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**Item No. 14.1.7**  
**Halifax Regional Council**  
**August 1, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:**

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Dave Reage, A/Chief Administrative Officer

**DATE:** May 18, 2017

**SUBJECT:** Proposed approach to uniform land use regulation of senior citizen housing

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**ORIGIN**

November 22, 2016 Regional Council passed the following motion:

*THAT Regional Council request a staff report outlining the range of existing planning regulations that apply to senior citizen housing (public and/or private) throughout the Municipality and provide recommendations on how best to establish a uniform approach to regulate this land use.*

**LEGISLATIVE AUTHORITY**

See Attachment A.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Initiate a process to consider amendments to the Halifax Regional Municipal Planning Strategy and all applicable community municipal planning strategies and land-use by-laws to simplify, consolidate and remove barriers to the development of special care facilities, consistent with the proposed policy direction outlined within the discussion section of this report;
2. Follow the public participation program as set out in the community engagement section of this report.

**BACKGROUND**

The term ‘senior housing’ is often used to describe a broad range of housing types from housing that is marketed to seniors to assisted living complexes and nursing homes. This report focuses on housing that includes a care component, as housing simply marketed to seniors generally meets the definition of mainstream housing forms, such as townhouses and multi-unit buildings. For clarity, therefore, this report uses the term ‘special care facility’ when discussing housing that includes a care component, but other housing terms are used when referencing existing regulations, legislation or regulations in other jurisdictions. The following sections review special care facilities in terms of need and characteristics, as well as the existing Municipal and Provincial regulatory context.

**Housing for an aging population**

Between 2011 and 2016, the Halifax region’s senior population (aged 65 years and over) increased by 23.6%, as compared to 3.2% of HRM total population growth<sup>1</sup>. Most recent population projections indicate that by 2026 Halifax will be home to nearly 88,000 seniors and they will comprise 19% of Halifax’s population as compared to 15.7% in 2016.

Total HRM population	3.2%
55-64 years	9.8%
65-74 years	24.6%
75-84 years	12.1%
85+ years	7.4%
Total 65 years+	23.6%

While the term ‘seniors’ is used to identify people 65 years and older, it is important to recognize that seniors are a diverse and dynamic group. Factors such as age, health, social supports, cultural background and economic status can greatly influence both housing preferences and needs. While seniors may enjoy better health than previous generations, longer life expectancies also create increased demand for assisted and long-term care living. Seniors may also face barriers to accessing appropriate and affordable housing not only due to age but also due to physical or mental disability, income, race, gender and other factors.

Seniors live in a variety of housing types which may or may not be restricted to senior residents. The Canadian Mortgage and Housing Corporation’s (CMHC) continuum of housing options is useful for describing the range of housing types, tenures and associated services that can enable seniors to age in place. The full housing spectrum accommodated seniors with various lifestyle preferences and socio-economic circumstances, including those who require varying levels of care. The continuum is divided into the following four main categories.

Mainstream Housing

Mainstream housing is available to seniors who remain in the homes they have occupied all their working lives, or for those who downsize to condominiums, rental apartments or secondary units. While mainstream housing is not designed uniquely for seniors, it accommodates the overwhelming majority of the senior population.

Independent Living and Active Lifestyle Accommodation

This form of housing is designed for seniors who require minimal assistance with their daily living needs and often takes the form of adult lifestyle communities that combines housing with recreational amenities. Independent living accommodation typically forms part of a larger seniors’ community, as either freehold or rental units. Housing in this category may include condominium corporations, mobile home parks, restricted public housing, rental apartment buildings, and gated communities or subdivisions of single-unit homes.

<sup>1</sup> Statistic Canada, Census Profile, 2016 Census, Halifax Regional Municipality. Published in April 2017. Retrieved from [www12.statcan.gc.ca/census-recensement/index-eng.cfm](http://www12.statcan.gc.ca/census-recensement/index-eng.cfm)

The vast majority (93.8%) of Nova Scotian seniors live in either mainstream housing or independent-living accommodation.

#### Assisted Living Accommodation

This form of housing is intended for seniors requiring more personalized services, ranging from meal preparation and housekeeping to bathing, dressing and taking medication. Assisted living typically consists of rental units within an apartment building that includes the on or off site delivery of personal care services and recreational activities that are available to residents and/or people living in the surrounding neighbourhood.

#### Long-Term Care (LTC) Accommodation

LTC homes, including nursing homes, chronic care, and long-term care hospitals, are designed for people who can no longer live independently and require 24-hour care and supervision. This type of accommodation may be operated by for-profit, non-profit or public corporations. According to Statistics Canada, 3.9% of all seniors lived in long-term care facilities in 2011.

### **Municipal Policies and Regulations**

One of the key objectives of the Regional Plan is to design communities that provide housing opportunities for a range of social and economic needs and promote aging in place. Regarding special care facilities, Policy S-30 of the Regional Plan further supports this direction by directing new secondary planning strategies or amendments to existing community plans to consider:

- permitting homes for special care of more than three residents of a scale compatible with the surrounding neighbourhood; and
- permitting small scale homes for special care as single unit dwellings and eliminating additional requirements beyond use as a dwelling.

To date, however, HRM's 22 land use by-laws and secondary planning strategies have not been updated concerning special care facilities. These detailed planning documents determine where uses are permitted, any conditions associated with the use, and the required approval process.

Staff have reviewed all applicable policies and regulations related to special care facilities and discovered a significant amount of inconsistency and complexity (Attachment A). Many of the current land use policies and regulations do not align with the Regional Plan because they not only limit where facilities can locate, but also focus on separating these uses from mainstream housing as opposed to integrating them in the community. The following highlights the main observations from the review.

- Definitions: There are nearly a dozen definitions for special care facilities, with some land use by-laws explicitly referencing seniors housing and others not at all. Examples include Residential Care Facility, Seniors Housing, Special Care Home and Seniors Residential Complex.
- Outdated references: Most definitions require the use to be licensed by the Province and/or operated by a Provincial authority or a non-profit, but do not specify the level of care. This does not reflect the increased role of the private sector.
- Type of use: while some land use-by-laws consider special care facilities as residential uses, others consider the use as institutional.
- Permissions: Permission for special care facilities within similar zones vary greatly from one plan

area to another. Some community plans are quite permissive while others have nearly no provisions for any type of special care facilities, or permit special care facilities in areas where other multi-unit dwellings are not permitted.

- Scale: Limits on the number of residents per facility vary from one plan area to another, even zone to zone within the same community plan area. However, there is no coherent relationship between the scale of the facility, the surrounding context or provincial regulations.
- Approval Process: Development approval processes are inconsistent with some permitting care facilities as-by-right and others only by development agreement.
- Policy: In some cases, regulations in the land use by-law do not have a clear relationship to the original policy, and in other cases policies are very limiting or recognize assisted living as non-conforming uses.
- Design standards: Where design standards exist, requirements focus on exterior appearance and buffering from adjacent properties.

### Provincial Policies and Regulations

The Province supports and regulates special care facilities in a number of ways. In 2005, the Province released a *Positive Aging Strategy* that defines “Aging In Place,” as, “*the diverse range of programs and housing options needed to ensure seniors maintain personal dignity and functional independence in their homes, neighbourhoods, or communities for as long as possible.*” The strategy contains goals and objectives related to housing options that encourage housing that is affordable, accessible and safe. Mixed use communities that support a wide variety of housing types are encouraged to enable residents to live in their communities.

The *Homes for Special Care Act*, adopted in 1989, and updated in 2010, establishes regulations and licensing requirements for residential care facilities, nursing homes and other similar facilities<sup>2</sup>. The Department of Health and Wellness is responsible for licensing these facilities. In general terms, licensing is required for facilities that care for people who are non-ambulatory, meaning people who are not able to vacate a building on their own in the case of fire or other emergency. The Province currently does not license facilities that provide care to people who are self-ambulatory, or are able to vacate a building on their own. In addition, the Department of Community Services licenses homes that provide residential care and programming for adults with intellectual/physical disabilities or long term mental illness. Certain categories of special care facilities are also required to submit building plans to the Provincial Fire Marshal for approval.

In addition to licensing, the Department of Health and Wellness funds a number of long-term care facilities located throughout the Province and HRM<sup>3</sup>. Residents may apply for residency in these facilities and costs are shared between the resident and the provincial government. The Department of Health and Wellness covers health care costs, and residents are required to cover accommodation costs and personal expenses. In addition, residents who cannot pay the full accommodation charges can apply to have rates reduced through an income based financial assessment.

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<sup>2</sup> Department of Health and Wellness <https://novascotia.ca/sns/paal/health/paal454.asp> accessed Feb. 22, 2017, Homes for Special Care Act 2010 <http://nslegislature.ca/legc/statutes/homespec.htm>

<sup>3</sup> Department of Health and Wellness, Continuing Care, Long Term Care (March 2017). Retrieved from <https://novascotia.ca/dhw/ccs/long-term-care.asp>

With the exception of public housing for seniors, which restricts occupancy to persons 58 years of age and older, many other forms of seniors housing do not specifically restrict occupancy to seniors. Exclusive rules on the basis of age and accommodation are generally understood to be discrimination under the *Nova Scotia Human Rights Act*, although exceptions can be made in some cases. Many developments may be built and/or marketed as 'senior-friendly', 'adult lifestyle', or simply 'for seniors' but may not enforce age limits.

### **National Building Code**

The National Building Code (NBC 2010) does not include the term seniors housing and instead defines three levels of residential buildings based on "*the level of hazard within a building relative to the physical and cognitive skills of the persons occupying the building*". If the occupants require a care-taker, have physical limitations (are bed-ridden) or receive treatment, these buildings are classified as care or treatment occupancies and require special attention to life safety systems in the building. This may include more stringent construction requirements, such as wider hallways and doors and enhanced fire suppression systems. Additional measures are also required under the National Fire Code.

## **DISCUSSION**

With an aging population, HRM is expected to experience increased demand for special care facilities that provide varying levels of care. While the Regional Plan supports aging in place, HRM's various community plans and land use by-laws are inconsistent and complex and may create barriers to special care facility developments. Consequently, staff advise that there is a clear need to update HRM's policy and regulatory approach to special care facilities throughout the Municipality. The following sections discuss recent examples from other Canadian Municipalities, related HRM planning initiatives, and the proposed policy direction intended to guide updates to HRM's planning documents.

### **Review of Other Canadian Municipalities**

Staff conducted a targeted jurisdictional review of recent land use policies and regulations introduced by other Canadian municipalities for senior related housing. Municipalities reviewed include:

- Oakville, Ontario (regulations adopted February 23/15),
- Saint John, New Brunswick (regulations adopted Jan 21/15), and
- Markham, Ontario (plan adopted June 17/14).

Several common themes emerged from the review including the following items:

- focusing on the scale of the building (small or large) as opposed to the residents;
- focusing on the residents' level of care instead of their age category which is consistent with the National Building Code (ambulatory vs non-ambulatory);
- care related terms and definitions such as shared housing, supportive facility, supportive housing, and assisted living, which focus on the level of care and do not contain the word senior or another age-related descriptor;
- broad geographic permissions that permit facilities throughout the municipality including smaller scale facilities within most low density residential, commercial and mixed use zones and larger scale facilities in more specified zones (e.g. institutional, commercial and mixed-use); and
- as-of-right approval process for both small and large scale facilities and subject to the same or similar setback, height and other zone regulations as other permitted uses.

### **Related Planning Initiatives**

HRM is currently leading a number of planning initiatives related to the need identified in this report to update HRM's policy and regulatory approach to special care facilities. The following describes several planning initiatives and the relationship to special care facilities.

#### Land Use Plan and By-law Simplification

HRM's inconsistent, outdated and complex regulations for special care facilities demonstrates the need for Planning and Development's by-law harmonization/simplification efforts, which is aimed at developing a more streamlined and consistent regulatory framework. This work is underway and special care facilities are expected to be one of the priorities. However, given the region's aging population, staff recommend that Council initiate a separate project concerning special care facilities in order to address regulatory barriers in the near term. This work should be closely coordinated with the By-law Simplification initiative to ensure that new streamlined regulations support the initiative's goals.

#### Centre Plan

The Centre Plan Project is developing a Secondary Municipal Planning Strategy and Land Use By-law to guide the development, use, and built form of buildings and neighbourhoods within the Regional Centre. The latest version of the Centre Plan as published in April 2017 includes policies on special care facilities. It is expected that the draft policies will permit the use in residential, commercial and institutions zones, and require them to be developed in contextually-appropriate forms that consider the surrounding neighbourhood. This is consistent with the recommendations contained in this report and additional project work to update regulations for special care facilities across the Municipality should continue to be coordinated with the Centre Plan.

#### Affordable Housing

In close coordination with the Housing and Homelessness Partnership, Planning and Development is developing a work plan to support the Partnership's 5-year affordable housing targets. The work plan will identify and prioritize specific project work that most effectively supports the affordable housing targets, such as updating land use policies and regulations, reviewing development fees, and exploring new funding tools. While not directly focused on affordability, efforts to clarify and streamline HRM's policy and regulatory approach to special care facilities could help support the Partnership's affordable housing targets. Similarly, the affordable housing targets' attention to secondary suites is supportive of both affordability and aging in place by enabling seniors to live in an independent unit along side a family member or other care provider (in-law suite). Project work on special care facilities, therefore, should consider affordability and, where appropriate, coordinate stakeholder and public engagement efforts with affordable housing discussions.

### **Proposed Policy Direction and Project Scope**

Staff advise that there is a clear need to update HRM's policy and regulatory approach to special care facilities throughout the Municipality. Building on the direction established in the Regional Plan to support aging in place, staff recommend that this work be guided by the following proposed policy directions:

1. Focus on the level of care: Since planning documents cannot regulate land use according to people's age, policies, regulations and definitions should focus on the level of care provided.
2. Recognize housing that includes a care component as a residential use: Since people living in special care facilities have needs similar to those living in independent forms of housing, special care facilities should be allowed to locate within all zones that permit residential uses and should in most cases be described as a residential instead of an institutional use.

3. Regulate the scale and design of buildings in a similar manner as mainstream housing: The scale of special care facilities should be similar to the housing forms allowed in any zone that permits residential uses. For example, if multi-unit dwellings up to 4 storeys in height are allowed within a zone as-of-right, special care facilities should be permitted as-of-right up to a similar height in the same zone. Likewise, small option homes should be permitted as-of-right in most low-density zones.
4. Consider aging in place in rural areas: In rural areas of HRM, special care facilities may be appropriate at a scale beyond those permitted for mainstream housing forms. For example, in order to support aging in place, large scale special care facilities may be appropriate in some rural areas where multi-unit residential development is not permitted.
5. Consider appropriate land use provisions or exemptions: In most cases, special care facilities are very similar in form as mainstream housing forms. However, land use controls related to parking, landscaping, common areas, and building design may be needed to ensure facilities serve the needs of residents and are compatible with surrounding land uses. For example, there may be a need to control the size and location of parking areas for care providers.
6. Support greater certainty and longevity: Since Provincial departments and legislation are constantly changing, HRM's regulations and definitions should be able to stand on their own without necessarily relying on references to current Provincial departments or licensing requirements.

Guided by the above policy directions, the proposed project would focus on consolidating, streamlining and replacing policies and regulations related to special care facilities within all applicable community MPSs and LUBs. Amendments to the Regional Plan may also be needed to provide more detailed region wide policy direction and ensure terms are used consistently through all planning documents. This work would:

- implement the direction established in the Regional Plan to support aging in place;
- review and amend all applicable community plans and LUBs;
- be closely coordinated with the By-law Simplification, Centre Plan, affordable housing initiatives and other secondary planning project work; and
- involve stakeholder and public consultations including discussions with Provincial departments, development community, and the Housing and Homeless Partnership.

### **Conclusion**

While the Regional Plan supports aging in place, the policies and regulations that are spread through HRM's 22 community plans and land use by-laws are inconsistent and complex and may be creating barriers to special care facility developments. While the By-law Simplification initiative is expected to review this issue, given the region's aging population, staff recommend that Regional Council initiate a project to update and streamline HRM's approach to special care facilities in the near term. This work should be closely coordinated with the By-law Simplification initiative and other related planning projects and implement the proposed policy directions outlined in this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM costs associated with the MPS/ LUB amendment process

can be accommodated within the approved 2017/18 operating budget with existing resources.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. MPS 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 recommended amendments will be discussed in a subsequent staff report.

### **COMMUNITY ENGAGEMENT**

Should Regional Council choose to initiate the MPS amendment process related to special care facilities, the *HRM Charter* requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution which provides broad discretion on the consultation process required for MPS amendments that are regional in nature. The 1997 policy provides that, for amendments that are regional in nature, staff would recommend an appropriate public participation program. Accordingly, staff recommends that Regional Council obtain stakeholder and public feedback through:

- consultations with care facility developers and operators;
- consultations with relevant Provincial departments including the departments of Health and Wellness, Community Services and Seniors;
- consultations with the Housing and Homelessness Partnership;
- web-based engagement tools; and
- one or more community based events or open houses.

In addition to this public participation, the HRM Charter requires a public hearing to be held before Regional Council can consider approval of any amendments.

Amendments to the Regional MPS and applicable community MPSs and LUBs will potentially impact the following stakeholders: Provincial Government, service providers, seniors and the general public.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the MPS amendment process at this time and instead update HRM's approach to special care facilities through the By-law Simplification initiative. A decision of Council not to initiate a process to consider MPS amendments is not appealable to the NS Utility and Review Board as per Section 262 of the HRM Charter.



**ATTACHMENTS**

Attachment A            Legislative Authority  
Attachment B            Existing Policies and Regulations

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

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## **Attachment A– 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.

#### **Planning advisory committee**

- 215 (1)** The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.
- (4)** The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

#### **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 landuse 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 B – LUB and MPS Review**

<b>Plan Area</b>	<b>Housing Type</b>	<b>Land Use By-law Definition</b>	<b>Zones</b>	<b>Municipal Planning Strategy Policies</b>
Halifax Peninsula	Special Care Home	"Special Care Home" means a building or part of a building in which accommodation, together with nursing, supervisory or personal care is provided or is available for four or more persons with social, health, emotional, mental or physical handicaps or problems, and only such building or part thereof as is licensed by the Homes for Special Care Act, or the Children's Services Act, or operated as a community correctional centre under the provisions of the Penitentiary Act of Canada, but does not include a building or part thereof maintained by a person to whom the residents are related by blood or marriage, a public hospital, sanatorium, jail, prison, reformatory, hotel or hostel.	R-1 R-1A R-2 R-2T R-2A R-3 RC-1 RC-2 RC-3 C-1 C-2 C-2A C-2C C-3A C-3 U-1 U-2 BCDD – By DA	2.4.2 In residential neighbourhoods alternative specialized housing such as special care homes; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.
Halifax Peninsula	Assisted Living	<i>No Definition</i>	N/A	1.2.3 Notwithstanding the Low Density Residential designation of Block F, Kelly Street, LRIS PID No. 40724973, the Municipality may permit a residential complex by development agreement. Such complex shall consist of an apartment building, townhouses or other ground related innovative housing forms, parkland and two assisted living facility apartment buildings.
Halifax Peninsula	Nursing Home	<i>No Definition</i>	N/A	Site Specific DA (1.2.3) - Block F, Kelly Street, LRIS PID No. 40724973.  1.5.3.1.1 Any addition permitted pursuant to Policy 1.5.3 shall not include any type of residential accommodation such as but not limited to dwelling units, residential care/retirement facility or nursing home.
Halifax Peninsula	Residential Care/Retirement Facility	<i>No Definition</i>	N/A	1.5.3.1.1 Any addition permitted pursuant to Policy 1.5.3 shall not include any type of residential accommodation such as but not limited to dwelling units, residential care/retirement facility or nursing home.

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				1.5.3.5 For the area designated as “Residential Development District” known as Melville Ridge as shown on Map 1 of Schedule I, notwithstanding that the site is less than three acres and does not provide a mixture of residential uses nor a mix of dwelling unit types, the Municipality may, by development agreement pursuant to Schedule I, permit residential care and retirement facility on Lot 4 Ramsgate Lane. (RC- Feb 19/08; E- March 29/08)
Downtown Halifax	Institutional Use	(an) <i>Institutional use</i> means any educational or religious use, museum, public library, fire or police station, public works, hospital, <u>nursing home</u> , community facility, recreational, cultural or open space use.	DH-1  ICO	Policy 4 HRM shall establish in the Land Use By-law two zones, a Downtown Halifax Zone (DH-1) and an Institutional, Cultural & Open Space Zone (ICO), within which a mix of uses are permitted.
Dartmouth	Group Home	(sab) GROUP HOME means a building or place or part of a building in which accommodation, supervisory, educational, developmental, daily living and/or personal care services are provided or made available for more than 3 persons, and which facility is operated or licensed by the Province of Nova Scotia pursuant to the Children and Family Services Act or the Homes for Special Care Act or any other provincial legislation. A group home shall not include a hospital, sanatorium, residential care facility, jail, prison, reformatory or hostel. (HECC-Nov 4/10;E-Nov 27/10)	R-2 R-3 R-4 C-1A C-1B C-2 GC	No apparent references
Dartmouth	Long Term Care Facilities	No Definition	NLW S C1-B	Page 88 - Also, residents recognized the need for long term care facilities in the community and identified this sub-designation as an appropriate location. Controls on design and reduced impacts on residential neighbours are desired, therefore applications for long term care facilities should only be considered through the development agreement process.  Policy C-41 Within the WR Mixed Use sub-designation, Council shall consider multiple unit dwellings and long term care facilities by development agreement in accordance with the provisions of the

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				Halifax Regional Municipality Charter. In considering such an agreement, Council shall have regard for the provisions of Policy IP-5, and should use the land use density standards of the R-3 zone as a guide.
Downtown Dartmouth	Institutional Use	(v) A institutional use - means any educational or denominational use, museum and cultural centre, public library, fire and police station, public works, hospital, residential care facility, community centre and hall, recreational or open space use. (HECC-Jul 5/07;E-Jul 23/07)	DN DB W M - By DA	<p>Policy W-9 - Any development of marine business uses on the water side of the CN Rail line in the Dartmouth Cove area shall be regulated under a Site Plan Approval Process. Site standards shall be set out in the Land Use By-law to address such items as screening of outdoor storage, exterior lighting, maintenance, and requirements for landscaping.</p> <p>Any development agreement application shall conform with the following criteria:</p> <p>1. The development shall consist of a mix of land uses (residential, commercial, office, institutional, and park and open space uses) with residential land uses that contain a mix of unit types being the primary land use.</p>
Downtown Dartmouth	Residential Care Facility	(aj) A residential care facility - means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three (3) persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.	See above for Institutional use	No apparent references
Halifax Mainland	Special Care Home	"Special Care Home" means a building or part of a building in which accommodation, together with nursing, supervisory or personal care is provided or is available for four or more persons with social, health,	R-1 R-2 R-2P R-2T	2.4.2 In residential neighbourhoods alternative specialized housing such as <u>special care homes</u> ; commercial uses such as daycare centres and home occupations; municipal recreation facilities such as parks; and community facilities such as churches shall be permitted. Regulations may be established in the land use by-law to control the



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		emotional, mental or physical handicaps or problems, and only such building or part thereof as is licensed by the Homes for Special Care Act, or the Children's Services Act, or operated as a community correctional center under the provisions of the Penitentiary Act of Canada, but does not include a building or part thereof maintained by a person to whom the residents are related by blood or marriage, a public hospital, maternity hospital, sanatorium, jail, prison, reformatory, hotel or hostel;	R-2AM R-3 R-4  C-1 C-2A C-2B C-2 C-6 I-1	intensity of such uses to ensure compatibility to surrounding residential neighbourhoods.
Bedford	Seniors Residential Complex	Seniors Residential Complex - means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units and the accessibility of all units and facilities to the physically challenged. Provision of services such as day-care for seniors, housekeeping, security personnel, personal care, meal programs, physiotherapy, activity programs, landscaped outdoor recreation areas and open space areas may also be provided. A care component of any facility is subject to provincial regulation. Such a development will not be intended for, nor easily convertible to, a residential care facility for any other type of use.	CMC RCDD WFCDD	Page 17-18. "21. a) <u>Seniors Residential Complexes</u> - Although most senior citizens in Bedford live in their own dwelling or live with relatives, it is anticipated that the demand for multiple residential for seniors will increase. Council should consider various objectives with respect to the development of seniors residential facilities in Bedford. Council should consider conducting research on the concept of daycare facilities for seniors. Research by CMHC has identified a number of planning, site and building factors relative to multiple residential complexes for seniors. Their integration within established communities and close proximity to amenities, services and public transportation should be priority criteria. The provision of various programs and services within any complex should also be encouraged, where appropriate, to help achieve a good quality of life for the residents. Some examples may be day-care, homemaker services, personal and/or medical care services, meal programs, physiotherapy and activity programs. The achievement of a community orientation, i.e. encouragement of social interaction between residents and others from the community, is a very important objective. To help ensure that the venture is successful in all respects is important to both the Town and residents. Increasingly, these facilities will be provided by the private sector and development guidance should be provided through provisions in the MPS. The criteria in Policy R-19A apply to the traditional form of seniors residential complexes which are generally viewed as institutional uses and are not applicable to housing forms

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				<p>that are targeted at certain market groups (i.e. empty nesters and adult lifestyle) which do not require these special design features.”</p> <p>“Policy R-19A: Pursuant to policies R-9 and C-7; C-20, WF-22 and applicable criteria in R-16 and as provided by sections 55 and 56 of the Planning Act, <u>seniors residential complexes</u> shall be considered by Council through a development agreement. Council shall evaluate any proposed seniors residential complexes according to the applicable provisions of policy Z-3 and with regard to the following:</p> <ol style="list-style-type: none"> <li>1. integration within established communities, i.e. residential in character and scale;</li> <li>2. proximity to public transportation, shops, health and social facilities;</li> <li>3. provision of primary paths to main entrance and from main parking area with minimum width of 1.67 metres (5.5 feet) wide for wheelchair accessibility;</li> <li>4. provision of walkways with non-slip finish and provided with sitting areas to one side of walkway, complete with bench, back support and arm rests; and</li> <li>5. parking space requirements shall be 1 space for every three units.”</li> </ol>
Bedford	Special Care Facilities	Special Care Facilities - means a building or part of a building or place in which accommodation is provided or is available to persons requiring or receiving skilled nursing care or where supervisory care or personal care is provided to four or more persons but does not include a place maintained by a person to whom the persons cared for are related by blood or marriage.	RSU RTU RMU RTH RR BWBC SI	<p>Page 20 “Policy R-4: It shall be the intention of Town Council to establish a "Residential" designation on the Generalized Future Land Use Map. The Residential designation shall permit the full range of residential uses as well as park uses and <u>special care facilities</u> for up to 10 residents. Institutional uses and utilities may be permitted by rezoning. Special care facilities for more than 10 residents may be permitted by development agreement.”</p> <p>Page 71 “<u>Special Care Facilities</u> Small scale special care facilities (those providing care to 10 persons or less), are often located within residential areas where older and larger residential homes provide sufficient space for such operations and where the quiet surroundings of a residential neighbourhood contribute significantly to the quality of care being provided. Policy S-6 indicates Town Council's intention to permit small scale special care facilities within all residential zones.”</p>

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				"Policy S-6: It shall be the intention of Town Council to permit special care facilities which provide care for 10 persons or less, within all residential zones."
Sackville	Assisted Living Facility  (See Residential Care Facility)	2.5A Assisted Living Facility means a building or part of a building where assisted living arrangements are provided for individuals living in self contained units where some or all of an individual's needs related to activities of daily living are a mandatory part of monthly accommodation costs and are incorporated in a lease, a service agreement or a documented service plan between the resident and operator, where the facility offers and coordinates 24 hour staff and facilities to provide oversight and meet residents needs relating to personal care and supportive services such as security, health related services, meals, housekeeping and laundry, recreational activities, transportation and social services. All assisted living facilities shall include a common dining room, personal care, housekeeping and laundry facilities and services. Each unit shall consist of individual adaptable and accessible residential units with a lockable door, private bathroom, and kitchenette facilities which include a sink, refrigerator, and small cooking appliance. A maximum of 40 percent of the units may have an active stove. Stoves that are removed or disconnected by the operator are not considered active. (NWCC-May 26/08;E-Jun 14/08)		No apparent references
Sackville	Residential Care Facility	2.60 RESIDENTIAL CARE FACILITY means a building or part of a building in which accommodation and nursing,	BP-1	Page 58. "Residential care facilities must be permitted to locate within the community in order to facilitate the client group's social and physical integration. In many instances, such uses have special

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		<p>supervisory and/or personal care is provided, or is made available for more than three persons with social, health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act including extended care seniors facilities providing Level II and Level III care, the Children's Services Act, or by any other provincial legislation, <u>and may include an assisted living facility</u>, (NWCC-May 26/08;E-Jun 14/08) but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.</p>	<p>P-2 CDD (By DA)</p>	<p>requirements in terms of location and building design. In order to permit the design and location of residential care facilities in a manner which will aid integration into surrounding neighbourhoods, such uses shall be permitted by specific development agreements within any of the land use designations.</p> <p>UR-16 Notwithstanding Policy UR-2, within any designation, it shall be the intention of Council to consider permitting residential care facilities according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:</p> <p>(a) the design and scale of buildings and structures relative to the surrounding residential neighbourhood;</p> <p>(b) the guidelines of provincial licensing requirements; and</p> <p>(c) the provisions of Policy IM-13.”</p>
<p>Sackville Drive</p>	<p>Institutional Use</p>	<p>Institutional Use - means any educational or denominational use, museum and cultural centre, public library, fire and police station, public works, hospital, residential care facility, community centre and hall, recreational or open space use.</p>	<p>LS DC-3 PR VC PC</p>	<p>“Policy PR-2 Within the Pedestrian Retail Designation, a Pedestrian Retail Zone shall be established and applied to the lands shown on Schedule B. The Zone shall permit a range of pedestrian oriented uses, including but not limited to, retail, offices, service and personal service shops, restaurants (full service, take-out), bakeries, bed and breakfasts, motels,, and <u>institutional</u> and community developments, with footprints less than 5,000 square feet. One and two residential units, and (RC-Apr12/05;E-May 7/05) Multiple Dwelling uses shall be permitted within the Zone where street front commercial is provided. All uses in existence as of May 7, 2002 with the exception of any existing pawn shops, shall be permitted within the Zone.”</p> <p>“Policy AVC-3 Within the Acadia Village Centre Designation, except for Acadia School, Acadia Hall, accessory buildings and additions to existing buildings of 300 sq ft (27.87 m<sup>2</sup> or less) (RC-Apr12/05;E-May7/05), and existing single unit dwellings on Acadia Lane, all new commercial, residential, community or <u>institutional</u> developments, any expansion to existing commercial buildings and structures, or any redevelopment of a commercial site, shall be considered according to the development agreement provisions of the Municipal Government Act. In consideration of all development agreement (RC-Apr 15/05;E-May 7/05)...”</p>

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
Sackville Drive	Residential Care Facility  <i>Also see Seniors Residential Complex</i>	Residential Care Facility means a building or place or part of a building in which accommodation and nursing, supervisory or personal care is provided, or is made available for more than three (3) persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.	DC-3 PR VC (By DA)	No apparent references
Sackville Drive	Seniors Residential Complex	Seniors Residential Complex means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units and the accessibility of all units and facilities to the physically challenged. Provisions of services such as day-care for seniors, housekeeping, security personnel, personal care, meal programs, physiotherapy, activity programs, landscaped outdoor recreational areas and open space areas may be also be provided. A care component of any facility is subject to provincial regulation. Such a development will not be intended for, nor easily convertible to, a residential care facility for any other type of use.	DC-3 PR VC (By DA)	5.2.3.1 “The introduction of new residential uses within shopping complexes has successfully been applied in reinvented malls. New high density residential uses provides excellent opportunity for introducing a new consumer market, and for maximizing the provision of public transit and central services. <u>Seniors’ residential</u> developments are considered especially appropriate land uses within or near shopping malls, given the easy access to services.”  No direct policy references.

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
Eastern Passage / Cow Bay	Institutional Use	2.27 INSTITUTIONAL USE means any use listed as an Institutional Use in the P-2 (Community Facility) Zone.	C-2 C-5 I-1 P-1 P-2	<p>“REC-1 As provided for in the Planning Act, Council shall continue to acquire public lands or cash-in-lieu of land for public purposes. In this regard, it shall be the intention of Council to give support to the maintenance of lands within the Community Facility Designation as areas of community use. Specifically, the lands at Elkins Barracks (A23) shall be considered as an <u>institutional</u> and recreational focus within the Plan Area and whenever appropriate, public lands shall be acquired in locations which complement these properties or ensure access to them. In general, Council intends that public lands acquired according to the Planning Act shall, whenever possible:</p> <ul style="list-style-type: none"> <li>(a) provide open space linkages between community facilities and related land uses and complement such facilities and other public lands;</li> <li>(b) provide for a variety of recreational and open space opportunities within each of the Plan Area’s communities; and</li> <li>(c) afford the protection of watercourses and waterbodies and of the coastline and areas near to the shore, including the Cow Bay River and Cow Bay Pond, Morris Lake, Smelt Brook and the coast of South East Passage.”</li> </ul> <p>Page 57. “The Community Facility Designation has been applied to lands at Eastern Passage which are currently used for, and/or have a potential for the development of major <u>institutional</u> and other community-supporting facilities. Although it is not the intention that all public uses be restricted to locations within the designation, the lands identified significantly affect the area’s development pattern and should not be lost, piecemeal, to other uses which may inhibit direct community benefits.”</p> <p>“Community Facility Uses <u>Institutional</u> and other community supporting uses can be located in residential neighbourhoods in order to facilitate their social and physical integration within the overall community. Such facilities can be designed, located and scaled to aid in this integration, and to respond to the difficulties of accepting high volume uses within residential areas. In order to provide for the consideration of specific effects on residential neighbourhoods, most community facility uses may be</p>

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				<p>considered by amendment to the land use by-law. However, in the instance of residential care facilities, medical clinics, day care facilities, fraternal halls and centres and community halls and centres, additional considerations may be required and will, therefore, be subject to the site-specific controls available through the development agreement process.</p> <p>UR-17 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Area Designations, it shall be the intention of Council to establish a community facility 1 zone which permits a variety of community related uses, such as schools, churches, senior citizen housing, fire and police stations, hospitals, public libraries, museums, galleries, open space uses, government offices and public works. Medical clinics, daycare facilities, fraternal halls and centres, community halls and centres, transportation maintenance yards and crematoriums will not be permitted within this zone. Council may consider permitting new community facility 1 uses, within these designations, by amendment to the land use by-law and with regard to the provisions of Policy IM-11.”</p>
Eastern Passage / Cow Bay	Residential Care Facility	<p>2.55 RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.</p>	P-2 - “Existing Residential Care Facilities”	<p>“UR-19 Within any designation, Council may consider permitting <u>residential care facilities</u> according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:</p> <p>(a) the design and scale of buildings and structures relative to the surrounding residential neighbourhood;</p> <p>(b) the guidelines of provincial licensing requirements; and</p> <p>(c) the provisions of Policy IM-11.”</p> <p>“IM-9 The following uses shall only be considered subject to the entering into of a development agreement pursuant to the provisions of the Planning Act:</p> <p>...(f) within any Designation: (i) expansions of existing mobile home parks where municipal central sewer and water services are available according to Policy UR-11; (ii) <u>residential care facilities</u> according to Policy UR-19;...”</p>

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Eastern Passage / Cow Bay	Senior Citizens Housing	2.59B SENIOR CITIZENS HOUSING means building(s) designed and constructed for occupation by senior citizens, and operated for that purpose by a public housing authority. (HECC-Jan 9/03;E-Jan 29/03)	P-1 P-2 CDD (By DA)	<p>“UR-17 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Area Designations, it shall be the intention of Council to establish a community facility 1 zone which permits a variety of community related uses, such as schools, churches, <u>senior citizen housing</u>, fire and police stations, hospitals, public libraries, museums, galleries, open space uses, government offices and public works. Medical clinics, daycare facilities, fraternal halls and centres, community halls and centres, transportation maintenance yards and crematoriums will not be permitted within this zone. Council may consider permitting new community facility 1 uses, within these designations, by amendment to the land use by-law and with regard to the provisions of Policy IM-11.”</p> <p>“Although it is not the intention of the planning strategy to confine institutional uses to predefined locations, there are two areas which have been specifically designated to safeguard existing and future community use. The first area includes the lands of the Roman Catholic Episcopal Corporation and Ultramar Canada located directly north of Quigley’s Corner between the Caldwell and Cow Bay Road. This is a narrow strip of land which forms an effective barrier between heavy industrial operations to the north and the built up residential area to the south. At present, these lands remain largely undeveloped but are occupied by a cemetery, convent, school, senior citizen complex and playing field.</p> <p>CF-1 It shall be the intention of Council to establish a Community Facility Designation, as shown on Map 1 - Generalized Future Land Use. Within this Designation, Council shall establish a community facility 2 zone which permits a variety of community related uses, such as schools, churches, <u>senior citizen housing</u>, fire and police stations, hospitals and medical clinics, day care facilities and single unit dwellings in conjunction with such facilities, public libraries, museums, galleries, open space uses, fraternal halls and centres, community halls and centres, existing residential care facilities, government offices and public works, except transportation maintenance yards and crematoriums. In addition to other areas, this zone shall be applied to existing community facility uses located within the Urban and Rural Area Designations.”</p>



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Cole Harbour/Westphal	Residential Care Facility	2.56 RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three (3) persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.	P-2 "Existing Residential Care facilities."	<p>"UR-13 The 3.1 acre site on Karen Drive is intended for residential development either in the form of townhouses or low rise multiple unit dwellings, in support of Provincial goals to <u>provide seniors-oriented and/or affordable housing</u>. Development on the site shall be considered through the development agreement process. Townhouse developments shall be considered pursuant to Policy UR-8. Multiple unit housing shall be considered pursuant to UR-10, notwithstanding that policy's normal requirement for frontage on a collector street. <u>Residential care facilities</u> shall be considered under Policy UR-15."</p> <p>"UR-15 Notwithstanding Policy UR-2, Council may only consider permitting <u>residential care facilities</u> within any designation according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the design and scale of buildings and structures relative to the surrounding residential neighbourhood;</li> <li>(b) the guidelines of provincial licensing requirements; and</li> <li>(c) the provisions of Policy IM-11." </li></ul>
North Preston/Lake Major	Institutional Use	2.26 INSTITUTIONAL USE means any educational or denominational use, museum and cultural centre, public library, fire and police station, public works, hospital, nursing home, community centre and hall, recreational or open space use.	RS RA C-4 P-2	<p>"INSTITUTIONAL-OPEN SPACE DESIGNATION Institutional and community facilities within the Plan Area are limited in number, range of uses and facility design. In order to encourage future development, such uses are permitted in most designations without requirements for amendments or development agreements. However, in support of existing facilities, an Institutional-Open Space Designation has been applied. It is the intention of the Institutional-Open Space Designation to complement policies identifying the programming and financial needs to support the development of such facilities and to discourage the 1066 of existing open space to other types of use.</p> <p>IO-1 It shall be the intention of Council to establish an Institutional Open Space Designation, as shown on Map 1 - Generalized Future Land Use. Within this designation, priority shall be given to</p>

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				institutional and community open space uses and facilities. IO-2 Within the <u>Institutional-Open Space Designation</u> , it shall be the <u>intention of Council to establish a community facility zone</u> which permits a variety of open space and community facility uses.
North Preston/Lake Major	Residential Care Facility	2.54 RESIDENTIAL CARE FACILITY means a building or part thereof in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three (3) persons with social health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act, the Children's Services Act, or by any other provincial legislation, but does not include any public or private hospital or sanatorium, a jail, prison or reformatory, or a hostel.	C-4 P-2 "Community Facility Zone" CDD (By DA)	No apparent references.
North Preston/Lake Major	Senior Citizen Housing	2.60 SENIOR CITIZEN HOUSING means apartment housing designed for occupation by senior citizens that is operated and maintained by a public housing authority, fraternal organization, or a society incorporated under the Societies Act.	RS RA C-1	No apparent references.
North Preston/Lake Major	Group Care Facility	No definition.	RA	No apparent references.
North Preston/Lake Major	Nursing Home	No Definition. See Residential Care Facility and Institutional use.	C-4 P-2 CDD (By DA)	No apparent references.

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Planning District 1 & 3	Institutional Use	2.35 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire, police station, public works, hospital, nursing home, public library, museum and gallery, community centre and hall, recreational use or open space use.	RA-1 MRR-1 VR VG VC MU-1 MU-2	<p>It is recognized that institutional uses, such as schools, fire stations and halls play an important role in any community in providing services. However, because of the wide range of uses that fall into this category, their potential scale and the possibility of large volumes of traffic being created, a specific review of each proposal is necessary in order to ensure compatibility with surrounding land uses.</p> <p>RD-11 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall only consider permitting institutional uses according to the development agreement provisions of the Planning Act. In considering such development agreements, Council Planning Districts 1 and 3 Municipal Planning Strategy Page 33 shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the architectural design and scale of any building(s) are compatible with nearby land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;</li> <li>(c) the potential for adversely affecting nearby residential development;</li> <li>(d) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;</li> <li>(e) the general maintenance of the development;</li> <li>(f) preference for a site which is provided with sidewalks; or adequate pedestrian walkways, as well as street lighting;</li> <li>(g) the effects of the development on the natural environment as contained in a report from the appropriate Provincial or Federal government authority;</li> <li>(h) the means by which solid and liquid waste will be treated; and</li> <li>(i) the provisions of Policy IM-9.</li> </ul>
Planning District 1 & 3	Residential Care Facility	2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more	See Institutional Use	N/A

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
		<p>than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.</p>		
<p>Timberlea/ Lakeside/ Beechville</p>	<p>Institutional Use</p>	<p>2.33 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire and police station, public works, hospital and medical clinic, nursing home, public library, museum and gallery, community centre and hall, government office, recreational use or open space use.</p>	<p>R-8 (Existing Institutional Uses)  MU-1 MU-2 C-2 C -5 CDD</p>	<p>P-11 Within the Mixed Use C Designation, it shall be the intention of Council to establish a MU-2 (Mixed Use 2) Zone which permits single and two unit dwellings, mobile dwellings, boarding and rooming houses, bed and breakfasts, the use of residential properties for business purposes, <u>institutional uses</u>, small scale commercial and industrial activities, <u>resource uses</u>, and existing salvage yard operations. Controls on open storage and parking will be established to address compatibility concerns with surrounding development.</p> <p>Certain institutional uses may also locate within the Residential Designation. A limited number of such uses have located in the larger suburban subdivisions in the past and have been a positive element in the community. However, because of the traffic generated by such uses, the necessity of extensive parking areas and noticeable differences in appearance and scale, an amendment to the land use by-law will be required for institutional and community facility uses including schools, churches, medical clinics, residential care and day care facilities and libraries.</p>
<p>Timberlea/ Lakeside/ Beechville</p>	<p>Residential Care Facility</p>	<p>2.62 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.</p>	<p>P-2</p>	<p>P-38 It shall be the intention of Council to establish a P-2(Community Facility) Zone in the land use by-law which permits a variety of community related uses such as elementary schools, churches, medical clinics, libraries, community centres and <u>residential care</u> and day care facilities which provide a local community service. Landscaping requirements will be established in the zone to help ensure compatibility with adjacent residential development.</p>

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
Timberlea/ Lakeside/ Beechville	Senior Citizens Housing	2.69 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens.	R-1 MU-1	<p>P-39 Within the Residential Designation, it shall be the intention of Council to consider permitting <u>senior citizen housing</u> by development agreement and according to the provisions of the Municipal Government Act. In considering a development agreement, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the architectural design, including the scale of any building(s) and its exterior finish are compatible with adjacent land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce visual effects;</li> <li>(c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;</li> <li>(d) preference for a site which has access to commercial and community facility uses;</li> <li>(e) general maintenance of the development;</li> <li>(f) preference for a development which serves a local community need; and</li> <li>(g) the provisions of Policy P-137.</li> </ul> <p>P-40 Notwithstanding Policies P-34 and P-39, within the Residential Designation, it shall be the intention of Council to specifically include the senior citizen housing project proposed for Uplands Park on LIC Number 420927 as a permitted use within the R-1(Single Unit Dwelling) Zone.</p>
Timberlea/ Lakeside/ Beechville	Homes for the aged and Nursing Homes	No Definitions ( <i>See Institutional Use</i> )	P-2	Beaver Bank Villa, in North Beaver Bank, contains a large "home for special care" facility which includes both a nursing home and an adult residential centre. Care is provided for the elderly and the mentally handicapped. It is privately owned, and located on the site of a former RCAF radar station. This regional facility caters primarily to residents from the Halifax-Dartmouth metropolitan area and Hants County, but also receives residents from the rest of the Province.
Planning District 4	Senior Citizens Housing	2.80 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens. (Deletion: WRCC-Aug 23/95;E-Sep 18/95)		The Rural Residential C Designation generally applies to the community of Blind Bay. This designation is intended to support the low density residential environment and will provide for the gradual integration of community facility uses and senior citizen housing.

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
			RRD-1	<p>RA-5 Notwithstanding Policy RA-2, within the Residential A Designation, Council may consider permitting senior citizen housing in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the conditions as follows:</p> <ul style="list-style-type: none"> <li>(a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are considered which would help Planning District 4 (Prospect) Municipal Planning Strategy Page 43 reduce the visual effects of the proposed use;</li> <li>(c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;</li> <li>(d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;</li> <li>(e) the preference for, but not restricted to, a site which has access to commercial and community facility uses;</li> <li>(f) the general maintenance of the development;</li> <li>(g) the means by which solid and liquid waste will be treated;</li> <li>(h) the effects of the development on any adjacent or nearby land uses;</li> <li>(i) the preference for a development which serves a local community need; and</li> <li>(j) the provisions of Policy IM-11.</li> </ul> <p>RRD-2 Within the RRD Designation, it shall be the intention of Council to create a rural residential D-1 zone which permits single unit dwellings, mobile dwellings, auxiliary dwelling units, two unit dwellings, businesses operated by the owner of the dwelling, craft shops, convenience stores, limited day care facilities, open space uses, senior citizen housing, community centres, limited fishing and aquaculture support uses, limited agricultural uses, day camps, bed and breakfast outlets and all existing uses including the small scale fish processing plant of Cecil Herritt (LIMS No. 40522583) and the existing kennel of Lloyd Corney (LIMS No. 40067811).</p>

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<b>Plan Area</b>	<b>Housing Type</b>	<b>Land Use By-law Definition</b>	<b>Zones</b>	<b>Municipal Planning Strategy Policies</b>
Planning District 5	Residential Care Facility	2.56 RESIDENTIAL CARE FACILITY means a building or place or part of a building in which accommodation and supervisor	P-2	N/A
Planning District 5	Senior Citizen Housing	2.63 SENIOR CITIZEN HOUSING means apartment housing designed for occupation by senior citizens and operated and maintained by a Public Housing Authority or fraternal organization.	V-3 P-2	<p>As the Plan Area's middle-aged population grows older, there will be a greater proportion of senior citizens with corresponding need for improved transit and senior citizen housing.</p> <p>Developmental change can have an impact on traditional fishing villages on two levels; i.e. changes in infrastructure, and land use changes. The first level includes capital improvements such as future road widenings, development of sidewalks or other services, street lighting, or even upgrading of church, school or <u>senior citizen</u> properties. The second tier includes site-specific land use changes.</p>
Beaver Bank/ Hammonds Plains/ Upper Sackville	Institutional Use	2.33 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire and police station, public works, hospital and medical clinic, nursing home, public library, museum and gallery, community centre and hall, government office, recreational use or open space use.	R-8 (Existing Institutional Uses)  MU-1 MU-2 C-2 C-5 CDD	<p>P-31 Notwithstanding the provisions of Policies P-8 and P-11, it shall be the intention of Council to consider permitting new or expanded facilities associated with extractive operations within the Mixed Use A, B and C Designations by development agreement and according to the provisions of the Municipal Government Act and having regard to the following:</p> <p>(b) that the proposed facility associated with a quarry operation or a pit operation incorporating a rock crusher is not located within 800m [0.5 mile] of a R-1(Single Unit Dwelling), R-2(Two Unit Dwelling), R-3(Mobile Dwelling), R-6 (Rural Residential) or R-3a(Mobile Home Park) Zone, or 800 m (.5 mile) from the foundation of a residential dwelling in the MU-1 (Mixed Use 1) or MU-2 (Mixed Use 2) Zone, and/or <u>institutional uses</u> except fire and police stations, public works, cemeteries, historical sites and monuments and recreational trails;</p> <p>Institutional Sites have been reserved along the Community Collector Roads for schools or other civic buildings and parks. In the event that they are not needed for institutional purposes, the sites may be developed with residential uses.</p> <p>Policy BW-34:</p>

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				<p>Lands designated Institutional on Schedule BW-7 are intended for development of schools or other civic buildings, such as libraries or churches, which could benefit from being located on a collector road at central locations within the community, as well as community parks. No development agreement shall be entered into if notified by the Halifax Regional District School Board that such lands are required for a school site. This provision shall remain in effect until the greater of five years from the date of entering into a development agreement for the development Sub-Area in which the site is located or building permits have been granted for 90 percent of the lots within the development Sub-Area. In the event that the School Board or the Municipality does not acquire the site within this time frame, the property may be developed with alternative institutional uses or with residential developments that are compatible with established residential neighbourhoods and which conform with the requirements of policy BW-30 and BW-31. (RC-Jun 20/06;E-Jul 29/06)</p>
<p>Beaver Bank/ Hammonds Plains/ Upper Sackville</p>	<p>Residential Care Facility</p>	<p>2.62 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.</p>	<p>P-2</p>	<p><u>Residential care facilities</u> of a limited size have an important role to play in accommodating individuals requiring personal and supervisory care in their own community. These facilities are regulated through the provincial Department of Social Services pursuant to the Homes for Special Care Act to ensure that they are adequately designed and operated and provide good care to their residents. A restriction on size as well as the requirement that any dwelling used for this purpose be the principle residence of the facility operator will be established in the land use by-law to ensure their compatibility with surrounding residential development.</p> <p>P-38 It shall be the intention of Council to establish a P-2(Community Facility) Zone in the land use by-law which permits a variety of community related uses such as elementary schools, churches, medical clinics, libraries, community centres and <u>residential care</u> and day care facilities which provide a local community service. Landscaping requirements will be established in the zone to help ensure compatibility with adjacent residential development. Beaver Bank, Hammonds Plains and Upper Sackville MPS Page 49 This zone shall be applied to existing community facility uses. In considering any amendments to the schedules of the land use by-law</p>



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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				<p>to permit new community facility uses within the Residential Designation, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the potential for adversely affecting adjacent residential development;</li> <li>(b) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;</li> <li>(c) preference for a site which is provided with sidewalks, or adequate pedestrian walkways, as well as street lighting;</li> <li>(d) that the facility provide a local community service;</li> <li>(e) that the architectural design, including the scale of any building and its exterior finish are compatible with adjacent land uses, as may be more particularly described in the Land Use By-law;</li> <li>(f) that the lot meets the lot standards of the P-2 (Community Facility) Zone; and</li> <li>(g) the provisions of Policy P-137.</li> </ul>
<p>Beaver Bank/ Hammonds Plains/ Upper Sackville</p>	<p>Senior Citizens Housing</p>	<p>2.69 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens.</p>	<p>R-1 (only site specific)  MU-1</p>	<p>In keeping with the low density nature of development, one and two unit dwellings will be permitted in the Mixed Use A, B and C Designations. Given the concern with on-site sewage disposal and the desire for a low density environment, it is felt that, except for senior citizen housing, which is recognized as fulfilling a special need, multi-unit development should not be permitted due to the absence of municipal water and sewer services.</p> <p>Senior citizen housing provides much needed accommodation for community residents. The Department of Housing selected a site in Uplands Park, to serve the Hammonds Plains area and the Municipality approved the required zoning to allow the project to proceed. Sites in other communities may be needed in the future. However, because of the more intensive residential use such facilities entail, there is a need to ensure that the design, scale, layout, and maintenance of such facilities is compatible with the surrounding lower density neighbourhoods.</p> <p>P-39 Within the Residential Designation, it shall be the intention of Council to consider permitting senior citizen housing by development agreement and according to the provisions of the Municipal</p>

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				<p>Government Act. In considering a development agreement, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the architectural design, including the scale of any building(s) and its exterior finish are compatible with adjacent land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce visual effects;</li> <li>(c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;</li> <li>(d) preference for a site which has access to commercial and community facility uses;</li> <li>(e) general maintenance of the development;</li> <li>(f) preference for a development which serves a local community need; and</li> <li>(g) the provisions of Policy P-137.</li> </ul>
<p>Planning Districts 14 &amp; 17</p>	<p>Residential Care Facility</p>	<p>2.63 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place having no more than six (6) bedrooms and licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.</p>	<p>R-1b R-1d R-1e R-6 R-7 P-2</p>	<p>P-53 In recognition of the range of individual needs in all communities, it shall be the intention of Council to permit nursing homes, day care facilities for up to fourteen children, and <u>residential care facilities</u>, having a maximum of six bedrooms, within any residential zone other than a single unit dwelling or waterfront residential zone. Furthermore, it shall be the intention of Council to seek the cooperation of the province in reviewing existing social programs in order to: (a) determine the possibility of coordinating existing and or new programs; and (b) establish social needs and possible responses.</p>
<p>Planning Districts 14 &amp; 17</p>	<p>Senior Citizen Housing</p>	<p>2.70 SENIOR CITIZEN HOUSING means housing designed for occupation by senior citizens and operated by a public housing authority or fraternal organization.</p>	<p>N/A</p>	<p>Although additional higher density housing will not be encouraged, there is a growing need throughout the Municipality for <u>senior citizen housing</u> and other forms of specialized residential housing such as group or special care facilities. The federal, provincial, and municipal governments, in cooperation with local housing authorities and voluntary non-profit societies, have been actively involved in trying to meet the specialized needs of residents throughout Halifax County. While the Municipality supports the provisions of specialized housing</p>

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				<p>within the Plan Area, it also recognizes that there are certain locational, design, and environmental concerns which must be addressed if this housing is to be properly integrated within the community.</p> <p>P-69 Notwithstanding Policy P-66 and with reference to Policy P-53, it shall be the intention of Council to consider permitting, within the Residential, Mixed Residential and Community Centre Designations, special need higher density housing, including <u>senior citizens housing</u> containing more than six bedrooms, which are operated by a public housing authority or any recognized non-profit social agency, according to the provisions of Sections 55, 66, and 67 of the Planning Act. In considering such an agreement, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the architectural design and scale of any buildings is compatible with nearby land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are undertaken to reduce visual effects;</li> <li>(c) that open space and parking areas are adequate to meet the needs of users and that they are attractively landscaped;</li> <li>(d) that the site is on or adjacent to a collector or arterial street as determined by the Department of Transportation and Communications;</li> <li>(e) the proximity of the site to commercial and community facility uses;</li> <li>(f) that adequate provision is made for pedestrian access;</li> <li>(g) the means by which solid and liquid waste will be treated; and</li> <li>(h) the provisions of Policy-155.</li> </ul>
Planning Districts 14 & 17	Nursing Homes	No definition	R-1B R-1D R-1E R-6 R-7 P-2	<p>P-53 In recognition of the range of individual needs in all communities, it shall be the intention of Council to permit nursing homes, day care facilities for up to fourteen children, and <u>residential care facilities</u>, having a maximum of six bedrooms, within any residential zone other than a single unit dwelling or waterfront residential zone. Furthermore, it shall be the intention of Council to seek the cooperation of the province in reviewing existing social programs in order to: (a) determine the possibility of coordinating existing and or new programs; and (b) establish social needs and possible responses.</p>

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<b>Plan Area</b>	<b>Housing Type</b>	<b>Land Use By-law Definition</b>	<b>Zones</b>	<b>Municipal Planning Strategy Policies</b>
Eastern Shore East	Institutional Use	2.42 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire station, police station, public works, hospital, nursing home, public library, post office, museum and gallery, community centre and hall, recreation use or open space use.	MU I-1 RE	The Village Designation has been applied to Sheet Harbour and surrounding areas including West East River, Church Point Road, West Sheet Harbour (Shore Road) and along Route 224 to the Killag Road. The designation recognizes the concentration of residential, commercial and <u>institutional</u> land use in this area and supports its continuation as a focal point for social and economic activity in the Plan Area.
Eastern Shore East	Residential Care Facility	2.76 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.	N/A	N/A
Eastern Shore East	Senior Citizens Housing	2.82 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens.	MU RE	The development of senior citizen housing in the form of apartment buildings or townhouses is supported within the Village Designation to encourage this form of housing in the district. Other forms of higher density residential development, however, will be subject to a site-by-site review process to ensure that proper safeguards are established to protect overall community form and the natural environment.
Eastern Shore East	Nursing Homes	No definition	N/A	N/A
Eastern Shore West	Institutional Use	2.49 INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire station, police station, public works, hospital, nursing home, public library, post office, museum and gallery, community	MU I-1 CDD	MU-16 It shall be the intention of Council to consider permitting convenience stores, garden centers, medical and veterinary clinics, offices, bed and breakfast establishments with more than five (5) rooms to let, commercial uses permitted in the R-6 Zone and FV Zone (excluding existing kennels) where the floor area is greater than two thousand (2,000) square feet, <u>institutional uses</u> , and recreation uses in accordance with the development agreement provisions of the

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		centre and hall, recreation use or open space use.		<p>Planning Act. In considering such an agreement, Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the architectural design and scale of the building is compatible with nearby uses;</li> <li>(b) that adequate separation distances are maintained from abutting residential development and that landscaping measures are carried out to reduce the visual effects of the proposed use;</li> <li>(c) that parking areas are adequate to meet the needs of the proposed use;</li> <li>(d) the means by which solid and liquid wastes will be treated;</li> <li>(e) the impact of the proposed use on traffic volume and the local road network, and the adequacy of sighting distances from the entrance and exit of the site; and</li> <li>(f) the provisions of Policy IM-10.</li> </ul>
Eastern Shore West	Residential Care Facility	2.83 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.	N/A	N/A
Eastern Shore West	Senior Citizens Housing	2.90 SENIOR CITIZENS HOUSING means housing designed and constructed for occupation by senior citizens.	MU	The development of <u>senior citizen housing</u> in the form of small apartment complexes or townhouses is supported within the Mixed Use Designation to encourage this form of housing in the district. Other forms of higher density residential development, however, will be subject to a site-by-site review process to ensure that proper safeguards are established to protect overall community form and the natural environment.
Eastern Shore West	Nursing Home	No definition		N/A

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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
Lawrencetown	Community Facility Use	2.12 COMMUNITY FACILITY USE means a building or lot or part of a building or lot used for educational institutions and uses, denominational institutions and uses, day care facilities, fire and police stations, government office and public works, hospitals and medical clinics, libraries, art galleries and museums, fraternal centres, community centres and has, recreational uses, funeral homes and cemeteries, senior citizen housing, and residential care facilities, together with the buildings and structures accessory thereto, but shall not include any such use owned in whole or part by Halifax County Municipality.	N/A	<p>P-7 Notwithstanding Policy P-2, within the Lawrencetown Designation, Council shall only consider permitting new community facility uses or the expansion of existing community facility uses according to the provisions of Sections 55, 73 and 74 of the Planning Act. In considering such development agreements Council shall have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;</li> <li>(c) the means by which solid and liquid waste will be treated;</li> <li>(d) that the architectural design and scale of any building(s) are compatible with nearby land uses;</li> <li>(e) the potential for adversely affecting nearby residential development;</li> <li>(f) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances and entrance to and exit from the site;</li> <li>(g) the general maintenance of the development;</li> <li>(h) the effects of the development on the natural environment as contained in a report from the appropriate Federal or Provincial Authority;</li> <li>(i) the effects of the development on heritage resources as shown on Map 3; and</li> <li>(j) the provisions of Policy P-61.</li> </ul>
Lawrencetown	Institutional Use	2.29A INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire		N/A

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		station, police station, public works, hospital, nursing home, public library, post office, museum and gallery, community centre and hall, recreation use or open space use. (RC-Sep 10/02;E-Nov 9/02)		
Lawrencetown	Municipal Facility Use	2.45 MUNICIPAL FACILITY USE means a community facility use as defined herein, but which is owned by Halifax County Municipality..	RR-1	N/A
Lawrencetown	Residential Care Facility	2.58 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes For Special Care Act where accommodation and supervisory and/or personal care is provided, or is made available for more than three persons, but shall not include a community based residential facility as defined in the Regulations pursuant to Section 22(1) of the Homes For Special Care Act.	N/A	N/A
Lawrencetown	Senior Citizens Housing	2.63 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority or fraternal organization.	N/A	Furthermore, while new multiple unit dwellings are not permitted within the Lawrencetown Plan Area, the Lawrencetown Designation recognizes the need to provide for multiple unit senior citizen housing and will consider such uses as a community facility use.

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<b>Plan Area</b>	<b>Housing Type</b>	<b>Land Use By-law Definition</b>	<b>Zones</b>	<b>Municipal Planning Strategy Policies</b>
Planning Districts 8 & 9	Institutional Use	2.27 INSTITUTIONAL USE means any educational or denominational use, day care facility, senior citizens housing, residential care facility, fire or police station, government office or public works, hospital or medical clinic, public library, museum or gallery, fraternal centre or hall and community centre or hall, but does not mean a penal institution or detention facilities within a hospital.	R-A RE C-1 C-2 CDD	P-66 It shall be the intention of Council, in support of general commercial development within the Lake Echo Community Designation, to create a General Business Zone which is restricted to lands located within one thousand five hundred (1,500) feet of the centre line of Highway No. 107 and having access only to Mineville Road or to local roads designed only to serve non-residential uses. The zone shall permit general commercial and limited light industrial uses, in addition to all commercial uses permitted in the Community Commercial Zone, as well as institutional and open space uses, and shall control open storage and outdoor display, parking and parking lots, driveways, and signs. It shall be the intention of Council not to allow lands zoned General Business to be rezoned for residential purposes.
Planning Districts 8 & 9	Residential Care Facility	2.51 RESIDENTIAL CARE FACILITY means a building or place or part of a building or place licensed as a residential care facility under the Homes for Special Care Act where accommodation and supervisory or personal care is provided, or is made available for more than five (5) persons, but shall not include a community based residential facility as defined in the regulations pursuant to Section 22(1) of the Homes for Special Care Act.	RE	N/A
Planning Districts 8 & 9	Senior Citizen Housing	2.55 SENIOR CITIZEN HOUSING means multi-unit housing designed for occupation by senior citizens, and operated by a public housing authority.	R-1 R-1A R-B R-BA R-2  R-A R-3 R-6 RE C-1	P-52 Within the Mixed Use Designation, in order to protect existing and developing residential areas, it shall also be the intention of Council to create a Residential B Zone which permits single unit dwellings, senior citizen housing and open space uses and the use of dwellings for day care and for business uses, except kennels, which are limited in size to not more than twenty-five (25)  P-57 Within the Lake Echo Community Designation, it shall be the intention of Council to create a Single Unit Dwelling Zone which permits single unit dwellings, senior citizen housing, open space uses and provides for the use of a dwelling for day care and for business uses, except kennels, which are limited in size and which do not



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Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
			C-2	involve obnoxious uses. In addition, the zone shall control parking and the number and size of signs and prohibit permanent open storage and outdoor display.
Musquodoboit Valley/Dutch Settlement	Institutional Use	2.39A INSTITUTIONAL USE means any educational or denominational use, day care facility, residential care facility, fire station, police station, public works, hospital, nursing home, public library, post office, museum and gallery, community centre and hall, recreation use or open space use. (RC-Sep 10/02;E-Nov 9/02)	RR-1 VIL MU	<p>Open space uses and most institutional uses such as schools, churches and fire stations provide important services to the communities in which they are located. Such uses will, therefore, be permitted within the Mixed Use Designation. However, institutional uses will be encouraged to locate in the Village Designation in order to provide for community services which are more economical. Institutional uses such as penal facilities are not appropriate for the Plan Area.</p> <p>In spite of the intent of the Mixed Use Designation to permit a variety of land uses, there is support for more restrictive zoning controls in areas where residential development dominates. Due to the diversity of land uses within the designation, restrictive residential zoning should permit, in addition to residential uses, limited business uses, the keeping of livestock, institutional and open space uses as well as any existing commercial or resource uses.</p> <p>MU-1 It shall be the intention of Council to establish the Mixed Use Designation as shown on Map 1 - Generalized Future Land Use. Within this designation, it shall be the intention of Council to support the development of a diversity of residential, institutional, commercial, light industrial, and resource uses.</p>
Musquodoboit Valley/Dutch Settlement	Senior Citizens Housing	2.76 SENIOR CITIZENS HOUSING means housing designed for occupation by senior citizens and constructed and maintained by a public housing authority.	VIL	<p>Senior Citizen Housing</p> <p>In 1991, the number of senior citizens within the Plan Area was double the County average which raises concerns relative to the housing needs for senior citizens. Residents are generally supportive of senior citizen housing. These facilities provide an opportunity for older residents, who no longer are able to or wish to live in their own homes, to remain within their respective communities and in close contact with family members. However, residents are aware that such housing cannot be located in every community, therefore, senior citizen housing should be encouraged to locate within the village designation due to the range of goods and services offered.</p>

**Attachment B – LUB and MPS Review**

Plan Area	Housing Type	Land Use By-law Definition	Zones	Municipal Planning Strategy Policies
				<p>At the same time, it is also recognized that senior citizen housing, like multi-unit dwellings must be developed in context with surrounding land uses and should not put undue strain on local services or the environment (on-site sewage disposal system). Therefore, such uses shall only be permitted by development agreement.</p> <p>VIL-5 Notwithstanding Policy VIL-2, within the Village Designation, Council may consider permitting senior citizen housing which is constructed and maintained by either a public housing authority or fraternal organization in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the appropriate conditions as follows:</p> <ul style="list-style-type: none"> <li>(a) that the scale and architectural design (external appearance) of all structures are compatible with nearby land uses;</li> <li>(b) that adequate separation distances are maintained from low density residential developments and that landscaping measures are carried out to reduce the visual effects of the proposed use;</li> <li>(c) that open space and parking areas are adequate to meet the needs of senior citizens and that they are attractively landscaped;</li> <li>(d) the impact of the proposed use on the existing road network in terms of traffic generation and vehicular and pedestrian safety;</li> <li>(e) the preference for, but not restricted to, a site which has access to commercial and community facility uses;</li> <li>(f) the general maintenance of the development;</li> <li>(g) the means by which solid and liquid waste will be treated;</li> <li>(h) the effects of the development on the natural environment;</li> <li>(i) the preference for a development which serves a regional community need; and</li> <li>(j) the provisions of Policy IM-10.</li> </ul>