



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

**Item No.**  
**Halifax and West Community Council**  
**July 25, 2017**

**TO:** Halifax and West Community Council

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

**DATE:** June 27, 2017

**SUBJECT:** **Case 19535: Amendments to the MPS and LUB for Timberlea/ Lakeside/ Beechville - 1831 St. Margarets Bay Road, Timberlea**

---

**ORIGIN**

- Application by Shining Waters Marine Ltd.
- May 24, 2016, Regional Council initiated the MPS amendment process when it passed the following motion:

THAT Halifax Regional Council

1. Initiate the process to consider amending the Municipal Planning Strategy and Land Use By-law for Timberlea/Lakeside/Beechville, to permit commercial development at 1839 & 1841 St. Margarets Bay Road, Timberlea, and to amend the parking requirements in the Land Use By-law for restaurants and to introduce landscape requirements in the C-2 Zone; and
2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

When Council initiated the process in May, 2016, the subject property had two houses, with civic numbers 1839 and 1841. Those houses have been torn down, and the subject property has been renumbered to 1831 St. Margarets Bay Road.

**LEGISLATIVE AUTHORITY**

*See Attachment D*

## **RECOMMENDATION**

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

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and the Land Use By-law for Timberlea/ Lakeside/ Beechville, as set out in Attachments A and B of this report, that would:
  - re-designate 1831 St. Margarets Bay Road to the Commercial Core Designation;
  - rezone 1831 St. Margarets Bay Road to the C-2 (General Business) Zone to enable a proposed development with restaurant, retail uses and office uses;
  - reduce parking standards for restaurants;
  - require new or expanded commercial parking in the C-2 Zone to be visually screened from abutting properties zoned or used for residential or community uses;
  - require landscaping in the front yard of new or expanded commercial developments in the C-2 Zone, and schedule a public hearing; and
2. Approve the proposed amendments to the MPS and LUB for Timberlea/ Lakeside/ Beechville, as set out in Attachments A and B of this report.

## **BACKGROUND**

Shining Waters Marine Limited has applied to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Timberlea/Lakeside/Beechville, to permit commercial development at 1831 St. Margarets Bay Road, Timberlea (subject property). This proposal requires an MPS amendment. The applicant wishes to develop a commercial building, but the subject property is currently designated Urban Residential under the MPS and zoned R-1 (Single Unit Dwelling) under the LUB. The development proposal includes a drive-in restaurant, office uses, and general retail uses.

<b>Subject Site</b>	1831 St. Margarets Bay Road, Timberlea (PID 40027104)
<b>Regional Plan Designation</b>	Urban Settlement
<b>Community Plan Designation (Map 1)</b>	Urban Residential (UR) under the MPS for Timberlea/ Lakeside/ Beechville
<b>Zoning (Map 2)</b>	R-1 (Single Unit Dwelling) under the LUB for Timberlea/ Lakeside/ Beechville
<b>Size of Site</b>	4,450 square metres (47,899 square feet)
<b>Street Frontage</b>	72 metres (236 feet)
<b>Current Land Use(s)</b>	Vacant. Property has water frontage along Governor Lake, with trees and shrubs located on the rear and east side of the lot.
<b>Surrounding Land Use(s)</b>	Governor Lake is north of the subject property. A retail store is to the east, at 1823 St. Margarets Bay Rd. South (across the street) of the subject property is a gas station and car wash. Residential properties are west of the subject property, with the property immediately west being vacant.

## **Proposal Details**

The application is to re-designate the subject site to the Commercial Core Designation and rezone to C-2 (General Business) Zone. The applicant wishes to develop a commercial building with a ground floor area of 535 m<sup>2</sup> (5,760 ft<sup>2</sup>), which includes a drive-in restaurant, general retail and office uses. The proposed building includes a total of 4,540 ft<sup>2</sup> of office space, 2,260 ft<sup>2</sup> of restaurant space and 1,990 ft<sup>2</sup> of general retail space.

Regional Council initiated the consideration of an MPS amendment process on May 24, 2016, when they

passed the following motion:

THAT Halifax Regional Council

1. Initiate the process to consider amending the Municipal Planning Strategy and Land Use By-law for Timberlea/Lakeside/Beechville, to permit commercial development at 1839 & 1841 St. Margarets Bay Road, Timberlea, and to amend the parking requirements in the Land Use By-law for restaurants and to introduce landscape requirements in the C-2 Zone; and
2. Follow the public participation program for municipal planning strategy amendments that was adopted by Regional Council on February 27, 1997.

When Council initiated the process in May, 2016, the subject property had two houses, with civic numbers 1839 and 1841. Those houses have been torn down, and the subject property has been renumbered to 1831 St. Margarets Bay Road.

### **MPS and LUB Context**

The subject property is designated and zoned for residential uses. The Urban Residential designation does not allow general commercial uses. It also does not allow rezoning for commercial use. The Urban Residential designation's purpose is to provide a place for low density residential, with few commercial options. Therefore, the subject property's R-1 Zone does not allow the commercial use that the applicant wishes to develop.

The applicant is asking to designate the subject property as Commercial Core. Under the MPS, the Commercial Core designation's main function is to provide commercial land for the Plan Area. Commercial land use in Timberlea is an example of suburban commercial development. Most commercial uses are spread along St. Margarets Bay Road, and include a mix of local convenience, highway commercial and office uses. Many of these commercial uses have large parking lots. The Commercial Core's location near the intersection of Timberlea Village Parkway was chosen for its ability to accept growth with minimal negative impacts on housing.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the Municipal Community Engagement Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement is consultation. Engagement to date has included: providing information and seeking comments through the HRM website; posting a sign on the subject property; mailing letters to property owners in the notification area and to owners of C-2 zoned properties; and hosting a Public Information Meeting (PIM) on March 1, 2017. Attachment E contains a copy of the minutes from the Public Information Meeting. Public comments included:

- Concerns about how parking, traffic and lighting may affect houses next to the subject site;
- Residents' desire for a buffer between commercial properties and residential properties;
- Residents' desire for access to Governor Lake, and their desire to have a park in a prominent location in Timberlea. Several residents expressed their strong preference for the Municipality to buy a lot next to the subject site for parkland; this lot is also owned by the applicant; and
- A concern that newspaper ads in the Chronicle Herald were not being read, as circulation is down during the strike. A reporter from the Masthead News suggested ads should also be placed in that newspaper, which is distributed in the area.

A public hearing must be held by Regional Council before they can consider approving the proposed MPS and LUB amendments. If Regional Council decides to proceed with a public hearing on this application, property owners in the notification area shown on Map 2 will be told about the hearing by regular mail. Residents who own C-2 zoned properties will also be notified by regular mail. Ads for the hearing will be published in a local newspaper.

The proposal will potentially impact residents, adjacent property owners, and people and businesses who own land that is zoned C-2.

## **DISCUSSION**

A Municipal Planning Strategy is a strategic policy document. It sets out the goals and direction for long term growth and development in the Municipality. While an MPS provides broad direction, Regional Council may consider requests to amend an MPS to permit proposed development that is inconsistent with existing MPS policies. Amending an MPS is a major undertaking and Council is not required to consider such requests. Amendments should only be considered within the broader planning policy context, and when there is reason to believe that circumstances have changed since the relevant MPS policy was adopted, or last reviewed.

### **Proposed Amendments**

Staff considered the existing MPS policy and LUB context, the nature of the request, the initial direction from Regional Council, and public feedback when drafting the proposed amendments. Attachment A and B contain the proposed MPS and LUB amendments. In summary, the proposed amendments are to:

- Re-designate 1831 St. Margarets Bay Road (PID 40027104) from Urban Residential to Commercial Core;
- Rezone 1831 St. Margarets Bay Road (PID 40027104) from R-1 to C-2;
- Reduce the parking standards for restaurants;
- Introduce a requirement in the C-2 Zone that commercial parking next to properties zoned or used for residential or community uses has a privacy screen; and
- Introduce landscaping requirements in the C-2 Zone.

### **Applying the Commercial Core designation and C-2 Zone**

Staff considers the re-designation and rezoning request appropriate. The area to be re-designated and rezoned was recently used for residential purposes, but the two houses that were on the subject property have been demolished. Staff has outlined below how the Commercial Core designation is compatible with the nearby residential properties, and how the subject property is a suitable location for commercial development.

The intent of the Urban Residential Designation is to protect established low density development. This requires staff to consider how this application will affect residential properties near the subject property. The subject property is separated from existing residential properties by a vacant lot about 20 m wide (66 feet). This lot will continue to be zoned and designated for residential uses. Staff feels this is an appropriate size buffer. Staff also recommend amending the LUB to require a privacy screen between parking lots in the C-2 Zone and properties zoned or used for residential or community uses. This amendment is discussed in more detail in the section on parking standards.

The MPS states that “the primary function of the Commercial Core Designation is to provide a commercial focus for the Plan Area”. As shown on Map 1, properties next to and across the street from the subject property are now designated Commercial Core. There is a large (2 hectares, or 5 acres) vacant property designated and zoned for commercial uses near the subject property, at the corner of St. Margarets Bay Road and the Timberlea Village Parkway. A commercial designation was specifically chosen for many lands around the subject property, and there are many businesses now operating in the area, including a restaurant, a tavern, a gas station and a pharmacy.

MPS policies direct Council to limit how far commercial properties can expand along St. Margarets Bay Road. Staff is satisfied this is not a major concern for the subject property, because the MPS policies would not support re-designating nearby stable residential areas for commercial use.

Parking Standards

In 2008, the HRM adopted a Parking Strategy Functional Plan. The Parking Strategy found HRM parking standards for many uses, including restaurants, were the highest of 12 jurisdictions studied. One recommendation of the Parking Strategy is to reduce minimum parking standards.

The table below (Table 1.) shows the current parking standards for different types of restaurants, in different zones across the Municipality.

**Table 1.** Existing parking standards, for different types of restaurants, taken from a sample of Land Use By-laws in Halifax Regional Municipality.

Land Use	Land Use By-law				
	Timberlea/ Lakeside/ Beechville	Cole Harbour/ Westphal	Bedford	Sackville Drive	Halifax Mainland
Drive-In or Drive-Thru Restaurant	27 spaces per 1000 ft <sup>2</sup> of gross floor area	27 spaces per 1000 ft <sup>2</sup> of gross floor area	27 spaces per 1000 ft <sup>2</sup> of public area	8 spaces per 1000 ft <sup>2</sup> of public area	8 spaces per 1000 ft <sup>2</sup> of gross floor area
Full Service Restaurant	20 spaces per 1000 ft <sup>2</sup> of gross floor area	20 spaces per 1000 ft <sup>2</sup> of gross floor area	20 spaces per 1000 ft <sup>2</sup> of public area	10 spaces per 1000 ft <sup>2</sup> of public area	8 spaces per 1000 ft <sup>2</sup> of gross floor area
Take-Out Restaurant	16 spaces per 1000 ft <sup>2</sup> of gross floor area	16 spaces per 1000 ft <sup>2</sup> of gross floor area	16 spaces per 1000 ft <sup>2</sup> of public area	10 spaces per 1000 ft <sup>2</sup> of public area	8 spaces per 1000 ft <sup>2</sup> of gross floor area

Parking standards for restaurants found in the Timberlea/ Lakeside/ Beechville LUB are among the highest in HRM. Several Land Use By-laws from the former Halifax County have the same high parking standards. These standards dramatically shape the size of parking lots. The applicant had an earlier concept for commercial development where a 67-space parking lot took up the entire site and spread onto the property next door, which the applicant also owns. Although this parking lot spread beyond the subject site, it would still not have provided enough parking spaces to meet the requirements under the existing LUB. The LUB requires 83 parking spaces for the current development proposal: 61 spaces for the 2,260 ft<sup>2</sup> restaurant; 7 spaces for the 1,990 ft<sup>2</sup> of general retail space; and 15 spaces for 4,540 ft<sup>2</sup> of office space. Staff feels this parking requirement is excessive, especially for restaurants. Staff recommends amending the LUB to reduce parking standards for restaurants, and that the Sackville Drive parking standards for restaurants be adopted.

In addition, many HRM Land Use By-laws require a fence or a row of shrubs between commercial parking lots and residential zones. Staff recommend amending the LUB to require a five-foot-high screen between commercial parking lots and abutting properties zoned or used for residential or community uses. This is similar to the visual buffers required in the Sackville Drive, Bedford and Halifax Mainland Land Use By-laws. The buffer will not fully block resident's from seeing the parking lot, but will create a distinct separation and reduce the glare from vehicle headlights.

Attachment B has the full text of the proposed LUB amendments for parking standards and for screening commercial parking.

Landscaping Standards

Many suburban Land Use By-laws in HRM require the front portion of the commercial developments to be landscaped, usually with a mix of grass, trees and shrubs. Landscaping is attractive, and helps absorb stormwater runoff from parking lots. The table below (Table 2.) shows front yard landscape requirements in several HRM Land Use By-laws.

**Table 2.** Landscape buffer standards, from a sample of Land Use By-laws in Halifax Regional Municipality.

	Land Use By-law				
	Timberlea/ Lakeside/ Beechville	Cole Harbour/ Westphal	Bedford	Sackville Drive	Halifax Mainland
Landscape Buffer Size	----	10 ft wide landscape strip	15 ft wide landscape strip	15 ft wide landscape strip	4 ft wide landscape strip
Zones	Landscaping only required for construction & demolition waste disposal	C-2 General Business	Bedford West Business Campus	All zones, except DC Downsview Complex	C-2A Minor Commercial

Staff recommends the landscaping standards for the Cole Harbour/ Westphal LUB are reasonable to adopt for C-2 zoned properties in Timberlea/ Lakeside/ Beechville. Both are lower-density communities. A landscape strip standard would require new commercial development to have a ten-foot-wide landscaped area next to the street right of way. Landscaping would consist of grass, shrubs, and trees. Attachment B has the full text of the proposed LUB amendments for landscaping standards in the C-2 Zone.

**Conclusion**

Staff have reviewed the application, the initial direction from Regional Council, and the existing policy context and advise that the MPS should be amended to re-designate and rezone 1831 St. Margarets Bay Road to Commercial Core and C-2. Commercial uses allowed in the C-2 Zone are compatible with the area, where many properties are used for commercial and are already zoned C-2. Trinity Way, which is just west of the property, is a residential cul-de-sac. Staff believe commercial uses are compatible this close to residences on Trinity Way, as there is an undeveloped property between the houses and the subject property and the proposed LUB amendments require screening between commercial parking lots and residential properties. The stable residential neighbourhood on Trinity Way provides a location where policy does not support amendments to allow commercial uses.

Staff also recommend amendments to the parking standards for restaurants and the creation of landscape standards in the C-2 Zone. This will make new commercial developments more compatible with existing development, and make them more attractive in general. The reduced parking standards are particularly important. They will reduce the size of parking lots, and make the Commercial Core area less invasive on the landscape and generally more appealing.

**FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2016/17 operating C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed Municipal Planning Strategy amendments and corresponding Land Use By-law amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

Reduced parking standards should lead to smaller parking lots, which would lead to less stormwater runoff and fewer impacts on waterbodies.

### **ALTERNATIVES**

Halifax and West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Timberlea/ Lakeside/ Beechville, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Sections 262 and 263 of the *HRM Charter*.
2. Refuse the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Timberlea/ Lakeside/ Beechville. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Sections 262 and 263 of the *HRM Charter*.

### **ATTACHMENTS**

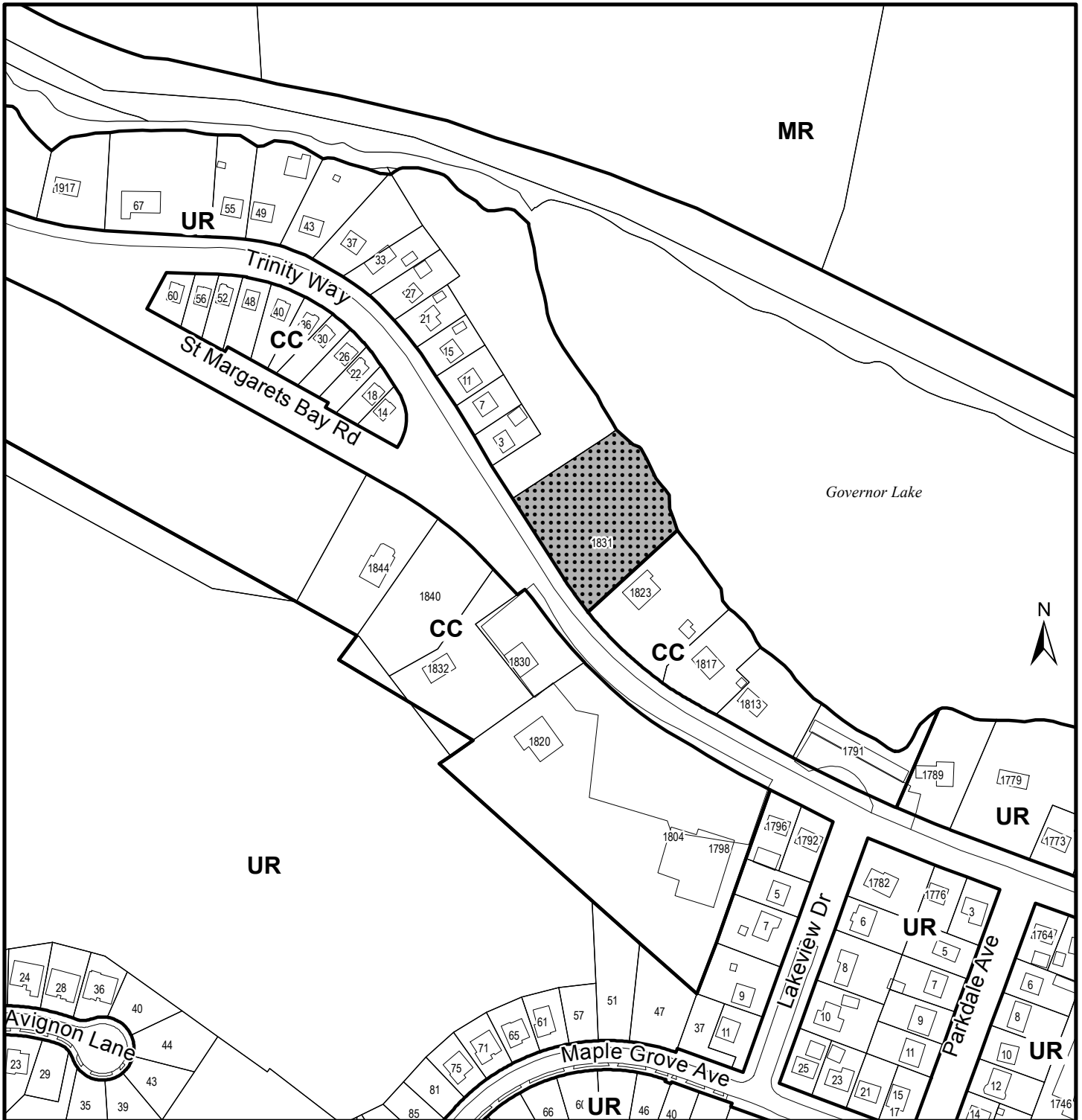
Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed MPS Amendments
Attachment B:	Proposed LUB Amendments
Attachment C:	Policy Review
Attachment D:	Legislative Authority
Attachment E:	Public Information Meeting (PIM) Minutes

---

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

Report Prepared by: Sean Gillis, Planner II, 902.490.6357

---



MR

UR

Trinity Way

CC

St Margarets Bay Rd

Governor Lake

CC

CC



UR

UR

UR


UR



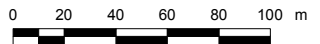
**Map 1 - Generalized Future Land Use**

1831 St. Margarets Bay Rd,  
Timberlea

**HALIFAX**

 Area proposed to be re-designated from UR (Urban Residential) to CC (Commercial Core)

**Designation**  
 UR Urban Residential  
 CC Commercial Core  
 MR Mixed Resource

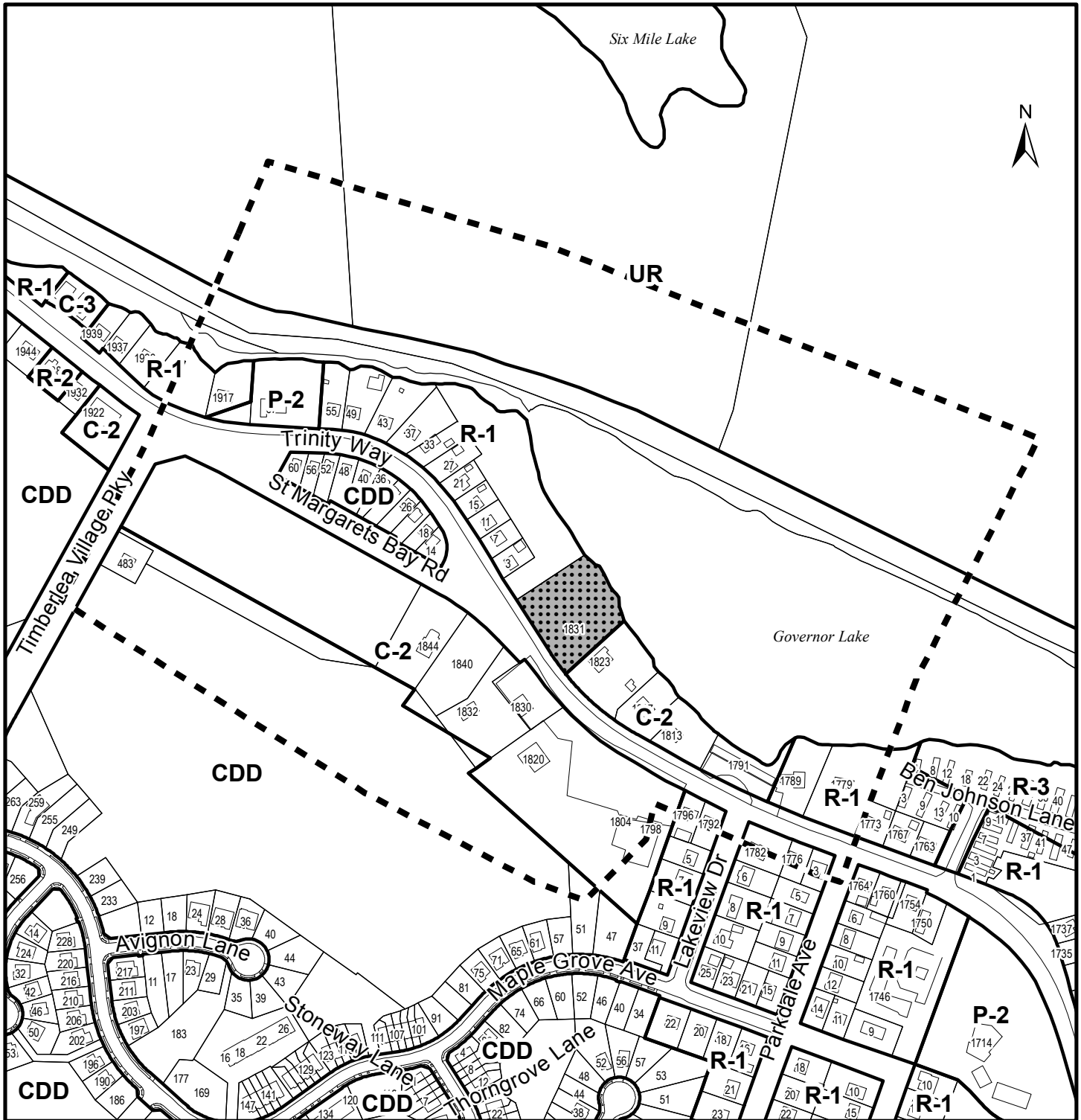


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

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

Timberlea/Lakeside/Beechville  
Land Use By-Law Area





Six Mile Lake



UR

R-1

R-1

R-1

CDD

CDD

Governor Lake

CDD

R-1

R-3

Avignon Lane

Maple Grove Ave

Ben Johnson Lane

CDD

CDD

P-2

**Map 2 - Zoning and Notification**

**HALIFAX**

1831 St. Margarets Bay Rd,  
Timberlea



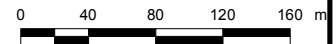
Area proposed to be rezoned  
from R-1 (Single Unit Dwelling)  
to C-2 (General Business)



Area of Notification

**Zone**

- R-1 Single Unit Dwelling
- C-2 General Business
- P-2 Community Facility
- CDD Comprehensive Development District
- UR Urban Reserve



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

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

Timberlea/Lakeside/Beechville  
Plan Area

## **Attachment A: Proposed Amendments to the Municipal Planning Strategy for Timberlea/ Lakeside/ Beechville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Timberlea/ Lakeside/ Beechville as enacted by the former Halifax County Municipality on the 10th of August, 1992 and approved by the Minister of Municipal Affairs on the 20th of November, 1992, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 14th day of June, 2014, is hereby further amended as follows:

1. Map 1 – Generalized Future Land Use Map is amended as shown on Schedule 1.

**Bold** text is added, and text that is struck-through is removed.

2. By amending the COMMERCIAL CORE DESIGNATION as follows:

Commercial land use in Timberlea/Lakeside/Beechville is illustrative of an early stage of suburban commercial development. Commercial uses are predominately dispersed along Highway No. 3 and include autobody shops, neighbourhood convenience outlets, highway commercial uses such as gas stations, and business uses found within dwellings. There is also a small shopping centre in Timberlea which contains a grocery store and a pharmacy. Other commercial uses in the general vicinity include a tavern, a doctor's office and a motel.

The previous section on residential land use, particularly Policies UR-20, UR-21 and UR-22, dealt with various commercial activities outside the Commercial Designation.

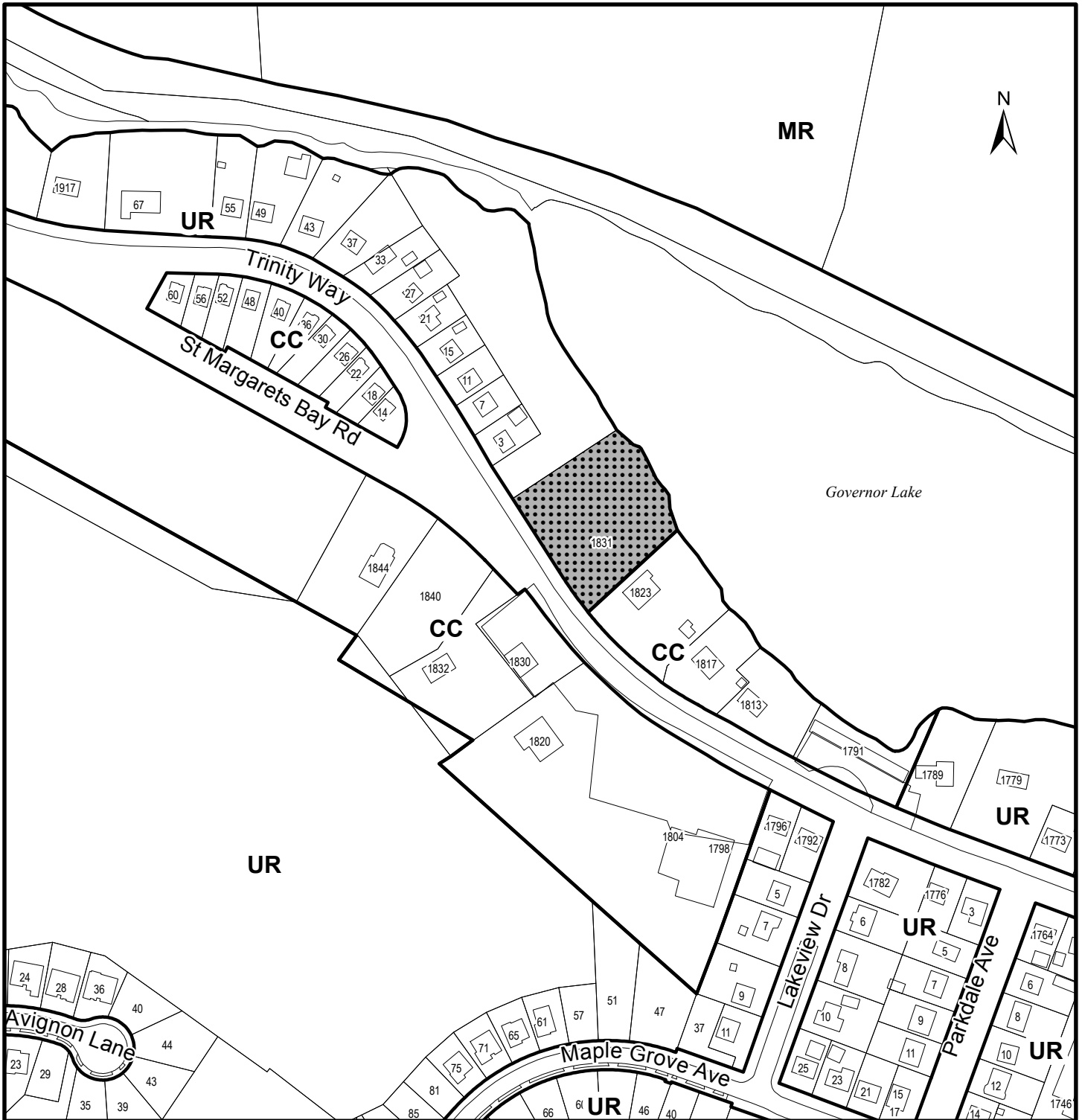
The location of the commercial core has been chosen primarily on its ability to accept growth with minimum adverse impact on the residential environment. It is sufficiently large to sustain a functional mixture of community facility, recreational, commercial, mixed use commercial/residential developments, cultural, retail and entertainment uses and is located so as to take advantage of existing, as well as potential transportation investment in collector roads, interchanges and public transit.

CC-1 It shall be the intention of Council to establish the Commercial Core Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the designation are intended to provide a commercial and service focus for the Plan Area.

CC-2 Within the Commercial Core Designation, it shall be the intention of Council to establish a general business zone which permits general commercial uses not exceeding fifty thousand (50,000) square feet of gross floor area, and also permits special trade contracting services and shops not exceeding two thousand (2,000) square feet in gross floor area along with community uses and existing dwellings. This zone shall also permit up to two (2) dwelling units to be used on conjunction with permitted commercial uses, as well as boarding and rooming houses. The zone shall be applied to existing commercial uses in the Residential Designation, subject to the conditions established in Policy UR-21, and within the General Commercial Designation subject to Policy CG-2.

**Given location of the commercial core has been chosen to minimize negative impacts on residential areas, appropriate screening and landscaping requirements shall also be established in the Land Use By-law.**

**CC-2A Within the Commercial Core Designation, it shall be the intention of Council to require commercial parking in the general business zone located next to a property used or zoned for residential or community uses to incorporate a visual screen, as described in the Land Use By-law. In addition, the general business zone shall include a requirement for a landscaped area in the front yard.**



MR

UR

Trinity Way

St Margarets Bay Rd

CC

Governor Lake

CC

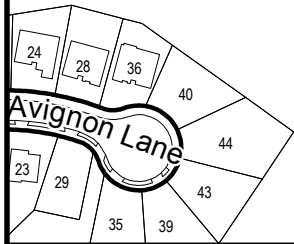
CC

UR

UR

UR


UR



**Schedule 1 - Generalized Future Land Use**

**HALIFAX**

1831 St. Margarets Bay Rd,  
Timberlea

 Area to be re-designated from UR (Urban Residential) to CC (Commercial Core)

**Designation**

- UR Urban Residential
- CC Commercial Core
- MR Mixed Resource



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

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

Timberlea/Lakeside/Beechville  
Land Use By-Law Area

**Attachment B: Proposed Amendments to the Land Use By-law for  
Timberlea/ Lakeside/ Beechville**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/ Lakeside/ Beechville as enacted by the former Halifax County Municipality on the 10th of August, 1992 and approved by the Minister of Municipal Affairs on the 20th of November, 1992, which includes all amendments thereto which have been approved by the Municipality and are in effect as of the 8<sup>th</sup> day of April, 2017, is hereby further amended as follows:

1. By Amending Schedule A, Zoning Map as shown on Schedule 2.

**Bold** text is added, and text that is struck-through is removed.

2. By amending PART 4, Section 4.27 PARKING REQUIREMENTS as follows:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
Banks, financial institutions and general offices	3.3 spaces per 1,000 square feet (92.9 m <sup>2</sup> ) of gross floor area
Motels and hotels	1 space per sleeping unit plus requirements for restaurants or other facilities contained therein
Restaurants – Drive-In	<b>8</b> <del>27</del> spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
Restaurants – Full Service	<b>10</b> <del>20</del> spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
Restaurants – Take Out	
a) <del>exceeding 300 square feet (28 m<sup>2</sup>) of gross floor area</del>	<b>10</b> <del>16</del> spaces per 1000 square feet (92.9 m <sup>2</sup> ) of gross floor area
b) <del>not exceeding 300 square feet (28 m<sup>2</sup>) of gross floor area</del>	<b>5</b> spaces

3. By amending Part 13: C-2 (GENERAL BUSINESS) Zone as follows:

13.6 OTHER REQUIREMENTS: PARKING LOTS

Where parking lots are permitted in any C-2 Zone, whether in conjunction with other uses or as a separate use of land, the following shall apply:

- (a) Where any C-2 Zone abuts any Residential or Community Uses Zone, no portion of any parking space within the C-2 Zone shall be permitted within ten (10) feet (3 m) of any side or rear lot line.
- (b) No portion of any parking space within any C-2 Zone shall be located within ten (10) feet (3 m) of any front lot line.

13.7 C-2 ZONE REQUIREMENTS: COMMUNITY USES

In any C-2 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 18 and Part 19 as are applicable.

13.8 OTHER REQUIRMENTS: MICRO-ALCOHOL PRODUCTION FACILITIES  
(HWCC-Mar 22/17;E-Apr 8/17)

Where micro-alcohol production facilities are permitted in any C-2 Zone, the following shall apply:

- (a) No facility shall be permitted where the subject property abuts a residential use, or any Residential or Community Use zone.
- (b) No facility shall be permitted in conjunction with existing entertainment uses, shopping plazas or malls, and/or drive-in and take-out restaurants.
- (c) Notwithstanding the Lot Area and Lot Coverage requirements of Section 13.2, where a facility is permitted in any C-2 zoned property in conjunction with a full-service restaurant, it shall be secondary and accessory to the full-service restaurant and the following shall apply:

Minimum Lot Area	10,000 square feet (929 m <sup>2</sup> )
Maximum Gross Floor Area of the facility, excluding restaurant	3,500 square feet (325 m <sup>2</sup> )
Maximum Lot Coverage, including restaurant	40 percent

- (d) Notwithstanding the Lot Area requirements of Section 13.2, where a micro-alcohol facility is erected in any C-2 Zone, as a stand alone use, the following shall apply:

Minimum Lot Area	10,000 square feet (929 m <sup>2</sup> )
Maximum Gross Floor Area Of the facility	6,500 square feet (604 m <sup>2</sup> )

- (e) No more than 60% percent of the gross floor area of the facility shall be dedicated to production and packaging, including but not limited to the brew house, boiling and water treatment areas, bottling and kegging lines, storage, fermentation tanks, conditioning tanks, serving tanks and similar structures. The remaining portion of the floor area may include accessory uses such as retail sale, wholesale, tours and events/hospitality rooms, where beverages produced at the facility may be sampled.
- (f) Loading bays shall not exceed two in number and may only be located at the rear of the main building and may not be located on the facade of the building facing a street.
- (g) Notwithstanding the requirements of Section 13.5, no outdoor storage shall be permitted.

13.9 OTHER REQUIRMENTS: PARKING LOT SCREENING

**For any new or enlarged parking lots or parking spaces that abut a property zoned or used for residential or community uses, a visual screen shall be provided which shall meet all the following:**

- (a) the visual screen shall contain either a vegetative screen, an opaque fence, or a combination of both natural and manmade materials which form an effective, year-round, visual screen;**
- (b) the visual screen shall be at least five (5) feet in height. Plant materials, when planted, shall not be less than five (5) feet in height. Height shall be measured from the average finished grade of the visual screen; and**

(c) the visual screen shall be located within a grassed landscape area which is a minimum of four (4) feet in depth running the entire length of the parking.

**13.10 OTHER REQUIREMENTS: LANDSCAPING**

For any new or enlarged commercial building, the following landscaping provisions shall apply:

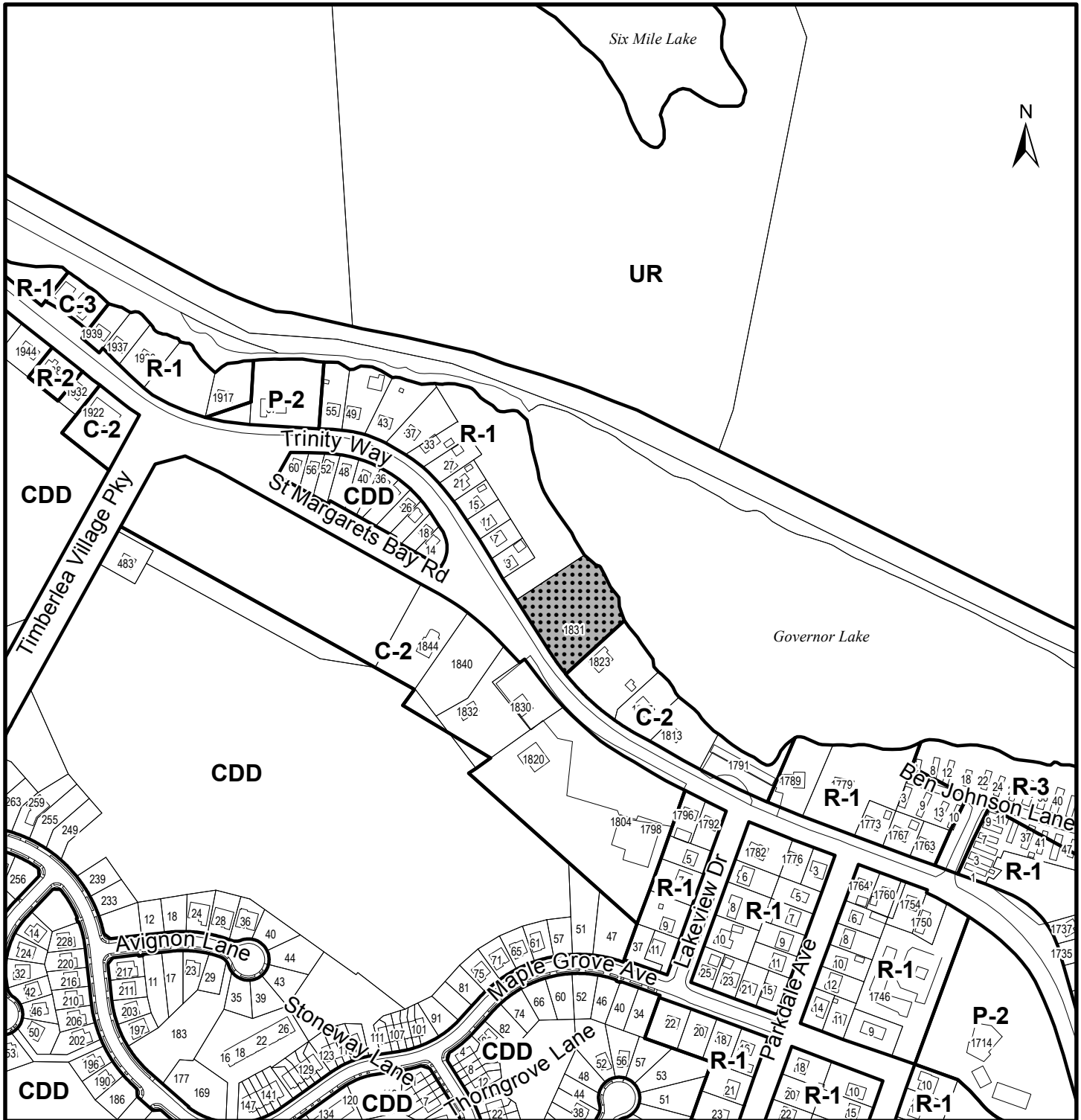
(a) Within the front yard area, the first ten (10) feet of lot depth bordering the street right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.

(b) Landscaping shall consist of grass and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot frontage.

I HEREBY CERTIFY that the amendments to the Halifax Municipal Planning Strategy as set out above, was passed by a majority vote of the whole Council of the Halifax Regional Municipality at a meeting held on the      day of      , 2017

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this      day of      , 2017


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



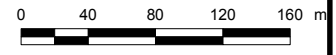
**Schedule 2 - Zoning**

**HALIFAX**

1831 St. Margarets Bay Rd,  
Timberlea

 Area to be rezoned  
from R-1 (Single Unit Dwelling)  
to C-2 (General Business)

Zone	
R-1	Single Unit Dwelling
C-2	General Business
P-2	Community Facility
CDD	Comprehensive Development District
UR	Urban Reserve



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

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

Timberlea/Lakeside/Beechville  
Plan Area

# Attachment C

## Policy Review

### Municipal Planning Strategy for Timberlea/ Lakeside/ Beechville

Preamble or Policy	Staff Comments
<p>Within the Urban Residential Designation, the intention is to maintain the single unit dwelling environment. (pg. 48)</p> <p>In recognition of the number of business uses associated with individual residences, such home business uses will generally be permitted. Nevertheless, their scale and appearance will be limited to a manner appropriate to the residential environment. (pg. 48)</p>	<p>The current zoning and designation of the subject property does permit limited commercial uses, but does not permit commercial uses like restaurants, office and retail.</p>
<p><b>Policy UR-1</b> Within the Urban Residential Designation, it shall be the intention of Council to establish a single unit dwelling zone which permits single unit dwellings, community facility and open space uses, and provides for business uses and limited day care facilities located in a residence, provided that the scale of the business and its external appearance are compatible with the residential environment.</p>	<p>General commercial uses are not permitted in the Urban Residential Designation.</p>
<p><b>Policy UR-21</b> It shall not be the intention of Council to permit future rezoning to a general business zone within the Urban Residential Designation.</p>	<p>Commercial zones are not permitted in the Urban Residential Designation. To apply a commercial zone on the subject property, a Municipal Plan amendment is required.</p>
<p>The Commercial Core Designation is intended to reflect a need to develop a commercial and community focus, to conveniently serve the population. This should minimize the potential for the proliferation of general strip commercial development along Highway No. 3. (pg. 46)</p> <p>The location of the commercial core has been chosen primarily on its ability to accept growth with minimum adverse impact on the residential environment. (pg. 67)</p>	<p>The Commercial Core is in place to provide a place for retail, offices and other businesses. The Commercial Core is also in place to limit negative impacts on residential properties, and to limit the extent of the commercial core area.</p>
<p><b>Policy CC-1</b></p>	<p>It shall be the intention of Council to establish the Commercial Core Designation, as shown on Map 1 - Generalized Future Land Use. Lands within the designation are intended to provide a commercial and service focus for the</p>



	Plan Area.
<p><b>Policy CG-2</b> Within the General Commercial Designation, it shall be the intention of Council to apply the general business zone (Policy CC-2) to existing commercial uses and to consider new commercial uses by amendment to the land use by-law, with regard to the provisions of Policy IM-12.</p>	<p>The C-2 General Business Zone is the appropriate zone for the proposed uses on the subject property, which are retail, office and restaurant uses.</p>
<p><b>Policy IM-4</b> It shall be the intention of Council to require amendments to the policies and maps in this municipal planning strategy under the following circumstances:  (b) where a request to amend the land use by-law for a use which is not permitted is made and subsequent studies show that the policies of the strategy should be amended;</p>	<p>A Municipal Planning Strategy amendment is needed when a re-zoning is not permitted under existing Plan policy.</p>
<p><b>Policy IM-7</b> Providing that the intention of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider the following development agreements and amendments to the land use by-law, for lands which are located where any land use designations abut one another as shown on Map 1 - Generalized Future Land Use:  (a) amendments within a designation to provide for the development of uses which are uses permitted within the abutting designation;  (b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation;</p>	<p>This policy allows rezoning to the same zone as an adjacent designation. The subject site is next to Commercial Core Designation, but Policy UR-21 states Council will not rezone properties in the Urban Residential Designation for commercial.</p>

## **Attachment D – Legislative Authority**

### **Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council**

*Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:*

#### **Planning documents reasonably consistent**

**214 (1)** Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

#### **Public participation program**

**219 (1)** The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

**(2)** The Council may adopt different public participation programs for different types of planning documents.

**(3)** The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

**220 (1)** The Council shall adopt, by by-law, planning documents.

**(4)** The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

#### **Purpose of municipal planning strategy**

**228** The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish

- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy.

#### **Statements of policy in planning strategy**

**229 (1)** A municipal planning strategy may include statements of policy with respect to any or all of the following:

- (a) the goals and objectives of the Municipality for its future;
- (b) the physical, economic and social environment of the Municipality;
- (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;

- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
  - (i) land-use by-law matters,
  - (ii) amendment of the land-use by-law,
  - (iii) the acceptance and use of cash-in-lieu of required parking,
  - (iv) the use of development agreements,
  - (v) the establishment of comprehensive development districts,
  - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
  - (vii) the establishment of transportation reserves,
  - (viii) the use of infrastructure charges,
  - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

#### **No action inconsistent with planning strategy**

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

#### **Adoption of land-use by-law or amendment**

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

#### **Content of land-use by-law**

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.
- (2) A land-use by-law must
  - (a) list permitted or prohibited uses for each zone; and
  - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
  - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
  - (c) regulate the maximum area of the ground that a structure may cover;
  - (d) regulate the location of a structure on a lot;
  - (e) regulate the height of structures;
  - (f) regulate the percentage of land that may be built upon;
  - (g) regulate the size, or other requirements, relating to yards;
  - (h) regulate the density of dwelling units;
  - (i) require and regulate the establishment and location of off-street parking and loading facilities;
  - (j) regulate the location of developments adjacent to pits and quarries;
  - (k) regulate the period of time for which temporary developments may be permitted;
  - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
  - (m) regulate the floor area ratio of a building;
  - (n) prescribe the fees for an application to amend a land-use by-law or for entering into a development agreement, site plan or variance.
- (5) Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
  - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
  - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
  - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
  - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
  - (f) regulate the location of disposal sites for any waste material;
  - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
  - (h) regulate or prohibit the removal of topsoil;
  - (i) regulate the external appearance of structures;
  - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
  - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
  - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
  - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
  - (n) prohibit development or certain classes of development where, in the opinion of the Council, the
    - (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
    - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
    - (iii) cost of maintaining municipal streets would be prohibitive;
  - (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;

- (p) prohibit development on land that
  - (i) is subject to flooding or subsidence,
  - (ii) has steep slopes,
  - (iii) is low-lying, marshy, or unstable,
  - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
  - (v) is known to be contaminated within the meaning of the *Environment Act*, or
  - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

**No appeal permitted**

**263** The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.

Attachment E

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 19535**

*The following does not represent a verbatim record of the proceedings of this meeting.*

---

**Wednesday, March 1, 2017  
7:00 p.m.**

**Beechville Lakeside Timberlea Sr. Elementary School (Cafeteria)**

**STAFF IN**

**ATTENDANCE:**

Sean Gillis, Planner, HRM Planning and Development  
Kate Greene, Policy & Strategic Initiatives Program Manager, HRM  
Planning and Development  
Alden Thurston, Planning Technician, HRM Planning and  
Development  
Cara McFarlane, Planning Controller, HRM Planning and  
Development

**ALSO IN**

**ATTENDANCE:**

Councillor Richard Zurawski, District 12  
David Nicholson, Shining Waters Development Ltd.  
Ross Moore, Shining Waters Development Ltd.

**PUBLIC IN**

**ATTENDANCE:**

Approximately 5

---

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

**1. Call to order, purpose of meeting – Sean Gillis**

Mr. Gillis introduced himself as the Planner and Facilitator for the application; David Nicholson and Ross Moore, Shining Waters Marine; Councillor Richard Zurawski, District 12; and Kate Greene, Alden Thurston and Cara McFarlane, HRM Planning and Development.

Case 19535 – Application by Shining Waters Development Ltd. to amend the Timberlea/Lakeside/Beechville Municipal Planning Strategy and Land Use By-law from residential to commercial to allow a restaurant, retail and office space at 1839 and 1841 St. Margaret's Bay Road, Timberlea.

The purpose of the Public Information Meeting (PIM) is to: a) identify the proposal site and highlight the proposal; b) give the applicant an opportunity to present the proposal; and c) receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application. No decisions are made at this PIM.

**2. Presentation of Proposal – Sean Gillis**

Mr. Gillis presented the proposal outlining the site and the relevant planning policies, both current (Urban Residential) and proposed (Commercial Core), within the

Timberlea/Lakeside/Beechville Municipal Planning Strategy (MPS) and the current zoning [R-1 (Single Unit Dwelling) Zone] and proposed zoning [C-2 (General Commercial) Zone] within the Timberlea/Lakeside/Beechville Land Use By-law (LUB). When this application was brought to Regional Council a couple of years ago, staff suggested that the parking requirements for restaurants (reduction in spaces per seating area ratio) and landscaping requirements (between the road right-of-way and the building's parking lot) under the C-2 Zone be reviewed at the same time.

### **Presentation of Proposal – Ross Moore, Shining Waters Development Ltd.**

Mr. Ross gave a presentation on the proposal of a two-storey building (footprint – 5,760 square feet) with ground floor retail and 2<sup>nd</sup> floor office space. Currently, Subway Atlantic Ltd. has committed to occupy a portion of the ground floor for a restaurant (with plans for possibly a future drive through) along with its head office on the 2<sup>nd</sup> floor.

### **3. Questions and Comments**

**Councillor Zurawski** suggested that the notice of approval ad for this application be placed in the Chronicle Herald as well as the Metro paper. **Keith Ayling, Masthead News**, also mentioned that it would be nice to have it included in the Masthead News.

**Reg Rankin, Maplewood Drive, former area councillor**, asked what distance the building is from the residential boundary. Has it been determined if the applicant is willing to sell the adjacent piece of property? **Mr. Moore** – The distance is 56 feet to the subject property line (including the adjacent site) and roughly 150 feet to the proposed building. Consideration hasn't been given to sell the adjacent piece of property or acquire its right-of-way or frontage. Access to and from the parking lot on the proposed site has been considered.

**Councillor Zurawski** asked about the hours of operation. What is the anticipated impact on the residential areas if the restaurant does operate 24/7? Will there be any landscape buffer? Will the lake be accessible to the public? **Mr. Moore** – Hours of operation have not been decided but no negative impact is anticipated due to the setbacks. Landscaping is intended but hasn't been decided beyond the development proposed. From the adjacent site, if I understand correctly, there is already some form of access to the lake.

**Mr. Rankin** clarified that the 56 foot buffer (the adjacent property) is not included in the proposal.

**A resident** asked about the proposal's timeframe. **Mr. Gillis** anticipates completion of approval in five to six months.

**A resident** asked if the proposed development is within the guidelines as far as a buffer zone from the lake to which Mr. Moore confirmed it is.

**Mr. Rankin** gave some background on the proposal as he was the area councillor at the time it came before and was initiated by Regional Council. The property owners were informed of the risks involved with buying the property. HRM did authorize negotiations with the property owner for acquisition of the 56 foot buffer for access to Governor's Lake and to date, no deal has been made. Staff should recommend Council approve the application only if there is a suitable buffer between the commercial and the residential area (Trinity Way). He will not support the proposal unless there is that buffer and benefit to the community. The property owner could consider negotiating frontage along the adjacent property for fair market value (already approved by HRM to negotiate). **Mr. Gillis** – Parks and Recreation will be consulted as part of the internal

review; therefore, some of the issues Mr. Rankin brought forward can be discussed at that time. Staff will look at the buffer more closely when moving forward and it is discretionary for Council.

**Councillor Zurawski** asked if staff has made a recommendation. **Mr. Gillis** – The staff report will be prepared after considering the policy, comments from the internal review and comments from tonight's PIM.

**Scott Guthrie, Lakewood Drive**, strongly supports bringing business to the community. Past and continued discussions with the community focused directly on this property and the hopes that one day it could be developed as a park with potential water access, a cenotaph to recognize our veterans and be a focal point in the centre of the community. He believes the appropriate zoning for this piece of property is a P, RPK, WA or P-2 Zone which would benefit the community.

**Mr. Rankin** stated that it is critical the property owner negotiate to sell that reserved portion to HRM otherwise the community does not have access to Governor's Lake. **Mr. Nicholson** – Until it is known where the proposal is headed, selling that piece could negatively impact the project. **Mr. Rankin** agrees this is a good proposal provided negotiations as long as the proponent follows through on the negotiations.

**Councillor Zurawski** wondered when the existing parking requirements were put in place. **Mr. Gillis** – In the 90's and the numbers were broad.

There was some discussion on the orientation and size of the building and parking lot and what would be required to change those if the by-law standards for the C-2 Zone were not met.

**A resident** asked about active transportation standards. **Mr. Gillis** confirmed that there are minimum standards within most of HRM's plan areas. Traffic studies would also be considered.

**Mr. Guthrie** will fully support the proposal if the property owner commits to allowing HRM to purchase the piece of property on the adjacent site; otherwise, there would be better locations in the community for the commercial development.

#### **4. Closing Comments**

**Mr. Gillis** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 7:50 p.m.