

**Tom Newton, Old Sambro Road** – Years ago the community requested, and was granted, to have the area zoned R-2. The residents who had a C-2 Zone at the time requested the R-2 Zone as well. This was to help protect the lake. Why consider this proposal? **Ms. MacLellan** – The Policy permits applying the R-2 Zone or retaining a zone on the properties that already have residential uses. However, the base zone in the area is the C-5 Zone. A property can retain the R-2 Zone while being used for residential uses but if a commercial or industrial use is desired, the C-5 Zone could be applied. There is very little policy regarding the lake. **Mr. Newton** – The request is for a mobile business but what stops the applicant from using the property for a permanent use (referenced a business that was run downtown by the applicant). **Ms. MacLellan** – If the property is rezoned, any use under the C-5 Zone would be permitted.

**Mr. Larsen** noted that he did not own or have any association with the aforementioned downtown company.

**Danny Steele, Old Sambro Road** – What will be the hours of operation? **Mr. Larsen** – Normal hours would be 8:00 am to 4:30 pm but it would be rare that the applicant would be onsite.

**Mr. Steele** – What is the energy dissipation pad (referring to the site plan)? **Trevor Adams, KVM Consultants Limited** – It is an area that will slow down the stormwater before it goes to the lake to avoid erosion of the bank and the road being washed out. **Mr. Steele** – Where will the outflow from the lake be? Currently, there is an issue with water level and an increase would cause flooding in his backyard. **Mr. Larsen** - This proposal will not add any stormwater. There is some rock there now that slows down the water coming from the ditch on Duggans Lane.

**Mr. Steele** – How many employees will there be? **Mr. Larsen** – There would be two employees (himself and one other) and possible a third to answer the phones.

**Mr. Steele** – How much machinery would be housed in the building? There has always been an issue with power supply in the area. **Mr. Larsen** – There will be two bays which will house one truck each. Nova Scotia Power (NSP) has already been to the site. **Ms. MacLellan** – She will include NSP as part of the review.

**Patricia Newton, Old Sambro Road** – Will the machinery run all night? What about wildlife in the lake? **Mr. Larsen** – The proposed building is 100 feet away from the lake and will have no effect. **Ms. MacLellan** – There is quite a significant setback from the lake but this application will go to NSE for comment. **Ms. Newton** – There have been environmental issues in the past. **Mr. Larsen** – The septic system is state of the art and very clean. Nothing goes into the lake.

**Mr. Newton** – Will there be any infilling? **Mr. Larsen** said there wouldn't be.

**Mr. Steele** – The plans suggests there will be future storage. **Mr. Larsen** – Nothing is going to happen in that area. The plan is to demolish the existing house and clean up the property.

**Mr. Steele** – Is there nothing available in the two existing industrial parks in the area? **Mr. Larsen** said there wasn't.

**Ms. Newton** – It is a very big building to have an office. **Ms. MacLellan** – The building will also be used for the storage of the welding trucks.

## 5. Closing Comments

**Ms. MacLellan** thanked everyone for coming and expressing their comments.

## 6. Adjournment

The meeting adjourned at approximately 7:25 p.m.

**Attachment D:  
Excerpt from Land Use By-law for Planning District 5**

**PART 18: C-5 (INDUSTRIAL COMMERCIAL MIX) ZONE**

**18.1 C-5 USES PERMITTED**

No development permit shall be issued in any C-5 (Industrial Commercial Mix) Zone except for the following:

All uses permitted in the C-2 Zone, except single and two unit dwellings.  
Any industrial, assembly, or manufacturing operation which is conducted and wholly contained within a building and which does not involve process water treatment;  
Service industries;  
General contracting storage yards and services;  
Machinery sales and service outlets;  
Service stations;  
Trucking, landscaping and excavating services;  
Automotive repair outlets and auto body shops;  
Warehouses;  
Hotels and motels;  
Restaurants including drive-in and take out restaurants;  
Outdoor display courts;  
All uses permitted in the P-2 (Community Facility) Zone;  
Mobile dwellings and single unit dwellings which are accessory to any permitted use.  
**Composting operations (see section 4.29)(MC-Feb 26/96;E-Mar 28/96)**

**18.2 C-5 ZONE REQUIREMENTS**

In any C-5 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m <sup>2</sup> )
Minimum Frontage	100 feet (32.84 m)
Minimum Front or Flankage Yard	30 feet (4.1 m)
Minimum Rear or Side Yard	15 feet (4.5 m)
Minimum Separation Distance Between	
Accessory Buildings	15 feet (4.5 m)
Maximum Height of Main Building	35 feet (10.7 m)

**18.3 OTHER REQUIREMENTS: SINGLE AND TWO UNIT DWELLINGS**

Notwithstanding Section 18.1, no person shall erect any single or two unit dwelling unless such a dwelling is located on a lot in existence on the effective date of this By-law, except where a single or two unit dwelling is accessory to any permitted use.

**18.4 OTHER REQUIREMENTS: SEPARATION DISTANCES**

- (a) Where any C-5 Zone abuts any park or conservation zone, no building or structure shall be permitted within fifty (50) feet (16.4 m) of the abutting zone.
- (b) Where any commercial or industrial use in any C-5 Zone abuts any residential or community facility use, no building or structure shall be permitted within fifty (50) feet (16.4 m) of the abutting use.

- (c) Where any C-5 Zone abuts any other zone, no bulk fuel storage tanks shall be permitted within one hundred (100) feet (32.84 m) of the abutting zone, and in no case shall any bulk fuel storage tanks be located within one hundred (100) feet of a residential use.

**18.5 OTHER REQUIREMENTS: OPEN STORAGE, OUTDOOR DISPLAY, PARKING AND LOADING AREAS**

- (a) No open storage shall be permitted in any required front or side yard.
- (b) No outdoor display shall be permitted within ten (10) feet (3 m) of any lot line.
- (c) No open storage or outdoor display shall be permitted in any yard which abuts any residential or community facility use except where a visual barrier is provided.
- (d) No parking or loading area shall be permitted in any required side or rear yard where the required yard abuts any residential or community facility use except where a visual barrier is provided.
- (e) Notwithstanding the provisions of Section 4.27, the parking area shall be paved or otherwise maintained with a stable surface which is treated in a manner so as to prevent the raising of dust and loose particles.

**18.6 OTHER REQUIREMENTS: ENVIRONMENTAL**

No building, structure, open storage or parking area shall be located within twenty-five (25) feet of Fish Brook or within twenty-five (25) feet of Spruce Hill Lake.

**18.7 OTHER REQUIREMENTS: SERVICE STATIONS**

Where a service station is erected in any C-5 Zone, the following shall apply:

- (a) Minimum Lot Area: 30,000 square feet (2787 m<sup>2</sup>);
- (b) Minimum Lot Frontage: 150 feet (45.7 m);
- (c) No portion of any pump island shall be located closer than twenty (20) feet (6.1 m) from any street line;
- (d) The minimum distance between ramps or driveways shall be thirty (30) feet (9.1 m);
- (e) The minimum distance from a ramp or driveway to a road intersection shall be fifty (50) feet (16.4 m);
- (f) The minimum angle of intersection of a ramp to a road line shall be forty-five (45) degrees;
- (g) The width of a ramp shall be a minimum of twenty (20) feet (6.1 m) and a maximum of twenty-six (26) feet (7.9 m);
- (h) Any materials or automobiles being stored as part of the service station operation shall be enclosed by a fence, vegetation or other means which provide a visual and physical barrier.

**18.8 OTHER REQUIREMENTS: AUTO BODY SHOPS**

- (a) Any materials associated with an auto body shop operation shall be contained within a building or otherwise enclosed by a fence, vegetation or other means which provide a visual and physical barrier.
- (b) No open storage of vehicles or equipment shall be permitted within any required yard.

**18.9 OTHER REQUIREMENTS: ONE MAIN BUILDING ON A LOT**

No person shall erect more than one (1) main industrial or commercial building on a lot within any C-5 (Industrial Commercial Mix) Zone. Developments which involve more than one main commercial or industrial building on a lot may be considered by development agreement subject to Policy P-81 of the Municipal Planning Strategy and Section 3.6 of this By-law.

18.10 OTHER REQUIREMENTS: USES WITHIN 250 FEET

Notwithstanding Section 18.2, no development permit shall be issued for any commercial or industrial use located within 250 feet of the Old Sambro Road north of Fish Brook, or within 250 feet of Long Lake Provincial Park, except pursuant to Section 3.6(j) of this By-law.

**Attachment E**  
**Review of Relevant Policies from the Municipal Planning Strategy for Planning District 5**

<b>INDUSTRIAL-COMMERCIAL DESIGNATION</b>	
<b>Policy Criteria</b>	<b>Staff Comment</b>
<p>IC-1 It shall be the intention of Council to establish an Industrial-Commercial Designation, as shown on the Generalized Future Land Use Map (Map 1). Within this designation, it shall be the intention of Council to support a concentration of industrial and commercial land uses, while seeking ways to provide for long-term upgrading of the area.</p>	<p>As part of this application it is proposed that the MPS be amended to include the subject properties within the Industrial – Commercial designation.</p>
<p>IC-2 Within the Industrial-Commercial Designation, it shall be the intention of Council to establish an Industrial-Commercial Mix Zone which permits general industrial, commercial, community facility and accessory residential uses, as well as the existing salvage yard. Controls on loading and parking, signage, the screening of open storage and outdoor display will address concerns with improved site development and will address compatibility concerns with surrounding development. Separation requirements from adjacent zones, watercourses, and residential and community facility uses shall be established. In addition, special access requirements shall be established for service stations.</p>	<p>The C-5 (Industrial-Commercial Mix) is considered the base zone for the industrial commercial designation. It permits general industrial and commercial uses and includes controls on loading parking, signage, the screening of open storage and outdoor display. The C-5 Zone further includes separation requirements from adjacent zones, watercourses, and residential and community facility uses.</p>
<p>IC-3 It shall be the intention of Council that within the Commercial Industrial Designation, no commercial or industrial development shall be permitted within two hundred and fifty (250) feet of the boundary of the Long Lake Provincial Park or of the Old Sambro Road, located north of Fish Brook, excluding the existing Irving Oil station, LIMS Lot #40429763. Notwithstanding that no development is permitted, Council may consider commercial or industrial development consistent with the Commercial Industrial Mix Zone within this setback area in accordance with the development agreement provisions of the Planning Act. In considering any development proposal, Council shall have regard to the following:</p>	<p>The subject properties are located more than 76.2 metres (250 feet) from the boundary of the Long Lake Provincial Park is located along the portion of Old Sambro Road which is south of Fish Brook.</p>

<p>(a) the nature and scale of the proposed development, in terms of its potential effects on adjacent residential areas and the Long Lake Provincial Park;</p> <p>(b) where feasible, the retention of existing tree cover, in order to screen the proposed development from adjacent residential/park areas;</p> <p>(c) the provision of site design features such as landscaping, fencing, and/or buffering which serve to minimize any negative impacts resulting from the proposed development;</p> <p>(d) that no open storage be permitted and that any industrial activity is conducted and wholly contained within a building;</p> <p>(e) maintenance of the development;</p> <p>(f) hours of operation; and</p> <p>(g) the provisions of Policy IM-10.</p>	
<p>IC-4 Notwithstanding Policy E-12, in recognition of the wide range of uses permitted in the Commercial-Industrial Mix Zone, it shall be the intention of Council to prohibit the erection of structures or the location of open storage or parking spaces within twenty-five (25) feet of Fish Brook or within twenty-five (25) feet of Spruce Hill Lake, in order to provide additional protection for these watercourses.</p>	<p>The subject properties are located more than 7.6 metres (25 feet) from Fish Brook and more than 7.6 metres (25 feet) from Spruce Hill Lake.</p>
<p>It is recognized that there are a number of existing lots which may not be suitable for industrial or commercial development or which have been purchased for residential development. Therefore, any lot in existence on the effective date of this Strategy may be developed for residential purposes. However, no additional residential development shall be permitted in the designation.</p>	
<p>IC-5 Notwithstanding Policy IC-1 and IC-2, in recognition of its intention to encourage the development of an industrial commercial concentration, Council shall limit new residential development in the Industrial-Commercial Mix Zone to lots in existence on the effective date of this Planning Strategy, unless such development is accessory to a permitted use.</p>	<p>The subject properties are both zoned R-2 (Two-Unit Dwelling) as the properties were used for residential purposes when the plan was implemented. By rezoning the subject properties to the C-5 Zone, the subject properties will no longer be able to be developed for residential purposes, unless it is accessory to a commercial or industrial use.</p>
<p>One avenue for accommodating industrial-commercial development in the area is to support the development of industrial parks. With the encouragement of this development form comes the need to ensure the viability of the lot in terms of its parking, design of the internal street network, water and sewerage services, layout of buildings and fire protection services. Such development also provides the opportunity for upgrading of the area. For these reasons, a development agreement is supported to accommodate development of new industrial parks or the expansion of</p>	

the existing industrial park. In addition, the location of more than one main industrial or commercial building on any lot shall only be considered by development agreement.

In the case of the existing industrial park, any additional main commercial or industrial structures shall be considered as an expansion and will therefore be subject to development agreement.

IC-6 Within the Industrial-Commercial Designation it shall be the intention of Council to permit the establishment of new industrial parks, the expansion of existing industrial parks, or the location of more than one main commercial or industrial building on a lot, in accordance with the development agreement provisions of the Planning Act. In considering such proposals, Council shall have regard to the following:

- (a) adequate layout and design of the access road or internal street system for emergency services and the co-ordination of proposed roads with the Old Sambro Road;
- (b) the ability of fire protection services to adequately service the increased demand resulting from the proposed development;
- (c) the potential for future subdivision of land or buildings, and the potential for expansion of the development;
- (d) the location of parking areas and loading facilities;
- (e) pedestrian safety;
- (f) the effect of the development upon existing on-site services;
- (g) the maintenance of an adequate setback from watercourses and provisions for management of stormwater;
- (h) ongoing maintenance of the development;
- (i) provisions for landscaping and buffering from adjacent land uses and the public road; and
- (j) provisions of Policy IM-10.

The rezoning of the subject properties will not be considered an expansion to the industrial park.

The Industrial-Commercial Designation in north Harrietsfield warrants some review within the context of economic development initiatives in the Municipality. General infrastructural improvements should be encouraged in the area and in the existing industrial park.

North Harrietsfield is presently unserved and this limits industrial/commercial development potential, particularly for those activities where industrial processes or the size of the workforce place demands on on-site services. Although the Harrietsfield-Williamswood Pollution Control Study has identified options for this area, a key to any long-term future servicing of the Industrial-Commercial Designation will be the Municipality's commitment to a future serviceable area and

resolution of regional sewage issues.	
IC-7 As a component of municipal economic development, it shall be the intention of Council, through the Municipality's Industrial Commission, to identify and promote industrial and commercial development opportunities in the North Harrietsfield area, with the goal of upgrading the existing industrial/commercial facilities.	N/A
IC-8 It shall be the intention of Council to initiate a study of the industrial/commercial area of North Harrietsfield, with the participation of owners and residents, to examine methods of improving access, traffic circulation, pedestrian safety, landscaping and aesthetics of the presently developed areas and to consider its integration with future development. In conjunction with such a study, Council shall establish infrastructure and service improvements in the North Harrietsfield area.	N/A
<b>SECTION IV - IMPLEMENTATION</b>	
IM-10 In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:	
(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;	The proposed rezoning is consistent with the intent of this Plan and 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;	N/A
(ii) the adequacy of on-site sewerage and water services;	The applicant will be required to obtain the necessary permits and approval from Nova Scotia Environment in regards to on-site sewerage and water services.
(iii) the adequacy or proximity of school, recreation or other Community facilities;	N/A

(iv) the adequacy of road networks leading or adjacent to or within the development;	Nova Scotia Transportation and Infrastructure Renewal indicated that the existing road network and driveway access are considered adequate.
(v) pedestrian safety; and	It is unlikely that the proposed use will be attract many pedestrians.
(vi) the potential for damage to or for destruction of designated historic buildings and sites.	There are no designated historic buildings or sites surrounding the subject area.
(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; (v) signs; and (vi) any other relevant matter of planning concern.	The C-5 Zone in the LUB includes provisions for height, setbacks, and lot coverage for proposed buildings, as well as minimum parking requirements, open storage and signage.  The proposal has been reviewed by NSTIR, the anticipated traffic generation is expected to be minimal. The existing access/egress and parking is considered acceptable.
(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 of flooding.	The subject properties are considered suitable. The site is mainly flat and the proposed use is required to be a minimum of 18.3 metres (60 feet) from the abutting lake.
(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy p-79F", 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)	N/A