
MEMORANDUM

To: Chair and Members of Halifax Watershed Advisory Board

From: Maureen Ryan, Senior Planner

Date: August 15, 2012

Subject: **MPS and LUB Amendments to Planning Districts 14/17 for the proposed River-lakes Secondary Municipal Planning Strategy**

Planning Process

Halifax Regional Council initiated the process to prepare amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 (Shubenacadie Lakes) to carry out the Fall River Vision and Action Plan for the Fall River Community Centre (now referred to as the River-lakes Secondary Planning Strategy Area).

Under the direction of the Regional Plan, the Fall River Community Liaison Group, in partnership with HRM, undertook a Visioning Process to determine how this Centre should grow over the next 20 - 25 years. The Vision and Action Plan that was adopted-in-principle by Regional Council in 2007 and called for the creation of a Secondary Planning Strategy to:

- maintain the rural village atmosphere and rural character of the area;
- provide opportunities for alternative housing forms (low-rise multiple unit dwellings and townhouses) to meet the diverse needs of the population;
- foster the development of a socially cohesive community; and
- protect the natural and cultural assets of the community such as the Shubenacadie Lakes water quality and historic Shubenacadie Canal.

The Fall River Vision Implementation Committee (FRVIC) was formed by Regional Council to oversee the public participation program to prepare the River-lakes Secondary Planning Strategy and to guide its preparation. The secondary planning process is taking place in two phases with Phase 1 focussing on the development of detailed regulations to achieve desired community form, land use pattern and architectural design regulations for the River-lakes Village Centre and allowances for alternative housing developments to meet the need of seniors and young adults. Phase II of the Secondary Plan requires direction from Regional Council on where growth should occur throughout the entire River-lakes

Secondary Planning Area so that options for future infrastructure development and further options for the protection of the Shubenacadie Lakes maybe evaluated.

The Fall River Vision Implementation Committee/ Community Planning Group have completed Phase 1 of the process and is recommending that the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17, and the Regional Municipal Planning Strategy be amended, to carry out the River-lakes Secondary Planning Strategy.

Synopsis of the Proposed River-lakes Secondary Planning Strategy Land Use

The River-lakes Secondary Plan Area encompasses the Fall River, Fletcher's Lake, Windsor Junction and portions of the Wellington, Lakeview and Miller Lake communities as shown on Attachment 1. Along, the eastern side of the Plan Area is the River-lakes Village Centre Designation which extends from Roland Road on the Fall River Road to the Sobeys Shopping Centre and from the lands north of the Sobeys Shopping Centre south the Highway 102 and 118 Interchanges along the eastern side of Lake Thomas.

The River-lakes Secondary Planning Strategy contains polices and regulations which will replace the Community Centre Designation and C-2 (Community Commercial) and C-4 (Highway Commercial) Zone which currently applies to the area proposed as the River-lakes Village Centre Designation. Within the proposed Village Centre Designation there are five proposed zones which include the proposed CC (Canal Court), VMS (Village Mainstreet), VC-CDD (Comprehensive Development District), VG (Village Gateway), and FRB (Fall River Business) zone (Attachment 2). Each of these zones is designed to reflect the unique characteristics of the various areas throughout the Village Centre as outlined below:

- The Canal Court (CC) Zone applies to the lands surrounding the historic Shubenacadie Canal at Fall River Run. It is intended to support the continued development of a pedestrian-oriented, commercial and residential area on the small lot pattern that gives this area its special character. It will permit the development of small scale retail uses, banking, museums and art galleries, restaurants and cafes, low density residential uses, home businesses and day cares (Attachment 3). All future development must be situated close to the street and building footprints are limited to 2000 square feet or 4000 square feet over two floors (Attachment 5).
- The Village Core – Comprehensive Development District (VC-CDD) applies to the Sobeys Shopping Centre Site and supports the continued development of the larger scale commercial through the process of a development agreement. It will permit all the uses permitted in the CC Zone and a wide range of commercial uses such as pubs, wellness centres, garden centres, and clinics. It will also permit all community facility uses such as churches, daycares, schools, libraries, fire stations, etc..
- The Village Mainstreet (VMS) Zone applies to all lands along Fall River Road and along Highway 2 outside of the VC-CDD down toward the interchanges. It is also intended to provide for a pedestrian oriented commercial and residential area but with a wider mix of commercial uses at a medium scale. It permits all of the uses that maybe permitted in the VC-CDD Zone but at a much smaller scale with a maximum building footprint of 4000 square feet or 8000 square feet over two floors. Low density residential uses are also permitted (Attachments 3 and 5).

- The Village Gateway Zone applies to the lands around the interchanges and is intended to create a visually pleasing entryway into the community. It too permits wide range of land uses as the VC-CDD and VMS zones but also allows the development of hotels and motels. The maximum floor area of development within this zone is 10,000 square feet which may be permitted all on one floor (Attachments 4 and 5).
- The Fall River Business Zone applies to the light industrial area on Perrin Drive and is designed to allow for the continued development of commercial and light industrial type uses that benefit from being near a highway interchange. It permits industrial type uses such as construction storage yards, transportation terminals, and light manufacturing (Attachments 4 and 5). It also permits a limited range of commercial uses including offices, financial institutions, hotels and motels and building supply outlets. General retail uses however, are not permitted since it is the desire of the community to permit such uses in the other locations of the Village Centre where there is a desire to create a gathering place for commerce, residential living and community facilities.

The River-lakes Village Centre Designation also contains policies to allow for the consideration of discretionary uses through the provisions of a development agreement:

- Within the Canal Court Zone larger scale uses may be considered along the western and eastern sides of the Shubenacadie Canal if the development contains a proposal to develop an internal courtyard that is comprehensively planned. This is to ensure that an internal system of walkways, cafes, and other outdoor features are planned to create a development that uses this historic waterway as the focal point for its development.
- Multiple unit dwellings and townhouse development up to a maximum of 3 units per acre may also be considered subject to the submission of studies to verify availability of sufficient groundwater supply, impact on the transportation network and the receiving waters of the Shubenacadie Lakes.

All future development will be subject to regulations on architectural appearance, lighting, and landscaping. Parking is also required to be situated at the side or the rear of all buildings in all zones with the exception of the FRB Zone. A maximum width for all buildings is proposed for the CC and VMS zones to prevent highway commercial strip development along the roadside and to maintain the rural village atmosphere as desired. In order to minimize the impacts of stormwater runoff, all zones require the retention of a minimum of 50% of the site as pervious surface.

Alternative Housing Developments: Proposed Policies under the Plan

Outside of the River-lakes Village Centre Designation, the remainder of the Plan Area is designated primarily for low density residential development. In keeping with the vision and the need to provide opportunities for alternative housing forms to meet the diverse needs of the population, the River-lakes Secondary Plan will allow consideration of low-rise multiple unit dwellings and/or townhouses, single unit dwellings and two unit dwellings at four specific locations as illustrated on Attachment 6 and as outlined below:

- Site A is situated on a site which is adjacent to the north and eastern sides of Sobeys. It is a 12 acre site for which up to 4 units for a total of 46 units may be considered. This may be increased

to 8 units per acre for a total of 93 units in the future if central water becomes available to the Village Centre.

- Site B is situated on the south side of Fall River Road in Fall River. It is a 42 acre site for which up to 4 units per acre for a total of 186 units may be considered.
- Site C is situated at the southern end of Ingram Drive. It is a 30 acre site for which a total of 120 units may be considered. This site is currently zoned I-3 (Light Industrial) and will be rezoned to the proposed Residential Comprehensive Development District to allow consideration of multiple units, townhouses, single unit dwellings, a small scale retail component and a self-storage facility.
- Site D is situated at the end of Charleswood Drive in Windsor Junction. A 42 acre portion of this larger parcel of land maybe considered for a townhouse development up to a maximum density of 2 units per acre. This would potentially yield 84 units on this site in conjunction with the proposed single unit dwellings that are currently under consideration as an Open Space design Development.

Shubenacadie Lakes Watershed Study

The Fall River-Shubenacadie Lakes Watershed Study was prepared by Jacques Whitford Limited, et.al. as background information for the River-lakes Secondary Planning process. The purpose of this Study was to determine the impacts of development on the carrying capacity of the Shubenacadie Lakes. According to the Study, water quality within the Shubenacadie Lakes has declined as a result of development over the past 30 years.

Current Trophic Status

Based on the empirical data collected in 2007, the Study indicated that Lake Thomas, Lake Fletcher and Grand Lake were oligotrophic (low nutrient values with greater clarity) with less than 10µg/L total annual phosphorus concentrations as indicated in Table 3 below. Lake Thomas and Lake Fletcher however, were near the boundary for transition to the mesotrophic level with total annual phosphorus concentrations at 9.2µg/L and 9.3µg/L respectively. Based on the existing amount of development that has already taken place within 1000 feet of these lakes, the model predicts that Lake Thomas will become mid-range mesotrophic and that Lake Fletcher will become upper range mesotrophic. The Study also predicts that Grand Lake will become upper range oligotrophic in the next 20 to 25 years.

Development Scenario Impacts

The Study modelled the impacts of a number of alternative development scenarios. One was a model for the potential future development of approximately 700 new units Within the River-lakes Village Centre Designation. The other modelled the impacts of the future development of approximately 1000 residential lots north of the Fall River Road in the St. Andrew's Village West and Kinloch Estates Area. This scenario is called the Outside the River-lakes Village Centre Designation Development Scenario.

The Within the River-lakes Village Centre Designation Development Scenario predicted that Lake Thomas will move from the mid-range mesotrophic level to the upper range mesotrophic level at 18.0µg/L. Lake Fletcher was predicted to move to the meso-eutrophic boundary of 20µg/L under this development scenario. Grand Lake was predicted to move to or slightly above the oligo-mesotrophic boundary at 10.2µg/L.

Modelling for the Outside the River-lakes Village Centre Designation Development Scenario predicted that this development scenario would cause Lake Fletcher to approach the meso-eutrophic boundary of 20µg/L and Grand Lake would move into the low mesotrophic range.

Each scenario was modeled independently and did not account for the cumulative effects that both scenarios would have on receiving waters if developed together. If the scenarios for the Within the River-lakes Village Centre Designation and the Outside the River-lakes Village Centre Designation were developed together, or if there was greater development in the sub-watersheds upstream of the River-lakes Plan Area, there would be greater impact on the receiving waters of the sub-watersheds in this Secondary Planning Strategy Area than indicated in this Study.

The proposed regulations for the River-lakes Village Centre Designation will significantly reduce the permitted floorspace and amount of pervious surface within the River-lakes Village Centre Designation from the previous regulations under the C-2 (Community Commercial) and C-4 (Highway Commercial) zones. The new regulations proposed under the River-lakes Village Centre Designation Zones require the retention of a minimum of 50% of each site as pervious surface. The permitted building footprint for all buildings permitted within the various zones has been reduced from 10,000 square feet to anywhere between 2000 to 4000 square feet in the vast majority of the Village Centre Designation. The Regional Plan requires the retention of riparian buffers and wetlands which will also aid in the uptake of phosphorus and ameliorate its impacts.

In order to maintain the health and resilience of these receiving waters, this Secondary Planning Strategy proposes a no net increase phosphorus export policy for any large scale residential development that may be considered through the provisions of a development agreement. The applicant shall be required to submit a study by a qualified person demonstrating that the proposed development will not export any more phosphorus from the site than what may be exported from the site prior to the development taking place. If the amount of phosphorus for a proposed development exceeds the phosphorus budget for the site, then the density of development will have to be reduced. The proposed regulations for the Village Centre Designation are also designed to reduce phosphorus impacts by requiring that a minimum of 50% of the site be maintained as pervious surface. The feasibility of continuing “as-of-right” development in the northern portion of the Secondary Planning Strategy Area that was “grandfathered” under the Regional Plan, should also be reviewed during the Phase II planning process.

Input Sought from the Halifax Watershed Advisory Board:

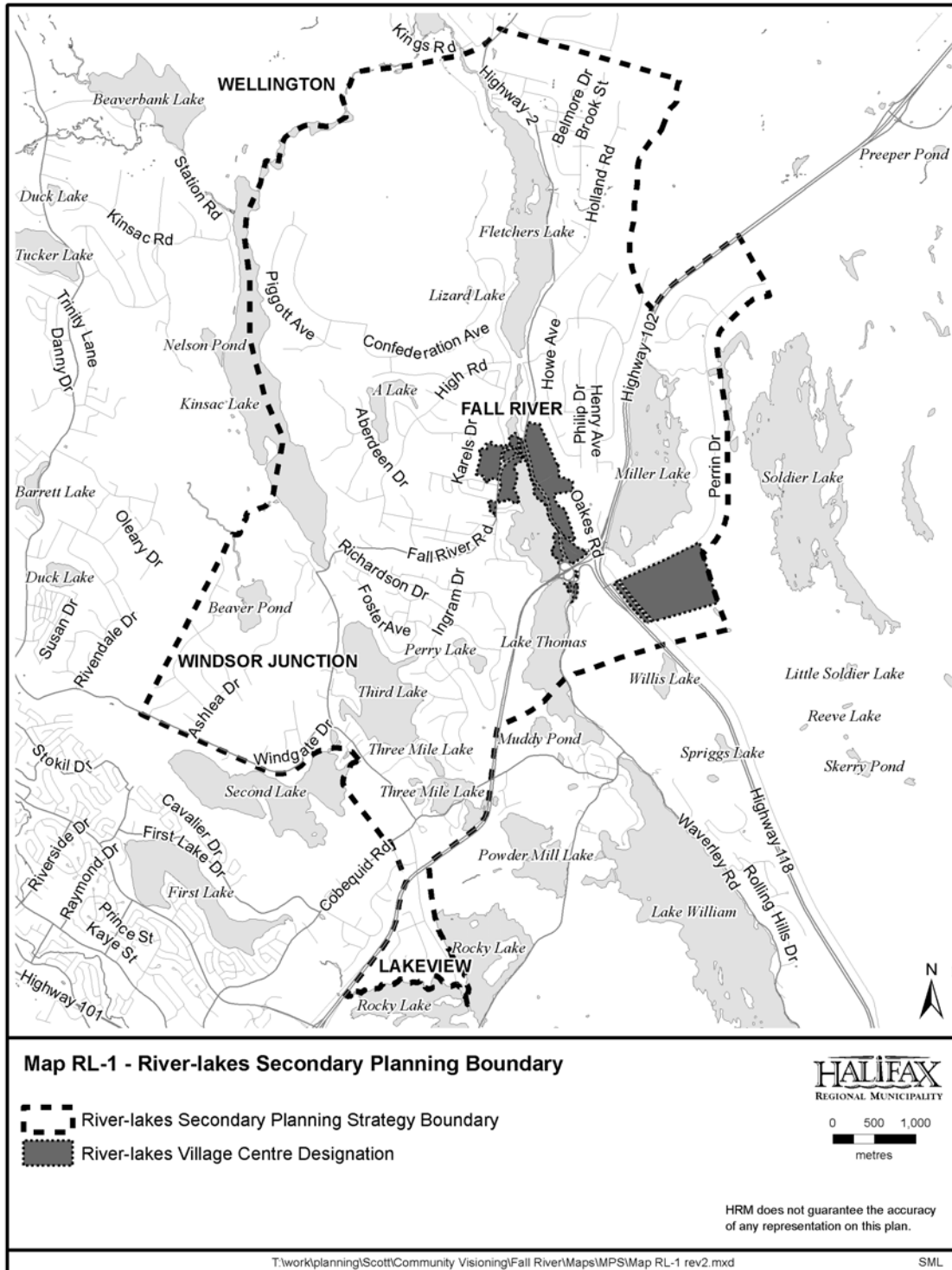
As per the Public Participation Resolution adopted by Regional Council, the FRVIC is required to Committee will bring forward a recommended set of policies and regulations to the Marine Drive, Valley and Canal Community Council and Regional Council for review and approval. The Committee is also required to confer with the Halifax Watershed Advisory Board about the proposed Planning Strategy. A copy of the proposed River-lakes Secondary Planning Strategy and Land Use By-law Regulations are enclosed as Attachments 7 and 8 respectively. Any suggestions, comments or recommendations from HWAB will be forwarded to the MDVCCC for consideration.

Attachments:

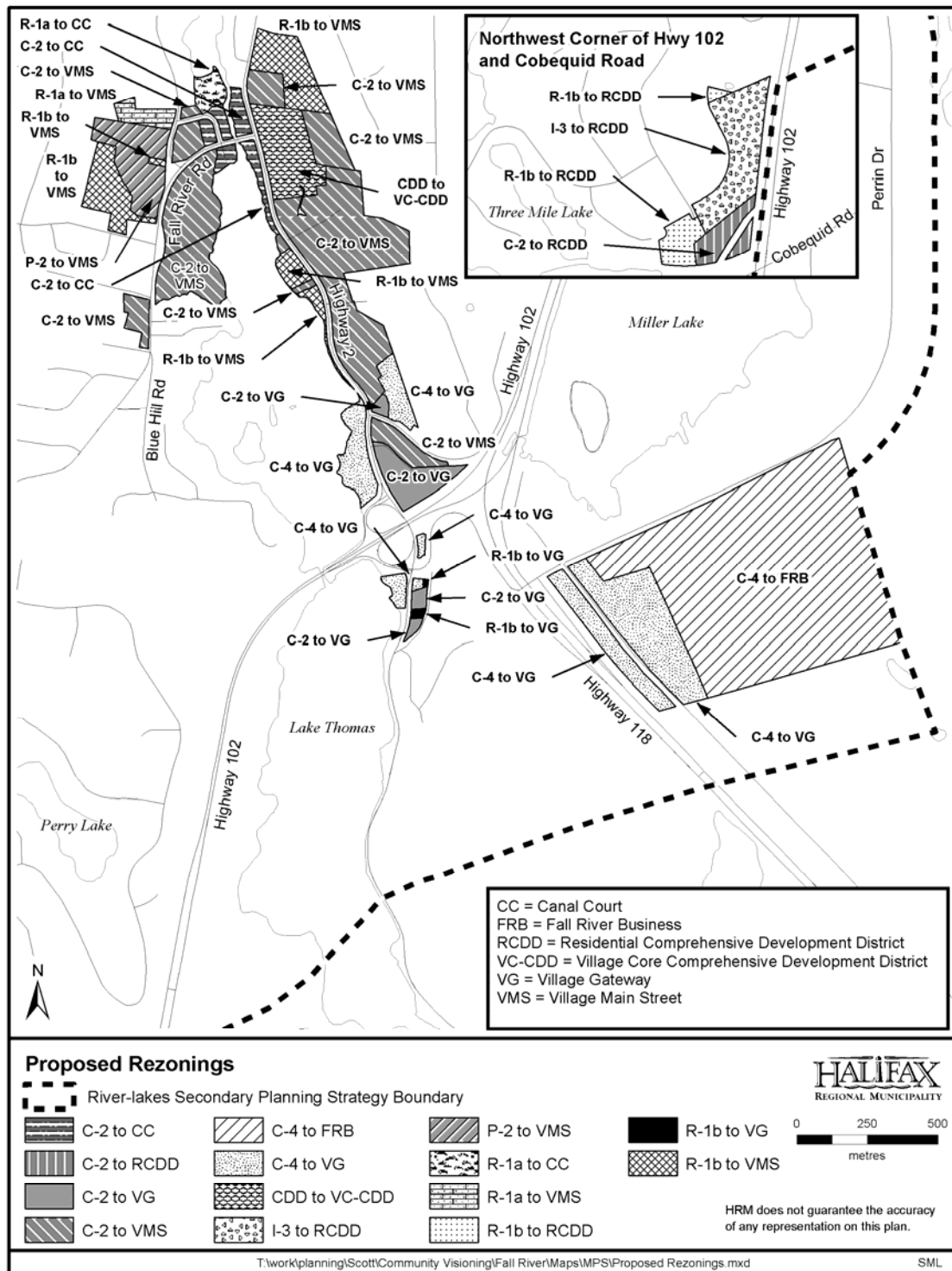
- Attachment 1: River-lakes Secondary Planning Strategy Area
- Attachment 2: Proposed Rezoning under the Land Use By-law to implement the River-lakes Secondary Planning Strategy
- Attachment 3: Comparison of permitted uses under the existing C-2 Zone to the

- proposed CC, VC-CDD, VMS zones.
- Attachment 4: Comparison of permitted uses under the existing C-4 Zone to the proposed VG and FRB zones.
- Attachment 5: Comparison of Standards under the Existing C-2 and C-4 zones to the Proposed, CC, VMS, VG and FRB zones
- Attachment 6: Proposed Alternative Housing Sites
- Attachment 7: Proposed River-lakes Secondary Planning Strategy
- Attachment 8: Proposed amendments to the Land Use By-law for Planning Districts 14 and 17 to implement the proposed River-lakes Secondary Planning Strategy

Attachment1



Attachment 2



Attachment 3**Comparison of permitted uses under the existing C-2 Zone to the proposed CC, VC-CDD, VMS zones**

Permitted Uses	Existing C-2 Zone	Proposed CC Zone	Proposed VC-CDD Zone	Proposed VMS Zone
Retail	✓	✓	✓	✓
Food Stores ¹	✓		✓	
Service & Personal Service	✓	✓	✓	✓
Offices	✓	✓	✓	✓
Financial Institutions	✓	✓	✓	✓
Restaurants	✓	Full Service and Take-outs only	Full Service and Take-outs only	Full Service and Take-outs only
Funeral Establishments	✓		✓	✓
Greenhouses & Nurseries	✓		✓	✓
Guest Homes ²	✓			
Taxi Depots	✓			
Medical, Dental & Vet Clinics	✓		✓	✓
Existing Service Stations	✓	✓		✓
Craft Shops	✓	✓	✓	✓
Garden Centres			✓	✓

¹ Food Stores can be permitted as a retail use in the CC and VMS Zones.

² Guest Homes are undefined under the LUB for PD 14 and 17 but have been interpreted to mean rooms for lease. This form of business is now permitted as a Bed and Breakfast.

Permitted Uses	Existing C-2 Zone	Proposed CC Zone	Proposed VC-CDD Zone	Proposed VMS Zone
Health & Wellness Centres			✓	
Art Galleries		✓	✓	✓
Museums		✓	✓	✓
Tavern, Lounge			✓	✓
Single Unit Dwellings	✓	✓		✓
Two Unit Dwellings	✓	✓		✓
Multiple Unit Dwellings			✓	
Existing Multiple Unit Dwellings		✓		
Bed and Breakfasts		✓		✓
Home Business		✓		✓
Open Space Uses	✓	✓	✓	✓
Institutional Uses	✓		✓	✓
Fraternal Halls and Centres	✓		✓	✓
Transit Facilities			✓	✓

Attachment 4**Comparison of permitted uses under the existing C-4 Zone to the proposed VG and FRB zones**

Permitted Uses	Existing C-4 Zone	Proposed VG Zone	Proposed FRB Zone
Retail	✓	✓	
Food Stores ³	✓		
Service & Personal Service	✓	✓	
Offices	✓	✓	✓
Financial Institutions	✓	✓	✓
Restaurants	✓	✓	
Funeral Establishments	✓	✓	
Greenhouses & Nurseries	✓	✓	✓
Garden Centres		✓	
Medical, Dental & Vet Clinics	✓	✓	
Service Stations	✓		
Existing Service Stations		✓	✓
Existing Self Storage Facilities			✓
Health & Wellness Centres		✓	✓
Tavern, Lounge	✓	✓	✓
Hotels and Motels and Motor Inns	✓	✓	✓
Parking Lots	✓	✓	✓
Transit Facilities		✓	✓
Automotive Sales	✓		

³ Food Stores can be permitted as a retail use in the VG Zone.

Permitted Uses	Existing C-4 Zone	Proposed VG Zone	Proposed FRB Zone
Single Unit Dwellings accessory to any permitted use	✓		✓
Single Unit Dwellings		✓	
Outdoor Display Courts	✓		
Commercial Recreation Uses	✓		✓
Building Supply Outlets	✓		✓
Warehouses	✓		✓
Construction Storage Yards	✓		✓
Transportation Terminals	✓		✓
Light Manufacturing			✓
Craft Shops	✓	✓	
Institutional Uses	✓	✓	✓
Fraternal Halls and Centres	✓	✓	✓
Open Space Uses	✓	✓	✓

Attachment 5**Comparison of Standards under the Existing C-2 and C-4 zones to the
Proposed, CC, VMS, VG and FRB zones**

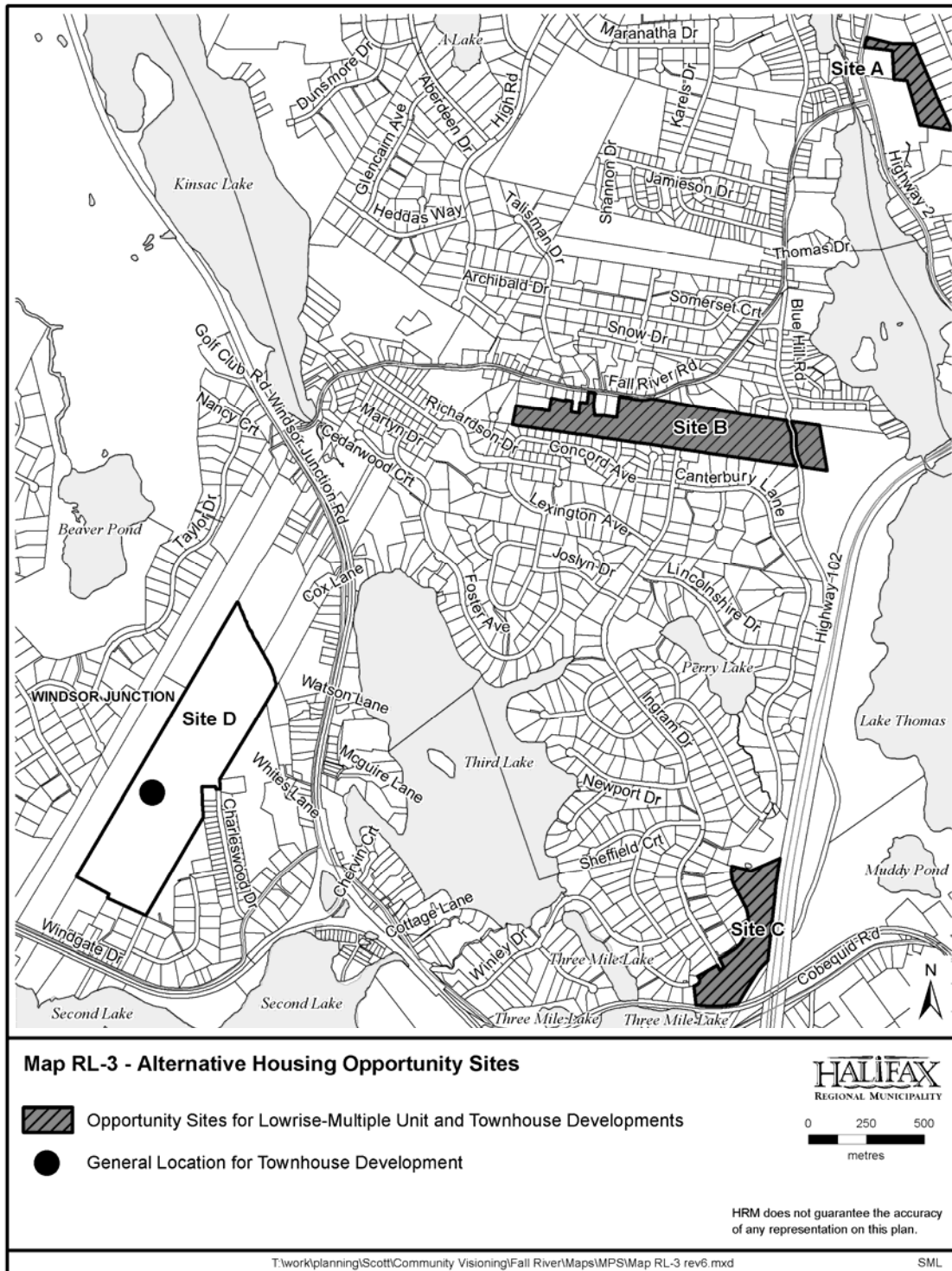
Standard	Existing C-2 Zone	<u>Existing C-4 Zone</u>	Proposed CC Zone⁴	Proposed VMS⁵	Proposed VG Zone⁶	Proposed FRB Zone
Building Footprint	10,000 sf.ft.	No limitations	2000 sq.ft.	4000 sq.ft.	10,000 sq.ft.	20,000 sq.ft.
Maximum Floorspace	10,000 sf.ft.	No limitations	4000 sq.ft.	8000 sq.ft.	20,000 sq.ft.	20,000 sq.ft.
Front Yard	20 feet	30 feet	3 feet	30 feet	30 feet	30 feet
Side Yard	8 feet (sewer) 20 feet (other)	8 feet (sewer) 20 feet (other)	8 feet (sewer) 15 feet (other)	8 feet (sewer) 15 feet (other)	15 feet (other)	15 feet (other)
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum Width	none	none	60 feet	60 feet	none	none

⁴ Properties at the corner of MacPherson and Fall River Road have regulations permitting larger buildings.

⁵ The former Fall River Recreation site have regulations permitting larger buildings.

⁶ Some properties at the Highway 102 Interchange have regulations permitting larger buildings.

Attachment 6



Proposed River-lakes Secondary Planning Strategy

July 31, 2012

This is the Revised Draft of the proposed River-lakes Secondary Planning Strategy that was initially presented to at the Gordon R. Snow Centre in April 2011. The changes in this document have been made in response to community input on the initial draft. The changes in this draft are illustrated with yellow highlight.

RIVER-LAKES SECONDARY PLANNING STRATEGY

Background

The HRM Regional Municipal Planning Strategy (Regional Plan) designates the Fall River area as a Rural Commuter Centre. This Centre, now termed the River-lakes Secondary Planning Strategy, is a place where the Regional Plan intends to support the growth of low density development in the future through the provision of express bus transit and central water.

Under the direction of the Regional Plan, HRM undertook a Visioning Process in partnership with local residents, to envision how this Centre should grow over the next 20 - 25 years. The Vision and Action Plan that was developed under this initiative contains goals and action plans pertaining to housing, senior citizen housing, commercial development, community development, infrastructure, social development, sports and recreation, parks and public lands, active transportation and transit. It was adopted by Regional Council in-principle, in 2007, and formed the basis for the creation of the River-lakes Secondary Planning Strategy.

The purpose of this Secondary Planning Strategy is to provide guidance for future growth and development for the River-lakes Secondary Planning Strategy Area. The secondary planning process is taking place in two phases. In Phase I, the process focused on the development of detailed regulations to achieve desired community form and architectural detailing in the River-lakes River-lakes Village Centre Designation. A system of open space and trails will also be brought forward under this phase of the Plan for the River-lakes Secondary Planning Strategy Area and connected areas around it, to form part of the urban structure for Phase II. An Environmental Protection Policy has also been developed to regulate the amount of housing development which may occur in the southern portions of the Plan Area without further impacting the water quality of the Shubenacadie Lakes.

In Phase II, options for future growth throughout the remainder of River-lakes Secondary Planning Strategy Area will be brought forward to Regional Council and the community. The allocation of this future growth will be considered on the basis of the findings of the Shubenacadie Lakes Watershed Study and Fall River/Waverly/Wellington Transportation Study. With a selected option for future growth by Council in Phase II, the options for future transportation improvements, as recommended under the Transportation Study, and the options for future municipal water service provision, as recommended under the Shubenacadie Lakes Watershed Study, will be considered for implementation.

River-lakes Secondary Plan

The River-lakes Secondary Planning Strategy Area extends north to the beginning of Wellington, west to Windsor Junction, south to Lakeview, and east to Miller Lake as shown on Map RL-1. It includes the communities of Fall River, Fletchers Lake, and southern portion of Wellington, Windsor Junction, Lake View and a portion of Miller Lake.

At the heart of the Secondary Planning Strategy Area, is the River-lakes Village Centre Designation which is a meeting place for people from the surrounding area and visitors. The River-lakes Village Centre Designation extends from the intersection of Roland Road and Fall River Road to the north-west, the Sobeys Shopping Centre Plaza to the north, Lake Thomas to the west and the NS Transportation and Infrastructure Renewal Depot and area around the 102 and 118 interchanges to the south, as shown on Map RL-1.

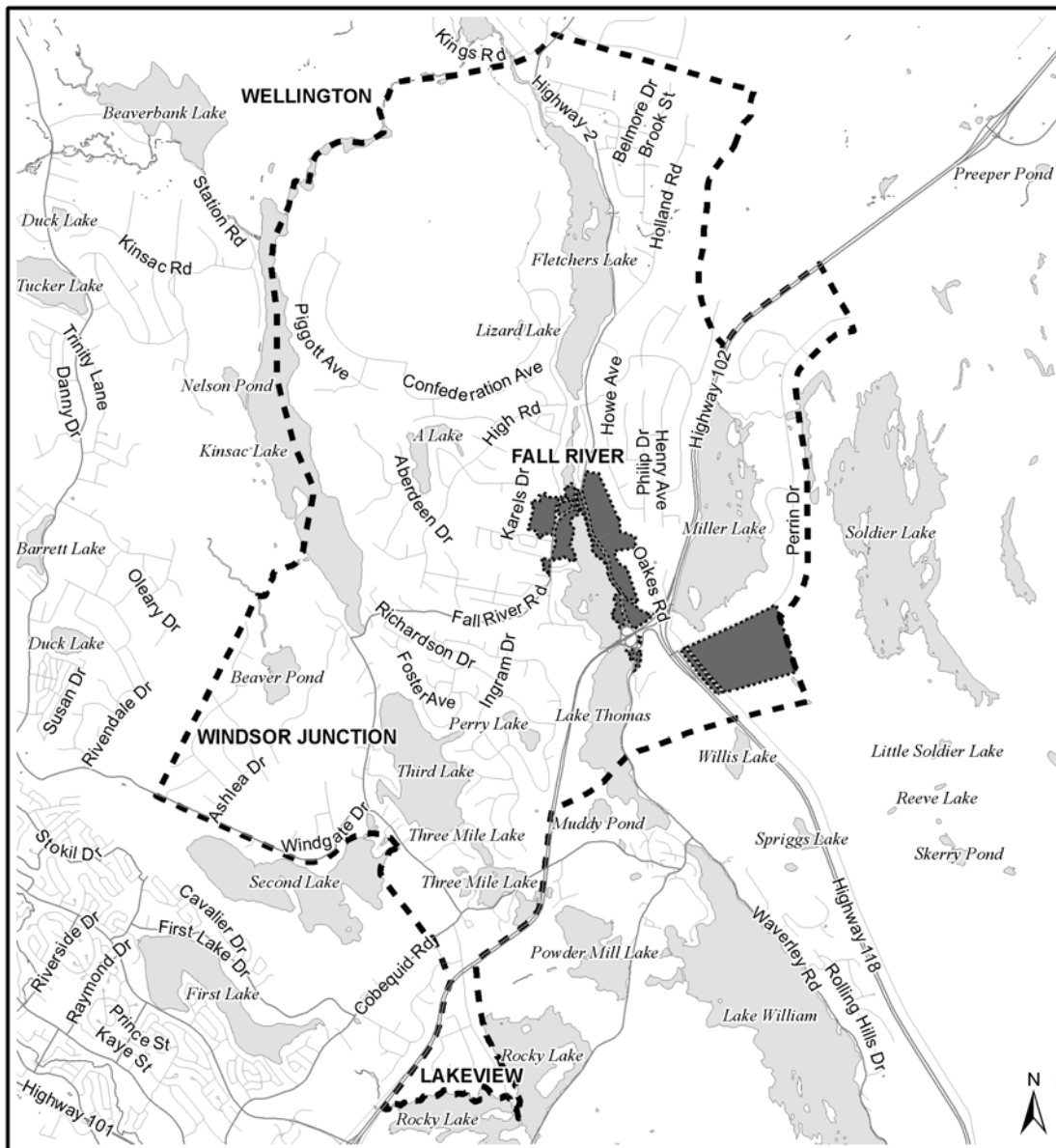
Plan Area Profile

As of the latest census - December 2011 - there were a total of 11,526 people living in the River-lakes Secondary Planning Strategy Area (Table 1). A substantial portion of the population (29.0%) consists of children which has implications on the need for schools. A substantial portion of the population were also seniors (8.6%) or young adults (8.0%) who require alternative housing forms (apartments/multiple-unit dwellings, townhouses, auxiliary dwelling units) to the existing housing stock that largely comprises single unit dwellings.



TABLE 1
AGE DISTRIBUTION 1996-2006

Age Group	1996 Census		2001 Census		2006 Census		2011 Census	
	#	%	#	%	#	%	#	%
0-19	2592	32.1	2895	31.8	3046	29.7	3349	29.0
20-29	849	10.5	877	9.6	839	8.2	929	8.0
30-64	4182	51.8	4916	54.0	5619	54.8	6271	54.4
65+	421	5.2	559	6.1	723	7.1	990	8.6
Total	8071		9011		10251		11526	

Source: Nova Scotia Community Counts web page - data modelled from Statistics Canada, Census of Population, 1991, 1996, 2001, 2006, 2011.



Map RL-1 - River-lakes Secondary Planning Boundary

-  River-lakes Secondary Planning Strategy Boundary
-  River-lakes Village Centre Designation



HRM does not guarantee the accuracy of any representation on this plan.

In terms of housing, there were a total 3,492 dwelling units within the River-lakes Secondary Planning Strategy Area. As previously mentioned, the vast majority of these units consisted of low density single unit dwellings (91.3%) with a smaller percentage of the housing stock being semi detached (4.2%), apartments (2.7%), and mobiles (2.0%), as shown in Table 2 below.

TABLE 2
DWELLING UNITS BY TYPE

Dwelling Type	1996 Census		2001 Census		% Change 1996- 2001	2006 Census		% Change 2001-2006
	#	%	#	%		#	%	
Single Detached Houses	2,355	90	2,678	89.2	13.7	3,189	91.3	19.1
Semi-Detached/Row/Duplex	185	7.1	188	6.3	1.6	148	4.2	-21.3
Apartments	65	2.5	108	3.6	66.2	95	2.7	-12.0
Movable Dwellings	10	0.4	50	1.7	400.0	71	2	42.0
Total Occupied Dwellings	2,616		3,001			3,492		

Source: Nova Scotia Community Counts web page - data modelled from Statistics Canada, Census of Population, 1991, 1996, 2001, 2006.

The Vision

The Vision for the River-lakes Secondary Planning Strategy is to maintain the rural village atmosphere and rural character of the area. At the core of this vision is the desire to create an attractive village centre to service the surrounding neighbourhoods and to preserve the rural character of the Plan Area. The rural character of this area is expressed in the low density development from of the neighbourhoods and positioning of the River-lakes Village Centre Designation amidst the chain of lakes, forest covered hillsides, winding trunk highways and numerous cultural and natural features that give rise to the rural landscape.

One of the most important natural assets throughout the Plan Area is the lakes. On the eastern side of the Plan Area, is Lake Thomas and Fletchers Lake and on the western side of the Plan Area is Kinsac Lake which forms part of the Shubenacadie Lakes System. It is the desire of the community to protect the relatively pristine nature of this lake system and controls will be established to limit the amount of phosphorus and pollutants entering the lakes through the retention of pervious surfaces, retention of natural vegetation on steep slopes, provision of landscaping, regulation on the amount and scale of development and management of stormwater.

Consideration shall also be given to the establishment of a Wastewater Management District during Phase II of the Planning Process to provide for the collective management of wastewater management systems in this Plan Area as intended by the Regional Plan.

The continued development of the River-lakes Village Centre as a central core and meeting place for the Plan Area is of pivotal importance to this Secondary Plan. One extremely important cultural feature, within this area, is the historic Shubenacadie Canal. This waterway formed an important transportation route from Halifax Harbour to the Bay of Fundy for the Mi'kmaq dating back almost 4,000 years according to archaeological records at the Museum of Natural History.¹ The banks of Fall River Run and the remainder of the route have been identified as an area of high cultural significance under the Regional Plan and as an area worthy of the preservation of its discovered and undiscovered cultural assets.

In 1826, the Shubenacadie Canal Company began the construction of a system of 17 stone locks along the Shubenacadie waterway to allow the passage from Halifax Harbour to the Bay of Fundy. During the early years, the Canal was constructed by Scottish Masons in the British Style (meticulous detail, importation of building materials, dry stone mounting). The Canal Company went bankrupt in 1931 and the project was redesigned in the American Style (fewer blocks, reliance on local materials and use of incline planes) and finished by the Inland Navigation Company in 1953. The Canal was used for the early transport of lumber, bricks, pottery and iron from Halifax Harbour to the Bay of Fundy for approximately 15 years. It was replaced by the railway in 1870 and to date represents one of the most significant cultural expressions of an inland waterway.

The Shubenacadie Canal Commission was formed to preserve and aid in the restoration of this historic waterway. It is the desire of the residents of the area to support and where possible facilitate the efforts of the Shubenacadie Canal Commission to restore the significant parts of the Shubenacadie Canal situated in this Plan Area. Specifically, the residents wish to encourage the growth of a mixed-use development around Fall River Run to celebrate its historic and cultural value. It is also the desire of the community to see the continued restoration of Lock 4 at the end of High Road and the development of a trail and portaging system along this waterway route.²

Other cultural assets, throughout the Secondary Planning Strategy Area include the old farm fields, the hillside views of the lakes, the winding highway, the old Coach Road/Blue Hill Road, the few remaining buildings that have historical and cultural value such as the old Carr Farmhouse, and the fine examples of period architecture such as the Inn-on-the-lake. It is the desire of the community to build upon these cultural assets by requiring that they become an organizing feature of future development through design. It is also the desire of the residents to foster the development of an interconnected system of parks, trails and open space around the waterways and road systems throughout the Plan Area as illustrated on Map RL-4.

1 Archaeology in Nova Scotia: The Shubenacadie Canal. Museum of Natural History, Government of Nova Scotia. <http://museum.gov.ns.ca/arch/sites/shubie/shubie.htm>

2 Archaeology in Nova Scotia: The Shubenacadie Canal. Museum of Natural History, Government of Nova Scotia. <http://museum.gov.ns.ca/arch/sites/shubie/shubie.htm>

River-lakes Secondary Planning Strategy Vision

The Vision of the River-lakes Secondary Planning Strategy is to retain the rural village atmosphere and rural character of the area by fostering the:

- (a) development of the River-lakes Village Centre Designation as a place to which residents and visitors are attracted and **become recognized** as the centre of the River-lakes communities;
- (b) retention of the natural environment through the protection of the lakes, tree-covered hillsides, and environmentally sensitive areas that are of high value for groundwater recharge or are **ecologically fragile and sensitive to disturbance**;
- (c) creation of an interconnected system of open space that facilitates pedestrian movement throughout the Plan Area as illustrated on Maps RL-4 and RL-5;
- (d) **preservation of the cultural and historical assets of the area, especially the Shubenacadie Canal and its historical and cultural importance as a transportation route to the Mi'kmaq and early North American settlers**; and
- (e) implementation of improvements to the transportation infrastructure and the provision of central water to areas that are in keeping with the growth management objectives of the Regional Plan as determined through the Phase II Secondary Planning Process.



The Policies

- RL-1** The River-lakes Secondary Plan, as graphically illustrated on Map RL-1 and as outlined on the Generalized Land Use Maps 1A and 1B of the Municipal Planning Strategy for Planning Districts 14 and 17 for official reference, shall form the framework to guide the provision of services and future development that is in keeping with the desire of the community to maintain the rural village atmosphere and rural character of the River-lakes Communities. This Plan shall include the establishment of a River-lakes Village Centre Designation to achieve the Vision for creating a gathering place for the surrounding communities. This Plan shall also contain policies to foster the development of an open space and trails network, regulate the future development of low-rise multiple-unit dwellings and townhouses on a few opportunity sites, and implement policies for the protection of the lakes throughout the River-lakes Secondary Planning Strategy Area. All other policies for land use development and service provision under the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 shall continue to apply to this Secondary Planning Strategy Area unless

altered or replaced by the following policies within this Secondary Plan. Future transportation, environment and residential development policies shall be created under the Phase II process for application to this Secondary Planning Strategy Area.

Phase 1 - The River-lakes Village Centre Designation – Design Concept

Within the River-lakes Secondary Planning Strategy Area, the River-lakes Village Centre Designation is situated along the eastern side of Lake Thomas and along Fletchers Run. It forms the historic heart of the River-lakes communities which settled around the banks of the Shubenacadie Canal System, after it was constructed. It provides retail, medical, personal service and recreation service opportunities to the surrounding communities. It is also home to approximately sixty households that have settled throughout the Village overtime.

The Plan envisions that the River-lakes Village Centre Designation will become an attractive and vibrant place, drawing people from the surrounding area for shopping, recreation, entertainment and service.

A park and ride facility **has been developed at the Highway 118 Interchange**, to facilitate access to an express bus service from all communities throughout the Plan Area and surrounding communities, to downtown Dartmouth and Halifax. It is also desirable to have a transit stop within the Village Core of the River-lakes Village Centre Designation to facilitate pedestrian and vehicular access to the bus from this location.

All of the areas within the River-lakes Village Centre Designation should have a mix of commercial and low to medium³ density residential uses with buildings that are close to or at the **street or setback from the street in certain areas with foreground landscaping**. The Plan also envisions that parking should be located to the side or the rear of buildings with foreground landscaping to **create an attractive street scape and add value to the abundance of mature climax trees that are found throughout the remnant Acadian Forest in this portion of the HRM**. Landscaping should also be incorporated throughout larger parking lots to define major vehicle and pedestrian routes, provide shade, break-up the expanse of paved areas, and minimize stormwater flows. **A good example of desirable parking lot design is at the Gordon R. Snow Centre on Fall River Road**. The retention of pervious surfaces and tree covered hillsides are also desirable features, along with the application of best management practices, to reduce the impacts of erosion and sedimentation and stormwater runoff on the lakes.

Buildings within the River-lakes Village Centre Designation should be compatible with the traditional built form which is predominantly small-scale buildings, with narrow coarse siding, vertical windows and pitched roofs of gabled, gambrel styles **with wide overhanging eaves and in some cases mansard styled roofs**. Buildings throughout the Village should be compatible with these elements and have desirable architectural features that are reflective of the rural character in the area to enhance the pedestrian experience.

³ Please note that medium density in the context of Fall River means a maximum density of 3 - 4 units per gross acre within the Village Centre. While this density may be regarded as a low density parameter in a suburban area that is serviced with municipal water and sewer, it is considered medium density within the low rural density context of Fall River.

Although big box retail stores and strip malls are not in keeping with the vision for the River-lakes Village Centre Designation, there is a local shopping centre with big box store anchors situated in the Village Core at the Sobeys Shopping Centre. Future redevelopment of this shopping centre must incorporate architectural elements that all other River-lakes Village Centre buildings will be required to incorporate, in order to break up the scale and mass and to make them more compatible with the desired rural village form. Allowances will also be made to provide for the future development of slightly larger scale buildings at prominent sites throughout the River-lakes Village Centre Designation where opportunities are present to create a focal point for development provided that it is in keeping with a scale of development that is compatible with the desired rural village form. Signage will also be controlled to prevent the appearance of a cluttered highway commercial strip through the land use by-law. There is also a desire to see the future provision of street furniture and lanterns to create a well coordinated appearance along the streetscape and to enhance the pedestrian experience in the public realm. These actions should be facilitated through the formation of a Business Improvement District.

A variety of housing types should be permitted in the River-lakes Secondary Planning Strategy Area and the River-lakes Village Centre Designation to provide for the needs of all residents throughout the area. In particular, a senior citizen housing complex that provides housing for graduated levels of assisted living should be developed in the River-lakes Village Centre Designation and on selected sites within the River-lakes Secondary Planning Strategy Area to enable residents to remain within their community throughout all stages of their life. Multiple-unit housing in the form of townhouses and low rise apartments is also desirable at selected sites within the Secondary Planning Strategy Area and within the River-lakes Village Centre Designation to provide for the needs of residents. Auxiliary dwellings units are also a desirable form of housing throughout the residential areas to offset the cost of housing and to provide access to more affordable forms of housing accommodation. However, given the groundwater constraints throughout the Plan Area and the impact that development may have on surface waters, auxiliary dwellings units have to be developed on larger lots (double the required minimum lot area).

In keeping with one of the Vision for the River-lakes Secondary Plan, to create a vibrant and visually attractive Village Centre where residents can live, shop, socially interact and engage in community events, this Plan will foster the future:

- (a) **development of a mixed commercial and residential development in the River-lakes Village Centre Designation with an attractive street scape through the location of parking at the side or rear of buildings and the incorporation of landscaping to enhance the pedestrian experience;**
- (b) **development of built form where buildings are situated close to or at the street to create a sense of enclosure to enhance the pedestrian experience or setback from the street with the provision of foreground landscaping to create an attractive appearance to the development from the street;**
- (c) **development of buildings that contain architectural elements that are reflective of the rural character of the area through controls on the scale, mass, window fenestration, rhythm, rooflines, height, width, trim, exterior materials and forms of entry;**

- (d) redevelopment of existing strip malls and big box retail stores in a manner that is more compatible with other built forms in the River-lakes Village Centre Designation through the incorporation of architectural elements that add rural character and reduce the appearance of their large scale and mass;
- (e) development of a safe and functional road, transit and active transportation system that enhances traffic flow and internal circulation while maintaining high levels of safety between vehicles, cyclists and pedestrians;
- (f) Retention of natural features, and in particular pervious surfaces and the retention of vegetative cover on steeply sided hills, that add aesthetic value to the River-lakes Village Centre Designation and protect the lakes from adverse impacts;
- (g) Development that reduces light pollution throughout the River-lakes Village Centre Designation and the River-lakes Secondary Planning Strategy Area through controls on lighting;
- (h) **Development that minimizes impact on the receiving waters of the Shubenacadie Lakes;** and
- (i) Development of a variety of housing types that provide for a wide range of demographic needs and people with varying incomes.

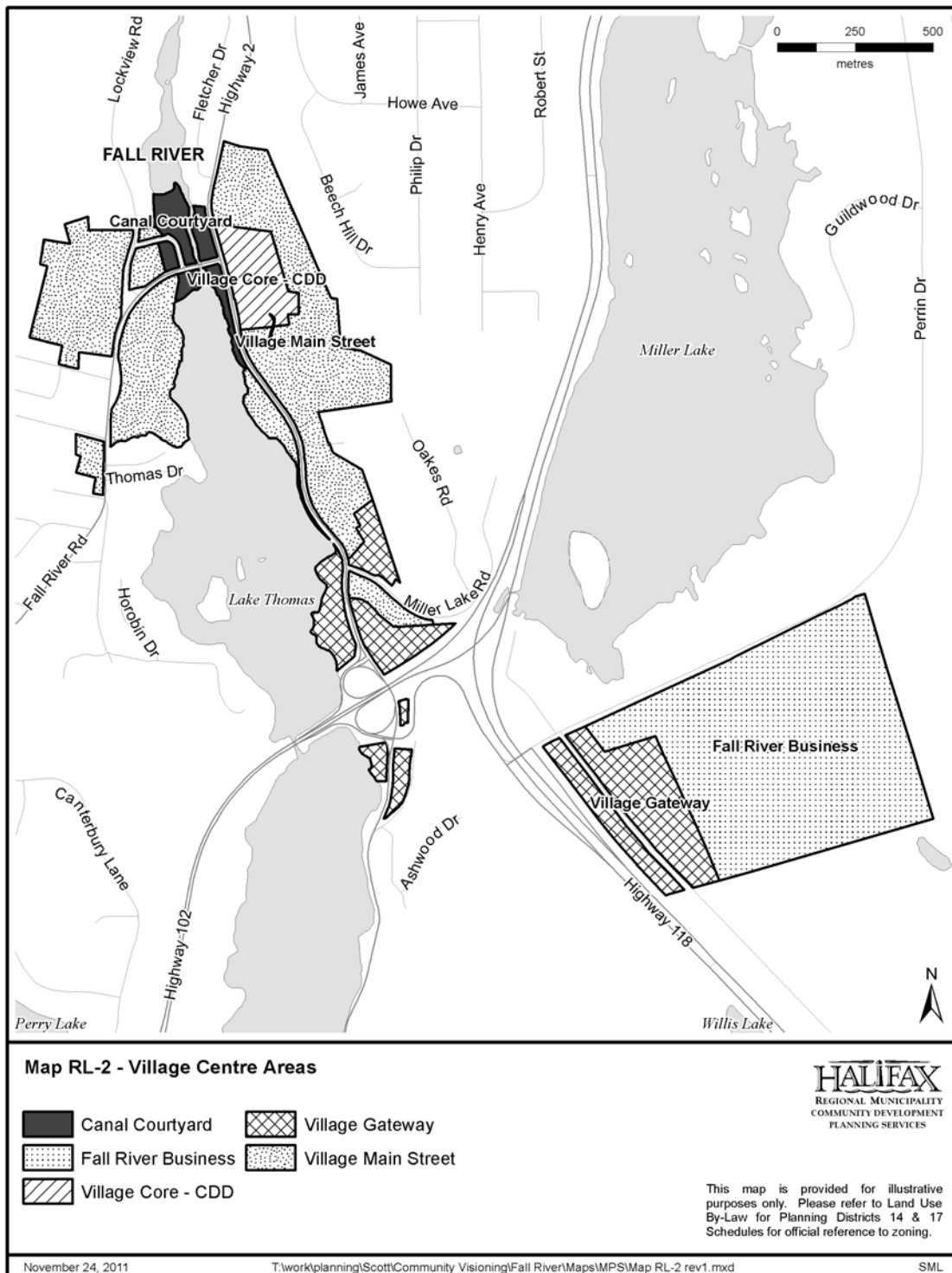
River-lakes Village Centre Designation Policies

The River-lakes Village Centre Designation is defined by five distinct areas as shown on Map RL-2. Each of these areas have characteristics that make them ideal candidates for the creation of enclaves within the Centre through variation in the regulation of building form and setback of development from the street. Although slightly different from one another, all of these areas should be unified through the regulation of the external appearance of structures (architecture), landscaping and the future development of a system of sidewalks, trails and street trees and street furniture. In order to maintain a comfortable pedestrian realm and pedestrian interest, development within these zones shall be of an appropriate scale and mass to blend into the streetscape and natural features of the area.

RL-2 The River-lakes Village Centre Designation, as graphically illustrated on Map RL-1 and as outlined on the Generalized Land Use Maps 1A and 1B of the Municipal Planning Strategy for Planning Districts 14 and 17 for official reference, shall form the framework for policies to guide future development within this area.⁴ The primary intent of this Designation is to facilitate the future development of a vibrant and attractive place where residents can live, meet, shop and be entertained in a small-scale, well designed, River-lakes Village Centre Designation that reflects the rural character of the surrounding area. Five zones shall be applied to the various areas

⁴ Please note that the area shown on Map 1 – Generalized Future Land Use Map of the Municipal Planning Strategy for Planning Districts 14 and 17 forms the official mapping for this Secondary Planning Strategy and where any questions arise regarding the application of designations to any given area, the Generalized Future Land Use Map takes precedence over all other mapping in this Secondary Plan.

throughout the River-lakes Village Centre Designation **under the schedules of the Land Use By-law** to facilitate the development of distinct areas around a focal point or character building element as a central organizing theme. All these zones shall contain regulations to facilitate the development of a small-scale, low **environmental** impact, mixed-use built form that is in keeping with the desire to maintain the rural village centre atmosphere **and carry out the water quality objectives for** the receiving waters of the Shubenacadie Lakes.



Canal Court

The Canal Court encompasses Fall River Run which is situated between Lake Thomas and Fletchers Lake. It is the desire of the community to create a pedestrian-oriented area in this part of the Centre with small-scale buildings lining the streets and an internal court yard system adjacent to this historic part of the Shubenacadie Canal. Provisions will also be established to allow for the development of a slightly larger building at the intersection of Fall River Road and McPherson Road to serve as a focal point and gateway into the Canal Courtyard area. The expansion of an existing multiple-unit dwelling with the incorporation of a ground floor commercial component, at 19 MacPherson Road, shall also be permitted given the opportunities to provide alternative housing to the area.

RL-3 Within the River-lakes Village Centre Designation, the Canal Court Zone shall be created under the schedules of Land Use By-law. The intent of this Zone is to support the transition of the area to a small-scale, mixed-use, walkable centre around the historic Shubenacadie Canal as a focal point for development. This Zone is also intended to maintain the traditional small lot pattern in this area by keeping the scale of buildings small to ensure that all features of development can be situated on the existing lot fabric without triggering the need for lot consolidations. Provisions will be established under the Land Use By-law to:

- (a) allow the development of small-scale commercial, single and two unit dwellings, an existing multiple-unit dwelling and its limited expansion, home business, bed and breakfast, open space uses and museums as an educational institution;
- (b) allow the existing commercial uses that were lawfully constructed prior to the effective date of this Secondary Planning Strategy that are no longer permitted under this Zone, as legal conforming uses;
- (c) allow the development of slightly larger-scale commercial development on sites shown on Schedules F and G of Land Use By-law, situated at the corner of Fall River Road and McPherson Road, to create a prominent entry site into the Canal Court area;
- (d) require minimal setbacks from the roadway to facilitate the future development of an internal courtyard in the rear yards adjacent to the Shubenacadie Canal and to create a sense of enclosure along the street; and
- (e) require limitations on gross floor space, building footprint, minimum and maximum height and minimum width to maintain a small-scale appearance, create a sense of enclosure and rhythm, maintain the fine grain lot pattern, and maximize the amount of pervious surface over the site to minimize adverse impacts on receiving waters.

RL-4 In order to encourage the comprehensive development of a pedestrian-oriented mixed commercial –residential development that has an internally connected courtyard along the east and west sides of the Shubenacadie

Canal, HRM shall consider larger scale buildings on lands shown on Schedule H of the Land Use By-law, through the provisions of a development agreement. The Zone will permit commercial, residential and open space uses. Given the extent of the area and the number of property owners involved, HRM may allow the application of a separate development agreement for Blocks A, B, or C shown on Schedule H. In considering such an agreement, Council shall have regard to the following:

Built Form, Architecture and Use

- (a) that the style of the buildings are in a townhouse form or two-three story traditional village shops with architectural detailing that is in general conformity with the architectural design requirements under the Land Use By-law; ;
- (b) that the siting, massing, and façade design of buildings shall be coordinated on a block-by-block basis;
- (c) that the elevation of all buildings within the block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (d) that the massing and built form of townhouse units adjacent to single-detached and semi-detached dwellings shall be broken down with architectural elements to promote visual integration;
- (e) that the first floor of all buildings are retained for commercial or institutional uses;

Site Development Criteria

- (f) that an internal courtyard system of interconnected trails and pathways, outdoor cafes and outdoor shopping areas is planned for the rear yards of the properties adjacent to the Shubenacadie Canal;
- (g) that there is limited trail development allowed throughout the Riparian Buffer to the extent that it does not reduce the function of the buffer for preventing impacts on the Shubenacadie Canal;
- (h) that a minimum of 25% of the entire development retains a combination of natural vegetation and combination of natural and structured landscaping to create an attractive relationship between buildings, rear and side yards, and the Riparian Buffers along the Canal;
- (i) that lighting is designed to prevent light pollution and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries and is automatically timed to reduce illumination during non-business hours;
- (j) that parking is not provided in the front-yard of any property within the development;

Site Impact Controls/Assessments

- (k) that there is no adverse impact of development on any archaeological features in any areas identified on Schedule C of the Land Use By-law as determined by the Nova Scotia Department of Communities, Culture and Heritage;
- (l) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement; and
- (m) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.

Village Core

The Village Core Comprehensive Development District applies to the Sobeys Shopping Centre site, at the intersection of Highway 2 and Fall River. This is the Village Core which is intended to function as the focal point for business and community gathering. This site is a destination place for residents from throughout the River-lakes Secondary Planning Strategy Area and is a focal point within the River-lakes Village Centre Designation that features prominently from the top of the hill on Fall River Road. It is also situated on an environmentally sensitive site that is underlain with pyretic slate and surrounded by steeply sided slopes with fine grained soil that can adversely impact the Shubenacadie Lakes.

It is anticipated that larger scale development will continue to form the premise for business in the Village Core Comprehensive District Development Zone and that parking will be situated in front of the buildings. Future renovations or redevelopment of this site requiring an amendment to the existing development agreement, shall comply with the requirements to reduce the mass and scale of buildings and to soften the appearance of front yard parking through architectural and landscape design. Appropriate environmental controls shall also be required to prevent adverse impacts on the Shubenacadie Lakes and to maintain the water quality objectives set out under this Plan. Lighting and signage shall also be controlled to prevent light pollution and create an aesthetically pleasing development in relation to the streetscape.

RL-5 Within the River-lakes Village Centre Designation, the Village Core Comprehensive Development District Zone shall be created under the schedules of Land Use By-law to permit the development of large commercial and medium density residential uses. The intent of this Zone is to facilitate the concentration of the higher-intensity commercial activity in this location to act as a focal point for community gathering, shopping, entertainment and transit provision. To ensure that future redevelopment of this site is in keeping with the community desire to maintain the rural village character of the area and to prevent adverse impact on the Shubenacadie Lakes, any new buildings, major alterations of a building façade or any redevelopments of the site not contemplated by the existing agreement, shall only be considered through the provisions of a development agreement pursuant to this Policy. In considering such an agreement, Council shall have regard to the

following:

Built Form, Architecture and Use

- (a) that uses are limited to commercial, institutional , open space and residential uses as permitted within the Village Core Comprehensive Development District Zone;
- (b) that the first floor of all buildings is retained for commercial, institutional, recreation or entertainment uses;
- (c) that the design of any new buildings or major alteration of the façade of an existing building is in general conformity with the architectural requirements set out under the Land Use By-law;
- (d) that all roof top mechanical equipment is adequately shielded to prevent noise impacts on surrounding neighbourhoods and is screened from the view of any surrounding residential uses;

Site Development Criteria

- (e) that a minimum of 25% of the site is landscaped ~~in a manner that creates~~ between buildings and parking areas to minimize impacts on receiving waters, **creates shade for pedestrians**, and **break-up** the view of the large parking areas from the top of the hill on Fall River Road and from Highway 2;
- (f) that sidewalks, walkways and pathways on the site facilitate safe and convenient pedestrian access to the buildings, parking areas, transit stop(s) and external sidewalk systems;

Site Impact Controls/Assessments

- (g) **that lighting is designed to prevent light pollution and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries that are automatically timed to reduce illumination during non-business hours;**
- (h) **that the traffic generated by the development will not adversely affect the intersection of Fall River Road and Highway 2 or the Highway 102 and Highway 118 interchanges;**
- (i) **that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement; and**
- (j) **any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.**

Village Gateway

The Village Gateway is situated around the Highway 102 and Highway 118 interchanges. It is the first point of entry into the community of Fall River and development around this area, while oriented around the highway function, must be attractive to create a positive visual experience to

residents and visitors to the community. Slightly larger-scale commercial developments are warranted in this area to act as a focal points within Village Centre but residential uses shall be limited as an accessory permitted use, as it is preferential to allow for mixed commercial, residential developments in the Village Mainstreet, Village Core and Canal Court areas. Attention to good site design and well designed buildings is also desired in this area to create a positive first image of the River-lakes Village Centre Designation. Slightly larger and higher signage provisions shall be made for developments in recognition of the function of this area as a highway-oriented commercial development area. However, limitations shall be placed on the range of permitted uses and outdoor storage shall be prohibited to prevent the development of an industrial feel to the Village Gateway. Small building footprint requirements shall be established to maintain maximum pervious surfaces over the site to minimize impact on the Shubenacadie Lakes. Provisions will be established to allow for the development of slightly larger buildings at the Inn-on-the-Lake site. Flexibility shall also be introduced to situate a limited number of smaller scale buildings over the Nova Scotia Power Corporation site in recognition of the development potential and prominence of these sites within the gateway to the River-lakes Village Centre Designation.

RL-6 Within the River-lakes Village Centre Designation, the Village Gateway Zone shall be created under the schedules of Land Use By-law. The intent of this Zone is to create an attractive form of development to create a visually pleasing entry way into the community while allowing for the development of commercial activities that will benefit from the location at provincial highway interchanges. Provisions will be established under the Land Use By-law to:

- (a) allow medium-scale commercial, residential, institutional and open space uses;
- (b) allow the existing commercial uses that were lawfully constructed prior to the effective date of this Secondary Planning Strategy that are no longer permitted under this Zone, as legal conforming uses;
- (c) require a setback from the highway;
- (d) place limitations on gross floor space, building footprint, and maximum height to maintain a small-scale appearance, building rhythm, and maximize the amount of pervious surface over the site to minimize impact on receiving waters;
- (e) allow maximum of 2973 m² (32,000 sq.ft.) of floor space with no building footprint exceeding 1486 m² (16,000 sq.ft.) on the sites shown on Schedule J- The Inn-on the Lake Site – under the Land Use By-law; and
- (f) allow a maximum of 2973 m² (32,000 sq.ft.) of floor space in a maximum of three buildings with no building footprint exceeding 743 m² (8,000 sq.ft.) on the four sites combined shown on Schedule K - Nova Scotia Power Corporation Sites- of the Land Use By-law.

Village Mainstreet

The Village Mainstreet Zone extends from Roland Road on Fall River Road to Rays Lane, near the Inn-on-the Lake. This area weaves in and around the Canal Court, the Village Core and the

Village Gateway. It is the primary area where pedestrian-oriented commercial development has the greatest potential in the River-lakes Village Centre Designation, given the presence of the sidewalk infrastructure, views to Lake Thomas and land availability. It is an important area for pedestrian movement that should be enhanced through an interconnected system of trails, sidewalks and street furniture to facilitate social interaction, health and wellness and visual and physical connection to the lakes. The terrain also lends itself to the creation of three distinct areas within the Village Mainstreet which include lands along Fall River Road leading into the Village Core; lands between two hillsides extending from Miller Lane to Hemlock Road; and lands on the southern side of Hemlock Road up to Rays Lane.

Although different in land formation and surrounding context, all these areas are a road side form of development which the community wishes to see developed with good site design and in an architecturally pleasing way to prevent the appearance of an unmanaged highway commercial strip. A well landscaped uniform front yard setback shall be **required** to create a positive and well maintained relationship between the buildings and the street. All parking shall be situated to the side or rear of the property and building width, height and building footprint **limitations** shall be established to maintain maximum pervious surfaces over the site and maintain the small-scale feel and function of freestanding stores along a Village Mainstreet. Provisions will also be established to allow for the development of a slightly larger building on the former Fall River Recreation Centre Site since it has sufficient land area upon which to develop a larger facility to act as a focal point **around which to organize all other development** in the area between Miller Lane and Hemlock Road.

RL-7 **Within the River-lakes Village Centre Designation, the Village Mainstreet Zone shall be created under the schedules of Land Use By-law. The intent of this Zone is to facilitate the creation of a well designed pedestrian-oriented village mainstreet throughout the River-lakes Village Centre Designation that maintains a positive relationship between the buildings, the street and the receiving environment. Provisions will be established under the Land Use By-law to:**

- (a) permit small -scale commercial, residential, bed and breakfast and home business uses, **institutional uses** and open space uses;
- (b) **permit the existing commercial uses that were lawfully constructed prior to the effective date of this Secondary Planning Strategy that are no longer permitted under this Zone, as legal conforming uses;**
- (c) require a setback from the highway;
- (d) place limitations on gross floor space, building footprint, maximum height and width to maintain a small-scale appearance and building rhythm and to maximize the amount of pervious surface over the site to minimize impact on receiving waters; and
- (e) permit larger-scale commercial development on the site shown on Schedule I of Land Use By-law, the old Fall River Recreation Centre.

RL-8 **In addition to the provisions outlined in Policies RL-3, **RL-6**, and RL-7 for the Canal Court, Village Gateway, and Village Mainstreet zones, provisions shall be established under the Land Use By-law to:**

- (a) break-up mass and scale and mass of buildings and add character to the buildings through architectural design;
- (b) create an attractive relationship between, buildings, parking, the streetscape and the surrounding environment, and minimize impact on receiving waters through landscaping;
- (c) require all parking be located in the side or rear yard or at an off-site location within proximity of the development;
- (d) establish limitations on the outdoor storage or display of materials, goods, supplies or equipment;
- (e) minimize light pollution by placing controls on lighting; and
- (f) Prevent the cluttered appearance of the streetscape by placing controls on signage.

Fall River Business Zone

The Fall River Business Zone is situated at the top of the Hill on Perrin Drive and is disconnected and not visible from other areas within the River-lakes Village Centre Designation, **except via the Highway 118 off-ramp, entering into Fall River.** It has traditionally served as a depot for highway service-related industries that are situated in this area to gain direct access to the highway system. It is the desire of the community to allow this area to serve as a place for the location of these highway service and storage facilities while minimizing visual impact on the surrounding community. Provisions shall therefore, be established to require the incorporation of a landscaped buffer along property lines abutting Perrin Drive and the Highway 118 off ramp. Limitations shall also be established on building size and signage. Retail, with the exception, of small scale building supply outlets, will not be permitted in this area in order to foster the development of a commercially viable retail area in those areas that are zoned Village Core, Canal Court, Village Mainstreet and Village Gateway.

RL-9 **Within the River-lakes Village Centre Designation, the Fall River Business Zone shall be created under the schedules of Land Use By-law. The intent of this Zone is to provide for the continued development of highway-related commercial uses to be situated near the highway interchanges of Highway 118 and Highway 102. In order to create a commercially viable area for retail and service-related commercial development within the Canal Court, Village Core, Village Mainstreet and Village Gateway zones, permitted uses will be limited to light industrial uses that are not obnoxious or have the potential to adversely impact the receiving waters of the Shubenacadie Lakes System. This Zone will however, permit building supply stores and community uses and residential uses that are accessory to the permitted uses within the Zone. The Zone will also permit highway oriented commercial uses such as warehouses, construction yards, light manufacturing uses, and other commercial uses, as well as, institutional and open space uses. In order to address concerns about negative visual, traffic and noise impacts, the Fall River Business Zone provisions shall be established under the Land Use By-law to:**

- (a) requirements for the creation of a landscape buffer along Perrin Drive and the Highway 118 off-ramp to screen the view of outdoor storage areas, yard works and multiple buildings from the surrounding area;
- (b) require that all parking to be located in the side or rear yard or at an off-site location within proximity of the development;
- (c) limitations on gross floor space of commercial buildings to prohibit the development of big-box retail and shopping centre development at this location;
- (d) limitations on the development area to maximize pervious surface over the site so as to minimize impact on receiving waters;
- (e) architectural controls to break-up mass and scale and add character to the buildings and controls on height; and
- (f) lighting controls to minimize light pollution and signage to prevent the cluttered appearance of the streetscape.

Residential Policies

The vast majority of the land outside of the River-lakes Village Centre Designation within the River-lakes Secondary Planning Strategy Area, is designated for low density residential development on the Generalized Future Land Use Map of the Municipal Planning Strategy for Planning Districts 14 and 17. Specifically, the communities of Lakeview, Windsor Junction, Fall River, Miller Lake and Fletchers Lake are designated Residential, the community of Wellington is designated Mixed Resource, and the ridge and lowland area adjacent to the Kinsac River are designated Resource. There are also Community Centre designations around the intersection of Highway 2 and Holland Road, in Fletchers Lake, and around the intersection of Jackson Drive and Burrows Drive with Highway 2, in Wellington, which recognize the gradual transition of these areas to village centres. A small portion of land on Rocky Lake Road in Lakeview is also designated Light Industrial.

The Residential Designation recognizes the pattern of low density residential development that has taken place in this area over the last 25 years. It establishes a range of residential zones to permit the continued development of single unit dwellings on minimum 40,000 square foot lots. Some of these zones also permit two unit dwellings where a minimum of 40,000 square feet of land is provided for each unit.

The Mixed Residential Designation recognizes the traditional mixed-use development pattern found in semi-rural areas and establishes the Rural Residential Zone to permit low density residential development, the limited use of a residential property for business uses, limited forestry and agricultural uses and community uses. The Resource Designation places a priority on continued resource development and establishes the Rural Estate Zone to permit single, two unit and mobile dwellings on substantially larger lots (minimum 80,000 square feet), forestry and agricultural uses, the use of residential properties for business uses, and community uses.

New residential policies were introduced in 2006 with the adoption of the Regional Plan to work in concert with the residential policies. The Regional Plan was concerned mainly with the impact of residential growth in rural areas and introduced policies to manage the rate of residential

development and to encourage new subdivision designs aimed at the retention of open space. Thus the Rural Commuter Designation was created as an area wherein growth management controls would be put in place and all new large scale subdivisions would only be considered under the premises of Open Space Design. Large scale subdivisions that were under conceptual plan of subdivision approval at the time of the adoption of the Regional Plan, were allowed to proceed with the development of a maximum of 25 lots per year (Regional Plan Policy S-28). This included the subdivisions to the north of Fall River Road for St. Andrews Village and Kinloch Estates.

The residential policies under the Regional Plan and Planning Districts 14 and 17 are in keeping with the vision for the River-lakes Secondary Planning Strategy and it is the intention of the River-lakes Secondary Planning Strategy to continue to apply this policy framework to this Secondary Planning Strategy Area to guide future residential development. The Secondary Planning Strategy however, recognizes the need to provide for the development of townhouses and low-rise multiple-unit dwellings to meet the needs of the aging population and young adults. These housing forms are not currently permitted within Planning Districts 14 and 17 due to past concerns with the malfunctioning of older private sewage treatment system technologies when the Plan was initially adopted in 1989 (Policy P-68). While many of these concerns have been alleviated with the advancement of small scale wastewater management system technologies⁵, there are current environmental and road system constraints which must be addressed within this Secondary Planning Strategy Area.

RL-10 HRM shall retain the Residential, Mixed Resource, Resource, Community Centre and Light Industrial designations over the remaining areas outside of the River-lakes River-lakes Village Centre Designation that are within the boundaries of the River-lakes Secondary Planning Strategy as shown on Generalized Land Use Maps 1A and 1B of the Municipal Planning Strategy for Planning Districts 14/17. All policies under the Municipal Planning Strategy for Planning Districts 14/17 and the Regional Plan shall continue to apply to these areas unless altered by the policies contained in this Secondary Plan.

Residential Developments in the River-lakes Secondary Planning Strategy Area

There is a desire to allow for the development of alternative housing forms to accommodate the housing needs of seniors, young adults and other sectors of the population that need access to housing other than single and two unit dwellings. In particular, there is a need for townhouses and low rise multi-unit dwellings (maximum 3-story) to meet the urgent needs of seniors who wish to remain in the community.

There are however, limitations to the amount of development that that Secondary Planning Strategy Area may support without exceeding the limited carrying capacity of the lakes and road

⁵ Options for On-site and Small Scale Wastewater Management, Land Design Engineering Services, Ekistics Planning and Design, John Zuck and Associates and Spatial Metrics Atlantic Engineering Technologies Canada Limited, prepared for Halifax Regional Municipality, March 2005.

systems and adversely affecting the rural community character. The Shubenacadie Lakes Watershed Study⁶ indicates that groundwater conditions are limited and the receiving waters of Lake Thomas and Fletchers Lake are nearing the threshold of desirable water quality objectives for the Shubenacadie Lakes. The Fall River/Waverley/Wellington Areas Transportation Study also indicates that the intersection of Fall River Road and Highway 2 and the Highway 118 and Highway 102 interchanges are heavily congested during peak driving periods and are at certain times of the day failing to achieve acceptable levels of service.⁷

Given the urgent need to allow for alternative housing forms, the River-lakes Secondary Planning Strategy will allow consideration of townhouse developments and low-rise multiple-unit dwellings within a few locations through the provisions of a development agreement. This will allow the Municipality to assess these developments on a case-by-case basis to determine if the developments can be permitted without adversely affecting the limited traffic capacity of the roads and the limited environmental capacity of the receiving lakes. These forms of housing shall only be considered, through the provisions of a development agreement, within the areas zoned Village Mainstreet, within the River-lakes River-lakes Village Centre Designation and on the four opportunity sites situated throughout the Secondary Planning Strategy Area as shown on Map RL-3.

In order to determine if it is feasible to develop these sites, studies shall be required before a development agreement is approved by Council to determine if the development can proceed without exceeding the limits for phosphorus export, pursuant to Policy RL-22, or transportation system, pursuant to Policy RL- 25. Multiple-unit housing developments shall be limited to three stories in height and shall have to generally conform to the architectural and site design requirements set out under the Land Use By-law. The developments shall also be designed as Classic Open Space Design developments to minimize impacts on the environment and surrounding community and preserve the rural character of the area.

6 Fall River-Shubenacadie Lakes Watershed Study, Jacques Whitford Limited, Centre for Water Resource Studies and ABL Limited, prepared for Halifax Regional Municipality, July 2010.

7 Fall River/Waverley/Wellington Areas Transportation Study, CBCL Limited, prepared for Halifax Regional Municipality, January 2010.

Multiple Unit Dwellings and Townhouses in the River-lakes Village Centre Designation

Within the Village Mainstreet Zone of the River-lakes Village Centre Designation, low scale multiple-unit housing and townhouse developments may be considered through the provisions of a development agreement. In order to ensure that these developments fit in with the desired community form of a rural village centre, density shall be limited to three units per acre. Provisions will be established to allow for the development of a commercial component on the first floor of any low-rise multiple-unit dwelling. This is in keeping with the desire to create an attractive pedestrian-oriented River-lakes Village Centre Designation. In order to prevent impact on receiving waters and to maintain the rural character of the River-lakes Village Centre Designation, requirements shall also be established to retain a minimum of 50% of the pervious surface of the site for groundwater infiltration and to retain the natural vegetation on steep slopes.

RL-11 Within the Village Mainstreet Zone of the River-lakes Village Centre Designation, HRM shall consider permitting low scale multiple-unit dwellings or townhouses through the provisions of a development agreement. In considering such an agreement, Council shall have regard to the following:

Built Form, Architecture and Use

- (a) that the range of commercial uses, permitted on the first floor, is limited to the commercial uses permitted under the Village Mainstreet Zone or residential uses;
- (b) that the maximum density, excluding commercial development, does not exceed 3 units per gross acre;
- (c) that the building does not exceed three stories above average grade, excluding rooflines;
- (d) that the design of any new buildings or major alteration of the façade of an existing building is in general conformity with the architectural requirements set out under the Land Use By-law;
- (e) that the elevation of all buildings within any townhouse block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (f) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;
- (g) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, and architectural elements to promote visual integration;

Site Development Criteria

- (h) that impervious surface areas do not exceed 50% of the site and that all parking is located to the side or the rear of the building;
- (i) that landscaping is designed to create a visually attractive appearance

and to reduce the adverse impact of stormwater flows and all natural vegetation is retained on slopes in excess of 25%;

- (j) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;
- (k) that development is positioned in such a way to maximize potential opportunities to create future trails as close to the water as possible, along the Lake Thomas Riverwalk as outlined in Policy RL-5;
- (l) that a hydrogeological assessment is conducted by a qualified professional to determine if there is there is an adequate supply of groundwater to service the development without adversely affecting groundwater supply in adjacent developments;

Site Impact Controls/Assessments

- (m) that the lighting on the site is designed to prevent light pollution impacts on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;
- (n) that the traffic generated by the development will not adversely affect the intersection of Fall River Road and Highway 2 or the Highway 102 and Highway 118 interchanges;
- (o) that there is no adverse impact of development on any archaeological features in any areas identified on Schedule C of the Land Use By-law as determined by the Nova Scotia Department of Communities, Culture and Heritage;
- (p) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement; and
- (q) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.

River-lakes Village Center Designation Residential Opportunity Site A

Within the River-lakes Village Centre Designation, there is a site that is situated in the Village Core that offers an opportunity for the development of a slightly higher density form of residential development. This site, referred to as Site A, is situated on the north and the east sides of the Sobeys Shopping Centre as shown on Map RL-3. A slightly higher density form of development at this location will frame the Sobeys Shopping Centre and facilitate the development of mixed-use pedestrian-oriented development pattern that is desired for the Village Core. The site is also in a good location to secure access to services and amenities that will benefit the residents of this development and to facilitate vibrancy in the Centre.

The intersection of Fall River Road and Highway 2, however, is constrained during peak traffic periods and the area around this site is known to have constraints for groundwater supply, challenging soil (fine particulate soil) and challenging bedrock conditions (potential to encounter sulphide bearing slates). Consultants for the proponent of this development have indicated that there is sufficient precipitation to facilitate the development of a rainwater harvesting system to

service a limited density of development (up to 4 units per acre on this site). There is also a desire to allow for increased density development (up to 8 units per acre) on this site should municipal water services be provided to this site in the future.

Future development of this site will be limited to 4 units per acre for the development of low rise multiple-unit dwellings and townhouses. Studies shall be required to verify the adequacy of groundwater supply and the rainwater harvesting system to service the development and how any potential impacts on the lakes and receiving roadways can be mitigated. Should the area become serviced with municipal water in the future, Council may consider increasing the development density on this site to 8 units per acre through the provisions of a development agreement.

RL-12 HRM shall consider permitting low scale multiple-unit dwellings or townhouses up to 4 units per acre on Site A through the provisions of Policy RL-11. Given the anticipated groundwater constraints on this site HRM may consider allowing development up to a maximum of 4 units per acre if a study is undertaken by a qualified professional to verify that a potable water supply can be reliably and adequately augmented by a rainwater harvesting system. HRM shall consider permitting an increase in density on this site, up to a maximum of 8 units per acre, through the provisions of Policy RL-11, if municipal water services become available to the River-lakes Village Centre Designation.

Multiple Unit Dwellings and Townhouses outside the River-lakes Village Centre Designation

Outside the River-lakes River-lakes Village Centre Designation there are three additional potential development sites where an alternative form of housing may be considered. These include Site B which is situated at the at the north-end of Fall River Village, Site C which is situated at the South-end of Fall River Village, and Site D which is situated in the Charleswood Subdivision, as illustrated on Map RL-3. An overview of each of these sites and the policies pertaining to their future development is discussed in greater detail below.

Site B – Fall River Village North Residential Opportunity Site

Site B is situated at the north-end of Fall River Village, running parallel with the Fall River Road. It is a 46 acre site that was once the site of the “Old Carr Farm”. It has a natural landscape with rolling hills, low lying areas and mature vegetation. These features offer an opportunity to offset the differences in scales of development if it is designed to fit into the natural landscape. The Classic Open Space Design approach also offers the opportunity to preserve the environmental and cultural assets of the site and to minimize impact on the receiving environment.

Residents from Fall River Village have concerns about the potential for traffic impact should a road connection be established from the Fall River Road to Fall River Village over this site. There are also concerns about the loss of privacy and aesthetic impact of multiple-unit housing if not situated in such a manner so as to minimize impact on the surrounding low density residential area.

In order to prevent a high concentration of multiple-unit buildings at this location, a maximum of three multiple-unit buildings with a maximum of 40 units per building shall be considered for development on this site. Council will also consider the development of townhouses, single unit dwellings, two unit dwellings or single unit dwellings to form part of this development in order to meet a range of housing needs. Overall density on this site shall be limited to 4 units per acre subject to the submission of studies to verify that the development can take place without adversely affecting the road systems, surrounding neighbourhoods and receiving waters of Lake Thomas and that there are adequate soils and water to service the development. Multiple-unit buildings and associated parking will be situated closer to the Fall River Road and parking lots for the multiple unit buildings will be kept out of the view of Fall River Road and any low density residential uses through the use of siting and buffering. The development will have to conform to the architectural requirements established under the Land Use By-law and the height of all buildings shall be limited to a maximum of three stories. The development shall also be designed to minimize the impact of traffic flow on the surrounding low density residential development.

RL-13 HRM shall consider permitting low scale multiple-unit dwellings townhouses, single unit dwellings or two unit dwellings on Site B through the provisions of a development agreement. The development shall be designed as a Classic Open Space Development pursuant to Policy S-16 of the Regional Plan to offset the bulk and appearance of alternate building forms on surrounding low density residential development and to preserve the cultural and environmental assets of this site. In considering such an agreement, Council shall have regard to the provisions of Policy S-16 of the Regional Plan and the following:

Built Form, Architecture and Use

- (a) that the maximum gross density is limited to 4 units per acre, the number of multiple-unit buildings is limited to 3, the number of units per multiple-unit building is limited to 40 units, and the height of any multiple-unit building is limited to three stories above average grade, excluding rooflines;
- (b) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;
- (c) that multiple-unit dwellings are situated closer to the Fall River Road to prevent the aesthetic impact of the bulk of larger buildings and extensive parking areas on the surrounding low density residential neighbourhood;
- (d) that the elevation of any townhouse buildings shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (e) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;

- (f) that the development generally conforms to the architectural provisions set out under the land use by-law;

Site Development Criteria

- (g) that parking areas are situated behind the buildings, out of view from Fall River Road;
- (h) that landscaping is designed to create a visually attractive appearance and reduce stormwater impacts;
- (i) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;
- (j) that important cultural features such as the trails the Blue Hill Road Trail as illustrated on Map RL-4, views of the foreground meadows from the Fall River Road and the Carr Farmhouse are used to form an attractive focal point for the development where possible;

Site Impact Controls/Assessments

- (k) that the lighting on the site is designed to prevent light pollution impacts on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;
- (l) that any development situated adjacent to a low density residential development does not result in any undue adverse impacts on adjacent properties in terms of traffic or privacy conditions for those residential uses and their outdoor amenity areas;
- (m) that the traffic generated by the development will not adversely affect the intersection of Fall River Road and Highway 2 or the Highway 102 and Highway 118 interchanges; and
- (n) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement; and
- (o) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 are addressed.

Site C - Fall River Village South Residential Opportunity Site

Site C is situated at the south end of Ingram Drive, in Fall River Village, near the Cobequid Road. It is a 30 acre site that was previously zoned I-3 (Light Industrial) which would have allowed a wide range of incompatible uses with the low density residential uses to the west and north of the site. The site location has the potential to become a new entry point into the Fall River Village and has sufficient land area to buffer the bulk and scale of any low scale multiple-unit dwellings or commercial uses from the low density residential development to the west and north of the site.

The property will be zoned Residential Comprehensive Development District under this Secondary Planning Strategy to allow the development of low-rise multiple-units, townhouses,

single unit dwellings, and two unit dwellings up to a maximum of 4 units per acre. This zone will allow consideration of a small scale local commercial convenience store and self storage buildings in association with the residential development. Like Site B, this site will require special siting and design consideration to minimize any impacts on the surrounding low density residential development. A minimum of 60% of the site shall be retained as common open space and can be used to buffer the development from lower density types of housing. Direct access to the Cobequid Road shall also be required to minimize traffic impact on Fall River Village and there shall be a maximum of three multiple-unit dwellings with a maximum of 40 units per building.

RL-14 A Residential Comprehensive Development District Zone shall be created under the Land Use By-law and applied to Site C. The Zone will permit low scale multiple-unit dwellings, townhouses, single unit dwellings or two unit dwellings or local commercial use. The Zone will also permit a self storage facility. The development shall be designed as a Classic Open Space Development pursuant to Policy S-16 of the Regional Plan. In considering such an agreement, Council shall have regard to the provisions of Policy S-16 of the Regional Plan and the following:

Built Form, Architecture and Use

- (a) that the maximum gross density is limited to 4 units per acre, the number multiple-unit buildings is limited to 3, the number of units per multiple-unit building is limited to 40 units, and the height of any multiple-unit building is limited to three stories above average grade, excluding rooflines;
- (b) that the local commercial use shall not exceed 371 m² (4000 sq.ft.) and the self storage facility shall not exceed ten thousand 929 m² (10,000 sq.ft.) of gross floor area;
- (c) that the self storage units may be sited anywhere on the site provided the visual impacts of the garage door openings are concealed from the travelling public or any adjacent residential uses;
- (d) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;
- (e) that the elevation of any townhouse buildings shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (f) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;
- (g) that the development generally conforms to the architectural provisions set out under the land use by-law;

Site Development Criteria

- (a) that the landscaping is designed to create a visually attractive

- appearance and reduce stormwater impacts;
- (b) that pedestrian walkways are provided throughout the site to provide safe and direct access to buildings, parking lots, trails and adjacent public streets and adequate useable amenity areas are provided;
- (c) that important cultural features such as trails the MacDonald Sports Park Connector Trail as illustrated on Map RL-4 are incorporated as a feature within the development;

Site Impact Controls/Assessments

- (d) that the lighting on the site is designed to prevent light pollution impacts on residential units within the site and on adjacent properties and to give a coordinated and unified appearance between the buildings and the site with oriented luminaries;
- (e) that any development situated adjacent to a low density residential development does not result in any undue adverse impacts on adjacent properties in terms of traffic or privacy conditions for those residential uses and their outdoor amenity areas;
- (f) the site has direct road access to the Cobequid Road;
- (g) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement;
- (h) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.

Site D – Charleswood Residential Opportunity Site

Site D is a 42 acre piece of land in a 153 acre parcel which Miller Developments is proposing to develop a Classic Open Space Design Subdivision. This development is an extension of the Charleswood Subdivision and Site D forms Phase 4 of this proposed development. The subdivision is proposed to be developed with a mix of single unit dwellings and townhouses with the townhouse component proposed for Site D. This Secondary Planning Strategy will allow consideration of the development of townhouses on a maximum of 42 acres on Site D at a maximum density of 2 units per acre through the provisions of the Classic Open Space Design Policy S-16 and the provisions of Policy RL-16 below.

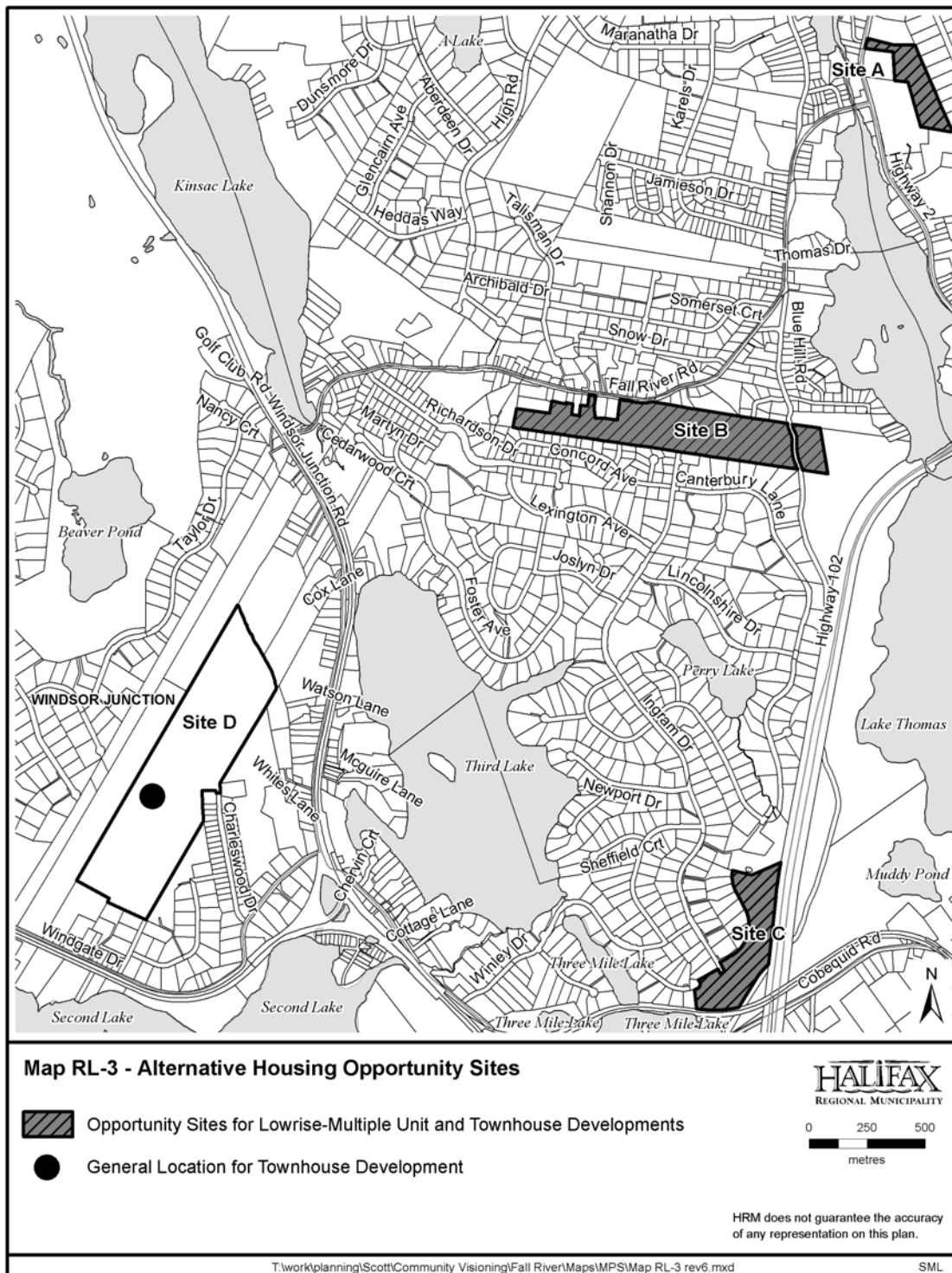
RL-15 In addition to the uses that may be considered pursuant to Policy S-16 under the Regional Plan, HRM shall consider permitting townhouses on Site D as a component of a proposed Classic Open Space Design Subdivision for the Charleswood Subdivision through the provisions of a development agreement. In considering such an agreement, Council shall have regard to the provisions of Policy S-16 of the Regional Plan and the following:

Built Form, Architecture and Use

- (a) that a maximum of 42 acres of the site maybe developed for townhouses in the general vicinity of the area shown on Map RL-3 at a maximum density of two units per acre;
- (b) that the massing and built form of the development is compatible with any adjacent low density residential uses through the use of siting, transition of building scales, architectural elements to promote visual integration and landscaping and buffering;
- (c) that the elevation of all buildings within each townhouse block shall be articulated in a manner that provides variation between units, and reinforces common characteristics that visually unites the block;
- (d) that there are off-sets or other articulations in the overall roof structure to break up the massing of townhouse blocks;
- (e) that the massing and built form of townhouse units adjacent to single-detached and semi-detached dwellings shall be broken down with architectural elements to promote visual integration;
- (f) that the townhouses generally conform to the architectural provisions set out under the land use by-law;

Site Impact Controls/Assessments

- (g) that studies required pursuant to Policies RL-22 and RL-25 are undertaken prior to the approval of a development agreement;
- (h) any other matter relating to the impact of the development on the surrounding community as outlined in Policies RL-23 and P-155 is addressed.



Open Space and Trails

River-lakes Open Space and Trail System

The River-lakes Secondary Planning Strategy Area has a vast system of interconnected trails and sidewalks that have been formally and informally developed to link the various communities, schools, and the River-lakes Village Centre Designation with one another for Active Transportation purposes. There is also a vast array of community trails leading to outstanding places that have high quality recreation, aesthetic, historical and natural value. Important cultural features such as Lock 4 of the Shubenacadie Canal, for example, offer a unique opportunity to connect the community with significant aspects of its past. The Lake Thomas Water Walk is also an example of a high quality community connector that links the communities to the River-lakes Village Centre Designation for active transportation purposes while offering a high quality opportunity for recreation.



It is the desire of the community to work toward the formal development of a trail system throughout the River-lakes Plan Area. An interconnected trail system not only provides opportunities for recreation and active transportation but forms the structure for a well defined pattern of development in the future (areas shaped by greenways). It also attaches people to their community by maintaining those natural and functional elements that maintain one's sense of place. Trails are also the most widely requested type of infrastructure since it serves all age groups and it easy to access for healthy living and recreation.



The Fall River Vision Implementation Committee (VIC) recommended the Conceptual Level Trail Plan for the River-lakes Secondary Planning Strategy and surrounding area as shown on Map RL-4. This Plan features a vast array of trails that have been formally and informally developed overtime. Through consultation with various user groups and the community at large, the Open Space and Trails Task Group of the VIC, in concert with representatives of the Shubenacadie Canal Commission inventoried, walked, researched and assessed the multi-layer trail system as shown.

The Priority Routes shown on Map RL-4 represent future off road and K-road trail opportunities. Some are through open terrain and some within the developing areas, connecting the community trail system with the Shubenacadie Canal and Kinsac Lake, the River-lakes Village Centre Designation, local schools and the MacDonald Sports Park. The western side of Shubenacadie Canal is a Primary Corridor of the Regional Trail Network and a designated Water Route, Cultural Corridor, and Natural Corridor under the Regional Plan. These are the Routes that the VIC has selected as priority features for future detailed planning and development. Other local trails as illustrated will become part of the longer term Plan.

- RL-16** In recognition of the community desire to work toward the future development of an interconnected system of trails, HRM shall adopt the River-lakes Trail and Open Space Conceptual Plan as outlined on Map RL-4, as a framework to guide future detailed planning and implementation. The community is strongly encouraged to work towards the future development of these detailed plans and implementation strategies through collaboration with the Halifax Regional Trails Association under the HRM Trails Program.
- RL-17** Given the opportunities for public recreation and the excellent opportunities for access to the unique ecological and cultural heritage assets along the Priority Trail Connectors identified on Map RL-4 River-lakes Trail and Open Space Conceptual Plan, HRM shall, to the greatest extent possible, give priority to the acquisition and development of trails and open space assets along these Connectors, through the parkland dedication process under the Regional Subdivision By-law for all applicable subdivision developments within the River-lakes Plan Area and its Village Centre.
- RL-18** HRM shall negotiate through the development agreement process to acquire land or secure the use of the land between the MacDonald Sports Park and Fall River Village for a trail and other trails as indicated on the Maps RL-4 and Map RL-5 for all developments considered by development agreement within the River-lakes Plan Area and its Village Centre.

The River-lakes Village Centre Designation Open Space and Trails System

Map RL-5 represents the Conceptual Open Space and Trails Plan for the River-lakes Village Centre Designation as recommended by the Fall River Vision Implementation Committee. It features the development of a trail system around Lake Thomas, the enhancement of the active transportation system around Fletchers Run, and the development of open space components that will preserve the historic and cultural values of the Shubenacadie Canal System within the Village Core. It also provides opportunities to secure active transportation links between the River-lakes Village Centre Designation and surrounding area to develop a vibrant and attractive place over the long-term. The specific features recommended by the VIC as part of this Plan include the following:

- a) secure a trail route in the areas generally shown on Map RL-5 as close to the water as possible;
- b) develop a multi-use trail along the western side of Highway 2 and the eastern side of Lake Thomas from the intersection of the Fall River Road, south;



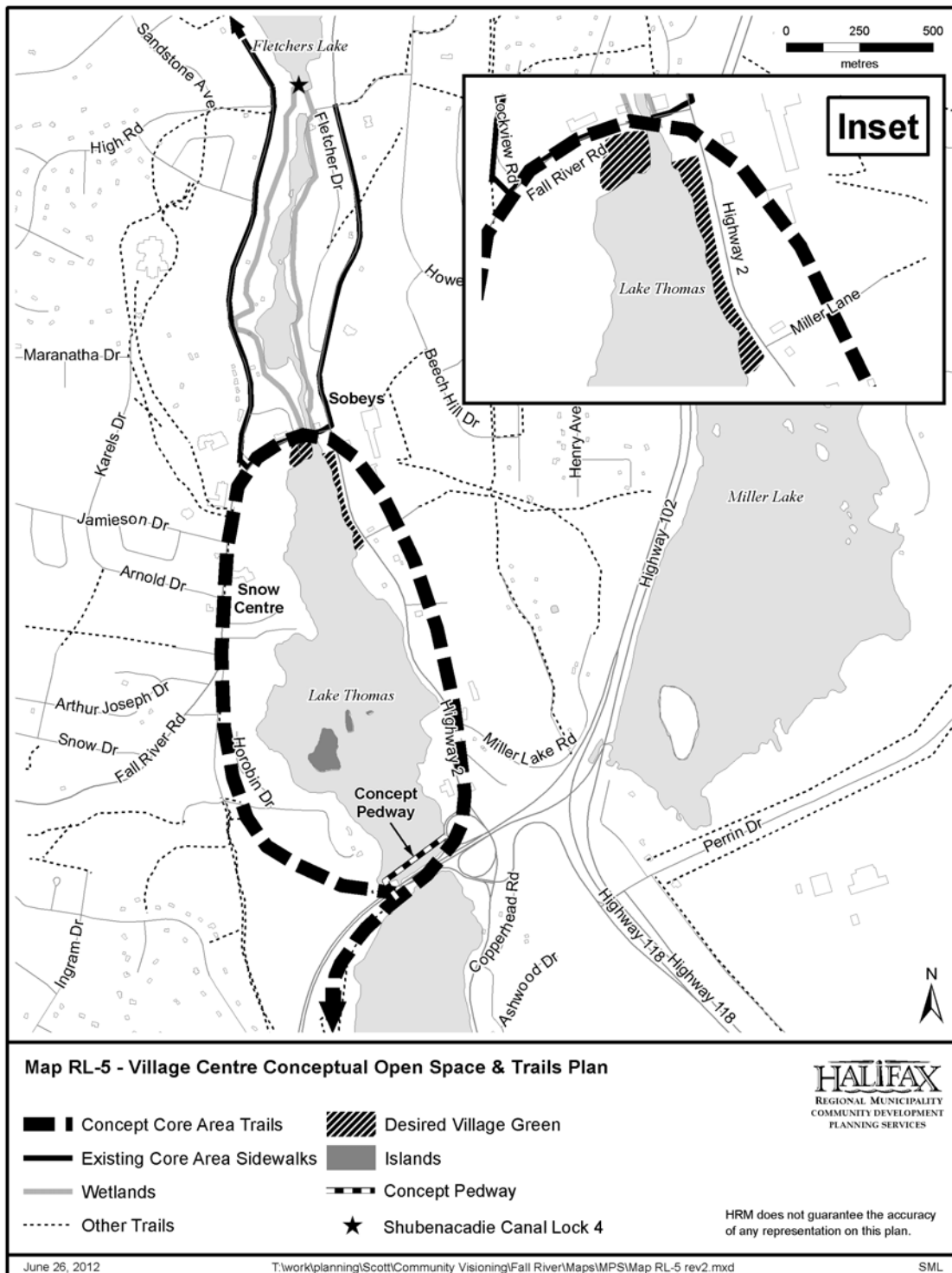
- c) develop a trail from the Inn on the Lake to the MacDonald Sports Park;
- d) protect the historic value of trails and areas of interest and connections;
- e) complete trail and sidewalk linkages to create “upper” and “lower” loops around Lake Thomas and Fall River Run across Lock 4 as illustrated on Map RL-5;
- f) protect and support reinstatement of Lock 4 as a historic area of interest;
- g) maintain Lake Thomas frontage at Gordon R. Snow Centre in a naturalized state while providing enhanced access to all;
- h) develop a swimming dock with minimum disturbance of the natural area along Lake Thomas at the Gordon Snow Centre;
- i) acquire a “village green” lands (area of interest) and protect for public access and recreation;
- j) Raise Fall River Road Bridge at Fletchers Run to allow for paddle craft access.

Detailed planning is required to determine a potential trail alignment and to assess the feasibility for the development of some aspects of the system. Other aspects of this Plan may be implemented as opportunities arise through future subdivision developments, development agreements, land trades, or road improvements.

- RL-19** **HRM shall adopt the River-lakes Village Centre Designation Conceptual Open Space and Trails Plan as a framework to guide future detailed planning, cost analysis and capital planning for further consideration by Regional Council for implementation.**

- RL-20** **HRM shall consider the cost and feasibility of creating sufficient clearance for canoeing under any new bridge construction that may be considered to alleviate traffic congestion at the intersection of Fall River Road and Highway Number 2. HRM shall also encourage the Shubenacadie Canal Commission to consider the development of a weir that maybe used to lower water levels to facilitate canoe access under the bridge as part of its on-going restoration initiatives of the Shubenacadie Canal.**

- RL-21** **HRM shall consider trading surplus municipal lands in the River-lakes Secondary Planning Strategy area in exchange for trials as close to Lake Thomas as possible or the desired community green as illustrated on Map RL-5.**



Environmental Protection

River-lakes Sub-watersheds

The Fall River-Shubenacadie Lakes Watershed Study was prepared by Jacques Whitford Limited, et.al. for the River-lakes Secondary Planning process. The purpose of this Study was to identify those lands most suitable for development and for environmental protection through land and water capacity analysis.

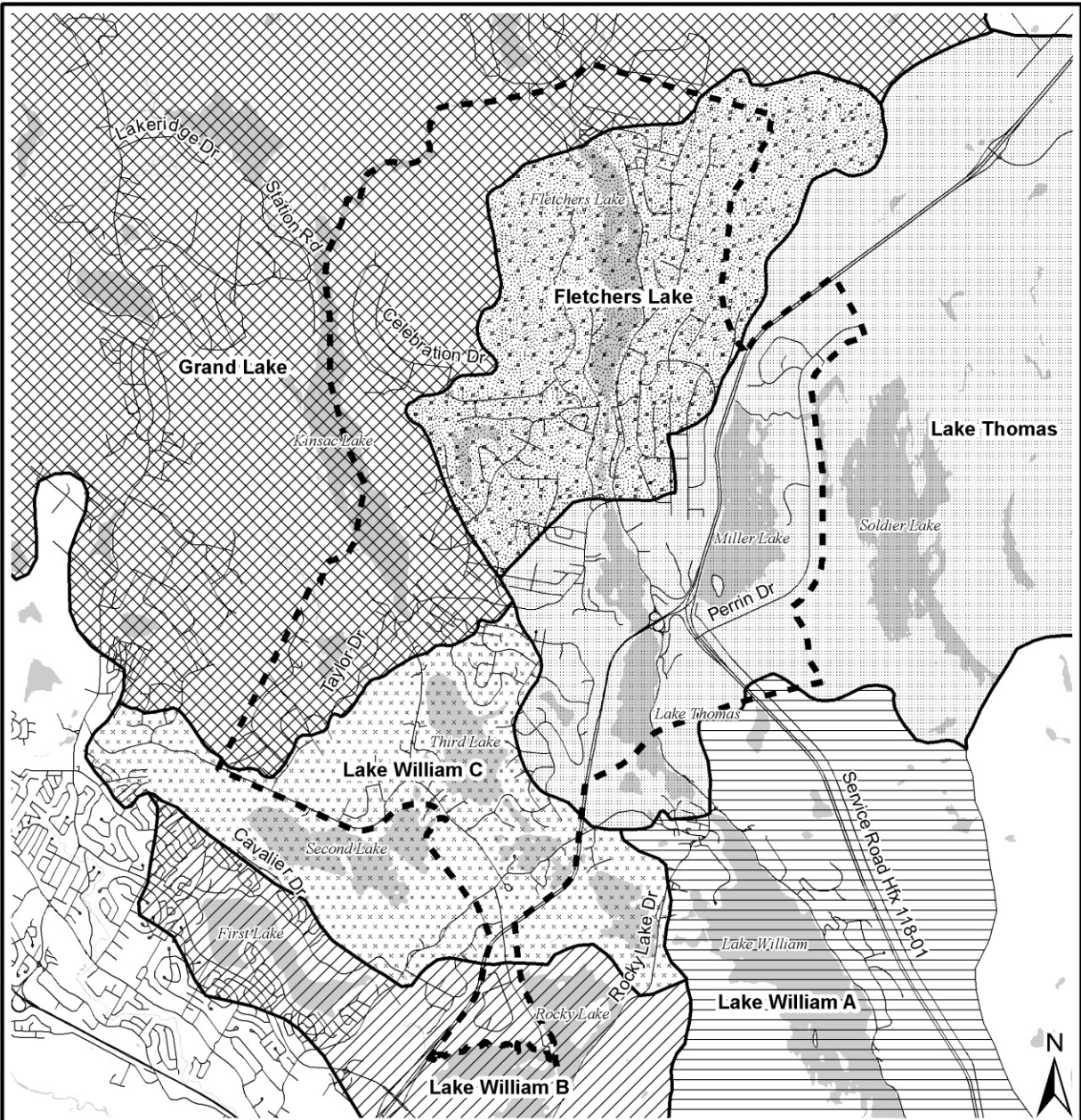
The Study was developed through a series of component studies which evaluated the capacity of the groundwater and ecological resources to support development. It also evaluated the impact of future potential development scenarios on the receiving waters of the Shubenacadie Lakes. The Study also examined options for servicing various areas throughout the River-lakes Secondary Planning Strategy Area with municipal central water and small scale on-site wastewater management systems (individual on-site and cluster septic). Options for servicing the Village Core of the River-lakes Village Centre Designation with a centralized collection system and new sewage treatment plant were also examined.

In this phase of the Secondary Plan, water quality objectives shall be set to regulate the amount of development that may occur within the portions of the Lake William, Lake Thomas, Fletchers Lake and Grand Lake sub-watersheds within the River-lakes Secondary Planning Strategy Area. Options for wastewater and central water service infrastructure will be explored during the Phase II planning process.

Watershed Regulations

The study area included all lands within the Shubenacadie Lakes Primary Watershed. The portion of the Shubenacadie Lakes Primary Watershed within the River-lakes Secondary Planning Strategy Area include the Lake William, Lake Thomas, Fletchers Lake, and Grand Lake sub-watersheds (Map RL-6). Land-use regulations for the entire Shubenacadie Lakes Watershed are contained in six municipal planning strategies of Halifax Regional Municipality including the Planning Districts 14/17 MPS, Dartmouth MPS, Hammonds Plains, Beaver Bank and Upper Sackville MPS, Sackville MPS, Lake Major MPS and the Regional MPS. The northern end of the Shubenacadie Lakes Watershed is within the Municipality of East Hants.

Grand Lake supplies the Municipality of East Hants with drinking water. The Municipality of East Hants has adopted a Source Water Protection Plan for the entire Shubenacadie Lakes Watershed pursuant to the Environment Act to educate the public on how to prevent impacts on Grand Lake. Representatives of Halifax Regional Municipality and Halifax Water participate as members of the Municipality of East Hants Source Water Protection Society to provide strategic advice for overall watershed management. Halifax Regional Municipality however, maintains responsibility for land use regulation over the vast majority of this watershed since it is within the jurisdiction of Halifax Regional Municipality.



Map RL-6: River-lakes Secondary Plan Subwatersheds

- | | |
|-------------------------------------|----------------|
| River-lakes Secondary Plan Boundary | Lake William A |
| Fletchers Lake | Lake William B |
| Grand Lake | Lake William C |
| Lake Thomas | |

HALIFAX
REGIONAL MUNICIPALITY
REGIONAL AND COMMUNITY
PLANNING SERVICES

0 0.5 1 2
km

HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.

Lake Fletcher is also the source of water supply for the Collins Park Water Treatment System. This system provides drinking water supply for 75 homes in the Wellington Area and is under the Management of Halifax Regional Water Commission. The Halifax Regional Water Commission has also developed a management plan for the protection of its water supply which is focused primarily at public education. The Halifax Regional Water Commission monitors Fletcher Lake at 6 different locations to identify issues and areas that may need to be addressed in its environmental education program. The Halifax Regional Water Commission works with groups and organizations such as the Shubenacadie Watershed Environmental Protection Society to deliver the watershed awareness through signage and public education programs such as Adopt-a-Watershed and walking tours.

Given that the lands within the River-lakes Secondary Planning Strategy Area drain mainly to the Lake William, Thomas, Fletchers Lake and Grand Lake sub-watersheds, water quality objectives shall be set for these lakes as a performance measure against which to regulate all future large scale development. Controls on future development in those portions of the sub-watersheds that are outside of this Secondary Planning Strategy Area will also be needed to achieve these water quality objectives. This includes lands within the Lake Charles Sub-watershed and lands in the portion of the Lake William, Lake Thomas, Lake Fletcher and Grand Lake sub-watersheds that are outside this Secondary Planning Strategy Area. Such regulations are beyond the planning process for the River-lakes Secondary Planning Strategy Area and will have to be dealt with in subsequent planning processes for the other affected plan areas.

Development Impacts

According to the Study, “water quality is vulnerable to the effects of suburban development and has declined in the study area over the past thirty years (Mudroch et al. 1987; Vaughan Engineering, 1993; Centre for Water Resource Studies, 1991). The study attributes this decline to issues concerning malfunctioning on-site septic systems, depletion of groundwater resources, inadequate buffer zones, the current status of the lakes (receiving waters) to receive wastewater effluent and the impact of stormwater runoff.”⁸

HRM strives to maintain the present trophic status of lakes to the greatest extent possible, as stated in the Regional Plan. Lakes range from an oligotrophic to a eutrophic state in a lake trophic classification system. An oligotrophic lake is one that is characterized as having a high degree of water clarity, sufficient supply of oxygen at all levels and fewer conditions to promote the growth of algae and plants within the lake. The upper limit of total annual phosphorus loading for an oligotrophic state is 10µg/L. The mesotrophic state is the transitional stage between oligotrophic and eutrophic on the continuum. A mesotrophic lake has an accumulation of sediments, a higher concentration of phosphorus and algae (often measured as chlorophyll), and some loss of oxygen at the lower levels of the lake. The range of total annual phosphorus loading for a mesotrophic state is 10 - 20µg/L. A eutrophic lake contains high concentrations of phosphorus and algae (chlorophyll) and is rich with plant nutrients. A eutrophic lake is

⁸ Fall River-Shubenacadie Lakes Watershed Study, Jacques Whitford Limited, Centre for Water Resource Studies and ABL Limited, prepared for Halifax Regional Municipality, July 2010, p.1.

characterized by poor water clarity, little or no oxygen at lower depths, an abundance of plants and the emergence of algae blooms. A lake is considered to be in a eutrophic state when total annual phosphorus exceeds 20µg/L.

The process of eutrophication is naturally occurring and typically takes thousands of years to complete. In a developed watershed, a lake can become eutrophic in a few decades. One of the key contributors to an accelerated rate of eutrophication, known as cultural eutrophication, is the abundant release of phosphorus to receiving waterbodies at an unsustainable rate. Phosphorus comes from a variety of sources including, but not limited to, soil erosion, on-site septic systems within 1000 feet of waterbodies, the application of lawn fertilizers, wastewater treatment overflows and stormwater run-off. It is also naturally occurring within the soils, bedrock and from precipitation within a watershed. The retention of natural features such as wetlands, forested areas and riparian vegetation can help regulate the release of phosphorus by naturally filtering it back into the ecosystem.

According to the Shubenacadie Lakes Watershed Study, the effects of phosphorus loading on lakes stimulates the growth of algae populations which can adversely affect aquatic systems in the following ways:

Phosphorus affects aquatic ecosystems by promoting increased growth of algae. As the amount of phosphorus available to the system increases, so do the [quantity or concentration] of algal populations. The result can be a change in apparent colour of a lake or stream, resulting in a green or blue-green colour. If the populations of algae become too large, they may cause taste and odour problems for individual or municipal water supplies and can produce toxins that cause gastro-intestinal problems for people and animals. Large populations can also clog [domestic] water intakes, become a nuisance around docks or be a safety hazard for swimmers or boaters, and through the process of decomposition, have the potential to [consume oxygen and] negatively impact fish habitat.⁹

Development Scenarios

The Study evaluated a number of possible development scenarios within the River-lakes Village Centre Designation and in the northern portion of the Secondary Planning Strategy Area, outside of the River-lakes Village Centre Designation, to determine the impact that development may have on phosphorus, total suspended solids and bacterial levels in Lake Thomas, Lake Fletcher and Grand Lake.¹⁰ The two scenarios that are most closely related to the form of development provided for under the River-lakes Secondary Planning Strategy are 1) the Within the River-lakes Village Centre Designation Development Scenario; and 2) the Outside the River-lakes Village Centre Designation Development Scenario.

⁹ Fall River-Shubenacadie Lakes Watershed Study, Jacques Whitford Limited, Centre for Water Resource Studies and ABL Limited, prepared for Halifax Regional Municipality, July 2010, p.43.

¹⁰ The northern portion of the Secondary Planning Strategy Area is an area where several subdivision developments were allowed to continue pursuant to the grandfathering policy (Policy S-28) under the Regional Plan.

The Within the River-lakes Village Centre Designation Development Scenario modeled for the impact of the development of 670 new units on the Lake Thomas, Fletcher Lake and Grand Lake. This Scenario included all lands along Highway 2, Sobeys, lands north of Sobeys, MacPherson Square and all lands along Fall River Road up to Lockview Road. The Outside the River-lakes Village Centre Designation Development Scenario modeled for the impact of the development of approximately 1076 new dwelling units in the northern portion of the Secondary Planning Strategy Area on Fletcher Lake and Grand Lake. This Scenario included the proposed subdivision developments of Kinloch Estates and St. Andrews Village that are situated outside of the River-lakes Village Centre Designation in the northern portion of the Plan Area.

Current Trophic Status

Based on the empirical data collected in 2007, the Study indicated that Lake Thomas, Lake Fletcher and Grand Lake were oligotrophic (low nutrient values with greater clarity) with less than 10µg/L total annual phosphorus concentrations as indicated in Table 3 below. Lake Thomas and Lake Fletcher however, were near the boundary for transition to the mesotrophic level with total annual phosphorus concentrations at 9.2µg/L and 9.3µg/L respectively. Based on the existing amount of development that has already taken place within 1000 feet of these lakes, the model predicts that Lake Thomas will become mid-range mesotrophic and that Lake Fletcher will become upper range mesotrophic. The Study also predicts that Grand Lake will become upper range oligotrophic in the next 20 to 25 years.

Table 3 – 2007 Baseline Conditions and Predicted Impacts on Water Quality Parameters

Mean Annual Parameters	2007 Water Quality Samples			Predicted Impacts: River-lakes Village Centre Designation Scenario			Predicted Impacts: Outside River-lakes Village Centre Designation Scenario		
	Lake Thomas	Lake Fletcher	Grand Lake	Lake Thomas	Lake Fletcher	Grand Lake	Lake Thomas	Lake Fletcher	Grand Lake
Phosphorus	9.2 µg/L	9.3 µg/L	4.6 µg/L	18.0 µg/L	20.2 µg/L	10.2 µg/L	14.7 µg/L	19.3 µg/L	11.2 µg/L
Total Suspended Solids (TSS)	0.88 mg/L	0.49 mg/L	0.16 mg/L	0.97 mg/L	0.50 mg/L	0.16 mg/L	0.88 mg/L	0.65 mg/L	0.18 mg/L
Bacteria (E.coli)	86 CFU/100mL	105.5 CFU/100mL	13.7 CFU/100mL	86.2 CFU/100mL	105.6 CFU/100mL	13.7 CFU/100mL	86 CFU/100mL	129.7 CFU/100mL	86 CFU/100mL

Development Scenario Impacts

Modelling for the Within the River-lakes Village Centre Designation Development Scenario predicted that Lake Thomas will move from the mid-range mesotrophic level to the upper range mesotrophic level at 18.0µg/L as indicated in Table 3 above. Lake Fletcher is predicted to move to the meso-eutrophic boundary of 20µg/L under this development scenario. Grand Lake is

predicted to move to or slightly above the oligo-mesotrophic boundary at 10.2µg/L. The Within the River-lakes Village Centre Designation Development Scenario is not predicted to have a significant effect on microbial or total suspended solids concentrations within either of these lakes.

Modelling for the Outside the River-lakes Village Centre Designation Development Scenario predicts that this development scenario would cause Lake Fletcher to approach the meso-eutrophic boundary of 20µg/L and Grand Lake would move into the low mesotrophic range. This development scenario is predicted to impose microbial impacts on Lake Fletcher that would exceed the CCME Guidelines of CFU/100mL for body contact recreation more often.

Each scenario was modeled independently and does not account for the cumulative effects that both scenarios would have on receiving waters if developed together. If the scenarios for the Within the River-lakes Village Centre Designation and the Outside the River-lakes Village Centre Designation were developed together, or if there was greater development in the sub-watersheds upstream of the River-lakes Plan Area, there would be greater impact on the receiving waters of the sub-watersheds in this Secondary Planning Strategy Area than indicated in this Study.

Water Quality Objectives

Given the environmental sensitivity of the Shubenacadie Lakes and the desire of residents to preserve and protect its water quality, the Study recommends an oligotrophic status with an upper limit of 10µg/L should be maintained for Grand Lake. This is also desirable since Grand Lake is a municipal water supply for the Municipality of East Hants. Trophic Status limits should also be set for the lakes upstream from Grand Lake, Lake Fletcher, Lake Thomas, Kinsac, William and Charles - to ensure that this objective is maintained.

The Study recommends an upper limit of 20µg/L for Lake Thomas and Lake Fletcher which are within the River-lakes Secondary Planning Strategy Area. It also recommends 20µg/L for Lake William which may be impacted by future developments in the southern portion of the Plan Area that is within the Lake William Sub-watershed. Although a limitation of 20µg/L will maintain Lake William, Lake Thomas and Lake Fletcher at the upper range mesotrophic level in the long-term, this Secondary Planning Strategy has no control over the developments that are in the portions of these sub-watersheds that area outside of this Plan Area.

The proposed regulations for the River-lakes Village Centre Designation will significantly reduce the permitted floorspace and amount of pervious surface within the River-lakes Village Centre Designation from the previous regulations under the C-2 (Community Commercial) and C-4 (Highway Commercial) zones. The new regulations proposed under the River-lakes Village Centre Designation Zones require the retention of a minimum of 50% of each site as pervious surface. The permitted building footprint for all buildings permitted within the various zones has been reduced from 10,000 square feet to anywhere between 2000 to 4000 square feet depending on the zone. The Regional Plan requires the retention of riparian buffers and wetlands which will

also aid in the uptake of phosphorus and ameliorate its impacts. However, there is a substantial amount of housing development proposed within the southern and northern portions of the Secondary Planning Strategy Area which should be assessed to ensure that it does not exceed the capacity of the receiving waters to assimilate phosphorus without exceeding the water quality objectives recommended under the Shubenacadie Lakes Watershed Study.

In order to maintain the health and resilience of these receiving waters, this Secondary Planning Strategy will establish a no net increase phosphorus export policy for any future residential developments exceeding 8 units/lots within the River Lakes Secondary Planning Strategy Area. Pursuant to the Regional Plan, any development requiring a new road for the development of more than 8 lots is only allowed to proceed under the provisions of a development agreement. As part of the assessment process for a development agreement, applicants shall be required to submit a study by a qualified person demonstrating that the proposed development will not export any more phosphorus from the site than what may be exported from the site prior to the development taking place. The total amount of phosphorus that is expected to be exported from the site prior to the undertaking of a development shall in effect become the phosphorus budget or limit for the amount of phosphorus that may be allowed to be exported from the site under the proposed development for that area. If the amount of phosphorus for a proposed development exceeds the phosphorus budget for the site, then the density of development will have to be adjusted to reduce the phosphorus impacts on the receiving environment. The feasibility of continuing development in the northern portion of the Secondary Planning Strategy Area should be reviewed during the Phase II planning process.

In order to achieve an appropriate balance of development throughout the Shubenacadie Lakes System and to maintain an oligotrophic level for Grand Lake, water quality objectives should be established for each contributing sub-watershed after HRM adopts a water quality monitoring functional plan. HRM is currently undertaking a watershed study of the Shubenacadie Lakes Watershed to assess the impacts of potential future development in the Port Wallis area within the Lake Charles Sub-watershed. It would be appropriate to review the River-lakes Secondary Planning Strategy when setting targets for future growth in the Lake Charles or Lake William sub-watersheds that are upstream from Fall River. At this time, threshold values should be set for the Shubenacadie Lakes System against which to regulate the density of all future development.

RL-22 The River-lakes Secondary Planning Strategy shall establish a no net increase in phosphorus loading policy as one of the key performance measures for all large scale residential developments considered through the provisions of a development agreement pursuant to policies RL-4, RL-6, RL-11, RL-12, RL-13, RL-14 and RL-15 of this Secondary Plan. This Policy shall also apply to proposed developments pursuant to policies S-15 and S-16 of the Regional Municipal Planning Strategy. A study prepared by a qualified person shall be required for any proposed development pursuant to

these policies to determine if the proposed development will export any greater amount of phosphorus from the subject land area during or after the construction of the proposed development than the amount of phosphorus determined to be leaving the site prior to the development taking place. If the study reveals that the phosphorus levels predicted to be exported from the proposed development exceed the phosphorus levels currently exported from the site, then the proposed development will not be permitted to take place unless there are reductions in density or treatment of stormwater through natural systems to reduce phosphorus export levels to those current before the proposed development. The cost of the study shall be borne by the applicant. The study may rely on phosphorus export coefficients derived from existing studies if they can be justified for application to local environmental conditions. All existing and proposed development within the affected area shall be taken into account and the consultant shall undertake Wet Areas Mapping to help define the ecological boundaries associated with the flow channels, accumulation points, and riparian zones to restrict any high impact development in those areas.

RL-23 The following measures shall be incorporated into all development agreements in the River-lakes Secondary Planning Strategy Area:

- a) A site non- disturbance area of a minimum of 50% of the site or greater if required pursuant to any other policies within this Secondary Planning Strategy or the Regional Municipal Planning Strategy; and
- b) Stormwater management and erosion and sedimentation control plans are in place to minimize impact on receiving waters.

Transportation

River-lakes Road Systems

The Fall River/Waverley/Wellington Areas Transportation Study was prepared by CBCL for the River-lakes Secondary Planning process. The purpose of the study was to examine traffic conditions on the existing road network and to recommend transportation improvements for current and future potential growth.

The Study found that existing traffic at the Highway 102 / Highway 2 / Highway 118 interchange, the Fall River Road / Lockview Road intersection and Fall River Road / Highway 2 intersection is heavily congested during the am and pm peak periods. The intersection of Highway 2 / Highway 118 southbound / Highway 102 northbound ramps were found to be functioning very poorly with substantial queuing occurring on Highway 2 (up to 1500 m) during the am peak. During the pm peak, the Highway 102 southbound ramp / Highway 2 intersection and the Highway 118 southbound ramp / Highway 2 intersection were both experiencing poor operating conditions with queuing of up to 500 m on the Highway 118 southbound ramp. Also during the pm peak period, the Highway 118 northbound exit ramp was shown to experience significant queuing which would sometimes extend all the way back onto the highway.

The Study indicates that conditions will worsen at these intersections as more development takes place over the next 20-25 years and that the Fall River Road / MacPherson Road and Fall River Road / Highway 2 intersections will also exceed capacity. Without road improvements or controls on growth, the intersections of Highway 2 / Highway 118 southbound ramp, Highway 2 / Highway 102 southbound ramp, Highway 2 / Fall River Road, Fall River Road / McPherson Road, and Fall River Road / Lockview Road are predicted to experience significantly diminished operations.

The Study recommends a number of short-term improvements to alleviate current traffic conditions that were recommended by the Fall River VIC for implementation (Appendix A). These include recommendations to channelize traffic through a right turning lane from Fall River Road to Highway 2, eliminate left turns from Fall River Road into Wilson's and improvement of pedestrian facilities at the intersection of Fall River Road and Highway 2. It is also recommended that the Municipality also encourage the Province of Nova Scotia to consider the development of a roundabout between Highway 2, Perrin Drive and the Highway 102 northbound ramp to alleviate current traffic conditions at the interchanges.

A number of longer-term solutions were also recommended including the widening of the Fall River Bridge to 4 lanes and upgrading the Fall River Road and Highway 2 Intersection. The Committee does not recommend the Fall River Road and Highway 2 Intersection upgrade as designed by the consultants since it will not retain the rural village character desired by the community for the River-lakes Village Centre Designation. It is the recommendation that an alternative design solution be considered that is more in keeping with the vision for the River-lakes Village Centre Designation.

The Study also recommends the development of a new interchange to reduce traffic on Highway 2 and to take pressure off the Highway 102 and Highway 118 interchanges. Three of the most

probable locations include 1) the extension of the Windsor Junction Road past the Cobequid Road to connect with a full access interchange with Highway 102; 2) the extension of the Cobequid Road to connect with a full access interchange with Highway 102; or 3) the construction of a new road to the north of the Plan Area to connect to the eastbound leg of the interchange at Aerotech Park. The modeling results for the study predicts that the development of an interchange south of the Plan Area via connection from either Windsor Junction Road or Cobequid Road would be the more effective means of alleviating traffic congestion on Highway 2.

The Municipal Planning Strategy for Planning Districts 14/17 recommends the construction of a collector road over the backlands from Fall River Road to Wellington to provide eventual connection to a road that was previously contemplated by the Nova Scotia Department of Transportation and Infrastructure Renewal. This road was the Hammonds Plains/Beaver Bank By-pass which would have extended from the Highway 213 across the Hammonds Plains, Lucasville, Middle Sackville, Beaver Bank and Fall River/Fletchers Lake backlands to connect to Highway 102 at the Aerotech Interchange (Transportation Map 3). This by-pass road is no longer proposed by the Nova Scotia Department of Transportation and Infrastructure Renewal and responsibility for future road development is now the responsibility of HRM. HRM will review its best locations for growth and long-term infrastructure development in light of the findings of the Shubenacadie Lakes Watershed and Fall River/Waverley/Wellington Transportation studies, in the Phase II River-lakes planning process.

RL-24 The Municipality shall work with the Nova Scotia Department of Transportation and Infrastructure Renewal to develop a plan and schedule for the implementation of the transportation improvements recommended under the Fall River/Waverley/Wellington Transportation Study. Decisions regarding long-term improvements shall be considered under Phase II of the River-lakes Secondary Planning Process. The Municipality should seek an alternative design to the recommendation for upgrading the Fall River Road and Highway 2 Intersection to ensure that future plans for upgrading are in keeping with the desire to maintain the rural village character of the River-lakes Village Centre Designation.

RL-25 As an interim measure, HRM shall require the proponents for any large scale residential developments considered through the provisions of Policies RL-4, RL-11, RL-12, RL-13, RL-14 and RL-15 of this Secondary Planning Strategy or commercial development considered pursuant to policies RL-4 and RL-5 or Policy P-68 of the Planning Districts 14/17 Municipal Planning Strategy and policies S-15 and S-16 of the Regional Municipal Planning Strategy, to submit a traffic study to determine the impacts of development on the Fall River Road and Highway 2 Intersection, the Highway 102 / Highway 118 interchanges and the Lockview Road and MacPherson Road intersection. The study shall take into consideration the findings of the Fall River/Waverley/Wellington Transportation Study and the amount of development permitted in areas subject to these development agreements

shall be regulated on the basis of the receiving road network capacity and the provisions of Policy RL-22.

Transit

The HRM Regional Transit Plan - Park and Ride, Express and Rural Transportation Services Study was prepared by Entra Consultants to assess the feasibility of providing express bus service between the Rural Commuter Centres along the Highway 103, 102 and 107 corridors and the Downtown. The Metro X Service became operational in Fall River in 2012 and provides all day service between park and ride facilities situated at the Highway 118 Interchange in Fall River and the Airport to Downtown Halifax and Dartmouth.

While the community supports the provision of express bus service to the downtown, there is a strong desire for the provision of a community transit service that will link all neighbourhoods within the River-lakes Secondary Planning Strategy Area and provide linkage to Sackville. Residents throughout the River-lakes Communities have a strong connection to the Sackville Community for shopping, personal service, recreation and employment. Residents within the Fall River area also have a tendency to reverse commute to the Metro Link Terminal in Sackville to gain access to the Downtown. Thus it is the desire of the residents to have the opportunities for the provision of a bus service throughout the River-lakes Communities and to Sackville explored by HRM.

RL-26 In the future, should HRM entertain the expansion of transit services in rural communities, HRM shall investigate the feasibility of the providing transit service to connect the River-lakes Secondary Planning Strategy Area with Sackville.

Rail Transit

The River-lakes Communities were previously connected to the downtown of Halifax via a train service with a stop at Windsor Junction. It is the desire of the River-lakes Communities to see the provision of a rail transit service provided to the downtown to as a means of connecting the River-lakes Communities to the Downtown. HRM is in the process of commissioning a feasibility study to examine the potential for rail transit using existing railway tracks. Thus it is the desire of the residents from the area to have the River-lakes Communities considered as an area for inclusion in the feasibility study for future rail transit service.

Appendix A

Fall River Vision Implementation Committee Recommendations on the Fall River Transportation Study Recommendations

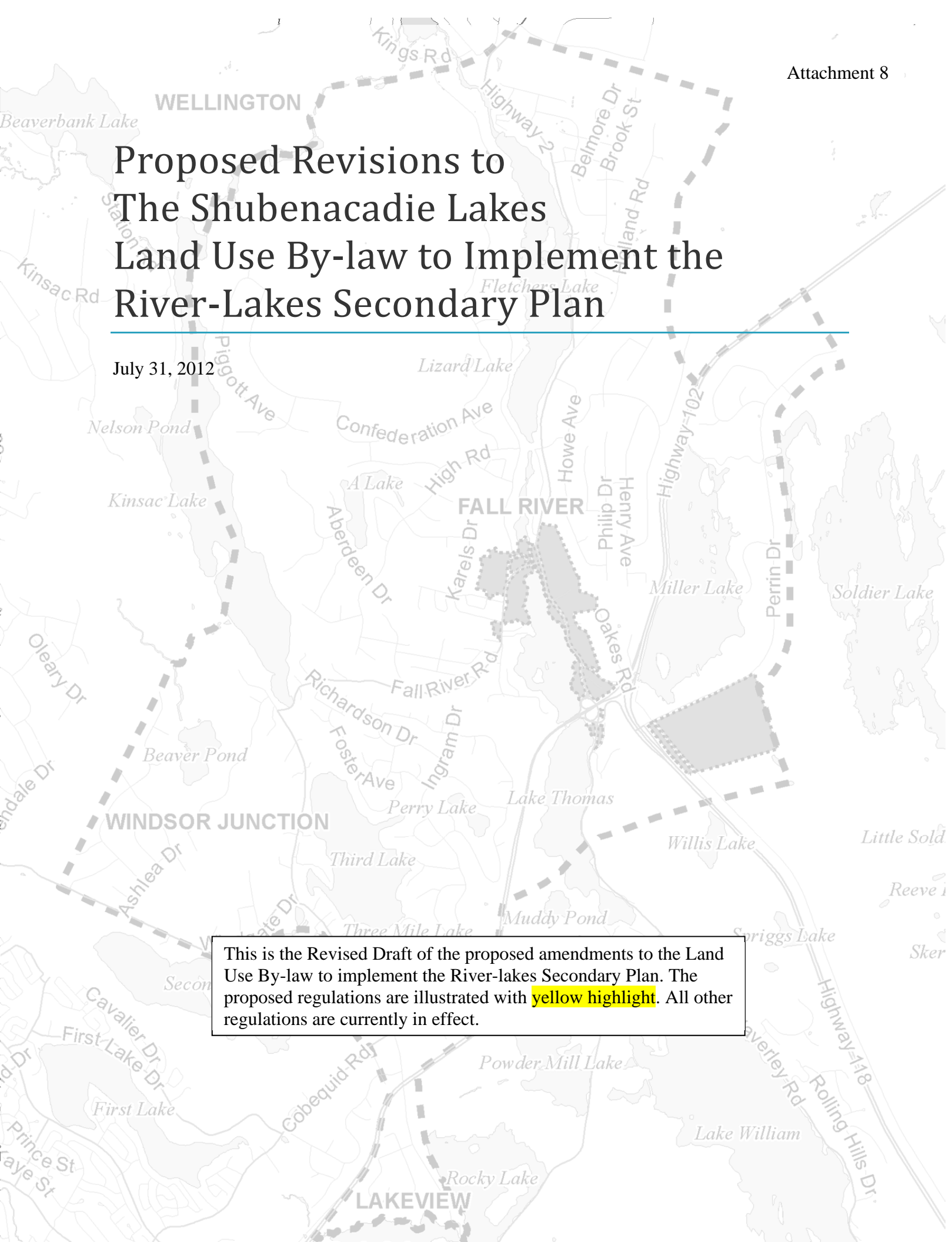
Study Recommendations	VIC Recommendation	VIC Priority
<u>Fall River Rd/Trunk 2</u> a) Channelized right turn lane b) Eliminate left turns from Fall River Rd to Wilson's c) Improve pedestrian facilities at intersection d) Add northbound advanced green	a) Table for future discussion b) Agree c) Agree d) Agree	5
<u>Recommendation II: Ash Lee Jefferson Drop-off</u> a) <u>Option A</u> : relocate existing sidewalk to provide lay-by area b) <u>Option B</u> : drop off area behind adjacent church	Recommend that both options be implemented to alleviate the problem	2
Improve signal timing and detection at Highway 118 NB Ramp and Perrin Dr.	- Agree with recommendation. -Also recommend that NSTIR construct an appropriately sized deceleration lane from Highway 118 at exit 14 to accommodate current PM peak traffic volumes.	1
Construct roundabout at Highway 2/ Highway 118 southbound ramp / Highway 102 northbound ramp intersection	Agree with recommendation	4
Improve primary connector trail	Agree with recommendation	3

Study Recommendations	VIC Recommendation	VIC Priority
Implement secondary multi-use trail along Trunk 2	Agree with recommendation	7
<u>Upgrade Fall River Road/Highway 2 intersection</u> a) Channelized right turn lanes b) 25m right turn lane for NB and SB legs c) 35m dedicated left turn lane for EB leg d) Lengthen EB right turn lane e) Double left turn lanes on NB leg	<p>The committee agrees that improvements have to be made to the intersection now and over the long-term.</p> <p>The committee did not endorse the proposed design noting that alternative solutions should be pursued to take the pressure off this intersection over the long-term. The proposed design was <u>not considered to be in keeping with the pedestrian oriented centre envisioned for the Fall River Village Core.</u></p>	
<u>Replace Fall River Rd Bridge</u> 4 lane structure with pedestrian facilities	<p>Agree with recommendation</p> <p>Committee further recommends that the bridge be raised to allow passage under the bridge over the Canal in the event of replacement.</p>	
<u>Most Viable Options for Future connection to Highway 102:</u> a) Windsor Junction Road Extension beyond Cobequid with full access Interchange with Highway 102 b) Cobequid Road with full access Interchange with Highway 102 c) Aerotech	<p>Agree with recommendation</p> <p>The Committee also recommends that future connection a) be moved forward as a recommendation for implementation and that it be given short-term priority as opposed to a long-term recommendation.</p>	6
Implement secondary multi-use trail system	Agree with recommendation	

Study Recommendations	VIC Recommendation	VIC Priority
Installation of signals where warranted a) Lockview/Fall River Road b) Trunk 2/Highway 102 SB Ramps	Agree with recommendation	

Proposed Revisions to The Shubenacadie Lakes Land Use By-law to Implement the River-Lakes Secondary Plan

July 31, 2012



This is the Revised Draft of the proposed amendments to the Land Use By-law to implement the River-lakes Secondary Plan. The proposed regulations are illustrated with yellow highlight. All other regulations are currently in effect.

**THIS COPY IS A
REPRINT OF PLANNING DISTRICTS 14/17
LAND USE BY-LAW
WITH AMENDMENTS**

All other text shown in black represents existing regulations of Halifax Regional Municipality that are not proposed to be amended under this planning process. The majority of these regulations were adopted for Planning Districts 14 and 17 in 1989 and were amended from time to time as indicated by the bold highlighted text.

PART 1: TITLE

This By-law shall be cited as the "Land Use By-law for Planning Districts 14 and 17" within Halifax County Municipality.

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

2.1 **ACCESSORY BUILDING OR STRUCTURE** means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (MC/SCC-Jun 26/95;E-Jul 22/95)

2.2 **ACCESSORY USE** means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations. (MC/SCC-Jun 26/95;E-Jul 22/95)

2.2C ADULT ENTERTAINMENT USE - means any premises or part thereof which is to provide services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and includes adult cabarets and massage parlours.

When used in relation to adult entertainment use, the following shall apply:

(i) **"Services"** means activities that are designed to appeal to erotic or sexual appetites or inclination" and includes:

1. Services of which a principal feature or characteristic is the nudity or partial nudity of any person. For the purposes of this clause "partial nudity" shall include less than completely covered or opaquely covered:

(a) human genitals or human pubic region;

(b) human buttocks; or

(c) female breast below a point immediately above the top of the areola.

2. Services in respect of which the word "nude", "naked",

"topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

- 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.
- 2.4 **AGRICULTURAL USE - INTENSIVE means the use of land and buildings in which the predominant use is for the commercial raising of poultry, turkeys, or other fowl, fur bearing animals, swine, the commercial growing of mushrooms, a slaughterhouse, a broiler plant, or land used as an animal feed lot, managed to maximum production and output in a confined area. (C-Apr 8/91;E-May 3/93)**
- 2.5 ALTERATION means any change in the structural component or any increase in the volume of a building or structure.
- 2.6 AMENITY AREA means an area of land set aside for purposes of visual improvement or relaxation except where an amenity area is required for any multiple unit dwelling, in which case the area may also include that portion of the building which is devoted to relaxation such as games rooms and balconies.
- 2.7 ATTACHED BUILDING means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.8 AUTOMOBILE RACE TRACK means the use of land and buildings related to the racing of automobiles, including grandstand facilities, administration buildings, and buildings related to the sale of food and drink during racing activities.
- 2.8C BED AND BREAKFAST - means a home where not more than four sleeping rooms are rented to the traveling and vacationing public, and where breakfast is served only to those who rent the sleeping rooms.**
- 2.9 BOARDING OR ROOMING HOUSE means a dwelling in which the proprietor supplies either room or room and board, for monetary gain, to more than three but not more than six persons, exclusive of the owner of the building or members of the family, and which building is not open to the general public.
- 2.9A **BOATHOUSE means a building located on a waterfront lot used for the storage of boats and associated marine equipment for private non-commercial use, and specifically excludes human habitation. (RC-Jun 27/06;E-Aug 26/06)**

2.10 BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment and includes any vessel or container used for any of the foregoing purposes.

2.10E BUILDING WIDTH means the total horizontal distance between the outermost edges of the building wall or walls facing a street or public open space.

2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, animal or vehicle racing tracks, rifle ranges, marinas, bowling alleys, golf courses, bingo halls, roller skating rinks, drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.

2.12 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered vehicle weight of over three (3) tons.

2.12A COMMUNITY COUNCIL means the council of a community established pursuant to the Halifax Regional Municipality Charter.

2.13 COMPOSTING OPERATION means a public or private solid waste management facility where the waste is processed using composting technology which may include physical turning, windrowing, in-vessel, static pile aeration or other mechanical handling of organic matter and where the annual production of compost material exceeds 60 cubic metres. (MC-Feb 26/96;M-Mar 28/96)

2.13A CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 27/06;E-Aug 26/06)

2.14 CONSTRUCTION AND DEMOLITION MATERIALS, hereinafter referred to as C&D Materials, means materials which are normally used in the construction of buildings, structures, roadways, walls and landscaping features, and includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

2.15 CONSTRUCTION AND DEMOLITION MATERIALS DISPOSAL SITE, hereinafter referred to as a C&D Disposal Site, means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying, and shall not include the use of inert C&D materials, approved by Provincial Department of the Environment and Labour, for site rehabilitation within gravel pits and quarry

operations licensed by the Province of Nova Scotia.

- 2.16 CONSTRUCTION AND DEMOLITION MATERIALS PROCESSING FACILITY**, hereinafter referred to as a C&D Processing Facility, means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products, and shall not include a Used Building Material Retail Outlet, an operation that processes inert C&D Materials on the site of generation and the material processed does not leave the site except for inert C&D Materials described in Sub-Section 9(3) of HRM C&D License By-law (L-200 and L-201), de-construction of a building on site, a municipal processing facility for used asphalt and concrete, or facilities associated with reclamation of a gravel pit or quarry operations licensed by the Province of Nova Scotia or forestry manufacturing processes.
- 2.17 CONSTRUCTION AND DEMOLITION MATERIALS TRANSFER STATION**, hereinafter referred to as a Transfer Station, means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility. (RC-Sep 10/02;E-Nov 9/02)
- 2.18 COUNCIL** means the **Regional Council of Halifax Regional Municipality established pursuant to the Halifax Regional Municipality Charter.**
- 2.19 CRAFT SHOP** means a building or part of a building which is used for the retailing or wholesaling of arts and handicrafts and shall include the fabrication of arts and handicrafts but shall not include an obnoxious use. (MC-Jul 26/93/SCC-Aug 10/93;E-Sep 4/93)
- 2.20 DAY CARE FACILITY** means a building, part of a building or other place, whether known as a day nursery, nursery school, kindergarten, play school or by any other name, with or without stated educational purpose, the operator of which for compensation or otherwise, receives for temporary care or custody, on a daily or hourly basis, during all or part of the day, apart from parents, more than three (3) children not of common parentage and up to and including twelve (12) years of age; but does not include a nursery school or kindergarten conducted as part of a school, college, academy or other educational institution where instruction is given in Grades Primary to VII. (RC-Mar 3/09;E-Mar 21/09)
- 2.21 DAYLIGHTING TRIANGLE** means the triangular shaped land which is that part of and within a corner lot, adjacent to the intersection of the front lot line and the flankage lot line, and which is measured from such intersection and along each street line the distance required by this By-law and, along a straight line joining the points of the required distance along each street line. In the case of a through lot, a daylighting triangle shall also be adjacent to the intersection of the rear lot line and the flankage lot line and shall

be measured from such intersection the distance required by this By-law and along a straight line joining the points of such distance.

- 2.22 **DEVELOPMENT OFFICER** means the officer of the Municipality of the County of Halifax, from time to time charged by the Municipality with the duty of administering the provisions of this By-law.
- 2.23 **DISPLAY COURT** means an area of land where goods are displayed which are, or which are similar to other goods which are, available for sale to the general public from a retail outlet located on the same lot or on another lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans motor homes, trailers, boats, snowmobiles, motorcycles, swimming pools, decorative fountains and prefabricated cottages and homes.
- 2.24 **DWELLING**
- (a) **Dwelling** means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel or hostel.
 - (b) **Dwelling Unit** means one or more habitable rooms designed, occupied or intended for use by one or more persons as an independent and separate housekeeping establishment in which a kitchen, sleeping and sanitary facilities are provided for the exclusive use of such persons.
 - (c) **Dwelling, Single Unit** means a building which is a completely detached dwelling unit.
 - (d) **Dwelling, Mobile** means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer and at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling, and the foregoing shall include mobile homes and modular dwellings having any main walls with a width of less than twenty (20) feet (6.1 m).
 - (e) **Dwelling, Two Unit** means a building containing two dwelling units.
 - (f) **Dwelling, Multiple Unit** means a building containing three or more dwelling units.
 - (g) **Dwelling, Townhouse** means a building that is divided vertically into three or more dwelling units, each of which **must have an independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit, and each of which may be located on a separate lot.**
 - (h) **Dwelling, Auxiliary** means a self contained dwelling unit within a single unit dwelling, in which access can be gained through the main dwelling, unit and which comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.
- 2.25 **ENTERTAINMENT USE** means any building or part of a building which is used for commercial entertainment, amusement or relaxation and, without limiting the generality

of the foregoing includes a tavern, lounge or other beverage room, an arcade or amusement centre and a pool or billiard hall, but specifically excludes a massage parlour or cabaret.

- 2.26 ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.27 ESTABLISHED GRADE means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building, and when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Municipality or other designated authority.
- 2.28 EXISTING means in existence on the effective date of this By-law **or as per the applicable non-conforming use provisions of the *Halifax Regional Municipality Charter*.**
- 2.29 EXTRACTIVE FACILITIES means all buildings, aggregate plants, material storage areas and weigh scales associated with extractive uses but does not include structures or storage areas which are fundamental to the activities of mining or extraction.
- 2.30 FIREWOOD MILL means an area of land and/or buildings set aside for the storage and milling of logs for either wholesale or retail sale for domestic heating purposes.
- 2.31 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- 2.31A GARDEN CENTRES within the VC-CDD, VMS and VG Zones means a structure erected on a lot on a seasonal basis and includes any outdoor storage building or outdoor display space for the purpose of selling garden plants, produce and other related horticultural items but does not include any outdoor storage or outdoor display of tractor trailer, construction trailers, travel trailers, converted mobile homes and automobiles.**
- 2.32 GOLF COURSE means a public or private area operated for the purpose of playing golf and related activities including a club house, and administration buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a dwelling unit or dwelling units provided for maintenance or security personnel.

- 2.33 **GROSS FLOOR AREA** means the aggregate of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building; and for the purpose of this clause, the walls of an inner court shall be deemed to be exterior walls.
- 2.34 **HARNESS RACING TRACK** means the use of land and buildings related to the racing of horses, including grandstand facilities, administration buildings, stables, and buildings related to the sale of food and drink during racing activities.
- 2.35 **HEALTH and WELLNESS CENTRE** means a building or part of a building designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited to, physical fitness, weight management, nutrition education and paramedical clinics including but not limited to physiotherapists, psychologist, speech therapists, chiropractors, osteopaths, naturopaths and registered massage therapists. (RC-Jun 17/03;E-Jun 20/03)
- 2.36 **HEIGHT** means the vertical distance of a building between the established grade and highest point of the roof surface for flat, hip, or gable roofs, and to the deckline for mansard and gambrel roofs. In the case of multi-unit dwellings, height shall mean the vertical distance of a building between the established grade and the highest point of the roof surface for flat roofs, and to one- quarter the height between the finished ceiling of the uppermost floor and the highest point of any other roof type, and provided that no roof space be used for human habitation.
- 2.36A HOME BUSINESS USES** means the accessory use of a dwelling for gainful employment involving the provision or sale of goods or services or both goods and services excluding any adult entertainment use, restaurants, take-outs, convenience stores, the keeping of animals, taxi stands, or any use deemed to be obnoxious.
- 2.36A A HUMAN HABITATION** means the act of occupying a structure or part thereof by persons as a dwelling or sleeping place, whether intermittently or as a residence. (HE/MDVCC-Nov 2/06;E-Nov 18/06)
- 2.36B IMPERVIOUS SURFACE** means the surface of the lot covered with building(s), non-porous pavement, concrete or other materials into which surface water cannot penetrate into the subsurface layers of soil.
- 2.37 **INSTITUTIONAL USE** means any use listed as an Institutional Use within the P-2 (Community Facility) Zone.
- 2.38 **KENNEL** means a building or structure used for:
- (a) the keeping of more than two dogs or cats which are kept for the purposes of

- commercial breeding or showing;
- (b) the boarding, with or without veterinary care, of more than twelve dogs or cats. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

2.38A LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen.

2.39 LIVESTOCK means horses, cows, pigs, sheep, goats and fowl, whether or not they are kept for commercial purposes. (C-Aug 27/90;E-Sep 22/90)

2.40 **LOADING SPACE** means an area of land provided and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

2.41 **LOT**

- (a) Corner Lot means a lot situated at the intersection of, and abutting on, two or more streets.
- (b) Through Lot means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

2.42 **LOT AREA** means the total horizontal area within the lot lines of a lot.

2.43 **LOT DEPTH** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the mid-points of the front and rear lot lines.

2.44 **LOT FRONTAGE** means the horizontal distance between the side lot lines as measured along the front lot line. In the case of a corner lot with a daylighting triangle the front and flankage lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating the frontage.

2.45 **LOT LINE**

- (a) Lot Line means a boundary or exterior line of a lot.
- (b) Front Lot Line means the line dividing the lot from the street or private road, or road listed in Schedule "A" of the Subdivision By-law; and
- (i) in the case of a corner lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are

- of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or
- (ii) in the case of a lot which has as one of its boundaries the shore line of a lake or the bank of a river, the lot line facing the access road shall be deemed to be the front lot line.
 - (c) Rear Lot Line means the lot line farthest from or opposite to the front lot line.
 - (d) Side Lot Line means a lot line other than a front or rear lot line.
 - (e) Flankage Lot Line means a side lot line which abuts the street on a corner lot.
- 2.46 LRIS means the Land Registration and Information Service whose property identification numbering system is used to identify particular land parcels. The LRIS is an agency of the Council of Maritime Premiers established on the authority of Order in Council of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island under the Council of Maritime Premiers Act in order to produce comprehensive property and ownership mapping for the provinces,
- 2.47 MAIN BUILDING means the building in which is carried on the principal purpose or purposes for which the building lot is used.
- 2.47A MAINSTREET means the Fall River Road, Highway #2, McPherson Road, Cobequid Road, Ingram Drive, Lockview Road, Miller Lake Road, Perrin Drive and Falls Run within the River-lakes Secondary Plan.**
- 2.48 MAIN WALL means the exterior front, side or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof.
- 2.48A MASSAGE PARLOUR - includes any premises or a part thereof, by whatever name designated where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised, or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapy and is performed or offered by or under the supervision or direction of a physician, chiropractor, osteopath, physiotherapist, under the laws of the Province of Nova Scotia.**
- 2.49 MAXIMUM LOT COVERAGE means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- 2.50 MUNICIPALITY means the Municipality of the County of Halifax.

- 2.51 OBNOXIOUS USE means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials. (MDVCCC-Jul 25/07;E-Aug 11/07)**
- 2.52 OFFICE means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.
- 2.53 OPEN SPACE USE means any use listed as an Open Space Use in the P-2 (Community Facility) Zone
- 2.54 OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them on a lot exterior to a building.
- 2.55 PARKING LOT means a building or structure or part of a building or structure or an open area containing parking spaces, other than a street, for two or more motor vehicles, available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor vehicles to a street or highway by means of driveways, aisles or manoeuvre areas where no parking or storage of motor vehicles is permitted.
- 2.56 PARKING SPACE means an area of not less than one hundred sixty (160) square feet (15 m²), measuring eight (8) feet (2.4 m) by twenty (20) feet (6.1 m), for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or road by means of driveways, aisles or manoeuvring areas.
- 2.57 PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.58 PERSONAL SERVICE USE means a building or part of a building in which professional or personal services are provided for gain and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service, including but without limiting, the generality of the forgoing; barber shops, beauty shops, tailor shops, laundry and dry-cleaning depots, shoe repair, health and wellness centres, tanning salons, and doctors' or dentists' offices. (RC-Jun 17/03;E-Jun 20/03)**
- 2.58A PET CARE FACILITY means a facility for the temporary care or boarding of not**

more than twelve dogs or cats for gain or profit, but shall not include the breeding or sale of such animals. (HE/MDVCCC-Aug 6/09;E-Aug 22/09)

- 2.59 PRIVATE ROAD means any street or road which is not public where:
- (a) the right-of-way, alignment, and gradient of the road are approved by the Department of Transportation pursuant to **Section 108 of the Planning Act, R.S., c. 346, s.1; and (MC-Mar 14/94/SCC-Apr 12/94;E-May 7/94)**
 - (b) the road extends to and has access to a public street or highway and where not totally located within the area of land proposed to be subdivided it shall be an easement for access which has been clearly granted to the subdivider by deed, registered in the Office of the Registrar of Deeds for the County of Halifax.

2.59A PUB within the VC-CDD, VMS, VG and FRB Zones means an entity that is licensed under the Liquor Control Act as a Lounge , Tavern, or Beverage Room and excludes a Club license, Caberet license, Special Premises license, and Special Occasion license as defined in the Liquor Control Act.

- 2.60 PUBLIC PARK means a park owned or controlled by a public authority or by any board, commission or other authority established under any statute of the Province of Nova Scotia or of the Government of Canada.
- 2.61 RECREATION USE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 27/06;E-Aug 26/06)
- 2.62 RECYCLING DEPOT means a building which is used for the deposit, collection and handling of waste paper, rags, tires, bottles or other materials (excluding construction and demolition materials or hazardous materials) which are to be delivered wholesale to other operations for reclamation, processing or salvage, but shall not include any such salvage or processing on the same lot or within any building used as a re-cycling depot. (RC-Sep 10/02;E-Nov 9/02)
- 2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place having no more than six (6) bedrooms and licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.
- 2.64 RESTAURANT - FULL SERVICE means a building or part of a building wherein food is prepared and offered for sale to the public primarily for consumption within

the building and may include a take-out area which does not exceed 10 percent of the gross floor area of the full service restaurant. A full service restaurant is characterized by the provision of table service, including buffet service and any Also be licensed to serve alcoholic beverages.

- 2.65 RESTAURANT - DRIVE-IN means a building or part of a building wherein food is prepared and offered for sale to the public for consumption within or outside the building. A drive-in restaurant is characterized by the provision of take-out services at a counter or from a drive through car pick up window. It does not provide the service of delivering to or waiting on tables nor is it licensed to sell alcoholic beverages.**
- 2.66 RESTAURANT - TAKE-OUT means a building or part of a building wherein food is prepared and offered for sale to the public primarily for off-premises consumption and may include a seating area which does not exceed 25 percent of the gross floor area of the take-out restaurant. A take-out restaurant does not provide the service of delivery to or waiting on tables nor is it licensed to sell alcoholic beverages. Take-out restaurants, however, any provide a home delivery service. (C-Feb 10/92;E-Mar 7/92)**
- 2.67 RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value.**
- 2.68 ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.**
- 2.69 SALVAGE YARD means a lot or premises for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, shall include waste paper, rags, bones, used bicycles, vehicles, tires, metal or other scrap material or salvage but excluding construction and demolition materials and hazardous waste material storage or disposal sites. (RC-Sep 10/02;E-Nov 9/02)**
- 2.70 SENIOR CITIZEN HOUSING means housing designed for occupation by senior citizens and operated by a public housing authority or fraternal organization.**
- 2.71 SERVICE INDUSTRY means a building or part of a building in which the primary function is to provide services such as maintenance or limited processing, and which may include, as a manor or accessory function, the provision of supplies, merchandise or wares directly related to the services provided, and without limiting the generality of the foregoing, may include a public garage including an engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a wholesale bakery, a paint**

shop, plumbing shop, sheet metal shop, a truck depot and similar uses.

- 2.72 **SERVICE SHOP** means a building or part of a building used for the sale and repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.
- 2.73 **SERVICE STATION** means a building or part of a building or a clearly defined apace on a lot used for the retail sale of lubricating oils and gasoline's and may include the sale of automobile accessories and the servicing and general repairing of motorized vehicles any may include washing establishments.
- 2.74 **SIGN** means any structure, device, light, painting or other representation or natural object which is used to identify, advertise or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" regulated under HRM By-law S-800 and signs which are affixed to the inside of a window or glass door.
- (a) **Ground Sign** means a sign supported by one or more uprights, poles or braces, placed in or upon the ground.
- (b) **Projecting Sign** means a sign which projects from and is supported by, or which extends beyond, a wall or the roof of a building. (RC-Sep 26/06;E-Nov 18/06)
- 2.75 **STREET LINE** means the boundary line of a street.
- 2.76 **STREET OR ROAD** means the whole and entire right-of-way of every highway, road, or road allowance vested Ln the Government of Canada, Province of Nova Scotia, or the Municipality of the County of Halifax.
- 2.77 **STRUCTURE** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and Includes buildings, walls signs, and fences exceeding six (6) feet (1.8 m) in height.
- 2.78 **USED BUILDING MATERIAL RETAIL OUTLET** means land and/or buildings or part of a building where C&D Materials are sorted and available for resale with incidental and minimal alteration of the materials and where activity primarily occurs inside a building. (RC-Sep 10/02;E-Nov 9/02)
- 2.79 **WATERCOURSE** means a lake, river, stream, ocean or other natural body of water. (RC-Jun 27/06;E-Aug 26/06)
- 2.80 **YARD** means an open, uncovered space on a lot appurtenant to a building, except a court

bounded on two or more sides by buildings. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

- (a) Front Yard means a yard extending across the full width of a lot and between the front lot line and the nearest wall of any main building or structure on the lot; and "required front yard" or "minimum front yard" means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.
- (b) Rear Yard means a yard extending across the full width of a lot and between the rear lot line and the nearest wall of any main building or structure on the lot; and 'required rear yard' or "minimum rear yard means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest main wall of any building or structure on the lot.
- (c) Side Yard means a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any building on the lot; and "required sideyard" or "minimum side yard" means the minimum breadth required by this By-law of a side yard on a lot between a side yard line and the nearest main wall of any building or structure on the lot.
- (d) Flankage Yard means the side yard of a corner lot, which side yard abuts a street, and "required flankage yard" or 'minimum flankage yard' means the minimum side yard required by this By-law where such yard abuts a street.

PART 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-law, Planning Districts 14 and 17 Is divided into the following zones, the boundaries of which are shown on the attached zoning schedule. Such zones may be referred to by the appropriate symbols:

<u>Symbols</u>	<u>Zone</u>
<u>Residential Zones</u>	
R-1A	Single Unit Dwelling Zone
R-1B	Suburban Residential Zone
R-1C	Waterfront Residential Zone
	R-1DAuxiliary Dwelling Zone
	R-1E Residential Estate Zone
	(C-Jun 29/92;M-Aug 6/92)
	R-6 Rural Residential Zone
	R-7 Rural Estate Zone

Commercial Zones

C-1	Local Business Zone
C-2	Community Commercial Zone
C-4	Highway Commercial Zone
AE-3	Aerotech Commercial Zone

River-lakes Village Centre Zones

CC	Canal Court Zone
VC - CDD	Village Core Comprehensive Development District Zone
VMS	Village Main street Zone
VG	Village Gateway Zone
FRB	Fall River Business Zone
RCDD	Residential Comprehensive Development District Zone

Industrial Zones

I-3	Light Industrial Zone
AE-1	Aerotech Core Zone
AE-2	General Airport Zone
AE-4	Aerotech Business Zone
AE-H	Holding Zone
H-1	Hazard Zone

Construction & Demolition (C&D) Zones

CD-1	C&D Materials Transfer Stations Zone
CD-2	C&D Materials Processing Facilities Zone
CD-3	C&D Materials Disposal Sites Zone

3.2 ZONING MAPS

- Schedules ~~A1, A2, B1, B2, B3, C1, C2, C3, D1, D2, D3, E1, E2, F1 and F2~~, **A and B** attached hereto, may be cited as the "Planning Districts 14 and 17 Zoning Maps" and are hereby declared to form part of this By-law.
- The extent and boundaries of all zones are shown on the Schedules ~~A1 through F 2~~, ~~inclusive~~ **A and B**, and for all such zones the provisions of this By-law shall respectively apply.
- The symbols used on Schedules **A and B** ~~A1 through F 2 inclusive~~ refer to the appropriate zones established in Section 3.1 above.

3.3 INTERPRETATION OF ZONING BOUNDARIES

Boundaries between zones shall be determined as follows:

- where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
- where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;

- (c) where a street, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps, it shall, unless otherwise indicated, be Included Ln the zone of the adjoining property on either side thereof; and
- (d) where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically Indicated otherwise; or
- (e) where none of the above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedules.

3.4 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, regardless of whether or not such zone has previously appeared on any zoning map. Such amendments must be carried out in accordance with Sections 60 and 61 of the Planning Act and must be in conformity with the policies of the Municipal Planning Strategy for Districts 14 and 17.

3.5 USES PERMITTED

Uses permitted within any zone shall be determined as follows:

- (a) If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited Ln that zone.
- (b) If any use is listed subject to any special conditions or requirements, it shall be permitted subject to the fulfilling of such conditions or requirements.
- (c) Where a use permitted within any zone is defined in Part 2, the uses permitted within that zone shall be deemed to include any similar use which satisfies such definition except where any definition is specifically limited to exclude any use.
- (d) Except where limited by Section 4.1, or specifically prohibited elsewhere in this By-law, any use permitted within any zone may be located in conjunction with, whether contained within the same building or located on the same lot as, any other use permitted within that zone.
- (e) Where any list of uses permitted Is divided by subheadings Into broad functional or characteristic groupings, such subheadings shall be deemed to be provided for the purposes of reference and identification and shall not, in themselves, be deemed to be uses permitted nor to define any uses permitted, whether specifically and in accordance with the purposes of Part 2 or in any other manner.

3.6 OTHER USES CONSIDERED BY DEVELOPMENT AGREEMENT

Notwithstanding Section 3.5 above, certain uses which may not be uses permitted in any zone may be considered in accordance with Sections 55, 66 and 67 of the Planning Act. As provided for by Policy P-150 of the Municipal Planning Strategy for Planning Districts 14 and 17, such uses are as follows:

- (a) Development in the flood danger area according to Policy P-50.

- (b) Multiple unit residential uses utilizing existing oversize on-site sewerage systems or existing private sewerage treatment plants according to Policy P-68.
- (c) Expansion of existing salvage operations according to Policy P-120.
As provided for in the Regional Municipal Planning Strategy for Halifax Regional Municipality, the following uses may be considered by development agreement on lands designated Rural Commuter:
 - (i) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per hectare, as per policy S-15 of the Regional Municipal Planning Strategy;
 - (ii) a mix of residential, associated community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural on new roads up to a maximum density of one unit per 4000 square metres, as per policy S-16 of the Regional Municipal Planning Strategy; and
 - (iii) a mix of residential, commercial and institutional uses under the CDD (Comprehensive Development District) Zone, as per policy S-10 of the Regional Municipal Planning Strategy. (RC-Jun 27/06;E-Aug 26/06)
- (d) Special need higher density housing within the Residential, Mixed Residential, and Community Centre Designations according to Policy P-69.
- (e) The expansion of existing mobile home parks within the Residential designation according to Policy P-71.
- (f) The expansion or change of use of existing commercial and industrial uses within the Residential Designation according to Policy P-75.
- (g) Development of a construction yard on the lands of Mr. Webbink according to Policy P-77.
- (h) The expansion of existing dwellings within the waterfront residential zone according to Policy P-82,
- (i) Commercial recreation uses in the Residential and Mixed Residential Designations according to Policy P-91.
- (j) Expansion of existing business uses in the Mixed Residential Designation according to Policy P-93.
- (k) Larger community commercial zone uses, in the Community Centre Designation according to Policy P-97.
- (l) The change of use or expansion of existing heavy commercial or industrial uses within the Community Centre Designation according to Policy P-100.
- (m) Commercial recreation uses within the Airport Industrial Designation according to Policy P-114.
- (n) Extractive facilities within the Resource Designation according to Policy P-136.
- (o) Uses permitted by the zone on the abutting property within the abutting designation according to Policy P-151.
- (p) Commercial uses on the properties of Gordon and Shirley Taylor and Irving Oil Company Ltd., according to Policy P-78.
- (q) Kennels within the Community Centre Designation according to Policy P-98.
- (r) Golf courses on the lands of Brightwood Golf and Country Club, according to Policy P-143.
- (s) Commercial recreation uses within the Watershed Designation according to Policy P-145. (C-Apr 30/90;M-Jun 9/90)

- (t) Bed and breakfast uses in accordance with Policy P-74A. (C-May 27/97;M-Jul 2/97)
- (u) Larger scale mixed commercial and residential development may be considered, within the River-lakes Village Centre Designation, over the portion of the lands shown on Schedule H, according to Policy RL-4.
- (v) Large commercial and medium density residential uses, within the Village Core Comprehensive Development District Zone, according to Policy RL-5.
- (x) Low scale multiple unit dwellings up to 3 units per acre, with or without a ground floor commercial component, townhouses, single or two unit dwellings within areas zoned Village Mainstreet, according to Policy RL-11.
- (y) Low scale multiple unit dwellings and townhouses up to 4 units per acre where no central water service are provided, and up to 8 units per acre when central water services are provided, on Site A shown on Map RL-3 of the River-lakes Secondary Planning Strategy according to Policies RL-11 and RL-12.
- (z) Low scale multiple unit dwellings, townhouses, single unit dwellings or two unit dwellings up to 4 units per acre on Site B shown on Map RL-3 of the River-lakes Secondary Planning Strategy, according to Policy RL-13.
- (aa) Low scale multiple unit dwellings, townhouses, single or two unit dwellings up to 4 units per acre or local commercial use and self-storage facility in conjunction with the housing component, within the RCDD Residential Comprehensive Development District Zone, according to Policy RL-14.
- (bb) Townhouses up to a maximum density of 2 units per acre on Site D shown on Map RL-3 of the River-lakes Secondary Planning Strategy, according to Policy RL-15.

3.7 VARIANCE OF REQUIREMENTS BY DEVELOPMENT AGREEMENT

Notwithstanding the provisions of Part 4 and Parts 16, 17, 18, 19 and 20, the specific requirements of the AE-1, AE-2, AE-3, AE-4 and AE-H Zones may be varied in accordance with Sections 55, 66 and 67 of the Planning Act and the provision of Policy P-108A of the Municipal Planning Strategy for Planning Districts 14 and 17. (C-Apr 30/90;M-May 18/90)

3.7A DIAGRAMS

Diagrams form no part of this By-law and shall be deemed to have been inserted for illustrative purposes only.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT PERMITS

- (a) No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this By-law are satisfied.
- (b) Any development permit shall be in force for a period of one (1) year from the date of Issue and any permit may be re-issued upon request and subject to review by the Development Officer.
- (c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.

4.1A Deleted (RC-Jun 27/06;E-Aug 26/06)

4.1B Where a property is subject to a rezoning approved between December 1, 2005 and April 29, 2006, the Development Officer may reduce the requirements adopted to implement the Regional Municipal Planning Strategy, to the greatest extent possible to allow the proposed development that was the subject of the rezoning. (RC-Jun 27/06;E-Aug 26/06)

4.2 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BY-LAWS

- (a) Nothing in this By-law shall exempt any person from complying with the requirements of the Building By-law or any other by-law in force within the Municipality, or to obtain any license, permission, permit, authority or approval required by any other by-law of the Municipality or statute and regulation of the Province of Nova Scotia or the Government of Canada.
- (b) Where the provisions in this By-law conflict with those of any other municipal or provincial regulations, by-laws or codes, the higher or more stringent requirements shall prevail.
- (c) **Deleted - (C-Dec 18/89;E-Jan 13/90)**

4.3 SEWAGE DISPOSAL AND WATER SYSTEMS

Where any lot is developed with a septic tank and disposal field, the minimum on-site requirements of this By-law shall apply for the purpose of obtaining a development permit. For the purpose of obtaining a permit for the installation of a septic tank and field, the regulations of the Department of Health shall prevail.

4.4 ONE MAIN BUILDING ON A LOT

Not more than one (1) main building shall be permitted on a lot within any zone except that, provided the use is permitted by the zone, the following shall be exempt:

- (a) any building within a C-4, I-3, AE-1, AE-2, AE-3, AE-4 or AE-H Zone **or on the property shown on Schedule K;**
- (b) a building for a business use in conjunction with a dwelling;
- (c) a building for the keeping of animals;
- (d) a building for resource uses; and
- (e) a building for park and conservation uses. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)

4.5 EXISTING UNDERSIZED LOTS

- (a) Notwithstanding anything else in this By-law, a vacant lot held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
- (b) Further to Section 4.5(a) above, the Development Officer may issue a development permit for a lot approved pursuant to Part 14 of the Subdivision By-law, where an undersized lot has had its **boundaries altered**. (C-Dec 18/89;E-Jan 13/90).

4.6 EXISTING USES

Except as may be stated elsewhere in this By-law, the uses listed below shall be permitted as existing uses within any zone, **or zone as specified**, subject to the following:

- (a) Existing mobile dwelling units may be altered or replaced.
- (b) Existing mobile home parks shall be permitted to the extent that they are described within any license issued pursuant to the Mobile dome Park By-law.
- (c) **Existing two unit dwellings may be replaced, altered, or enlarged provided that there is no increase in the number of dwelling units and any change to the dimensions or location of the building conforms with the requirements of Section 7.2 of this by-law. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)**
- (d) Existing industrial and commercial uses are permitted to the extent that they presently exist and may be rebuilt or altered but no alteration shall be permitted which would increase the area of any building devoted to the use.
- (e) Existing accessory business office, (deletion MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94) and forestry uses may be altered or replaced with a similar use except that no such alteration or replacement shall provide more than a ten (10) percent increase in the area of any building occupied by the use.
- (f) Existing scrap and salvage operations shall be permitted to the extent of the area defined in any licence issued by the Public Utilities Board and any additions, alterations or structures normal and incidental to the operation of the scrap or yard shall be permitted within the area defined by the license.

- (g) Existing commercial recreation uses are permitted to the extent that they presently exist and no expansion or enlargement to any main building or area of land devoted to the use shall be permitted. New accessory buildings, or the expansion or replacement of existing accessory buildings, shall be permitted subject to the requirements of Section 4.11. (MC-Mar 14/94;SCC-Apr 12/94;E-May 7/94)
- (h) Existing agricultural uses are permitted to expand subject to compliance with the requirements for agricultural uses under Part 10. (MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)
- (i) Existing multiple unit dwellings may be replaced, altered, renovated, and the number of dwelling units increased, provided that there are is no enlargement, or increase to the gross floor area of the existing building. Any accessory building or structure shall conform with the requirements of Section 4.11. (MC-Dec 19/94;SCC-Jan 10/95;E-Feb 4/95)
- (j) Existing service stations that were lawfully constructed prior to the first notice of the intention to adopt the Canal Court, Village Mainstreet or Village Gateway Zones are a permitted use within those zones .
- (k) The existing self storage warehouse facility for the property shown on Schedule M may be replaced, altered, or renovated provided that there are is no enlargement, or increase to the gross floor area of the existing building.
- (k) The Existing Multiple Unit Dwelling situated at 21 MacPherson Road and identified on Schedule L may be expanded for the creation of a maximum of 5 additional residential units or may contain a maximum of 2000 square feet (185.8 m²) of floor space for commercial uses on the ground floor of the Dwelling.

4.6A REDUCED FRONTAGE OR AREA

Any lot created pursuant to Section 98 of the Planning Act and any lot created pursuant to **PART 14 (C-Dec 18/89;E-Jan 13/90)** of the Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

4.7 ROAD ENTRANCE RESERVES

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

4.8 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on A lot having less than the minimum frontage, area, or depth, or having less than the minimum

setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) The enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard that does not conform to this By-law; and
- (b) All other applicable provisions of this By-law are satisfied.

4.9 NON-CONFORMING USES

Non-conforming uses shall be subject to Sections 83 to 86 of the Planning Act of Nova Scotia, which is included in this By-law as Appendix "A". Additions or structural alterations to non-conforming uses shall be permitted if they do not result in any increase in the value of space devoted to the non-conforming use itself.

4.10 ACCESSORY USES AND BUILDINGS

Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:

- (a) The accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;**
- (b) The accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and**
- (c) All other applicable conditions and requirements of this by-law are satisfied. (MC/SCC-Jun 26/95;E-Jul 22/95)**

4.11 ACCESSORY BUILDINGS

- (a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
 - (i) Be used for human habitation except where a dwelling is a permitted accessory use;
 - (ii) Be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
 - 1. In any Residential Zone, garages which are accessory to dwellings shall be a minimum of four (4) feet (1.2 m) from any side or rear lot line;
 - 2. Common semi-detached garages may be centred on the mutual side lot line;
 - 3. Boat houses, boat docks and float plane hangars may be built to the lot line when the line corresponds to the high water mark;

4. Accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than ten (10) feet (3.0 m) or one half (1/2) the height of such building or structure, whichever is the greater; and
 5. Accessory structures shall be permitted to be constructed within the front yard of an AE-1 (AeroTech Core) Zone and AE-2 (General Airport) Zone, but shall not be permitted within the minimum required front yard.
- (iii) Exceed a height of:
1. **Twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less; (MDVCCC-Dec 6/07;E-Dec 22/07)**
 2. Twenty five (25) feet (7.6 m) in any R-1B, R-1C, **CC, VMS, VG** or R-1D zone;
 3. Thirty five (35) feet (10.7 m) in any R-6 or R-7 zone;
- (iv) Exceed a gross floor area of:
1. Seven hundred and fifty (750) square feet (70 m²) in any R-1A, R-1B, R-1C or R-1D zone;
 2. **Four hundred (400) square feet or (37.1 m) in any CC Zone;**
 3. **Eight hundred square feet or (74.3 m) in the VMS Zone;** or
 4. One thousand (1,000) square feet in any R-6 or **R-1E zone. (C-Jun 29/93;M-Aug 6/92)**
- (v) **(deletion - MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)**
- (vi) Be built within eight (8) feet (2.4 m) of the main building within any Residential Zone **or CC Zone** or twelve (12) feet (3.7m) in any other zone.
- (vii) **be used for the keeping of livestock, except where agriculture is a permitted use. (C-Aug 27/90;E-Sep 22/90)**
- (b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences end retaining walls shall be exempted from the requirements of Subsection (a).

4.12 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) **Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure which is necessary and accessory to construction in progress, such as a work camp or construction camp, mobile home, sales or rental office, tool or maintenance shed or scaffold, including a shipping container which serves as one of the foregoing, except as a mobile home, sales or rental offices, provided that a development permit has been issued.**
- (b) **A rock crusher may be used at the site of a demolition of a structure or building, the site of construction of primary or secondary services pursuant to the Regional Subdivision By-law, or at the site of development permitted**

pursuant to this By-law, provided a development permit has been issued for such use.

- (c) A development permit may only be issued for the temporary use of a rock crusher.
- (d) A development permit issued for the use of a temporary rock crusher accessory to demolition of a structure or building pursuant to this By-law or a development pursuant to this By-law shall be valid for any period specified not exceeding sixty (60) days. A development permit issued under this clause may be renewed for a period not to exceed thirty (30) days at a time, if a development officer determines that an extension of the period is necessary. No rock crusher shall be located or used within three (3) metres of any property boundary.
- (e) A development permit issued for the use of a temporary rock crusher accessory to the construction of primary or secondary services pursuant to the Regional Subdivision By-law shall be valid for any period which does not exceed the construction time schedule specified in the subdivision agreement. No rock crusher for which a permit has been issued under this clause shall be located or used within sixty (60) metres of any building used for residential or institutional purposes; with the exception of fire stations, police stations, public works facilities, cemeteries, historic sites and monuments, and recreational trails where no rock crusher shall be located or used within three (3) metres of any property boundary.
- (f) Notwithstanding any other provision of this By-law, a temporary rock crusher accessory to construction in progress shall not be used to process material for export to another site nor to process material imported to the site.
- (g) A temporary rock crusher may be used as an accessory to demolition in progress to process demolished material for export to another site subject to disposal in accordance with the requirements of this By-law and the C&D Materials Recycling and Disposal License By-law.

(RC-Jan 20/09;E-Feb 7/09)

4.13 VEHICLE BODIES

No truck, bus, coach or streetcar body, nor a structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-laws of the Municipality, shall be used for human habitation, and no vehicle body shall be used as a commercial building.

4.14 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of Sections 83 to 87 of the Planning Act shall prevail.

4.15 BUILDING TO BE MOVED

No building, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a development permit from the Development Officer.

4.16 HEIGHT REGULATIONS

The height regulations of this By-law shall not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, windmills or solar collectors.

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)**

4.18 REDUCED FRONTAGE ON A CURVE

Where the front lot line of any lot is curved line, a minimum lot width which is equal to the minimum lot frontage required by this Bylaw shall be required in lieu of such minimum lot frontage. For the purpose of this Section, such minimum lot width shall be measured along a horizontal line between the side lot lines, which line is perpendicular to a line or the extension of a line joining the midpoint of the chord of the curved line with the apex of the triangle formed by the side lot lines and which line is equidistant from the front lot line as is the minimum applicable front yard required by this Bylaw. For the purposed of this Section, the chord of the curved line shall be straight line joining the two points where the side lot lines intersect the front lot line.

4.19 DAYLIGHTING TRIANGLE

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height more than two (2) feet (.6 m) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of twenty (20) feet (6.1 m) from their point of intersection.

4.20 PERMITTED ENCROACHMENTS

Every part of any yard required by this By-law shall be open and unobstructed by any structure except to permit uses or encroachments subject to the following provisions:

- (a) Uncovered patios, walkways or steps may be located in any yard.**
- (b) There may be erected or maintained in any yard, the usual projections of sill, cornices, eaves, gutters, chimneys, pilasters, canopies or other architectural**

features, provided that no such structure or feature shall project more than two (2) feet (.6 m) into any required yard.

- (c) Window bays and solar collectors may be permitted to project not more than three (3) feet (.9 m) from the main wall into a required front, rear or flankage yard.
- (d) Exterior staircases, balconies, porches, verandas and sun decks shall not be permitted to project into any required yard.
- (e) The provisions of this Section shall not restrict the location of ornamental planting or landscaping in any yard unless otherwise indicated in this By-law.

4.21 YARD EXCEPTION

Where, in this By-law, a front, side or rear yard is required and part of the area of the lot is usually covered by water or marsh or is beyond the rim of a river bank or water course, or between the top and toe of a cliff or embankment having a slope of fifteen (15) percent or more from the horizontal, than the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the top of the said cliff or embankment if such area is closer than the lot is.

4.22 ZERO LOT LINE

In any zone where two unit dwellings are permitted, the minimum yard from the side being common with another dwelling unit shall be 0.0 feet 0.0 m).

4.23 ILLUMINATION

No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

4.24 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle other than a school bus shall be kept on any lot in any Residential Zone other than the R-6 and R-7 Zones, and no such vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet (3 m) from any front lot line.

4.25 PARKING REQUIREMENTS

- (a) The provisions of Sections 4.25, 4.26 and 4.27 shall not apply within any AE-1 (AeroTech Core), AE-2 (General Airport), AE-3 (AeroTech Commercial) or the AE-H (AeroTech Holding) Zone.
- (b) For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule,

except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Any dwelling except as specified below	1 space per dwelling unit
Multiple unit dwellings (except for senior citizen apartments)	1.5 spaces per dwelling unit
Senior Citizen Multiple Use Dwelling	1 space per dwelling unit
Boarding and rooming houses	1 space per bedroom
Retail stores, service and personal service shops:	
(a) exceeding 5,000 square feet (464.5 m ²) of gross floor area	5.5 spaces per 1,000 square feet (92.9 m ²) of gross floor area
(aa) exceeding 5,000 square feet (464.5 m²) of gross floor area in the CC, VC CDD, VM, VG and RCDD zones	5.0 spaces per 1,000 square feet (92.9 m²) of gross floor area
(b) not exceeding 5,000 square feet (464.5 m ²) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m ²) of gross floor area
(bb) not exceeding 5,000 square feet (464.5 m²) of gross floor area in the CC, VC CDD, VM, VG and RCDD Zones	3.0 spaces per 1,000 square feet (92.9 m²) of gross floor area
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m ²) of gross floor area
Banks, financial institutions and general offices in CC, VC CDD, VM, VG and RCDD zones.	3.0 spaces per 1,000 square feet (92.9 m²) of gross floor area
Motels and hotels	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants - Drive-In	27 spaces per 1000 square feet (92.9 m²) of gross floor area
Restaurants - Full Service	20 spaces per 1000 square feet (92.9 m²) of gross floor area
Restaurants - Take-Out:	
(a) exceeding 300 square feet (28 m ²) of gross floor area	16 spaces per 1000 square feet (92.9 m ²) of gross floor area
(b) not exceeding 300 square feet (28 m ²) of gross floor	

area (C-Feb 10/93;E-Mar 7/92)	5 spaces
Lounges, taverns and beverage rooms	the greater of one space per 3 seats or 1 space per 100 square feet (10 m ²) of gross floor area
(Deletion -Feb 10/93;E-Mar 7/92)	
Theatres	1 space per 5 seats
Institutional uses except as specified below	the greater of 1 space per 4 seats, where there are fixed seats and 1 space per 100 square feet (9.3 m ²) of gross floor area where there are no fixed seats, or 1 space per 4 persons which can be accommodated at any one time
Government offices	4.5 spaces per 1,000 square feet (92.9 m ²) of gross floor area
Schools	3 spaces per classroom plus space per 20 high school students
Hospitals	2 spaces per bed
Homes for the aged and nursing homes	2 spaces per 5 beds
Day care facilities	1.5 spaces per 400 square feet (37.2 m ²) of gross floor area
Medical clinics and offices of any health practitioner	3 spaces per consulting room (MDVCCC&HECC-Jan 10/08;E-Jan 26/08)
Funeral homes	15 spaces
Warehouses, transport terminals or general industrial uses	the greater of 2 spaces per 1,000 square feet (92.9 m ²) of gross floor area or 1 space per 4 employees
Health and wellness centres: (RC-Jun 17/03;E-Jun 20/03)	
(a) exceeding 2,000 square feet (464.5 m ²) of gross floor area	5 spaces per 1,000 square feet (92.9 m²) of gross floor area
(b) not exceeding 2,000 square feet (464.5 m ²) of gross floor area	3.3 spaces per 1,000 square feet (92.9 m²) of gross floor area
Any use not specified above	3.3 spaces per 1,000 square feet (92.9 m ²) of gross floor area
(c) <u>Reserved Spaces for the Mobility Disabled</u>	
Notwithstanding subsection (a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:	

USE

Medical Clinics and offices of any health practitioner

PARKING REQUIREMENT

1 reserved parking space for the mobility disabled per 5-15 parking

	spaces required;
	1 additional space for each additional 15 required spaces or part thereof to a maximum of 10
Homes for the Aged/Nursing Homes	1 reserved parking space per 20 beds to a maximum of 10
Multiple Dwellings	1 reserved parking space per 30 units to a maximum of 10
Restaurants and Theatres	1 reserved parking space per 50 seats to a maximum of 10
All other uses excluding fire stations, boarding houses and any industrial use which does not have a retail function	1 reserved parking space for the mobility disabled per 15-100 parking spaces required; 1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

(d) Standards for Mobility Disabled Parking Spaces

- (i) Each reserved parking space shall contain an area of not less than two hundred and forty (240) square feet measuring twelve (12) feet by twenty (20) feet;
- (ii) Where the limits of the parking lot are defined by a curb, the parking lot shall be provided with a ramped curb as close as possible to the location which it is intended to serve and in no case shall it be further than three hundred (300) feet from the location which it is intended to serve;
- (iii) Each reserved parking space shall be located as close as possible to the location it is intended to serve;
- (iv) Each reserved parking space shall be clearly identified by a ground sign.

4.26 STANDARDS FOR PARKING LOTS

- (1) Where a parking lot for more than four (4) vehicles is required or permitted:
 - (a) **Subject to subsection (2) of this section,** the lot shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
 - (b) The lights used for illumination of the lot shall be so arranged as to divert the light away from streets, adjacent lots and buildings and no lighting standard shall exceed twenty five (25) feet in height
 - (c) A structure, not more than fifteen (15) feet (4.6 m) Ln height and not more than fifty (50) square feet (5 m) Ln area may be erected Ln the lot for the use of attendants;
 - (d) **Subject to clause (dd),** the lot shall be within three hundred (300) feet (91.4 m) of the location which it is indented to serve and shall be situated in the same zone;
 - (dd) Notwithstanding clause (d), within the CC Zone, the lot shall be within four hundred (400) feet (121.9 m) of the location which it is intended to serve and shall**

be situated in the CC Zone;

- (e) No gasoline pumps or other service station equipment shall be located or maintained on the parking lot;
- (f) Approaches or driveways to the lot shall be defined by a curb of concrete or rolled asphalt and the limits of the lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance; in addition, the location of approaches or driveways shall be not closer than fifty (50) feet (15.2 m) from the limits of the right-of-way at a street intersection;
- (g) Where an approach or driveway within a commercial zone is intended to serve a business use, the driveway surface shall be set the same grade as the road within the public road right of way and shall be lower than any side walk;
- (h) Entrance and exit ramps to the lot shall not exceed two (2) in number and each such ramp shall be a width of twenty-five (25) feet (7.6 m) at the street line and edge of pavement; and
- (i) The width of a driveway leading to a parking lot or loading space, or of a driveway or aisle in a parking lot, shall be a minimum width of ten (10) feet (3 m) if for one-way traffic and a minimum width of twenty (20) feet (6.1 m) if for two-way traffic, and the maximum width of a driveway shall be thirty (30) feet (9.1 m).

(2) Notwithstanding Section 4.26(1)(a), all parking areas in the CC, VMS, VC-CDD, VG and RCDD zones including driveways and manoeuvring areas shall:

- (a) be maintained with a permanent hard surface;
- (b) shall be defined by a concrete curb, ornamental brick, or paint; and
- (c) shall provide manoeuvring areas to permit vehicles to leave the property in a forward motion.

(3) Where a parking lot for more than ten (10) but less than twenty-one (21) vehicles is required or permitted in the CC, VMS, VC-CDD, VG and RCDD zones the following provisions shall apply in addition to the provisions outlined in Sections 4.26 (1) and (2):

- (a) Curbs, decorative stone, paint or other appropriate methods of delineating a pedestrian right of way shall be provided to ensure safety between pedestrian and vehicular movements in all parking lots, and
- (b) Curbs, decorative stone, paint or other appropriate methods of delineating landscaping areas shall be provided to prevent damage from vehicles, to separate planting areas from pedestrian pathways, and to prevent soil and other landscape material from spreading over adjacent surfaces.

(4) Where a parking lot for more than twenty (20) vehicles is required or permitted in the CC, VMS, VC-CDD, VG and RCDD zones, in addition to the provisions outlined in Sections 4.26 (1) (2) and (3), the following provisions shall apply:

- (a) Parking lots shall have ten (10) percent of their area landscaped with vegetation;
- (b) Shrubs and one tree for every five parking spaces shall be incorporated within

the parking lot in consolidated planting areas such as landscaped islands, medians, and bio-retention areas and vegetated islands; and

- (c) Landscaped islands shall be installed within the parking lot at a rate of one island for every 20 parking spaces. Each island shall contain at least one (1) high-branching deciduous shade and include non-invasive shrubs, perennials, ornamental grasses and/or groundcover.

4.27 LOADING SPACE REQUIREMENTS

- (a) In any zone, no person shall erect or use any building or structure for manufacturing, storage or warehousing, or as a retail or wholesale store, or as a freight or passenger terminal, or for any other use involving the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises with every such use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet (1858 m²) or fraction thereof of gross floor area used for such purposes to a maximum of six (6) loading spaces.
- (b) The provisions of a loading space for any building with less than fifteen hundred (1,500) square feet (139.3 m²) shall be optional.
- (c) Each loading space shall be at least twelve (12) feet (3.7 m) by twenty-five (25) feet (7.6 m) with a minimum of fourteen (14) feet (4.3 m) height clearance.
- (d) Loading space areas, including driveways leading thereunto, shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

4.28 ACCESS REQUIREMENTS

- (a) Within the C-2 (Community Centre), **CC (Canal Court), VMS (Village Main street) VG (Village Gateway) and FRB (Fall River Business) zones** no driveway access shall be permitted from any commercial use to any road other than:
 - (i) Fall River Road;
 - (ii) Highway #2;
 - (iii) McPherson Road;
 - (iv) Highway #318;
 - (v) Cobequid Road;
 - (vi) Lockview Road;
 - (vii) Miller Lake Road;
 - (viii) Perrin Drive;
 - (ix) Falls Run; and
 - (x) Church Street.
- (b) Notwithstanding Subsection (a), where a corner lot is located within the C-2 (Community Centre) Zone, **CC (Canal Court) Zone, VMS (Village Main Street), VG (Village Gateway), FRB (Fall River Business) or VC-CDD (Village Core Comprehensive Development District) zone** one access may be permitted from the side street and no such access shall be located any closer than fifty (50) feet (15.2 m) from the intersection nor shall the driveway be any wider than twenty-five

- (25) feet (7.6 m);
- (c) No commercial access shall be wider than thirty (30) feet (9.1 m) and no more than one driveway shall be permitted for any commercial lot except where there is more than one hundred (100) feet (30.5 m) of frontage, in which case one additional access may be permitted for each additional two hundred (200) feet (61 m) of frontage.

4.29 FRONTAGE ON A STREET

No development permit shall be issued unless the lot or parcel intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway, a private road for which a tentative application had been submitted prior to the effective date of this by-law, or a road listed in Schedule "A" of the Subdivision By-law for Halifax County.

4.30 USES PERMITTED ON PRIVATE ROADS AND SCHEDULE 'A' ROADS

Notwithstanding anything else in this By-law, development on private roads, and roads listed in Schedule "A" of the Subdivision By-law, shall be restricted to residential, open space, and resource uses.

4.31 COMPOSTING OPERATIONS

No development permit shall be issued for a composting operation except in compliance with the following provisions:

- (a) The use shall not be obnoxious or create a nuisance;
- (b) A composting operation shall meet the following separation distances:
- | | |
|--------------------------------------|--------------------|
| (i) from any property line | 328 feet (100 m) |
| (ii) from the nearest: | |
| 1. residential dwelling | 1,640 feet (500 m) |
| 2. community facility use | 1,640 feet (500 m) |
| 3. commercial or industrial building | 984 feet (300 m) |
| (iii) from a watercourse | 328 feet (100 m) |
- (c) Notwithstanding any other provisions of this by-law, composting operations may occur either inside or outside of a building; and
- (d) A composting operation shall not have direct access to either a local or subdivision road, as determined by the Municipality's Engineering and Works Department and any access road for such operations shall not occur through lands zoned for residential use (R-1A, R-1B, R-1C, R-1D, and R-1E Zones). (MC-Feb 26/96;M-Mar 28/96)

4.32 SCHEDULE **C**- AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL

Where excavation is required for a development on any area identified on Schedule **C** attached to this by-law, a development permit may be issued and the application may be referred to the Nova Scotia Department of Tourism, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements. (RC-Jun 27/06;E-Aug 26/06)

4.33 SCHEDULE **D- WETLANDS MAP**

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale, showing the location of all wetlands identified on Schedule **D** attached to this by-law, within and adjacent to the lot. Notwithstanding any other provision of this by-law, no development of any kind shall be permitted within any such wetland. (RC-Jun 27/06;E-Aug 26/06)

4.34 WIND ENERGY FACILITIES (RC-Aug 16/11;E-Oct 29/11)

(Refer to CHAPTER 7: WATER, WASTEWATER, UTILITIES AND SOLID WASTE section 7.6 Wind Energy of the Regional Municipal Planning Strategy)

The use of windmills or wind turbines to produce electricity or for any other purpose shall be regulated in accordance with the provisions of this Section.

I DEFINITIONS

For the purposes of this Section, certain terms are defined as follows:

- a) “Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.
- b) “Nacelle” means the frame and housing at the top of the tower that encloses the gearbox and generator.
- c) “Nameplate Capacity” means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- d) “Total Rated Capacity” means the maximum rated output of all the electrical generators found in the nacelles of the wind turbines used to form a wind energy facility;
- e) “Tower Height” means the distance measured from grade at the established grade of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation, or in the case of a roof mounted wind turbine the distance measured from the lowest point of established grade at the building’s foundation to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation;

- f) **“Turbine”** means a wind energy conversion system, the purpose of which is to produce electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.
- g) **“Wind Energy Facility”** means a wind energy conversion system, the purpose of which is to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure and transmission lines;
 - i) **“Micro Facility”** means a wind energy facility consisting of a single turbine designed to supplement other electricity sources as an accessory use to existing buildings or facilities and has a total rated capacity of 10 kW or less, and is not more than 23 metres (75 feet) in height.
 - ii) **“Small Facility”** means a wind energy facility which has a total rated capacity of more than 10 kW but not greater than 30 kW. A Small Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the tower of which is not more than 35 metres (115 feet) in height.
 - iii) **“Medium Facility”** means a wind energy facility which has a total rated capacity of more than 30 kW but not greater than 300 kW. A Medium Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are not more than 60 metres (197 feet) in height.
 - iv) **“Large Facility”** means a wind energy facility which has a total rated capacity of more than 300 kW. A Large Facility has a stand alone design, on its own foundation, or may be supported by guy wires, is not roof mounted, and the towers of which are greater than 60 metres (197 feet) in height.

II ZONES

For the purpose of this section the following zones apply as shown on the attached Schedule E - Wind Energy Zoning Map. Such zones are:

(UW-1) Urban Wind Zone

(RW-2) Rural Wind Zone

(R) Restricted Zone

- a) **URBAN WIND ZONE (UW-1)**
 - i) **All Wind Energy Facilities, except Large Facilities, are permitted in the Urban Wind Zone (UW-1).**
 - ii) **All turbine towers in the UW-1 Zone shall have a minimum distance between turbines equal to the height of the tallest tower.**

- iii) All turbine towers in the UW-1 Zone shall be set back a minimum distance of 1.0 times the tower height from any adjacent property boundary,
 - iv) Turbine towers of Micro Facilities in the UW-1 Zone shall be set back a minimum distance of 3.0 times the tower height from any habitable building on an adjacent property.
 - v) Turbine towers of Small Facilities in the UW-1 Zone shall be set back a minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property.
 - vi) Turbine towers of Medium Facilities in the UW-1 Zone shall be set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property.
- b) **RURAL WIND ZONE (RW-2)**
- i) All Wind Energy Facilities are permitted in the Rural Wind Zone (RW-2).
 - ii) All turbine towers shall have a minimum distance between turbines equal to the height of the tallest tower.
 - iii) Turbines towers of Micro Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 3.0 times the tower height from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - iv) Turbines towers of Small Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 180 metres (590 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - v) Turbines towers of Medium Facilities in the RW-2 Zone shall have the following set back requirements:
 - 1) A minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
 - vi) Turbines towers of Large Facilities in the RW-2 zone shall have the following set back requirements:
 - 1) A minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property;
 - 2) A minimum distance of 1.0 times the tower height from any adjacent property boundary.
- c) **RESTRICTED ZONE (R)**

- i) Wind Energy Facilities shall not be permitted in the Restricted Zone.

III PERMIT APPLICATION REQUIREMENTS

All Wind Energy Facilities require a development permit. The permit application shall contain the following:

- a) A description of the proposed Wind Energy Facility, including an overview of the project, the proposed total rated capacity of the Wind Energy Facility;
- b) The proposed number, representative types, and height or range of heights of wind turbines towers to be constructed, including their generating capacity, dimensions, respective manufacturers, and a description of accessory facilities;
- c) Identification and location of the properties on which the proposed Wind Energy Facility will be located;
- d) At the discretion of the Development Officer, a survey prepared by a Nova Scotia Land Surveyor, a surveyor's certificate, or a site plan showing the planned location of all wind turbines towers, property lines, setback lines, access roads, turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all structures and land parcels, demonstrating compliance with the setbacks and separation distance where applicable;
- e) At the discretion of the Development Officer, proof of notification to the Department of National Defense, NAV Canada, Natural Resources Canada and other applicable agencies regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable, to Transport Canada and the *Aviation Act*; and,
- f) Any other relevant information as may be requested by the Halifax Regional Municipality to ensure compliance with the requirements of this By-law.

IV ADDITIONAL PERMIT REQUIREMENTS

- a) The Development Permit application shall be reviewed by a Municipal Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wired anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where a wind turbine is:
 - i) Not attached to a building and is not connected to the power grid;
 - ii) Attached to an accessory building in excess of 215 square feet and is not connected to the power grid.
- b) A minimum of 60 days before the date a development permit application is submitted, an applicant shall send a notice to all assessed property owners of property that is within the following distances from the boundary of the

- property upon which any Micro, Small, Medium and Large wind energy facility is proposed:
- i) Micro 140 metres (460 ft)
 - ii) Small 360 metres (1180 ft)
 - iii) Medium 500 metres (1640 ft)
 - iv) Large 2000 metres (6560 ft) (RC-Oct 18/11;E-Oct29/11)
 - c) The notice pursuant to section b) shall include the following information:
 - i) A site plan that includes property boundaries and the location of the proposed wind energy facility;
 - ii) A description of the type of wind energy facility; and
 - iii) The applicant's contact information which shall include a mailing address. (RC-Oct 18/11;E-Oct 29/11)

V EXCEPTIONS

Notwithstanding Section II a) and II b) the setback requirements from any Wind Energy Facility to a property boundary may be waived where the adjoining property is part of and forms the same Wind Energy Facility. All other setback provisions shall apply.

- a) Wind Energy Facilities shall not be permitted in the following zones of the Planning Districts 14/17 Land Use By-law:
 - i) RPK (Regional Park) Zone;
 - ii) PA (Protected Area) Zone.

VII INSTALLATION AND DESIGN

- a) The installation and design of a Wind Energy Facility shall conform to applicable industry standards.
- b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, provincial and national codes.
- c) All electrical wires shall, to the maximum extent possible, be placed underground.
- d) The visual appearance of the Wind Energy Facility shall at a minimum:
 - i) Be a non-obtrusive colour such as white, off-white or gray;
 - ii) Not be artificially lit, except to the extent required by the *Federal Aviation Act* or other applicable authority that regulates air safety; and,
 - iii) Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

VIII MISCELLANEOUS

- a) Micro Wind Facilities shall be permitted on buildings subject the requirements in Section II a) Urban Wind Requirements and Section II b) Rural Wind Requirements.
- b) The siting of Wind Energy Facilities is subject to the requirements for Watercourse Setbacks and Buffers as set out in the Land Use By-law.
- c) The siting of all accessory buildings are subject to the general set back provisions for buildings under this By-law.

IX SCHEDULES

- a) Schedule **E**– Wind Energy Zoning Map

PART 5: SIGNS

5.1 GENERAL

- (a) Where this part is inconsistent with the regulations respecting advertising signs on or near public highways, made or administered by the Department of Transportation, the more restrictive regulations shall apply.
- (b) No person shall erect a sign according to the provisions of Section 5.3 except where a development permit has been issued, and no permit to erect a sign shall be issued unless all the sign provisions of this By-law are satisfied.
- (c) The provisions of Part 5 shall not apply within any AE-1 (AeroTech Core), AE-3 (AeroTech Commercial) or AE-H (AeroTech Holding) Zone.
- (d) The provisions of Section 5.1AA shall apply, in addition to all other provisions of this Part, within any CC (Canal Court), VMS (Village Main Street), VG (Village Gateway) or FRB (Fall River Business) zones.**

5.1A TEMPORARY SIGNAGE

- (a) This By-law shall not apply to any sign regulated under HRM By-law S-800 (A By-law Respecting Requirements for the Licensing of Temporary Signs); and
- (b) Any sign provision within this By-law referring to temporary signage, as regulated under HRM By-law S-800, is superceded. (RC-Sep 26/06;E-Nov 18/06)

5.1AA GENERAL REQUIREMENTS - FALL RIVER ZONES

Within the CC, VMS, or RCDD zones materials used for signs shall have matte or dull finishes. Gloss finish and backlit signage is prohibited in CC, VMS or RCDD zones. Multi-tenant signage shall begin with the civic address, followed by building name, if applicable, and then followed by the name of any tenant.

5.2 SAFETY AND MAINTENANCE

Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed in compliance with the Building By-law and any fire prevention and electrical codes.

5.3 NUMBER OF SIGNS

- (a) For the purposes of this Section, where a multiple tenancy building is occupied by more than one business, each business shall be considered to be a separate premises.
- (b) For the purposes of determining the number of signs permitted by this Section, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Double-faced and three-faced signs shall be counted as single signs. Where latter is displayed in a random manner, without organized relationships or elements, or where there is reasonable doubt about the relationships of any elements, each element shall be considered to be a single sign.
- (c) No more than two (2) signs shall be erected on any premises at any one time. For the purposes of this Section, signs enumerated in Section 5.5 shall not be counted.

5.4 SIGN AREA

The total area permitted of any sign shall be considered to be the area of the smallest rectangle, triangle or circle which can totally circumscribe the sign face or surface of any single, double or three-faced sign in the plane of its largest dimension. Each visible face of a multi-faced sign shall be calculated separately and then totalled in determining the sign area permitted.

5.5 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in all zones and in addition to any signs permitted according to Section 5.3:

- (a) Any sign which has an area of no more than four (4) square feet ($.8 \text{ m}^2$) and which identifies the name and address of a resident.
- (b) Any sign which has an area of no more than two (2) square feet ($.2 \text{ m}^2$) and which regulates the use of property, as do "no trespassing" signs.
- (c) Any real estate sign which has an area of no more than eight (8) square feet ($.7 \text{ m}^2$) in any Residential Zone or twenty-four (24) square feet (2.2 m^2) in any other zone.
- (d) Any sign which has an area of no more than five (5) square feet ($.5 \text{ m}^2$) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) Any sign which has an area of no more than fifty (50) square feet (4.6 m^2) and which is incidental to construction.

- (f) Any sign erected by, or under the direction of, a government body as are signs identifying public buildings, giving public information or regulating traffic or safety.
- (g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization.
- (h) Any memorial sign, plaque or tablet.

5.6 SIGNS PROHIBITED IN ALL ZONES

The following signs shall not be permitted in any zone:

- (a) Any sign or sign structure which constitutes a hazard to public safety or health.
- (b) Any sign which, for any reason, obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on public streets.
- (c) Any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit.
- (d) Any sign located at or near a sharp road curve or below the crest of a hill, except a sign erected by a government body.
- (e) Any sign which is not erected by, or under the direction of, a government body and which makes use of words such as "STOP", "LOOK", "DANGER", "ONE WAY" or "YIELD" or any similar words, phrases, symbols, lights or characters used in a manner which may mislead, confuse or otherwise interfere with traffic along a public road.
- (f) Any sign which incorporates any flashing or moving illumination and any sign which has any visible moving part or mechanical movement whether achieved by natural or artificial means.
- (g) Any searchlight, stringlight, spinner or streamer except for occasions such as grand openings, county fairs and public festivals, or used as temporary holiday decorations.
- (h) Any sign painted on a tree, stone, cliff or other natural object.
- (i) Any sign which is not related to any business or use located on the lot or premises, and any sign which no longer advertises a bona fide business conducted or a product sold. Such signs are deemed to be obsolete signs and shall be removed by the owner or occupant of the property upon which they are erected, within sixty (60) days of the date of discontinuance of the business or product.

5.7 FACIAL WALL SIGNS

- (1) a) **No facial wall sign shall cover:**
 - i) **more than ten percent of the area of the wall which it is attached; or**
 - ii) **more than two (2) square feet (.19 m²) per lineal foot of the wall on which the sign is affixed, whichever is greater.**
- b) **The total areas of all facial wall signs shall not exceed fifteen percent of the area of the wall which it is attached or an area of more than two (2) square feet (.19 m²) per lineal foot of the wall it is attached, whichever is greater.**

- c) Notwithstanding Section 5.3, all facial wall signs combined shall count as one sign and sign coverage shall be allocated proportionally for each business premises in the case of multiple occupancy buildings. (MDVCCC-Jul 25/07;E-Aug 11/07)

(2) Notwithstanding Section 5.7 (1), within the CC, VMS, VG or FRB Zone, no facial wall sign shall:

- (a) Extend above the top of the wall on which it is attached;**
- (b) Project or extend beyond the extremities of the wall on which it is attached;**

- (c) Include more than one message for each business premise in the building on which it is affixed; or
 - (d) Have an area which exceeds five (5) percent of the area of the wall on which it is attached.
- (3) Within the CC, VMS, VG or FRB Zone, canopies and awnings attached to walls shall:
- (a) Not project over a public right-of-way unless permitted pursuant to the Encroachment By-law;
 - (b) Be self-supporting;
 - (c) Be placed a minimum height of 9 feet (2.7m) above a sidewalk or walkway; and
 - (d) Any advertising affixed to a canopy or awning shall be limited to a business logo, business name or civic address and shall not exceed fifty (50) percent of the canopy or awning.

5.8 PROJECTING SIGNS

Projecting signs are prohibited except in the CC, VMS, VG or FRB Zone. Within the CC, VMS, VG or FRB Zone, no projecting wall sign shall:

- (a) Project over a public right-of-way unless permitted pursuant to the Encroachment By-law;
- (b) Project more than six (6) feet (1.8 metres) from the wall on which it is attached;
- (c) Project above the eaves, parapet or roof line of a building;
- (d) Be erected below a height of nine (9) feet (2.7 metres) above grade; or
- (e) Exceed sixteen (16) square feet (1.5 square metres) per sign area.

5.8A ROOF SIGNS

Signs mounted on the roof of any building within the CC, VC-CDD, VMS, VG, FRB and RCDD zones are prohibited.

5.9 GROUND SIGNS

- (1) Ground signs are prohibited in the CC Zone, except for ground signs on the corner lots at the intersection of Fall River Road and MacPherson Road and ground signs on the corner lots at the intersection of Fall River Road and Highway 2.
- (2) (a) No ground sign shall exceed thirty-two (32) square feet (3 m²) of sign area on a single face or sixty-four (64) square feet (6 m²) of sign area for both faces combined, except for:
 - (i) Signs within the C-4 (Highway Commercial) and AE-4 (AeroTech Business) Zones where such signs shall not exceed two hundred-fifty

- (250) square feet (23.2 m²) square feet of sign area on a single face or five hundred (500) square feet (46.4 m²) of sign area of both faces combined; or (MDVCCC-Jul 25/07;E-Aug 11/07)**
- (ii) Signs accessory to existing commercial or industrial uses within the C-2 (Community Commercial) Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m²) of sign area on a single face or two hundred (200) square feet (18.6 m²) of sign area of both faces combined.
 - (iii) Signs for multi-tenant buildings within the VMS Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m²) of sign area on a single face or two hundred (200) square feet (18.6 m²) of sign area of both faces combined.**
 - (iv) All signs within the FRB Zone, where such signs shall not exceed one hundred (100) square feet (9.3 m²) of sign area on a single face or two hundred (200) square feet (18.6 m²) of sign area of both faces combined.**
 - (v) All signs within the VG Zone, where such sign shall not exceed two hundred and fifty (250) square feet (23.2 m²) of sign area on a single sign face or five hundred (500) square feet (46.5 m²) of sign area of both faces combined.**
 - (vi) Signs where permitted for multi tenant buildings within the CC Zone pursuant to Section 5.9 (1), shall not exceed one hundred (100) square feet (9.3 m²) of sign area on a single face or two hundred (200) square feet (18.6 m²) of sign area of both faces combined.**
- (b) No ground sign shall exceed a height of:
- (i) Twenty-five (25) feet (7.6 m) in the C-2 (Community Commercial) Zone;
 - (ii) Fifty (50) feet (15.2 m) in the C-4 (Highway Commercial) Zone;
 - (iii) One hundred (100) feet (30.5 m) in the AE-4 (AeroTech Business) Zone,
 - (iv) Twelve (12) feet (3.6 m) for a single story building and twenty (20) feet (6 m) for a multi story building in the VMS Zone;**
 - (v) Fifty (50) feet (15.2 m) in the VG or FRB Zone; or**
 - (vi) Fifteen (15) feet (4.5 m) where permitted in section 5.9 in the CC Zone.**
- (bb) No ground sign shall exceed a width of:**
- (i) Ten (10) feet (3 m) in the CC, VMS, VG and FRB zones.**
- (c) No ground sign shall extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway or parking space.
- (d) No ground sign shall share a sign supporting structure with any other sign.
- (e) No ground sign shall be located within fifteen feet (4.6 m) of any property line.
- (ee) Notwithstanding clause (e), no ground sign shall be located within five (5) feet (1.5 m) from any street line in the CC, VMS, VG or FRB Zone.**
- (f) No more than one ground sign shall be permitted on any lot.
- (3) Within the CC, VMS, VG and FRB zones, the following additional conditions to Section 5.9 (1) shall apply:
- (a) Only one ground sign shall be permitted per multi-tenant building.**

- (b) Landscaping shall be provided at the base of a ground sign. Landscaping shall consist of planter boxes, shrubs, or flower beds or a combination thereof. If landscape planters are used, the planters shall be constructed of a natural material and shall be a minimum of 3 feet (0.9m) wide and 3 feet (0.9m) high;
- (c) A ground sign and the required landscaping as described above may be placed within the required landscaping setback as specified in Sections 14A.10 (a), 14C.11 (a), 14D.9 (a) and 14E.5 (1) (a); or
- (d) The maximum number of sign faces shall be two, which shall be affixed back to back.

5.10 ARCHITECTURE REQUIREMENTS

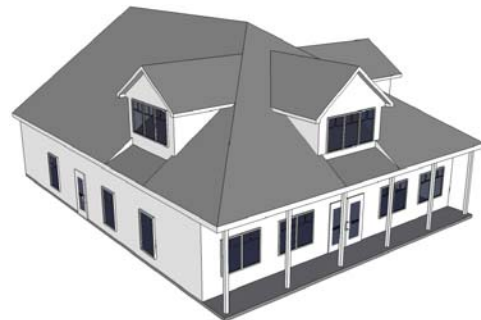
The following provisions shall apply only to the CC, VCCDD, VMS, VG, FRB and RCDD zones created for the River-lakes Secondary Plan Area.

5.10.1 ENTRANCES and FACADES

- (a) No building shall have less than one clearly defined entrance that is facing a street and which is unobstructed for pedestrians.
- (b) On corner lots the main entrance shall be situated on the portion of the building facing the Mainstreet or situated at the corner of the building, facing the intersecting streets.
- (b) (c) Notwithstanding subsection 5.10.1(b), where the building is situated on a corner lot at the intersection of two roads, the main entrance may face the corner of the building facing the intersecting streets.
- (d) At least three of the following architectural elements shall be incorporated in all walls facing a street for every ten (10) feet (3 m) within the CC Zone, twenty (20) feet (6 m) within the VMS Zone, or fifty (50) feet (15.2 m) within the VG, VCCDD, FRB or RCDD zones:



- (i) canopies or porticos;
- (ii) awnings,
- (iii) open colonnades,
- (iv) overhanging rooflines,
- (v) raised corniced parapets over the door,
- (vi) gabled peaked roof forms,
- (vii) outdoor patios,



- (viii) display windows
- (ix) architectural details such as moldings or stone,
- (x) planters or wing walls that incorporate landscaped areas and seating places; and/or
- (xi) any other similar architectural treatment as deemed by the Development Officer to be an acceptable equivalent.

(e) Buildings with multiple storefronts shall have either a gabled entry way or separate entrances for each store.

(f) Buildings with multiple storefronts shall have features along the façade such as covered walkways or open colonnades.

(g) The façade facing the Mainstreet shall be designed as the front of the building, containing a main entrance door, and window or display case.

Gable Entryway



5.10.2 WINDOWS and DOORS

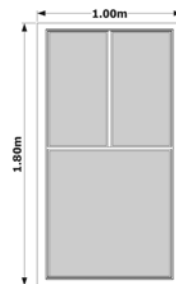
(a) All windows shall:

- (i) have a minimum height to width ratio of 1.8 to 1 and a maximum height to width ratio of 2 to 1;
- (ii) be placed vertically in the wall space so building facades are visually well balanced; and
- (iii) be accentuated by design details such as arches, hoods, mouldings, decorative lintels, pediments or sills.

(b) All doors and corners shall be accentuated by design details such as arches, hoods, mouldings, decorative lintels, pediments or sills.

(c) Notwithstanding clauses 5.10.2(a) and (b), continuous bands of horizontal glazing may be permitted on the first floor of commercial buildings permitted in the CC zone if:

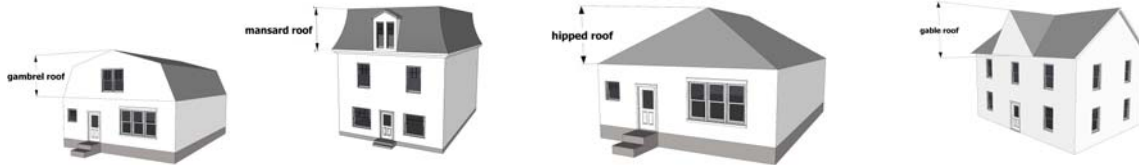
- i) the glazing is not more than seventy-five (75) percent of the building face;



- ii) the building contains vertical windows on the second floor having a height to width ratio of 1.8 to 1; and
- iii) the storefront entries are recessed.

5.10.3 ROOF LINES

- (a) Roof styles shall be gable, gambrel, mansard or hipped.



- (b) Notwithstanding 5.10.3(a), flat roofs shall be permitted where the building footprint is less than 2500 square feet (232.2 sq. m) or on a building, except for a service station that is greater than 2500 square feet (232.2 sq. m) provided that the flat roof portion of the roof is not visible from any street.
- (c) The minimum roof pitch on all buildings shall be 4:12 except where flat roofs are permitted pursuant to clause 5.10.3(b) or where mansard or gambrel roofs are used.
- (d) For buildings that are fifty (50) feet (15.2 m) in length or greater, multiple roof planes, cornices, cross gables, cupolas, belvederes, dormers or other architectural treatment shall be incorporated into the roof structure.

Multiple Roof Planes



5.10.4 CLADDING AND ROOF MATERIALS

- (a) Exterior cladding for new commercial, institutional, multiple unit and townhouse buildings shall consist of bricks, stone, wood shingles, wood siding, wood clapboard, vinyl siding or a combination thereof or other acceptable equivalent as determined by the Development Officer.
- (b) The following highly reflective materials are prohibited:
 - (i) sheet metal;
 - (ii) plastic panels;
 - (iii) brushed aluminum;
 - (iv) reflective glass;
- (c) The following materials are prohibited:
 - (i) Concrete block;
 - (ii) Untreated plywood;
 - (iii) Particle board;
 - (iv) Tilt-up concrete panels;
 - (v) Painted brick.
- (d) Notwithstanding subsections 5.10.4(c) and (d), materials required for solar heating, such as solar panels, shall be permitted.
- (e) Any exposed foundation in excess of twenty (20) square feet (1.8 sq. m) including any parking garage or parking entrance, shall be architecturally detailed or veneered with stone or brick.

5.10.5 ROOFTOP EQUIPMENT

- (a) All rooftop equipment, including satellite and other telecommunication equipment for private use, air handling units, elevator equipment, cooling towers and exhaust fans, shall be visually screened from the street by the roof structure.

5.10.6 ADDITIONAL REQUIREMENTS FOR SERVICE STATIONS

- (a) Where canopies are used over gasoline pumps and garden centres, the canopy shall:
 - (i) be constructed to match the main structure in terms of roof pitch, architectural detailing, materials and colour;
 - (ii) have a pitched roof and fascia trim;
 - (iii) not have a brightly coloured metal roof or roof sign; and
 - (iv) not be illuminated.

5.10.7 EXEMPTIONS

- (a) Notwithstanding section 5.10, the Architectural provisions of this section shall not apply to any one or all of the following:
- (i) a change in use or occupancy within an existing building;
 - (ii) internal renovations with no external renovation or modification to an existing building;
 - (iii) the replacement of windows to an existing building; or
 - (iv) the replacement of any signage as a result of a change in use or occupancy.

PART 14A: CC (CANAL COURT) ZONE

14A.1 USES PERMITTED

No development permit shall be issued in any CC (Canal Court) Zone except for the following:

Commercial Uses

Retail Stores

Service and Personal Service Uses

Offices

Banks and Financial Institutions

Restaurants -Full Service and Take-out

Existing Service Stations pursuant to Section 4.6 (j)

Craft Shops

Residential and Commercial Uses

Single unit dwellings

Two unit dwellings

Bed and Breakfast

Home Businesses

Existing Multiple Unit Dwellings pursuant to Section 4.6 (l)

Community Uses

Public and private parks and playgrounds

Cemeteries

Historic sites and monuments

Museums as an educational institution

14A.2 CC ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	10,000 square feet (929 m ²) where central sewer services are provided
	40,000 square feet (3716 m ²) where no central sewer services are provided

Minimum Frontage:	75 feet (22.9 m) where central sewer services are provided
	100 feet (30.4 m) where no central sewer services are provided

Maximum Front or Flankage Yard	3 feet (0.9 m ²)
Minimum Side Yard:	8 feet (2.4 m ²) where central sewer services are provided 15 feet (4.5 m ²) where no central sewer services are provided
Minimum Rear Yard	25 feet (7.6 m ²)
Maximum Lot Coverage (Building)	35 percent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m ²)
Minimum Height of Main Building	35 feet (7.6 m ²)
Maximum Building Width	60 feet (18.2 m)
Minimum Landscaped Area	25 percent

14A.3 CC ZONE REQUIREMENTS: COMMERCIAL USES

In any CC Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	10,000 square feet (929 m ²) where central sewer services are provided 40,000 square feet (3716 m ²) where no central sewer services are provided
Minimum Frontage:	75 feet (22.9 m) 100 feet (30.4 m) where no central sewer services are provided
Maximum Front or Flankage Yard:	3 feet (0.9 m)
Minimum Side Yard:	8 feet (2.4 m) where central sewer services are provided 15 (4.5 m) where no central sewer services are provided
Minimum Rear Yard	25 feet (7.6 m)

Maximum Lot Coverage (Building)	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Height of Main Building	25 feet (7.6 m)
Maximum Building Width	60 feet (18.2 m)
Minimum Landscaped Area	25 percent

14A.4 OTHER REQUIREMENTS - FLOOR AREA

- (a) The gross floor area of the main building on a lot in any CC Zone, shall not exceed 4,000 square feet (371.6 m²). No main building footprint shall exceed 2,000 square feet (185.8 m²).

14A.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA

- (a) Notwithstanding Section 14A.4 (a), where uses are permitted as Commercial Uses situated at 1480 Fall River Road, as illustrated in Schedule F, the following shall apply:

- (i) gross floor area of the building may be increased to 6,000 square feet (557.4 m²),
- (ii) no main building footprint shall exceed 2,000 square feet (185.8 m²); and
- (iii) all uses permitted as Commercial Uses, except Existing Service Stations or Existing Multiple Unit Dwellings, in any CC Zone can be extended throughout the entire building.

- (a) Notwithstanding Sections 14.3 and 14A.4 (a), where uses are permitted as Commercial Uses situated at 1470 Fall River Road, as illustrated on Schedule G, the following shall apply:

- i) the gross floor area of the main building may be increased to 9,000 square feet (836.1 m²);
- ii) no main building footprint shall exceed 6,000 square feet (557.4 m²);
- iii) the width of the main building maybe increased to a maximum of 141 feet (42.9 m).and
- iv) all uses permitted as Commercial Uses, except Existing Service Stations or Existing Multiple Unit Dwellings, in any CC Zone may be extended throughout the entire building.

14A.6 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

- (a) The Business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.
- (b) Not more than four (4) rooms may be let;
- (c) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m^2) in area;
- (d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof; and
- (e) Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

14A.7 OTHER REQUIREMENTS - HOME BUSINESS USES

The following requirements shall apply for all home business uses:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.
- (b) No more than 500 square feet (46.5 m^2) of the building or accessory building shall be devoted to any business use.
- (c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious.
- (e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside on the property.
- (f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 2 square feet (0.2 m^2) in area.
- (g) One off-street parking space shall be required for every 150 square feet (13.9 m^2) of floor space devoted to the Home Business.

14A.8 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the CC Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, a wood fence of 5

feet (1.52 m) in height or a landscaped buffer, shall be constructed along all property boundaries abutting the residential use. The landscaped buffer may contain evergreen trees, earth berms, fences, or shrubs provided it screens the parking lot from the abutting residential property.

14A.9 OTHER REQUIREMENTS - STORAGE AND UTILITIES

Where uses are permitted as Commercial Uses in any CC Zone, the following requirements shall apply:

- (a) No storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property;
- (b) HVAC equipment, refuse containers, electrical equipment excluding metres, propane tanks, oil tanks and other similar equipment shall not face the street or shall be screened with a fence, berm or Landscaping that creates a visual barrier.

14A.10 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial Uses in any CC Zone, the following requirements shall apply:

- (a) A 15 foot (4.6 m) wide landscape strip shall be provided along all street lines, exclusive of buildings, driveways and walkways. The required landscape strip shall incorporate a minimum of one (1) tree (minimum of 60 mm calliper) and three (3) shrubs per 19.6 feet (6 m) of street lines. The required landscape strip, may be installed in the form of groupings.
- (b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm in calliper, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.

14A.12 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any CC Zone, all lighting shall be designed to meet the following requirements:

- (a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and
- (c) comprise full cut-off fixtures that are properly shielded to reduce the spillover of lighting onto adjacent properties.

PART 14B: VC -CDD (VILLAGE CORE COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

14B.1 VC -CDD DEVELOPMENT AGREEMENT REQUIREMENTS

No development permit shall be issued for a development in a VC-CDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

14B.2 USES PERMITTED

The following uses maybe permitted in any VC-CDD (Village Core Comprehensive Development District Zone) Zone:

Commercial Uses

Retail Stores

Food stores

Service and Personal Service Uses

Offices

Health and Wellness Centres

Banks and Financial Institutions

Restaurants -Full Service and Take-out

Funeral Establishments, excluding crematoriums

Greenhouses and Nurseries

Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited

Garden Centre

Pub, tavern, lounge

Craft Shops

Residential Uses

Multiple Unit Dwellings no greater than 3 units per gross acre

Community Uses

Open space uses

Institutional uses

Fraternal Halls and Centres

Transit Facilities

PART 14C: VMS (VILLAGE MAIN STREET) ZONE

14C.1 USES PERMITTED

No development permit shall be issued in any VMS (Village Mainstreet) Zone except for the following:

Commercial Uses

Retail Stores

Service and Personal Service Uses

Offices

Wellness Centres

Banks and Financial Institutions,

Restaurants -Full Service, Take-out and Drive-in

Existing Service Stations pursuant to Section 4.6 (j)

Funeral Establishments, excluding crematoriums

Greenhouses and Nurseries

Medical, Dental and Veterinarian Clinics, outdoor kennels associated with veterinary clinics are prohibited

Garden Centre

Pub, Tavern, lounge

Craft Shops

Residential Uses

Single unit dwellings

Two unit dwellings

Bed and Breakfast

Home Businesses

Community Uses

Open space uses

Institutional uses

Fraternal Halls and Centres

Transit Facilities

14C.2 VMS ZONE REQUIREMENTS: RESIDENTIAL USES

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

Minimum Lot Area:	10,000 square feet (929 m ²) where central sewer services are provided 40,000 square feet (3716 m ²) where
-------------------	------------------------------------------------------------------------------------------------------------------------------------------

	no central sewer services are provided
Minimum Frontage:	75 feet (22.9 m) where central services are provided 100 feet (30.4 m) where no central sewer services are provided
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Side Yard:	8 feet (2.4 m) where central sewer services are provided 8 feet (4.5 m) where no central sewer services are provided
Minimum Rear Yard	15 feet (4.5 m)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft.)
Maximum Building Width	60 feet (18.2 m)
Minimum Landscaped Area	25 percent

14C.3 OTHER REQUIREMENTS: COMMERCIAL USES

In any VMS Zone, where uses are permitted as Commercial Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	10,000 square feet (929 m ²) where central sewer services are provided 40,000 square feet (3716 m ²) where no central sewer services are provided
Minimum Frontage:	75 feet (22.9 m) where central services are provided 100 feet (30.4 m) where no central sewer services are provided
Minimum Front or Flankage Yard	30 feet (9.1 m)

Minimum Side Yard	15 feet (4.5 m) where no central sewer services are provided 8 feet (2.4 m) where central sewer services are provided
Minimum Rear Yard	15 feet (4.5 m)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	10.7 metres (35 ft.)
Maximum Building Width	60 feet (18.2 m)
Minimum Landscaped Area	25 percent

14C.4 OTHER REQUIREMENTS - FLOOR AREA

- (a) The gross floor area of the main building on a lot in any VMS Zone, shall not exceed 8,000 square feet (743.2 m²). In addition, no main building footprint shall exceed 4,000 square feet (371.6 m²).

14C.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA AND BUILDING WIDTH

- (a) Notwithstanding Section 14C.3 (a), where uses are permitted as Commercial or Community uses situated at 3182 Highway 2, as illustrated on Schedule I, the following shall apply:
 - i) the gross floor area of the main building may be increased to 20,000 square feet (1858 m²);
 - ii) no main building footprint shall exceed 10,000 square feet (929 m²); and
 - iii) all uses permitted as Commercial or Community uses, except Existing Service Stations, in any VMS Zone may be extended throughout the entirety of the building;
 - iv) the width of the main building maybe increased to a maximum of 120 feet (36.5 m).

14C.6 OTHER REQUIREMENTS - BED AND BREAKFAST ESTABLISHMENTS

The following requirements shall apply for all bed and breakfast uses:

- (a) The Business shall be wholly contained within the dwelling which is the principal

residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.

- (b) Not more than four (4) rooms may be let;
- (c) No more than one (1) sign advertising the bed and breakfast shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area;
- (d) One (1) off-street parking space, in addition to that required for the dwelling, shall be provided for every two rooms to be let or part thereof;
- (e) Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a Landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use.

14C.7 OTHER REQUIREMENTS - HOME BUSINESS USES

The following requirements shall apply for all home business uses:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the owner of the business. No more than one employee, not living in the dwelling, shall be permitted.
- (b) No more than 500 square feet (46.5 m²) of the building or accessory building shall be devoted to any business use.
- (c) Notwithstanding subsection (b), day care services for not more than 7 children may be permitted in conjunction with single unit dwellings subject to the remaining requirements for home business uses.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which is not obnoxious.
- (e) Excluding out play areas associated with a daycare facility, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside on the property.
- (f) No more than one (1) sign shall be permitted advertising any such home business and no such sign shall exceed 2 square feet (0.2 m²) in area.
- (g) One off-street parking space shall be required for every 150 square feet (13.9 m²) of floor space devoted to the Home Business.

14C.8 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VMS Zone, parking shall be located at the side and/or in the rear of the building. Where parking is located in any required yard abutting a residential use, an opaque fence of 5 feet (1.52 m) in height or a landscaped buffer, adequate to screen the view from the adjacent residential property, shall be constructed along all property boundaries abutting the residential use. The landscaped buffer may contain evergreen trees, earth berms, fences, or shrubs provided it provided an effective screen of the parking lot from the abutting residential property.

14C.9 OTHER REQUIREMENTS - STORAGE

Where uses are permitted as Commercial Uses in any VMS Zone, the following requirements shall apply:

- (a) Except for Garden Centres, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property; and
- (b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence, berm or Landscaping that creates a visual barrier.

14C.10 COMMUNITY USES - ZONE REQUIREMENTS

In any VMS Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 22.

14C.11 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VMS Zone, the following requirements shall apply:

- (a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 19.6 feet (6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 19.6 feet (6 m) of street frontage.
- (b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per

15 feet (4.6 m) requirement.

14C.12 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VMS Zone, all lighting shall be designed to meet the following requirements:

- (a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and
- (c) comprise full cut-off fixtures that are properly shielded to reduce the spillover of lighting onto adjacent properties.

PART 14D: VG (VILLAGE GATEWAY) ZONE

14D.1 USES PERMITTED

No development permit shall be issued in any VG (Village Gateway) Zone except for the following:

Commercial Uses

Retail Stores
Service and Personal Service Uses
Offices
Health and Wellness Centres
Banks and Financial Institutions
Restaurants Full-Service and Take-out
Restaurants Drive-in
Existing Service Stations pursuant to Section 4.6 (j)
Greenhouses and Nurseries
Funeral Establishments, excluding crematoriums
Medical, Dental and Veterinarian Clinics
Garden Centre
Pub, Tavern, lounge
Hotels, motels and motor-inns
Parking lots
Existing Self-storage Facilities pursuant to Section 4.6 (k)
Craft Shops

Residential Uses

Single unit dwellings

Community Uses

Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

14D.2 VG ZONE REQUIREMENTS: ALL PERMITTED USES

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

Minimum Lot Area:	40,000 square feet (3716 m ²)
-------------------	-------------------------------------------

Minimum Frontage:	100 feet (30.4 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Side Yard	15 feet (4.5 m)
Minimum Rear Yard	15 feet (4.5 m)
Maximum Lot Coverage	35 per cent
Maximum Impervious Surface Coverage	50 percent
Maximum Height of Main Building	35 feet (10.7 m)

14D.3 VG ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of the main buildings on a lot in any VG Zone, shall not exceed 20,000 square feet (1858 m²). In addition, no main building footprint shall exceed 10,000 square feet (929 m²).

14D.4 OTHER REQUIREMENTS – INCREASED FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses at 3009 Highway 2, as illustrated on Schedule J, the following shall apply:

- i) the gross floor area of the main building may be increased to 32,000 square feet (2972 m²);
- ii) no main building footprint shall exceed 16,000 square feet (1486 m²); and
- iii) all uses permitted as Commercial Uses in any VG Zone, except existing Service Stations, may be extended throughout the entirety of the building.

14D.5 OTHER REQUIREMENTS – INCREASED FLOOR AREA

Notwithstanding Section 14D.3 (a), where uses are permitted as Commercial Uses at 2998 Highway 2, as illustrated on Schedule K, the maximum gross floor area of all buildings on this site shall be limited to 32,000 square feet (2972 m²) **with no building footprint exceeding 8,000 square feet (743.2 m²). The maximum number of buildings permitted in the area shown on Schedule K shall be limited to 3.**

14D.6 OTHER REQUIREMENT: COMMERCIAL PARKING

Within the VG Zone, parking lots shall be located at the side, rear or in a combination of the side and rear of the building.

14D.7 OTHER REQUIREMENTS - STORAGE AND UTILITIES

Where uses are permitted as Commercial Uses in any VG Zone, the following requirements shall apply:

- (a) Except for Garden Centres, no storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted outside of a building on the property; and
- (b) HVAC equipment, trash containers, electrical equipment, propane tanks and other similar features shall not face the street and shall be screened with a fence; berm or Landscaping that creates a visual barrier.

14D.8 COMMUNITY USES - ZONE REQUIREMENTS

In any VG Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with Part 22.

14D.9 OTHER REQUIREMENTS: LANDSCAPING

Where uses are permitted as Commercial or Community uses in any VG Zone, the following requirements shall apply:

- (a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 19.6 feet (6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 19.6 feet (6 m) of street frontage.
- (b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.
- (c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.
- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where

possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 feet (4.6 m) requirement.

14D.10 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any VG Zone, all lighting shall be designed to meet the following requirements:

- (a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and
- (c) comprise full cut-off fixtures that are properly shielded to reduce the spillover of lighting onto adjacent properties.

PART 14E - FRB (FALL RIVER BUSINESS) ZONE

14E.1 USES PERMITTED

No development permit shall be issued in any FRB (Fall River Business) Zone except for the following:

Commercial Uses

Light Manufacturing that is not obnoxious
Offices
Health and Wellness Centres
Banks and Financial Institutions
Greenhouses and Nurseries
Commercial recreation uses
Funeral Establishments
Medical, Dental and Veterinarian Clinics
Existing Service Stations
Building supply outlets
Pub, Tavern, lounge
Hotels, motels and motor-inns
Parking lots
Transportation terminals
Construction storage yards
Warehousing and wholesaling

Residential Uses

Single unit dwellings accessory to any permitted use

Community Uses

Open space uses
Institutional uses
Fraternal Halls and Centres
Transit Facilities

14E.2 FRB ZONE REQUIREMENTS: ALL PERMITTED USES

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

Minimum Lot Area: 40,000 square feet (3716 m²)

Minimum Frontage: 100 feet (30.4 m)

Minimum Front or Flankage Yard	30 feet (9.1 m)
--------------------------------	-----------------

Minimum Side Yard	15 feet (4.5 m)
-------------------	-----------------

Minimum Rear Yard	15 feet (4.5 m)
-------------------	-----------------

Maximum Lot Coverage	35 per cent
----------------------	-------------

Maximum Height of Main Building	35 feet (10.7 m)
---------------------------------	------------------

14E.3 FRB ZONE REQUIREMENTS - COMMERCIAL FLOOR AREA

The gross floor area of the main buildings on a lot in any FRB Zone, shall not exceed 20,000 square feet (1858 m²).

14E.4 COMMUNITY USES - ZONE REQUIREMENTS

In any FRB Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with Part 22.

14E.5 OTHER REQUIREMENTS: LANDSCAPING

(1) Where uses are permitted as Commercial or Community uses in any FRB Zone, the following requirements shall apply:

(a) A 30 foot (9.1 m) wide landscape strip shall be provided along all street property lines, exclusive of buildings, driveways and walkways and a 15 foot (4.6 m) wide landscape strip shall be provided along all other property lines exclusive of driveways and walkways. The required landscape strip along the street property line shall incorporate a minimum of one (1) tree (minimum of 60 mm caliber) and three (3) shrubs per 19.6 feet (6 m) of street frontage. The required landscape strip, may be installed in the form of groupings, provided a minimum ratio of one (1) tree and three (3) shrubs are provided per 19.6 feet (6 m) of street frontage.

(b) In addition to clause (a), all landscaped areas shall include any one or a combination ground covers of grass, natural ground covers such as water features, washed or flat stone, decorative pavers, mulch, perennials, and annuals.

(c) Notwithstanding clauses (a) and (b), existing trees and shrubs may be incorporated into the landscaped strip, and where possible may be calculated as part of the one (1) tree and three (3) shrubs per 15 foot (4.6 m) requirement.

- (d) Notwithstanding clauses (a) and (b), existing trees that are in excess of 150 mm, measured 150 mm above grade, shall be retained in the landscaped strip where possible and shall be calculated as part of the one (1) tree and three (3) shrubs per 15 feet (4.6 m) requirement.
- (2) Where any FRB Zone abuts any Residential or Community Facility Zone, the abutting yard shall be landscaped so as to provide a visual buffer.

14E.6 OTHER REQUIREMENTS: LIGHTING

Where uses are permitted as Commercial Uses in any FRB Zone, all lighting shall be designed to meet the following requirements:

- (a) all lighting devices shall be designed to direct light to driveways, parking areas, loading area, building entrances and walkways and arranged to divert the light away from streets, adjacent lots and buildings;
- (b) have different purpose oriented lighting such as flush mount lighting for building accent, ground-oriented lighting along pathways, shall be provided; and
- (c) comprise full cut-off fixtures that are properly shielded to reduce the spillover of lighting onto adjacent properties.

PART 14F: RCDD (RESIDENTIAL COMPREHENSIVE DEVELOPMENT DISTRICT) ZONE

14F.1 RCDD DEVELOPMENT AGREEMENT REQUIREMENTS

No development permit shall be issued for a development in a RCDD Zone unless the proposed development is in conformance with a development agreement which has been approved by Council.

14F.2 USES PERMITTED

The following uses maybe permitted in any RCDD (Village Core Comprehensive Development District Zone) Zone:

Local Commercial Uses

Variety Stores
Restaurant - Take-out
Food Stores
Offices
Medical and dental offices and clinics
Service and Personal Uses
Craft Shops

Commercial Uses

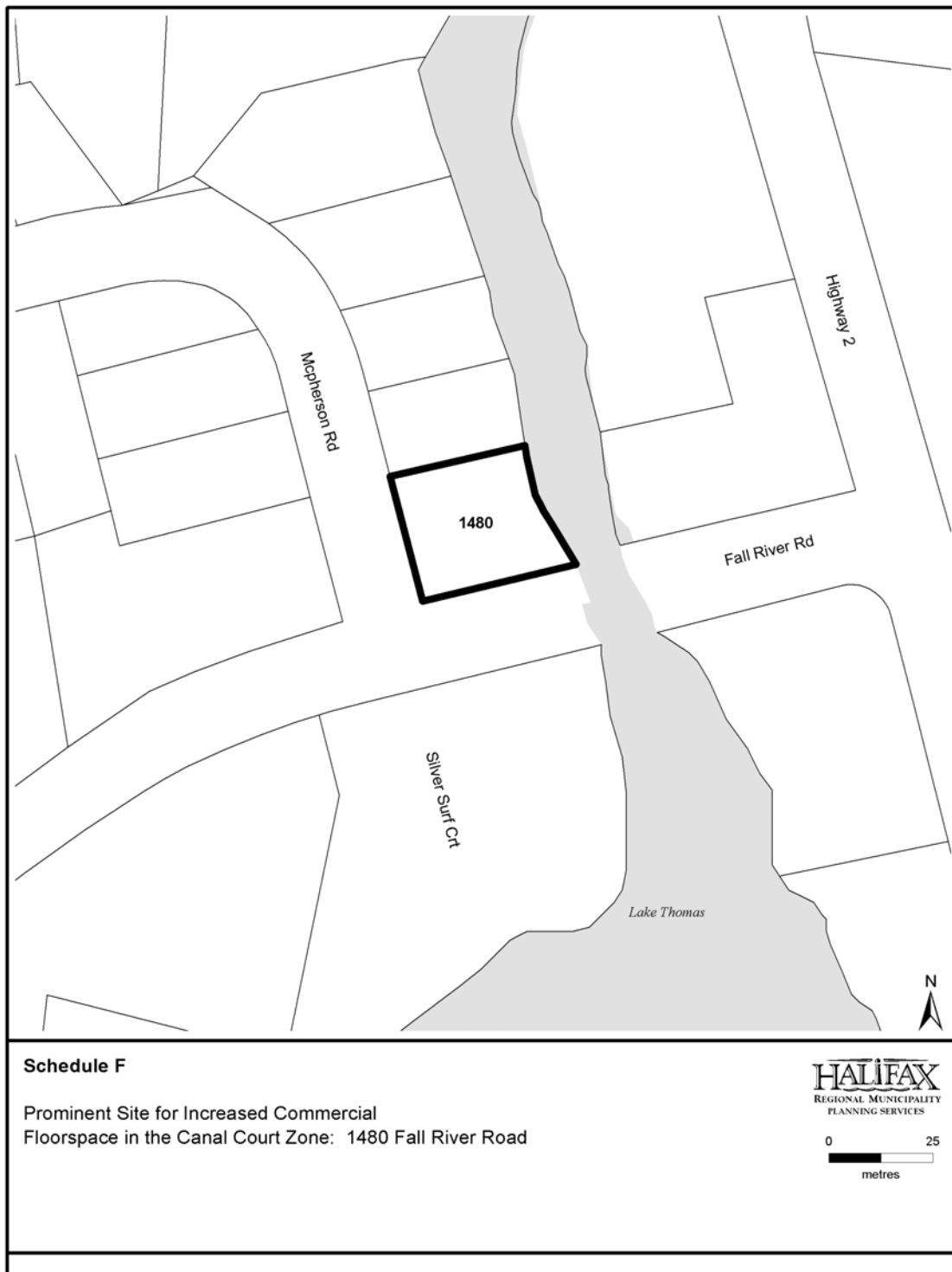
Self Storage Facility

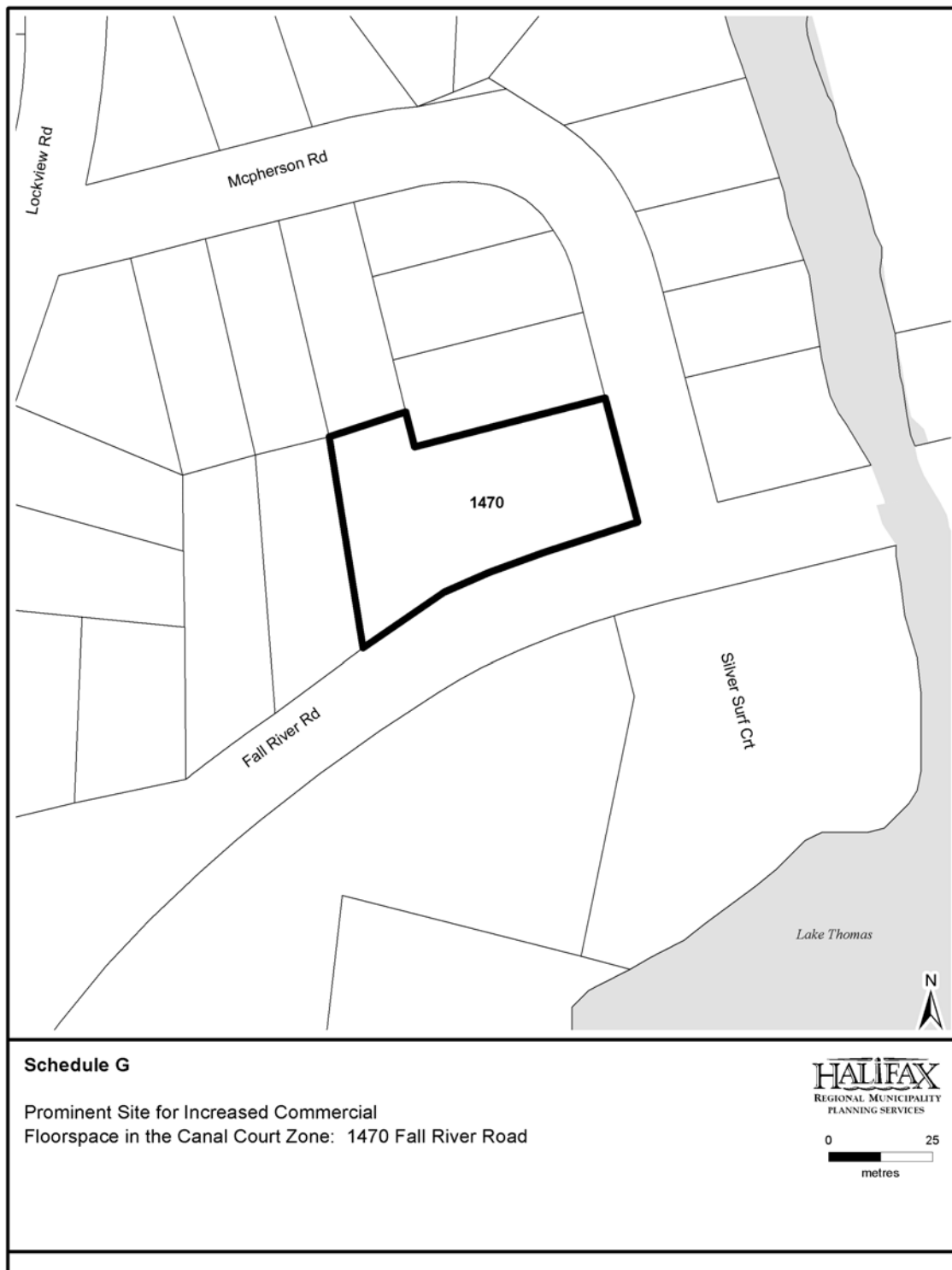
Residential Uses

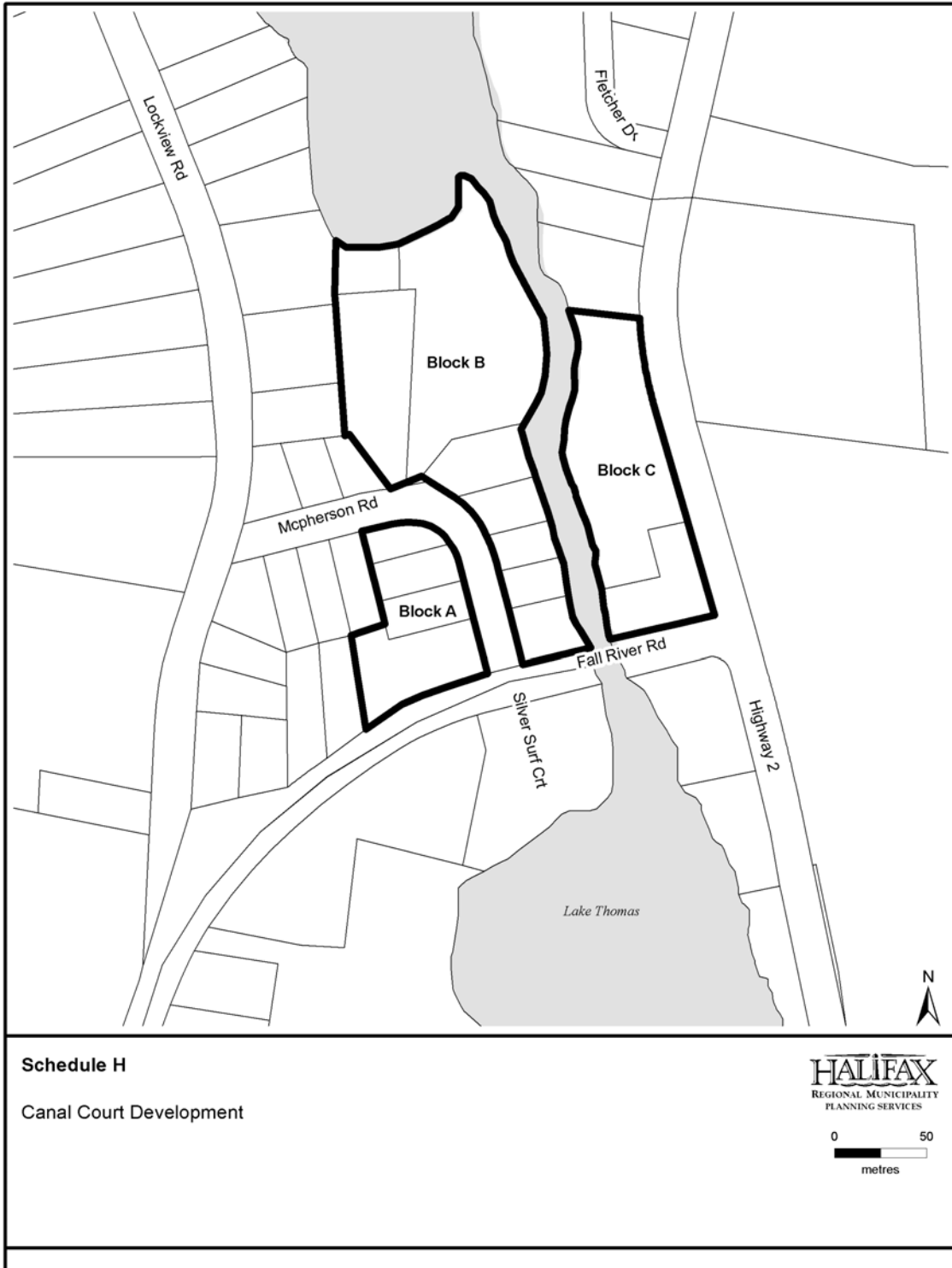
Multiple Unit Dwellings
Townhouses
Single unit dwellings
Two unit dwellings

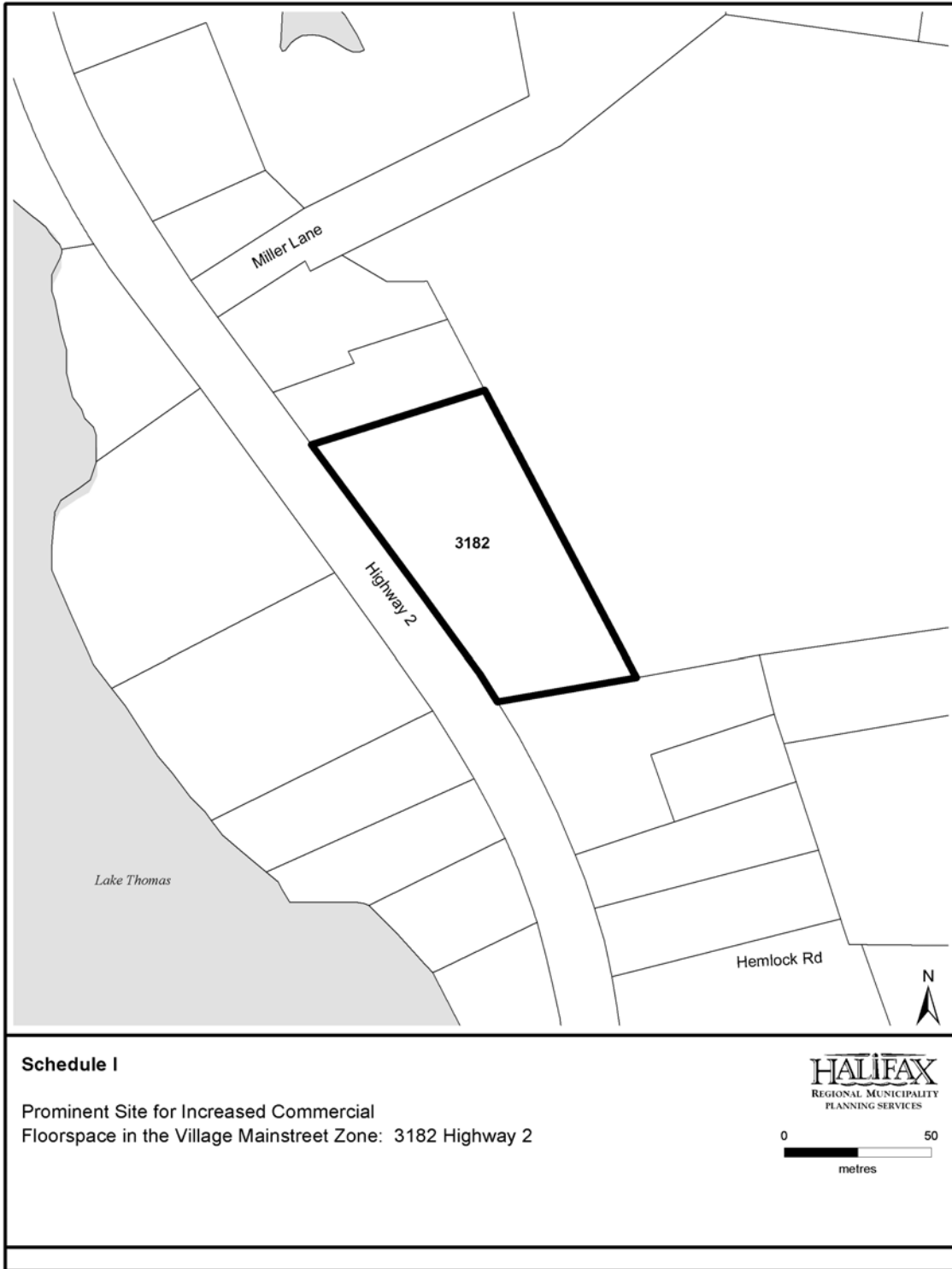
14F.3 RCDD REQUIREMENTS – LOCAL COMMERCIAL FLOOR AREA

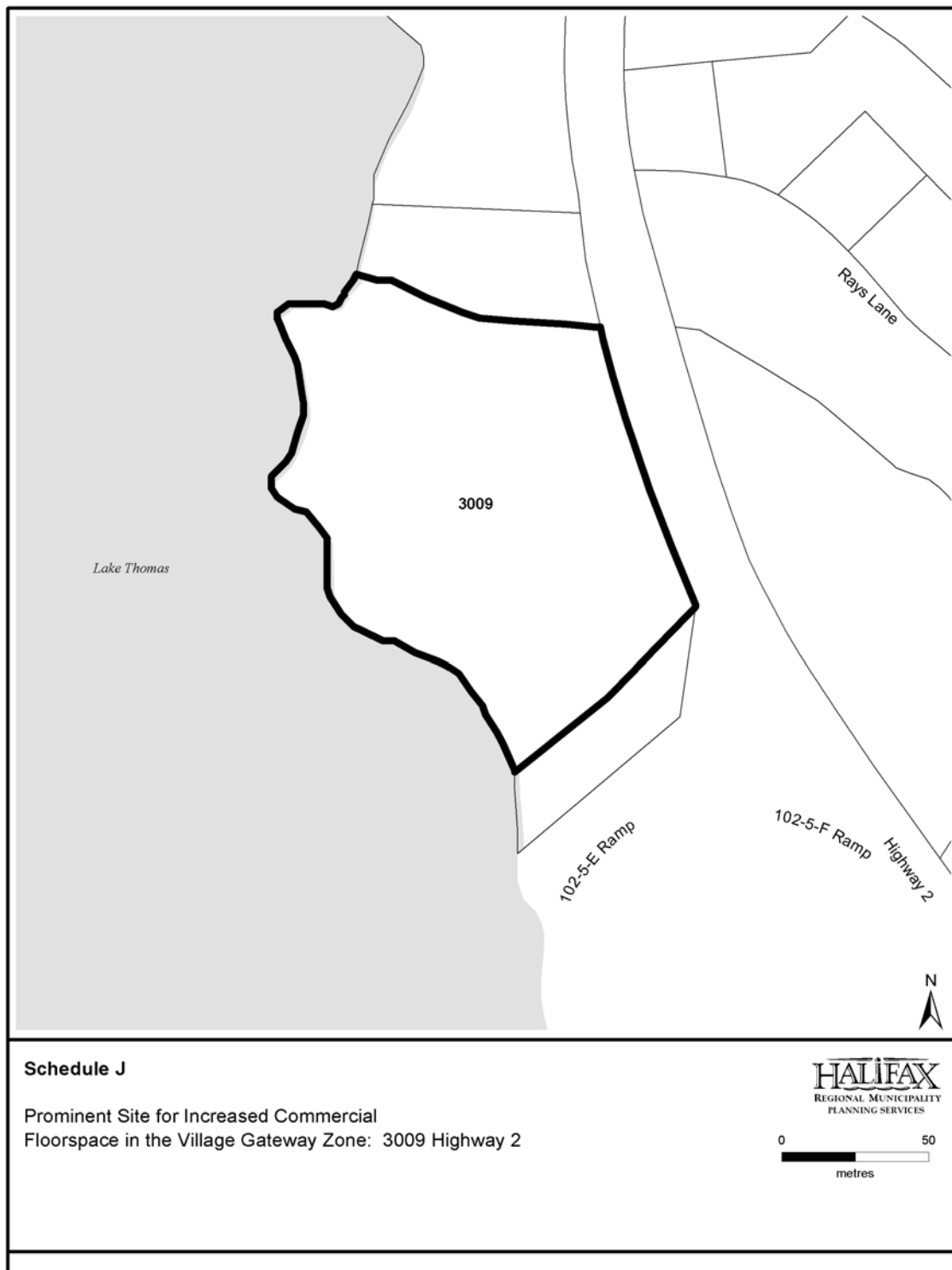
The gross floor area of any local commercial floor space on a lot in any RCDD Zone, shall not exceed 371 square metres (4000 ft²) and the gross floor area of any self storage facility shall not exceed 929 square metres (10,000 ft²).











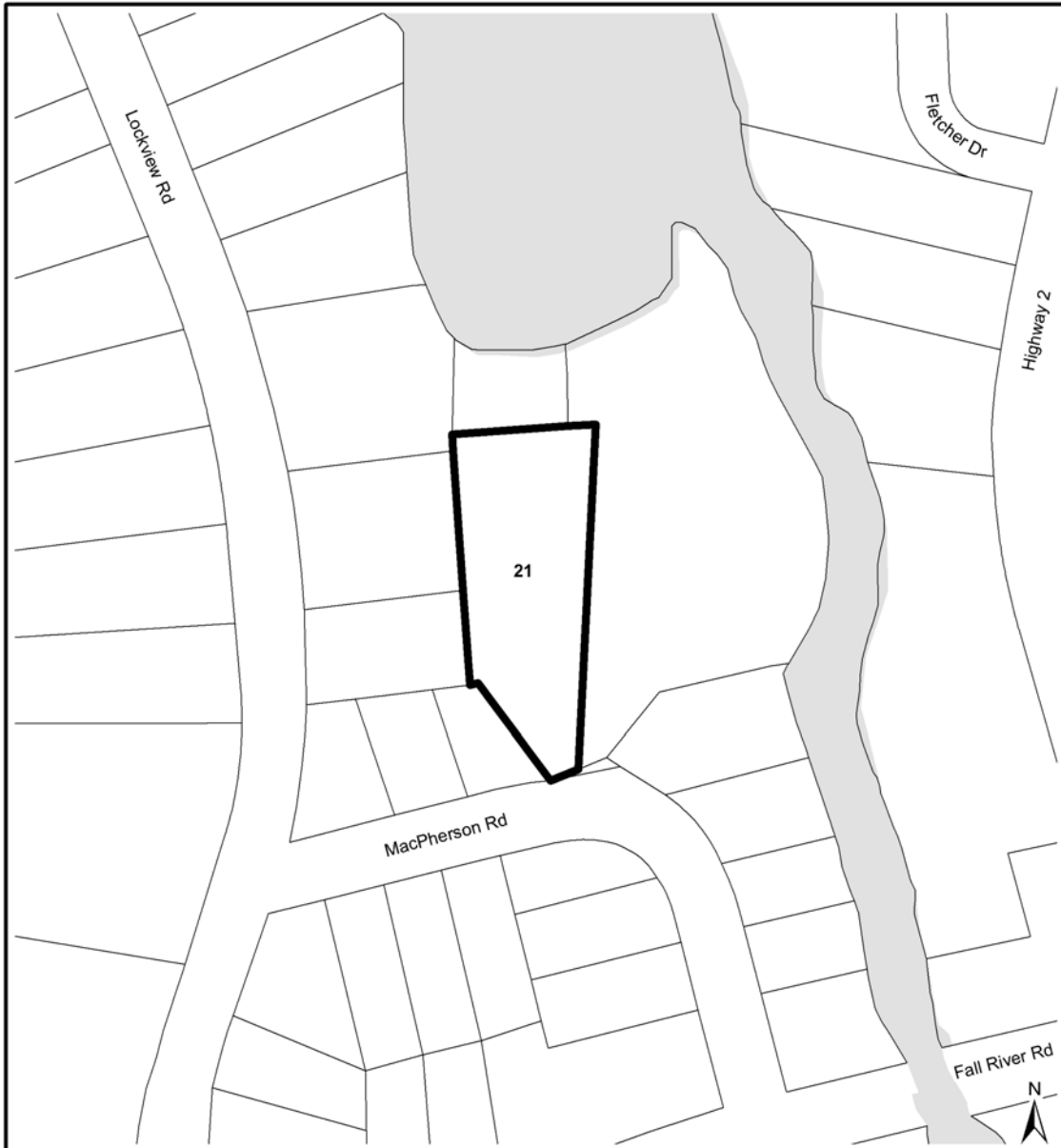


Schedule K

Prominent Site for Increased Commercial
Floorspace in the Village Gateway Zone: 2998 Highway 2

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

0 50
metres



Schedule L

Site for multiple unit dwelling expansion
pursuant to Section 14A.5 at 21 MacPherson Road

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

