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MEMORANDUM

TO: Chair and Members of Halifax Watershed Advisory Board

FROM: Tyson Simms, Planner, Planning and Infrastructure

DATE: October 11, 2011

SUBJECT: **Case # 17056:** Application by Kim Huskilson to amend the Land Use By-law for Planning Districts 14/17 (Shubennacadie Lakes) to consider larger buildings for agricultural use.

Introduction:

The following application was reviewed by the Halifax Watershed Advisory Board on September 21, 2011. After much discussion, members of the Board deferred the matter to their next scheduled meeting. Planning staff was directed to provide additional information related to the proposed Land Use By-law amendments. Further, Staff was directed to provide additional information related to the following:

- The total area/size of permitted agricultural use buildings permitted under the Land Use By-law (LUB) and the permitted area/size under any proposed amendments;
- The total number of agricultural use buildings permitted under the current LUB and the total number permitted under any proposed amendments;
- Existing and proposed setbacks requirements for agricultural use buildings from watercourses and potable water supplies, and;
- Existing and proposed setbacks requirements for manure piles from watercourses and potable water supplies.

Synopsis of Proposal:

An application has been submitted by Kim Huskilson to amend Sections 10.5 and 11.5 of the Land Use By-law for Planning Districts 14/17 (Shubennacadie Lakes) to consider an increase to the maximum permitted floor area of buildings intended for agricultural use.

If approved, the applicant proposes to construct two buildings for agricultural use at 230 Church Street, Wellington. The first building, measuring 5,045 square feet (276.4 square metres), will house approximately 10 horses and serve as a storage area for hay and associated farm equipment. The

second building, measuring approximately 20,000 square feet (1,858 square metres) will serve as an indoor riding arena. The applicant has indicated that none of the proposed buildings will include a commercial component or business as they are intended strictly for personal use.

Site Features:

- Approximately 152 acres in size;
- Located at 230 Church Street, Wellington;
- Watercourse along eastern portion of the property (identified on Schedule A);
- Property has extensive frontage on Grand Lake;
- Existing single unit dwelling (identified as cottage on Schedule A);
- Serviced with on-site septic system and well;
- Surrounding uses appear to be mainly residential;
- Property is designated as Residential, and;
- Property is zoned R-6 (Rural Residential).

Planning Process:

The Land Use By-law for Planning Districts 14/17 permits buildings for agricultural use in the R-6 (Rural Residential) and R-7 (Rural Estate) Zones, however building size is dictated based on the total lot size of the subject property:

- Properties with total lot areas less than 120,000 square feet (11,148 square metres) are permitted an agricultural use with a maximum building footprint of 1,000 square feet (92.9 square metres).
- Properties with total lot areas of 120,000 square feet (11,148) or greater, are permitted an agricultural use with a maximum building footprint of 2,000 square feet (185.8 square metres).

Proposed Land Use By-law Amendments:

Staff is proposing a new land use definition for private riding arenas. The new use will permit the private non-commercial use of a barn for the exercising and training of horses. In addition to this use, Staff is proposing larger agricultural use buildings on larger properties. This amendment is achieved through the introduction of a third category under the existing requirements for agricultural uses as identified in Sections 10.5 and 11.5 of the Land Use By-law for Planning Districts 14 and 17. Attachment D provides additional information regarding the proposed amendments.

If approved, the proposed amendments will have minimal impact, if any, on existing agricultural uses as the proposed amendments do not recommend changes to the existing requirements for agricultural uses with a building footprint of 2,000 square feet or less.

Input Sought from the Halifax Watershed Advisory Board

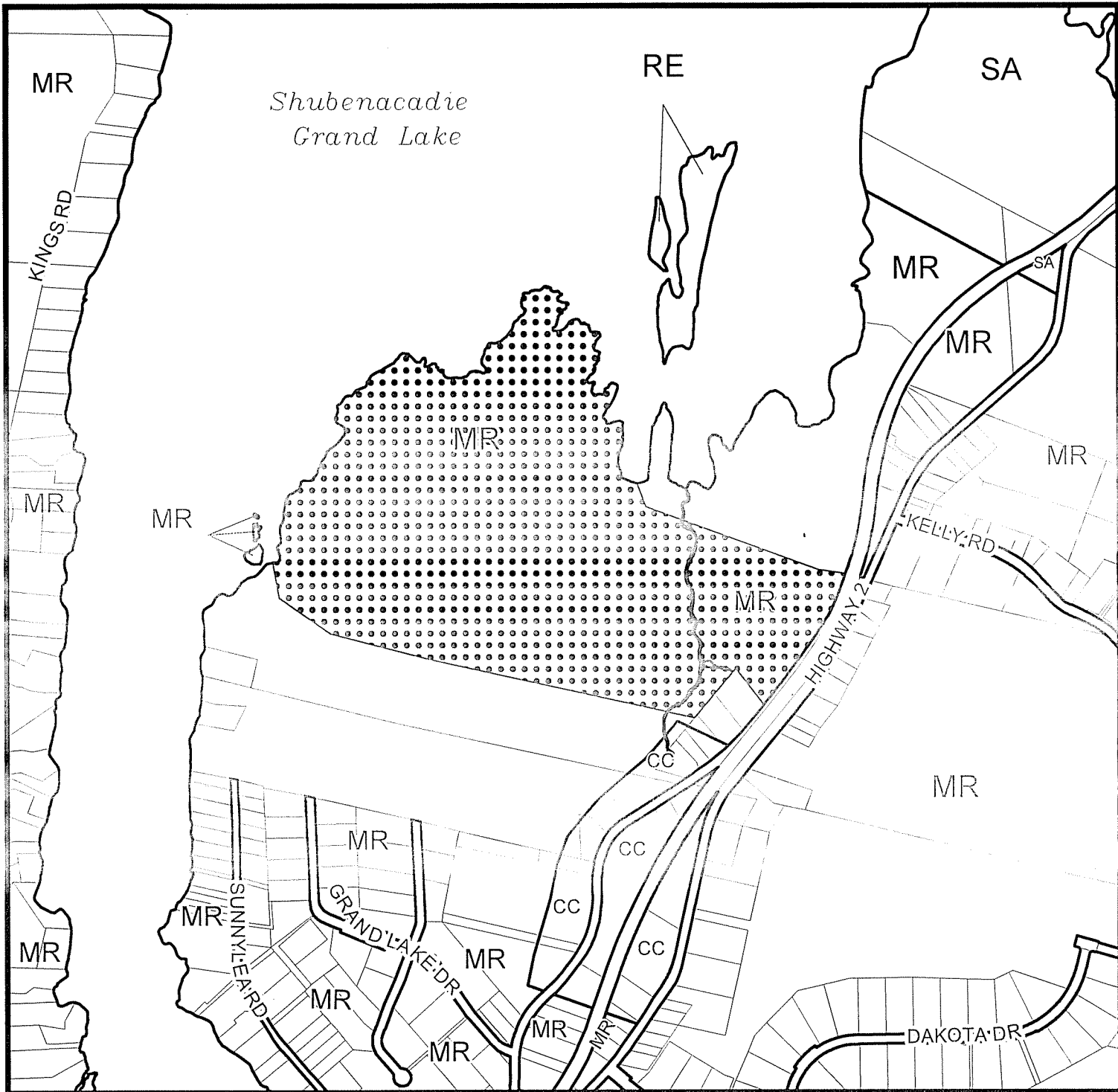
An amendment to the Land Use By-law to consider larger agricultural uses requires an analysis of appropriate setbacks from neighbouring properties, watercourses, dwellings and potable water supplies. Pursuant to the Board's terms of reference, the Board's input is being sought with respect to the potential impact of the proposed development and associated land use by-law amendments to consider larger agricultural uses and the use of private riding barns. HWAB's recommendation and specific comments will be included in the staff report to Marine Drive,

Valley and Canal Community Council.

Attachments:

Map 1 General Future Land Use Map
Map 2 Zoning Map

Attachment A Site Plan
Attachment B LUB Excerpt - Watercourse Setback Requirements
Attachment C LUB Excerpt - R-6 (Rural Residential) and R-7 (Rural Estate) Zones
Attachment D Proposed LUB Amendments
Attachment E Aerial Photograph



Map 1
Generalized Future Land Use



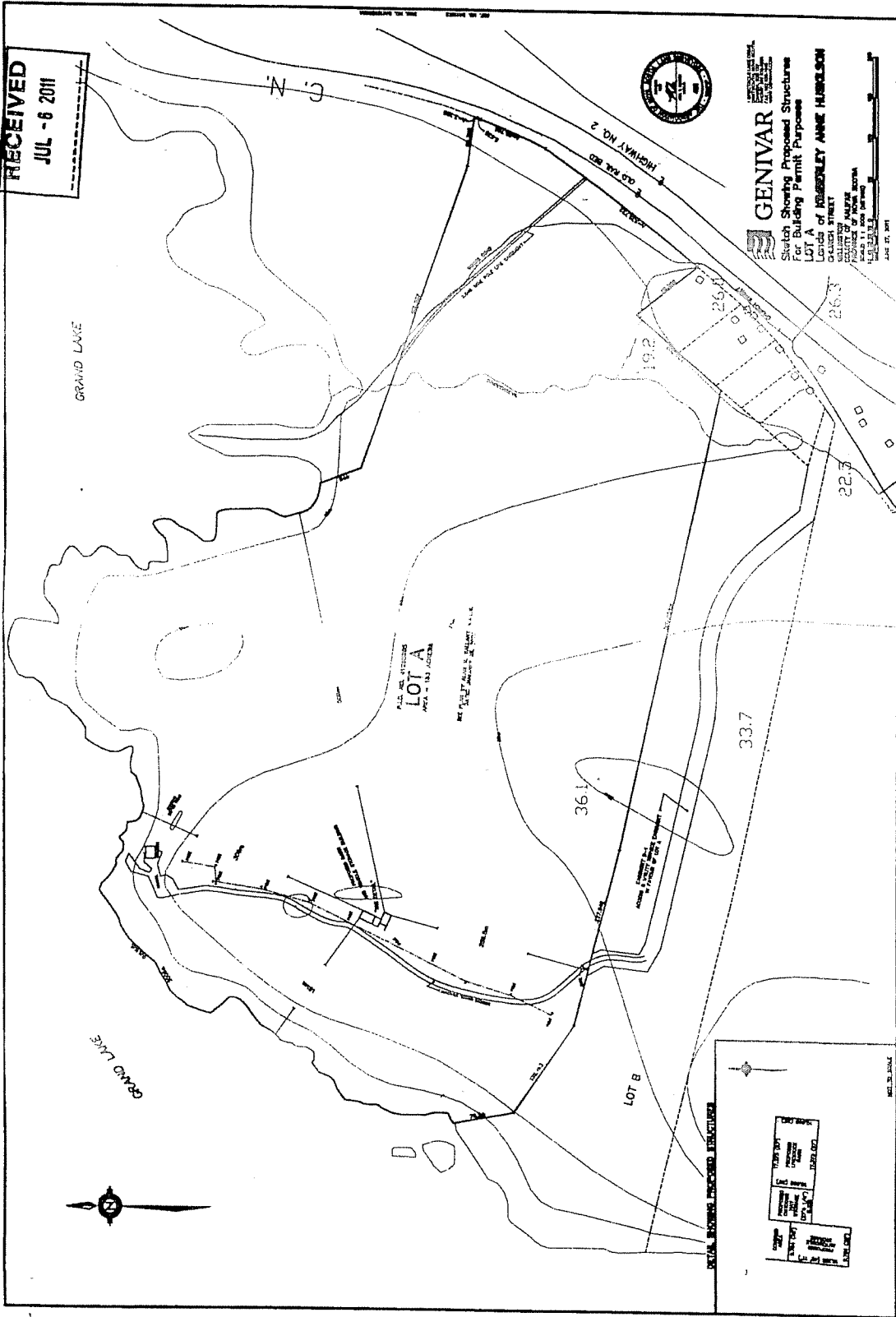
Subject Property

- MR Mixed Residential Designation
- CC Community Commercial Designation
- SA Special Area Designation

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services



Attachment A



RECEIVED
JUL - 6 2011

GENIVAR
ENGINEERING & ARCHITECTURE
Sketch Showing Proposed Structures
Lot Building Permit Purposes
Lot A
Lots of ROBERTLEY ANNE HIBBOLSON
GALVESTON STREET
CITY OF HALF MOON BAY
COUNTY OF SAN DIEGO
CALIFORNIA
JULY 2011

LOT A
APR 11 1911

LOT B

NO.	DESCRIPTION	AREA (SQ. FT.)
1	PROPOSED STRUCTURE	1,200.00
2	PROPOSED STRUCTURE	1,200.00
3	PROPOSED STRUCTURE	1,200.00
4	PROPOSED STRUCTURE	1,200.00
5	PROPOSED STRUCTURE	1,200.00
6	PROPOSED STRUCTURE	1,200.00
7	PROPOSED STRUCTURE	1,200.00
8	PROPOSED STRUCTURE	1,200.00
9	PROPOSED STRUCTURE	1,200.00
10	PROPOSED STRUCTURE	1,200.00
11	PROPOSED STRUCTURE	1,200.00
12	PROPOSED STRUCTURE	1,200.00
13	PROPOSED STRUCTURE	1,200.00
14	PROPOSED STRUCTURE	1,200.00
15	PROPOSED STRUCTURE	1,200.00
16	PROPOSED STRUCTURE	1,200.00
17	PROPOSED STRUCTURE	1,200.00
18	PROPOSED STRUCTURE	1,200.00
19	PROPOSED STRUCTURE	1,200.00
20	PROPOSED STRUCTURE	1,200.00

Attachment B
LUB Excerpt - Watercourse Setback Requirements

Planning Districts 14 & 17

4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1)
 - (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse, except on lots zoned R-1C.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
 - (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
 - (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.
 - (e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.
 - (f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.
- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate

scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06;E-Aug 26/06)

Attachment C
LUB Excerpt - R-6 (Rural Residential) and R-7 (Rural Estate) Zones

PART 10: R-6 (RURAL RESIDENTIAL) ZONE

10.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

CSA approved mobile dwellings

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

Business uses in conjunction with permitted dwellings

Existing industrial uses

Pet care facilities in conjunction with a permitted dwelling (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Community Uses

Parks and open space

Recreation uses

Denominational institutions

Educational institutions and uses

Nursing homes

Residential care facilities

Government offices

Public works (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Resource Uses

Agriculture uses

Firewood mills

Existing forestry uses (C-Aug 17/92;M-Oct 2/92)

10.2 R-6 ZONE REQUIREMENTS

In any R-6 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:

Central water and sewer services 10,000 square feet (929 m²) per dwelling unit

Other	40,000 square feet (3716 m ² per dwelling unit
Minimum Frontage	
Central water and sewer services	75 feet (22.9 m)
Other	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

10.5 OTHER REQUIREMENTS: AGRICULTURAL USES

- (a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:
- (i) minimum lot area: 40,000 square feet (3716 m²)
 - (ii) minimum frontage: 100 feet (30.5 m)
- (b) On a lot area of less than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 1,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard: 100 feet (30.5 m)
 - (iii) minimum side or rear yard: 50 feet (15.2 m)
 - (iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.
 - (v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.
- (c) On a lot area equal to or greater than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 2,000 square feet (92.9 m²)
 - (ii) minimum front, flankage side or rear yard: 150 feet (45.7 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (d) Notwithstanding the requirements of clause (c), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m²), the requirements of clause (b) shall apply.
- (e) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (f) For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.
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PART 11: R-7 (RURAL ESTATE) ZONE

11.1 R-7 USES PERMITTED

No development permit shall be issued in any R-7 (Rural Estate) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

CSA approved mobile dwellings

Day care facilities for not more than fourteen (14) children in conjunction with a dwelling

Business uses in conjunction with permitted dwellings

Pet care facilities in conjunction with a permitted dwelling (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

Community Uses

Open space uses

Institutional uses

Fraternal halls

Nursing homes

Residential care facilities

Resource Uses

Forestry uses

Agricultural uses

Intensive agricultural uses (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)

11.2 R-7 ZONE REQUIREMENTS

In any R-7 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7,432 m ²)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	8 feet 2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)

11.5 OTHER REQUIREMENTS: AGRICULTURAL USES

(a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:

- (i) minimum lot area: 80,000 square feet (3716 m²)**
- (ii) minimum frontage: 200 feet (30.5 m)**

- (b) On a lot area of less than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 1,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard 100 feet (30.5 m)
 - (iii) minimum side or rear yard 50 feet (15.2 m)
 - (iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.
 - (v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.
- (c) On any lot area equal to or greater than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 2,000 square feet (92.9 m²)
 - (ii) minimum front, flankage side or rear yard: 150 feet (45.7 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (d) Notwithstanding the requirements of clause (c), where the floor area of a building for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m²), the requirements of clause (b) shall apply.
- (e) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (f) For any building that is not intended for the keeping of livestock, the requirements of Section 11.2 shall apply.

Attachment D
Proposed LUB Amendments

New Land Use Definition

Riding Arena, Private – Means a building used by the owners or occupants of the site on which the building is located for the training and exercising of their horses and is not used for commercial purpose, horse shows, rodeos or similar events to which there is a fee to participate in or use the facilities.

R-6 (Rural Residential) Zone

10.9 OTHER REQUIREMENTS: RIDING ARENA, PRIVATE

- (a) No building intended for use as a Private Riding Arena shall be permitted unless the following requirements are satisfied:
 - (i) minimum lot area: 435,600 square feet (40,467 m²)
 - (ii) minimum frontage: 100 feet (30.5 m)
- (b) Any building intended for use as a Private Riding Arena shall conform to the following requirements:
 - (i) maximum floor area: 20,000 square feet (92.9 m²)
 - (ii) minimum front, side or flankage yard: 200 feet (30.5 m)
 - (iii) a minimum separation distance of 1,500 feet (457.2 m) is maintained from any lot zoned R-1A or R-1B.
 - (iv) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (c) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

R-7 (Rural Estate) Zone

11.9 OTHER REQUIREMENTS: RIDING ARENA, PRIVATE

- (a) No building intended for use as a Private Riding Arena shall be permitted unless the following requirements are satisfied:
 - (i) minimum lot area: 435,600 square feet (40,467 m²)
 - (ii) minimum frontage: 200 feet (30.5 m)
- (b) Any building intended for use as a Private Riding Arena shall conform to the following requirements:
 - (i) maximum floor area: 20,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard: 200 feet (30.5 m)
 - (iii) a minimum separation distance of 1,500 feet (457.2 m) is maintained from any lot zoned R-1A or R-1B.
 - (iv) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

- (c) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

R-6 (Rural Residential) Zone

10.5 OTHER REQUIREMENTS: AGRICULTURAL USES

- (a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:
- (i) minimum lot area: 40,000 square feet (3716 m²)
 - (ii) minimum frontage: 100 feet (30.5 m)
- (b) On a lot area of less than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 1,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard: 100 feet (30.5 m)
 - (iii) minimum side or rear yard: 50 feet (15.2 m)
 - (iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.
 - (v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.
- (c) On a lot area equal to or greater than 120,000 square feet (11,148 m²) and less than 435,600 square feet (40,467 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 2,000 square feet (92.9 m²)
 - (ii) minimum front, flankage side or rear yard: 150 feet (45.7 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (d) On a lot area equal to or greater than 435,600 square feet (40,467 m²), any building intended for the keeping of livestock shall conform to the following requirements:
- (i) maximum floor area: 6,000 square feet (464.5 m²)
 - (ii) minimum front, flankage side or rear yard: 200 feet (60.9 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

- (e) Notwithstanding the requirements of clause (c), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m²), the requirements of clause (b) shall apply.
- (f) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (g) For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.

R-7 (Rural Estate) Zone

11.5 OTHER REQUIREMENTS: AGRICULTURAL USES

- (a) No building intended for any agricultural use shall be permitted unless the following requirements are satisfied:
 - (i) minimum lot area: 80,000 square feet (3716 m²)
 - (ii) minimum frontage: 200 feet (30.5 m)
- (b) On a lot area of less than 120,000 square feet (11,148 m²), any building intended for the keeping of livestock shall conform to the following requirements:
 - (i) maximum floor area: 1,000 square feet (92.9 m²)
 - (ii) minimum front or flankage yard: 100 feet (30.5 m)
 - (iii) minimum side or rear yard: 50 feet (15.2 m)
 - (iv) a minimum distance of 100 feet (30.5 m) shall be maintained from any dwelling or potable water supply that is not located on the same lot.
 - (v) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse.
- (c) On a lot area equal to or greater than 120,000 square feet (11,148 m²) and less than 435,600 square feet (40,467 m²), any building intended for the keeping of livestock shall conform to the following requirements:
 - (i) maximum floor area: 2,000 square feet (92.9 m²)
 - (ii) minimum front, flankage side or rear yard: 150 feet (45.7 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (d) On a lot area equal to or greater than 435,600 square feet (40,467 m²), any building intended for the keeping of livestock shall conform to the following requirements:
 - (i) maximum floor area: 6,000 square feet (464.5 m²)
 - (ii) minimum front, flankage side or rear yard: 200 feet (60.9 m)
 - (iii) a minimum distance of 300 feet (91.5 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

- (e) **Notwithstanding the requirements of clause (c), where the floor area of a building for the keeping of livestock has a floor area equal to or less than 1,000 square feet (92.9 m²), the requirements of clause (b) shall apply.**
- (f) **Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.5 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.**
- (g) **For any building that is not intended for the keeping of livestock, the requirements of Section 11.2 shall apply.**

**Attachment E
Aerial Photograph**



STABLES ONLY



GRAND LAKE

GRAND LAKE

P.L.D. NO. #1295983
LOT A
AREA = 153 ACRES

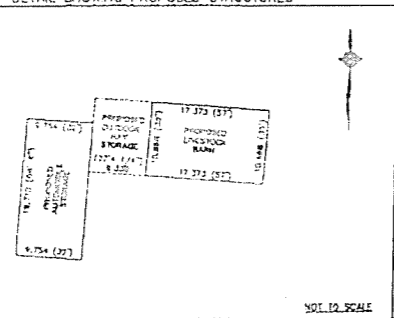
SEE PLAN BY ALAN M. GALLANT, M.S.L.S.
DATED JANUARY 28, 2006



LOT B

EASEMENT B-1
ACCESS & UTILITY SERVICE EASEMENT
IN FAVOR OF LOT A

DETAIL SHOWING PROPOSED STRUCTURES



GENIVAR

Sketch Showing Proposed Structures
For Building Permit Purposes
LOT A
Lands of **KIMBERLEY ANNE HUSKILSON**
CHURCH STREET
WELLINGTON
COUNTY OF HALIFAX
PROVINCE OF NOVA SCOTIA
SCALE: 1 : 2000 (METRIC)
MAY 25, 2011

DATE: 05/25/11
DRAWN BY: J. GALLANT
CHECKED BY: A. GALLANT