

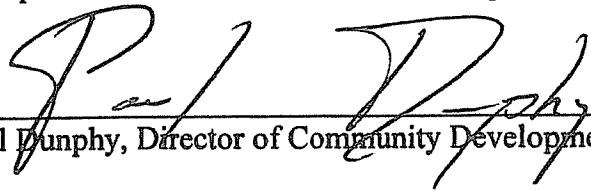
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PO Box 1749
Halifax, Nova Scotia
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Western Region Community Council
November 27, 2006

TO: Chairperson and Members of Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: November 15, 2006

SUBJECT: Case #00969 - Rezoning/Zone Amendment, Upper Hammonds Plains

ORIGIN

Application initiated by HRM Staff to rectify a zoning oversight created during the adoption of the Regional Municipal Planning Strategy

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading to consider an application to:
 - a) rezone lands owned by Hartland Developments Limited in Upper Hammonds Plains from a P-4 (Conservation) Zone to a PWS (Public Water Supply) Zone;
 - b) rezone lands owned by the Melvin Tract Society and HRWC in Upper Hammonds Plains from a P-4 (Conservation) Zone to a PWS (Protected Water Supply) Zone; and
 - c) amend the PWS (Protected Water Supply) Zone to permit all of the uses and requirements that were previously established in its predecessor zone, the P-4 (Conservation) Zone, as identified in Attachment D.
2. Approve the rezonings and proposed amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville, as identified in Attachment D.

BACKGROUND:

It has come to the attention of Staff, that two zoning errors were created in the Land Use by-law for Beaver Bank, Hammonds Plains, and Upper Sackville during the adoption of the Regional Municipal Planning Strategy. The P-4 (Conservation) Zone was supposed to be replaced by the PWS (Protected Water Supply) Zone and all uses and zone requirements that were contained in the P-4 Zone were supposed to be copied to the PWS Zone. Due to an oversight, not all of the P-4 permitted uses - single and mobile dwelling units and forestry and agricultural uses - and requirements were carried forward into the PWS Zone (Attachment C). The P-4 Zone was also retained on a portion of the Hartland Development Limited, Melvin Tract Society and Halifax Regional Water Commission (HRWC) properties, in the zoning schedule (Map 1). The P-4 Zone, however, was removed from the by-law and these properties, therefore, have an assigned zone without definition.

This has immediate implications on the lands owned by Hartland Developments Limited. The subject property received final subdivision approval in September 2006. Development permits however, cannot be issued until the PWS Zone is amended to permit residential uses. The P-4 zoned portion of this property and the property of the Melvin Tract Society and HRWC also has to be rezoned to a PWS Zone.

Regional MPS Designation: Rural Commuter and Open Space and Natural Resource designations under the Regional Municipal Planning Strategy as illustrated on Map 1, and outlined in Attachment A.

Secondary MPS Designation: Watershed and Rural Resource designations under the Secondary Municipal Planning Strategy for Beaver Bank, Hammonds Plains, and Upper Sackville as illustrated on Map 2, and outlined in Attachment B.

The subject properties are also within a Growth Management Control area established under the Regional Subdivision By-law. The lands of Hartland Developments Limited, however, were entitled to subdivide since they were subject to a conceptual plan of subdivision before these new regulations took effect. The Melvin Tract Society lands may be subdivided into a maximum of two lots but no additional subdivision activity can occur until traffic capacity constraints have been alleviated on the Hammonds Plains Road.

Public Information Meeting/Notification Area

The public information meeting was waived in consultation with the area councillor. The notification area is shown on Map 4. Should Community Council decide to proceed with a public hearing, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified as shown on Map 4.

DISCUSSION

Rezoning the subject properties to a PWS Zone and amending the zone to permit single unit dwellings, mobile dwellings and agriculture and forestry uses will carry out the intent of the Regional Municipal Planning Strategy. The Hartland Subdivision Development has received approval from all regulatory agencies and can be accommodated within the current capacity of the infrastructure. Any future residential development on the Melvin Tract Society lands will be limited to one or two dwellings. Low density residential uses and agriculture and forestry uses, as previously permitted within the P-4 Zone, are considered appropriate private development uses within the designations covering the protected water supply. The previous P-4 Zone had increased setbacks from watercourses - 76.2 metres from Pockwock, Beaver and Tomahawk lakes and 30.5 metres from all other watercourses - to prevent any adverse affects on public water supplies. These provisions will be carried forward in the amended PWS Zone.

Conclusion

It is recommended that Western Region Community Council approve a rezoning of the Hartland and Melvin Tract lands from a P-4 Zone to a PWS Zone, as illustrated in Map 3. It is also recommended that the Western Region Community Council approve the amendments to the PWS Zone as outlined in Attachment D.

BUDGET IMPLICATIONS

No Budget Implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Refuse the proposed rezoning of the subject properties. Pursuant to Section 230(6) of the Municipal Government Act, Council is required to provide reasons justifying this refusal, based on policies of the Regional Municipal Planning Strategy and the Secondary Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville. This alternative is not recommended, as it would leave a portion of the Hartland Development lands and the Melvin Tract Society lands unzoned.

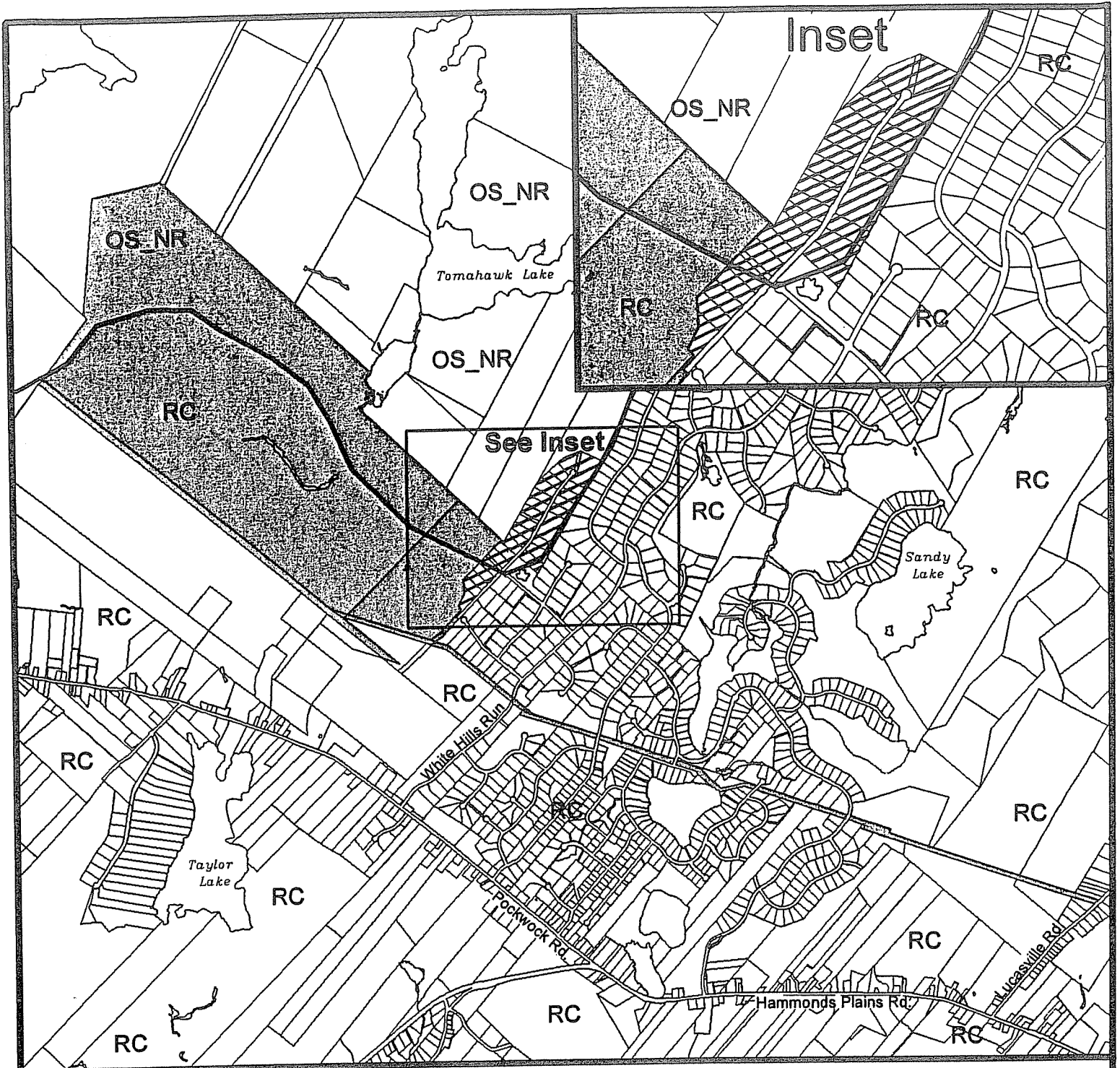
ATTACHMENTS

Map 1	Regional Plan Generalized Future Land Use
Map 2	Secondary Generalized Future Land Use
Map 3	Zoning Map
Map 4	Notification Area
Attachment A	Regional MPS Policies
Attachment B	Secondary MPS Policies
Attachment C	Comparison of the previous P-4 (Conservation) Zone and the current PWS (Protected Water Supply) Zone under the Land Use By-law for Beaver Bank, Hammond Plains and Upper Sackville
Attachment D	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Maureen Ryan, Senior Planner, Regional and Community Planning, Community Development, 490-4799.



Approved by: Roger Wells, Supervisor, Regional and Community Planning, Community Development



Map 1
Regional Plan Generalized Future Land Use

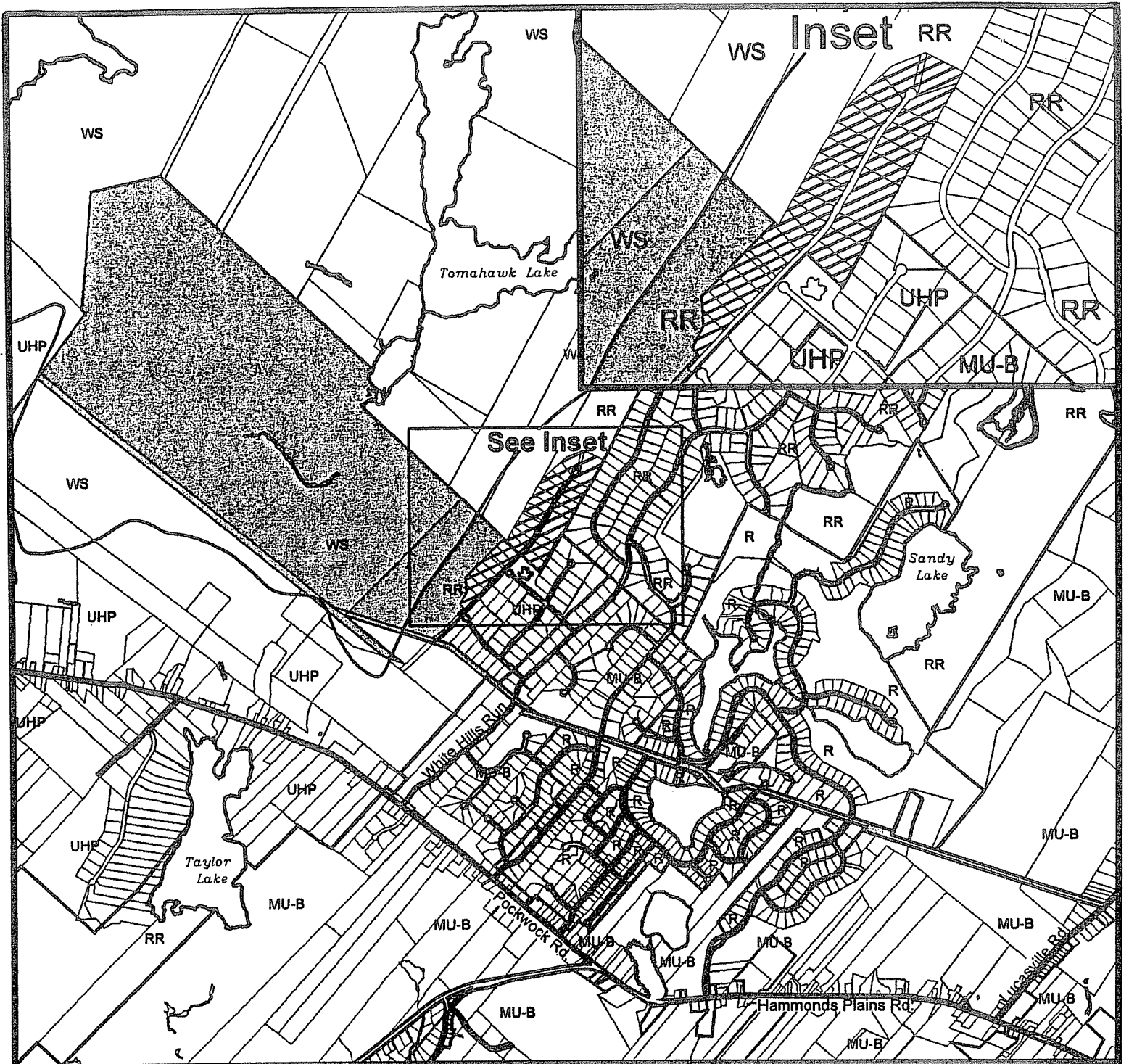
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-  Hartland Development Lands
-  Melvin Tract Society Lands and Halifax Regional Water Commission

RC Rural Commuter Designation OS_NR Open Space and Natural Resource Designation





Map 2
Secondary Generalized Future Land Use

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Hartland Development Lands



Melvin Tract Society Lands and
 Halifax Regional Water Commission Lands



R Residential Designation
 RR Rural Resource Designation
 UHP Upper Hammonds Plains Designation

MU-B Mixed Use B Designation
 WS Watershed Designation





**Map 3
Zoning Map**



Area to be Rezoned to PWS

R Residential Designation
 RR Rural Resource Designation
 UHP Upper Hammonds Plains Designation

MU-B Mixed Use B Designation
 WS Watershed Designation

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Map 4



Notification Area



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Attachment A
Relevant Regional MPS Policies

2.2.1 Potable Water Supply

The protection of the watersheds designated for municipal water supply is a matter of regional importance. The Pockwock Watershed serves the communities of Halifax, Bedford, Sackville, a portion of Fall River, Waverley and Timberlea. The Lake Major Watershed serves the communities of Dartmouth, Eastern Passage, Cole Harbour and Westphal. Communities in Grand Lake, Lake Thomas, a portion of Fall River, Enfield and the adjacent Municipality of East Hants rely on water from the Shubenacadie River Watershed. The Bennery Lake Watershed is a water source for the Halifax International Airport and Aerotech Industrial Park but future expansions could require HRM to draw from Shubenacadie Grand Lake.

The land uses permitted within these watersheds should not threaten water quality. Low-density residential, conservation related uses and resource activities may be undertaken in some of these watersheds without having adverse effects on water quality. Currently, with the exception of the Grand Lake and Lake Thomas watersheds, land use activities are regulated under existing land use by-laws leading to a wide variation in the range of permitted land uses in the conservation zones of each community. HRM will continue to allow for a variety of land uses as currently permitted at the community level as long as these uses do not threaten the municipal water supply. Activities and practices within the provincially designated Pockwock Lake, Lake Major and Bennery Lake watersheds are further restricted by their respective regulations prescribed under the *Environment Act*.

Consideration needs to be given to adopting sustainable measures to manage the supply of potable water for HRM communities that draw water from Lake Thomas and Grand Lake. The future water supply needs of the Halifax International Airport and Aerotech Industrial Park also need to be considered.

E-8 HRM shall, through the applicable land use by-law, establish a Protected Water Supply Zone. This Zone shall be applied to all publically owned lands within designated public watersheds including, but not limited to, the Pockwock, First and Second Chain Lakes, Lake Major, Bennery Lake watersheds and to lands around Topsail Lake and Lake Lamont and Tomahawk Lake. This Zone shall also be applied to private lands within these watersheds as is necessary to protect the public water supply. The Zone shall permit water distribution and purification facilities, passive parks and trails, conservation related uses, and other uses as provided by the existing secondary planning strategies for these areas.

3.3.1 Rural Commuter Designation

The primary intention of the Rural Commuter Designation is to focus low to medium-density uses within defined centres which are within easy commuting distance to the Regional Centre, to support

the delivery of convenience services to the surrounding settlement area, protect the natural resource base and preserve the natural features that foster the traditional rural community character. Residential development within this designation has historically been characterized by large lot residential developments. Many residents who reside here commute to the urban and suburban centres for employment.

- S-6 HRM shall establish the Rural Commuter Designation, shown on the Generalized Future Land Use Map (Map 2), as the area within commuting distance of the Regional Centre that has been heavily influenced by low-density residential development. The primary intent of this designation shall be to protect the character of rural communities and conserve open space and natural resources by focussing growth within a series of centres, as shown on Settlement and Transportation Map (Map 1), and carefully controlling the amount and form of development between centres. The three types of centres within the designation are the Rural Commuter, Rural Commuter District and Rural Commuter Local centres.

An analysis of two-lane commuter highways within HRM has indicated that high traffic volumes on two highways, Beaver Bank Road and Hammonds Plains Road, are nearing a safety threshold. In both cases, new links in the roadway network have been proposed that would reduce traffic loading to a point where safe highway access could be provided. The significant cost of these new roadway links (the Beaver Bank Bypass in the case of Beaver Bank Road and Highway 113 in the case of Hammonds Plains Road) can be delayed if development controls limit the amount of additional traffic that will be added to these two commuter highways.

Through the subdivision process, new development has a role in helping to fund required traffic solutions through capital cost contributions. This approach may be viable and warrants further analysis through comprehensive master planning at the secondary planning level.

Until a substantive change is made in the infrastructure capacity within the Hammonds Plains and Beaver Bank areas, due to the safety concerns stated in section 4.1.1.4, it is appropriate to limit all further residential subdivision activity involving new public roads in these areas. As provided for by the *Municipal Government Act*, existing plans of residential subdivision, at the tentative or final plan of subdivision stage on or before the effective date of this Plan, shall be permitted to proceed through to completion.

Residential development will be encouraged where adequate transportation facilities are made available and transit oriented centres established such as at each end of the Hammonds Plains Road as shown on the Settlement and Transportation Map (Map 1).

- S-25 HRM shall, through the Subdivision By-law, limit development within portions of the Hammonds Plains and Beaver Bank communities to prohibit residential development on new roads.

-
- S-26 To determine the feasibility of new development funding additional traffic infrastructure in the Hammonds Plains and Beaver Bank communities, HRM shall, through the secondary planning process, consider comprehensive master planning in accordance with the capital cost contribution policy.
- S-27 Notwithstanding Policy S-25, HRM shall, through the Subdivision By-law, provide for infill subdivision within the identified portions of Hammonds Plains and Beaver Bank, where in the opinion of the Traffic Authority, new roads would promote the intent of this Plan by enhancing traffic safety.
- S-28 In recognition of on-going residential subdivisions within the approval process on lands outside of the portions of the Hammonds Plains and Beaver Bank communities identified pursuant to Policy S-25 and within the Beaver Bank, Hammonds Plains and Upper Sackville Secondary Planning Strategy, HRM shall, through the Subdivision By-law, restrict future development resulting from concept applications which were filed prior to Council's first notice of its intention to adopt this Plan. Subdivision pursuant to any completed concept plan application on file prior to Council's first notice of its intention to adopt this Plan, shall be permitted to proceed through to completion on the basis of the approval of a maximum of 25 lots per year. Where a completed tentative or final subdivision application, for the initial phase of subdivision construction, pursuant to a completed concept application has not been filed within one year of Council's first notice of its intention to adopt this Plan, the subdivision may proceed as per Policies S-15, S-16, S-18 or S-23.
- IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:
- (a) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of HRM to absorb any costs relating to the development;
 - (ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;
 - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
 - (iv) the adequacy of road networks leading to or within the development;
 - (v) the potential for damage to or for destruction of designated historic buildings and sites;
 - (b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;

- (iv) open storage;
 - (v) signs; and
- (c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

8.5 SECONDARY MUNICIPAL PLANNING STRATEGIES

HRM intends to review Secondary Planning Strategies to ensure that they are consistent with this Plan and that they reflect current community issues and desires for future change. In most cases, the goals of the planning strategies are consistent with the policies of this Plan. Some immediate changes will be made to secondary planning strategies upon the adoption of this Plan. Additional changes will be needed over time to rationalize the number of secondary planning strategies and to ensure that local planning policies do not conflict with this Plan. Distinct community character and aspirations will be addressed through secondary planning and urban design processes including visioning exercises as described in Chapter 9.

IM-19 Existing Secondary Planning Strategies shall remain in effect and continue as official municipal policy until repealed.

IM-20 When evaluating a proposal for a development agreement or rezoning under this Plan or a Secondary Planning Strategy, all applicable policies under this Plan shall be considered, with the exception of non-substantive amendments to existing development agreements entered into prior to the effective date of this Plan and any agreement pursuant to Policy IM-21.

IM-22 In the event of conflict between this Plan and a Secondary Planning Strategy, the more stringent shall prevail.

Attachment B
Relevant Secondary MPS Policies

WATERSHED DESIGNATION

The protection of the watershed is a matter of regional importance. The Pockwock water transmission and distribution system, owned by the Halifax Regional Water Commission, serves the former City of Halifax, Town of Bedford, Sackville, Waverley/Windsor Junction, and Lakeside/Timberlea.

The Pockwock Lake watershed lands were acquired by the Province of Nova Scotia in the early 1970s. They have been managed since 1976-77 by a Watershed Management Committee consisting of members from the Nova Scotia Department of the Environment, Department of Natural Resources and the Halifax Regional Water Commission. In December 1994, the Pockwock Watershed was designated as a "protected area" under the Provincial Environment Act.

Within the Pockwock watershed, forestry operations are carried out under a management agreement in conformity with watershed management plans prepared by the Department of Natural Resources in consultation with the Halifax Regional Water Commission. Overly mature trees have a more detrimental effect in terms of watershed protection than selective cutting, which helps ensure the health of the forests. Therefore, forestry activity is considered as necessary for good management of the watershed and will be considered as a necessary watershed management use. All work is carried out to ensure that forest activities enhance the ability of the watershed to produce the highest quality water for potable water production.

At present, the Public Service Commission obtains all of its water directly from Pockwock Lake. However, Tomahawk Lake, to the south, has been identified as an additional source. As the long term capacity of Pockwock Lake is approached, water would be pumped from Tomahawk Lake into Pockwock. The Strategy supports the Tomahawk Lake watershed as a public watershed area in recognition of long term plans to use the lake as a supplementary supply.

The majority of the Tomahawk watershed is owned by the Halifax Regional Water Commission and includes all lands with lakeshore frontage on Tomahawk Lake. There is less interest in acquiring the three non-waterfront properties within the watershed, and it is possible that these lands may remain in private ownership. These lands are undeveloped and fairly inaccessible and are used primarily for wood lot purposes.

It is important to ensure that although reasonable use is permitted of watershed lands, they should be used in a manner which will not threaten water quality. Limited residential development will be permitted within the Watershed Designation subject to zone requirements established to ensure that water quality is protected.

- P-58 In recognition of the importance of protecting the Pockwock Lake potable water supply, it shall be the intention of Council to establish the Watershed Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E).
- P-59 Within the Watershed Designation, it shall be the intention of Council to create a P-4 (Conservation) Zone which permits water distribution uses and resource uses compatible with watershed management. It shall also provide for limited residential development on lots which have a minimum area of 80,000 square feet. Further, the land use by-law shall provide that no dwelling shall be located within one hundred (100) feet of any watercourse or within two hundred and fifty (250) feet of Tomahawk Lake, Beaver Lake or Pockwock Lake.

The "Melvin Tract"

A large landholding within the Tomahawk Lake watershed, known as the 'Melvin Tract', is owned by the community of Upper Hammonds Plains and overseen by the Melvin Land Tract Protection Society. This parcel consists of approximately one thousand acres and was granted to the community's first settlers by the King of England in the early 1800s. These lands have traditionally been used for woodlot purposes by community residents and are viewed as an important community resource. Because the 'Melvin Tract' has no frontage on Tomahawk Lake, the Halifax Regional Water Commission has minimal interest to pursue acquisition of this parcel, except for a wetland area south of Beaver Lake.

There are several problems which have the potential to interfere with the use of this parcel for community benefit. There is no access to this land from the public road system, although there are woods roads which have traditionally been used by the community. In addition, this parcel has not been surveyed since it was originally granted. Therefore, accurate boundary surveys are needed, but costs associated with such a survey are considered prohibitive.

The most recent problem relates to the Tract's location in the Tomahawk Lake watershed and the implications this has in terms of land use restrictions. However, the acquisition plans of the Public Service Commission do not appear to be a factor in traditional community use of these lands for woodlot purposes, due to the Public Service Commission's expressed intention not to pursue the acquisition of these lands unless the community is interested in selling.

There are two options which have been identified as possible solutions to the problems described above. The first option relates to developing the land for its forestry resource. Financial and technical assistance can be obtained through the Department of Natural Resources under its Forest Management Plan program, which includes financial assistance for boundary line surveys, as well as funds to employ workers in silviculture. In addition, woods roads construction costs may also be funded.

This program could be useful in providing a long term solution to protecting and utilizing the Melvin Lands while creating local employment and upgrading the value of the forest resource. A critical positive factor relates to the compatibility of forestry activities with watershed management.

A second option available to the community is a property exchange with the Department of Natural Resources. This provincial department has a policy of considering exchanges of crown and private lands when such a trade serves to benefit an identified community interest. Under such an arrangement, the Province would be in a position to facilitate acquisition of the Tomahawk Lake watershed. This option would require that a suitable alternative crown land parcel could be identified which would be acceptable to the residents of Upper Hammonds Plains and the Melvin Land Tract Protection Society.

P-60 It shall be the intention of Council, in consultation with the community of Upper Hammonds Plains and the Department of Natural Resources, to provide support in identifying measures to resolve problems which exist with the community use of the Melvin Tract Lands. In particular, Council shall assist the community in investigating the establishment of a Forest Management Plan for these lands or a crown land transfer to obtain community land outside of the Tomahawk Lake watershed.

RURAL RESOURCE DESIGNATION

The Rural Resource Designation has generally been applied to the backlands within each of the three polling districts of the Plan Area. The area covered by the designation is primarily forested, interspersed with numerous lakes and streams. These largely undeveloped lands, which for the most part have no access to public roads, strongly contribute to the rural nature of the Plan Area. A network of private woods roads crosses large portions of the designation.

Land Use Policies

The first priority of the Rural Resource Designation is to encourage and support resource development and resource-based economic growth. Industrial development related to the natural resources will be permitted within the designation. Resource-related uses include operations such as sawmills and related forest industries, gravel pits, quarries and crushers, kennels, greenhouses and intensive agriculture operations.

Single unit dwellings and mobile dwellings shall be permitted, although on larger lots than required for residential areas. The larger minimum lot size requirement is in keeping with existing parcels in the designation, the majority of which are in excess of 100 acres. This increased minimum lot size also serves to promote and protect the valued rural aspects of the area. It will aid in creating compatibility between resource and residential development and recognizes the first priority of the area as resource development.

- P-48 It shall be the intention of Council to establish the Rural Resource Designation as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within the designation, it shall be the intention of Council to recognize the area as a priority for resource development. The designation shall encourage and support resource development, resource based economic growth and recreation uses while supporting measures to protect the natural environment.
- P-49 Within the Rural Resource Designation, it shall be the intention of Council to establish a MR-1 (Mixed Resource) Zone which permits continued resource use, resource industries, recreation uses, and communication transmission stations, and reflects the intent of the designation in ensuring low density development by permitting development of single unit dwellings, mobile dwellings and business activities in association with residential uses on lots which have a minimum area of eighty thousand (80,000) square feet. Further, it shall be the intention of Council that separation distances from industrial development in a MR-1 (Mixed Resource) Zone to abutting R-1 (Single Unit Dwelling) or R-6 (Rural Residential) Zones be established, that a visual and physical buffer be provided within the required separation distance, and that access through R-1 (Single Unit Dwelling) Zone be restricted except where no other access can be granted by the Department of Transportation or Halifax Regional Municipality.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
 - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and

- (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
- (e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

Attachment CComparison of the P-4 (Conservation) Zone with the PWS (Protected Water Supply) Zone
under the Land Use By-law for Beaver Bank, Hammond Plains and Upper SackvilleFormer P-4 Zone under By-lawPART 24: P-4 (CONSERVATION) ZONE24.1 P-4 USES PERMITTED

No development shall be issued in any P-4 (Conservation) Zone except for the following:

Water distribution uses
Watershed management uses
Conservation related uses
Agriculture and forestry uses involving no building
Historic sites and monuments
Public parks involving no buildings
Trails
Single Unit dwellings
Mobile dwellings

24.2 P-4 ZONE REQUIREMENTS: SINGLE UNIT AND MOBILE DWELLING

In any P-4 Zone, where single unit and mobile dwellings are permitted, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7432 m ²)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Side Yard	15 feet (4.6 m)
Minimum Rear Yard	25 feet (7.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

24.3 P-4 ZONE REQUIREMENTS: OTHER USES

In any P-4 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858 m ²)
Minimum Front or Flankage Yard	25 feet (7.6 m)
Minimum Side Yard	15 feet (4.6 m)

Minimum Rear Side Yard

25 feet (7.6 m)

24.4 OTHER REQUIREMENTS: SETBACKS FROM WATERCOURSES

- (a) Notwithstanding the provisions of Sections 24.2 and 24.3, no development permit shall be issued for any dwelling or accessory structure within 100 feet of the rim of any watercourse or 250 feet of the rim of Pockwock, Beaver, or Tomahawk Lake.
- (b) Notwithstanding Section 4.18, water distribution uses may be built to the lot line where the line corresponds to the shore line.

Current PWS Zone under By-law

PART 24: PWS (PROTECTED WATER SUPPLY) ZONE

24.1 PWS USES PERMITTED

No development permit shall be issued in any PWS (Protected Water Supply) Zone except for the following:

- Municipal water distribution or purification facilities
- Conservation uses
- Public Parks
- Uses accessory to the foregoing uses

24.2 PWS ZONE REQUIREMENTS

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

- Minimum Front or Flankage Yard: 9.1m
- Minimum Rear or Side Yard: 4.6m

(RC-Jun27/06;E-Aug26/06)

Attachment D
Case 00969: Proposed Amendments to the
Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by as enacted by the Council of Halifax Regional Municipality on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs on the 22nd day of April, 2004 as amended, is hereby further amended as follows:

1. Adding the words "Agriculture and forestry uses involving no buildings, Single Unit Dwellings and Mobile Dwellings" after the words "Public Parks" in Section 24.1 PWS USES PERMITTED.

2. Replacing Sub-section "24.2 PWS ZONE REQUIREMENTS" with the following:

24.2 PWS ZONE REQUIREMENTS: SINGLE UNIT AND MOBILE DWELLINGS

In any PWS Zone, where single and mobile dwellings are permitted, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	7432 m ²
Minimum Frontage	61m
Minimum Front or Flankage Yard:	6.1m
Minimum Side Yard:	4.6m
Minimum Rear Yard:	7.6m
Maximum Height of Main Building	10.7m

24.3 PWS ZONE REQUIREMENTS: OTHER USES

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

Minimum Lot Area 1858m2

Minimum Front or Flankage 7.61m
Yard:

Minimum Side Yard: 4.6m

Minimum Rear Yard: 7.6m

24.4 OTHER REQUIREMENTS: SETBACKS FROM WATERCOURSES

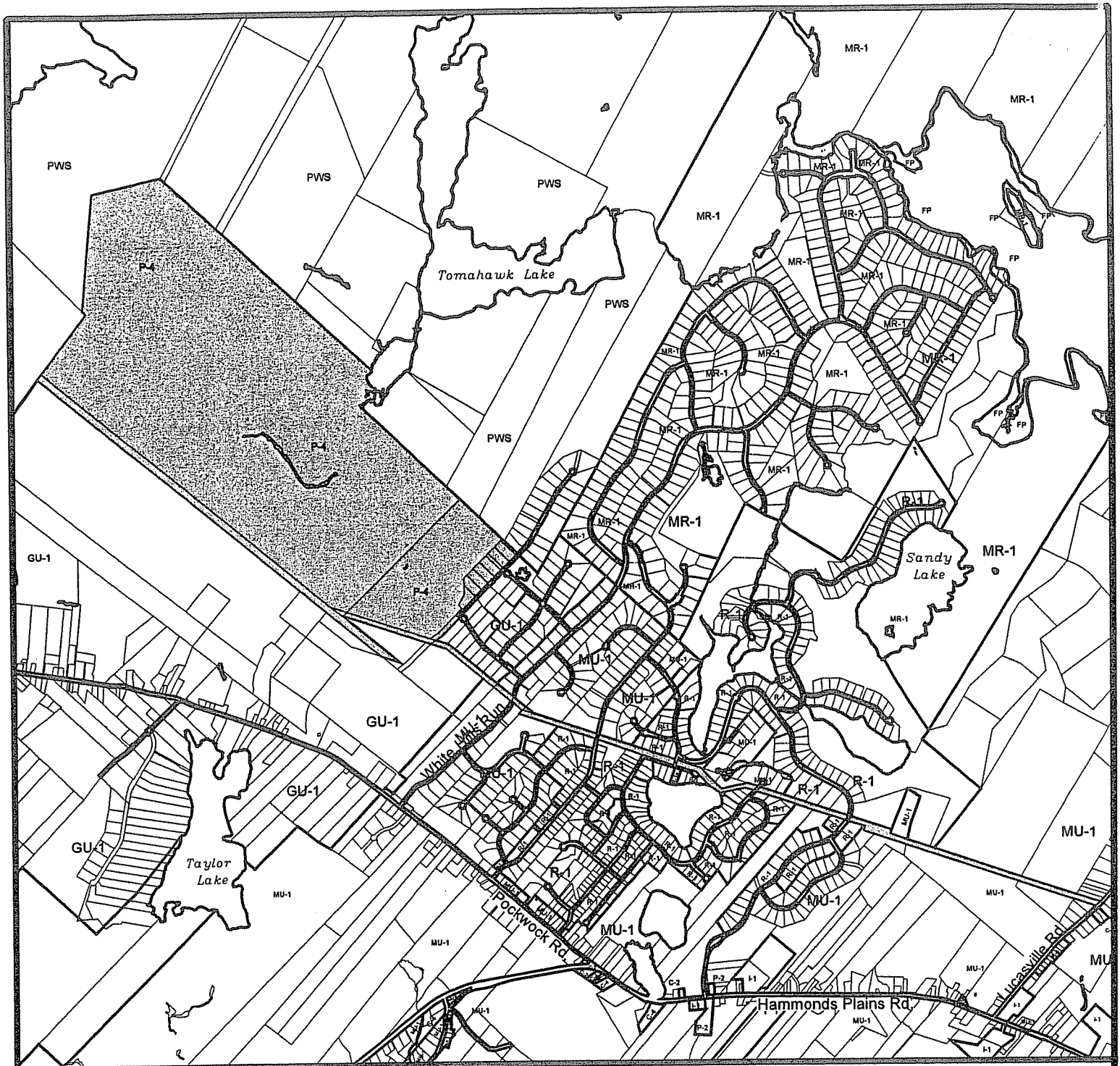
- (a) Notwithstanding the provisions of Sections 24.2 and 24.3, no development permit shall be issued for any dwelling or accessory structure within 30.5 metres of any watercourse or 76.2 metres of the rim of Pockwock, Beaver, or Tomahawk Lake.
- (b) Notwithstanding Section 4.18, water distribution uses may be built to the lot line where the line corresponds to the shore line.

- 3. Amending Map 1B to rezone lands of Hartland Developments Limited and the Melvin Tract Society, from from P-4 (Conservation) Zone to PWS (Protected Water Supply) Zone as shown on Schedule A of this report.

I HEREBY CERTIFY that the amendment to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as set out above, was passed by a majority vote of the whole Western Region Community Council at a meeting held on the ____ day of _____, 2006


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ___ day of _____, 2006

Jan Gibson
Municipal Clerk



**Schedule "A"
Zoning Map**

HALIFAX
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Planning Services

 Area to be Rezoned to PWS

R Residential Designation
RR Rural Resource Designation
UHP Upper Hammonds Plains Designation

MU-B Mixed Use B Designation
WS Watershed Designation

