


**Marine Drive, Valley and Canal Community Council  
December 19, 2011**

**TO:** Chair and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**   
Phil Townsend, Director, Planning and Infrastructure

**DATE:** November 28, 2011

**SUBJECT:** Case 17056: LUB Amendments – Planning Districts 14 and 17

**ORIGIN**

Application by Kim Huskilson to amend the Land Use By-law for Planning Districts 14 and 17 to allow for a private indoor horse riding barn and an increase to the maximum permitted floor area of buildings intended for agricultural use.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council:

1. Give first reading to the proposed amendments to the Land Use By-law for Planning Districts 14 and 17, as contained in Attachments A and B, and schedule a public hearing, and;
2. Approve the proposed amendments to the Land Use By-law for Planning Districts 14 and 17, as contained in Attachments A and B.

## **EXECUTIVE SUMMARY**

Planning Services received an application to amend the Land Use By-Law (LUB) for Planning Districts 14 and 17 (Shubenacadie Lakes) to enable agricultural use buildings greater than 2,000 square feet (185.5 m<sup>2</sup>) on larger residential properties, where agricultural uses are permitted, and large private indoor riding barns.

Within the R-6 (Rural Residential) and R-7 (Rural Estate) Zones of the Planning Districts 14 and 17 Plan Area, the maximum floor area for agricultural use buildings varies from 1,000 square feet (92.9 m<sup>2</sup>) on properties with a lot area of 120,000 square feet (11,148 m<sup>2</sup>) or less, to 2,000 square feet (185.8 m<sup>2</sup>) on properties with a lot area exceeding 120,000 square feet (11,148 m<sup>2</sup>). The proposed amendment is to enable a 5,000 square feet (464.5 m<sup>2</sup>) agricultural use buildings on significantly larger R-6 and R-7 properties (minimum lot area of 10 acres). Further, the proposal also includes a separate use of a 20,000 square feet (1,858 m<sup>2</sup>) private indoor horse riding barn. As proposed, the use would enable the private non-commercial use of a barn for the sole purpose of exercising and training horses.

This report recommends that Marine Drive, Valley and Canal Community Council approve the proposed amendments to allow for larger agricultural use buildings and private indoor horse riding barns as described in Attachment A and B. The use of larger agricultural use buildings and private indoor riding barns, on larger properties, is achievable in a manner that protects both the natural and community environments, provided sufficient setback and separation distances are achieved. Staff is of the position that the proposed amendments satisfy Policy P-155 of the Municipal Planning Strategy for Planning Districts 14 and 17. Further, the recommended LUB requirements ensure continued protection of the natural and community environments.

A public information meeting was held on September 12, 2011, to discuss the proposed amendments. Attachment G of this report contains a summary of this meeting. On October 19, 2011, the Halifax Watershed Advisory Board (HWAB) reviewed the proposed amendments and provided a summary recommendation. In brief, the HWAB recommended in favour of the proposed amendments. Staff is recommending approval of the proposed amendments (Attachment A and B) as they comply with the intent of the Municipal Planning Strategy for Planning Districts 14 and 17.

## **BACKGROUND**

### *The Proposal:*

The applicant is seeking amendments to the Land Use By-law (LUB) to allow for larger agricultural use buildings and to consider a new land use that would permit the development of a private indoor riding barn. As proposed, the applicant would like to construct a 5,000 square foot (464.5 m<sup>2</sup>) agricultural use building to accommodate their horses and associated equipment and a 20,000 square foot (1,858 m<sup>2</sup>) private indoor riding barn to exercise and train their horses (Attachment C). Currently, the Land Use By-law for Planning Districts 14 and 17 permits agricultural use buildings with a floor area no greater than 2,000 square feet (185.5 m<sup>2</sup>).

Attachment F contains excerpts from the LUB pertaining to the R-6 (Rural Residential) and R-7 (Rural Estate) Zones, areas where agricultural uses are permitted.

*The Property:*

The subject property is generally described as follows:

- located at 230 Church Street, Wellington;
- designated Mixed Residential under the Municipal Planning Strategy (MPS) for Planning Districts 14 and 17 (Map 1);
- zoned R-6 (Rural Residential) under the LUB for Planning Districts 14 and 17 (Map 2);
- approximately 152 acres (61.5 ha) in total area;
- currently developed with a cottage, access driveway, an agricultural use building and an accessory use building;
- bounded to the west and north by Grand Lake; and
- contain a stream present along the eastern portion of the property.

*Implication on other Development Rights:*

If approved, the proposed amendments would allow for the development of a larger agricultural use building and a private indoor riding barn on the subject property. As the request is for a LUB amendment, other R-6 and R-7 zoned properties located within the Planning Districts 14 and 17 plan area, which successfully meet the proposed requirements for larger agricultural uses and/or private indoor horse riding barns, will be eligible for consideration of such uses.

## **DISCUSSION**

The subject property is designated as Mixed Residential under the MPS for Planning Districts 14 and 17. As such, these properties exhibit a traditional semi-rural character. Although single unit dwellings are the predominant land use within the designation, resource uses, such as agricultural uses, are permitted. However, LUB requirements have been implemented to consider the appropriate scale, separation distance and total property size to mitigate potential land use conflicts with the natural and built environments.

As proposed, the applicant is seeking amendments to the LUB to allow for consideration of larger agricultural use buildings and private indoor riding barns on larger properties where concerns related to adequate separation distances and compatibility can be adequately addressed. It is the position of staff that the proposed amendments provided in Attachments A and B satisfy Policy P-155 (Attachment E) of the MPS for Planning Districts 14 and 17. While the proposed amendments are consistent with the intent of the MPS, Staff has identified the following items for discussion:

*Agricultural Uses*

Currently, the LUB for Planning Districts 14 and 17 permits agricultural use buildings on specific residential properties. The R-6 (Rural Residential) and R-7 (Rural Estate) zones permit as of right development of agricultural use buildings with a building footprint no larger than 1,000 ft<sup>2</sup> on properties with a total lot area less than 120,000 square feet (11,148 m<sup>2</sup>). R-6 and

R-7 properties, equal to or exceeding 120,000 square feet (11,418 m<sup>2</sup>) in total area, are permitted to have an agricultural use building no larger than 2,000 square feet (185.8 m<sup>2</sup>).

If approved, the proposed amendments will allow for larger agricultural building on larger properties. The amendments will permit agricultural use buildings with a maximum building footprint of 5,000 square feet (464.5 m<sup>2</sup>) on properties with a minimum lot area of 10 acres (4 hectares). As proposed, the agricultural use building for 230 Church Street is 5,000 square feet (464.5 m<sup>2</sup>). Further, the proposed agricultural use building will be setback approximately 600 feet (182.8m) from the nearest watercourse (Grand Lake) and will be located approximately 800 feet (243.8m) from the nearest property line. Thus, the agricultural use will satisfy all of the proposed land use by-law requirements (Attachment B) for separation and proper sitting.

#### *Private Indoor Horse Riding Barn*

Commercial indoor riding barns are a common resource land use found throughout the municipality. These uses are typically contemplated through commercial recreation policy and allow for the commercial riding of horses. Private indoor horse riding barns are not contemplated in the LUB as demand for such uses is low. As proposed, the applicant is seeking amendments to the LUB that would allow for a 20,000 square foot (1,858 m<sup>2</sup>) indoor horse riding barn for the private riding and training of horses on the subject property. Similar to agricultural uses, such uses will only be permitted on larger properties, in this case containing a minimum lot area of 50 acres (20.2 ha) where substantial separation distances can be accommodated. As the proposed definition suggests (Attachment A), private indoor riding barns will be permitted for the sole purpose of exercising and training horses for personal use. Commercial use of private indoor riding barns will be prohibited, thus they will not consist of any commercial component such as rodeos, horse shows or similar events which there is a fee to participate in or use the facilities.

#### *Setback and Separation Requirements*

Resource uses, such as agricultural use building, are typically subject to significant separation distances from adjacent properties and sensitive natural features. The existing setback requirements are 300 feet (91.4m) and the same separation distances are proposed for larger agricultural uses and indoor riding barns (*see table on next page*). This has been done in an effort to protect adjacent properties and fresh water resources from potential land use conflicts with the proposed resource uses.

The following table provides a summary of the existing and proposed LUB requirements regarding agricultural use buildings.

<b>LUB Requirements for Agricultural Uses</b>	<i>Existing Provisions</i>		<i>Proposed Additional Provision</i>
Minimum lot area	120,000 ft <sup>2</sup> or less	120,000 ft <sup>2</sup> up to 435,600 ft <sup>2</sup>	435,600 ft <sup>2</sup> or greater

Building Footprint	1,000 ft <sup>2</sup> or less	1,001 ft <sup>2</sup> up to 2,000 ft <sup>2</sup>	2,001 ft <sup>2</sup> up to 5,000 ft <sup>2</sup>
Minimum side and rear yard	50 ft	150 ft	300 ft
Minimum flankage or front yard	100 ft	150 ft	300 ft
Distance from any dwelling (not located on the same lot)	100 ft	n/a (150 ft from adjacent property line)	n/a (300 ft from adjacent property line)
Distance from any watercourse	300 ft	300 ft	300 ft
Distance from any potable water supply (not located on the same lot)	100 ft	300 ft	300 ft
Disposal area for livestock waste from watercourse	300 ft	300 ft	300 ft
Disposal area for livestock waste from a potable water supply (not located on the same lot)	300 ft	300 ft	300 ft

The following table provides a summary of the existing and proposed LUB requirements regarding private indoor riding barns.

<b>LUB requirements for Private Indoor Riding Barns</b>	<i>Proposed</i>
Minimum lot area	50 acres (20.2 hectares)
Maximum building footprint	20,000 ft <sup>2</sup>
Minimum front, flankage, side and rear yard	300 ft
Distance from any watercourse	300 ft
Distance from any potable water supply (not located on the same lot)	300 ft
Distance from any lot zoned R-1A or R-1B	1,500 ft
Disposal area for livestock waste from watercourse	300 ft
Disposal area for livestock waste from a potable water supply (not located on the same lot)	300 ft

*Halifax Watershed Advisory Board*

The Halifax Watershed Advisory Board reviewed the proposed development at their October 19, 2011 meeting. Information submitted to the Board for review included a site plan (Attachment D) which has since been revised and resubmitted by the applicant (Attachment C). Although the

location of the proposed uses has changed, they remain in accordance with the recommended LUB requirements.

The Board's recommendations have been submitted to Community Council via a separate report dated November 1, 2011. It is Staff's opinion the matters raised by the Board have been reasonably addressed through the proposed amendments or are addressed through the standard HRM permitting process.

#### *Summary*

It is Staff's position the proposed LUB amendments for larger agricultural use buildings and private indoor riding barns on larger residential properties satisfy the requirements of Policy P-155 and thus are in accordance with the MPS for Planning Districts 14 and 17. For the reasons outlined in this report, Staff are recommending approval of the proposed LUB amendments (Attachments A and B) as indicated in the recommendation section of this report.

### **BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on September 12, 2011. A public hearing has to be held by council before they can consider approval of the proposed amendments.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 2. Attachment D contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on map 2.

The proposed amendments would potentially impact the following stakeholders: local residents; property owners and owners of R6 (Rural Residential) and R7 (Rural Estate) zoned properties.

## **ALTERNATIVES**

The following alternatives are presented to Marine Drive, Valley and Canal Community Council for consideration:

1. Community Council may approve the amendments as attached in this report. Staff recommends this alternative for the reasons outlined;
2. Community Council may choose not to amend the LUB for Planning Districts 14 and 17 as attached in this report. This is not the recommended for the reasons discussed above, or;
3. Community Council may choose to either adopt certain amendments but not others outlined in this report or alternatively request amendments in addition to those outlined in which case an additional staff report(s) may be required and may necessitate a second Public Hearing.


## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Attachment A:	Proposed LUB Amendments (Private Indoor Riding Barns)
Attachment B:	Proposed LUB Amendments (Agricultural Uses)
Attachment C:	Site Plan
Attachment D:	Superseded Site Plan
Attachment E:	Excerpts from the MPS for Planning Districts 14 and 17 and Policy Review
Attachment F:	Excerpts from the LUB for Planning Districts 14 and 17
Attachment G:	Public Information Meeting Minutes

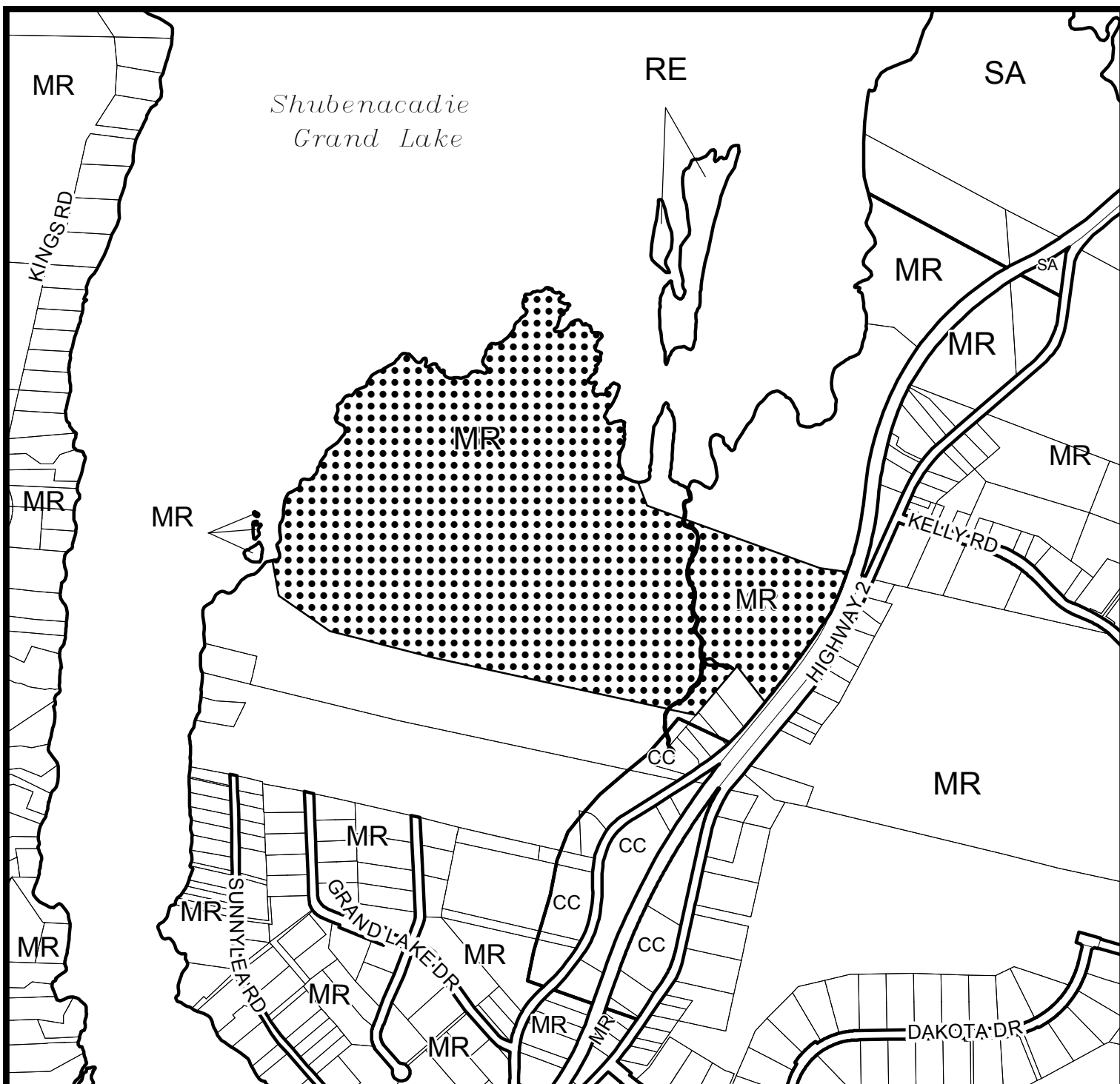
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

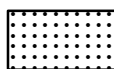
Report Prepared by: Tyson Simms, Planner 1, Planning Services, 869-4747

Report Approved by:   
Austin French, Manager of Planning Services, 490-6717

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## Map 1 Generalized Future Land Use



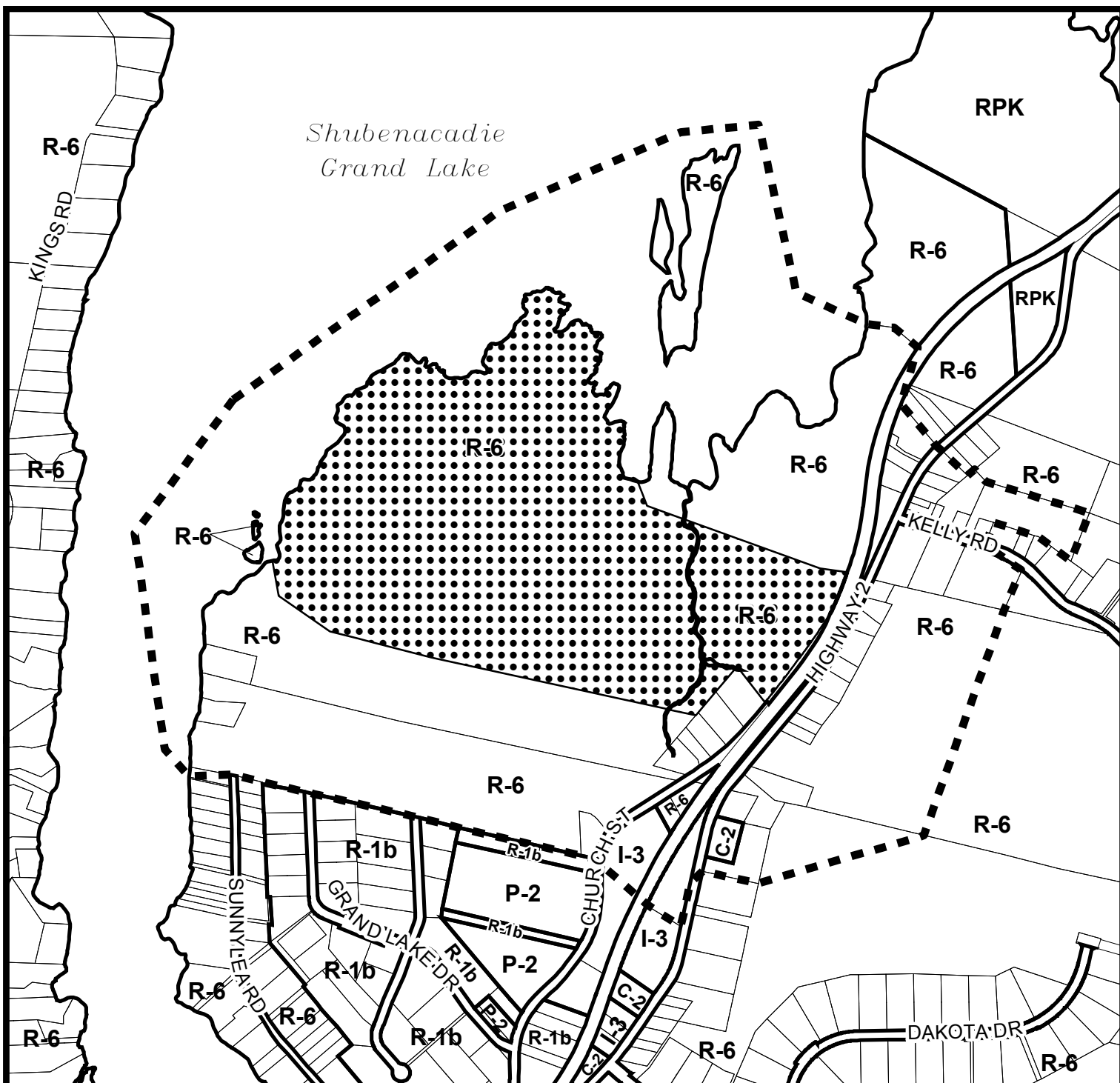
Subject Property

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

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services

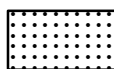






## Map 2 Zoning

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-6 Rural Residential Zone
- C-1 Local Business Zone
- C-2 Community Commercial Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone
- BP Business Park Zone
- BP-1 Business Park -1 Zone



Subject Property



Notification Area

**HALIFAX**  
REGIONAL MUNICIPALITY  
Community Development  
Planning Services



**Attachment A**  
**Proposed LUB Amendments (Private Indoor Riding Barns)**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Planning Districts 14 and 17 Land Use By-law as enacted by the Council of Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, as amended, is hereby further amended as follows:

1. By inserting section 2.36B after Section 2.36A and before Section 2.37 as follows:

**2.36B INDOOR RIDING BARN, PRIVATE** – Means a building used by the owners of the site on which the building is located for the sole 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.

2. By inserting the text “Indoor riding barn, private” under Section 10.1 R-6 Uses Permitted: Resource Uses after Existing forestry uses (C-Aug 17/92;M-Oct 2/92).
3. By inserting the text “Indoor riding barn, private” under Section 11.1 R-7 Uses Permitted: Resource Uses after Intensive agricultural uses (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94).
4. By inserting Section 10.9 after Section 10.8:

**10.9 OTHER REQUIREMENTS: INDOOR RIDING ARENA, PRIVATE:**

- (a) No building intended for use as a Private Indoor Riding Arena shall be permitted unless the following requirements are satisfied:

- |                        |                        |
|------------------------|------------------------|
| (i) minimum lot area:  | 20 hectares (50 acres) |
| (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 m <sup>2</sup> ) |
| (ii) minimum front, side or flankage yard:  | 300 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 (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

5. By inserting Section 11.9 after 11.8:

**11.9 OTHER REQUIREMENTS: INDOOR RIDING ARENA, PRIVATE:**

- (a) No building intended for use as a Private Indoor Riding Arena shall be permitted unless the following requirements are satisfied:

- (i) minimum lot area: 20 hectares (50 acres)
- (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 m<sup>2</sup>)
- (ii) minimum front, side or flankage yard: 300 feet (91.4 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 (91.4 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 (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

**Attachment B**  
**Proposed LUB Amendments (Agricultural Uses)**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Planning Districts 14 and 17 Land Use By-law as enacted by the Council of Halifax Regional Municipality on the 2<sup>nd</sup> day of May, 1989 and approved by the Minister of Municipal Affairs on the 19<sup>th</sup> day of July, 1989, as amended, is hereby further amended as follows:

1. By deleting Section 10.5 (c) and replacing it with the following :

(c) On a lot area equal to or greater than 120,000 square feet (11,148 m<sup>2</sup>) and less than 435,600 square feet (40,467 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:

- (i) maximum floor area: 2,000 square feet (92.9 m<sup>2</sup>)
- (ii) maximum front, flankage, side or rear yard: 150 feet (45.7 m)
- (iii) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.
- (iv) Notwithstanding the requirements of clause (d), 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 m<sup>2</sup>), the requirements of clause (b) shall apply

(d) On a lot area equal to or greater than 435,600 square feet (40,467 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:

- (i) maximum floor area: 5,000 square feet (464.5 m<sup>2</sup>)
- (ii) minimum front, flankage side or rear yard: 300 feet (91.4 m)
- (iii) a minimum distance of 300 feet (91.4 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 (d), 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 m<sup>2</sup>), the requirements of clause (b) shall apply.

(f) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 5,000 square feet (92.9 m<sup>2</sup>) but more than 1,000 square feet (92.9 m<sup>2</sup>), the requirements of clause (c) shall apply.

(g) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(h) For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.

2. By deleting Section 11.5 (c) and replacing it with the following :

(c) On a lot area equal to or greater than 120,000 square feet (11,148 m<sup>2</sup>) and less than 435,600 square feet (40,467 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:

- (i) maximum floor area: 2,000 square feet (92.9 m<sup>2</sup>)
- (ii) maximum 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.
- (iv) Notwithstanding the requirements of clause (d), 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 m<sup>2</sup>), the requirements of clause (b) shall apply

(d) On a lot area equal to or greater than 435,600 square feet (40,467 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:

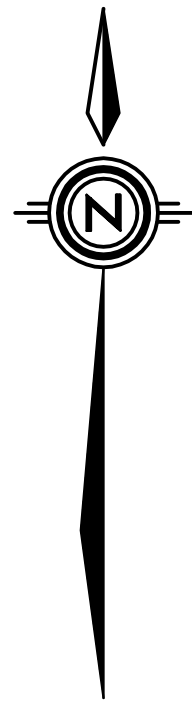
- (i) maximum floor area: 5,000 square feet (464.5m<sup>2</sup>)
- (ii) minimum front, flankage side or rear yard: 300 feet (60.9 m)
- (iii) a minimum distance of 300 feet (91.4 m) shall be maintained from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(e) Notwithstanding the requirements of clause (d), 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 m<sup>2</sup>), the requirements of clause (b) shall apply.

(f) Notwithstanding the requirements of clause (d), where the floor area of a building intended for the keeping of livestock has a floor area equal to or less than 5,000 square feet (92.9 m<sup>2</sup>) but more than 1,000 square feet (92.9 m<sup>2</sup>), the requirements of clause (c) shall apply.

(g) Any disposal area for livestock waste shall be located a minimum distance of 300 feet (91.4 m) from any watercourse or potable water supply, except for a potable water supply that is located on the same lot.

(h) For any building that is not intended for the keeping of livestock, the requirements of Section 10.2 shall apply.



GRAND LAKE

GRAND LAKE

P.I.D. NO. 41295965  
**LOT A**  
AREA = 153 ACRES±

SEE PLAN BY ALAN M. GALLANT, N.S.L.S.  
DATED JANUARY 28, 2009

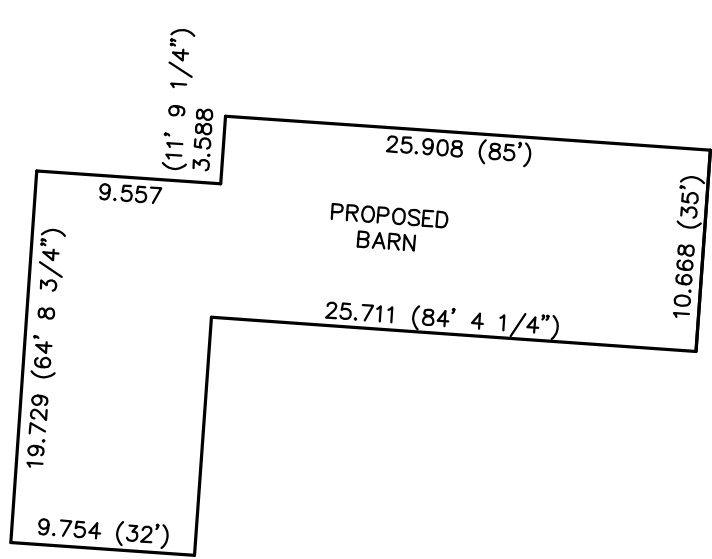
PROPOSED FUTURE  
SITE OF INDOOR  
RIDING ARENA  
(30m X 60m)

PROPOSED BARN  
"SEE DETAIL"

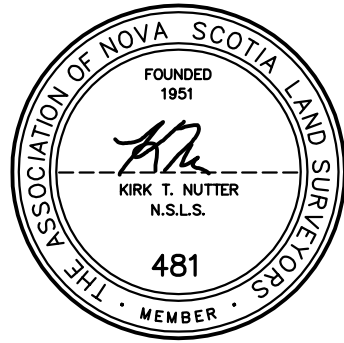
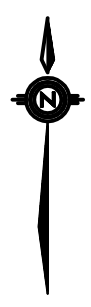
LOT B

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

DETAIL SHOWING PROPOSED BARN



NOT TO SCALE

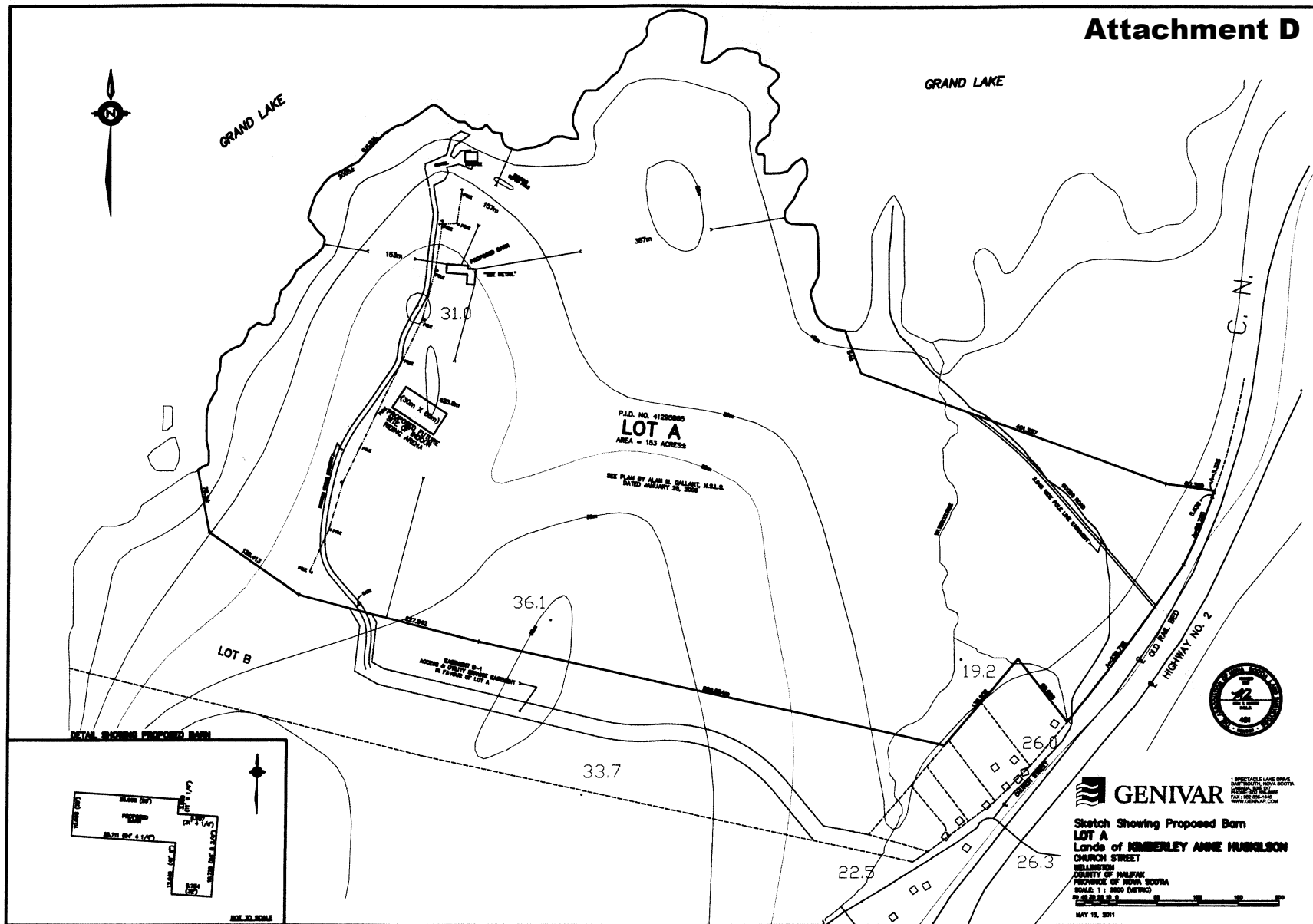


**GENIVAR**

Sketch Showing Proposed Barn in support  
of By-Law Amendment Application  
**LOT A**  
Lands of KIMBERLEY ANNE HUSKILSON  
CHURCH STREET  
WELLINGTON  
COUNTY OF HALIFAX  
PROVINCE OF NOVA SCOTIA  
SCALE: 1 : 2000 (METRIC)  
50 40 30 20 10 0 50 100 150 200

MAY 24, 2011

# Attachment D



**Attachment E**  
**Excerpts from the MPS for Planning Districts 14 and 17 and Policy Review**

<b>P-155 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:</b>	
(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 proposal is in conformity with the intent of the MPS and with the requirements of the Land Use By-law.
(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;	The municipality will not be responsible for any cost associated with the proposed development.
(ii) the adequacy of central or on-site sewerage and water services;	The proposed development does not require any water or sanitary service.
(iii) the adequacy or proximity of school, recreation or other community facilities;	The proposed development does not require any associated dwelling units which would increase the school age population.
(iv) the adequacy of road networks leading or adjacent to or within the development; and	The road network leading to the development does not raise any concerns as agricultural uses and private indoor riding barns typically do not generate significant traffic.
(v) potential for damage to or for destruction of designated historic buildings and sites.	There are no known historic buildings or sites or areas of elevated archaeological significance in the 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;	From a land use perspective, certain resource uses can potentially impact the natural and community environments. Specifically, these uses raise a number of concerns related to appropriate separation from adjacent properties/uses, odour, noise and contamination of freshwater resources. As such, the proposed LUB requirements, as presented in this report (Attachments A and B) require substantial setback distances between the proposed resource uses (agricultural uses and indoor horse riding



	<p>barns) and adjacent properties/uses, watercourses and potable water supplies. Further, increased setback requirements have been established to ensure appropriate separation between areas for disposal of animal waste and adjacent uses, freshwater resources and potable water supplies.</p>
<p>(ii) height, bulk and lot coverage of any proposed building;</p>	<p>Resource uses such as agricultural use buildings and indoor riding barns typically are developed at a larger scale than a typical residential dwelling or accessory use. As such, controls have been placed on the proposed resource uses to reduce conflict between adjacent land uses.</p> <p>To address bulk and coverage, the total size of the proposed resource uses has been restricted (measured by maximum permitted building footprint).</p> <p>Requirements have also been established to require substantial separation distance between the proposed resource uses and adjacent land uses. This separation reduces potential impact with adjacent land uses related to height.</p> <p>Further, staff has proposed minimum lot area requirements. These requirements ensure that the proposed resource uses are permitted only on larger properties where substantial setback requirements can be satisfied.</p>
<p>(iii) traffic generation, access to and egress from the site, and parking;</p>	<p>Agricultural uses and private indoor riding barns typically do not generate significant traffic. While agricultural uses may consist of a retail or market outlet for the sale of perishable agricultural goods or for the handling of animals, generally, they do not generate significant traffic. There is ample space onsite to accommodate these visits.</p>
<p>(iv) open storage;</p>	<p>Open storage shall comply with the requirements of the LUB for Planning Districts 14 and 17. As the proposed resource uses are required to maintain substantial separation from adjacent land uses, it is anticipated that the potential storage of equipment, if applicable, will take place near the permitted resource uses, thus far from adjacent land uses.</p>
<p>(v) signs; and</p>	<p>No signs are proposed with this application. Any proposed signage shall comply with the</p>

	requirements of the LUB for Planning Districts 14 and 17.
(vi) any other relevant matter of planning concern.	...
(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 or flooding.	Soil and geological conditions have been identified as an area of concern in portions of the plan area. Specifically, the capacity of the soil to absorb domestic sewage affluent. That said, the Plan identifies areas of suitable soil and has permitted agricultural uses within specific portions of the Plan Area (R-6 Rural Residential and R-7 Rural Estate zones) where it is felt that these uses can be accommodated, provided they are carried out in a manner sensitive to both the natural and community environments. It is the position of staff, that the proposed LUB requirements (particularly regarding separation and maximum permitted scale) adequately address these concerns.
(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges – Policy P-64F”, 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 July 2/02; Effective-Aug 17/02)	This development does not involve subdivision. Any subdivision of the subject property, or properties implicated by this amendment to the land use by-law, shall comply with the requirements of HRM Regional Subdivision By-Law and the LUB for Planning Districts 14 and 17.

**Attachment F**  
**Excerpts from the LUB for Planning Districts 14 and 17**

**DEFINITION:**

- 2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this By-law, such shall not include a kennel.

**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

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

Bed and breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

**Resource Uses**

Agricultural uses

Forestry uses

Fishing and fishing related uses

**Community Uses**

Open space uses

Institutional uses except day care facilities, medical clinics and fraternal centres and halls

**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 m <sup>2</sup> ) |
| (ii) minimum frontage: | 100 feet (30.5 m)                         |
- (b) On a lot area of less than 120,000 square feet (11,148 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:
- |                         |  |
|-------------------------|--|
| (i) maximum floor area: | 1,000 square feet (92.9 m <sup>2</sup> ) |
|-------------------------|--|

- (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 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:
  - (i) maximum floor area: 2,000 square feet (92.9 m<sup>2</sup>)
  - (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 m<sup>2</sup>), 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.

## 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)**

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 m<sup>2</sup>)
  - (ii) minimum frontage: 100 feet (30.5 m)
- (b) On a lot area of less than 120,000 square feet (11,148 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:
  - (i) maximum floor area: 1,000 square feet (92.9 m<sup>2</sup>)
  - (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 m<sup>2</sup>), any building intended for the keeping of livestock shall conform to the following requirements:
  - (i) maximum floor area: 2,000 square feet (92.9 m<sup>2</sup>)
  - (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 m<sup>2</sup>), 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.

**Attachment G**  
**Public Information Meeting Minutes**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case No. 17056**

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**Monday, September 12, 2011**  
**7:00 p.m.**  
**Grand Lake Oakfield Community Society**

**STAFF IN**

**ATTENDANCE:** Tyson Simms, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Councillor Barry Dalrymple, District 2  
Kim Huskilson, Applicant

**PUBLIC IN**

**ATTENDANCE:** Approximately 35

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**1. Call to order / Purpose of Meeting – Tyson Simms**

Tonight's public information meeting (PIM) is for Case No. 17056 which pertains to a land use by-law amendment to permit larger agricultural use buildings in the R-6 and R-7 Zones within the plan area for Planning Districts 14 and 17.

The purpose of the PIM is to inform the public that HRM has received an application, present some background on the process and the proposal at hand, and to receive some feedback from the public. No decisions are made at the PIM.

The agenda was reviewed.

Mr. Simms introduced Councillor Barry Dalrymple, District 2; Cara McFarlane and Alden Thurston, HRM Planning Applications; and Kim Huskilson, the applicant.

**2. Overview of planning process – Tyson Simms**

The PIM is the first step in this planning process. The proposal will be reviewed internally where staff will voice the public's concern and other departments can provide comments. The

application is required to go before Halifax Watershed Advisory Board (HWAB) as there are a couple of watercourses on this particular site, 230 Church Street, Wellington. Staff will then draft a report with a recommendation to Marine Drive, Valley and Canal Community Council (MDVCCC) where first reading will be given and at that time Council will decide whether or not to schedule a public hearing to approve or deny this amendment. Finally, there is an appeal process.

### **3. Presentation of Proposal – Tyson Simms**

The site is located at 230 Church Street in Wellington just west of Highway #2 and is approximately 150 acres. The property has significant frontage on Grand Lake, is designated Rural Commuter in the Regional Plan and is zoned R-6 (Rural Residential) which is a very common residential zoning in this area. The subject parcel was shown.

The application is to construct two barns on the property which will be defined as agricultural uses. These buildings combined, and individually, have a footprint greater than what is currently permitted (2,000 square feet). The proposed barn and associated storage area measures approximately 5,000 square feet and an indoor riding barn measuring about 20,000 square feet. The proposed watercourse setback from these proposed structures is approximately 600 feet. All proposed development is for personal use, there is no proposed commercial component.

The site plan was shown. There is an existing cottage on the site to the north and a right of way access. The location of the proposed 5,000 square foot structure was shown. There is a watercourse on the property further to the east and the lake is also considered a watercourse.

The link to the website was given. The original site plan was shown with the location of the proposed building to the north. The new location of the proposed buildings was shown further south on a revised site plan.

Currently, the land use by-law requirements as they exist today permit agricultural uses in the R-6 (Rural Residential) and R-7 (Rural Estate) Zones. The total size of the building is dependent on property size. If the property is less than 120,000 square feet, the permitted maximum footprint of an agricultural building would be 1,000 square feet, a property larger than 120,000 square feet can have a maximum footprint of 2,000 square feet for an agricultural building. Along with those requirements, there is a list of other requirements that dictate the location of the building. A watercourse setback for these types of uses is 300 feet (quite significant). Areas that are designated for livestock waste also have to be setback 300 feet from a watercourse or any portable water supply. Minimum distance from adjacent dwellings has to be a minimum of 100 feet. Front yard setbacks vary from 100 feet to 150 feet, side yard setbacks are 50 feet to 150 feet. Through the definition these uses may include a retail or market outlet for the sale of perishable agricultural goods or for the handling of animals. Kennels are not permitted.

### **4. Questions and Comments**

**Bill Horne, Wellington** – What is the present zoning of the property and is it being rezoned to R-7? Mr. Simms said that it is and will remain zoned R-6. Currently, agricultural uses are

permitted in both R-6 and R-7 Zones. The proposal is to amend the land use by-law requirements for both these zones. The implication is that all properties in the Planning Districts 14 and 17 plan area zoned R-6 and R-7 would be considered to allow larger buildings for agricultural uses on larger lots.

Mr. Horne wondered if the building would be mostly for riding or the keeping of horses. What is the maximum number of horses? Mr. Simms understands that the indoor riding barn is specifically for riding horses. The barn itself is split into two sections. One half is reserved for the horse stables (a minimum of ten horses). Kim Huskilson said that there are currently eight stalls planned for the stable. Mr. Simms mentioned that because this application is not going through a development agreement process, HRM cannot dictate the number of horses but it could perhaps be identified in the requirements.

Mr. Horne is concerned about some environmental issues. Will there be any controls on handling the waste? Mr. Simms understands that there will be areas designated for waste. Methods to control waste are regulated by the Province. HRM does have specific setback requirements. The current setback requirement is 300 feet from a watercourse or potable water supply. One resident mentioned that there is very little soil and a lot of bedrock on the property. Mr. Horne said there is also shale and clay there. Are there any studies available on the bedrock? Mr. Simms doesn't have any as of yet but this application is subject to review by HWAB.

Mr. Horne asked if there was any cleared land. Ms. Huskilson said there are about 5 acres that are cleared.

**Dustin Garnett, Wellington** – What is the footprint of the proposed buildings? Mr. Simms explained that for this specific parcel, the applicant is looking for upwards to about 25,000 square feet. Mr. Garnett asked if that will change the rules for everybody else in that area or is it this specific property. Mr. Simms said essentially by amending the land use by-law, the parameters of the requirements for all R-6 and R-7 Zones will change. Staff is looking at increasing the agricultural use building size for much larger parcels; therefore, a number has to be decided upon. At the same time, staff must keep in mind that these buildings are for personal use.

Mr. Garnett asked if there would be a separate process for subdividing the property in the future. Mr. Simms explained that applications for subdivisions, commercial uses, etc., have their own process. This is strictly for an increase in size of agricultural buildings. I've received a lot of questions about potential commercial use on the property.

**Lynn Guscott, Wellington** – Elaborate a bit more on what the process would be to get approval for commercial use. Potentially, any R-6 or R-7 property, or this specific property could change hands, could build a larger building and then apply for commercial uses. Hopefully the process would involve public consultation, environmental studies and transportation studies before anything like that would happen. Mr. Simms used a golf course as an example of commercial recreation use. This type of use would require a planning process involving a development agreement. A traffic impact statement would be required by HRM's development engineer and if a watercourse is present on-site, a review by HWAB would be required. Staff looks at those



proposals very specifically and there is a public process involved. Typically, our notification area is 500 feet surrounding the property in question.

**Anna McCarron, Wellington** – Why a by-law change as opposed to a development agreement? Mr. Simms explained that there is no existing policy in the Planning Districts Municipal Planning Strategy (MPS) to consider a development agreement specifically to increase the size of agricultural use buildings. Ms. McCarron asked if this is the only avenue to entertain this proposal. Mr. Simms said that it is very rare that a property this size would be used solely for an agricultural use. If a larger lot size is required for larger buildings, it may be a rare occurrence that the policy is used but at least it would provide the option if someone wanted to use the agricultural use for a personal use as long as they meet all of the requirements. Mr. Simms confirmed that this by-law change will only affect agricultural use buildings in the R-6 and R-7 Zones. The definition of agricultural use essentially is the storage of livestock.

Mr. Garnett wondered if the setback from a watercourse increases if the building is bigger. Mr. Simms said staff is looking at that. A setback of 300 feet is used for intensive agricultural uses. Ms. McCarron thought the proposed watercourse setback for this application was 600 feet. Mr. Simms agreed but pointed out that the requirement in the land use by-law is 300 feet. This is a significant setback. Ms. McCarron urged staff to look at the option of a development agreement because her concerns, as many are, is the granite rock, minimum thickness of soil, etc. There is concern for runoff no matter how far the setback is. Berms should be developed to contain the runoff of manure and horse feed from the site. Mr. Simms mentioned that the land use by-law is much broader in the sense of the requirements, but staff can look at and put in, if possible, strong requirements for control. A development agreement is not an option in this case.

Mr. Garnett wondered, with the change, if he will be permitted to do everything that exists now to which Mr. Simms said yes. The major change in effect is larger buildings. Staff will make sure setbacks are met with the very large sites where these buildings will be permitted.

Ms. Guscott assumes that the manure and waste will go to one spot very close to where the barn is. How is it controlled when riding the horses around the trail and lake? Is it an agricultural use? Mr. Simms said not from HRM's point of view. It is largely regulated by Department of Environment (DOE). DOE looks to HRM to provide them with an adequate setback. Ms. Guscott wondered if DOE looks to HRM to provide feedback on things such as enough soil on the property, there is mostly shale present and the fact that there will be a large amount of activity. The setback is one thing but considering the horses consistently go in the same spot. Mr. Simms said that DOE will be invited to participate in the internal review meeting. Keep in mind that the change is not specifically for this property, but all properties in the plan area. Staff will also be seeking comments from HWAB.

**Glen Robertson, Wellington** – He is concerned about what the buildings on this property will be used for and how the change will affect everyone surrounding this particular property. The other big concern is it appears that a blanket change to the entire HRM district is being made and that that could end up affecting other people in negative ways. He is also concerned that a property owner may decide to have 200 pigs instead of horses. He is not opposed to somebody building a bigger building on their own property it's what the effects from making an entire

HRM change that could affect the people around a particular property. Mr. Simms reiterated that only R-6 and R-7 properties within Planning Districts 14 and 17 will be affected. This is not a proposal for HRM wide. It could be considered as a blanket approach but it is controlled. This only permits agricultural use which is intended to be livestock, but it specifically mentions horses. Pig farms are considered to be intensive agricultural uses which are not permitted in the R-6 and R-7 Zones.

Mr. Robertson asked what type of ground cover will be used. Ms. Huskison said the riding arena is most likely going to be a composite material. The manure will be mixed with shavings and composted. The reason the proposed barn was moved is because there is about 5 to 7 acres there with deeper soil due to a natural valley. Mr. Robertson wondered if some thought has been given to trucking the manure off the property. Ms. Huskison doesn't feel it is the right thing to do because it can be composted and used to grow grass in the summertime. We will follow the Province's guidelines for large agricultural uses. She also draws water from the lake; therefore, is very conscious about handling the waste.

Mr. Robertson wondered what besides horses would be permitted. Mr. Simms said that kennels are considered separate and have their own strict policy and process. The definition was read to the public. You can have livestock but there are restrictions as to what type of livestock.

Mr. Robertson asked what process would be required for someone to turn their proposal into commercial (breeding/boarding of horses). Mr. Simms explained that the applicant would have to abide by any policy that was available to consider commercial recreation use for this specific parcel. A public process would be required and more than likely a development agreement (takes about six to eight months). In order to create a new policy, a plan amendment process which could take up to a year would have to occur. There are avenues available but they are challenging and lengthy. In the definition it says "...may include retail or market outlets for the sale of perishable agricultural goods or for the handling of animals...". That is maxed at 2,000 square feet. There are still restrictions on what you can do in that definition.

**Bonne Currie, Wellington** – If this property was not  $\frac{3}{4}$  surrounded by water, it wouldn't have quite the same concerns. Lake Fletcher is basically dead water at this point. Grand Lake is being syphoned off by Enfield. Plus there is a lot of runoff into Grand Lake for whatever reason. There is a lot of algae present in the lake which is a real concern. She hopes the applicant understands that the residents are just concerned about protecting the water. The problem is being washed right through the lake systems. Another concern is the runoff because of such little soil.

Ms. Currie wondered why the amendment is for the R-6 and R-7 Zoned property in all areas of Planning Districts 14 and 17 plan area. An explanation of the history for naming the plan area was given.

**Colin Ross, Wellington** – A lot of people are worried about the setback from the water and the fact that there is not a lot of soil but you also have to look at the direction of the runoff. He is familiar with the property and is quite confident that a lot of the runoff would be in the opposite direction. This is something to keep in mind.

Mr. Robertson wondered what happens down the road if this property is subdivided. Mr. Simms explained that subdivision is based on policy of the day. Currently, a subdivision of more than eight lots would require an open space design.

**Councillor Dalrymple, District 2** – Pleased to see that some members of SWEPS Committee were in attendance. This has been spoken about amongst the committee and will be in the future. Also, a member of HWAB was present and this application will be in front of that board as part of this process. He reminded everyone that this is the very first step of the process and staff is looking for the public's comments and concerns. All of this will be taken into consideration during the process. He thanked everyone for coming to the meeting.

## **5. Closing Comments**

Mr. Simms thanked everyone for coming and expressing their comments and concerns regarding this application.

## **6. Adjournment**

The meeting adjourned at approximately 8:04 p.m.